

# Refugee Council

## policy response



## Refugee Council response to the Department for Innovation, Universities and Skills consultation: Focusing English for Speakers of Other Languages (ESOL) on Community Cohesion

April 2008

## About the Refugee Council

The Refugee Council is the largest organisation in the UK working with asylum seekers and refugees. We give help and support to asylum seekers and refugees, and work with them to ensure their needs and concerns are addressed by decision-makers.

### **Introduction**

Our response to the consultation is focused on questions directly relevant to asylum seekers, those refused asylum and those granted refugee status, humanitarian protection, exceptional, discretionary leave to remain or indefinite leave to remain.

We want to note a related policy that impacts on the consultation. This is the five years limited leave to remain given to asylum seekers granted refugee status from August 2005. At the end of the five years (or during the five years) their refugee status will be reviewed. Following a positive review, their refugee status will not be questioned again. However, refugees will be expected to apply for indefinite leave to remain and satisfy the English language requirements for settlement.

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. Granting limited leave to remain restricts refugees in their ability to integrate and potentially acts as a disincentive to advancing language and vocational skills. It also destabilises refugee communities where some members can build a long term future in the UK, while others are limited in their ability to make such plans.

The current process of reviewing refugee status means those who are successful will have to satisfy English language requirements when applying for settlement. Once a person's refugee status is confirmed following their review, indefinite leave to remain should be granted automatically. This consultation provides a welcome opportunity for DIUS and the Home Office to further discussions on the provision of ESOL.

## Summary of key Refugee Council points in response to this consultation

- While recognising the important role of English language to integration and cohesion, our preference is for a national entitlement to ESOL Level 1, in line with the NIACE Committee of Inquiry on English for Speakers of Other Languages report, *More than a language*.<sup>1</sup>
- If DIUS go ahead with establishing national priority groups and linking ESOL provision to community cohesion, this needs to be carefully communicated to avoid implying that priority groups pose a threat to cooperative, supportive community relations. In the context of negative public perceptions and attitudes towards asylum seekers and refugees, this is particularly important.
- We would strongly support the inclusion of refugees as a priority group. We recommend that refugees should include all those who receive leave to remain following a claim for asylum in the UK.
- In addition, we would recommend that refugees be included as a priority group for mainstream Learning and Skills Council funded ESOL provision.
- We would also recommend that priority groups should include asylum seekers from the day of their claim.
- We believe it is important to engage refugee agencies and community organisations in directly funded and franchised ESOL provision.
- We recommend that Local Strategic Partnerships are informed by and, where appropriate, include membership from the refugee sector.

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<sup>1</sup> More than a language...:Final report of the NIACE Committee of Inquiry on English for Speakers of other Languages (ESOL), Chaired by Derek Grover CBE (October 2006), p14

## Developing National Priorities

### Question 1

- a) We have proposed an indicative list of national priorities. Are there any other groups we should consider for inclusion in this list and if so, how high a priority do you consider them to be?**

The Refugee Council strongly supports the Department's proposal to include refugees as a priority group. Research has shown consistently that English language ability is a key indicator of integration. It is also central to accessing and progressing in employment.

The impact of forced migration and claiming asylum in the United Kingdom has long term effects. We would recommend defining the term 'refugee' for this purpose as all those who have been granted Refugee Status or other forms of subsidiary protection and leave to remain following a claim for asylum. This should include those who claimed asylum but have been granted leave to remain through the family amnesty and case resolution processes. People included in these groups will have experienced sustained social and economic isolation. As a result, qualifying for funded ESOL provision will be a priority.

The Refugee Council welcomes the Department's decision to include asylum seekers and people on Section 4 support as priority groups. However, the six months wait for funded provision impacts significantly on individuals, their communities and the wider Voluntary and Community Sector (VCS). Asylum seekers are already at risk of high levels of exclusion and a lack of language skills embeds isolation further undermining integration. We recommend that asylum seekers should be included as a priority group from the day of their claim; and that the same criterion is applied to wider Learning and Skills Council funding.

We would encourage national guidance to also include the significant numbers of people who have been refused asylum who are not able or willing to apply for Section 4 support. The key criterion for Section 4 support is to agree to take steps to return voluntarily. As a result, significant numbers of refused asylum seekers who do not feel it is safe for them to arrange voluntary return have to survive without Government support. Many asylum seekers and refugees want to return when it is safe. However, we are opposed to using destitution as a tool as part of a wider returns policy. The Refugee Council believes that refused asylum seekers who are unable to return should be allowed to work, provided they satisfy the reporting requirements, should have access to ESOL provision, both to promote cohesion, enhance their contribution in the workplace, and to help them acquire a skill that will support eventual return and their contribution to their home country once they do.

