LUMOS

EU CASE STUDY

Global Thematic Review on Education

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INTRODUCTION

The European Union ('EU') is a political and economic union of 27 Member States, primarily located within the continent of Europe. It is a unique supranational political entity with wide reach; this means that it has authority over certain policy areas for its Member States. The European Union encompasses many institutions, which make laws and decisions in a variety of forms: these can be broadly grouped into decisions which require national implementation measures ('Directives'), and those which automatically become law in each Member State ('Regulations'). EU policy is, in general, made via EU Directives which are then implemented in the domestic legislation of Member States. The executive branch of the EU is held in the European Commission and European Council: you will see both referred to in this case study. The legislative branch of the EU is called the 'Council of the European Union' (distinct from the independent Council of Europe), and the judicial branch is the 'Court of Justice of the European Union'. The EU also acts internationally through the European External Action Service, which acts as the diplomatic service and combined foreign and defence ministry.

The EU has made great strides and demonstrated leadership in supporting care reform processes in both its Member States and its external action in recent years. Through its policies, technical assistance, and funding, the EU has provided a framework which has enabled a significant focus on care reform.[1] The EU's internal policy both requires Member States to invest in family and community-based care systems, and effectively prohibits the use of EU funds on institutional care.[2] These conditions have allowed EU Member States to make enormous progress on deinstitutionalisation as a whole and provide a positive global example of the impact that multi-lateral organisations can have.

The EU has also been working to promote inclusive education among Member States in recent years. Key policies which have been developed in the past five years have contributed to this work, including the European Pillar of Social Rights[3], adopted in 2017, and the 2018 Council Recommendation[4] on promoting common values, inclusive education and the European dimension of teaching; that is, an approach to teaching which would encourage an understanding and awareness of the context, function, and values of the European Union. In 2020, the European Commission launched a communication on achieving the European Education Area by 2025[5], a key focus of which is inclusive education.

Despite the progress made in both these areas, and the links between them, there is an overall lack of joined up thinking when it comes to care reform and inclusive education, and this is reflected in policy, funding, and monitoring systems. In particular, education programmes and policy often fail to take children in institutions into account as a group with specific needs and barriers when it comes to education.

As well as this, little to no research has been carried out measuring the impact of education policies in the EU on children living in alternative care. Furthermore, recent emergencies such as the COVID-19 pandemic[6] and the conflict in Ukraine[7] have shed light on the need for strong and resilient education and child protective services.

These challenges also present opportunities to better understand how vulnerable children can best be supported by child protection and education systems, and how these systems can be strengthened to withstand future challenges. Additionally, initiatives such as the European Education Area[8] and the Council Recommendation on Pathways to School Success[9], which was adopted in November 2022, represent opportunities to address the gaps between care reform and inclusive education initiatives. The European Union holds an important position as a supranational policy maker in education and children's affairs, and because of the wide range of diverse contexts covered by its Member States. It is hoped that the recommendations produced by this report will be of use to civil society organisations working in the EU sphere in their advocacy efforts.

FINDINGS

TO WHAT EXTENT DOES EU INTERNAL POLICY, PRACTICE AND FUNDING CONSIDER THE RELATIONSHIP BETWEEN INSTITUTIONAL CARE AND EDUCATION?

The EU has made some important progress on both inclusive education and deinstitutionalisation in the past ten years. Many of the interviewees spoken to as part of this research commented on the strong work that had been done in these areas, as well as the tireless work of civil society which played a role in bringing about these actions. EU funding regulations have enabled many of its Member States to engage in care reform processes.

> **The EU's internal funding instruments contain an enabling condition (4.3) which requires Member States to have in place "measures for the shift from institutional to community-based care", and which implies that Member States cannot use these funds for institutions.** [10]

In the last Multi-Annual Financial Framework 2014-2021, a similar requirement was in place (ex-ante conditionality 9.1 in the Common Provisions Regulation).[11] Meanwhile, initiatives such as the European Education Area[12] have promoted inclusive education across the European Union.

