

Written evidence to the Children’s Wellbeing and Schools Bill Public Committee by Refugee Education UK and The Bell Foundation (CWSB197)

About

Refugee Education UK is the country’s leading refugee children’s education charity. We are working towards a world where all refugee and asylum-seeking children and young people can access education, thrive in education, and use that education to create a hopeful, brighter future. Each year we provide direct education support to over two thousand children and young people through our frontline work - helping them to get into school, further and higher education and equipping them to achieve better academic and psychosocial outcomes once there. Every year, we also train and advise around 500 schools, colleges and universities and carry out rigorous research on what works in refugee education, for Local Authorities, universities and United Nations agencies. Our expert team of 37 staff is supported by more than 200 volunteers and we have offices in London, Birmingham and Oxford.

The Bell Foundation is a charity which aims to overcome exclusion through language education by working with partners on innovation, research, training and practical interventions. Since 2012, we have worked to improve the outcomes for learners using English as an additional language (EAL) EAL, responding rapidly to the needs of schools, providing teachers with evidence-based resources, guidance and training to support learners effectively and confidently. We have reached over 100,000 school practitioners through our programme of EAL training. In addition, in our efforts to build long lasting EAL expertise nationally, we have trained, licensed and accredited over 30 organisations and 90 trainers across the country to work regionally with ‘Language for Results’ our programme of EAL continuing professional development (CPD) for schools.

1. Introduction and key points

1.1 This submission of evidence draws on a [recent report](#) from Refugee Education UK (REUK) and funded by the Bell Foundation highlighting the experiences of displaced young people, aged 13-19, who arrive in the UK late in the education system – referred to as late arrivals. **We draw the Committee’s attention to the report’s application to the following aims of the Bill:**

1.2 *Introduce a requirement for local authorities to maintain a register of children not in school, with duties for parents and related requirements for school attendance orders to be issued in some cases (clauses 25 to 29 and schedule 1).* We welcome this aim of the Bill. Research shows that many late arriving children are unable to access education, and are not being registered by LAs. We recommend that it be made explicit either on the face of the Bill or through statutory guidance that all children not in school must be registered, regardless of their immigration status.

1.3 *Require schools and local authorities to cooperate to manage school admissions, and the supply of local school places; give local authorities powers to direct academy schools to admit pupils; and give an independent body (the Schools Adjudicator) new powers around maximum admission numbers (clauses 47 to 50).*

This research shows that some schools are reluctant to admit late arriving pupils for a variety of reasons, and that support for late arrivals varies widely between different local authorities. We particularly welcome the proposal of this Bill to give LAs powers to direct academy schools to admit pupils. Our research shows that refugee and asylum seeking children arriving in years 10 and 11 wait up to a year for school places, and that this is a particular challenge in areas where all or almost all of the surrounding secondary schools are academies. Local Authorities have tried to secure school places but not had the power to do so. The statutory guidance should confirm that LAs will be able to direct academies not only to admit looked-after unaccompanied asylum seeking children, but also resettled refugee children in families or asylum seeking children in families who may not be looked after but who face severe educational disadvantage.

2. The supporting research

2.2 The research used a mixed methods approach and reflects the experiences of more than 400 individuals, predominantly practitioners from the charity, education and local government sectors. It involved an online survey with 180 practitioners; an analysis of 222 queries to REUK's advice line from late arrivals and those who support them; and interviews and focus groups with 23 practitioners. It found that:

2.3 Late arrivals may remain out of education for extended periods of time

- Nearly two thirds (62%) of 133 survey respondents reported instances of late arrivals not accessing any form of education for prolonged periods of time.
- Just under half (47%) of the 222 queries to REUK's advice line were about young people not currently in education – and examples included young people out of education for nine months and over a year.
- Those left out of education may experience negative effects on their wellbeing and safety: they may face isolation, a deterioration of mental health and vulnerability to exploitation, instead of making meaningful progress and contributions to life and society in the UK.

2.4 Accessing secondary education becomes increasingly difficult the later young people arrive

- Research findings demonstrate that accessing education becomes particularly challenging for those who arrive mid-year in year 11 when their peers are preparing for GCSEs. 80% of 112 survey respondents thought it was either difficult or very difficult for a young person to get a secondary school place after the winter break of year 11.
- Young people who arrive at a year 11-age may encounter enhanced challenges. Schools are unlikely to accept them and so they may remain out of education until

they turn 16, the age that they are generally eligible to access FE. This period of time was described by survey respondents as a “no-man’s-land”.

