



SMILE Toolkit - Education

Rights and entitlements

All children aged 5-16 are fully entitled to free school education in the UK, irrespective of immigration status. Local authorities have a legal duty to provide an education placement.

Local authorities have a legal duty to provide free school meals to children of asylum seekers supported under part VI of the Immigration and Asylum Act 1999.

Schools and local authorities can help with the cost of school uniforms in cases of hardship. This is done on a discretionary basis and it is for them to decide on the criteria they use to assess whether people will receive help.

There are specific duties placed upon local authorities relating to the entitlements of looked after children and the ways in which they are expected to work with schools to support education. More details can be found in the 'education for looked after children' section of this toolkit.

Further information on rights and entitlements can be found at:

http://www.qca.org.uk/qca_7260.aspx

To find out the processes involved in applying for support with travel costs to school, free school meals and assistance with the cost of uniforms, you can search by postcode at the website below:

<http://local.direct.gov.uk/LDGRedirect/index.jsp?LGSL=3&LGIL=8&ServiceName=Find%20out%20about%20home%20to%20school%20travel%20support>

School years

The table below shows school years in relation to a child's age, 'key stage' and the level of school.

<i>Age of child</i>	<i>School year</i>	<i>Key stage</i>	<i>School</i>
5 – 6	1	1	Primary school
6 -7	2		
7 - 8	3		
8 - 9	4	2	
9 - 10	5		
10 - 11	6		
11 - 12	7	3	Secondary school
12 - 13	8		
13 - 14	9		
14 - 15	10	4	
15 - 16	11		
16 - 17	12		
17 - 18	13		College or 'sixth-form'

'Key stages' refer to the ***National Curriculum*** which is organised in blocks of years. *Directgov's* parents' pages describe the National Curriculum as setting out:

- "the subjects taught
- the knowledge, skills and understanding required in each subject
- standards or attainment targets in each subject – teachers can use these to measure your child's progress and plan the next steps in learning
- how your child's progress is assessed and reported" ¹

The key stage a young person is in will impact on the ways they are assessed and testing regimes.

Types of schools²

There four main types of school that receive statutory funding. These schools are regularly inspected by Ofsted and the subjects they teach follows the National Curriculum. The four types of school are: *Community schools*; *Foundation and Trust schools*; *Voluntary-aided schools*; and *Voluntary-controlled schools*. Methods of governance and admissions criteria are affected by the type of school so this information may be useful when trying to secure school places for instance.

Specialist schools, such as those focusing on arts, sport or drama, follow the National Curriculum, but pay particular attention to a specific subject area. Some schools funded by the state have particular characteristics. These include *Academies*, *City Technology Colleges*, *Community and foundation special schools*, *Faith schools*,

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http://www.direct.gov.uk/en/Parents/Schoolslearninganddevelopment/ExtraCurricularActivities/DG_172212 . This site provides more details on the National Curriculum.

² The information about schools from the website below. This website provides more details on the types of schools and funding arrangements.

http://www.direct.gov.uk/en/Parents/Schoolslearninganddevelopment/ChoosingASchool/DG_4016312

Grammar schools and Maintained Boarding schools. Admissions for these schools are led by local authorities, but their admissions criteria and funding arrangements may differ.

Independent schools do not receive their funding from the state, rather they receive fees for the children they teach and use income from investments. These schools have their own admissions criteria and they can set their own curriculum.

Independent schools have to be registered by the Department for Children, Schools and Families, and they are monitored by Ofsted or an alternative inspectorate which has to be approved by the Secretary of State.

Extended schools³

Some primary and secondary schools are 'extended schools' which means they provide services out of school hours for children, their families and the local community. By 2010, all schools will be required to offer extended services.

The types of activities offered as part of extended service vary between schools. These can include child care, art and sporting activities and support for learning. Some of these activities will be free of charge, and others will carry some charge. Some schools offer English classes for parents and young people as part of their extended schools work.

You can find out what activities are being offered at local schools by calling schools directly, or by speaking to the Local Information Service (telephone: 0800 2 346 346).

Applying for a school place⁴

Every year the issue of admissions into schools hits the headlines with stories of parents not securing places in their school of choice. It is sometimes the case that schools receive many more applications than they have places, so they have to instigate some methods of selection. As highlighted in the 'Types of schools' section, these admissions criteria can vary from school to school.

