



Children's
Rights Alliance
for England

STATE OF CHILDREN'S RIGHTS IN LONDON



The Children's Rights Alliance for England (CRAE) seeks the full implementation of the UN Convention on the Rights of the Child in England. Our vision is of a society where the human rights of all children are recognised and realised.

CRAE protects the human rights of children by lobbying government and others who hold power, by bringing or supporting test cases, and by using regional and international human rights mechanisms. We provide legal information, raise awareness of children's human rights, and undertake research about children's access to their rights. We mobilise others, including children and young people, to take action to promote and protect children's human rights. Each year we publish a review of the state of children's rights in England. This is the first time CRAE has produced a state of children's rights in London report.

ACKNOWLEDGEMENTS

We are very grateful to Trust for London for funding this report, and especially to Mubin Haq, Director of Policy & Grants, for his advice and support throughout the project.

We would also like to thank the organisations who supported us to conduct focus groups with children and young people, and the children and young people who gave their time to share their views and experiences with us.

CRAE has benefitted enormously from the advice of experts in compiling the *State of Children's Rights in London* report. We would like to thank the members of our advisory group who helped us to define the scope of the research, identified sources of information and commented on drafts of the report. We are hugely grateful for their time and expertise. They are:

Dr Angela Donkin	Institute of Health Equity at University College London	Naomi Danquah	UNICEF UK
Jill Roberts	Institute of Health Equity at University College London	Rys Farthing	Child Poverty Action Group
Hannah Aldridge	New Policy Institute	Ade Sofola	Save the Children
Paul Hocker	London Play	Lisa Davies	Office of the Children's Commissioner for England
Dr Cath Larkins	University of Central Lancashire	Dr Jose Figueroa	NHS Hackney and City
William Tonkiss	Greater London Authority	Mubin Haq	Trust for London

We are also very grateful to Tim Bateman, University of Bedfordshire, John Connolly, Office of the Children's Commissioner for England, Rachel Hodgkin, Children are Unbeatable, David Hounsell, The Children's Society and Bill Badham for their expert comments on an earlier draft of report

Many other individuals and organisations provided us with evidence for the report. We are grateful to the following: Aline Cole-Albäck, ACE Children's Centre and Nursery, Becca Jones, Volunteer Centre Bexley, Caroline Needham, Hammersmith & Fulham Shadow Cabinet Member for Education and Children's Services, Cathy Ashley, Family Rights Group, Clive Grimshaw, London Councils, Em Williams, FORWARD UK, Fiona Smith, Royal College of Nursing, Iro Emokpae, AFRUCA, Jennifer Twite, Just for Kids Law, Jonny Butterworth, Just Fair, Karen Goodman, British Association of Social Workers, Karolina Kozcovicz, Ealing Community and Voluntary Service, Kitty Healy, CAF/CASS, Liz Davies, British Association of Social Workers, Melian Mansfield, London Play, Michelle Younger, The Children's Society, Mital Raithatha, Just for Kids Law, Naomi Danquah, UNICEF UK, Ogechi Okoli, Save the Children, Rasal Sesay, Action for Prisoners' Families, Sarah Milan, Core Assets, Sharon Vickers, British Association of Social Workers, Tara Flood, Alliance for Inclusive Education and Veronica Sharp, Mermaids.

Any views expressed or errors in this report are CRAE's and do not reflect the views of these individuals and organisations, or of CRAE's members.

Report authors: Carla Garnelas, Heloise Hartley, Catherine Hodder and Paola Uccellari. CRAE would like to express particular thanks to Heloise Hartley and Cadi Davies for their time researching and drafting this report.

CONTENTS

Executive summary	4
Introduction	9
About children's rights	11
London children: the context	13
1. Structures to put children's rights at the heart of decision-making	18
2. Family life and alternative care	24
3. Health	36
4. Standard of living	48
5. Education	55
6. Play, culture and rest	70
7. Civil liberties and the criminal justice system	77
Conclusions	87

EXECUTIVE SUMMARY

Children's rights are the basic things children need to thrive, such as an adequate standard of living, an education, to be cared for, and to play. They also recognise that children must be protected against harm and should not be inappropriately criminalised.

Where public bodies put children's rights and interests at the heart of their work, they can ensure better outcomes for children, more effective service delivery and efficient use of resources, and, ultimately, avoid legal action. Almost every decision a public body makes will affect children's rights. This is true not just in those areas which most obviously influence outcomes for children, such as education, children's services and health. Many other decisions, such as regeneration policies, planning decisions and transport policies, affect the environment in which children live and the way in which they are treated. Children's rights should shape all of these decisions.

This report examines the extent to which public bodies in London are fulfilling children's rights under the UN Convention on the Rights of the Child (UNCRC). It is based on official statistics and information gained through both Freedom of Information requests and focus groups with children and young people.

Structures to ensure children's rights are at the heart of decision-making

Children told us what they know about children's rights, and why rights are important for them:

A children's right is something that every child should have regardless of who they are, or where they come from, or what type of background, or anything like that. It's something every child should have.

It's what all children are entitled to no matter how they are as a person, whether they are disabled or not whether they are ten or two. It's just something that every child gets.

Responses to our Freedom of Information requests indicate that local authorities in London are failing to appreciate the extent of their obligations under the UNCRC and are not putting them at the heart of their decision-making for children. Their responses indicate that they understand "children's rights" to be limited to children's right to be involved in decision-making (the right to participate under Article 12 of the Convention). There seems to be no awareness of their broader obligations under the Convention to (among others) promote positive outcomes for children and tackle inequality in care, health, living standards and education, facilitate children's right to play, culture and rest, and protect them from harm in the criminal justice system. This lack of understanding may account for the fact that not one London borough indicated that it has an action plan or strategy for the implementation of children's rights.

While a substantial number of Councils are ensuring that professionals who work with children receive training on children's rights, seven provide no such training. All London boroughs have in place mechanisms, such as a youth council, to support children's participation in Council decision-making, but younger children tend to be excluded from these mechanisms.

Family life and alternative care

Looked after children should have the opportunity to influence the way in which children's services are run via Children in Care Councils. While all local authorities apart from City of London have a Children in Care Council, in five boroughs (Barnet, Hackney, Havering, Kensington and Chelsea and Wandsworth) the Children in Care Council did not meet with the Director of Children's Services (DCS) at all in 2012. This calls into question how impactful and influential these mechanisms are in practice. At the other end of the scale, Harrow's Children in Care Council met with the DCS 12 times and Haringey's met with the DCS seven times in 2012. Younger children's views are not always represented on the councils. While in Sutton and Southwark the youngest

representatives are five and six respectively, in four boroughs, the youngest representatives are 15 or over (Croydon (15), Richmond upon Thames (15), Kingston upon Thames (16) and Merton (17)).

The location of a looked after child's placement can affect their safety and can interfere with the child's schooling, health services, relationships, and social life. A far higher proportion of children in London than in England are placed far away from home. In England, 12% of children are placed out of area and more than 20 miles from home. All but three London boroughs fare worse than the national average, and in both Newham and Kensington and Chelsea 25% or more of looked after children are placed out of area and more than 20 miles from home.

Like all young people, looked after children are likely to need support from carers beyond their 16th birthday, and so local authorities are encouraged, but not currently obliged, to allow looked after children to stay in care for longer. In England, 66% of children are in care until their 18th birthday. In all but eight London boroughs a higher proportion of children stay in care until this point. In Hammersmith and Fulham, Islington, and Croydon 80% or more of children were looked after until their 18th birthday. However, in Lewisham, Hillingdon, and Wandsworth less than 60% of children remain looked after until 18, and in Tower Hamlets shockingly only three per cent of children are cared for in this way.

There was broad agreement amongst focus group participants with one young person's views about leaving care: *'It's the worst part of the care system'*. Young people talked about a lack of advice and support on leaving care:

You're on your own... That's it.

They don't care anymore... They abandoned you.

You can feel the difference, like... wow. You're really, really alone.

When children are young they have dreams... You have your dream – what you want to become. You know, when I grow up maybe I want to be a doctor, I want to be an engineer. Why don't you just support them to be whatever they want to be, instead of just leaving them half way?

Care leavers in London are more likely to be in education, employment or training when they reach the age of 19 than care leavers in England as a whole. In England, 34% of children who were looked after at 16 are not in education, employment or training at 19. All but 11 London boroughs were doing better than this. However, in Barking and Dagenham 42% of looked after children are not in employment, education or training when they reach 19, whilst in Tower Hamlets and Sutton the equivalent figure is 16%.

Health

In 2013, the president of the Royal College of Paediatrics and Child Health said that the child death rates in the UK represented 'a major crisis'. In many (18) London boroughs, child mortality rates are higher than the national average of 13.7 in every 100,000 children. However, rates vary widely across London. In Kingston upon Thames, Camden, Kensington and Chelsea, Barnet and Wandsworth, child mortality rates are half those in Westminster, Merton and Hackney. This does not correlate directly with poverty, with child poverty rates in Merton (17.7%) and Havering (18.9) amongst the lowest, and Camden amongst the highest (33.6%).

Breastfeeding has huge health benefits for children. Breast milk contains all the nutrients infants need and antibodies to combat disease, and breastfeeding lowers the risk of health problems later in life. The bond between mother and baby created by breastfeeding has been found to have a positive impact on the child for life. Breastfeeding rates are far higher in London than the national average, with breastfeeding initiated at birth for 87% of babies, compared with the national average of 74%. In eight London boroughs breastfeeding is initiated for more than 90% of children and in seven boroughs 75% or more of children are still breast feeding at 6–8 weeks. The national average at 6–8 weeks is 47.2%.

A greater proportion of children in London are malnourished than children in England as a whole. In eight London boroughs, the proportion of children who are underweight in Reception is at least twice the national average. Obesity is also a bigger problem in London than in England as a whole. In six London boroughs, one in four children in Year 6 are obese, compared with less than one in five England.

There is a disappointing lack of data available at the local level about children's access to mental health services and outcomes in mental health. This raises questions as to how public bodies can measure and advance children's enjoyment of their rights in this area. Children we spoke to told us that there was too much pressure on children, which can cause stress.

Standard of living

Child poverty is far higher in London than the rest of the country, with 36% of children living in relative poverty. There is a huge disparity in child poverty rates across London. More than 45% of children in Tower Hamlets are living in poverty, whilst 10% of children in Richmond upon Thames do so.

Bed and breakfast (B&B) accommodation is recognised as unsuitable for homeless children. For this reason, it is against the law for councils to keep homeless families or pregnant women in B&Bs for more than six weeks. Despite this, 2,350 of London's children were living in B&B accommodation in the third quarter of 2013, more than 500 of which were in Ealing. Hounslow, Westminster, Tower Hamlets and Brent all placed more than 200 children in B&Bs. 521 children in London were housed in B&Bs for longer than 6 weeks, accounting for 71% of total in England. More than half of those were the responsibility of just three local authorities – Ealing, Hounslow and Tower Hamlets.

Education

Currently, levels of achievement in London are higher than national averages, even though poverty affects a greater proportion of children in London. As one might expect, there are variations between the level of achievement in different boroughs, with 80% of children in Kensington and Chelsea, but under 60% in Waltham Forest, Lewisham, and Newham attaining 5+ A*–C at GCSE, including English and Maths. More surprising, is the fact that there is not always an obvious correlation between levels of child poverty in a borough and educational outcomes.

Disadvantaged children tend to do better at school in London than in England as a whole. The attainment gap between children eligible for free schools meals and their peers is far lower than in England as a whole. In Kensington and Chelsea, Lambeth and Southwark, it is less than 10% at GCSE. This is not because every one does equally badly – in these boroughs a higher proportion of children do well at GCSE (as measured above) than in the country as a whole. In Kensington and Chelsea, the attainment gap is extraordinarily low, at 4.2%, while it has the highest overall attainment levels. In Kingston upon Thames and Sutton the attainment gap between rich and poor is over 35%.

Children with special educational needs (SEN) also do far better in London than in England as a whole: 35% of these children in London gain 5+ good GCSEs, including English and Maths, compared to the national average of 27%. There are also enormous differences between boroughs. For example, in Havering just over 20% of children with SEN gain these qualifications, while more than 50% of children in Westminster do so.

Play, culture and rest

There is a lack of information available at the local level about children's access to and participation in play, sport and culture, and many sources of information which were published in the past, are no longer available. Our Freedom of Information requests established that eight local authorities do not have a play or open spaces strategy in place.

There was a general feeling amongst children that they lacked time for play, rest and leisure during the week, owing to school work and commitments such as music lessons and religious worship. Some children thought that children in London are better provided for in terms of play and culture than children elsewhere: *'There's more opportunities in London than outside London.'* However, young people commented that a lack of money can have an impact on the activities and opportunities that they are able to take up, and even who they spend time with. Children talked about a lack of play spaces and facilities for older children, compared to those that are available for younger children. Two young disabled people said that public transport is a significant barrier to what they can do in their spare time. One girl who uses a wheelchair said that she finds public transport *'a nightmare'*, which makes her very *'stressed'*. She said this affects what she does with her friends: *'If I do go on the bus with my friends I kind of feel like they're being made to look after me because other people aren't really doing what they're supposed to be doing.'* She described a bus driver letting her friends on and then shutting the doors and driving off whilst she was left on the pavement.

Civil liberties and the criminal justice system

In 2013, the UN Committee against Torture expressed deep concern at the use of tasers on children and recommended that the practice should be banned. This echoed similar comments by the UN Committee on the Rights of the Child, made back in 2008. However, in London the use of tasers on children increased nearly six-fold between 2008 and 2012. In total, police in London tasered children 131 times in this period. Children were tasered in all but nine boroughs, but police in Croydon, Southwark, Lambeth and Lewisham between them tasered children 51 times – accounting for almost 40% of the total usage on children in London.

Across London as a whole, there was a 66% decrease in the stop and search of children between 2009 and 2013, but use of these powers varies greatly from borough to borough. On average, 91 children are stopped per week in Southwark, as opposed to 19 per week in Kingston upon Thames, Merton, Hillingdon and Sutton.

Children in London are imprisoned at almost twice the rate of children in England as a whole, and there are huge discrepancies in the rate of imprisonment across London. Children in Lambeth are 30 times more likely to find themselves in prison than those in Richmond upon Thames.

Conclusions

In many respects, London's treatment of its children should serve as a model for the rest of the country. Despite high rates of child poverty, London is outperforming national averages in relation to many children's rights indicators. It is well known that education in London is a good news story. This report confirms that overall children do better at school in London than in England as a whole, and finds that the most disadvantaged children, including those eligible for free school meals, with special educational needs and black children, also do better in London. Breastfeeding rates are extraordinarily high in London compared to national averages, which can have huge implications for children's health and wellbeing. London also cares for its looked after children well, with outcomes in terms of suitable accommodation and occupation outstripping national averages.

As one might expect in a city with very high levels of child poverty, in other areas in which poverty has a huge impact, such as health, housing and the criminal justice system, London's children experience poor outcomes. In London rates of child mortality, malnutrition and obesity are all higher than the national average, as are teenage pregnancies. A staggering 70% of the children in England who live in bed and breakfasts are in London, with many of these staying there for longer than the permitted 6 weeks. While the use of stop and search on children has been reducing dramatically, the use of tasers has increased as dramatically and London's children are sent to prison at twice the rate of children in England as a whole.

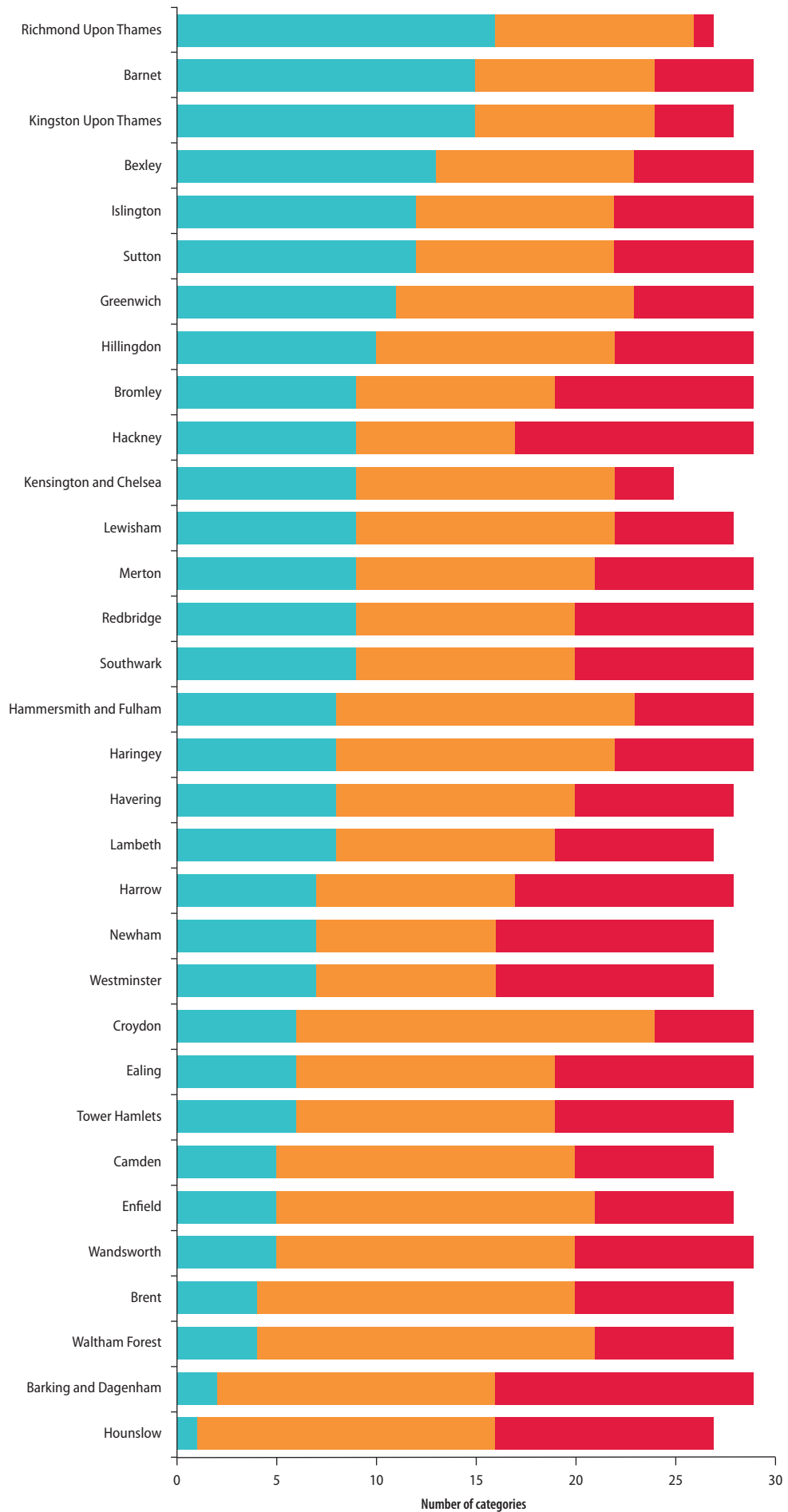
However, to look at London's performance as whole is to miss an important part of the picture. The bigger story is the striking inequality for children in London. Children in the same city can have vastly different outcomes, depending on where they live. Health and educational outcomes vary hugely across London. But more surprising, is that there is not always an obvious correlation between poverty and poor outcomes in these areas. Some boroughs with high levels of child poverty have lower child mortality rates, higher educational outcomes and are less likely to house children in unsuitable accommodation than their more wealthy neighbours.

Moreover, some of the most significant differences in performance relate to boroughs' ability to ensure good outcomes for the most disadvantaged children. The attainment gap at GCSE between children eligible for free school meals and their peers is less than 5% in one borough and more than 35% in others. In some boroughs, the proportion of children with special educational needs doing well at GCSE is double that in other areas. One borough is letting down homeless children by housing more than 500 in B&Bs, while many others avoid this altogether. Imprisonment of children in one area is 30 times that of children in another area.

The report raises questions as to what lies behind the disparity in outcomes for children across London, especially when there is no obvious correlation between poor outcomes and likely contributory factors, such as child poverty. It also provides an opportunity for those public bodies which seem to be serving children less well to identify and learn from those bodies which are doing better.

Public bodies across London must urgently assess their performance in the areas covered by the report, and the reasons behind their poor performance. Children's rights are interdependent – poor outcomes in one area will have a huge impact on children's rights across the board. Local authorities must tackle those problems identified in the report, by increasing awareness about children's rights, and by putting in place plans and systems to implement children's rights in a comprehensive way, taking account of children's rights in all their decision-making.

Summary of borough attainment



INTRODUCTION

This report is the result of a year-long project examining the extent to which public bodies in London are ensuring that children enjoy their rights under the UN Convention on the Rights of the Child (UNCRC). It includes information on:

- 1 The nature and scope of local bodies' obligations under the UNCRC;
- 2 Whether local authorities across London have structures in place to ensure children's rights are taken into account in the development of their policies, practices and spending decisions; and
- 3 The extent to which children in London enjoy their rights in six key areas on which local authorities have a considerable impact:
 - family life and alternative care;
 - health;
 - standard of living;
 - education;
 - play, culture and rest; and
 - civil liberties and the criminal justice system.

This report compares practice and outcomes in all 32 London boroughs. It is based on:

- Official statistics, showing outcomes for children, selected as indicators of whether children's rights are realised in practice in London;
- Information gained via requests made under the Freedom of Information Act 2000 to all London local authorities and Clinical Commissioning Groups (CCG), as well as the Metropolitan Police; and
- The views of 29 children and young people about their experiences in the areas covered by the report, expressed during focus groups.

The report is not a comprehensive audit of compliance with the UNCRC in London. It does, however, provide an insight into the awareness of, and commitment to, children's rights amongst London local authorities, and the impact this is having on children in certain key areas.

Ultimately, a commitment to children's rights requires children's interests to be put at the heart of decision-making by public bodies. It is hoped that this report will help decision-makers in London, and those seeking to influence them, to identify the areas in which more needs to be done to promote better outcomes for children, reflecting their rights, and other local authorities from which they can learn.

Statistics

There is no definitive list of indicators which determines whether or not children enjoy their rights. This report uses indicators which illustrate outcomes for children in many of the areas about which the UN Committee on the Rights of the Child has raised concern when examining the United Kingdom, and in relation to other areas in which academics and expert NGOs suggest more should be done to promote children's rights. The choice of indicators is also determined to some extent by the availability of data. For example, there is a lack of appropriate data relating to children's mental health outcomes. Most of the official statistics referred to in this report were published in 2013 or 2014. Slightly older data is used where the data set is no longer published, but the issue was considered to be an important children's rights issue.

The report does not include statistics in relation to the City of London, save where another borough's statistics also cover the City of London. Some information gained from Freedom of Information requests is included in relation to the City of London.

We have ranked each local authority, and colour-coded them as red, amber or blue:

- **Blue:** Eight local authorities in which outcomes for children are best.
- **Red:** Eight local authorities in which outcomes for children are worst.
- **Amber:** The middle-ranking local authorities.

Where more than eight local authorities have the top eight "scores", we have colour-coded them all blue. Where more than eight local authorities have the bottom eight "scores", we have colour-coded them all red.

Focus groups

We spoke to children and young people from a range of backgrounds, living in different circumstances, including disabled children, children and young people with experience of the care system, children using mental health services, and children from black and minority ethnic backgrounds. Twenty-one focus group participants were under-18, and the youngest was eight years-old. We also spoke to eight young adults aged between 19 and 25 years-old who had experience of the care system. We spoke to children and young people from across London – in Camden, Islington, Kingston upon Thames, Lambeth, Lewisham, Redbridge, Sutton, Tower Hamlets, Waltham Forest, and Westminster.

Freedom of information requests

We sought additional information from local authorities using the Freedom of Information Act. We contacted the Directors of Children's Services in every London borough, as well as the City of London, requesting information on a range of areas including children's rights structures, education, play and poverty. The only local authority not to provide any information was Brent.

We contacted every Clinical Commissioning Group (CCG) in London to ask how they consulted with children on the provision of healthcare services. City and Hackney CCG covers both the City of London and Chelsea, West London CCG covers Kensington and Chelsea and Central London CCG covers Westminster. We received responses from every CCG in London.

To obtain statistics on the use of tasers and stop and search on under-18s, we contacted the Metropolitan Police Service. They provided a breakdown of these statistics by local authority (excluding the City of London). We also requested information on the number of under-18s issued with anti-social behaviour orders, but this information was not provided.

ABOUT CHILDREN'S RIGHTS

What are human rights?

Human rights are the basic things that every person needs in order to thrive, be free and live in dignity. Everyone, including children, has these rights, no matter what their circumstances. Human rights say that children must be respected as people today, not just when they reach 18.

What is the UN Convention on the Rights of the Child?

The UNCRC is an international treaty (an agreement between different countries) that explains what human rights mean for children. Nearly every country in the world has signed up to it. It applies to all children under the age of 18.

It includes the rights that everyone has, such as the right to life and freedom of expression, because children have these rights too. It also sets out rights which reflect children's particular needs and circumstances. These include the right to be heard and taken seriously, the right to family support, to an education, and the right to play. Each right is set out in a section of the UNCRC called an "Article".

The UNCRC gives extra rights to children living in difficult circumstances, including those in trouble with the law, trafficked children, and young refugees.

What does this mean for local authorities?

The United Kingdom signed up to the UNCRC in 1991. This means that all areas of government and the state, including local government, schools and health services, must do all they can to fulfil children's rights.

Local authorities play a crucial role in realising children's rights because of the frontline services that they provide. Healthcare, school provision and social services are just some examples which are instrumental to the fulfilment of children's rights.

Increasing decentralisation of services means that the role of local government in upholding children's rights is becoming even more significant.

Local authorities also have responsibilities under the Human Rights Act 1998. Children can take local authorities to court if their rights have not been respected under this Act.

What are the benefits for local authorities?

Better outcomes for children

If all children's rights are fulfilled, children will do better across all areas of their lives, including education, health, development, and protection from harm. Using a human rights framework enables public bodies to identify those most in need, as well as any gaps in service provision. For example, local authorities around the country are working with UNICEF UK on its Child Rights Partners programme to use a rights framework to prioritise the most vulnerable children. Together, they are developing guidance on planning and delivering services that are grounded in children's rights principles, as well as providing training for local government staff.

Improving service delivery

The best way for local authorities to know whether a service is being delivered successfully is to ask those using the service. A key principle of children's rights is for children to have a say in decisions that affect them and to have these views taken seriously. Compliance with this right can mean better tailored and more effective services.

More effective decision-making

Although children can ask the courts to uphold their rights, this power is very rarely used. The existence of such protection, however, fosters a climate of accountability, which results in more effective decision-making for both local authorities and service users.

As local authorities are faced with increasing financial constraints, it is even more crucial to ensure good value for money. Using a human rights framework creates focus on where local government needs to act.

A human rights framework can assist local authorities in setting priorities, as well as provide a framework for measuring progress. Knowledge of children's rights can aid local authorities in setting out their vision for serving the children in their communities.

A framework for balancing competing interests

Children's rights do not exist in isolation but in the context of families and wider communities. Using human rights principles enables local government to balance competing interests authoritatively and to resolve individual disputes. A rights-based approach is particularly useful in multi-cultural communities, such as in London, because it challenges discrimination and celebrates cultural diversity, while ensuring individual human rights are not breached.

Avoiding legal action

Taking a children's rights approach to service delivery inevitably means that local authorities can reduce the risk of being taken to court for breach of the Human Rights Act.

How are children's rights enforced?

All countries that sign up to the UNCRC must report to the UN on how well they have put children's rights into practice. Governments submit a report to the UN Committee on the Rights of the Child every five years. Charities, Children's Commissioners, and children can also send evidence to the Committee about how well they think government is doing.

