

Education to 18

Spring 2007

Early years provision

All children, regardless of whether their families are seeking asylum, or part of a family who has been granted refugee status or HP/DL/ELR, have full rights to pre-school facilities.

What can I do if...

My client is unsure where to take her young children for pre-school?

All three and four year olds are entitled to 2.5 hours of free education for a maximum of five sessions per week for 33 weeks (three terms of 11 weeks) per year. This can be in state nursery schools, private nursery schools, nursery classes in state primary schools, playgroups, day nurseries, reception classes in state primary schools and childminders.

For more information, see: www.parentcentre.gov.uk or the Department for Education and Skills website (www.dfes.gov.uk). You can also review *section 6* of the *Refugee Council Information Service* for a list of useful resources, websites and good practice.

Schools for 5-16s

All children, regardless of their immigration status or that of their family, aged 5 to 16 are legally entitled to a free school education in the UK. Parents/carers are obliged to ensure that their children receive an education, and local education authorities (LEAs) are obliged to provide education for all children resident in their area.

What can I do if...

My client cannot find a school for his/her child?

Parents are legally entitled to send children to a school of their choice but this is not always possible. There are instances when a school can refuse a child, for example if the school is full, if they only accept children of a certain religion, or if they select on ability

- If possible, provide or find an advocate for families/children. Some LEAs have dedicated staff who will advocate for children (overseas/refugee); these may be Admissions Officers, Education Welfare Workers, Refugee Support Teachers, or an Ethnic Minority Achievement Team (EMAG Team). (See *Contacts*)

- Ensure all children are registered with LEA Admissions
- If there is not a central admissions allocation to schools, ensure children apply for places in as many schools as possible; request information about waiting lists (in writing, if possible).
- Get refusals (even if wholly justified) in writing – this evidence is needed for appeals.
- A client can appeal against refusal of a school place, citing reference to the following guidance: Democratic Services at the LA (www.teachernet.gov.uk), School Admissions Code of Practice (www.dfes.gov.uk/sacode) and/or Race Relations (Amendment) Act 2002 (see www.opsi.gov.uk > legislation > UK Acts > 2000

My client's child is struggling with the transition from primary school to secondary school?

All local authorities should have a "Choice Advisor" in place by 2008. The Choice Advisor's role will be to support specific groups, as identified by the local authority, in need of help with school places in the transition to secondary school. This work will be done on an outreach basis, depending on referrals to the Choice Advisor.

- Check to see if your client's local authority has a Choice Advisor in place yet. If not, challenge them to put one in place.
- If there is a Choice Advisor, find out if they know about your client's family. If not, you may be able to refer them for assistance.

My client's child is attending a local school but now the family are about to be dispersed?

Home Office policy states that they will not disperse a family if the children have been in a school for a full academic year (three consecutive terms). However, this is likely to change in the near future. If you are particularly concerned, contact the school, the EMAG Team, local refugee organisations or your local Refugee Council office (see *Contacts*).

My client's child has been waiting more than six weeks for a school place?

This could be judged as discriminatory. If this happens, a formal appeal should be made. Parents/carers should be advised to contact their local Race Equality Council, the Advisory Centre for Education (www.ace-ed.org.uk) or their local Refugee Council office (see *Contacts*).

My client and her family have been granted a positive decision and want to move?

Contact the LEA in the region your client wants to move, to ensure the school of choice has space for the children. Also, contact the local EMAG Team or Citizen's Advice Bureau (CAB) for advice on schools in the area.

My client was told that her children aren't entitled to free school meals?

Asylum-seeking and refugee children are entitled to apply for free school meals in the same way as other children supported by means tested benefits. BIA asylum support does not provide funds for these items. If they are on income support, job seekers allowance, BIA or social service asylum support (evidence needed), children should apply to their local LEA for free school meals. Children must apply to the local authority in which they are resident; in some cases this may not be the local authority that supports them or the local authority where they attend school. For more information, see: www.parentcentre.gov.uk

My client's children attend a school that requires uniforms?

Free school uniforms are provided at the discretion of the LEA. However, the LEA must not discriminate on the grounds of immigration status. Asylum seekers may apply for free school uniforms to the school or the local authority education welfare officer. It is often helpful to cite the Race Relations Act 1976 and Race Relations (Amendment) Act 2002 or equal opportunities transgression, if the local authority refuses someone in need of help with school uniforms.

- The Family Welfare Association can provide small grants to cover the cost of uniforms and other essential items to families in need (call 020 7254 6251 or email grants.enquiry@fwa.org.uk).

My client's children attend a school that is located far from where they live?

