

No Recourse to Public Funds

Scottish Women's Aid

Survey Results
July 08



Scottish Women's Aid Charity No SC001099
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1. Introduction

Women's Aid groups in Scotland provide a range of services to women, children and young people who have experienced domestic abuse. A core service is the provision of 'refuge' accommodation: - safe temporary accommodation and support services for women and their children who are homeless because of domestic abuse.

Scottish Women's Aid (SWA) believes that all women, children and young people who have experienced domestic abuse should be able to access these vital services where and when they need them. However, significant numbers are unable to do so because they have no recourse to public funds; in most cases this is linked to their immigration status.

1.1 Background

Women with no recourse to public funds are women who, because of their insecure immigration status, are not entitled to welfare benefits or temporary or permanent local authority housing. Women in this position are in the UK legally on spousal, work, student or other temporary visas and all of whom have the 'no recourse to public funds' condition attached to their stay.

This condition has a direct impact on women's ability to access accommodation and support services, as providers – namely Women's Aid groups – are unable to provide these critical services without sustaining a loss of income.

Southall Black Sisters first campaigned on this issue in 1995 and as a result the 'Last Resort Fund'¹ was established to provide funding for women in this position in England. The fund expired in 2006 and no further funds have been allocated. SWA has been working with its members and key organisations in Scotland since 2003 to try to establish a similar fund as well as develop a sustainable solution for the provision of services for women, children and young people in this position.

SWA established the Women with No Recourse to Public Funds Fund in 2006 with a £20,000 legacy. A pilot project was set up to develop a fair and effective system for distributing the fund to members and to gather information about the extent and nature of need of women in contact with Womens' Aid who are experiencing domestic abuse and who have no recourse to public funds.

15 of the 39 members completed the pilot providing only limited information on the extent and nature of need of women with no recourse to public funds. In addition we found that 61 women contacted members for support during this period and 54 sought refuge with only 3 being accommodated.

¹ The Last Resort Fund was set up and managed by Womens' Aid England with money from Sigrid Rausing Trust and the Home Office.

More recently Amnesty International UK 's report 'No Recourse No Safety – The Government's failure to protect women from violence' highlighted women with no recourse to public funds as a human rights issue. The Scottish launch of the report was held in the Scottish Parliament on 13th March 2008; where several MSPs pledged their support. The report made several recommendations aimed at the UK and devolved Governments:

'The UK government must uphold the international human rights standards it signed up to by:

*Guaranteeing the right of women with uncertain immigrations status fleeing violence or its threat in the UK, access to crisis, temporary and permanent accommodation, specialist support services and essential financial support by: **exempting women fleeing violence from the no recourse to public funds requirement***

'Government departments provide support (including financial support) to women with uncertain immigration status fleeing violence. Support should include the means for women to access safe accommodation and other support services they may need as victims of gender-based violence'.

The report also states that support should be provided while a sustainable solution from the UK Government is pursued and women experiencing domestic abuse should be exempted from the no recourse to public funds requirement.

Following the launch of the report Angela Constance, SNP, MSP for Livingston lodged a motion for a members' business debate to be held in the Parliament on women experiencing domestic abuse with no recourse to public funds. The debate was held on the 29th May and cross-party support was expressed.

The Minister for Communities and Sport, Stewart Maxwell, gave assurances that the Scottish Government is committed to addressing this issue. He further assured members that the Scottish Government recognises that this issue requires a strategic approach and in response to this has established a short-life working group with representation from COSLA, the Homelessness and Violence Against Women divisions of Scottish Government, the Association of Local Authority Chief Housing Officers (ALACHO), Hemat Gryffe, Shakti and Scottish Women's Aid, to develop a sustainable solution. The SLWG is expected to report to the Minister in September.

The first meeting of the short-life working group agreed that a scoping exercise should be undertaken to assess the numbers of women and children in Scotland in this position. COSLA and SWA agreed to survey their members to ascertain the numbers of women being supported.

2. Scottish Women's Aid Survey

In May 2008 SWA carried out a survey of the Women's Aid groups in Scotland to:

- Assess how many women with no recourse to public funds approached Women's Aid groups for accommodation and support during the period April 2007– March 2008
- Identify how many women and children groups were able to accommodate and how many were denied access to services during this period
- Calculate the cost of providing the accommodation and identify the source of funding for those who were accommodated
- Monitor the Local Authority response where funding was requested by Women's Aid groups on behalf of women in this position

2.1. Survey Methodology

There are 46 Women's Aid groups in Scotland, 39 of which are affiliated to SWA, which provide information, support and refuge accommodation. The telephone survey consisted of a questionnaire that was circulated to all 46 groups and then followed up with telephone contact two weeks later. There was a 100% response to the survey.

2.2. Survey Findings

The findings from the survey are detailed in 5 sections covering the number of women who sought refuge; the proportion of women accommodated; groups' reasons for not accommodating women; and the cost groups incurred when they did provide accommodation and other specialist services. The final section highlights additional findings related to some groups' lack of awareness of issues and service responses relating to women with no recourse to public funds.

