

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. To help meet this goal, 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. There are a number of barriers, some of them specific for certain groups of children:

- Unaccompanied asylum seeking children (UASC) 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.

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.

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 relevant authorities, including national and local governments, schools and voluntary sector partners, to undertake additional measures, such as:

- Disseminate information to schools so that they are aware that they do not have to include in performance data any children who have arrived in the UK less than 2 years ago;
- Support refugee families with children in navigating the admissions process;
- Roll 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;
- Ensure better support and sufficient places for children with Special Educational Needs (SEN)

- Ensure 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

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

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 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: Scotland

In Scotland, the current policy and funding environment is already supportive of education for refugee and asylum-seeking children. Key measures and initiatives cited in the report include The New Scots Refugee Integration Strategy 2018 – 2022, which recognises the right of every child of school age to be provided with a school education, and the Scottish Guardianship Service which enables unaccompanied asylum seeking children to access individualised support, including around education, from the point of arrival.

However, despite a conducive policy environment, the research also identifies a number of gaps and obstacles to effective implementation. Chief among these is the delay experienced by many unaccompanied asylum seeking children in accessing education, especially among those applying for secondary and further education. While this issue is common to Scotland, Wales and England, access to English for Speakers of Other Languages (ESOL) is a particular problem in Scotland where practitioners spoke of young people waiting up to a year to gain access to mainstream ESOL classes.

There are also concerns that funding to support unaccompanied asylum seeking children, including in education support services, is insufficient for some Local Authorities, particularly since Scotland began participating in the National Transfer Scheme².

For children who do access education, the research notes a number of challenges across Scotland, shared also by children in England and Wales, that threaten continuing engagement and the ability to thrive at school. These include inappropriate placement decisions – children being placed in school when college would be more appropriate or vice versa – and curriculum and content which is not adapted to their needs, particularly for children with limited English. The research found that these issues were exacerbated by a general lack of expertise amongst school staff and teachers in dealing with refugee and asylum-seeking children.

Based on the research findings, Unicef therefore makes the following recommendations to improve refugee and asylum-seeking children's access to and participation in education in Scotland.

The Scottish Government should:

- Develop clear guidance on education provision for refugee and asylum-seeking children to reduce confusion and delays in access.
- Increase funding to ensure all local authorities are able to support unaccompanied asylum-seeking children in accessing education, particularly those authorities receiving children through the National Transfer Scheme.
- Increase funding to local authorities to reduce delays faced by unaccompanied asylum-seeking children in accessing English for Speakers of Other Languages

Scottish Local Authorities and The Convention of Local Authorities (COSLA) should:

- Identify capacity needs of local authorities to provide education for refugee and asylum-seeking children, including authorities receiving children through the National Transfer Scheme.

² The NTS is a voluntary arrangement whereby Local Authorities with a disproportionate number of unaccompanied asylum seeking young people can transfer new arrivals to Local Authorities with capacity to take on their care. The scheme was initially restricted to England but now includes Wales and Scotland as well (Parliament 2017).

- Improve and extend training on education needs of refugee and asylum-seeking children for all relevant professionals. This should include networking and information sharing opportunities to share examples of good practice.

Additional and more detailed recommendations can be found in the report.