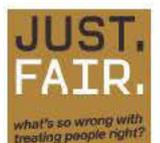


ESOL and Further Education Funding Changes 2007/08 announced by the Learning and Skills Council

Making it Work



Thanks go to our funders, the Empowering Asylum Seekers to Integrate Development Partnership (EASI DP) is part funded by the European Social Fund under the Equal Community Initiative Programme.

ABOUT THE EASI DP

Consisting of fourteen organizations, the EASI DP aims to tackle discrimination in the labour market. EASI contributes to the social and vocational integration of asylum seekers helping them to acquire skills to prepare for employment should they receive permission to work. EASI has focussed on three main areas:

- orientation and preparation for the labour market,
- capacity building and Refugee Community Organisations (RCOs),
- and language, teaching and learning.

In a transnational partnership called EXCHANGES with the FAAR DP from France and the ESÉLY DP from Hungary, EASI has focused on the integration of asylum seekers in same three areas.

ABOUT THE REFUGEE COUNCIL

The Refugee Council is the largest organisation in the UK working with asylum seekers and refugees. We not only give help and support to asylum seekers and refugees, but also work with them to ensure their needs and concerns are addressed by decision-makers.

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OVERVIEW

The Learning and Skills Council (LSC), the government body responsible for planning and funding further education and training for young people and adults, issued its annual statement of priorities, called 'Raising our Game' on 18 October 2006.¹ This statement outlines key policy and funding priorities for the coming year (2007/08).²

Two proposed changes to fees and eligibility criteria that impact significantly on refugees and asylum seekers are as follows:

1. English for Speakers of Other Languages (ESOL) learning will no longer attract automatic fee remission.

ESOL is no longer free, except to priority groups, which will include people who are unemployed or are receiving income-based benefits. This means asylum seekers will not be automatically eligible for free tuition. Refugees who are unemployed or in receipt of income-based benefits will still be eligible for free ESOL tuition.

2. From 2007/08 asylum seekers aged 19+ will no longer be automatically eligible for publicly funded FE provision. Asylum seekers aged 16-18³ will be eligible for funding if they are

- an unaccompanied child seeking asylum and in the care of social services
- minor dependants on National Asylum Support Service (NASS) support
- the main NASS applicant aged 18

Asylum seekers who turn 19 while on a course will remain eligible for funding until the end of that course.

However, the Minister of State for Lifelong Learning, Further and Higher Education has since announced important changes to the funding eligibility proposals announced in *Raising our Game*.⁴

The following groups will be eligible for LSC funding in Further Education⁵

- asylum seekers who after six months are still waiting for a decision on their claim or appeal
- people who have been refused asylum, are unable to return because of circumstances beyond their control and are receiving Section 4 support

The DfES is also considering a wider range of evidence for demonstrating low income, including pay slips, but at the time of writing this has not been confirmed.

In summary, LSC funding

- for the current year (2006/7) is unchanged and supported asylum seekers remain eligible for LSC funding up to Level 3.
- from August 2007/08
- it is likely that colleges will classify all asylum seekers as international students
- asylum seekers become eligible for LSC funding again after six months of their claim or
- those supported under Section 4 are eligible for LSC funding

The LSC has now issued its Funding⁶ and Learner Eligibility⁷ Guidance for 2007/2008 which covers much of the above. However, the Refugee Council is concerned that there is no clear guidance for colleges on evidence required to demonstrate eligibility.

