

FREEDOM OF INFORMATION ACT 2000

Your request for information has now been considered and the Council's response to your questions is shown below.

You asked:

1. Support provided pursuant to your powers under section 17 Children Act 1989 ("CA 1989")

Accommodation support

- a) Please state how many have families subject to immigration control you have provided accommodation for in the past 2 years (giving a break-down per year) pursuant to your duties under Section 17 because they had insufficient income to meet their needs;**

2010-2011 No. of families: 16

2011-2012 No. of families: 9

Total number of families: 25

- b) Please provide details of how much the Council has spent on accommodation for such families in the past 2 years (giving a breakdown per year). Specifically, please state the average cost per family (i.e. the weekly or monthly rent) with 1 child, 2 children, 3 children and 4 children;**

Accommodation cost for 2010-2011 £60,621.42

Accommodation cost for 2011-2012 £38,387.12

Total money £99,008.54

To calculate "*the average cost per family (i.e. the weekly or monthly rent) with 1 child, 2 children, 3 children and 4 children*", would require the trawl of each individual case for the duration of said case.

Section 12 of the Act makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the appropriate limit, which for local government is set at £450. This represents the estimated cost of one person spending more than 18 hours in determining whether the department holds the information, locating, retrieving and extracting the information.

This is therefore a Refusal Notice under section 17.1 of the Freedom of Information Act, because under the provisions of section 12.1 of the Act, the Council estimates that to comply with your request in its current form will exceed the appropriate limit.

You may wish to refine your request by narrowing its scope by being more specific about what information you particularly wish to obtain, including any dates or period of time relevant to the information required. We do

have a duty to advise and assist you in refining your request under s16 of the Act so please don't hesitate to contact us if you need help in refining your request

- c) Please give a break-down of the type of accommodation provided i.e. bed-and-breakfast; accommodation rented from private landlords; social housing etc.;**

The type of accommodation provided to each family is dependent upon on each family's circumstances. This would not include 'Social Housing' – bed-and- breakfast and accommodation rented from private landlords, is usually the case.

Financial support

- d) Please state how many families subject to immigration control you have provided financial support to in the past 2 years (giving a break-down per year) pursuant to your duties under Section 17 of the Children Act 1989 because they had insufficient income to meet their needs;**

2010-2011 No. of families: 31
2011-2012 No. of families: 20
Total number of families: 51

- e) Please state the total amount that has been provided by way of financial support in the past 2 years (with a break down per year);**

Financial support for 2010-2011	£20,916.12
Financial support for 2011-2012	£23,263.43
Total money	£44,179.55

- f) Please state the average amount of financial support that is provided per adult and per child for a family in this situation;**

To calculate "*the average amount of financial support that is provided per adult and per child for a family*" would require the trawl of each individual case for the duration of said case. Financial support is based on need, and each family's circumstance.

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g) Please provide details of the criteria that determines the level of financial support that is provided;

Financial support is based on the level of need. Some families have support from other family members, church or community groups or from savings or work and therefore the criteria used to calculate our support is based solely on the assessed needs of individual families.

2. Policies and other documents

h) Please provide us with copies of any policies, reports, guidance, briefings, minutes, protocols or any other written material in relation to the Council's response to families who are destitute/unable to support themselves as a result of their immigration status;

Leicester City Council has a specialist Persons From Abroad Team and all cases are referred through to that team. Given the frequent changes in the law in this area and the impact of Judgements such as Newcastle, Zambrano and Barking and Dagenham it is held that written protocols in this area would very quickly become defunct or legally unsupported. The PFA Team are up to date on major changes and the Team Manager is part of the No Recourse Public Funds National Steering group. The NRPF guidance is used as the basis for the team's protocols but even these are not always as up to date as this is a fast changing area of law.

i) If not already included in (h) above, please provide copies of any written material that is relied upon to calculate what support is provided i.e. when will support be provided; when will it be denied; what accommodation can be provided; how the level of subsistence paid is to be calculated;

As already outlined in g) above. Calculations are made on an individual basis and in order to meet the needs of individual families. Those families subject to s54 Nationality Asylum & Immigration Act who are barred from LA support unless not to do so would constitute a breach of Human Rights or Treaty Rights are supported on a need led basis. There are no specific levels as funding is not an entitlement as for example DWP benefits or NASS support but is rather provided at an individually calculated level to prevent a breach of Human Rights.

