

The impact of Brexit on children: Key policy recommendations for the new government

Although children had no say in the EU referendum, the result will have a profound impact on the lives of children and young people for many years to come. For this reason, it is critical that Parliament considers the impact of Brexit on the rights of children and young people and urges the Government to put the best interests of children first.

This briefing addresses four key areas of concern which need to be resolved before the UK leaves the European Union – EU migrant children living in the UK, the safeguarding of children after Brexit, the potential impact on child poverty, and ensuring that children's voices are heard in decision making.

Policy recommendations for addressing the impact of Brexit on children and young people

- Act in the best interests of EU children living in the UK**
 - Make a commitment to all EU children living in the UK that decisions about where they live will be based on their best interests, not just their parents' employment history.*
- Protect children's safety**
 - Ensure that the UK has continued membership of Europol and Eurojust, and participation in the European Arrest Warrant and other necessary cross border mechanisms, to maintain and improve safeguarding for children on and offline.*
- Take action against child poverty**
 - Commit to retain or replace provision for children in disadvantaged communities currently paid for through the European Social Fund and other programmes.*
 - In the context of increased inflation rates following the decision to leave the European Union, the Government should end the freeze on benefits and Tax Credits for children and families, which is currently in place until 2020.*
- Give young people a say**
 - The Government should commit to ensuring that children's voices are heard on decisions about how we leave the EU.*

1. Residence rights for children from EU countries

In working out the future residence rights of EU nationals in the UK, there is a risk that the status of EU national children will be overlooked. If the right to stay is based on demonstrating 'permanent residence', many children will be denied residence rights. Permanent residence rights are mainly based on five years of economic activity, and as children are not economically active; their residence rights are at best parasitic, derived from their parents. Those parental rights are increasingly contested, due to a new approach to defining migrant work. Parents working part time may find it harder to accrue permanent residence rights. This may have a particularly acute impact on children in lone parent families. Children have no control over their parents' migratory and employment choices or misfortunes. Children who have lived in the UK for many years, and children who were born in the UK and have never lived anywhere else, are at risk of falling through the gaps in the provisions and being unable to claim permanent residence. Decisions about the allocation of future residence rights should not forget these EU citizens, and children's best interests (whatever their nationality) must be a primary consideration.

The Government should make a commitment to all EU children living in the UK that decisions about where they live will be based on their best interests, not just their parents' employment history.

2. Safeguarding children post-Brexit

Child safeguarding is an issue that transcends borders, so must be addressed when working out how the UK and EU will cooperate in the future. The European Commission is working towards an early warning system for missing children that is operational across the EU; it has proposed child specific provisions for the Common European Asylum System; and it has proposed principles for an integrated child protection system. Europol's European Cybercrime Centre supports Member States in tackling the cross-border use of new technologies in child sexual exploitation, while Eurojust assists in fighting serious cross-border crimes concerning children, such as human trafficking, and its contact point for child protection issues provides advice and support to Member State authorities. What is more, the European Arrest Warrant helps to ensure that suspects are returned to the appropriate jurisdiction for trial quickly. This has helped bring perpetrators of child abuse and neglect and other crimes against children to justice, both in the UK and across the EU.

If the UK is no longer a member of these organisations, and is no longer party to Commission action in this area, then we will likely need some form of association and cooperation agreement, to avoid being cut out of necessary, complex and developing child protection mechanisms.

The Government should ensure that the UK has continued membership of Europol and Eurojust and participation in the European Arrest Warrant and other necessary cross border mechanisms, to maintain and improve safeguarding for children on and offline.

3. Child Poverty after Brexit

4 million children currently live in poverty across the UK, by 2020, the Institute for Fiscal Studies forecast that this will rise to 5 million. A key driver of this is the current freeze on benefits, coupled with the rising cost of living. It is unacceptable that the rising cost of living is being borne by the poorest children and families.

The problem is set to continue, as the decision to leave the European Union presents risks to consumer price inflation – driven in particular by the falling value of the pound. In March 2016, the Office for Budget Responsibility forecast that prices (as measured by the Retail Prices Index) would rise by 2.8% in the year to the first quarter of 2018, by March 2017, this projection had risen to 4%. Meanwhile real terms wages are set to fall and the freeze on the value of benefits for children and families is set to last until the end of the decade.

In the context of increased inflation rates following the decision to leave the European Union, the Government should end the freeze on benefits and Tax Credits for children and families, which is currently in place until 2020.

Given its focus on the “sustainable integration of young people” into the labour market, access to the European Social Fund and the Youth Unemployment Initiative is an important source of funding for projects aiming to address the social inclusion and employability of young people. The ESF share of €4.9 billion is funding six operational programmes in Wales, Scotland, Northern Ireland, England and Gibraltar, and includes €206 million for the Youth Employment Initiative (YEI).

If this money is not retained or replaced, the impact would be particularly acute in the context of children’s rights for three key reasons. First, the ESF supports projects for which there is little alternative funding, particularly for young people who are NEET or at risk of homelessness. Second, within devolved nations, the fund provides particularly high levels of support – for instance, within the West Wales and the Valleys Local Enterprise Partnership, it accounts for £101 per person - and consequently, losing access to these funds would have a disproportionate impact on devolved nations and represent a significant loss in cash terms. Third, in the context of cuts to Local Authority budgets, the ESF has become an important part of supporting the work of local government in mitigating the impact of welfare reforms and supporting interventions with young people, particularly through providing financial assistance to local voluntary and community organisations.

The Government should commit to retain or replace provision for children in disadvantaged communities currently paid for through the European Social Fund.

4. Engagement with children and young people

It is clear that Brexit presents many issues affecting children and young people, which must be addressed in the course of leaving the European Union. However, equally important is ensuring that the voices of children and young people themselves are heard in decisions to be made on how we leave the European Union. The Government should consult with experts and organisations representing children and young people about the more effective way to give children a meaningful say in decisions relating to Brexit. It should then establish formal processes for engagement with young people before the Brexit bills begin their passage through Parliament.

The Government should commit to ensuring that children's voices are heard on decisions about how we leave the EU.

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