

UNICEF UK POLICY POSITION: ACCESS TO EDUCATION FOR REFUGEE CHILDREN

Article 28 of the Convention on the Rights of the Child states that: “1. States Parties recognize the right of the child to education....”

Global context

Education is a right for every child and a critical opportunity. For children and adolescents worldwide, it holds the key to a life with less poverty, better health and an increased ability to take the future into their own hands. For nations, it holds the key to prosperity, economic growth, and poverty reduction. UNICEF is pursuing an ambitious agenda focused on every young person being in school, learning, training or employment by 2030, with a particular emphasis on the most vulnerable: girls, children on the move such as migrants or refugees, and those living through humanitarian emergencies. For children on the move who come to the UK, education is one of the first and most critical services they need access to.

UK context

The right to quality education is recognised in statutory policy and guidance for all categories of refugee and asylum seeking children. In the UK, all children have the right of access to education. Consequently, local authorities have a legal duty to ensure that education is available for all children of compulsory school age resident in their local area that is appropriate to age, ability and any special educational needs (SEN) they may have. This legal duty applies irrespective of a child's immigration status or right of residence. All pupils newly arriving in the UK have the same entitlements to free, government-funded education as settled residents.

There have been significant changes in the policy environment in England, Scotland and Wales in recent years, with the introduction of the National Transfer Scheme (NTS) for unaccompanied asylum seeking children (UASC); the Syrian Vulnerable Persons Resettlement Scheme (VPRS); and the issuing of new government strategies and statutory guidance.

“I’d say the first thing that unaccompanied children tell you is, ‘when can I start college?’”

Accommodation manager, Harrow

UNICEF UK research

UNICEF UK research in 2017-8 - “*Education for Refugee and Asylum Seeking Children – Access and Equality in England, Scotland and Wales*” – focused on how far refugee and asylum-seeking children are currently accessing their right to education in the UK in light of recent policy changes. The main topic explored was access to mainstream education. All three levels of education were included (primary, secondary and tertiary) and all age groups, i.e. until the age of 18. The research included all children seeking international protection here in the UK, including Unaccompanied Asylum Seeking Children and children in asylum seeking or refugee families. The research covers England, Scotland and Wales and draws on quantitative and qualitative data to examine refugee and asylum seeking children’s access to and experience of education at all three levels.

Analysis and policy recommendations

The research confirms that the right to education is fully recognised in the UK's legal and policy frameworks. Overall standards are high and, in the global context, the UK is demonstrating good practice. For example, the recent Global Compact on Refugees encourages governments to "expand and enhance the quality and inclusiveness of national education systems for refugee and host community children and minimize the time refugee boys and girls spend out of education, ideally a maximum of three months after arrival". The UK target for refugee and asylum-seeking children accessing education is 20 school-day period of time, well within this recommended timeframe.

Nevertheless, the research shows that the right to education, although enshrined in law and policy, is still not implemented consistently across the UK and targets are not being fully met.

No region of the UK has met the 20 school-day target for accessing education for all of UASCs in their care. At secondary and further education levels, up to a quarter of children have had to wait over 3 months for a school or college place.

There are a number of barriers, some of them specific for certain groups of children:

- Unaccompanied asylum seeking children may face lengthy waiting periods for a school place to become available.
- For children in families the main problem is not being able to access education during any periods in temporary, initial accommodation.
- Resettled Syrian children obtain school places faster than any other group, with the exception of those with Special Educational Needs.

UNICEF UK acknowledges that the UK authorities at central and local level recognise these problems and have been seeking to address them. To ensure every child's right to education is upheld, we urge the relevant authorities, including national and local governments, schools and voluntary sector partners, to undertake additional measures, such as:

- Disseminating information to schools to ensure they are aware that they do not have to include in performance data for any children who have arrived in the UK less than 2 years ago;
- Supporting refugee families with children to navigate the admissions process;
- Rolling out innovative solutions and existing best practice to address the consequences of stays in temporary initial accommodation for children in asylum seeking families and participation in the National Transfer Scheme;
- Ensuring better support and sufficient places for children with Special Educational Needs
- Ensuring that, in all three countries, sufficient resources are provided to support pupils for whom English is an additional language.

In the attached annexes we have proposed country-specific (i.e. England, Scotland, Wales) recommendations for relevant decision-makers and providers.

Despite the gaps in provision that need addressing, we are very encouraged to see from the research that in each local authority area, education is prioritised from the outset and has

been integrated into pathway planning. The majority of the social workers interviewed described working closely with teachers on personal education plans. The majority of the stakeholders interviewed stated that schools were often very positive about how the presence of refugee and asylum-seeking children had enriched the life of the school community and the learning environment.

Our research highlighted many examples of good practice within schools: The Virtual School in Croydon, Therapeutic Mentoring Schools, Newman Catholic College, Orientation and Induction Programme for new arrivals in Oxfordshire, Educational mentoring by Refugee Support Network¹ - these examples of good practice are commended and should be adopted more systemically to address some of the barriers highlighted in the report.

Conclusion

Education and training are among the most powerful tools for refugee and asylum-seeking children's successful integration into UK society and access to it should be ensured and promoted as early as possible. Rapid and full access to mainstream education should therefore be an integral element of integration and dispersal strategies. This should be seen in light of every child's right to education and every decision must be based on an individual assessment of the child's best interests.