However, there is still work to be done in both of these areas. For example, there are still an estimated 303,000 children in residential care living in the Member States of the European Union, and children with disabilities and from ethnic minority and migrant backgrounds are overrepresented in these residential settings.[13] In terms of inclusive education, children with disabilities and children from Roma backgrounds still have lower educational attainment than their peers.[14]

The Common European Guidelines on the Transition from Institutional to Community-based Care highlight the importance of inclusive education in care reform processes within Europe. According to the guidelines, "if provision for inclusive education is limited, the only opportunity a disabled child may have to receive an education is at a residential special school."[15] For example, in Belgium some children with disabilities have been placed on waiting lists of up to five years to receive specialised support in traditional education settings, while the waiting list for placement in an institution is only 9 months.[16]

In Moldova, which is an EU candidate country at the time of writing, it has been seen that quality inclusive education will likely lead to a reduction in numbers of institutionalized children,[17] and it is likely that these approaches could work well applied to Member States. You can read more about learnings from care reform and inclusive education in the Moldova Case Study, as part of this Research package.

Over the past three years, we have seen the promotion of care reform and inclusive education co-appearing as part of the same policy documents and strategies. Mostly, these are framed as separate objectives to achieve social inclusion and/or respect the rights of children. For example, the **Strategy on the Rights of Persons with Disabilities 2021-2030**[18] promotes both deinstitutionalisation and inclusive education in order to deliver on the rights of children with disabilities. This is also the case in the **EU Strategy on the Rights of the Child**,[19] and in **The Council Recommendation establishing the European Child Guarantee**[20] when looking at inclusive education: "Member States are recommended to develop a framework for cooperation of educational establishments, local communities, social, health and child protection services, families and social economy actors to support inclusive education."

SPECIFIC POLICY INSTRUMENTS AND COMMENTARY FROM INTERVIEWEES

There are several key rights-based documents which underpin much of the EU's policy and practice when it comes to both alternative care and inclusive education. However, the issues of education and alternative care tend to be addressed separately, with little attention paid to the significant linkages between the two issues. While great strides have been made broadly on the two issues, the impact of education policy on children in alternative care is rarely addressed specifically in the relevant instruments.

1. Strategy on the Rights of the Child

The EU strategy on the rights of the child was adopted in 2021 and covers the period up to 2024.[21] This strategy underpins much of the EU's work on care reform, inclusive education, and other key issues relating to child rights. Article 2.3 of the strategy speaks about the importance of inclusive, quality education, and some of the challenges faced by Member States relating to this issue, especially the gaps in attainment for children from marginalised backgrounds. In this section of the strategy the European Commission also makes a series of commitments, including the promotion of the Toolkit for Inclusion in Early Education and Care[22] and the development of a new initiative, entitled "Pathways to School Success", launched in late 2022 and accompanied by a Council Recommendation, which aims to decouple educational attainment from social, economic, and cultural status.[23]

Through this strategy, ==the European Commission has not only placed a strong emphasis on inclusive education but has also adopted a holistic understanding of what inclusivity means==, including not just children with disabilities, but also children from migrant backgrounds and Roma children, among other marginalised groups, and children of all genders. However, there are no explicit linkages made in this section of the strategy to children in institutional care, or to alternative care more generally. Section 3 of the strategy, which focuses on violence against children, does include a recommendation to Member States to expedite deinstitutionalisation processes, which is promising as children in institutions are at a higher risk than their peers of experiencing abuse.[24] However, it is imperative that children in institutions are recognised as a marginalised group when it comes to discussions around education, or they will risk becoming a left-behind group.

2. European Child Guarantee

The European Child Guarantee[25] is an initiative which aims to guarantee vulnerable children access to services which aim to combat child poverty and prevent social exclusion and was highlighted by interviewees as one of the main policy instruments for child rights. Its key focus areas include access to healthcare, education, early childhood care and education, and adequate housing. The Guarantee was adopted in June of 2021, and as part of its adoption Member States were required to submit action plans on how it would be implemented. Article 24 of the Guarantee calls on Member States to promote family and community-based care with the aim of deinstitutionalisation of children, and children in institutions are recognised as a core group experiencing specific disadvantages. The Guarantee also promotes inclusive education, and specifically highlights the challenge of segregated education for children with disabilities which exists in many EU Member States. Furthermore, the Guarantee highlights children from migrant backgrounds as being in need of specific interventions regarding education but does not make explicit links to the challenges children in institutions may face in accessing quality and inclusive education.

