

Committees:	Dated:
Homelessness and Rough Sleeping Sub-Committee Department of Community and Children's Services Committee	01/12/2020 11/12/2020
Subject: Supporting European Union (EU) nationals with No Recourse to Public Funds	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	1,2,3
Does this proposal require extra revenue and/or capital spending?	No
If so, how much?	N/A
What is the source of Funding?	N/A
Has this Funding Source been agreed with the Chamberlain's Department?	N/A
Report of: Andrew Carter, Director of Community and Children's Services	For Decision
Report author: Will Norman – Head of Homelessness Prevention and Rough Sleeping, Department of Community and Children's Services	

Summary

This report identifies the impact of EU Exit on rough sleeping in the City of London from 31 January 2020. It considers the implications for individuals affected by the EU Exit, particularly European Economic Area (EEA) nationals, while also considering any financial impact for the Corporation and individuals.

The report highlights the possibility of seeing increasing rough sleeping among EEA nationals in the City of London as a result of the EU Exit, and describes the support provided so far to prevent this.

A recommended course of action is provided which focuses on extending our current approach to supported reconnection. We also consider how to assist the small number of individuals with acute and life-threatening conditions who are also without recourse to public funds.

This report was seen by the Homelessness & Rough Sleeping Sub-Committee on 1 December 2020.

Recommendation

The Committee is asked to approve the recommended course of action.

Main Report

Background

Key dates

1 December 2020	Changes to the Immigration Act come into effect
31 December 2020	UK formally leaves the EU – end of implementation period
31 December 2020	New arrivals after this date will no longer have access to the EU Settlement Scheme (EUSS).
1 January 2021	New arrivals from the EU will have no recourse to public funds.
30 June 2021	Deadline to apply for EUSS for those who arrived prior to 31 December 2020.
1 July 2021	EU nationals who have failed to register for the EUSS or who arrived in the UK after 31 January 2021 will have no recourse to public funds.

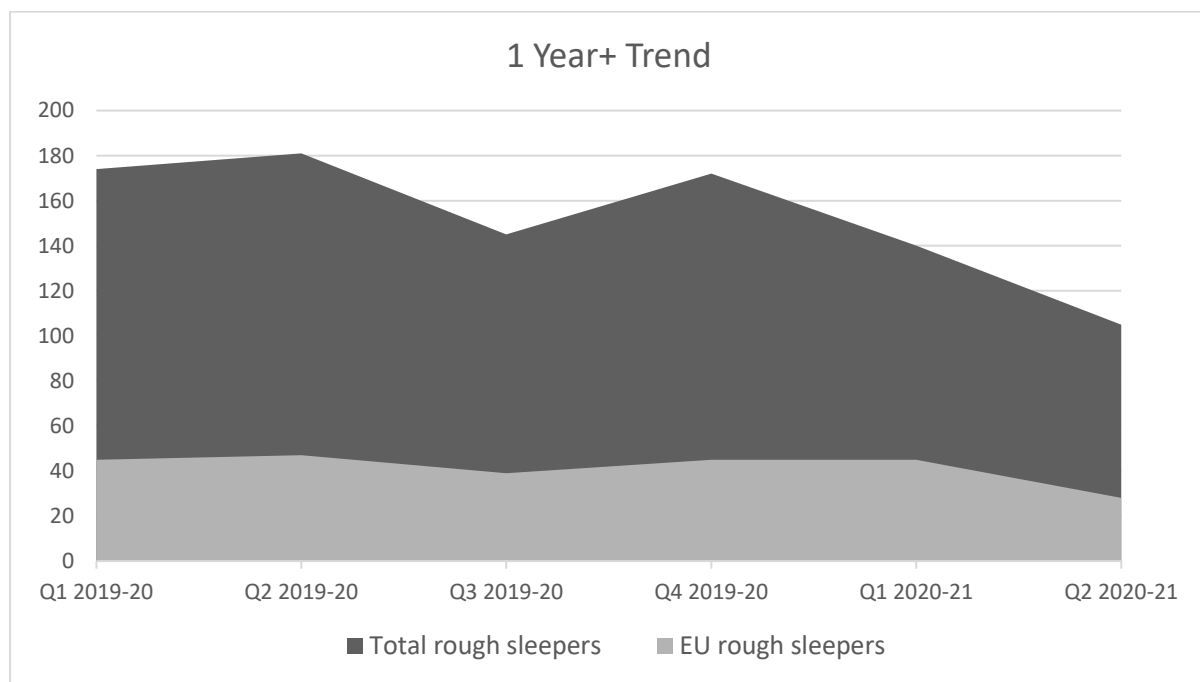
1. On 29 March 2019, the Government introduced the EUSS as a tool to maintain EEA nationals' rights to reside in the UK post the EU Exit.
2. The deadline to apply to the EUSS is 30 June 2021 for anyone who arrived in the UK before 31 December 2020. Anyone who has not applied to the EUSS by this date risks being considered 'unlawfully present in the UK' and therefore ineligible for housing assistance, welfare benefits, employment and free healthcare.
3. Arrivals to the UK from the EEA after 31 December 2020 will not be eligible for the EUSS and will therefore have no recourse to public funds.
4. On 31 January 2020, the UK formally left the EU. From 1 February 2020, the UK entered into an implementation period due to end on 31 December 2020. During this time, British citizens and EEA nationals in the UK will continue to enjoy free movement and will retain a right to reside in all member states.
5. Throughout the implementation period, the eligibility criteria for EEA nationals seeking housing assistance and welfare benefits is unlikely to change for anyone who has successfully applied to the EUSS for Pre-Settled or Settled status. The eligibility criteria is also unlikely to change for those who have not successfully applied to the Scheme; however, they must be encouraged to apply as soon as possible to avoid losing their right to welfare benefits and housing assistance from 1 January 2021 onwards. The Scheme remains open until 30 June 2021 for EEA nationals resident in the UK before 31 December 2020.
6. Any EEA nationals arriving in the UK from 1 January 2021 are likely to be subject to the new immigration rules stating that all EEA nationals (excluding Irish nationals) will require a visa to live and work in the UK.

