



Hyb ACE Cymru
ACE Hub Wales

Supporting victims of sexual and gender based violence who have no recourse to public funds

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Commissioned by: ACE Hub Wales | Delivered by: Bec Woolley



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Executive Summary

In October 2022, the Senedd's Equality and Social Justice Committee published 'Gender based violence: The needs of migrant women', in which it recommended that 'the Welsh Government should establish a crisis fund that service providers can access to support migrant women who are victims or survivors of Sexual and Gender Based Violence and are subject to No Recourse to Public Funds.' The Welsh Government fully accepted this recommendation, and officials are in the process of scoping what such a scheme might look like.

It is essential that any such investment is channeled in the most effective way, to support the people who need it most, and that existing services are considered in the process.

There is a long-standing dearth of data around survivors of Violence Against Women, Domestic and Sexual Violence (VAWDASV) who have No Recourse to Public Funds (NRPF). However, there is now a reasonable body of literature available, albeit dispersed across a wide range of sources, and coming from varied perspectives across many Government departments in both devolved and non-devolved policy areas. The sensitivities and challenges around collecting more granular data, and the significant detriment survivors are facing, suggest that it is imperative to go ahead and develop services based on what is currently known. In this context, it is important that service modelling and provision should be iterative, gathering data along the way, continually learning and improving.

Newly commissioned services must take account of the current legal duties on statutory services here in Wales, particularly given the devolved context of the Social Services and Wellbeing (Wales) Act 2014. Focus on the Welsh Government's Nation of Sanctuary Plan means that new guidance relevant to people with NRPF is concurrently emerging from across various departments of the Welsh Government. This guidance is complex, but it provides important context for how new services must fit within current legislative constraints, and the existing web of policy and provision.

This report presents key elements from the literature, in the context of the legislation and guidance specific to Wales. It particularly addresses the fact that, despite the safety-net of the Social Services and Wellbeing (Wales) Act 2014, survivors of VAWDASV with NRPF are still facing considerable barriers in accessing support.

The key recommendation of this report is that a centralised team should be put in place, to cut through the cycle of complexity, risk, and low case frequency, which seems to be perpetuating the current barriers to access. The report goes on to suggest that work should immediately be done to agree a clear pathway of support for survivors of VAWDASV with NRPF in Wales. An associated strategic plan should be developed, and newly commissioned services should be put in place in the context of this longer-term plan, rather than commissioned as standalone elements of provision.

However, it is vital that service improvements (including new investment) should not be delayed on the basis of strategic planning. Instead, services should be put in place on the basis of the existing evidence base, but with attention to the longer-term strategic context. A centralised expert team, and commitment to a pathway and plan, should emerge alongside additional investment, as part of their implementation. In providing the centralised support for new investment, and extending that support across existing services available to this group, we will be able to gather more data and insight, iteratively improve services, and create more consistently reliable services for survivors.

This report aims to cut through the current complexity, and focus on some key areas for immediate practical action. Crucially, these initial practical steps must be accompanied by a clear pathway and strategic plan, led and supported by a centralised and resourced team. This will provide clarity and precision where currently there is confusion, which is vital in order to better support survivors of VAWDASV with NRPF into the future.

Introduction

ACE Hub Wales have commissioned this independent report, to support the development of a fund in Wales that provides financial support to those who are victims of sexual and gender-based violence (SGBV) and who have no recourse to public funds.

It is being commissioned at a crucial time in the development of the evidence base and available literature. The Domestic Abuse Commissioner released a series of reports between 2021 - 2022 which present robust findings, including qualitative research in which the voices of those with lived experience are foregrounded. The Commissioner's work also sets out areas of good practice from existing service models, and proposed changes which could significantly improve the landscape of support for survivors.

Coupled with the existing literature from a wide range of other sources across the UK, including specific pieces of work relevant to Wales, there is a rich source of material to draw on when looking to improve and invest.

Methodology

This report is based on a desktop research exercise, enriched by conversations with individuals currently involved in the landscape of service delivery and policy-making in Wales, for people who are survivors of VAWDASV, and who also have NRPF.

A bibliography is available at Appendix A, showing all literature consulted, whether it is cited in the report or not.

A list of people involved in the conversations is included at Appendix B.

Relevant excerpts have been extracted from the literature and presented throughout the report. They have been chosen either because they distil or clarify the current situation, or they present findings and evidence which can practically inform the development of better support in Wales.

The report aims to:

- Present a broad overview of the most recent and/or most pertinent areas of the literature, without being overwhelming;
- Cite findings from the literature which are relevant to service design, improvement and forward planning here in Wales;
- Draw out key statements from existing guidance in Wales, to be clear about the legislative and operational context in which services are provided;
- Bridge the gap between research and practice, making clear links from the legislation, guidance and literature, to practically inform steps towards a better system of support in Wales moving forward.

Trauma-informed context

The Welsh Government's Nation of Sanctuary plan acknowledges within its opening statement the centrality of trauma in the experiences of many people seeking sanctuary:

'Refugees and asylum seekers often arrive in Wales following traumatic experiences in their countries of origin and on their journeys to the UK. We want to ensure that these individuals are supported to rebuild their lives and make a full contribution to Welsh society'¹.

The Domestic Abuse Commissioner's report 'Safety Before Status' also highlights the importance of understanding the impact and presentation of trauma when working to support survivors of VAWDASV who have NRPF:

'Victims and survivors who have experienced complex trauma, including being threatened by perpetrators with deportation and imprisonment, may also be more likely to be perceived by professionals as displaying 'anti-social behaviour'. It is vital that suitable gender-specific, trauma-informed holistic services are offered to victims and survivors of domestic abuse....'²

ACE Hub Wales recently co-produced 'Trauma-Informed Wales: A Societal Approach to Understanding, Preventing and Supporting the Impacts of Trauma and Adversity', with people and organisations across Wales, and with the support of the Welsh Government.

It presents a Trauma Informed Practice Framework, which aims to 'develop a Wales that recognises and responds to trauma and its effects in a positive way to improve the health and wellbeing of those affected.'³

As services are improved in Wales to better support survivors of VAWDASV who have NRPF, there is an opportunity to design and develop them in line with our understanding of trauma-informed practice. The Trauma Informed Practice Framework provides a keystone around which further policy and practice development in this area should be built.

1 The Welsh Government (2019)
2 The Domestic Abuse Commissioner's Office (2021)
3 ACE Hub Wales (2022)

Survivors locked out of services

In August 2021, ACE Hub Wales produced the 'Uncharted Territory Review'⁴. This reflected on the recommendations of the 2013 'Uncharted Territory' research report into violence against migrant, refugee and asylum seeking women and girls in Wales. The 2021 retrospective review identified that recommendations around supporting people with NRPF 'still seem to be falling through the gap of devolved/non-devolved responsibility.' It goes on to say that 'the question of funding for refuge provision for women and girls was as big an issue in 2013 as it is 2021.'

This finding is echoed in the latest research published by the Domestic Abuse Commissioner for England and Wales ('A Patchwork of Provision') which tells us that:

'Migrant survivors described how the legal status of having 'no recourse to public funds' (NRPF) meant that they were denied some services, or the response received was poor.... Services that were meant to intervene on behalf of survivors often focused on clarifying immigration status before the immediate need. Survivors described situations where legal advice, accommodation, charitable help, health services, social support, benefits, and refuge were all denied due to their NRPF status. This placed survivors in situations where, even though they had escaped the perpetrator, they were vulnerable to exploitation and abuse from others.'⁵

'A Patchwork of Provision' also tells us that:

'Accommodation-based services in particular struggled to provide support to migrant survivors with NRPF, but what was particularly concerning was the fact that nearly 15% of community-based services said that they wouldn't accept a referral and provide a full service to someone with NRPF on the basis of their NRPF status. Given that access to public funds plays no bearing on the ability to access support in the community, this represents a considerable concern.'⁶

4 ACE Hub Wales (August 2021)

5 The Domestic Abuse Commissioner (November 2022)

6 The Domestic Abuse Commissioner (November 2022)

The Domestic Abuse Commissioner's earlier 'Safety Before Status' report (October 2021), further highlights the particular problem with survivors accessing refuge bed spaces and other forms of safe accommodation, which are usually funded by housing benefit (as this is a public fund to which people with NRPF are not eligible):

