



Together with Migrant Children

Securing Migrant Children and Young People's belonging, identity and safety



Public
Law
Project

Experiences of accessing education in asylum accommodation

Together with Migrant Children & Public Law Project

February 2025



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We would also like to thank the Strategic Legal Fund for making this data collection possible.

Introduction

Strategic Legal Fund funding was awarded to Public Law Project and Together with Migrant Children to undertake prelitigation work for a proposed judicial review. If undertaken, the judicial review would challenge the SSHD’s practice of accommodating families with children in asylum support accommodation where local authorities cannot meet their duties to provide appropriate and suitable education under sections 14 and 19 of the Education Act 1996.

The data collection exercise undertaken to inform this potential challenge sought to understand the scale of education delays being experienced by asylum-seeking children. This data report presents the findings from this exercise.

Data collection

In August 2024 we circulated a survey to organisations working with asylum-seeking families living in asylum-support accommodation. We received 49 responses to the survey.

The survey respondents were primarily (63%) locally based organisations, covering a specific town or area, although there were 15 (30%) responses from organisations covering a regional, national or international area.

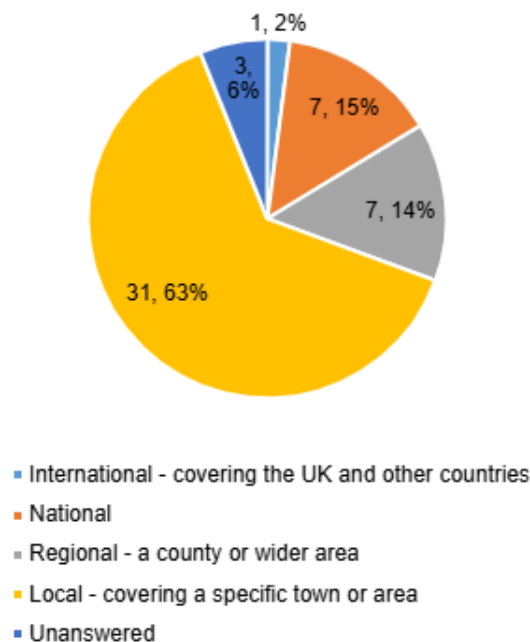


Figure 1: Organisational reach of survey respondents.

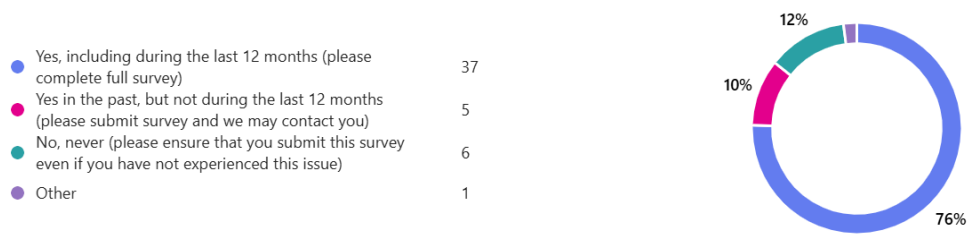


Figure 2: Have your clients in asylum support accommodation (initial or dispersal) had issues or experienced delays in starting school? Or have they been offered any alternative education other than school?

The vast majority (76%) of the responding organisations experienced issues with their clients in asylum support accommodation starting school. Most of these organisations (58%) did not specifically collect casework data about children receiving asylum support but were able to share their experiences by responding to this survey. Others who did collect this casework data were additionally able to provide case studies and these 11 case studies are presented at the end of this report.

