

# Refugee Council

## policy response



## Refugee Council response to the Department for Work and Pensions Consultation on the Green Paper

### No one written off: reforming welfare to reward responsibility

October 2008

#### About the Refugee Council

As a human rights charity, independent of government, the Refugee Council works to ensure that refugees<sup>1</sup> are given the protection they need, that they are treated with respect and understanding, and that they have the same rights, opportunities and responsibilities as other members of our society.

We have not responded to all questions in the consultation but have focused on those with particular relevance to refugees.

The Refugee Council is committed to supporting refugees into work as a key part of their integration into life in the UK. The value of our approach has been recognised by the UK Border Agency (UKBA) which has awarded the Refugee Council a number of regional contracts for the new Refugee Integration and Employment Service (RIES). RIES provides support for up to twelve months to asylum seekers granted refugee status or Humanitarian Protection from 1 October 2008. The employment services offer one-to-one information advice and guidance, skills assessment and also job brokerage. We will be working closely with Job Centre Plus (JCP) to ensure a smooth transition from asylum to mainstream support for those who need it and to support refugees to find appropriate training and employment.

Along with RIES, the Refugee Council has a range of other employment activities, including Refugees into Teaching (RiT), a national initiative funded by the Training and Development Agency for Schools. RiT provides an advice and referral service to refugee teachers and free UK NARIC assessments of teaching and related qualifications. We are also developing regional support networks between refugee agencies, local authorities and initial teacher training providers to help refugees to qualify to teach in the UK. In addition, the Refugee Council runs mentoring programmes for refugee professionals, including

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<sup>1</sup> Refugee is used throughout to include people with refugee status as well as others with international protection needs who have been granted humanitarian protection, indefinite and discretionary leave to remain. Refugee status is used to refer only to asylum seekers granted status under the 1951 Refugee Convention.

those with a finance and teaching background, and employment support within our Gateway Protection Programme<sup>2</sup> teams.

The Refugee Council also coordinates the Education, Training and Employment Working Group (ETEWSG), a national forum to discuss and develop responses to current policy issues relevant to refugees. The Group includes a range of stakeholders from Local Authority and Regional Development Agency representatives to English for Speakers of Other Languages (ESOL) providers and further and higher education agencies.

## Introductory comments

The Refugee Council welcomes the Green Paper's commitment to increasing the support available for people to access sustainable employment. The Green Paper builds on the Department's ambitions outlined in last year's *In work, better off: next steps to full employment* consultation, which included a growing recognition of the community and voluntary sector's role. We believe that tailoring provision around the needs of individual clients and increasing the role of specialist and trusted agencies go hand in hand.

The Refugee Council believes that there is a need for joint working between key Government departments to support refugees into work, in particular, between UKBA, the Department for Work and Pensions (DWP), the Department for Innovation, Universities and Skills (DIUS) and the Department for Communities and Local Government. Refugees face a number of distinct barriers to training and accessing work, many of which are not shared by other migrants or minority ethnic groups. Before addressing a number of the Green Paper's questions directly, we wish to make a few wider comments relevant to the consultation.

## Impact of forced migration

Refugees are forced to leave their countries of origin as a result of persecution. Refugees have to deal with the emotional and psychological impact of this, along with experiences of isolation while they are claiming asylum in the UK. The forced nature of refugees' migration has a number of additional impacts:

- disrupted education and professional development
- lack of personal belongings, including degree or other certificates
- limited or no contact with home country restricting opportunities for requesting certificates of good conduct, employer and academic references
- not having a passport or other commonly recognised ID documentation
- lack of language preparation, particularly as refugees often have no choice on where they claim asylum<sup>3</sup>
- length of time in the UK asylum system: despite improvements in UKBA's decision making, there are still a significant number of asylum claims undetermined after six months.<sup>4</sup>

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<sup>2</sup> The Refugee Council is one of the main refugee agencies providing support to refugees arriving as part of the Gateway Protection Programme (GPP) for the resettlement of refugees. The GPP is operated by the UK Border Agency in partnership with the United Nations High Commissioner for Refugees (UNHCR), the United Nations' refugee organisation. It offers a legal route for up to 750 refugees to settle in the United Kingdom each year.