'According to Women's Aid, only 4.0% of all vacancies posted on Routes to Support in 2019-20 could consider women who had NRPF. Evidence from Women's Aid's No Woman Turned Away⁷ project also found that over a quarter of the women refused access to a refuge space had NRPF, and many had to sleep rough, sofa surf or even return to the perpetrator while they waited for help.'⁸

In a Welsh context, this situation is not only harming individual survivors. It is also impacting on the Welsh Government's policy programme around equality, and its aspirations to be a Nation of Sanctuary. This was identified clearly in a briefing to the VAWDASV NRPF Steering Group in early 2021:

'Survivors of VAWDASV continue to be locked out of essential, potentially life-saving support services and accommodation, on the basis of their immigration status and having no recourse to public funds (NRPF). This has a disproportionate impact on Black and racially minoritized survivors, which means that in addition to the direct impact on the safety and wellbeing of individuals and families, it also amounts to discrimination against a group of people with a protected characteristic, contrary to the anti-discrimination provisions made under the Equality Act 2010 and Public Sector Equality Duty in Wales. This also presents a challenge to realising the aims and aspirations of the Welsh Government's Nation of Sanctuary and Race Equality Action Plan.'⁹

7 Women's Aid (2017)
8 The Domestic Abuse Commissioner (2021)
9 Multiple Authors (February 2021)

An opportunity for improvement in Wales

In October 2022, the Senedd's Equality and Social Justice Committee published its report 'Gender based violence: The needs of migrant women', making 15 recommendations. Recommendation 3 stated:

'The Committee recommends that: The Welsh Government should establish a crisis fund that service providers can access to support migrant women who are victims or survivors of Sexual and Gender Based Violence and are subject to No Recourse to Public Funds, using the Scottish Government's 'Ending Destitution Together' strategy as an example. We expect this work be carried out within the next six months with a view to establishing a fund by July 2023.'¹⁰

In December 2022, the Welsh Government responded to the report, accepting (partially, in principle, or fully) all of its 15 recommendations. Recommendation 3 was fully accepted, with the following detail:

'Officials are in the process of scoping options for a fund that would aim to support migrant victims of VAWDASV with no recourse to public funds. This accords with our Nation of Sanctuary and our approach as set out in our VAWDASV National Strategy. The Welsh Government will consider further opportunities for funding in line with the needs of the Welsh population taking account of any forthcoming decisions about the future of the UK Government Support for Migrant Victims Scheme. Financial Implications – Officials are in the process of scoping financial implications of any such scheme.'¹¹

There is now an opportunity for existing services to be bolstered by additional investment particularly targeted towards supporting survivors of VAWDASV with NPRF. There is significant scope for what this investment might achieve, if it is accompanied by joined-up thinking across policy areas.

10 Welsh Parliament Equality and Social Justice Committee (October 2022)

11 The Welsh Government (December 2022)

In their report presenting the findings from the Wales-based SEREDA project, the University of Birmingham and Institute for Research into Superdiversity summarised this position very clearly:

'...[T]he Welsh policy environment and the devolved nature of health, social care, education and housing policy lend themselves to the development and cross-sector implementation of initiatives for survivors. By building on the existing work funding public services within its devolved powers, the Welsh Government could ensure all services can sufficiently support victims and survivors regardless of their immigration status, for example, by making funding available for those with NRPF.'¹²

It is essential that any such investment is channeled in the most effective way to support the people who need it.

This report has been produced in the context of the opportunity for additional investment, and aims to point towards robust evidence and expert advice that should be borne in mind as services are developed and commissioned.

Data: understanding who is affected, and how

The dearth of data

There is very little data available to suggest how many people in Wales are affected by VAWDASV and also have NRPf. Without detailed data, it can be hard to better model effective support services. However, as this report will go on to demonstrate, there is a significant body of evidence available which should be sufficient to improve services, even without more detailed data. Better data-gathering processes should be built in as we improve pathways and services in Wales, to address the data deficit. But intervention should not be delayed on the basis of having an incomplete picture.

In 2015, the Local Government Data Unit did a piece of work to look at how NRPf status affects those experiencing gender based violence, domestic abuse and sexual violence in Wales. Only 8 out of 22 local authorities responded and participated. The report notes:

'The lack of detailed information which could be provided, including quantitative data, was a common feature across most of the participating organisations, with the exception of BAWSO¹³. While this has diminished the detail of our findings, it is an important key finding in itself.'¹⁴

The briefing presented to the VAWDASV NRPf Steering Group in 2021 presented some detailed recent data from Wales during 2019-21, which shows that survivors continue to go unsupported and/or refused a refuge space across Wales:

'BAWSO's data shows that in the financial year 2019-20, out of 164 enquiries about support for survivors with NRPf, 76 service users were supported (46%) across all BAWSO services in Wales. In the financial year 2020-2021, 219 referrals were received, of which 98 service users were supported (45%).

Welsh Women's Aid's membership data shows that, in 2020-21, there was a 29% increase in the number of survivors who were refused a refuge space due to lack of resourcing, compared to the previous financial year (18, compared to 14, respectively).¹⁵

13 BAWSO support people from Black and Ethnic Minority backgrounds who are affected by domestic abuse and other forms of abuse, including Female Genital Mutilation, Forced Marriage, Human Trafficking & Prostitution. Their website is: <https://bawso.org.uk/en/>

14 Local Government Data Unit (May 2015)

15 Multiple Authors (February 2021)

Recent mapping research across England and Wales

More recent data across England and Wales has now been made available by the Domestic Abuse Commissioner's office ('A Patchwork of Provision', November 2022)¹⁶. It shows qualitative and quantitative data in relation to some of the key areas of experience from survivors of VAWDASV, and its findings resonate with the data from BAWSO, around lack of capacity to respond to demand.

'A Patchwork of Provision' shows real differences across England and Wales in how organisations respond to survivors from different demographic groups. For example, service providers were asked about the eligibility criteria for their services, and how they would respond to referrals of survivors with NRPF. The data shows that Wales has the highest percentage of providers whose eligibility criteria include those with NRPF (83% for accommodation-based services and 95% for community-based services).¹⁷

However, being eligible for a service does not necessarily translate into receiving one. The report goes on to state that of those victims/survivors in Wales who wanted to receive a refuge place (including those who have NRPF), only 43% actually received one. This figure clearly mirrors the data presented to the VAWDASV and NRPF steering group in 2021 (with 45% of referred individuals actually receiving a service from BAWSO during 2020/21). The Commissioner's report notes that:

'Evidence from minoritised victims and survivors told us that they found it particularly difficult to access the support they wanted. Often, only when they were able to engage with 'by and for'¹⁸ organisations were they able to identify and get the support that they needed. However, there is a huge dearth in the provision of such services across England and Wales, with the majority of victims and survivors who wanted to access 'by and for' services unable to.'

Whilst the mapping from the Commissioner's office provides a timely snapshot on some key issues, it does not fill the gaps in data for this specific demographic group in a way that allows us to iterate service provision over time across Wales, and assess whether the support offer is improving.

16 Multiple Authors (February 2021)

17 The Domestic Abuse Commissioner (November 2022)

18 Whilst 'A Patchwork of Provision' did not solely deal with survivors who have NRPF, the way in which the research was conducted means that a category of 'people who have NRPF' can be identified as a subset of the data (available in a broken down format in the full technical report). Also, the quantitative data can be drilled down via an interactive online tool, to show a return of data for Wales alone, and can then be mapped down to police force area. It is therefore a helpful addition to the literature base on which services in Wales can be developed.

Calculating the scale of need in Wales

Crucially, there is still no reliable source of data to enable us to estimate how many people in Wales might be survivors of VAWDASV and have NRPF. This is mainly because the Home Office does not publish data on the number of asylum seekers living without support, and there is not an effective way to ascertain this data in another way.

A report from Scotland's Destitute Asylum Seeker Service ('From Pillar to Post', January 2019) attempts to establish the scale of destitution in Scotland using figures from the Home Office from 2016, and tracing the ultimate outcomes of asylum applications. Based on data derived from the Home Office figures, the report arrives at the conclusion that:

'...[U]p to 10,688 people potentially remained in the UK, at risk of destitution if they were ineligible for, or faced barriers to accessing, asylum accommodation and support. While the Home Office does not provide data on refused or withdrawn applications by dispersal area, recent data shows that around 10 per cent of asylum seekers in receipt of section 95 support are dispersed to Glasgow.... This would suggest that there could be around 1,000 people who have been refused asylum and are at risk of destitution in Scotland.'¹⁹

A similar calculation could be made for Wales, based on the proportion of individuals dispersed into Wales by the Home Office, during the same period. The data would remain speculative, but it may provide a starting point from which to build a better understanding over time.

