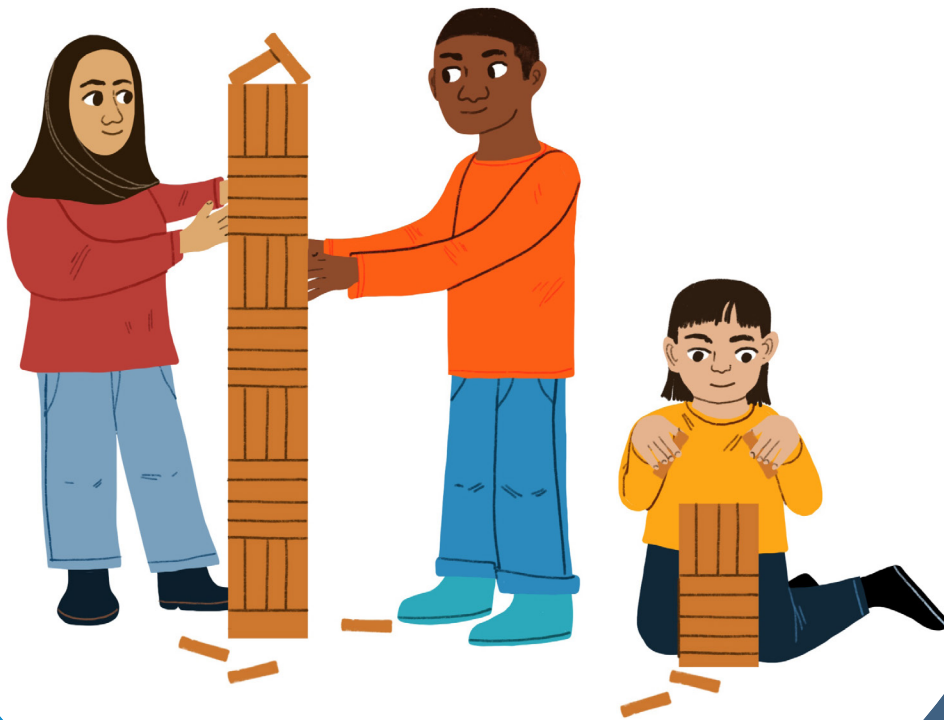


'It's a no-brainer':

Local authority funding for immigration legal advice in the UK

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Frequently-used acronyms and glossary

DFE	Department for Education (England)
DLUHC	Department for Levelling Up, Housing and Communities
NRPF	No Recourse to Public Funds (a condition frequently attached to a person's visa, preventing them accessing the majority of benefits or housing support)
OISC	Office of the Immigration Services Commissioner
TEO	The Executive Office (Northern Ireland)
VPRS	Vulnerable Persons Resettlement Scheme: the scheme for accepting some refugees from Syria.

Refugee resettlement

A range of schemes permitting selected refugees to enter the UK for resettlement, including the Syrian Vulnerable Persons Resettlement Scheme, Vulnerable Children's Resettlement Scheme and the Gateway.

Introduction

This report explores the extent and nature of existing local authority funding and commissioning for immigration legal advice in the UK. It offers case studies of the different ways in which local authority funding schemes can be set up. It seeks to be as detailed as possible about the costs and savings from the different schemes and the different funding sources which local authorities have used to pay for advice, as well as addressing the non-financial benefits, the pitfalls and obstacles of each arrangement, and some of the practical details like lead-in times. The report also signposts to reports and evaluations of individual local authority-funded projects which give far more detail on those schemes than can be replicated here.

The research covered England and the three devolved jurisdictions of the UK. It aims to set out possible models for advice funding or commissioning immigration legal advice in all parts of the UK. There are, however, more case studies relating to England than any other part of the UK because there are more funding arrangements in place in England than elsewhere. In part this is because of better devolved government funding and legal aid provision in Scotland. The report also seeks to highlight the dire situation in Northern Ireland, where sharply rising need is unmet due to a

lack of funding both through legal aid and devolved or local government.

A note on terminology: I refer to 'local authorities' and 'local government' throughout the report. In doing so, I do not wish to exclude Northern Ireland, whose local councils have far fewer powers, and where the five Health and Social Care Trusts have many of the powers and duties that belong to local authorities in the rest of the UK. It is unwieldy to refer to both on every occasion, so I have used 'local authorities' in a broad sense to include any public authority in a local area which exercises the relevant power or duty.

These duties and powers differ in the four jurisdictions. For example, Parts I and II of the Children Act 1989 apply to both England and Wales, but Part III does not apply in Wales, where the Social Care and Well-Being (Wales) Act 2014 sets out duties in relation both to children and to adults with care needs. The equivalent legislation for Scotland is the Children (Scotland) Act 1995 and, for Northern Ireland, the Children (Northern Ireland) Order 1995 and the Children (Leaving Care) Act (Northern Ireland) 2002. Consequently, rather than cite the specific legislative source of duties at each, the report refers in broader terms to duties relating to children or adult social care.

Key findings

There is a clear cost benefit in all of the local authority funded or commissioned immigration advice schemes which are considered in this report, where they had evaluated this. These savings come from obtaining immigration status and / or access to

public funds for individuals to whom the local authority has a duty (a child or an adult with care needs). Other cited benefits include better public health and community cohesion, with associated financial savings though these are harder to quantify.

Out of 205 local authorities in England, Wales and Scotland, 153 responded to the Freedom of Information request and 59 of these said they fund or commission immigration legal advice in some form.

There are a number of caveats, set out in detail in the *Freedom of Information data* section.

Local authorities are unlikely to have complete data to assess the likely cost benefits at the outset. None of the authorities or advice partners interviewed in this report had a precise estimate of likely benefits or savings at the start of their projects or schemes. As one local authority interviewee put it, 'If you just look at the figures, at £17,500 per year per family,¹ then you can see it's a lot. Why do you need the bloody data?' Both local authority and advice partner interviewees argued that it is better to start with incomplete data and pilot a scheme rather than wait for perfect data on likely cost benefits. The audit form in this report aims to support thinking about possible benefits and costs, using average costs and case studies to support an approximation of these, based on each authority's local population data.

As a very general indication, though of course costs change with inflation and vary geographically, £60,000 might pay for a full-time solicitor's salary and overheads and some interpretation costs. For London, the total cost in one organisation is £70 - 80,000 for an experienced full-time solicitor, including National Insurance, pension, professional subscriptions, training, travel, practicing certificate, and a contribution to core costs of the organisation such as management, supervision, administration and office space. This might assist 35 people per year, bearing in mind these are often difficult and long-running cases for people with complex needs.

One household with dependants costs a local authority on average £17,151.² One adult or household to whom there is a duty under care provisions costs an average of £18,401. Funding a refuge place for a person with no recourse to public funds, where there is a

duty under child-related provisions, may cost £10,000 for three months, or £40,000 per year. Failing to regularise status for a child in care before they turn 18 may cost up to £21,541 per year for support, rising to a total of over £138,686 over six years for support, accommodation, legal fees, Home Office fees and Immigration Health Surcharge.

For local authorities which anticipate lower levels of need, or who do not have advice partners available in their own area, a partnership with neighbouring authorities may be an effective way to share costs and manage fluctuating demand. Examples in the report include a shared in-house solicitor at East Midlands Councils and a shared service for refugee settlement applications co-ordinated by South West Councils.

While local authority funding dominates non-legal aid public funding in England, devolved government plays a larger role in the funding of immigration legal advice in Scotland and, to some extent, in Wales. Some Combined Authorities in England also play a role in directly funding or otherwise supporting immigration legal advice. In Northern Ireland, there is no longer any devolved or local government funding for immigration advice, at the time of writing, and advice organisations there are wholly reliant on trusts and foundations, or similar sources.

The process and lead-in time from deciding to fund to having an advice scheme operating is very context dependent. Factors include: the level of buy-in from local authority officials and elected members; whether there are advice partners within the area, or whether they have to be found in a neighbouring area; whether there are existing relationships between local authority and advice partners; the size of the advice partner and its ability to accommodate the new project or expand to deliver it; the size and scope of the scheme.

Early buy-in from management and elected members is essential to get funding or commissioning arrangements established.

Management of expectations is vital. Advice partners need to be clear with local authority partners about what can realistically be delivered, and local authorities need to understand some of the obstacles to case resolution. A person who has lived with irregular status for many years may struggle to engage with legal advice; clients frequently need several appointments to reach the stage where an application can be made; processes around fee waiver and leave applications are time-consuming; Home Office delays mean it may take longer than expected to receive decisions on cases. Many people will need ongoing support with renewal applications on the ten-year route.

With that in mind, it is important that funding is realistic and sustainable. Individual cases will not be resolved within a matter of months and advice partners cannot resolve all immigration issues on a one-year contract, or with staff continually on redundancy notices because the current tranche of funding is ending. Equally, many Law Centres and advice charities find it unsustainable to take numerous referrals on an ad hoc or case-by-case basis because they need to be able to plan ahead. Some are unable to accept one-off or case-by-case purchases of advice because of their non-fee charging status with the Office of the Immigration Services Commissioner (OISC).

As well as providing better value and additional support, commissioning a service can also save a local authority time and resources over having to contact multiple possible providers to get referrals accepted.

Recruitment of qualified advisers is often difficult, particularly outside London, because of the collapse in the immigration advice sector in recent years. That means it may be impossible to launch a scheme with the desired number of advisers at the desired level from the outset. Often, in-project training will be the only way to obtain staff at the right level. This requires understanding from the local authority partner that i) a staff team will take time to develop and ii) consequently it will take

time to build capacity. This is another reason why sustainability of funding is so important.

Data sharing should be discussed at the outset. Local authorities need to understand and accept the confidentiality obligations of their advice partners and to provide assurances that data will not be shared with the Home Office without the client's consent. Authorities which already fund and commission advice will be able to share model data sharing agreements.

Shared advice models (between neighbouring authorities or all authorities in a region) may help avoid fluctuation in demand across geographical areas or over time. They may also help with co-ordination and with finding an advice partner for a local authority which has no current advice provision. Alternatively a broader scope for the project, or a less limited client group, can help to manage demand over time.

In some cases, there had been a difficult relationship between advice organisations and local authorities before the funding or commissioning relationship began, and both parties had to work on building trust. Even very adversarial relationships between local authorities and advice partners have been improved through mutually beneficial partnership working.

In some cases, advice partners have refused to accept unfunded referrals from local authorities when the authority has a statutory duty to the client, as a strategy for persuading the local authority to commission a service (often including wraparound support and training) in preference to ad hoc funding.

Background

Ten years after the Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act reduced the scope of legal aid in England and Wales, excising many social welfare and immigration issues, and twelve years after the onset of austerity and local authority budget cuts, the impact on advice agencies has been severe. The knock-on effects for communities are now clearer to many English and Welsh local authorities. The pandemic inevitably exacerbated the problems facing migrants, whether in the form of Home Office decision-making delays, loss of regular jobs, or the collapse of opportunities in the informal economy.

It is increasingly clear that local authorities bear the costs of lack of advice services, lack of access to public funds, and other outcomes of the hostile environment implemented with increasing intensity from 2010 onwards. There is good reason for local authorities to consider funding immigration advice now, despite the cuts to their budgets, even if they have not previously considered migration to be a big factor in the local area.

Four recent developments have significantly changed the geographies of need for immigration legal advice, bringing it into local authority areas with no previous experience:

- 1** Many authorities encountered refugees for the first time in 2015 with the Syrian resettlement scheme, while the Hong Kong, Ukraine and (to a lesser extent) Afghan schemes have added to that.
- 2** The National Transfer Scheme for unaccompanied children seeking asylum became mandatory in December 2021, applying to all local authorities with Children's Services and all NI Health and Social Care Trusts by February 2022, bringing child asylum seekers into many authorities with little or no experience of looking after them.

- 3** The combination of contingency hotel use and the full dispersal model for adults and families seeking asylum has shifted the pattern of need for asylum legal advice, with a continuing spread of need into new geographical areas.
- 4** The EU Settlement Scheme gave local authorities responsibilities for communicating about the need to apply for settled status, not only for EU nationals but also for third-country nationals whose rights derived from EU relationships. This created new cohorts of people without access to public funds, or who struggle to prove their status digitally.

