**Request Reference: 17180314**

**Date received: 26 May 2017**

**Date response sent: 17 August 2017**

Upon receipt of your request, this was sent to numerous departments around the Council to determine whether the information being sought is held. It became apparent from the responses received from these departments that as some questions are broad in their interpretation, it would require our department to contact all departments within the Council.

Where this is the case, to comply with this request would therefore exceed the appropriate costs limit.

The appropriate limit is specified in regulations and for local government is set at £450 which represents the estimated cost of spending eighteen hours in determining whether the Council holds the information, locating, retrieving and extracting it.

When the cost of providing information rises above the appropriate limit the Council is not obliged, under the Freedom of Information Act 2000, to respond to your request under Section 12(1) of the legislation.

However, under Section 16 of the Act I have tried to provide any links to information which may already be in the public domain, or whether it is clear that only one department is responsible for the information. Any questions which I feel exceed the fees limit are marked accordingly.

**Policies**

**1. Do you have any guidance or policy documents or other such written material in respect of undertaking assessments and providing support pursuant to section 17 of the Children Act 1989 to families with no recourse to public funds (including documents specific to this issue, or of more general application but covering this issue)? If yes, please provide us with a copy.**

 Under Section 21 of the Freedom of Information Act 2000 Torbay Council is not required to provide information in response to a request where the information is already reasonably accessible to an applicant.

 The information you have requested is available via the Torbay Council website at <http://www.proceduresonline.com/swcpp/torbay/p_assessment.html>

 This is an absolute exemption and therefore there is no requirement to consider the Public Interest Test.

**2. Do you have any guidance or policy documents or other written material in relation to “Zambrano” carers (including documents specific to this issue, or of more general application but covering this issue)? If yes, please provide a copy.**

 Under Section 21 of the Freedom of Information Act 2000 Torbay Council is not required to provide information in response to a request where the information is already reasonably accessible to an applicant.

 The information you have requested is available via the Torbay Council website at <http://www.proceduresonline.com/swcpp/torbay/p_assessment.html>

 This is an absolute exemption and therefore there is no requirement to consider the Public Interest Test.

**3. Please provide me with a copy of the local protocol for child in need assessments – see the Working Together to Safeguard and Promote Children statutory guidance at paragraph 25 for the requirement to publish such protocol** [**https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/592101/Working\_Together\_to\_Safeguard\_Children\_20170213.pdf**](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/592101/Working_Together_to_Safeguard_Children_20170213.pdf)

 Under Section 21 of the Freedom of Information Act 2000 Torbay Council is not required to provide information in response to a request where the information is already reasonably accessible to an applicant.

 The information you have requested is available via <http://torbaysafeguarding.org.uk/board/safeguarding/>

 This is an absolute exemption and therefore there is no requirement to consider the Public Interest Test.

**4. Please provide a copy of your threshold document (see paragraph 18 Chapter 1 of the statutory guidance for the requirements to publish this document)**

 Under Section 21 of the Freedom of Information Act 2000 Torbay Council is not required to provide information in response to a request where the information is already reasonably accessible to an applicant.

 The information you have requested is available via the Torbay Council website at<http://www.torbaysafeguarding.org.uk/>

 This is an absolute exemption and therefore there is no requirement to consider the Public Interest Test.

**5. If there is an organizational chart or equivalent document for the NRPF team please provide me with a copy (NB: I would have no objection to the redaction of names)**

 Information not held

**6. Please provide any information sharing protocols or such documents that covers requesting and sharing information with credit reference agencies.**

 Information not held

**7. If a form is used to request information from credit reference agencies please provide a copy. If there is no form, please explain how these requests are made.**

 Information not held

**8. Please provide a copy of the consent form families are asked to sign when being assessed for support under section 17 of the Children Act 1989.**

 This information has been provided at Appendix A of this response.

**Training**

**9. Do you provide training to staff members on the provision of support to people with no recourse to public funds? If yes, please provide details of how frequently such training sessions are run, which departments or teams attend and provide us with a copy of any training material provided during these courses.**

 Fees limit exceeded.

 All staff are provided with adequate training to enable them to undertake their role. This includes regular appraisals for staff that identifies any training needs.

**10. Have your staff members received training on Paragraph 10A schedule 3 of the Nationality Immigration and Asylum Act 2002?**

 Fees limit exceeded.

 All staff are provided with adequate training to enable them to undertake their role. This includes regular appraisals for staff that identifies any training needs.

**Requests for assessments and/or support**

**11. Do you have a specific team that assists with requests for access to support from families with no recourse to public funds?**

 No however, should they be requesting benefits then this would be dealt with by the Revenues and Benefits Section.

**12. What is the professional background of the staff who carry out child in need assessments for families with no recourse to public funds?**

 Fees limit exceeded.

 All staff in specialised posts would be expected to meet the person specification for their role this would include any specific training to enable them to undertake this role.

**13. Do you record all requests for s.17 support (whether made by phone or in person) even if no assessment is carried out? If yes, how many requests for an assessment were made by families with no recourse to public funds in the period between November 2016 and April 2017?**

 No

**14. How many assessments in respect of families with no recourse to public funds requesting accommodation and/or subsistence support were carried out in the period between November 2016 and April 2017?**

 Fees limit exceeded.