Survey responses

Prevalence of children experiencing delays in accessing education

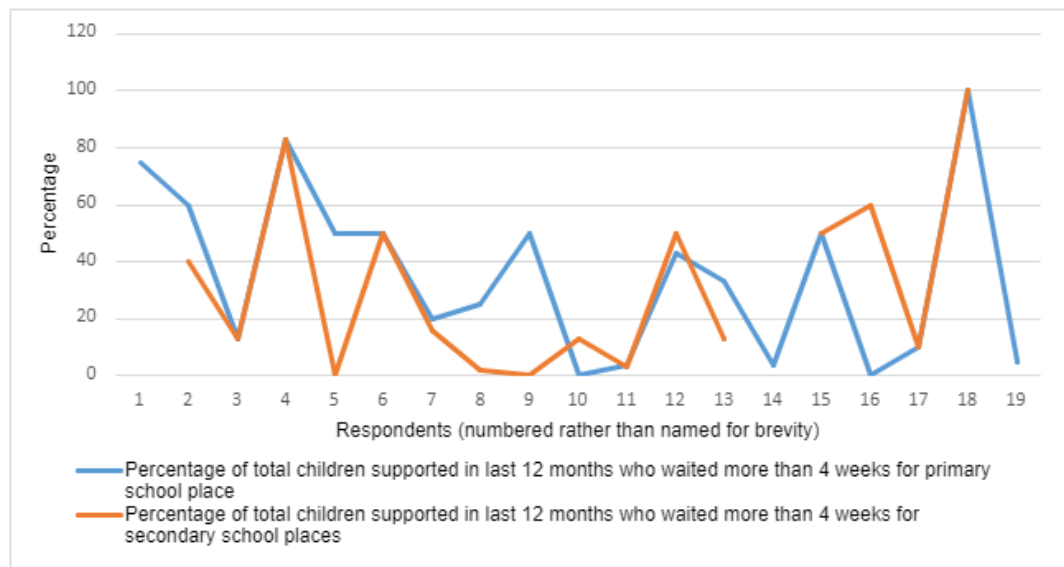


Figure 3: How many asylum-seeking, school-age children has your organisation supported in the last 12 months? How many of the children in Q11 waited more than 4 weeks for a primary school place? How many of the children in Q13 waited more than 4 weeks for a secondary school place?

Of the 19 organisations who were able to put figures to their response to this question (and who had answered yes to experiencing delays overall), all had experienced delays of over four weeks in children accessing either or both primary or secondary school places. For smaller organisations, this was sometimes as high as 100% of the total number of asylum-seeking school age children they supported, although for some bigger organisations, it was around 20% of the total number of asylum-seeking school age children they supported.

14 organisations did not respond to this section of questions and an additional 16 responded but were unable to give exact figures. Of these 16, eight organisations experienced delays of over four weeks in children accessing either primary or secondary school places.

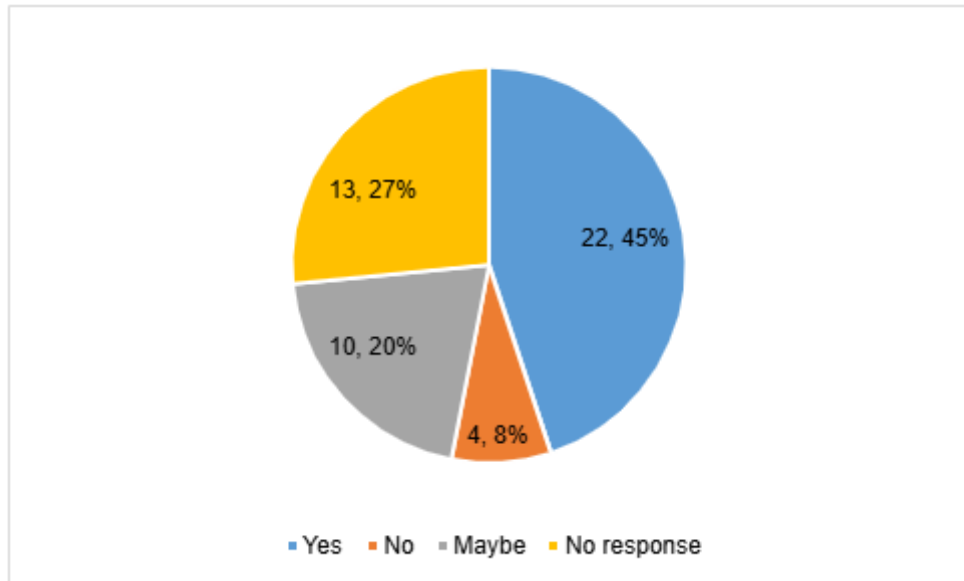


Figure 4: Did any children wait 8 or more weeks for a school place?