For those refused asylum who are not receiving Section 4 support, we recognise that this is likely to be in larger urban dispersal areas. We would encourage local plans to reflect current ESOL provision for this group and assess levels of demand. This will largely be provided through the VCS where ESOL classes will be one of a range of support services. We recognise the Department's difficulty in funding those who have been refused leave to remain and are not receiving Section 4 support. Nevertheless, people in this situation are a part of communities in the UK and should not be forced underground. We recommend that the Department considers ways of ensuring that targets for ESOL funding are flexible enough to allow providers to include these groups of people.

**b) How would local plans demonstrate that those identified in the plan are in the nationally specified priority groups and, if not, why they are considered a local priority?**

In order for local plans to evidence nationally specified priority groups, we support current Learning and Skills Council guidelines on evidencing support for asylum seekers (the Application Registration Card) and people on Section 4 support (evidence of support granted within the last three months). Refugees, and others receiving leave to remain following an asylum claim, will have an Immigration Status Document and possibly a Travel Document. Guidance issued should accommodate refugees who may only have a Home Office letter confirming their status.

**c) What evidence should be collected to ensure that the priority groups are reached?**

There is reasonably accurate data for identifying asylum seekers and those on Section 4 support. The Home Office publishes figures of those receiving asylum support throughout the UK. For refugee populations, there are regional figures estimating numbers. The only figures currently available are the number of newly recognised refugees in a given locality for a given year. Local networks of organisations working with asylum seekers, refugees and other migrants are the key to establishing more accurate figures that reflect both movement in and out of an area and the ESOL needs of refugees who may have arrived earlier. Most localities have multi-agency bodies to coordinate work in this area, and these have (or should establish) links with the Local Strategic Partnership (LSP) and associated local planning bodies. Making use of these structures and ensuring that refugee community organisations are included will enhance the ability to assess the ESOL needs of this group, and then to develop strategies to ensure that priority groups are reached.

## **Setting ESOL priorities, planning and funding**

### **Question 2**

**a) Is the proposition outlined, building on existing arrangements, appropriate for commissioning ESOL to support community cohesion?**

Yes, the focus on local provision integrated into Local Area Agreements (LAA) is welcomed. However, the Learning and Skills Council Discretionary Learner Support Funds should continue to provide colleges with a degree of discretionary funding for ESOL provision for students currently not included as priority groups. Although supportive of local provision linked to strengthening community cohesion, we believe that ESOL should also be linked to language need which colleges are well placed to assess.

**b) How will this be done most effectively?**

Where local areas have significant numbers of refugees, LSPs must demonstrate that the views and needs of these groups are represented, preferably through direct membership and consultation.

Schools can play a key role in providing ESOL to those hardest to reach, particularly following the introduction of the community cohesion duty from September 2007. The Refugee Council's *Inclusive Secondary Schools*<sup>2</sup> research project has highlighted good practice of ESOL provision through community partnership working. The use of sites outside of the traditional college learning environment is important. This is not only for learning English; it is also a key step to an individual's lifelong learning journey.

In our experience, there is great demand for using sites that are accessible and appropriate for learners. For example in Leeds, staff members volunteered to help establish ESOL classes which have grown from eight to an average of 65 students each week. This is provided without reference to a person's asylum status. We have worked in partnership with Refugee Community Organisations (RCOs) to deliver ESOL classes and have a number of sessions each week in our London day centre.

The strategic lead for asylum support and refugee integration is taken at a regional level through consortia. Refugee agencies also help deliver a range of services. The consultation paper refers to the LSC's regional approach but largely ignores other strategies and partners at this level. The Refugee Council is contracted to the Home Office to deliver asylum support services in a number of regions, along with having the strategic national organisational lead on asylum. Furthermore, the Border and Immigration Agency is launching its national Refugee Integration and Employment Services (RIES) in October 2008. These will be regionally based with a lead contractor for each. Any further ESOL strategy and provision will need to engage at the regional level with these partners.

### **c) How could the effectiveness of the proposed arrangements in supporting community cohesion be measured?**

The examples of ESOL classes outside of mainstream funded provision have increased since the LSC's 2006 changes announced in *Raising our game*. More needs to be done to map ESOL provision across local areas to ensure they are included in funding and strategy. Evaluating the impact on community cohesion must include the views of learners, particularly around their sense of belonging, safety and local identity. The effectiveness of these arrangements for refugee communities should be incorporated into local community cohesion strategies or local and regional refugee integration strategies developed by Local Authorities (LAs) and regional consortia, respectively, and the mechanisms for evaluating those.

### **Question 3**

**Given the role for local authorities and the variety of funding sources other than the LSC, how might local planning processes influence the setting of priorities and the allocation of funds in a way that complements the mainstream system for allocating FE funds?**

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<sup>2</sup> Inclusive Secondary Schools is a three-year action research project, funded by the KPMG Foundation, which works across four English regions. The project seeks to identify good practice and strategies for increasing the inclusion of asylum seeking and refugee children, and their parents and carers, in secondary education.

