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Advancing Social Justice for Asylum Seekers and Refugees in the UK: An Open Education Approach to Strengthening Capacity through Refugee Action's Frontline Immigration Advice Project

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Britain's asylum system fails the most vulnerable; it cannot ensure that people who are least able to protect themselves are provided with the legal assistance that they require to cope with the challenges with which they are inevitably faced. Against this background, the charity Refugee Action developed the Frontline Immigration Advice Programme (FIAP), a technology-supported capacity strengthening programme that aims to increase access to justice for those going through the asylum system in the UK. This paper is concerned with the design and implementation of the FIAP as a free digitally enabled programme that provides learning opportunities for organisations and frontline workers in the refugee sector and supports them in developing new forms of legal practice. It provides empirical data from interviews with members of staff from six participating organisations in the FIAP, and from Refugee Action and the Office of the UK's Immigration Services Commissioner¹ (n = 21). The paper adopts a view on social justice, which according to Fraser (2005) is understood as 'parity of participation'. We draw on Fraser's work, as well as work of other scholars such as Lambert (2018) and Hodgkinson-Williams and Trotter (2018) to explore the relationship between social justice and open education by taking into consideration the context within which organisations and professionals operate. The analysis highlights six dimensions for social justice approaches for professional learning as demonstrated through the case of the FIAP: i. deliberate iterative design; ii. access to provision; iii. flexibility of provision; iv. development of resources; v. support and vi. advancing knowledge and skills whilst adapting the workplace. All these dimensions are discussed in the paper in relation to the concept of openness and are critical in developing open socially just programmes that aim to change work practice and address the needs of the most vulnerable.

Keywords: refugee sector; access to justice; professional learning; Refugee Action; technology-enhanced learning; open education; social justice

Introduction

The UK asylum and immigration system is extremely complex and hostile. People seeking asylum require expert legal advice and support to successfully navigate this system and they often turn to non-legal specialist organisations in the Voluntary and Community sector for help. According to UK Law, immigration advice provision must be regulated. However, changes in the political and legal landscape, and the strict regulatory regime, alongside major cuts in funding (Morris & Barr 2013), have severely impacted on these organisations' abilities to provide the legal services needed, resulting in fewer legal providers

and increased 'advice deserts' in the country (Legal Aid Practitioners Group LAPG 2015).

Against this background, strengthening organisational capabilities to provide good quality immigration advice is based on a vision for social justice. This vision calls for creating environments that "empower historically marginalised people, that challenge inequitable social arrangements and institutions, and that offer strategies and visions for creating a more just world" (Hyttén & Bettez 2011: 8). For this to be effective a practical orientation is necessary, which has to be accompanied by operational developments around key areas within organisations, where change will have greatest impact. One of these areas is changing professional practice, through targeted professional learning for people working in the Voluntary and Community sector. At the heart of this is the intention to provide affordable access to relevant and good quality education to all, which aligns well with the open education movement.

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Open education is not a new approach to learning and education. It was adopted by Open Universities worldwide to represent “learning ‘anywhere, anytime’, open entry and [alternative exit points], which were the foundations of Open Universities and their correspondence and distance education models” (James & Bossu 2014: 81). Currently, there are a wide range of approaches and strategies to open up education and access to learning, including open content and open practices, open access (research and data), open learning design, open technologies, open policies, and also open governance. Open education has been playing an important role in assisting the Higher Education sector and governments worldwide to meet educational targets in widening participation, lowering costs, improving the quality of learning and teaching, and promoting social inclusion and participatory democracy (Bossu & Stagg 2018). However, recent research on open education has challenged the implicit philosophy of open education, which is to reduce barriers so as to increase access to formal and informal education, and has called for a more explicit approach to promoting social inclusion, and to reaching the minority and marginalised groups (Bossu & Stagg 2018). We, similar to other scholars (Jhangiani 2019; Lambert 2018; Hodgkinson-Williams & Trotter 2018), argue for a social-justice orientation in open education to shift the debate “from what openness might look like, to whom we want our openness to ultimately serve and how our openness might achieve greater educational and societal equality” (Lambert 2018: 239).

The study reported on in this paper was prompted by the urgency to tackle the complex issue of strengthening capacity of frontline workers in the Voluntary and Community sector who provide advice to immigrants and refugees in the UK. It is concerned with the design and implementation of a digitally-enabled professional programme for organisations and frontline workers in the refugee sector in the UK to support them in developing new forms of legal practice, called the Frontline Immigration Advice Programme (FIAP). Organisations in the sector range in scale, organisational structure and culture, size of membership and mission. The frontline workers usually consist of groups of people with different motives, backgrounds and skills, who are employed in a wide range of roles (e.g. caseworkers, advisors, volunteers), and often have little or no formalised career path or opportunities for development. In the context of the FIAP programme, the primary beneficiaries are the frontline workers themselves, whilst the secondary beneficiaries are refugees and people seeking asylum. In our work both groups are viewed as being by circumstance vulnerable – they are marginalised in education, workplaces and more broadly in society.

