BIS | Department for Business Innovation & Skills

ENGLISH FOR SPEAKERS OF OTHER LANGUAGES (ESOL) EQUALITY IMPACT ASSESSMENT

JULY 2011

Contents

Introduction

1. This Equality Impact Assessment examines the potential effects on adult learners participating in English for Speakers of Other Languages (ESOL) courses as a result of changes to policy concerning eligibility criteria for fee remission as set out within wider funding and structural reforms in *Skills for Sustainable Growth* and (November 2011).

2. This Equality Impact Assessment is based on the best evidence, both quantitative and qualitative, which is currently available in this area. However, this evidence base is incomplete, and where gaps exist, a number of assumptions have been made. These are clearly explained throughout the document. It does not take into account any changes in behaviour or learners ability to contribute towards the costs of training. This therefore represents our best estimate of the impact of the proposals prior to implementation. The impact will be monitored through learner participation statistics, as well as through research and evaluation into the impact of the skills strategy as a whole.

3. Any queries about this EQIA should be sent to ESOL@bis.gsi.gov.uk.

Scope of this Equality Impact Assessment

4. On 5 April 2011 the new public sector Equality Duty came into force. The Equality Duty replaces the three previous duties on race, disability and gender, bringing them together into a single duty, and extends it to cover age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment (as a whole these are called protected characteristics or protected groups). Based on a proportional analysis, this report outlines the potential impacts, both positive and negative, on these protected groups.

5. Equality Impact Assessments are an important framework for demonstrating due regard through considering evidence and analysis to help identify the likely positive and negative impacts that policy proposals may have on certain protected groups of consumers, and to estimate whether such impacts disproportionately affect such groups. This Equality Impact Assessment takes a summary view of how the equality impacts of the changes to fee remission eligibility criteria set out in the strategy document *Skills for Sustainable Growth* and the investment strategy *Investing in Skills for Sustainable Growth* (November 2010)[1] will affect ESOL learners. In particular, this report assesses the potential impact of changes to eligibility to full fee remission in the context of ESOL provision. Skills are a devolved matter and this is a strategy for England.

[1] *Skills for Sustainable Growth and Investing in Skills for Sustainable Growth: Equality Impact Assessment (November 201), BIS.* *http://www.bis.gov.uk/assets/biscore/further-education-skills/docs/s/10-1284-skills-for-sustainable-growth-investing-equality-impact.pdf*

Description of the policy

Skills for Sustainable Growth – overarching policy

6. Skills are an important driver to achieve balanced and sustainable growth, and are central to delivering the ambitions of the Coalition Government. As set out in *Investing in Skills for Sustainable Growth*, published on 16 November 2010 the Department is putting in place a suite of reforms which include focussing full public subsidy where it will have the greatest impact and rebalancing the share of responsibility for investing in training between Government, learners and employers. FE colleges and training organisations are being given increased freedoms and flexibilities to respond to the needs of local learners and employers.

7. There will be a significant investment of £3.9 billion in the 2011-12 financial year in post-19 FE and Skills. Over the spending review period we will support the expansion of Adult Apprenticeships; full subsidy for basic literacy and numeracy qualifications for adults, and first full level 2, and first full level 3 qualifications for young adults (19 up to 24). As part of the Government agenda to support people into work, the Government will also fully fund units and full qualifications for people in receipt of Jobseekers' Allowance and Employment Support Allowance (in the Work Related Activity Group) depending on what they need to help them enter and stay in work.

8. The Government will continue to invest in training outside areas where full subsidy is available, but the costs will be shared between the Government and the learner or employer. As autonomous bodies it is for FE colleges and training organisations to determine their own fees policies in line with local demand.

9. An Equality Impact Assessment published alongside *Skills for Sustainable Growth* found that, at the aggregate level, there are unlikely to be disproportionate impacts on protected groups.[2]

Skills for sustainable Growth - ESOL Policy

10. Within the skills strategy, the following specific policy statements were made in relation to ESOL:

    "English for Speakers of Other Languages (ESOL) provision is important to help those who do not speak *English to gain employment and to contribute to society. However, we believe that those who come from other countries to work in England, or their employers, should meet the cost of their English language courses. Therefore we will not fund ESOL training in the workplace. This will enable us to focus publicly-funded provision on people whose lack of English is preventing them from finding work. Full funding will only be available for those actively seeking work on Jobseekers Allowance and Employment Support Allowance (work related activity group) benefits. For others ESOL will be co-*

[2] *Skills for Sustainable Growth and Investing in Skills for Sustainable Growth: Equality Impact Assessment (November 2010), BIS.* *http://www.bis.gov.uk/assets/biscore/further-education-skills/docs/s/10-1284-skills-for-sustainable-growth-investing-equality-impact.pdf*

funded. In line with their increased accountability to their local communities, further education colleges and providers will be able to identify particularly vulnerable learners in their community and will be able to prioritise support for them as part of their business planning and local engagement."[3]

"We will focus public funds for ESOL on active jobseekers (JSA or ESA WRAG) by fully funding formal training where English language skills form a barrier to finding work. Public funding will not be available for ESOL in the workplace, subject to conditions it will be co-funded for those who are settled here. In line with the increased accountability to their local communities, FE colleges and training organisations will be tasked to identify particularly vulnerable learners in their communities as part of their business planning and local engagement."[4]

Developments in ESOL policy over the last 10 years

11. Over the last decade, the demand for ESOL provision grew rapidly. Between 2001 and 2005 enrolments tripled, and Government spending on ESOL increased at a proportionate rate in response to demand. In the 2005/06 academic year estimated spend on ESOL for adult learners peaked at £271 million (compared to £1,845m on all former adult learner responsive provision) [5].

12. To control the disproportionate amount of skills funding being spent on ESOL and ensure provision was prioritised towards those who needed the most support to engage in learning, automatic full fee remission for all ESOL provision ceased in 2006/07, and eligibility criteria was introduced. Full fee remission remained for those in receipt of income related benefits. Those ineligible for full fee remission were expected to contribute towards the cost of their ESOL course[6].