UNICEF UK acknowledges that the UK legislative, policy and service frameworks do recognise that refugee and asylum-seeking children have the same entitlement to education and training as children who are UK citizens. We also welcome that there is a consensus among policy-makers and service providers that more should be done to respond to their needs and support their full integration into UK society.

"It was my first school in the UK. I had a meeting there with my social worker to put together an education plan. She asked me about how my English was going and told me about the kinds of things I could do at that school. It was a really nice school. I really liked the teacher. He was nice to me and I was nice to him and all the teachers helped me a lot."

Mehdi, 15-year-old boy from Afghanistan, Solihull

However, our research reveals there are still too many barriers to access to and provision of education for this vulnerable group of children. UNICEF UK calls on policy-makers and service providers to constantly review and upgrade educational policy and practice by implementing our recommendations.

UNICEF UK is committed to working with policy-makers and service providers to ensure full implementation of the statutory instruments and UN human rights treaties, notably the UN Convention on the Rights of the Child, in line with our mandate. We share the UK Government's vision for "a highly-educated society in which all children have the opportunity to do well, regardless of their background or family circumstances." Together, by improving

¹ For more details see separate case studies at:
<https://www.unicef.org.uk/publications/access-to-education-refugee-asylum-seeking-children/>

access to and quality of education for all refugee and asylum-seeking children, we can make sure every child has their right to education fulfilled.

Annex 1: England

Education is both a right enshrined in the Convention on the Rights of the Child and a key lever for economic growth, poverty reduction, inclusion and gender equality, empowerment and health. This Convention right has been transposed via the Education Act (1996) that states that all children are entitled to free education and that it is compulsory for all children aged between five and sixteen (raised to eighteen in 2015). Furthermore, the UK's vision is for a highly-educated society in which all children have the opportunity to do well, regardless of their background or family circumstances.

UNICEF supports the UK Government as it lives up to the Sustainable Development Goal 4 target to make sure that all girls and boys gain access to quality primary and secondary education, as well as technical, vocational or tertiary education to build the skill set they need to gain employment in the future. We are aware and are concerned that all children in care and children with special education needs face challenges to access good quality education.

In recent years, a number of measures have been introduced in England to support the achievement of children in care, including asylum-seeking children, such as: (a) A new provision in the Children and Families Act 2014 which requires all local authorities to appoint a "Virtual School Head" to discharge the authority's duty to promote the educational achievement of the children it looks after; (b) More than doubling the pupil premium for children looked after by local authorities in England ("Pupil Premium Plus") from £900 in 2013–14 to £1,900 in 2014–15; and (c) Issuing a Charter for Care Leavers which explains what young people should expect from local authorities as they make the transition to adulthood.

However the fact is that refugee and asylum-seeking children still sometimes experience barriers to accessing schooling and thriving in education in England. A concerning picture emerges in relation to ESOL, reflecting the Casey Report which highlighted the reduction in funding for ESOL by 50% between 2008 and 2015.

A positive development is the new Controlling Migration Fund, which was a provision of the Immigration Act 2016 and is designed to help local councils and their communities over the next four years *to provide additional support to those areas experiencing pressures*. We hope that the enhancement of ESOL will be an area to benefit from this fund. Our study demonstrated that difficulties obtaining the requisite level of English to catch up with peers was the most significant barrier to thriving in education. Full time ESOL is typically 16 hours per week, but, one third of children consulted who were studying on these courses considered this to be insufficient for the progress they aimed to make.

Recommendations:

The UK Government should:

- Provide easily accessible information to refugee and asylum-seeking families about their entitlements to education, where possible in their mother tongue;
- Ensure that a child's participation in the National Transfer Scheme does not disrupt, even temporarily, their access to the education they need;

- Disperse asylum-seeking families more expediently. Interim provision of education should be ensured for children in initial accommodation;
- Recognise the acquisition of English as a right in the Integrated Community Strategy green paper; and
- Review the provision of education placements for resettled children with profound Special Education Needs.
- Revise guidance for local authorities on care by family and friends, to recognise cases of family reunion as 'informal family care' arrangements, as has been proposed;
- Recognise the importance of support and the enhanced needs of many Dublin Regulation arrivals;
- Continue its efforts to help overcome existing challenges for refugee and asylum-seeking children to access education by, for instance, producing resources for social workers, sharing best practice, etc.;
- Ensure that all refugee and asylum-seeking children can secure a timely place in Further Education irrespective of the point in the school year that they arrive in the country; and
- Ensure that the 16-18 year olds who are in ESOL provision have sufficient hours.

Local Authorities and Virtual School Heads should:

- Identify evidence-based good practice for supporting unaccompanied asylum seeking children to access and remain in education and make resources available across the Virtual School Head Network in England;
- Disseminate information to schools to ensure they are aware that they do not have to include in performance data for any children who have arrived in the UK less than 2 years ago; and
- Develop good practice guidance on interim provision.
- To enhance learning through the vulnerable learners bursary

OFSTED should:

- Include refugee and asylum seeking children in its Common Inspection Framework list of groups of learners. This would help focus proportionate attention of the quality of educational provision and outcomes for this group with its specific needs, and would reward schools, colleges and other educational providers that do a good job of meeting their needs. This step would also reassure schools that they will not be penalised for accepting refugee and asylum seeking children at the upper-secondary level.