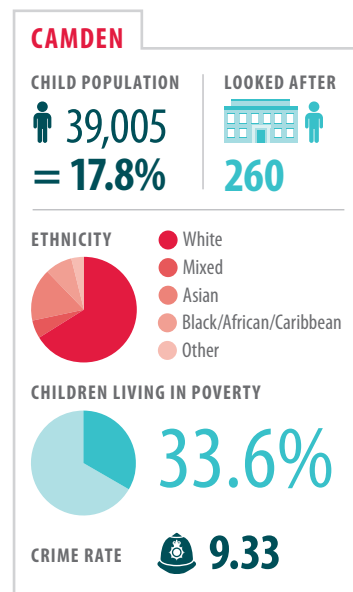
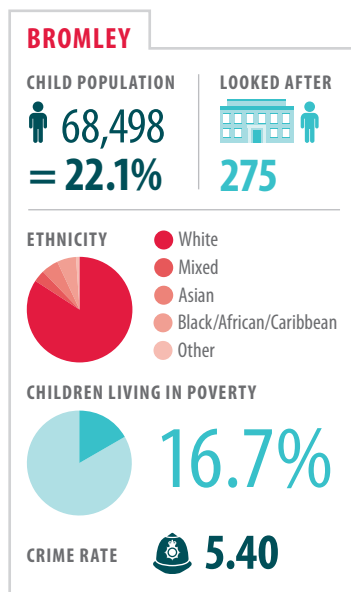
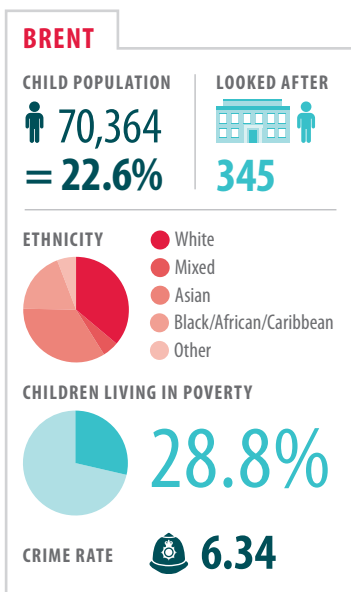
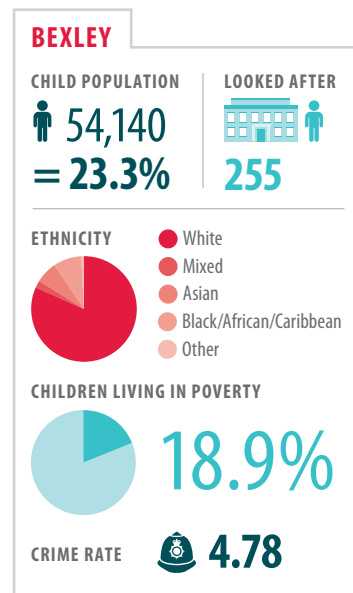
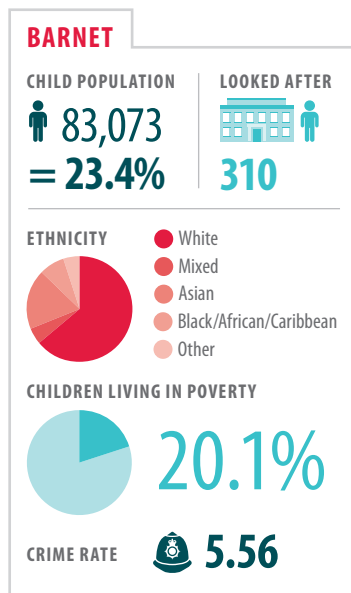
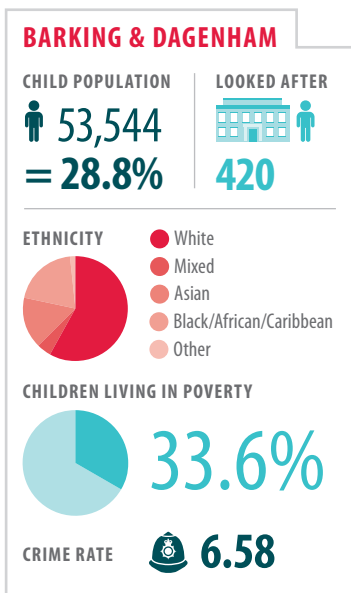
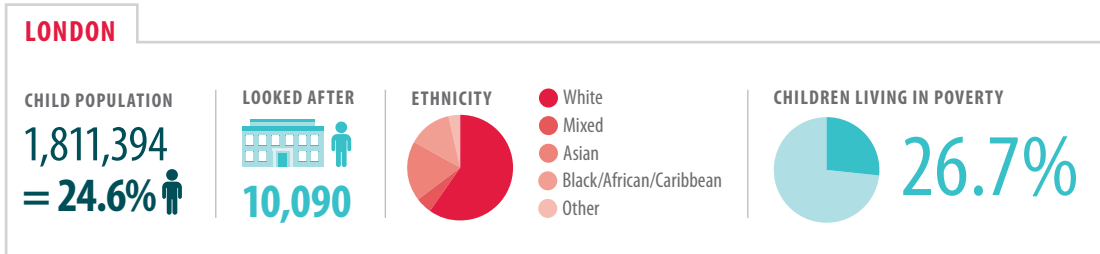
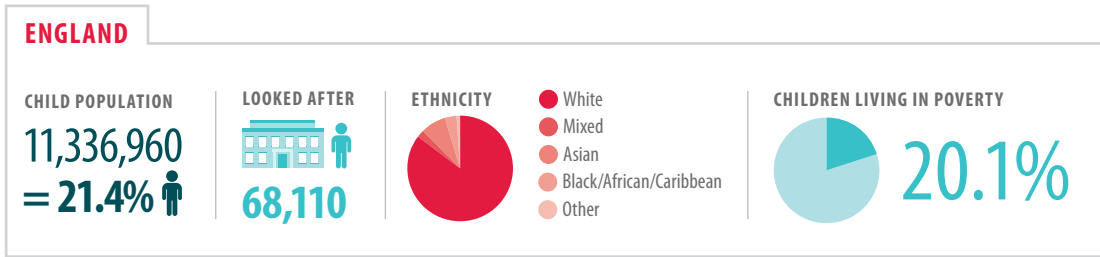
The UN Committee is made up of independent children's rights experts from around the world. Once they have received all the evidence, and heard directly from representatives of those who have submitted written evidence, the Committee makes recommendations on what government needs to do to ensure better protection of children's rights.

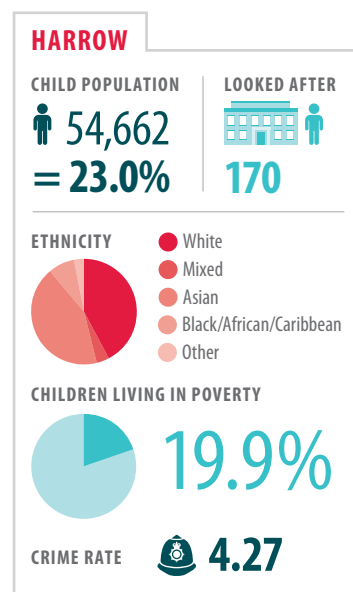
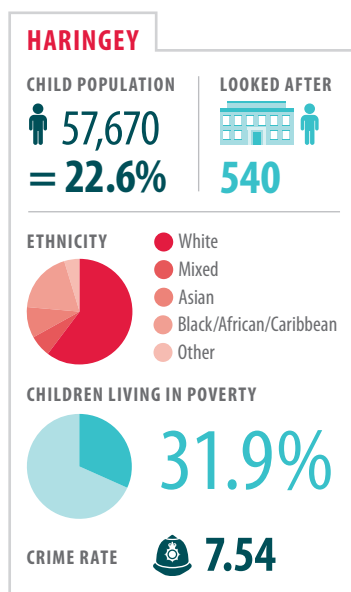
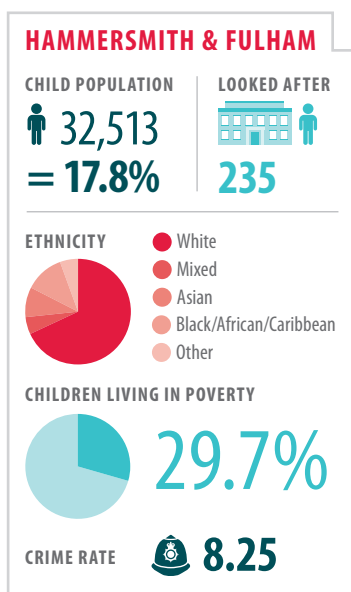
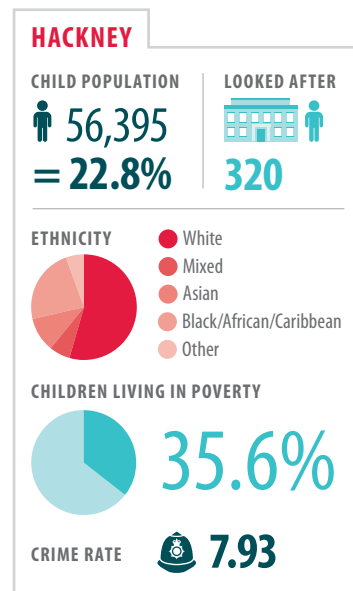
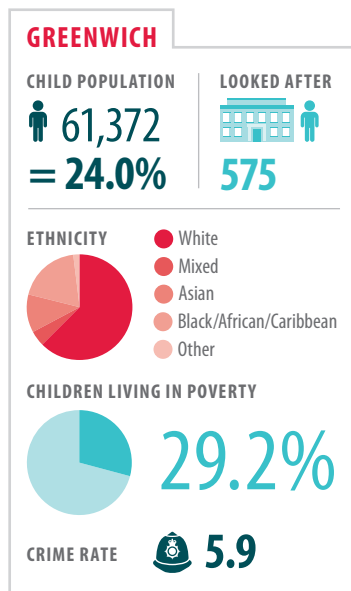
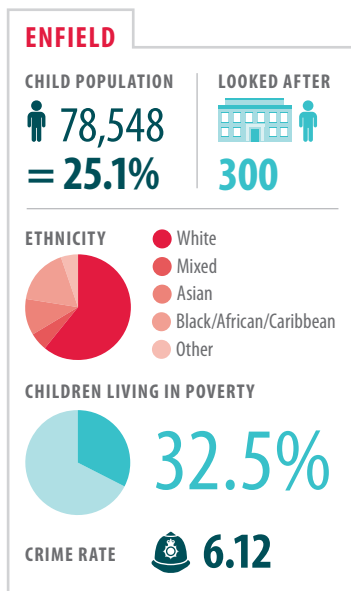
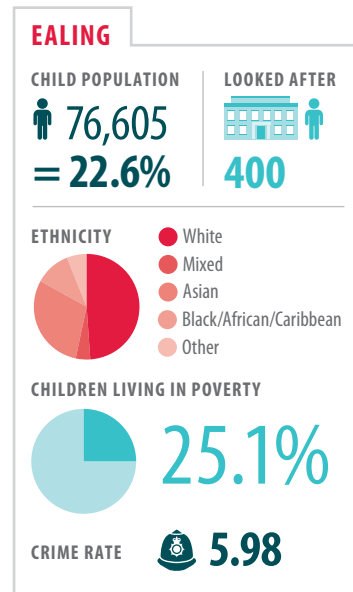
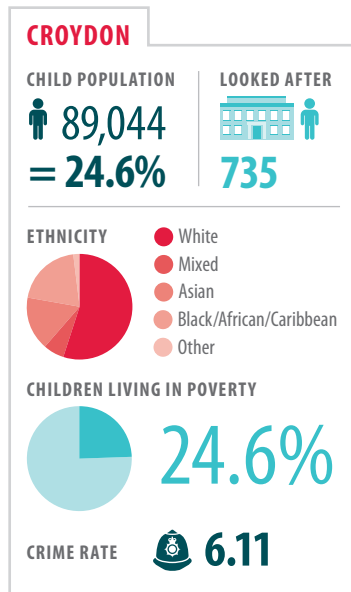
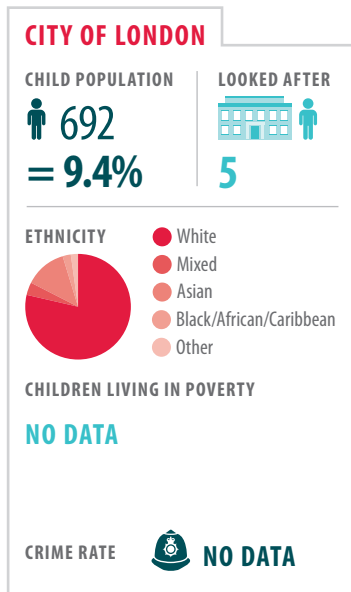
At present, children cannot bring cases under the UNCRC to the UK courts. Children can, however, bring cases under the Human Rights Act. Judges are expected to use the UNCRC to understand how the Human Rights Act applies to children.

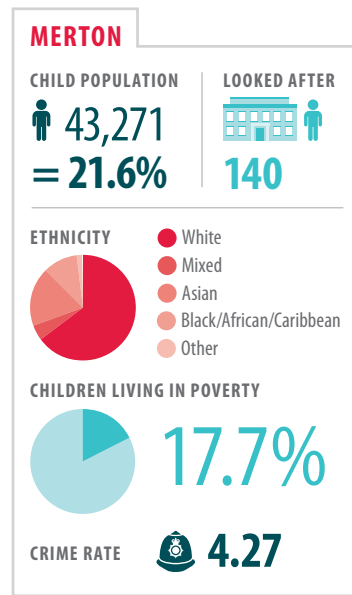
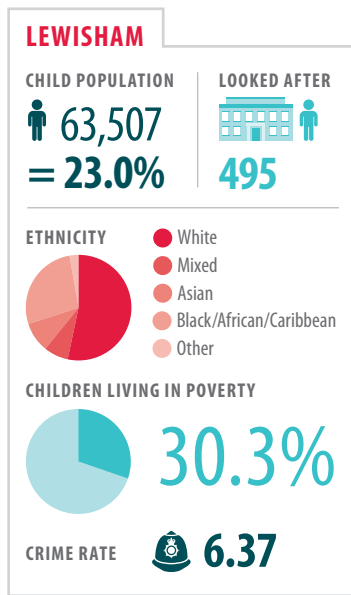
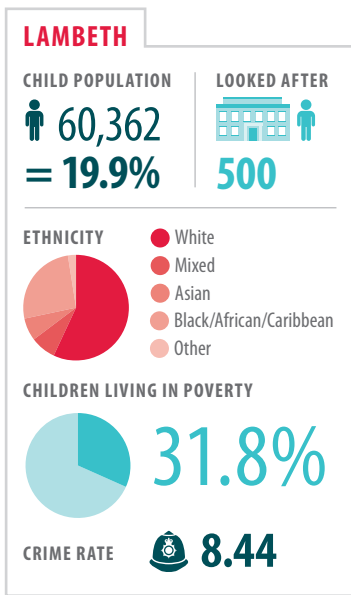
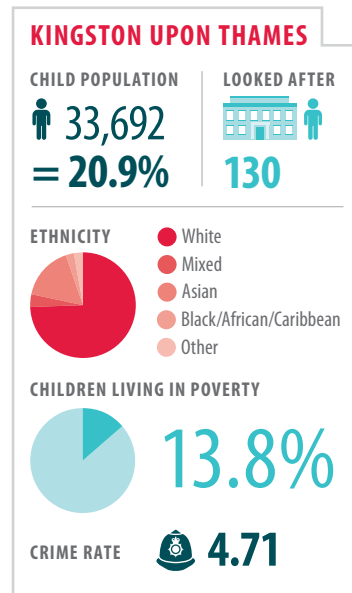
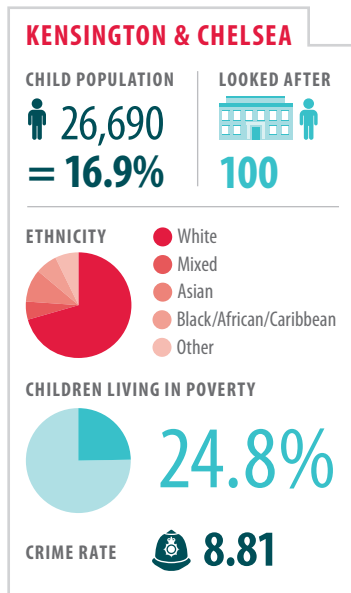
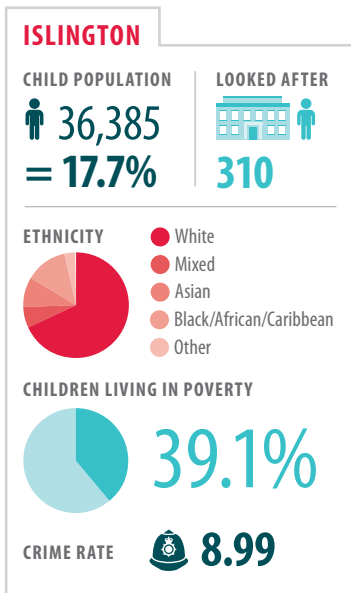
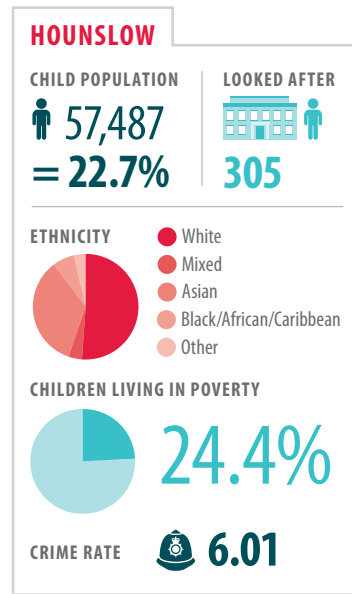
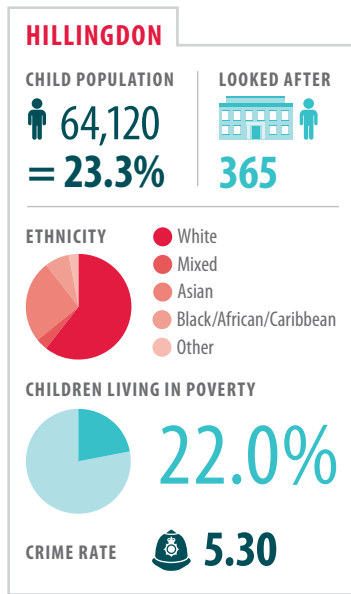
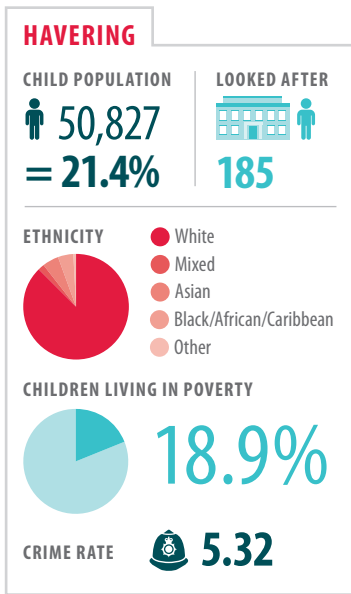
LONDON CHILDREN: THE CONTEXT

This chapter sets out some key information on each of the London boroughs: child population (March 2011¹), numbers of looked after children (March 2013²), rates of poverty (August 2011³), ethnicity (March 2011⁴) and crime rates (December 2013⁵). This provides important context for understanding and interpreting the data presented in the rest of the report

- 1 Source: Office for National Statistics, *Census 2011 Data*. Notes: A dependent child is a person aged 0–15 in a household (whether or not in a family) or aged 16–18 in full-time education and living in a family with his or her parent(s). It does not include any children who have a spouse, partner or child living in the household
- 2 Source: HM Revenue and Customs (31 August 2011) *Children in Low-Income Families Local Measure, 2011 (Local Authorities)*. Notes: Shows the number of children living in families in receipt of Child Tax Credit whose reported income is less than 60 per cent of the median income or in receipt of Income Support or (Income-Based) Job Seeker's Allowance, divided by the total number of children in the area (determined by Child Benefit data). Children refers to all dependent children under the age of 20
- 3 Source: HM Revenue and Customs (31 August 2011) *Children in Low-Income Families Local Measure, 2011 (Local Authorities)*. Notes: Shows the number of children living in families in receipt of Child Tax Credit whose reported income is less than 60 per cent of the median income or in receipt of Income Support or (Income-Based) Job Seeker's Allowance, divided by the total number of children in the area (determined by Child Benefit data).
- 4 Sources: Office for National Statistics, Census 2011 Data and ChiMat (March 2013) *Child Health Profiles* citing Department for Education, *Black/ethnic minority maintained school population, 2012*
- 5 Source: Metropolitan Police Service (December 2013) *Crime mapping, total notifiable offences*. Accessed on 13 February 2013 at: maps.met.police.uk/access.php?area=MPS&sort=area&order=a







NEWHAM

CHILD POPULATION
 77,828
 = 25.3%

LOOKED AFTER
 405

ETHNICITY

- White
- Mixed
- Asian
- Black/African/Caribbean
- Other

CHILDREN LIVING IN POVERTY
 33.4%

CRIME RATE 7.58

REDBRIDGE

CHILD POPULATION
 70,385
 = 25.2%

LOOKED AFTER
 205

ETHNICITY

- White
- Mixed
- Asian
- Black/African/Caribbean
- Other

CHILDREN LIVING IN POVERTY
 23.4%

CRIME RATE 5.96

RICHMOND UPON THAMES

CHILD POPULATION
 40,559
 = 21.7%

LOOKED AFTER
 85

ETHNICITY

- White
- Mixed
- Asian
- Black/African/Caribbean
- Other

CHILDREN LIVING IN POVERTY
 10.2%
Deprived in 4 dimensions

CRIME RATE 4.11

SOUTHWARK

CHILD POPULATION
 59,038
 = 20.5%

LOOKED AFTER
 565

ETHNICITY

- White
- Mixed
- Asian
- Black/African/Caribbean
- Other

CHILDREN LIVING IN POVERTY
 30.8%

CRIME RATE 8.58

SUTTON

CHILD POPULATION
 43,085
 = 22.6%

LOOKED AFTER
 170

ETHNICITY

- White
- Mixed
- Asian
- Black/African/Caribbean
- Other

CHILDREN LIVING IN POVERTY
 16.0%

CRIME RATE 4.25

TOWER HAMLETS

CHILD POPULATION
 55,096
 = 21.6%

LOOKED AFTER
 305

ETHNICITY

- White
- Mixed
- Asian
- Black/African/Caribbean
- Other

CHILDREN LIVING IN POVERTY
 46.1%

CRIME RATE 7.80

WALTHAM FOREST

CHILD POPULATION
 61,352
 = 23.8%

LOOKED AFTER
 280

ETHNICITY

- White
- Mixed
- Asian
- Black/African/Caribbean
- Other

CHILDREN LIVING IN POVERTY
 28.9%

CRIME RATE 6.76

WANDSWORTH

CHILD POPULATION
 55,627
 = 18.1%

LOOKED AFTER
 210

ETHNICITY

- White
- Mixed
- Asian
- Black/African/Caribbean
- Other

CHILDREN LIVING IN POVERTY
 22.1%

CRIME RATE 5.30

WESTMINSTER

CHILD POPULATION
 35,958
 = 16.4%

LOOKED AFTER
 190

ETHNICITY

- White
- Mixed
- Asian
- Black/African/Caribbean
- Other

CHILDREN LIVING IN POVERTY
 36.7%

CRIME RATE 20.64



STRUCTURES TO PUT CHILDREN'S RIGHTS AT THE HEART OF DECISION-MAKING

ARTICLE 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources...

ARTICLE 12

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

ARTICLE 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

“A children's right is something that every child should have regardless of who they are, or where they come from, or what type of background, or anything like that. It's something every child should have.”

“It's what all children are entitled to no matter how they are as a person, whether they are disabled or not whether they are ten or two. It's just something that every child gets.”

What are public bodies' obligations?

Public authorities should have structures in place to ensure that children's rights are at the heart of their decision-making, including spending decisions. This chapter examines whether public bodies across London have structures in place to ensure that children's rights inform what they do for children.

Public authorities are expected to do all they can to implement the UNCRC, including by developing a strategy and allocating the maximum amount of available resources to this end (Article 4). They should put children at the centre of decision-making which will affect children. Children's rights to have their views given due weight in accordance with their age and maturity applies to all decision-making affecting children, including strategic decisions by national and local government (Article 12). There is an expectation on government to ensure that the rights under the UNCRC are widely known by both adults and children (Article 42).

The UN Committee on the Rights of the Child has said that a children's rights strategy should *'set real and achievable targets in relation to the full range of economic, social and cultural and civil and political rights for all children'*⁶ The Committee stresses the importance of coordinating work across the whole of the public sector to realise children's rights, and not just limiting it to bodies with a substantial impact on children (such as education or health). Training on children's rights should be provided for all those working with and for children. Governments should also be able to identify the proportion of budgets allocated to children.⁷

The UN Committee has welcomed the growing number of children's councils, and has called on politicians and officials to create additional opportunities for children to contribute in a meaningful way to the development of policy:

[C]hildren can contribute their perspectives, for example, on the design of schools, playgrounds, parks, leisure and cultural facilities, public libraries, health facilities and local transport systems in order to ensure more appropriate services. In community development plans that call for public consultation, children's views should be explicitly included.⁸

In 2008, the UN Committee called on the UK to take further action to ensure that children's rights structures are in place across government, including the following:

- Implementation of the UNCRC should be coordinated throughout government, including local authorities;
- Comprehensive action plans should be adopted throughout the country, paying special attention to the most vulnerable children;
- The allocation of budgets to children should be assessed;
- Systematic training for children's professionals, including teachers, health workers, social workers, and childcare workers;
- Promote, facilitate and implement the principle of respect for the views of the child in institutions and the community, including by supporting forums for children's participation.⁹

The remainder of this chapter explores how children's rights considerations are incorporated into strategic decision-making across London. In particular, it focuses on the use of local children's rights action plans, making children's rights known amongst children's professionals and the wider community, and structures for children's participation in decision-making.

6 UN Committee on the Rights of the Child (2003) *General Comment No. 5, General measures of implementation of the Convention on the Rights of the Child*, para 32

7 UN Committee on the Rights of the Child (2003) *General Comment No. 5, General measures of implementation of the Convention on the Rights of the Child*, paras 51–52

8 UN Committee on the Rights of the Child (2009) *General Comment No. 12, The right of the child to be heard*, para 128

9 UN Committee on the Rights of the Child (2008) *Concluding Observations: United Kingdom of Great Britain and Northern Ireland*, paras 13, 15, 21 and 33

Children's rights strategies

The UN Committee has recommended that children's rights action plans are used throughout the country to ensure that public services can be delivered in a way that protects and promotes children's rights. We asked all local authorities across London¹⁰ if they had such a plan. Notably, not one London borough indicated that it has a children's rights action plan.¹¹ A number of local authorities told us that children's rights informed their strategic plans for children. Islington, for example, drew links between the UNCRC and the Every Child Matters outcomes for wellbeing. Whilst other local authorities said that children's rights informed their work, they were vague about what this meant in practice.

The most striking finding from responses to our Freedom of Information requests is that local authorities in London do not understand the extent of their obligations under the UNCRC. Almost all local authorities' responses indicated that their understanding of "children's rights" is limited to the right of children to be involved in decision-making. Hackney's Youth Charter, for example, focuses on participation rights and is described as *'a set of guidelines, designed to provide service providers with the necessary information on how to involve children and young people in ways that are both effective and meaningful'*. A number of other local authorities referred to their strategies for children's participation in decision-making when asked about the existence of a children's rights action plan or strategy. Some of these – in Barnet, Enfield, Newham, and Richmond upon Thames – referred to the UNCRC, but they focused on promoting only the right to participate. The UNCRC is also referenced in the constitution of the Harrow Youth Parliament. A number of local authorities referred to the frameworks they have in place to protect the rights of children in care; but they too are mainly limited to promoting children's right to be involved in decision-making, rather than addressing many of the other rights in the UNCRC that are just as important to children in care – such as their right to privacy, to contact with their family, to education and to be protected from violence, abuse and neglect. While children's right to participate in decision-making is a very important principle of the UNCRC, local authorities' plans and strategies for children should address the full range of children's rights – including the right to an education, to an adequate standard of living, to play, and to their civil liberties.