13. However, instead of significantly reducing the proportion of total FE spend on ESOL, by the 2008/09 academic year estimated spend on ESOL had reduced by only a small amount to £250 million (compared with £1,713 million on all former adult learner responsive provision) – most likely due to the increasing volume of economic migrants from the new EU accession countries. Recent changes to eligibility have, therefore, followed the direction set for ESOL in 2006 when fees were originally introduced, with

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[3] *Skills for Sustainable Growth (November 2010), BIS* http://www.bis.gov.uk/assets/biscore/further-education-skills/docs/s/10-1274-skills-for-sustainable-growth-strategy.pdf

[4] *Further Education – New Horizon: Investing in Skills for Sustainable Growth (November 2010), BIS* http://www.bis.gov.uk/assets/biscore/further-education-skills/docs/s/10-1272-strategy-investing-in-skills-for-sustainable-growth.pdf

[5] **Notes**

1. Figures show in year participation funding for the academic year
2. ALR (Adult Learner Responsive) funding total includes figures for University for Industry and Employability Skills Programme
3. Different funding methodologies were in place in 2005/06 and 2008/09 (2008/09 saw the introduction of Demand Led Funding)
4. Taken from Modelling for BIS Skills Investment Strategy 2010

[6] The assumed fee assumption in the 2006/07 academic year was 32.5%, increasing incrementally to 50% in 10/11 academic year.

the intention of controlling spending and focussing direct full Government support on those who need the most support.

14. In meeting its responsibilities under the Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000), in March 2007 the then Department for Education and Skills, carried out a full Race Equality Impact Assessment on proposed changes to the funding arrangements for ESOL[7]. Feedback from stakeholders highlighted:

- The potential negative impact on spouses and women
- Issues concerning the time taken to process asylum seeker applications
- Difference between literacy and ESOL provision
- The impact on the low paid / nearly poor
- Difficulty in proving eligibility for fee remission
- The effect on college funding
- The effect on the voluntary sector
- Concern for the impact on young people
- The potential disproportionate impact on learners in particular geographical areas.

15. In response, the Government had committed to:

- Reinstate eligibility for fee remission to asylum seekers who had been waiting over 6 months for their claim to be processed
- Facilitate ESOL provision through employers within a joint agreement through the Union Envoy and Union Learning Representatives
- Set up a review group to look at cross-Government activities and, consider responsibility for delivering support for asylum seekers and ESOL

16. In addition, a discretionary fund was made available to support female spouses, low-paid workers who were in jobs without training, and others who were unable to demonstrate eligibility for fee remission but claimed a difficulty in paying. An analysis of this fund is set out in Annex A.

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[7] Race Equality Impact Assessment on proposed changes to the funding arrangements for English for Speakers of Other Languages and asylum seeker eligibility for Learning and Skills Council Further Education funding - Report and emerging proposals (Department for Education and Skills, 2007) http://webarchive.nationalarchives.gov.uk/20100411111619/http://rwp.excellencegateway.org.uk/readwriteplus/bank/ACF1BE9.pdf

The evidence base

Quantitative evidence

17. In giving due regard to equality impact, we have analysed the Individualised Learner Record (ILR), which is the source of the data shown in the tables below. This is supplied by The Data Service - an independently managed organisation funded by BIS and supported by the Skills Funding Agency, and is the nationally-recognised source of data on learners in further education in England. It is also the primary source of equality and diversity data for learners in further education. It does not, however, capture data on protected characteristics other than age which predate the Public Sector Equality duty 2011.

18. It should be noted that:

- All figures are rounded to the nearest hundred except figures showing fee remission which are rounded to the nearest ten. Percentages are based on pre-rounded figures.
- Age is based on age at the start of the academic year.
- Gender and ethnicity are self-declared by the learner.
- FE participation includes all forms of government funded education including Apprenticeships, Train to Gain, University for Industry, Adult Safeguarded Learning and Further Education/Learner Responsive provision.
- Information on ESOL [learning aims] is published in a quarterly statistical first release (SFR): http://www.thedataservice.org.uk/statistics/statisticalfirstrelease/sfr_current

Table 1: ESOL, Skills for Life and FE participation by learners aged 19+ by gender, 2009/10

	19+ Participation				
	Female	**Female Percentage**	**Male**	**Male Percentage**	**Total**
19+ ESOL	127,300	68.1%	59,700	31.9%	**187,000**
19+ Skills for Life literacy and numeracy?	528,200	58.1%	380,900	41.9%	**909,100**
19+ FE	2,033,800	57.4%	1,506,700	42.6%	**3,540,500**

Table 2: ESOL and FE participation by learners aged 19 and over by ethnicity, 2009/10

	19+ ESOL Participation	**19+ FE Participation**
White – British	1.6%	72.2%
White – Other	33.2%	7.1%
Mixed	2.8%	1.8%
Asian or Asian British	29.7%	7.6%
Black or Black British	14.3%	6.1%
Chinese/Other Ethnic Group	15.2%	2.7%
Not Known/ Not Provided	3.3%	2.6%
Total	**100%**	**100%**

Table 3: ESOL participation by learners aged 19 and over by ethnicity and gender, 2009/10

	19+ ESOL Participation					**19+ FE Total**
	Female	**Female Percentage**	**Male**	**Male Percentage**	**Total**	
White – British	2,100	1.7%	900	1.5%	3,000	2,555,000
White – Other	41,500	32.6%	20,600	34.4%	62,100	252,000
Mixed	3,300	2.6%	1,900	3.1%	5,200	62,500
Asian/Asian British	40,100	31.5%	15,300	25.7%	55,500	269,900
Black/Black British	18,200	14.3%	8,400	14.1%	26,700	215,800
Chinese/Other	18,300	14.3%	10,100	16.9%	28,400	93,800
Not Known/Not Provided	3,700	2.9%	2,400	4.1%	6,100	93,400
Total	**127,300**	**100.0%**	**59,700**	**100.0%**	**187,000**	**3,540,500**

