

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: No recourse to public funds
Date: 22 October 2024 12:34:53
Attachments: [shield-advisory.png](#)
[chevron-light.png](#)

- External email
- First time sender
- Contains topics of a financial nature

Hi [REDACTED]

Thanks for your query and apologies it has taken a couple of weeks to respond, we wanted to check with our legal colleagues to ensure we were coming back with the correct information.

So the client is correct that, under immigration rules, funding from No One Left Behind for training for employment is not considered a public fund. However, the eligibility to take up a paid placement would depend on the individuals immigration status and right to work status (this is generally limited to specific job roles or industries) so it is not a straightforward eligibility and you would need to carefully assess that to ensure there is no immigration restrictions.

Our legal colleagues have stressed that the funding for No One Left Behind can only be used to fund "training for employment" unless the participant comes under the exemption in the Scotland Act 2016 which allows for disabled people and those at risk of long term unemployment (and in receipt of reserved benefits, where the support lasts at least 12 months). If they do not meet that criteria then a paid placement or ERI cannot be funded from No One Left Behind funding but could be funded from Local Authority general revenue or UKSPF funding.

We are in the process of developing additional guidance for the Best Practice Guide document on people with no recourse to public funds to help address some of these queries in future and we are also working closely with Susie Donkin to update the ERI framework.

Thanks

From: [REDACTED]
Sent: Thursday, October 10, 2024 11:40 AM
To: [REDACTED]
Subject: RE: No recourse to public funds

Hello [REDACTED]

I am hoping you can help me to respond to our client's email below regarding participating on one of our NOLB paid placements. The client has no recourse to public funds and unfortunately this did not come to light until we had made a conditional offer. The client made some valid points about our advert for the placements, which we will take onboard and amend for future, however she has asked for more clarification regarding why a paid placement would be classed as public funds. I am aware that NOLB funding is public funds but from the information the client has provided, and what I can find online, it does not mention employability training. I also cannot find any information in the NOLB materials that covers NRPF.

I am aware that [REDACTED] asked this question a while ago and have attached the email conversation you had with [REDACTED] clarifying that people with NRPF are not eligible for paid placements but I was hoping you could give us more detail as to why this is the case so that I can respond to our applicant and

provide reasoning as to why she cannot participate. [REDACTED] email to us is copied below.

Thanks in advance

From:

Sent: Wednesday, October 9, 2024 7:58:15 PM

To: nolb@edinburgh.gov.uk

Subject: Placement query

Hi [REDACTED]

Thanks for being helpful throughout the placement process albeit the unfortunate outcome.

I had a few questions which I wanted to discuss.

At the time of applying for this "paid placement scheme" I thoroughly read the application questionnaire and completed it accordingly. The eligibility criteria didn't mention any condition related to *no public funds* and I was not aware that the recruitment process would be stopped after my successful selection due to this condition.

I researched about the public funds after your call today and wanted to discuss this further with you for my clarity.

Per my understanding, 'No Public Funds' on my visa status is governed by immigration rules. The definition of Public funds as defined in paragraph 6 of the immigration rules is reproduced below for your reference.

"Public funds" means:

(a) housing under Part VI or VII of the Housing Act 1996 and under Part II of the Housing Act 1985, Part I or II of the Housing (Scotland) Act 1987, Part II of the Housing (Northern Ireland) Order 1981 or Part II of the Housing (Northern Ireland) Order 1988; and

(b) attendance allowance, severe disablement allowance, carer's allowance and disability living allowance under Part III of the Social Security Contribution and Benefits Act 1992; income support and housing benefit under Part VII of that Act; child benefit under Part IX of that Act; income based jobseeker's allowance under the Jobseekers Act 1995; income related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance); state pension credit under the State Pension Credit Act 2002; or child tax credit and working tax credit under Part 1 of the Tax Credits Act 2002; and

(c) a Social Fund maternity expenses payment made under section 138(1)(a) of the Social Security Contributions and Benefits Act 1992; a Social Fund funeral expenses payment made under section 138(1)(a) of that Act; a Social Fund cold weather payment made under section 138(2) of that Act; a Social Fund winter fuel payment made under section 138(2) of that Act; a Social Fund budgeting loan payment made under section 138(1) of that Act; and

(d) attendance allowance, severe disablement allowance, carer's allowance and disability living allowance under Part III of the Social Security Contribution and Benefits (Northern Ireland) Act 1992; income support and housing benefit under Part VII of that Act; child benefit under Part IX of that Act; income based jobseeker's allowance under the Jobseekers (Northern Ireland) Order 1995 or income related allowance under Part 1 of the Welfare Reform Act (Northern Ireland) 2007; and

(e) a Social Fund sure start maternity grant payment made under section 134(1)(a) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992; a Social Fund funeral expenses payment made under section 134(1)(a) of that Act; a Social Fund cold weather payment made under section 134(2) of that Act; a Social Fund winter fuel payment made under section 134(2) of that Act; a Social Fund budgeting loan payment made under section 134(1)(b) of that Act; and

(f) Universal Credit under Part 1 of the Welfare Reform Act 2012 or Personal Independence Payment under Part 4 of that Act; and

(g) Universal Credit, Personal Independence Payment or any domestic rate relief under the Welfare Reform (Northern Ireland) Order 2015; and

(h) a council tax reduction under a council tax reduction scheme made under section 13A of the Local Government Finance Act 1992 (in relation to England or Wales) or a council tax reduction pursuant

to the Council Tax Reduction (Scotland) Regulations 2012 or the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012; and
(i) a payment made from a welfare fund under the Welfare Funds (Scotland) Act 2015; and
(j) a discretionary support payment made in accordance with any regulations made under article 135 of the Welfare Reform (Northern Ireland) Order 2015; and
(k) a discretionary payment made by a local authority under section 1 of the Localism Act 2011, not including any payment made under the Energy Rebate Scheme 2022; and
(l) a Child Disability Payment made under the Disability Assistance for Children and Young People (Scotland) Regulations 2021; and
(m) an Adult Disability Payment made under the Disability Assistance for Working Age People (Scotland) Regulations 2022; and
(n) a Carer's Allowance Supplement made under Section 81 of the Social Security (Scotland) Act 2018; and
(o) a Scottish Child Payment made under the Scottish Child Payment Regulations 2020; and
(p) a Funeral Support Payment made under the Funeral Expense Assistance (Scotland) Regulations 2019; and
(q) a Job Start Payment made under section 2 of the Employment and Training Act 1973; and
(r) Child Winter Heating Assistance made under the Winter Heating Assistance for Children and Young People (Scotland) Regulations 2020; and
(s) a Winter Heating Payment made under the Winter Heating Assistance (Low Income) (Scotland) Regulations 2023."

Can you please confirm under which category, this paid scheme comes in for it to be classified as Public Funds?

Appreciate a prompt response on this.

Regards

█

From: █

Sent: 15 November 2022 08:16

To: █

Subject: No recourse to public funds

Hi █,

I hope this email find you well?

Apologies for the delay in coming back to you re clients with no recourse to public funds. I have sought advice on this and have been advised that people with no recourse to public funds can access No One Left Behind activity however only for "training" purposes and upskilling. Clients would not be able to participate in any kind of paid placement/work experience.

I hope that answers your query however please do come back to me if not.

Many thanks,

█