The LEA has a statutory duty to provide a travel grant for children aged between five and 16 who live more than two miles from their primary school, and three miles from their secondary school. In some circumstances, parents receiving asylum support from the Home Office's Border and Immigration Agency (BIA) may struggle to accompany their children to school. Some LEAs may provide someone to accompany young asylum seeking children to school, at their own discretion

Education for young people aged 16+

For young people aged 16 years and above, placement within a school is at the discretion of the head teacher and the LEA. Students who are already attending a school when they reach the age of 16 may continue to do so until they are 18. (Admission is usually dependant upon qualifications or their equivalent.)

Students aged 16 to 18 in full-time or part-time education do not have to pay tuition fees. Also, they should not have to pay compulsory fees for enrolling, registering or taking exams.. This includes students who have:

- Indefinite leave to remain (ILR) and have been settled in the UK for the previous three years.
- EU national/EEA migrant status (or present in the EU/EEA for the previous three years).
- Refugee status (or child).
- Humanitarian protection (HP) or discretionary leave (DL).

What can I do if...**My client is still waiting for a decision on his/her asylum claim, and his/her child is over 16 and cannot afford to pay the fees for school?**

Different colleges and/or sixth-forms have different policies about fees for asylum-seeking young people. However, English language classes (English for Speakers of Other Languages - ESOL) provision in further education colleges will be free.

- Asylum seekers (supported by the BIA or social services) and unaccompanied asylum seeking children may be considered for funding, at the discretion of the local Learning and Skills Councils.
- There is provision for school providers to contact local Learning and Skills Councils (funders) if they believe that learners should be considered under exceptional circumstances.
- All skills for life provision (including ESOL, GCSE English and GCSE Mathematics) should be free to all learners.
- Generally, young people who are already enrolled at a school with a sixth form are allowed to continue at the discretion of the head, and in accordance with the school's entry policies.
- Some colleges may be reluctant to accept students onto longer courses such as A-levels or GNVQs if there is uncertainty about their asylum application, as they may not be able to finish the course.

My client is a young person who was refused entry onto an appropriate course?

Check their status and eligibility and if necessary, refer your client to the admissions authority www.lsc.gov.uk (Funding Guidance for Further Education in 2004/05). You may need to encourage your client to try other local colleges.

My client wants to apply for Education Maintenance Allowances?

Education Maintenance Allowances are grants for 16-19 year olds (based on parental income) to support their study. They are dependant upon attendance and attainment. However, only young people with refugee status, indefinite leave to remain or nationals of the EU/EEA are eligible. For more information, see: www.direct.gov.uk > Education and learning > 14 to 19: your life, your options > Education Maintenance Allowance

My client is a young person who wants to go to school, but needs language support?

Language support may be provided by an Ethnic Minority Achievement Grant (EMAG) funded teacher. For more information see www.standards.dfes.gov.uk > ethnic minorities (via drop down list). EMAG teachers work in partnership with classroom teachers in schools to support children whose first language is not English (EAL). Contact your client's local LEA to learn if your client's school has an EMAG/EAL teacher.

Some schools and colleges have developed a course on *Access to GCSE* for students aged 15-18, which offers extensive English language support. On completing the course, the student can go on to study GCSEs. Local authorities can pay colleges to run such courses, but it is important that such provision is full-time and appropriate to the needs of this age group.

My client is a young person who is still waiting for a place in a school?

Particularly for children aged 14 – 16, there may be difficulties in accessing a full-time place in a school.

All young people aged 13 to 19 are entitled to use the Connexions service and to a personal adviser (PA). Some local Connexions Partnerships have dedicated outreach PAs who work with asylum seekers and refugees. For further information, call Connexions Direct helpline 080 800 13219; www.connexions-direct.com

Some LEAs have alternative projects for children whilst they are waiting for a school place. However,

- Children should not have to attend an alternative project for more than 6 weeks.
- The education should be appropriate and meet their needs. This is particularly relevant for pupils who have had a disrupted education and may have limited literacy/numeracy skills, as well as children who have had an excellent education (academically advanced but need English language support).
- Children should not be enrolled at a PRU (alternative education provision for children who have been excluded from the mainstream).

Further resources

Refugee Council

The Refugee Council has useful publications for teachers. See www.refugeecouncil.org.uk > practice > resources for schools

The Integration of Refugee Children: Good Practice in Educational Settings is part of the Home Office National Refugee Integration Forum website. It has information, guidance and good practice examples to support the integration of refugee children and young people in schools (see: www.nrif.gov.uk > education)

Qualifications and Curriculum authority

Useful resources for teachers and other educational staff. See www.qca.org.uk > click on age group > inclusion > pathways to learning.