Almost half of the 49 organisations who responded reported that they had supported children who waited for eight weeks or more for a school place. A further 20% responded that they may have supported children who waited for eight weeks or more for a school place.



Figure 5: In which types of asylum accommodation are you seeing delays to accessing school places?

Organisations saw delays in accessing school places for children in all types of asylum accommodation, both initial and dispersal.

Waiting time lengths

● 0-2 weeks	1
● 3-4 weeks	11
● 5-8 weeks	7
● Longer than 8 weeks	7
● Not applicable	9

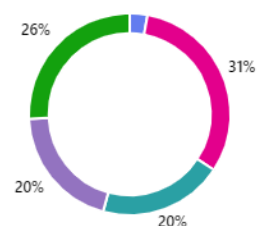


Figure 6: On average, how long were children waiting for primary or secondary school places whilst in initial accommodation?

● 0-2 weeks	0
● 3-4 weeks	7
● 5-8 weeks	8
● Longer than 8 weeks	5
● Not applicable	11

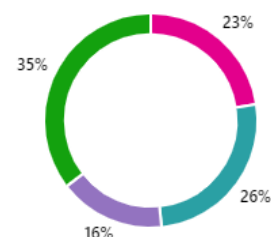


Figure 7: On average, how long were children waiting for primary or secondary school places whilst in dispersal accommodation?

26 organisations responded to say children experienced delays in initial accommodation and 20 responded to say children experienced delays in dispersal accommodation. Survey respondents indicated that children they supported were waiting for generally between three and eight weeks for primary and secondary school places and these delays occurred in both initial and dispersal accommodation. In response to the question ‘What is the longest period a child waited for a school place?’, three organisations said they had supported children who had waited for over a year to access education. One organisation said that they found securing primary school places much easier than securing secondary school places.

Alternative education provision

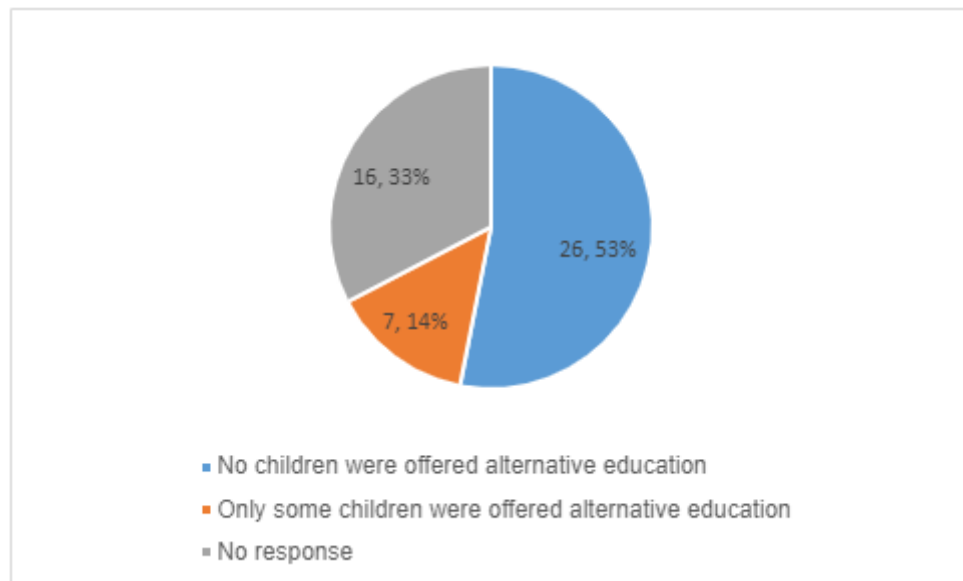


Figure 8: Were children offered alternative education whilst waiting for a school place?