- The top four barriers to secondary school access, as reported by 121 survey respondents, were: the complexity of placing in-year arrivals; a lack of available school places; changes to or uncertainty with young people’s accommodation, including because of dispersal policies; and schools being unable or unwilling to accept late arrivals.
- 84% of survey respondents reported that schools were unable to provide adequate EAL support.

3. The policy context underpinning access to education for refugees in England

3.1 All children in the UK have a right to education regardless of their immigration status. LAs have a duty to provide suitable full-time education for all children of compulsory school age resident in their area. This education must be appropriate to the child’s age, ability, and any special educational needs they may have, regardless of their immigration status (as detailed in Section 14 of the Education Act 1996).

3.2 Policies affecting those accessing secondary education

3.2.1. Once a child has an address, they can apply for a school place at any time of the year. Under the Schools Admissions Code (DfE, 2021), the responsibility for school admissions lies either with LAs or with school admission authorities, depending on the type of school and specific context (DfE, 2021, p.6). The admission authorities for state-funded schools must not check the immigration or nationality status of foreign national children as a pre-condition for admission (DfE, 2022).

3.2.2. Each LA is required to have a Fair Access Protocol to ensure that unplaced and vulnerable children, as well as those who are struggling to access a school place in the middle of an academic year, are allocated a school place as quickly as possible (DfE, 2021). Refugee and asylum-seeking children are one of the groups of “vulnerable and/or hard to place children” who can be placed by Fair Access Protocols once local authorities can demonstrate that “reasonable measures have been taken to secure a place through the usual in-year admission procedures” (DfE, 2021, pp.33-34).

3.2.3 There are provisions in place for schools to exclude late arrivals’ results from their results profiles. Schools can request for the results of a student to be removed if they have “arrived from a non-English speaking country in Year 10 and Year 11” (DfE, 2024b, p.31) – recognising the potential impact of language barriers on a student’s results.⁴

3.2.4 Statutory guidance for England states that LAs must secure an education placement for all looked after children, including unaccompanied asylum-seeking children (UASC), within 20 school days of coming into care (DfE, 2018). This provision also extends to UASC aged up to 18 who are attempting to enrol in further education.

4. The context – what is happening for late arrivals

4.1 Spending time outside of education

4.1.1. Evidence from this research suggested that young people who arrive in the UK late in the education system may face many barriers that cause them to remain out of education for long stretches of time. 47% of 222 queries to REUK's advice line related to young people who were recorded as not in education. Of the 104 queries that related to young people out of education, the time spent out of education was only known for a fifth (n=21). Where this data was available, the time spent out of education ranged from less than one month, to more than one year.

4.1.2. Nearly two thirds (62%) of 133 survey respondents reported instances of young people not accessing any form of education for prolonged periods. Those who worked exclusively in London (n=26) were more likely than those who worked exclusively outside of London (n=82) to report instances of young people not accessing any form of education for prolonged periods: 81% and 54% respectively. A chi-square test revealed this to be statistically significant (p value = 0.0126).¹²

4.2 Experiences of accessing upper secondary school

4.2.1. Evidence from this research indicated that accessing secondary education becomes increasingly difficult the later a pupil arrives in the education system – both in terms of the academic year, and the time of year. This was shown to be particularly challenging after the turn of the year in year 10. Survey respondents were asked to rate how easy or difficult they thought it was to get a school place from the start of year 9 to after the winter break of year 11. The percentage of respondents rating access to education as 'difficult' or 'very difficult' rose from 41% (of 107 responses) at the start of year 10 to 62% (of 108 responses) after the winter break of year 10.

4.2.2. Evidence suggested that challenges can be exacerbated in year 11, and particularly so after the winter break of year 11. Of the 111 survey respondents who rated how easy or difficult they thought it was for a young person to get a secondary school place at the start of year 11, 66% chose 'difficult' or 'very difficult'. This rose to 80% of the 112 respondents who provided ratings for after the winter break of year 11.