The establishment of Integrated Care Boards (ICBs) and Partnerships (ICPs) in England in 2022 creates another moment of opportunity for English local authorities. These have been in place since 1999 in Scotland and 2001 in Wales,³ while NI has had integrated health and social care since 1973, with trusts responsible for some of the duties held by local authorities in England, Wales and Scotland. The Kings Fund describes these new (in England) structures as having 'formalised... the involvement of local government' in public health⁴ while a local authority interviewee said it meant public health was now clearly 'a local authority animal' rather than something which could be left to the NHS. Another local authority interviewee felt that local authority public health teams had gained in credibility during the pandemic and were now better placed to argue for innovations in relation to wider determinants of health – which can include access to legal advice and immigration status.

Aims and objectives

The aims of the research were:

- 1** To ascertain the current position as clearly as possible: how many local authorities in the UK are already funding or commissioning immigration legal advice, in what ways, using which funding streams;
- 2** To understand the costs, benefits and pitfalls of partnerships between the local authority and the advice partner/s;
- 3** To compile detailed case studies of different ways of funding immigration legal advice which could be used to support other local authorities to consider developing their own funding models.

Methodology and data collection

The first stage was a scoping exercise whereby a Freedom of Information request (FOI) was sent to all local authorities in England, Wales and Scotland to ask whether they fund immigration advice.⁵ The phrasing of the question was left deliberately broad, so that authorities could consider all the ways in which they thought about immigration advice. The outcome of these requests was used to draw up a typology of different ways in which authorities currently fund or commission advice, which in turn was used to quantify roughly how common each funding model is.

Two focus groups were held, one for organisations which currently receive local authority funding for immigration advice work and one for other organisations involved in immigration advice but not currently receiving local authority funding. The former included eleven individuals from nine organisations and the latter included eight individuals from eight organisations. These aimed to learn about advice partnerships with the local authority and identify some of the benefits and concerns involved with such partnerships.

Using the spreadsheet of FOI responses and the recommendations from the focus groups, I then contacted local authorities and advice organisations which are involved in partnerships and funding arrangements, aiming to produce at least one case study of each type of funding (excluding ad hoc funding). There were 26 interviews with 32 individuals, covering 13 local authorities and 15 advice organisations. These included one in Wales, three in Scotland and three in Northern Ireland, with the remainder in England, partly reflecting the broader scope of legal aid in Scotland and the more limited powers of local government in NI.

I also reviewed published evaluation and learning reports from advice projects funded by local authorities, which are listed in the bibliography and identified in the relevant sections of the report. These mainly involve looked after children and care leavers, or related to homelessness and rough sleeping, or other elements of migrant destitution. I identified some of these through keyword searches and others through the local authorities and advice partners involved or through consultants who had carried out the evaluations.

The Freedom of Information data

The overall outcomes are shown in the table below:

Jurisdiction	Authority type	Response rate	Funding rate
England (all)		110 out of 151	49 out of 110
	Metropolitan Districts	25 out of 36	10 out of 25
	London Boroughs	28 out of 33	24 out of 28
	Unitary Authorities	43 out of 58	17 out of 43
	County Councils	14 out of 24	2 out of 14
Wales (all)		14 out of 22	5 out of 14
Scotland (all)		29 out of 32	5 out of 29
Totals		153 out of 205	59 out of 153

This does not fully represent all authorities funding advice, since only one of the councils which shares an in-house solicitor through East Midlands Councils responded, so there may be other authorities which fund advice in some way but did not respond to the FOI.

As a note of caution, these are self-reported answers on a broad spectrum. Some London boroughs said they fund advice where the funds come from the GLA or other combined authority. Some answered 'yes' and others 'no' when they fund a local generalist advice service which may include immigration. I have treated these as 'yes' answers where the response indicates that immigration is included at Level 1, even if the response was negative. Likewise some answered 'yes' and some 'no' when they may have funded only a single case on an ad hoc basis. The more detailed analysis of the results attempts to capture this variation.

Typology

From the responses, I drafted a typology which enables us to classify the different approaches to funding.

TYPE 1 Ad hoc funding

- Ad hoc or case by case spot purchases usually for children or families to whom the authority has some kind of duty. This can also be SVPRS settlement applications, where the authority does not commission a service (which is in Type 2);

TYPE 2 Target group-focused funding

The authority funds or commissions a service to serve a particular client group. Examples include:

- Commissioning an organisation to undertake settlement applications for all of the resettled refugees (for example under the Syrian Vulnerable Persons scheme) for whom the authority is responsible;
- Funding for an organisation to work with children and families, usually with NRPF;
- Funding for advice to care leavers who still have immigration issues;

TYPE 3 Provider-based funding

- Funding a generalist advice service which includes OISC Level 1 immigration (often via a local Citizen's Advice branch);
- Core funding to a local specialist organisation, which is either wholly immigration-focused or includes immigration in its advice services.

TYPE 4 In-house advice

- Shared in-house adviser via the Strategic Migration Partnership.
- OISC-accredited advisers within the local authority (these are often target-group focused in their roles).

TYPE 5 Strategic model

- Immigration advice is included in a wider strategy such as an anti-poverty strategy or a rough sleeping strategy across a single local authority or a combined authority.

The four jurisdictional contexts

Local government is organised in somewhat different ways in each of the four jurisdictions.⁶ Broadly speaking, those in England, Wales and Scotland have a range of powers including housing, education and social care and receive funding from a combination of central government allocations and local taxation and revenue. All Scottish and Welsh local authorities are unitary, but they operate under devolved governments which have created different contexts for advice delivery from those in England, notwithstanding that immigration itself is reserved to Westminster.

In some areas in England (called two-tier areas), powers are shared between county and district councils. For the purposes of immigration issues, the most important are likely to be children's services, education, public health, and social care, which are the responsibility of the county council, while community safety and housing are under the powers of district councils. Metropolitan and unitary authorities have the full range of powers, but some share certain of these powers with a combined authority. Some sub-regions have an elected mayor, and varying levels of devolved power. This means there is much more variation between the powers and duties of local government institutions in England than elsewhere in the UK.

The eleven local councils in Northern Ireland (NI) are also unitary authorities, but have fewer powers than those in Scotland, Wales and England: they are not responsible for education, public housing or social care and most of their funding comes from local taxation and revenue, with only a limited allocation from the NI Executive. This means they have far less power and resource to consider funding or commissioning advice than their counterparts in England, Scotland and Wales. Rather, it is the five Health and Social Care Trusts⁷ which have responsibility for looked after children, adults with social care needs, and providing accommodation and

subsistence where families have no recourse to public funds.

The position on legal aid also differs across the four jurisdictions: in England and Wales it is unavailable for most non-asylum immigration issues, but it remains (at least theoretically) available for the full range of immigration issues in both Scotland and NI. A number of the Scottish authorities responded that they do not fund immigration advice because legal aid covers it, though there may still be difficulties with access and capacity for would-be clients, particularly outside Glasgow. NI has a very severe shortage of advice for immigration and asylum issues although these are technically within the scope of legal aid; payment is the lowest in any part of the UK, at £43.25 per hour.

Wales

In Wales, five authorities said they fund immigration advice in some way, out of 13 which responded and 22 authorities in total (59% response rate). Three of these gave ad hoc funding (Type 1): Cardiff, Flintshire and Rhondda Cynon Taf. One referred to this as a single occasion for a resettled refugee and another said this was occasional, on behalf of children. Monmouthshire responded that it has an in-house cohesion post, shared between Monmouthshire and Newport, but this is not an OISC-accredited adviser. Newport also has an in-house OISC-accredited adviser, and has obtained accreditation itself as a local authority. The adviser is therefore able to undertake direct casework for the public, though there is only capacity for those where Newport Council is involved, for example under a statutory duty to provide support. This is classified as in-house advice (Type 4) and is discussed in more detail in the section on in-house advice later in the report.

The Welsh Government has invested in advice through the Single Advice Fund, which began in January 2020 and currently has funding until the end of March 2024, committed from the Minister for Social Justice.⁸ It funds delivery, rather than core funding providers, and commissions at levels from generalist to specialist in all regions of Wales, plus a pan-Wales remote service. In January 2023 it was reported that this fund had helped 144,000 people deal with over 660,000 social welfare problems, including support to claim £83m of additional income and write off debts worth more than £23m.⁹

The Single Advice Fund has mainly focused on housing, welfare benefits and debt advice, but the Welsh Government has also supported Asylum Justice, the only OISC Level 3 organisation providing free immigration and asylum representation in Wales. The organisation was facing closure without this funding. It is the only organisation in Wales routinely dealing with NRPF cases. During my earlier research on behalf of the Welsh Government, local authority interviewees reflected that the Welsh Government had 'stretched' the Everyone In policies far further than England had, but were limited in what they could do by UK laws on access to public funds and migration.¹⁰

Particular difficulties in Wales include the very limited availability of public law solicitors undertaking immigration-related work to ensure that local authorities fulfil their duties. Interviewees also perceived an inconsistency between the Welsh Government's attitudes to refugees and asylum seekers and other migrants. A further frustration was inaction which is blamed on a lack of data. Some interviewees in Welsh local authorities, pushing for more advice funding, argued that data collection may be useful to understand the size of a problem, but should not justify delaying action where the need is obvious even without data.

Scotland

In Scotland, the availability of legal aid for the full range of immigration matters appears to reduce the need for local authorities to consider funding advice, though the reality is that advice is very difficult to access outside Glasgow. Scottish Government funding has formed a larger part of the picture than individual local authorities to date. One organisation, for example, receives around a third of its funding from devolved government but none from local authorities, though another receives different levels of funding from several local authorities.

Fairway Scotland is a homelessness network which is part-funded by the Scottish Government. It addresses migrant destitution with a combination of accommodation and wraparound services including immigration legal advice and second tier advice. Advice partners include Just Right Scotland, Shelter Scotland and Legal Services Agency but also a large private firm, Latta and Co. The proposal had been in discussion since 2019 but the housing response to the pandemic was described as 'the kick' that was needed to secure funding. This programme is also likely to have reduced the number of households appearing in the NRPF data as the responsibility of any individual local authority, because they are already in Fairway accommodation.

The Scottish Government has recently tendered for a contract to provide immigration advice, called the Talent Attraction and Migration Service, which will provide information and advice to employers and, where needed, advice direct to individuals to help them move to (or presumably remain in) Scotland for work.

The Convention of Scottish Local Authorities (COSLA) has been involved in different ways, including undertaking research on different local authorities' approaches to people with NRPF, commissioning a lawyer to rewrite the guidance on access to benefits and

accommodation for migrants, co-ordinating advice provision for the EUSS and as part of the Ending Destitution Together strategy, and lobbying the Scottish government to commission an immigration advice service. It has had a partnership with International Organisation for Migration (IOM) since 2019 which began with support for vulnerable EU nationals, including looked-after children and care leavers, but now has a broader remit for NRPf cases as part of Ending Destitution Together.

Only three authorities in Scotland said they fund immigration advice in some way. Glasgow City Council and Perth and Kinross Council both fund Ethnic Minorities Law Centre (EMLC) for a range of areas of law including asylum, immigration and nationality, as well as employment, discrimination, and some crime-related work (Type 3: provider-focused). The Perth and Kinross partnership is described as particularly positive, with a broad scope, enabled by local authority decision-makers who 'get it', which has 'made massive differences to a lot of Eastern European families who would have been hung out, people working in agriculture and meat packing. There's a lot of gangmaster stuff and lot of modern slavery and we're able to make a real difference.'

The third authority, Aberdeen, funds resettlement-related work only (Type 2: target-group focused), using its refugee resettlement allocation to pay EMLC case-by-case, until 2023 when resettled refugees will arrive with indefinite leave / settlement already in place. Another two authorities (East Ayrshire and Renfrewshire) said they did not fund immigration advice, but did fund a local advice service which includes immigration at level 1 and can refer onward through the CAB structure.¹¹ This fits the definition of provider-focused funding (Type 3). There may of course be other authorities which fund local Citizens' Advice branches but do not think of this as encompassing immigration advice.