¹ Raising Our Game: Our Annual Statement of Priorities. The Learning and Skills Council sets out its priorities, including key actions for 2007/08 (October 2006). See <http://readingroom.lsc.gov.uk/lsc/National/nat-annualstatementofpriorities-re-oct2006.pdf>, last searched 27 November 2006
² Changes will commence on 1 August 2007

³ For further details on the impact on asylum seeking children and young adults, please see guidance issued by the Children's Legal Centre: <http://www.childrenslegalcentre.com/Templates/Topic.asp?NodeID=90129>, last searched 28 November 2006, and the briefing from the Children's Society, 'Speechless': <http://www.childrenssociety.org.uk/NR/rdonlyres/92E63104-F892-4FA6-BEBD-AA2EEB6CF036/0/speechless.pdf>, last searched 4 December 2006

⁴ The changes were announced in a speech delivered by Bill Rammell MP, Minister of State for Lifelong Learning, Further and Higher Education on 7 March 2007. For the full text of the speech, see http://www.dfes.gov.uk/speeches/search_detail.cfm?ID=540, last searched 13 March 2007

⁵ This is for all Further Education, and not only ESOL courses (Personal correspondence, DfES Adult Basic Skills Strategy Unit, 14 March 2007). Some courses in FE may require permission to work. See the Refugee Council's briefing on access to vocational training at http://www.refugeecouncil.org.uk/NR/rdonlyres/CEB597B9-9EB6-4340-861C-CAB7183CF294/0/right_to_work.pdf, last searched 15 March 2007

⁶ See http://www.lsc.gov.uk/providers/funding-policy/Furthereducation/Funding_Guidance_for_Further_Education_in_200708.htm, last searched 2 May 2007

⁷ See http://readingroom.lsc.gov.uk/lsc/National/LSC_learner_Eligibility_Guidance_2007-08-Final.pdf, last searched 2 May 2007

BACKGROUND

The LSC's annual statement of priorities sets its focus each year and the 2007-08 statement reflects the state of flux experienced by the further education sector in recent years.⁸ It continues a trend of moving adult learning funding towards Government priorities, as well as shifting some costs of adult education onto learners and employers, limiting publicly funded provision to those with the greatest need.

CHALLENGES TO ESOL PROVISION

The ESOL system is widely recognised to be overstretched and underperforming. A recent inquiry conducted by NIACE⁹ found a rising demand for ESOL. It raised a number of concerns around the availability and quality of courses. The report recognises the growing costs related to ESOL provision but argues for its important role beyond raising skill levels for getting jobs.

But the impact of effective ESOL provision goes wider . . . Language skills are also critical to the success of a range of other key government policies, including child poverty agenda, health, sustainable communities, regeneration, and community integration and cohesion, including refugee integration.¹⁰

The LSC has noted the imbalance, stating that despite a recent increase in funding for ESOL as part of the LSC's 'Skills for Life' campaign, demand has far outstripped supply. The announcement in the annual statement of priorities reflects the concern about capacity issues.

Given the scale of demand and the pressure on resources, we must focus public investment on provision for those most at risk of disadvantage; and we should not support large-scale demand from those who can pay for their language learning. This is in line with the Government's strategy for rebalancing costs of adult learning, and the principle that public funding should be directed towards those with the greatest need for support.¹¹

It also states that:

Free tuition will only be available to priority groups - primarily people who are unemployed or receiving income-based benefits - for whom access to ESOL provision is important for both community cohesion and integration and economic purposes.¹²

With this announcement, there is a wider expectation for employers to fund specific and stand-alone training for staff to meet their statutory or other responsibilities. This includes English-language training for employers who have recruited workers from outside the UK.¹³

CHANGES IN THE ASYLUM SYSTEM

The LSC's decision to cut post-19 funding for supported asylum seekers has been made to bring FE funding into line with other government departments. The changes state that

The Government has been reviewing the public support available to asylum seekers awaiting the outcome of their applications, to ensure consistency of provision.¹⁴

The decision is driven in part by ambitions for the Home Office's New Asylum Model (NAM). Under NAM the target period is for all asylum cases to be fully resolved after six months. The Government has stated its intention to reduce the numbers of asylum claims made in the UK.¹⁵ Last year, only around 23,500 asylum applications were made and the figure for 2007 is expected to be lower still.¹⁶

THE REFUGEE COUNCIL'S RESPONSE TO THE CHANGES

The impact of this announcement on asylum seekers and refugees respectively is put forward below.