Considering the rise in forms of inequality in contemporary societies, the paper builds on the work of others in articulating a critical turn to the concept of open education (e.g. Cronin, 2016) by considering the potential of open education as a “force of equity” (Jhangiani 2019), whilst being mindful of its pitfalls. It thus goes beyond issues around affordances of the technology, accessibility or licensing of content (Watters 2017), though it accepts that these are well-established aspects of openness.

Instead, the paper responds to the challenges described above and makes a compelling case for approaches to open education that encompass access-oriented commitment and learner-driven education and share deep commitments to, and understanding of, social justice. The paper further promotes the idea of design and professional practice that enable overcoming injustices by “dismantling institutionalised obstacles that prevent some people from participating on a par with others, as full partners in social interaction” (Fraser 2010: 16).

In this paper we endorse Fraser’s (2005) view of social justice as both an outcome where “all the relevant social actors [...] participate as peers in social life” and a process in which procedural standards are followed “in fair and open processes of deliberation” (p. 87). Fraser provides a foundational framework for the work presented in this paper. We follow in the footsteps of scholars such as Hodgkinson-Williams and Trotter (2018) and Lambert (2018) who have built on Fraser’s work (as well as on the work of Keddie (2012) and Young (1997) to situate open education as a social justice concern. For Lambert (2018) social justice is a ‘process’ and a ‘goal’ to achieve a fairer society, which “involves actions guided by the principles of redistributive justice, recognitive justice or representational justice” (p. 227). Redistributive justice involves allocation of material or human resources towards those who by circumstance have less. Recognitive justice involves recognition and respect for cultural and gender difference, and representational justice involves equitable representation and political voice (Fraser 1995; Keddie 2012; Young 1997; cited in Lambert 2018, p. 227). Making the link between open education and social justice clear, Lambert proposes an explicit alignment between open education and social justice when arguing for:

the development of free digitally enabled learning materials and experiences primarily by and for the benefit and empowerment of non-privileged learners who may be under-represented in education systems or marginalised in their global context. Success of social justice aligned programs can be measured not by any particular technical feature or format, but instead by the extent to which they enact redistributive justice, recognitive justice and/or representational justice (p. 239).

We draw on this definition to describe the FIAP, a capacity-strengthening programme for organisations and individuals working within the UK asylum and immigration system. The FIAP was developed and implemented by Refugee Action,² an independent national charity that provides advice and support to refugees and people seeking asylum in the UK and campaigns for a fairer asylum system. The FIAP offers a tailored professional programme, including online training on immigration and asylum systems, to organisations and frontline workers, with the aim of improving access to good quality, regulated immigration advice and support to vulnerable people.

The study presented in the paper aims to i. synthesise evidence of the impact the FIAP has had on advice organisations as well as the people using their services,

by considering the wider community-based legal advice context within which the FIAP is operating; and ii. provide insights to Refugee Action to improve the design and delivery of the programme. It aims to address the following question: *How does a social justice lens help us develop a better understanding of the affordances of open education in the Voluntary and Community sector?*

Using the FIAP programme as a case study, we build on the linkage Lambert (2018) and Hodgkinson-Williams and Trotter (2018) have made between social justice and open education to illustrate how a range of systemic, political and historical barriers can be removed in order to assist those marginalised and in disadvantaged circumstances. In doing this, we highlight the necessity of centring social justice in both our understanding of and engagement with open education. The focus of the paper is on empirical evidence generated through interviews with advisors/trainees and senior members of staff in six participating advice organisations in the FIAP, as well as with members of staff in Refugee Action and the Office of the UK's Immigration Services Commissioner (OISC) (total $n = 21$). Importantly it provides an example of what an open socially just programme can look like.

The paper is structured as follows: first, we outline Access to Justice as a national challenge in the UK. Following this we reflect on the need for organisational capabilities and professional practices to expand to tackle this challenge. The case of the FIAP is then presented, followed by the research methodology and context. This is followed by the discussion drawing on evidence collected in the study and examples that illustrate the context of the implemented programme and associated challenges. The principles of redistributive justice, recognitive justice and representational justice are used to frame the discussion around the design of the learning experience and the impact it had. These are examined in relation to implications for the openness of the programme. The paper concludes by presenting six dimensions for social justice approaches for professional learning.

Background: Access to Justice in the UK

Legal aid in the UK was first established via the 1949 Legal Advice and Assistance Act. It provides assistance to people who would otherwise not be able to afford legal representation or access to the court system and, therefore, safeguards equality before the law and the right to a fair trial. The legal aid landscape changed drastically in April 2013 with the enforcement of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), one of the most significant reforms to the welfare state since legal aid was first introduced. The LASPO Act abolished legal aid for most social welfare matters (including divorce, welfare benefits and others) and removed legal aid from all immigration cases apart from asylum, and from a range of housing and benefit cases.