Several other authorities said they refer to legal aid practitioners, the New Scots Integration

Team for those granted asylum, and the Aberlour Scottish Guardianship Service for unaccompanied children, highlighting the much more robust framework of support and funding at national level than in other parts of the UK. However, full dispersal and the mandatory National Transfer Scheme for unaccompanied children are now creating new need in new areas and Scottish local authorities may increasingly find that the existing provision is not enough outside Glasgow.

England

The overall picture for England was that 49 out of 109 authorities which responded said they fund some form of immigration advice.¹² Provider-focused and target-group focused funding are the most common models, with some crossover between the two. Ad hoc funding was less commonly mentioned as the main form of funding, though some authorities mentioned having funded cases ad hoc in addition to another model, and there may be some under-recording of one-off instances.

In all, 14 local authorities in England mentioned ad hoc funding or 'spot purchases' as the only way they have funded immigration advice. 18 authorities described some kind of target-group focused funding arrangement: six of these only covered resettled refugees, while another two had arrangements including resettled refugees. Four mentioned schemes targeting rough sleepers, and four mentioned schemes targeting children or looked after children and care leavers. Two mentioned extended funding targeting EU nationals. Only two explicitly mentioned people with NRPf conditions as a target group but they are implicitly included in schemes which cover cases where the local authority has a duty, and in the provider-focused schemes.

There were 20 councils in England which described some kind of provider-focused funding. In some cases this is funding to the Citizens' Advice office or another generalist advice organisation, which may only have

OISC Level 1 advisers, but in most cases there is access to at least Level 2. It is not clear whether the local authorities involved always understand the low level of advice (and lack of casework) that can be given on Level 1. Some give core funding to the local law centre or other specialist organisations. Others have developed detailed partnership models for local advice services which aim for 'no wrong door' to enter the services.

Only one authority in England responded to say they fund an in-house adviser, though in fact this adviser is shared by ten local authorities in the East Midlands Councils Strategic Migration Partnership. Some of these did not respond and some denied funding any immigration advice, perhaps because the adviser does not provide casework to members of the public directly.

The London boroughs were the most likely to say they funded some form of immigration advice: 28 out of 33 boroughs responded and 24 said they fund some advice. Seven of these were ad hoc funding arrangements, almost all relating to children or occasionally to families with no recourse to public funds who were supported by the borough. Nine said they give provider-based funding, via contracts or grants with Citizens' Advice, Law Centres and advice charities. Six described mainly target group-focused arrangements, focused on children, families with no recourse to public funds, and rough sleepers. This differed from the rest of the country, where the target group arrangements mostly focused on resettled refugees only; none of the London Boroughs mentioned that cohort. Some of the boroughs did appear to be referring to GLA funds applied within their areas, for example in the Immigration Advice Rough Sleeper Fund, rather than separate funding they had allocated.

County Councils were the least likely to say they fund advice: only two of the 14 county councils that responded (out of 24) said that they fund immigration advice – both target-group focused. There does not appear to be a notable difference between how many Unitary and Metropolitan councils fund advice.

Advice funding came from a wide range of budgets including children's social care, adult social care, family services, migration-specific budgets or specific resettlement funds, variations on communities funding, corporate core grants, partnerships funding and, increasingly, public health funding, DLUHC funds or the Homelessness Prevention grant. This suggests that the impacts of legal aid cuts have displaced need into many spheres of local government in England.

Northern Ireland

There is little to no local or devolved government funding for immigration legal advice in Northern Ireland, and legal aid is in crisis because of low rates of pay, which is causing severe and increasing difficulties at a time of rapidly growing need as a result of asylum dispersal and mandatory transfer of unaccompanied children.

Northern Ireland's eleven local councils have far fewer powers and duties than their counterparts in the rest of the UK. Interviewees explained that a council might grant fund projects like a homework club or a girls' basketball club: 'loads of projects here and there... but they're small projects, not commissioning advice.' Funding for 'good relations' work has focused tightly on Protestant and Catholic. Only one specific fund, the Ethnic Minorities Development Fund, has been available to organisations seeking to address wider race relations in any way, though very recently it has become possible to apply for funds from the dispersal monies given to The Executive Office by the UK Home Office.

At the time of writing, the NI devolved government was not sitting and the Strategic Migration Partnership (NISMP) had been 'stood down'. This was previously hosted by the NI Local Government Association but, given the limited powers of local government in NI, that did not prove to be a very suitable location. While it operated, NISMP had a No Recourse task force which included organisations like

Advice NI, but people in NI with no recourse are the responsibility of Health and Social Care Trusts rather than local authorities.

A key theme of interviews with NI advice organisations is that there are very few lawyers with expertise in immigration and asylum, and it is very difficult to retain lawyers in Law Centres and voluntary sector organisations because of the low salaries available, the lack of funding and the instability of funding which leaves posts precarious.

The Law Centre NI had Department of Justice funding for immigration cases in the past but this was withdrawn. They point out that they took on the most complex cases, often after others had 'messed them up'. At various points since then, it has been unable to employ immigration solicitors. That meant organisations such as Women's Aid had no lawyers they could refer to, for example, for the Domestic Violence Concession for women to access public funds and either access or move on from refuge provision.

The Children's Law Centre previously had funding which began during the life of the EUSS scheme, from the now defunct Health and Social Care Board. Home Office funding for EUSS advice had established a full-time post for a solicitor to focus on applications for children, especially those in the care of the state. They created a template for the Health and Social Care Trusts to gather data on EU citizens in their care and supported them to identify and apply for every child in the jurisdiction who needed it. A six-month funding extension from the Home Office enabled a half-time post doing follow-up work particularly with young people who were aging out of care. One of the commissioners agreed to fund an additional half-post for work with unaccompanied children, and then a second post to address the 'exponential' increase in numbers of unaccompanied children arriving in NI via the Republic of Ireland, 'as a consequence of Brexit.'

The combination of the EUSS scheme and 'one amazing person in the commissioning body', made this particular funding scheme possible,

but it was undone by the uncertainties of future funding. The two expert solicitors had both taken a pay cut to move from private practice into the voluntary sector, but the Health and Social Care Board would not confirm further funding far enough in advance to give them confidence that their jobs would continue. Once the solicitors left, it was impossible to get continued funding and without funding, the Children's Law Centre could not recruit new lawyers. In any event, there are very few lawyers within NI with the knowledge and experience to do the work. Match funding is likely to be particularly important in securing devolved government funding for immigration advice in NI.

The shortage of both immigration and public lawyers is problematic. Foyle Women's Aid is in a partnership with Southall Black Sisters (in London) and organisations throughout the UK which funds refuge space and wraparound support for migrant women suffering domestic abuse, using Home Office funding, but the funding covers only 12 weeks of support. In NI, there are eight refuges, and they support an average of 55-70 migrant women a year.

Women's Aid has found that the NI Housing Executive refuses to accommodate women even with children if they have no recourse to public funds which, as they point out, creates a barrier for social services who have the direct duties under the Children (Northern Ireland) Order. The charity is forced to use its own funds to keep families housed for a much longer period. This issue is likely to need strategic litigation to resolve it. It is difficult to establish a cost-benefit to funding immigration advice if statutory bodies are failing to fulfil their statutory duties and there are no lawyers available to challenge them.

NI now receives dispersed asylum applicants from elsewhere in the UK and children transferred through the National Transfer Scheme for the first time, as well as seeing an increase in direct arrivals across the border with the Republic of Ireland since Brexit. This is making the non-availability of immigration and asylum advice increasingly urgent.

Funding models

The report now discusses the different funding models, giving examples of each model. This aims to support thinking about how the models could be adapted or applied in other authorities, depending on the assessed need and the available provision. The Audit Template at the end of the report aims to help inform that assessment.

TYPE 1 Ad hoc funding

This has typically been used when the local authority has a statutory duty to the beneficiary of the funding: children in care, adults who receive support in respect of social care needs, households with minor children and no recourse to public funds, where the local authority incurs costs to carry out its duties. It has also been used for people who arrived on refugee resettlement schemes, for their settlement applications at the end of the initial period of refugee leave. In some cases, it has been used for individuals who are sleeping

rough, paid for with rough sleeping funding from DLUHC or resettlement funding, which covers the cost without dipping into other local authority budgets.

There is relatively little to say about this type of funding, but it can usefully be used to demonstrate both the savings from paying for legal advice (over providing accommodation and subsistence for longer) and the higher cost of paying for one-off advice as opposed to commissioning a service.

TYPE 2 Target group-focused funding

Generally speaking, this funding attaches to people to whom the local authority has a specific duty. Target groups are typically resettled refugees making settlement applications, looked after children or care leavers, or people with no recourse to public funds (NRPF)¹³ to whom the authority has a statutory duty under child- or care-related provisions. There are also schemes targeting rough sleepers, to whom there is no general statutory duty.

Resettled refugees

Local authorities volunteered to take in resettled refugees from Syria under the Vulnerable Persons' Resettlement Scheme (VPRS)¹⁴ and, for many of those which were not dispersal areas, this was their first experience of accommodating refugees.

Under the scheme, refugees arrived with a grant of leave already in place, but some had additional advice needs and all have to make a settlement application at the end of five years. Settlement applications are eligible for legal aid but some local authorities found there were no legal aid organisations to refer to.

An example is the arrangement co-ordinated by South West Councils in which several authorities collectively agreed to fund the International Organization for Migration to undertake settlement applications. The resettlement programme gives a clear timetable for when each family will need their application made, with a clear overall volume of need. Although the applications should be covered by legal aid, the severe shortage of legal aid advice in the South West of England

left local authorities unable to refer to existing provision. Resettlement funding meant there was a budget which could be used for legal advice, but the relatively small number of families meant it would have been expensive and difficult for each authority to commission a separate service.

Other authorities fund or commission a service to do their resettled refugees' settlement applications without the involvement of neighbouring authorities, including Gateshead and Durham (separately, but both through North East Law Centre) Solihull, Bristol and Aberdeen.

The costs of the schemes vary, but the costs of not having a scheme include the cost of using a private solicitor, multiplied by the number of resettled refugees. Even where legal aid provision is available, there are costs in support worker time taken to find a legal aid provider with capacity to take on the case.

Looked After Children and Care Leavers

There are published evaluations of projects involving looked after children and care leavers.¹⁵ The *Taking Care* report includes cost breakdowns for examples where a looked after child's immigration status was and was not resolved while they were under 18. Costs (for a single child) could be as high as £138,686 over six years where status was not addressed until the young person turned 18. The National Children's Bureau report (Clements et al, 2022) sets out an early- and late-intervention cost for different scenarios, estimating the additional costs of late intervention in a single case to be over £100,000 where this causes accommodation and subsistence costs, legal fees, application fees or the health surcharge, potentially on a ten-year route to settlement.

This means the costs of inaction can be very high for this cohort, as shown in the Ombudsman's decision in which the Royal Borough of Greenwich was criticised and required to pay £5000 compensation to a young person formerly in its care, for failing to resolve her immigration status when she was

a child.¹⁶ Similar cautionary tales include the twins who grew up in the care of Ealing, whose immigration statuses were not resolved and who were then threatened with deportation to two different countries.¹⁷ The borough then had to pay privately for legal representation, which was outside the scope of legal aid.

This will affect all local authorities. The *Taking Care* report notes that every local authority in the UK (apart from Scilly) has non-UK national children in its care, averaging one in ten of all looked after children. Nationality has not been recorded as a matter of course, whereas it is impossible to complete the data collection form without entering the child's ethnicity. The report uses Manchester City Council as a case study, which introduced immigration and nationality fields to its own information system, and to its Gateway and Review processes, and received staff training from Greater Manchester Immigration Aid Unit.

This can work by training in-house lawyers or by partnering with external agencies but the key principles are to identify children without citizenship, obtain expert assistance early – addressing immigration and nationality issues at the same time as the care proceedings if possible - and to make use of the wider scope of legal aid available to children in care. Again the costs of running a scheme will depend on the percentage of full-time for which a lawyer is required, but the costs of inaction are shown in the two reports, and can be above £100,000 for just one child. Commissioning advice and wrap around support, either alone or with other authorities, is likely to make savings for every UK local authority apart from Scilly.