Current Position

7. The table and graph below show the number of EEA rough sleepers as a proportion of total rough sleepers across the previous six quarters.

8. Quarter on quarter, total rough sleeping numbers have been in overall decline in the period. Numbers of EEA rough sleepers have remained relatively stable, with a noticeable reduction in the most recent period.
9. It should be noted that an individual can be counted in consecutive or more than one quarter, so the data below should be viewed as trend information only.

	Total rough sleepers	EU rough sleepers	EU as %
Q1 2019/20	174	45	26%
Q2 2019/20	181	47	26%
Q3 2019/20	145	39	27%
Q4 2019/20	172	45	26%
Q1 2020/21	140	45	32%
Q2 2020/21	105	28	27%



10. Annual data provides an indication of the number of unique individuals contacted by the Outreach team in a year. In 2019/20, 434 rough sleepers were met by outreach: 134 (31%) were recorded as EEA nationals.
11. In Quarter 2 2020/21, 27 EEA rough sleepers were encountered. This is 26% of our total population.
12. For a nightly snapshot – 23 rough sleepers were counted on 22 October 2020, six (also 26%) were EEA nationals.
13. We are currently accommodating 20 EEA rough sleepers in COVID-19 emergency accommodation, 5 of whom have completed the EUSS and have been awarded Settled Status.

14. The situation varies, but at any one time we usually have 5-10 EEA rough sleepers who are failing to engage with the outreach team. This equates to 20-40% of the current EEA rough sleeper cohort.

Rough sleeping – work to date

15. In preparation for the EU Exit, there has been an increase in work carried out with EEA nationals who are rough sleeping.

16. In September 2019, City of London officers delivered bespoke training to the City Outreach team regarding EEA nationals' rights post-EU Exit, retaining of eligibility for support if engaging in genuine and effective work, and the EUSS application process.

17. The Ministry of Housing, Communities and Local Government (MHCLG) initiated a 'suspension of the derogation' for EEA nationals in October 2019. This enabled authorities in London, and other major UK cities, to fund three-month placements in accommodation for EEA national jobseekers. Under this initiative, the City of London commissioned a project in supported accommodation for EEA national rough sleepers and provided focused support to ensure that individuals were able to access employment.