<sup>3</sup> A Home Office research study concluded that asylum seekers have extremely limited choice on the where they flee to. See Robinson V and Segrott J *Understanding the decision-making of asylum seekers* (Home Office Research Study 243, 2002)

<sup>4</sup> The latest quarterly asylum statistical summary (Quarter 2 2008) does not record the timeliness of decision. However, they do note that there were 5,720 applications for asylum made in Q2 08 and that the total number of cases waiting for an initial decision was 8,700 at the end of June 2008 (<http://www.homeoffice.gov.uk/rds/pdfs08/coiq208.pdf>, last searched 9 October 2008). The most recent figures on the timeliness of UKBA decision making from Q4 2007, note that only 23% of initial decisions were made within two months of the asylum claim. <http://www.homeoffice.gov.uk/rds/pdfs08/asylumq108.pdf>, last searched 9 October 2008.

The effects of forced migration on refugee employment and training levels are significant. This is borne out in DWP research which found low rates of refugee employment and high levels of underemployment.<sup>5</sup> This is in contrast to the levels of skills and economic participation of refugees before they arrived in the UK: a study by the National Institution of Adult Continuing Education (NIACE) found that 80% of asylum seekers were economically active or in full time education before coming to the UK and that 54% were qualified up to and above NVQ 3.<sup>6</sup> Research into refugees' own perceptions of integration carried out by the Refugee Council and the University of Birmingham found that getting a job was of particular importance to feeling integrated into the UK.<sup>7</sup>

The Refugee Council recommends that DWP commissions new research to build upon the DWP research paper, *Refugees opportunities and barriers in employment and training*,<sup>8</sup> by reassessing levels of employment and underemployment amongst refugees. We suggest the research also looks at patterns of refugee employment in the UK for individual refugees and according to national/ethnic groups. For example, are certain individuals/groups more liable to be in vulnerable employment and therefore make repeated claims for Job Seekers Allowance (JSA) and what are the reasons for this? We would also suggest that the research looks at the types of interventions that have supported refugees into sustainable, progressive (i.e. with ongoing training towards a future career goal) and appropriate (i.e. where the job matches a person's level of skills and experience) employment. This could include structured work placements and styles of ESOL delivery, but should also cover relationships between JCP and refugee agencies at a local, district and regional level. In addition, the research could draw on the experience of other countries.

## Employer attitudes

The barriers to employment that can result from the experience of forced migration are compounded further by two additional factors affecting employers. The first is negative public attitudes about asylum. Reports have regularly highlighted the negative stereotypes attached to asylum.<sup>9</sup> Such attitudes inevitably shape the view of employers and may make them wary about recruiting refugees. This was the conclusion of the Institute for Employment Studies' review of the experiences of some organisations employing refugees.<sup>10</sup>

The second factor is UKBA's guidance on preventing illegal working which is complicated for employers, particularly those without dedicated Human Resource departments, to understand. Refugees will often not have passports, the most recognised form of personal identification. Although there are plans to issue refugees with Identity Cards as foreign nationals, there is no clear timetable at the time of writing and it is likely, in the first instance, to apply only to those receiving status in the future. The Refugee Council is also concerned that ID cards for foreign nationals will be directly linked, particularly in the minds of employers, to the Points Based System (PBS).<sup>11</sup> As foreign nationals, employers are likely to assume that refugees need to have an ID card and to be sponsored in order to work in the UK, when this is not the case.

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5 Bloch, A *Refugees' opportunities and barriers in employment and training* (DWP, 2002)

6 Waddington, S *Valuing skills and supporting integration* (NIACE, 2005)

7 Atfield, Brahmhatt, O'Toole *Refugees' Experiences of Integration* (Refugee Council, 2007)

8 Bloch, A *op. cit.*

9 For example, Commission on Integration and Cohesion *Our Shared Future* (2007)

10 Institute of Employment Studies *Employing refugees: some organisations' experiences* (2004)

11 The sponsor (an employer, higher education institution, religious organisation) must apply to be registered as a licensed sponsor. They will then be able to issue certificates of sponsorship to individuals coming to the UK through the PBS. When registering, the sponsor will have given an indication to UKBA of the number of certificates they are likely to issue each year. Sponsors will have a duty to inform UKBA if the individual does not arrive, when s/he leaves the post and where there are questions about someone's identity.