Rough sleeper immigration advice schemes: London, Manchester and Scotland

Ending rough sleeping is a priority for the UK government, with a cross-government strategy published by the Department for Levelling Up, Housing and Communities (DLUHC)¹⁸ and the Ending Homelessness Together strategy published by the Scottish Government.¹⁹ For those without it, immigration status can be a

complete barrier to ending rough sleeping because the exclusion from access to public funds closes off all move-on options. That means that immigration advice has been central to ending rough sleeping, particularly in certain parts of the country. In London about half of rough sleepers are non-UK nationals, while for England as a whole, the figure is around a quarter.²⁰

Several local, combined and devolved authorities have started to fund or commission an immigration advice scheme for rough sleepers because of i) the impossibility of supporting people out of rough sleeping without immigration advice, ii) the lessons learned during covid, and iii) the availability of funds from DLUHC for rough sleeping prevention. This means some authorities have found it useful to commission advice for this group despite not having a statutory duty to many of them. Examples include Greater Manchester Combined Authority, the Greater London Authority, Bristol City Council and the Scottish Government, through the Fairway Scotland scheme. Elsewhere, councils have used DLUHC rough sleeping initiative money for ad hoc funding of advice for a person sleeping rough.

Arguably, funding advice for rough sleepers is the ultimate example of stationing an ambulance at the bottom of a cliff instead of putting up a fence at the top: earlier advice and support around immigration status, housing, employment and social security, for example, might prevent many people becoming rough sleepers in the first place, and requiring more expensive interventions later. This is one of the clearest examples of financial savings in the Ministry of Justice shifting and escalating costs to other departments and local government.

There are published evaluations of several pilots and projects which contain much more detail on the London and Scotland schemes, as well as Jennie Corbett's report for Homeless Link drawing together the learning into a 'roadmap' for supporting non-UK nationals at

risk of, or experiencing, homelessness.²¹ This report therefore includes only a brief look at three schemes, and signposting for further information. Key learning, however, includes the following:²²

- 1 The need for support from homelessness workers to help rough sleepers keep in touch with their immigration advisers;
- 2 The transformative effect of getting OISC accreditation for organisations, but also the need for understanding of the organisational need and capacity;
- 3 Demand fluctuates and working across borough or local authority boundaries helps manage demand effectively;
- 4 The immigration cases are complex and casework takes longer than the non-advice partners usually expect;
- 5 Home Office delays also mean people need support for much longer than might be expected and the relatively quick turnaround on EUSS applications distorted expectations;
- 6 Stable accommodation is essential for people to engage with immigration advisers;
- 7 Data sharing can be a contentious issue;
- 8 Funding arrangements need to be flexible enough to accommodate building partnerships which enable holistic working;
- 9 Funding for projects needs to be long term because of the length of time to reach resolutions in individual cases;
- 10 Funding should allow for cross-referral and shared learning through grant holder networks.

London

The GLA programme for non-UK nationals operates on a sub-regional basis with four regions (and a fifth comprising six boroughs to be separately commissioned), each with two advice partners, one of whom must have a legal aid contract. One partner leads for each

region and sub-contracts to the other. The sub regional model helps to deal with fluctuations in demand, as compared with each borough commissioning its own service. The funding comes from DLUHC via London Councils. In one of the four regions, the funding is £786,250 for six people in two organisations for two years and nine months. Capacity is under regular review.²³

This major project was preceded by a much smaller one with North Kensington Law Centre 'on a shoestring – it was only £21,000 which just about covered the salary of the coordinator and essentially my time on that, and my colleagues' time, was free so we were subsidising the scheme but we were getting results and getting people off the streets.' After an initial issue where contracts went to generalist homelessness support organisations which could not provide immigration advice, the contracts went to organisations which were already expert and experienced in migration law work. Even so, recruitment can be difficult (even in London but especially elsewhere) and it may be necessary to build training into the contracts.

A positive element of the London project, however, has been improved coordination with the Home Office who will often escalate cases for faster decisions when the rough sleeper advisers request it.

Greater Manchester

In 2018, prompted by a spell of particularly severe weather ('The Beast from the East'), Greater Manchester mayor Andy Burnham introduced the A Bed Every Night (ABEN) scheme to end rough sleeping. As part of this, there are 60 beds across Greater Manchester for non-UK nationals without recourse to public funds, which is permissible because they are funded through charity and not public funds. This is called the Restricted Eligibility Support Service. Any of the ten boroughs can refer an eligible person for one of these beds. The wraparound support, including immigration legal advice, is funded through their Rough Sleeper Initiative funding from DLUHC. The lead advice partner is Greater Manchester

Immigration Aid Unit, in partnership with the Boaz Trust and the Booth Centre who provide the specialist liaison support needed for the immigration legal advice to be effective.

The contract now includes a training element for frontline workers, more formalised data collection about types of need and the time taken to resolve particular types of application, and a homelessness prevention element, aiming to embed earlier interventions to reduce need for beds. The scheme currently provides beds for around 95% of people referred but they note that the referring organisations are 'managing a lot behind the scenes' to try to triage only the most needy into the available beds.



Once you see the blockages being created by lack of access to immigration advice, or by immigration needs and complexities, once you realise what your support worker is doing with people with immigration needs, which is basically throwing their hands in the air and saying they don't know what to do, it's not very hard to make the case at all. Often the answer is pure relief – probation officers running welfare hubs for people who have passed through various accommodation offers, and at no point before, during or after prison have that person's immigration needs been addressed. And then they're facing homelessness unless something happens. Once the problem is articulated and visible, people are relieved to know there are experts out there. The trouble is managing expectations especially about how long it takes to resolve the immigration problems.

Greater Manchester Authority officer

The officer notes that the costs for the authority are higher because of the Home Office's slow processing of immigration or change of conditions applications, meaning people remain in Restricted Eligibility accommodation and support for longer than should be needed.

Scotland

Fair Way Scotland is part of the Scottish Government and COSLA *Ending Destitution Together* Strategy published in March 2021.²⁴ It aims to 'design out' migrant destitution in Scotland, while also arguing that policy change in Westminster policy would remove that problem altogether. It is a collaboration between public, third and academic sectors, partly inspired by the pandemic and also drawing on case law that recognises that accommodation can sometimes be provided to someone with NRPF to avoid a breach of Article 3. It takes a systems approach, consolidating and connecting existing services and identifying gaps.

People receiving the service get accommodation, support, advice and living essentials. The accommodation options are shared or single social housing, community hosting, a shared supported building for men with NRPF in Glasgow, or spot-purchase of rooms in supported accommodation in the homelessness sector.

Rapid access to high-quality legal advice is part of the strategy, with a view to obtaining legal status as soon as possible. The legal advice partners include Govan Community Project, Govan Law Centre, Just Right Scotland and Legal Services Agency, and Latta and Co. Latta's participation is notable because it is the biggest private provider of immigration legal advice in Scotland, while the others are not-for-profits.

The strategy acknowledges that there are some unknowns, including how long the integrated support service is likely to be needed, so it incorporates an action learning approach and provision for certain assumptions to be tested as they go. They started from an assumption that 500 people

with no statutory entitlements would need a safe place to stay at any one time, across Scotland. Funding from statutory sources is limited by UK government policy so both Scottish Government and local authorities may be unable to contribute to accommodation costs, but can fund other aspects of the programme. Other funders include businesses, individuals, trusts and foundations, and social enterprise and investment.

Other No Recourse to Public Funds schemes

Outside the rough sleeper strategies, a small number of other councils fund or commission an immigration advice service aimed at people to whom the council has a duty, who have no recourse to public funds. The data collected by the NRPF network shows that the cost-benefit is likely to be particularly clear for this group of people.²⁵ It costs an average of £17,151 per household per year to support a family or adult with one or more children under 18, under child-related provisions; an average of £18,401 per household per year for adults with social care needs under care-related provisions; and an average of £21,541 per year to support a looked after child or care leaver with no recourse. An authority supporting just one of each of these households would spend an average of £57,000 per year

Of those leaving local authority support in the 2021-22 data, 83% of families and 60% of adults did so because they obtained either leave to remain or a change to the no recourse condition. Very few did so because they returned to a country of origin. NRPF Network also point out that families are classified by the nationality of a 'lead adult' family member, but 26% of these families had at least one British child in their care.

The NRPF Connect annual data report contains a lot of depth about the picture within each region, including the main drivers of need and the average length of time to case resolution which should be useful to other authorities considering an 'audit' of their own populations' needs, and rough cost-benefit

calculations. It is, however, notable that local authorities in areas of severe advice shortage – the East of England and the South West – have the highest total costs outside London for supporting households with no recourse to public funds.

Schemes specifically targeting people with no recourse to public funds exist in Lewisham and Oxfordshire. Others, like Southampton's advice contract, prioritise cases where there are statutory duties, which effectively means a focus on people with no recourse, while Newport's in-house adviser receives referrals from the council's own teams, many of which concern people who the council has a duty to accommodate. These can include work in hospitals, where discharge would otherwise be delayed because the patient is homeless and has no recourse to public funds, and the costs of delayed discharge would otherwise be met from health and social care budgets.

The Lewisham scheme funds a full-time immigration solicitor at Southwark Law Centre who only takes referrals from Lewisham's team. The 30 London boroughs which use NRPF Connect each spend an average of £1.35 million per year on supporting households and individuals with no recourse to whom they have a duty. The cost of a full time solicitor, plus overheads, is £70 – 80,000 in London at the time of writing. This kind of scheme offers perhaps the clearest example of cost-benefit to a local authority.

By contrast, another borough's NRPF team wanted to pay the Law Centre per case for those with merit, but this was too unpredictable and limited for a voluntary sector agency to take on. It appears a private firm may have taken the contract on but no detail has been available.

Hospitals

Some advice schemes have focused on hospitals, where discharge can be delayed because the person has no accommodation and no recourse to public funds. The unit cost to the NHS of one 'excess bed day' was £351 in 2016-17²⁶ (the NHS no longer produces these

estimates). That means the cost of delayed discharge is likely to quickly overtake the cost of immigration advice in any given case.



I had a case for a mentally ill Nigerian man, paranoid schizophrenic, I did his leave application and fee waiver, while he was in a locked ward in the hospital. The Home Office refused on the basis that he had accidentally misled them on the form because he hadn't understood something that happened to him earlier in his life and we had to go through the immigration tribunal and throughout all of this, he was stuck in temporary accommodation and he was sectioned another two times because of the mental health impact.

Greater Manchester Immigration Aid Unit - Immigration Advisor

Domestic abuse

Southall Black Sisters is the lead partner in a scheme which includes organisations throughout the UK, applying for the Domestic Violence Concession and leave to remain on the grounds of domestic abuse. Funding has come from the Mayor's Office for Policing and Crime and Home Office, using 'tampon tax' income. This includes a research element, to collect data which will show how the scheme is working at the end of the first three years.

This scheme covers not only the legal advice but also 12 weeks' accommodation and support. However, the level of funding has caused problems, in that the level of rent the support organisations could pay was capped as per Housing Benefit guidance, which was as low as £50 a week in one area. This meant the organisations could not find accommodation with the funding they had and eventually, some flexibility was allowed for higher rents to be paid, though that in turn meant fewer women

were supported. The 12 weeks of support are often too short to enable women to obtain the domestic violence concession and leave to remain in order to open up other options. This shows the importance of setting funding levels that are commensurate with meeting the actual needs of service users.

For local authorities, however, the cost of legal advice will certainly outweigh the costs of accommodating and supporting domestic abuse victims to whom they have a duty – estimated at £10,000 for three months.

TYPE 3 Provider-based funding

The largest number of local authorities which fund advice in England and Scotland provide some form of provider-focused funding (sometimes alongside other types), though in some cases this is only at OISC Level 1, meaning it will cover information and advice but not casework or representation. Others provide core funding for a specialist immigration legal service, usually alongside other areas of law. Because of the broader scope of these arrangements, typically local authorities and advice partners were less able to express precise cost-benefit calculations, often arguing that they did not measure it because ensuring all residents could access their legal rights was simply 'the right thing to do'. The report discusses six of these schemes.