3. Strategy on the Rights of Persons with Disabilities

The Strategy on the Rights of Persons with Disabilities[26] is another key document for both the issues of institutional care and inclusive education. The EU's ratification of the UN Convention on the Rights of Persons with Disabilities ('UNCRPD') means that it is specifically bound to uphold the rights contained within that document. In the strategy, both alternative care and inclusive education are specifically addressed, with strong recommendations to Member States regarding each topic. For example, in Article 5.3, the Commission calls on Member States to support the development of inclusive schools and to ensure that their schools comply with the UNCRPD. Article 4.1 calls on Member States to implement good practices of deinstitutionalisation for all persons with disabilities, including children. However, once again there is no specific connection made between the two issues; the impacts that access to inclusive education and alternative care have upon each other are not considered or explored. These policy instruments are extremely important in the promotion of child rights across EU Member States. As noted above they would be strengthened by concretely making connections between education and institutionalisation in their text.

On review of the existing literature surrounding education and institutional care in the EU, it is rare to see these two issues being treated as interconnected. In particular, it is rare to see children living in alternative care, especially institutional care, highlighted as a particularly vulnerable group in policy and programmes which focus on education. For example, while most documentation surrounding education, especially inclusive education, will highlight particular marginalised groups such as Roma children and children with disabilities as requiring particular outreach or accommodations in order to ensure equality in their educational opportunities, children living in institutions, or children living in alternative care more broadly, are rarely if ever highlighted as a particular marginalised group, despite the fact that many of those interviewed recognised children in institutions as facing challenges when it came to their access to education. The lack of linkages between these issues was noted as an area of concern by interviewees: "There is increasing evidence that children in institutions have lower educational outcomes than their peers, and this also leads to negative outcomes in other areas of adult life. So, there is a need for joined up thinking in this area of children's rights in European society."[27]
It is probable that an increase in joined up thinking on these issues would help to accelerate progress in both areas.

PARTICULAR CHALLENGES

It is worth noting some challenges which have been faced by the EU over recent years. The past three years have been tumultuous in many regards, and the European Union's Member States have felt these difficulties. With regards to inclusive education, and the linkages between education and institutional care, the COVID-19 pandemic and the conflict in Ukraine have been particularly challenging circumstances.

For children living in institutions, already isolated from their communities, the lockdowns introduced to curb the spread of the virus served to heighten their isolation.[28] This was particularly problematic when it came to education. In many institutions, carers who did not have teacher training were placed in charge of the education of children.

It is well established that becoming displaced or becoming a refugee can have a very disruptive impact on children's education. The conflict in Ukraine at the beginning of 2022 saw large numbers of refugees moving across Europe, 1.9 million of whom were children of school age.[29] Access to education was, and continues to be, a crucial issue for these young people, and those young people who were unaccompanied and placed in alternative care, especially institutional forms of alternative care, were particularly at risk of missing out on their education.[30]

From the analysis of the relevant policy instruments, it is clear that while a lot of important work is being done around care reform and inclusive education, these are generally treated as separate policy areas. Similarly, in researching this case study it was difficult to find examples of practice or funding initiatives in which these two areas were specifically treated as being interlinked. From our research, it seems that little to no rigorous investigation on the way in which these two areas interact has yet been carried out, meaning that there is little evidence of how children in alternative care are experiencing education across the EU. However, many interviewees did note that the EU has a number of projects which aim to promote inclusive education across its Member States. As we are aware that access to high-quality inclusive education can minimise family separation,[31] this case study will now examine the work which has been done on this issue.

EU SUPPORT OF INCLUSIVE EDUCATION

Children with disabilities are overrepresented in institutional care. We know that one of the main reasons for this is a lack of access to education in their own communities. Furthermore, we know that other groups of children and young people who are overrepresented in alternative care, such as children from migrant and ethnic minority backgrounds, face various challenges in accessing education.

INTRODUCTION AND DEFINITION OF INCLUSIVE EDUCATION

The phrase "inclusive education" tends to be used to refer to educational practices which are inclusive of children with physical or intellectual disabilities. Given in many EU Member States, and especially those who started the process of deinstitutionalisation some time ago persons with intellectual disabilities and people with complex support needs are most likely to still live in institutional settings,[32] it is crucial for the purposes of this research to foster a better understanding of the ways in which inclusive education impacts and is impacted by institutional care. However, it is also important to note that inclusive education does not only refer to disability inclusion. Many other vulnerable or marginalised groups of children and young people may require particular accommodations to be made in order for them to be able to attend school in a safe and sustainable way, as well as to be able to thrive within that environment. This is especially true for those groups who may be overrepresented in institutional care, including migrant and refugee children, Roma children, and children from low-income families or communities.[33] One interviewee spoke of the importance of ensuring that schools constitute safe spaces for girls, with protections from harassment and access to necessary hygiene products. Other interviewees spoke of the importance of ensuring that education systems were inclusive of children from refugee backgrounds, particularly those coming from Ukraine.

