



Children's Rights
Alliance for England

Part of Just for Kids Law

UK implementation of the UN Convention on the Rights of the Child

Civil society alternative report 2022
to the UN Committee – England



About CRAE

The Children's Rights Alliance for England (CRAE), part of Just for Kids Law, works with around 100 members to promote children's rights and monitor government implementation of the UN Convention on the Rights of the Child.

We believe that human rights are a powerful tool in making life better for children. We fight for children's rights by listening to what they say, carrying out research to understand what children are going through and using the law to challenge those who violate children's rights. We campaign for the people in power to change things for children. And we empower children and those who care about children to push for the changes that they want to see.

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Supporting

This submission has been endorsed by 97 charities, NGOs and civil society groups listed below, many of whom are CRAE members. Not all the organisations work across all the areas addressed or necessarily support all the content or questions.

- 4in10 London's Child Poverty Network
- Action for Children
- Agenda Alliance
- Alliance for Youth Justice
- Ambitious about Autism
- Article 39
- Asylum Aid
- Asylum Welcome
- Baby Feeding Law Group UK
- Baby Milk Action
- Barnardo's
- Become
- British Association of Social Workers (BASW)
- Campaign for State Education
- Centre for Justice Innovation
- Centre for Mental Health
- Centre for Studies on Inclusive Education (CSIE)
- Centrepont
- Child Law Network
- Child Poverty Action Group (CPAG)
- Child Rights International Network (CRIN)
- Children and Young People's Mental Health Coalition (CYPMHC)
- Children England
- Children's Rights Alliance for England (CRAE)
- Community Action for Refugees and Asylum Seekers (CARAS)
- Coram
- Coram Children's Legal Centre
- Council for Disabled Children
- Da'aro Youth Project
- Disabled Children's Partnership
- Early Childhood Forum
- End Child Poverty Coalition
- Every Child Protected Against Trafficking (ECPAT UK)
- Friends, Families and Travellers
- Global Action Plan
- Greater Manchester Immigration Aid Unit
- Haringey Play Association
- Helen Bamber Foundation
- Humanists UK
- Independent Provider of Special Education Advice (IPSEA)
- INQUEST
- Just Fair
- Just for Kids Law
- Justice
- Kids In Need of Defense UK
- Kidscape
- Liberty
- Listen Up
- London Play
- MAC-UK
- Magistrates' Association
- Migrant and Refugee Children's Legal Unit (MiCLU) at Islington Law Centre
- Mind
- National Appropriate Adult Network
- National Association for Youth Justice
- National Children's Bureau (NCB)
- National Youth Advocacy Service (NYAS)
- New Horizon Youth Centre
- No More Exclusions
- North East Child Poverty Commission
- NSPCC
- Paul Hamlyn Foundation
- Playing Out
- Positive Action for Refugees and Asylum Seekers (PAFRAS)
- Power2
- Practical Participation
- Project 17
- Project 507
- Refugee Council
- Refugee Education UK
- Refugee Support Group
- Royal College of Paediatrics and Child Health (RCPCH)
- Safer London
- Save the Children UK
- Social Workers Without Borders
- South London Refugee Association
- Special Needs Jungle Ltd
- Stop Watch UK
- StreetDoctors
- The Association for Young People's Health
- The Children's Society
- The Fostering Network
- The Howard League for Penal Reform
- The Kids Network
- The Markfield Project
- The Separated Child Foundation
- The Traveller Movement
- Together Trust
- Together with Migrant Children
- Transform Justice
- UNICEF UK
- UNJUST
- Unlock
- World Breastfeeding Trends initiative (WBTi) U.K. Steering Group
- Young Roots
- Youth Access
- Z2K (Zacchaeus 2000 Trust)

Methodology

The evidence set out in this report was informed by seven thematic oral evidence sessions, attended by 50 experts, and written evidence from 47 organisations and academics, as well as additional analysis. This was supplemented with five workshops with children, in partnership with the Kids Network, The Children's Society, Alliance for Youth Justice, Leaders Unlocked and Friends, Families and Travellers, where children talked about how well their rights were respected. All quotes in blue included in the report are from children, either from our workshops or from other research with under-18s.

About the report

This is the fifth alternative report to the UN Committee on the Rights of the Child. It covers the period 2016 - 2022. Bold numbers in square brackets refer to the other sections where the issue is covered. Due to the word limit specified by the UN Committee (20,000), the report does not contain details of all children's rights issues in England but provides an overview of the key priority issues identified by civil society organisations and children who participated in the consultation process. All recommendations are for the UKG unless stated otherwise. The information contained in the submission is correct as of 8th December 2022.

List of abbreviations and glossary

Abbreviations

ACE: Adverse Childhood Experiences

A&E: Accident and Emergency

AP: Alternative Provision

B&B: Bed and Breakfast

CAMHS: Child and Adolescent Mental Health Services

CAFA: Children and Families Act 2014

CCE: Child Criminal Exploitation

CAFA 2014: Children and Families Act 2014

CHIS: Covert Human Intelligence Source

CJS: Criminal Justice System

COs: Concluding Observations

CRC: United Nations Convention on the Right of the Child

CQC: Care Quality Commission

CRIA: Child Rights Impact Assessment

CSA: Child Sexual Abuse

CSE: Child Sexual Exploitation

CSPRP: Child Safeguarding Practice Review Panel

DfE: Department for Education

DHSC: Department of Health and Social Care

ECF: Exceptional Case Funding

EHE: Electively Home Educated

EHCP: Education, Health and Care Plan

ELD: Expected Level of Development

EU: European Union

EUSS: EU Settled Status

FOI: Freedom of Information

FSM: Free School Meals

FTE: Fixed-Term Exclusion

GCSE: General Certificate of Secondary Education

GMI: General Measures of Implementation of the UNCRC

GRT: Gypsy Roma Traveller

HMIP: His Majesty's Chief Inspectorate of Prisons

HMPPS: His Majesty's Prisons and Probation Service

HO: Home Office

HRA: Human Rights Act 1998

ICTG: Independent Child Trafficking Guardians

ICIBI: Independent Chief Inspector of Borders and Immigration

IICSA: Independent Inquiry into Child Sexual Abuse

IRCS: Independent Review of Children's Social Care

IRO: Independent Reviewing Officer

IRP: Independent Review Panel

JCHR: Joint Committee on Human Rights
JRCA: Judicial Review and Courts Act 2022
KS: Key Stage
LA: Local Authority
LGA: Local Government Association
LHA: Local Housing Allowance
LGO: Local Government Ombudsman
MACR: Mandatory Age of Criminal Responsibility
MMPR: Minimising and Managing Physical Restraint
MMR: Measles, Mumps and Rubella
MoJ: Ministry of Justice
MPS: Metropolitan Police Service
NABA: Nationality and Borders Act 2022
NEET: Not in Education, Employment or Training
NHS: National Health Service
NRM: National Referral Mechanism
NRPF: No Recourse to Public Funds
Ofsted: Office for Standards in Education, Children's Services and Skills
OP3: Optional Protocol to the Convention on the Rights of the Child on a communications procedure
OPAC: Optional Protocol to the Convention on the Rights

of the Child on the involvement of children in armed conflict

PACE: Police and Criminal Evidence Act 1984
PCSCA: Police Crime Sentencing and Courts Act 2022
PO Bill: Public Order Bill
PRU: Pupil Referral Unit
RCC: Regional Care Cooperatives
RSE: Relationships and Sex Education
RPI: Restrictive Physical Intervention
RUI: Released Under Investigation
SCH: Secure Children's Home
SEND: Special Educational Needs and Disabilities
STC: Secure Training Centre
TA: Temporary Accommodation
UASC: Unaccompanied Asylum-Seeking Children
UC: Universal Credit
UKG: UK Government
YJB: Youth Justice Board
YJS: Youth Justice System
YOI: Young Offender Institution
YOT: Youth Offending Team
WHO: World Health Organisation

Glossary

Adultification: The concept of adultification refers to situations when notions of innocence and vulnerability are not afforded to certain children due to racial prejudice and other forms of bias. Consequently, a child welfare response is replaced with punitive criminal justice approaches. The impact results in children's rights being either diminished or not upheld.*

Alternative provision (AP): Refers to schools that sit outside of mainstream education but are not "special" schools and so can take students with no SEND.

Attainment 8: A score given to students across key eight subjects at the end of their secondary education.

Children in care: A child who has been in the care of their local authority for more than 24 hours is known as a looked after child or a child in care. We use children in care because it is the one many children and young people prefer.

Care experienced: A person who has been in the care system at any point in their life.

Care leaver: A young person (usually 18 or over, but sometimes 16 or 17) who has been in the care of a local authority for a period of 13 weeks or more spanning their 16th birthday.

Care Quality Commission (CQC): The independent regulator of health and adult social care in England.

Child criminal exploitation (CCE): The act of making children engage in criminal activity by means of threat, manipulation, and coercive control. Child criminal exploitation does not always involve physical contact; it can also occur through the use of technology.

Child protection plans: Child protection plans identify children who have been determined by a child protection conference to be suffering, or likely to suffer, significant harm.

* Listen Up <http://www.listenupresearch.org/>

Child trafficking: The recruitment, transportation, transfer, harbouring, or receipt of a child for the purpose of exploitation. Victims of CCE can also be defined as victims of child trafficking.

County lines exploitation: The exploitation and coercion of children and young people by gangs and organised criminal networks for the purpose of moving and storing drugs and money from one geographical area to another, using dedicated mobile phone lines.

Covert Human Intelligence Source: A police or other intelligence agency informant or spy.

Custody time limits: Limits on the amount of time a defendant who has been refused bail can be kept in custody before trial. Custody time limits serve as an important check and brake on the deprivation of liberty of persons awaiting trial, and are a fundamental protection against people being held in custody without trial for any more time than is necessary.

Dublin III: An EU law which determines that EU Member States examine an asylum seeker's application for international protection. It allows signatory states to return asylum seekers to the first country in Europe in which they are known to have been present, and allows for family reunification, particularly in relation to children.

Early intervention services: Services to support children and their families and to prevent problems developing later in life, such as poor physical and mental health, low educational attainment, crime, and anti-social behaviour.

Expected Level of Development: The levels attained by children in the Early Years Foundation Stage 0-5 are allocated a number as follows: Emerging = 1, Expected = 2 and Exceeding = 3 that levels in the Foundation Stage.

EU Settled Status (EUSS): Following Brexit, EU, EEA, and Swiss citizens must apply to the EU Settlement Scheme in order to continue living in the UK after 30 June 2021.

Exceptional Case Funding Scheme: The system providing legal aid funding to people whose cases are otherwise outside any area of qualifying law. It is only available in cases where failing to provide funding would cause an individual's human rights to be breached.

FOI: The Freedom of Information Act 2000 provides public access to information held by public authorities and entitles members of the public to request information from public authorities.

First Time Entrants (FTE): A FTE to the criminal justice system is a person residing in England and Wales at the time of the offence, who has been recorded on the Police National Computer (PNC) by an English or Welsh police force as having received their first conviction, caution or youth caution.

Fixed-Term Exclusion (FTE): A Fixed-Term Exclusion, also known as a Fixed Period Exclusion, refers to a pupil who is excluded from school for a set period of time. Temporary exclusions or fixed-period/term exclusions are now referred to as 'suspensions' by the Government but we continue to use the term FTE as we believe the term 'suspensions' underplays the gravity of the process.

GCSE: GCSE examinations are taken by most pupils at the end of compulsory school education (year 11) in England, Wales, and Northern Ireland.

Inclusion unit: A programme within a mainstream school, but delivered in a separate building or classroom, which provides education to children who are at risk of exclusion, or who require support outside of mainstream classes.

Intentionally homeless: A person can be found intentionally homeless if they have lost their home because of something they deliberately did or failed to do. This can include not being able to pay rent and leaving accommodation that the local authority considered to be suitable, even if staying there put the person's health or well-being at risk. Someone found to be intentionally homeless will be denied housing support.

Independent Review Panel (IRP): The role of the IRP is to review the governing board's decision not to reinstate a permanently excluded pupil. In reviewing the decision, the panel must consider the interests and circumstances of the permanently excluded pupil, including the circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the school.

Minimising and Managing Physical Restraint (MMPR): The restraint system for secure training centres and young offender institutions.

Modern slavery: Modern slavery includes child trafficking, which includes CCE.

National Referral Mechanism (NRM): The Modern Slavery Act 2015 requires potential victims of trafficking and modern slavery to be referred to the NRM by

authorised organisations (e.g. local authorities, some NGOs, the police, and specified government agencies). The NRM is a two-stage process to meet the Government's obligations under the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT). The decision is made by central government, whereby initially a "reasonable grounds" decision is made within five days if a child is suspected to be a victim of modern slavery. This is followed up by a "conclusive grounds" decision, expected to be made after up to 45 days – currently there are significant delays. Children identified as potential victims and, if determined as in need of support and accommodation, can be accommodated under Section 20 of the Children Act 1989.

No Recourse to Public Funds (NRPF): Anyone with this condition cannot access mainstream benefits or, in some cases, the labour market. This is either because they are undocumented and have an unresolved immigration status, or because they have a legal right to remain in this country but have an attached NRPF condition on their leave to remain.

Off-rolling: The practice of removing a pupil from the school roll without using a permanent exclusion, when the removal is primarily in the best interests of the school, rather than the best interests of the pupil.

Ofsted: The Office for Standards in Education, Children's Services and Skills inspect services providing education and skills for learners of all ages. They also inspect and regulate services that care for children and young people.

Out of area placements: Under the Children Act 1989, accommodation provided by local authorities for children in their care must be "within the local authority's area" unless this is "not reasonably practicable." There is, however, no provision in legislation that prohibits a local authority from placing a child out of its area – an "out of area placement".

Permitted development rights: A grant of planning permission which allows some building works and changes of use to be carried out without making a planning application.

Prevent: The Prevent programme is the part of the UK's counter-terrorism strategy focusing on preventing people joining terrorist groups or supporting terrorism.

Priority need: Priority need is one of the tests that a homeless person needs to pass for their local authority to determine whether they are entitled to housing support. Having priority need is often the only way to

receive homelessness relief. People with priority need are pregnant women, families with children, 16-and-17-year-olds, care leavers who are under 21, people who have lost their accommodation in a disaster, and others who may be deemed as vulnerable by the local authority (for example due to old age, disability, risk of domestic violence, etc).

Prone restraint: Pinned to the floor in a face down position.

Public Health England: An executive agency of the Department of Health and Social Care, tasked with protecting and improving health and well-being and reducing health inequalities. Public Health England was replaced by UK Health Security Agency and Office for Health Improvement and Disparities in October 2021.

Pupil Referral Unit (PRU): A form of alternative provision that mostly receives students who have been permanently excluded from mainstream education, but can take any child outside of mainstream education.

Racialised: White-majority systems have categorised groups according to the colour of their skin or other cultural or religious features, and in doing so have 'othered' and marginalised them. We use this instead of 'ethnic minorities.'

Released under investigation: People suspected of a crime may be *released under investigation* instead of being given a bail date to return to the police station.

Remand: When a court decides to remand a child to custody, they will be kept in one of the institutions in the youth secure estate until their next court hearing or trial.

Section 17 of the Children Act 1989: Provides a general duty on local authorities to safeguard and promote the welfare of all "children in need" in their local area.

Secure Children's Home (SCH): SCHs in England are run by local authorities and are overseen by the Department for Education. They accommodate children on welfare placements, remanded or sentenced children between 12-14 years old, plus girls and "at risk" boys up to the age of 16. SCHs range from 8- 36 beds and have high staff-to-child ratios allowing focus on the emotional, physical, and mental health needs of the children they look after. SCHs currently hold 10% of children in custody.

Secure training centre (STCs): STCs hold boys and girls between 12-17 years old. They are run by private providers. STCs currently hold 21% of all children in custody.

Separated children: Children under 18 who are outside their country of origin and have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. The term “separated children” includes unaccompanied children seeking asylum in the care of local authorities (see below).

Shared Accommodation Rate (SAR): The shared accommodation rate is the maximum amount of universal credit housing costs available when renting a room in a shared house from a private landlord. The rate is set under local housing allowance (LHA) rules. It often does not meet the full cost of rent. Most under-35s are only entitled to a SAR under their universal credit housing costs.

Solitary confinement and isolation: The confinement of a child in custody in their bedroom or another room or area as a means of control and without the child’s permission or agreement, without a member of staff being present, and with the door locked in order to prevent the child from leaving.

Spit-hood: A bag made of mesh-like material with a drawstring to tighten it, which is placed over a person’s head. It is a restraint device used to prevent spitting or biting.

Staying Close: Following on from Staying Put (see below), national rollout of the Staying Close was announced in October 2019 to enable care leavers to retain links with their former children’s homes.

Staying Put: Under the Children and Families Act 2014, fostered young people have the right to stay with their foster family from the age of 18 until 21, should this be what they and their foster carers want.

Taser: A Conducted Energy Device (CED or Taser) is designed to temporarily incapacitate a subject through use of an electrical current, which temporarily interferes with the body’s neuromuscular system and produces a sensation of intense pain.

Temporary accommodation (TA): Individuals who have met the criteria for long-term housing support might be given temporary accommodation until the local authority can find a longer-term home. This can include B&Bs, hostels, etc. Families with children and young people on their own should legally not be housed in temporary accommodation for longer than six weeks.

Unaccompanied asylum-seeking children (UASC): Unaccompanied children seeking asylum in the care of local authorities. This term is used by the Government. We use this term where needed to make clear the child is seeking an asylum claim, but prefer the term “separated children”, see entry above.

Undocumented children: Children who do not have a regular immigration status, in that they do not have permission (leave) to enter or remain in the UK.

Universal credit (UC): Universal credit was rolled out nationally in 2018. It is a benefit for working-age people, which merged six benefits relating to income, housing, and children into one payment. It is paid monthly.

Unofficial exclusions: Any exclusion from school that is not formally recorded on the student’s record or reported to the Department for Education in annual data. They do not trigger the formal exclusion review process.

Unregulated provision: Also referred to as independent and semi-independent provision. Unregulated provision is accommodation for young people (usually 16 or over) who need support to live independently, but do not need full-time ‘care’. These settings, unlike children’s homes, are not inspected by Ofsted. As corporate parents, councils have a responsibility to ensure that these settings are safe and suitable for the young person being placed there. Most unregulated provision is supported accommodation, where young people are visited regularly as they move towards independence.

Young carers: Children who help to look after a relative with a disability, illness, mental health or drug or alcohol problem.

Young offender institution (YOI): YOIs can accommodate children between 15-18 years old and are run under Prison Service standards. They are either run by private providers or the Prison Service. YOIs tend to be larger than STCs and SCHs, with lower ratios of staff to children. YOIs currently hold 69% of all children in custody.

Youth offending team (YOT): YOTs are based at local councils and work with children in contact with the criminal justice system.

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Introduction

Children's rights in England have regressed in many areas since the UK's last examination in 2016. Despite some progress to embed children's rights across Government, the response to Covid-19 clearly demonstrated that children's rights and voices are regularly overlooked in UK Government decision-making and showed why statutory child rights impact assessments are desperately needed. England is lagging behind other parts of the UK in taking forward its child rights obligations, with incorporation of the CRC a very long way off. Growing anti-rights rhetoric and the threat to repeal the Human Rights Act presents a grave and immediate threat to children's rights.

The UK's exit from the EU has led to political instability, and changes to laws and policies protecting children's rights. The past year also saw a period of further political volatility, with three Prime Ministers in two months and associated ministerial and cabinet reshuffles, leading to delays and uncertainty on key upcoming policies and reviews affecting children.

The pandemic impacted every area of children's lives and exacerbated and entrenched many existing inequalities affecting children, for example, children living in poverty or those struggling with their mental health. The educational attainment gap affecting disadvantaged children has widened for the first time in 12 years.

The current cost-of-living crisis is now putting children and their families under the most unprecedented financial strain of a generation and intensifying the effects of child poverty, which has increased since 2016, driven by regressive welfare policies that fail to take account of children's best interests. The crisis is predicted to further aggravate high levels of homelessness and health inequalities amongst children from disadvantaged and racialised groups. Yet despite this, there is still no UK Government strategy to address child poverty or binding targets.

The negative impact of austerity policies on cuts to children's services have also become clearer. Despite some welcome developments to children's social care legislation and several much-needed policy reviews, funding for children's and youth services has been heavily cut, while the number of children needing care or protection has risen. Although recent funding commitments are welcome, this will not reverse over a decade of underfunding.

Significant discrimination and structural inequality persist for Black, Gypsy, Roma and Traveller children across many aspects of their lives. They are more likely to be excluded from school and racial disproportionality continues in children's interaction with the police and in all parts of the youth justice system. Racialised children are also more likely to live in poverty and suffer poor physical and mental health. While a welcome step forward, UKG's response to the Commission on Race and Ethnic Disparities will not adequately address these issues.

There has been severe regression in relation to protecting the rights of children in the asylum system, most recently through measures in the Nationality and Borders Act. This proposes extremely worrying changes which are not in children's best interests, such as the new 'scientific' age assessment procedure that has been condemned by medical bodies as being inaccurate, as well as unethical.

More positively, there is now greater recognition of children's mental health issues and how this impacts across all areas of their lives alongside some welcome investment. However, the sharp increase in the number of children with mental health problems means that children often struggle to access services due to high thresholds and long waiting times.

Violence against children in institutions, as well as police use of force, remains troublingly prevalent. Some of our most vulnerable children, including those in prison or in mental health inpatient units, and children with SEND, frequently experience restraint and other restrictive practices and use of isolation, including in school.

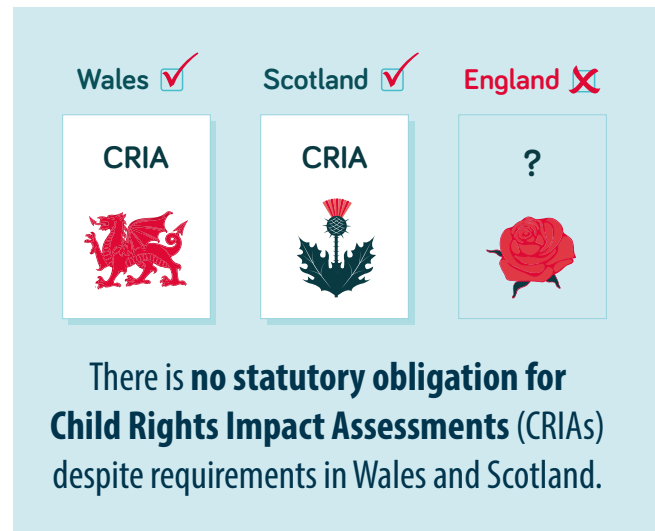
The large number of organisations from across civil society that have signed up to this report shows the urgency with which we must tackle these issues to ensure children's rights across the whole of the CRC are fully respected. We urge the UN Committee to reflect the key concerns raised in this report in its forthcoming Concluding Observations on the UK, and for the UK Government to commit to addressing the UN Committee's recommendations by working with stakeholders to develop a robust children's rights action plan. CRAE will continue to work with its members to monitor and hold the UK Government to account on implementing the UN Committee's next set of Concluding Observations.