Some legal advice organisations have multiple funding streams from different boroughs or local authorities. For example, Southwark Law Centre has funding from its own borough to undertake a certain number of immigration cases per year, another from Lewisham to undertake cases for people with no recourse to public funds who are supported by the council, and a smaller amount of funding from Lambeth (whose Law Centre closed) in addition to the remaining Home Office funding for EU nationals, some funding from the NHS Integrated Care Board, and a large project funded by London Councils as the lead partner in South East London for the sub-regional rough sleeper immigration advice project.

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Autumn of 2021, I was approached by a Nigerian woman, who came on a visit visa in 2015 to join her husband and 2 children who were already here. They overstayed and their child was born here. They became reliant on family and friends for support, which put pressure on their relationship, which on no way justifies what he did but he was violent to her, to the point that the neighbours phoned the police, he was arrested and now he's not in contact. They were destitute because they were then thrown out of their accommodation because they were not paying the rent. She approached the council who provided accommodation, but then kept threatening to evict her. To make an application would've cost over £9k in fees – and this is someone who can't even afford to put the electricity on.

So I made an application for a fee waiver for mum and the 3 children first and they would qualify under the 7 year rule. So we made the fee waiver application and it was granted within 6 weeks, mainly because I did a lot of heavy lifting with the various charities that

were supporting her. Then the HO took best part of 9 months – it was November 2022 by the time it went through. Now they have access to public funds as well.

But try to explain that to the council. Their question is always, 'how much money did you get them?' How can I quantify that? I saved them £9K in fees and got them leave and access to public funds and work. That makes it awkward in terms of services – it's life or death for the families but it's hard to explain that to a funder. You're a square peg.

Law Centre interviewee

Bradford

Bradford is a Metropolitan District Council and is also (since 2014) one of five constituents of the West Yorkshire Combined Authority, alongside Leeds, Wakefield, Calderdale and Kirklees. It has a population of just over half a million, the fifth largest in the UK in 2021, with the fourth highest percentage (22.8%) of under 16s. Bradford's service lead, who commissions the welfare advice contract within the local authority, is a senior public health specialist, and explains that, 'It's a poor area so welfare advice is heavily knitted into the political body.'

Bradford City Council funds five advice contracts which have been in place since 2013. Four of these are on geographical constituency lines: Bradford South, East, West, and Airedale (Keighley and Shipley) and the fifth is for long term and complex health conditions. Before these were commissioned, there were around 23 separate organisations each operating on small grant arrangements 'with no quality standards required and... it wasn't satisfactory.' After extensive consultation, the commissioners asked for a single lead provider for each of the contracts, and all 23 organisations retained funding within those groupings. The advice in all contract areas is available to all Bradford residents, regardless of which part of Bradford they live in.

The baselines are that every contract has to provide a broad spectrum of advice including benefits, debt, housing and immigration, and the organisations must have appropriate accreditation through Advice Quality Standards plus specialist registrations such

as OISC. The levels of immigration advice differ because some areas have higher need than others: Bradford East and West require a minimum of OISC Level 2, preferably 3 or working towards 3, while those in the other areas require Level 1, working towards Level 2, and will be inspected on progress towards Level 2 'in the next couple of years.' Although the organisations are not required to have Level 3 capacity in their own right, they are expected to buy that in where needed from the three providers within the contracts who can provide it, for example for Tribunal representation.

The main impetus for the new contracts, apart from the large number of small grants which existed, was that 2013 'was the year that public health first came into local authorities' remit and public health recognised the importance of welfare advice and wanted it in GP surgeries, so it was long overdue.' However, the commissioning also coincided with the legal aid cuts at the time of LASPO.

The funding for the five contracts totals £2 million per year. This has been reduced by one third from the initial £3 million because of budget cuts and the commissioners recognise that this has the effect of reducing capacity. They are seeking to mitigate this by 1) 'trying to split off the more mundane stuff' like supporting people to apply for Universal Credit, leaving specialist capacity for specialist work; 2) investing additional money in capital expenditure like renewing hardware and software to support a shift to around 60% digital, piloting access points

in libraries and customer contact centres (while recognising that digital may not work for all aspects of immigration advice); and 3) supporting the creation of a training academy and apprenticeships, assisted by £200,000 from the Combined Authority. They have not had the resources to make labour intensive applications for 'pots' of funding from elsewhere in government to supplement their own investment.

There are no dedicated cost-benefit analyses because the effort on the first round of contracts was focused on 'removing the double counting' of clients rather than measuring outcomes. However, the commissioning officer pointed out that in one year alone, the contracts which cost £2 million brought in £6 million for residents in welfare benefits claimed. Even if this could not be traced through to identifiable cost savings for the council, there is strong evidence of a welfare dividend for residents. This is equally clear without counting specific savings for immigration: the immigration and asylum unit has to fund refuge spaces for women fleeing domestic violence unless and until they can access housing benefit. The cost of that far outstrips the cost of funding advice. As the officer summarised:

Although Bradford has funding from the Rough Sleeper Initiative, it has not tended to use this for immigration advice because, unlike London, it does not have a significant cohort of people who are sleeping rough because of their immigration status.

As in other areas with provider-focused funding, Bradford worked closely with its pre-existing (grant-funded) providers to develop an advice contract specification. They spent 'almost 3 years to run a commissioning programme slowly with senior officers, elected members, and community organisations, doing an evaluation of what we had.' They also looked at other authorities that were funding legal advice and 'I found everyone does it hugely differently. There were no commonalities.' Instead they worked on a detailed understanding of the need and the existing provision.

The Bradford officer emphasised the importance of a local approach, avoiding the assumption that 'one size fits all'. She emphasised that, in debt advice for example, neighbouring authorities took a very different approach, which worked well for its population. In any kind of shared approach with combined authorities or Strategic Migration Partnerships either running or co-ordinating a scheme, local variation has to be taken into account.

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It's a fools' game. There are a lot of people who, if you don't resolve their immigration issues, they stay within the communities and then they have poor health and access to education and housing and all the issues that go with that, and they all rebound back onto public services – primary care or police or housing, so it's completely stupid not to help those individuals to sort out their immigration status. I can't say strongly enough that the failure to provide immigration advice is not good for anyone. It's crap for local authorities and for police. Those people don't just disappear. They end up on the street and in our services so what's the point in not letting them access advice? I know from my time running the asylum contract, that very few people are actually removed from the UK.

Bradford Local Authority Officer

Coventry

Coventry City Council funds the Central England Law Centre and some other advice organisations for a range of areas of law. Regarding immigration, the local authority interviewees argue that, 'It's in our interest as a local authority to make sure everyone in the area has a secure immigration status, to access public funds and be able to work.' The grant is just over £500,000, and local authority interviewees said, 'We certainly get value for money but it's difficult to quantify. We get so much more than we spend as the Law Centre is so good at utilising other sources of funding, using our grant as a core from which to build.'

While the local authority has not undertaken a cost-benefit analysis, they stress the importance of considering 'What would be the impact if you didn't fund it? That impact would be a lot greater, based on what we know.' As a university city, many people have legal immigration status but no right to access public funds and, especially in family breakdown situations, the need is for removal of that visa condition – with a success rate of 80-90%, which means many never become dependent on the local authority in the first place.

Alongside the core funding, they fund some outreach into schools, both to identify children who need immigration advice and to build awareness in communities and schools about what to look out for. This can be seen as the opposite of the rough sleeper schemes, in that it embeds early intervention to prevent destitution or dependence on local authority duties in the first place – building the fence at the top of the cliff.

This is regarded as a public health intervention, with the commissioner in the local authority reporting to the director of public health for all projects that they fund in the Law Centre. They describe public health as 'now a local authority animal', which opens up opportunities that may not previously have existed, as well as new funding avenues for schemes they may have tried before. They have also used DLUHC funding and are proactive in applying for funds which would be useful.

Both the local authority and the Law Centre are very positive about the relationship and the outcomes. The local authority interviewees recommend giving flexibility and trust in the contracts, seeking feedback from the advice partner on how the arrangements are working, and avoiding being draconian about outcomes or going 'too much down a rabbit hole of contract management.' They have not encountered significant problems over data sharing or conflicts of interest.

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Occasionally the Law Centre say you need to provide this person a package of social care because you have a duty: suck it up and get on with it. We have to be realistic – sometimes they are entitled to support – and actually it only happens rarely because a huge proportion of them are upwardly mobile, have agency, are looking to make a contribution.

Local Authority Officer

They advocate looking at what other local authorities are doing for inspiration and learning, and adapting to their own needs: 'First, know your own population... and include your community partners in that discussion.' The lead-in times depend on a variety of factors: the amount of money involved and whether political approval is needed; the application process if seeking external funds; whether it is a partnership bid and whether the partners are internal or external; whether the funding is for a new project or an extension.

Southampton

Southampton City Council funds the Advice in Southampton contract, which is led by Citizen's Advice, which does immigration advice at OISC level 2 and 3, with some of the Level 1 immigration work subcontracted to CLEAR,

including support for Ukrainian refugees. Other partners include EU Welcome, No Limits (organisation for children and young people), Age UK, the Environment Centre (fuel poverty work), Rose Road (special educational needs support), and Southampton Advice and Representation Centre (SARC: arbitration and welfare advice in tribunals).

The Advice in Southampton contract replaced a number of smaller grants about 8-10 years ago, aiming to create an integrated service with no wrong door, while ensuring casework capacity was not used up by people who only really needed access to information. The partners have a shared referral system through ReferNet, and a shared Advice in Southampton website which links to all of their individual sites, which one advice partner described as effective and improving the quality of referrals between the partners and reducing the repetition for individual clients with multiple problems.

Funding from Southampton City Council is included in a Better Care pooled budget and is managed by the Integrated Commissioning Unit. The Better Care pooled fund joins together Hampshire & Isle of Wight Integrated Care Board funding with Southampton City Council funding totalling approximately £250 million (of which only a very small proportion goes to legal advice). The interviewee is employed by the NHS but some of the services he commissions are local authority led.

Before the move from multiple grants to the single contract, the commissioners reviewed all of the grants and then spent over 18 months co-producing a specification with the existing referring agencies and other stakeholders. That then went out to tender and although there were other bidders, all of the previous grant-holders were retained in the single contract. The lead contract holder is responsible for managing capacity across subcontractors and ensuring that the quality of advice, information and guidance is maintained and improved.

Demand outstrips capacity, so the focus is on people to whom the council has a statutory

duty, usually under the Children Act, Care Act or Housing Act, though the commissioner interviewee acknowledges that it can be difficult to tell at the outset who might be in that category. Demand across the service is 'through the roof' because of the cost of living crisis and the commissioner thinks the overall contract is 'safe' because of that need, but that it is unlikely to receive more funding – beyond some inflation support – because the local authority's funds are so limited. CLEAR, however, was going to have to reduce its services because this still would not cover costs per case for the existing level for another year. For EUSS advice, the nearest service to Southampton is in Bournemouth.

Advice for other authorities is to work with existing partners to develop the model and to, 'Be an informed commissioner: what do you want to purchase?' Having a single lead organisation to build on is important. Both the commissioner and advice partner interviewees explained that training and then retaining advice staff and volunteers is difficult. CLEAR find that they are unable to pay anyone a full-time salary, which means staff leave for full-time work elsewhere and it is difficult to recruit for one-year contracts with no certainty about future employment – but they acknowledge that, with 'a £20M hole in their budget' the council could not realistically do more. Both felt that changes in Home Office policy, to reduce need, would be the most effective change.

Manchester

Manchester City Council provides some core funding to Greater Manchester Immigration Aid Unit, though it is not their largest funder. The local authority interviewee characterises their contribution as 'plugging the gap' left by legal aid; as GMIAU has a legal aid contract, sometimes the core funding supplements or cushions losses from legal aid. The funding covers issues like domestic violence referrals and addressing looked after children's immigration status before they turn 18. Manchester also core fund Citizens' Advice and grant fund other organisations including the Manchester Refugee Support Network.