Taking care when collecting data

There are resounding sensitivities in relation to data collection for this particular group, which has an onward impact on the ability to collect the data itself, including:

- Many of the individuals falling within this demographic group may, by definition, be entirely unconnected with any kind of public service, and therefore not 'counted' in any generalised data gathering exercise;
- There is a perceived (and sometimes real) lack of a reliable firewall between the provision of data to a service provider, and the onward sharing of data with the Home Office for immigration purposes - the impact of this perception and the fear it can induce should not be underestimated;
- Survivors may fear that the information they share will be used against themselves and/or their children by others, not just for the purposes of denying them leave to remain, and their

19 Destitute Asylum Seekers Service (2019)

fear may be weaponised by perpetrators as part of a cycle of immigration abuse;

- At the point a survivor has made it to the 'front door' of a service, the priority should be to support them with their presenting needs - starting to collect detailed data at that point might hamper the ability to engage with them, and support them quickly and effectively.

The continued data deficit should not delay taking action on improving service provision. The data from existing services already tells us that under half of the individuals seeking support are being supported within the existing system. So even without looking to quantify need in the population of Wales at large, we know services are currently not meeting demand as it currently presents 'at the front doors'.

Addressing the data gap: investing in the system

If investment is to be made into services in Wales for survivors of VAWDASV with NRPF, it presents an opportunity to concurrently address part of the data deficit.

Data collection and analysis should be identified as a crucial part of any ongoing service specification for newly commissioned services, so that we are actively gaining an increased understanding of the real and ongoing needs across services in Wales.

However, given the stretched capacity of service providers to respond to operational demands, there should be some expertise commissioned to run alongside any service investment. If it is properly resourced, and supported by the right expertise, this enhanced data-gathering opportunity would enable us to learn from services and those who use them, understand what the true provision costs are (including organisational infrastructure, networking and communication costs) and iterate effective long-term service provision based on actual experience of delivery.

Data of this type can be entirely anonymised, and might include statistics such as:

- The length of time spent in refuge accommodation;
- Details of onward accommodation (what type of accommodation, and how much it costs);
- Amount of money used to support the individual from Welsh Government sources;
- Other funding sources available to individuals and the associated timing of those sources becoming available to them and ceasing to be available any longer;
- The number of dependent children individuals have, and any associated costs and/or income eligibility available for those children;

- The local authority area in which people first approached services in Wales, and any other local authority areas involved in the case;
- Any other organisations involved in supporting the individual, and the nature of that support.

All of this enhanced data gathering activity should, of course, take account of the sensitivities and challenges in respect of data collection which are outlined above. The needs and wellbeing of survivors seeking support should be the highest priority.

Data collection in statutory services

Whilst additional investment presents an opportunity for additional data collection, there is also a responsibility for statutory services to better collect data in relation to this demographic group.

The Welsh Government's Nation of Sanctuary Plan, under the 'United and Connected' priority, presents an action for local authorities to develop a common recording system for people with NRPF:

'Encourage local authorities to develop a common recording system to capture consistent data in relation to individuals with No Recourse to Public Funds (NRPF) to enable better understanding of the impacts of UK Government immigration legislation and policies.'²⁰

By building a picture of timing, funding, and geographical location around each individual supported, we can begin to understand the total cost of provision, the gaps in current services, and how best to model improved services into the future.

The constraints of devolution

The constraints on access to public funds, including welfare benefits and housing benefit, are primarily the result of immigration policy set by the UK Government.

The Welsh Government's Nation of Sanctuary Plan acknowledges that fundamental policy change can only happen at the UK Government level, and that the Plan 'cannot contravene UK government legislative rules relating to refugees and asylum seekers':

'The UK Government is responsible for asylum policy, which includes asylum application decision making, the provision of support and accommodation for asylum seekers, and the operation of refugee resettlement schemes. Therefore, many of the challenges experienced by these communities cannot be fully resolved without policy changes by the UK Government.'²¹

However, there are specific existing routes to support in Wales which do not contravene UK immigration laws.

Whilst these routes exist, the findings from the data in Wales-based literature, supported by the conversations which informed this report, show that there continue to be significant barriers to accessing services. The reality of providing complex services among a web of interacting legislation, crossing multiple policy areas (some devolved and others non-devolved), means that understanding and navigating routes to support is more simple in theory than in practice.

This report goes on to detail what the existing route to support looks like in the Welsh legislative context of the Social Services and Wellbeing (Wales) Act, and outlines why barriers to accessing support may persist at the present time.

A route to support: The Social Services and Well-being (Wales) Act 2014

The Domestic Abuse Commissioner's 'Safety Before Status' report presents the results of a mapping exercise commissioned from the Angelou Centre, which set out the current pathways to support for survivors of VAWDASV who have NRPF, associated with their individual immigration status :

Figure 1: The Angelou Centre's overview mapping of eligibility related to status

Immigration Status	Eligibility for Support
1. No form of leave to enter or leave to remain (e.g. an individual that has overstayed their visa or is undocumented).	NRPF under Section 115 of the Immigration Act: prohibited from accessing all forms of support, including access to work, social housing, renting accommodation, health care and opening bank accounts. Prohibited from access to housing under Part VII of the Housing Act. Excluded from some commissioned (non-housing related) advocacy or support services. Migrants with children are entitled to accommodation and other forms of support from their local authority under Section 17 of the Children Act.
2. Visitor Visa	Individuals with visitor visas have NRPF and are prohibited from working. Migrants with children are entitled to accommodation and other forms of support from their local authority under Section 17 of the Children Act.
3. Student Visa	Individuals with student visas have NRPF and their right to work is dependent on the course and the hours of paid employment.
4. Work Visa	Individuals with work visas have NRPF. An individual is only granted this visa if they can speak, read, write, and understand English, and their employer has been approved by the Home Office.
5. Five and ten-year family route	Individuals with leave to remain granted under family or private life rules have NRPF, with the right to work.
6. Asylum Seeker	Under section 95 of the Immigration and Asylum Act 1999, a person seeking asylum can be provided with Home Office housing and financial support.
7. Refused Asylum Seeker	A refused asylum seeker (appeal rights are exhausted) has NRPF but may be able to apply for Section 4 support under the Immigration and Asylum Act 1999, which includes accommodation and a pre-paid ASPEN card.
8. Dependent Partner Visa's (e.g. spouse visas)	An individual on a partner visa may apply for ILR (and therefore recourse to public funds) under the Domestic Violence Rule if they entered the UK as the spouse, civil partner or unmarried partner of a British Citizen or with ILR, but whose relationship has broken down due to domestic violence.
10. EU Settlement Scheme: Settled Status	EEA citizens who have lived in the UK for five years or more (and have been granted settled status) are eligible for public funds if they are habitually resident in the UK.
11. EU Settlement Scheme: Pre-Settled Status	EEA citizens who have lived in the UK for less than five years will need to be qualifying right to reside to be eligible for public funds.

The mapping identifies a 'legislative gap' in entitlement for those without children (given that local authorities in England may access support via section 17 of the Children Act) and for those individuals who do not fall in scope of the Care Act. However, the research did not consider the differing legislative context in Wales.

Here in Wales, the Social Services and Well-being (Wales) Act 2014 places a duty on local authorities to assess an adult's needs for care and support, subject to the satisfaction of certain conditions (the Section 35 Duty). This duty applies to all residents, regardless of immigration status.

Detailed guidance has been issued to local authorities by the Welsh Government, to reiterate and support this position²² and it includes specific reference to the ability of local authorities to support the provision of accommodation if it is an assessed need. It states:

'When an adult cannot access **benefits** and **housing** assistance due to having NRPF, they are likely to need help. Local authorities have a duty to assess as outlined in **Section 19 of the Social Services and Well-being (Wales) Act 2014** when it appears an adult may have needs for care and support, whether they have care and support needs, including protection from abuse or neglect, and if so what those needs are.