Support will be provided where there is assessed need, where a full assessment of the persons Immigration status and s54 status is established and within the confines of the law. For example EEA Nationals who are exercising Treaty Rights will be supported pending a challenge to the DWP or Housing on Ibrahim Taxieria or Baumbast basis. Those who are eligible for support from elsewhere or where they assert a Human rights case may be supported pending them submitting that claim to the appropriate authority i.e. Secretary of State under Asylum. Support will only be refused where there is a completed HR assessment or where there is an eligibility elsewhere and in most of these cases there will have been temporary support on a without prejudice basis pending the necessary assessments and checks having been completed.

Accommodation is provided by either B&B or via Private landlords.

- j) If not already included in (h) above, please give details of any specific policies, guidance, protocols or other written material that details responses to families who could (or may) be able to claim s4 support;**

This is a fast changing and fluid area of law, the boundary between central government responsibility and local government responsibility remains complicated and unclear, and consequently, there is no fixed suite of guidance/protocols/policies to which we rigidly adhere. The confusion arises out of the need to navigate a path between what each state agency is “barred” from doing (s.54 and Schedule 3 NIAA 2002); what it “must” do, and what it “may” do. Case law has, and continues to have, the greatest impact upon this dynamic, and the Council is diligent in keeping abreast of this.

3. Information held by the Council

We should be grateful if you could indicate whether the Council holds statistics relating to the following. Please note that we are not requesting access to this material, we simply wish to learn whether or not the following information is information the Council holds in a readily accessible form.

- **How many child in need assessments have been undertaken, and the reasons they were undertaken;**
- **The average time between receiving a referral and undertaking an initial child in need assessment;**
- **How many children have been removed from their parents care and the reasons for removal;**
- **The reasons why s17 support is terminated;**

- **Whether you have assisted families to return to their country of origin;**
- **Support given (or refused) to families who may be eligible for or receiving s4 asylum support;**
- **How much the Council spends on supporting families in this situation and future projected spend.**

The Council does hold much of this information; however, in most instances this level of detail would require the manual trawl of each individual case file and therefore, is not in a readily accessible form.

The legislation allows you to use the information supplied for your own personal use. Please be aware that any commercial or other use, for example publication, sale, or redistribution may be a breach of copyright under the Copyright, Designs and Patents Act 1988 as amended unless you obtain the copyright holder's prior permission.

Not all the information that is supplied which is covered by copyright will be the Council's copyright, for example it may be the copyright of a government department or another Council. You should seek either the Council's consent or their consent as appropriate. The Council is willing to advise you of any such potential issues on request. In order to make a request to re-use the information please contact the Information Governance Manager using the details below.

If you are dissatisfied with the handling of your request please write to:

Information Governance Manager
Information and Support
Leicester City Council
FREEPOST (LE985/33)
New Walk Centre
LEICESTER LE1 6ZG
e-mail: FOIA@leicester.gov.uk

Your request for internal review should be submitted to the above address within 40 (forty) working days of receipt by you of this response. Any such request received after this time will only be considered at the Council's absolute discretion.

You can also complain to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow SK9 5AF
Telephone: 01625 545 700
www.informationcommissioner.gov.uk

Please be aware that the Information Commissioner does not normally consider appeals or complaints until the internal appeals and complaints processes of the public authority which is answering the request have been exhausted. You are therefore advised to complain or appeal to the Information Governance Manager before contacting the Commissioner.