Local authority funding has declined over time for GMIAU, which was initially set up by the council, and funded by most of the Greater Manchester boroughs. All but the Manchester funding came to an end over a period up to the onset of austerity, so core funding of around £300,000 gradually dwindled to around £97,000. The consequences of this loss of advice have fallen on local authorities and some of that funding is coming back but often in the form of small contracts, which can be difficult. For example, a service-level agreement with one borough for domestic abuse victims is worth £6000 per year but GMIAU has taken on 21 people from that borough in 10 months, so the payment was not covering the costs, yet it 'can set up an expectation that they go to the front of the queue.' Over time, the funding sources have shifted from adult social care towards

homelessness and (to a lesser extent so far) public health.

Potential conflicts of interest arise when, for example, GMIAU's public law solicitor challenges the local authority on an age assessment, so it is important to build relationships in which both parties recognise that the other is acting with integrity and doing what they consider to be right, and that the challenge aims to improve their practice. It is a continual process because key individuals leave their organisations and relationships have to be built again with the new person – who may not understand the immigration issues or the no recourse condition. As the advice partner puts it, 'It's how you sustain it. Alongside delivering something tangible... a lot of the work we do is about relationships and trust.'



As an example, a woman contacted us. She had five children, and the referral came through child protection services. It turns out mum had leave to remain but with NRPF so she was working, using her earnings to pay the rent but she had no other money so the children were hungry and their clothes were dirty. All the work that went into that family because of child protection – the school, social services – would not have been needed if mum had access to public funds. The Home Office shouldn't have been allowed to give that condition. They must have known about the children.

No one understood that status and situation – what they don't know is massive. We find that everyone thinks it's too scary to deal with an immigration situation, especially around children's services. They're hesitant to do something for fear that the child would be deported, the fear of making things worse, and actually the kids could've got leave. It's also not seeing it as part of their role, or feeling compromised. The government creates this situation by attaching the NRPF condition and making the local authority pick up the pieces.

Greater Manchester Immigration Aid Unit – Immigration Advisor

GMIAU also has a branch in Liverpool but does not receive any local authority funding there, and its attempts to start discussions with Liverpool illustrate some of the difficulties with starting new arrangements. The first step is finding out who to talk to: 'They all have funny job titles and you don't know what they really mean – strategic leads and commissioning officers and commissioning managers.' Despite Liverpool developing 'a real awareness of NRPF and... a proposal to invest in immigration advice', the departure of one key person and the council going into special measures meant that no decisions were made and all the progress was lost.

Luton

Luton has a relatively unique model: Luton Borough Council is the sole shareholder in London Luton Airport Ltd, whose turnover is around £55-60 million per year and whose profits go into Luton Rising, which funds various community activities through its Community Investment Fund. Luton Access is a partnership of advice organisations led by Luton Citizens' Advice and including Luton Law Centre (which undertakes immigration and housing work), Luton Rights (the TUC centre for the unemployed) and Luton Irish Forum.

The annual funding is currently £591,000 per year, which was reduced from £722,000 in 2021 because the airport's income was significantly reduced by the pandemic. They have not measured cost-benefit, though the calculations would certainly differ from other areas because the trusts claim Gift Aid and therefore its funding arrangements cannot relieve statutory burdens on the council without falling foul of tax laws.

Although most local authorities do not have the benefit of owning an airport and being able to distribute its profits, the Luton Rising interviewee points out that councils may own other assets or investments. These can be used to feed into a charitable trust which would benefit from Gift Aid and charity rules to distribute funds effectively to community organisations including advice providers. It is not clear how

many local authorities have such assets or investments which they could consider using.

Ethnic Minorities Law Centre

The funding landscape differs in Scotland because non-asylum immigration matters are still within the mainstream scope of legal aid, subject to the client's financial means. Because Glasgow has historically been the only asylum dispersal area in Scotland, the vast majority of legal aid provision is in Glasgow and the Central Belt of Scotland, though need for other immigration advice exists across Scotland, especially around areas which rely on migrant labour for agriculture, fishing and food processing.

Ethnic Minorities Law Centre (EMLC) in Glasgow is one of the few law centres doing free immigration advice. It receives funding from Scottish Government, Inspiring Scotland (a venture philanthropist organisation which operates Scotland-wide²⁷), and several local authorities: North Lanarkshire; Aberdeen funds it for resettlement only, using resettlement funds; Glasgow gives core funding, from Glasgow Communities Fund, as well as ad hoc funding via social workers under the Children (Scotland) Act; Perth and Kinross funds it under a Service Level Agreement for local advice surgeries plus staff awareness training.

This combination means they are largely able to help people who qualify for free advice, operating a cost recovery service for those who do not. Capacity is not usually a problem per se; people are mainly turned away because they have left it too late for the Law Centre to be able to fit them in.

A lot of their work is domestic abuse cases, and they point out that many councils do not understand the typical journey of a migrant worker, for example, but do understand domestic violence, and most councils have someone whose focus is domestic abuse. Although they still do a lot of unpaid work on domestic abuse cases, that focus, added to the duty on the local authority to support some victims, means it is easier to start out by making the case for funding advice in those cases.

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In terms of extreme rurality, I'm representing a woman who lives on one of the remote islands. I haven't met her, but she came to the UK over 20 years ago on an ancestry visa, and she formed a relationship, had kids, developed a drinking problem, the relationship fell apart, and now it's poverty exacerbated by rurality and immigration status. I've done a fee waiver and application, but she's now been waiting 15 months, stuck in this very remote location utterly reliant on charity.

We save £2800 with every fee waiver application and I do a lot of them.²⁸ Every Change of Conditions or leave with access to public funds, suddenly they have option to obtain lots of different benefits.

Immigration Advisor

TYPE
4

In-house advice

East Midlands Councils' Shared In-House Solicitor

East Midlands Councils have a shared in-house solicitor who sits within the Strategic Migration Partnership. She provides advice to the ten local authorities, not directly to members of the public. The cost to most of the authorities is £7000 to £7,500 each per year, with one council contributing a smaller amount because it has only a small population of migrants. There is no precise cost-benefit measurement because the authorities did not have a clear estimate of the costs they were incurring before they had the solicitor.

However, the solicitor's records show that, in one quarter, she undertook 'about 120 pieces of advice'. Each initial advice, if obtained from a private firm, would cost £2-300 for basic advice, with complex cases costing more. The solicitor also undertakes court expert reports, which would otherwise be commissioned from barristers at a cost of £1000-1500 to the local authority.

In one of the authorities, '[The NRPF team] had over 20 families on their records and we could see how to sort out status for eight of them just by going through those records, and the reason they hadn't was a lack of knowledge. That was eight families receiving accommodation and subsistence, which is a lot of money.' The NRPF Network uses an average annual cost of £17,151 per family supported, meaning this exercise alone may have saved over £137,000 for that local authority.

The solicitor points out that local authorities in England do not always know how many children in care have nationality issues because the DFE requires them to provide data on ethnicity, but its system has not historically asked for nationality. She notes that the experience of having to apply for EU Settled Status for some children has highlighted

this as a need, but that she has had to make appointments with every team and go through cases individually, because the data is not available to identify children with nationality issues. The cost-benefit examples in the *Taking Care* report indicate how expensive it can be to fail to take action early enough on immigration and nationality status for a looked after child: sometimes over £100,000 in additional costs for one child or care leaver.

She also provides training on NRPF, age assessment, and other issues relating to statutory duties. For NRPF, these are separate sessions for each local authority, where individual cases can be discussed. She estimates that these would cost at least £500 per session from an external lawyer. Each authority was also receiving a training session on age assessment and the solicitor was preparing an update on the new Bill, which would most likely be shared between the ten authorities. She pointed out that this is a very cost-effective way of each authority receiving the training it needs to meet its statutory duties.

This arrangement works despite the different local authorities having different needs: for example one local authority had over 100 looked-after children in its care who needed EUSS applications, while another in the same region has larger numbers of individuals and families with NRPF. All of the authorities now receive some unaccompanied children seeking asylum through the National Transfer Scheme.

The solicitor referred to specific cases which illustrate the spend-to-save advantages of her role (see below).

The solicitor felt that the role is needed in all regions. There are no particular pitfalls but it is important that the in-house solicitor understands how a local authority works and how the Children Act works (or devolved equivalent), as well as knowing immigration and nationality law. She points out that few lawyers cover both childcare and immigration but that, 'In the current climate and the funding climate for local authorities, it's best to train lawyers across both.'



Two siblings who were eligible under the EUSS did not have national passports for their home country. If the local authority had considered the issue of passports when they first entered care, this could have been addressed during the care proceedings. Instead, because the issue was only identified after the care order was granted the council had to spend around £5,000 on further court proceedings, taking into account the additional use of council time and resource, because the authorities in the children's country of origin required court orders which dealt with parental responsibility matters before it could issue passports.

In another case, the local authority had to return to court because it *had* obtained British nationality for a child in care, without realising that this caused the child to lose their original nationality (because of the nationality laws of the particular country of nationality). This was outside the powers given by the Local Government Act: councils can apply for nationality on a looked-after child's behalf *without* the parents' consent only if the child will *not* lose their original nationality. Again, this inadvertent error caused costs in returning to court. The solicitor emphasises the importance of having access to advice spanning immigration and child protection law within a local authority context.

East Midlands Councils In House Solicitor

On practicalities, the post began in September 2020, after a lead-in process of about two years. The role was initially funded for 12 months, with a view to extending it. It was prompted partly because, at monthly Strategic Migration Partnership meetings, people raised legal questions and they had no one who could answer them. The scope includes in-house advice and training to all councils in the SMP, but no direct casework provision.

Newport City Council's In-House Adviser and OISC Accreditation

Newport has obtained OISC registration in its own right and employs a Level 2 accredited caseworker in the Housing and Communities team, who provides casework directly to members of the public and is also able to give advice and answer questions for local authority staff. This casework is currently only where the local authority has a duty to them or is involved with the case in relation to the person's immigration status, but there is a possibility of expanding to include children in need of citizenship.

Although Newport had long been an asylum dispersal area, it was recent changes in demand such as the contingency hotels which officers believed had 'opened senior management's eyes to the need for people with knowledge of migration'. That made it easier to justify the new post, which in turn allows for training more staff and increasing capacity within the local authority to deal with migration issues. The provision of legal casework direct to the public, however, was partly serendipitous because the person recruited to the broader migration caseworker role happened to have the required qualifications and OISC registration and it made sense to try to use that.

Costs of the scheme are the caseworker's wages plus overheads, and a Public Indemnity Insurance policy separate from the council's general one, to the value of £250,000, which was required by OISC. OISC registration is free for a non-fee charging organisation.

The caseworker takes on a variable number of cases per month, depending on complexity, but estimates 10-12 cases per month. They

have eligibility criteria based on hardship and destitution, with cases referred in by other teams within the council. Typically these are from adult social care, children's services, the housing team and teams supporting refugees resettled under the Syrian, Afghan or Ukrainian schemes.

They include cases where a person has no recourse to public funds, particularly domestic violence cases where there is a need to obtain the Domestic Violence Concession (or DVC) to open up access to refuges and other accommodation and support options. They do not have an exact figure for cost savings, partly because the recording for social services is different from the rest of the financial recording, but they have been given estimates of £10,000 for 3 months for a person without recourse to public funds fleeing domestic violence. This includes rent or refuge costs, council tax because the person has NRPF so that cost is not reduced, and a small amount of cash for subsistence, which typically comes to over £3,000 per month.

The financial saving is only one part of the issue however, as the policy officer explained:

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There was an EU migrant, and EU migrants don't have the DV rule. She didn't meet the public funds criteria, so social services supported her for 10 days and said she had to find a job or go home at the end of that. When that message was given to her, she disappeared, and she had a very abusive partner but that was the only way she could secure accommodation. She'd been taken to the refuge by the police because she'd been so severely abused they thought she was in a car crash. It's a human being you're talking about.