In addition, employers are faced with a range of types and combinations of documents. There are a number of documents a refugee can present that demonstrate their entitlement to work. Some documents will require additional evidence; others are sufficient on their own. Refugee employees will also need to undergo regular checks on their entitlement to work<sup>12</sup> and an employer can face considerable penalties if they get it wrong. A Refugee Council and Personnel Today survey found confusion amongst employers over the paperwork required when employing refugees. It also highlighted a fear amongst some employers that they may be breaking the law when employing a refugee.<sup>13</sup>

The Refugee Council recommends that clear guidance is produced for employers outlining the combination of documents required from refugees, along with the rights and entitlements of refugees (i.e. not to be discriminated against because of limited leave to remain in the UK) to ensure that employers can take on refugee staff with confidence. We believe that JCP can play a key role in ensuring that employers can employ refugees with confidence through its engagement with employers, particularly the Local Employment Partnerships and involvement in multi area (i.e. City Strategy Pathfinder pilots) and local (i.e. Local Strategic Partnership) initiatives.

We would also urge the DWP to encourage UKBA and the Department for Business, Enterprise and Regulatory Reform to conduct independent research into the attitudes of employers to recruiting refugees, including the impact of current UKBA guidance on preventing illegal working, and to develop interventions to respond to the research findings.

### **Accrediting Prior Experience and Learning**

There is a need for a national system for the Accreditation of Prior Experiential Learning (APEL)<sup>14</sup> to support refugees into appropriate employment and utilise their skills and experience. This would be of great benefit to refugees who are often not able to bring their certificates as a result of being forced out of their country due to persecution and human rights abuses. As a result, refugees are often unable to obtain an assessment by UKNARIC<sup>15</sup>. Without a national APEL system refugees are faced with extended periods of unemployment or underemployment in an attempt to requalify in the UK. The UK in turn misses out on a valuable source of skilled labour and tax income.

A study by the University of Birmingham found an overreliance by employers and training providers on UKNARIC for assessing learning and experience from outside the EU. The study found low levels of APEL in the UK, which was often limited to building a portfolio of evidence for academic purposes. For example, the Refugee Assessment and Guidance Unit (London Metropolitan University) (RAGU) has successfully run a portfolio-based APEL course for refugees with a focus on accessing higher education. However, in other parts of Europe, APEL is also integrated into work-based assessments. The study developed a useful model for bringing APEL and work experience placements together.<sup>16</sup>

Developing an APEL system that integrates work-based assessments will be limited by current JCP policy on work placements. In general, JCP customers can only engage in structured work placements as part of volunteering. Although this has value it restricts opportunities to the not for profit sector. The Refugee Council currently runs a successful mentoring programme with a number of leading companies in the

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12 This applies to asylum seekers granted refugee status from 30 August 2005. On this date, the Home Office reversed its previous policy of giving refugees indefinite leave to remain (ILR). Refugees now have an initial five years leave to remain and will need to apply for ILR or Citizenship following a successful review of their status, usually in the fifth year of leave.

13 See <http://www.refugeecouncil.org.uk/news/press/2001/november/20011120refug.htm>, last searched 29 September 2008

14 The UK Centre for Materials Education defines APEL as 'a process that enables people of all ages, backgrounds and attitudes to receive formal recognition for skills and knowledge they already possess.' See <http://www.materials.ac.uk/resources/library/apelintro.asp>, last searched 10 October 2008

15 The UK National Academic Recognition and Information Centre (UK NARIC) is the National Agency responsible for benchmarking and providing the equivalency of overseas qualifications to those in the UK.

16 Phillimore, Craig, Goodson, Sankey *Employability initiatives for refugees in Europe: looking at, and learning from, good practice* (University of Birmingham, 2006)

financial services sector. The initiative supports refugees who have a financial professional background. We have been frustrated by not being able to develop the programme to include work placements as a result of JCP restrictions. Our response to Question 12 outlines what changes to currently policy we think should be made.

The new Integrated Employment Services currently being piloted by DWP and DIUS and the UKBA funded Refugee Integration and Employment Services (RIES) offer an excellent opportunity to Government to trial a form of APEL for refugees that could also be of benefit to other non EU migrants. The Refugee Council would welcome discussions with DWP and DIUS to consider how this could be best achieved.