This information in this section has an emphasis on those who apply for a place in school commencing in September. The situation will be different with ***in-year admissions*** which are those who need to find a school place outside of the usual times of entry (the beginning of the school year). This will be the situation for many refugee and asylum seekers. Most local authorities have a centralised admissions team who will be able to advise about the process and which schools still have places. Information about these teams can usually be found on the local authority's website.

³ The information in this section was taken from which provides more details about extended schools: http://www.direct.gov.uk/en/Parents/Schoolslearninganddevelopment/ExtraCurricularActivities/DG_172212

⁴ This information was taken from the website below. The website provides more details about admissions procedures: http://www.direct.gov.uk/en/Parents/Schoolslearninganddevelopment/ChoosingASchool/DG_4016369

Schools need to have a clear procedure on how they will allocate places if they are oversubscribed. These criteria are agreed by the school's admission authority, which is either the local authority or the school's governing body in the case of most state schools. These criteria should be a consideration when selecting which schools to apply to. Useful information about individual schools can be found in school prospectuses, and local authorities will also have produced a booklet that provides information for parents on school admissions.

The School Admissions Code can be found at <http://www.dcsf.gov.uk/sacode/> and requires admissions "to be clear, fair and objective. The code also has a list of admissions criteria that state-funded schools are not allowed to use".⁵ The School Admissions Code states that schools should give top priority to children in public care, so this will help to support finding places for separated children.

Some of the criteria that may be used to allocate places include whether:

- "your child has a brother or sister who will be at the school when they start there
- you live in the area served by the school
- you or your child has a disability which makes travel to a distant school difficult
- (for religious or faith schools), your child or family is of the particular religion or faith served by the school
- (for secondary schools) your child attends a linked primary school
- your home is close to the school

Certain types of school may apply other admission criteria:

- church or faith schools may ask for confirmation of attendance at a relevant place of worship
- grammar schools, and some other schools that select a proportion of their pupils on the basis of academic ability, award places on the basis of an entrance exam or selection test
- schools that award a percentage of their places to pupils with an aptitude for certain subjects may use some form of assessment or audition where appropriate.
- boarding schools may interview your child to assess their suitability to be a boarder (interviewing is not allowed for admission into any other type of state-funded school).⁶

If you believe that a school has not used lawful admissions procedures, objections can be made to the *Schools Adjudicator*. More information can be found at on the Office of the Schools Adjudicator website at <http://www.schoolsadjudicator.gov.uk> .

When thinking about suitable school placements, some things to consider may be:

⁵ Taken from link cited above.

⁶ As above.

- *English as an Additional Language (EAL) support* - some schools will have more resources than other, partly reflecting the profile of the pupils, so it is useful to find out what types of support are available within a school.
- *Designated teacher for looked after children* – it is recommended that all schools should have one and they may be a useful source of support for separated children.

It may be a good idea to contact the local authority to find out if schools have particular expertise in supporting refugee children. You can also find out what OfSTED say about the schools by viewing their inspection reports (although note the date as practice can change between inspections) at:

http://www.ofsted.gov.uk/oxcare_providers/list/

Issues that may affect refugee and asylum seeking children and their families

There are issues that impact on the educational experiences of refugees and asylum seekers that are distinct from Black and Minority Ethnic groups and looked after children in general. Refugees and asylum seekers may have similar problems to those encountered by other marginalised groups, but their experiences of forced migration may make them even more vulnerable.

The Refugee Council's Inclusive Secondary Schools Project conducted research into the needs and experiences of refugee communities in relation to education. The research report and resource pack can be found at www.refugeecouncil.org.uk/inclusiveschools , but some of the main findings are outlined below.

- Delays in accessing school places. Many respondents reported considerable delays (often described as 'months'), with the longest delay being reported as 8 months. Getting suitable education placements can be particularly difficult for refugees as: many families arrive in the middle of the academic year (school places may have already been allocated); refugee and asylum seeking parents/carers may not be familiar with the application (and appeals) processes; they may also not be aware of the most appropriate schools in the area.
- Stigma relating to immigration status. Young people reported bullying and racism at their schools. Experiences of this, coupled with the bad press that can exist around asylum issues, led to a reluctance to reveal to their peers that they had sought asylum in the UK.
- Financial difficulties for refugees and asylum seekers. Asylum seekers face particular financial constraints as they tend to have no right to work and are not eligible for some forms of additional support for example, the Education Maintenance Allowance. Refugees can also face difficulties entering into the labour market once they have gained status in the UK. Families reported financial barriers to inclusion such as a lack of financial support for extra-curricular activities, and difficulties providing school books and uniforms which can have a

negative impact on integration (particularly the inability to engage in extra-curricular activities).