5. Barriers to education – upper secondary school

5.1 In-year arrivals

5.1.1. The barrier of in-year arrivals was encountered by 83% of 121 survey respondents. Key informants also reflected on this issue, with one observing a pattern of "young people who are arriving later in the year always struggling more to get in [to secondary school] than the kids who are coming earlier" (key informant, interview, charity sector).

5.2.2. The challenges encountered as a result of in-year arrivals were particularly associated with those arriving in year 11. Of those survey respondents that reported encountering in-year arrivals as a barrier (n=101), 78% identified insufficient time for students to prepare for or complete GCSE exams as a challenge.

5.2.3. Limited financial incentives for schools to enrol students after the October school census date was reported by 38% of 101 respondents. Key informants' responses provided further insights on this and how funding for in-year students is affected. For example, one key informant from an education institution described how they "won't get funding for [in-year arrivals]" if they arrive after the "census in October" (key informant, focus group, school

leadership). They continued to describe how this lack of funding could affect a school's willingness or ability to accept displaced students, particularly if they needed additional support inside and outside of the classroom.

5.2 Lack of available school places

5.2.1. A lack of school places was encountered as a barrier to secondary education by 81% of 121 survey respondents. Of those that reported this barrier (n=98), 74% reported schools being full up and already oversubscribed, 64% reported schools being unable to oversubscribe, and 52% reported encountering long waiting lists for places to become available. While a lack of school places was prominent from survey responses, it was less evident from analysis of REUK's advice line. Only 8% of 37 secondary school queries were seeking advice on how to support young people who remained out of education because of local schools having no available places.

5.2.2. Some survey responses alluded to schools using a lack of school places as an excuse because they were unable or unwilling to accept and accommodate displaced young people. For example, one survey respondent reported encountering "schools unwilling to accept children claiming they are full" (survey respondent, education institution).

5.3. Schools unable or unwilling to accept displaced students

5.3.1. Just over half (51%) of survey respondents who completed the secondary school section of the survey (n=121) encountered schools being either unable or unwilling to accept late arrivals. There were various reasons behind this, and many related to a lack of capacity or resources within schools to meet the needs of displaced adolescents. Of those that reported this barrier (n=61): 84% reported schools being unable to provide sufficient EAL support; 76% reported schools being unable to provide adequate in-class support; 73% reported schools being unable to provide academic interventions for students who have missed years of schooling; and 61% reported school being unable to provide appropriate mental health or pastoral support for displaced students.

5.3.2. Schools' reluctance or unwillingness to accept late arrivals – as opposed to schools feeling unable to – was also evident. Just under half of 61 survey respondents reported encountering school concerns about academic grades affecting their place in school performance tables.

5.3.3. This concern appeared to differ depending on the cohort of late arrival. For example, one key informant suggested that young Hong Kong British National Overseas (BNOs) are *"fought over for admissions purposes, because they're seen as, you know, the gold standard of getting your maths GCSE up"* (key informant, focus group, LA). Further illustrating *"clear discrimination in the admissions process"* (survey respondent, charity sector), one survey respondent reflected on how *"schools in [region redacted] have been willing to oversubscribe for Ukrainians (particularly grammar schools) - but not for newcomers from other backgrounds"* (survey respondent, charity sector).

5.3.4. Survey statistics provided further insights into how a reluctance or unwillingness to admit displaced adolescents may vary depending on their background and immigration status. Respondents who worked with UASC (n=31) were significantly more likely than those who worked with non-UASCs (n=39) to report schools being unable or unwilling to accept displaced adolescents (p value = 0.022): 71% and 44% respectively.

6. Varied support from LAs

6.1 Limited or inadequate support from the LA was encountered by over a third of 121 survey respondents who reported limited resources, and a lack of clarity around responsibility for displaced adolescents as key barriers. This was more pronounced in newer dispersal areas, and for LAs in rural areas.

6.2 Just over half (53%) of 43 survey respondents identified a lack of appropriate mechanisms to identify, track and monitor displaced adolescents within their remit. This issue was reinforced by key informants who suggested that, with the exception of UASC, LAs do not consistently identify displaced young people in their area, nor their education outcomes. The requirement for LAs to register children not in school which is proposed in clauses 25 to 29 and in schedule 1 of the Bill offers an opportunity to address this issue by expanding its scope to include all refugee or asylum-seeking children.

