

Information briefing

**Report from: Strategic Director Adults and Communities
2009**

Date: 5 February

Re: The Slough Judgement

Summary:

This paper provides a briefing note for Councillor Anderson, Cabinet Member, Adults and Communities, on the Slough Judgement and work being undertaken with the UK Border Agency Case Resolution Directorate.

Introduction:

In September 2008 you were briefed on the Slough Judgement. That briefing set out a summary of the case, the impact of the judgement on those currently receiving support under the National Assistance Act 1948 and the health implications of the Slough Judgement for people with HIV and mental health conditions. This briefing will outline the progress made to date and will also outline work done with the UK Border Agency Case Resolution Directorate.

An issue that has been identified since the Slough Judgement became law is that the threshold for support under the National Assistance Act has been raised and now focuses on present needs for care and attention.

Consequently anyone now passing the threshold for support will require personal care. In lay terms if personal care and accommodation is provided the care standards legislation makes the accommodation a registerable care home. Normally speaking for members of our indigenous population this is not a problem because we can fund care in the individuals own home or we are only providing one element. However with NRPF cases we have to provide accommodation because the individuals are homeless and destitute, and personal care as per their assessment. As private rented accommodation is used to house these cases they should register as care homes however property owners may not be suitable or willing to register and therefore we could be in breach of CSCI requirements in this area. We are currently involved in discussions with health colleagues as this issue has the potential to block hospital beds.

The No recourse to Public Funds Team is currently supporting 115 service users under the National Assistance Act 1948. These cases fall under a number of different community care headings. Cases are being actively managed to ensure ongoing eligibility for and a number of strategies have been developed to control spend that is not funded by central government. These include:

- Working with the Home office Local Authority Task Force
- Data cleansing with the local Home office Enforcement team
- Introducing a reporting programme for service users to report to the immigration service at Solihull
- Working with the UK Border Agency Case Resolution Programme
- Using Human Rights Assessments for in country applicants

Case Resolution Directorate

In September 2008 following a positive response to our request for the case resolution directorate to start working on cases we were supporting, Housing agreed to us submitting a priority list of cases to include all the HIV and mental health cases. This list contained 63 cases. Housing have subsequently agreed to us putting forward all cases supported because of the Slough Judgement. The case resolution team based in Croydon, did not have the capacity to work all our cases to conclusion we therefore further prioritized our case list down to 22 cases. This list contained all the HIV cases (18) and 4 from the mental health categories who the team manager identified as top priority.

Outcomes so far

- 2 cases have been granted Indefinite leave to Remain in the UK
- 4 cases are identified as likely to result in Indefinite Leave to Remain and should be resolved shortly
- 1 case was detained by the home office for removal – we have closed the case – the service user has judicially reviewed the Home office and is now on Sec 4 support
- 2 cases have been identified as problematic by the Home office and will be reviewed by them quarterly
- 1 case has been closed by us - referred to the Refugee Council to make a sec 4 application and offered details of Voluntary Organisations that may be able to help
- 12 cases have been identified by the Case Resolution Team as likely removal cases but as yet there has been no removal action other than the case mentioned above.

To underpin the case resolution work a decision was taken that the Slough Judgement would be applied to cases in the following order

1. Those that were not in the initial list of 63 cases (58 cases at 19/01/09)
2. Those cases in the initial priority list but not in the 22 cases being worked on by the case resolution directorate
3. The 22 cases identified as the top priority (includes all HIV cases)

A robust review process has been developed in conjunction with legal services and the review process is about to begin. It is anticipated that it will take until mid or late summer to complete these reviews. This gives a limited opportunity for the case resolution directorate to resolve single adult cases. We view single adult cases as the top priority for this work for the following reasons

- Risk of HIV transmission as people seek to resolve homelessness or use prostitution as a means to support themselves
- Deteriorating mental health which could pose a risk to the individuals concerned and / or potentially to others
- prioritizing single adults with the case resolution directorate will reduce the number of people who are roofless and destitute on our streets as the outcome should be either the grant of Indefinite Leave to Remain or removal from the UK.

A good working relationship with the Case Resolution Team in Croydon developed however due to restructuring within the UK Border Agency responsibility for Birmingham cases transferred to a new team based in Liverpool from the 6th January 2009. We have yet to meet with the Liverpool team and it appears the progress being made with the Croydon team has stalled. It is anticipated that a meeting will take place shortly and will involve officers from Adults and Children and Families. We are aware Children and Families are keen to get their cases considered because of the cost of supporting NRPF families, however it should be noted that family cases are

- not subject to the Slough Judgement
- are not supported under the National Assistance Act
- because of the risks outlined above Adults cases should take priority in the case resolution process.

Slough Options

The Slough Judgement raises the threshold for support under the National Assistance Act 1948 and is likely to result in very few of those currently supported being eligible when they are reviewed. However service users who are no longer eligible for support will be given the following advice and assistance when support is terminated.

1. Referral to the Refugee Council to apply for Sec 4 support.
2. Advice concerning International Organisation for Migration and how they can help with voluntary return to the country of origin
3. Information concerning voluntary organizations who may be able to assist if they chose to destitution ahead of the other two options

It should be noted that no recourse cases who remain in the UK who are not eligible for support under the Slough Judgement could become eligible for service in future when their condition deteriorates to the extent that at that point in time they have a current need for care and attention.

Contact details: Peter Olnier 0121 303 4212

Email : Peter.Olnier@Birmingham.gov.uk