General measures of implementation

Articles: **4** **42** **44.6**

1. Lack of political priority given to children's rights

- a) Despite some positive steps taken since 2016 to take forward the GMI, e.g., the UNCRC Action Group being established, civil service child rights training¹, and a CRIA template,² many of the GMI recommendations from 2016 have not been progressed. Therefore, the laws, structures, and mechanisms needed to realise all rights for all children are not in place. As a consequence, and as evidenced in this report, UKG has generally failed to prioritise implementation of the CRC, with regression in many areas, often exacerbated by Covid-19 and now the cost-of-living crisis.
- b) There remains no cabinet minister with responsibility for children's rights, despite growing calls for one to be established, including in the final report of IICSA.³ The minister with responsibility for children has remained Parliamentary Under-Secretary of State since 2018, when the role was demoted from Minister of State.⁴ There is still no child rights action plan to ensure CRC implementation nor sufficient cross-departmental coordination and monitoring mechanisms⁵, despite an urgent need for bold, coordinated action to address the impact of Covid-19, the cost-of-living crisis and the side-lining of children in the years before.⁶



Source: The Rights of Children and Young Persons (Wales) Measure 2011 and the Children and Young People (Scotland) Act 2014

- c) There is no statutory requirement to carry out CRIAs unlike in Scotland and Wales.⁷ Despite UKG's claim that "careful consideration is given to the UNCRC when developing new legislation"⁸ there is little evidence CRIAs are consistently carried out for policy or budgetary decisions, particularly because they are not systematically published, and no central record is kept.
- d) A wealth of data is collected on children. However, it does not always relate to CRC articles, making implementation harder to monitor and there are key gaps, e.g., a lack of statistics disaggregated by age and ethnicity.⁹
- e) Despite some positive developments,¹⁰ inadequate child rights education continues both for children and for professionals who work with and for them.¹¹

1 Nadhim Zahawi MP, Parliamentary Under Secretary of State for Children and Families (20 November 2018) [Written Ministerial Statement for Universal Children's Day HCWS1093](#)

2 House of Lords written answer (15 May 2019) HL 15465

3 IICSA concluded that a Cabinet Minister for children would "provide a sharper focus within government on critical issues which affect children and would provide the necessary leadership, profile and influence on matters of child protection." Independent Inquiry into Child Sexual Abuse (2022) *The Report of the Independent Inquiry into Child Sexual Abuse*

4 Apart from a brief interlude in Autumn 2022 - between 7 September 2022 and 27 October 2022 - when the Minister of State (Minister for Schools and Childhood) had responsibility for children.

5 The NAO has also concluded that although some departments work together on certain programmes and interventions, there is no overall strategic approach in UKG support for vulnerable adolescents which means it is not possible to know whether it is currently providing value for money and addressing the needs of adolescents as effectively as it could., for example, Government departments work together on certain programmes and interventions, such as Supporting Families, or targeted spending such as the Violence Reduction Units, but there is no overall strategic approach, so government does not know whether there are gaps or overlaps in the support for vulnerable adolescents National Audit Office (2022) *Report – Value for money - Support for vulnerable adolescents*

6 Alliance for Youth Justice (2022) *A perfect storm for children at risk? Preventing a post-pandemic surge in the criminalisation of children*

7 The Rights of Children and Young Persons (Wales) Measure 2011 imposes a duty on ministers to have due regard to children's rights as expressed in the CRC. Part one of the Children and Young People (Scotland) Act 2014 requires all Scottish ministers to: give better or further effect to the requirements of the CRC; take account of the relevant views of children of which they are aware; promote public awareness and understanding of the rights of children; and report every three years to the Scottish Parliament on what they have done to fulfil these duties.

8 HM Government (2022) *The UK's Response to the UN Committee's List of Issues on the Rights of the Child*, Paragraph 35

9 See for example police use of force data, which is disaggregated separately by age and ethnicity but not combined in Home Office (2021) *Police use of force statistics England and Wales: April 2020-March 2021*

10 For example, UKG funded the production of two child-friendly versions of the 2016 Concluding Observation, one for 7-11 year olds and one for 12-17 year olds.

11 Culhane, L. McGeough, E. (2020) *Respect, equality, participation: exploring human rights education in Great Britain* EHRC

"You hear human rights. We don't hear children's rights."

"We don't learn anything like this [the UNCRC] in school."¹²

- ▶ **Establish structures which ensure effective coordination and monitoring of CRC implementation.**
- ▶ **Appoint a cabinet minister for children.**
- ▶ **Develop a child rights action plan, setting out how recommendations made in the COs will be addressed, including clear, resourced, timebound actions and a monitoring framework.**
- ▶ **Introduce a mandatory, transparent system of CRIA for all policy and spending decisions.**
- ▶ **Develop a strategy for increasing awareness, knowledge and understanding of the CRC, including for all professionals working with children, particularly those in institutions.**
- ▶ **Develop child rights indicators alongside collection and publication of fully disaggregated data, and data on how well children believe their rights are realised.**

2. Inadequate and worsening child rights protection and access to justice

- a) There has been no progress on signing OP3. UKG's assertion that ratification is not needed due to the existence of domestic judicial remedies is not borne out by the facts.¹³

- b) Despite removing its reservation to Article 37 (C), the Military Corrective Centre¹⁴ accommodates adults and under-18s. In the last 12 months, six children were detained. Children also come into contact with adults at police stations. Lack of movement on removing the declaration to OPAC remains, reserving the right to deploy children in armed conflicts. [42]
- c) There have been no steps forward on incorporation of the CRC by UKG despite positive developments in Wales¹⁵ and more recently in Scotland.¹⁶
- d) Deep concerns remain about UKG plans to repeal and replace the Human Rights Act 1998 with the Bill of Rights 2022,¹⁷ which would significantly weaken rights protection for children. The obligation on public authorities and courts to read and give effect to legislation in a way which is compatible with ECHR rights will be removed, resulting in a weakening of rights respecting delivery of public services for children. Access to rights for certain groups such as children in prison and immigrants will also be limited, undermining the universality human rights principle. UKG said in the State Party report it would "*publish a full impact assessment prior to introducing legislation*" yet no CRIA has been published.¹⁸
- e) Despite advances in Scotland¹⁹ and Wales²⁰, UKG has not commenced the socio-economic Duty in England²¹ so public bodies have due regard to reducing inequalities that result from socio-economic disadvantage.
- f) A raft of emergency legislation, regulations, and guidance affecting children was brought in during Covid-19 without the usual consultation or parliamentary scrutiny, showing a worrying lack of democratic scrutiny for children's rights.²² Regulations

12 CRAE (2022) Focus group with children

13 HM Government (2022) *The UK's Response to the UN Committee's List of Issues on the Rights of the Child*, Paragraph 42

14 UKG argues it is not a prison, but it functions as one as it is inspected by HMIP

15 The Welsh Parliament has passed one general and one sectoral legislative measure of implementation: the Rights of Children and Young Persons (Wales) Measure 2014 and section 7 of the Social Services and Well-being (Wales) Act 2014

16 The Scottish Parliament unanimously passed the UNCRC (Incorporation) (Scotland) Bill to incorporate the CRC. However, the UK Supreme Court found the Bill had exceeded the powers of the Scottish Parliament and would need amending before it could become law.

17 CRAE (12 September 2022) 'Bill of Rights 2022: Implications for children'

18 HM Government (2022) *The UK's Response to the UN Committee's List of Issues on the Rights of the Child*, Paragraph 44

19 Scottish Government (2021) *Fairer Scotland Duty: guidance for public bodies*

20 Welsh Government (2021) *A More Equal Wales 2021 Social Economic Duty Equality Act 2010 Statutory Guidance*

21 Section 1 *Equality Act 2010*

22 The SEND Regulations downgraded the duties and delayed the timescales for the assessment and preparation of an EHCP, which enables children with SEND to access specific resources and a school place whilst schools are not open for all children. These changes expired on 25 September 2020 but there will likely be a lasting impact on children who lost their entitlement to support for the first time since 2014. The School Exclusions Regulations created potentially long delays for children attempting to hold schools to account over unfair school exclusions, which will have inevitably impacted most harshly on pupils with SEND. These continued in some form until March 2022. The Remand Regulations extended custody time limits in the crown court by two months. Children were only subsequently removed from the Regulations following a legal challenge by Just for Kids Law. The Explanatory Memorandum to the Secure Training Centre (Coronavirus) (Amendment) Rules 2020 sets out a temporary minimum restricted regime, reducing the minimum amount of time children have out of their cells from the usual 14 hours to only 1.5 hours in each 24-hour period. These were in place until March 2022.



on children's social care,²³ for example, significantly watered down protections and were later deemed unlawful.²⁴ It is crucial that the UK Covid-19 Inquiry²⁵ fully scrutinises the impact of UKG decisions during the pandemic on children's rights, including by hearing directly from children.

- g) Brexit continues to pose a threat to children's rights across [8] with the Retained EU Law (Revocation and Reform) Bill²⁶ potentially removing children's rights enshrined in retained EU law without adequate parliamentary scrutiny.²⁷
- h) Legal aid is unavailable for many children and the ECF scheme is woefully inadequate.²⁸ Since 2013, at

least 6,000 children each year (potentially as many as 15,000) have been denied free legal advice and representation.²⁹ This affects many children, including those unlawfully excluded from schools, and legal aid is hard to access in SEND appeals.³⁰ [33] Following judicial review, immigration matters for separated children were brought back into scope of legal aid,³¹ but care-leavers are excluded from its remit, [18] as are immigration cases for children in families [36] and separated children once they are 18. [37] Legislative changes³² have further limited the ability of children to hold public bodies to account.³³

- i) Standards of legal representation in the youth court remain variable, with the best interests of some of the most vulnerable children not being adequately represented. An independent review recommended that criminal legal aid fees payable in the youth court be increased to reflect the importance of this work and seriousness of the child's situation.³⁴ UKG agreed to enhance youth court fees for more serious offences and will consult further on the details of applying the enhancement with the current fee structure but rejected the recommendation that accreditation should be a formal requirement for lawyers to receive increased fees for youth court work.³⁵
- ▶ **Incorporate the CRC into domestic law.**
- ▶ **Ratify OP3 and remove the declaration to OPAC.**
- ▶ **Fully protect the HRA.**
- ▶ **The UK Covid-19 Inquiry must fully scrutinise the impact UKG decision-making had on children's rights during the pandemic, including by listening to children.**

23 Adoption and Children (Coronavirus) (Amendment) Regulations 2020 were brought in in April 2020

24 Article 39 v the Secretary of State for Education [2020] EWCA 1577 (Civ) The Department for Education was found by the Court of Appeal to have acted unlawfully in adopting these regulations without consulting the Children's Commissioner and other bodies representing the rights of children in care. This judicial review was brought by Article 39 after a broad coalition of organisations and concerned individuals undertook a campaign challenging the regulations, their broad scope and the lack of scrutiny around their adoption. See Article 39, Scrap S.I 445

25 The UK Covid 19 Inquiry was established under the Inquiries Act 2005.

26 The EU Withdrawal Act 2018 excluded the EU Charter of Fundamental Rights from being transposed into UK law, which gave specific rights to children that are not in domestic law, for example Article 24 EU Charter of Fundamental Rights.

27 The Hansard Society (2022) *Five problems with the Retained EU Law (Revocation and Reform) Bill*

28 The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) overhauled the legal aid system: from April 2013 legal aid was no longer available for employment, education (except for cases of special educational needs), non-asylum immigration, private family law, many debt and housing cases, and most welfare benefits cases.

29 Coram Children's Legal Centre (2018) *Rights without remedies: Legal aid and access to justice for children*

30 A person can appeal against a local authority's decisions in relation to EHCPs. This includes the refusal of a request to assess a child to establish whether they need an EHCP; refusal to prepare an EHCP following assessment; and challenging the contents of an EHCP plan including whether the child will attend a mainstream or special school. The type of legal assistance available for SEND appeals is "legal help": a restricted type of support that allows families to take early advice and prepare a case, but not to be represented in hearings.

31 Lucy Frazer MP, Parliamentary Under-Secretary of State for Justice (12 July 2018) *Justice Update* HCWS853

32 The Judicial Review and Courts Act 2022

33 See Liberty (2021) *Liberty's briefing on the Judicial Review and Courts Bill for Second Reading in the House of Commons*

34 Bellamy, C (2021) *Independent Review of Criminal Legal Aid*

35 Ministry of Justice (2022) Consultation outcome. Government's full response to the criminal legal aid Independent Review and consultation on policy proposals

- ▶ **Ensure children's rights are not diluted as a result of Brexit.**
- ▶ **Urgently restore aspects of the legal aid budget to ensure children can access justice.**
- ▶ **Introduce mandatory training for lawyers representing child defendants. As a minimum, extend the Bar Standards' Board youth proceedings competency requirement to all those representing children in the youth court and Crown Court.**
- d) The PCSC Act 2022 continues the pattern of harsher treatment for older children in contact with the justice system: Section 127³⁹ amends the starting point for tariffs for older children to 90% (for 17-year-olds) and 66% (for 15-16-year-olds) of the starting point for adults. Mandatory minimum custodial sentences continue to apply to 16-17-year-olds similarly to adults, and Section 124 intends to increase their use by reducing judicial discretion.⁴⁰ [38] [40]
- e) Little is being done to reduce the harm caused to those who commit offences as children but are convicted or sentenced as adults.⁴¹ In cases where they have turned 18 between the offence and prosecution, the courts do not have access to sentences for children, and supervision is not carried out by YOTs. Instead, they receive longer adult criminal records, rehabilitation periods, and are not eligible for the same diversionary schemes. The pandemic has exacerbated an already struggling system.⁴² In 2021 a Private Members' Bill aimed at addressing this did not progress past first reading,⁴³ despite sector and cross-party support.⁴⁴

Definition of the child

Article: **1**

3. Inconsistencies in definition of a child

- a) Under-18s are still treated as adults in many circumstances, either due to what is set out in legislation or as a consequence of inadequate public services.
- b) Despite repeated calls from the UN Committee and parliamentarians,³⁶ the age of criminal responsibility remains extremely low at just 10 years old. UKG continues to fail to acknowledge the harm caused by criminalising such young children and refuses to even carry out a review.³⁷
- c) There is a concerning trend towards not treating 16-and-17-year-olds as children. They are increasingly denied protection as victims of CCE. [14] Homeless children are regularly not housed under children's legislation [28] and are housed in unregulated accommodation. [19] 16- and 17-year-olds used as CHIs are not given the same protection as younger children³⁸ [4] and UKG continues to recruit them to the armed forces. [42]
- ▶ **Undertake a review of age-based legislation and guidance to ensure all the protective rights in the CRC apply to all those under-18, including 16-and-17-year-olds.**
- ▶ **Significantly increase the age of criminal responsibility.**
- ▶ **Reform courts and sentencing legislation so that young people are dealt with and sentenced according to their age at the date of their alleged offence; reform legislation so the relevant date for rehabilitation periods is the date the offence was commissioned, rather than date of conviction.**

36 Moves were made by parliamentarians during the passage of the PCSC Act 2022 to increase the age of criminal responsibility, but despite cross-party support amendments were rejected by UKG.

37 House of Commons Justice Select Committee (2021) *Children and Young People in Custody (Part 1): Entry into the youth justice system: Government Response to Committee's Twelfth Report of Session 2019–21*, Ninth Special Report of Session 2019–21, HC 1185

38 For example, 16- and 17-year-olds are not automatically entitled to an appropriate adult. Home Office (2022) *Regulation of investigatory Powers Act 2000: Government response to Home Office consultation on the draft revised Covert Human Intelligence Sources: code of practice*

39 S127 Police, Crime, Sentencing and Courts Act 2022; Alliance for Youth Justice (2021) *Police, Crime, Sentencing and Courts Bill House of Lords Second Reading Briefing*

40 Section 124 Police, Crime, Sentencing and Courts Act (2022); Alliance for Youth Justice (2021) *Police, Crime, Sentencing and Courts Bill House of Lords Second Reading Briefing*

41 General Comment No.24 makes clear that children who commit an offence as a child but turn 18 before their case is completed must still be eligible for the protection of a child justice system. UN Committee on the Rights of the Child (2019) *General comment No. 24 (2019) on children's rights in the child justice system*, Paragraph 31

42 Youth Justice Legal Centre (2020) *Timely Justice: Turning 18 – A briefing on the impact of turning 18 in the criminal justice system*

43 Youth Courts and Sentencing Bill Private Members Bill (under the Ten Minute Rule)

44 HL Deb: *Youth Courts and Sentencing* (23 February 2021) V689

General principles

Articles: **2 3 6 12**

4. Lack of consideration of best interests

- a) There has been little progress in enshrining children's best interests as a primary consideration in the development and application of laws and policy, including in relation to vulnerable children (e.g., children in care, trafficked children, and separated children). Due to the lack of systematic and comprehensive CRIAs, [1] little consideration is given to whether children's best interests are undermined or enhanced by UKG policy. E.g., the social care Covid-19 regulations⁴⁵ removed or weakened 65 legal protections for children in care, with little evidence in the CRIA to support its conclusion that these measures were small scale and in the best interests of children.⁴⁶
- b) The best interests principle is often applied tokenistically for children in the immigration system, with no evidence of a structured assessment or explanation, and decisions and policies are routinely made that are contrary to children's well-being. [37]
- c) Children are allowed to be used as CHISs,⁴⁷ meaning that the ability of police and other investigative agencies to gather intelligence is being placed above children's best interests, similarly to Prevent where gathering intelligence take precedence. [6]
- d) The PCSC Act has amended the criteria for remanding a child to custody to include that 'the court must consider the interests and welfare of the child';⁴⁸ however, no such criteria was introduced for custodial sentencing.

- Enshrine in all laws relating to children the requirement to treat children's best interests as a primary consideration.

5. Right to life, survival and development not fully implemented

- a) Suicide is one of the leading causes of death in children. In 2021, 198 15–19-year-olds died by suicide (135 males and 63 females), the highest number for 30 years. 14 children aged 10-14 also took their own lives (six males and eight females).⁴⁹ [23]
- b) There have been at least 16 recorded suicides in child mental health inpatient units since 2016.⁵⁰ There is no systematic data collection, but investigations have found failures to provide adequate support, including unsafe discharge practices.⁵¹ In the last five years coroners highlighted failings in the deaths of 14 children accessing CAMHS.⁵²
- c) Social media contributes to higher rates of self-harm and suicide in children.⁵³ The inquest into the death of 14-year-old Molly Russell, who took her own life, concluded that unsafe online content contributed to her death 'in more than a minimal way'.⁵⁴
- d) In 2020, in England and Wales, there were 789 child deaths⁵⁵ and 2,226 infant deaths,⁵⁶ a rate of 3.6 deaths per 1,000 live births.⁵⁷ The infant mortality rate has generally declined since 1980, but progress has stalled.⁵⁸ Racial disparity persists⁵⁹ and the 10% most deprived areas in England continue to have higher infant mortality rates compared with the 10% least deprived.⁶⁰ Progress to meet the ambition of decreasing the rate of still births to 2.6 per 1,000 births by 2025 has also stalled. The 2020 rate was 3.8

45 Adoption and Children (Coronavirus) (Amendment) Regulations (2020)

46 Just for Kids Law, Children's Right Alliance for England, and Youth Justice Legal Centre (2020) 'The Government's response to Covid-19: human rights implications' and Article 39 (2020) 'Evidence to Joint Committee on Human Rights Inquiry on The Government's response to Covid-19: human rights implications'

47 Home Office (2022) *Regulation of investigatory Powers Act 2000: Government response to Home Office consultation on the draft revised Covert Human Intelligence Sources: code of practice*

48 Section 157 Police, Crime, Sentencing and Courts Act (2022)

49 Office of National Statistics (2022) *Data set suicides in England and Wales*

50 Article 39 (2020) *A safe space? The rights of children in mental health inpatient care*

51 Eley, A. (9 August 2022) 'Camhs deaths expose child mental health unit pressures' BBC News

52 Marsh S, McMahon P, (3 February 2022) 'Warnings over NHS mental health care issued in 14 young deaths in five years' *The Guardian*

53 House of Lords Library (2022) *Social media: potential harm to children*

54 NSPCC (30 September 2022) 'Molly Russell inquest findings' Office for National Statistics (2022) *Child and infant mortality in England and Wales:2020, Stillbirths, infant and childhood deaths occurring annually in England and Wales, and associated risk factors.*

55 Aged 1 to 15 years

56 Aged under one year

57 Office for National Statistics (2022) *Child and infant mortality in England and Wales:2020, Stillbirths, infant and childhood deaths occurring annually in England and Wales, and associated risk factors*

58 The 2020 rate is the same as in 2014

59 Black babies continued to have the highest rate, followed by Asian babies

60 Office for National Statistics (2022) *Child and infant mortality in England and Wales:2020, Stillbirths, infant and childhood deaths occurring annually in England and Wales, and associated risk factors*

stillbirths per 1,000 births, unchanged since 2019.⁶¹

- e) In 2020, a new national panel to review serious child safeguarding cases received 482 serious incident notifications - 206 related to child deaths.⁶² Domestic abuse featured in 41% of fatal cases and neglect in 35%.⁶³ [11] The Review of the murders of two young children found inconsistency in child protection practice and called for it to be strengthened, both locally and nationally.⁶⁴ [17]

- ▶ **Take action to ensure rates of infant and child deaths and stillbirths continue to fall, including for racialised groups and children from deprived communities.**
- ▶ **Collect and publish fully disaggregated data on children who self-harm or attempt suicide, including those in care, custody and immigration detention. [23]**
- ▶ **The DHSC and CQC must assume responsibility for monitoring the deaths of all children receiving inpatient mental health care, with an automatic trigger for an independent investigation following a child's death. Collect robust data (including cause of death and demographic information).**

6. Persistent and increased discrimination

- a) Despite a number of 2016 COs, significant discrimination and structural inequality persists for

particular groups of children across many aspects of their lives as highlighted throughout this report yet UKG's action plan is inadequate.⁶⁵

- b) Racial discrimination is stark across the whole of the CJS and was the biggest concern of a UKG-commissioned review.⁶⁶ Despite this, UKG's action plan⁶⁷ makes no reference to, e.g. addressing racial disparity in access to diversion⁶⁸ or Black children receiving harsher sentences.⁶⁹ [38]

*"Everyone does not get the same sentence. Certain races get it worse 'cause of your colour; they say you're innocent until proven guilty but they treat me like I'm guilty from the start."*⁷⁰

- c) During Covid-19, children felt unfairly targeted by police based on their age, class and race.⁷¹ [9] [15] Tensions continue to be exacerbated by police practices, all of which are racially disproportionate.