2.3. Number of women requesting refuge

A total of 176 women with no recourse to public funds requested support from Women's Aid groups in Scotland between 1st April 2007 and 31st March 2008 79% (139) of whom sought refuge accommodation. Only 24% (33) of those women (and their 47 children) were accommodated by Women's Aid groups.

The requests for accommodation were received by 28 groups in 20 local authority areas. Table 2.3 shows the number of requests and proportion of women accommodated within each of those 20 local authority areas. Glasgow, Edinburgh and Fife were the 3 local authority areas with the largest number of requests for refuge; they were also the local authority areas with the highest number of women who could not be accommodated.²

² Edinburgh council has not funded refuge accommodation for WNRPF since 2006, but has provided funding for women to cover their housing association rent or pay for B&B. In 2007-8 17 women were funded by the local authority.

Table 2.3 Proportion of Women Accommodated in Local Authorities where requests had been made

| Local Authority ³ | Number of requests | Number accommodated | Number not accommodated |
|-------------------------------------|---------------------------|----------------------------|--------------------------------|
| Aberdeen (City of) | 2 | 0 | 2 |
| Aberdeenshire | 2 | 2 | 0 |
| Angus | 2 | 0 | 2 |
| Argyll & Bute | 1 | 1 | 0 |
| Clackmannanshire | 1 | 1 | 0 |
| Dumfries & Galloway | 2 | 0 | 2 |
| East Ayrshire | 5 | 2 | 3 |
| East Dunbartonshire | 1 | 1 | 0 |
| East Lothian | 1 | 1 | 0 |
| East Renfrewshire | 1 | 0 | 1 |
| Edinburgh (City of) | 28 | 5 | 23 |
| Fife | 17 | 3 | 14 |
| Glasgow | 47 | 5 | 42 |
| Highland | 4 | 4 | 0 |
| Perth & Kinross | 5 | 0 | 5 |
| Scottish Borders | 2 | 1 | 1 |
| South Ayrshire | 6 | 0 | 6 |
| Stirling | 6 | 3 | 3 |
| West Dunbartonshire | 2 | 0 | 2 |
| West Lothian | 4 | 4 | 0 |
| Total | 139 | 33 | 106 |

2.4 Funding Sources

The total cost of accommodating the 33 women and 47 children was £120,047; with 84% of this being absorbed by the Women's Aid group through loss of potential rent income. The average cost of providing accommodation was £3,638 per household. Based on this figure we estimated that the cost of accommodating all 139 women would have been just over £500,000⁴.

Local authorities have the power to make payments for accommodation and living expenses using section 12 of the Social Work (Scotland) Act 1968 and sections 22 and 25 of the Children (Scotland) Act 1995. Despite this Edinburgh was the only local authority that used these powers and provided

³ Local authorities where no requests for refuge were made - Comhairle nan Eilean Siar, Dundee (City of), Falkirk, Inverclyde, Midlothian Lothian, Moray, North Ayrshire, North Lanarkshire, Orkney, Renfrewshire, Shetland, South Lanarkshire

⁴ Note that this figure is a straightforward extrapolation and does not take account of any additional costs associated with individual or special needs of service users and geographical or regional variability.

funding for one woman to be accommodated by a Women's Aid group and for a further 17 to fund their housing association rent or pay for B&B accommodation.

Only 4 local authorities provided funding using the Children (Scotland) Act 1995. The funding provided ranged between £10 and £50 per week and in some instances were 'one-off' payments.

2.5 Reasons for not providing accommodation

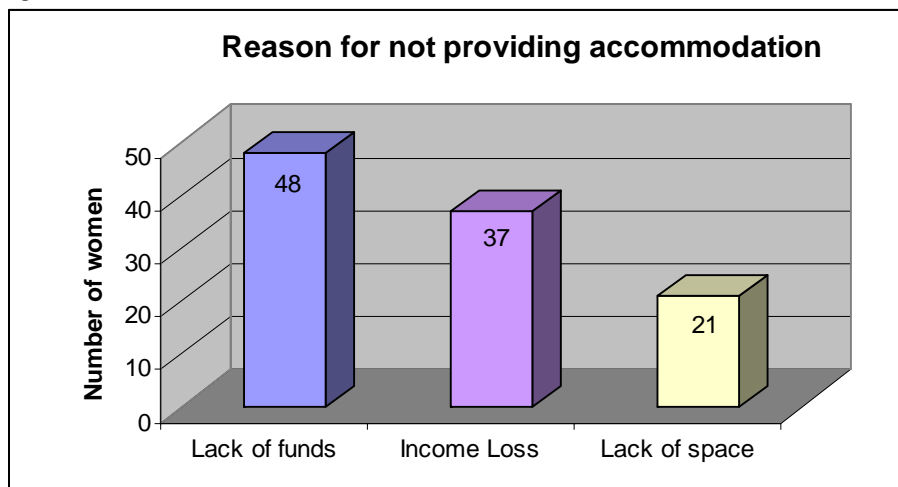
Of the 46 groups participating in the survey, 18 were unable to provide accommodation to some if not all women who requested refuge; 10 did not provide accommodation to any of the 20 women who requested refuge from their groups and 8 provided accommodation to at least some women.