The effect of the cuts on the organisations delivering legal aid services has been catastrophic. Recent figures show that since 2005, there has been a 56% drop in the number of providers offering legal aid representation for Immigration and Asylum law. The number of not-for-profit providers saw an even greater reduction, with

only 36% remaining in 2018 as compared with 2005 levels (NACCOM & Refugee Action 2018). The closure of many advice services and the reduction in staff numbers resulted in many people no longer trying to launch legal challenges: the number of civil legal aid matters initiated has reduced by 84% from 2009–10 to 2016–17, whilst the percentage of households eligible for legal aid has fallen from 80% to 29% (The Bach Commission on Access to Justice 2016). There is also some evidence to suggest that provision does not match need in certain parts of the country (NACCOM & Refugee Action 2018). Gaps are evident in several areas of the country – effectively meaning that there are parts of the country that are “advice deserts” (Wilding 2019). This led one of Britain’s most senior judges to argue that “our justice system has become unaffordable to most” (Lord Chief Justice Thomas of Cwmgiedd, result quoted in The Bach Commission on Access to Justice 2016), whilst a recent review by the Law Society stated that “[in] reality, the Government’s reforms have resulted in vulnerable groups finding themselves excluded from free legal advice” (Law Society 2017).

Recent statistics by leading organisations in the sector reflect the levels of challenge faced by the most vulnerable (Refugee Council 2019). In 2018 the number of applications for asylum in the UK, excluding dependants (29,504), was 11% higher than in 2017 (26,547). It is very difficult for people seeking asylum to provide the evidence required to be granted protection, resulting in many claims being rejected. In the year ending September 2019, 48% of initial decisions resulted in a grant of asylum or other form of protection. This percentage was the lowest in the past five years, whilst the proportion of asylum appeals allowed in the year ending Sept 2019 was only 43%. More than 20,000 asylum applications had been waiting for longer than six months for an initial decision, and in this period applicants are not allowed to work and are forced to rely on state support, which can be as little as £5 a day to live on. Even when an application is successful, most people recognised as refugees are only given permission to stay in the UK for five years and this makes it difficult for them to make plans for their life in the UK.

Given the changing landscape and increasing demand for legal advice, strengthening organisational and individual capabilities to provide high quality immigration advice is essential. In the next section we review literature on professional/vocational learning and consider how this is related to the FIAP.

Professional Learning and the Frontline Immigration Advice Project

Professionals in non-legal specialist advice organisations in the Voluntary and Community sector need to continually expand their practice and make sure they have up-to-date knowledge about Immigration Law, that is constantly changing with new rules. Professional learning is becoming an increasingly important element of work, as a core element of career progression, promotion and workplace strategies. It needs to be continuous and personalised, because each individual’s learning needs are unique and are influenced by factors that are associated with the workplace, his/her role and the individual’s prior

knowledge, skills and attitudes (Hager 2004). Continuous professional learning and capacity-building are important and influential instruments to empower professionals to embrace and participate in change within their sector (Healey, Bradford, Roberts, & Knight 2013; Smyth 2003). Dominant forms of professional learning, such as formal training, allow a large number of people to reach a specific level of competency. However, a one-size-fits-all approach might not address the needs of professionals in contemporary work contexts (Tynjälä 2008), whilst research in the area of adult learning shows that access to information does not *per se* lead to learning. People learn by making sense of information and acting upon this in relation to their own practice. This could be through guided reflection, by deliberate practice, by emulating other people, by giving and receiving feedback, by participating in formal training as well as through self-study, self-monitoring and introspection (e.g. Billett 2014; Eraut 2007; Ericsson et al. 2006; Malloch et al. 2011). Learning and development opportunities are situated within the workplace as a site for learning (Boud & Garrick 1999). However, although the way that work is organised sets the conditions for learning, it is the interaction of the learner with the environment that determines learning (Tynjälä 2008).

The role of technological tools to support learning at the workplace has been considered in the literature. Littlejohn and Margaryan (2014) argue that a way to advance professional learning is to integrate three critical dimensions – work practices, learning processes and technologies. Of these three dimensions, no one is more important than the other. The tendency to focus primarily on the use of technological tools to plan learning activity should be avoided. Instead, attention towards work practices and learning process is required before mapping the technologies to support the learning (also see Littlejohn, Charitonos & Kaatrakoski 2019).

According to UK Law, immigration advice provision must be regulated and accredited. The process of registering an organisation through a regulatory body such as the OISC is not yet well established within the Voluntary and Community sector. Organisations lack awareness about the requirement placed upon them by law and the process they need to adhere to, and often perceive these as daunting and unhelpful. The FIAP was set up to address this and to support organisations to strengthen their service capability in a way that is sustainable and integrated into their existing provision. The FIAP was also designed to take advantage of the multiple ways in which people and resources can be brought together by technology to enhance learning in order to support refugees and people seeking asylum.

