

Vulnerable British nationals overseas returning to the UK: A guide to working with the Foreign, Commonwealth and Development Office

This guide for ADASS members updates and replaces guidance issued in 2019, and sits alongside an updated Statement of Understanding between ADASS and FCDO.

The situation

The Foreign, Commonwealth and Development Office (FCDO) has a consular network around the world, based in British Embassies, High Commissions and Consulates.

The Consular Assistance Department in London includes a Global Casework Team (GCT), four Country Case Teams (CCT) working on more complex cases, and a number of specialist thematic teams leading on policy and cases of Murder and Manslaughter (MMT), Prisoners (PPT), and a Joint Home Office FCDO Forced Marriage Unit (FMU).

Consular staff around the network are not social workers, but are trained to provide support and information to British nationals who find themselves in difficulty overseas.

Within the FCDO Consular Assistance Department, there is also a team of four qualified social workers seconded to offer advice and guidance to consular staff.

They have the following specialisms: children and families, mental health, older people & dementia and homelessness, repatriation and rape and sexual assault. They do not offer frontline social work support.

In the majority of consular cases, FCDO consular staff in London and overseas are able to support British nationals working with authorities in the country concerned, with NGOs and families, or with UK health authorities, without needing to contact adult social care departments in the UK.

When a British national returning to the UK from overseas is identified as having social care needs by FCDO consular staff or relevant authorities overseas, the FCDO contacts, where reasonably possible, local authority adult social care teams in the UK.

The FCDO considers that people are vulnerable when they cannot protect themselves from significant physical or emotional harm, or be protected by others.

This can include cases where there are mental health concerns, physical health concerns, destitution, homelessness, dementia, and/or forced marriage.

What does the FCDO do?

The FCDO is not a statutory safeguarding body, nor does it have duty of care to British nationals overseas. There is no legal obligation for the FCDO to provide consular assistance under domestic or international law; rather the FCDO provides support on a discretionary basis. The help the FCDO can provide is set out in [Support for British Nationals Abroad](#).

The FCDO offers appropriate assistance tailored to the individual circumstances, taking into account all relevant factors. FCDO staff overseas will consider an individual's vulnerability and the needs they have, based on who they are, where they are, and the situation they are facing.

The type of help the FCDO can offer includes issuing emergency travel documents, contacting friends and family, providing information about local lawyers, interpreters, doctors and funeral directors, other organisations that can provide specialist support.

The FCDO is not funded to provide financial assistance to British nationals overseas but in very exceptional circumstances, and when all other options have been exhausted, can offer an emergency loan for a flight and some other basic costs, to help the customer return home.

The FCDO cannot interfere with local and overseas processes and policies, but will, where reasonably possible, work within these to achieve results. In many cases, the involvement of healthcare services and social services, both in the UK and overseas, is essential to improve the British national's situation and make a viable plan for repatriation.

What actions does the FCDO take to help vulnerable adults repatriate to the UK?

When the FCDO is notified of a vulnerable British national abroad who they assess to be vulnerable and who is returning to the UK, either through their own choice or because of deportation, health, forced marriage or other concerns, the FCDO makes all reasonable attempts to support the customer to return to an area of the UK where they have a local connection.

A referral will be made to the relevant local authority adult social care team:

- If the British national is returning to reside with family or friend/s in the UK; and this is to an area that differs from the area where the British national last resided; and the circumstances still necessitate a referral to adult social care; the referral will be made to the local authority responsible for the area in which the family / friend/s normally reside.
- If no local connection can be established, a referral will be made to local authority adult social care service responsible for the area in which the port of entry is located for initial assessment.

Habitual Residence Test

When a British national returns to the UK from overseas after an extended absence they may be subject to the Habitual Residence Test. This can cause significant delay to eligibility for some support and can increase vulnerability.

Mental Capacity Act 2005

The Mental Capacity Act only applies in the UK. The FCDO will use the principles of the Act to assist individuals outside the UK, but is often reliant on the authorities overseas to make decisions and assessments of capacity in line with their own legislation and practices. If the individual is still in the UK, for example, in a forced marriage case, local authority adult social care services are required to assess capacity.

Forced Marriage cases

The Forced Marriage Unit (FMU) is a joint Foreign, Commonwealth and Development Office and Home Office unit which leads on the government's forced marriage policy, outreach and casework. It operates both inside the UK (where support is provided to any individual) and overseas (where consular assistance is provided to British nationals, including dual nationals where possible).

The FMU operates a public helpline to provide advice and support to victims of forced marriage as well as to professionals dealing with cases. The assistance provided ranges from safety advice, through to helping a forced marriage victim prevent their unwanted spouse moving to the UK ('reluctant sponsor' cases).

The FMU undertakes an extensive training and awareness programme targeting both professionals and potential victims, and carries out a range of work to raise awareness.

How can the FCDO help Adult Social Care departments?

As well as cases that originate with a referral to an embassy, the FCDO receives requests from adult social care teams in the UK. The FCDO can facilitate contact between UK adult social care teams and relevant overseas counterparts, where they exist.

If social workers are planning to travel overseas they are responsible for ensuring that they are able to operate legally in the country with permission from the responsible authorities, and that they have the appropriate visa and insurance. The FCDO is not able to assist with these arrangements.

How to contact the FCDO

The FCDO can receive queries from adult social care departments and other departments who are working with vulnerable British nationals and families who may be at risk overseas.

For vulnerable adult cases contact: casework@fcdo.gov.uk

For forced marriage cases contact: Forced Marriage Unit (FMU) fmufcdo@fcdo.gov.uk

For emergency out of hours assistance please telephone 020 7008 5000 and request Consular Assistance.

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