### **English language training**

Along with employment, English is a key indicator of integration in the eyes of refugees and Government. The Refugee Council's research into refugees' views of integration found the ability to access English for Speakers of Other Languages (ESOL) provision and speak English was vitally important for successful integration.<sup>17</sup> This was for a number of reasons: employability, community cohesion and a greater sense of belonging. It is important for DWP basic skills provision to recognise the need for focused ESOL for refugees that is both vocational and social. Low levels of English may not necessarily mean a refugee has wider basic skills needs. What is often needed is an intensive period of relevant English language learning. The Refugee Council has found JCP provision in certain areas to have the flexibility to accommodate this. For example, in Sheffield our Gateway Protection team has found the ESOL subcontractor of the Employability Skills Programme (ESP) to have both the expertise in ESOL delivery and in working with refugees. The result of this is that refugee learners' levels of English have progressed significantly more than other groups.

The Refugee Council recommends that JCP increases the opportunities for refugees to access full time English language provision. This needs to include all levels of English from pre-Entry (i.e. pre Employability Skills Programme) to higher level English for professionals (i.e. International English Language Testing System (IELTS)). This would have a significant impact on the ability of refugees to access employment and strengthen their integration into wider UK society.

### **Information, Advice and Guidance (IAG)**

The experience of refugees and the distinct issues they face increases the need for skilled and informed IAG provision to meet their needs. The Refugee Council concurs with the conclusions outlined in ProgressGB's<sup>18</sup> routes to integration and inclusion report recommending the need for

- continuing specialist IAG provision for refugees in the light of the varied cultural backgrounds and complex needs and legal status of refugees.
- mainstream providers of IAG to ensure that advisers are trained and supported in giving IAG to refugees. In particular, the report highlighted JCP staff and those delivering the new Adult Advancement and Careers Services.
- building the capacity of voluntary and community organisations to address issues of employability amongst migrant and refugee groups.

The Refugee Council recommends that DWP considers how current funding for disadvantaged groups can be used most effectively to support refugees into employment. Specialist refugee agencies can support mainstream provision to provide the additional expertise required, for example where a refugee

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17 Atfield, Brahmabhatt, O'Toole *op.cit.*

18 Progress GB was an EQUAL funded development partnership, led by NIACE, which tested new approaches to the integration and inclusion of refugees and migrants in the UK labour market.

is a professional and needs support over the longer term to requalify in the UK. Our recommendations are developed further in our answer to Question 27.

### **Devolution to the local level**

The Refugee Council recognises the value of devolving decision making and provision to the local level as outlined in the Green Paper. The role of a JCP adviser is central. We are concerned that without appropriate training and support, JCP advisers may not be equipped to recognise the distinct situation of refugees. For example, we know of occasions when advisers have made direct comparisons between refugees and migrant workers. The assumption by JCP advisers was that English should not be a barrier to work for refugees because A8 nationals in the district have no problem finding work. However, the two groups have very different reasons for coming to and remaining in the UK which impact on their ability to access employment.

There are real advantages to allowing JCP advisers greater discretion in supporting refugees through JCP contracted and wider local provision. They have the best opportunity within JCP of understanding the individual customer's needs and tailoring support accordingly. But in the context of tougher sanctions and a something-for-something approach to providing increased support, failing to understand a refugee's needs could prove counter-productive. Refugees will be unfamiliar with the UK job culture and benefits system and need time to adjust.<sup>19</sup> It is also likely that refugees experience higher levels of financial exclusion and that their communities have lower levels of social capital than other migrants who have longer established communities in the UK and active, open links with their home country. Research published by NIACE outlines the position of many refugees, highlighting the more limited time they have to establish wider networks and links.

*These more elusive barriers, such as not having access to the necessary knowledge, information and skills to navigate around the systems of education and employment, worked to undermine confidence, self-esteem and a sense of empowerment.<sup>20</sup>*

The Refugee Council recommends that JCP provides regular training for advisers, preferably through an external agency, on the experiences, barriers to employment, rights and entitlements of refugees. This should also cover the local and regional community and voluntary sector assistance available to support refugees into work.

Finally, we want to note two related policies that impact on the consultation. The first is the five years limited leave to remain given to asylum seekers granted refugee status since August 2005. The Refugee Council is opposed to the structured review of refugee status. We believe that all asylum seekers granted protection under the 1951 Refugee Convention should automatically receive indefinite leave to remain (ILR). This would strengthen a refugee's employability. For example, employers do not have to make regular checks on entitlement to work for employees with ILR and may be more willing to invest in training.