CASE STUDY: TOWER HAMLETS

Although Tower Hamlets does not have a children's rights action plan, this local authority is taking a strategic approach to children's rights through its work with UNICEF UK's Child Rights Partners programme. Tower Hamlets is currently developing a Mayor's Child Rights Charter which is intended to raise the profile of children's rights and embed a children's rights-based approach to service provision across the borough.

Tower Hamlets has set up a Child Rights Implementation Group to monitor and evaluate the borough's participation in the Child Rights Partners programme. A children's rights approach to commissioning substance misuse treatment services is being piloted. Based on the experiences of this pilot, the intention is to expand a children's rights approach to all commissioning.

Statutory guidance on the roles and responsibilities of Directors of Children's Services (DCS) and the Lead Members for Children's Services (LMCS) states that the DCS *'should have regard to the General Principles of the United Nations Convention on the Rights of the Child and ensure that children and young people are involved in the development and delivery of local services'*.¹² We asked all local authorities what action the relevant DCS and/or LMCS had taken to comply with this guidance since April 2012. All the local authorities that responded¹³ were able to provide examples of how they involve children in local authority decision-making. The right of children to have their views heard and given due weight (Article 12) is only one of the four General Principles of the UNCRC. None of the local authorities indicated recognition of the other three General Principles: non-discrimination (Article 2), the best interests of the child as a primary consideration (Article 3), and the right to life, survival and development (Article 6).

It is apparent that local authorities across London have broadly identified the importance of children (and particularly children in care) being effectively involved in decision-making. However, there is little evidence to indicate that local authorities understand their wider obligations to children under the UNCRC, and the implications this has for their strategic planning.

¹⁰ Using the Freedom of Information Act 2000.

¹¹ Westminster indicated that it will publish one shortly.

¹² Department for Education (April 2012) *Statutory guidance on the roles and responsibilities of the Director of Children's Services and Lead Members for Children's Services*, p. 4, para 1

¹³ 17 local authorities did not provide this information: Barking and Dagenham, Brent, Camden, City of London, Croydon, Ealing, Enfield, Greenwich, Hackney, Haringey, Harrow, Hillingdon, Islington, Kingston upon Thames, Lambeth, Southwark and Tower Hamlets.



CASE STUDY: CAMDEN AND WANDSWORTH

Camden and Wandsworth provide support to schools to help them become *UNICEF Rights Respecting Schools*. This award scheme supports schools to put the UNCRC at the centre of their planning, policies, practice, and ethos.



WHAT CHILDREN TOLD US

Most children we spoke to in focus groups had some knowledge of their rights. Some remembered learning about children's rights at school, with one group at a primary school having had an assembly on children's rights. Two young people who were disabled said they had been told about children's rights by a support worker. In one group of young people who had experience of the care system, the majority (seven out of nine) said that they had been taught about children's rights during their teens. A group of four 9 and 10 year-olds on a school council had been taught lots about their rights. However, one boy who is looked after said: *'I don't have any clue about any child rights.'*

Several children from both older and younger groups said that children's rights should be taught in school. One girl with experience of care told us that somebody who is independent from the local authority should go into schools to tell children about their rights. Another group of young people with experience of care said that social workers and carers should be making children aware of their rights, and said that whether a child's rights are realised is very dependent on the individuals involved in his or her life. Primary school children said there could be a website which includes games to help children understand their rights – *'so children are having fun whilst learning things.'*

Children told us what children's rights mean to them:

Children have a choice.

Stand up for yourself.

A children's right is something that every child should have regardless of who they are or where they come from or what type of background or anything like that, it's something every child should have.

It's what all children are entitled to no matter how they are as a person, whether they are disabled or not whether they are ten or two, it's just something that every child gets.

Mechanisms to support children's participation in decision-making

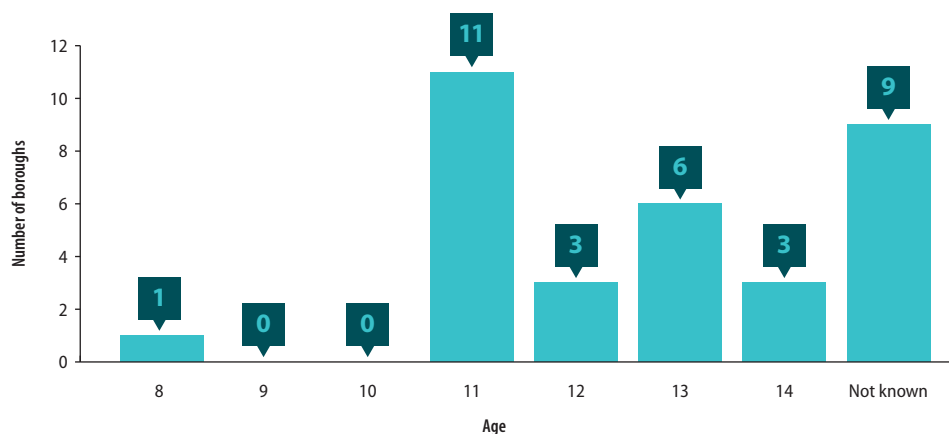
All London boroughs have mechanisms in place to support children's rights to participate in decision-making. This usually takes the form of a youth council or equivalent body. Enfield and Southwark have young people's community forums at a local level, and all boroughs have young people representing their area in the UK Youth Parliament. Some boroughs, such as Ealing, have a youth mayor. These young representatives meet throughout the year with the LMCS and the Leaders of the Council.

Local authorities also use a range of other mechanisms to involve children in decision-making:

- Kingston upon Thames and Haringey involve young people in the recruitment process for staff;
- Barnet and Richmond upon Thames have young safeguarding panels;
- Merton has a participation group specifically for young disabled people;
- Richmond upon Thames uses young inspectors to assess service provision; and
- Hammersmith and Fulham regularly seeks young people's views using questionnaires and consultation activities.

Despite all local authorities having mechanisms for children's participation, only one of these has participants under the age of 11. These figures show that local authorities do not have the structures in place to facilitate younger children's involvement in decision-making. Kensington and Chelsea's children's forum includes representatives from 8 to 13 years of age. They have a separate youth forum for older representatives.

Age of youngest participant



CASE STUDY: HARINGEY

Haringey's Young Advisors provide advice to leaders in the borough on how they should engage young people in decision-making and the improvement of services. Haringey has involved young people in the commissioning of youth services, and the borough has young representatives on decision-making panels, such as their Corporate Parenting Advisory Committee and Community Safety Panel.



CASE STUDY: BARNET

Barnet Children's Trust has produced a Participation Strategy which cites Article 12 of the UNCRC. They told us:

The strategy's aim is to embed participation across all partners working with children and young people and to enable progress to be easily measured. The strategy recognised the need to make participation a core principle across all services and seeks to engage children and young people including those who are vulnerable and/or hard to reach.

The Children, Youth Involvement and Participation Strategy Group is a multi-agency group, with partners from Barnet Metropolitan Police, Youth Service, Health and the Community. It meets quarterly to promote a culture of participation and engagement across the partnership and monitor implementation of the Strategy.



Training on children's rights

We contacted local authorities across London¹⁴ and found that a substantial number are using the UNCRC in their training for professionals working with children. Eight boroughs have delivered specific training programmes on the UNCRC,¹⁵ and a further 12 include elements of the UNCRC in other training courses. Other boroughs deliver broader participation or human rights training which does not specifically refer to the UNCRC.

A wide range of local authority workers across London have received children's rights training. These include councillors, social care and safeguarding professionals, foster carers, educational psychologists, personal advisers, youth workers, young decision-makers, early years and childcare professionals, teachers, further education professionals, healthcare workers, voluntary partners, and the police.

¹⁴ Using the Freedom of Information Act

¹⁵ Including the following programmes: Total Respect (CRAE), EduCare: Children's Rights (CRAE & NSPCC), Child Rights Partners (UNICEF UK), Rights Respecting Schools (UNICEF UK)

Local authority training on children's rights



2

FAMILY LIFE AND ALTERNATIVE CARE

ARTICLE 5

States Parties shall respect the responsibilities, rights and duties of parents...

ARTICLE 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when... such separation is necessary for the best interests of the child...

ARTICLE 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence...

ARTICLE 18

1. ...Parents... have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. ...States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities...

3. ... [C]hildren of working parents have the right to benefit from child-care services and facilities for which they are eligible.

ARTICLE 20

1. A child temporarily or permanently deprived of his or her family environment... shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child...

ARTICLE 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration...

Children felt that meeting their social worker could be very much an exercise in completing paper work:

"I've got paper work to fill in. Are you happy? Are you not happy? Tick, tick, tick."

A right to family life

Many rights in the UNCRC relate to children's family life, including articles 5, 9, 10, 11, 12, 16, 18, 20, 21, 25, and 27(4). These rights recognise the importance of parents in protecting children's rights, and say that the Government should provide support for this, including access to childcare for working parents. The UNCRC also guarantees alternative care for children who cannot be looked after by their parents. Decisions regarding a child's family situation should always be made in the best interests of the child and should always take account of children's views.

In 2008, the UN Committee on the Rights of the Child raised many concerns about how children's rights to family life were being protected in the UK. The Committee recommended that the state should:

- Provide assistance to help parents and guardians with their child-rearing responsibilities;
- Regularly visit and check up on children placed in alternative care;
- Provide training and education to prepare children in care for adult life;
- Ensure adoptions are processed quickly, in line with children's best interests; and
- Take into account the views of children in all decisions on family life.¹⁶

The remainder of this chapter explores the state of children's rights to family life in London. In particular, it focuses on support for children in care and leaving care, and the involvement of children in decisions on family life.



WHICH BODIES HAVE AN IMPACT ON CHILDREN'S FAMILY LIFE?

Department for Education

Responsible for children and families including adoption, fostering and residential care home reform; child protection; family law and justice; children's and young people's services; and childcare and early years.¹⁷

Local Authorities

Part III of the Children Act 1989 imposes duties on local authorities to provide services for children and their families.

- Required to produce plans setting out their provision of children's services.
- Have a general duty to safeguard and promote the welfare of children in need in their area, and, so far as consistent with that duty, to promote the upbringing of children by their families by providing a range and level of family support services appropriate to their needs.¹⁸ This includes advice, counselling, placement in family centres, day care provision, provision of holidays and recreational activities, and financial assistance.¹⁹
- Under a duty, before determining what services to provide or what action to take, so far as is reasonably practicable and consistent with the child's welfare, to establish and give due consideration to the child's wishes and feelings.²⁰
- Under a duty to provide accommodation for certain children in need.²¹

Each local authority has duties to the children it looks after (i.e. children accommodated or in care).²² These include a duty to:

- safeguard and promote their welfare and to make such services available for children cared for by their own parents as appears reasonable to the local authority;
- promote the child's educational achievement;

16 UN Committee on the Rights of the Child (2008) *Concluding Observations: United Kingdom of Great Britain and Northern Ireland*, paras 33, 45 and 47

17 See: www.gov.uk/government/organisations/department-for-education – Our Ministers

18 Children Act 1989, s. 17(1)

19 Children Act 1989, Schedule 2, Part 1

20 Children Act 1989, s. 20(4A)

21 Children Act 1989, s. 20(1)

22 Children Act 1989, Part III and The Care Planning Placement and Case Review (England) Regulations 2010

- ascertain, as far as practicable, the wishes and feelings of the child, his parents, anybody with parental responsibility, and any other person the local authority considers to be relevant, before making any decision about a child they look after/propose to look after;
- give due consideration, having regard to his age and understanding, to the child's wishes and feelings and to his religious persuasion, racial origin, and cultural and linguistic background; and
- advise, support and assist each child in care and when he stops being in care.

Must provide a child they are looking after with accommodation, and (as far as reasonably practicable and consistent with the child's welfare) accommodation:

- should be near the child's home;
- should not disrupt their education/training
- should be suitable to a disabled child's particular needs; and
- enable siblings to live together.²³

Detailed care planning responsibilities are set out in Regulations.²⁴

- Required to review the case of each child it looks after, at regular intervals, in accordance with the Review of Children's Cases Regulations 1991,²⁵ and ensure an Independent Reviewing Officer (IRO) is appointed.²⁶
- Obligated under the Children (Leaving Care) Act 2000 to plan for looked after children so that they have the support they need as they make the transition from care to adulthood.
- Under a duty in the Care Standards Act 2000 to ensure standards in all children's homes are maintained to a specified level. Must satisfy themselves that those providing accommodation are safeguarding and promoting children's welfare.
- Under a duty to safeguard and promote privately fostered children in their area.²⁷
- Have various duties under the Childcare Act 2006 relating to provision of support and funding, and providing children with the best possible opportunities in their early years, including to assess the local childcare market, to secure sufficient childcare for working parents, and to secure a free minimum amount of early learning and care.

The Adoption and Children Act 2002 is the main piece of legislation concerning adoption in England and Wales. It places local authorities under a duty to maintain an adoption service, including arrangements for the provision of adoption support services.²⁸

Children's involvement in shaping services for looked after children

Article 12 of the UNCRC says that every child has a right to have their views taken into account in decisions affecting them. The Committee on the Rights of the Child has been clear that this relates both to individual decisions about his or her life, and decisions about policies or practices which will affect him or her.

Every local authority is expected to have a Children in Care Council where looked after children represent their own views and the views of their peers. It should be an opportunity for children to be meaningfully involved in decisions about how they are looked after and what can be done to make improvements.

In London, every local authority except the City of London has a Children in Care Council. The number of children sitting on these councils ranges from five in Barking and Dagenham to 52 in Haringey.

Whilst Children in Care Councils should represent the views of all looked after children and young people, the age ranges of young representatives also varies enormously from borough to borough. Sutton's youngest representative is aged five and Southwark's is aged six. However, four boroughs' youngest representatives are 15 or over (Croydon (15), Richmond upon Thames (15), Kingston upon Thames (16) and Merton (17)). A wider range of ages represented on a Children in Care Council will not necessarily mean that the views of all looked after children are actually represented, but should help to ensure this happens.

Nine boroughs have separate Children in Care Councils for both younger and older children (Barnet, Ealing, Haringey, Hillingdon, Lewisham, Redbridge, Sutton, Tower Hamlets and Westminster). This approach can

23 Children Act 1989, ss. 22A to F

24 Arrangements for Placement of Children (General) Regulations 1991; Placement of Children with Parents etc Regulations 1991; and Fostering Services Regulations 2002 – Parts 4, 5 and 6

25 Children Act 1989, s. 26

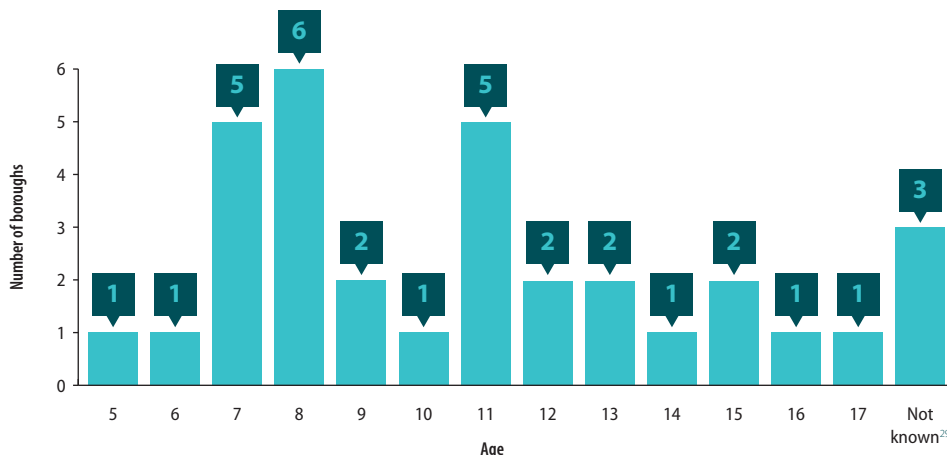
26 Children Act 1989, s. 25A

27 Children Act 1989, s. 67 and Schedule 8, Part 9; The Children (Private Arrangements for Fostering) Regulations 2005

28 Adoption and Children Act 2002, s. 3

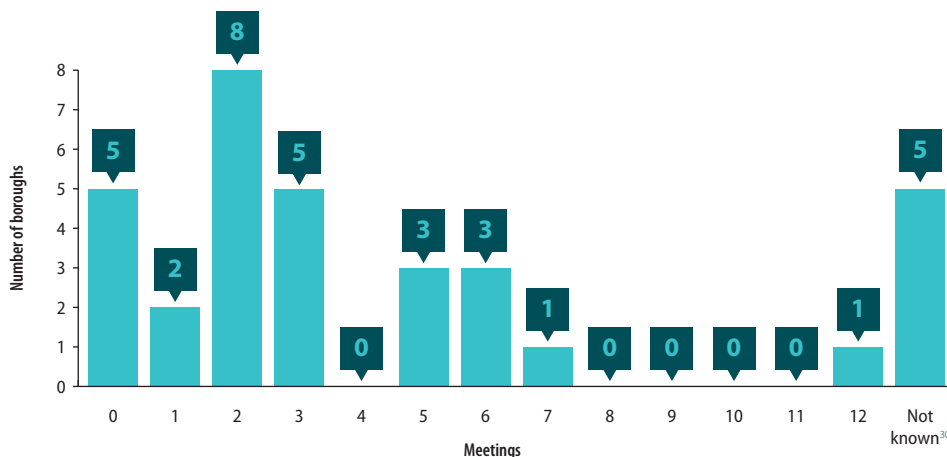
enable local authorities to use age-appropriate ways of involving children in decision-making, and ensure that the views of older children do not dominate the agenda.

Age of youngest participant in Children in Care Council



Children in Care Councils should be able to speak directly with the DCS on a regular basis. We asked local authorities how many times their Children in Care Council had met with the DCS in 2012.

Number of times Children in Care Council met with the DCS in 2012




Across London, the average number of meetings was three. In five boroughs (Barnet, Hackney, Havering, Kensington and Chelsea, and Wandsworth) the Children in Care Council did not meet with the DCS at all in 2012. At the other end of the scale, Harrow's Children in Care Council met with the DCS 12 times, and Haringey's met with the DCS seven times.

WHAT CHILDREN TOLD US

Care leavers spoke about their involvement in decision-making about services for looked after children. They remembered a time when they were in care (around 2004–6) when there were lots of groups of young people in London created to come up with innovative ideas about how to improve things for looked after children (e.g. Wise Up):

[T]here was a real buzz... There was so much happening for young people... It was always about, what do you guys think? What do you think? And as time's gone on it's more like, we haven't got the money to hear you now.



29 Includes the City of London, which does not have a Children in Care Council
 30 Includes the City of London, which does not have a Children in Care Council

Referring to that period when there was a "real buzz" about children's rights:

It was good because... it meant like... like they were very creative in terms of how they made social workers work, and social workers felt kind of empowered because they could work with young people differently... and it felt like actually young people were being listened to and they were cared about.

Some children talked about positive experiences of having been able to influence decisions about their lives. One girl said that she had been asked how much contact she wanted with her family, and had a choice as to the level of contact. One boy said that, while he had not had any say in the decision about his accommodation when he first came to the country, when he said that he did not want to stay in shared accommodation he was placed in a studio flat in a hostel. It did, however, take quite a while before the move took place. Another group was less positive:

They just decide for what they think is best. They don't ask anything and we don't have a say in it. We're just like bodies that... they are getting paid to potentially care for... which they don't actually do.

Another girl said giving her views rarely had an impact: *'I think all of that was a bit of nonsense... Every six months I'm telling them the same thing and it's always, 'ah I'm going to get round to it'. When are you going to get round to it? When I'm 90?'* One girl said that she was involved in decision-making and people listened to her views, but this did not always have an impact on the final decision. Another girl said that if she could change anything about her care it would be *'being listened to... mainly by social workers'*. She felt that, if she had been listened to, the authorities would have moved her from her placement. She said that even her carer would confirm during review meetings that the girl did not want to stay with her, but she still stayed there four years. She said: *'And since, like, 14 I've packed my bags with me, like, three times... And the carer knew that and... she made jokes like "Are you leaving?" I want to leave but where am I going to go? So I just had to unpack them every time. Sad.'* She said that things had improved after she had an advocate: *'One email made the decision happen... took like four years to make... It's a shame it took four years.'*

There was general agreement amongst the young people that there is a big difference between children's experience of children's rights advocates and social services workers:

Children's rights care about the young people and about empowering the young people, whereas social services will just care about doing what they need to do... and... not really teaching a young person how to do anything for themselves.

If it wasn't for children's rights I would have been rowdy. It's only because I was involved in children's rights from young that I understood that, ok... I'm still going to sit here for this three hours but as soon as I'm done with this three hours I'm making a complaint and I will take it where it needs to go. And I wouldn't have that if it wasn't for children's rights.

(Referring to her advocate) *Without them... they are the people that are there for you. That's their job. With social services I felt like they were always against me my whole life.*

One girl said she had an 'amazing' Independent Reviewing Officer (IRO) who she would turn to whenever she had a problem. *'She listened to a lot of what I said and acted on a lot of what I said. And I think the only other form of that is the children's rights service... A social worker says "this is like my checklist. I need to make sure this is done for you." That's different when you go to children's rights... you write your checklist, you write this is what I want.'*

Stability of children's placements

Like all children, children who are looked after need stability in their home life, and frequent moves are almost invariably bad for children. There is a close link between placement disruption and poor outcomes for looked after children.³¹ While a change of placement will sometimes be in a child's best interests, frequent moves can have a negative impact on a child's education, mental health, and his or her ability to maintain important relationships.

In England, between 2011 and 2013, 11% of looked after children lived in three or more placements each year. A few London local authorities are out-performing the average for England, with only eight per cent of looked after children in Hammersmith and Fulham and Hillingdon changing placement twice or more in the

31 Sinclair, I. (November 2008) *Stability and Well-Being in the Care System* and Social Care Institute for Excellence (November 2004) *SCIE Guide 7: Fostering*

year. However, the vast majority of London local authorities fare far worse than the national average, with as many as 17% of looked after children in Havering changing placement twice or more in the year.

The percentage of looked after children with three or more placements in a 12 month period:³²

Area	Three year average in 2011, 2012 and 2013 (%)	Area	Three year average in 2011, 2012 and 2013 (%)
England	11	Wandsworth	12
Hammersmith and Fulham	8	Westminster	12
Hillingdon	8	Bexley	13
Islington	9	Greenwich	13
Kingston upon Thames	9	Hounslow	13
Redbridge	9	Richmond upon Thames	13
Barnet	10	Southwark	13
Hackney	10	Bromley	14
Croydon	11	Enfield	14
Ealing	11	Newham	14
Haringey	11	Sutton	14
Lewisham	11	Brent	15
Tower Hamlets	11	Camden	15
Barking and Dagenham	12	Merton	15
Kensington and Chelsea	12	Harrow	16
Lambeth	12	Havering	17
Waltham Forest	12		

WHAT CHILDREN TOLD US

One female we spoke to who had been in foster care for four years told us that she had had a good experience with her foster mum ('I loved it'). She felt that her foster mum had always been there for her, had always been on her side, and that she had been listened to. She said that she knows she was lucky and not everyone had such a positive experience:

When I look at myself and I look at other people in care... I feel like I am in a better situation than they are and I've been through hell.

Generally she felt her social worker was also good ('my social worker tried for me'), and she had had as much contact with her as she had wanted. Other young people said it could be difficult to get in touch with their social workers; they always get voicemail, or the person is out of the office or on holiday, and it takes a long time for them to do anything – even simple things. Children said that they had had too many different social workers during their time in care. One girl had had two or three social workers over a three-to-four-year period, which she described as 'shockingly good' compared to others she knew who had had many more. Children talked about how important the quality of the relationship with their social worker is to them:

When there's no stability there, even with the social services and that, you don't trust anyone. When you start to like someone, like your carer or social worker and you really respect and you like them, you change as a person.

They did not like the formal nature of the relationship with their social workers, and the fact that they do not talk to their social worker outside of review meetings. They felt that meeting their social worker could be very much an exercise in completing paper work:

I've got paper work to fill in. Are you happy? Are you not happy? Tick, tick, tick.

Others said:

You just don't want it to feel like a system.

The main thing is just you need to actually care... You need to care about the job that you're doing... Once someone cares they will learn to do something the right way.

Most of them just need to do it from the heart.

The way people communicate with you is so important in terms of understanding the process but also... generally how you're feeling.

One female said that her local authority gives money for trips and activities outside of school, but she has had to miss out on some school trips abroad (e.g. an annual ski trip) because her social worker "hesitated" on her passport, despite having a year to sort it out. A worker said he thought that this was quite common and he had heard of at least nine or ten young people saying their passport has taken between two and four years to process. In his view, it is usually because the social worker has not got round to processing the paperwork.

Several young people who are now over 18 commented that, when they were younger and living in care, there were formalities and administrative requirements which had a negative impact on their social lives – although the law in relation to this has now changed.

The socialising... there's too many restrictions. I've noticed if you're in care they put too much restrictions on you... For example, I'd want to go out and have friends but because I'm in care I'd have to go through these long procedures like the family has to go get criminal records checks so things like that put me off even asking to go outside...and be more at home than going out.

You don't really want to call your friend and tell her your business... how you are in care and ask her that her mum has to get a CRB and it's just really awkward. So that kind of stops... probably most or some young people in care from asking to go or do certain things.

Young people living in hostels talked about the negative impact of rules which determine how many friends they may have round at any one time and set a curfew. One boy said he is only allowed one friend at a time, and they have to leave by 11pm. They discussed how unreasonable this seems when it is their home.

Several young people who had been in care told us that it is hard to cope with the money available to them. One girl said that she does not agree with the policy which means that, at 16 years-old, children in foster care are expected to give money to their carer: 'it puts an extra strain on the young person'. She said:

They want me to save on the one hand for when I leave care but then I'm getting £55 every week to budget my whole life around and I'm supposed to give £16 straight to the carer.

Another boy made similar comments about how difficult it is for young people living in hostels – with £12 out of the £56 he gets a week being the cost of his hostel.

The participants in the focus groups were asked about the most important thing that needed to change about social workers:

They should know what we're entitled to.

Distance from home

The choice of placement for a looked after child should be based on what will work best for the individual child, taking into account his or her wishes and feelings. However, broadly, the distance between a looked after child's home and their placement, and whether the placement is outside of their home local authority, can affect their safety and wellbeing. It can lead to a child going missing; it can also interfere with the child's schooling, health services, relationships, and social life. Being placed "out of area" can mean that a child is "out of sight and out of mind".

Children in London are significantly more likely to be placed far away from home than children in England as a whole. In England, 12% of children are placed out of area and more than 20 miles from home. The equivalent proportion is higher in all but three London boroughs and in both Newham and Kensington and Chelsea 25% or more of children are placed "out of area" and more than 20 miles from home.³³

Percentage of looked after children placed outside local authority boundary and 20+ miles from where they used to live:³⁴

Area	Three year average in 2011, 2012 and 2013 (%)	Area	Three year average in 2011, 2012 and 2013 (%)
England	12	Redbridge	18
London ³⁵	18	Tower Hamlets	18
Croydon	8	Brent	19
Bexley	10	Enfield	19
Hackney	12	Greenwich	19
Merton	13	Southwark	19
Barking and Dagenham	15	Waltham Forest	19
Lewisham	15	Westminster	19
Sutton	15	Camden	20
Hillingdon	16	Ealing	20
Richmond upon Thames	16	Harrow	20
Kingston upon Thames	17	Barnet	22
Lambeth	17	Bromley	22
Wandsworth	17	Hounslow	22
Hammersmith and Fulham	18	Islington	22
Haringey	18	Newham	25
Havering	18	Kensington and Chelsea	27

Age at which children leave care

Today young people increasingly rely on their family more, and for longer, during the transition to adulthood. However, looked after children are forced to leave home earlier than other young people, and without the same levels of support that many of their peers receive from their parents. At present, a looked after child may leave care at 16. Like all young people, looked after children are likely to need support from carers beyond their 16th birthday, and so local authorities are encouraged to allow looked after children to stay in care for longer.