7. Recommendations

7.1 The Children's Wellbeing and Schools Bill offers an opportunity to address the specific needs of late-arriving pupils and to build systematic support for their inclusion and education. The following recommendations should be considered either on the face of the bill, or in guidance.

7.2 The Government should:

- **Create an intentional and coordinated approach to including late arrivals in the education system.** This should be done by the Department for Education consulting with other relevant departments to:
 - Develop a strategy for ensuring that all late arrivals are able to seamlessly and continuously access their right to education, irrespective of the time of year that they arrive.¹⁶
 - Ensure this strategy is translated into clear information and guidance that is effectively disseminated to local authorities, schools and multi-academy trusts.
 - Implement an alternative approach to lagged funding to ensure schools and colleges receive appropriate funding for students who arrive in-year, after the census date.
 - Consider extending provisions for ensuring that looked after children, including UASC, are able to access an education placement within 20 days of coming into care, to all categories of displaced children.
- **Take steps to ensure no child falls through the cracks and misses out on a school placement.** Such steps should include:
 - The Department for Education considering whether to reinstate local authorities' responsibility for coordinating in-year admissions for schools within their administrative area, including for multi-academy trusts. The Department for Education should ensure data is tracked and monitored, including pupil wait times for education places.

- The Home Office providing local authority school admissions teams with regular and accurate updates about the location of existing and new refugee and asylum-seeker accommodation in their administrative area.
- Funding and resourcing local authorities to undertake outreach to families and young people in asylum seeker accommodation in their local area, ensuring they are aware of their rights and entitlements to education.
- **Support and enable schools to accept late arrivals.** The Department for Education should:
 - Create sustainable education funding uplifts (such as those for refugee pupils from Afghanistan or Ukraine) for all refugee and asylum-seeking learners, regardless of country of origin or immigration status, to enable schools to provide the support these learners need.
 - Provide guidance so that schools are reminded of current arrangements for including late arrivals in their schools, such as the ability to exclude some late arrivals' GCSE results from their results profiles, if this is a concern.
 - Develop guidance for school leaders on how to embed whole school EAL provision and equip teaching assistants to strengthen in-class EAL support for newly arrived children.

7.3 Local government should:

- **Engage in a multi-stakeholder approach to deliver short-term interim provision that both meets the needs of late arrivals and expedites their transition into mainstream settings.** Local authorities and mayoral combined authorities should work alongside FE colleges, schools and the voluntary sector to deliver such provision where there is a local need, including:
 - Structured orientation programmes aimed at preparing very newly arrived young people for mainstream education;
 - Accelerated pathways within schools or colleges with strong enrichment and contextualised English language provision for those learners who need to develop their proficiency in English;
 - Short-term, interim provision where an appropriate mainstream school or college place is not yet available.
- **Engage in education outreach in local temporary accommodation.** With support from the Department from Levelling Up, Housing and Communities, local authorities with temporary accommodation in their administrative area should ensure young people are aware of their rights and entitlements to education. They should provide them support to apply for school or college places.
- **Support schools in their administrative area to accept late arrivals.** Local authorities can do this by coordinating the sharing of resources between schools where a need is identified (for example, the translation of documents and guidance into first languages prominent in the local area, and the sharing of well-being and

mental health resources across schools such as access to counselling in first languages).

7.4 Education institutions should:

- **Support and train staff to ease school enrolment and admissions processes.**

This should include:

- Schools ensuring all staff involved in enrolment and admissions are fully aware of guidance around EAL arrivals at upper-secondary level.
- Schools ensuring the presence of a designated member of staff to support the admissions of refugee and asylum-seeking children, providing support to parents/carers where needed.

- **Take an assets-based approach, recognising late arrivals' potential and ensuring they can access school.** Where there is a local need, and if funds and resources allow, schools should consider:

- Setting up bespoke pathways for late arrivals (please contact REUK for more detail) that meaningfully contribute to their progression and next steps, while enabling them to access education in a supportive school environment.
- Implementing tailored and contextual timetables which allow young people to access at least some qualifications.
- Exploring partnerships with local colleges, where capacity within schools is more limited, and where colleges have provision for 14-15 year-olds.

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