

EXECUTIVE COUNCIL

PUBLIC

Title:	Amendment to Education Framework to support the Principal Immigration Officer
Paper Number:	99/18
Date:	27 June 2018
Responsible Director:	Director of Education
Report Author:	Rachel Seddon, Director of Education
Portfolio Holder:	Honourable MLA Bragger
Reason for paper:	This paper is submitted to Executive Council: For policy update and decision
Publication:	Yes
Previous papers:	179/14: Education Framework to support the Principal Immigration Officer 176/16: Amendment to Education Framework to support the Principal Immigration Officer
List of Documents:	Appendix 1 – Amended Questionnaire

1. Recommendations

Honourable Members are recommended to approve:

- (a) The adoption of the attached amended Educational Needs Questionnaire (as part of the existing framework which supports the Principal Immigration Officer with the provision of educational guidance to approve or refuse a Work or Residence Permit application.)
- (b) That this questionnaire should be applied to all relevant future immigration permit applications that include children under the age of 16 years, in order that educational needs and potential impact can be established prior to the issue of any permit.
- (c) That the Principal Immigration Officer implements the use of this new questionnaire from 1 August 2018 and that otherwise, the existing process remains unchanged.
- (d) That the Education Department, in collaboration with the Immigration Service, annually review the questionnaire ~~and make changes as necessary, without the need to burden the Executive Council with this administration~~ **and report to Executive Council.**

2. Additional Budgetary Implications

2.1 None

3. Executive Summary

- 3.1 Honourable Members are being asked to approve amendments to a questionnaire used to obtain information to identify any potential burden on public resources created by Work, Residence and other relevant permit applications which include children under the age of 16 years who require educational provision.
- 3.2 The questionnaire has been in use for four years, the existing questionnaire has been reviewed and amendments made to improve it and ensure the Education Department obtains the information it needs to make a recommendation to the Principal Immigration Officer.
- 3.3 This does not necessarily impede the immigration process. Rather, it enables the Education Department to put support and resources in place if needed. Without such forewarning, an unbudgeted financial burden could result in more than one student being disadvantaged due to ad hoc support being moved from one place to another.
- 3.4 The process remains unchanged.
- 3.5 The Honourable MLA Bragger has been consulted and is in agreement.
- 3.6 The Acting Principal Immigration Officer has been consulted and is in agreement.
- 3.7 No resource or other implications are identified.

4. Background and Links to Islands Plan and Directorate Business Plan/s

- 4.1 In October 2010 Executive Council noted an urgent need to address the matter of the potential for an unreasonable burden to be placed on public resources as a result of the Special Educational Needs of children who were the subject of immigration permit applications.
- 4.2 In 2011 the Immigration Ordinance was amended, a subsection was added to Section 16 and Section 17 that reads:

(4A) A permit will not ordinarily be granted if it appears likely (if the application were granted) that an applicant, or a person included in an application, would impose a relevant burden because of –

 - (a) the person’s health
 - (b) the person’s educational needs

(4B) For the purposes of subsection (4A), a “relevant burden” means a substantial financial or other burden on public resources which, in all the circumstances, it is unreasonable to expect them to bear.
- 4.3 In 2014 Executive Council approved a proposal (Paper 179/14) outlining how the Education Department will provide educational guidance to support the Principal Immigration Officer to make the decision about whether to approve or decline Work Permit or Residence Permit applications which include children under the age of 16 years. A questionnaire was appended

to the paper which sought to identify if education provision for any of the included children would create a relevant burden on public resources. As this questionnaire was approved by Executive Council, it is deemed necessary that Executive Council approve any amendments to it. This creates unnecessary administrative burden for the Executive Council and one recommendation of this paper is that the review and amend task is delegated.

- 4.4 A process now exists whereby a questionnaire and assessment framework supplements the existing power to refuse a permit on grounds of the burden on public resources that would likely arise from an applicant's or a dependent's educational needs. Decisions on the extent of educational burden rest with the Education Department. Decisions on the approval or refusal of an application for a permit rest with the Principal Immigration Officer.
- 4.5 Since the approval of the process described above (from paper 179/14,) there have been instances where an educational burden has arisen, despite the fact that the current form has been completed correctly. Unbudgeted costs have therefore been incurred by the Education Department and/or other services within the department have been curtailed as a result. The current questionnaire needed to be updated in order to improve the information received that the educational assessment is based on.
- 4.6 In 2016 a paper was presented to Executive Council (176/16) which requested approval for amendments to the questionnaire. The outcome was to defer the consideration of the paper. The reasons reported in memorandum reference EXCO 6/2 was that the tone of the questionnaire 'did not present FIG as an employer of choice. MLAs said that some of the wording was too blunt and they would be happy to defer this paper for further work. The CE welcomed the deferral as it would allow him to consider this as part of his wider work on recruitment.'
- 4.7 A review of the questionnaire was outsourced. This draft was then reviewed by the Education Department. The amended questionnaire was not adopted because the new form was simplified to the degree that it no longer collected the information required; and the simplified terminology used rendered the questionnaire unusable.
- 4.8 The Education Department has now reviewed and amended the questionnaire so that it better informs the educational assessment of each case and therefore the quality of the guidance provided to the Immigration Service. The questionnaire is included as Appendix 1.