18. In addition to this, we have used temporary accommodation placements and our commissioned Winter Assessment Service to further ensure that individuals have access to a safe space away from the streets, and that they are in the best position to engage with support services and the employment market.

19. We have asked all commissioned providers of support for rough sleepers to ensure that all EEA nationals found rough sleeping are given the opportunity to make an application to the EUSS, either by themselves or through referrals to free immigration advice agencies such as Praxis.

20. We are aware of two particularly long-term, street-attached, rough sleepers who have received full settled status through the EUSS with support from our commissioned services. In both instances this was secured by our commissioned Navigator service working in collaboration with Office of the Immigration Services Commissioner (OISC) registered legal services. There are a further two individuals who received full settled status while working with our emergency COVID-19 Assessment Centre.

21. We are currently aware of seven applications that have been made via our Carter Lane service, though we are yet to receive determinations on these cases. There are a further six individuals based in Carter Lane who are being supported to apply to EUSS.

22. From the beginning of September 2019 until the end of August 2020 a total of 132 accommodation outcomes for EU nationals are recorded; 67 of these are EEA rough sleepers. Of the 132 accommodation outcomes, 93 occurred from 1 March

2020. This is in line with our 'everyone in' response to COVID-19 and most placements were into emergency accommodation, either provided by ourselves or the Greater London Authority (GLA).

23. A significant barrier to the EUSS for those rough sleeping has been obtaining the correct and required documentation to complete applications successfully. We have seen several delays and refusals of status as a result of this.
24. Due to these challenges, there is a risk that a number of EEA nationals rough sleeping in the Square Mile will not have completed an EUSS application by 30 June 2021 when the EUSS closes. This means several individuals may have uncertain status in the UK, with a likely inability to obtain welfare benefits, employment, housing or free healthcare.
25. A change to the Immigration Act 1971 comes into effect on 1 December 2020 which expects local authorities to consider current rough sleeping status when establishing eligibility under the Housing Act 1996 (as amended). Thereafter the Home Office will have the right to withdraw that individual's status in the UK.
26. Legal advice has been sought to establish the legal implications of following any given approach, particularly with regard to the most recent changes to the Immigration Act.
27. Consideration should be given to the approaches undertaken by other authorities. A service offer which differs significantly to that of neighbouring authorities could incentivise rough sleeping in the Square Mile or prove to be an outlier among regional peer authorities.
28. Severe Weather Emergency Protocol (SWEP) provision would remain available to all, as it is now.

Recommended approach to rough sleepers

29. Government funding, such as grants distributed by the MHCLG Rough Sleepers Initiative (RSI), will not be available for projects or schemes that contradict Government policy. This means that the funding of bed spaces, like those we currently provide under the suspension of the derogation, will no longer be available.
30. Support would be focused on funding and providing safe reconnections to home countries. The terms under which this would be undertaken would reference the guidance as set out in the Credible Offer policy. All reconnections would be voluntary.
31. Any short-term accommodation offers would be linked to a supported reconnection, and therefore a reasonable expectation that the individuals' rough sleeping would be resolved.

32. Any other accommodation offer would be limited to emergency interventions where there is a risk to life, or any other acute unmet need.
33. The rate at which EEA rough sleepers are currently reconnected remains relatively low, however, the changing legislative landscape could discourage rough sleeping for this group.
34. The cost of a supported reconnection is relatively low (air fares etc.) and the success rate can be improved by commissioning specialist delivery partners. An indicative cost for a locally provided supported reconnection could be between £500 and £1,500 depending on complexity and destination.
35. We are currently undertaking market engagement with potential specialist non-UK reconnection organisations. Any provider would come from the rough sleeping sector and have the required expertise.
36. The cost of providing supported reconnections will depend on several variables. The indicative annual costs provided below are based on the following assumptions:

- All supported reconnection undertaken by the City of London and its partners using existing capacity
- An accommodation stay of around one week to prepare for travel
- Known costs at Caritas Anchor House which include support and rent
- A unit cost of £887 per bed per week
- Approximately 25% of applicable clients taking up the offer
- A typical reconnection cost of £1,000
- 2019/20 data (134 EEA rough sleepers) used as a baseline
- The retention of a given number of rooms would be required through a commissioning arrangement.