The second policy issue relates to asylum seekers' entitlement to work and training. The Refugee Council believes that asylum seekers should have the choice to work from the day of their claim, but at the most after six months. We also believe that asylum seekers should be eligible for Learning and Skills Council funding once they have applied for asylum. This should continue through to someone being granted leave to remain in the UK or able to return to their country of origin. Allowing asylum seekers to work, learn English and engage in other forms of training will help combat economic and social exclusion,

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<sup>19</sup> Joseph Rowntree Foundation research found evidence that sanctions are often complex to understand and 'that penalties have a harsher impact on those without access to other resources and strong social networks.' Finn, D, Mason D, Rahim N and Casebourne J *Delivering benefits, tax credits and employment services: Problems for disadvantaged users and potential solutions* (Joseph Rowntree Foundation, 2008), p.x

<sup>20</sup> Loughton A-M, Morrice, L Refugees, *Asylum-seekers and Migrants: steps on the education and employment progression journey* (NIACE, 2008), p.9

alleviate the burdens destitution places on community organisations and related agencies, and challenge the negative public stereotypes of asylum seekers being a 'burden'. In addition, the effects of economic exclusion during a person's asylum claim do not disappear when they are granted leave to remain.

The Refugee Council believes that allowing asylum seekers to work and train and giving indefinite leave to remain to those granted refugee status will strengthen attempts to support refugees into appropriate and sustainable employment.

## Consultation Questions

**Question 2: How could capacity and capability to provide full-time work experience in the community sector be provided and incentivised to produce the best employment outcomes for participants?**

**Question 3: Is full-time 'work for your benefit' as an alternative to a sanction of loss of benefit for repeated non-compliance with work search requirements an effective option for some jobseekers? How should it be targeted?**

The Refugee Council does not agree with the Green Paper's proposal for full-time conditional work experience in the community sector for refugees. If a refugee is unemployed after two years, or having to make repeated claims for JSA, there are clearly barriers to sustained employment that a full-time enforced community-based work placement will not deal with. As outlined above, these issues may be personal (i.e. result of torture, low levels of English) or outside a refugee's control (i.e. limited leave to remain left in the UK and public perceptions of asylum impacting on employers' willingness to employ refugees).

However, we do support an expanded role for the community and voluntary sector (CVS) in providing employment and training opportunities for refugees. This needs to happen as early as possible. There is considerable expertise in the refugee sector and wider CVS, despite significant reductions in funding over the past few years. The Refugee Council recommends clearer guidance and more flexible contracting arrangements to provide opportunities for smaller, specialised agencies to work with JCP. Where there are larger numbers of refugees in a JCP district, a refugee agency can be subcontracted to provide regular services as part of JCP products. At present, agencies providing specialist employment and training rely on external funding to provide these services. In addition, there are a number of restrictions to non JCP contracted provision, particularly around the 16 hour rule ceiling. These mean that many agencies have to confine their work to structured volunteering placements and limited language and employability skills training. For additional information, please see our response to Question 12.

**Question 8: When is the right time to require ESA claimants to take a skills health check?**

**Question 9: Should ESA customers be required to attend training in order to gain the identified skills they need to enter work?**

The Refugee Council shares the Department's belief that work, in general, has health benefits. We are aware that many refugees will have experienced persecution directly and may have been victims of torture. All have experienced forced migration which inevitably brings feelings of trauma, bereavement and anxiety. It is likely that a majority of refugees will be able to work. Their main needs are around English language, UK work experience and the recognition and accreditation of previous learning and experience and we urge DWP to ensure that these are provided for.

However, some refugees will not be work ready. The Refugee Council recommends that refugees being considered for ESA should be assessed by a properly qualified medical professional who is experienced

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in working with refugees. At the very least, the decision making process should allow a refugee or their advocate to introduce specialist medical evidence.

The Refugee Council is acutely aware of the impact that exclusion from employment and training has on asylum seekers and subsequently on refugee integration. Most asylum seekers were either in full time education or employment before arriving in the UK.<sup>21</sup> At present, asylum seekers are excluded from Learning and Skills Council funding for the first six months of their claim. We believe that this delay in provision is damaging to the health of asylum seekers at a time when they are in most need of feeling secure and being occupied.