The next section includes a description of the FIAP, followed by a section on the research context and field-work which details the methodological approach used to generate data to answer the research question.

The Design and Delivery of the FIAP Programme

The opening statement on the FIAP website³ stands out for its clear social justice alignment: “Vulnerable migrants need accurate, high quality advice. Without it

they face injustice and destitution. Since 2016, Refugee Action’s Frontline Immigration Advice Project (FIAP) has been helping organisations ... to provide that advice”. The study reported here focuses on Phase 1 of the FIAP (April 2016 – March 2019).⁴

Since its launch in 2016, the FIAP’s aims have been to: increase the immigration advice capacity of non-legal specialist organisations in the Voluntary and Community sector; highlight the importance of regulation – overseen by the Office of the Immigration Services Commissioner (OISC)⁵ – as a benchmark of good service for non-legal specialist organisations; and tackle unintentional poor practice in offering immigration advice. As of March 2019, the FIAP had reached a high number of organisations and frontline workers across the UK: 139 organisations and 620 trainees had received support or attended events offered through the FIAP programme respectively. The FIAP is managed by a dedicated team within Refugee Action, the Good Practice & Partnerships team.

In Phase 1 of the implementation of the FIAP, an approach of working with organisations was established: following an expression of interest by an organisation, a needs assessment was initially conducted by Refugee Action, followed by the development of a tailored action plan for the organisation, which could consist of three key elements:

- i. Organisations – directors, key operational leads – received expert service development support by the Frontline Partner Development Project Manager to develop and establish their models of legal advice according to their needs and situation. Organisations were also supported through the OISC registration process as well as through auditing and further development of their models of legal advice.
- ii. Organisations – staff and volunteers – had access to training online, coaching, and peer-led learning events to enable them to register with OISC to provide Level 1 or Level 2 Immigration Advice.⁶ Refugee Action further provided support through online awareness training for those not ready to engage in the OISC regulation scheme.
- iii. Professional communities (online and offline) were created to enhance the professional development of frontline workers and prevent isolation, encourage peer-learning and facilitate collaborative approaches between organisations. Google Groups was used in this.

Depending on the organisation, the action plan could include all the three elements, although not all organisations benefitted from all three. Reasons for this included limited capacity in the Refugee Action team, lack of funding, diverse needs among organisations involved, and developmental challenges (i.e. how to scale-up the programme).

Regarding online training, this was only available to workers who had the support of their organisations. Six types of courses were available in the FIAP: OISC Level

1 and 2 (Immigration), OISC Level 1 and 2 (Asylum & Protection), Immigration Advice – Awareness and Boundaries, and Refresher and Revision. The courses covered the OISC syllabus for the various levels and their duration varied from one to five days in total. The online training took place via a platform which was developed in-house by Refugee Action⁷ in January 2018. Courses were available at various times of the year, primarily offered as live (or recorded) webinars and delivered by legal trainers. Attendance on the courses did not automatically lead to registration with the OISC, instead trainees were responsible for submitting their application for registration to the OISC, and for attending and passing the OISC examinations. Refugee Action was providing support to trainees through this process.

Since the launch of the FIAP, Refugee Action has been engaged in *deliberate iterative design* – i.e. iterative and adaptive cycles in the design that change the format and the duration of the delivery of the training to meet the needs of the participants. For example, some online training has been offered as five-day sessions over a week, whilst other formats included a full day once a week or once a fortnight. Refugee Action encouraged self-directed/independent learning by offering recordings of materials and access to the platform to registered organisations/professionals.

Method and Context of Study

Data generation took place between July 2018 and March 2019. Data was generated from key stakeholders at the individual level (staff and volunteers at participating organisations); at the local/organisational level (senior managers or lead members of staff at participating organisations); and at the national level (where Refugee Action and OISC operate).

Data was generated through an online survey, semi-structured interviews (online and face-to-face), participant observation of the Level 1 online training and two workshops with organisation leads organised by Refugee Action. For the purposes of this paper, we draw on qualitative evidence generated between November 2018 and March 2019 through in-depth interviews with the leaders of participating organisations and frontline workers in these organisations (n = 16). Interviews were also conducted with members of staff responsible for the FIAP at Refugee Action (n = 3), with an external legal trainer on the FIAP online programme (n = 1), and finally with the OISC's Operational Manager (in total 21 interviews).

Organisations were selected on the basis of four criteria: i. engagement with the FIAP (e.g. needs assessed or not); ii. location, size and type of service provision of the organisation; iii. number of students who registered and completed the FIAP training, and/or passed the OISC assessment; and iv. progression (or not) in OISC regulation level advice-giving activities after engagement with the FIAP. Twelve organisations were shortlisted and were invited to get involved in the study. The six organisations that responded positively are diverse in terms of size, ranging for example, from an organisation with only five members of staff and 30 volunteers to an organisation with 20

members of staff and 150 volunteers. One organisation is based in the Greater London area, one in South England, three in North England and one in West England. Their service provision varied; four organisations only work with refugees and people seeking asylum, whereas two serve a wider constituency. Despite our efforts to include a representation across the four nations in the UK, it is noted that the six participating organisations are all based in England.