In previous years, the European Social Fund (ESF) has enabled some excellent ESOL programmes for asylum seekers and refugees. For example, the Refugee Council worked in partnership with a city farm to deliver an ESOL and volunteering programme for asylum seekers. There is now a lack of funding for ESOL outside of mainstream LSC provision. This has had a particular impact on asylum seekers and increased the importance of ESOL provision through the VCS.

Although contracted provision is largely through the LSC, the role of Job Centre Plus is critical for refugees seeking to access appropriate ESOL courses. We recognise that some contracted courses will provide valuable support. However, the experience of many is that this is often not the case. Indeed, we know of examples where refugees were forced off courses provided by external agencies tailored to their needs and placed onto JCP contracted provision. Greater flexibility in DWP funding should allow for wider funded partnerships to provide ESOL and employability courses.

Local multi-agency bodies dealing with asylum, refugee and migrant issues could help identify ESOL needs among refugees and migrants. Relevant bodies associated with LSPs should coordinate efforts to assess needs, plan provision and identify funding.

## **Outreach provision and the voluntary and community sector**

### **Question 4**

**a) How can existing outreach work be strengthened to support focusing ESOL on community cohesion?**

**b) How can volunteers and the voluntary and community sector be better involved in supporting this outreach work and general ESOL provision in general and what support will they need to do this?**

The Refugee Council welcomes the recognition of the importance of the VCS and the need to encourage joint working between sectors. Some of the best practice of community outreach amongst FE colleges has been ESOL for asylum seekers and refugees. The role of satellite sites for colleges to deliver ESOL in community locations is vital. The importance of English language to integration and cohesion makes that first point of contact between provider and student particularly significant. Progression routes can include moving into main college sites but lower level courses must accommodate community based provision.

The role of learner support workers in mainstream provision is also effective, as are mentoring schemes that link those who have good levels of English with learners from their own language group. Both measures can play an important role in developing the language skills of learners and supporting wider social inclusion.

The practice of franchising ESOL provision can also help to increase participation. It allows for the mainstream provider to be responsible for quality assurance and administration. As a result, smaller organisations working directly with refugees and asylum seekers are able to provide funded ESOL services.

In addition, there will always be a role for voluntary provision outside of the mainstream and this should be properly supported. We recognise that there can be a tension between

maintaining flexible and diverse ESOL delivery and quality. However, this needs to accommodate the different reasons for taking an ESOL course. These can often be for social and personal reasons, rather than to further one's employability. The important role at the local mapping level is to ensure that all providers are supported to deliver appropriate ESOL and to link with other services that strengthen community cohesion.

## **Employer engagement**

### **Question 6**

#### **What would incentivise employers to encourage them to contribute to their employees who have ESOL needs?**

The Refugee Council welcomes Train to Gain funding for ESOL and the continuing work to engage employers. We also support the continuing role of unionlearn in supporting lifelong learning in the workplace.

Our concern for refugees and asylum seekers with permission to work is that, when able to find a job, this is often to low skilled and temporary work. Lower levels of English can mask a refugee's actual skills and experience. We would encourage the Department to develop ESOL provision for those in work to Level 2. In addition, refugees should be recognised as a distinct group under equality measures. This will enable employers to better target positive action initiatives at refugees if underrepresented in the workforce. The VCS has played a constructive role in developing positive action programmes with employers. There are good practice examples of refugee agencies supporting employers in developing fairer recruitment and training processes, including the provision of ESOL.

Employment agencies play an important role for refugees to find work. However, this shifts responsibility for training away from the company with the job vacancy. Introducing a universal entitlement to training, including ESOL, as part of the skills accounts, or other similar measures, would empower workers and learners. The role of the Adult Advancement and Careers Service will need to play a key part in recognising the importance of ESOL for those in work.

### **Question 8**

#### **Any other comments or suggestions not previously covered?**

Our main concern with the consultation paper is its linking of ESOL with Community Cohesion. Community cohesion, as the paper recognises, is strengthened by multiple initiatives. At present, ESOL tutors often provide wider support to students other than language acquisition. This needs to be acknowledged. However, health, housing, employment, transport and other areas all need to be addressed (for example, see Refugee Council's October 2007 report *Refugees' experiences of integration*<sup>3</sup>). This is the advantage of embedding ESOL in local area agreements (LAA).

However, the deliberate link between provision and community cohesion needs to be carefully communicated to avoid implying that priority groups pose a threat to cooperative, supportive

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3

community relations. In the context of negative public perceptions and attitudes towards asylum seekers and refugees, this is particularly important.

While recognising the important role of English language to community cohesion, our preference is for ESOL or equivalent provision that is based on an assessment of language need. This requires a cross Government recognition that investing in ESOL provision is economically rational and necessary for developing a dynamic and inclusive society. Our preference is for a national entitlement to ESOL Level 1, in line with the NIACE Committee of Inquiry on English for Speakers of Other Languages report, *More than a language*.

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**Refugee Council, April 2008**