In addition, current UKBA policy only allows for the main applicant on an asylum claim to apply for work permission if there has been no initial Home Office decision after twelve months. Again, this is too long a wait for people who want to work and who would benefit from doing so. Enforcing dependency on benefits over significant periods of time is damaging to an individual's health, well being and employability if granted leave to remain. There are also greater public costs with higher rates of mental health issues, funding for asylum support and future JSA or ESA benefits and loss of tax revenue. We would urge the Department to make the case within Government for early entry to employment and training for asylum seekers.

**Question 10: In view of the need to help lone parents develop the skills they need to find work, are we right to require lone parents to have a skills health check and training as a condition of receiving benefit?**

**Question 11: Should we pilot extra benefit payments for lone parents in return for training, and if so, when the youngest child is what age?**

The Refugee Council is committed to supporting people into appropriate employment. However, refugee lone parents are likely to face a distinct set of issues. For example, a single mother may have refugee status in the UK as a result of her husband being killed or imprisoned. As the main childcarer in a new country without additional social networks of support, contact time between mother and children of any age will be a priority. The interests of the children should be paramount. The guidelines for ESA should accommodate the exceptional circumstances of certain refugee lone parents.

**Question 12: Are there any other circumstances where customers cannot get the skills they need to enter employment under present and planned arrangements?**

The Refugee Council welcomes the flexibility for provision within the Green Paper, particularly around the role of the CVS and the 16 hour rule. There are two areas not currently covered under JSA: English language provision and work placement.

1. English language provision is currently part of a number of JCP products (i.e. Employability Skills Programme (ESP), New Deal). However, there needs to be greater flexibility to allow alternative providers and levels of English language to be accessed. The Refugee Council believes JCP should accommodate the following categories of English language learning for refugees:
  - a. pre Entry level (EL) who will not be eligible for ESP or equivalent programme. JCP regulations need to allow and provide for focused, full time ESOL support up to EL1.
  - b. entitlement for refugees up to Level 2 (i.e. GCSE or equivalent)

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<sup>21</sup> Waddington, S *op.cit.*

- c. IELTS (the International English Language Testing System) where it is required by professional bodies for requalifying in the UK. For example, a refugee doctor requires IELTS level 7.5 to requalify in the UK. IELTS was funded through the LSC up until last year. It is now only available privately and so beyond the means of most refugees. However, it is a small cost compared to lower tax revenues as a result of a refugee doctor being underemployed or supported by JSA.
2. Structured work placements are effective in supporting refugees into work. At present, JSA customers cannot gain work experience in non volunteering placements. The refugee sector has considerable experience in working with employers to establish structured work placements. These play a key role in familiarising a refugee to UK working culture, provide UK work references and CV experience. The employer also benefits through having greater diversity in skills, experience and community representation but without the additional commitments around potential recruitment.

A work placement also has the potential to integrate Accreditation of Previous Experiential Learning (APEL)<sup>22</sup> and can develop job specific skills, including as part of professional requalification. The Refugee and Asylum Seekers Centre for Healthcare Professionals Education North West (REACHE NW) is an example of good practice in this area. The REACHE Clinical Apprenticeship Scheme provides an opportunity for job-ready refugee doctors to work full-time as doctors in (currently unpaid) educationally supported three month posts. The aim is to improve doctors' chances of obtaining substantive posts in the NHS by providing supervised clinical experience. At least thirty one of the forty one participants to date have been successful in gaining employment within three months of finishing the scheme.<sup>23</sup>

At present, work placement opportunities are being frustrated by excluding commercial organisations and, as in the case with health professionals outlined above, the 16 hour rule. The JCP Work Trials do offer some opportunities but require a job vacancy to exist at the end of the placement. As a result, they can be limited by the organisation's employment needs. Therefore, JCP policy should accommodate placements that offer professional work experience and skill enhancement. This will encourage participation from a wider range of employers who may not necessarily be in a position to offer paid employment as an outcome. Such placements can be a step towards qualifying in a particular profession or gaining valuable work experience to enhance future employability. There are some excellent examples of refugee supporting agencies establishing structured work placements with employers to achieve these ends.<sup>24</sup>

In addition, the Refugee Council welcomes the Green Paper's willingness to consider greater flexibility around the 16 hour rule. Allowing refugees to engage in full time, non JCP contracted training would be of significant benefit to supporting refugees into work (i.e. where it can be demonstrated that the training provision is progressing the individual towards employment).