Limited numbers of organisations indicated that they had seen children receiving alternative education provision either whilst waiting for a school place or instead of a school place. Of the 33 organisations who responded to the question in figure 8, 26 (53%) indicated that none of the children they worked with were offered alternative education whilst waiting for a school place. In addition, only one organisation had seen children receiving alternative education provision instead of primary school education and six organisations had seen children receiving alternative education provision instead of secondary school education.

Where alternative provision was offered, organisations reported that it was mostly children with Special Educational Needs ('SEN') who received this alternative provision. The one outlier to this said that the majority of the secondary school aged children that they had seen were given alternative provision.

This alternative provision took a range of forms, from families being encouraged to attend a Family and Children Centre to an eight week intervention delivered by an EMTAS teacher, or 'Virtual School setting within a local secondary academy'. Three organisations responded that either they or another charity provided alternative provision, in the form of ESOL based provision or similar alternative education run by local charities.

18 of the 49 respondents reported that children they supported who they considered may have SEN experienced delays in accessing education. Experiences of these delays

varied. One organisation said that children with SEN had their cases ‘dealt with much quicker than they normally would have been’, although were still delayed. Another said that it was ‘the provision of SEN placements that appears to be the most challenging area’.

“SEN children are the worst affected because schools were refusing them without an EHCP. It took up to one year to get an EHCP for one child.”

“I work quite a lot with the SEN kids and at least one family returned to home country as their autistic teen remained out of education for at least 12 months.”

Issues organisations are seeing

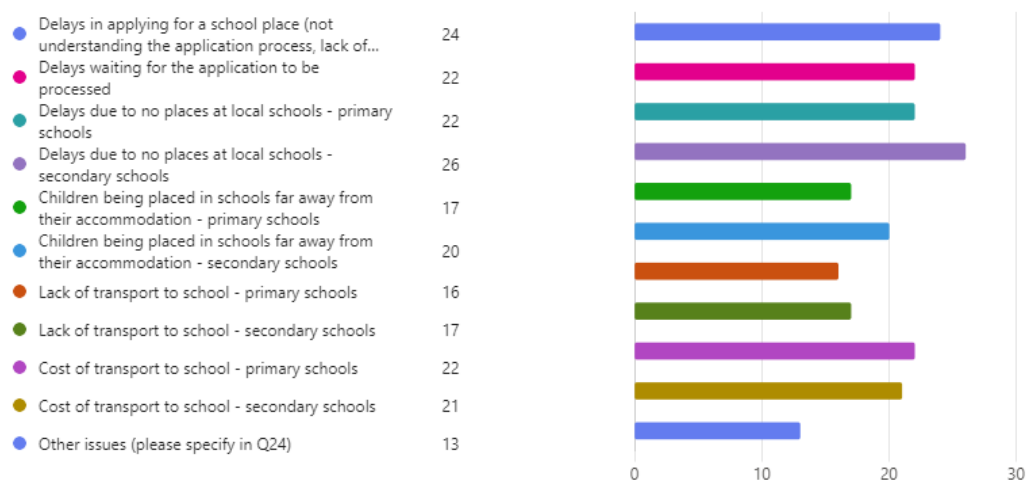


Figure 9: What kind of issues are you seeing? Respondents could tick as many as where relevant.

Respondents told us that they were seeing the full range of issues we had described in the survey, plus some additional ones that 13 organisations went on to outline. ‘Delays in applying for a school place (not understanding the application process, lack of support completing school applications)’ and ‘Delays due to no places at local schools - secondary schools’ were the most common issues, but all were highly prevalent.

The next survey question asked respondents if they could share any more details on the issues that they were seeing. Many responses focused on financial barriers, including those presented by transport costs.

“Rural area so transport can be a problem. Our preferred schools (those with the better policies to support children without English) are not necessarily the ones closest to accommodation. We have paid transport costs in one case. Our local high performing secondary school refuses to take asylum seeking children - it's an academy so nothing

can be done even though everyone, including school admissions, despairs of them - so all the children go to the only other secondary school in town.”