Any assessment will need to consider and address the impact on the provision of care or support if a person does not have accommodation. Even though an individual may not be eligible for a social housing allocation there may be an opportunity for a local authority to provide accommodation funded on a discretionary basis.

Local authorities can provide support and accommodation directly, arrange for its provision by a third party, or make payments to adults to secure support and accommodation as set out in **Section 34 of the Social Services and Well-being (Wales) Act 2014**.

The guidance later refers directly to people who may need support to access accommodation in a domestic abuse refuge:

'An adult with NRPF may be provided with accommodation and financial support by Social Services under the Social Services and Well-being (Wales) Act 2014, when a local authority has assessed that someone requires care and the conditions 1,2 and 3 are met Section 35 of the Social Services and Well-being (Wales) Act 2014 refers, for example a care package or a place in a residential care home or domestic abuse refuge.'

The guidance issued by the Welsh Government is complemented by a 'myth-busting' document, produced by the Welsh Government and the Welsh Refugee Coalition. The text from this document is reiterated in full, in the Welsh Government's guidance to local authorities. It clarifies further the fact that:

'A local authority's obligation to conduct an assessment under the Social Services and Well-being (Wales) Act 2014 arises independently from any consideration of the type of immigration status a person or family may have.'²³

The Welsh Government guidance also deals with the fact that whilst a local authority is not under a duty to meet all formally assessed needs, 'it is under an obligation to ensure that an individual's human rights are not breached by a failure to provide support, or the provision of inadequate support'. In some cases, where exclusions apply, a local authority may need to perform a human rights assessment, as well as a needs assessment. The guidance states:

'An exclusion that is based on a person's immigration status will apply to some adults with no recourse to public funds who request support under the Social Services and Well-being (Wales) Act 2014....

When the adult is in an excluded group, local authority support can only be provided where this is necessary to prevent a breach of the adult's human rights. This means that in addition to the needs assessment, a local authority will also need to undertake a human rights assessment....

When an adult is in an excluded group, a local authority:

- must undertake a social care needs assessment if there appears to be a need
- can provide emergency support when this is required whilst the social care and human rights assessment are being carried out

When an adult is not in an excluded group, eligibility for Social Services' support is determined through the outcome of the social care needs assessment only. In such cases a human rights assessment will not be required.'

Practical support to navigate the legislation

Welsh Women's Aid have made publicly available an excellent 'Toolkit on the Rights of VAWDASV survivors Subject to Immigration Control'²⁴ which supports their members to navigate the complex system of accessing support for those subject to immigration control.

It includes specific guidance and template letters (available to members only) to make an initial request to a local authority for an urgent care and support needs assessment, to fund interim accommodation and financial support, and make a positive decision to fund the care and support needs of survivors of VAWDASV:

- Part 1 introduces "immigration control" which restricts individuals' and families' access to particular public funds. It explains what it is, who is affected, and which public funds they are prohibited from accessing.
- Part 2 identifies the various routes to accommodation and support available for survivors of VAWDASV subject to immigration control. These include: social services support; the Destitution Domestic Violence Concession and Domestic Violence Rule; the National Referral Mechanism (for survivors of modern slavery and trafficking); and Home Office Asylum Support (for asylum seekers and refused asylum seekers).
- Part 3 contains template letters [available to members only] for the purpose of making an initial request to social services for an urgent care and support needs assessment; to fund interim accommodation and financial support; and to make a positive decision to fund the care and support needs of survivors of VAWDASV.
- Part 4 introduces the Pre-Action Protocol Project, a scheme run by Deighton Pierce Glynn Law Firm which provides frontline services with free training and ongoing supervision by a solicitor to enable them to prepare formal "pre-action protocol" letters to challenge decisions made by or on behalf of Government (e.g. if social services refuse to undertake a needs assessment).
- Part 5 contains a template letter for the purpose of challenging the Department for Work and Pensions on the grounds of section 3C of the Immigration Act 1971. This letter can be used if the DWP terminates / threatens to terminate a survivor's access to benefits (obtained through the Destitution Domestic Violence Concession) while the survivor is still awaiting a Home Office decision on an application for indefinite leave to remain.
- Part 6 contains a list of useful helplines, services, resources and organisations.
- Part 7 contains a directory detailing funding options from charitable foundations and grant-making bodies for specialist VAWDASV services to provide support to survivors with NRPF. This includes financial support to pay for rents in refuge as well as basic needs such as clothes, food and travel. The funding opportunities are divided into funds for individuals, and funds for organisations.
- Part 8 contains responses to a list of 'frequently asked questions' which were identified during conversations with specialist providers and during various training sessions on the issue of no recourse to public funds.

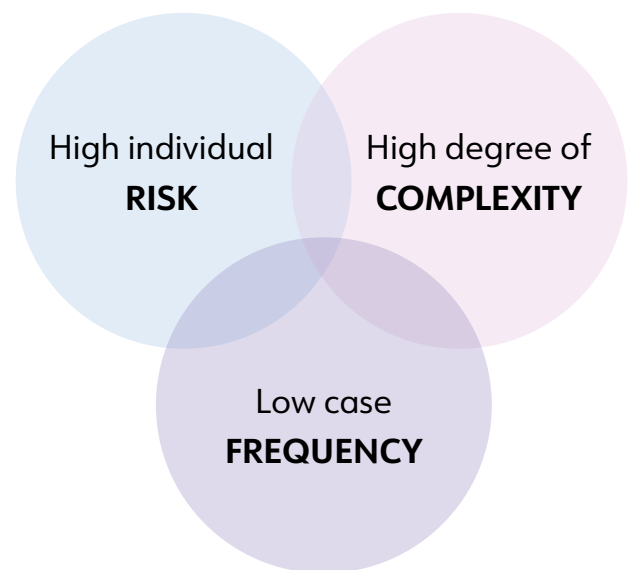
Why are people still not receiving support?

The excerpts presented above from the Welsh Government guidance are unequivocal about the duties upon local authorities to assess need, potentially assess human rights, and ensure that an individual’s human rights are not breached by a failure to provide support (or the provision of inadequate support).

However, despite these legal duties, we know that people who are survivors of VAWDASV and who have NRPF are still experiencing significant barriers to accessing services.

The wider environment of legislation, guidance, and literature surrounding this particular demographic group is incredibly complex. Even the Welsh Government guidance from which the above extracts are taken is over 50 A4 pages long.

In order to take effective action to address barriers to access in a sustainable way, it is important to understand why the barriers persist. This report suggests that there is currently a prevailing environment of ‘high degree of complexity, high individual risk, low case frequency’, and that unless this cycle is interrupted, it will be hard to create long-term sustainable change.



Research by Tai Pawb, ‘Reducing Homelessness amongst Migrants, Refugees and Asylum Seekers: Good Practice Guide’, includes a full section on people with NRPF and notes that:

‘There is a need to increase the understanding of eligibility rules affecting people with NRPF amongst public services and third sector, including duties owed to people with NRPF under homelessness and/or social services legislation. Enabling migrants to access their rights and entitlements means that local authorities and partners need to understand NRPF policy and its interaction with Wales legislation and social service’s duties. A consequence of lack of knowledge and resources of Las [sic] and partners agencies in supporting people with NRPF, including survivors of gender based violence and domestic abuse, often means that people are passed between different services with support being provided late or not at all.’²⁵

High complexity, high risk, low frequency

High degree of complexity

In considering the right way to support someone who is a survivor of VAWDASV and who has NRPF, a worker in a service in Wales will not only be thinking about the complexity of UK immigration laws, but also likely the welfare benefits system (further complicated by the interplay of devolved and non-devolved powers), housing and homelessness legislation, social care policy and legislation, access to advice and legal aid, and potentially other areas of both devolved and non-devolved policy.

The complexity of this legislative environment cannot be underestimated. The full extent and interplay of all the existing literature and guidance is currently too complex to be accessible to most non-specialist workers across services in Wales. Services are busy, often with very limited capacity and significant operational pressures. Services also must account for staff turnover and the need to re-train and up-skill new workers; this will particularly be an issue in the third sector where posts are often project-funded and fixed-term in nature. There is limited time to invest in learning and knowledge-building on specific areas of policy and practice. Even if there were, there are currently no Wales-specific training and learning resources available and accessible to up-skill workers on the specific legislative context for survivors of VAWDASV who have NRPF.