*"...Why can't I walk from my house to the park without being stopped? I have no faith in the law or the education system which is also racist."*⁷²

- d) Shockingly, racialised children make up the majority (53%) of those imprisoned.⁷³ 29% are Black⁷⁴ and account for 34% of those on remand.⁷⁵ Despite GRT people accounting for an estimated 0.1% of the British population, GRT children comprised 15% of the STC population⁷⁶ and 8% of children in YOIs.⁷⁷

61 Ibid

62 Child Safeguarding Practice Review Panel (2021) *Annual report 2020: Patterns in practice, key messages and 2021 work programme* The panel was established by the Children and Social Work Act 2017

63 Of these, 36 were caused by maltreatment within the family, 17 were extra-familial assaults or homicide, 63 were sudden unexpected deaths in infancy (SUDI) and 42 were suicides. A further 20 were related to, but not directly caused by, maltreatment. Child Safeguarding Practice Review Panel (2021) *Annual report 2020: Patterns in practice, key messages and 2021 work programme*

64 Arthur Labinjo-Hughes (age 6) and Star Hobson (16 months) Child Safeguarding Practice Review Panel (2022) *National review into the murders of Arthur Labinjo Hughes and Star Hobson*

65 Department for Levelling Up, Housing and Communities Race Equality Unit (2022) *Inclusive Britain: government response to the Commission on Race and Ethnic Disparities*

66 Lammy, D. (2017) *An independent review into the treatment of, and outcomes for Black, Asian and Minority Ethnic individuals in the criminal justice system*

67 Department for Levelling Up, Housing and Communities Race Equality Unit (2022) *Inclusive Britain: government response to the Commission on Race and Ethnic Disparities*

68 Centre for Justice Innovation (2021) *Equal Diversion? Racial disproportionality in youth diversion*

69 Youth Justice Board for England and Wales (2021) *Ethnic disproportionality in remand and sentencing in the youth justice system Analysis of administrative data*

70 Alliance for Youth Justice and Leaders Unlocked (2022) *Young Advocates for Youth Justice A youth-led report from children and young people with experience of the system*

71 Leaders Unlocked (2021) *Policing the Pandemic: Exploring young people's experiences and recommendations, Final report*

72 Alliance for Youth Justice and Leaders Unlocked (2022) *Young Advocates for Youth Justice A youth-led report from children and young people with experience of the system*

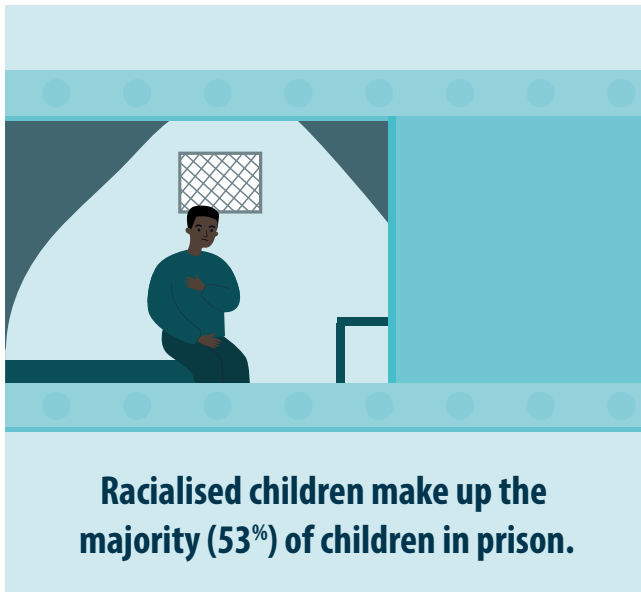
73 Ministry of Justice and Youth Justice Board for England and Wales (2022) *Youth Justice Statistics 2020-2021*

74 Ibid

75 Of those remanded in custody, the majority were male (98%) and from an racialised group (60%). This has increased from 57% in the last year and is the highest proportion in the last ten years compared to 41% ten years ago. Children from a Mixed ethnic background account for 14% of those remanded in youth custody in the last year, which is the same as the previous year but double compared to ten years ago (7%), and the proportion of children from an Asian or Other background rose to 12%, from 9%. Ministry of Justice and Youth Justice Board for England and Wales (2022) *Youth Justice Statistics 2020-2021*

76 In 2020.

77 Traveller Movement (2022) *Overlooked and Overrepresented: 5 Years on A briefing paper by the Traveller Movement*



Source: Ministry of Justice and Youth Justice Board for England and Wales (2022) *Youth Justice Statistics 2020-2021*

e) GRT and Black children also encounter systematic institutional and community discrimination. They are more likely to suffer poor mental and physical health [20] [23] and face discrimination in school. [30] [33] The UKG National Strategy to reduce GRT inequalities⁷⁸ is still to be developed and there is a chronic shortage of GRT sites resulting in approximately 3,000 GRT families without a permitted place to stop.⁷⁹ This means they face constant evictions and live without adequate access to basic amenities,⁸⁰ with education and healthcare disrupted.⁸¹ New legislation⁸² actively targets GRT families by criminalising those without a place to stop. It gives police stronger powers to evict

families without the protection of welfare assessments, instantly seize the vehicles/homes of families, issue fines and imprison over-18s, leaving families without a roof over their head and potentially forcing GRT children into care.

*"I don't tell people what I am. If you tell them, right away they judge."*⁸³

*"We're second-class citizens to most people."*⁸⁴

- f) Children are disproportionality impacted by Prevent. Between 2015-2016 and 2020-2021, under-18s accounted for 47%⁸⁵ of all Prevent referrals.⁸⁶ In recent years, UKG has rejected FOI requests to provide data on ethnicity and religion of children referred to Prevent,⁸⁷ preventing scrutiny of implementation of the 2016 CO.⁸⁸ Latest data available shows 39% of children referred to Prevent were recorded as Muslim and 38% as Asian.⁸⁹ UKG's Independent Review of Prevent has been boycotted by major human rights organisations due to concerns over the reviewer.⁹⁰ A report has also found Prevent is not compatible with children's rights because, for example, it puts national security and policing priorities above safeguarding children.⁹¹
- g) Children continue to experience bullying (including online) due to certain characteristics (real or perceived). 22% were bullied for being considered gay/lesbian, 7% because of a disability and 8% because of attitudes towards low household income.⁹² Nearly half of LGBT children – 64% of trans pupils – are bullied for being LGBT at school.⁹³ One in three children believe

78 Ministry of Housing, Communities and Local Government Press Release (6 June 2019) 'New national strategy to tackle Gypsy, Roma and Traveller inequalities'

79 Which defines them as statutorily homeless. Section 175 of the Housing Act 1996. A person is homeless if their accommodation 'consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it'; Ministry of Housing, Communities and Local Government (2019) *Count of Traveller Caravans, July 2019 England*;

80 Equality and Human Rights Commission (2022) *Pressing for progress: women's rights and gender equality in 2018 Full report and recommendations*

81 Written evidence received from Friends, Families and Travellers. September 2022

82 PCSC Act 2022

83 GRT child. CRAE (2022) Focus group with children

84 GRT child. Ibid

85 Child Rights International Network (2022) *Preventing Safeguarding: The prevent strategy and children's rights*

86 Despite making up only 21% of the UK population

87 See, for example, Home Office (3 June 2021) Response to Freedom of Information Request Ref. 62693

88 'To ensure that counter-terrorism and counter-extremism measures, including the Prevent strategy (2011) do not have a discriminatory, racial or stigmatising impact on any group of children'. UN Committee on the Rights of the Child (2016) *Concluding Observations on the United Kingdom of Great Britain and Northern Ireland*, Paragraph 29 (b)

89 Figures obtained through FOI request – March 2014-March 2016, Cited in Child Rights International Network (2018) *Caught in the crossfire? An international survey of anti-terrorism legislation and its impact on children*

90 Grierson, J., (16 February 2021) 'Human rights groups boycott government's Prevent review' *The Guardian*

91 Child Rights International Network (2022), *Preventing Safeguarding: The Prevent Strategy and children's rights*

92 Ditch the label (2020) *The Anti-bullying survey 2020: The annual benchmarking of bullying in the United Kingdom*

93 Stonewall (2017) *Schools Report: The experiences of lesbian, gay, bi and trans young people in Britain's schools in 2017* The impact of compulsory relationships and sex education (RSE) on this issue is likely to be restricted because statutory guidance permits religious schools to teach their 'distinctive faith perspective on relationships', which may include the view that same-sex relationships are morally impermissible. Primary schools are permitted to avoid teaching about LGBT issues if they deem this is not 'age-appropriate'. Department for Education (2019) *Relationships Education, Relationships and Sex Education (RSE) and Health Education: Statutory guidance*

politicians' behaviour influences how people treat each other at school.⁹⁴

*"...they come up and they call us "gypos" and all that. They started on my brother..."*⁹⁵

*"I get bullied constantly and usually because I'm judged for being transgender, how I look and my sexuality. It's really difficult sometimes..."*⁹⁶

- ▶ **Take immediate steps to address racial disparity in the YJS, including clarifying who is responsible for addressing it within UKG, and how progress on explaining or reforming racial inequalities is monitored.**
- ▶ **Publish the cross-departmental strategy to tackle inequalities experienced by GRT communities.**
- ▶ **Switch from an enforcement to provision approach towards GRT encampments.**
- ▶ **Repeal the Prevent duty and Channel programme, replacing them with a policy which takes children's best interest as a primary consideration.**
- ▶ **Ensure statistics on all counter-terrorism policies impacting children are fully disaggregated by ethnicity and religion, and routinely published.**
- ▶ **Provide further funding to schools to combat bullying focusing on root causes not punitive measures.**

7. Lack of participation of children in decision-making

- a) Children's views are still not taken seriously by many, despite pockets of good practice and progress in particular areas, for example, the proliferation of school councils.⁹⁷ However, the quality of school councils vary widely, with children telling us that:

*"[schools often] don't ask the children's views about what should be changed."*⁹⁸

- b) Children are also unable to take their own school exclusion appeal and must rely on their parents or carers to do so on their behalf. [33]
- c) Reports show the extent to which children are listened to by professionals often relies on the commitment of individuals.⁹⁹ Serious Case Reviews highlight the fatal impact where the voices of children who are suffering serious harm and abuse have been ignored or overlooked.¹⁰⁰

*"I don't really trust my social worker. They don't listen to me or include me in my choices. I do not like talking to them."*¹⁰¹

- d) Statutory participation rights are ad hoc and do not apply to all children in all settings. There is often more of a willingness to involve children in individual rather than strategic decision-making.¹⁰²
- e) A statutory right to advocacy is lacking for most children, and good quality, independent advocacy is patchy.¹⁰³ Though children in care have a legal right to be heard and have an advocate,¹⁰⁴ in practice, barriers to accessing advocates means that children cannot always know their options or express their wishes and feelings.¹⁰⁵ UKG have renewed funding¹⁰⁶

94 Ditch the label (2020) *The Anti-bullying survey 2020: The annual benchmarking of bullying in the United Kingdom*

95 GRT child. CRAE (2022) Focus group with children

96 Trans child aged 13. Ditch the label (2020) *The Anti-bullying survey 2020: The annual benchmarking of bullying in the United Kingdom*

97 Equality and Human Rights Commission (2020) *Respect, equality, participation: exploring human rights education in Great Britain*

98 CRAE (2022) Focus group with children

99 Ofsted, Care Quality Commission, HM Inspectorate of Constabulary, and HM Inspectorate of Probation (2018) *Growing up neglected: a multi-agency response to older children*

100 Children's Commissioner for England (2022) *Children's Social Care – putting children's voices at the heart of reform*; Ofsted (2011) *The voice of the child: learning lessons from serious case reviews*

101 Coram Voice (2022) *10,000 voices: the views of children in care on their well-being*

102 For example, children have said they want young people to be more involved in shaping health services and in individual care decisions. Royal College of Paediatrics and Child Health (2019) *'What do young people want to be improved as part of the NHS Long Term Plan?'*

103 The Government committed to consulting on revised advocacy standards in early 2020 but there has been no update since. Jacobs, N. (18 June 2020) *'Children's advocacy standards set to be revised under public consultation'* Children and Young People Now

104 22(4) and 22(5) Children Act (1989). Under section 26A of the Children Act 1989, local authorities must provide children in care with an advocate – an independent person not employed by the local authority, who can inform them of their rights and empower them to have their voice heard.

105 Unlike in Wales, a child's right to an advocate is not actively made known to them at vital stages, including when they first enter care. Government of Wales (2019) *Independent Professional Advocacy: National Standards and Outcomes Framework for Children and Young People in Wales*; NYAS (2021) *Advocacy in Action*

106 HM Government (2022) *The UK's Response to the UN Committee's List of Issues on the Rights of the Child*, Paragraph 111

for the national advocacy helpline and safety net service 'Always Heard';¹⁰⁷ however, this hasn't led to an improved LA advocacy response¹⁰⁸ as funding restrictions have resulted in gatekeeping and poor-quality advocates with little knowledge of children's legal entitlements.¹⁰⁹ IRCSC proposed strengthening the role of independent advocacy for children in care, which is welcome, but at the cost of removing Regulation 44 visits and IROs.¹¹⁰ This has received widespread criticism.¹¹¹

- f) The increase in video link hearings for child defendants (many of whom have complex needs)¹¹² severely compromises fair trial rights and their ability to effectively participate.¹¹³ However, the PCSCA 2022 and JRCA 2022¹¹⁴ embedded the pandemic expansion of virtual justice without the necessary evaluation of impact.
- g) Children are not systematically involved in national policy-making. There is no permanent mechanism to facilitate participation consistently, e.g. UKG did not provide opportunities for under-18s to share views and experiences during Covid-19, and, unlike in Wales and Scotland, failed to consult children in England on Brexit implications.¹¹⁵ UKG consultations rarely involve

children or are presented in child-friendly language, despite efforts from civil society to facilitate it.¹¹⁶

However, there are some welcome developments: UKG renewed funding for the UK Youth Parliament¹¹⁷ and the Youth Development Policy Group,¹¹⁸ and carried out consultations with children to inform its State Party report.

- h) Children report not feeling part of local decision-making and want inclusion and representation in local democracy.¹¹⁹ Particular groups of children are less likely to have their voices heard, for example, disabled children¹²⁰ or children under 10.¹²¹
- i) There has been no progress in lowering the voting age to 16.¹²²
 - ▶ **Take forward the IRCSC recommendation to provide an 'opt-out' advocacy offer for children in care and ensure Regulation 44 visits and IROs are retained and adequately resourced.**
 - ▶ **Ensure children are able to participate effectively in judicial proceedings. The default position should be that children never appear via video link for non-administrative hearings.**

107 Always Heard, commissioned by the DfE, signposts care-experienced children and young people to their local advocacy services and, when they cannot get advocacy, provides intensive safety net advocacy support, making sure they are not left without an advocate. Coram Voice (3 March 2020) 'Funding for Coram Voice's vital Always Heard service extended into 2020-21' Press Release

108 Coram Voice (2022) *Always Heard: The national advocacy helpline and safety net for children in and leaving care*

109 Children's Commissioner (2019) *Advocacy for children*

110 The review argued that three-quarters of the role of IROs and Regulation 44 visits was duplicative and could be absorbed by social workers and independent advocates. The Independent Review of Children's Social Care (2022) *The independent review of children's social care: final report*

111 IROs and Regulation 44 visits play a distinctly different role in safeguarding children.

112 Many children who come into contact with the CJS have learning disabilities (23-32%), communication difficulties (60-90%), and neurodevelopmental disorders such as autism spectrum disorders (15%) and attention deficit hyperactivity disorder (11-18%). YJLC (2018) 'A note on the age of criminal responsibility'

113 The Standing Committee for Youth Justice (2018) *They just don't understand what's happening or why: A report on child defendants and video links*

114 The Judicial Review and Courts Act 2022 made it possible for child defendants to enter pleas online, eliminating safeguards and without regard to children's increased vulnerability and requirements.

115 UKG's public inquiry into the handling of the COVID-19 provides a crucial opportunity to engage with children. UK Covid-19 Inquiry (21 July 2022) 'UK Covid-19 Inquiry launches first investigation' Press Release In particular, the Inquiry must use this opportunity to hear from SEND and vulnerable children. Simpson, F. (22 February 2022) 'Put disabled children and families at heart of Covid-19 Inquiry, campaigners urge' CYP Now

116 The State Party report says that following the Timpson Review, a programme of work was implemented, including a public consultation with children on the revised exclusions guidance (2022). This was not a public consultation with children but with small ad hoc group of children facilitated by civil society. HM Government (2022) *The UK's Response to the UN Committee's List of Issues on the Rights of the Child*, Paragraph 268

117 Department for Digital, Media, Culture and Sports (2022) 'UK Youth Parliament Programme 2023-2025: Guidance for applicants'. The UK Youth Parliament has over 280 seats for elected Members of Youth Parliament (MYPs) all aged 11-18. MYPs are usually elected in annual youth elections throughout the UK. Any young person aged 11-18 can stand or vote. Once elected, MYPs organise events and projects, run campaigns and influence decision makers on the issues which matter most to young people. All MYPs have the opportunity to meet once a year at the UK Youth Parliament Annual Sitting. House of Commons Library (2018) *UK Youth Parliament 2018*

118 UKG has extended funding for the Youth Development Policy Group for six months until March 2023. As part of a diverse 40-member team, the YPDG devises extensive policy briefs on specific topics and presents these directly to government ministers. Throughout the six-month process, they are guided and upskilled via monthly training sessions organised by Shout Out UK to give them the necessary skills to debate, create and present policy briefs to real-world policy-makers. Shout Out UK 'The Youth Policy Development Group with SOUK and DCMS'

119 Initial summary findings from ChildFair State Inquiry by Children England, a project led by young people aged 13 to 21 in 2020. Children England (2020) 'ChildFair State Inquiry: summary of findings'

120 Ibid

121 Department for Education (2018) *Applying Corporate Parenting principles to Looked After Children and Care Leavers Statutory Guidance for Looked After Children*

122 Scotland have reduced the voting age for Scottish local government elections and elections to the Scottish Parliament to 16 years old. S1 Scottish Elections (Reduction of Voting Age) Act 2015. In Wales, 16 and 17 year olds can vote at local council elections. S2 Local Government and Elections (Wales) Act 2021

- **Implement a cross-government mechanism and associated funding to ensure the views of children are systematically considered in policy-making, particularly younger children and those from underrepresented groups.**
- **Lower the voting age to 16.**

Civil rights and freedoms

Articles: **7 8 13 14 15 16 17**

8. Undocumented children

Difficulties in regularising status and statelessness

- a) The 'Hostile Environment' for undocumented migrants substantively remains.¹²³ There could be as many as 215,000 undocumented children¹²⁴ who remain subject to policies that limit their families' access to work and the welfare safety net. [26]
- b) Hurdles to securing status remain, including legal complexities, lack of legal aid for immigration, high application fees and an immigration health surcharge. UKG has taken steps to simplify the process for children who were born or grew up in the UK, reducing the ten-year route to a five-year route for some.¹²⁵ However, difficulties remain for children in families where parents or carers remain on the costly ten-year route to settlement.
- c) The UK Supreme Court acknowledged that the high child citizenship fee is unaffordable for many children.¹²⁶ Concerns persist regarding the HO practice of setting fees for the registration of British citizenship rights above administrative costs. In June 2022, UKG introduced the possibility of applying for a fee waiver.¹²⁷
- d) We have serious concerns that more children could be deprived of British citizenship due to changes in NABA;¹²⁸ numbers have gone up in the past decade but no data is available for children.¹²⁹

Children looked after with irregular immigration status

- a) There are at least 19,000 children in care and care-leavers in England with unresolved immigration or citizenship status.¹³⁰ A lack of permanent status or citizenship can affect children's sense of identity and belonging; impact their mental health; and put them at risk of destitution, exploitation and removal from the UK when leaving care.
- b) Positively, UKG has allowed children and care-leavers to apply late to the EUSS.¹³¹ However, until then, they are undocumented. Children who have received pre-settled status will face yet another cliff edge when they must re-apply to secure settled status.¹³²
- c) LAs are not adequately equipped to identify and address immigration issues and often fail in duties to resolve issues.¹³³ There is also limited availability of legal aid.¹³⁴ However, the new fee waiver for

123 Implemented under the Immigration Acts 2014 and 2016

124 Greater London Authority (2020) *London's children and young people who are not British citizens: A profile*

125 We Belong (31 March 2022) 'An update on the Home Office Rules re: 5 year route to settlement'

126 R (on the application of the Project for the Registration of Children as British Citizens) (Appellant) v Secretary of State for the Home Department (Respondent) (Expedited) 2021/0063

127 The fee waiver applies to: children applying to register as British citizens if they or their parents/guardians can show that they cannot afford the fee; children who are looked after by a Local Authority; children outside the UK and in a similar situation to being looked after by a Local Authority; and children supported under Section 17 of The Children Act 1989 if the fee is unaffordable. Project for the Registration of Children as British citizens (30 May 2022) *Frequently Asked Questions (FAQs) Home Office fee for children to register as British citizens*

128 HM Government (2022) *The UK's Response to the UN Committee's List of Issues on the Rights of the Child*, Paragraph 129. The Borders and Nationality Act 2022 gives the Home Secretary the ability to deprive British people of their citizenship without notice. This law does not allow UKG to leave anyone stateless. Therefore, people most at risk of being stripped of their citizenship without notice are those born in other countries or who, for whatever reason, hold dual citizenship. Simply being eligible for citizenship of another country may be considered sufficient to safeguard against statelessness – even if, in practice, the state in question is unlikely to cooperate and grant such citizenship. This means all children who are born in the UK and may have access to citizenship elsewhere are at risk of having their citizenship removed. In addition, there are no safeguards put in place for the Home Secretary to consider the best interests of the child and a child can be deprived of their nationality if they are thought to have obtained their citizenship by fraud and or have committed a crime.

129 McKinney, CJ. (10 January 2022) 'How many people have been stripped of their British citizenship?' *Free Movement*

130 In 2021. This includes unaccompanied children seeking asylum, victims of trafficking, those with a non-asylum immigration issue who are not EU citizens, and young EU citizens. South London Refugee Association, Coram Children's Legal Centre (2021) *Taking Care: How local authorities can best address immigration issues of children in care*

131 Home Office (2022) *EU Settlement Scheme: EU, other EEA and Swiss citizens and their family members*

132 Home Office (2020) *EU Settlement Scheme Looked-after children and care leavers: local authority and health and social care trust guidance*

133 South London Refugee Association, Coram Children's Legal Centre (2021) *Taking Care: How local authorities can best address immigration issues of children in care*

134 Refugee and Migrant Children's Consortium (2019) *Legal aid and care leavers with immigration cases August 2019*

all children in care will hopefully lead to greater resolution of nationality issues.¹³⁵

- d) Concerns persist that there is no systematic identification and support of children in prison needing to secure immigration status', leaving them at risk of deportation, and there is no public data on how many non-British children are currently held in custody.¹³⁶
- **Ensure a simpler, shorter, and more affordable route to immigration status for all undocumented children and their families.**
- **Ensure all children and young people in the care of the state, including children in care, care-leavers and children in prison, are supported to receive secure immigration status or British citizenship.**

9. Limits to freedom of association and assembly

"I've been told to move on because we were being anti-social... no matter where you are, they [the police] tell you to move. You could even just be standing in a park and they would tell us to move... If you try to argue, they threaten arrest."¹³⁷

Curtailement of right to protest

- a) The PCSCA introduced sweeping changes to public order legislation by giving police greater powers to impose conditions on protests, removing limits on what these conditions are, and creating a new basis for restricting protests if they are too noisy.¹³⁸

b) Concerningly, further restrictions are proposed in the PO Bill, many of which were originally rejected by parliamentarians during the passage of the PCSCA. Measures proposed include new criminal offences of locking on¹³⁹ and being equipped to lock on¹⁴⁰ and new protest-related stop and search powers.¹⁴¹ [9]

c) The JCHR concluded the proposals will have a 'chilling effect' on the right to peaceful protest.¹⁴² These measures will negatively impact on children's freedom of association rights, and will lead to further criminalisation of children, particularly those already over-policed.