“For some children, even when places are allocated, the places given are not close to their home and they may need to take two or more buses. Some children will not be eligible for the bus pass, but even when eligible, bus passes take a long time to arrive after the school placement has started, causing financial hardship and stress for parents.”

“Rigid uniform requirement...Lack of willingness of school to provide free lunch even when they are eligible as destitute recipients of s95 while they wait for the proof of s95 and an asylum support number. This can take weeks if not months due to Home Office delays.”

“Uniform cost, schools refusing a start date unless the pupil has an entire set of branded school uniform.”

Three organisations mentioned the logistical complexities for parents when they have several children at different schools.

Five organisations highlighted the regular movement of children with minimal notice as destabilising to their education, whether this was to a different dispersal area or even within the same local authority.

“One challenge is the regular movement and this is so destabilising for children with so much trauma already, so many of them end up commuting across London to stay in the same school.”

“Move from hotel to self-catering accommodation, which leads to a change of school, can cause delays even within the same local authority.”

“Some families are able to secure school places whilst in initial accommodation but are then dispersed far away from the school and the process must be started again.”

Many respondents said that the families they worked with had difficulties with the complexity of the application process, due to language barriers, IT literacy, and a lack of support.

“It is often difficult for families to access school places in areas where a number of schools have different application processes because they are academies. For one hotel, the three closest secondaries are all academies from the same chain but each requiring a

different paper form to be completed for application. This hotel is also on the border of four different London boroughs, requiring multiple applications to maximise chances.”

Three organisations had experience of children having an 'in area request' based on schooling refused because they were told that they could access education anywhere in the UK.

Experiences varied of multi-agency arrangements between the Home Office, local authorities and local organisations. Two organisations had experience of formalised multi-agency arrangements with regular meetings and an additional nine had experience of informal, arrangements based on their positive relationships with local partners.

Although our survey questions focused on the scale and nature of delays in accessing education, some organisations pointed to the significant impact of these delays in their responses.

“Year after year we are shocked by how many children are not in school at the start of the school year. ... It is incredibly frustrating, demoralising and completely devastating for parents as well as highly stressful for the children. The children find it so much harder to settle and it singles them out when they do eventually start, leading to some experiencing bullying and difficulties with integration.”

It is worth noting that complexities exist around children accessing school places when they are in years 10 and 11. Respondents told us that it was difficult for schools to offer this cohort school places, and so they often ended up in college, which was often not appropriate, or stuck in limbo experiencing long delays. Some of the children the survey respondents worked with who were out of school the longest were in years 10 and 11.

“Year 11 students arriving after March are also difficult to place in school.”

“[X College] also has a provision for Year 11 students with no school place, where they can complete some GCSEs; some go on to other sixth-form colleges after. However, this is largely for those in borough at the start of September for whom no school place has been found, and is a full year's course, so I do not think they accept children who arrive mid-year.”

Case studies

Case study #1

Source: Together with Migrant Children (TwMC)

Delay: 2 children out of school for 13 weeks

Delays following move from initial to dispersal accommodation

TwMC worked with two children subject to child protection plans aged 13 and 15. They were initially placed in asylum support accommodation for around nine months in the southeast (outside London). Both children required additional support at school due to low attendance and concerns around potential exploitation. They were then dispersed to another county with only overnight notice. The process for in-year applications in this county was to make individual applications directly to each school. This was time-consuming and complex, with a lack of central oversight and no central contact who could provide updates on applications in process.

The Home Office contractor for the area provided no move-on support, nor support with accessing school places, despite the Home Office contractor safeguarding representative being present through child protection processes. Given the lack of notice of a move, there was no way to plan for moving schools or any other services for these children, which was particularly poor practice given that their vulnerabilities were well known to the Home Office contractor.

No local school places were available, and it was only when the social care case was handed over to the new authority that there was access to someone within the council who could coordinate and allocate school places, which led to the process being sped up. Despite this, the children were out of school for 13 weeks.

