

Written evidence submitted by Just Fair

Written Submission to the Education CommitteeInquiry into the impact of COVID-19 on education and children's services

1. Just Fair works to realise a fairer and more just society by monitoring and advocating for the protection of economic and social rights. Just Fair is committed to increasing public awareness of international human rights law and the capability to use it, and is devoted to the advancement of high-quality thinking, training and practice to ensure that economic and social rights are respected, protected and fulfilled.
2. No one should be left behind in the UK Government's and local authorities response to the COVID-19 pandemic.
3. As we have outlined in our submission to the Women and Equalities Select Committee inquiry into COVID-19 and the protected characteristics, existing inequalities are being exacerbated by COVID-19.¹ Whilst COVID-19 itself does not discriminate, discrimination based on protected characteristics and/or socio-economic status is leading to people being disproportionately impacted by the virus.²
4. Socio-economic rights including the right to education are afforded to all without discrimination and are included in a number of international human rights standards notably in the International Covenant on Economic, Social, and Cultural rights, the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of the Child, and the Convention on the Rights of People with Disabilities.³
5. Human Rights need to form an essential part of the response to COVID-19. For the World Health Organization "Human rights frameworks provide a crucial structure that can strengthen the effectiveness of global efforts to address the pandemic."⁴ Incorporating human rights principles of universality and non-discrimination into the response to the pandemic will help bring the success of the response.

¹ Just Fair (2020) Written Submission to Women and Equalities Select Committee: Inquiry into unequal impact: Coronavirus (COVID-19) and the impact on people with protected characteristics.
<https://committees.parliament.uk/writtenevidence/3531/pdf/>

² Imogen Richmond-Bishop (2020) COVID-19 doesn't discriminate but society does
<https://www.equalitytrust.org.uk/blog/covid-19-doesn%E2%80%99t-discriminate-society-does-guest-blog>

³ Just Fair (2017) What are economic & social rights and how are they recognised in international law?
<http://justfair.org.uk/wp-content/uploads/2018/05/What-are-economic-and-social-rights.pdf>

⁴ World Health Organization (2020) Addressing Human Rights as Key to the COVID-19 Response
<https://www.who.int/publications-detail/addressing-human-rights-as-key-to-the-covid-19-response>

6. As socio-economic status is a clear indicator as to whether a person will be able to afford to have access to the internet and/or have personal computers⁵ it is crucial that all policy levers are used to reduce socio-economic inequalities. In England and Northern Ireland, this should include enacting Section One of the Equality Act 2010 that would make Local Authorities have due regard to the impact of their decision making on socio-economic inequalities.⁶ The same duty was introduced in Scotland in 2018 under the name 'Fairer Scotland Duty' and is scheduled to be introduced in Wales in September 2020.⁷

No Recourse to Public Funds

7. No recourse to public funds' (NRPF) is an immigration condition imposed on undocumented migrants and people who have leave to remain subject to a NRPF restriction. A person with NRPF cannot access most welfare benefits or social housing but they can access publicly funded services that are not listed as 'public funds' for immigration purposes.⁸ Without the safety net of social security, many families with NRPF end up living in destitution and are at high risk of homelessness, exploitation and abuse.⁹
8. Some children may have a different immigration status to their parents, however if their parents have NRPF this can restrict the support that they are entitled to receive including child benefit and free school meals past the three year universal entitlement period.- Of course there should be no hierarchy between British born and non British born children as all children are equally afforded protections due to provisions in international human rights law.
9. The UN Committee on Economic, Social, and Cultural Rights has stated that "all children within a State, including those with an undocumented status, have a right to receive education and access to adequate food" however this is not yet the case in the UK.¹⁰
10. In response to the COVID-19 pandemic, the Department for Education has temporarily extended free school meal support for certain children with NRPF.- This extension is provided to children:

⁵ ONS (2019) Internet users, UK: 2019

<https://www.ons.gov.uk/businessindustryandtrade/itandinternetindustry/bulletins/internetusers/2019>

⁶ Just Fair (2019) What is the Socio-Economic Duty http://justfair.org.uk/wp-content/uploads/2019/04/Briefing_1forEquality_LocalAuthorities.pdf

⁷ Welsh Government/ Llywodraeth Cymru (2020) Written Statement: A More Equal Wales – Commencing the Socio-economic Duty <https://gov.wales/written-statement-more-equal-wales-commencing-socio-economic-duty-0>

⁸ UK Visas and Immigration (2014) Guidance: Public Funds <https://www.gov.uk/government/publications/public-funds--2/public-funds>

⁹ Sustain, Project 17, CAWR (2019) "Sometimes my belly will just hurt": No Recourse to Public Funds and the Right to Food

https://www.sustainweb.org/publications/right_to_food_no_recourse_to_public_funds/?section=

¹⁰ Sustain, Project 17, CAWR (2019) "Sometimes my belly will just hurt": No Recourse to Public Funds and the Right to Food

https://www.sustainweb.org/publications/right_to_food_no_recourse_to_public_funds/?section=