Table 4: 19+ ESOL participation by ethnicity and age, 2009/10

	19+ ESOL Total							19+ FE Total
	White	**Mixed**	**Asian /Asian British**	**Black/Black British**	**Chinese/ Other Ethnic Group**	**Not Known**	**Total**	
19 - 24	13,400	900	7,600	4,000	4,400	1,200	31,400	770,600
25 - 34	30,200	2,100	21,500	9,200	10,800	2,500	76,300	868,000
35 - 44	13,600	1,500	16,200	9,200	8,200	1,500	50,200	819,000
45 - 59	7,300	600	9,000	3,800	4,500	800	25,900	754,800
60+	600	-	900	400	500	100	2,500	310,700
Unknown	200	-	200	100	100	100	700	17,300
19+ Total	**65,200**	**5,200**	**55,500**	**26,700**	**28,400**	**6,100**	**187,000**	**3,540,500**

Table 5: 19+ ESOL participation by gender and age, 2009/10

	19+ ESOL Participation						19+ FE	
	Female	**Female Percentage**	**Male**	**Male Percentage**	**Total**	**Total Percentage**	**Total**	**Total Percentage**
19 – 24	21,000	16.5%	10,500	17.6%	**31,400**	16.8%	770,600	21.8%
25 – 34	51,500	40.4%	24,800	41.6%	**76,300**	40.8%	868,000	24.5%
35 – 44	35,200	27.6%	15,000	25.1%	**50,200**	26.8%	819,000	23.1%
45 – 59	17,600	13.8%	8,400	14.0%	**25,900**	13.9%	754,800	21.3%
60+	1,700	1.3%	800	1.3%	**2,500**	1.3%	310,700	8.8%
Unknown	500	0.4%	300	0.4%	**700**	0.4%	17,300	0.5%
19+ Total	**127,300**	**100.0%**	**59,700**	**100.0%**	**187,000**	**100%**	**3,540,500**	**100%**

Table 6: ESOL enrolments by learners aged 19 and over by fee remission reason and gender, 2009/10

In 2009/10, the primary reason declared for learners receiving fee remission for ESOL:

	19+ ESOL Enrolments					19+ FE Enrolments Percentage
Fee Remission Reason and rate	**Female**	**Female Percentage**	**Male**	**Male Percentage**	**Total Percentage**	
In Receipt Of Jobseekers Allowance	9,100	7%	7,000	11%	8%	4%
In receipt of income-related benefits (includes unwaged dependants, pension guarantee credit and working tax credit)	56,400	42%	13,500	22%	36%	9%
Asylum Seeker in receipt of the equivalent of an income-based benefit	2,500	2%	4,600	7%	4%	-
Fees waived due to local provider discretion	14,900	11%	6,100	10%	11%	13%
50% tuition fee collected in full	31,600	24%	15,300	25%	24%	20%
Fully funded employer responsive provision	2,900	2%	3,600	6%	3%	6%
Other fee remission reason	16,200	12%	12,100	19%	14%	48%
Total	**133,600**	**100%**	**62,200**	**100%**	**100%**	**100%**

Note: The grey highlighted rows shows the number of enrolments on ESOL in the 2009/10 academic year where full fee remission would have applied. If the same learners enrolled in the 2011/12 academic year they would not qualify for full fee remission under this criteria alone and would be expected to contribute towards the costs of their ESOL course.

Qualitative evidence

Literature review

19. This equality impact assessment, builds on the *Skills for Sustainable Growth and Investing in Skills for Sustainable Growth: Equality Impact Assessment (November 2010)*. The assessment undertaken in November 2010 took an aggregate view of the totality of the policy contained within the skills strategy and the investment strategy. It did not, therefore, assess individual curriculum areas or protected groups within those curriculum areas.

20. The assessment, using a proportionate approach, indicated that there were not expected to be disproportionate impacts on protected groups arising from the Skills Strategy and Spending Review process. It also made clear that not all the announcements in the strategy had comprehensive Equality Impact Assessments at that time because:

    - Initial screening indicated that there will be no major impact upon protected groups in terms of numbers affected or the seriousness of the likely impact, or both;

    - Announcements related to our ambitions, rather than a specific policy intervention. As a result any subsequent policy interventions which support these ambitions will have their own Equality Impact Assessments;

    - Detailed policy is being further developed or consulted on in another publication.

21. The assessment noted that "…although the research [looking at repeat claimants of JSA] found that people whose first language is not English were broadly similar to other repeat claimants, they were more likely to face barriers such as lacking necessary qualifications and experience, and lacking references." In mitigation, the policy response was that "We plan to make the training offer for this client group more flexible than before, and will no longer tie training eligibility and the training offer to point of benefit claim, but instead to need, based on a revised adviser referral process. We expect providers to offer training that meets the individual's needs to get back to work. This will allow greater tailoring and personalisation which could particularly benefit people in disadvantaged groups. We expect that the introduction of government funding for short courses will make them more accessible for people who have other responsibilities (e.g. caring) or who may prefer a short course to a full qualification."

22. In addition, the assessment noted that "The all-age service will offer help for those where English is not their first language."

23. This present assessment has also reviewed the Race Equality Impact Assessment on Proposed Changes to the funding Arrangements for English for Speakers of Other Languages and asylum-seeker eligibility for Learning and Skills council Further Education Funding – report and emerging proposals, published by the then Department for Education and Skills in March 2007. The findings of this report and the Government's response are summarised in paragraph 12.

24. This assessment has also reviewed the report Discretionary Support Funding: Annual Return Overview and Regional Summaries 2007/8 (Institute for Employment Studies, 2008), the Discretionary Learner Support 2008/09 Analysis of MI (Young People's Learning Agency, 2010), and the Discretionary Learner Support 2009/10 Analysis of MI (Learning and Skills Network, 2010) which looked at a how the discretionary fund was used, including the ring fenced ESOL support announced in the Race Equality Impact Assessment in 2007. The analysis showed that, the funding made available was not wholly used for the primary groups for whom it was intended which were female spouses and low-paid workers, nor was the budget fully used by providers and therefore had limited impact. However, this is likely to be because the fund was not ringfenced for the primary groups. A summary of the evaluation is at **Annex A.**

Involvement and consultation

25. This assessment has been primarily conducted as a desk-based exercise, with no formal call for evidence or consultation. This is because finalised ILR data for 2009/10 is available and there is not yet data for 2011/12 – the year in which funding changes will be implemented. As well as the data and literature referred to above, a correspondence campaign on ESOL issues began in January 2011, which surfaced a significant volume of qualitative evidence from a range of sources which included representation from the primary protected groups and is set out in Table 7.