In each of the six organisations, a senior manager or lead member of staff was invited to an interview and was also asked to identify two or three additional members of staff and volunteers who had taken part in the FIAP, for further interviews. The interviews lasted 40 to 80 minutes and were guided by a semi-structured instrument that had previously been used in studies of professional learning (Littlejohn et al. 2016). All interviews were audio recorded and full transcripts were generated. It is noted that one interview from a FIAP participant had to be discounted from the analysis as the recording was of insufficient quality to generate a transcript. Therefore, the analysis considers 20 interviews out of the 21 conducted.

The study was carried out by a small team of researchers based at The Open University UK and received favourable response from the university's research ethics committee.

Findings

The aim of the analysis was to address the question: How does a social justice lens help us develop a better understanding of the affordances of open education in the Voluntary and Community sector? Analytical attention was placed on tracing the challenges and revealing the tensions that emerged as organisations and advisors in the Voluntary and Community sector participated in the FIAP and adapted their work practice to fit with the new knowledge they had gained.

The interviews were analysed using the software application, NVivo 11. A thematic analysis was carried out by two authors (Charitonos and Witthaus), using both inductive and deductive processes, following Elo & Kyngäs (2008). The researchers sought both to identify themes emerging from the transcripts (inductive), whilst also specifically looking for examples of challenges associated with the interviewees' work context and practice (deductive). The researchers had regular discussions about the analysis to ensure consistency of coding. Below we outline the key findings.

The FIAP in contexts of severe complexity and resource constraints

All interviewees referred to the urgent and increasing demand for good quality immigration advice – “It's such a big need, and there's very, very little provision. There's very, very strained provision for [...] immigration advice... So, the demand is so high.” [P13]. Similarly, a few participants reported that they “have to turn a lot of people away because we just don't have the capacity to see everyone who comes [to our organisation]” [P9]. There were references to the UK government's ‘hostile environment’ policy, the rigid regulation of immigration, a benefits

system that is difficult to navigate, a shrinking legal aid system, and Brexit as key features of the wider political environment that contributed to the difficulties faced by the most vulnerable. Throughout all the interviews, the enormous scale of the need for support by refugees and people seeking asylum in the UK, coupled with the lack of provision of appropriate, specialised advice services, was a recurring theme.

Further to the high demand for immigration advice, organisations also operate in an environment where there is “just constant, endless change” [P20] in immigration law. Immigration and asylum are very complex areas of law – “it’s a big responsibility too, if you get this wrong – it has a great impact on somebody’s life” [P17].

Good quality immigration advice also requires time commitment and dedication – “you’re working with the client for hours and hours over several days, possibly several months” [P18], often because refugees and people seeking asylum require assistance with multiple, complex issues. Overall, people using the services of the organisations in the study were described as being widely diverse, coming from a range of geographical locations and cultural backgrounds. Their lives are often characterised by extreme trauma, arising not only out of their experience of fleeing their home countries, but also as a result of falling into destitution, or surviving trafficking or domestic violence. The needs of refugees and people seeking asylum include English language training, cultural awareness, mental health support, and help in navigating local services, dealing with social workers, paying bills and filling in online forms. Many suffer from trauma and live in precarious or vulnerable circumstances.

A recurrent theme was the need to assist people in gathering appropriate evidence to support their asylum claims or to reactivate a failed claim. This is a complex process which is subject to the regulatory regime and there is a “lack of specialist advice to help them build that fresh claim and understand that their evidence is valid and that it represents their case fairly and that’s going to get a good outcome from the home office... And that means that you have people who are living in destitution” [P4, lead].

Against this background, refugees and people seeking asylum often require support with issues that the frontline workers in advice organisations are not qualified to advise on. Hence registering with the OISC and/or maintaining regulation levels was deemed important for all the organisations in the study as a critical element in helping people to resolve their problems, especially considering that one’s immigration status is essential to accessing key services in the UK (e.g. housing, health, education, work). However, becoming OISC regulated can be complex and resource-intensive for organisations. Upon satisfactory assessment of an initial application to the OISC, a licence will be issued. Thereafter, an organisation is required to maintain or upgrade the regulation level, go through an OISC audit process regularly and re-apply annually for re-registration. For some advice organisations, “just the prospect of having to produce all these policies and procedures [to comply with OISC] when they’re first starting out is a bit daunting” [P21, OISC]. Through the FIAP, Refugee Action has raised awareness about the requirements placed upon

advice organisations by the law and supported organisations to consider whether or not to register with OISC and if so, at which level. Furthermore, it held quarterly meetings with the OISC to raise issues brought by the participants in the project and make suggestions and co-author information to bring concerns around regulation to the people who have the most power to address them.