In London, children are more likely to stay in care until the age of 18 than in the country as a whole. In England, 66% of children are in care until their 18th birthday. In all but eight London boroughs a higher proportion of children stay in care until this point. In Hammersmith and Fulham, Islington, and Croydon 80% or more of children do. In Lewisham, Hillingdon, and Wandsworth less than 60% of children stayed on until their 18th birthday. Shockingly, in Tower Hamlets, only three per cent of children remain looked after until they are 18.

Accommodation for care leavers

An important part of getting it right for looked after children who are transitioning to independence is to ensure that they have a secure, safe, and adequate home after they leave care: *'Housing has been identified as a critical element of the transition out of care'*.³⁶ Research for York University found that appropriate housing was the factor most closely associated with good mental health.³⁷ Surveys of looked after children have found that they are particularly concerned about whether they will experience homelessness after leaving care.³⁸ In Wandsworth, all young people who were looked after when they were 16 were in suitable accommodation at the age of 19. In contrast, in Croydon only 80% of care leavers were in this situation, compared to the national average of 89%. All but 10 London boroughs do the same or better than the national average.

34 Department for Education (January 2014) *Children in Care and Adoption Performance Tables*

35 Department for Education (December 2013) *Children Looked after in England, including Adoption*

36 Wade, J. and Dixon, J. (2006) 'Making a home, finding a job: investigating early housing and employment outcomes for young people leaving care' *Child and Family social work*, 11, pp. 199–208

37 Wade, J. and Dixon, J. (2006) 'Making a home, finding a job: investigating early housing and employment outcomes for young people leaving care' *Child and Family social work*, 11, pp. 199–208

38 Morgan, R. (2006) *Transitions... Leaving Care* (CSCI presentation)

The percentage of children leaving care over the age of 16 years who remained looked after until their 18th birthday³⁹

Area	Three year average in 2011, 2012 and 2013 (%)	Area	Three year average in 2011, 2012 and 2013 (%)
England	66	Greenwich	72
Hammersmith and Fulham	84	Brent	70
Islington	84	Barnet	69
Croydon	80	Bexley	69
Hounslow	79	Kingston upon Thames	69
Newham	79	Lambeth	69
Richmond upon Thames	79	Sutton	67
Ealing	78	Westminster	67
Southwark	78	Hackney	65
Haringey	77	Redbridge	65
Harrow	76	Havering	60
Barking and Dagenham	75	Merton	60
Kensington and Chelsea	75	Wandsworth	59
Bromley	73	Hillingdon	57
Waltham Forest	73	Lewisham	56
Camden	72	Tower Hamlets	3
Enfield	72		

The percentage of young people aged 19 who were looked after aged 16 who were in suitable accommodation⁴⁰

Area	Three year average in 2011, 2012 and 2013 (%)	Area	Three year average in 2011, 2012 and 2013 (%)
England	89	Southwark	92
Wandsworth	100	Tower Hamlets	92
Bexley	99	Waltham Forest	92
Camden	98	Bromley	90
Hackney	97	Newham	89
Ealing	95	Richmond upon Thames	89
Islington	94	Barking and Dagenham	88
Barnet	93	Havering	88
Brent	93	Hillingdon	88
Greenwich	93	Merton	88
Hammersmith and Fulham	93	Haringey	87
Lambeth	93	Kingston upon Thames	86
Redbridge	93	Hounslow	84
Sutton	93	Westminster	84
Enfield	92	Harrow	81
Kensington and Chelsea	92	Croydon	80
Lewisham	92		

39 Department for Education (January 2014) *Children in Care and Adoption Performance Tables*40 Department for Education (January 2014) *Children in Care and Adoption Performance Tables*

Education, employment and training for care leavers

An important measure of how well local authorities are supporting looked after children is to look at whether care leavers are in education, employment or training. Care leavers in London are more likely to be in education, employment or training when they reach the age of 19 than care leavers in England as a whole. In England, 34% of children who were looked after at 16 are not in education, employment or training at 19. All but nine London boroughs were doing better than this. However, in Barking and Dagenham 42% of looked after children are not in employment, education or training when they reach 19, whilst in Tower Hamlets and Sutton the equivalent figure is 16%.

The percentage of young people aged 19 who were looked after aged 16 who were not in education, employment or training:⁴¹

Area	Three year average in 2011, 2012 and 2013 (%)	Area	Three year average in 2011, 2012 and 2013 (%)
England	34	Croydon	30
Sutton	16	Kensington and Chelsea	30
Tower Hamlets	16	Redbridge	31
Lambeth	19	Havering	32
Enfield	21	Camden	33
Hillingdon	21	Harrow	34
Merton	22	Westminster	34
Bexley	23	Islington	35
Richmond upon Thames	23	Southwark	37
Haringey	25	Barnet	38
Ealing	27	Greenwich	39
Lewisham	27	Waltham Forest	39
Wandsworth	27	Hammersmith and Fulham	40
Hackney	29	Bromley	41
Kingston upon Thames	29	Hounslow	41
Newham	29	Barking and Dagenham	42
Brent	30		

WHAT CHILDREN TOLD US

There was broad agreement with one young person's views about leaving care: *'It's the worst part of the care system'*. Young people talked about a lack of advice and support on leaving care:

You're on your own... That's it.

They don't care anymore... They abandoned you.

You can feel the difference, like... wow. You're really, really alone.

When you are a care leaver... you are not their problem any more.

You get to 15, 16... children in care now are all like, "I can't wait to get my semi-independence place. I can't wait to live by myself", when they don't actually know what's going to happen.

[There should be] an easy transition. So not just as soon as you turn 18 there's pressure on you, you're leaving. So from 16... gradually help them to become more independent.

I think the crucial age for a lot of young people is 15/16... because that's when things, as you say, start getting real. They are being told they have to start thinking about independence.

One girl with experience of care told us about how it feels to be a young person starting out in the world:

You don't know. You're confused... You don't know your future. You don't know. Am I going to be successful in life? Am I going to get a good job? Am I going to have a good house? Will I be able to buy a car? Oh my God,... you are so confused. I'm telling you, you have no idea what's going on. You don't know your future. You don't know if you're going to be successful. You don't know whether you're going to be able to cope... I don't know where to start. I don't know where to stop.

Different groups with experience of the care system agreed that there is a lack of practical support and information about how to do things and where to go for information about, for example, getting a job, benefits and signing on. One young person who wanted financial support to help her continue studying said she did not know who to ask for advice when she was turned down; she did not have anyone to fight her corner, and could not afford a lawyer to do so. She compared her situation to that of young people living with their own families, who continue to receive support from parents in their 20's:

So why should we suffer when we have no family... That's like taking advantage... If anything we should be in a better situation. They should make up for the fact we don't have family.

Young people who had had experience of care told us that they did not receive enough financial support when they left care. One girl said that she had been given £750 to set herself up upon leaving care, but moved into accommodation that was totally empty, without furniture or a washing machine. She said that accommodation for young people leaving care should contain the essentials needed to live comfortably. Money management was seen as a big issue. One girl who had been in foster care for four years told us that she had had advice on independent living before leaving care, such as how to budget. Another girl talked about how, at 19, when she was moving from semi-independence to independence, she "pleaded" to be given information about how much things like water and electricity were going to cost her, so that she could budget before she moved. She was not given this information until after she had moved.

Children talked about the difficulty of getting a job without work experience. One boy referred with approval to the fact that Waltham Forest offers their looked after young people work experience within the Council, and said that he believed there are also a lot of opportunities within Westminster.

The young people thought that support and resources are reduced at the time they need more support in moving towards independence. For example, while a child is required to have a qualified social worker until 16 years of age, from 16 to 18 they can be allocated a personal assistant or social work assistant who may not have had any social work training:

You come out of the care system. You've just had to come to terms with "Why was I in care? What was I in care for? Now that's all gone – where am I going to?" And to go through that alone mentally, I think you can be strong or weak, that's really hard. If you are given the right tools, if you are given the right carers, if you've got people you can go back to and ask questions or you can go back to social workers, you can kind of get those little tools to kind of move on. But if you haven't got those tools, you kind of either suffer alone or you just make your own mistakes.

I think one thing that social services as a whole right now doesn't think about... Everything's always now, now, now. It's not... what's the effects of this two years down the line, three years, five years, 10 years... No one ever thinks about how's this going to affect this young person going forward.

There was broad agreement amongst the care leavers we spoke to that Pathway Plans need to be improved. Young people said that they are usually drawn up by a personal assistant who has not seen the child for a year, in a rushed process when he or she reaches 16 years-old. One young person said that it would be better for somebody who has left care to work with a child's social worker in drawing up the Pathway Plan. Others said it would be better to ask children about their goals throughout their life, which should then form the basis of their Pathway Plan. One young person with experience of living in care for four years said that children in care need to be supported to achieve their dreams in the way other children are supported by their parents:

When children are young they have dreams... You have your dream – what you want to become. You know, when I grow up maybe I want to be a doctor, I want to be an engineer. Why don't you just support them to be whatever they want to be, instead of just leaving them half way?

Summary

Area	No. of placements	Distance from home	Looked after until 18	Suitable accommodation after care	Not in education, employment or training
Barking and Dagenham	●	●	●	●	●
Barnet	●	●	●	●	●
Bexley	●	●	●	●	●
Brent	●	●	●	●	●
Bromley	●	●	●	●	●
Camden	●	●	●	●	●
Croydon	●	●	●	●	●
Ealing	●	●	●	●	●
Enfield	●	●	●	●	●
Greenwich	●	●	●	●	●
Hackney	●	●	●	●	●
Hammersmith and Fulham	●	●	●	●	●
Haringey	●	●	●	●	●
Harrow	●	●	●	●	●
Havering	●	●	●	●	●
Hillingdon	●	●	●	●	●
Hounslow	●	●	●	●	●
Islington	●	●	●	●	●
Kensington and Chelsea	●	●	●	●	●
Kingston upon Thames	●	●	●	●	●
Lambeth	●	●	●	●	●
Lewisham	●	●	●	●	●
Merton	●	●	●	●	●
Newham	●	●	●	●	●
Redbridge	●	●	●	●	●
Richmond upon Thames	●	●	●	●	●
Southwark	●	●	●	●	●
Sutton	●	●	●	●	●
Tower Hamlets	●	●	●	●	●
Waltham Forest	●	●	●	●	●
Wandsworth	●	●	●	●	●
Westminster	●	●	●	●	●

3

HEALTH

ARTICLE 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health...

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services...

"I think you learn so much about physical health but they ignore mental health."

The right to health

Under the UNCRC, all children have the right to the highest attainable standard of health, including access to relevant health services (Article 24). This includes an expectation that public authorities should take action to reduce infant and child mortality, combat disease and malnutrition, and provide pre-natal and post-natal care for mothers, public education on child health, preventative healthcare services, and family planning education and services. The maximum available resources should be used to fulfil children's right to health (Article 4).

The UN Committee on the Rights of the Child has set out guidelines for public bodies on their obligations to children's health. The Committee:

[R]ecognises that most mortality, morbidity and disabilities among children could be prevented if there were political commitment and sufficient allocation of resources directed towards the application of available knowledge and technologies for prevention, treatment and care.⁴²

States are expected to prioritise universal access to primary healthcare services, situated as close as possible to where children live;⁴³ in the UK this service is usually provided by GPs. The Committee has expressed concern about the increase in mental health problems amongst children and has emphasised that states should provide treatment and rehabilitation, and avoid unnecessary medication.⁴⁴ Ante-natal and post-natal care for mothers is identified by the Committee as having 'profound implications for the health and development of their children'.⁴⁵ The Committee also notes the high rates of teenage pregnancy worldwide, and the associated risks that this carries. The Committee urges public bodies to provide sexual and reproductive health services for young people, including family planning services.⁴⁶

In 2008, the UN Committee expressed concern at the state of children's right to health in the UK. In particular it noted that 'while 1 in 10 children in the [United Kingdom] have a diagnosable mental health problem, only around 25% of them have access to the required treatment and care and that children may be still treated in adult psychiatric wards'.⁴⁷ The Committee made several recommendations to the UK, including to:

- Tackle inequalities in access to healthcare services;
- Invest more resources to meet the needs of children with mental health problems;
- Provide children with reproductive health services, including reproductive health education in schools; and
- Provide children with accurate and objective information on toxic substances, as well as support services to reduce the use of toxic substances.

The remainder of this chapter explores the state of children's rights to health in London. In particular, it focuses on childhood mortality, post-natal care, nutrition, sexual health, and mental health.

WHICH BODIES INFLUENCE CHILDREN'S RIGHT TO HEALTH?



Department of Health

Responsible for health and care policy and legislation. Provides funding and assurance of service delivery and continuation.⁴⁸

The Secretary of State has the overarching responsibility for health protection⁴⁹ (generally discharged by Public Health England). However, the Secretary of State has delegated certain specific health protection responsibilities to local authorities (see Local Authorities below).

42 UN Committee on the Rights of the Child (2013) *General Comment No. 15 on the right of the child to the enjoyment of the highest attainable standard of health (art. 24)*, para 1

43 UN Committee on the Rights of the Child (2013) *General Comment No. 15 on the right of the child to the enjoyment of the highest attainable standard of health (art. 24)*, para 36

44 UN Committee on the Rights of the Child (2013) *General Comment No. 15 on the right of the child to the enjoyment of the highest attainable standard of health (art. 24)*, para 39

45 UN Committee on the Rights of the Child (2013) *General Comment No. 15 on the right of the child to the enjoyment of the highest attainable standard of health (art. 24)*, para 53

46 UN Committee on the Rights of the Child (2013) *General Comment No. 15 on the right of the child to the enjoyment of the highest attainable standard of health (art. 24)*, para 56

47 UN Committee on the Rights of the Child (2008) *Concluding Observations: United Kingdom of Great Britain and Northern Ireland*, para 56

48 www.gov.uk/government/organisations/department-of-health/about

49 Health and Social Care Act 2012. www.gov.uk/government/uploads/system/uploads/attachment_data/file/213009/Public-health-role-of-local-authorities-factsheet.pdf

Greater London Authority

The Mayor has a statutory duty to produce a strategy containing proposals and policies for reducing health inequalities.⁵⁰

The Mayor is also under an obligation, when exercising his powers more generally, to ensure that he does so in the way he considers best calculated to promote improvements in people's health.⁵¹

Local Authorities

The Health and Social Care Act 2012 gives responsibility for public health improvement to local authorities.⁵² The director of public health leads on delivering those public health functions.⁵³

The Secretary of State, can, however, prescribe how local authorities carry out their responsibilities,⁵⁴ and also has a power to take steps himself to improve health.⁵⁵

Local authorities have responsibility for the medical inspection, treatment, weighing, and measuring of school children.⁵⁶

The Secretary of State has delegated a health protection duty to local authorities – the duty to provide information and advice to certain key health and care bodies to promote preparation of appropriate health protection arrangements.⁵⁷ This is a key lever for local authorities to improve the quality of health protection in their local area, and to raise issues locally if they have concerns about commissioning of services.⁵⁸

Health and Wellbeing Boards have responsibility for undertaking a Joint Strategic Needs Assessment, and developing a joint health and wellbeing strategy for their local area.⁵⁹ As such, they have local strategic influence in improving the health and wellbeing of their local population, and reducing health inequalities. Engaging with patients, service users, and the public in the commissioning and provision of services is a statutory requirement under the Health and Social Care Act 2012.

Child mortality

In 2013, the president of the Royal College of Paediatrics and Child Health said that the child death rates in the UK represented 'a major crisis'.⁶⁰ She attributed the high number of preventable child deaths to a lack of paediatric skills amongst GPs, a lack of expertise in small paediatric units, and a serious shortage of specialist consultants. Twenty-six per cent of children's deaths showed 'identifiable failure in the child's direct care'.⁶¹

In Kingston upon Thames, Camden, Kensington and Chelsea, Barnet and Wandsworth, child mortality rates are half those in Westminster, Merton, and Hackney and City of London. This does not correlate directly with poverty, with child poverty rates in Merton (17.7%) and Havering (18.9%) amongst the lowest, and Camden (33.6%) amongst the highest.

Child mortality rates per 100,000 children (2009–2011)⁶²

Area	No. child deaths per 100,000 children	% children living in poverty
England	13.7	20.1
Kingston upon Thames	8.6	13.8
Camden	10.0	33.6
Kensington and Chelsea	10.1	24.8
Barnet	10.3	20.1

50 Greater London Authority Act 1999, s. 309E

51 Greater London Authority Act 1999, s. 30(5)

52 Health and Social Care Act 2012, s.12 inserting new section 2B into the NHS Act 2006

53 Health and Social Care Act 2012, s. 30 inserting new section 73A into the NHS Act 2006

54 Health and Social Care Act 2012, s.18 inserting new section 6C into the NHS Act 2006

55 Health and Social Care Act 2012, s. 12 inserting new section 2B into the NHS Act 2006

56 Health and Social Care Act 2012, s.17 amending Schedule 1 of the NHS Act 2006

57 Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2013

58 See: www.gov.uk/government/uploads/system/uploads/attachment_data/file/199773/Health_Protection_in_Local_Authorities_Final.pdf

59 Health and Social Care Act 2012, s. 196(1)

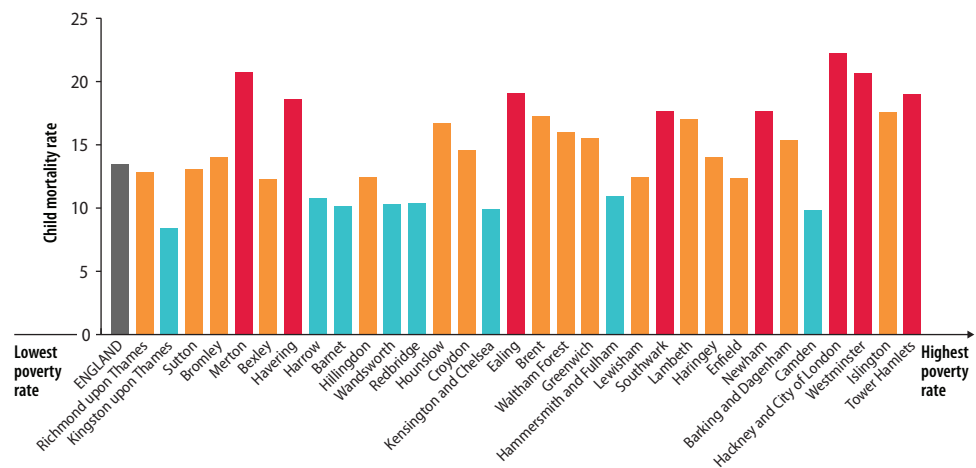
60 Roberts, Y. and Campbell, D. (13 July 2013) *British child death rates are 'a major crisis', says paediatricians' leader*, The Observer

61 Confidential Enquiry into Maternal and Child Health (2008) *Why children die: a pilot study*

62 Source: ChiMat (March 2013) *Child Health Profiles*, citing Office for National Statistics. Notes: The figures are based on number of deaths of children aged 1–17 years pooled from the years 2009–11

Area	No. child deaths per 100,000 children	% children living in poverty
Wandsworth	10.5	22.1
Redbridge	10.6	23.4
Harrow	11.0	19.9
Hammersmith and Fulham	11.1	29.7
Bexley	12.5	18.9
Enfield	12.6	32.5
Hillingdon	12.7	22.0
Lewisham	12.7	30.3
Richmond upon Thames	13.1	10.2
Sutton	13.3	16.0
Bromley	14.3	16.7
Haringey	14.3	31.9
Croydon	14.8	24.6
Barking and Dagenham	15.6	33.6
Greenwich	15.8	29.2
Waltham Forest	16.3	28.9
Hounslow	17.0	24.4
Lambeth	17.3	31.8
Brent	17.6	28.8
Islington	17.9	39.1
Newham	18.0	33.4
Southwark	18.0	30.8
Havering	18.9	18.9
Tower Hamlets	19.3	46.1
Ealing	19.4	25.1
Westminster	21.0	36.7
Merton	21.1	17.7
Hackney and City of London	22.6	35.6

Child mortality rates per 100,000 children (2009–2011), with boroughs appearing in order of child poverty rate



Nutrition

Children need enough food with the right balance of nutrients in order to grow up healthy and develop to their full potential. A lack of nutrients is an immediate problem for children, affecting their health and mortality in the short term. It also affects long-term outcomes, such as educational achievement.⁶³

Children who are overweight are also defined as malnourished because they do not have a balanced diet. The National Institute for Health and Care Excellence (NICE) has recommended that local authorities and the NHS should do more to support families to help them tackle obesity in children.⁶⁴ In particular, families should be encouraged to eat healthily and be physically active, helped to recognise that their child may be overweight or obese, and encouraged to help their child to change their behaviour.

A higher proportion of children are malnourished in London, than in England as a whole. In eight London boroughs, the proportion of children which are underweight in Reception is twice or more the national average. There is no obvious correlation between child poverty and the likelihood that a child will be underweight – the proportion of children in Redbridge which are underweight is five times that in Islington.

Obesity is also a bigger problem in London than in England as a whole. In six London boroughs, one in four children in Year 6 are obese, compared with less than one in five in England. There is a much closer association between poverty and obesity, with five of the eight boroughs with the highest obesity rates also falling within the eight boroughs with the highest child poverty rates.

Percentage of Reception children who are underweight in Reception and obese in Year 6 (2012–13)⁶⁵

Area	Underweight children: Reception (%)	Obese children: Year 6 (%)
England	0.9	18.9
London	1.3	22.4
Barking and Dagenham	1.1	25.1
Barnet	1.0	18.5
Bexley	0.6	24.3
Brent	2.5	24.2
Bromley	0.6	17.3
Camden	1.3	22.5
Croydon	1.0	21.9
Ealing	1.8	22.4
Enfield	1.4	24.4
Greenwich	0.8	24.6
Hackney and City of London	1.0	25.2
Hammersmith and Fulham	0.9	20.7
Haringey	1.0	23.3
Harrow	2.4	20.4
Havering	0.9	19.7
Hillingdon	2.0	19.8
Hounslow	1.8	24.4
Islington	0.5	21.8
Kensington and Chelsea	1.7	20.7
Kingston upon Thames	1.1	17.6

63 UNICEF (2013) *The right ingredients: the need to invest in child nutrition*

64 See: pathways.nice.org.uk/pathways/obesity/lifestyle-weight-management-services-for-children-and-young-people

65 The NHS Information Centre for Health and Social Care (December 2013) *National Child Measurement Programme – England, 2012–2013 school year*, Table 3B

Area	Underweight children: Reception (%)	Obese children: Year 6 (%)
Lambeth	1.0	23.9
Lewisham	0.4	23.6
Merton	1.1	20.5
Newham	1.9	27.5
Redbridge	2.7	21.5
Richmond upon Thames	0.7	12.4
Southwark	1.0	26.0
Sutton	0.9	19.9
Tower Hamlets	1.6	26.0
Waltham Forest	1.8	22.6
Wandsworth	1.2	20.3
Westminster	1.2	25.0

Breastfeeding

Breastfeeding has huge health benefits for children.⁶⁶ Breast milk provides all of the nutrients, vitamins, and minerals an infant needs for growth for the first six months. Breast milk carries antibodies that help combat disease, and breastfeeding lowers the risk of health problems such as obesity, high cholesterol, high blood pressure, diabetes, asthma, and leukaemia. The bond between mother and baby created by breastfeeding has been found to have a positive impact on the child for life – in terms of behaviour, speech, sense of wellbeing and security.

While the state cannot force parents to breastfeed their children, public bodies can play an important role in encouraging breastfeeding. UNICEF expects health bodies to ensure that interventions likely to encourage breastfeeding, such as its Ten Steps to Successful Breastfeeding,⁶⁷ its Baby-Friendly Hospital Initiative (BFHI),⁶⁸ and training and support for health workers, are embedded across their organisations. They also want to see local support for mothers via community health workers, counsellors, and mother-to-mother support groups.

The World Health Organisation and UNICEF recommend exclusive breastfeeding for the first six months and continued breastfeeding for two years or more.⁶⁹ However, the best data available about London breastfeeding rates relates to breastfeeding initiation. Breastfeeding initiation rates are far higher in London than the national average. In London 87% of mothers start breastfeeding compared with the national average of 74%. While figures for the proportion of babies who are still breastfed at 6–8 weeks are not available London-wide, all of the figures which are available for individual boroughs are higher than the national average of 47.2%. In eight London boroughs, breastfeeding is initiated for more than 90% of children, and in seven 75% or more of children are still being breast fed at 6–8 weeks. However, breastfeeding is initiated for less than 75% of babies in Barking and Dagenham, Havering and Bexley, and in both Barking and Dagenham and Bexley rates have dropped to below 55% at 6–8 weeks.

66 See: www.unicef.org/nutrition/index_24824.html

67 See: www.unicef.org/newsline/tensteps.htm

68 See: www.unicef.org.uk/babyfriendly/

69 World Health Organisation (September 2013) *Infant and young child feeding*, Fact sheet No. 342

Prevalence of initiation of breastfeeding by Primary Care Trust (2011–12) and prevalence of total or partial breastfeeding at 6–8 weeks by Primary Care Trust (2011–12)⁷⁰

Area	Initiation of breastfeeding (%)	Breastfeeding at 6–8 weeks
England	74.0	47.2
London	87.0	
Barking and Dagenham	73.1	54.5
Barnet	90.7	75.4
Bexley Care Trust	70.8	48.4
Brent Teaching	88.0	74.1
Bromley	83.6	57.2
Camden	91.0	76.3
City and Hackney	91.3	82.8
Croydon	87.0	67.3
Ealing	89.5	65.0
Enfield	90.3	
Greenwich Teaching	79.7	62.8
Hammersmith and Fulham	91.3	79.0
Haringey Teaching	94.3	71.9
Harrow	85.4	73.3
Havering	71.1	
Hillingdon	83.3	60.4
Hounslow	84.5	
Islington	89.9	75.0
Kensington and Chelsea		
Kingston upon Thames	89.4	71.6
Lambeth	91.8	
Lewisham	86.4	75.7
Newham	88.7	
Redbridge	87.5	65.8
Richmond and Twickenham	89.6	
Southwark	89.7	77.4
Sutton and Merton	81.6	61.5
Tower Hamlets	88.3	71.1
Waltham Forest	89.8	
Wandsworth	93.1	72.8
Westminster	88.0	

⁷⁰ Department of Health (June 2013) *Breastfeeding initiation and prevalence at 6–8 weeks*, Q4, 2012–13, Tables 4 and 6. Notes: Blank cells mean that data fell below quality standards.

Sexual health

Children have a right to information about how to lead healthy lives, and this includes information about sexual health. The UN Committee on the Rights of the Child has said authorities are obliged to:

[P]rovide adolescents with access to sexual and reproductive information, including on family planning and contraceptives, the dangers of early pregnancy, the prevention of HIV/AIDS and the prevention and treatment of sexually transmitted diseases (STDs).⁷¹

They are urged:

(a) to develop and implement programmes that provide access to sexual and reproductive health services, including family planning, contraception and safe abortion services where abortion is not against the law, adequate and comprehensive obstetric care and counselling; (b) to foster positive and supportive attitudes towards adolescent parenthood for their mothers and fathers; and (c) to develop policies that will allow adolescent mothers to continue their education.⁷²

When young girls become pregnant, this can indicate a lack of access to appropriate information or advice and/or that the girl has been abused. Teenage pregnancy can contribute to negative long-term outcomes for young mothers and their children.⁷³ Younger children who become pregnant can experience physical health problems linked to the pregnancy, with younger mothers more vulnerable to mental health problems than others, and very likely to leave education and to experience poverty. The children of younger mothers are also more likely to experience negative outcomes such as deprivation and poor health problems.