There is currently a lack of accessible guidance or a clear pathway within which workers can operate to support survivors of VAWDASV with NRPF. It is highly likely that confusion around the application of the legislation is one of the key factors creating barriers to access.

High individual risk

Very few workers in services across Wales can hope to understand the whole gamut of the legislation, and if they get it wrong, the risk to the individual they are trying to support is very high: if someone subject to the NRPF condition does claim public funds, they will be in breach of their conditions of leave to remain and could risk deportation.

In a system such as this, there may be a propensity to 'pass on' the service user to someone perceived as being more expert, or even simply to someone who will shoulder the burden of risk if the rules happen to be broken. This 'pillar to post' experience is harmful for people who are already experiencing significant harm, and may be traumatised. It is also not at all in line with the ambitions of the Welsh Government's Nation of Sanctuary Plan, which prioritises ensuring that:

'Asylum seekers are not prevented from accessing appropriate Welsh Government schemes which would support their integration.'²⁶

Low case frequency

The variability of data available from local authorities suggests we cannot have certainty about the scale of presenting demand. However, we can be sure the figure is very low in relation to the wider population seeking support from statutory services. This low case frequency means it is likely to be very difficult for workers in mainstream services to build up familiarity with the complex body of legislation, guidance, support options, and wider cultural competence to be able to effectively deal with these cases when they do arise.

The interplay of complexity and risk, compounded by relative infrequency of these specific types of cases within mainstream services, must be acknowledged and addressed as a part of the problem, in order to to inform long-term workable solutions.

Figure 2: The interplay of Complexity & Risk, exacerbated by low Frequency

Complexity	Risk
<p>Immigration policy is incredibly complex, and interacts with a number of other policy areas.</p> <p>The primary legislation is not realistically accessible or understandable to mainstream service providers.</p> <p>It is so nuanced that it cannot be effectively reduced to allow for improved accessibility. Even distilled guidance is still too long and complex for workers in most services to get to grips with.</p>	<p>The risk of 'getting it wrong' for someone who has NRPF is very high indeed.</p> <p>If someone subject to the NRPF condition claims public funds, they will be in breach of their conditions of leave to remain and could risk deportation.</p> <p>Added to this, services are legally bound to not stray into the territory of 'advising' individuals on their immigration options, as only OISC regulated immigration solicitors or barristers are permitted to do so.</p>
Frequency	
<p>As a proportion of the total number of individuals seeking support across any given local authority area in Wales at any given time, the number of people who are victims of VAWDASV and who have NRPF will be very small.</p> <p>In some areas this number will be even smaller than in others.</p> <p>Therefore, the high complexity and high risk factors are likely to be compounded by the fact that these cases do not occur frequently enough for most individual workers to build up the necessary degree of technical knowledge.</p>	

Establishing a clear pathway

One of the clearest ways to support this demographic group would be to create a central pathway for support which is applicable pan-Wales regardless of local variation. It should be visually presented, clear, simple, and indicative of the duties and legal responsibilities placed on statutory agencies.

The Domestic Abuse Commissioner's 'Safety Before Status' report notes that:

...'[A]gencies often do not have a clear knowledge about the differences between types of immigration status, immigration routes and rights to legal advocacy and support. The Angelou Centre undertook a desk-based comparison of 12 local authority areas and found that none had an NRPF strategy or an agreed pathway for this group. This reflects evidence from 2020 that more than 40 percent of local authority websites did not contain any information at all about NRPF..... In their research for the Domestic Abuse Commissioner, the Angelou Centre described many of these cases as 'revolving door cases' which involved repeat crisis calls to statutory agencies such as the police and adult social care, indicating that a greater awareness about routes to support for victims and survivors would reduce burdens on public services and enable victims and survivors to access greater stability.'²⁷

Evidence presented to the VAWDASV NRPF Steering Group in 2021 indicates that victims of VAWDASV who have NRPF here in Wales might currently be experiencing harmful and negative responses at the outset of their contact with services.

'...[I]n some cases, a 'proportional assessment' is made, informed by an informal investigation based on the person's and/or support organisations' understanding of the immigration status and access to services, without verifying whether these are correct. Many practitioners have a lack of knowledge about immigration policy / status, and thus a person's eligibility for services. Combined with the complexities inherent in the interface of migration and welfare legislation, this can result in poor practice and in some cases, a breach of a person's Human Rights.'

Although each individual's case is likely to be very complex, and will of course ultimately need detailed engagement around assessing their status and providing bespoke support, this should not be the first consideration upon someone approaching the 'front door' of a service, seeking help.

The Welsh Government's guidance is very clear about this, and the very title of the Domestic Abuse Commissioner's report ('Safety before Status') reminds us that the first response must be simply to consider how to provide a safe space.

Providing a single clear pathway to direct the 'front end' immediate response to an incoming request for support, might help to make legal duties clearer for frontline workers.

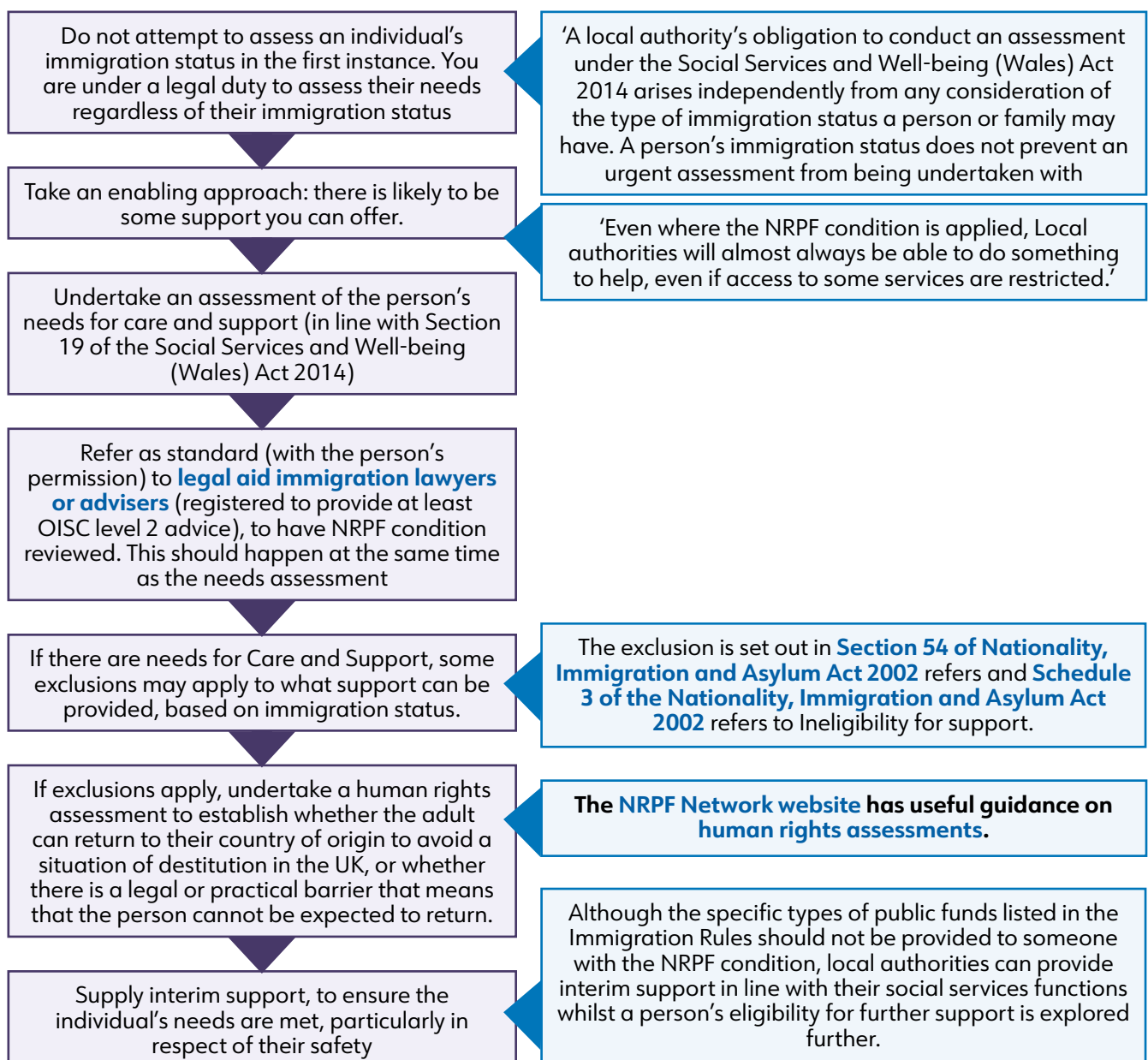
A pathway could be drawn up in its first iteration quite quickly by a small centralised team working with a group of experts in the field. It could then be tested with local authorities and other agencies, implemented, and iteratively developed over time.

