

No Recourse to Public Funds Analysis Report

1. This report provides an overview of data collated by COSLA on the support provided by Scottish local authorities to NRPF households (via the annual COSLA return) and information collated through the COSLA and International Organization for Migration (IOM) partnership annual reporting.
2. The annual COSLA NRPF survey, now in its third reporting year, generates key aggregate data on case referrals and supported NRPF households under local authority statutory services. Due to challenges in collating and reporting data, figures presented in this analysis are viewed as an under reporting of need and are presented on a minimum/at least basis. The data is drawn from the responses of 26 Scottish councils for reporting years 2020/21, 2021/22, and 2022/23).

Cases

	2020/21	2021/22	2022/23
Referrals	908	1343	1583
Supported Cases	578	811	1503

3. Between 2020/21 and 2022/23 referrals received by Scottish LAs rose 174% from 908 cases to 1583 cases. For the same period, supported cases increased 260% from 578 to 1503.
4. Across the three reporting years, 17 councils provided responses for all years.
 - Between 2020/21 and 2021/22 referrals rose by 47%; between 2021/22 and 2022/23 referrals rose 14%.
 - There was a significant increase in the number of supported referrals by Scottish LAs across the periods. Between 2020/21 and 2021/22 supported cases rose 38%, however between 2021/22 and 2022/23 the number of cases supported by Scottish LAs rose by 87%.

Referral Type

5. Across all reporting years, referrals and cases supported primarily relate to households seeking support under the Children Scotland Act. In 2022/23 approx. 72% of all cases referred and supported were under Children Scotland Act provisions.
6. In 2022/23 referrals via Social Work, Housing and Public Health provisions comprised approx. 10% (each) of total referrals. Cases supported in 2022/23 comprised Social Work (8%), Public Health (10%) and Housing (6.5%).

Support Costs

7. Reported spending relating to the cost of statutory provision to NRPF households rose by £2.4m between 2021/22 and 2022/23 from £5.9m to £8.3m.
8. This increase in spend occurred alongside an increase in total cases supported between 2021/22 and 2022/23. The average cost of supporting a client between the reporting period reduced from £7,317.00 to £5,570.00.

	2021/22	2022/23
Support Cost	£5.9m	8.3m
Avg. case support cost	£7,317	£5,570
Accommodation Spend	£5,934,777	£4,824,198
Subsistence Spend	£480,623	£987,964
Staffing Spend	£240,902	£1,541,279
Legal Spend	£200	£382,489
Total Other Spend	£85,636	£501,744

9. The type of costs incurred between the 2021/22 and 2022/23 reporting periods also changed across reporting periods. In 2021/22 reported spend on accommodation was approximately 86% of total spend for the year, likely reflecting steps taken under Public Health legislation. However, in 2022/23 reported spend on housing fell to 57% of total spend whilst staffing increased by £1.2m to 18.4% of total spend, and costs across subsistence, legal and other spend categories also increased significantly.

LA handling of referrals

10. Assessment of NRPF referrals were mostly received by officers/teams across Health and Social Care Partnerships, Children's Social Work or Adult Protection Social Work. Primarily those referrals were then reviewed in collaboration with linked services including housing, health, social work, mental health, and welfare rights teams. Assessments were conducted in the main on a case-by-case basis across multi service or multi agency arrangements.
11. Three councils had in place dedicated NRPF Single Point of Contacts located across HSCP, mental health/localities or resettlement teams.
12. Over half (17) of all responding councils noted that they had in place active partnership working arrangements with voluntary sector partners. Engagement was noted on a range of national and local partnerships including via Fairway Scotland, regional partnerships, work with local CABs and community organisations.

Changes and trends across client groups

13. **EEA Nationals with NRPF:** Trends in referrals by immigration type indicate that in 2020/21 referrals most often related to leave to enter/remain with NRPF cases, in 2021/22 referrals relating to leave to enter/remain with NRPF and EEA nationals were equally likely to be received, whilst in 2022/23 referrals from EEA nationals were more likely than other immigration types. One large urban authority indicated that EEA cases now make up 56% of NRPF families supported.

14. Correlating the observed increase in referrals from EEA nationals of the survey, IOM reports (2022/23) highlight that approximately 90% of advice and case work in 2022/23 related to the EU Settlement Scheme (EUSS), and that these cases were increasing in complexity, often requiring higher levels of caseworker capacity. Of these cases, late applications were being received from applicants deemed very vulnerable with additional complexities associated to applications (e.g. lack of proof of identity, extensive lack of proof of residence, breaks of continuous period of residence, destitution, mental health issues). Many cases referred to IOM were at increased risk of destitution, seeking assistance after their lack of immigration status had impacted access to support e.g. many who missed the EUSS deadline have had their benefits stopped.
15. **Increasing complexity of cases.** Evidence from LA returns and IOM reporting indicates that there is an increasing complexity of cases with many individuals being referred to the advice service having a range of primary vulnerabilities. Primary vulnerability amongst (first tier) advice and support cases for 2022/23 were homelessness and rough sleeping (44%), at risk of destitution (13%), looked after children (10%), people with disabilities/health conditions (5%) and destitute households (3%).
16. **Support and assistance.** Local authorities indicated that the current provision of legal support, advice and assistance was inadequate to meet the increasing demand for assistance. Challenges were also raised about the knowledge and understanding of forthcoming legislation.
17. **Violence against women and girls:** Local authority officers noted increase/continued high levels of women with NRPF and no leave to remain seeking assistance for domestic abuse and challenges arising for LAs in securing budget to support households via overused section 22 payments.
18. **Students and joining family members.** Local authorities reported a notable increase in the number of referrals for social work assistance for joining family members of those on student visas.

Policy issues

19. **Complexity of humanitarian and visa schemes and the policy landscape.** The current legislative context was viewed as 'contested and highly complex' in nature, requiring ongoing staff training and legal assistance to navigate high levels of policy uncertainty. The high investment of staff time and service resource on these complex processes was seen as disproportionate considering that there is currently no reimbursement from either UK or Scottish Government for this work. Lack of resource to assist local authorities in this matter was seen as limiting the capacity of councils and third sector partners to support people out of destitution by regularising their status.
20. Overall, current UK immigration legislation was viewed as restricting local authorities' ability to be 'responsive, flexible and pragmatic' to the needs of local households with NRPF at risk of destitution.
21. **Home Office decision making.** Policy changes regarding decision making were seen as increasing pressures on council services, e.g. processing claims from those without legal right to pre/settled status resulting in high numbers of negative

decisions and resultant NRPF conditions. Similarly, increased decision making on asylum claims was resulting in a high number of presentations for support from those receiving both positive and negative decisions. These increases were already seen as driving rising levels of rough sleeping and destitution across urban areas, already affected by housing emergencies.

22. Current policy which limits individuals' right to work was seen as creating dependency upon subsistence payments and disempowering individual autonomy.
23. Families with NRPF conditions being unable to secure appropriate housing was a significant issue. Homelessness and lack of access to affordable housing was seen as a significant driver impacting the numbers of children experiencing destitution. IOM reported that, during the 2022/23 reporting period, 44.3% of those provided with direct casework support were homeless or rough sleeping.