Pregnancy amongst girls aged 13 to 15 is slightly higher in London than the national average. However, rates vary widely within London itself, with rates in Lambeth, Haringey and Southwark more than three times those in Harrow and Richmond upon Thames.

Conception rate per 1,000 girls aged 13–15 (Three year aggregate for 2009–11)⁷⁴

Area	2009–11 rate	Area	2009–11 rate
England	6.7	Enfield	7.3
London	6.9	Bromley	7.4
Harrow	3.3	Havering	7.4
Richmond upon Thames	3.4	Lewisham	8.2
Barnet	3.7	Barking and Dagenham	8.4
Kingston upon Thames	4.4	Hounslow	8.6
Redbridge	4.4	Croydon	8.7
Ealing	5.1	Waltham Forest	8.8
Sutton	5.3	Hackney and City of London	9.0
Brent	5.7	Greenwich	9.4
Hillingdon	6.1	Islington	9.4
Merton	6.2	Lambeth	10.4
Hammersmith and Fulham	6.3	Haringey	10.7
Wandsworth	6.4	Southwark	11.0
Bexley	6.8	Camden	*
Tower Hamlets	6.8	Kensington and Chelsea	*
Newham	7.1	Westminster	*

71 UN Committee on the Rights of the Child (2003) *General Comment No. 4, Adolescent health and development in the context of the Convention on the Rights of the Child*, para 28

72 UN Committee on the Rights of the Child (2003) *General Comment No. 4, Adolescent health and development in the context of the Convention on the Rights of the Child*, para 31

73 Swann, C., Bowe, K., McCormick, G., and Kosmin, M. (2003) *Teenage pregnancy and parenthood: a review of reviews*, NHS Health Development Agency

74 Source: Office for National Statistics (Feb 2013) *Conception Statistics, England and Wales, 2011*, Table 7. Notes: Conception statistics do not include miscarriages or illegal abortions, * denotes suppressed to protect confidentiality

Mental health

In carrying out the research for this report, it became apparent that there is a lack of data available at the local level in relation to children's mental health and access to mental health services. In particular, since the discontinuation of surveys, such as Tellus, there is no data about children's self-reported levels of wellbeing at the local level.⁷⁵ The information below focuses on the mental health of looked after children, a group about which there is some data, though this too should be treated with caution because of the low numbers completing the surveys.

The Strengths and Difficulties Questionnaire (SDQ) is a brief behavioural screening questionnaire completed in relation to children aged 3 to 16 years-old. It can be completed by the parents and teachers of 4 to 16 year-olds or by children who are between 11 and 16 years-old themselves. It asks about 25 attributes, some positive and others negative, relating to a child's emotional and behavioural state, and the scorings are used to determine whether any area is "of concern".

In only four boroughs were less than 25% of looked after children (for whom SDQs were submitted) reported to have SDQs "of concern". In Lambeth and Sutton more than 50% of looked after children reported this, with Harrow similarly high at 49%. In Brent, an astonishing 77% of children were "of concern", although a low percentage of SDQs were in fact submitted in Brent (18%) which may go some way to explaining this exceptionally high figure.⁷⁶

Percentage of looked after children with a Strengths and Difficulties Questionnaire considered "of concern" (year ending March 2013)⁷⁷

Area	% of SDQs "of concern"	Area	% of SDQs "of concern"
England	38	Bromley	36
London	34	Camden	37
Newham	16	Hounslow	37
Southwark	21	Havering	38
Hillingdon	22	Waltham Forest	38
Hammersmith and Fulham	24	Bexley	39
Kensington and Chelsea	28	Haringey	39
Redbridge	29	Merton	39
Croydon	30	Kingston upon Thames	39
Greenwich	30	Wandsworth	41
Barking and Dagenham	31	Hackney	44
Barnet	31	Islington	44
Tower Hamlets	31	Harrow	49
Ealing	32	Lambeth	54
Enfield	32	Sutton	54
Lewisham	33	Brent	77
Westminster	34	Richmond upon Thames	x

75 Tellus was a national survey which ran between 2007 and 2010, commissioned by the then Department for Children, Schools and Families. It gathered children and young people's views on their life, their school and their local area. The last survey (Tellus4) in March 2010 represented the views of 253,755 children and young people in school years 6, 8 and 10 in 3,699 schools. It included indicators in relation to the number of children reported as having 'good' emotional health and wellbeing.

76 The boroughs vary widely in terms of the percentage of children for whom SDQs were submitted and this may go some way to explaining the wide variance in results. The full table can be accessed at www.gov.uk/government/publications/outcomes-for-children-looked-after-by-las-in-england (Local Authority Tables, Table LA7)

77 Source: Department for Education (Dec 2013) *Outcomes for Children Looked After by Local Authorities in England, as at 31 March 2013*, Table LA7. Notes: An SDQ score is required for those children aged 4 to 16 who had been looked after continuously for at least twelve months. A higher score on the SDQ indicates more emotional difficulties. A score of 0–13 is considered normal, a score of 14–16 is considered borderline cause for concern and a score of 17 and over is a cause for concern. x – % where the numerator is 5 or less or the denominator is 10 or less

In recognition of the particular needs of this group, NICE guidelines recommend that DCS and Commissioners of mental health services should work together to deliver dedicated, flexible, and accessible mental health services to promote the mental health and emotional wellbeing of children and young people in care.⁷⁸

Children's involvement in shaping health services⁷⁹

Nearly all CCGs across London have mechanisms in place for the regular consultation of children on the provision of healthcare services. Responses to our Freedom of Information request showed that only Harrow, Havering, and Southwark did not have these structures in place.

All but three CCGs (Harrow, Merton and Havering) had consulted with children on the provision of healthcare services since April 2012. Merton has plans to consult with children in the near future. Harrow, however, did not provide information on any such plans.

The most frequently cited method of involving children was through children and young people's forums, mentioned by 75% of CCGs. In the majority of cases this involved partnering with existing representative forums outside the CCG, such as local youth councils or young carers groups. However, a small number of CCGs have set up their own representative bodies for children. Nine CCGs highlighted their general patient forums as mechanisms to consult children. Very little information was provided, however, on the extent to which children's views were in fact represented through these.

Fifty-nine per cent of CCGs use surveys or other forms of written or online feedback to gather the views of children in their area. Fifty-six per cent use face-to-face methods, such as focus groups or listening events.

A small, but substantial, 28% of CCGs engage with children through local schools, colleges, and youth services. Hillingdon CCG also plans to seek children's views by targeting families using the libraries service.

Barnet, Croydon, Islington, Lambeth, and Tower Hamlets all have children represented on decision-making panels within the CCG, dealing with issues such as recruitment, tenders, and service provision.



CASE STUDY: YOU'RE WELCOME

Only three CCGs (Croydon, Ealing, and Islington) said that they used the Department of Health's *You're Welcome* scheme that sets out quality criteria for young people friendly health services. As part of the programme, children take on the role of "mystery shoppers" to obtain a realistic picture of service provision. These views then form part of the research to determine whether a health service achieves *You're Welcome* accreditation. Barking and Dagenham uses a similar young inspectors scheme.

Another scheme used by two CCGs (Barnet and Camden) is the annual Takeover Day coordinated by the Children's Commissioner for England. This enables children and young people to work alongside adults in key roles. The intention is to provide an opportunity for children's views to be heard, and for adults to gain a new perspective on their work.

Lambeth involved a range of children through schools and the Youth Offending Service in its Big Lambeth Health Debate. This sought people's views on, amongst other things, how to improve healthcare services and reduce inequalities in health.

Notably, Tower Hamlets CCG drew attention to the borough's involvement in UNICEF's *Child Rights Partners* programme. Tower Hamlets will be working with UNICEF over three years to raise the profile of children's rights, and to embed a children's rights approach into service provision.



WHAT CHILDREN TOLD US

Children talked about the importance of trusting the health professionals working with them. A worker who supports disabled children recounted a recent incident that one of them had told her about. When the girl visited her GP about a personal and embarrassing subject she found a second doctor sitting in the room whom she did not know and whose presence made the appointment deeply upsetting and difficult. But another girl said she receives health information from a "Moving Forward Worker" and when asked if this was useful replied, "Well I know him and I trust him".

⁷⁸ National Institute for Health and Care Excellence (2010, updated 2013) *NICE public health guidance 28: Looked after children and young people*, Recommendation 8

⁷⁹ CRAE analysis of responses by London Clinical Commissioning Groups to Freedom of Information requests dated November 2013

One girl with a severe disability said that she was not happy with the occupational therapy support she gets. She thought her family and her friends and their family should get more occupational therapy support – from when they are very little.

Decision making in health care

The experiences of young people in relation to being involved in decision-making about healthcare varied significantly. The majority of young people that we spoke to had never been asked about their views as to what health care services should be provided locally. Only one young person had heard of her local Healthwatch⁸⁰ organisation.

In relation to decision-making about personal health care, one young person said that she had been involved in making a decision about the timing of a major operation. However, she was very critical about the information that was given to her beforehand about her recovery, and felt that the health care professionals involved failed to explain things to her properly. She also said that the operation coincided with her turning 16, so immediately after the operation she was discharged from children's physiotherapy services, despite needing post-operative physiotherapy. She said that there was a big problem with the transition between children and adult services – it felt that children's services did not want her any more but adult services were not willing to take her either.

Sexual health

A number of young people expressed the view that only limited information on sexual health is available at school – mainly in science lessons – and that this information could be improved. Several young people said that getting information about sexual health at school was 'awkward' or 'uncomfortable'. One young woman said that more information needs to be made available about the emotional side of sexual health. Young women in one group said that there were some sexual health services that they could easily access, including walk-in clinics and the NHS website, though they identified the need for improvements to services, and for more information on sexual health. A young disabled woman said that there was not enough information available on sexual health, and the information that is available should be given in a different way as it is not very accessible.

Mental health

The issue of mental health was raised in two of the focus groups (by young women aged 14 to 16). In both groups the young people felt that there was a stigma attached to mental health and that it is very rarely discussed openly. One female said that mental health is never talked about in her school. These views were echoed by other females:

I think you learn so much about physical health but they ignore mental health.

Mental health is something that gets written off... quite easily so, like, the only thing that's really mentioned about mental health is stress.

One of the focus group participants said that more information should be available on the different types of mental health problems for young people and teachers so that 'everyone was more understanding of things...'

Although they didn't explicitly mention mental health issues, primary school children also talked about feeling anxious and stressed – mainly in relation to having lots of homework to do and not having enough time for leisure and play, either during the week or at the weekends.

⁸⁰ Local Healthwatch bodies are supposed to give people a stronger voice in how health and social care services are provided within their local area

Summary

Area	Child deaths	Reception children: Underweight	Year 6 children: Obesity	Breast-feeding initiated	Breast-feeding at 6–8 wks	Conception rate: 13–15 yr olds	Looked after children: Emotional and behavioural health
Barking and Dagenham	●	●	●	●	●	●	●
Barnet	●	●	●	●	●	●	●
Bexley	●	●	●	●	●	●	●
Brent	●	●	●	●	●	●	●
Bromley	●	●	●	●	●	●	●
Camden	●	●	●	●	●	*	●
Croydon	●	●	●	●	●	●	●
Ealing	●	●	●	●	●	●	●
Enfield	●	●	●	●	●	●	●
Greenwich	●	●	●	●	●	●	●
Hackney	● +City	● +City	● +City	● +City	● +City	● +City	●
Hammersmith and Fulham	●	●	●	●	●	●	●
Haringey	●	●	●	●	●	●	●
Harrow	●	●	●	●	●	●	●
Havering	●	●	●	●	●	●	●
Hillingdon	●	●	●	●	●	●	●
Hounslow	●	●	●	●	●	●	●
Islington	●	●	●	●	●	●	●
Kensington and Chelsea	●	●	●	●	●	*	●
Kingston upon Thames	●	●	●	●	●	●	●
Lambeth	●	●	●	●	●	●	●
Lewisham	●	●	●	●	●	●	●
Merton	●	●	●	● +Sutton	● +Sutton	●	●
Newham	●	●	●	●	●	●	●
Redbridge	●	●	●	●	●	●	●
Richmond upon Thames	●	●	●	●	●	●	●
Southwark	●	●	●	●	●	●	●
Sutton	●	●	●	● +Merton	● +Merton	●	●
Tower Hamlets	●	●	●	●	●	●	●
Waltham Forest	●	●	●	●	●	●	●
Wandsworth	●	●	●	●	●	●	●
Westminster	●	●	●	●	●	*	●

4

STANDARD OF LIVING

ARTICLE 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development...

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

ARTICLE 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

The right to an adequate standard of living

Under Article 27 of the UNCRC, the state should ensure that every child has a standard of living which is adequate to allow them to develop fully – physically, mentally, spiritually, morally and socially. Whilst recognising the responsibilities that parents have, governments must ensure that they provide assistance to families to ensure that children's essential needs are met – in particular, nutrition, clothing and housing.

Public bodies should use the maximum available resources to ensure that all children have an adequate standard of living (Article 4). Children have a right to receive assistance through social benefits, depending on the circumstances of their families (Article 26).

The UNCRC states that children should be protected from all forms of discrimination. There should not be inequalities in basic living standards. This includes discrimination on the basis of their (or their parents') status or property (Article 2).

In 2008, the UN Committee on the Rights of the Child welcomed the Government's commitment to end child poverty by 2020. However, it also expressed serious concern at levels of poverty across the UK. It highlighted the links between poverty and infant mortality, health, education, and everyday quality of life. The Committee called on the UK to:

- Effectively implement legislation aimed at ending child poverty by 2020;
- Establish measurable indicators to achieve this goal;
- Prioritise children and families in most need of support; and
- Improve material assistance and support programmes for parents and carers, particularly with regard to nutrition, clothing, and housing.⁸¹

The remainder of this chapter explores the state of children's poverty in London. In particular it focuses on local authority strategy and the housing situation of children living in poverty.



WHICH BODIES INFLUENCE CHILDREN'S RIGHT NOT TO LIVE IN POVERTY?

Department for Education and Department for Work and Pensions

The Government has a duty to ensure four poverty targets are met by 1 April 2020 (relative low income target, combined low income and material deprivation target, absolute low income target, and persistent poverty target).⁸²

The Government is also under a duty to produce a regular UK child poverty strategy (that runs through to 2020 and is refreshed every three years) setting out proposed measures to meet those targets, and to ensure, as far as possible, that children in the UK do not experience socio-economic disadvantage.⁸³

The Department for Work and Pensions is also responsible for setting and administering welfare policy and taxes. As such it determines whether, and the circumstances in which and rate at which, to deliver financial support to families with children.

Greater London Authority

The Mayor is under a duty to prepare, publish and keep under review, a statutory London Housing Strategy.⁸⁴ This must include an assessment of housing conditions in London and the need for further housing provision, his policies and proposals to meet needs and improve housing conditions, and measures other bodies are to be encouraged to take. It must also include a statement of how much should be allocated to boroughs, and his expectations as to how the boroughs will use the money granted to them.

Local Authorities

The Child Poverty Act 2010 places a series of statutory duties on local authorities and named partners (including the Jobcentre Plus, the NHS and the police force) to deliver solutions to tackle child poverty at local level:

- Duty to co-operate with partners to reduce and mitigate the effects of child poverty in their area;⁸⁵
- Duty to prepare and publish an assessment of the needs of children living in poverty in their area (a local child poverty needs assessment);⁸⁶

81 UN Committee on the Rights of the Child (2008) *Concluding Observations: United Kingdom of Great Britain and Northern Ireland*, para 65

82 Child Poverty Act 2010, s. 2

83 Child Poverty Act 2010, s. 9

84 Greater London Authority Act 2007 as amended by the Localism Act 2011

85 Child Poverty Act 2010, ss. 21(1) and 21(2)

86 Child Poverty Act 2010, s. 22(1)

- Duty to prepare a joint child poverty strategy in relation to the area, setting out the measures that the local authority and partners propose to take to reduce and mitigate the effects of child poverty.⁸⁷
- Duty to include and have regard in the local Sustainable Community Strategy to the arrangements and actions from the previous duties.⁸⁸

Child poverty in London

Child poverty is far higher in London than the rest of the country, with 36% of children living in relative poverty. This means that a higher percentage of children in London live in households with incomes that are less than 60% of the average household income in a given period.⁸⁹ Child poverty has, however dropped over the last decade, and rates have dropped faster in London than in England as a whole.

Child Poverty Levels in London and England over time⁹⁰

	1999–00 to 2001–02	2009–10 to 2011–12	Change
London	40%	36%	-4
Rest of England	30%	27%	-3

Proportion of children living in poverty in each London borough

Figures equivalent to those used to measure national and regional child poverty are not available at London borough levels. However, the Children in Low-Income Families Local Measure provides a broad proxy for relative low-income child poverty as set out in the Child Poverty Act 2010, and enables analysis at a local level.

There is a huge disparity in child poverty rates across London. More than 45% of children in Tower Hamlets are living in poverty, whilst 10% of children in Richmond upon Thames do so.

Tackling child poverty: child poverty assessments and strategies

The Child Poverty Act 2010 places a duty on local authorities to prepare a “local child poverty needs assessment” setting out the needs of children living in poverty in the area. They are also required to prepare a child poverty strategy to ‘set out the measures that the responsible local authority and each partner authority propose to take for the purpose of reducing, and mitigating the effects of, child poverty in the responsible local authority’s area’.⁹¹

Responses to CRAE’s FOI request to all London boroughs (in November 2013) suggest that most local authorities in London recognise the importance of child poverty needs assessments. Of the 30 local authorities who responded on this issue, all but one (Hounslow) appears to have undertaken such an assessment. Surprisingly, Southwark responded that it does not hold this information and Newham’s response is unclear on this point. In five cases (Bromley, Camden, City of London, Harrow and Hillingdon), child poverty needs had formed part of wider Council assessments rather than a stand alone assessment.

Responses as to whether boroughs intended to publish new child poverty strategies in 2014, together with some further research of our own, suggest that 20 local authorities (of the 30 who responded on this issue) do currently have a dedicated child poverty strategy in place, with a further two (Westminster and Islington) intending to publish strategies this year. Camden, Bromley, Hillingdon, Hounslow, Greenwich, Newham and Harrow do not appear to have a specific child poverty strategy in place. Rather, they rely on other strategies and plans (such as the Camden Plan or, in the case of Hillingdon, the Children & Families Trust Plan 2011–14) to monitor progress and/or address specific aspects of inequality and disadvantage. Southwark was unable to provide any information.

87 Child Poverty Act 2010, ss. 23(1) and 23(2)

88 Child Poverty Act 2010, s. 24

89 The threshold is defined in terms of median income. As such, it compares low-income households with those in the middle, not with the richest, and is therefore a comparison with what can be considered ‘normal’ in contemporary UK society.

90 See London Poverty Profile accessed on 17 February 2014 at: www.londonpovertyprofile.org.uk/indicators/topics/income-poverty/londons-poverty-rate/. Original source: Department for Work and Pensions (2013) *Households Below Average Income*

91 Child Poverty Act 2010, Part II, s. 23 (1)

The percentage of under 16 year-olds living in families in receipt of out of work benefits or tax credits where their reported income is less than 60% of median income (August 2011)⁹²

Area	Percentage	Area	Percentage
England	20.1	Ealing	25.1
London	26.7	Brent	28.8
Richmond upon Thames	10.2	Waltham Forest	28.9
Kingston upon Thames	13.8	Greenwich	29.2
Sutton	16.0	Hammersmith and Fulham	29.7
Bromley	16.7	Lewisham	30.3
Merton	17.7	Southwark	30.8
Bexley	18.9	Lambeth	31.8
Havering	18.9	Haringey	31.9
Harrow	19.9	Enfield	32.5
Barnet	20.1	Newham	33.4
Hillingdon	22.0	Barking and Dagenham	33.6
Wandsworth	22.1	Camden	33.6
Redbridge	23.4	Hackney	35.6
Hounslow	24.4	Westminster	36.7
Croydon	24.6	Islington	39.1
Kensington and Chelsea	24.8	Tower Hamlets	46.1

Housing

The state of a child's home – in terms of fitness for habitation and size, stability, and location – affects their physical and mental health, education, relationships, and safety. Homeless children are three to four times more likely to have mental health problems, two to three times more likely to be absent from school, and are likely to have lower academic achievement which does not correlate with the child's tested ability.⁹³

Bed and breakfast (B&B) accommodation is recognised as unsuitable for homeless children. Children in a B&B may come into contact with other vulnerable adult residents who can have problems with drugs, alcohol, or violence. Children in such accommodation often share a room with their whole family.⁹⁴ There are usually no cooking facilities, families may have to share bathrooms with other residents, and in some places are required to leave the premises during the day time. For this reason, it is against the law for councils to keep homeless families or pregnant women in B&Bs for more than six weeks.⁹⁵ In eighteen London boroughs, children were living in B&B accommodation. Ealing housed more than 500 children in this way, and Hounslow, Westminster, Tower Hamlets and Brent each housed more than 200 children in B&Bs. Between July and September 2013, 521 children in London were housed in bed and breakfasts for longer than 6 weeks – 71% of the total in England. More than half of those children illegally housed were the responsibility of just three local authorities – Ealing, Hounslow and Tower Hamlets.

92 Source: HM Revenue and Customs (31 August 2011) *Children in Low-Income Families Local Measure, 2011 (Local Authorities)*. Notes: Shows the number of children living in families in receipt of Child Tax Credit whose reported income is less than 60 per cent of the median income or in receipt of Income Support or (Income-Based) Job Seeker's Allowance, divided by the total number of children in the area (determined by Child Benefit data).

93 Shelter (2006) *Chance of a lifetime: The impact of bad housing on children's lives*

94 Shelter (2013) *Nowhere to go: The scandal of homeless children in bed and breakfasts*

95 The Homelessness (Suitability of Accommodation) (England) Order 2003

Children in B & B accommodation (July to September 2013)⁹⁶

Area	Children in B&B	Longer than 6 weeks
England	3,360	730
London	2,350	521
Barnet	0	0
Bexley	0	0
Enfield	0	0
Greenwich	0	0
Hackney	0	0
Haringey	0	0
Islington	0	0
Kingston upon Thames	0	0
Lewisham	0	0
Merton	0	0
Newham	0	0
Richmond upon Thames	0	0
Southwark	0	0
Waltham Forest	0	0
Kensington and Chelsea	1	0
Camden	1	1
Lambeth	2	0
Havering	4	0
Bromley	12	3
Sutton	46	7
Hammersmith and Fulham	54	15
Hillingdon	61	21
Croydon	77	18
Harrow	96	27
Wandsworth	120	17
Barking and Dagenham	138	32
Redbridge	199	48
Hounslow	223	104
Westminster	239	0
Tower Hamlets	244	95
Brent	309	48
Ealing	519	85

96 Source: Department for Communities and Local Government (December 2013) *Detailed local authority level homelessness figures: July to September 2013*, Sections E6.1 and E6.9. Notes: The number of dependent or expected children who are part of households which are housed in temporary accommodation by their local authority at the end of the period specified, waiting either for a decision on their application or for settled accommodation to become available.



WHAT CHILDREN TOLD US

Younger children talked about the things all children in London need to have an adequate standard of living:

Somewhere to sleep, somewhere to do stuff... a garden, just don't live in the streets...

Having enough money to buy food.

We need to be comfortable.

Need a toilet and bathroom.

Pocket money.

Primary school children that we spoke to agreed that many children in London do not have these basic essentials. One group of younger children talked a lot about people in the area without adequate housing. One boy said: 'Some children live in one room... They're not homeless on the streets – they have a house but... they don't have lots of stuff'. The children suggested:

Could start smashing down buildings that are not being used. There are old buildings that no one uses then they make houses and children can live there.

The old buildings that we don't use they could change the rooms to make a house.

Children talked about the impact of poverty on different aspects of their lives. A number of young people felt that not having much money can have a major impact on a child's education, meaning that they are unable to afford a tutor or certain bits of school equipment. One boy who had experience of being looked after told us how a lack of money can influence children's educational outcomes:

Most young people struggle how they spend their money... and I think they affect their education as well, because they always think about if I don't have money to buy food. They always think about their money instead of their education.

Another girl made a similar point about the impact of poverty on her life:

You're more concerned about how you're going to make it to next pay day than actually buckling down and focusing on more important things... like long term more important things like your education, your wellbeing.

Children also felt that a lack of money can cause depression and anxiety, as well as relationship break-downs. One group of females talked about the pressure to look a particular way, and about how this pressure can feel even greater if you have less money for shopping and clothes.

Care leavers talked about the fact that work does not pay. Young people with experience of care talked about the cost of going to work, including childcare and travel, which means that work does not pay:

It's best to stay at home realistically because... you're going to struggle to find that extra £100... so things like that contradict what the Government wants. Go back to work, cut down the benefits...

Most people that I know want to go to work... but because the cost of just travelling to work outweighs what you get paid you might as well be on benefits at home or volunteering for your spare time because realistically... you're not even getting paid enough to even leave your front door.

Another girl with experience of care said that she was advised by the Council that young people should look for employment as apprentices or trainees. She said that young people should have a choice about their futures. Those advising young people should find out what young people really like and support them to achieve this, rather than force them to do something they do not want to do:

When children are young they have dreams... You have your dream, what you want to become. You know, when I grow up maybe I want to be a doctor, I want to be an engineer. Why don't you just support them to be whatever they want to be instead of just leaving them half way?

She said that there should be more apprenticeships for young people but:

When I'm talking about apprenticeships, I don't mean where they're going to pay you £4 an hour, that you are going to be suffering to live, that you're going to quit the job the next week. Because I've left jobs, apprenticeship jobs before, because I'm getting paid and it does not cover my bills, and you work more than 16 hours and you get this amount. They don't give you a penny. By the time I pay my gas, my electricity, my rent, my council tax, plus my water bills, my bus pass, I don't have anything left so I just quit the job anyway.

Summary

Area	Poverty	Children in B&B accommodation	Longer than 6 wks in B&B
Barking and Dagenham	●	●	●
Barnet	●	●	●
Bexley	●	●	●
Brent	●	●	●
Bromley	●	●	●
Camden	●	●	●
Croydon	●	●	●
Ealing	●	●	●
Enfield	●	●	●
Greenwich	●	●	●
Hackney	●	●	●
Hammersmith and Fulham	●	●	●
Haringey	●	●	●
Harrow	●	●	●
Havering	●	●	●
Hillingdon	●	●	●
Hounslow	●	●	●
Islington	●	●	●
Kensington and Chelsea	●	●	●
Kingston upon Thames	●	●	●
Lambeth	●	●	●
Lewisham	●	●	●
Merton	●	●	●
Newham	●	●	●
Redbridge	●	●	●
Richmond upon Thames	●	●	●
Southwark	●	●	●
Sutton	●	●	●
Tower Hamlets	●	●	●
Waltham Forest	●	●	●
Wandsworth	●	●	●
Westminster	●	●	●

5

EDUCATION

ARTICLE 28

States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

“People should take the time to listen and understand individual situations rather than just grouping people together. And making sure that people that work with children, whether they are able bodied or disabled, that they understand that some people may need more help on certain things than others.”

A right to an education

Article 28 of the UNCRC states that all children have the right to an education. Children should enjoy all the rights in the UNCRC without discrimination, and action should be taken to eliminate inequalities (Article 2). The UNCRC also states that children have the right to express their views on matters that affect them, including decisions about their education (Article 12).

The UNCRC sets out minimum requirements for the education system – free primary education, different forms of secondary education, and “available and accessible” guidance on education and vocational training. Action must also be taken to ensure that children regularly attend school, and to reduce drop-out rates. In addition, schools must make sure that school discipline reflects children’s human rights.

