

Changing Futures

— Stoke-on-Trent —

Case Study: Citizens Advice Staffordshire North and Stoke on Trent (CASNS)

Background

A CASNS Specialist Benefits adviser first met Erikas* in 2017/18 whilst working in partnership with VOICES of Stoke. Erikas attended a police outreach van during 'Action Week'.

He had come to the UK from the EEA several years prior to this and had worked for a few years in the UK before experiencing an industrial injury. After his job ended, he had claimed UK benefits for a while however, the loss of his job and a breakdown in family relationships led to him becoming homeless, and he had been rough sleeping for approximately 2 years.

Erikas had limited English and appeared to be experiencing poor mental health alongside his physical health issues. He also struggled to trust and engage with local services.

At this time (2018) the pre-Brexit immigration rules applied and, to make any new claim for income benefits such as Housing Benefit (necessary to establish a place in supported housing), he needed to show that he had a 'right to reside'. This can be very difficult, and as Erikas had limited English and was very confused at this time this was going to be very hard indeed. In order to assist CASNS gave both Erikas and his support workers full advice on how he could do this, and the evidence needed to support a claim.

COVID

In early 2020 a local homelessness service contacted CASNS about Erikas' entitlement to benefits. This was almost immediately prior to the emergence of COVID and the first lockdown period. Also, by this time Brexit had arrived, and the EU Settlement Scheme (EUSS) had been established.

Under the EUSS rules, Erikas was likely to qualify for 'Settled Status' which would ensure his entitlement to UK benefits, housing, LA health and social care, NHS services, etc. CASNS again provided the homelessness service with the advice and information needed – including how Erikas could apply for Settled Status and what was needed for an application to be successful, with the relevant time limits for doing so. CASNS also provided a copy of this information in Erikas' first language and offered an appointment with our accredited Specialist Immigration team to complete the EUSS application - where an interpreter could also be accessed to assist with the process and ensure Erikas fully understood the advice.

Since April 2022

CASNS Specialist Benefit caseworkers were now working in partnership with Changing Futures Stoke-on-Trent and the need to support Erikas was again raised.

By now Erikas was living in a property previously managed by a local charity supporting vulnerable refugees. However, they were no longer able to support him and were requesting CASNS advise them as to how they could help Erikas access benefits and housing. Unfortunately, they had no information about whether any EUSS application had been made or, if it had, where it had progressed to – all crucial information needed before any advice could be given. Fortunately, while services tried to sort out these issues and because of his vulnerability, they were willing to delay executing eviction proceedings.

Erikas had little or no documentation. He had a history of chronic homelessness and was facing a new period of rough sleeping. He was also experiencing severe mental health symptoms and found it difficult to trust anyone. His mental health had deteriorated to the extent that he was sectioned as an inpatient at the local NHS Mental Health Facility.

At this point Changing Futures asked CASNS to help regarding Erikas benefits. However, until his immigration status had been established, CASNS could not offer this advice or support.

What CASNS did

Immigration and the EUSS

A member of our Changing Futures Specialist Benefits team had experience in immigration matters and was able to provide OISC Level 1 Immigration advice and, although this was not strictly in her remit, she agreed to help. She made excellent representations on behalf of Erikas, and under the supervision of CASNS Immigration team was finally able to obtain Settled Status for Erikas (Indefinite Leave to Remain for EEA nationals).

Nevertheless, this was not something that could be achieved quickly and there were additional hurdles to overcome during the process:

Criminal Offences

- To complete any immigration forms or provide any immigration advice, an individual and their agency must be accredited by the OISC, or they are committing a criminal offence. A problem arose in that Erikas' EUSS application had been made in June 2021 by a member of a local homelessness service and they had failed to declare Erikas history with the criminal justice system on his application – which could have caused the application to be rejected out of hand. Completing the application for him without the necessary accreditation from the OISC meant that the homelessness service had also committed a criminal offence.
- Erikas' own past offences may also have meant that he could not stay in the UK. CASNS made a Subject Access Request to obtain Erikas police records. It was hoped that if he had a past conviction and had not committed any further offence that could give rise to deportation, the Home Office would accept the EUSS application and not send it to Immigration Enforcement to consider enforcement action.