It would enable workers to cut through the complexity of the guidance, reducing key elements into a visual format, but supporting it with reference and links to the more extensive text.

Such a pathway would need to be very clearly and proactively communicated to ensure frontline workers are aware of its existence, in order for it to create tangible impact.

The first few steps in such a pathway might look like the diagram at Figure 3, below. This is provided only as an illustration - the pathway should be co-created with expert input. The illustrative draft pathway is worded for a local authority audience, and alternative wording may need to be sought to ensure a wider audience is captured.

Figure 3: An illustrative, draft, 'front end' pathway



Centralising the expertise: unlocking the cycle

Although a visually presented clear pathway might support mainstream services more effectively, the complexity sitting behind statements in the pathway such as 'if exclusions apply' are likely to mean that uncertainty still arises for workers across Wales.

One of the ways of unlocking the cycle of 'high complexity, high risk, low frequency' might be to provide centralised expertise, to support mainstream services to navigate their way through the system.

A small team could be put in place to undertake this function, supporting all 22 local authorities in Wales, and the network of other organisations supporting people who are survivors of VAWDASV and have NRPF.

Such a team could become deeply familiar with the devolved and non-devolved legislation, the policy context in Wales, and the evidence base in terms of best practice for provision of support to people who have NRPF. The team could also be trained to a high level of competence in trauma-informed practice.

This solution would not circumvent the existing mainstream provision or disregard the legislative context and associated duties inherent in the Social Services and Well-being (Wales) Act 2014. Instead, the team could work iteratively with organisations across Wales, building their capability over time through regular interactions that enable, empower, and guide. They might use their expertise to formulate training resources, and use specialist communications input to distribute those resources in a meaningful and engaging way to workers across Wales.

The remit of a centralised team might include:

- Provision of a direct responsive service to local authorities and other organisations in Wales who have a first contact from someone who is a survivor of VAWDASV and has NRPF (dedicated phone line and email inbox or secure site), to provide:
 - Confirmation of the pathway to be followed in line with best practice;
 - Guidance on how to conduct the steps in the pathway, including answering queries specific to the broader legislative context;
 - Provision of documentation (for example, links to the Welsh Government guidance and the Welsh Women's Aid Toolkit);
 - Contact numbers for specialist 'by-and-for' service providers or other experts to support and inform the assessment process and/or provide support routes;
- Proactive recommendations on key considerations and good practice when supporting people from this demographic group, for example:
 - Considering linguistic needs and use of an interpreter;
 - Knowing what 'immigration abuse' is, and how it might manifest;
 - Understanding when a Human Rights Assessment might be necessary, and how to

conduct one;

- Knowing the different services that might be supportive, including citing the evidence around efficacy of specialist 'by-and-for' services.
- Co-producing training resources, with a clear understanding of learning outcomes, for workers across Wales. These could be designed to encompass the basics of the legislation and guidance, and to remind workers of how they can access further support and advice. They might be stratified depending on audience need, so that mainstream frontline workers receive a different set of training resources to workers situated in specialist organisations who are more likely to be working with survivors of VAWDASV and/or who have NRPF;
- Delivering a programme of engagement events with local authorities and other stakeholders, to up-skill teams on how to respond effectively to individuals who are survivors of VAWDASV and have NRPF;
- Collection of anonymised high-level data (how many calls or emails are received, from which local authority areas across Wales, what the nature of the query was, and other basic information to support an understanding of the team's work over time) which can help to build a better picture of the levels of need and demand across Wales.

Eligibility for public funds: Navigating the system

As outlined above, the Welsh Government guidance makes it clear that local authorities have a duty to assess (and in cases relating to the protection of human rights) to provide support for people in this demographic group.

However, in addition to this source of support, there may be many cases in which an individual is eligible for support and/or funding from a UK Government source, but this has not yet been determined at the point they start to engage with services in Wales.

The Domestic Abuse Commissioner's 'Safety Before Status' report suggests that a high proportion of individual cases referred to specialist 'by-and-for' services are actually eligible for some support:

'Evidence from the Angelou Centre shows that 70% of victims and survivors referred as 'NRPF' to their VAWG services and Helpline in 2020-21 should in fact have access to either benefits or other public funding.'^{#28}

Although existing sources of financial support might be available to someone, the system is so complex that people will mostly need support to navigate it. There will then be a time delay between making applications for funding, working through the system to the point of eligibility confirmation, and receipt of any allocated funding or support. The Commissioner's follow-up report (Safety Before Status: The Solutions) tells us:

'...[M]any migrant victims receive referrals to a number of services before they can access the support they need. This may be because of a lack of understanding about the entitlements of migrant victims among both survivors and frontline professionals. Additionally, domestic abuse services tell the Commissioner that many migrant victims face an additional wait for support when applying through the DDVC, due to the delay in processing their application, as well as difficulties making applications for benefits using a letter from the Home Office to confirm their status.'²⁹

'Safety Before Status' clearly recommends that: 'There should...be dedicated funding allocated to cover legal advice so that victims and survivors can be supported to regularise their status.'³⁰

In the briefing paper to the VAWDASV and NRPf Steering Group (October 2021) it is noted that if an individual is supported with effective advice, a variety of other routes to financial support may become available to them:

'NRPf Network's data shows that the vast majority of families and single adults will exit social services support due to a grant of leave to remain or change in immigration status granting recourse to public funds.'³¹

However effective it might be, legal advice is expensive if it needs to be paid for by an individual at the point of delivery, and free legal advice is very difficult to source because of the dearth of legal aid provision across Wales.

The extent to which need for legal aid outstrips supply in Wales, is clearly documented in recent research presented by the Welsh Government: 'Migrant integration: research on immigration legal advice services'³². The data shows that approximately only 1/3 of eligible need is currently met.

But whilst legal aid is not classed as a public fund for immigration purposes, 'it is only available for some types of cases, and very few immigration matters, which means that many people who are on a low income will not be able to access free legal advice.'³³ So even if more legal aid were made available in Wales, it is unlikely to meet all the needs that arise for this particular group of people.

29 The Domestic Abuse Commissioner (December 2022)

30 The Domestic Abuse Commissioner (2021)

31 NRPf Connect data report 2020 to 2021 | NRPf (nrfnetwork.org.uk)

32 The Welsh Government (January 2023)

33 NRPf network guidance on legal aid. Available at: <https://www.nrfnetwork.org.uk/information-and-resources/rights-and-entitlements/legal-aid/what-is-covered-by-legal-aid#guide-sections>

Regulated advice and legal support is clearly important to move individual cases forward and seek regularisation of immigration status. Advice services are within scope of the devolved powers of the Welsh Government, so there is an opportunity to build these into a service pathway for survivors of VAWDASV with NRPF.

Access to good quality advice from suitably qualified and regulated sources should be an essential element of any service commissioned for survivors of VAWDASV with NRPF in Wales.

Aside from providing improved individual outcomes, the Welsh Government's own research states that the provision of legal advice to people who have NRPF is likely to provide a positive net financial benefit to statutory services:

'The data does not exist to show precisely how many people have NRPF, or what it costs to support those without access to public funds who are eligible for accommodation and subsistence support. However, the costs of even this very basic support average about £10-12,000 per family per year, meaning that it is likely to be significantly cheaper to fund legal advice than to support even half a dozen families.

There is also a lack of awareness of the possibility of applying for lifting of the NRPF condition, let alone access to advice and casework for such an application. On that basis, it would be useful for groups of local authorities to pilot funding or commissioning legal advice as soon as possible and to calculate the savings in reverse, based on those they assist in the pilot period, rather than awaiting data on potential savings before taking action.¹³⁴

Additional investment in a service pathway in Wales for survivors of VAWDASV who have NRPF should therefore seek to include provision of a dedicated advisory and legal resource, linked to the central NRPF team. By centralising the resource and keeping close oversight of how it's being used, its efficacy in relation to progressing individual cases can be monitored and evaluated, and more detailed cost/benefit analysis may be possible. This will allow for further iteration of the service pathway into the future.