Case study #2

Source: Together with Migrant Children (TwMC)

Delay: 2 children out of school for 5 weeks

Delays on arrival in initial accommodation

This family arrived in the UK in August 2024 and were placed in initial asylum support hotel accommodation. There were two children in the family of primary school age – six and ten. The family contacted our advice line after they had asked the hotel for support with navigating systems and were told that they could not be assisted by the hotel. The children had already been in the accommodation for three weeks prior to contacting

TwMC.

The family were supported to make in-year applications to the local primary school, with three schools in preference based on the distance from the hotel. The in-year application was initially responded to within a week. The application stalled as a result of the local authority asking for documents that the family could not obtain to prove address and were inflexible in terms of document requirements, which took a significant amount of advocacy to resolve. The children were out of school for five weeks.

Case study #3

Source: Together with Migrant Children (TwMC)

Child out of school for 11 weeks

Family placed in London hotel following arrival into the UK. Two children, one of primary and one of secondary age, aged 8 and 14. The family made in year applications with the support of the hotel within days of arrival, and the primary aged child was granted a school place quickly.

For the secondary aged child, the family were told that there were no school places for the child. The family accepted that they had to wait and it was six weeks later that they sought advice from an external organisation when they were worried about the time he was out of school. Following advocacy, a school place was found within 4 weeks from them seeking external advice. Throughout a total of 11 weeks outside of education, no alternative provision was provided or offered for the child, with the only advice given to the family to wait for a school place to become available.

Case study #4

Source: Together with Migrant Children (TwMC)

Positive practice

The Home Office opened a hotel providing asylum support accommodation in the southeast (outside London). Virtually no notice was given to the local authority, nor any other provision including schools or health services. The hotel was intended to host asylum-seeking families with children. However, the local authority (which was a district and county council) was proactive from the start. The district council headed up a multi-agency process that included county council early help, education, social care, health representatives from GPs, midwifery, health visiting and other services, and refugee and migrant charities working in the area.

The Home Office and accommodation provider have been invited on every occasion this

group met, however, the Home Office has never attended and the accommodation provider rarely attends. The purpose of the group is to coordinate support being provided to the hotel.

A dedicated education representative for the council was part of this group and ran regular outreach sessions in the hotel, with a charity and an early help worker, to identify newly-arrived children in the hotel who were without school places. They then coordinated a register of all children and their position with regard to school places, quickly sourcing provision for children who did not have school places. This feedback group meant that all organisations were able to work together in the best interests of children, planning and coordinating needs. It also meant that children were identified quickly, and school places allocated without delay. Despite a recognised shortage in school places in certain schools closest to the hotel, schools worked with the local authority to make sure provision was in place.

Case study #5

Source: Small refugee charity in South London

H's case study shows how difficult it can be for teenagers, in particular, to access education. H was out of school for approximately 6 months.

'... I needed a place in year 11 [initially year 10] which is really hard because of the GCSE and I tried contacting every school in [London borough] and every school told me no. So I asked L to help me out for my year 11 GCSE as there were no place for me, but L tried her best to get me in a school, she sent email to the council to help me out and she also emailed the school daily and like for 2 months I didn't had any school so I was depressed, but L help me out and finally I am in a school and glad I can do GCSE this year.'

H and his family were moved to asylum support accommodation in South London from a different London borough in May 2023. H's previous school was too far away for him to continue to attend; however, he was not able to secure a place anywhere locally. The hostel completed the initial application: the refugee organisation added applications to more local schools, including other local boroughs. In addition, the charity contacted H's previous school and liaised with them to enable H to sit some of his year 10 GCSE mock exams at the hostel which was facilitated. However, this would not have happened without the charity's intervention. H became increasingly depressed at home, knowing that he was falling behind with his education.

In July, a Fair Access Protocol decision resulted in an allocation to a local academy; however, the family misunderstood the email and did not respond. The charity was only able to support the family to respond after term had ended. There was then no

response from the school until 3 September, when they wrote to say they were now full in year 11. The next allocation was a different local school, however, the school, for unknown reasons, then delayed the start date for another half term. Throughout this period, the charity was liaising regularly with the borough's Senior Admissions Officer and the school in question to expedite an offer of a starting date – as well as eventually exploring other possible school options.