Care Act Assessment and LA Duty

- It became clear that there was a lack of knowledge of the Care Act 2014 and its application in the case of migrants. While an inpatient at the NHS Mental Health Facility, Erikas was initially refused a care assessment based on the belief that he was ineligible because his

immigration status meant that he was subject to the No Recourse to Public Funds restriction (NRPF).

- Following consultation with CASNS Refugee and Asylum team specialist we were able to inform the hospital that regardless of his immigration status, Erikas was entitled to a Care Act Assessment under section 9 of the Care Act 2014. To refuse to assess him was unlawful and could be challenged by Judicial Review.
- The legislation also states that if, after the assessment, care and support needs were identified the local authority has a **duty** to support under section 18 of the Care Act, as long as he is not in the excluded category (Schedule 3 Nationality, Immigration and Asylum Act 2002).
- Even if he did fall into the 'excluded' category, then subject to a Human Rights assessment, the local authority had the **power** to provide care and support under section 19 of Care Act.
- As a result of this advice, an assessment took place and funding was agreed to provide Erikas with accommodation and subsistence payments temporarily, to enable assessed eligible care and support needs and s117 needs to be met.

Co-operative Working

The CASNS CF Specialist Benefits caseworker liaised with the Home Office's EUSS Resolution Team and gathered evidence from local statutory and third sector services who had supported Erikas over the years. Evidence was also provided by his Social Worker and a CPN from the Early Intervention Team about his mental and physical health, and general vulnerability. Without the hard work and cooperation of everyone involved it is likely that Erikas' EUSS application would have failed.

Welfare Benefits

Erikas was given Settled Status from November 2022. This meant that he was entitled to claim the relevant UK benefits and he was referred to another of CASNS CF Specialist Benefit caseworkers to support him and his Changing Futures case coordinator to:

- Make a new claim for Universal Credit (UC).
- To submit a fit note to UC.
- To liaise with the local Job Centre regarding his complex needs and the help required to maintain his UC claim (hopefully avoiding potential sanctions in the future).
- To receive vouchers under the Payment Exception Service (PES) because he doesn't yet have a bank account.
- To set up an Alternative Payment Arrangement (APA) to have his housing costs paid directly to his landlord so Erikas doesn't have to worry about getting into arrears with his rent.
- To complete a form UC50 (limited capability for work questionnaire) prior to a work capability assessment.
- To consider whether he would qualify for Personal Independence Payment (PIP)

Again, cooperative working between CASNS, Changing Futures, his Social Worker, and the local DWP offices meant that Erikas' claim was handled sensitively, and potential delays avoided.

Impact

Without the cooperation of all the Services involved, Erikas' mental and physical care needs would never have been assessed and met; symptoms would have worsened and he may have become a

danger to himself and others; he would have had continued contact with the police and the criminal justice system with the potential for imprisonment; he would have been street homeless and destitute again; and he would have been at risk of deportation.

In light of the above, the positive impact on Erikas, local services and the wider community cannot be underestimated.

So where are we now?

- Erikas feels his mental health is improving and he's now open to an offer of counselling, recognising that he has suffered trauma in his story.
- He is receiving treatment and medication.
- He has a roof over his head.
- His confidence is building; he asks for help when he needs it, understanding that he has choice and agency when doing so and when decisions are being made. Erikas always attends his appointments and is 100% reliable.
- He understands that he is now in the 'system' and that this will begin to provide some financial security and bring him options and choices that were not previously available.
- Erikas is ready to move on with a home he can call his own.
- After being introduced to an Expert Citizen who was able to speak with him in his own language, Erikas has made new connections. Expert Citizens will follow up this first visit to encourage social interaction.
- Encouraged by this, Erikas has spoken of his shame when homeless and destitute, and suggested that he might re-connect with family now that his outlook is improving.
- Erikas is able to express his appreciation to everyone involved.
- He smiles now.

*Name has been changed to provide anonymity