5. Options and Reasons for Recommending Relevant Option

Option 1 – recommended

- 5.1 The adoption of the attached amended Educational Needs Questionnaire (as part of the existing framework which supports the Principal Immigration Officer with the provision of educational guidance to approve or refuse a Work or Residence Permit application.)
- 5.2 That this questionnaire should be applied to all relevant future immigration permit applications that include children under the age of 16 years, in order that educational needs and potential impact can be established prior to the issue of any permit.

- 5.3 That the Principal Immigration Officer implements the use of this new questionnaire from 1 August 2018 and that otherwise, the existing process remains unchanged.
- 5.4 That the Education Department, in collaboration with the Immigration Service, annually review the questionnaire and make changes as necessary, without the need to burden the Executive Council with this administration.
- 5.5 **Justification:** better quality information will be provided about a child's additional educational needs which will result in more reliable guidance being provided to the Principal Immigration Officer to enable robust decision making concerning immigration permit applications.

An annual review will review the Educational Needs Questionnaire, and consider if any applications have been held up by this process, or rejected, and the impact on filling vacancies.

Option 2 – not recommended

- 5.6 Do nothing; the existing questionnaire remains in place.
- 5.7 **Impact:** the implications of doing nothing would be the continuation of the current situation where decisions are based on limited information which may increase the incidence of children arriving into the Falkland Islands who create additional financial burden on public resources.

6. Resource Implications

6.1 Financial Implications

There are no financial implications. This paper aims to prevent a burden on public finances.

6.2 Human Resource Implications

There are no direct Human Resources implications. Future immigration permit applicants may have their applications refused, which may impact on employers' (of which FIG is one) ability to secure suitable competent individuals to take up posts which cannot be filled locally.

6.3 Other Resource Implications

There are no other resource implications. This papers aims to prevent a burden on public finances.

7. Legal Implications

- 7.1 There are no legal implications.

8. Environmental & Sustainability Implications

- 8.1 There are no Environmental and Sustainability implications.

9. Significant Risks

- 9.1 There is a significant risk of a burden being placed on public resources by approving a relevant immigration permit application which includes a child under the age of 16 who has unidentified additional educational needs. Updating the questionnaire that requested the

information required to assess a child's education needs will enable the Education Department to provide the best guidance to the Principal Immigration Officer.

10. Consultation

10.1 The Honourable MLA Bragger has been consulted and is in agreement.

10.2 The Acting Principal Immigration Officer has been consulted and is in agreement.

11. Communication

11.1 The Principal Immigration Officer implements the use of this amended questionnaire and the existing process remains unchanged.

Appendix 1 – Executive Council Paper 99/18

Falkland Islands Government Educational Needs Questionnaire

Please complete a copy of this form for each child under 16 years who is included in your application for a Falkland Islands Immigration permit. Once you have filled in parts A, B, C, D, E and F of this form, send it to the Immigration Service together with supporting documents, at the same time that you submit your immigration permit application.

It is important that you fill in this questionnaire in its entirety, so that an accurate assessment of your child's educational needs can be carried out to ensure that the Education Department is able to provide a satisfactory level of education for your child.

Statutory education provision in the Falkland Islands is based on the National Curriculum for England and is taught solely in English.

Please note that access to support from outside agencies for schools in the Falkland Islands is limited, therefore there is no guarantee that regular support can be provided for speech therapy, occupational therapy or other therapy usually provided by an Educational Psychology Service. There is no legal requirement for primary and secondary schools in the Falkland Islands to follow the UK Special Educational Needs and Disability (SEND) Code of Practice: 0-25 (2014). There is also no statutory assessment process to identify extra needs and provide support. However the UK SEND Code of Practice is followed, as good practice, for the identification and support of pupils with additional needs. Pupils in the Falkland Islands do not have Education and Health Care Plans (EHCPs) (previously called Statements of Special Educational Needs).