- **Repeal measures in the PCSCA which limit protest rights and abandon proposals in the PO Bill.**

Stop and search

d) Stop and search is traumatic for children,¹⁴³ yet thousands are stopped and searched each year. In 2020-2021, 115,633 searches were carried out on children aged 10-17 (17% of all searches).¹⁴⁴ The majority (81%) of stop and searches of 10-17-year-olds resulted in No Further Action.¹⁴⁵ Males aged 15-19 are searched at a rate 8.9 times higher, and females aged 15-19 6.6 times higher, than those of the same gender aged 45-49. UKG states that consideration is given to the welfare and maturity of any child stopped and searched, and specific safeguards are followed,¹⁴⁶ but reports¹⁴⁷ demonstrate the contrary.

e) There continues to be significant racial disparity, despite the 2016 CO, although data collection has improved in this area.¹⁴⁸ Black children were involved in 18% of stop and searches.¹⁴⁹

135 South London Refugee Association, Coram Children's Legal Centre (2021) *Taking Care: How local authorities can best address immigration issues of children in care*

136 Coram Children's Legal Centre (2020) *Children left out? Securing children's rights to stay in the UK beyond Brexit*

137 CRAE (2022) Focus group with children

138 See Liberty (2022) *Liberty's submission to the thematic report to the Special Rapporteur on the rights to freedom of peaceful assembly and association*

139 A technique used by protesters to make it difficult to remove them from their place of protest.

140 For example, carrying a bicycle lock or glue

141 See Liberty (2022) *Liberty's submission to the thematic report to the Special Rapporteur on the rights to freedom of peaceful assembly and association*

142 House of Lords and House of Commons Joint Committee on Human Rights (2022) *Legislative Scrutiny: Public Order Bill. First Report of Session 22-23 HC 351 HL Paper 16*

143 Account (2020) *Policing in Hackney: Challenges from Youth in 2020*

144 Home Office (2022) *Police Powers and Procedures: Stop and search and arrests, England and Wales, year ending 31st March 2021, second edition*

145 Youth Justice Board Ministry of Justice (2022) *Youth Justice Statistics 2020/21 England and Wales*

146 HM Government (2022) *The UK's Response to the UN Committee's List of Issues on the Rights of the Child*, Paragraph 133

147 IOPC (2022) *National Stop and Search Learning report April 2022*; Middleton, J., 'Black school boy, 14, forced to ground by police in wrongful stop and search 'thought he would die'', *The Independent*

148 UN Committee on the Rights of the Child (2016) *Concluding Observations on the United Kingdom of Great Britain and Northern Ireland*, Paragraph 37 (b) and (c)

149 Where ethnicity was known; 14 percentage points higher than the proportion of Black 10-17 year olds in the 2011 population.

*"The reasons we are given is that we match a description, another is that they can smell drugs when they most likely cannot... I've never been told my rights."*¹⁵⁰

*"They see a kid that looks a bit suspicious and they stop and search them, not knowing the detrimental damage this will do..."*¹⁵¹

- f) Concerningly, restrictions on police stop and search powers have been eased.¹⁵² There are plans to introduce a new suspicion-based stop and search power in relation to a specified list of protest offences¹⁵³ and suspicion-less stop and search to the protest context.¹⁵⁴
- ▶ **Reverse the easing of restrictions on stop and search and abandon proposals in the PO Bill.**
- ▶ **Significantly improve oversight and monitoring of stop and search of children and address racial disparity.**

10. Privacy rights not respected

Inadequate reporting restrictions

- a) Gaps remain in relation to protecting the anonymity of children appearing in court. While there is an automatic ban on the identification of children in youth court proceedings,¹⁵⁵ in the adult magistrates' court and Crown Court, a judge will decide whether to grant anonymity or not.¹⁵⁶ Lifelong reporting restrictions in criminal proceedings to children who are witnesses or victims also do not extend to defendants, which means that they could be identified when they turn 18¹⁵⁷ [2] – not in keeping with the CRC. Case law which has been developed in this area is also under threat due to proposals in the Bill of Rights.¹⁵⁸
- ▶ **Change the law so there is no 'naming and shaming' of children in contact with the CJS at all stages; a presumption of privacy of children involved in criminal proceedings; and to enable courts to have the power to protect the identity of child defendants after they turn 18.**
- ▶ **The MPS should cease using surveillance databases that entrench racial disproportionality. Solutions to serious violence must fully respect children's rights.**

The identity of children subject to Anti-Social Civil Injunctions are also not protected unless a court rules otherwise.¹⁵⁹ There are no statutory protections to prevent children being identified in connection with an offence pre-charge.¹⁶⁰

Discriminatory profiling

- b) The Gangs Matrix is an MPS police database containing personal information of people perceived to be in a gang or likely to commit violence. [38] In 2018 the Information Commissioner ruled that since its creation it had been consistently breaching data protection laws.¹⁶¹ 15% of people on the Matrix are children (some as young as 12) and 78% Black males.¹⁶² Reasons for being placed on it were opaque and could result in people being over-policed and having access to services withdrawn. Following a legal challenge, the MPS was forced to concede its operation of the Matrix was unlawful.¹⁶³ However, there are concerns that the new Serious Violence Duty¹⁶⁴ risks creating new discriminatory profiling, leading to racist targeting and alienation of children from the systems and services designed to support them.¹⁶⁵ These concerns are not addressed in the draft statutory guidance.¹⁶⁶

150 CRAE (2022) Focus group with children

151 Ibid

152 The Government announced that conditions on the use of Section 60 (of the Criminal Justice and Public Order Act) stop and search powers have been permanently relaxed. HM Government (2022) *Beating Crime Plan: Fewer victims, peaceful neighbourhoods, safe country*

153 Clause 10 Public Order Bill

154 Clauses 11-13 Ibid

155 Child defendants, victims and witnesses. Section 49 Children and Young Persons Act 1933

156 Section 45 Youth Justice and Criminal Evidence Act 1999; prior to 13 April 2015 reporting restrictions were made under section 39 Children and Young Persons Act 1933

157 Section 78 Criminal Justice and Courts Act 2015

158 Which would tip the balance in favour of upholding ECHR Article 10 rights against Article 8 privacy rights, Clause 4 Bill of Rights Bill

159 Anti-social behaviour, Policing and Crime Act 2014

160 Section 44 Youth Justice and Criminal Evidence Act 1999 would rectify this position but it has not been brought into force.

161 Data protection Act 1998, supervisory powers of the information commissioner, enforcement notice.

162 Amnesty International (2018) *Trapped in the Matrix: Secrecy, stigma, and bias in the Met's Gangs Database*

163 Liberty (11 November 2022) 'Met to overhaul 'Racist' Gangs Matrix after landmark legal challenge'

164 Established by the PCSC Act

165 Alliance for youth Justice (2021) *Police, Crime, Sentencing and Courts Bill House of Lords Second Reading Briefing*

166 Alliance for Youth Justice (2022) *Alliance for Youth Justice response to Serious Violence Duty Statutory Guidance*

Violence against children

Articles: [19](#) [24.3](#) [28.2](#) [34](#) [37\(a\)](#) [39](#)

11. Increase in abuse and neglect

- a) Abuse and neglect of children remains high, with numbers of children subject to a child protection plan fluctuating from 50,310 in 2016, 52,330 in 2019 and slightly lowering to 50,920 in 2022.¹⁶⁷
- b) Official figures underestimate the true prevalence of child maltreatment, as it is often underreported. A lack of routine health data collection on child safeguarding and joined-up working with health services also hampers services' ability to respond to early signs of abuse and neglect.¹⁶⁸
- c) Covid-19 placed children at increased risk of domestic abuse.¹⁶⁹ Data also shows a total of almost a quarter of a million referrals in 2020-2021, an 8% increase on the previous year.¹⁷⁰ Before the lockdown, over 800,000 children were living in households that reported domestic abuse.¹⁷¹
- d) Children have finally been recognised as direct victims of domestic abuse under the Domestic Abuse Act 2021. 46% of females and 23% of males aged 16-19 who experienced violence were recorded as victims of domestic abuse-related violence.¹⁷²

e) Abuse in teenage relationships can start as early as 14.5 years¹⁷³ but, despite the Act's Statutory Guidance on Teenage Relationship Abuse, there remains an overall lack of specialised support.¹⁷⁴

f) UKG has issued conflicting guidance on children as victims. The draft Victims Bill mentions children twice, but only in relation to where the parent has been a victim of domestic abuse.¹⁷⁵ This contradicts the Domestic Abuse Act 2021, which recognises children as direct victims of domestic abuse.¹⁷⁶

► **Take steps to improve the response to children experiencing domestic abuse and ensure access to specialist, community-based support, including issuing separate statutory guidance and specialised support for teenage relationship domestic abuse. Ensure the Victims Bill recognises children as direct victims of domestic abuse, in line with the Domestic Abuse Act 2021.**

12. Corporal punishment

g) Despite progress in Scotland and Wales,¹⁷⁷ physical punishment of children remains legal in England in the home¹⁷⁸ and private foster care.¹⁷⁹ There is strong, consistent evidence that physical punishment is ineffective in improving children's behaviour and has adverse impacts on children's well-being.¹⁸⁰ UKG have said they have no plans to repeal the legal defence of reasonable punishment despite numerous COs on the issue.¹⁸¹

167 Data covers March-March period. Due to restrictions on school attendance during 2020-2021, there was a 31% decrease in referrals from schools as of March 2021. School attendance in 2022 remains below the pre-Covid attendance average, which may account for the lower number of children on child protection plans in 2021 and continuing into 2022. Department for Education (2022) *Characteristics of children in need*; Neglect remained the most common initial category of abuse recorded for children on protection plans in 2022, accounting for almost half of children (24,430). The next most common category was emotional abuse, accounting for over one-third of children (19,480), followed by physical abuse (3,780). Department for Education (31 March 2018 to 2022) *D4 Child Protection Plans at 31 March by category of abuse and local authority*.

168 Royal College of Paediatrics and Child Health (2022) *Written evidence on the UK's examination by the UNCRC*

169 NSPCC's helpline for children experiencing or at risk of domestic abuse reported a 10% increase during lockdown as vulnerable children were less visible due to school, youth club, and nursery closures. NSPCC (25 January 2021) 'Calls to NSPCC about children living in violent homes rise by over 50% as we urge government to support all children' Press Release; British Medical Journal (2 July 2020) 'Surge in domestic child abuse during pandemic, reports specialist UK children's hospital' Press Release

170 Office for National Statistics (2021) *Domestic abuse and the criminal justice system*

171 Office of the Children's Commissioner for England (2019) *Childhood vulnerability in numbers*.

172 Office for National Statistics (2021) *Domestic abuse victim characteristics, England and Wales: year ending March 2021*

173 Safe Lives (2017) *Safe Young Lives: Young People and domestic abuse*

174 The Children's Society (2020) *Missing the mark: Why young people experiencing teenage relationship abuse are being left without the support that they need*

175 Section 9 (2), Draft Victims Bill

176 Section 3, Domestic Abuse Act 2021

177 *The Children (Equal Protection from Assault) (Scotland) Act* (2019) came into force in November 2020; the *Children (Abolition of Defence of Reasonable Punishment) (Wales) Act* (2020) came into force in March 2022.

178 Section 58 of the Children Act (2004) allows for "reasonable punishment" of children by parents. Until May 2018, this was interpreted by the Crown Prosecution Service (CPS) as allowing bruises, cuts or weals. As of today, CPS guidance has reverted to "temporary reddening the skin" as the upper threshold for the defence. Global Initiative to End All Corporal Punishment of Children (2022) *Corporal punishment of children in the United Kingdom*; The Government has confirmed that staff acting in loco parentis in health settings would be able to invoke the defence. House of Commons written answer (4 May 2018) HC 138474

179 Corporal punishment is explicitly prohibited in other kinds of foster care in schedule five of the Fostering Services (England) Regulations (2011) but no such ban exists for private foster care. Schedule 5, *The Fostering Services (England) Regulations 2011*

180 End Violence Against Children (28 June 2021) 'Evidence shows physical punishment makes children's behaviour worse over time' Press Release

181 Department for Education (2022) *The UK's Response to the UN Committee's List of Issues on the Rights of the Child*

- **Repeal the defence of “reasonable punishment” to prohibit physical punishment in all settings, including the home.**

13. Increase in CSA and CSE

- a) CSA remains hidden and underreported; however, it has steadily increased since 2016, affecting an estimated 1 in 20 children in the UK.¹⁸² CSA victims face an inconsistent network of services and mental health support.¹⁸³ Despite the Child House model (a multi-agency response to supporting CSA victims) being recognised by UKG as best practice, there remains only one service in England.¹⁸⁴ Deficiencies in multi-agency working and information sharing have been highlighted as weakening the prevention of and response to CSA by IICSA.¹⁸⁵
- b) UKG published its first national strategy for tackling CSA in 2021.¹⁸⁶ Whilst welcome, gaps in data remain on sexual offences committed against 16-and-17-year-olds, such as rape, and sexual assaults committed against over-13s,¹⁸⁷ [3] despite these two categories being the biggest groups of sexual offences reported to police.¹⁸⁸

- c) Recorded episodes of need¹⁸⁹ for CSE has fluctuated from 17,600 in 2015-2016 to 18,720 in 2018-2019¹⁹⁰ to 16,830 in 2020 - 2021 – a 10% decrease from the previous year.¹⁹¹ This is likely the result of a fall in referrals from schools during Covid-19.¹⁹² The draft Victims Bill has also been criticised for not requiring UKG to collect data on CSE offences committed against children.¹⁹³

Online abuse

- d) From 2017-2018 to 2021-2022, online grooming offences increased by 84%,¹⁹⁴ exacerbated by Covid-19 lockdowns – 2021 was the worst year on record.¹⁹⁵ Child abuse image offences have also increased, rising by 37% since 2016-2017, surpassing 100,000 crimes over the last five years.¹⁹⁶ The threat to children’s safety online is continually evolving as new technologies are introduced which pose new harms to children.¹⁹⁷ One emerging issue is how the law deals with consensual intimate image sharing between children.¹⁹⁸
- e) It is essential that the Online Safety Bill¹⁹⁹ is passed in full, so that a robust but proportionate regulatory regime in the UK is introduced, requiring regulated companies to proactively identify and mitigate potential risks to children.²⁰⁰

182 NSPCC (2021) *Statistics briefing: child sexual abuse*; In 2021, calls to the NSPCC helpline about child sexual abuse and exploitation reached record highs of 4,735 reports, a 36% increase in the first six months of 2021/22 when compared to the same six months of the previous year. NSPCC (22 November 2021) 'Latest figures show NSPCC helpline has reached record levels of reports about child sexual exploitation and abuse' Press Release

183 Barnardo's (2017) *Journey to Justice*

184 The Lighthouse is a pilot initiative based on the Nordic 'Barnahus' ('Child House') model for children and young people in Barnet, Camden, Enfield, Haringey and Islington (5 London boroughs) Home Office (2021) *Tackling Child Sexual Abuse Strategy*

185 Detailed in section J.2. Independent Inquiry into Child Sexual Abuse (2022) *The Report of the Independent Inquiry into Child Sexual Abuse*; The Government's implementation plan in response to the IICSA report acknowledged the need to incorporate and respond to systemic recommendations from the Independent Review of Children's Social Care Review and other recent national child protection reviews, including the Child Safeguarding Practice Review into Safeguarding children with disabilities and complex health needs in residential settings. Home Office (2022) *Government Response to the Child Sexual Exploitation by Organised Networks Report by the Independent Inquiry into Child Sexual Abuse*

186 Home Office (2021) *Tackling Child Sexual Abuse Strategy*

187 The Children's Society (2018) *Briefing on attrition rates in reported cases of sexual offences against children under 18*

188 Ibid

189 A child begins an "episode of need" when they are referred to children's social care services. Local authorities then undertake an assessment of the child's needs to determine which services to provide.

190 Department for Education (March 2018 – 2019) *Characteristics of children in need*, Table C3

191 Data provided for the period March-March. Office for National Statistics (2022) *Child victims of modern slavery in the UK: March 2022*

192 Ibid

193 NSPCC (2022) *Draft Victims Bill: Children's sector briefing*

194 Freedom of Information data from 40 UK police forces. NSPCC (12 July 2022) 'Online grooming crimes have risen by more than 80% in four years'

195 Internet Watch Foundation (13 January 2022) 'Three-fold increase of abuse imagery of 7-10-year-olds as IWF detects more child sexual abuse material online than ever before' Press Release

196 Freedom of Information data from police forces across the UK for the number of Indecent Images of Children offences recorded by police for the years 2018/19 to 2020/21, 2021. NSPCC (3 December 2021) 'Child abuse image crimes in the UK have risen - we urgently need a stronger Online Safety Bill' Press Release

197 For example, Immersive and virtual reality (VR) environments, such as the metaverse, present concerning opportunities for deeper harm.

198 Currently, there is no single criminal offence in England and Wales that governs the taking, making and sharing of intimate images without consent. Instead, there is a patchwork of offences that have developed over time. As the scope of intimate image offences may expand over coming years, ensuring children are not over-criminalised and receive the necessary support will be of growing importance. Law Commission (2022) *Intimate Image Abuse*

199 The Online Safety Bill was introduced into Parliament in March 2022.

200 The Bill will require companies to tackle illegal content (include child sexual exploitation and abuse) and content that is harmful to children. This includes taking abuse on private messaging, which is critical given 70% of abuse takes place on private messaging services. Department for Digital, Culture, Media and Sport (2022) *Online Safety Bill: factsheet*

Support for child victims in the CJS

f) A current reliance on the victim's disclosure, lack of specialist training for police, and inadequate early disruption against perpetrators result in low prosecution rates in sexual offences against children.²⁰¹

g) Children have highlighted uncomfortable interactions with the police:

*"[the police officer] was going like, 'We're going to need to know everything, we're going to need your phone, your underwear,' and stuff like that. So obviously I had to give it to them, and then they didn't get in touch with me for ages."*²⁰²

h) Despite ambitious plans for reform of the judicial system published in 2016,²⁰³ child victims and witnesses in criminal courts still experience problems accessing justice in processes that are long and re-traumatising.²⁰⁴ Ofsted found a lack of prioritisation of prevention and identification of sexual abuse, and inconsistency in protection and pre-trial therapeutic recovery services.²⁰⁵

► **Urgently publish a response to the IICSA recommendations, alongside a strengthened Victims Bill, and expansion of the Child House model, to better prevent and support victims of CSA.**

► **Improve data collection on CSA and CSE by providing data on all victims under-18; disaggregating sexual offending data against 16-and-17-year-olds; and collecting and publishing data on the outcomes of investigation and law enforcement responses.**

► **Deliver an Online Safety Bill that holds technology companies to account for safety of children on their sites and creates a robust regulatory framework.**

14. Lack of adequate support for victims of trafficking, exploitation and modern slavery

a) Numbers of potential child victims of exploitation being referred to the NRM have continued to rise since 2016 to 5,468 in 2021 (43% of all victims).²⁰⁶ UK national children are now the fastest growing and largest group referred to the NRM, partly driven by CCE.²⁰⁷ Nearly 50% of child referrals were for CCE (2,689) – a likely underestimate.²⁰⁸

Victims of CCE

b) Children in poverty, those with learning difficulties, those who have been excluded from school, migrant children and care experienced children are particularly at risk of CCE,²⁰⁹ with children as young as seven targeted.²¹⁰ Huge cuts to LA early intervention budgets, youth services and policing – as well as a lack of inter-agency collaboration since 2016 – has contributed to a rise in CCE. [17] CCE increased further during the pandemic²¹¹ as children were more vulnerable out of school, in less contact with social services, and organised crime gangs moved to online forms of grooming and recruitment.²¹² Higher numbers of children are missing school than pre-2020, with no safeguards for child victims or those at risk of exploitation who are excluded from school.²¹³ [33]

201 The Office of National Statistics reported significant discrepancies between the number of police reports of child sexual abuse, CPS prosecutions, and convictions. Only 4% of child abuse cases resulted in a charge or summons, due to "evidential difficulties". The Office of National Statistics (2020) *Child abuse and the criminal justice system, England and Wales: year ending March 2019*

202 Barnardo's (2017) *Journey to Justice: Prioritising the wellbeing of children involved in criminal justice processes relating to sexual exploitation and abuse*

203 HM Courts & Tribunals Service (2016) *Transforming our Justice System*

204 Provision of support remains inconsistent and fragmented. As a result, child witnesses and victims are still at risk of negative experiences in the CJS. The number of courts equipped for pre-recorded cross-examinations of child victims and digital hearings is still too low, and the endemic delays in the criminal courts also affect cases involving child victims and witnesses. Plotnikoff J., and Woolfson R. (2019) *Falling Short?: a snapshot of young witness policy and practice* NSPCC

205 Ofsted (2020) *The multi-agency response to child sexual abuse in the family environment*

206 Partly due to a greater awareness of child trafficking and procedures to follow

207 The second most referred nationality for children was Vietnamese (269) followed by Albanian children (244) Home Office (2022) *National Referral Mechanism statistics*

208 Home Office (2022) *National Referral Mechanism statistics*

209 Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services, HM Inspectorate of Probation, Care Quality Commission, Ofsted (2018) *Protecting children from criminal exploitation, human trafficking and modern slavery: an addendum*

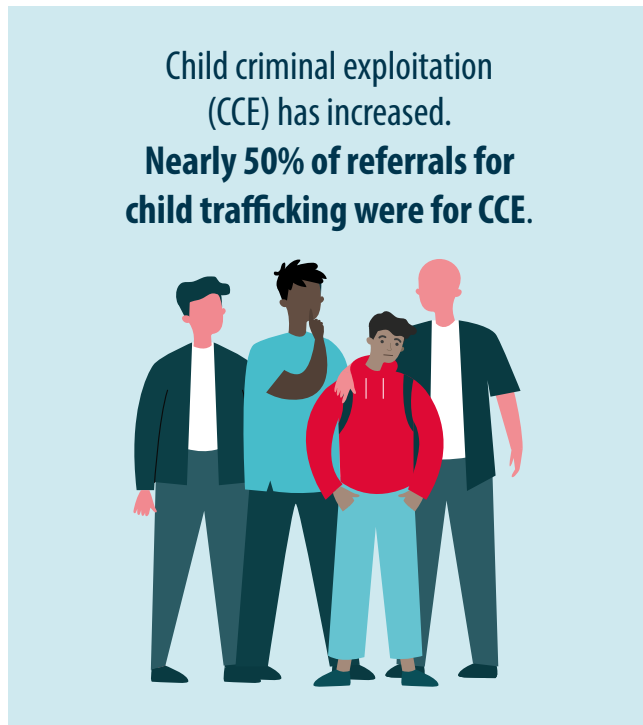
210 The Children's Society (2019) *Counting lives: Responding to children who are criminally exploited*

211 Barnardo's (21 October 2021) 'Urgent action needed as organised crime gangs take advantage of pandemic to target vulnerable children' and Brewster, B. et al (2021) 'Covid-19 and child criminal exploitation in the UK: implications of the pandemic for county lines' *Trends in Organized Crime* Nottingham University

212 Commission on Young Lives (2022) *All Together Now Inclusion not exclusion: supporting all young people to succeed in school*

213 Graham, J. (2021) *Excluded or missing from education and child exploitation: literature review and stakeholder views on safeguarding practice* Tackling Child Exploitation

- c) Despite increasing attention on this issue²¹⁴ and a statutory defence,²¹⁵ victims of CCE continue to be seen as offenders rather than victims by the police and children's health and education services. [38] This contributes to inconsistent safeguarding responses²¹⁶ in contrast to progress made for victims of CSE. CCE is absent from the draft Victims Bill.