**Question 13: How might we build on the foundations of the current rules so that they do not discourage unemployed people from volunteering as a deliberate back-to-work strategy, while retaining a clear focus on moving off welfare into paid employment?**

The Refugee Council is fortunate in having a committed, diverse and enthusiastic group of volunteers who make a significant difference to our work. We believe that it is important to maintain the link between our core values and services and the reasons why people volunteer with us. At the centre is a

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<sup>22</sup> See introductory comments above in section on Accreditation of Prior Experience and Learning

<sup>23</sup> Personal correspondence with REACHE coordinator, 7 October 2008

<sup>24</sup> For example, the Refugee Assessment and Guidance Unit (RAGU) [http://www.londonmet.ac.uk/londonmet/library/e49903\\_3.pdf](http://www.londonmet.ac.uk/londonmet/library/e49903_3.pdf), last searched 9 October 2008

commitment from our volunteers to supporting refugees in the UK. This is done by volunteers in many different ways: delivering ESOL lessons, providing food parcels, running youth clubs, mentoring. We also run TalksTeams, refugee volunteers who visit schools to talk about their experiences and contribute to Citizenship and other lessons.

The Refugee Council recognises that people volunteer for a number of reasons and that much of our volunteering activities require and develop a range of useful skills for work.<sup>25</sup> There is scope to structure volunteering placements within a back-to-work strategy. There have been some excellent voluntary work placements coordinated by refugee agencies, including the Refugee Council, particularly within the public sector but also in the charitable sector.<sup>26</sup>

However, we have a number of concerns about using volunteering as a deliberate back-to-work strategy. Firstly, this potentially disassociates the reasons motivating an individual from the core values of the organisation. Although we have seen many volunteers gain valuable experience of working life, this has been a bi-product of their role and not the main reason for volunteering with the Refugee Council. Secondly, a back-to-work strategy needs to be properly funded to avoid placing additional burdens on the not for profit sector. It should be part of DWP's wider review of working with the community and voluntary sector (CVS) which we have commented on in our response to Questions 2 and 3 above. Thirdly, we would want the use of volunteering as a deliberate back-to-work strategy to incorporate the accreditation of learning, through fully funded Train to Gain<sup>27</sup> brokerage and a system of APEL.<sup>28</sup> Finally, we would recommend that any use of volunteering as a back-to-work strategy links in with UKBA's plans for gaining citizenship which include a period of active citizenship that can be demonstrated through volunteering. We recommend that JCP act as a referee for someone in support of their application for naturalisation or indefinite leave to remain.<sup>29</sup>

Finally, the Refugee Council is regularly approached by JCP to clarify the nature of a refugee customer's role with us: that it is volunteering and not unpaid work. This puts additional administrative burdens on our volunteering section, and other charities which rely on the valuable contribution of volunteers. We therefore recommend that DWP provides clear, positive guidance to staff on the distinction between unpaid work and volunteering. This should include clear examples of what counts as volunteering, including reference to opportunities in the public and voluntary sectors, and ensure that cross-government agreement is behind the guidance.

### **Question 27: What would the processes around contributing to commissioning and performance management look like in a range of different partnership areas? How might they best be managed to achieve the desired outcomes?**

The Refugee Council welcomes the Green Paper's commitment towards devolution to local partnerships. As illustrated throughout our response to the Green Paper, there is real expertise within the refugee

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25 For example, the Inquiry into the Future of Civil Society in the UK and Ireland's report, *The Shape of Civil Society to Come*, highlighted the impact rising individualism within society has on volunteering. The report suggested that this can lead to people to volunteer as a means to improving their employability opportunities has a reason for volunteering. See <http://democracy.carnegieuktrust.org.uk/files/The%20shape%20of%20civil%20society%20to%20come.pdf>, last searched 13 October 2008

26 [http://www.londonmet.ac.uk/londonmet/library/e49903\\_3.pdf](http://www.londonmet.ac.uk/londonmet/library/e49903_3.pdf), last searched 9 October 2008

27 The Train to Gain programme is funded through the Learning and Skills Council and aimed at employers to provide work-based training. See <http://www.traintogain.gov.uk/>, last searched 13 October 2008