Finally, a major challenge for all the organisations in the study was a concern about ongoing and future funding. The fact that the FIAP programme was offered free of charge was therefore greatly appreciated.

The FIAP in contexts of limited opportunities for capacity development

Many interviewees referred to limited opportunities in the Voluntary and Community sector to develop new skills or knowledge in the area of immigration advice, noting that, where it exists, it is usually offered by for-profit organisations at a prohibitive cost. ‘Training’, usually in the form of a member of staff going somewhere for a few hours or days, seems to be the dominant vehicle for building capacity in the sector. The FIAP programme offers an alternative model for developing capacity by remote participation and at no cost, enabling increased access to specialised knowledge and skills.

A further consideration for training providers is that frontline workers need effective supervision once they are qualified to give immigration advice; otherwise, the new practice that one has developed during training remains “one isolated aspect of your experience, where the rest of the time, you’re just doing the same things over and over” [P20, trainer]. A lack of available networks of support for immigration advisors was noted in the interviews.

This might contribute to the high turnover of staff observed in the sector. As a result, unless there are systems and processes in place in an organisation to support new work activities their staff are newly qualified to do, training alone is inadequate. Concerns by at least two organisations were expressed regarding the delivery of immigration advice, post-training and after having been granted OISC regulation: “How do we actually turn these people from having that Level 2 into being experienced advisors that can actually deliver casework?” [P1, lead].

A few interviewees referred to supervision arrangements as a way to support newly qualified members of staff within an organisation to develop their practice further – even though this arrangement would be challenging for small organisations. Another way for organisations to develop capacity is through partnership work in their local areas. Examples of partnerships with law clinics based in local universities or with other advice organisations were reported. However, despite these solutions, the demand is often seen to outstrip the supply.

The FIAP as a framework to engage with the challenge of access to justice

According to one of the trainers, the FIAP “enables training to take place where people would have much less access if the project didn’t exist” [P20, trainer]. A great majority of the interviewees from the six organisations were highly positive about the FIAP and expressed that their

expectations of the FIAP had been met, or even exceeded. Having access to expert trainers (who were experienced legal advisors) was particularly valued. Some interviewees also commented on the benefits of learning together with colleagues during their participation in the webinars, and also of the ongoing network for peer support that the programme offered.

The FIAP was also seen as a good preparation for the OISC examination. Examinations were a cause of anxiety for some (“pretty nerve-wracking actually” [P14]). Furthermore, it was observed that, whilst many trainees attended the training, only a small proportion registered for the OISC examination. A fear of failure might be the reason, which might also raise concerns around the future of trainees’ posts in their organisation. In response to this, Refugee Action introduced short, online revision courses to support assessment preparation, which several interviewees appreciated.

The primary mode of delivery of the training was through live webinars; this was seen to be a practical way of enabling all participants to participate from different locations, especially as it allowed for small groups to carry out breakout activities. The option to study asynchronously and independently was also offered, and this was seen by a few participants as a viable flexible alternative to the live webinar. The FIAP training materials, in keeping with the OISC syllabus, received praise for being well organised, clear and understandable to a lay person: “I think without that, that I couldn’t possibly have [passed the exam]” [P3].

The five organisational leads and managers interviewed were also appreciative of the support they had received through the FIAP. Despite evidence that the process of registering with OISC had felt intimidating at first, these individuals felt that they had overcome this stumbling block through the support by Refugee Action.

While most of the feedback on the FIAP programme was resoundingly positive, concerns about the amount and complexity of information to process came up repeatedly, especially for people with a non-legal background and who had not engaged in formal studies for some time. It was suggested that some learners might benefit from a more basic introductory course, whilst another suggestion was to break down the content into smaller pieces of learning (micro-content). Interviewees also wanted to work through more scenarios and examples from their own practice and suggested that more opportunities for interaction between participants would make the training more engaging. A number of participants found the requirement for synchronous participation at specific times to be restrictive and would appreciate more options for asynchronous participation. Furthermore, whilst interviewees felt that the information gained was useful, some felt there was inadequate preparation for applying their newly gained knowledge in practice. This would require engagement by senior management and organisational leads to consider how newly trained staff could benefit the organisation. The organisational leads also expressed a desire for support in doing this.

A few participants wished for face-to-face events to be organised locally or regionally as follow-up to the FIAP,

even though they recognised the difficulties involved, whilst several participants requested support for networking with other organisations in their local areas.

The FIAP as an Open Education Initiative for Social Justice

The study presented in this paper is concerned with the design and implementation of a digitally enabled professional programme that provided learning opportunities for frontline workers in the refugee sector in the UK to support them in developing new forms of legal practice. A lens on social justice was adopted (Fraser 2005) that lent a distinctive shape to argue the case for social justice being foregrounded in open education.