Table 7: Type and amount of correspondence received between 1 January and 31 May 2011

College Principal	35
Further education body or other interested organisation	11
FE Learners	813
FE lecturer/teacher	19
Members of Parliament *	250
Head Teacher	3
Other education professional	2
General public	103
TOTAL	**1236**

*This includes multiple letters received from individual Members

26. In addition, and as a matter of course, Ministers and officials have met regularly with key stakeholders, such as the Association of Colleges (AoC) and the National Institute for Adult Continuing Education (NIACE). Over recent months, these meetings have discussed ESOL funding and presented evidence. Specific meetings have also taken place with, for example, the Refugee Council, and Ministers have also met informally with Members of Parliament on the matter

27. John Hayes, the Minister for Further Education, Skills and Lifelong Learning, took part in a parliamentary debate on 3 May 2011. The information provided during that debate stands on the public record and has been considered as part of this assessment

28. This impact assessment has been through a process of peer review with an internal network of representatives of the protected groups set out in paragraph 4.

"A survey of our members, FE and Sixth Form Colleges across England, shows that at least 90,000[8] individual ESOL students are on inactive benefits, two-thirds of them women. The new policy means all these people would lose their right to free tuition. We are extremely concerned that many of these potential students will not be able to afford the fee for an ESOL course in the future and may miss out on participating fully in their children's lives and the community without the ability to speak English." (Martin Doel, Chief Executive, Association of Colleges)

29. Between 1 January 2011 and 31 May 2011, over 1200 pieces of correspondence were received, representing the views of a range of individuals and organisations, and these have been considered as part of the qualitative evidence for this report. A breakdown of the types of correspondents is at paragraph 25. In addition, evidence presented in person over this period has been noted. This assessment has assimilated those views. In summary, the main points that they raised were:

- Individuals who will be required to contribute to the cost of their learning from August 2011 may now be unable to afford to take up ESOL provision. This group includes those on income-related benefits such as working tax credit, who are already financially disadvantaged.
- English language supports integration and community cohesion. A lack of English language skills forces people to rely more on their own families and communities to interpret for them, restricting their access to services, and resulting in the segregation of communities.
- English language skills are required to operate and play a full part in society - from correctly accessing NHS and local authority services to interacting with neighbours and volunteering in their community.
- Poor English language is one of the biggest barriers to accessing work, to progress in employment or to fulfil their potential. English skills also unlock potential in a workforce; some migrants bring with them valuable skills, qualifications and experience which can lie untapped unless they have the chance to learn English to an appropriate level.
- Parents who are literate in English are able to support their children's learning at school. Not being able to speak and understand their children's teacher is a major issue.
- Limiting ESOL provision may require more money to be spent on translation services, without the wider benefits that English language skills can bring.

[8] Note: this figure is not derived form the same source of data used in Table 6.

Key facts and findings

Ethnicity

30. As would be expected, a higher proportion of ESOL learners identify themselves as black or minority ethnic (BME) than for all FE. Table 2 shows that the most significant groups represented in ESOL learning aims are 'White – other' (33.2%) compared to 7.1% across all 19 FE) and 'Asian or Asian British' (29.7% compared to 7.6% across all FE).

31. In addition, Table 3 shows that there are some significant ethnic groups represented within gender groups

    - 'White – other' accounts for approximately a third of all male ESOL learners (34.4%), and
    - 'White – other' and 'Asian or Asian British' account for approximately a third each (32.6% and 31.5%) of all female ESOL learners.

32. Further analysis of ethnicity in relation to gender and age is set out below.

33. The qualitative evidence received made reference to specific ethnic groups, mainly in relation to geographically-located communities in the UK. For example:

    "I currently teach Pakistani housewives in Dewsbury. They report time and time again how just 6 months or a year of studying ESOL enables them to visit medical practitioners without support, communicate with their children's teachers, chat to their neighbours and generally lead more independent and integrated lives. ESOL is often a lifeline for this frequently isolated group of people." (*ESOL Teacher)*

34. This suggests that there are local pockets of provision for particular ethnic groups (i.e. enough to form a learning cohort), which are also specifically for women. However, it is difficult to assess on a quantitative basis through the ILR how many of those groups exist and whom they serve. Qualitative evidence did not provide any evidence of national issues related to any ethnic group.

Gender

35. Table 1 shows that in 2009/10 a higher proportion of women adult learners participated in ESOL (68.1%) than for all women learners in FE (57.4%). Table 3 sets out that, of the 127,300 women participating on ESOL learning aims, 41,500 (32.6%) identified their ethnicity as 'White – other' and 40,100 (31.5%) were 'Asian or Asian British'.

36. A significant proportion of written and oral evidence has asserted that, without English language skills, women – predominantly those from

specific ethnic groups - may be isolated in their community – and this could have an effect on, for example, their ability to support their children through school, access healthcare and participate in wider society more generally.

37. In addition, respondents have put forward the case that many of the women in this sub-group will not have the means to pay fees either because they have no income or may not have access to funds if learning needs are not prioritised within the family budget for financial or cultural reasons.

    "Many women with young children, single or married, do not work in paid employment and have few financial resources. At present they pay limited fees and this is often contingent on assessment of their husband's/partner's income. Under the new arrangements it would appear that full fee remission will only be available to people in receipt of "active benefits" in their own right. This will probably prevent most such students from participating. They have often come from contexts where they have initially no education and cannot read or write in any language. They are the mothers of the next generation of British children." (ESOL Teacher)

38. Table 6 shows that 9% of all FE enrolments by learners aged 19 and over are recorded as attracting full fee remission due to receipt of income-related benefits. This increases to 22% for male ESOL learners and 42% for female ESOL learners.