The UNCRC recognises that many children experience discrimination in accessing education, and says that governments must ensure that the right to an education is based on “equal opportunity”. The UN General Comment on the right to education notes that disparities in spending on education may result in variable quality of education across a region – this can be regarded as discrimination in the provision of education.⁹⁷ It is also clear that education, *‘including all relevant policies, institutions, programmes, spending patterns and other practices,’* must be monitored closely so that any discrimination can be identified and addressed.⁹⁸

At first glance, it may appear that the education system does meet the requirements of the UNCRC – primary education is free, there are different forms of secondary education, and information and guidance is available. However, despite significant improvements in attainment for children in London in recent years,⁹⁹ there is still a long way to go before all children in London have their right to an education fully realised.

In 2008, the UN said that more needed to be done to make sure that all children enjoy their right to an education. The UN recommended the following:

- Invest more resources to ensure that all children have an inclusive education, focusing specifically on children from disadvantaged, marginalised, and school distant groups;
- Reduce the impact of socio-economic background on children’s achievement at school;
- Use temporary and permanent exclusions as a last resort, and reduce the number of exclusions;
- Place more social workers and psychologists in schools;
- Ensure that all children out of school receive a high quality of education; and
- Strengthen children’s participation in all matters of school, classroom, and learning that affect them.¹⁰⁰

The remainder of this chapter explores the state of children’s rights to education in London. In particular, it focuses on inequalities in educational outcomes for different groups of children, and the experiences of children in the education system in relation to exclusions and participation in decision-making.

WHICH BODIES INFLUENCE CHILDREN’S RIGHT TO EDUCATION IN LONDON?



Department for Education

Responsible for promoting the education of people in England and Wales.¹⁰¹ It has powers to intervene where local authorities and governing bodies have failed to discharge their duties under the Education Act 1996.¹⁰²

97 UN Committee on Economic, Social and Cultural Rights (1999) *General Comment No. 13: The right to education (Article 13 of the Covenant)*, para 35

98 UN Committee on Economic, Social and Cultural Rights (1999) *General Comment No. 13: The right to education (Article 13 of the Covenant)*, para 37

99 Mayor of London (Feb 2013) *Mayor of London’s Education Programme: Delivery Plan*

100 UN Committee on the Rights of the Child (2008) *Concluding Observations: United Kingdom of Great Britain and Northern Ireland*, para 67

101 Education Act 1996, s. 10. The duty may be traced back to s. 1(1) of the Education Act 1944

102 Education Act 1996, ss. 496 and/or 497

Greater London Authority

No statutory powers in education. Responsibility to promote the social and economic development of London.¹⁰³ The Mayor of London established an education inquiry¹⁰⁴ and published a delivery plan to take its recommendations forward.¹⁰⁵

Department for Business, Innovation and Skills (Jointly with the Department for Education)

Responsibility for policy on further education and apprenticeships.

Local Authorities

Responsibility for the local administration of state sector education services, including overseeing the performance and financial arrangements of maintained schools, and ensuring any necessary improvements are carried out effectively and expeditiously. General duties include promoting high standards in primary and secondary education,¹⁰⁶ and ensuring primary and secondary schools are sufficient in number, character, and equipment to provide all pupils the opportunity to attain appropriate education.¹⁰⁷ Other specific responsibilities include admissions, alternative provision PRUs and complaints.¹⁰⁸

The Education Act 2002 places a duty on local authorities in relation to their education functions (as well as the governing bodies of maintained schools and the governing bodies of further education institutions (which include sixth-form colleges)) to exercise their functions with a view to safeguarding and promoting the welfare of children who are either pupils at a school or who are students under 18 years of age attending further education institutions.¹⁰⁹

School Governing Bodies

The purpose of maintained school governing bodies is to '*conduct the school with a view to promoting high standards of educational achievement at the school.*'¹¹⁰ In all types of school they have three core strategic functions:

- Ensuring clarity of vision, ethos and strategic direction;
- Holding the headteacher to account for the educational performance of the school and its pupils; and
- Overseeing the financial performance of the school and making sure its money is well spent.¹¹¹

Other specific duties include:

- The promotion of wellbeing;¹¹² (maintained schools)
- To have regard to statutory guidance on consulting with pupils about matters that affect them¹¹³ (maintained schools);
- Considering complaints about the school and any community facilities or services that it provides.¹¹⁴ An academy is required, through its funding agreement, to ensure a complaints procedure is drawn up and carried out effectively;
- Reviewing headteachers' exclusion decisions¹¹⁵ and arranging suitable full-time education for excluded pupils from the sixth school day of a fixed-period exclusion;¹¹⁶
- Curriculum decisions (maintained schools). E.g. at primary level, deciding whether their school's curriculum should include sex education beyond what is in the statutory national curriculum for science, and if so, what. Also, ensuring the requirement to secure careers guidance from an external source, in the form that best meets the needs of their pupils, is being met.

The governing body also has duties in relation to specific classes of pupils, such as securing provision for children with special educational needs and appointing a designated teacher to promote the educational achievement of looked after children on the school roll.

103 Greater London Authority Acts 1999 and 2007

104 Mayor of London (2012) *The Mayor's Education Inquiry Final report: findings and recommendations*

105 Mayor of London (Feb 2013) *Mayor of London's Education Programme: Delivery Plan*

106 Education Act 1996, s. 13 A

107 Education Act 1996, s. 14

108 A full list *Statutory duties of local authorities* can be accessed on the Department for Education website at: www.education.gov.uk/childrenandyoungpeople/strategy/a00198443/statutory-duties-of-local-authorities

109 Education Act 2002, s. 175

110 Education Act 2002, s. 21(2)

111 The School Governance (Role, Procedures and Allowances) (England) Regulations 2013

112 Education and Inspections Act 2006

113 Education 2002 Act, s.176

114 Education Act 2002, s. 29. For academies, free schools and independent schools – The Education (Independent Schools Standards) Regulations 2010 (as amended)

115 Education Act 2002, s. 51A and The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

116 Education and Inspections Act 2006, s.100

Early years education

High quality education during a child's early years has a significant positive impact on the child's outcomes.¹¹⁷ The pre-school years are a crucial time for children's cognitive, social, and emotional growth, and early years education is important in allowing children to flourish in these respects. However, barriers to accessing high quality early years education can mean that disadvantaged families and children with the most to gain from quality provision are less likely to access it.¹¹⁸ The proportion of low income families in Lewisham and Southwark which takes up formal childcare is more than three times that in Tower Hamlets.

Take up of formal childcare by low income working families (2010–11)¹¹⁹

Area	Take up of formal childcare %	Area	Take up of formal childcare %
England	16.8	Barking and Dagenham	15.4
London	15.8	Waltham Forest	15.2
Lewisham	25.4	Enfield	15.1
Southwark	24.3	Merton	14.7
Lambeth	23.2	Haringey	14.5
Croydon	22.2	Havering	14.1
Kensington and Chelsea	20.0	Kingston upon Thames	14.0
Islington	20.0	Brent	13.9
Bromley	18.9	Hillingdon	13.5
Greenwich	18.8	Redbridge	12.4
Richmond upon Thames	18.2	Barnet	11.9
Bexley	18.1	Hounslow	11.7
Hackney	17.3	Westminster	11.4
Hammersmith and Fulham	16.7	Ealing	10.9
Sutton	16.4	Newham	10.5
Wandsworth	16.0	Harrow	10.5
Camden	15.7	Tower Hamlets	7.8

School places

A lack of school places can affect the ease with which children are able to access their school of choice, and whether their school place is located close to the home. In Sutton, Waltham Forest, and Bromley, more than half of all primary schools are full or over capacity, whereas less than 10% of primary schools in Haringey, Southwark, Lambeth, Barking and Dagenham, and Islington are in this category.

Proportion of primary schools that are full or over capacity¹²⁰

Area	Full/over capacity (%)	Area	Full/over capacity (%)
Haringey	3.1	Islington	9.1
Southwark	7.4	Greenwich	12.5
Lambeth	8.2	Westminster	12.8
Barking and Dagenham	8.9	Hackney	13.2

117 Gregory, I. (July 2009) *Childcare take up and National Indicator 118: A summary of learning funded by government regional offices 08/09 across England*, Daycare Trust

118 Equality and Human Rights Commission (Nov 2010) *Working Better: Childcare Matters: improving choices and chances for parents and children*

119 Office for National Statistics (updated 31 Oct 2013) Neighbourhood Statistics, Local Profiles: *Child Poverty – Take up of formal childcare by low income working families*

120 Source: Trust for London and New Policy Institute London's Poverty Profile, Poverty indicators, Primary school availability by borough. Accessed on 24 January 2014 at: www.londonpovertyprofile.org.uk/indicators/topics/11-services/primary-school-availability-by-borough/

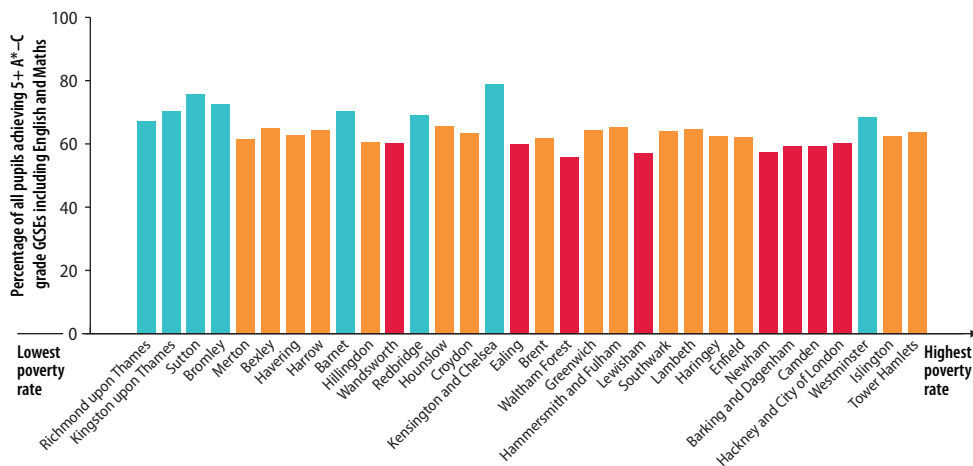
Area	Full/over capacity (%)	Area	Full/over capacity (%)
Newham	13.6	Wandsworth	35.7
Kensington and Chelsea	15.4	Lewisham	36.4
Hounslow	16.7	Enfield	37.9
Merton	18.6	Brent	40.7
Tower Hamlets	21.7	Havering	40.7
Camden	23.8	Bexley	41.4
Richmond upon Thames	25.0	Barnet	44.3
Hammersmith and Fulham	25.7	Harrow	44.7
Hillingdon	26.2	Redbridge	45.3
Kingston upon Thames	26.5	Bromley	52.7
Croydon	27.4	Waltham Forest	56.9
Ealing	29.7	Sutton	65.9

Educational outcomes

All children have the right to an education which allows them to realise their potential – a high quality education which is suited to their capacities, needs, and learning styles. Research shows that about 20% of the variability in a pupil's achievement is attributable to school quality – so local authorities and schools have a part to play in ensuring that this right is made a reality.¹²¹

Currently, levels of achievement in London are higher than national averages, even though poverty affects a greater proportion of children in London. However, far too few children are achieving the outcomes which are seen as “acceptable”, with between 35 and 40% of all children failing to achieve 5 A*–C at GCSE, including English and Maths in many boroughs. As one might expect, there are variations between the level of achievement in different boroughs, with 80% of children in Kensington and Chelsea, but under 60% in Waltham Forest, Lewisham, and Newham attaining this level at GCSE. More surprising, is the fact that there is not always a direct link between levels of child poverty in a borough and educational outcomes. Some of the least well performing boroughs (Waltham Forest and Wandsworth) have middling levels of child poverty. Those with amongst the lowest levels of child poverty (Merton, Bexley, Havering and Harrow) do less well than some of the boroughs with far higher levels of child poverty (Kensington and Chelsea, Redbridge and Westminster).

Proportion of all children in state-funded schools achieving five or more GCSEs A*–C including English and Maths, compared with child poverty



121 Rasbash, J., Leckie, G., Pillinger, R., Jenkins, J. (2010) *Children's educational progress: partitioning family, school and area effects*, Journal of the Royal Statistical Society, 173(3), pp. 657–682

Level of educational achievement of all pupils in state-funded schools at key stages of education – Early Years Foundation,¹²² Key Stage 2¹²³ and at GCSE¹²⁴

Area	% of children achieving:		
	at least the expected standard in all 17 Early Learning Goals	Grade 4 or above in reading, writing and maths at Key Stage 2	5+ A*-C grade GCSEs including English and Maths
England	49	76	60.8
London	50	79	65.1
Barking and Dagenham	40	75	60.2
Barnet	58	79	71.5
Bexley	63	81	66.0
Brent	54	77	62.9
Bromley	60	80	73.9
Camden	42	82	60.4
Croydon	42	74	64.4
Ealing	54	77	60.9
Enfield	46	76	63.2
Greenwich	66	81	65.4
Hackney	55	81	61.2
Hammersmith and Fulham	49	79	66.5
Haringey	46	75	63.5
Harrow	41	79	65.4
Havering	57	79	63.7
Hillingdon	38	78	61.6
Hounslow	35	77	66.7
Islington	38	77	63.5
Kensington and Chelsea	45	84	80.2
Kingston upon Thames	56	82	71.6
Lambeth	43	81	65.9
Lewisham	66	83	58.0
Merton	42	78	62.6
Newham	51	79	58.4
Redbridge	57	78	70.2
Richmond upon Thames	41	74	68.3
Southwark	56	77	65.2
Sutton	39	81	77.0
Tower Hamlets	42	78	64.7
Waltham Forest	52	75	56.7
Wandsworth	52	82	61.3
Westminster	46	79	69.6

122 Early Years Foundation Stage is a framework for children up to the age of five, setting out six key areas of learning around which activities should be based: personal, social and emotional development; communication, language and literacy; problem solving, reasoning and literacy; knowledge and understanding of the world; physical development; and creative development.

123 Primary school children between the ages of seven and 11.

124 Sources: Department for Education (Nov 2013) *Early Years Foundation Stage Profile Attainment by Pupil Characteristics, England 2012-13* (DFE SFR 47/2013, Table 4); Department for Education (Dec 2013) *National curriculum assessments at key stage 2 in England: academic year 2012 to 2013* (DFE SFR51/2013, Table 20); Department for Education (Jan 2014) *GCSE and equivalent attainment by pupil characteristics in England: 2012 to 2013* (SFR05/2014, Table 3)

Attainment gaps between children eligible for free school meals and others

Children's rights mean that children's backgrounds should not determine their opportunities and outcomes. All children should be able to realise their potential at school, and their ability to do so should not be determined by their circumstances, or characteristics such as disability or ethnicity. Targeted intervention for the most disadvantaged children may often be necessary if they are to have the same chance of realising their potential as other children.¹²⁵

The table below sets out the attainment gap between children eligible for free schools meals and their peers at the three key stages of education. That attainment gap is far lower in London than in England as a whole. There are wide variances, however, between boroughs. At GCSE, for example, in Kensington and Chelsea, Lambeth, and Southwark, the attainment gap between children eligible for free schools meals and richer children is less than 10%. This is not because everyone does equally badly – in these boroughs a higher proportion of children do well/achieve expected levels at GCSE than in the country as a whole. In Kensington and Chelsea, the attainment gap is extraordinarily low, at 4.2%, while it has the highest overall attainment levels. In Kingston upon Thames and Sutton the attainment gap between rich and poor is over 35%.

Attainment Gap between pupils known to be eligible for Free School Meals and other pupils at key stages of education – Early Years Foundation, Key Stage 2 and Key Stage 4¹²⁶

Area	% difference in children eligible for free school meals and others achieving:		
	Early Learning Goals	Key Stage 2: level 4 and above in reading, writing and maths	Key Stage 4: 5+ A*–C grade GCSEs including English and Maths
England	19	19	26.7
London	13	13	18.6
Barking and Dagenham	11	13	15.3
Barnet	17	18	21.4
Bexley	20	15	27.4
Brent	3	11	19
Bromley	24	20	28.2
Camden	19	8	25.6
Croydon	14	19	18.4
Ealing	11	15	17.8
Enfield	11	15	25.5
Greenwich	13	11	18.3
Hackney	3	8	18.6
Hammersmith and Fulham	18	14	22.7
Haringey	15	13	12.7
Harrow	18	17	19.9
Havering	23	23	30.2
Hillingdon	15	20	19.7
Hounslow	13	18	18.1
Islington	13	15	12.7
Kensington and Chelsea	13	x	4.2
Kingston upon Thames	23	22	36.4
Lambeth	15	11	9.5
Lewisham	12	12	24.4

125 Save the Children (2013) *Closing the Achievement Gap in England's Secondary Schools*

126 Sources: Department for Education (Nov 2013) *Early Years Foundation Stage Profile Attainment by Pupil Characteristics, England 2012–13* (DFE SFR 47/2013, Table 6); Department for Education (Dec 2013) *National curriculum assessments at key stage 2 in England: academic year 2012 to 2013 (Revised)* (SFR51/2013, Table 24); Department for Education (Jan 2014) *GCSE and equivalent attainment by pupil characteristics in England: 2012 to 2013* (SFR05/2013, Table 5) Notes: x denotes figures not shown to protect confidentiality

Area	% difference in children eligible for free school meals and others achieving:		
	Early Learning Goals	Key Stage 2: level 4 and above in reading, writing and maths	Key Stage 4: 5+ A*–C grade GCSEs including English and Maths
Merton	14	14	21.7
Newham	3	5	13.2
Redbridge	14	12	20
Richmond upon Thames	23	24	29
Southwark	13	12	7.7
Sutton	15	22	38
Tower Hamlets	4	9	10.2
Waltham Forest	6	14	14.1
Wandsworth	19	12	18.1
Westminster	13	10	12.5

Attainment gaps linked to ethnicity

The UNCRC says that children should not be discriminated against in relation to the other rights in the Convention, including the right to education.¹²⁷ This means not only that the authorities are prohibited from behaving badly towards particular children on the basis of their “protected characteristics”, such as sex, race, and disability, but also that they should put in place targeted and effective measures to eliminate “de facto” inequality – discrepancies in the educational experiences of different groups, whether that be in relation to access, outcomes, or the quality of experience.

Gaps in educational achievement between different ethnic groups have narrowed over recent years, but discrepancies remain. To illustrate this, the table below shows the attainment gaps between black pupils and white pupils in London at GCSE level (as well as at early learning foundation stage and Key Stage 2). The attainment of these groups has been compared because the gap is significant, although research suggests that travellers, gypsies and roma children are the lowest achieving group. However numbers of these children are low which makes comparison difficult.¹²⁸ Overall, the attainment gap between black children and white children at GCSE level in London is more than double that in England as a whole. In some boroughs, black children do better than white children, and in others, white children do better than black children. In Barking and Dagenham, Barnet, Hammersmith and Fulham, Kingston upon Thames, Newham, Westminster and Tower Hamlets, the attainment gap is more than seven times the national average. By contrast, in Bromley, Camden, and Sutton, the attainment gap is less than the national average. In both Bromley and Sutton there is very high overall attainment.

Attainment Gap¹²⁹ between white pupils and black pupils at key stages of education – Early Years Foundation, Key Stage 2 and Key Stage 4¹³⁰

Area	% difference in black and white pupils achieving:		
	at least the expected standard in all 17 Early Learning Goals	Grade 4 or above in reading, writing and maths at Key Stage 2	5+ A*–C grade GCSEs including English and Maths
England	4	2	1.6
London	3	4	4
Barking and Dagenham	7	4	11.3
Barnet	12	14	13.9
Bexley	1	4	8.4
Brent	7	3	3.4
Bromley	14	1	1

127 UN Convention on the Rights of the Child (1989), Arts. 2, 28 and 29

128 See: Runnymede Trust (June 2012) *Briefing on ethnicity and educational attainment*

129 Sometimes in favour of white pupils and sometimes in favour of black pupils

130 Sources: Department for Education (Nov 2013) *Early Years Foundation Stage Profile Attainment by Pupil Characteristics, England 2012–13* (DFE SFR 47/2013, Table 4); Department for Education (Dec 2013) *National curriculum assessments at key stage 2 in England: academic year 2012 to 2013* (Revised) (SFR51/2014, Table 22); Department for Education (Jan 2014) *GCSE and equivalent attainment by pupil characteristics in England: 2012 to 2013* (SFR05/2014, Table 3)

Area	% difference in black and white pupils achieving: at least the expected standard in all 17 Early Learning Goals	Grade 4 or above in reading, writing and maths at Key Stage 2	5+ A*–C grade GCSEs including English and Maths
Camden	17	8	1.4
Croydon	2	4	8.2
Ealing	6	12	4.7
Enfield	2	3	3.4
Greenwich	1	4	8
Hackney	3	2	7.3
Hammersmith and Fulham	15	1	13.1
Haringey	6	4	9.9
Harrow	1	7	8.9
Havering	0	2	4.8
Hillingdon	14	3	2.9
Hounslow	7	5	3.7
Islington	16	7	6
Kensington and Chelsea	x	x	9.3
Kingston upon Thames	14	12	12.1
Lambeth	7	7	4.1
Lewisham	8	2	3.1
Merton	0	7	5.5
Newham	9	11	11.8
Redbridge	6	8	3.1
Richmond upon Thames	12	9	8
Southwark	7	5	4.4
Sutton	2	2	0.4
Tower Hamlets	4	1	12.9
Waltham Forest	1	4	4.1
Westminster	9	3	16.1
Wandsworth	17	7	8.3

Educational outcomes for children with Special Educational Needs

The table below sets out attainment levels for children with special educational needs (SEN). Academic attainment is a particularly crude measure for children with SEN, as it does not take into account broader achievements and outcomes. Further, children with a wide spectrum of needs will fall within this group – the Lamb Inquiry's description of children with SEN was: '*children who have a learning difficulty or disability that requires additional support, more than is normally offered in a classroom*'¹³¹ – meaning that comparisons between boroughs should be treated cautiously. Nevertheless, when the figures show such stark differences between the attainment of children with SEN in different boroughs, some conclusions can be drawn. Overall, children in London with SEN do far better on average than children in England as a whole, with 35% of children with SEN in London attaining 5+ A*–C grades at GCSE including English and Maths, compared to the national average of 27%. There are also enormous differences between boroughs. For example, just over 20% of children with SEN in Havering achieve the expected levels at GCSE, while more than 50% of children in Westminster do so. Research suggests that schools and local authorities can play a crucial role in helping children with SEN realise their potential through high expectations, individualised identification and well-targeted and resourced support, by involving parents in their child's learning, and taking account of a child's wider needs.¹³²

131 Department for Children, Schools and Families (2009) *Lamb Inquiry: Special educational needs and parental confidence*

132 Department for Children, Schools and Families (2010) *Breaking the Link between Special Educational Needs and Low Attainment: Everyone's Business*

Level of educational achievement of SEN pupils without a statement at key stages of education – Early Years Foundation, Key Stage 2 and Key Stage 4¹³³

Area	Early Years: At least expected standard in all ELGs	Key Stage 2: % level 4 or above (reading, writing, maths)	Key Stage 4: % 5+ A*-C grade GCSEs incl English and Maths
England	14	38	26.6
London	17	48	35.4
Barking and Dagenham	12	30	25.7
Barnet	24	54	41.8
Bexley	22	43	27.6
Brent	24	52	29.7
Bromley	11	43	33.5
Camden	7	57	31.8
Croydon	11	37	36.1
Ealing	18	41	32.2
Enfield	11	47	29.5
Greenwich	34	58	36.3
Hackney	29	61	30.3
Hammersmith and Fulham	18	54	31.8
Haringey	16	40	47.2
Harrow	11	47	32.3
Havering	16	34	21.8
Hillingdon	10	37	27.3
Hounslow	8	48	36.4
Islington	12	51	41.7
Kensington and Chelsea	9	x	x
Kingston upon Thames	14	44	40.7
Lambeth	12	62	46.6
Lewisham	28	56	30.2
Merton	8	34	33.7
Newham	19	50	x
Redbridge	12	39	36.5
Richmond upon Thames	13	50	32.5
Southwark	15	51	42.9
Sutton	8	44	34.9
Tower Hamlets	14	49	35.5
Waltham Forest	27	49	32.8
Wandsworth	16	62	39.2
Westminster	x	53	51.0

¹³³ Sources: Department for Education (Nov 2013) *Early Years Foundation Stage Profile Attainment by Pupil Characteristics, England 2012–13* (DFE SFR 47/2013, Table 7); Department for Education (Dec 2013) *National curriculum assessments at key stage 2 in England: academic year 2012 to 2013 (Revised)* (SFR51/2013, Table 25); Department for Education (Jan 2014) *GCSE and equivalent attainment by pupil characteristics in England: 2012 to 2013* (SFR0/2014, Table 6). Notes: x figures not shown to protect pupil confidentiality



WHAT CHILDREN TOLD US

Children talked about the need for tailored and additional support for some groups:

People should take the time to listen and understand individual situations rather than just grouping people together. And making sure that people that work with children, whether they are able bodied or disabled, that they understand that some people may need more help on certain things than others. Because a lot of people I've dealt with in school and things like that, some of them are really clued up about disability and know everything about it, and some have no idea on how to deal with any of it. So it would be good if everyone had at least a basic understanding and a way to approach it.

Disabled children talked about how important it is that their needs are met:

[It is] important to have all members of staff trained on the various disabilities or special needs and also for them to understand it and to have good approachability skills and for children to be able to speak to them confidently.

Talking of his personal experience, one boy said that while some staff do have these skills, not all do:

It's a bit of both...Some people in my school life have been quite good to me, but some members of staff across my schooling haven't seemed to me that they have understood me very well, or haven't understood special needs in general, really, because they're not sort of dealing with different situations in the right way.

One girl said that children should have extra help in subjects they are struggling with and optional after school classes. A girl with experience of care praised the mentor scheme introduced to her when she was in Year 10/11. Pupils had a choice of three teachers as a mentor to whom they could talk about any worries or concerns. She feels this helped her manage her behaviour.

Outcomes for children over compulsory school age

One way of measuring how well the education system is serving children, is to look at what young people are doing once compulsory schooling has come to an end.¹³⁴ In Kensington and Chelsea, Islington, and Camden more than eight per cent of children and young people aged between 16 and 18 are not in education, employment or training. In Harrow and Brent less than three per cent are in this situation.

Permanent exclusions from school

A permanent exclusion is removal of a child from the school's roll. The child's home local authority becomes responsible from the sixth school day of exclusion for ensuring alternative full time educational provision.¹³⁵ The short and long term consequences of being permanently excluded are extremely serious.¹³⁶ An excluded child is much less likely to receive the support they need, their trust in the education system may be broken, and in the longer term, they are more likely than their peers to 'disappear' from education altogether, with 'profound and enduring results'.¹³⁷ In particular, there is substantial evidence connecting school exclusion with academic underachievement, offending behaviour, limited ambition, homelessness and mental ill health.¹³⁸

There is a strong link between exclusion, poverty and disadvantage.¹³⁹ Certain groups of pupils are far more likely to be excluded than others.¹⁴⁰ They are:

- Boys rather than girls;
- Children with some types of special needs;

¹³⁴ The figures relate to children and young people aged 16 to 18 as they were collected before the minimum age at which young people in England can leave learning was increased to 17.

¹³⁵ This is education outside of mainstream and special schools which is arranged by local authorities or schools. It can involve placement in PRUs, Further Education colleges, or voluntary or private sector providers. Education Act 1996, s. 19(3A), as amended by the Education and Inspections Act 2006, s. 101; Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007 (SI 2007/1870)

¹³⁶ Office of the Children's Commissioner (March 2012) 'They never give up on you' School Exclusions Inquiry

¹³⁷ Office of the Children's Commissioner (April 2013) 'Always someone else's problem': Report on illegal exclusions

¹³⁸ House of Commons Education Select Committee (February 2011) *Behaviour and Discipline in Schools*, para 17

¹³⁹ Centre for Social Justice (September 2011) *No Excuses: A review of educational exclusion*

¹⁴⁰ Office of the Children's Commissioner (March 2012) 'They never give up on you' School Exclusions Inquiry

- Children from some specific ethnic backgrounds; and
- Children from less wealthy backgrounds.¹⁴¹

In London, the rate at which pupils are permanently excluded is slightly higher than the national average. In Bromley, Croydon, Hackney, Lambeth, and Wandsworth the proportion of children who are excluded is six times that in Tower Hamlets and Waltham Forest. Inequality in exclusions is significant, with the proportion of black children¹⁴² permanently excluded in many boroughs twice the proportion of all children excluded in those boroughs. The proportion of black children excluded in Hounslow is four times the proportion of children in England who are excluded.

