**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 (£45 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.

**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