39. Whilst there is no data available to support the view that certain sub-groups of women cannot afford to pay for their learning, being in receipt of income-based benefits can be used as a proxy. Neither is data available on those women who are prevented from meeting their tuition fees for cultural reasons outlined above. Fees waived due to local provider discretion would include the £4.6 million referred to in paragraph 22. There is some evidence that those on low incomes are more sensitive to price changes[9], but it is not possible to make any quantitative assessment of those women's ability to pay course fees.

40. Some of the sub-groups of women cited by respondents may not have been in learning at all, particularly formal classroom-based learning, nor are they party to any benefit claim. They are not, therefore, accounted for within the ILR and an assessment cannot be made for the purposes of this report.

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[9] Department for Business, Innovation and Skills (2009), 'Estimating the Effect of Raising Private Contributions to Further Education Fees on Participation and Funding', Research Paper No. 1, Report prepared by London Economics.
http://www.bis.gov.uk/assets/biscore/corporate/migratedd/publications/b/bis-rp-001.pdf

41. The Department for Work and Pensions (DWP) published data on the Labour Force Survey, includes a language question every three years. From the 2009 data[10] they estimate that, for Great Britain, there are:

- 2,580,000 working age adults who do not use English as their first language at home.
- 1,660,000 of these are from an ethnic minority.
- This breaks down to 820,000 women and 840,000 men.

42. With only having one quarter of LFS information every three years and the LFS being a survey conducted in English/Welsh, DWP attach some caution to the ethnic group breakdown, but can say:

- The ethnic group with the fastest growth since 2003[11] in the number without English as their first language at home is white people. This may relate to immigration from Eastern Europe.
- The ethnic group least likely to have English as their first language at home is Bangladeshi people (21%) and the most likely black Caribbean people. Note that black Caribbean (99%) is higher than white (97%).

Disability

43. In 2009/10, 5.3% of all ESOL declared a learning difficulty or disability, compared to 12.1% of all FE learners. This assessment recognises that this low figure may be representative of some cultures not openly declare disability and there is, therefore, under-reporting. Disability has not been referred to as an issue in qualitative evidence.

Age

44. Table 5 shows that, for both men and women, the proportion of FE learning aims is relatively evenly spread across age ranges until the age of 60. However, ESOL learners have a younger age profile compared to the general FE population, particularly for women in the 25-34 age range (40.4% of all female ESOL learners).

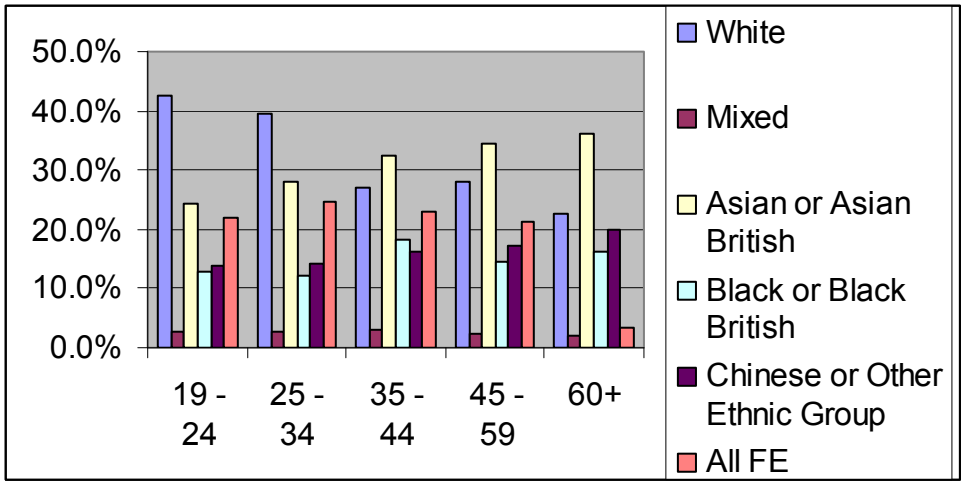
45. Comparing the age and ethnicity of all FE learners to the age and ethnicity of ESOL learners, Figure 1 below, shows:

- 'White-other' ESOL learners make up a high proportion within the 19-24 and 25-35 age bands with a decreasing profile.

[10] Labour Force Survey, Quarter 3, 2009
[11] Labour Force Survey, Quarter 3, 2003

- Asian and Asian British learners have an increasing profile peaking at age 60+.
- The profile for all FE learners is relatively flat until the age of 60, when numbers decrease.

Figure 1: 19+ ESOL participation by ethnicity and age, 2009/10



46. DWP figures and informal feedback from stakeholders suggests that the ethnicity profile of adult learners between the ages of 19 and 34 reflects the high volume of economic migrants from EU nations – 43,600 of ESOL learners in this age group are 'White-other' compared to 46,100 of all other ESOL learners. The trend in the older age ranges towards Asian learners is consonant with anecdotal evidence that Asian people with poor English language tend to develop coping strategies but participate in formal ESOL later on in life. However, the volumes of learners in the 45-59 and 60+ age ranges are less prominent compared to the volumes in the younger age groups – table 5 shows that there are 76, 300 ESOL learners in the 25-24 age range, compared to only 700 over the age of 60, with the gender profiles for these groups being broadly similar.

Other groups with protected characteristics

47. Data on gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief and sexual orientation was not collected for learners in further education in 2009/10. This report has not, therefore, been able to make an assessment of those groups. Qualitative evidence has mentioned issues related to marriage and religion or belief, and this is taken into account as part of the assessment of gender, above.

Other groups of concern

48. This assessment has sought to review the position for groups of learners who have protected characteristics under law. However, this assessment goes further by considering the impact of changes to further education

funding on other groups who have identified as having English language needs by the Department and those submitting evidence.