Source: Home Office (2022) National Referral Mechanism statistics

- d) There is still no statutory CCE definition for criminal law purposes – there have only been 186 prosecutions under the Modern Slavery Act 2015 where children were victims, and only half of them were successful.²¹⁷
- e) There have been a number of developments which undermine victims of CCE's ability to use the statutory defence. A court judgment in 2021²¹⁸ ruled that NRM Conclusive Grounds Decisions are no longer admissible as expert evidence in criminal proceedings.²¹⁹ Measures introduced in the NABA 2022 disqualify those who have served custodial sentences of over a year from protection, as well as those prosecuted for particular offences.²²⁰

National Referral Mechanism for trafficked children

- f) UKG's new Devolved Child Decision-Making NRM Pilots and commitment to extend them is welcome²²¹ in line with the UN Committee's previous CO,²²² as these establish whether a child is a victim of modern slavery within existing safeguarding structures. However, it is important the pilot's efficacy is independently evaluated. Regrettably, UKG has excluded children 100 days from their 18th birthday or whose age is uncertain at the point of referral. [37] In 2019, 76% of all child referrals to the NRM were still waiting for a final decision by the end of the year, leaving many in limbo²²³ and increasing risk of trafficking.²²⁴ Concerningly, the NABA also contains provisions to raise the legal threshold for the first decisions victims receive after being identified as potential victims.²²⁵

214 The County Lines Coordination Centre was set up due to improved awareness of this exploitation following a report, which found that 65% of police forces in the UK reported "county lines" activity linked to exploitation of children, with 42% of forces specifically reporting children "running" (moving drugs/money) on behalf of drug lines. National Crime Agency (2017) *County lines gang violence, exploitation and drug supply*. This has now been expanded through The County Lines Programme launched by the Home Office.

215 Section 45 Modern Slavery Act 2015

216 Ofsted, Care Quality Commission, HMICFRS, and HMIOP (2018) *Protecting children from criminal exploitation, human trafficking and modern slavery: an addendum and*, Child Safeguarding Practice Review Panel (2020) *It was hard to escape: Safeguarding children at risk from criminal exploitation*; The Children's Society (2019) *Counting lives: Responding to children who are criminally exploited*

217 Office for National Statistics (2022) *Child victims of modern slavery in the UK: March 2022*

218 *R v Brecani* [2021] EWCA Crim 731

219 This will have a disproportionate impact on the most vulnerable victims of exploitation and trafficking – those unwilling or unable to speak out against the individuals and/or networks that caused them to be victimised. Without this key piece of information, overcoming the defence of modern slavery will likely be easier. *R v Brecani: A major setback for victims of child criminal exploitation* Youth Justice Legal Centre. NB. The Court in the case of *R v AAD, AAH, and AAI* [2022] EWCA Crim 106 upheld the decision in *R v Brecani* that a conclusive grounds decision of the Single Competent Authority is not admissible in a criminal trial, but did provide guidance on the sort of matters that a suitably qualified expert in trafficking can address instead.

220 Section 62 of the Nationality and Borders Act 2022. This will leave children without the possibility to access support or challenge their offences on appeal. There is also a real risk that removing support will limit engagement in prosecutions and significantly undermine the ability of law enforcement to bring traffickers to justice. ECPAT UK (29 April 2022) 'Harmful Nationality and Borders Act passes'. Joint Committee on Human Rights (2021) *Legislative Scrutiny: Nationality and Borders Bill (Part 5)—Modern slavery Eleventh Report of Session 2021–22*

221 Home Office (July 2022) *Guidance: Devolving child decision-making pilot programme: general guidance*

222 Point 82b. Committee on the Rights of the Child (2016) *Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*

223 ECPAT UK (2020) *Child trafficking in the UK 2020: A snapshot*

224 Beddoe, C. (2021) *Into the arms of traffickers: An examination of how delays in asylum and trafficking decision-making increase the risks of trafficking for young asylum-seekers*

225 Section 59 Nationality and Borders Act and HM Government (March 2021) *New plan for immigration: Policy statement*

ICTG

- g) The expansion of ICTGs to two thirds of LAs is welcome.²²⁶ However, it is only for children identified as potential victims of modern slavery²²⁷ and not all separated migrant children like in Scotland and Northern Ireland, in breach of the 2016 COs. There is no confirmed timeline for full national rollout (legislation passed in 2015).²²⁸

Leave for trafficked children

- h) Child victims of trafficking are entitled to a permanent form of leave,²²⁹ however only 2% of grants of leave resulted in a positive decision and most were not a long-term form of leave.²³⁰ 74% were granted refugee status, leaving 26% in limbo. Grants for over-18s are much lower,²³¹ contradictory to a best interests approach. Over a quarter of child refugees were identified as potential victims of trafficking and modern slavery.²³²
- i) UKG can now issue negative asylum decisions for a child before a NRM decision has been made, contrary to best interests. NABA also creates a duty to grant leave to victims of trafficking but does not recognise the specific standard for children thus making leave contingent on requirements contravening international law.²³³ [4]
- ▶ **Ensure children's rights and best interests are upheld as reforms to asylum and modern slavery processes are implemented.**
 - ▶ **Subject to a successful independent evaluation ascertaining the impact on children, roll out the Devolved Child Decision-Making Pilots to the NRM.**

- ▶ **Roll out its ICTG service across the whole of England and extend to all separated children.**
- ▶ **Introduce a statutory definition of CCE to ensure children who commit criminal offences as a result of exploitation receive help as victims, and those who exploit children are prosecuted.**

15. Violence against children by the police

Use of force

- a) Use of force by police on children continues to increase. In 2020-2021 there were 54,283 incidents involving children (10% of all recorded use of force incidents); of those, 427 were on under-11s.²³⁴ Types of force include limb and body restraints, batons, irritant spray, Taser and spit-hoods.²³⁵ UKG states all officers receive comprehensive training in assessing vulnerabilities, including children, when using force. However, the high number of incidents involving children demonstrates this isn't sufficient.
- b) Tasers were used²³⁶ on children²³⁷ 2,585 times, including six times on under-11s.²³⁸ Of this number, 122 were discharged including one on a child under 11. These figures show a worrying increase on children. In 2017-18, Tasers were used on children 938 times.²³⁹ The 2016 COs called for Taser use on children to be banned yet use increases. The £10 million funding for Taser uplift is increasing the number of officers carrying the devices²⁴⁰ and increasing use on children.
- c) Latest figures available show that 51%²⁴¹ of Taser use on children was on Black and other racialised groups²⁴² rising to nearly 74% of Taser use by the MPS in the first 10 months of 2019²⁴³ – a concern raised by the IOPC.²⁴⁴

226 Home Office (2021) *Interim Guidance for Independent Child Trafficking Guardians*

227 ICTGs are only provided to children without parental responsibility; regional practice co-ordinators support children with parent responsibility.

228 Modern Slavery Act 2015

229 In line with the UK Government's obligation under the Council of Europe Convention Against Trafficking, residence permits for child victims should be: 'issued in accordance with the best interests of the child and, where appropriate, renewed under the same conditions.' Article 14 Paragraph 2 Council of Europe Convention on Action against Trafficking in Human Beings (2005) The UK offers Discretionary Leave and then Indefinite Leave to Remain (ILR).

230 ECPAT UK (February 2022) 'Nationality and Borders Bill: immigration outcomes for child victims of trafficking'

231 There is significant variation in asylum outcomes by country of origin. Ibid

232 Yeomans, E., and Dathan, M. (2022) 'Traffickers are sending of child refugees to Britain' *The Times*

233 Section 64 of the Nationality and Borders Act 2022. The standard for children is clearly set at the level of best interests' precedence as set out in ECAT Article 14 (2)77 and the explanatory report to ECAT78.

234 Home Office (April 2020 to March 2021) *Police use of force statistics, England and Wales*

235 Ibid

236 The way a Taser is used by police officers is categorised into a range of escalating actions from drawing the device, through to it being discharged (i.e. fired, drive stunned or angled drive-stunned). Any one of these actions is categorised as a use.

237 In England and Wales

238 Home Office (April 2017 to March 2018) *Police use of force statistics, England and Wales*

239 Home Office (April 2020 to March 2021) *Police use of force statistics, England and Wales*

240 Home Office (27 September 2019) *Home Office announces £10 million for Taser uplift* News Story

241 FOIs relate to the whole of 2017 and the first nine months of 2018. Responses to FOI requests made by the Children's Rights Alliance for England based on responses from 29 police, forces cited in Children's Rights Alliance for England (2019) *State of Children's Rights 2018: Policing and Criminal Justice*

242 Children's Rights Alliance for England (2019) *State of Children's Rights 2018: Policing and Criminal Justice*

243 Response to FOI request made by Children's Rights Alliance for England, cited in Ibid.

244 Independent Office for Police Conduct (2021) *Review of IOPC cases involving the use of Taser 2015-2020 Taser review*

- d) In 2020-2021 spit-hoods were used on children²⁴⁵ 652 times.²⁴⁶ This shows a huge increase in use since 2016 when they were used 27 times.²⁴⁷
- e) Again, there is racial disproportionality, with racialised children accounting for 34% of spit-hood use nationally²⁴⁸ and 72% of MPS use.²⁴⁹ Despite evidence of dangers of asphyxiation and potential for trauma,²⁵⁰ there has been no assessment of how safe they are to use on under-18s and no national guidance for use on children.

Strip searching

- f) Children's rights are still being violated through strip searching²⁵¹ without the presence of an appropriate adult as required by law, including in schools.²⁵² For the first time the HO has collected data on strip-searching for the year ending March 2022. It revealed that 3,133 10-17-year-olds were strip-searched, 9% in police custody.²⁵³ The Children's Commissioner found cases of strip-searching on children as young as 10 and 25% of strip searches were on 10-15-year olds.²⁵⁴ The case of Child Q highlights the traumatic effects strip-searching has on a child²⁵⁵ and, although guidance for schools has been strengthened, further safeguards are required to ensure children's rights are not infringed.
- ▶ **Review the National Strategy for the Policing of Children & Young People to assess the extent it is being applied in practice.**
 - ▶ **Eliminate the use of Taser on children. As an immediate step, significantly improve regulations, training and guidance around the use of Taser on children.**
 - ▶ **Prohibit use of all harmful devices on children by police, including spit hoods.**



Source: 26 out of 43 forces gave custody information. The actual figure is likely to be higher given this data is for 28 out of 43 police forces. Home Office (2022) *Police powers and procedures: Other PACE powers, England and Wales, year ending 31 March 2022*

- ▶ **Improve local and national mechanisms for scrutinising use of force on children, including routinely publishing disaggregated data, including by age and ethnicity, and reasons for use.**
- ▶ **Urgently address the disproportionate use of force on racialised groups of children.**
- ▶ **Ensure children are not subject to strip-searching and more intimate searches unless absolutely necessary, and only in the presence of an appropriate adult.**

245 In England and Wales

246 Home Office (April 2020 to March 2021) *Police use of force statistics, England and Wales*

247 Children's Rights Alliance for England (2019) *State of Children's Rights 2018: Policing and Criminal Justice*

248 Responses to FOI requests made by the Children's Rights Alliance for England across the whole of 2017 and the first nine months of 2018 responses from 21 police forces.

249 Children's Rights Alliance for England (2019) *State of Children's Rights 2018: Policing and Criminal Justice*

250 See the case study of Sophie, a disabled 11 year old girl, in CRAE (2016) *State of children's rights in England: Policing and criminal justice*

251 Children's Commissioner for England (2022) *Strip search of children by the Metropolitan Police Service - new analysis by the Children's Commissioner for England*

252 Home Office (2019) PACE Code C, Police and Criminal Evidence Act (1984) Code of Practice for the detention, treatment and questioning of persons by Police Officers

253 26 out of 43 forces gave custody information. The actual figure is likely to be higher given this data is for 28 out of 43 police forces Home Office (2022) *Police powers and procedures: Other PACE powers, England and Wales, year ending 31 March 2022*

254 Children's Commissioner for England (2022) *Strip search of children by the Metropolitan Police Service - new analysis by the Children's Commissioner for England*

255 The City & Hackney Safeguarding Children Partnership (2022) *Local Safeguarding Practice Review – Child Q*

16. High levels of violence and isolation in institutions

Violence and use of isolation in institutions remains extensive despite COs on this issue in 2016.

Prisons

- a) The YJB has expressed deep concern about the high levels of violence, separation and RPIs in child prisons. In 2020-2021 there were 4,298 RPIs. While this is down 42% compared with the previous year,²⁵⁶ it is likely due to Covid-19 when children were held in cells for long periods of time. There had previously been an increase from 4,527 incidents in 2016-2017 to 7,470 in 2020.²⁵⁷ The monthly rate of RPI is higher for children aged 10-14.²⁵⁸ Restraint continues to cause injury to children, including serious injuries requiring hospital treatment.²⁵⁹ Data collection on restraint remains inadequate.²⁶⁰
- b) More positively, a review recommendation that pain-inducing techniques should not form part of the MMPPR programme has been accepted.²⁶¹ However, they will still be available to officers as a last resort to prevent serious harm²⁶² despite IICSA concluding that pain compliance techniques should be seen as a form of child abuse.²⁶³
- c) There were 1,705 isolation incidents in SCHs and STCs in 2020-2021.²⁶⁵ There are no official figures published on the use of separation in YOIs.²⁶⁶ A 2018 report found segregation had increased in the previous four years despite the decrease in the overall number of children in detention.²⁶⁷ In some cases, children are in their cells all day and are only allowed out to shower or to exercise for 30-60 minutes.²⁶⁸ The rate of separation in custody is higher for children aged 10-14 compared to 15-18-year-olds.²⁶⁹
- d) Restraint and isolation is disproportionately used on Black and other racialised children,²⁷⁰ including GRT children.²⁷¹ The treatment and experiences of girls in custody has worsened, with the average monthly rate of separation in custody, RPIs, self-harm and assault being higher for girls than boys.²⁷²
- e) Conditions in custody during the pandemic were appalling, with most children being confined to their cells for lengthy periods amounting to solitary confinement.²⁷³ [40] Education was limited, meals were eaten alone in cells and there were no out of cell activities or therapies.²⁷⁴

*"Restraint is often the first thing staff jump to, to resolve disagreements. This can cause long term physical and mental harm which could be avoided by prioritising de-escalation."*²⁶⁴

256 Ministry of Justice and Youth Justice Board (2020-2021) *Youth Justice Statistics*

257 Ibid; see table 8.2 in supplementary table: 'Behaviour management in the youth secure estate' for figures from 2015 – 2021.

258 The average monthly rate of RPIs per 100 children and young adults in custody was higher for those aged 10-14 (an average monthly rate of 106.3 per 100 children compared to 53.6 for children and young adults aged 15-18), as has been the trend since the time series began. Within the Youth Justice Statistics publication, the words 'child' or 'children' are used to describe those aged 10 to 17. When the terms 'child or young adult' or 'children and young adults' are used, it means that 18 year olds may be included in the data. Ministry of Justice and Youth Justice Board (2020-2021) *Youth Justice Statistics*

259 There were 41 RPIs that resulted in an injury requiring medical treatment, of which most (83%) were minor injuries requiring medical treatment on site and seven incidents (17%) were serious injuries requiring hospital treatment. Ibid

260 Inadequate data collection means that effective monitoring and scrutiny of the use of restraint is fundamentally lacking. See Article 39 (7 August 2020) 'No to pain inducing restraint'

261 Ministry of Justice (2020) *Independent review of pain-inducing techniques – Government response*

262 Ibid

263 Independent Inquiry into Child Sexual Abuse (2019) *Sexual Abuse of Children in Custodial Institutions: 2009-2017*

264 Alliance for Youth Justice and Leaders Unlocked (2022) *Young Advocates for Youth Justice A youth-led report from children and young people with experience of the system*

265 This is a 31% decrease compared with the previous year. This is the third consecutive decrease after separation incidents had been increasing since the year ending March 2016 and the level is also 30% lower than that year. Ministry of Justice and Youth Justice Board (2020-2021) *Youth Justice Statistics*

266 Data are only published for SCHs and STCs. Comparable data are not held for public YOIs. Ibid

267 Children's Commissioner for England (2018) *A report on the use of segregation in youth custody in England*

268 Ibid

269 Ministry of Justice and Youth Justice Board (2020-2021) *Youth Justice Statistics*

270 HM Inspectorate of Prisons (2021) *Children in Custody 2019-2020: An analysis of 12-18 year olds' perceptions of their experiences in secure training centres and young offender institutions* and House of Commons, House of Lords, Joint Committee on Human Rights (2019) *Youth detention: solitary confinement and restraint. Nineteenth Report of Session 2017-19 - HC 994 HL Paper 343*

271 Friends, Families and Travellers (2022) *Written Evidence Submission to CRAE's Alternative Report*

272 The average monthly rate for girls per 100 children and young adults is 104.5, compared to 36.3 for boys. Assault includes children and young adults involved as assailants or fighters. Most assault incidents in YOI involved child-on-child assault, whereas the majority of assault incidents in SCHs and STCs were child-on-staff assaults. In this publication, the words 'child' or 'children' are used to describe those aged 10 to 17. When the terms 'child or young adult' or 'children and young adults' are used, it means that 18 year olds may be included in the data. Ministry of Justice and Youth Justice Board (2020-2021) *Youth Justice Statistics*

273 Harris, M and Goodfellow, P. (2022) *Crises and crossroads for the children's secure estate: Resisting child imprisonment and rethinking youth custody post-pandemic*, Alliance for Youth Justice

274 Howard League for Penal Reform (2020) *Children in prison during the Covid-19 pandemic A briefing from the Howard League for Penal Reform'*

Schools

- f) Hundreds of children with SEND have experienced a restrictive intervention (restraint or seclusion) at school,²⁷⁵ with 85% of families reporting that their child had been physically injured during the intervention.²⁷⁶ The CSPRP inquiry highlighted the harmful use of restrictive practices in residential school settings.²⁷⁷ An EHRC inquiry raised concerns that under current DfE guidance²⁷⁸ there is no requirement to notify families about the use of restraint, or to record or report it, meaning that the scale and use in schools is currently unknown.²⁷⁹
- g) More welcome is UKG's commitment to provide new guidance on restraint in schools to promote de-escalation practices; bring into force primary legislation²⁸⁰ making the recording of physical force mandatory and make it a legal duty to inform parents when it has been used; and make it compulsory for all schools to have a restraint policy covering recording.²⁸¹
- h) Isolation continues to be used as punishment. There is no national data describing the nature and extent of the practice. However, newly published guidance encourages schools to collect, monitor and analyse isolation²⁸² data.²⁸³ Children often spend significant amounts of time in isolation²⁸⁴, which negatively impacts their mental health²⁸⁵ and the guidance will fail to address this.

Inpatient units

- i) Data is inadequate on use of RPIs and isolation on children in mental health hospitals, but what is available shows it is regularly used. 616 children were subject to restrictive interventions in 2019-2020, some multiple times, although this is likely to be an underestimate.²⁸⁶ In 2020, 55 children with learning

disabilities or autism were subject to 845 (recorded) instances of restraint. This included 85 instances of prone restraint used on 20 children.²⁸⁷

- ▶ **Ensure restraint against children is only used when the child poses an imminent threat of injury to themselves or others and is never used to deliberately inflict pain. Abolish all methods of physical restraint for disciplinary and immigration purposes.**
- ▶ **Abolish solitary confinement (or any conditions that amount to solitary confinement) for children in prison and prohibit use of isolation rooms or booths in schools.**
- ▶ **Systematically collect and publish fully disaggregated data on use of RPIs, solitary confinement, and isolation on children in all settings.**

Family environment and alternative care

Articles: [5](#) [9](#) [10](#) [11](#) [18.1](#) [18.2](#) [20](#) [21](#) [25](#) [27.4](#)

17. Overstretched and underfunded safeguarding systems

- a) Numbers of children in care have continued to rise from 70,440 (2016) to 82,170 (2022),²⁸⁸ while children on child protection plans remained the same from 50,310²⁸⁹-50,920.²⁹⁰ **[11]** Children who enter the care system are typically older, with more complex needs.²⁹¹

275 87.6% of 720 reported experiencing restraint, 60.7% of 720 reported experiencing seclusion. Challenging Behaviour Foundation (2020) *Reducing Restrictive Intervention of Children and Young People: Update of Case study results*

276 Ibid

277 Child Safeguarding Practice Review Panel and Council for Disabled Children (2022) *Safeguarding children with disabilities and complex health needs in residential settings: Phase 1 report*

278 Department for Education (2019) *Reducing the need for restraint and restrictive intervention*

279 Equality and Human Rights Commission (2021) *Restraint in schools inquiry: using meaningful data to protect children's rights*

280 Contained in the Apprenticeships, Skills, Children and Learning Act 2009

281 The Restraint Reduction Network (2022) 'The Restraint Reduction Network welcomes the Westminster Government's confirmation of changes to guidance relating to the use of restrictive practice in schools' Press Release and The Rt Hon Gillian Keegan MP, Secretary of State for Education (28 November 2022) letter to Vivian Cooper OBE, CEO Challenging Behaviour Foundation *Re: Restraint in Schools*

282 Now referred to as removal

283 Department for Education (2022) *Behaviour in schools Advice for headteachers and school staff* Paragraph 84

284 Titheradge, N. (12 November 2018) 'Hundreds of pupils spend week in school isolation booths' BBC

285 Centre for Mental Health (2020) *Trauma, challenging behaviour and restrictive interventions in schools*

286 Article 39 (2021) 'Children in Hospital (Mental Health) Statistics Briefing'

287 Ibid; Restraint Reduction Network 'The Restraint Reduction Network welcomes the Westminster Government's confirmation of changes to guidance relating to the use of restrictive practices in schools.'

288 Department for Education (2022) *Children looked after in England including adoptions*

289 Department for Education (2016) *Characteristics of children in need: 2015 to 2016*

290 Department for Education (2022) *Characteristics of children in need*

291 The children in need population is ageing and those aged ten and over now make up the majority. Ibid.

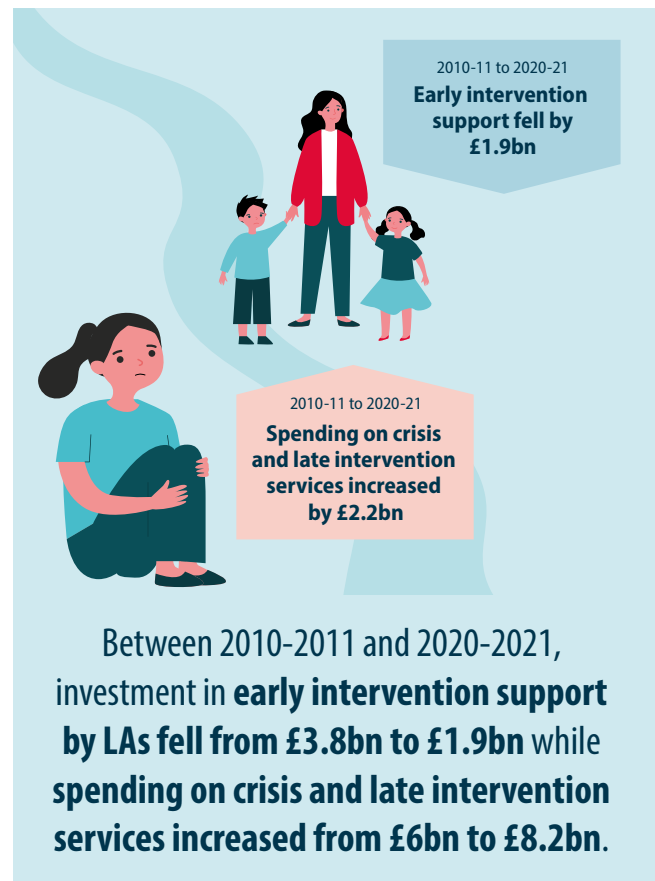
- b) The publication of IRCSC and CSPP²⁹² provide a once-in-a-generation opportunity to fix a struggling system. IRCSC's strong focus on increased investment, multidisciplinary family help and improved child protection expertise is welcome, as is CSPP's Review's focus on professional, multi-agency child protection. But the poor health of the current system (resourcing, workforce pressures, high caseloads and concerns with the accountability of local safeguarding partnerships)²⁹³ poses significant challenges to implementing reform.

