**\*\*\*Note: remember to delete/update highlighted yellow text!\*\*\***

**TEMPLATE LETTER: CHALLENGING THE AMOUNT OF FINANCIAL SUPPORT**

***This letter template can be used freely without reference to Project 17. However, if you have any questions, you may wish to call our advice line for advisers on* 07701 330 016*.***

Children’s Social Care

ADDRESS

DATE

Dear Sir/Madam

**Urgent: Request for assessment under section 17 of the Children Act 1989**

**NAMES AND DATES OF BIRTH OF CHILDREN**

I am writing on behalf of NAME OF CLIENT, parent of NAME OF CHILD. Please find enclosed a signed authority enabling us to act on their behalf.

I understand that your department is providing NAMES with accommodation and/or financial support of £XXX per week under section 17 of the Children Act 1989.

I write to request that a new assessment for support under section 17 is completed as a matter of urgency. We believe that a lawful assessment will conclude that increased financial support is required to meet CHILD’S needs.

Please note that R. (on the application of PO, KO and RO) v Newham LBC [2014] EWHC 2561 found that following a lawful assessment, a local authority should provide subsistence rates that are likely to meet the subsistence needs of a destitute family by properly considering the family’s actual costs and circumstances.

***[If challenging subsistence which falls below rates provided under Section 4 asylum support]*** Please note that Mensah v Salford City Council & Bello v Salford City Council [2014] EWHC 3537 (Admin) found that it is lawful for local authorities to pay subsistence rates equal to the rates paid to refused asylum seekers (£49.18 per person per week), if that support is sufficient to meet the needs of the child. The rate at which they are currently being paid is below this amount.

***[If seeking subsistence at the higher ‘welfare standard’ of support—please note that the distinction drawn in this case leaves children whose parents are undocumented on a ‘subsistence standard’ of support tied to asylum support rates. Although this is good news for those children whose parents have leave, the case draws a discriminatory distinction between the two groups in the allocation of subsistence. Project 17 has concerns that if local authorities currently provide Universal Credit equivalent rates for people who are undocumented, then advocating for the rates set out in the BCD case could encourage local authorities to lower the rate of support for people who are undocumented.]*** I also note that *BCD v Birmingham Children’s Trust* [2023] EWHC 137 found that a higher ‘welfare standard’ of support should be provided under section 17 for children whose parents have limited leave to remain with NRPF. This 'welfare standard' of support must promote the child’s welfare and therefore is likely to be much higher than asylum support rates. In BCD’s case, this rate was equivalent to the fostering allowance of £510 per week. You can read more here: centralenglandlc.org.uk/news/bct-s17-support-families

**Financial circumstances**

I understand that NAME currently receives £XXX per week subsistence support from the local authority. S/he has no other income/In addition to this, she receives XXX (cash from friends, employment, food parcels etc).

* *EXPLAIN HOW THE CURRENT FINANCIAL SUPPORT IS SPENT (E.G. BUS TICKETS, FOOD, TOILETRIES, SCHOOL LUNCHES, SCHOOL TRIPS, BOOKS, TOYS, NAPPIES MILK ETC)*
* *EXPLAIN WHAT THE FAMILY GOES WITHOUT BECAUSE THEY DO NOT HAVE ENOUGH MONEY (E.G. SKIPPING MEALS, FRESH FRUIT AND VEG, MEAT, NOT BUYING CLOTHES, SHOES, BOOKS, TOYS, TRAVEL ETC.)*
* *(IT CAN BE HELPFUL TO ASK THE CLIENT TO MAKE A LIST OF THEIR EXPENDITURE OVER THE COURSE OF AWEEK. IF THEY HAVE DONE THIS, ADD IT AS AN ENCLOSURE.)*

The financial support currently being provided by your department is not sufficient to meet the needs of the child. In light of this, I write to request that you reassess the family for support under section 17 of the Children Act 1989 to ensure that the needs of the child are met.

**Action requested:**

It is my view that in accordance with the duty imposed by section 17 of the Children Act 1989 a reassessment should be conducted by XXXX local authority of CHILD’s needs. Given the circumstances, I consider that a lawful assessment would conclude that subsistence support should be increased.

Accordingly, please reassess the family for support under section 17 of the Children Act 1989 as a matter of urgency. Please respond by DATE with a proposed course of action by contacting me CONTACT DETAILS.

Yours faithfully