- Reliant on section 4 support, this is support provided to refused asylum seekers who have reached the end of their appeal avenues.
 - Granted leave to remain as ‘Zambrano carers’, this means that the child is British national with a parent who is a non EEA national and the child requires the parent to remain in the UK in order to provide care.
 - Granted leave to remain under Article 8 European Convention on Human Rights. This means that a person is granted leave to remain under art 8 which refers to the right to family life but they have the No Recourse to Public Funds restriction.
 - Supported under section 17 Children Act 1989 and who have ‘no recourse to public funds’. Section 17 support is support provided by Local Authorities to families who are found to be destitute.¹¹
11. In order for their children to be eligible for support the parents in the latter three groups are subject to a maximum income threshold of £31,500 in London and £28,200 outside of London net per household per annum. The initial earning threshold was £7,400 per year, or just over £600 per month with no access to any other form of welfare support. This income threshold was changed twice in response to campaigning and the threat of legal action.
12. Whilst we welcome this new support that is open to some children with No Recourse to Public Funds there have been issues with the voucher scheme across England. Vicki Ford MP, the Minister responsible for the voucher scheme has admitted that there have been a number of challenges in the roll out.
13. We have also heard concerns from colleagues across the sector that eligible families have been unable to access the vouchers,¹² and that the fact that the vouchers are limited to certain retail stores means they don’t respond to the needs of all families. In response to this some nations within the UK such as Northern Ireland and Wales enable Local Authorities to provide cash transfers to families in need where appropriate.¹³
14. There remain many children in need of free school meal support are still not eligible because they do not fit within the criteria listed in paragraph 11. There are an estimated 215,00 undocumented children growing up in the UK and the vast majority of them who are school-aged are still ineligible for free school meals.- There are also a number of visas that are subject to the NRPF condition who cannot apply for free school meals even if their income is below the threshold.¹⁴

¹¹ Department for Education (2020) Coronavirus (COVID-19): temporary extension of free school meals eligibility to NRPF groups <https://www.gov.uk/government/publications/covid-19-free-school-meals-guidance/guidance-for-the-temporary-extension-of-free-school-meals-eligibility-to-nrpf-groups>

¹² Hackney Migrant Centre (2020) Written Submission to the Education Committee Inquiry into COVID-19

¹³ Just Fair (2020) Written Submission to Women and Equalities Select Committee: Inquiry into unequal impact: Coronavirus (COVID-19) and the impact on people with protected characteristics.

<https://committees.parliament.uk/writtenevidence/3531/pdf/>

¹⁴ Sustain (2020) COVID-19 briefing: No Recourse to Public Funds and the Right to Food

15. We are also concerned that without knowledge of the UK's complex immigration system and clear guidance from the Department for Education it will be hard for schools and families to understand who is eligible and who is not.
16. In April we joined colleagues in writing to the Department for Education to raise the concerns listed above.¹⁵
17. Some Local Authorities and devolved administrations are providing additional discretionary support to children with NRPF. The Welsh Government for example has stated that regarding families with NRPF they "*strongly encourage local authorities to exercise their discretion to allow the children of these families to benefit from local authority free school meal provision for the duration of school closure.*"¹⁶
18. We are extremely concerned that the Department for Education is planning to remove this much needed extension of support as soon as schools are reopened for all students despite the need still being there. Whilst we cannot know exactly what will happen, we do know that the economic ramifications of COVID-19 will outlast the lockdown period. Removing support would represent a regression in the right to food of the children who were made eligible during the pandemic period.
19. In order to remedy this situation we believe that the No Recourse to Public Funds condition needs to be removed and that free school meals should be available to all children in need regardless of immigration status.

Sanctuary Scholarships

20. Treated as international students, asylum seekers are usually unable to study at university in the UK due to the high tuition fees that accompany learning and transport costs. A number of universities across the UK have begun to offer Sanctuary Scholarships, where tuition fees are waived for successful asylum seeker applicants. In some cases, a grant towards learning and/or housing costs is also provided. These scholarships make it possible for more adults to enjoy their right to education in the UK.
21. During the Coronavirus lock-down, all university learning has moved online, with students needing to access courses using their own laptops and home internet. For many vulnerable students this has been difficult, and it has been a particular challenge for Sanctuary Scholars. Given only £5.39 per day (£37.75 per week) to live on by the UK Government, home broadband packages and substantial phone data are a necessity that most asylum seekers cannot afford. Without access to internet or their own laptops, these students are unable to

¹⁵ Just Fair, Sustain, et al (2020) Re: Temporary extension of free school meals eligibility to NRPF groups. <http://justfair.org.uk/urgent-changes-needed-to-the-temporary-extension-of-free-school-meals-eligibility-to-some-no-recourse-to-public-funds-groups/>

¹⁶Welsh Government/ Llywodraeth Cymru (2020) Revised guidance for schools in Wales: supporting children eligible for free school meals <https://gov.wales/free-school-meals-coronavirus-guidance-schools>

continue their studies, putting themselves at risk of missing exams or failing assignments.