ASYLUM SEEKERS

The removal of automatic ESOL and FE funding for asylum seekers is a major blow toward their ability to function and communicate effectively during the time when their claim is being considered. Asylum seekers are prevented from working¹⁷ and asylum support is only 70% the rate of income support. They cannot be expected to pay for English courses. We welcome the LSC's decision to continue funding for asylum seekers aged 16-18 and to reinstate eligibility if a person's claim or appeal is still outstanding after six months. However, our experience has confirmed the importance of early entry onto English language courses for all ages.

English language brings greater self-sufficiency which, amongst other benefits, means less reliance on support services. It also allows people to make connections with the local community that they would not have otherwise. We are particularly concerned that these changes further disempower people who have already undergone significant loss.¹⁸ Asylum seekers should not be penalised for the increasing costs of ESOL as their numbers are much less than people coming to the UK for economic and other reasons. Prevented from working, they have no other sources of funding to learn English.

⁸ The White Paper on further education reform (Further Education: Raising Skills, Improving Life Chances, 2006) set out a series of reforms to raise skills and qualification levels for young people and adults to world standards.

⁹ 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), See <http://www.niace.org.uk/publications/M/MoreThanLanguage.asp>, last searched 28 November 2006

¹⁰ NIACE (2006), Executive Summary, p 5 (<http://www.niace.org.uk/projects/esol-enquiry/documents/ESOL-Inquiry-ExecutiveSummary.pdf>, last searched 28 November 2006)

¹¹ Raising Our Game, p25

¹² Raising Our Game, p25

¹³ Raising Our Game, p25

¹⁴ Raising Our Game, p25

¹⁵ For further details, see http://press.homeoffice.gov.uk/press-releases/Controlling_Our_Borders_Making_, last searched 28 November 2006

¹⁶ See <http://www.homeoffice.gov.uk/rds/pdfs07/asylumq406.pdf>, last searched 2 May 2007

¹⁷ The exceptions are: where asylum seekers were granted permission before the work concession was removed on 23 July 2002; or when an asylum seeker has not received an initial decision from the Home Office after 12 months and is granted permission to work. For further details on permission to work for asylum seekers, see http://www.refugeecouncil.org.uk/NR/rdonlyres/5A58710A-1BAE-4E26-8285-96163E83C698/0/Permissiontowork_jun06.pdf, last searched 28 November 2006

¹⁸ The changes in funding will mean that asylum seekers who are detained will have access to ESOL whereas those dispersed around the UK will not.

The policy of dispersing asylum seekers to live in towns and cities across the UK makes access to ESOL a priority for community cohesion and social inclusion. A grasp of English is vital for asylum seekers to access information and basic services. It is irresponsible not to support people with the English language skills that ESOL provides. Without them, it is difficult to see how asylum seekers with poor or non-existent English will get by in their area of dispersal, let alone feel part of local communities. The same is true for asylum seekers living in London.¹⁹ As a result of these changes, organisations working directly and indirectly with asylum seekers and refugees will end up spending far more on interpreting and other services.

The exclusion of asylum seekers from publicly funded FE provision chips away at their ability to undertake meaningful activity while their claim is processed. FE courses allow individuals to develop their English and to maintain and improve their skills, while also developing ties in their community. All of these factors can contribute to their eventual integration to proceed more smoothly, should their claim be successful.

We recognise that the Home Office is addressing the large backlog of unresolved asylum claims and that initial decisions are being made quicker. But there is still a significant number of claims that fall outside of the target period.²⁰ In addition, about a fifth of appeals are successful.

We are also concerned about the number of asylum seekers whose claims have been refused and who cannot be returned. We are pleased that this is now recognised and LSC funding for ESOL will be made available for people on Section 4 support who are unable to return.

REFUGEES

These changes have far-reaching implications for refugee integration. Last year, around a third of asylum applicants (out of circa 25,000 applicants) were granted some form of leave to remain. For these people, it is particularly important to start learning English as soon as possible.