Cuts to early intervention funding and services

- c) Between 2010-2011 and 2020-2021, LA investment in early intervention support fell from £3.8bn to £1.9bn,²⁹⁴ while spending on crisis and late intervention services increased from £6bn to £8.2bn.²⁹⁵ 80% of all LA spending on children goes towards later intervention services. This is largely due to overall funding cuts from UKG to LAs.²⁹⁶ LAs also have a statutory responsibility to deliver crisis interventions, but most early intervention services are not statutory and therefore most at risk of budget cuts.²⁹⁷

*"They need to start putting in policies that tackle problems for children in care from the age of five or six early on... They need to focus, to intercept early, to put in prevention strategies early on."*²⁹⁸

- d) Between 2015- 2020, increases in child poverty (largely due to benefit cuts) were associated with an additional 10,351 children entering care and 22,945 children on a child protection plan – nearly one in 10 of all under-16s entering care.²⁹⁹ [25]



Source: Pro Bono Economics (2022) *Stopping the spiral: Children and young people's services spending 2010-11 to 2020-21*

- e) The poorest LA areas, which have greatest need, have been forced to make the biggest cuts to early support services,³⁰⁰ with early intervention spending per child reduced by 61%, and 25% more spent on late intervention.³⁰¹

292 The Child Safeguarding Practice Review Panel (2022) *Child Protection in England: National review into the murders of Arthur Labinjo-Hughes and Star Hobson*

293 The Wood Review highlighted failings in local safeguarding practice and set out a new framework for improving the organisation and delivery of multi-agency arrangements to protect and safeguard children. Department for Education (2021) *Wood Report: Sector expert review of new multi-agency safeguarding arrangements*

294 The Children's Services Funding Alliance, formed by the NSPCC and other children's charities, commissioned research into the level of funding for children's services in England. The research was released in July 2022. Pro Bono Economics (2022) *Stopping the spiral: Children and young people's services spending 2010-11 to 2020-21*

295 Pro Bono Economics (2022) *Stopping the spiral: Children and young people's services spending 2010-11 to 2020-21*

296 Central government grants including retained business rates were cut 37% in real-terms between 2009/10 and 2019/20, from £41.0bn to £26.0bn in 2019/20 prices. Atkins, G. Hoddinott, S. (7 January 2022) 'Local government funding in England' *Institute for Government*

297 However, as there is no legal obligation to report data on early intervention provision it is hard to evidence. Pro Bono Economics (2022) *Stopping the spiral: Children and young people's services spending 2010-11 to 2020-21*

298 Female aged 17. Barnardo's (2020) *Devalued by Forces Beyond Your Control*

299 Bennett, L, D. Schlüter, D. Melis, G. et al (2022) 'Child poverty and children entering care in England, 2015–20: a longitudinal ecological study at the local area level' in *The Lancet Public Health* Volume 7, Issue 6

300 The coalition and subsequent Conservative governments cut local government grants in a way that did not fully account for how much different local authorities relied on grants in 2010. The overall consequence of this has been that the more grant-reliant a local authority was in 2010, the more it was likely to cut spending on locally controllable services over the next decade, which includes early support services. Institute for Government (2022) *Neighbourhood services under strain*

301 Pro Bono Economics (2022) *Stopping the spiral: Children and young people's services spending 2010-11 to 2020-21*

- f) Huge cuts to universal early help services since 2010³⁰² have led to rising numbers of children in the looked-after system.³⁰³ 1,342 children's centres have closed over the last decade, from 3,615 in 2010 to 2,773 in 2021.³⁰⁴ UKG announced £82 million to create Family Hubs³⁰⁵ in 75 LAs over the next three years.³⁰⁶ However, more investment is needed for this new model.³⁰⁷
- g) UKG's 2021 Spending Review committed an extra £500 million over three years towards early intervention programmes. However, this equates to less than 10% of the previous cuts.³⁰⁸ The IRCSC recommends investing £2.6bn to reform the children's social care system and undo the effects of over a decade of funding cuts, however, there are concerns this is far below the amount needed.³⁰⁹
- h) Similarly, spending on youth services has been cut by 70% over the past decade.³¹⁰ While the recent UKG £500 million investment is welcome,³¹¹ calls continue to strengthen statutory guidance for LAs to protect and invest long term in youth services.³¹²
- i) IRCSC recommends £2bn investment into a new 'Family Help' service which supports children to remain safely with their family instead of entering care.³¹³ While emphasis on wider family support is welcome, concerns remain that these changes would remove children's legal protections³¹⁴ and risk removing critical checks and balances.³¹⁵
- Lack of multi-agency collaboration**
- j) Inadequate safeguarding responses to vulnerable children persist, particularly due to lack of mandatory inter-agency collaboration and where families are involved with multiple agencies.³¹⁶ This has led to children slipping through the gaps and an average of 58 child deaths by assault or undetermined intent a year in the UK.³¹⁷ [5]
- k) IRCSC proposed RCCs³¹⁸ aim to help LAs gather intelligence on care placement needs and potential long-term investment. However, fears remain that pooling LA designated care budgets would result in less spending power³¹⁹ and more children in care sent to live outside their home area.³²⁰

302 The Sure Start children's centres programme, introduced in 1999 by the last Labour government, has had its spending cut by two-thirds since 2010 and more than 500 centres have officially been closed. Institute for Fiscal Studies (2019) *The health effects of Sure Start*

303 Historically children's social care has been geared towards younger children and harms coming from family or inside the home. As a result, responses to teenagers' needs by children's social care are often weak. A study of 841 cases in one local authority found that all cases referred due to serious youth violence or gang-related behaviour were closed without assessment. The Independent Review of Children's Social Care (2022) *The independent review of children's social care: final report*; Lloyd, J. Firmin, C. (2020) 'No Further Action: Contextualising Social Care Decisions for Children Victimised in Extra-Familial Settings' in *Youth Justice*, 20(1–2), 79–92.

304 Lepper J. (30 June 2022) 'More than 1,000 children's centres closed over last decade' *Children and Young People Now*

305 Family Hubs provide in-person and online services to families with children aged 0-19, and up to 25 for children with SEND.

306 Hayes D. (4 November 2021) 'Children's Minister Outlines Ambitions for Family Hubs' *Children and Young People Now*; The IRCS supported UKG's investment in family hubs and emphasised the importance of family hubs as a universal access point to support for families with intensive needs, as well as families who have lower levels of need but still need help. The Independent Review of Children's Social Care (2022) *The independent review of children's social care: final report*

307 Hayes D. (30 November 2021) 'Family hubs expansion: Sector split on their role and potential' *Children and Young People Now*

308 Action for Children estimate that there were 320,000 missed opportunities to offer early help in this period. Action for Children (2022) *Too little, too late: early help and early intervention spending in England*

309 The IRCSC recommends an investment of £2.6bn over five years to reset the care system and re-focus spending on early intervention support. Based on the assumed trends for children requiring support built into the care review's analysis, this would then support a permanent increase of expenditure on early intervention services of around £1.1bn per year by 2030-31. However, even this proposed level of investment would leave early intervention spending almost £1bn lower than it was in 2010-11. Pro Bono Economics (2022) *Stopping the spiral. Children and young people's services spending 2010-11 to 2020-21*

310 Every region of England has seen funding for youth services cut by more than 60% since 2010, with some of the most severely affected experiencing average cuts of as much as 74% in the North West, 76% in the North East, and 80% in the West Midlands. Since 2010 more than 4,500 youth work jobs have been cut and 940 youth centres have closed. YMCA (2020) *Out of Service*

311 As part of UKG's £500 million investment, it launched the 'Youth Investment Fund' which provides £368 million to improve youth services in under-served areas. 45 local authorities with poor provision across England are encouraged to apply for the Youth Investment Fund. This funding is in addition to a £12 million investment earlier this year which was fast-tracked to local youth services where supply was short of meeting demand. Department for Digital, Culture, Media and Sport (1 August 2022) '£368 million fund to improve youth services in underserved areas opens for bids' Press Release

312 National Youth Agency and YMCA (2021) *Time's Running Out*

313 The Independent Review of Children's Social Care (2022) *The independent review of children's social care: final report*

314 Section 17 of the Children Act 1989 imposes a general duty on local authorities to safeguard and promote the welfare of "children in need" in their area.

315 Children and Young People Now (1 June 2022) 'Review of children's social care system prioritises family help' Press Release

316 The recent review into the deaths of Arthur Labinjo-Hughes and Star Hobson highlighted several weaknesses including limited information sharing, a lack of robust critical thinking and a need for sharper specialist child protection skills. Child Safeguarding Practice Review Panel (2022) *Child Protection in England*

317 NSPCC (2021) *Statistics briefing: child deaths due to abuse or neglect*

318 The proposed 'Regional Care Cooperatives' are new local authority-owned bodies that would bring together functions currently performed at a smaller scale by individual councils. The regional scale of these new bodies would mean a wider choice of homes for children closer to where they live, as well as enabling councils to 'take back control' through a better understanding of need and investment in long-term provision. The IRCSC says that there should be 20 RCCs established by 2025. The Independent Review of Children's Social Care (2022) *The independent review of children's social care: final report*

319 Darlington, C. (25 May 2022) 'Children England responds to the final report of the Care Review' *Children England*

320 Willow, C. (23 May 2022) 'Care review urges major reorganisation of children's social care' *Article 39*

- l) The child protection system is ineffective in helping safeguard vulnerable teenagers, particularly from extra-familial harm.³²¹ Referrals to children's services involving gangs and trafficking have increased by 70% and 45% respectively over the past two years.³²² Yet opportunities to safeguard children at risk from CCE (such as presentation at A&E, attending youth court and being excluded from school) continue to be missed.³²³ [14]

Missing children

- m) Missing episodes are both indicators of exploitation and consequences of CCE and CSE. In 2020-2021, one in 10 children in care were reported missing,³²⁴ whereas for exploited children in care one in two were reported missing – in comparison to one in 200 children reported missing each year.³²⁵

*"Don't make me feel guilty or punish me, going missing might be how I cope when I can't ask for help."*³²⁶

- n) Trafficked and separated children are among those at greatest risk of going missing. One in three trafficked children went missing from LA care in 2020, a rise of 25% since 2018. An alarmingly high number are never found.³²⁷ Missing episodes are often due to re-trafficking. [18] Information sharing between the police and social services to identify risk and improve safeguarding remains inadequate.³²⁸

- **Address underlying pressures relating to resourcing, workforce pressures, high caseloads and accountability of local safeguarding partnerships**

identified in recent reviews before implementing their recommendations. Prioritise children's social care and child protection at ministerial level with joint working across departments to implement reforms.

- **Invest £2.6bn, as an absolute minimum, in children's social care targeted specifically at deprived areas.**
- **Create a national database for missing children to improve data collection and intelligence sharing.**

18. Lack of stability for children in care

- a) 9% of all children in care experienced three or more placement moves in a single year,³²⁹ with children leaving secure/specialist residential and children's homes more likely to experience multiple moves.³³⁰ Just over a fifth were placed more than 20 miles from home.³³¹

*"I have so many foster carers, I move nearly every week. It is not fair. I can't see my friends at school or go to clubs because the school is too far away."*³³²

- b) Significant instability and high turnover in the social work workforce continues³³³ with 29% of 11-18s having three or more social workers in the past year.³³⁴ Funding cuts also significantly undermine stability. [17]

Siblings in care

- c) Siblings are legally entitled to remain together where possible;³³⁵ despite this, 50% of siblings are split up.³³⁶

321 For example, gangs or exploitation. The Independent Review of Children's Social Care (2022) *The independent review of children's social care: final report*

322 The Association of Directors of Children's Services (2021) *Research Report: safeguarding pressures phase 7*

323 The Commission on Young Lives (2022) *Hidden in Plain Sight*

324 10,880 looked-after children were reported missing in 2021. Department for Education (2021) *Children looked after in England including adoptions*

325 Over the three years from 2018 to 2020, there has been an increase in the number of exploited children in local authority care. And while the proportion of missing children has decreased slightly in 2020 compared to 2018 and 2019, this should be seen in the context of the pandemic, when the UK faced a number of lockdowns and related measures. ECPAT UK (2022) *Away and at risk: The scale of exploited children going missing from care in the UK, 2018 - 2020*

326 Missing People (2021) *Children's views on being reported missing from care*

327 Trafficked children who went missing in 2020 had an average of eight missing episodes that year. Looked-after children had an average of 6.5 missing episodes in the same year. ECPAT UK and Missing People (2022) *When Harm Remains: An update report on trafficked and unaccompanied children going missing from care in the UK*

328 Only in around 50% of missing incidents did children receive a return home interview with a professional, to discuss the reasons behind the missing episode and to support children to address issues in their lives. Follow-up support for children also remains inconsistent. The Children's Society and National Police Chiefs' Council (2019) *The First Step: How return home interviews can improve support and safeguarding for missing young people*

329 Department for Education (2022) *Children looked after in England including adoptions*

330 Ibid

331 Ibid; A lack of sufficient provision means that local authorities are finding it increasingly difficult to secure a home for a child within their local authority area. Ofsted (2022) *How local authorities plan for sufficiency of accommodation that meets the needs of children in care and care leavers*

332 Coram Voice (2022) *10,000 voices: the views of children in care on their well-being*

333 BASW (2022) 'Independent Review of Children's Social Care - BASW England full response' Press Release

334 Coram Voice (2022) *10,000 voices: the views of children in care on their well-being*

335 The Children Act 1989 requires local authorities in England and Wales to place a child with their siblings 'if reasonably practicable and consistent with their welfare'. Section. 22C(8)(c) read with Section. 22C(7)(b) *Children Act (1989)*

336 A lack of data means this figure could be higher. Family Rights Group (2015) What happens to siblings in the care system? In total, 450 sibling groups (1,340 individual children) are not placed together. Ofsted (2020) *Fostering in England 1 April 2018 to 31 March 2019*

Where contact does take place, it is often infrequent and poor quality.³³⁷

*"I've been waiting six months for my social worker to tell me about my siblings. I've not seen my brother since Christmas, he lives somewhere else now. And my sister moved away in February."*³³⁸

Foster care and adoption

- d) 70% of children in care were placed in a foster placement in 2022.³³⁹ Despite the numbers of fostering households and carers slowly increasing over the last seven years,³⁴⁰ this has not kept up with demand.³⁴¹ Lack of financial support and poor retention of foster carers have been compounded by the cost-of-living crisis, with over 50% considering resigning.³⁴²
- e) In 2022, the number of children adopted from care remained low at 2,950, continuing the decline from a peak of 5,360 in 2014-2015.³⁴³ This is in part due to children entering care much later with more complex needs.³⁴⁴ Delays in court processes and low numbers of prospective adopters also lead to long waits for children needing a permanent family. Children from

racialised communities wait on average three months longer than white children to be adopted.³⁴⁵ In March 2022, UKG announced a three-year £160 million investment³⁴⁶ to support the National Adoption strategy³⁴⁷ and reduce delays in matching children with families.

Support for care-leavers

- f) Despite positive measures for care-leavers introduced in 2017,³⁴⁸ they continue to experience inadequate levels of support³⁴⁹ including in transition to adulthood.
- g) Many care-leavers face a 'cliff edge'³⁵⁰ when they turn 18 (or even younger at 16) and are expected to live independently³⁵¹ with a lack of support services.³⁵²
- "So, all the support I've had in the last 14 years was gone, in a single text message. I wasn't given any information of where I can get support if needed."*³⁵³
- h) Uptake of Staying Put remains low (62% of those eligible)³⁵⁴ partly due to strict eligibility criteria³⁵⁵ equating to just 18% of all care-leavers aged 18 being

337 The Centre for Social Justice (2015) *Finding their feet: Equipping care leavers to reach their potential*; Surveys of children looked after found that 27% of children in care aged 8-18 reported that they saw their siblings too little. Coram Voice (2018) *Our Lives, Our Care*

338 Female aged 13. CRAE (2017) 'Children speak out on living in care'

339 As of March 2022, 15% of this group were placed in a foster placement with a relative or friend, up from 14% in 2020 and 13% in 2019. Department for Education (2022) *Children looked after in England including adoptions*

340 At 31 March 2022, of the 43,905 fostering households in England, 36,050 were mainstream fostering households. Since 2018, the number of approved mainstream fostering households has decreased by 4% and the number of approved mainstream fostering places has decreased by 5%. Ofsted (2022) *Fostering in England 1 April 2021 to 31 March 2022*

341 It is predicted that 63,000 new foster care families will need to be recruited over the next five years, but current trends would deliver fewer than 40,000 new families, meaning a deficit in recruitment of around 25,000 foster care families. Social Market Foundation (2021) *Fostering the future: Recruiting and retaining more foster carers*. The Independent Review of Children's Social Care called for the UK Government to coordinate a recruitment drive to recruit 9,000 more foster carers over three years. The Review also published a letter specifically to foster carers calling on them to advocate for others to become a foster carer. McAlister, J. (25 May 2022) 'Open letter to foster carers' *The Independent Review of Children's Social Care*

342 Results are taken from a survey of 1,036 foster carers. FosterWiki (2022) 'The impact of cost-of-living crisis on foster carers 2022 survey results' Press Release

343 Department for Education (2022) *Children looked after in England including adoptions*

344 Children's Commissioner for England (2021) *Characteristics of children entering care for the first time as teenagers*

345 In part due to a shortage of adopters from these backgrounds. Home for Good (November 2021) 'Tackling racial disparity: The journey so far'; Section 3 of the Children and Families Act 2014 removed the statutory requirement to give due consideration to a child's religion, racial origin and cultural and linguistic background in matching considerations in England. This was intended to reduce the time between entry into care and adoption and increase the likelihood of a child being adopted. The court or adoption agency must still consider the child's *background and characteristics*. However, the UKG have not carried out any research into the impact of the repeal and adoption organisations believe this has not had any positive impact on the waiting times for black and racialised children. Children and Families Act 2014 Committee (2022) *Children and Families Act 2014: A failure of implementation. Report of Session 2022-23*

346 Department for Education (2022) 'Multi-million pound boost for new families as adoptions increase' Press Release

347 Department for Education (2021) *Adoption strategy*

348 The Children and Social Work Act included the extension of personal advisor support to all care leavers up to age 25 and the introduction of the duty on all local authorities to publish a Local Offer.

349 One in five care leavers report feeling lonely and 23% report having low well-being. Many fall into debt due to insufficient financial support and education. Coram Voice (2019) *Our Lives Beyond Care: care leavers' views on their well-being in 2018*; The Children's Society (2016) *The cost of being care free: The impact of poor financial education and removal of support on care leavers*

350 Become (26 October 2020) '#WhenIWas18: Celebrities Back Charity Campaign Calling on UK Government to 'End the Care Cliff'' Press Release

351 Older children often express anxiety about leaving care; they report feeling unclear about what will happen to them and uncertain about their rights and entitlements, even years before they are expected to leave care themselves. Children's Commissioner (2018) *Voices of Children in Foster Care*

352 Coram (2021) *A national voice: What children and young people wanted to say to the Care Review* and; Ofsted (2022) *The Annual Report of His Majesty's Chief Inspector of Education, Children's Services and Skills 2021/22* which found only 30% of the care leavers surveyed had met their personal adviser at age 16 or earlier, and a quarter did not meet them until they were at least 18.

353 Ibid

354 Department for Education (2022) *Children looked after in England including adoptions*

355 Department for Education (2021) *Children looked after in England including adoptions*

eligible, meaning the majority need to leave their home compared to the average age young people leave their parental home at 23.³⁵⁶ Early evaluations of Staying Close³⁵⁷ are promising,³⁵⁸ however this arrangement is weaker, requiring them to leave children's homes at 18 and move into new semi-independent accommodation.

- i) Under-18s are not entitled to UC as LAs are responsible for their care. After turning 18, they are only eligible for the lower rate, despite having to manage household bills and be financially independent,³⁵⁹ [25] now exacerbated by the cost-of-living crisis.³⁶⁰ Financial support for higher education is insufficient. Overall, 39% of care-leavers are NEET, compared to 13% of all young people.³⁶¹
- **Introduce legislation and binding targets to reduce numbers of children placed outside of their local area, as well as numbers of placements.**
- **Extend Staying Put and enhance Staying Close for all care-experienced young people up to the age of 25, and make access to these schemes an opt-out legal entitlement.**
- **Provide a strengthened, comprehensive offer of support for all care-leavers, which builds on the five missions proposed in IRCSC, including additional**

and targeted support across health, education, employment, housing, relationships and financial support.