49. The ability to speak English has been cited as a barrier to the integration of migrant groups.

50. Whilst **asylum-seekers** are not a protected group under the Equality Act, the ESOL needs of asylum seekers - many of whom are from minority ethnic groups - have also been highlighted in evidence submitted. Informal evidence from stakeholders states that early access to English language provision for asylum seekers has a much greater impact on their ability to integrate into society:

    "Research shows that ESOL learners who start soon after arrival make faster and better progress. Early eligibility for asylum seekers will also be cost-effective in the longer term, particularly if a person is granted leave to remain and can integrate more quickly. It will also strengthen social cohesion by enabling better communication and understanding between asylum seekers and refugees and other local residents." (Refugee Council)

51. Groups highlighted as having similar learning needs are:

    - Those **coming to the UK from outside the EU to work or study**
    - those **entering with the intention of marrying** someone settled in the UK
    - those **applying for indefinite leave to remain** in the UK

52. A significant concern raised by stakeholders has been about **learners in receipt of state benefits**. An analysis of reasons for fee remission based on learners in 2009/10 (Table 6) shows that women ESOL learners were more likely to be claiming eligibility for full fee remission on the basis of being in receipt of an income-related benefit (42%). This is in contrast to fee remission based on being in receipt of Job Seekers Allowance (7%). Again, it should be noted that whilst those learners have used receipt of income-related benefits as their primary reason for claiming full fee-remission, they may be entitled to fee remission under other criteria.

Developing options

53. As set out above, through analysis and discussion, this report has highlighted areas where, due to the demographic mix of those accessing ESOL provision, policy changes may have a disproportionate impact on some groups or sub-groups of learners. It should be noted that the qualitative and qualitative evidence presented above is based on previous funding years' data and fee remission criteria. Evidence cannot, therefore, be linked to the fee remission criteria which comes into force from 1 August 2011 and is speculative.

54. Where possible, the policy response to the specific issues related to protected groups and those additional groups identified as of concern, is set out below. Protected characteristics are not, however, used as a determinant for eligibility for full fee remission, and some ESOL learners with protected characteristics may be entitled to full fee remission under other criteria.

55. On the whole, and based on modelling and analysis undertaken for *Skills for Sustainable Growth*, **the Department has a suite of planned reforms which will go some way to resolving the concerns raised, with a particular focus on providers taking responsibility for local decision-making and planning**. The policy mitigations and rationale are set out below.

Ethnicity

56. The evidence above shows that ethnicity is an underpinning factor across all ESOL provision, and has some particular characteristics when analysed in parallel with gender and age.

57. 'White-other' learners, most likely to be EU economic migrants under the age of 35, have made up a large proportion of ESOL learners, and have therefore had a disproportionate impact on other ethnic groups' ability to access provision. It is not clear what proportion of this group is in work, but removing the eligibility for full fee remission for ESOL delivered in the workplace will ensure that public funding is not used to substitute employer investment in training – and this is in line with wider further education funding policy where employers are expected to contribute to the cost of training their workforce. Employers benefit from their employees gaining English language skills, so it is right they should meet the costs.

58. It should be noted that no evidence was received to challenge this policy and, in fact, it was positively supported by stakeholders.

59. The discretionary Learner Support Fund for 2007/8, 2008/09 and 2009/10 made provision for fees for low-paid migrant workers. However, this fund was also intended for use by female spouses and other who could not

demonstrate eligibility for full fee-remission, but it was disproportionately drawn down for this group. In addition, the fund was not fully utilised.

60. Colleges and training organisations can determine how best to use their funding. They are expected to be innovative, responsive and accountable and provide learning that specifically meets the needs of learners within their local communities. Thus, providers will be able, in partnership with other local agencies, to make an assessment of local ESOL needs and decide whether to prioritise funding towards ESOL.

Gender

61. Whilst a significant proportion of female ESOL learners claimed full fee-remission on the basis of being in receipt of an income-related benefit in the 2009/10 academic year, they could have been either in work or unemployed. Learners covered in Table 6 may also be in receipt of Job Seekers Allowance, but have used receipt of other benefits as their primary reason for claiming full fee remission. However, there is a nearly threefold difference between the proportion of all FE learners who claim full fee remission based on receipt of income-related benefits and women ESOL learners in the same category.

62. Further to this, in light of the Government's priority to support more people to enter work, as part of the proposals on welfare reforms there is an expectation that more people will be expected to actively seek work. At this stage it is not possible to estimate the speed and extent of this movement.

63. As stated in paragraph 38, this assessment also acknowledges that there are women who would benefit from English language training but are neither in receipt of benefits, working or already in learning. Since 2007/8, and as response to an earlier race equality impact assessment, a fund has been in place to support spouses who were unable to demonstrate eligibility for fee remission, but claimed inability to pay their fees. However, analysis shows that this fund has not had an effective impact.

64. The Skills Investment Strategy committed to creating a single learner support fund which is better targeted and focuses on those individuals who are financially disadvantaged, and in need of support for childcare, transport, books, equipment and other ad-hoc essentials whilst in learning and, on a limited basis, fees for registration, courses and exams. The policy aim is to continue to provide support to those adult learners who are financially disadvantaged to enter and to remain in further education. The decision and distribution of discretionary awards is best made at a local level – and we would expect ESOL learners who cannot afford fees to benefit from this fund.

65. Although it offers only a small proportion of formal ESOL learning, the BIS £210m Adult Safeguarded Learning budget – protected in the Spending Review - funds informal adult and community learning (IACL) that offers

people opportunities to come together and practise their language skills while they learn another subject. For example, family learning classes welcome parents who have English language needs. The budget also funds activities that bring together people from different language backgrounds to practise their English in pursuing a common interest, e.g. learning how to use a computer, take part in community projects or share skills such as arts and crafts. IACL fees are different across England because each provider has the flexibility to develop its own fees policy.

66. In summer 2011 we will launch a public consultation on all aspects of IACL spend, including how funding could enable a more localised approach and increased local ownership.

Age

67. There are two potential disproportionate age issues highlighted in the analysis - younger White learners and older Asian learners.