We recognise that refugees who are unemployed or on income-based benefits will still be eligible for free ESOL. However, the wider context is that refugees have the highest unemployment rate amongst BME groups. According to DWP research, the main factor that stops refugees finding work is English language proficiency.²¹ When refugees can find work, this is often in low skilled and low paid jobs and has led to widespread underemployment. This is not only detrimental to the individuals concerned. It also deprives the economy of higher skills and will clearly have a negative impact on the Government's target of an 80% employment rate.²²

We are concerned that the Government will not be able to fulfil its commitments laid out in its refugee integration and employment strategies, *Integration Matters* and *Working to Rebuild Lives*.²³ These policy documents recognise English language proficiency is a key factor to getting a job and achieving full and equal citizenship. The link to citizenship is reinforced by the work of the Advisory Board on Naturalisation & Integration (ABNI). It recognises the importance of ESOL in integration and the value of the ways people learn.

PARTICIPATION . . . AND INVOLVEMENT WITH TEACHERS AND OTHER LEARNERS FROM DIFFERENT BACKGROUNDS AND COUNTRIES ENCOURAGES INTERACTION AND SOCIAL CONTACT, ALL VITAL TO INTEGRATION.'²⁴

Time spent excluded from learning English and developing skills of communication will have a scarring effect on refugees and communities. We believe the changes will further restrict the range of job refugees can access. As a result, many will be faced with long periods of unemployment and underemployment.

Unlike migrants, refugees do not come to the UK for economic reasons, so it is not appropriate to expect them to access English-language training via employers in the first instance. Funding for those on income-based benefits assumes that refugees in work are aware of the support available. We do not think this assumption can or should be made. A means-tested approach to free ESOL tuition may mean that individuals will be less likely to take up courses to improve their skills.

Such an approach will make it even more difficult for refugees who face additional barriers to integration. Many women and older refugees already have higher levels of social exclusion, whether they are in work or not. Preventing access to funded ESOL in adult and continuing learning further disadvantages them. Most refugees come to the UK with very little. Refugee community organisations are being built with limited funding, relying on volunteers. Restricting access to ESOL cannot be good for community cohesion and social inclusion. If the Government is serious about achieving these ends, then funding for refugees to take English language courses must be a priority. The Commission on Integration and Cohesion's issued their report *Our Shared Future* in June 2007. It recognises the value of English to building community cohesion and stated a commitment to English language training for all communities.²⁵ It also highlighted the continuing negative public perceptions towards refugees and asylum seekers and lack of understanding around their distinctive situation.²⁶ Restricting public funding for ESOL will not help turn this situation around.

19 NASS accommodation is provided outside of London with most asylum seekers in the capital accessing NASS subsistence-only benefit, which is only 70% of Income Support levels.

20 31% in Quarter 2 2006. For further details, see <http://www.homeoffice.gov.uk/rds/pdfs06/asylumq306.pdf>, last searched 27 November 2006

21 Bloch, A (2002) *Refugees' opportunities and barriers in employment and training* (DWP, 2002) p91

22 Department for Work and Pensions, *Department for Work and Pensions Five Year Strategy: Opportunity and Security Throughout Life*, DWP, 2005, p. 4. see http://www.dwp.gov.uk/publications/dwp/2005/5_yr_strat/pdf/report.pdf, last searched 5 December 2006

23 *Integration Matters: A National Strategy for Refugee Integration* (Home Office, 2005). *Working to Rebuild Lives: A Refugee Employment Strategy* (DWP, 2005)

24 *Progress Towards Integration: Annual Report of the Advisory Board on Naturalisation & Integration (ABNI) 2005/06 Appendix 2 s16*

25 *Our Shared Future* (Commission for Integration and Cohesion, 2007) 5.36-5.37

26 *Our Shared Future*, 2.46, 4.13

SETTLEMENT/INDEFINITE LEAVE TO REMAIN (ILR) IN THE UK

The Government has announced that from 2 April 2007 all people 'seeking to live in the UK permanently will have to pass English language and knowledge of life in the UK tests'. This brings settlement/ILR in line with the requirements for gaining British nationality.²⁷ Asylum seekers granted refugee status after 30 August 2005 will be affected by these changes. Before this date, refugees received ILR. However, refugee status is now granted for an initial five years. In most cases, status will be reviewed in the fifth year. If successful, our understanding is that the Home Office will not review someone's refugee status again and they are eligible to apply for ILR.