Percentage of 16 to 18 year olds not in education, employment or training¹⁴³

Area	Estimated % NEET aged 16–18	Area	Estimated % NEET aged 16–18
London	4.7	Croydon	4.4*
Harrow	2	Enfield	4.2
Brent	2.4	Hounslow	4.4
Lewisham	3	Havering	4.7
Ealing	3.3	Tower Hamlets	4.9
Barnet	3.5*	Newham	5.3
Hillingdon	3.6	Barking and Dagenham	5.4
Kingston upon Thames	3.6	Greenwich	6.9
Redbridge	3.6	Hackney	7
Haringey	3.7*	Wandsworth	7.1
Waltham Forest	3.7*	Lambeth	7.5
Hammersmith and Fulham	3.9	Westminster	7.5
Richmond upon Thames	3.9	Southwark	7.7
Sutton	3.9	Kensington and Chelsea	8.6
Bexley	4	Islington	8.8
Merton	4	Camden	10.2
Bromley	4.1		

Permanent exclusions in state-funded primary, state-funded secondary and special schools (2011–12)

Area	All Exclusions (% of the school population) ¹⁴⁴	Black Children Exclusions (% of the school population) ¹⁴⁵
England	0.07	0.12
London	0.08	0.14
Barking and Dagenham	0.07	0.07
Barnet	0.07	0.10
Bexley	0.06	x

141 Office of the Children's Commissioner (March 2012) *'They never give up on you' School Exclusions Inquiry*

142 Includes "Black Caribbean", "Black African" and "Any Other Black Background"

143 Source: Department for Education (2013) *Local Authority NEET figures for 16-, 17- and 18-year-olds by local authority in 2012*. Notes: 2012 figures are an average at the end of November 2012, December 2012 and January 2013. Those marked with * indicates the proportion of 16–18 year olds whose current activity is not known is more than 50% above the England average. As a result, it is possible that the number and proportion NEET will be inaccurate

144 Source: Department for Education (July 2013) *Permanent and Fixed period exclusions from schools in England: 2011/12, Local Authority Tables (SFR29/2013, Table 19)* Notes: Includes all primary academies, including free schools; city technology colleges and all secondary academies, including all-through academies and free schools; maintained special schools, non-maintained special schools and special academies. Excludes general hospital schools. The number of permanent exclusions expressed as a percentage of the number (headcount) pupils (excluding dually registered pupils) in January 2012

145 Source: Department for Education (July 2013) *Permanent and fixed period exclusions from schools in England: 2011/12, Local Authority Tables (SFR29/2013, Table 21)*. Notes: as for footnote 29 and additionally: Includes pupils whose ethnic information was not sought, was refused or could not be determined. x – a % based on less than 5 pupils

Area	All Exclusions (% of the school population) ¹⁴⁴	Black Children Exclusions (% of the school population) ¹⁴⁵
Brent	0.06	0.20
Bromley	0.14	0.27
Camden	0.08	0.12
Croydon	0.12	0.13
Ealing	0.08	0.20
Enfield	0.10	0.17
Greenwich	0.03	x
Hackney	0.12	0.25
Hammersmith and Fulham	0.09	0.22
Haringey	0.07	0.14
Harrow	0.10	0.21
Havering	0.09	x
Hillingdon	0.07	x
Hounslow	0.10	0.28
Islington	0.07	0.10
Kensington and Chelsea	0.06	x
Kingston upon Thames	0.04	x
Lambeth	0.12	0.16
Lewisham	0.09	0.17
Merton	0.04	x
Newham	0.04	0.09
Redbridge	0.06	0.23
Richmond upon Thames	0.05	x
Southwark	0.09	0.10
Sutton	0.07	x
Tower Hamlets	0.02	x
Waltham Forest	0.02	x
Wandsworth	0.13	0.27
Westminster	0.04	x

Children's involvement in decisions about their education

Under Article 12 of the UNCRC, young people have a right to have a say in things that affect them, and to be listened to and taken seriously when decisions are made. This includes, not only the content of the curriculum, but also the educational processes, the pedagogical methods, and the environment within which education takes place, whether it be the home, school, or elsewhere. School councils – where children are elected to formally represent their peers in school affairs – have emerged over the years as a common way for pupils to exercise their Article 12 rights at school.

CRAE's freedom of information requests to all 32 London boroughs and the City of London found that only eight local authorities were able to confirm all of the schools in their area do have a school council or other mechanism to enable children's participation in decision-making. In addition, Enfield was able to confirm 98% of its schools are "healthy schools" meaning they have a school council or other system in place to engage children in decision-making. Another three did not hold the information, but thought that the majority of schools did or they were not aware of any schools that did not. However, the great majority of local authorities – 24 in total – either did not respond to this particular question (7) were not able to provide the information and suggested individual schools needed to be contacted (17), or talked about other decision-making structures at local authority level (1).



WHAT CHILDREN TOLD US

Children felt that school councils are important as 'it lets us express our ideas, not just the teachers, but also the children get to have their say about what they would like.' The children we spoke to feel they do get a chance to put their views across:

For the school council, in each class we get a box that we can fill in our ideas and then when they have a school council meeting, the school council bring it in here they discuss all the suggestions and try to make those things happen.

Before I didn't feel like I was being heard... I managed to get into a school council, and it's been three years now that I've been running it... and we get to say stuff,...like we get to say to the people I think some classes need a re-changing of the wallpaper, or ... those chairs are really rusty or kind of breaking apart. We get to say stuff like... maybe need to check out the clubs or the clubs that are happening.

There were mixed opinions about whether those views are listened to and respected. While some changes have taken place, such as AstroTurf and additional games for the playgrounds, new toilets with better flushes, and better water fountains, which everyone had been complaining about for a long time, some of the more important things have not changed, such as school dinners, and grass in one part of the school in which a lot of injuries occur.

Children talked about the quality of their experience at school – whether they were happy, and what they liked and disliked. One girl with experience of care hated the fact that teachers knew she was in care. She felt that they treated her differently ('*They kind of pitied you*') and made certain assumptions about her ability. Younger children talked about feeling left out, saying they didn't like:

When no one listens to you and you're all out on your own.

When people make fun of you for being just a little bit different.

Seeing people crying when they are sad.

Children did not approve of their school's faith-based entrance policy. One girl said:

It's better if you mix then you have friends from other faiths and you learn about their religions.

Children appreciated the social side of school, and the opportunity to play and take part in sports. Many children said they liked play time and spending time with their friends. They thought the important things at school were:

Collaborate and don't leave people out.

Respecting each other.

Golden time... That's when you can do whatever you want.

You learn how to play with your friends and how to keep friendships.

PE is a good lesson because sometimes in PE it can show you other things than PE, like how to rely on people and how to put trust in people... Say, if you were doing a jump or something I'd catch you... It's not only you against everyone. It's everyone works together.

Exclusions

Whilst many young people felt that exclusions were acceptable in serious situations, such as severe bullying or violence, many of them felt that schools often suspended or excluded children for spurious reasons, and not as a last resort. One girl talked about an incident where someone had been suspended from school for wearing the wrong shoes.

Another girl thought that there had to be a really serious risk to other students before excluding someone: '*[U]nless the person that you want to exclude is posing a risk to other students I don't think there is any reason why you should take them out of education...!*' She also added, '*It [exclusion] just makes them feel like an outcast and that they're no longer accepted somewhere and I think that's quite disgusting!*'

6

PLAY, CULTURE AND REST

ARTICLE 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

“I think London kids are more advantaged because... I watched [a] documentary about places like Sunderland or whatever... Places like that they literally have nothing, so then kids start drinking from like random ages like seven/eight. So it's quite shocking. At least here there are like youth clubs of all ages and stuff like to send their kids to... You have something to motivate the kids to do something.”

The right to play

Children's right to play (Article 31 of the UNCRC) is also the right to rest, leisure, recreational activities (including sports and other hobbies), cultural life and the arts. Children should have access to age-appropriate play opportunities and no child should be disadvantaged from pursuing their right to play.

The UN Committee on the Rights of the Child's guidance on Article 31 highlights the child-led nature of play and states that it is ‘a fundamental and vital dimension of the pleasure of childhood, as well as an essential component of physical, social, cognitive, emotional and spiritual development’.¹⁴⁶ Public bodies should invest resources to provide ‘all necessary services, provision and opportunities’¹⁴⁷ and should ensure that children have sufficient time for rest and recreation. Children should have the opportunity to freely participate in and experience culture and the arts.¹⁴⁸

The Committee notes that ‘[t]he increasing erosion of many [play and recreation] spaces traditionally available to children creates a need for greater Government intervention to protect the rights under article 31’.¹⁴⁹

In 2008, the UN Committee voiced its concerns about the state of children's right to play in the UK.¹⁵⁰ It highlighted the fact that this right is not currently enjoyed by all children. This was put down to especially poor play infrastructures, affecting disabled children in particular. The Committee also noted its concern at the steady reduction in playgrounds over recent years, which has resulted in children being pushed into other public open spaces (which can be misinterpreted as anti-social behaviour). The Committee called on the UK to:

- Strengthen its efforts to ensure that all children can access their right to rest and leisure; and
- Provide children, including disabled children, with adequate and accessible play spaces.¹⁵¹

The remainder of this chapter explores the state of children's rights to play, culture and leisure in London. In particular it focuses on local authorities' strategic leadership and spending on youth work, and children's participation in cultural life and the arts.

In researching the right of children in London to play, culture and rest, we found a lack of official data. Many of the data sources which had previously been available, such as the Tellus Survey¹⁵² and the PE and Sport Survey¹⁵³ have been discontinued.

146 UN Committee on the Rights of the Child (2013) *General Comment No. 17 on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts*, para 14

147 UN Committee on the Rights of the Child (2013) *General Comment No. 17 on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts*, para 55

148 UN Committee on the Rights of the Child (2013) *General Comment No. 17 on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts*

149 UN Committee on the Rights of the Child (2013) *General Comment No. 17 on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts*, para 36

150 UN Committee on the Rights of the Child (2008) *Concluding Observations: United Kingdom of Great Britain and Northern Ireland*, para 68

151 UN Committee on the Rights of the Child (2008) *Concluding Observations: United Kingdom of Great Britain and Northern Ireland*, para 69

152 Tellus was a national survey which ran between 2007 and 2010, commissioned by the then Department for Children, Schools and Families. It gathered children and young people's views on their life, their school and their local area. The last survey (Tellus4) in March 2010 represented the views of 253,755 children and young people in school years 6, 8 and 10 in 3,699 schools. The survey included satisfaction with parks and play areas and participation in and barriers to participation in activities.

153 The largest most comprehensive survey in England of children and young people's participation in PE and out of hours school sport. Consisted of seven annual surveys between 2003–04 and 2009–10 on behalf of the Department for Education (formerly Department for Children, Schools and Families).



WHICH BODIES INFLUENCE CHILDREN'S RIGHT TO PLAY, CULTURE AND LEISURE IN LONDON?

Department for Culture Media and Sport

Responsible for making it easier for everyone to enjoy England's culture, play sport and have access to mobile and online communications as well as protecting free access to cultural institutions, art and broadcasting, through funding the arts in England as well as policy development. Main policy areas include arts and culture, broadcasting, museums and galleries, internet (including internet safety) and sport.

Department for Health

Responsibility for policy and legislation on public health as well as funding and service delivery (see, for example, funding given in 2013 to encourage children and families to exercise through Change 4 Life Sports Clubs, Street Play and walking initiatives).¹⁵⁴

Department for Education

Government policy, funding and service delivery in relation to the range and quality of physical education and sport in schools.

Department for Communities and Local Government

Government policy on land use planning, protection/provision of open space and use of land for sport, and outdoor recreation.

Greater London Authority

The Mayor (advised by the Cultural Strategy Group for London) must produce a culture strategy containing policies regarding culture, media and sport.¹⁵⁵

The Mayor is also responsible for London's planning at strategic level, including producing the London Plan¹⁵⁶ – a strategy setting out development and land use policy to guide decisions on planning applications by councils and the Mayor. The Mayor has the right to direct boroughs to change their local plans to ensure conformity with London Plan.

In producing these strategies the Mayor must have regard to public health.¹⁵⁷

The Mayor also produces Supplementary Planning Guidance (SPG) giving further detail on policies in the London Plan. SPGs cannot be used to make new policies but may set out considerations to be taken into account in determining planning applications and appeals. The Mayor has provided an SPG relating to the planning and creation of play spaces.¹⁵⁸

Local Authorities

The 32 London boroughs and the City of London are the local planning authorities for their areas. The London Thames Gateway Development Corporation and the Olympic Delivery Authority are the local planning authorities for parts of east London. Local planning authorities are responsible for the determination of planning applications, as well as for preparing Local Development Frameworks ensuring these conform broadly to the London Plan.

Sport and cultural services designed for children and families – such as libraries, play schemes and play facilities, parks and gardens, sport and leisure centres, events and attractions, museums and arts centres – are directly provided, purchased or grant aided by local authorities (as well as the commercial sector, community and voluntary organisations).

Under the Children Act 1989, local authorities have a general legal duty to safeguard and promote the welfare of children in need.¹⁵⁹ This includes a duty to make such provision for occupational, social, cultural or recreational activities as they think appropriate.¹⁶⁰

Local education authorities in England are under a duty to ensure that the primary and secondary education facilities for their area include adequate facilities for recreation and social and physical training for children under 13.¹⁶¹ This includes a power to provide, maintain or manage (or help in doing so) camps, holiday classes, playing fields, play centres, and other places – including playgrounds, gymnasiums and swimming baths not appropriated to any school/educational institution.

¹⁵⁴ www.gov.uk/government/news/get-active-to-get-healthy

¹⁵⁵ Greater London Authority Act 1999, s. 376

¹⁵⁶ The London Plan (July 2011) (as amended by the Revised Early Minor Alterations to the London Plan October 2013) – as per Greater London Authority Act 1999, Part VIII

¹⁵⁷ Greater London Authority Act 1999, s. 41(7)

¹⁵⁸ Mayor of London (September 2012) *Shaping Neighbourhoods: Play and informal recreation. Supplementary planning guidance*

¹⁵⁹ Children Act 1989, s. 17

¹⁶⁰ Children Act 1989, Schedule 2, para 8

¹⁶¹ Education Act 1996, s. 507A

Local education authorities in England are also under a duty, so far as reasonably practicable, to secure access for 13 to 19 year-olds to sufficient educational and recreational leisure-time activities and facilities for the improvement of their well-being.¹⁶²

Local authorities have a new duty to take such steps as it considers appropriate for improving the health of people in its area. This includes responsibility for public health services for children and young people aged 5–19 (and in the longer term all public health services for children and young people), interventions to tackle obesity, increasing levels of physical activity. It will also impact on their approach to play/green spaces provision within the planning system.

Government guidance requires local authorities to take steps to ascertain young people's views and take them into account when making decisions about services and activities for them, with arrangements made to enable this to happen, including support for young people.¹⁶³

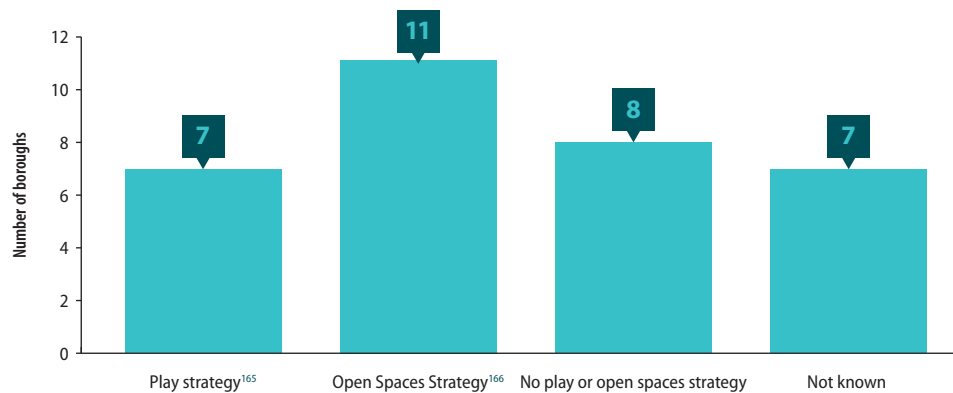
A strategy for play

Greater London Authority supplementary planning guidance,¹⁶⁴ explains the purpose of a play strategy:

These inform each borough's play policies and provide comprehensive guidance on play provision including quantitative and qualitative deficiencies in provision relative to future need as well as mechanisms to address these. It is important that they are kept under review and are regularly managed to reflect the changing needs of the community and its children, in consultation with children and young people.

Responses to our Freedom of Information request indicate that only a small number of London boroughs produce play strategies. A large number of other local authorities have open spaces strategies that refer to certain aspects of children's play such as playgrounds. Fifteen London boroughs either have no play or open spaces strategy, or do not know whether they have one.

Play and Open Spaces Strategies



For those boroughs that are taking a strategic approach to play provision as a whole, it is clear that their policies have a rights basis. Croydon, Ealing, Enfield, Hounslow, Islington, Richmond upon Thames and Wandsworth all mention children's right to play (under Article 31 of the UNCRC) in their play strategies.

However, funding for play appears to have reduced according to a survey carried out by London Play in May 2012.¹⁶⁷

- Of 22 councils which responded to the survey, 10 had made cuts to their play services in the previous 12 months;
- Six councils had no play service left to cut; and
- Only one council was making (modest) expansions to its play service.

¹⁶² Education Act 1996, s. 507B

¹⁶³ Department for Education (June 2012) *Statutory Guidance for Local Authorities on Services and Activities to Improve Young People's Well-being*

¹⁶⁴ Mayor of London (September 2012) *Shaping Neighbourhoods: Play and informal recreation. Supplementary planning guidance*

¹⁶⁵ These local authorities may also have an open spaces strategy

¹⁶⁶ Or equivalent

¹⁶⁷ London Play (3 May 2012) *Press release: Play takes a slide as it slips down London's priority list*

Youth work

We asked each London borough what proportion of their 2012–13 budget was allocated to youth work. Across the whole of London, the average youth work budget constituted 1.3% of the local authority's budget. Islington provides the highest proportion of funding to youth work (3%) and Waltham Forest stated that none of its budget was allocated to youth work.

Proportion of 2012–13 budget allocated to youth work

Area ¹⁶⁸	Youth work budget as % of overall budget for 2012/13 ¹⁶⁹	Area ¹⁶⁸	Youth work budget as % of overall budget for 2012/13 ¹⁶⁹
Islington	3	Barking and Dagenham	1.1
Croydon	2.9	Kensington and Chelsea	1
Hackney	2.5	Merton	1
Greenwich	1.8	Southwark	1
Bexley	1.7	Sutton	1
Newham	1.7	Haringey	0.8
Richmond upon Thames	1.7	Redbridge	0.8
Hillingdon	1.6	Wandsworth	0.7
Enfield	1.5	Ealing	0.5
Barnet	1.3	Hammersmith and Fulham	0.5
Bromley	1.3	Westminster	0.4
Havering	1.2	Waltham Forest	0

Participation in sport and culture

Children have a right to participate in sport and culture, and public bodies should facilitate this.

We found a lack of publicly available data about children's participation in sport and culture at the local level. While surveys such as the Tellus survey used to capture this information, this is no longer available.

A broad London-wide survey shows that children do have the opportunity to participate in cultural activities in London, both in and outside of school.

How young Londoners (aged 11–15) engage with culture – percentage that have attended or visited any of the following in London over the last year (Feb/March 2012–13)¹⁷⁰

	During school lessons	During spare time	During both school and spare time	Not done in the last year
Cinema	6	67	19	8
Public library	13	37	37	13
Museum	26	25	35	14
Historic building/landscape	23	33	25	19
Important modern building	22	31	24	23
Theatre	21	33	22	24
Historical monument	26	26	22	26
Street arts	11	45	13	31
Art exhibition	24	24	19	33

¹⁶⁸ Based on information obtained via a Freedom of Information request submitted by CRAE in November 2013. The following local authorities did not provide this information: Brent, Camden, City of London, Harrow, Hounslow, Kingston upon Thames, Lambeth, Lewisham and Tower Hamlets.

¹⁶⁹ Where needed, the percentage was determined using publicly available budgets.

¹⁷⁰ Source: A New Direction/TNS (Feb 2013) *Young Londoners' Survey*. Notes: Survey of 555 young people living in London aged 11–15; nationally representative sample by gender, age, social grade and borough

	During school lessons	During spare time	During both school and spare time	Not done in the last year
Live music performance	12	40	12	35
Live dance event	13	27	14	46
Festivals from other cultures	11	30	10	49
Carnival	5	32	14	49
Circus	4	29	12	54
Archive or record office	11	16	12	62



WHAT CHILDREN TOLD US

There was a general feeling amongst the younger children we spoke to that there was not enough time for play, rest and leisure during the week. One girl thought there was a lack of time for rest because school and homework take up the whole day. One boy thought there was not enough time for the activities and clubs he would like to do (e.g. football) because of study for 11+ and piano exams. Children talked about the fact their religious commitments meant they do not have enough time or opportunities to play or join in organised activities. Children said they would like 'more playing, because when I just come back from school I only have one hour before my mosque'. Another said, 'I'm only free at the weekends.'

In terms of access to play spaces, lots of the children talked about a lack of play spaces for older children:

There's one near our house but it's a bit too childish... [It] just has swing, slide, rocking horse... [It's] good for little children, say 2 to 5.

Could make more stuff for kids, and more appropriate for bigger people too so there would be a mix of ages.

Children suggested that parks should be divided so there is an area for little children and an area for older children with different equipment.

Children said that they cannot access some of the play spaces that are available because of overcrowding, intimidating older children, and litter. Children described a playground that they do not go to because there are lots of teenagers who bully them and: 'they don't let anyone else play there.'

Down my house there's a park and it's split in half... There's parts for playing and then there a green grass area and then a garden and people don't go there anymore because they are frightened because teenagers come and bully them.

Also near [name of estate]... so many wine bottles in the park and litter... Someone near that park actually chucked a motorcycle in it.

In the summer nearly everyday after school I go to the park... There's so many people there I don't get a chance to play on the swing.

Children also talked about wanting more organised activities:

Sports clubs and things – I can go to this club only in the summer and Easter holiday.

It's because in the winter it's cold and you can't go to the park that often.

It's because of the weather... I haven't touched my bike since 4 months ago.

Others wanted more of a variety in the sports clubs available. They mentioned cooking club and other clubs that were previously offered at the school 'but the Government stopped them from doing the clubs'. Their teacher explained that there had been lots of clubs on offer, but the clubs have not been re-started following industrial action last year.

Young people commented that a lack of money could have an impact on the activities and opportunities that are available to children in London. Children thought that clubs and activities are too expensive:

Prices have gone up for all different places. If you are quite unfortunate and you wanted to go to a club and it's £10 a day... I think that's a bit unfair on other people that don't get the chance that other people do.

One young person said that the expense of activities in London can limit what a young person can do socially – and that this might have broader consequences – for example by affecting who they spend time with. In relation to school trips, children said:

We have to do that... It's expensive... but the school pays most of the money... We went to Cardiff, the school paid £50 and we just had to pay £20.

The teacher present at the focus group explained that some school trips are subsidised by the school. It was suggested by one young person that local councils or the Government could make some things cheaper to do, or establish days where activities are free for all children and young people.

Two young disabled people talked about public transport being a significant barrier to what they can do in their spare time in terms of leisure and culture. One girl who uses a wheelchair said that she avoids buses and trains completely, and finds public transport 'a nightmare' and something that makes her really 'stressed'. She described bus drivers refusing to open the ramp and on one occasion letting her friends on and then shutting the doors and driving off whilst she was left on the pavement. She said that whilst she is lucky to have family who will take her to places, the challenges that she faces in using a wheelchair on public transport limit the places she will go. She said that it particularly affects what she does with her friends: 'If I do go on the bus with my friends I kind of feel like they're being made to look after me because other people aren't really doing what they're supposed to be doing'. Another young person in the group said that although it was really positive that young people with additional needs could have a Freedom Pass so they can get around and make the most of opportunities, it is restricted so cannot be used at certain times of the day. He also said that carers should get a similar pass, as some young people might need a person to accompany them – and if their carer has to pay for travel this might prevent the young person from going somewhere.

One girl told us that she had the impression that play and leisure facilities are better in London than elsewhere:

I think London kids are more advantaged because... I watched [a] documentary about places like Sunderland or whatever... Places like that they literally have nothing, so then kids start drinking from like random ages like seven/eight. So it's quite shocking. At least here there are like youth clubs of all ages and stuff like to send their kids to... You have something to motivate the kids to do something.

There's more opportunities in London than outside London.

None of the children had been asked about their opportunities to play in local areas. Children said they would like to be asked about play, what opportunities there are in the local area, and what activities and clubs should be taking place in the school holidays. One girl suggested having a group meeting in the local area: 'You could actually have a group meeting to ask what children want in the park – say in the sports area or in the other areas.'

Summary

Area	Youth work budget as % of overall budget for 2012/13	Area	Youth work budget as % of overall budget for 2012/13
Barking and Dagenham	●	Hillingdon	●
Barnet	●	Islington	●
Bexley	●	Kensington and Chelsea	●
Bromley	●	Merton	●
Croydon	●	Newham	●
Ealing	●	Redbridge	●
Enfield	●	Richmond upon Thames	●
Greenwich	●	Southwark	●
Hackney	●	Sutton	●
Hammersmith and Fulham	●	Waltham Forest	●
Haringey	●	Wandsworth	●
Havering	●	Westminster	●

7

CIVIL LIBERTIES AND THE CRIMINAL JUSTICE SYSTEM

ARTICLE 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

ARTICLE 37

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment...

(b) ... The arrest, detention or imprisonment of a child shall ... and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age.

ARTICLE 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society...

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular... [w]henver appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings...

“Stop and search remains one of the most hotly debated policing issues in London...”

Under the UNCRC, children have a right to freedom of association and peaceful assembly (Article 15). Children should not be subject to any punishment that is cruel, inhuman or degrading. If they are to be detained or imprisoned this should be an absolute measure of last resort and for the shortest possible time (Article 37). Institutions where children are detained should take account of children's individual needs and should ensure that they treat children with dignity and respect.

In 2008, the UN Committee voiced its concerns about anti-social behaviour measures used against children and the treatment of children in contact with the criminal justice system.¹⁷¹ The Committee called on the UK to:

- Treat tasers as weapons subject to rules and restrictions;
- End the use of all harmful devices on children;
- Reconsider ASBOs and other anti-social behaviour measures (such as mosquito devices) as they may violate children's rights;
- Raise the minimum age of criminal responsibility;
- Ensure that detention is only used as a last resort and for the shortest period of time; and
- Ensure that children in conflict with the law are always dealt with in the juvenile justice system.¹⁷²

The remainder of this chapter explores some aspects of children's civil liberties (including issues relating to contact with the criminal justice system) in London. In particular, it explores the numbers of children in custody. It also focuses on the use of 'mosquito' devices by local authorities and the use of tasers by the police against children.



WHICH BODIES INFLUENCE CHILDREN'S CIVIL LIBERTIES IN LONDON?