28 See introductory comments and our response to Question 12 above

29 UKBA plans for gaining indefinite leave to remain and citizenship include a period of probationary citizenship which can last from between one and five years. In order to progress an application for citizenship within one year, or ILR within three years, a person will need to demonstrate active citizenship (i.e. evidence of volunteering with a recognised organisation). For further details, see <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/closedconsultations/pathtocitizenship/>, last searched 13 October 2008

sector. It is important that this can be accessed by refugee customers through formal and informal partnership working between refugee agencies and JCP. We recommend that funding guidelines encourage greater subcontracting by lead contractors for JCP products. For example, establishing structured work placements as part of New Deal, providing specialised IAG for professionals, or employability skill training within ESP provision. Such arrangements should include opportunities to pay on a per customer basis. Indeed in areas with higher numbers of unemployed refugees, a lead refugee agency could be contracted to deliver JCP products.

We would also like to see increased flexibility to develop working partnerships between JCP and refugee agencies with existing funding for employment support services. The Refugee Integration and Employment Services (RIES) offer the potential for JCP to structure their support for certain refugee customers<sup>30</sup> in cooperation with a dedicated agency. Such services can add value to JCP provision but need to be embedded into the role of advisers at a local level.

### **Question 29: How effective are current monitoring and evaluation arrangements for City Strategies?**

The Refugee Council welcomes the multi area working approach, such as City Strategy Pathfinders (CSP), in bringing together a range of stakeholders, including Government departments and agencies, to tackle the multiple barriers to employment for certain groups. However, we are concerned that refugees are not adequately represented amongst the partner organisations or the targeted recipient groups.

The Refugee Council recommends that CSPs, and local authorities in allocating the Working Neighbourhoods Fund, are required to demonstrate within their geographical area:

- evidence of numbers of individual refugees and their communities
- levels of refugee unemployment
- language and other barriers to accessing employment
- consultation with the refugee sector to assess the resources available
- inclusion of refugee representation within the decision making process to ensure a level of accountability.

## **Conclusion and Recommendations**

The Refugee Council believes the Green Paper has a number of positive developments that, if properly supported, can lead to better, tailored provision of services for refugees. The greater flexibility on hours spent in training, devolving decision making to the local level and the growing recognition of the community and voluntary sector's role are welcome.

The Refugee Council recommends that DWP:

1. commissions new research that assesses levels of refugee employment and underemployment, looks at patterns of refugee employment in the UK and identifies interventions that have supported refugees into employment
2. issues clear, separate guidance for employers outlining the combination of documents required when employing refugees, along with the rights and entitlements of refugees
3. increases the opportunities for refugees to access full time English language provision
4. supports specialist Information Advice and Guidance provision for refugees, including refugee agencies and the new Adult Advancement and Careers Services

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<sup>30</sup> Refugees granted status after 1 October 2008

5. builds the capacity of voluntary and community organisations to address issues of employability amongst migrant and refugee groups.
6. considers how current funding for disadvantaged groups can be used most effectively to support refugees into employment, including how specialist refugee agencies can support mainstream provision to provide the additional expertise, including developing more flexible contracting and funding arrangements
7. ensures regular training for JCP advisers, preferably through an external agency, on the experiences, barriers to employment, rights and entitlements of refugees
8. establishes clearer guidance and more flexible contracting arrangements to provide opportunities for smaller, specialised agencies to work with JCP
9. ensures that refugees being considered for ESA should be assessed by a properly qualified medical professional who is experienced in working with refugees
10. provides clear, positive guidance to staff on the distinction between unpaid work and volunteering
11. allows flexibility on the 16 rule so that refugees can participate in appropriate non JCP contracted training provision
12. allows structured work placements and work experience opportunities in the commercial sector
13. continues to develop cross Government cooperation, including with the Department for Innovation, Universities and Skills to develop work-based Accrediting Prior Experience and Learning (APEL) programmes
14. requires City Strategy Pathfinders, and local authorities in allocating the Working Neighbourhoods Fund, to demonstrate within their geographical area
  - o evidence of numbers of individual refugees and their communities
  - o levels of refugee unemployment
  - o language and other barriers to accessing employment
  - o consultation with the refugee sector to assess the resources available
  - o inclusion of refugee representation within the decision making process to ensure a level of accountability.

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