Local Authority Officer

Other local authorities and advice organisations (not in Newport) have expressed concern that conflicts of interest arise when a local authority gives advice directly to the public, because sometimes the client's assessed needs and rights create a cost for the local authority. The migration caseworker and policy officer believed that this was manageable because they are there to promote good practice and compliance with legislation: 'Where there's a statutory duty, it's the Welsh government that said this has to be done, not me.' They noted that council employees sometimes relay uninformed statements from individuals, when neither the individual nor the council employee understand that there may be options to regularise the person's status in the UK. Often this is due to staff turnover, meaning there is a continuing need for training and information sharing.

They point out that often the client's and the council's interests align, in that resolving status will lead to employability or to support coming from the DWP instead of the local authority. Where a person is working but not eligible for top-up benefits because of an NRPF condition, 'still it's cheaper to top up than to provide full support.' For some people with NRPF, that support is combined with work to increase employability, often around English language skills or health issues. If a conflict of interest is likely to arise in an individual case, this is covered by the professional code of conduct and the person would be referred out for individual advice.

As a starting point, the migration caseworker and policy officer explained that it was necessary for them to organise a meeting with OISC and their own legal services department, to allay the concerns of the latter. They advise that 'OISC is an ally in this' and may be able to help to get 'buy-in' from senior management. To apply for accreditation as a council, they needed to draft a full set of policies, for which there are templates on the OISC's website. It was important to check that these were also compliant with the local authority's duties. Despite the number of policies required for

OISC registration (listed on OISC's website), the council's existing policies were more than sufficient for OISC's requirements and they did not need to redraft very much.

The lead-in time was approximately a year for agreement, creation and funding of the migration caseworker post (funding was the main delay), and approximately seven months to obtain OISC registration for the council, including liaison within the council. Having obtained approval and funding for the migration caseworker role, and recruited someone with the required qualifications to undertake immigration casework direct for members of the public, the process was broadly:

- Arranging a meeting with the OISC and the council's own legal department to overcome the legal department's concerns;
- Writing policies as required by the OISC and ensuring these also complied with the local authority's duties;
- Applying for registration.

They described confidentiality and the client care process as the main issues but that difficulties can also arise around the OISC's criteria for competence because an adviser is supposed to have worked in a relevant organisation for three months. Effectively, this is much easier when recruiting someone who already has a legal qualification in their own right, who can obtain the accreditation for the organisation and then train new caseworkers.

Conflicts of interest

In the focus groups, concerns were raised about possible conflicts of interest, either in terms of compromising the independence of advice partners who depend on local authority funding, or where local authorities themselves get involved in advice provision.

In respect of the former, advice organisations and local authority interviewees expressed that it is important to build trust between partners. The advice organisation will need to challenge the local authority at times, for example on age assessment or the provision of a care package to an eligible person. One interviewee described this as 'remembering you work for the client, not the local authority.' Challenges aim to improve local authority practice, and many schemes include an element of training and / or second tier advice for local authority staff.

Data sharing can be a contentious issue, which should be discussed at the outset. Model agreements from other authorities can be adapted.

Where the local authority itself provides advice, some advice organisations and authorities noted that conflicts of interest could arise because sometimes the client's assessed needs and rights create a cost for the local authority. In Newport, the migration caseworker and policy officer found this to be manageable because they are there to promote good practice and compliance with legislation, with professional codes of conduct guiding decision-making in any such situation, and indicate when the client should be referred out for independent advice. Often, however, the interests align around obtaining status and access to work and / or benefits for a client.

The East Midlands Councils' in-house solicitor did not feel that conflicts of interest arose in general because the role does not include casework for the general public. Often it was of benefit to members of the public because, for example, the solicitor identified households who should have access to public funds or advised on addressing nationality problems during care proceedings, meaning this is very different from the 'gatekeeping' that is sometimes found in local authorities' practices.

The Newport team explained that they are careful to avoid their in-house service competing with independent providers in the area, but they point out that there are only three legal aid providers in Newport, one of whom no longer takes on casework; the other two have limited capacity for new cases, and the scope of legal aid is so narrow that they are rarely in competition, even theoretically.

This did arise in another area however, where a local authority had level 1 advisers and competed with local charities to win funding for EUSS work, but then had to refer out the level 2 work to the charity, which had lost out on the funding. It is important that an in-house service complements rather than competes with other local advice organisations.

Newham's 50 Steps Public Health Strategy

The London Borough of Newham developed a public health-based strategy called *50 Steps to a Healthier Newham* in the early part of the Covid-19 pandemic.²⁹ It was published in November 2020, alongside a document setting out the evidence base for the strategy.³⁰ A one-year update reported on achievements and learning from the first year.³¹ The programme won the national MJ Award (Municipal Journal) for 'Place-Based Approaches to Health Equity' in 2022.

The strategy includes the provision of immigration advice as a step to accessing other services. The evidence base document noted that it was essential to address the needs of children and families with insecure immigration status or without recourse to public funds, including those of pregnant women with no recourse to public funds who could not access proper maternity care, alongside other groups of young people encountering adverse childhood experiences. This particularly includes domestic violence, parents' mental ill health or substance abuse, homelessness and temporary accommodation, and risk of FGM.

The *Update* report describes foodbank users being referred into other services including immigration advice to ensure they do not need to continue relying on the foodbank. Newham had 102 foodbanks in 2020, according to a public health officer who worked in the borough at that time. The Social Welfare Alliance had trained more than 1,500 frontline workers on topics including immigration law for non-immigration advisers, with a view to giving them an understanding of the issues, the advice they can provide, and how to refer for specialist advice. This Alliance had the effect of ensuring frontline workers understood other areas of need, in order to create a referral network:

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Someone walks in, someone there is trained to recognise issues, to reveal the real reasons why they're there – it will all join up. We asked why people are coming to food banks – money advice, debt, immigration and so on – so all the frontline workers became mini social prescribers. One faith leader came to all the training because he was hearing these issues over and over from his flock. In terms of immigration – we brought in Praxis to do all the training and demystify it, so frontline workers would know what the issue is and where the referral routes are. Residents don't have only one issue. They have debt and housing and other things – and you need warm handovers so they're not telling their story multiple times.

Local Authority Officer

A rough sleeping strategy forms part of this wider public health strategy, again including immigration advice. The rough sleeping strategy was reported in the *Update document to have resulted in an overall* reduction of 91% in rough sleepers between 2019 and 2021, with 206 rough sleepers supported to regularise their immigration status, of whom 96 got settled or pre-settled status and 52 were awaiting a response.

In terms of need, a former officer on the Newham programme explained that there were around 20,000 residents with a NRPF condition. They had a good idea of this number because they were able to give out lunch vouchers to school children using the

Household Support Fund. The officer points out that migration does not 'fit neatly' in local authorities' structures and a 'rallying call' is needed to pull disparate teams together to create a strategy. In this case, it was the Covid pandemic and an in-house money advice team which provided the catalyst for funding an immigration lawyer in a voluntary sector organisation, using Covid-related funds.

Partnership is crucial to the success of such an effort: 'You need wrap-around support around local, trusted advice sessions and you need to fund the voluntary and community sector to do it because they know the residents best.' The officer believes that public health teams and communities teams combining is essential to make such a strategy work, and make the transition from crisis support to longer-term solutions:

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The Household Support Fund from Central Government is now and then, not very planned. It's money for all local authorities to distribute to their most needy residents. It's useful but it's just a one-off payment. Then you get the longer-term things: education and skills, money and debt advice, and immigration support and advice; longer term things that enable people to flourish. We're professional joiners-uppers.

Local Authority Officer

Data on need and potential cost benefit will often be incomplete, and the officer talks about modelling 'a picture of what it looks like if you don't do anything', compared with 'the dividend of doing something.' This includes people being able to claim benefits, placing the support responsibility with the DWP rather than the local authority, but also people being eligible and able to work, access pupil

premiums, address health issues, and so on. The public health issues, and recognition of social determinants of health, were particularly central to Newham's approach. As the officer put it, 'There's no pill for unemployment or homelessness.' They estimated that six out of ten visits to GPs required social prescribers more than medical intervention: 'Everything else you need to go upstream. Poor access to immigration support and advice is a mountain, in terms of health, housing, jobs.'

One aspect of the Newham programme focused on accessing pupil premiums. Two voluntary sector organisations, Praxis and Ramfel, were commissioned to write a legal advice on immigration status and a support plan, and then a school funded an immigration lawyer to regularise a family's immigration status or remove the NRPF condition. That gave the children access to free school meals and generated the associated pupil premiums for the school. The officer concludes, 'It's getting local authorities to think progressively. You can't hardship fund your way out of poverty. You have to do it through progressive funding. Build the hope in.'

West Northamptonshire's Anti-Poverty Strategy

West Northants is a unitary authority which formed in 2021 out of three non-metropolitan districts: Daventry, Northampton and South Northamptonshire. Northampton is the largest town, and a large part of the new local authority's area is agricultural. During the pandemic, the Red Cross was able to provide some casework with a single Level 3 immigration adviser. This saved an estimated £300,000 by obtaining status for families without immigration status, to whom the council would have had duties, who were instead able to access employment and leave temporary accommodation.

Following on from this, when the new authority was created in 2021, it brought together stakeholders from the statutory, voluntary and faith sectors to create an anti-poverty strategy. The strategy has over 100 actions

in total, which was overwhelming, so a set of eight must-do actions were selected as priorities and immigration support and advice is one of these.

It is not clear exactly how many people in West Northants lack status or have NRPF conditions. The interviewees explained that it is 'not 20,000' as in Newham 'but it is a significant cohort' estimated at around 4-6,000 residents who are eligible for immigration support and advice. The Strategy is seeking a significant budget over three years. This will fund a consortium of advisers, which should include a pool of three Level 3 immigration advisers who will provide up to 800 'casework transactions from start to finish' per annum.

An obstacle in West Northamptonshire is that there is a serious shortage of immigration advisers in the area. It is unlikely that three Level 3 advisers will be immediately available. It is more likely that one such adviser will be recruited and two more will be trained once the strategy is operating. There is one provider operating a fee-charging service at Level 3, plus two other private firms operating at Level 2 within the area. The officers expect to have to tap into private capacity initially and then, as with debt and other areas of advice, to identify people who are willing and able to undertake the training and work in the new service. This training pipeline will be essential as 'we can't magic our way out.'

Warm Spaces have provided an avenue for development of advice. The authority received 31 applications for small grants to operate 97 Warm Spaces where members of the public can come in and spend time. One of the officers explained that they do not want Warm Spaces to become entrenched, in the way foodbanks have, but that they are looking to create community hubs out of them, where social prescribers and other services can provide wrap-around support, particularly for people who tend not to go to GPs. In this way, there are three 'pillars' – the immediate crisis response or hardship funding, the longer-term support to escape poverty or avoid falling into poverty, and the wider work to influence partners and policy.

The strategy was published in April 2021. The lead officer started in post part-time in March 2022 and the lead-in time to secure a model for immigration support and advice is expected to be up to two years in total. The strategy now in implementation phase and the two staff members described progress so far as follows:

- Stakeholders from the voluntary, faith and statutory sectors came together in 2021.
- An anti-poverty strategy was published in April 2022, after which the officer began writing the detailed actions which would underpin the strategy. Immigration advice came under 'the welfare advice type statements'.
- There were a large number of actions, and eight 'must-do' actions were prioritised. These included addressing the shortfall in availability of immigration legal advice and support. These were signed off at a stakeholders' meeting in June 2022.
- The first Immigration support and advice Task and Finish group meeting of VCS partners took place in July 2022, drawing on enormous grassroots expertise from accredited advice givers, foodbanks, homeless shelters and so on. There was some distrust towards the local authority, and trust needed to be built between the officers and VCS organisations over the period to the second Task and Finish group meeting in October 2022, which included an expert in systems mapping. VCS partners began developing costed suggestions.
- An Anti-Poverty Strategy stakeholders' meeting in December 2022 also responded positively to the system mapping process.
- In January 2023, the lead officer began writing the business case for the model, which has to be approved in three senior manager meetings. It has to be decided whether a tender is required or whether it can be treated as a specialist consultancy, given the existing involvement of all key VCS organisations in partnership.

The total funding required is in the region of £600,000 over three years. Only half of this is secured, from public health funding, meaning the remainder must still be raised from children's services, homelessness teams and others – though it is possible to start out with the public health funding.