Immediacy of support: A centralised fund

It is vital that survivors of VAWDASV with NRPF are provided with an immediate source of support while they access advice. Research by the University of Suffolk indicates that:

'...Asylum seekers and victims of trafficking may require flexible or interim support beyond current statutory provision. Evidence submitted to the Home Office's Migrant Victims Review reflected the complexity of asylum and trafficking cases, and the need for interim support from the first point of contact with a service while they access legal advice and pursue more stable routes to support.'³⁵

In 2022, the Domestic Abuse Commissioner's Office published 'Safety Before Status: The Solutions', which focuses on some suggested practical solutions to address the deficiencies in the current system³⁶. In it, the Commissioner clearly advises that any newly developed model for support should include 'the availability of swiftly administered immediate support.' Whilst key elements of the models put forward in the Commissioner's report would require action from the Home Office and wider UK Government departments, some of the findings and principles are pertinent to guide investment within the devolved context in Wales.

The 'Solutions' report specifically suggests a model in which immediacy of support is foregrounded (the 'Emergency Assessment Phase') and is followed by a period of 'Access to Specialist Services':

Emergency Assessment Phase

'Survivors, irrespective of immigration status, refer themselves (or are referred by services) into a domestic abuse support pathway. There is a maximum 72 hour period to confirm they are eligible for support...'

- In Wales, this model of reference to a clear single pathway, and a time-limited turn-around for completing a range of applications to start the process of determining eligibility for other sources of funding, may help to mitigate the detrimental 'confusion/risk/frequency' environment outlined earlier in this report;
- In a Wales-based model, this phase might include an immediate request to the relevant local authority for an urgent care and support needs assessment, and potentially, support from the centralised NRPF team, to the local authority in question, to undertake the assessment;
- During this period, there should be funding available from a centralised fund to ensure the individual attempting to access services is safe.

35 Adisa, O. & Allen K (June 2021)

36 The Domestic Abuse Commissioner (December 2022). This report is based on commissioned research undertaken by the London School of Economics, in partnership with the Oxford Migration Observatory

Access to Specialist Services Phase

- In Wales, this might be the period during which specialist 'by and for' services could access additional funding to support individuals who otherwise appear to be unable to receive support through their local authority, or are awaiting the outcome of alternative sources of funding or support.
- The 'Solutions' report suggests that this period should be provided for up to 6 months regardless of migration status, except for visitor and student groups who will on average have access for up to 1 month with the option to extend as required (the expectation being that visitors and students, as temporary stayers, would likely require a shorter period of support than regular and undocumented migrants).

The Welsh Government has already accepted Recommendation 3 of the Senedd's Equality and Social Justice Committee report, and is scoping options for a fund that would aim to support survivors of VAWDASV with NRPF. In this context, there is an opportunity to cite such a crisis fund within a clearly articulated model of support, based on best available evidence.

It would be beneficial for the Welsh Government to gather stakeholders around the model pathways presented in the 'Solutions' report, coupled with the illustrative 'front end' pathway presented above at Figure 3, to create an outline pathway. This exercise should not seek perfection, but instead should agree on a pathway which can be iterated over time. This should not delay investment in support services for survivors.

This report goes on to outline what the literature tells us about which services are most sought and valued by survivors of VAWDASV with NRPF. It particularly highlights the importance of specialist 'by and for' services, and considers how these services might be bolstered to provide long-term sustainable support into the future.

Specialist 'By and for' services

The Domestic Abuse Commissioner's 'A Patchwork of Provision' report clearly states that:

'Most victims and survivors from minoritised communities want to receive support delivered 'by and for' their own community. This is because specialist 'by and for' organisations are better able to understand the context and complexity of abuse faced by minoritised survivors, and build the trust critical to effectively assess risk and provide the right support.'³⁷

'Safety before Status' details the elements provided by many specialist 'by and for' services. These are highly valuable not only to the individuals accessing the service, but also to the wider group of stakeholders whose practice is developed and capacity built by their expertise. These are all elements which might be built into service specifications for effective service provision here in Wales, into the future.

Elements of provision might include:

- **Intersectional advocacy**

Multi-lingual, trauma-informed, intersectional advocacy support that is often longer term and routinely challenges discrimination at institutional levels. This includes expertise in identifying and responding to harmful practices and immigration abuse, contributing to robust assessments of contextual risk, and ensuring migrant victim-survivors are provided with independent and specialist immigration advice.

- **Therapeutic support**

Delivery of appropriate individual and group therapeutic services that often include an innate expertise of religious, cultural and community differences within a human rights framework. This support includes the employment of multi-lingual Black and minoritised therapists who have an embedded understanding of the distinct imposed barriers Black and minoritised victim-survivors experience when accessing mental health support as well as Violence Against Women and Girls (VAWG).

- **Legal assistance**

The specialist Black and minoritised led by and for VAWG sector regularly funds legal support for victim-survivors when required. Other resourcing includes acting as a McKenzie friend in court, supporting with DIY injunctions or supporting women to produce legal paperwork including witness statements and Scott Schedules.

Specialist services will often provide this support in collaboration with legal charities and pro-bono legal advocacy.

- **Refuge accommodation**

This provision includes specialist support for women and children with NRPF, providing accommodation and financial assistance whilst their immigration status is regularised.

When women and children leave refuge provision within the sector, they continue to be provided with intensive move on support. Many of these refuges are providing this support without adequate funding or support and with the constant threat of closure.

- **Multi-sectoral training & capacity building**

Specialist VAWG services are increasingly being called upon to provide training, advice, guidance, and capacity building support to multi-sectoral agencies. This is often done and requested without a commitment to funding these services. All the specialist organisations included in this report were the primary referral service for advice and guidance around NRPF issues in their local areas. Many organisations were listed by local authorities to provide this support despite not receiving any local authority funding.

- **Welfare groups**

Which work to meet the socioeconomic needs of victims and survivors, particularly those with NRPF, such as through culturally appropriate welfare banks, meals on wheels, and technology banks.

- **Parenting support and children's advocacy**

Examples include KIDVA (Child Advocacy) provisions and recovery parenting programmes. This is particularly important in the context of escalating numbers of children that are being removed from migrant mothers and carers on the grounds of them having NRPF, as well as frequent rejection of section 17 support. In addition, many specialist services provide onsite multi-lingual creche services to enable mothers to engage with services.

- **Training and development & inclusion activities**

As community-based organisations, many services deliver and provide training and employability support including accredited training to women who have NRPF.

- **Women's voices and survivor networks**

Specialist Black and minoritised VAWG organisations continue to centralise the lived experiences of Black and minoritised victim-survivors through regular steering groups, consultations, evaluations, one-to-one advocacy support, social networks, and expressive sessions.

In Wales, BAWSO provide specialist 'by and for' services, and are currently funded to provide the Support for Migrant Victims (SMV) scheme, in partnership with Southall Black Sisters, commissioned by the Home Office and recently extended to March 2025.³⁸

The SMV scheme has a number of constraints, including a limit of 12 weeks' safe accommodation for survivors of VASDASV who are destitute and have NRPF. The scheme gives priority to 'survivors who do not currently have an established route to settlement although in some exceptional circumstances bridging support will be available to those who are otherwise eligible for the DDVC concession, asylum support, local authority or other state assistance'.

There is therefore clearly still a gap in provision, despite the welcome support offered by the SMV scheme.

38 Details of the SMV scheme via Southall Black Sisters can be found at: <https://southallblacksisters.org.uk/our-services/sbs-no-recourse-fund/smv-scheme/>

Longer-term sustainability: Investing in systemic change

In Wales, welcome additional investment has been made for 2023/24 by the Welsh Government, through which BAWSO will be able to close some of the gaps left by the SMV scheme. However, one-off investment outside of a clear strategy and pathway for supporting survivors of VAWDASV who have NRPF will not be sufficient to address the current problems in the system.

Despite the fact that specialist 'by and for' services are so well placed to support migrant survivors of VAWDASV, they experience significant challenges in being able to do so, including:

- Lack of capacity to meet incoming demand, particularly in terms of culturally appropriate and geographically well-located refuge spaces;
- Short-term funding, disallowing long-term planning to meet demand and build capacity, particularly capital spend;
- Being locked out of strategic planning processes, or having insufficient capacity to work strategically with 22 separate local authorities across Wales.