- Lack of resources. Refugee Community Organisations (RCOs) reported difficulties in securing funding for education activities to support refugee children, and finding affordable (or free) premises in which to deliver them. Both schools and RCOS were frustrated at short-term funding initiatives which limited their impact, as well as finding it difficult to acquire effective training about refugee issues for staff and teachers, limiting their abilities to provide tailored advice and support.
- English language. Many schools have good English as an Additional Language (EAL) provision, although this was often stretched, which help young people acquire English. Good EAL provision can lead to young people being able to communicate in English more quickly than their parents and carers. Parents/carers who have limited English language skills can face problems accessing school places for their children, and this will also affect their ability to monitor their children's progress at school. At parents' evenings, schools that do not have access to multi-lingual staff or interpreters can be forced to rely upon pupils doing the interpreting for them. This is clearly not ideal.
- UK asylum determination process. Asylum seekers who are already in schools can experience uncertainty about their long term future and fear being removed. The reliance on dispersal accommodation can mean that children are forced to relocate repeatedly and change schools which further disrupts their education as well as their ability to make friendships and integrate. Young people can also end up living a fair distance way from their schools (due a combination of where their accommodation is located and which local schools have places available) resulting in long journeys and restricted ability to take part in after-school activities.
- Experiences of trauma and flight. Experiences of trauma and flight can have a profound impact on the behaviour of children, particularly in relation to their teachers and peers. Teachers need to be made aware of some of the experiences refugee children may have had, which may put disruptive behaviour into context, leading to staff seeking specialist support for young people rather than viewing them as 'problem children'.
- English education system. For many refugees and asylum seekers, the English education system is confusing. It is full of acronyms and jargon that can baffle most people. Being unfamiliar with the system can present difficulties when trying to both access the system (as mentioned previously) and navigate it when young people have successfully gained school places (key stages, options etc.).
- Lack of partnership working. Despite the fact that RCOs can be well-placed to improve schools' performance, their lack of access to schools, as well as schools inability to identify and contact RCOs, can hinder partnership working.

Useful resources

In recognition of the barriers refugee children may face in relation to their education, some resources have been produced that help to highlight what problems may occur and suggest ways of working that will better support this group of young people. These include:⁷

Aiming high: Guidance on supporting the education of asylum seeking and refugee children (April 2004) was produced to support teachers in their work with asylum seeking and refugee children. It covers topics like the role of local authorities and offers advice on supporting individual communities.

http://www.standards.dfes.gov.uk/ethnicminorities/links_and_publications/AH_Gdnc_AS_RFG_Apr04/asylumguidance.pdf

Refugee and asylum seeking children who first language is not English will need support with language acquisition. This is often referred to as ***English as an Additional Language (EAL)***. Lots of resources have been produced to help better support children with language needs, and the links posted on the Qualifications and Curriculum Authority website provides a good starting point if you need resources on this subject: http://www.qca.org.uk/qca_5094.aspx

The Integration of Refugee Children is a website that is a website that was developed jointly by the Department for Education and Skills (DfES, now DCSF) and the Home Office which provides information on good practice in educational settings. It includes information, guidance and examples of good practice relating to different phases of formal education (early years, primary education, secondary education and 14-19 learning). The website was produced in 2006, so some information may now be out of date, but examples about effective ways to support refugee children will be relevant. The website can be accessed at:

<http://refugeeintegration.homeoffice.gov.uk/Education/index.asp>

The DfES (now DCSF) ran a programme on ***Managing Pupil Mobility*** (2003) which developed and evaluated strategies to improve the attainment of mobile pupils. Refugee and asylum seeking children are often highly mobile, so the guidance produced for both schools and the handbook for Induction Mentors contains some interesting material. The publications can be found at:

<http://www.standards.dfes.gov.uk/sie/si/SfCC/goodpractice/pmp/>

The DCSF's ***New Arrivals Excellence Programme Guidance***' (2007) highlights the issues newly-arrived pupils may face in schools and ways of working that can better support children and young people.