The changes mean that refugees applying for ILR after a successful review will need to have

- passed the Life in the UK test if at ESOL Entry level 3 or above, or
- gained an approved ESOL qualification with citizenship materials at a local college if below Entry level 3

Refugees who have not satisfied one of the above will be given an additional two years leave to do so.²⁸ We are currently waiting to hear from the Home Office as to their plans beyond this point.

The Refugee Council considers it unreasonable and potentially discriminatory to restrict ESOL funding for refugees, while at the same time insist on satisfying English language requirements as part of the granting of ILR. We disagree fundamentally with English language and knowledge of life in the UK tests being compulsory for refugees.²⁹ The granting of asylum is fundamentally about providing protection and ILR should be given on this basis alone. Once a refugee has had a successful review, they are de facto given indefinite protection as their status will not be reviewed again. To insist on satisfying further requirements not relevant to this decision is clearly unfair. It should be the choice of refugees whether or not to seek citizenship. It is only at this stage that English language requirements would be significant.

REFUGEE COUNCIL'S RECOMMENDATIONS

We support the principle that 'public funding should be directed towards those with the greatest need for support.'³⁰ However, we argue that asylum seekers, refugees, and those whose claims have been denied are indeed amongst those priority groups that need continued support. Cutting off access to ESOL is another step in further marginalizing refugees and asylum seekers. These changes are contrary to the Government's refugee integration plans, and will have pernicious effects on community cohesion social inclusion, and personal health and well-being.

We recommend that:

1. Asylum seekers should be:
 - a. eligible for LSC funding up to level 3 from the date of their claim
 - b. considered as home student
2. Asylum seekers who turn 19 and are on a waiting list should be eligible for funding at their chosen college when a place becomes available.
3. The evidence required for asylum seekers and people on Section 4 support to demonstrate eligibility should be kept simple and workable.

We recommend that:

4. The evidence required for asylum seekers and people on Section 4 support to demonstrate eligibility should be kept simple and workable.

We recommend that for:

- a. asylum seekers: Application Registration Card (ARC) and Post Office receipt of NASS support recently issued
- b. Section 4: confirmation of Section 4 support issued in the last 3 months
5. a. refugees³¹ should be eligible for free ESOL provision up to level 3 or its equivalent, independent of their employment status.
b. the main evidence for eligibility should be the Immigration Status Document (ISD)
6. Refugees should receive ILR automatically following a successful review of their status after five years or earlier.

²⁷ The announcement was made on 4 December 2006. For further details, see <http://www.ind.homeoffice.gov.uk/aboutus/newsarchive/introductionofnewrules>, last searched 2 February 2007. ²⁸ Personal correspondence with Advisory Board on Naturalisation and Integration (ABNI) Secretariat, 22 January 2007. ²⁹ The new rules apply to people seeking ILR following five years of humanitarian protection (<http://www.ind.homeoffice.gov.uk/documents/asylumpolicyinstructions/>

[apis/humanitarianprotection.pdf?view=Binary](http://www.ind.homeoffice.gov.uk/documents/asylumpolicyinstructions/apis/humanitarianprotection.pdf?view=Binary)) or six years of Discretionary Leave to Remain (<http://www.ind.homeoffice.gov.uk/documents/asylumpolicyinstructions/apis/discretionaryleave.pdf?view=Binary>). The Refugee Council has consistently voiced its opposition to the introduction of 5 years leave to remain for refugee status. ³⁰ Raising Our Game, p25 ³¹ Refugee status, Humanitarian Protection or Discretionary Leave to Remain



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