At the outset of this paper there was a recognition that there is an “explicit social justice intent” within open education (Hodgkinson-Williams 2019), which builds on the belief that everyone should be able to access and participate in good quality education. For this to happen, specific arrangements need to be made; otherwise “participatory parity” in Nancy Fraser’s (2005) terms will not prevail. The paper drew on the FIAP programme and considered this as one such arrangement within the Voluntary and Community Sector. It offered empirical evidence from a study that examined its design and implementation.

At the core of the FIAP is a *deliberate iterative design*, intending to respond and be relevant to the needs of organisations and frontline workers in the sector. As described in earlier sections, the resources used in the various online training sessions, as well as tools developed (e.g. online platform), were designed from scratch to serve this purpose. Deliberate iterative design is a characteristic of cognitive justice, as it takes into account the contextual constraints for beneficiaries. The FIAP resources took into consideration characteristics of the system within which the FIAP is situated. These included, among others, challenges with the regulatory system, dispersed organisations across the country, increasing need for legal advice and lack of opportunities for professional development for frontline workers. The programme underwent various iterations throughout the first phase as a result of Refugee Action’s engagement with organisations and workers, which might signal a move from cognitive to representational justice. However, the programme was predominantly designed by members of staff in Refugee Action, and the co-creation of resources with trainees, where for example they could bring their own cases, and their own histories and knowledge into the training, was not integral to the design decisions of Phase 1. This might have been a missed opportunity, as it would be considered an act of representational justice. Refugee Action is considering including this into future iterations of the FIAP.

Furthermore, the FIAP integrated a system of *support* for organisations and workers into a context, which as shown in the analysis, is of severe complexity and resource constraints. Support was operationalised through dedicated team roles within the team at Refugee Action, tasked with this responsibility (e.g. responding to queries, visits to organisations, organisational development support), whereas the training always provided human interaction delivered through trainers/tutors

and peers, which remains core “to assure the delivery of personalised support at a distance” (Tait 2018: 109). Additional resources were created over the course of the programme (e.g. refresher and revision courses), and Refugee Action encouraged wider participation through virtual networks. Enabling and facilitating interactions and offering advice and support are seen as a characteristic of redistributive justice.

Another point that emerges from the analysis is the *access to, and flexibility* of provision, in that frontline workers could take part in the training from anywhere in the country given its mode of delivery as live webinars. This is linked to the principle of recognitive justice as it recognises that location may restrict access to opportunities. Furthermore providing, as well as supporting/encouraging, access to free *resources* to workers who traditionally suffer from lack of opportunities is redistributive justice in action (Lambert 2018; Hodgkinson-Williams & Trotter 2018). It minimises the cost for accessing educational opportunities and increases the chance for these workers to succeed in the exams and become OISC accredited, which as shown in the analysis is a cause of anxiety for many. Redistributive justice can be also linked to another unique characteristic of the programme, namely that it was offered to frontline workers in the advice sector (staff and volunteers), independent of roles they had in their organisation or background.

The extent to which the FIAP is able to be open, in the sense of being openly accessible to all, is necessarily limited by the broader political context in which the FIAP is operating. In Phase 1, the FIAP resources and training courses were made available, for free, to selected organisations that Refugee Action had an agreement with, and to frontline workers identified by senior members of staff in those organisations. This feature marks a distinction from the traditional concept of open education, which assumes open access to all. Refugee Action deliberately opted for this due to the strict regulation of immigration advice in the sector, thus mitigating any unintended consequences that fully open access might lead to; for example, individuals offering legal advice to refugees and people seeking asylum without being supported by a knowledgeable agency, potentially resulting in the provision of poor advice and thus exacerbating the very social injustice that Refugee Action aims to counter. Whilst recognising the legitimacy of this approach, some readers might inevitably have concerns about who benefits from the programme. Decisions about who was to participate in the training were made by senior management in each of the enrolled organisations, and the criteria for who to include, and on what basis, did not seem to be clearly established. Therefore, certain professionals might have been excluded, whilst others who are already empowered and privileged might have benefitted. There is no obvious solution for Refugee Action here, but they are considering offering some fully open-access resources in the future, starting with an open Awareness Raising course.

Related to this, another important characteristic of the FIAP is its focus on learning that is ultimately enabled and also structured by the workplace. For learning to be effective, the FIAP places attention on two interconnected

areas: first, a programme that advances *knowledge and skills* and second *adapting the workplace* (Littlejohn, Charitonos & Kaatrakoski 2019). Refugee Action took the position that developing skills and knowledge in itself is not sufficient to tackle poor legal advice. Instead, training has to be accompanied by support to organisations to review and reorganise the work environment, which according to Tynjälä (2008) sets the conditions for learning. The analysis showed that applying newly gained knowledge in practice is a challenge for organisations and professionals. So, in order for learning from the training to be put into practice, an advisor should practise within an environment that, for example, promotes peer-learning and support (e.g. through supervision) and is supported to give advice in a sustainable way which is well incorporated into an organisation's model of service delivery. Alongside this, Refugee Action also engages with the OISC to ensure that it raises the voice of the sector to the regulator. These elements can be seen as a move across redistributive to recognitive justice and representational practice. However, this poses a challenge for Refugee Action in relation to the open nature and the scalability and sustainability of the programme. This challenge emerged because of Refugee Action's decision to restrict access to the FIAP programme in Phase 1, as explained above. In this case, demonstrating care for the consequences that may occur when releasing resources related to an area of knowledge work such as immigration law that may have such potentially negative life-changing consequences for secondary beneficiaries, can be seen as itself a powerful act of social justice.