The reasons for not accommodating women fit into 3 categories⁵:

1. The group was unable to accommodate any women with no recourse to public funds because they could not get funding and could not sustain the income loss
2. The group was already accommodating a household with no recourse to public funds and could not sustain the income loss for a second household
3. There was no refuge available or the refuge was unsuitable

The main reason for not providing accommodation was lack of funding. This was either because the group could not accommodate any women with no recourse to public funds (45%), or because they were already sustaining an income loss by accommodating a household with no recourse to public funds and could not do this for a second household (35%). The remaining 20% were not accommodated because there was no refuge space or the space available was unsuitable.

Figure 2.5



⁵ Lochaber Women's Aid do not have refuge accommodation

When asked if they had approached their local authority for funding, 12 of the 28 groups where accommodation was requested had not approached their local authority. This was mainly because they had previously been told that the local authority would not provide funding. Of the 16 groups that did approach their local authority only 4 received funding.

A few groups expressed concern that local authorities were increasingly suggesting that they will accommodate children, but not with their mothers. Social Work Departments understand that they have a legal obligation towards children, but have no legal obligation to the mother. Therefore on this rationale, taking the child into care or suggesting other custodial arrangements discharges their obligations to the child. SWA is aware of one recent case where funding was requested and the local authority suggested that the child may be placed in the custody of her mother's abuser, a direct contravention of the principles of the Children (Scotland) Act 1995.

Anna and her daughter Ella (2) are staying in a Women's Aid refuge and the group is no longer able to accommodate then unless Anna can pay her rent. When she approached the council she was informed that:
'Their key responsibility is to her daughter Ella and if Anna is unable to care for her e.g. if she was not able to secure accommodation. In the first instance we would seek out family members This would mean that we would have to consider father as he has parental responsibilities I appreciate there may be concerns but we do need to make that assessment. We are still stuck with the position of not being able to provide public funds for housing costs for the mother if the child can stay with the father'

3.4 Specialist Services

There are two Women's Aid groups that provide specialist services for black and minority ethnic women, children and young people; Hematt Gryffe, based in Glasgow and Shakti in Edinburgh. Both groups have developed considerable expertise in supporting women with no recourse to public funds, but are finding it increasingly difficult to maintain the existing level of service because of funding constraints.

Shakti had the highest number of referrals during the period with 35 women approaching them for support; 17 of the 35 women were provided with accommodation, but not by the group. Shakti has developed a positive partnership with their local authority (Edinburgh), which means that Shakti has been able to access accommodation via housing associations and in B&B with local authority funding the accommodation costs.

The remaining 18 women returned to their partner, were working, were being supported by family or friends or, in a few cases, did not want accommodation and were given information and advice.

In contrast, Hemat Gryffe was able to provide accommodation only to 1 of the 20 women who contacted them during this period. The group will sustain a

loss of rental income for one woman at a time and the council does not fund any accommodation costs. Although they are unable to accommodate the majority of women contacting them, they do support women to find employment and access housing via housing associations or private lets.

Groups were asked to identify any other agencies in their area that provided support to women with no recourse to public funds. There were only four agencies noted: Positive Action in Housing in Glasgow, FRAE Fife in Kirkcaldy, the Asylum Seekers unit of Edinburgh council and West Lothian Council's Ethnic Minority Worker.

3.5. Lack of Awareness

An unexpected issue that became apparent during the telephone survey was that there appears to be some misinformation and misunderstanding regarding women with no recourse to public funds, what they are entitled to and how their immigration status affects this.

A few groups had been told by their homelessness section that women with no recourse to public funds are in the country illegally and would be deported if they tried to access housing or claim benefits.

Some groups were not aware that women could approach their local authority for funding; others thought that there was no point as they had previously been refused funding. Some women were not keen to approach the 'authorities' as they were on student visas and, as they were not able to study, thought they would be asked to return to their country of origin.

The issue is fairly complex, as different rules apply depending on the woman's country of origin and whether or not she can apply for indefinite leave to remain. There appears to be a lack of understanding of the issue by providers and the response of local authorities and services is inconsistent.

4. Conclusion

Most women who requested refuge were not accommodated because the groups could not access funding. The response to women with no recourse to public funds seeking support and accommodation was varied across Scotland. Women's Aid groups supporting women in this position are finding it increasingly difficult to provide accommodation as they cannot sustain the rental income loss.

There is concern that increasing numbers of local authorities are suggesting that they will accommodate the child, but not the mother. We do not believe that this is in the best interests of the child and is contrary to the underpinning principles of the Children (Scotland) Act 1995.

The need for a consistent approach from local authorities and services is evident. Guidance for local authorities and training for local authorities and service providers would support a more appropriate and consistent response.

Scottish Women's Aid believes that no woman, child or young person experiencing domestic abuse should be denied accommodation and support services because they cannot access public funds. We are asking the Scottish Government to exert pressure on the UK Government to deliver a permanent solution on this issue. In the meantime immediate action is required by the Scottish Government to provide funding for services to support women, children and young people with no recourse to public funds and put an end to this discrimination.

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