68. As set out above, there is a reasonable assumption that for younger white ESOL learners either they or their employer will be expected to make a contribution to the cost of their learning. For older Asian learners, particularly those beyond working age, we expect informal learning opportunities to be available where need is identified.

Other groups with protected characteristics

69. This report has not been able to make an assessment of the impact on those who were not covered by the Public Sector Equality Duty during the 2009/10 academic year, which is the basis of the assessment.

70. The department only routinely collects data through the Individualised Learner Record on age, ethnicity, gender and disability. There are no plans to extend the collection to cover other protected groups given potential issues around the reliability of the data; at present the department intends to use research and surveys to consider the learning experience of these groups.

Other Groups of Concern

71. **Those coming to the UK from outside the EU to work or study** are now required to demonstrate an appropriate level of English before entry. Since April 2011, 'Tier 2' skilled migrants are expected to have intermediate level English on entry.

72. It is equally important that **those entering with the intention of marrying** someone settled in the UK have an understanding of the English language. In November 2010, the Government introduced a basic English language requirement for this group. This basic knowledge

of English will help them become part of the wider community in which they live.

73. In future, therefore, these two groups are not expected to need ESOL provision on arrival in the UK; and those that come to work should have the costs of their learning met by their employer.

74. **Those applying for indefinite leave to remain** in the UK are required to demonstrate their knowledge for English and of life in the UK. The UK Borders Agency is currently reviewing appropriate levels of English. As part of this, since April 2011, those who originally entered the UK on work routes and are now applying for settlement will be required to demonstrate intermediate level English by passing the Life in the UK test.

Eligibility Criteria from 2011/12

75. From the 2011/12 academic year, unemployed people who are in receipt of Job Seekers Allowance (JSA) (including the partner where the claim is joint) or Employment and Support Allowance (ESA) in the Work Related Activity Group will be eligible for full fee remission for units or full qualifications on the QCF.

76. From 1 August 2011 in England, when a potential skills need is identified that is a barrier to a claimant getting or keeping a job, the Jobcentre Plus Adviser will make a mandatory referral to skills provision. Exceptionally, some claimants may have one non-mandatory referral to Next Step. JSA claimants who fail to undertake mandated education or training without good cause will lose all of their benefit or training allowance for a fixed period of time for two, four or up to 26 weeks.

77. Claimants who receive a 26-week sanction will be able to reduce this to a minimum of four weeks or whenever they re-engage. ESA claimants in the work-related activity group who fail to undertake mandated education or training without good cause will lose 50 per cent of the work-related activity component for the first four weeks and then 100 per cent of the work-related activity component until they re-engage.

78. Claimants who may have a skills need that is relevant to a future career aspiration and who are keen to upskill may be signposted to skills provision, including ESOL.

Further Education Reforms

79. As set out above, there are a number of policy reforms

80. We need our investment to be focused where its impact will be maximised – towards individuals who would have not otherwise have undertaken training and where market failures are strongest. It is fair that others contribute towards the cost of their learning. This will means that full Government subsidy can be focussed who need it the most.

81. The Government is committed to freeing colleges and providers from central control and regulation so they are better able to respond to the needs of the learners, employers and communities they serve.

82. The overarching quality improvement measures set out in *Skills for Sustainable Growth* are the most appropriate route for improving the quality of all provision, including ESOL. Providers should remain responsible for delivering high quality learning and for reviewing and assessing their own performance and be pro-active in improving the quality of the services that they offer. Poor providers must make rapid improvements, or lose funding.

83. The decision and distribution of discretionary awards is best made at a local level – which could include ESOL learners. *Investing in Skills for Sustainable Growth (November, 2010)* committed to creating a single learner support fund which can be better targeted on those individuals who are financially disadvantaged.

84. In summer 2011, the Department is launching a public consultation on all aspects of informal adult and community learning, including how funding could enable a more localised approach and increased local ownership.

Monitoring and review

85. Through the publication and monitoring of learner participation statistics, Government will assess the impact of the changes to public funding for ESOL and the wider FE reforms collectively on participation and achievement throughout this pending review period.

86. ESOL participation and achievement data are routinely published through the BIS Statistical First Release at http://www.thedataservice.org.uk/statistics/statisticalfirstrelease/sfr_current/

87. We will continue to refine our research and evaluation plans for the coming year for both individual programmes and the Skills Strategy as a whole. We will ensure that the impact on protected groups is considered through this programme of work.

Responsibility

88. This Equality Impact Assessment is available electronically at http://www.bis.gov.uk/equality-impact-assessments. Where possible, we will make other versions of this document in Braille, other languages, or audio-cassette available on request.

Annex: Analysis of £4.6 million Discretionary Learner Support Fund used for ESOL Fees

Background

1. In May 2007 the then Department for Education and Skills published a Race Equality Impact Assessment (REIA)[12] following an announcement by Bill Rammell, the then Minister for Further Education, in October 2006 of the withdrawal of automatic full fee remission for adult ESOL courses.

2. As a result of the REIA, £4.6 m was made available within the discretionary Support Fund for 2007/08 (this was increased in-year to £4.9m). Although the recommendation had initially been to provide this funding for one year, the fund continued in 2008/09 and 2009/10.

3. The funding was made available for two priority groups identified through the REIA: Spouses in settled communities and low waged migrant workers. A third category of 'Other' ESOL learners was also added – meaning those who did not fall into either of the priority categories but were unable to demonstrate eligibility for fee remission but claimed a difficulty in paying their fees, registration or exam costs.

4. Allocations to regions and providers were initially based on previous ESOL enrolments – meaning London received the largest amount of funding.

[12] Race Equality Impact Assessment on Proposed Changes to the funding Arrangements for English for Speakers of Other Languages and asylum-seeker eligibility for Learning and Skills council Further Education Funding – report and emerging proposals (Department for Education and Skills, March 2007) http://rwp.excellencegateway.org.uk/resource/Race+Equality+Impact+Assessment+on+proposed+changes+to+funding+arrangements+for+ESOL+learners/pdf

ESOL funding usage – data analysis

5. All data used has been taken from the discretionary Support Fund data returns submitted by providers at year end. Data is available for 2007/08[13], 2008/09[14] and 2009/10[15].