In conclusion, the FIAP was used as a case in the paper to show how open education and social justice principles combined can be applied in a programme that is not situated within traditional educational settings. As discussed in the paper, the ‘hostile environment’ that has been created in recent years in the UK is a potent instrument of injustice, which operates at the expense of vulnerable groups such as refugees and people seeking asylum. Under these circumstances, the political aspect of justice is hard to ignore. For those individuals who are affected by a reduced number of advice centres and are denied the opportunity to access good quality advice, the FIAP offers a tool to mitigate this injustice. Although the programme does not directly involve refugees and people seeking asylum in its design and delivery, it maintains a view of their needs, enables a range of outcomes that will benefit them in the long term and projects an interest in their self-determination and equitable representation, which is well aligned with representational justice.

Conclusion

Access to justice is a key part of a functioning asylum system. It is essential that all those who need it are able to turn to experts and receive good quality legal representation. Frontline workers are positioned at the heart of this complex situation, bound by a professional ethos to operate as intermediaries, who are tasked with solving problems and safeguarding collective and individual interests. There is an urgent need in the refugee sector to develop good professional practice around legal advice.

This paper provided an empirical study that was concerned with a digitally enabled professional programme in the UK Voluntary and Community sector. It has highlighted the importance of adopting a social justice lens to develop a better understanding of open education within such programmes. The key contribution of this paper is that it proposes six dimensions for social justice approaches to professional learning as demonstrated through the case of the FIAP: i. deliberate iterative design; ii. access to provision; iii. flexibility of provision; iv. development of resources; v. support and vi. advancing knowledge and skills whilst adapting the workplace. All these dimensions should be carefully considered in order to create spaces for practice and care for the most vulnerable, as well as for those involved in the provision of services. Such an approach will help to address some of the systemic issues affecting the refugee sector and will also support empowering, enhancing legal literacy and self-agency for professionals in the sector.

There are three limitations of this study. First, the study reflects the views of a relatively small number of professionals in specific contexts, and therefore any generalisation to wider professional communities should take this into consideration. Second, the six participating organisations are based in England, hence their views might not be representative of organisations in the other three nations of the UK. Finally, it could be seen as a limitation that the study was funded by Refugee Action. Despite this, it was developed as a partnership, where staff members and researchers worked closely together in all phases of the study, including in its dissemination, as is reflected in the authorship of this paper.

As with many complex problems, there is no simple solution to ensuring a socially just way of meeting the need for frontline workers to be equipped to give immigration advice to vulnerable refugees and people seeking asylum, in a constantly changing and highly-charged political environment. The case of the FIAP, as analysed here, demonstrates a framework for working with organisations to provide holistic support for professional learning across an entire sector, with a longer-term aim to increase impact through openness. This is particularly important, given that the use of digital and online technologies for learning in sectors other than traditional educational settings is currently expanding.

Notes

- ¹ The Office of the UK's Immigration Services Commissioner (OISC) is the UK's regulatory body for non-legal organisations and professionals <https://www.gov.uk/government/organisations/office-of-the-immigration-services-commissioner>.
- ² <https://www.refugee-action.org.uk/frontline-immigration-advice-project/>.
- ³ <https://www.refugee-action.org.uk/frontline-immigration-advice-project/>.
- ⁴ A second 'follow-on' phase of the FIAP was launched in May 2019 for 3 years.
- ⁵ <https://www.gov.uk/government/organisations/office-of-the-immigration-services-commissioner>.

- ⁶ The OISC regulates organisations and within regulated organisations it authorises advisors to practise at three different Levels (Levels 1–3). The Levels at which advisors are authorised depends on the nature and complexity of the work their organisations wish to undertake.

⁷ <http://learn.refugee-action.org.uk>.

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Competing Interests

KC and CB are employed by The Open University, which received payment from Refugee Action for the research that informed this study. CA is employed by Refugee Action. GW completed paid consultancy work from The Open University as part of the data acquisition for this study.

Author Contributions

Koula Charitonos was the principal investigator, providing conceptual oversight of the study, leading the research design, gathering, and analyzing the data. Carolina Albuerne-Rodriguez is the Head of the Good Partnerships Team at Refugee Action that led the design and implementation of the FIAP. Gabi Witthaus was the researcher, supporting the data analysis and interpretation. Carina Bossu supported conceptualisation of the paper around the concept of open education.

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