19. Lack of appropriate and safe accommodation

- a) There are not enough children's homes, partly due to limited capacity in local placements to respond to the increased age of children in care;³⁶² funding cuts³⁶³ [17] leading to private providers dominating the market (accounting for 79% of children's homes);³⁶⁴ and concern that private providers are putting profits ahead of children's best interests.³⁶⁵
- b) 7,470 children live in unregulated settings in 2022 – an increase of 23% since 2021.³⁶⁶ 30% of children aged 16+ in an unregulated placement in 2018-2019 went missing, compared to 12% of other children in care of the same age.³⁶⁷ Over the past five years, 29 16-and-17-year-olds died while living in unregulated accommodation.³⁶⁸ Separated children, including survivors of trafficking, are more likely to live in this accommodation³⁶⁹ reflecting limited capacity in local placements to respond to the increased age of children in care. [17]
- c) UKG have now banned unregulated accommodation for under-16s,³⁷⁰ but not for those 16 and over.³⁷¹ [3]

356 Office for National Statistics. (2022) *Young adults living with their parents*.

357 Since 2017-18, Staying Close has been piloted by five local authorities and three private providers. The Department for Education is currently looking to increase the number of local authorities with a Staying Close offer over the next three years. Department for Education (2022) *Staying Close 2022-25: Application guide for Local Authorities*

358 The evaluation cites improved access to housing, reduced eviction rates, and more young people in employment or training. Department for Education (2020) *St Christopher's Staying Close Pilot Evaluation report*

359 The vast majority of care leavers receive Universal Credit on turning 18, and receive the lower 18-25 rate of £257.33 a month (£60 a week). HM Government (2022) *Universal Credit: What you'll get*; In 2018-19 the relative poverty line, after housing costs, for a single person in the UK was £156 a week. Institute for Fiscal Studies (2020) *Living standards, poverty and inequality in the UK: 2020*

360 Catch 22 (1 April 2022) 'Young care leavers set for grave financial struggles as cost of living soars' Press Release

361 Aged 19-21. Department for Education (2021) *Children looked after in England including adoptions*

362 Competition and Markets Authority (2022) *Children's social care market study: Final report*

363 Ofsted figures show that over the last five years, the private sector has increased its number of children's homes by 26%, while the number of local authority homes has declined by 5%, and that the voluntary sector offer is very small and in decline. Ofsted (2021) *Competition and Markets Authority – market study into children's social care provision – Ofsted response*

364 In 2022 Ofsted (2022) *Largest national providers of private and voluntary social care*

365 The CMA found that profits in the children's residential home sector increased from £702 to £910 per child per week, between 2016 and 2020. There are also few indicators to suggest that high prices are leading to better quality homes for children or better recruitment and retention of children's home staff. Competition and Markets Authority (2022) *Children's social care market study: Final report*; Additionally, some of the largest providers have significant debts on their balance sheets. If these providers were to collapse overnight, children could lose their homes without warning and local authorities would be left to pick up the pieces at great expense. Become (10 March 2022) 'CMA report of "dysfunctional" children's social care 'market' – our response' Press Release; Article 39 (November 2022) 'Profit-making in the children's care system'

366 Department for Education (2022) *Children looked after in England including adoptions*

367 Children's Commissioner for England (2020) *Unregulated Children in care living in semi-independent accommodation*

368 Willow, C. (9 June 2022) 'Serious harms in care report to remain unpublished' Article 39

369 A higher proportion of children in independent or semi-independent accommodation on 31 March 2019 were unaccompanied asylum-seeking children (43% and 36% respectively) compared to all children looked after (6%). House of Commons Library (2021) *Looked after children: out of area, unregulated and unregistered accommodation (England)*

370 Department for Education (19 February 2021) 'Unregulated accommodation banned for vulnerable children under 16' Press Release

371 This is in spite of only 1.5% of children living in unregulated accommodation being under the age of 16 (90 out of 6,190 children on 31 March 2019). Department for Education (2020) *Looked after children in independent or semi-independent placements*

UKG is consulting on a set of national standards for 16-and-17-year-olds living in 'supported accommodation'³⁷² but these currently omit any requirement to provide 'care' to children and will be inferior to existing quality standards for children's homes.³⁷³

Use of hotels

- d) Increasing numbers of unaccompanied children seeking asylum are being unlawfully placed in unsuitable accommodation, including hotels.³⁷⁴ 3,256 children were placed in hotels between 2021-2022 outside of the child protection system, denying them rights associated with the care system.³⁷⁵ Children are being accommodated in some cases for as long as ten months, despite UKG policy stating a maximum of six weeks. 222 children (aged 15-17) have gone missing,³⁷⁶ with children as young as 11 being put at greater risk of exploitation and trafficking.³⁷⁷
- e) Most unaccompanied children seeking asylum arrive in Dover, but Kent County Council said "it cannot safely accept" them³⁷⁸ and other LAs have said there is limited capacity to house them in suitable accommodation. However, the LGA have urged UKG to stop using hotels.³⁷⁹
- f) There are significant concerns about living conditions; lack of financial assistance, basic quality and standards; safeguarding;³⁸⁰ and barriers to accessing basic services to which all children are entitled,³⁸¹ including by the ICIBI.³⁸²

- **Discontinue the development and introduction of new 'care-less' national standards and ban all forms of unregulated accommodation, including hotels for separated and trafficked children, guaranteeing that every child in care is cared for where they live.**

Disability and basic health and welfare

Articles: **6 18.3 23 24 26 27.1 27.2 27.3 33**

Health, mental health and disability

20. Increasing health inequalities

- a) England has poorer child health than other comparable countries, with rising inequalities in infant mortality and childhood obesity.³⁸³ [5] Inequality is being exacerbated with rates of obesity and severe obesity in young children living in the most deprived areas rising, while rates are unchanged in the least deprived areas.³⁸⁴
- b) Children from the most deprived areas have more than twice the level of tooth decay compared with those from the least deprived,³⁸⁵ and are more likely to have serious illness or a long-term disability.³⁸⁶

"When you don't have a lot of money, looking after your teeth can be harder."³⁸⁷

372 Department for Education (5 December 2022) 'Introducing regulations for supported accommodation provision'

373 The proposed standards set out Quality Standards and an Ofsted registration and inspection regime. From October 2023, local authorities will not be permitted to place or arrange accommodation for children looked after and care leavers in supported accommodation that is not registered with Ofsted. The proposed plans also include Ofsted inspections at least once every three years, however children's homes receive a full inspection at least once a year and normally receive additional inspections throughout the year. Department for Education (2022) *Guide to supported accommodation regulations including Quality Standards* and Simpson, F. (5 December 2022) 'DfE launches consultation on quality standards for unregulated supported accommodation' *Children and Young People Now* and Ofsted (2022) *Social care common inspection framework (SCCIF): children's homes*

374 Refugee Council (2022) *Lives on hold: Experiences of people living in hotel asylum accommodation. A follow-up report*

375 House of Commons written answer (11 October 2022) HC 61091

376 House of Commons written answer (18 October 2022) HC 65898

377 ECPAT UK (2022) *Outside the frame: Unaccompanied children denied care and protection*

378 Para 1.12 in Independent Chief Inspector of Borders and Immigration (2022) *An inspection of the use of hotels for housing unaccompanied asylum-seeking children (UASC) March – May 2022* and Simpson, F. (18 August 2020) 'Border Force to care for migrant children as Kent 'reaches capacity'; Home Office confirms' *CYP Now*

379 Kotecha S. (13 October 2022) 'Channel migrants: 116 children missing from UK hotels' *BBC*

380 Syal R. and Dugan E. (19 October 2022) 'Unvetted staff working in hotels housing child asylum seekers, report says' *The Guardian*

381 Home Affairs Select Committee (2022) *The work of the Home Secretary*, Oral evidence

382 "[w]hile the initial crisis response had transitioned to a business-as-usual operation, the practices and procedures developed by the Home Office did not represent a child-centred approach that fully acknowledged and provided for the safeguarding and wellbeing needs of the young people in the department's care" Independent Chief Inspector of Borders and Immigration (2022) *An inspection of the use of hotels for housing unaccompanied asylum-seeking children (UASC)*

383 Viner R., Ward J., Cheung R. et al (2018) *Child health in 2030 in England: comparisons with other wealthy countries* Royal College of Paediatrics and Child Health

384 NHS Digital (2021) *National Child Measurement Programme, England 2021/22 School Year*

385 Public Health England (2018) *National Dental Epidemiology Programme for England: oral health survey of five-year-old children 2017: A report on the inequalities found in prevalence and severity of dental decay*

386 Institute of Health Equity (2020) *Health Equity in England: the Marmot review 10 years on*

387 Royal College of Paediatrics and Child Health (2019) *State of Child Health & Us Views from the RCPCH & Us network*

- c) Low-income families are more likely to live in inadequate housing³⁸⁸ [27] (exacerbated by the cost-of-living crisis) and be at higher risk of ill-health, with cold, damp or overcrowded housing exacerbating respiratory illnesses and other conditions.³⁸⁹ This can be fatal.³⁹⁰ [25]
 - d) Poor-quality housing also has negative consequences for disabled children or those with ongoing health conditions – for instance, homes which are cold or lack space for equipment.³⁹¹
 - e) UKG recently launched the Office for Health Improvement and Disparities to inform its approach to public health. However, despite this and the commitment to increase healthy life expectancy,³⁹² plans to publish a Health Disparities White Paper³⁹³ have been put on hold, indefinitely.
 - h) NHS charging for maternity care exacerbates poorer health outcomes for women and babies from racialised communities.⁴⁰¹ Children – including those born in the UK – are losing NHS entitlement due to the immigration and financial status of their parents,⁴⁰² and experiencing denial of or delayed care due to charging or deportation fears.⁴⁰³
- ▶ **Introduce a cross-departmental national strategy to address growing child health inequalities (including underlying causes) with specific targets to address ill-health among children who are vulnerable, in poverty or with protected characteristics.**
 - ▶ **Scrap the NHS charging regulations hindering migrant children's right to access healthcare.**
 - ▶ **Ensure appropriate funding to allow transgender, non-binary and gender-diverse children to receive the timely care they need.**

Inequality in access to health services

- f) Transgender, non-binary and gender-diverse children face barriers to accessing timely services that meet their needs. The Cass Review³⁹⁴ highlighted that the current system is not safe or sustainable. Barriers commonly include long waiting lists³⁹⁵ and lack of adequate training for clinicians and other healthcare providers. Concerns remain that UKG's plans to ban 'conversion therapy' will not include transgender people, including children.³⁹⁶
- g) GRT children continue to experience unequal access to healthcare, facing longstanding barriers to preventative and early intervention care including immunisations and screening.³⁹⁷ Barriers include wrongful registration refusal for those with no fixed address or ID,³⁹⁸ communication barriers³⁹⁹ and digital exclusion.⁴⁰⁰

21. Lack of priority on public health

- a) From 2016-2022, real terms LA public health investment in children's services fell 5% for those aged 5-19 and 2% for those aged 0-5.⁴⁰⁴ Funding for services that provide prevention and early intervention support for families with young children – including health visiting, children's centres and early years support – has decreased significantly over the last ten years.⁴⁰⁵ Cuts have been most acutely felt by households facing multiple disadvantage, or with disabled children or those with additional needs.⁴⁰⁶ [17]
- b) More services are needed to address ACEs in infancy, and to provide support for parent-infant relationships and perinatal mental health.⁴⁰⁷

388 Tucker J., Child Poverty Action Group (20 April 2018) 'The impact of poverty on child health' *Royal College of Paediatrics and Child Health*

389 Royal College of Paediatrics and Child Health (2022) *Child health inequalities driven by child poverty in the UK - position statement*

390 Phil McCann & Lynette Horsburgh (15 November 2022) 'Awaab Ishak: Mould in flat caused boy's death, coroner rules' *BBC News*

391 Child Poverty Action Group, Royal College of Paediatrics and Child Health (2017) *Poverty and child health. Views from the frontline*

392 UK Government, Department for Levelling Up, Housing and Communities (2022) *Levelling up in the United Kingdom White Paper*

393 Royal College of Physicians (2022) *Over 155 organisations urge Health and Social Care Secretary to publish health disparities white paper*

394 The Cass Review (2022) *Independent review of gender identity services for children and young people: Interim report*

395 NHS, Guide to NHS waiting times in England

396 Global Action for Trans Equality (1 October 2022) 'Statement on the UK Government's decision to allow the continued abuse of trans and gender diverse people with "conversion therapy"' Press Release

397 Public Health England (2018) *Making measles history together: A resource for local government*

398 Sweeney S., Worrall S. (2019) *No room at the inn: How easy is it for nomadic Gypsies and Travellers to access primary care* Friends, Families and Travellers

399 House of Commons Committee report (2019) *Tackling inequalities faced by Gypsy, Roma and Traveller communities*

400 Scadding J., and Sweeney S. (2018) *Digital Exclusion in Gypsy and Traveller communities in the United Kingdom* Friends Families and Travellers

401 Public Health England (2020) *Maternity high impact area: Reducing the inequality of outcomes for women from Black, Asian and Minority Ethnic (BAME) communities and their babies*

402 Maternity Action (2022) *Charging for NHS care and vulnerable groups: the limitations of the DHSC Internal Policy Assessment*

403 Royal College of Paediatrics and Child Health (2021) *Access to healthcare for migrant and undocumented children - position statement*

404 Finch D., Marshall L., Bunbury S. (2021) *Why greater investment in the public health grant should be a priority* The Health Foundation

405 First 1001 Days Movement (2021) *A Decade of Disinvestment: The loss of services for babies in England*

406 Ibid.

407 Parent-Infant Foundation (2022) *Understanding early trauma and the importance of early relationships*

- c) Health visitors have declined 31% since 2015⁴⁰⁸ along with reductions in community breastfeeding support.⁴⁰⁹ Babies/toddlers in racialised households are less likely to receive a health visitor check.⁴¹⁰

Low breastfeeding rates

- d) The UK has one of the lowest breastfeeding rates in Europe,⁴¹¹ especially among young mothers and disadvantaged socioeconomic groups. Breastfeeding prevalence at 6-8 weeks for England for 2020-2021 is 47.6%.⁴¹² Data collection is uneven across the country.⁴¹³
- e) Despite a commitment to improve breastfeeding support,⁴¹⁴ a reduction in postnatal care within the NHS, staff shortages in midwifery⁴¹⁵ and health visiting,⁴¹⁶ the state of maternity services,⁴¹⁷ closure of breastfeeding support services and Covid-19⁴¹⁸ are all hindering factors.
- f) Misleading marketing of infant and child formula persists,⁴¹⁹ in violation of the International Code⁴²⁰ with parents and pregnant women still targeted from infant formula companies.⁴²¹

Rising obesity and tooth decay

- g) Despite a 2018 pledge to halve childhood obesity by 2030, levels rose to unprecedented levels in 2020-2021,⁴²² exacerbated by Covid-19, rising food insecurity,⁴²³ [25] declining physical activity and decades of reduction in outdoor play.⁴²⁴ [34] Latest figures show a slight decrease but rates are still higher

than pre-pandemic levels: 10% of children aged 4-5 and 23% aged 10-11 are obese.⁴²⁵ In 2018-2019, 23% of 5-year-olds had dental decay,⁴²⁶ remaining the number one reason for childhood hospital admissions for general anaesthesia.⁴²⁷

Decline in routine vaccination

- h) Routine immunisations have declined since 2012-2013,⁴²⁸ with a worrying decline in uptake of 13 out of 14 routine childhood vaccinations in 2021-2022, and no vaccination uptake meeting the 95% target set by WHO.⁴²⁹ The decline has been partly exacerbated by Covid-19,⁴³⁰ but funding cuts to public health have hindered public education and access to services.⁴³¹

- ▶ **Urgently restore LAs' public health grants and increase funding for children's health services.**
- ▶ **Increase investment in the child health workforce to meet the needs of children and deliver early intervention and prevention services and introduce stronger legislation controlling marketing of baby feeding products.**

22. Air pollution and climate change

- a) 3.1 million children go to schools in areas exceeding WHO limits for toxic air. Children from deprived or racialised communities are more likely to be exposed to the worst air pollution.⁴³² 35% of all maternity units exceed the WHO's 2005 Air Quality Guidelines for

408 Institute of Health Visiting (2020) *State of Health Visiting in England*

409 Ibid.

410 First 1001 Days Movement (2021) *The State of Babyhood. What life is like for babies in the UK today*

411 Breastfeeding contributes to improved public health, both maternal and infant, including less obesity. Unicef UK (30 April 2019) 'A World Health Organization (WHO) study of 16 countries across Europe has found that breastfeeding can cut the chances of a child becoming obese by up to 25%'

412 Office for Health Improvement and Disparities (2021) *Breastfeeding prevalence at 6 to 8 weeks after birth (Experimental Statistics)*

413 The Infant Feeding Survey is only being conducted again in 2022/2023 after a break of 12 years.

414 Department for Health and Social Care (2019) *Advancing our health: Prevention in the 2020s – consultation document*

415 Royal College of Midwives (2021) *RCM warns of midwife exodus as maternity staffing crisis grows*

416 Institute for Health Visiting (2021) *State of Health Visiting Annual Survey – 2021*

417 Department for Health and Social Care (2021) *The Government's response to the Health and Social Care Committee report. Safety of Maternity services in England*

418 Parent-Infant Foundation (2020) *Babies in Lockdown: Listening to parents to build back better*

419 Due to UK Regulations providing inadequate protection.

420 International Code of Marketing of Breast-milk Substitutes and subsequent resolutions

421 UNICEF, WHO (2022) *How the marketing of formula milk influences our decisions on infant feeding*

422 NHS Digital (2021) *National Child Measurement Programme, England 2020/21 School Year*

423 The Food Foundation (2022) *The broken plate 2022. The state of the nation's food system*

424 Salway R. et al (2022) *Accelerometer-measured physical activity and sedentary time among children and their parents in the UK before and after COVID-19 lockdowns: a natural experiment* International Journal of Behavioural Nutrition and Physical Activity

425 NHS Digital (2022) *National Child Measurement Programme, England 2021/22 School Year*

426 Public Health England (2021) *Tooth decay in 5 year olds*

427 Oral Health Foundation (23 March 2020) 'New statistics on childhood tooth decay suggest concerning lack of progress' Press Release

428 British Medical Association (2020) *Action to improve immunisation coverage rates across the UK*

429 Royal College of Paediatrics and Child Health (29 September 2022) 'Paediatricians respond to worrying decline in childhood immunisation rates in England' Press Release

430 As it increased missed opportunities for routine vaccination uptake. Gregory A. (29 September 2022) 'Thousands of children at risk as vaccination rates fall in England' *The Guardian*

431 British Medical Association (2020) *Action to improve immunisation coverage rates across the UK*

432 Mayor of London (12 October 2021) 'BAME and poorer Londoners more likely to live in areas with toxic air' Press Release

particulate matter⁴³³ rising to 95% when compared to new guidelines. UKG published a Clean Air Strategy in 2019 but intends to develop its own targets for tackling air pollution, not aligned with the revised WHO Air Quality Guidelines 2021.

- b) Concerns are increasing about the impacts of extreme heat, due to climate change. Young children are especially vulnerable to heat-related illness, more susceptible to dehydration, heat stroke and exhaustion.⁴³⁴

- **Legislate for a Clean Air Act in line with national, EU and WHO air quality standards and prevent new schools from being built in areas above legal air pollution limits.**

23. Worsening mental health and insufficient services

- a) Over the last five years, UKG initiatives⁴³⁵ have aimed to improve children's mental health provision, and the NHS Long Term Plan 2019 aims to offer comprehensive support for 0-25-year-olds. UKG committed to a new cross-departmental 10-year mental health plan,⁴³⁶ but it is unclear when it will be published, and concerns remain about funding it.⁴³⁷
- b) The pandemic has caused an unprecedented increase in demand for CAHMS, particularly eating disorders. Between April and September 2021, referrals increased 81% compared with the same period in 2019. Restrictions, including school closures and limits on social gatherings, led to reduced social interaction, isolation and academic stress.⁴³⁸ [32] [34] 18% of

children aged 7 to 16 years and one in four 17–19-year-olds had a mental health problem in 2022.⁴³⁹

- c) Children with SEND,⁴⁴⁰ in poverty, LGBTQ+, GRT, care experienced^{441 442} young carers⁴⁴³ or asylum seekers⁴⁴⁴ are disproportionately affected by mental ill-health.⁴⁴⁵ Boys aged 7-10 are more likely to have a mental health disorder (20%) than girls (11%) but this pattern reverses in older children.⁴⁴⁶

*"I really struggle with my mental health. I have attempted suicide before. I feel like my life is not worth living and that I have nothing to live for. I tried speaking to a professional at school, but they didn't really seem too bothered..."*⁴⁴⁷



Source: NHS Digital (2022) *Mental Health of Children and Young People in England 2022 – wave 3 follow up to the 2017 survey*

433 Asthma UK, British Lung Foundation, Impact on Urban Health (2021) *Clear the air. Improving air quality to protect future generations and level up our communities*

434 Royal College of Paediatrics and Child Health (19 July 2022) 'Extreme heat an increasing threat to health without rapid transition away from fossil fuels' Press Release

435 Department of Health and Department for Education (2017) *Transforming children and young people's mental health: a green paper*

436 Department for Health and Social Care (12 April 2022) 'Call for evidence for new 10-year plan to improve mental health' Press Release

437 Ibid

438 Quality Watch (2022) *Growing problems, in depth: The impact of Covid-19 on health care for children and young people in England* Nuffield Trust and the Health Foundation. 1.5 million children in England are forecasted to need mental health support as a direct result of the pandemic over the next three to five years. O'Shea, N (2021) *Covid-19 and the nation's mental health Forecasting needs and risks in the UK: May 2021*, Centre for Mental Health

439 NHS Digital (2022) *Mental Health of Children and Young People in England 2022 – wave 3 follow up to the 2017 survey*

440 Children with SEND are also more likely (56.7%) to have a probable mental disorder than those without (12.5%) House of Commons

441 Care-experienced children are at higher risk of mental ill-health than their peers, with an estimated 45% of all children in care and 72% of children living in residential care having a diagnosable mental health condition. What Works for Children's Social Care (2021) *Mental Health of Children and Young People in care - Evidence Summary*

442 Children's Commissioner for England (2022) *What we learnt from Gypsy, Roma, and Traveller children who responded to The Big Ask*

443 Mentally Healthy Schools *Young Carers*

444 25 civil society organisations (23 December 2021) Directors of Safeguarding institutions Public letter: Children seeking asylum are at risk

445 Health and Social Care Committee (2021) *Children and young people's mental health Eighth Report of Session 2021–22*

446 Table 1.1: Mental health of child or young person by age and sex. NHS Digital (2022) *Mental Health of Children and Young People in England 2022 – wave 3 follow up to the 2017 survey*

447 Non-binary child, 17 Ditch the Label (2021) *The Annual bullying survey*

- d) 409,347 children were referred for specialist mental healthcare including suicidal thoughts and self-harm,⁴⁴⁸ up from 230,591 in 2019. [5] 450,000 children are waiting or undergoing treatment for a mental health condition – the highest number on record since 2016.⁴⁴⁹

Insufficient mental health services

- e) Despite increasing need, around 1% of the NHS budget in England is spent on children's mental health. Spending per child ranges from £14-£191 per capita, while average spending on adults is £225.⁴⁵⁰ Consequently, children face high access thresholds, rejected referrals,⁴⁵¹ and long waiting lists. Only around 32% of children with a probable mental health disorder were able to access treatment in 2020-2021.⁴⁵²
- f) 53% of GPs say at least six in 10 referrals for children experiencing anxiety, depression and self-harm are routinely rejected by CAMHS as their symptoms are not deemed severe enough.⁴⁵³ While waiting times have decreased from 43 days in 2019-2020 to 32 days in 2020-2021,⁴⁵⁴ this hides regional variations.⁴⁵⁵
- g) Insufficient access to early intervention means children increasingly turn to A&E for support,⁴⁵⁶ with a tripling of A&E attendances by children with a psychiatric condition diagnosis in 2010-2019.⁴⁵⁷
- h) Inadequate services for the specific needs of some children remain, e.g. children in care,⁴⁵⁸ separated and trafficked children.⁴⁵⁹ Children with SEND are often overlooked due to mis-attribution to their learning disabilities.⁴⁶⁰ [24]
- Inpatient settings**
- i) Inappropriate adult ward admissions persist along with stays in inpatient wards for long periods, far from home,⁴⁶¹ despite UKG committing to improve inpatient care for children.⁴⁶² There were 249 admissions of under-18s to adult psychiatric wards in 2021-2022 – a 30% increase from 2020-2021.⁴⁶³ From 2016-2019, over 1,000 children a year were placed in 'out of area' inpatient services.⁴⁶⁴ [5] [24]
- j) Black and mixed-race children accounted for 36% of young people detained in acute mental health services⁴⁶⁵ but just 5% of those accessing community-based CAMHS.⁴⁶⁶
- k) The draft Mental Health Bill does not sufficiently strengthen safeguards for under-18s, both those who are detained and those admitted informally.⁴⁶⁷
- Poor transition from child to adult services**
- l) Children receiving CAMHS face difficulties accessing ongoing mental health support when they turn 18⁴⁶⁸ and high rates of drop-out.⁴⁶⁹ Progress towards integrated mental health from 0-25 is very slow, despite increased needs.
- **Take urgent steps to increase provision of preventative and early intervention support both within education and community settings, including introducing a children's well-being measurement.**
- **Urgently publish the comprehensive, cross-departmental ten-year Mental Health Plan,**

448 Between April and October 2021.

449 Young Minds (2022) 'Record Emergency Referrals for Under-18s' Press Release

450 O'Shea N. and McHayle Z. (2021) *Time for Action. Investing in comprehensive mental health support for children and young people* Centre for Mental Health, Children and Young People's Mental Health Coalition

451 Centre for Mental Health, Children and Young People's Mental Health Coalition (2022) *Heads Up: Rethinking mental health services for vulnerable young people. Thematic Report 4*

452 Children's Commissioner for England (2022) *Children's Mental Health Services 2020/21*

453 Stem 4 (4 April 2022) "A service in crisis" Survey reveals GPs concerns about mental health services for children and young people' Press Release

454 Children's Commissioner for England (2022) *Children's Mental Health Services 2020/21*

455 Ibid

456 Health and Social Care Committee (2021) *Children and young people's mental health Eighth Report of Session 2021–22*

457 Ibid

458 Children's Commissioner for England (2022) *A Head Start: Early support for children's mental health*

459 The Children's Society (2018) *Distress signals: Unaccompanied young people's struggle for mental health care*

460 Centre for Mental Health, Children and Young People's Mental Health Coalition (2022) *Heads Up Rethinking mental health services for vulnerable young people. Thematic Report 4*.