If you have any queries about this application or how to complete it, please contact either the primary school (for children aged 0-10 years) or the secondary school (for children aged 11-16 years) using the details below:

Contacts details for the primary school:

Telephone: 00 500 27294

Email: secretary@primary.ac.fk

Contacts details for the secondary school:

Telephone: 00 500 27147

Email: secretary@secondary.ac.fk

Please send this completed form and all reports included to:

Immigration Service, Byron House, Stanley, Falkland Islands, FIQQ 1ZZ

Tel: 00 500 27340

Fax: 00 500 27342

e-mail: admin@customs.gov.fk

Part A: Applicant's Details

Applicant's Name:
Address:
Telephone number:
Email:
Your relationship to the child named in this application:

Part B: Child's Details

1 Child's Full Name:

2 Child's Date of Birth:

Age:

3 Is the child's first language English?

Yes No

If not, part of this assessment may include an interview for children aged 7 or older.

If the answer is "No", what is their first language?

4 Would your child need language support to use or understand written and/or spoken English in school?

Yes No

5 Does your child have any special educational needs or a disability?

Yes No

If "Yes", give full details of the needs or disability below.

6 Does your child have any health or social care support (in or out of school)?

Yes No

If "Yes", give full details of the support below.

7 Does the child have any brothers or sisters who already are or will be going to school in the Falkland Islands?

Yes No

If "Yes", give their names and dates of birth below.

Name	Date of Birth

8 Has your child started school yet?

Yes No

If "No", go to Part D

Part C: Previous School History

9 Is your child currently in education (school or home school)? Yes No

If "No", how long has it been since they last went to school?

10 What school year is your child in?

11 Has your child ever been taught out of their year group (i.e. repeated or advanced a school year)? Yes No

If "Yes", why?

12 Has your child ever been excluded from school (temporarily or permanently)? Yes No

If "Yes", please answer the following:

Names of the school/s that excluded the student:

Dates they were excluded:

Reasons for exclusion:

13 Please list any standard education qualifications your child had achieved. Please include the level or grade:

Qualification	Level or Grade

14 Is your child on their current or previous school's *Record of Need* or do they have additional needs and/or do they receive additional support in school?

Yes No

If "Yes", how is your child supported?

<input type="text"/>

15 Has your child ever been referred to any of the following in relation to their education?

Tick all boxes that apply

- | | |
|--|--------------------------|
| <input type="checkbox"/> Educational Psychologist | Dates they were referred |
| <input type="checkbox"/> Occupational Therapist | Dates they were referred |
| <input type="checkbox"/> Speech & Language Therapist | Dates they were referred |
| <input type="checkbox"/> Behaviour Support Service | Dates they were referred |
| <input type="checkbox"/> Health Service | Dates they were referred |
| <input type="checkbox"/> Social Care | Dates they were referred |

16 Does your child have an *Educational Health Care Plan (EHCP)* or a *Statement of Education Needs*?

Yes No

If "Yes", what is your child's primary need?

<input type="text"/>

What support do they currently receive in line with their *EHCP (Education and Health Care Plan)* or *Statement*?

<input type="text"/>

NOTE

Along with this questionnaire, please provide the most recent copies of any formal assessments, your child's *EHCP (Education and Health Care Plan)*, *IEP (Individual Education Plan)*, *IBP (Individual Behaviour Plan)* or *Individual Provision Map* or *Statement* (if they have one) and any reports from any professionals that your child has been referred to in connection with their education.

List below the documents you are sending us with this form:

<input type="text"/>

Part D: Details of your Child's Current or Most Recent School

17 Name of School

<input type="text"/>

18 Address

<input type="text"/>

19 How long has your child attended this school?

<input type="text"/> <i>Years</i> <input type="text"/> <i>Months</i>
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20 Does this school follow the National Curriculum for England?

Yes No

If "No", what curriculum is followed?

<input type="text"/>

21 Please send your child's latest school reports with details of:

- the level of education they have attained
- their conduct and behaviour
- the amount of progress they have made in the last school session

Check this box to confirm that the school reports are attached to this application

22 Name of staff member at the school who knows the child and can verify the school report:

<input type="text"/>

23 Role of the staff member named above:

<input type="text"/>

24 Phone Number:

<input type="text"/>

25 Email Address:

<input type="text"/>

Part E: Only for children who have not started school yet.

26 If your child has had a 2 year check, or an equivalent check (when aged between 2 – 3 years old) with a health care professional, to assess how well they have met their developmental milestones, please attach a copy of the report

Check this box to confirm that the school report is attached to this application

Part F: Declaration

By signing below, you are confirming that:

- You have understood all of the questions in this questionnaire
- The information you have provided is true and complete
- You understand that if you have given us incorrect or incomplete information, any permit which includes this child as a dependant, may be withdrawn

X

Signature

Date:

For Official Use Only