The team has to present its case at a cabinet meeting in April or May 2023 and hopes for final approvals in around June or July.







Conclusion

It is clear that local and devolved government are bearing much of the fallout from both hostile environment policies and the cuts to legal aid, via their statutory duties. The consequences are also falling on health services and the housing departments of the various jurisdictions, via their rough sleeper or homelessness strategies.

The local authority and advice organisations interviewed for this research indicate that funding or commissioning immigration legal advice would bring financial savings for local authorities, compared with data on costs for carrying out statutory duties to support in a range of cases. It is likely that all local authorities incur some costs in this way.

Local authorities which do fund advice strongly advocate knowing your own population, and the 'Audit Template' below offers local authorities a starting point for considering their population and estimating the potential savings from providing access to legal advice, as well as thinking about potential advice partners and budgets.

Strategies for supporting local authorities could include:




-  Funding an organisation to create a learning space for local authorities on issues like rough sleeper and homelessness advice;
-  Supporting mentoring arrangements between local authorities;
-  Providing tailored support which could include help with applying for funding, system mapping, auditing population needs;
-  Match-funding schemes which allow local authorities to see the benefits of funding or commissioning an advice service.

Ultimately, the drivers of need at local authority level lie within Home Office policies and Ministry of Justice funding decisions. Although commissioning advice is likely to save money for most, if not all, local authorities, it should still be acknowledged that these costs should more properly be borne by other parts of government.





Audit Template for considering developing an advice scheme

Population:





How many

-  NRPF people supported (Children's Services, Adult Social Care, Housing, DV cases);
-  Looked after children who are not British (If unknown then consider urgent review, and adding nationality field to information held);
-  Care leavers who are not British.




Also consider

-  Resettled refugees who do not yet have ILR (include Homes For Ukraine, ARAP / ACRS, Hong Kong BNO scheme and Syrian VPRS);
-  EU nationals with Pre-Settled Status;
-  Rough sleepers who are not British;
-  Dispersed asylum seekers and people accommodated in 'contingency' hotels.

Powers, duties and infrastructure:

-  What kind of authority? (unitary, metropolitan district, county, London borough, combined authority)
-  Is it a town / city / borough of Sanctuary? Or otherwise connected to Sanctuary streams?
-  What are the departments and teams whose interests touch on migration issues (communities, public health / integrated care system, children's and adults' social care)?
-  What income streams or funding pots are available?

Potential advice partners:

-  What advice agencies are in the area at each level? And neighbouring areas?
-  What advice agencies had contracts for EUSS / resettled refugees?
-  Relationships within the Strategic Migration Partnership? Are the concerns similar in neighbouring authorities, giving scope for shared solutions?

1. This is the average per household for councils using the NRPf Connect system. Some authorities incur much higher amounts: one cited costs of £3-5,000 per month including utilities.
2. www.nrpfnetwork.org.uk/nrpf-connect/nrpf-connect-data
3. A discussion of lessons from Wales and Scotland is available here: www.good-governance.org.uk/publications/insights/growing-pains-integrated-care-lessons-from-scotland-and-wales
4. www.kingsfund.org.uk/publications/integrated-care-systems-explained
5. The FOI was not sent to the local councils in NI as they do not have a similar range of powers and duties, nor resources, to their counterparts in England, Wales and Scotland. Instead, data for NI was collected through interviews.
6. Institute for Government, 2019. Explainer: Local Government. www.instituteforgovernment.org.uk/explainer/local-government
7. Belfast, Northern, South Eastern, Southern, and Western Health and Social Care Trusts.
8. See for example <https://www.gov.wales/welsh-government-extends-funding-debt-employment-and-benefit-advice-until-march-2021>
9. www.gov.wales/minister-encourages-those-struggling-bills-make-use-vital-advice-services-available-north-wales
10. See Jo Wilding, The adequacy and availability of immigration legal advice for forced migrants in Wales. Welsh Government, 2023. Available at www.gov.wales/adequacy-and-availability-immigration-legal-advice-forced-migrants-wales-executive-summary-html
11. 29 out of 32 authorities responded (90.6%)
12. This was a 72% response rate (out of 151 authorities).
13. A restriction commonly attached to a person's visa.
14. The scheme announced in late 2015 to admit some Syrian refugees living in other countries to the UK for resettlement.
15. Clements, K., Munro, G., Berry, A., Davis, L., Lyons, F. and Nugent, R., 2022. *Supporting care leavers with insecure immigration status: Learning on effective support, collaboration and empowerment*. London: National Children's Bureau and Paul Hamlyn Foundation. Coram Children's Legal Centre and South London Refugee Association, 2021. *Taking care: How local authorities can best address immigration issues of children in care*. www.coram.org.uk/sites/default/files/taking_care.pdf
There is an as-yet unpublished evaluation of the GLA-funded Children in Care with Immigration Needs programme which ran in Barnet, Ealing and Islington from March 2021-September 2022 which may in due course be useful to authorities considering similar programmes.
16. Local Government Ombudsman, 2016. *Investigation into a complaint against Royal Borough of Greenwich, ref 13 019 106*. <https://www.lgo.org.uk/decisions/children-s-care-services/looked-after-children/13-019-106>
17. See for example www.theguardian.com/uk-news/2020/jul/07/london-born-twins-face-deportation-to-different-countries
18. www.gov.uk/government/publications/ending-rough-sleeping-for-good
19. www.gov.scot/publications/ending-homelessness-together-high-level-action-plan/
20. www.gov.uk/government/statistics/rough-sleeping-snapshot-in-england-autumn-2022/rough-sleeping-snapshot-in-england-autumn-2022#demographics
21. Corbett, J. 2022. *Unlocking the Door: A roadmap for supporting non-UK nationals facing homelessness in England*. Homeless Link.
Fairway Scotland, 2021. *Gateway to a safe destination, support and advice for people with no recourse to public funds*. Fairway Scotland.
Homeless Link, 2022. *Learning from the Immigration Advice for Rough Sleepers Fund* <https://homeless.org.uk/knowledge-hub/learning-report-for-immigration-advice-for-rough-sleepers-fund/>
Hutton, C., Lukes, S. and Petch, H., 2019. *Housing destitute migrants: Lessons from a pilot project, 2015 – 2018*. Commonweal Housing & Praxis Community Projects.
Petch, H., Perry, J. and Lukes, S., 2015. *How to Improve Support and Services for Destitute Migrants*. Joseph Rowntree Foundation. www.jrf.org.uk/report/how-improve-support-and-services-destitute-migrants

22. Homeless Link, 2022. Learning from the Immigration Advice for Rough Sleepers Fund <https://homeless.org.uk/knowledge-hub/learning-report-for-immigration-advice-for-rough-sleepers-fund/>
23. More detail is available on the Mayor of London's website. See www.london.gov.uk/programmes-strategies/communities-and-social-justice/migrants-and-refugees/migration-and-homelessness#sub-regional-immigration-advice-services--title
24. www.gov.scot/publications/ending-destitution-together/
25. NRPF Network, 2022. Data Report 2021-22. <https://www.nrpfnetwork.org.uk/nrpf-connect/nrpf-connect-data>
26. www.ncbi.nlm.nih.gov/pmc/articles/PMC7045184/
27. See www.inspiringscotland.org.uk/ and Noah J. Isserman, 2013. The practices, impact and implications of inspiring Scotland's first five years—An independent research report on an innovative third sector financing model. University of Cambridge.
28. £2,593 - £2,893. This breaks down into £1033 for the visa fee, £1,560 for the Immigration Health Surcharge, and £0-300 for the appointment at the UK Visa and Citizenship Application Service (UKVCAS).
29. London Borough of Newham, 2020. *Well Newham: 50 Steps to a Healthier Borough Health and Wellbeing Strategy 2020-2023*. Available at www.newham.gov.uk/health-adult-social-care/50-steps-healthier-newham
30. London Borough of Newham, 2020. *Well Newham: 50 Steps to a Healthier Borough. Part 2: The Evidence for Action*. Available at www.newham.gov.uk/health-adult-social-care/50-steps-healthier-newham
31. London Borough of Newham, 2020. *Update. Well Newham: 50 Steps to a Healthier Borough Health and Wellbeing Strategy 2020-2023*. Available at www.newham.gov.uk/health-adult-social-care/50-steps-healthier-newham

References and bibliography

Clements, K., Munro, G., Berry, A., Davis, L., Lyons, F. and Nugent, R., 2022. *Supporting care leavers with insecure immigration status: Learning on effective support, collaboration and empowerment*. London: National Children's Bureau and Paul Hamlyn Foundation.

www.ncb.org.uk/what-we-do/research-evidence/our-research-projects/evaluation-support-care-leavers-insecure

Coram Children's Legal Centre and South London Refugee Association, 2021. *Taking care: How local authorities can best address immigration issues of children in care*.

www.coram.org.uk/sites/default/files/taking_care.pdf

Corbett, J. 2022. *Unlocking the Door: A roadmap for supporting non-UK nationals facing homelessness in England*.

Homeless Link <https://homeless.org.uk/knowledge-hub/unlocking-the-door-a-roadmap-for-supporting-non-uk-nationals-facing-homelessness-in-england/>

Department of Health and Department of Education, 2021. *A Life Deserved: A strategy on "caring" for children & young people in Northern Ireland*.

www.health-ni.gov.uk/publications/life-deserved-strategy-looked-after-children

Evemy, J., 2021. *Local Authority Delivery of the EUSS*. EU Rights and Brexit Hub.

www.eurighthub.york.ac.uk/project-news/new-report-local-authority-delivery-of-the-eu-settlement-scheme

Fairway Scotland, 2021. *Gateway to a safe destination, support and advice for people with no recourse to public funds*.

Fairway Scotland <https://homelessnetwork.scot/our-resources/>

Homeless Link, 2022. *Learning from the Immigration Advice for Rough Sleepers Fund*

<https://homeless.org.uk/knowledge-hub/learning-report-for-immigration-advice-for-rough-sleepers-fund/>

House of Lords Justice and Home Affairs Committee, 2023. *All families matter: An inquiry into family migration*. 1st Report of Session 2022–23. HL Paper 144

<https://publications.parliament.uk/pa/ld5803/ldselect/ldjusthom/144/14402.htm>

Hutton, C., Lukes, S. and Petch, H., 2019. *Housing destitute migrants: Lessons from a pilot project, 2015 – 2018*.

Commonweal Housing & Praxis Community Projects

www.commonwealhousing.org.uk/projects/no-recourse-to-public-funds

Isserman, N.J., 2013. *The practices, impact and implications of inspiring Scotland's first five years—An independent research report on an innovative third sector financing model*. University of Cambridge.

Local Government Ombudsman, 2016. *Investigation into a complaint against Royal Borough of Greenwich, ref 13 019 106*.

www.lgo.org.uk/decisions/children-s-care-services/looked-after-children/13-019-106

McCurry, C., 2021. *Thousands of undocumented migrants 'no longer have to live in the shadows'*. Belfast Telegraph 3/12/2021.

www.belfasttelegraph.co.uk/news/republic-of-ireland/thousands-of-undocumented-migrants-no-longer-have-to-live-in-the-shadows/41115079.html

Newham Borough Council, 2020. *50 Steps to a Healthier Newham*.

www.newham.gov.uk/health-adult-social-care/50-steps-healthier-newham

NRPF Network, 2022. *Data Report 2021-22*.

www.nrpfnetwork.org.uk/nrpf-connect/nrpf-connect-data

O'Hara, L. and Orr, K., 2021. *A Hostile Environment: Children and families affected by immigration status and No Recourse to Public Funds*. Northern Ireland Commissioner for Children and Youth.

www.niccy.org/no-recourse-to-public-funds-nrpf/

Petch, H., Perry, J. and Lukes, S., 2015. *How to Improve Support and Services for Destitute Migrants*.

Joseph Rowntree Foundation

www.jrf.org.uk/report/how-improve-support-and-services-destitute-migrants

Williams, J., 2023. *English councils: the budget cuts that are threatening 'levelling up'*. Financial Times, 23/01/2023

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