The charity finally wrote to the allocated school to ask that they give H and his family a clear answer and reminded them that their delay had doubled the length of time he had been out of school. H was offered a place. He was placed in Y10 as by then he had missed over a term of school. H was placed in a school year below his age group due to failures in the system meaning that he had fallen behind academically. H was disappointed, although he did understand that he needed the additional time to catch up with his learning. He has managed to cope with the change, however the delay in obtaining a school place was very stressful for him and his family and impacted negatively on his education and his mental health.

Case study #6

Source: Small refugee charity in South London

The charity supported two teenage sisters (M and N) who were placed in asylum support accommodation in south London with their family. Despite multiple applications, they were not offered any school places. Eventually the charity was able to refer them to another charity offering transitional learning opportunities for girls from migrant families. They finally received school places in the following school year.

Case study #7

Source: Small refugee charity in South London

In 2024, the charity worked with a family with two children who were moved from Birmingham to South London. In Birmingham both children had been unable to find school places and one child was out of school for 8 months and the other for 1 year. When they arrived in South London, both children were able to find school places fairly quickly (within a month) in year 7 and year 8. Unfortunately, the places were provided at different schools, however, the children were pleased that there was not another lengthy delay.

Case study #8

Source: Southwark Law Centre

School delay for asylum-seeking child

SU claimed asylum in 2022 whilst she was living in Lewisham. Her daughter was 4 years old and at nursery in Lewisham. The family was then moved into an asylum support hotel in May 2022 in Hounslow. SU was not sure how to make a school application for her daughter, so she asked the hotel staff to assist her. They applied for a school place for her in a reception class in May 2022 – but she was not offered a school place until September 2022 so she had to stay in one room in the hotel for two months during term time from May to July 2022. She started in a reception class in September 2022 at a primary school in Hounslow.

Then, in July 2023, the family was dispersed to new Asylum Support accommodation in Harlow. SU's daughter was forced to leave her school after only 11 months and SU then tried to find her a school place in Harlow. There were two schools very close to the accommodation – however neither school had places available in year 1. SU appealed their decision not to offer her daughter a school place but the committee rejected her appeal. She had to obtain legal advice to assist her in obtaining a school place. Finally, her daughter was offered a place in year 1 in December 2023. She was out of school from July to December 2023. No alternative education provision was offered during this period.

SU describes the impact of delay on herself and her child as very difficult. She knew her daughter should be in school and she was missing out on her education and being with other children. SU also commented that having a child at home all day in one room in hotel accommodation is very detrimental to parents' mental health. This was made worse by having no money available to take children out to activities etc.

Case study #9

Source: Southwark Law Centre

TO last arrived in the UK from Nigeria in 2019. She claimed asylum in 2021 and was moved to Asylum Support accommodation in November 2021. Her family was placed in Aldershot. She needed to find school places for her children who were then in year 8 and year 10. It took 4 months for her to find school places for both children. No alternative educational provision was provided during this period. TO reported that her children were extremely distressed that they could not attend school during this period and it caused her a lot of stress as a parent seeing her children missing out on their learning and socialising. TO has had to change her daughter's school three times and her

son's school twice as a result of being moved during the asylum process. In addition, TO said that the school that eventually accepted her children was far from her accommodation and travel was very expensive.

Case study #10

Source: Community Action for Refugees & Asylum Seekers (CARAS)

CARAS worked with a family with two children aged nine and eleven. The family arrived in the UK in 2020 and was placed in initial asylum accommodation. When the family was referred to CARAS in March 2021 neither child had attended school since they arrived in the UK. The family reported that when they first arrived, someone in the hotel told them that their children would be placed on a list for school place and that they should wait for further information. However, no updates had been provided. CARAS contacted the local authority and then younger child was offered a school place after two weeks. However, the school was a 45-minute walk from the hotel and the family did not have funds (approximately £4/day) to take the child on the bus to school as they were only receiving the hotel rate of asylum support. CARAS contacted the council IASS/NRPF team and the school to request additional funding for the transport to school but the request was refused. CARAS applied for Section 96 which was refused. The family was unable to take up the place without additional funds for transport. The older child was not offered any school place. After further advocacy, in June 2021 both children were offered places closer to the hotel. The family faced problems obtaining school uniform, free school meals and a zip card for the older child (due to lack of ARC and administrative fee). In August 2021, the family was dispersed to asylum support accommodation outside London and new schools were then needed for both children.