Ministry of Justice

The Ministry of Justice is responsible for setting and delivering government policy, making new legislation in relation to the criminal and civil justice systems, strengthening democracy, and safeguarding human rights. It is responsible for ensuring that national policies and legislation support better outcomes for the youth justice system and in doing so has set the three outcome indicators against which Youth Offending Teams (YOTs) and local youth offending services need to deliver: reducing first time entrants to the criminal justice system, reducing reoffending and reducing the use of custody. The Secretary of State for Justice is responsible to Parliament for the judiciary, the court system and prisons and probation.¹⁷³

Home Office

Core Home Office responsibilities include crime, justice and offending, and working to ensure visible, responsive and accountable policing in England and Wales. This includes responsibility for youth crime and violence and anti-social behaviour and policy on criminal information, including safeguarding vulnerable people and use of DNA.

Youth Justice Board

The Youth Justice Board (YJB) has three main roles: it oversees the youth justice system in England and Wales, it works to prevent offending and re-offending by children and ensures that custody for children is safe, secure, and addresses the causes of their offending behaviour.¹⁷⁴

Greater London Authority

The Greater London Authority shares local government powers with the councils of 32 London boroughs and the City of London Corporation. The Mayor of London acts as the Police and Crime Commissioner for the Metropolitan police area (i.e. all of London except for the City of London), through the Mayor's Office for Policing and Crime (MOPAC), created in 2012.¹⁷⁵ He has both a strategic and accountability role in London's policing through the Greater London Authority Acts.¹⁷⁶ MOPAC oversees the delivery of the Mayor's Police and Crime Plan,¹⁷⁷ and (with operational decision-making being the responsibility of the

171 UN Committee on the Rights of the Child (2008) *Concluding Observations: United Kingdom of Great Britain and Northern Ireland*

172 UN Committee on the Rights of the Child (2008) *Concluding Observations: United Kingdom of Great Britain and Northern Ireland*, paras 31, 35 and 78

173 See: www.gov.uk/government/organisations/ministry-of-justice/about

174 See: www.justice.gov.uk/about/yjb

175 Created under the provisions of the Police Reform and Social Responsibility Act 2011

176 The Greater London Authority Act 1999 and the Greater London Authority Act 2007

177 The Police and Crime Plan 2013–16 has been produced under the Police Reform and Social Responsibility Act 2011

Commissioner of Police¹⁷⁸) has formal oversight of Scotland Yard including budget-setting, performance scrutiny and policy development, holding the Metropolitan Police Commissioner to account for delivering efficient, effective and fair policing in London.

The Mayor is required to make arrangements for obtaining the views of people about matters concerning the Metropolitan Police, and gaining their co-operation with the police in preventing crime and anti-social behaviour in that area, and for obtaining the views of victims of crime about matters concerning policing.¹⁷⁹ To fulfil these responsibilities at a borough level, the Mayor is committed to establishing local Safer Neighbourhood Boards by April 2014. The boards in each borough will be representative of those within a local community who carry responsibility or directly experience the impact of crime and policing in their area.

London Assembly Police and Crime Committee

The Committee (set up by the London Assembly and made up of its members to carry out the duties of a Police and Crime Panel) reviews MOPAC's work and the police and crime plan for London. It has a core duty to ensure it acts on behalf of the public to provide a robust overview at force level of decisions taken by the Mayor of London (as Police and Crime Commissioner for London). The Committee can also investigate anything which it considers to be of importance to policing and crime reduction in Greater London and make recommendations for improvements.

Local Authorities

Every local authority in London has a duty to ensure that it has a crime and disorder committee with power to review or scrutinise decisions made, or action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions and make reports or recommendations to the local authority with respect to the discharge of those functions.¹⁸⁰ The committee is required to meet to review or scrutinise such decisions or action at least once a year.

This work is often undertaken by borough councils through their Community Safety Scrutiny Committee (CSSC). The role of the CSSC is to be as "critical friend" of the responsible authorities, with the aim of providing them with "constructive challenge" at a strategic level.

Crown Prosecution Service

The Crown Prosecution Services' main statutory duties under the Prosecution of Offences Act 1985 include instituting and conducting criminal proceedings in appropriate cases¹⁸¹ and determining the charge in certain cases.¹⁸² They also include giving advice to police forces regarding criminal offences¹⁸³ and issuing a Code for Crown Prosecutors.¹⁸⁴

Stop and search

The police have a range of powers allowing them to stop and search people in public places. There are currently over 20 stop and search powers, mainly relating to searches for weapons, drugs and stolen property or articles that may be used to damage property.^{185,186} Most of these powers require the police to have 'reasonable suspicion' that a person is carrying these items. There are also limited circumstances under which searches can be conducted that do not require reasonable suspicion for limited periods of time in designated areas.¹⁸⁷

There have been long standing concerns over the use of stop and search powers, namely that they are carried out excessively, are often misused and disproportionately target specific groups of people – in particular young black males – thereby threatening their civil liberties. There are also concerns that individual searches are not recorded appropriately, nor are they conducted in a respectful manner. Stop and search powers have been identified as a major source of distrust between communities and the police.

178 www.london.gov.uk/priorities/policing-crime/about-mopac

179 New responsibilities are derived from the Police Act 2006, s. 96, as amended by The Police Reform and Social Responsibility Act 2011

180 Required under the Police and Justice Act 2006, ss. 19 and 20. These requirements were enacted by the Crime and Disorder (Overview and Scrutiny) Regulations 2009

181 Prosecution of Offences Act 1985, s. 3(2)(b)

182 Criminal Justice Act 2003

183 Prosecution of Offences Act 1985, s. 3(2)(e)

184 Prosecution of Offences Act 1985, s.10

185 London Assembly Police and Crime Committee (February 2014) *Stop and search. An investigation of the Met's new approach to stop and search*

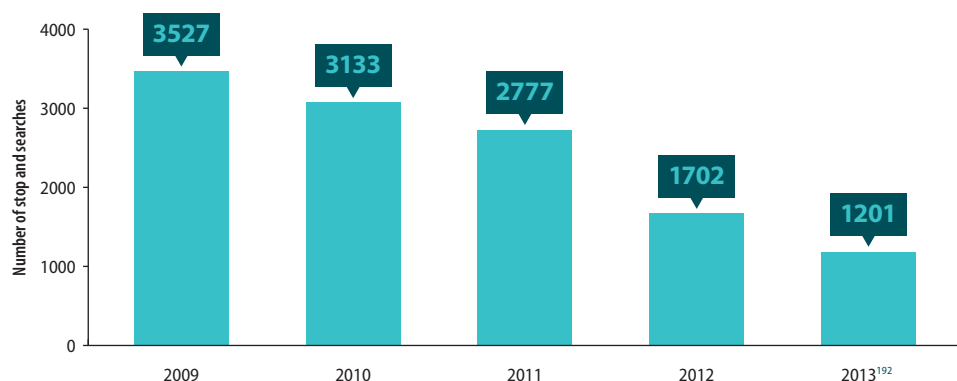
186 Firearms Act 1968, s. 47; Misuse of Drugs Act 1971, s. 23; Police and Criminal Evidence Act 1984, s. 1; Terrorism Act 2000, s. 43

187 Criminal Justice and Public Order Act, s. 60; Terrorism Act, s. 47a

A new report by the London Assembly notes that *'stop and search remains one of the most hotly debated policing issues in London...'* and that the Met has recognised that *'it has more to do to build trust in some communities, particularly among young black men.'*¹⁸⁸ The London Assembly notes that there has been a recent reduction in stop and searches in London, and reports that some young people were pleased that the Met is starting to change its approach to searches.¹⁸⁹

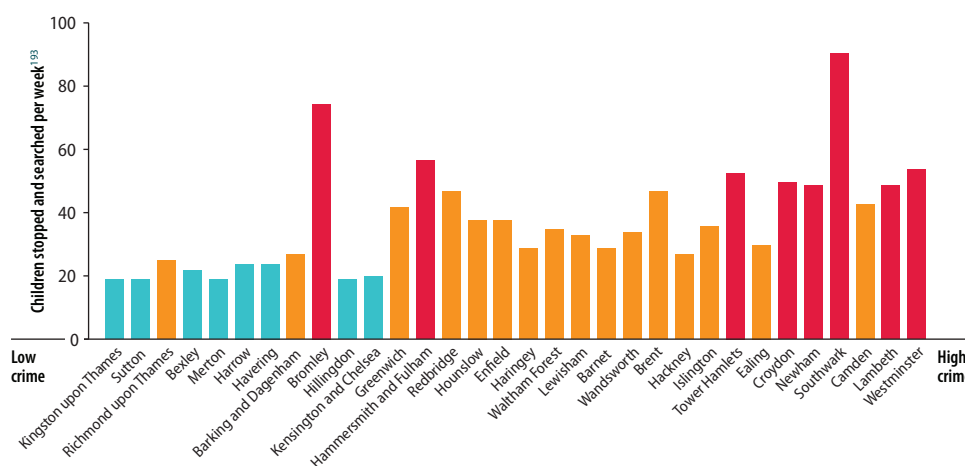
We contacted the Metropolitan Police Service¹⁹⁰ and found that considerable numbers of under-18s continue to be subject to stop and search procedures. Every London borough has, however, decreased its use of stop and search on children since 2009. Across London as a whole, there was a 66% decrease between 2009 and 2013.¹⁹¹

Stop and search of under-18s in London each week



The use of stop and search on under-18s varies greatly from borough to borough. On average, 91 children are stopped per week in Southwark, as opposed to 19 per week in Kingston upon Thames, Merton, Hillingdon and Sutton. The ten boroughs in which children are stopped and searched the least are the same ten boroughs with the lowest recorded crime rates. The same patterns do not emerge, however, in relation to the boroughs using stop and search the most. Three of the boroughs in which children are most frequently stopped and searched (Bromley, Hammersmith and Fulham and Redbridge) have relatively low rates of recorded crime. Bromley currently has the second highest stop and search rate of under-18s despite 23 other boroughs having higher rates of recorded crime.

Stop and searches in 2013, compared with recorded crime rates, with boroughs appearing in order of crime ranking



188 London Assembly Police and Crime Committee (February 2014) *Stop and search. An investigation of the Met's new approach to stop and search*

189 London Assembly Police and Crime Committee (February 2014) *Stop and search. An investigation of the Met's new approach to stop and search*

190 Using the Freedom of Information Act

191 Based on the average number of children stopped and searched per week, comparing January – December 2009 (52 weeks) with January – October 2013 (44 weeks)

192 Based on weekly average January – October 2013 (44 weeks)

193 Based on January – October 2013 statistics (44 weeks)

Use of tasers on children

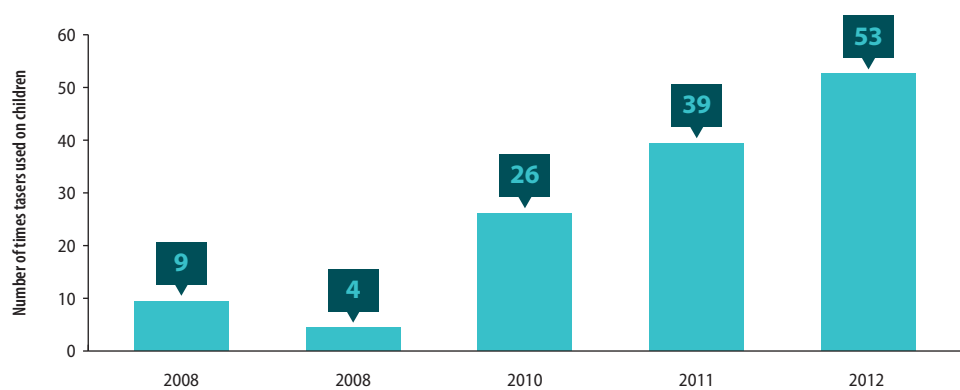
Children's rights mean that the best interests of the child should always be the primary consideration. Children should be protected from all forms of violence, inhuman and degrading treatment or punishment.

In 2008, the UN Committee on the Rights of the Child expressed concern at the authorisation of taser guns for police officers in England and Wales, and specifically on their authorisation for use on children. The UN Committee called for tasers to be classified as weapons – and to be subject to rules and restrictions on their use. In 2013, the UN Committee against Torture expressed deep concern at the use of tasers on children and recommended that the law be changed to ban their use on children.¹⁹⁴

Yet taser use (on children) is increasing year-on-year. Figures given in response to a parliamentary question revealed that in 2011 tasers were used nationally on children 323 times, compared with 135 times in 2009.¹⁹⁵

CRAE sent a Freedom of Information request to the Metropolitan Police to find out how many times tasers had been used on children across London. We found that the use of tasers on children increased nearly six-fold between 2008 and 2012. In total, police used tasers on children 131 times in this time period.

Use of tasers on children in London¹⁹⁶



Between 2008 and 2012 tasers were used on children in all but nine boroughs, but far more frequently in some boroughs than in others. In Croydon, Southwark, Lambeth and Lewisham children were tasered 51 times during this period – accounting for 40% of the total number of times children were tasered. 70% of the occasions on which police used tasers on children in London occurred in just a quarter of London boroughs.

Area	Taser use 2008–2012	Crime Ranking 08/09 – 12/13 ¹⁹⁷
Barnet	0	14
Bexley	0	29
Bromley	0	23
Ealing	0	6
Greenwich	0	17
Kensington and Chelsea	0	24
Merton	0	28
Richmond upon Thames	0	31
Tower Hamlets	0	10
Camden	1	4
Hackney	1	9
Hammersmith and Fulham	1	22
Havering	1	26

¹⁹⁴ Committee against Torture (6–31 May 2013) *Concluding observations on the fifth periodic report of the United Kingdom*

¹⁹⁵ HC, 22 October 2013, c. 94 W

¹⁹⁶ Includes all categories of use: drawn, aimed, arced, red dot, firing, drive stun

¹⁹⁷ Based on Metropolitan Police Service Crime Mapping: Data Tables (accessed 12 February 2014)

Area	Taser use 2008–2012	Crime Ranking 08/09 – 12/13 ¹⁹⁷
Hillingdon	1	21
UNKNOWN	1	N/A
Brent	2	8
Hounslow	2	20
Sutton	2	30
Kingston upon Thames	4	32
Waltham Forest	4	13
Westminster	4	1
Newham	5	5
Redbridge	5	18
Wandsworth	5	16
Harrow	6	27
Islington	6	12
Barking and Dagenham	9	25
Haringey	9	15
Enfield	11	19
Croydon	12	7
Lambeth	12	3
Lewisham	12	11
Southwark	15	2

Mosquitos

Mosquito devices are ultrasonic devices that emit a high-pitched sound. The sound can only be heard by children and young people. The use of these devices is inherently discriminatory towards children and young people, since adults are largely unaffected by it. They are often intended to stop teenagers from congregating in public places, frequently in the name of preventing so called “anti-social behaviour”. The noise can be heard by babies and young children who may not be able to alert carers to their distress (including some young disabled people too).

In 2008, the UN Committee on the Rights of the Child expressed concern ‘at the restriction imposed on the freedom of movement and peaceful assembly of children by the anti-social behaviour orders (ASBOs)... as well as by the use of the so-called “mosquito devices”...’¹⁹⁸ and called on the Government to reconsider their use. In December 2012, the Government confirmed that it has no plans to restrict the use of mosquito devices, suggesting that it is for the police and Police and Crime Commissioners to decide on the most appropriate approach to anti-social behaviour in a particular area.¹⁹⁹

We asked local authorities²⁰⁰ how many mosquito devices are installed on local authority buildings. Nearly all boroughs said there were no mosquito devices installed on local authority buildings. The exceptions were Bexley (one device) and Havering (two devices). Some local authorities were unable to provide this information. This does not, of course, preclude the use of mosquitos by private businesses.

First time entrants to the Youth Justice System

Children's rights recognise that so far as possible, children should be protected from inappropriate and harmful contact with the criminal justice system. Rather, children who come into conflict with the law should be supported by services which are well-equipped to promote their welfare and address the issues which lie at

¹⁹⁸ UN Committee on the Rights of the Child (2008) *Concluding observations: United Kingdom of Great Britain and Northern Ireland*, para 34

¹⁹⁹ HC, 20 December 2012, c. 875W

²⁰⁰ Using the Freedom of Information Act

the root of the child's offending behaviour. Children's rights recognise that a "welfare response" to children's offending behaviour is appropriate in the light of their developmental immaturity, the inability of the criminal justice system to operate in the best interests of children, and the fact that contact with the criminal justice system results in poor outcomes for children, such as stigmatisation, increasing social exclusion, and increasing the risk of reoffending.²⁰¹

The stated aim of the Youth Justice System is to prevent offending.²⁰² Youth Offending Teams (YOTs) have a statutory duty to co-ordinate the provision of youth justice services and carry out any functions assigned to them in the youth justice plan;²⁰³ this may include taking reasonable steps to encourage children and young persons not to offend.²⁰⁴ YOTs should also play a central role in diverting children out of the youth justice system and so influence the number of children receiving their first conviction, caution, reprimand, or warning, and so entering the criminal justice system for the first time – first time entrants (FTEs).

Both the Government and the Youth Justice Board consider that targeted, early intervention is an effective mechanism for reducing the number of children who offend and enter the youth justice system. The reduction of FTEs to the youth justice system is seen as a priority outcome by Government, and YOTs' performance in achieving this reduction is therefore monitored by the Ministry of Justice. A reduction provides a strong demonstration of the effectiveness of the current system and YOTs, the police and wider partnership arrangements.

Children in London enter the criminal justice system at similar rates to the national average. However, there are wide variations across London. In Harrow, the rate at which children enter the criminal justice system is half the national average. Children in Greenwich, Lambeth and Islington enter the criminal justice system at more than three times the rate of children in Harrow.

Number of children receiving their first reprimand, warning or conviction per 100,000 children aged 10 to 17:²⁰⁵

Area	Number of children (per 100,000 of 10–17 year olds) receiving their first reprimand, warning or conviction	Area	Number of children (per 100,000 of 10–17 year olds) receiving their first reprimand, warning or conviction
England	528	Waltham Forest	538
London	543	Kensington and Chelsea	548
Harrow	262	Wandsworth	585
Havering	316	Haringey	600
Richmond upon Thames	322	Enfield	620
Sutton	364	Southwark	621
Bromley	367	Croydon	628
Kingston upon Thames	376	Brent	644
Barnet	382	Tower Hamlets	653
Bexley	406	Camden	653
Redbridge	418	Newham	660
Ealing	433	Westminster	718
Merton	456	Lewisham	760
Barking and Dagenham	472	Hammersmith and Fulham	768
Hillingdon	497	Greenwich	799
Hackney	499	Lambeth	824
Hounslow	521	Islington	857

201 Kemp, V., Sorsby, A., Liddle, M. and Merrington, S. (2002) *Assessing responses to youth offending in Northamptonshire*

202 Crime and Disorder Act 1998, s.37(1)

203 Crime and Disorder Act 1998, s.39(7)

204 Crime and Disorder Act 1998, s. 40(3)

205 Ministry of Justice (January 2014) *Youth Justice Statistics 2012/13*, Table 2.7. Notes: Population is based on mid-year population estimates for each age group supplied by the Office for National Statistics. The previous year's estimate has been used for calculating the rate in the subsequent year. These are estimated figures. Juveniles receiving these disposals for the first time have been mapped to individual Local Authorities using the home address or postcode recorded by the police on the PNC. For those with no address recorded, a model based on the patterns of offenders dealt with by police stations has been used to allocate offenders to Local Authorities. Therefore caution must be taken when using these figures.

The number of children in custody

Children's rights mean that children should only be detained as a last resort. This recognises that imprisonment can be particularly damaging for children, is inappropriate in the light of their developmental immaturity, and does not work to help change children's lives.

Figures show the number of children in custody continues to fall at the national level.²⁰⁶ Nevertheless, in its recent report, the Justice Committee was concerned that England and Wales still has one of the highest rates of child imprisonment in Western Europe.²⁰⁷

Children in the criminal justice system are drawn mainly from the poorest and most disadvantaged families and most will have already experienced significant problems such as speech, language or communication difficulties and higher than average mental health difficulties and depression.²⁰⁸ These problems are even more significant for those children who are imprisoned²⁰⁹ and the further into the formal criminal justice system children go, the more harm they suffer and the less likely they are to stop offending,²¹⁰ with 72.6% of children released from custody re-offending.

YOTs are performance monitored by the Ministry of Justice on reducing re-offending and reducing custody numbers.

Children in London are imprisoned at twice the rate of children in England as a whole, and there are huge discrepancies in the rate of imprisonment across London. Children in Lambeth are 30 times more likely to find themselves in prison than those in Richmond.

Number of custodial sentences per 1,000 young people aged 10 to 17 in 2011–12²¹¹

Area	Rate per 1,000 of 10–17 population	Area	Rate per 1,000 of 10–17 population
England	0.87	Westminster	1.77
London	1.69	Ealing	1.85
Richmond upon Thames	0.13	Enfield	1.94
Bexley	0.44	Greenwich	1.97
Bromley	0.53	Camden	2.08
Havering	0.55	Tower Hamlets and City of London	2.13
Kingston upon Thames	0.58	Islington	2.22
Redbridge	0.60	Hammersmith and Fulham	2.33
Harrow	0.66	Waltham Forest	2.45
Barnet	0.70	Barking and Dagenham	2.47
Merton	0.77	Hackney	2.74
Sutton	0.78	Haringey	2.78
Hounslow	1.19	Wandsworth	2.88
Hillingdon	1.39	Southwark	3.02
Brent	1.58	Lewisham	3.32
Newham	1.65	Lambeth	3.86
Kensington and Chelsea	1.72		
Croydon	1.75		

206 Youth Justice Board for England and Wales (January 2014) *Monthly Youth Custody Report – November 2013*

207 Justice Committee (March 2013) *Seventh Report of Session 2012–13: Youth Justice*

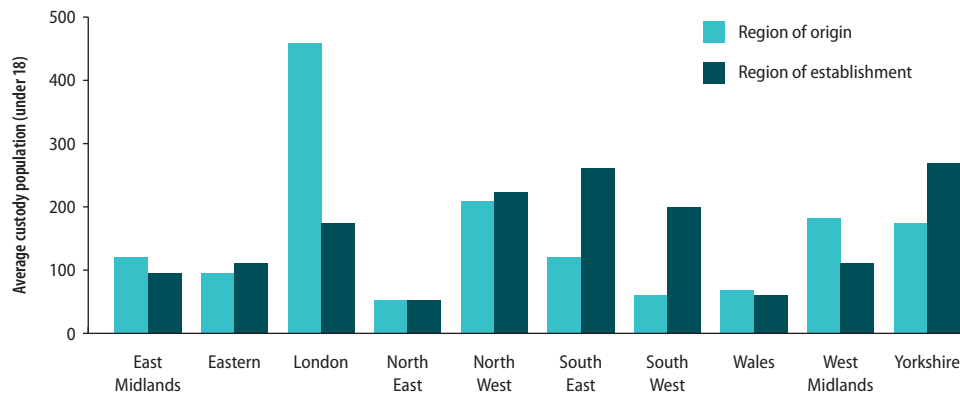
208 Evidence of the Office of the Children's Commissioner to the Justice Committee (March 2013) *Seventh Report of Session 2012–13: Youth Justice*

209 Evidence of the Office of the Children's Commissioner to the Justice Committee (March 2013) *Seventh Report of Session 2012–13: Youth Justice*

210 Maara, L. and McVie, S. (2007) *Youth Justice? The impact of system contact on patterns of desistance from offending*. *European Journal of Criminology*, 4(3), pp. 315–45

211 Ministry of Justice (January 2013) *Youth Justice Statistics: Use of Custody, Regionally 2011/12*

Location of custodial establishment²¹²



Note: Feltham is the only London establishment, and holds young people aged 15–17 sentenced or remanded in custody

Young people are not always placed in establishments close to their homes. This can have an impact on the children's ability to maintain contact with their friends and family and the effectiveness of social services intended to support children with resettlement once custody comes to an end. This problem disproportionately affects young people from London, because while children from London are hugely over-represented in the prison population, Feltham is the only London establishment which holds young people. In 2012–13, 30% of young people in custody were from London, but the only London establishment was able to accommodate only 11% of the total population.

Summary

Area	Stop and Search	Use of Tasers	Number of first time entrants	Number of custodial sentences
Barking and Dagenham	●	●	●	●
Barnet	●	●	●	●
Bexley	●	●	●	●
Brent	●	●	●	●
Bromley	●	●	●	●
Camden	●	●	●	●
Croydon	●	●	●	●
Ealing	●	●	●	●
Enfield	●	●	●	●
Greenwich	●	●	●	●
Hackney	●	●	●	●
Hammersmith and Fulham	●	●	●	●
Haringey	●	●	●	●
Harrow	●	●	●	●
Havering	●	●	●	●
Hillingdon	●	●	●	●
Hounslow	●	●	●	●
Islington	●	●	●	●
Kensington and Chelsea	●	●	●	●
Kingston upon Thames	●	●	●	●
Lambeth	●	●	●	●
Lewisham	●	●	●	●
Merton	●	●	●	●
Newham	●	●	●	●
Redbridge	●	●	●	●
Richmond upon Thames	●	●	●	●
Southwark	●	●	●	●
Sutton	●	●	●	●
Tower Hamlets	●	●	●	● +City
Waltham Forest	●	●	●	●
Wandsworth	●	●	●	●
Westminster	●	●	●	●

CONCLUSIONS

In many respects, London's treatment of its children should serve as a model for the rest of the country. Despite high rates of child poverty, London is outperforming national averages in relation to many children's rights indicators. It is well known that education in London is a good news story. This report confirms that overall children do better at school in London than in England as a whole, and finds that the most disadvantaged children, including those eligible for free school meals, with special educational needs and black children, also do better in London. Breastfeeding rates are extraordinarily high in London compared to national averages, which can have huge implications for children's health and wellbeing. London also cares for its looked after children well, with outcomes in terms of suitable accommodation and occupation outstripping national averages.

As one might expect in a city with very high levels of child poverty, in other areas in which poverty has a huge impact, such as health, housing and the criminal justice system, London's children experience poor outcomes. In London rates of child mortality, malnutrition and obesity are all higher than the national average, as are teenage pregnancies. A staggering 70% of the children in England who live in bed and breakfasts are in London, with many of these staying there for longer than the permitted 6 weeks. While the use of stop and search on children has been reducing dramatically, the use of tasers has increased as dramatically and London's children are sent to prison at twice the rate of children in England as a whole.

However, to look at London's performance as whole is to miss an important part of the picture. The bigger story is the striking inequality for children in London. Children in the same city can have vastly different outcomes, depending on where they live. Health and educational outcomes vary hugely across London. But more surprising, is that there is not always an obvious correlation between poverty and poor outcomes in these areas. Some boroughs with high levels of child poverty have lower child mortality rates, higher educational outcomes and are less likely to house children in unsuitable accommodation than their more wealthy neighbours.

Moreover, some of the most significant differences in performance relate to boroughs' ability to ensure good outcomes for the most disadvantaged children. The attainment gap at GCSE between children eligible for free school meals and their peers is less than 5% in one borough and more than 35% in others. In some boroughs, the proportion of children with special educational needs doing well at GCSE is double that in other areas. One borough is letting down homeless children by housing more than 500 in B&Bs, while many others avoid this altogether. Imprisonment of children in one area is 30 times that of children in another area.

The report raises questions as to what lies behind the disparity in outcomes for children across London, especially when there is no obvious correlation between poor outcomes and likely contributory factors, such as child poverty. It also provides an opportunity for those public bodies which seem to be serving children less well to identify and learn from those bodies which are doing better.

Public bodies across London must urgently assess their performance in the areas covered by the report, and the reasons behind their poor performance. Children's rights are interdependent – poor outcomes in one area will have a huge impact on children's rights across the board. Local authorities must tackle those problems identified in the report, by increasing awareness about children's rights, and by putting in place plans and systems to implement children's rights in a comprehensive way, taking account of children's rights in all their decision-making.



Children's
Rights Alliance
for England

MARCH 2014

Telephone: 020 7278 8222

Email: info@crae.org.uk

www.crae.org.uk

30 Angel Gate

326 City Road

London, EC1V 2PT