 This information is not systematically recorded as a reportable field on our Children’s Services system (PARIS) therefore to obtain this information would mean a manual search of all individual records.

**15. How many families were offered accommodation and/or financial support following such an assessment?**

 Information not available see Question 14.

**16. In how many cases in which support was provided was the person a “Zambrano carer”**

 Information not available see Question 14.

**17. In how many cases in which support was provided did the person have limited leave to remain with NRPF?**

 Information not available see Question 14.

**Judicial review**

**18. How many judicial review pre-action protocol letters were received in respect of a refusal to assess and/or provide support pursuant to your duties under s.17 between November 2016 and April 2017?**

 None

**19. How many judicial review proceedings were issued against you received in respect of a refusal to assess and/or provide support pursuant to your duties under s.17 between November 2016 and April 2017?**

 None

**20. In how many cases where judicial review was threatened was support provided (either pre or post issue of proceedings)?**

 None

**21. What were your costs**

 **a) to your own legal department, and**

 **b) in party/party costs?**

 Not applicable

 **Please provide a breakdown of pre- and post-judgment costs.**

 Not applicable

**Financial subsistence**

**22. Do you pay a set rate of financial subsistence to families with no recourse to public funds? If yes, what is paid?**

 We do not make any payments to people subject to immigration control or have no recourse to public funds.

**23. How has that figure been reached? E.g. is it by reference to Child Benefit rates, asylum support (section 4 or section 95 rates)?**

 Not applicable

**24. When was this level set?**

 Not applicable

**25. Who took this decision?**

 Not applicable

**26. Please provide copies of any reports, minutes, decision documents detailing the setting of this rate?**

 Not applicable

**27. If you do not pay a set rate of financial subsistence to families with no recourse to public funds, do you have any guidelines relating to rates of financial support? If yes, please provide a copy.**

 Not applicable

**Accommodation**

**28. Please provide a copy of any policy or internal guidance or other written material relating to the allocation of accommodation to families with NRPF pursuant to s.17 (this includes any policies/guidance/written material relevant to the location of properties provided.)**

 Under Section 21 of the Freedom of Information Act 2000 Torbay Council is not required to provide information in response to a request where the information is already reasonably accessible to an applicant.

 Your information can be accessed through [www.nrpfnetworking.org.uk](http://www.nrpfnetworking.org.uk)

**29. How do you guarantee the quality and suitability of the private landlords and accommodation providers you contract with in housing NRPF families under s. 17?**

 Under Section 21 of the Freedom of Information Act 2000 Torbay Council is not required to provide information in response to a request where the information is already reasonably accessible to an applicant.

 Your information can be accessed through Torbay website [www.torbay.gov.uk/housing/refugees](http://www.torbay.gov.uk/housing/refugees)

**Paragraph 10A Schedule 3 of Nationality Immigration and Asylum Act 2002**

**30. Do you have any guidance or policy documents or other written material in relation to Paragraph 10A schedule 3 of the Nationality Immigration and Asylum Act 2002? If yes, please provide a copy.**

 Information not held

**31. Do you expect to see an increase in requests for support when Paragraph 10A comes into force? If yes, how do you plan to fund the probable increase in requests for support when Paragraph 10A comes into force?**

This is not a request for recorded information but for a comment on what could happen in the future/a hypothetical question therefore it does not fall under the Freedom of Information Act 2000.

**32. How will you manage the increase in requests for support in terms of sourcing accommodation and staffing?**

This is not a request for recorded information but for a comment on what could happen in the future/a hypothetical question therefore it does not fall under the Freedom of Information Act 2000.

**33. Which team in your Council will carry out assessments under Paragraph 10A?**

Not known

**Appendix A**



**Family Consent Form**

 Name of Child / Children .......................................... Date of Birth:.............

 Name of Child / Children .......................................... Date of Birth:.............

Please can you let us know who else is involved with your family now and who has been involved in the past.

Can we have your agreement to contact other agencies for information and their views about your child?

Title Name Permission for us to Contact

 Yes No
Education Welfare Officer ............................................................. 🞏 🞏
Educational Psychologist ............................................................. 🞏 🞏
G.P ............................................................. 🞏 🞏

Childrens Society ............................................................. 🞏 🞏

Youth Offending Team ............................................................. 🞏 🞏

Connexions ............................................................. 🞏 🞏

Counsellor ............................................................. 🞏 🞏

Health Visitor ............................................................. 🞏 🞏

Peadiatrician/Hospital
Specialist Doctor ............................................................. 🞏 🞏

Social Services ............................................................. 🞏 🞏

Homeless Persons

Unit ............................................................. 🞏 🞏

Teacher/School ............................................................. 🞏 🞏

Child Guidance ............................................................. 🞏 🞏

Police ............................................................. 🞏 🞏

Other Health Services ............................................................. 🞏 🞏

Other ............................................................. 🞏 🞏

All of the Above ............................................................. 🞏 🞏

Signed : ............................................................. *Parent/Guardian/Young Person*

Print Name ............................................................. Date: ....................................

Signed : .............................................................

Print Name ............................................................. Date: ....................................

Signed : .............................................................

Print Name ............................................................. Date: ....................................