The ***Refugee Education*** website provides a wealth of information on refugee education in England, mainly aimed at education practitioners, but provides links to

⁷ Education is a rapidly changing environment so it may be the case that new policies and practice have emerged after the publication of some of the resources highlighted in this section. However, many of the main principles will remain unchanged, and therefore older publications can still be useful sources of information.

resources on how to better support refugee and asylum seeking pupils. The website can be found at: <http://www.refugeeeducation.co.uk>

Shared Futures has produced a DVD and resource pack that promotes the integration of refugee children. There is a cost associated with the resource pack, but their website features some examples from the resources, and includes two reports written as part of the project. The website can be found at: <http://www.sharedfutures.org.uk>

Ofsted's *The education of asylum-seeker pupils* (2003) discusses research conducted with 37 schools in 11 local authorities. The research evaluated the impact of the arrival of pupils from asylum-seeker families. [http://www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Education/Inclusion/Asylum-seeker-children/The-education-of-asylum-seeker-pupils/\(language\)/eng-GB](http://www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Education/Inclusion/Asylum-seeker-children/The-education-of-asylum-seeker-pupils/(language)/eng-GB)

The Runnymede Trust's '*Tell me what I need to know*' website (<http://tmwintk.realhistories.org.uk/index.html>). This is designed to help parents, particular those from minority ethnic groups, refugees and asylum seekers and Traveller communities support their children more effectively. This is a good source of information on the types of support available and the entitlements young people have in relation to education. It also includes useful links to organisations who can provide further support.

Education for looked after children

There are specific duties placed upon local authorities relating to the entitlements of looked after children and the ways in which they are expected to work with schools to support education. These measures have been put in place in recognition of the fact that many children in local authority care will face particular challenges in terms of engagement with schooling and that they are more likely to 'underachieve'.

The Children's Act 2004 placed a duty on local authorities to promote the educational achievement of looked after children. This means that they have to "give particular attention to the educational implications of any decision" in relation to looked after children (DfES, 2005: 4).⁸

It is recommended that schools designate a member of staff to act as a champion for looked after children, and they are responsible for:

- "receiving Personal Education Plans from social workers and co-ordinating the development of the plan;

⁸ 'Statutory guidance on the duty of local authorities to promote the educational achievement of looked after children under section 52 of the Children's Act 2004' at: <http://www.everychildmatters.gov.uk/files/AA4E7A197CEDF8F33A2D204F5C5F8CB9.pdf>

- Providing a central point of contact for all professionals working with each looked after child.” (DfES, 2006: 10)⁹

Every child in local authority care must have a Personal Education Plan which is reviewed regularly. These plans set objectives for young people in relation to academic achievement as well as personal and behavioural ones.

Recently the DCSF has introduced ***Personal Education Allowances for Looked after Children***¹⁰ which are intended to “provide additional, personalised support to looked after children who have been identified as at risk of not reaching expected standards of attainment” (2008: 2). Personal allowances amount to £500 and can be used to support activities such as:

- “Additional one to one tuition to support their learning;
- Out of school learning and development that will build the child’s self esteem and confidence;
- Personalised, educational trips and visits that are not organised by a school or other education provider as part of the curriculum. For example, to see a play that is being studied;
- Learning resources that the local authority does not expect to be covered by fostering allowances or children’s home fees;
- Wider activities that will benefit the child or young person’s learning and development; and
- Additional support for vocational training, which is in addition to that provided by schools or other educational establishments.” (2008: 2-3)

The way in which local authorities administer the allowances and how they establish eligibility will be vary between different authorities, so it may be a good idea to contact the department responsible for the education of looked after children in the local authority to see if a young person can benefit from this additional financial support.

Children with Special Educational Needs

There is additional support available in schools for children who have Special Educational Needs (SEN). It is recognised that young people who have learning difficulties and/or disabilities may find it harder to learn or access education compared to other children of a similar age.

The booklet ***Special Educational Needs (SEN) – A guide for parents and carers*** is a useful source of information about the processes and support available for those helping young people with learning difficulties and/or disabilities and can be found at:

http://www.teachernet.gov.uk/doc/3755/3913_A5_SEN_GUIDE_WEB_READY.pdf

⁹ ‘Supporting Looked After Learners – A practical guide for school governors’ at:

<http://www.everychildmatters.gov.uk/files/A5610F1E40C9D42B73C1E275F8230AF3.pdf> . The information in this sections draws upon this guide.

¹⁰ The information in this section can be found in the guidance at the address below, which also provides more details about the allowance:

<http://www.everychildmatters.gov.uk/files/7661DCSFPEAllowances.pdf>