6. Table 1 shows the total funding available each year, the total funding drawn down, the number of awards made and the average funding per award:

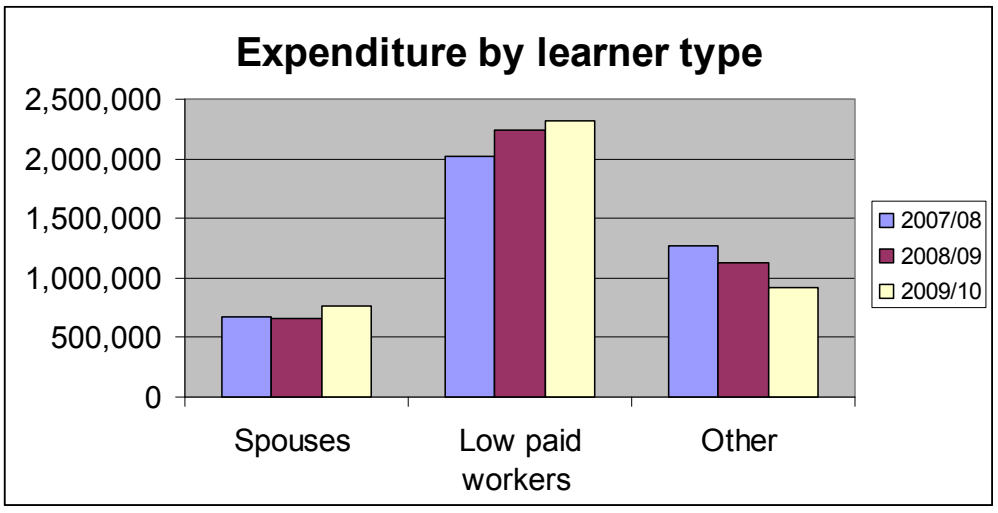
Table 1: Summary of awards and funding

	2007/08	2008/09	2009/10	Total
Funding available	£4,900,000	£4,600,000	£4,600,000	£14,100,000
Funding drawn down	£3,973,502	£4,026,139	£4,007,073	£12,006,714
No. of Awards	36,168	42,459	35,452	26,106,714
Average funding per award*	£109.89	£94.82	£113.00	£105.90

*Note: Awards included registration costs, course fees and exam fees, so varied from learner-to-learner

7. Providers could allocate this funding to spouses, low waged migrant workers and 'others'. Table 2 shows the distribution of funding across these 3 groups:

Table 2: Summary of expenditure by learner types



[13] *Discretionary Support Funding: Annual Return Overview and Regional Summaries 2007/8 (Institute for Employment Studies, 2008*)
[14] Discretionary Learner Support 2008/09 Analysis of MI (Young People's Learning Agency, 2010)
[15] Discretionary Learner Support 2009/10 Analysis of MI (Learning and Skills Network, 2010)

8. The figures below show the percentage split against the 3 groups for each year:

Figure 1

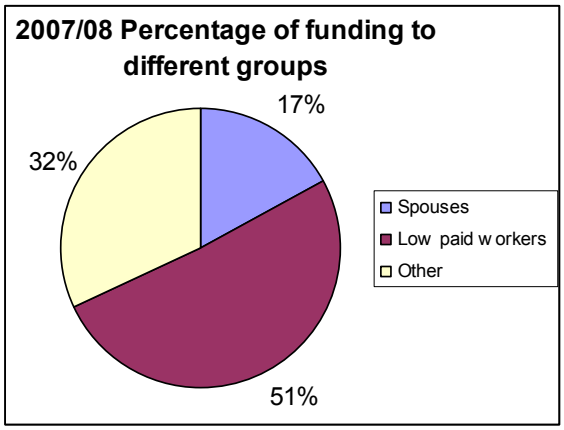


Figure 2

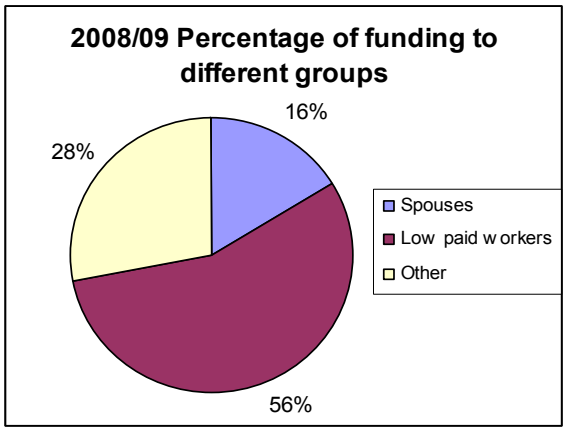
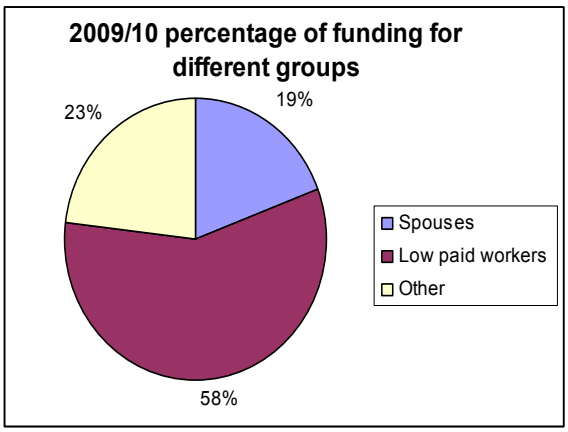


Figure 3



9. Data from 2007/08 (figure 1) shows that 32% of the primary reason used by providers to support ESOL learners in addition to the 2 groups identified by the REIA as being disproportionately impacted (there may be some crossover), with 51% going towards low waged migrant workers and 17% going towards supporting spouses.

10. In 2008/09 28% was spent on 'others', 56% on migrant workers and 16% on spouses.

11. In 2009/10 23% was spent on 'others', 58% on migrant workers and 19% on spouses.

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