From discussions with interviewees, it became clear that over the past ten years, there has been a positive shift towards increased emphasis on the importance of inclusive education throughout the EU bodies, and that the EU's position on inclusive education is largely in line with its obligations under the UN Convention on the Rights of Persons with Disabilities. However, it is important to note that the EU does not generally run educational facilities; these are run by Member States, and do not always reflect the values of the EU when it comes to inclusivity. Nonetheless, the EU does have several tools at its disposal to influence education systems in its Member States; specifically, via country-specific recommendations and targeted funding. Through these mechanisms, the EU has been able to "keep inclusive education high on the agenda" throughout its Member States.[34]

Despite the enormous potential of EU funding practices, one criticism which was heard a lot from interviewees was that the EU's funding initiatives are frequently project-based, and therefore lack the sustainability needed to ensure that all children with disabilities, or who are otherwise marginalised, are able to consistently access quality education.[35] Other interviewees suggested that the EU has been more successful in promoting other aspects of deinstitutionalisation than inclusive education due to the specific funding restrictions it was able to put in place to promote care reform as described above.

PROJECTS AND FUNDING

There are a number of examples of good practice in EU projects and funding relating to inclusive education. For example, the EU's Technical Support Instrument has been used by a number of countries to improve the inclusivity of their education systems, including Greece through the project 'Promoting inclusive education: addressing challenges in legislation, educational policy and practice.' Until recently, the quality of inclusive education in Greece was not high, and the majority of students who were not able to follow the mainstream curriculum were placed in special schools, creating a segregated education system. The Technical Support Instrument allowed Greek authorities to begin a process of change, and a conceptual framework and implementation guidelines were created.

The Technical Support Instrument was used to positive effect by Portugal for a project on "Monitoring the educational system inclusiveness" where regular school visits and observations aimed to monitor the quality of Portugal's inclusive education. Projects like this which emphasise monitoring and evaluation are vitally important in ensuring high quality inclusive education for children with disabilities.[36]

In 2016 the Greek government set up a programme to ensure access to education for refugee and migrant children, with the support of the European Asylum, Migration and Integration Fund ('AMIF', a fund established under the authority of the European Parliament and the Council of the European Union). One of the main measures implemented by the programme is a special education programme for the establishment and operation of 'Reception/Preparatory Classes for the Education of Refugees' (DYEP). It aims to help refugee and migrant children (aged 4-15) who live in refugee accommodation centres to facilitate their integration into the educational system in a way that should gradually allow them to join mainstream classes in Greek schools.

Projects such as these are examples of the way in which EU funding is being used to promote inclusive education, and stakeholders emphasised that these projects may have a positive impact on national care reform processes. However, they also emphasised that these projects are often based upon a temporary funding model and therefore risk being unsustainable in the long run. Despite the best efforts of the EU, the onus must be placed on Member States to ensure inclusive education systems are in place for the long term.

Another concern around these projects which was expressed by interviewees was a lack of rigorous monitoring and evaluation systems, and in particular that the monitoring and evaluation which was taking place around projects such as these did not consistently take children in alternative care, and particularly children in institutions, into account as a particular beneficiary group. This makes it difficult to assess whether projects such as these are having a positive impact on those children and young people, or even whether they are reaching them.

RELEVANT POLICY AND PRACTICE

In the past ten years, the EU has begun playing a larger role in inclusive education, and the importance of inclusivity in education has been increasingly acknowledged throughout EU policy and practice.[37] Although the EU does not itself run education facilities, this remaining the responsibility of Member States, it has the power through recommendations and funding, to be highly influential when it comes to matters such as inclusive education. Indeed, the EU's ratification of the UN Convention on the Rights of Persons with Disabilities in 2007 mean that it is obliged to promote inclusive education within its workings. This obligation is taken seriously, and according to one interviewee "ensuring equality in inclusive education is really one of the big chapters of the policy agenda." [38]

POLICY INSTRUMENTS AND INITIATIVES

European Economic Area: The European Education Area[1] is the policy framework under which the EU's Directorate General on Education and Culture (DG EAC) operates and is a key document on the topic of inclusive education. The European Education Area initiative helps European Union Member States work together to build more resilient and inclusive education and training systems. This initiative is key to the EU's current approach to Education, and focuses on five key thematic issues, including the improvement of quality and equity in education and training. This focus area encourages national authorities and education institutions to take a more holistic look at admission, teaching and assessment, and develop strategies to help disadvantaged and underrepresented students.