These challenges are well documented in the wider specialist 'by and for' landscape. 'A Patchwork of Provision' states that:

'Funding is often short-term and insecure, meaning services struggle to build capacity and plan for the future, affecting efficiency, service delivery, along with recruitment and retention of staff. Most service providers (70%) relied on a main source of funding that was secured for less than three years, with over a quarter of organisations relying on a main source of funding that lasted less than a year. This was particularly acute for 'by and for' organisations....

Despite being more effective in supporting minoritised victims and survivors, there is a desperate lack of specialist 'by and for' support across England and Wales, with organisations critically and disproportionately underfunded. 'By and for' organisations are six times more likely to not receive any statutory funding than specialist VAWG or domestic abuse organisations, and far more likely to be delivering support without any dedicated funding.³⁹

It is clear that the recommendation of the Domestic Abuse Commissioner, based on robust evidence, is that specialist 'by and for' services should be made available to victims of VAWDASV who have NPRF. For those services to function well, they must be given security through longer- term grant funding, which recognises their infrastructure and operating costs rather than being based on one-off allocations.

From April 2022, the Welsh Government announced its move to longer-term funding arrangements for grant funding. This creates the option to run grant funding for an initial period of up to three years, with the possibility of extension for a further three years, creating a total possible six year grant period.

Investment in services for survivors of VAWDASV with NPRF should be made with consideration of this potential longer-term grant funding period.

In addition to considering longevity of funding, and realistic allocations to cover the infrastructure costs of services provided by the third sector, investment is likely to be most effective if it is made in the context of systemic change. Investment in a short-term one-off commissioned project, to support survivors of VAWDASV with NPRF, will likely only have an impact on the individuals supported directly via that additional investment. The greater gain would be systemic intervention across Wales, within legislative constraints, to break the cycle of 'high confusion/high risk/low frequency'.

Without a coherent plan for change, with associated outcomes and timeframes, investment will be 'standalone' and short-term, and can't hope to achieve more than individualised outcomes.

Making real progress in Wales

There is much work to be done to bolster the services available for survivors of VAWDASV who have NRPF.

To have some real impact, the key focus should be on the following **high priority practical steps**;

- Centralising an expert team, bolstering mainstream services to better support this group of people, aiming to break the cycle of 'high confusion/high risk/low frequency';
- Working with the centralised team and wider stakeholders to clarify a consistent pan-Wales pathway;
- Investing in additional 'emergency access phase' support to ensure survivors are supported from Day 1, without question of their immigration status;
- Supporting the long-term sustainable funding of 'access to specialist services phase' interventions, by funding interventions over longer periods, built on evidence-based models of holistic support, provided by specialist 'by and for' providers.

Investment should be made with a view to its **long-term sustainability**, including addressing the data deficit. Ideally, we should:

- Only make the investment in new services if it is in line with good practice for long-term sustainability - for at least 3 years, with the option to extend to 6 years;
- Build in funded, expert-supported evaluation and data collection processes to any new services commissioned. Give them enough oversight and capacity to loop back to the strategic plan and service pathway iteration work - make the most of the opportunity for addressing the data deficit.

These priority practical actions should be taken with the following **principles** always in mind:

- Act quickly to support survivors, regardless of their immigration status;
- Enable easy access - offer support first, without lots of questions at the 'front end';
- Access regulated advice and support to quickly establish routes to eligibility for funding;
- When commissioning new services, don't tie them up in complex eligibility criteria...
 - Instead, make new services easy to access, but monitor and evaluate them carefully, to learn from them, enabling more specific eligibility criteria in the longer-term, if this will be more effective;
- Do not constrain new services' specifications in terms of how long they can work with individuals...
 - Instead, monitor how long services are needed by those who use them, and then use that data to build a more specific services, based on evidence, at the next phase;

- See new services as a learning opportunity - involve the wider group of stakeholders in Wales, so they can bring their expertise, and get involved in a cycle of iteration and improvement;
- Set a clear plan in place with timeframes, deliverables and proposed outcomes - co-design these so they are deliverable and don't cause unintended impacts on already stretched services;
- Put a trauma-informed approach at the centre of the work - scrutinise the pathway, strategic plan, and services as they develop, asking at each stage if it is truly trauma-informed;
- Don't delay taking further action...
 - Instead, ask 'what can we do right now?'

The immediate practical work should be done with a strategic focus on the wider system. The wider strategic work can and should start immediately, but it may take longer to achieve than some of the practical actions. The strategic work should not delay the implementation of the high priority practical steps.

The **strategic and contextual planning work** should include steps to:

- Build a clear plan for how this demographic group will be actively and effectively better supported in Wales. It should not be complex, long, or overly theoretical. It should simply state the key actions to be taken in the coming few years to improve things, with some clear, agreed, measurable outcomes and timeframes attached;
- Build an agreed service pathway for this group, co-designed with stakeholders in Wales. Ground this in reality, by talking to the workers who are involved in day to day service provision, and know how the systems work. Create visual resources, flowcharts, pictures, and clear detailed template documentation to support workers in Wales to navigate the pathway for the people they are trying to support;
- Use the centralised team's expertise to create up-skilling opportunities and learning materials for mainstream services, to build capacity over time; communicate these properly, to raise awareness of the wider context in Wales for this group, so people understand there are resources they can access to support them in their work: the strategic plan, the service pathway, and the commitment to improving services in line with a trauma-informed approach.

Conclusion

There is a significant opportunity in Wales to make real steps forward in better supporting survivors of VAWDASV who have NRPF.

The Welsh Government has accepted the recommendations of the Senedd's Equality and Social Justice Committee, including the recommendation to urgently put in place a crisis fund to support survivors.

The most recent series of reports from the Domestic Abuse Commissioner outline ways in which services can be modelled on good practice and evidence, to support survivors in the most effective ways. These include: ensuring emergency support is offered at the first point of contact, without regard for someone's immigration status; commissioning sustainable services from specialist 'by and for' providers; offering services which are flexible to the long-term needs of survivors navigating the complexities of the immigration system; and shaping services around what survivors tell us they need most.

There is also a significant body of emerging guidance in Wales, based on and complemented by important pieces of research and insight. This is geared towards demystifying the complex legislative landscape, and creating more accessible resources.

Building on the work already done in Wales and across the UK, it is time to use the momentum afforded by additional investment, and the focus offered by the responses to the Senedd's Equality and Social Justice Committee.

This report recommends that investment should be made within the context of a clear pathway for survivors of VAWDASV with NRPF, and with the support of a centralised team of experts. However, it advises that development of a clear strategic plan, and an agreed pathway, should not delay the introduction of additional services.

The allocation of additional investment should be used as a springboard, to put in place practical actions which can support statutory organisations to better discharge their legal duties, and to address areas of the current data deficit so that services can be reiterated into the future with more clarity.

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Appendix B: Contributing Interviewees

Natalie Blakeborough	ACE Hub Cymru
Huw Charles	Welsh Government
Andrea Cleaver	Welsh Refugee Council
Anne Hubbard	Welsh Local Government Association
Amelia John	Welsh Government
Sara Kirkpatrick	Welsh Women's Aid
Wanjiku Mbugua	BAWSO
Kiera McNulty	Housing Justice Cymru
Angelina Rodrigues	Welsh Government
Jenna Turnbull	Welsh Government
Bonnie Williams	Housing Justice Cymru



Hyb ACE Cymru
ACE Hub Wales

The ACE Hub Wales was set up in 2017 to support professionals, organisations, and the community to help create an ACE aware Wales. Their mission is to tackle, mitigate and prevent ACEs by sharing ideas and learning, and to challenge and change ways of working, so together we can break the cycle of ACEs. The ACE Support Hub is funded by Welsh Government and works closely with leaders across public and third sector organisations to develop and deliver the ACEs agenda, including youth justice, housing, local authority, health, education and sporting bodies, as well as the local community. The ACE Support Hub is hosted by Public Health Wales and is part of the World Health Organisation (WHO) Collaborating Centre on Investment in Health and Wellbeing.

For further information please contact The ACE Support Hub

Address: Public Health Wales, 2 Capital Quarter, Tyndall Street, Cardiff, CF10 4BZ

Email: ACE@wales.nhs.uk

Website www.acehubwales.com