22. One Sanctuary Scholar in the North East told us that *“Being a Sanctuary Scholar and an asylum seeker I have got many restrictions. I live on £37 a week, which restricts me to obtain my basic daily needs every day during the pandemic. All the study materials are online and to access online I need data. As I didn’t have the right to apply for the [university’s] hardship fund for the students it was quite hard for me to continue with my studies during COVID19 without the support from the university.”*
23. On the 25th March 2020 our Just Fair North East manager, along with colleagues from Asylum Matters and City of Sanctuary, wrote to universities in the region offering Sanctuary Scholarships to asylum seekers about what support these students need during the Coronavirus pandemic.¹⁷ As a result, Northumbria University has contacted all of their Sanctuary Scholars, and have provided financial support for students to buy internet dongles and increase their phone data. Teesside University have offered individual support to all Sanctuary Scholars. But there is no guarantee that this is happening elsewhere in the country.
24. We have received reports of asylum seekers studying in colleges in the North East facing the same issues. As college education is predominantly subsidised by UK Government funding, the UK Government have a responsibility to ensure these students can access their studies online.

Digital Divide

25. Digital Inclusion is an issue that many has faced prior to Covid-19 The pandemic has emphasised these issues and brought more people into positions where they are digitally excluded.
26. The UN Committee on Economic, Social, and Cultural rights has warned that school closures “carry the risk of deepening educational inequalities between rich and poor learners due to unequal access to affordable Internet services and equipment such as computers, smart phones and tablets.” Therefore the impact of school closures on the right to education needs to be mitigated and this will include through assisting learners to access education online.¹⁸
27. Responses to a variety of surveys carried out in the North East by Just Fair and other organisations suggest that the primary barrier to digital inclusion is lack of access to the internet, mainly due to unaffordability of internet and data packages. Other barriers include lack of access to laptops and smart phones,

¹⁷ Just Fair (2020) Letter to Universities in the North East requesting support for Sanctuary Scholarship students. <http://justfair.org.uk/support-needed-for-sanctuary-scholarship-students/>

¹⁸ Statement on the coronavirus disease (COVID-19) pandemic and economic, social and cultural rights (2020) Committee on Economic, Social, and Cultural Rights.

poor accessibility for those with visual impairments and learning difficulties, concerns around privacy, and in some cases a lack of confidence to use the technology available. Those unable to enjoy digital inclusion are expressing severe feelings of isolation, hopelessness, and concern for their ability to succeed in their studies and work. Regional and national organisations are identifying a need for digital inclusion to be viewed as a necessity, not a luxury; it is essential for people to exercise and enjoy many of their human rights.

28. Some of the responses we have seen so far have raised issues around people who are shielding and therefore unable to pay bills online; people missing out on important information such as which supermarkets are delivering to people who are shielding ; and people not having any contact with others as they are unable to get online.
29. It is not just the digital divide that impedes information access. Therefore all information on COVID -19 needs to be accessible to all people, including but not limited to through Easy Read formats, braille, British Sign Language as well as in hard copy.

School Holidays

30. The financial consequences of the COVID-19 pandemic for households highlight a clear need for additional support to be provided to families and carers in order to ensure that they are able to afford to ensure their children are fed at all times including the school holidays.
31. Initially the UK Government stated that they would not fund the voucher scheme through the school holidays, however following campaigning the voucher support was extended through the Easter, may, and summer holidays.
32. For the summer holidays, schools were asked to apply for vouchers at least a week before the end of term. There are provisions in place for a child that becomes newly eligible in the last week of term :“If a school receives a claim for an eligible child after the final ordering date of at least one week before your school term ends but before the start of the school’s summer holidays, it will be possible for the school to place an exceptional order for that child via the Edenred system.” However there are no provisions in place for families who become eligible over the six to seven week summer holiday.
33. Over the past three months the number of people claiming out of work benefits has doubled, and with a series of large companies announcing cuts to their workforce in the beginning of July it is hard to imagine that there will not be a large cohort of children who become newly eligible for free school meals during the summer holiday period but who will not be able to access support. ¹⁹

Core recommendations:

¹⁹ BBC (2020) Unemployment rate: How many people are out of work?
<https://www.bbc.co.uk/news/business-52660591>

- Remove the No Recourse to Public Funds condition
- Enable newly eligible families to apply for free school meal support during the summer holidays
- Support families and individuals to get online though providing devices, training, or support in paying for data and/or broadband access so that no one misses out on their education
- Develop a framework to allow people with lived experience of issues as well as their advocates to feed into policy development in response to COVID-19
- Develop a process to incorporate socio-economic rights into UK domestic legislation so as to continue to improve protections for all people but in particular those with protected characteristics
- In England and Northern Ireland enact Section One of the Equality Act 2010 that would make Local Authorities have due regard to the impact of their decision making on socio-economic inequalities. The same duty was introduced in Scotland in 2018 under the name 'Fairer Scotland Duty' and is scheduled to be introduced in Wales in September 2020
- Make information on COVID 19 accessible to all people, including but not limited to through Easy Read formats, braille, British Sign Language and in hard copy – to address digital exclusion.

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