European Pillar of Social Rights: In 2017, the European Parliament, the Council and the Commission proclaimed the **European Pillar of Social Rights** at the Gothenburg Summit.[1] Principle 1 of the Pillar states that 'everyone has the right to equality and inclusive education' and principle 11 informs that 'Children have the right to affordable early childhood education and care of good quality'.

2018 Council Recommendation: Adopted in 2018, this Council Recommendation[1] focuses on promoting common values, inclusive education and the European dimension of teaching; that is, an approach to teaching which would encourage an understanding and awareness of the context, function, and values of the European Union.

CONCLUSIONS

- Strategic use of EU funding mechanisms, combined with policy and programming, have led to important progress being made in both the areas of care reform and inclusive education. This demonstrates the positive impact concerted action from the EU can have throughout its Member States.

- To date, there has been a lack of joined up thinking regarding the intersection of care reform and inclusive education at both the policy and programmatic level, and there are not monitoring and evaluation systems in place which take this relationship into account. This separation of the two issues has resulted in gaps in evidence which impedes our understanding and limits the potential for more holistic improvements. The EU's policy and practice will be significantly strengthened if these connections are made, and this provides a real opportunity for the EU to show global leadership demonstrating the value of joined-up thinking on these two areas.

- Inclusive education is a key pillar of care reform. For this reason, the tendency to see education and alternative care as distinct policy areas, rather than being intrinsically linked, is unusual, particularly given the EU's demonstrable commitment to care reform.

- The impact of recent crises such as the COVID-19 pandemic and the conflict in Ukraine have placed increased pressure on both child protection systems and education systems throughout the EU's Member States and have magnified weaknesses which already existed in these systems. The education of children with disabilities and Ukrainian children who have undergone displacement have been severely disrupted in recent years, and this disruption is often more extreme for those children with experience of institutionalisation. Ensuring that child protection and education sectors are communicating with each other can make both systems more resilient during times of crisis.

- In some circumstances, the short-term or temporary funding of EU programmes causes concerns that the positive results are not sustainable. This may be exacerbated by the aforementioned lack of joined up thinking between critical issues.

- There needs to be further research on the ground in the EU Member States into the tangible ways that institutional care and education systems are interacting with each other. While this case study has been able to analyse existing policy, programmes, and funding, further evidence is needed to better understand the situation on the ground, especially in the wake of recent crises. Joined up thinking will help to promote resilience and inclusivity in both child protection and education systems.

METHODOLOGY

This Case Study was informed by a combination of different forms of desk-based research, including a series of key informant interviews with relevant individuals working in the EU sphere,[39] and analysis of policy documents and other grey literature.[40]

As with any piece of research, there were several limitations to this research. These included:

- Gaps in research relating to the linkages between institutionalisation and education, meaning that there was a relatively small pool of literature available for analysis. However, these gaps in research represent a finding in themselves, and will be reflected in the recommendations of this case study.
- The interviewees we spoke to were, for the most part, specialised in EU internal policy. This means that the focus of this case study is primarily on EU internal policy, rather than its external action, somewhat limiting the scope of this research. However, this means that the report has had the space to analyse internal policy more comprehensively than might otherwise have been the case.

ENDNOTES

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37. Evidence from interviewees

38. Evidence from interviewees

39. Six key informant interviews were conducted for this case study. Participants had relevant backgrounds and at the time of interview were employed by either relevant Directorate Generals (DGs) within the European Union (EU), or by civil society organisations with a strong presence in the European Union and its Member States. Interview questions were designed by Lumos and interviews were recorded to ensure that participants views were reflected with complete accuracy throughout this report. Interviewees remain anonymous throughout this report.

40. An extensive bibliography of relevant policy, funding, and related documents was put together in preparation for the writing of this case study. This list of documents was expanded upon based on the recommendations put forward by the interviewees. Analysis of these documents was a core component of the writing of this case study.

LUMOS

A family for all children

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