CARAS reported that whilst working with this family, the older child expressed depressive symptoms whilst out of school and said that there was no point in her being alive because nothing was going well. Both children became anxious and frustrated that they could not attend school.

Case study #11

Source: Community Action for Refugees & Asylum Seekers (CARAS)

In July 2021, this family arrived in the UK and sought asylum, they were placed in asylum support hotel accommodation. In September 2021 CARAS started working with the family and the 11 year-old child had not attended school since his arrival. His mother reported that she had asked the hotel receptionist who told her that there was no school place for her son and she would have to wait. CARAS followed up with school admissions who told them that the child was enrolled at a school and they believed he was attending. The details of the school place had not been communicated to the family

by the school, the local authority or the hotel staff. Following advocacy, school admissions contacted the school and asked them to inform the family. The child finally started school in October 2021.

The child's mother reported that her son cried and was angry every day when he saw other children at the hotel attending school. His mother was also extremely upset by the situation.

Testimony from a CARAS client about the delay to education

"I arrived to the United Kingdom with my family in September 2021 as asylum seekers. The Home Office accommodated us in a hotel within the borough of Croydon. I have a teenaged daughter born in September 2005.

When we arrived at the hotel, we asked the hotel staff for help to register my daughter for school to continue with her studies, who informed us that this was not their responsibility. Instead, they directed us to ask for help from other Spanish-speaking guests in the accommodation.

We called Croydon Council in October to ask for help in registering my daughter for school. We were told they would call us back, but they never did. My partner emailed a school registration form for my daughter to Croydon Admissions on 22nd October duly completed and detailing our preferences for schools, although we were happy for her to attend any school. We received a reply telling us that the schools we had selected had no place and they provided us with means of appealing, which we did. The response provided by Croydon Council Admissions Appeals was that they do not deal with appeals against schools in the borough of Croydon. Having only recently arrived and not speaking English, we did not understand the process or the distinction. We were just following what we could understand using the email address provided.

Croydon College then emailed us inviting my daughter to attend a telephone interview on 15th December. My daughter attended this interview, where they told her they would not be able to offer her a college place until September 2023.

Worried about my daughter's wellbeing to be out of school for such a long time, we asked the help of a charity, CARAS, which supports refugees and asylum seekers. CARAS was able to help us enrol my daughter in Lewisham College, where she began studying on 19th April 2022. However, on 19th May, Lewisham College contacted us and CARAS saying that they had become aware that our daughter actually should have been in Year 11 and they needed to withdraw her.

We had a community care solicitor involved who challenged Southwark Council [as we

had by then been moved to another hotel in Southwark] and Lewisham College, and yet my daughter was withdrawn from school and provided 18 hours' weekly private tuition. As asylum seekers who do not speak fluent English, we had no understanding of the different regulations. We have since learned that Croydon Council should have registered my daughter into secondary school with the help of the hotel staff.

This gross negligence has caused my family extreme distress. We are seeking asylum to find safety and yet we feel discriminated against by the administrative procedures. My daughter is already vulnerable and the impact that being withdrawn from mainstream schooling and isolated from her peers has had on her mental health has been of great concern.

I sincerely request that you revise your policy and practices around school admissions for newly-arrived asylum seekers. Extra support must be given to ensure that access to schooling is a priority, and that all children and adolescents are treated equally regardless of what country they come from or their immigration status."



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The Public Law Project (PLP) is an independent national legal charity. Our mission is to improve public decision making and facilitate access to justice. We work through a combination of research and policy work, training and conferences, and providing second-tier support and legal casework including public interest litigation.

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