Number supported reconnections required	of	Annual accommodation costs	Reconnection costs	Cost per annum
30		£26,610	£30,000	£56,610

37. Challenges include:

- Unpredictable demand for supported reconnection services
- Capacity within existing services to deliver an increased number of supported reconnections.

38. This approach is currently deliverable within the existing department budget.

Other considerations

39. A small number of EEA NRP clients who remain rough sleeping will develop significant care and support needs. As with any rough sleeper, it may be

established that action is required to safeguard an individual. This could include where there is a risk to life.

40. The City would seek to support and, where necessary, accommodate EEA rough sleepers with NRPF who present with acute or chronic physical and mental health needs. The Care Act and/or Human Rights Act could be used as a framework for establishing eligibility.
41. The most effective approach for this group would be a reactive position. Robust decision making achieved through recorded multi-agency discussion will result in a clear course of action on a case by case basis.
42. Accommodation stays for this group would need to be supported, be time limited, and linked to recovery, access to care and support or respite. This time could also be used to establish a credible offer of supported reconnection.
43. The costs of accommodation stays will vary considerably depending on the setting and duration. Weekly costs might be similar to those described in point 33.
44. The number of clients this could apply to is hard to predict, but numbers qualifying for assistance under Care Act or Human Rights Act will be small. In the past year we have sought to assess five EEA nationals under the Care Act and a single case was assessed under the Human Rights Act.
45. Challenges include:
 - Knowing how and when to end a placement. A 12-week period is arbitrary to how long it may take to effect meaningful change in someone's circumstances
 - Sourcing and procuring suitable bed spaces required. There is huge demand within the sector presently
 - Suspicion and scepticism are likely to be high among this cohort after EU withdrawal, leading to unpredictable levels of uptake
46. It is likely this approach could be covered by the existing department budget.

The fullest picture

47. The working assumptions, challenges and indicative costs set out in paragraphs 44 to 48 are provided to help establish the most comprehensive estimate available, based on seeking to assist all EEA NRPF rough sleepers. This is for illustrative purposes only and is not considered a viable option.
48. In order to continue supporting all EEA rough sleepers all the measures described in the recommended approach set out above would be required, but the principle would be extended to any EEA rough sleeper regardless of their circumstances.
49. A framework would still be required to determine the duration and objectives of accommodation stays.

50. The same challenges found in ending accommodations stays would exist, but to a greater extent.

51. The cost of delivering this approach would be dependent on the assumptions found in the recommendation, but for a much larger cohort.

- An accommodation stay of 12 weeks per placement
- Known costs at Caritas Anchor House, which include support and rent
- A unit cost of £887 per bed per week
- 70% of applicable rough sleepers taking up the offer of accommodation
- 2019/20 data (134 EEA rough sleepers) used as a baseline
- The retention of a given number of rooms would be required through a commissioning arrangement.

Number of individuals assisted	Number of rooms required	Annual unit cost	Cost per annum
94	24	£46,124	£1,106,976

Corporate & Strategic Implications

52. There are no corporate and strategic implications directly related to this report.

Conclusion

53. The level of rough sleeping in the Square Mile is currently in decline, mainly related to the external context created by COVID-19 and the City of London's response in applying the Government's 'everyone in' approach.

54. The level of EEA rough sleeping is quite stable, but, as a proportion of our total rough sleeping, is currently increasing due to an overall decrease in rough sleeping numbers.

55. Changes to legislation and Government policy during and post the EU exit will affect EEA rough sleepers and economic migrants – fewer existing rough sleepers will have access to support for housing costs and welfare benefits.

56. EEA rough sleepers who are unable to work after 1 February will be very difficult for a local authority to support. Any housing option must be discretionary.

57. Based on current legislation, no new arrivals from the EU after 31 December 2020 will have access to housing costs or welfare benefits.

58. The recommendation represents an extension of our existing approach - supported reconnection can be a means of solving a person's rough sleeping. Where the client wishes to return home, but lacks the means to do so, we can assist through our existing services or consider commissioning additional expertise.

59. In the small number of cases where there is a risk to life or an immediate safeguarding risk, we can deploy the Care Act and Human Rights Act as reference points and decision-making frameworks.

Appendices

- None

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