461 Health and Social Care Committee (2021) *Children and young people's mental health Eighth Report of Session 2021–22*

462 Including restricting this to cases where clinically appropriate, for the shortest possible time and as close to children's homes as possible. NHS (2016) *Five Year Forward View for Mental Health*

463 Care Quality Commissioner (2022) *The state of health care and adult social care in England 2021/22*

464 In the same period, a similar number were admitted to 'out of area' inpatient services under the Mental Health Act 1983. Article 39 (2021) *Children in Hospital (Mental Health) Statistics Briefing*

465 Despite making up 11% of the population.

466 Centre for Mental Health (2022) *Shifting the Dial: Evaluating a community programme to promote young Black men's mental health*

467 Rainer C. (21 April 2021) 'The Mental Health Act: What does it mean for children and young people?' Children and Young People's Mental Health Coalition

468 Sarner M. (20 March 2019) 'Abandoned at 18: the young people denied mental health support because they are adults' *The Guardian*

469 Health and Social Care Committee (2021) *Children and young people's mental health Eighth Report of Session 2021–22*

addressing underlying factors contributing to children's mental ill-health and quality and effectiveness of treatment, backed up with adequate and sustainable investment.

- **Take urgent action so children can receive mental health treatment and support near their home; prevent unnecessary, prolonged stays in inpatient settings; address racial disproportionality; and ensure high quality treatment within such settings.**

24. High numbers of autistic children with learning disabilities in inpatient units

- a) Increasing numbers of autistic children or with learning disabilities are admitted to secure hospitals rather than being supported in the community, sometimes spending months and years in institutions.⁴⁷⁰ 250 autistic children or those with learning disabilities were in a mental health hospital in England in 2019, compared to 110 in 2015.⁴⁷¹ On average autistic children or children with learning disabilities spent six months in a mental health hospital and eight months in inpatient care, with one in seven spending at least a year in hospital. These children could have returned home if support was available.⁴⁷² Nearly a quarter were at least 50km from home for at least six months, and around one in 10 stayed for at least a year in wards at least 100km from home.⁴⁷³
- **Ensure adequate funding for support services for disabled children in the community to prevent unnecessarily long periods of time in inpatient settings.**

Standard of living

25. Rising numbers of children in poverty

- a) There has been severe regression in relation to child poverty since 2016, despite clear recommendations from the UN Committee to act.⁴⁷⁴ The rise in poverty has impacted many areas of children's rights, including leading to increased child homelessness. [27] Despite this, there is still no national strategy to tackle child poverty.

*"What you have access to depends on what your parent or carer has. It's also dependant on the area you live in."*⁴⁷⁵

- b) In 2020-2021 there were 3.9 million children living in poverty in the UK – 27% of all children.⁴⁷⁶ Although this is 400,000 fewer than the previous year,⁴⁷⁷ it is only a temporary improvement due to the £20 increase in UC for families during Covid-19 which ended in October 2021.⁴⁷⁸
- c) Children are more likely to be in poverty than the rest of the population, with child poverty rising in absolute and relative terms for nearly a decade.⁴⁷⁹ Around 1.8 million children are in very deep poverty, with a household income so low it cannot cover basic needs⁴⁸⁰ – an increase of half a million children between 2011-2012 and 2019-2020.
- d) Some children are disproportionately affected by poverty: 49% of children living in single parent families are in poverty; 46% of children from racialised communities (compared to 26% in white British families);⁴⁸¹ and 47% of children in families with three or more children.⁴⁸² Children living in a family where someone is disabled have a poverty rate of 37%.⁴⁸³

470 House of Commons and House of Lords Joint Committee on Human Rights (2019) *The detention of young people with learning disabilities and/or autism Second Report of Session 2019*

471 Article 39 (2021) 'Children in Hospital (Mental Health) Statistics Briefing'

472 Ibid

473 Children's Commissioner for England (2019) *Far less than they deserve. Children with learning disabilities or autism living in mental health hospitals*

474 UN Committee on the Rights of the Child (2016) *Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland*

475 CRAE (2022) Focus group with children

476 Poverty is defined as having an equivalised household income (after housing costs) below 60% of the median. Department for Work and Pensions (2022) *Households Below Average Income, Statistics on the number and percentage of people living in low-income households for financial years 1994/95 to 2020/21* Table 1.4a and Table 1.4b

477 Ibid

478 Stone J. (2022) *Local indicators of child poverty after housing costs, 2020/21* Centre for Research in Social Policy, Loughborough University

479 Children's Commissioner for England (2021) *Child poverty: the crisis we can't keep ignoring*

480 Hetherington, G. (18 January 2022) *Rising energy bills to 'devastate' poorest families, adding to harmful legacy for millions of children sinking deeper into poverty*, Joseph Rowntree Foundation

481 Department for Work and Pensions (2021) *Households below average income: for financial years ending 1995 to 2020* Table 4.5db. Data is for 2019/20. More recent data is not available due to data collection issues during the pandemic.

482 Ibid

483 Ibid



Source: Poverty is defined as having an equivalised household income after housing costs, below 60 per cent of the median. Department for Work and Pensions (2022) Households Below Average Income, Statistics on the number and percentage of people living in low-income households for financial years 1994/95 to 2020/21 Table 1.4a and Table 1.4b

- e) The cost of living in the UK is increasing at its fastest rate in 40 years, with inflation running at 10%, driven by record high rates of energy and food.⁴⁸⁴ The poorest households spend over three times the share of their expenditure on energy bills than richer households⁴⁸⁵ and on food.⁴⁸⁶ There are warnings of a humanitarian crisis, with high fuel costs leading to more families living in poor housing, with serious impacts on health.⁴⁸⁷ [20] UKG has provided temporary, one-off payments for rising costs and energy bills⁴⁸⁸ but ad hoc discretionary payments are inadequate.
- f) A quarter of households with children in the UK are experiencing food insecurity (4 million children).⁴⁹⁰ Even before the cost-of-living crisis, around 2.5% of all UK households (700,000 households) used a food bank in 2019-2020.⁴⁹¹
- g) The benefits system is not fit for purpose. The Benefit Cap⁴⁹² has been frozen since November 2016, while the cost of living has risen 18%,⁴⁹³ meaning affected families faced a real terms cut in income year-on-year. It prevented families from accessing temporary increases in UC during Covid-19 and from seeing a 3.1% increase to their benefits in April 2022 through annual uprating.⁴⁹⁴ Of 130,000 households subject to the cap in May 2022, 87% were families with children (110,000).⁴⁹⁵ 87,000 capped households (69%) were single parent families including 45,000 with a child aged under 5.⁴⁹⁶ The vast majority of capped households are in deep poverty.⁴⁹⁷
- h) The Two-Child Limit⁴⁹⁸ applies to families who had a third child and affects 1.3 million children⁴⁹⁹ (expected to rise to 3 million).⁵⁰⁰ It breaks the link between benefits and children's needs, and increases the risk of

484 Francis-Devine B., Bolton P., Keep M., Harari D. (2022) *Rising cost of living in the UK*, House of Commons Library Research Briefing, Number 9428

485 Resolution Foundation (2022) *The Living Standards Outlook*

486 Resolution Foundation (17 August 2022) 'Rising food prices drive Britain into double digit inflation' Press Release

487 Institute of Health Equity (2022) *Fuel poverty, Cold Homes and Health Inequalities in the UK*

488 This includes a one-off Cost of Living Payment up to £650 for those on means tested benefits and £400 to other households as part of Energy Bills Support Scheme. UK Government, Department of Work and Pensions *Cost of Living Payment management information* (2022)

489 CRAE (2022) Focus group with children

490 Goudie S. The Food Foundation (2022) *New data show 4 million children in households affected by food insecurity*

491 The Trussell Trust (2021) *State of Hunger. Building the evidence on poverty, destitution, and food insecurity in the UK*

492 The Benefit Cap imposes a limit on the total benefit income that can be received by certain households with low or no earnings (including benefits to support with housing costs).

493 Child Poverty Action Group (21 June 2022) '35,000 More Families Face Benefit Cap Next Year' Press Release

494 Ibid

495 Department for Work and Pensions (21 September 2022) Benefit cap: number of households capped to May 2022

496 Ibid

497 Child Poverty Action Group (16 September 2022) 'Benefit Cap: Cost of Living in a Crisis' Briefing

498 The Two-Child Limit restricts child allowances in universal credit and tax credits worth £2,935 per year to the first two children in a family unless the children were born before 6th April 2017 when the policy came into force.

499 Department for Work and Pensions (14 July 2022) *Universal Credit and Child Tax Credit claimants: statistics related to the policy to provide support for a maximum of 2 children, April 2022*

500 Child Poverty Action Group, Church of England, Benefit Changes and Larger Families (2022) *"It's heart-breaking that I feel I cannot fully provide for my youngest without struggling" The impact of five years of the two-child limit policy*

poverty for larger families. Some ethnic and religious groups are more likely to have larger families and are therefore disproportionately affected, exacerbating inequalities.⁵⁰¹

- i) In 2020–2021, 1.9 million children were eligible for FSM in England (an increase of 160,000)⁵⁰² but the current very low-income threshold of £7,400 means one in three children living in poverty (800,000) are denied access to FSM.⁵⁰³
- j) UKG continues to emphasise work as the route out of poverty and says it will spend over £108 billion on welfare support for people of working age in 2022–23.⁵⁰⁴ However, 75% of children in poverty live in a family where at least one person is working.⁵⁰⁵

Lack of affordable childcare

- k) The cost of childcare in the UK is among the most expensive in the world,⁵⁰⁶ and unaffordable for many families.⁵⁰⁷ 32% of parents with pre-school aged children spend more than a third of income on childcare, with 26% cutting back on essentials to pay for it.⁵⁰⁸
- l) Despite some increases in childcare availability since 2017,⁵⁰⁹ this trend seems to be reversing⁵¹⁰ and there are large regional disparities.⁵¹¹ Early years provision continues to be a market-based commodity, with 84% run by private providers.
- m) Parents receiving UC get no support with upfront childcare costs. More positively, NRPF families on low incomes are now permanently eligible for free early education places for 2-year-olds,⁵¹² but excluded

from the extended 30 hours of funded childcare for 3–4-year-olds.

- ▶ **Re-establish a cross-government national strategy to address child poverty in line with the Child Poverty Act 2010 and increase children's social security benefits to enable all households to have an adequate standard of living.**
- ▶ **Abolish the Two-Child Limit and Benefit Cap.**
- ▶ **Expand eligibility for FSM to all those on UC.**
- ▶ **Review all childcare funding to work towards a system that enables parents to work and narrows the gap between disadvantaged children and their peers.**

26. Destitution among families in the immigration system

NRPF families

- a) Despite a High Court decision finding the NRPF policy to have negative impacts on children,⁵¹³ the policy continues,⁵¹⁴ and prevents access to benefits including UC and Child Benefits.⁵¹⁵ Most support and emergency funding made available during the pandemic was inaccessible to NRPF families.⁵¹⁶
- b) UKG does not know how many families are living with NRPF but there is widespread evidence that it puts children and families at greater risk of destitution, exploitation and abuse.⁵¹⁷ Many children with NRPF experience homelessness or live in overcrowded, unsafe and inappropriate housing,⁵¹⁸ with severe food

501 Ibid

502 The Food Foundation (8 June 2022) 'Children Missing Out on Free School Meals'

503 Child Poverty Action Group (9 June 2022) '800,000 Children in poverty not getting free school meals' Press Release

504 UN Committee on the Rights of the Child (2022) *Combined sixth and seventh periodic reports submitted by the United Kingdom of Great Britain and Northern Ireland under article 44 of the Convention, due in 2022* CRC/C/GBR/6-7

505 Department for Work and Pensions (2021) *Households below average income: for financial years ending 1995 to 2020* Table 4.5db. Data is for 2019/20. More recent data is not available due to data collection issues during the pandemic.

506 Corfe S. Social Market Foundation (2022) *Childcare costs and poverty*

507 Coram Family and Childcare (2022) *Childcare Survey 2022*

508 UNICEF UK (2022) *Early Moments Matter. Guaranteeing the best start in life for every baby and toddler in England*

509 18% more LAs say they had sufficient free childcare for 3–4 year-olds in 2021. New Economics Foundation (2020) *Quality Childcare for All. Making England's childcare a universal basic service*

510 New Economics Foundation (2020) *Quality Childcare for All. Making England's childcare a universal basic service*

511 Only 59% of LAs have enough childcare. Coram Family and Childcare (2022) *Childcare Survey 2022*

512 Department for Education (2022) *Free early education for 2-year-olds with no recourse to public funds. Government consultation response*

513 AB v the Secretary of State for the Home Department (2022) AB v SSHD [2022] EWHC 1524 (Admin); Deighton Pierce Glynn Briefing Note on High Court judgment in AB v SSHD [2022] EWHC 1524 (Admin) 20 June 2022

514 NRPF denies individuals subject to immigration control access to public funds.

515 House of Commons Work and Pensions Committee (2022) *Children in poverty: No recourse to public funds Seventh Report of Session 2021–22*

516 The Children's Society, Project 17, The Unity Project (2020) *Support for children and families with No Recourse to Public Funds during the pandemic Parliamentary Briefing*

517 Coventry University, Project 17, Sustain, University of Wolverhampton, We Belong (2021) *Immigration Policies: Enforcing Borders, Driving Hunger and Creating Destitution*

518 House of Commons Work and Pensions Committee (2022) *Children in poverty: No recourse to public funds Seventh Report of Session 2021–22*

insecurity⁵¹⁹ and negative impacts on their mental and physical health.⁵²⁰ NRPF disproportionately affects children from racialised communities.⁵²¹

- c) Destitute families with NRPF should get support under section 17 of the Children Act 1989 but in reality this is difficult to access, due to cuts to LA budgets. Where they do receive support, this is often minimal and insufficient.⁵²²
- d) The permanent extension of FSMs to all households with NRPF – subject to maximum income thresholds – is welcome.⁵²³ However, eligibility remains poorly communicated to schools and families, leading to some children being wrongly refused.⁵²⁴

Asylum-seekers

- e) Asylum support rates are insufficient to avoid destitution, and asylum-seekers are not allowed to work or take up apprenticeships. A 2021 HO review announced a paltry increase of 17p a day in asylum support (increasing the standard weekly allowance from £39.63 to £40.85),⁵²⁵ leaving many asylum-seeking families with children, including pregnant women, unable to afford basic essentials, exacerbated by the cost-of-living crisis.
- **Abolish the NRPF policy. At the very minimum, ensure it is not applied to families with children.**
 - **Raise asylum support rates to ensure they provide an adequate standard of living for children.**

27. Homeless families

- a) Between 2014 -2019, numbers of homeless children rose by 51%.⁵²⁶ In 2022, there were 58,910 families with a total of 119, 840 dependent children living in TA.⁵²⁷ The number of families in England with dependent children placed in B&B-style accommodation has increased⁵²⁸ and children continue to be placed in B&Bs for longer than the six-week legal limit.⁵²⁹

"We were told that it was temporary accommodation, and we would only stay in the B&B for six weeks. It's been four or five months... I've almost given up hope now".⁵³⁰

- b) TA includes converted overcrowded units in office blocks, industrial estates, and ex-shipping containers, due to deregulation of the planning system and the expansion of permitted development rights,⁵³¹ with children being housed in "21st century slums".⁵³² Poor quality and cramped TA has significant health impacts on children [20] as well as their ability to play [34] and receive a good education.⁵³³ They are often unsafe and involve sharing facilities with strangers.

"We had to share a bathroom, a bath, a toilet and showers... We had a tiny kitchen in our room... There were about three steps between my bed and the cooker. The fridge was really small, it had the smallest freezer. We mostly ate takeaways."⁵³⁴

519 Coventry University, Project 17, Sustain, University of Wolverhampton, We Belong (2021) *Immigration Policies: Enforcing Borders, Driving Hunger and Creating Destitution*

520 House of Commons Work and Pensions Committee (2022) *Children in poverty: No recourse to public funds* Seventh Report of Session 2021–22

521 Coventry University, Project 17, Sustain, University of Wolverhampton, We Belong (2021) *Immigration Policies: Enforcing Borders, Driving Hunger and Creating Destitution*

522 Research Centre Agroecology Water and Resilience, Project 17, Sustain, Coventry University (2019) *"Sometimes my belly will just hurt" No Recourse to Public Funds and the Right to Food*

523 Department for Education (28 October 2022) *'Guidance: Providing free school meals to families with no recourse to public funds'*

524 Project 17 (2022) *Written Evidence Submission to CRAE's Alternative Report*

525 Refugee Council 'Support payments for asylum seekers living in poverty to increase by all of 17p a day, decides Home Office' 28 January 2022

526 Estimates by Shelter. Reynolds L. and Dzalto, A. (2019) *Generation homelessness: the numbers behind the story* Shelter

527 Most of these households with children (84.8%) were in self-contained accommodation (private sector, nightly paid, local authority or housing association accommodation). Department for Levelling up, Housing and Communities (2022) *Statutory Homelessness January to March (Q1) 2022: England*

528 The number of families in England with dependent children placed in B&B-style accommodation increased from a low point of 400 at the end of December 2009 to 1,530 at the end of September 2021. House of Commons Library (2022) *Households in temporary accommodation (England)*

529 The number of households in B&Bs with dependent children increased 25.9% from the same date last year to 1,700 households in March 2022. Of the households with children in B&Bs, 670 had been resident for more than the statutory limit of 6 weeks. This is up 39.6% from 480 on 31 March 2021, and up 21.8% from 550 in the previous quarter. Department for Levelling up, Housing and Communities (2022) *Statutory Homelessness January to March (Q1) 2022: England*

530 Child aged 14. Children's Rights Alliance for England (2018) *Change it!*

531 Permitted development rights allow property developers to convert commercial and retail buildings into housing without the full planning permission from local authorities, which is normally required. House of Commons Library (2021) *Planning in England: permitted development and change of use*

532 Town and Country Planning Association (2020) *Planning 2020 'One Year On'. 21st Century Slums?*

533 CRAE (2018) *Change it!*

534 Male aged 11, housed in a hostel for eight months. CRAE (2018) *Change it!*

- c) Since 2010, homeless families housed away from their local area has increased by 344%, affecting children's education and social networks.⁵³⁵
- d) The rise in homeless families has been attributed to austerity measures, particularly the freezing of LHA Rates and the Benefit Cap,⁵³⁶ leading to increased evictions.⁵³⁷ The unaffordability of the private rental sector and lack of social housing and affordable homes means families often remain trapped in TA.⁵³⁸
- e) Emergency measures were put into place during the pandemic, including extended notice periods and a temporary ban on evictions.⁵³⁹ However, since the ban was lifted,⁵⁴⁰ evictions have begun to rise sharply.⁵⁴¹ The cost-of-living crisis has increased the eviction rate, with 3,405 households in the private rented sector evicted by bailiffs between April and June 2022 – up 39% on the previous quarter.⁵⁴² UKG proposals to abolish section 21 evictions and introduce a more secure tenancy structure⁵⁴³ have been repeatedly delayed.⁵⁴⁴
- f) There has been some effort to address these issues recently through investment in rough sleeping⁵⁴⁵ and UKG's Rough Sleeping Strategy has committed to deliver more social and affordable rented housing.⁵⁴⁶
- **Support LAs to end the use of TA by building more social housing and affordable homes, as proposed in UKG's Rough Sleeping Strategy.**
- **Urgently release the Renters' Reform Bill and abolish section 21 evictions.**
- **Reverse permitted development rights and enact legislation to ensure all children can live in housing with security of tenure that is safe and child-friendly, supports their health, well-being and development, and are not moved far from their school or support networks.**

28. Care-experienced homeless young people

- a) In 2020-2021, 104,400 young people aged 16-24 presented as homeless or at risk of homelessness to their LA, an increase of 2% from 2019-2020.⁵⁴⁷ However, this is an underestimate as cases of hidden homelessness such as "sofa surfing" are not recorded.
- b) Homeless 16-and-17-year-olds often do not receive the support they are entitled to.⁵⁴⁸ Under current legislation⁵⁴⁹ they should be taken into care, but due to a lack of understanding of the legislation and funding, only one in five children receive this status.⁵⁵⁰

535 At the end of September 2021, 26,110 households were placed in temporary accommodation in a different local authority area to the one they applied to for assistance. This figure is 1% lower than at the end of September 2020, but 344% higher than at the end of September 2010. House of Commons Library (2022) *Households in temporary accommodation (England)*

536 The Benefit Cap is a monetary limit on total welfare benefits introduced in 2013. In 2022, 103,000 families with children were subject to the Benefit Cap. Child Poverty Action Group (21 June 2022) '35,000 more families face benefit cap next year' Press Release

537 Human Rights Watch (2022) *"I Want Us to Live Like Humans Again" Families in Temporary Accommodation in London, UK*

538 Children's Commissioner for England (2019) *Bleak Houses: Tackling the crisis of family homelessness in England*

539 Shelter (1 November 2022) Covid-19: Protection for tenants

540 In June 2021.

541 There were 4,900 landlord repossessions of rented homes from April-June 2022 – an increase of 210% in the same period a year earlier. 1,651 of that total were section 21 'no-fault' evictions – where a landlord does not have to give the tenant a reason for evicting them. The number of evictions was still well below pre-Covid levels but looked set to rise, with landlords making 18,201 claims to the courts in the three-month period – a rise of 160 per cent on the previous year. Crisis (11 August 2022) 'No fault evictions rise by 52% in just three months - Crisis responds' Press Release; Mathers, M. (12 August 2022) 'Huge rise in no-fault evictions as thousands forced out of homes after end of pandemic protections' *The Independent*

542 Shelter (11 August 2022) 'Bailiff evictions rise by 39% in just three months as private renters run out of options' Press Release

543 UKG published a white paper in June 2022 which sets out a 12-point action plan to deliver "a fairer, more secure, higher quality private rented sector." Department for Levelling Up, Housing and Communities (2022) *A fairer private rented sector*. The Renters Reform Bill was promised in the 2019 Conservative Manifesto but has been delayed until the 2022-23 parliamentary session. Department for Levelling Up, Housing and Communities (11 May 2022) 'Government to deliver 'new deal' for renters' Press Release

544 House of Commons Library (2022) *The end of 'no fault' section 21 evictions (England)*

545 £750m was committed to tackle homelessness and rough sleeping in 2021 HM Government (2022) *The UK's Response to the UN Committee's List of Issues on the Rights of the Child*, Paragraph 246

546 The Rough Sleeping Strategy was broadly welcomed by the housing sector but there were calls to urgently bring the measures forward and ensure housing benefits can cover people's rent during the cost-of-living crisis. Crisis (3 September 2022) 'Crisis responds to Government's refreshed Rough Sleeping Strategy' Press Release

547 Centrepont, Youth Homelessness Databank

548 Just for Kids Law and CRAE (2020) *Not in Care, Not Counted*

549 Section 20 Children Act (1989)

550 Many children who become homeless aged 16 and 17 are still not made fully aware of their rights and entitlements when they approach their local authority for support, and as a result of this they may be housed through their local authority housing services rather than becoming a child looked after under Section 20 of the Children Act 1989. Being a child in care entitles them to vital support and contact from a social worker while they are a child and care-leaver entitlements once they turn 18, including financial and housing support. Just for Kids Law and CRAE (2020) *Not in Care, Not Counted*

One third of care leavers become homeless in the first two years immediately after they leave care.



Source: All-Party Parliamentary Group (APPG) for Ending Homelessness (2017) *Homelessness prevention for care leavers, prison leavers and survivors of domestic violence*

- c) One third of care-leavers become homeless in the first two years after leaving care.⁵⁵¹ The benefits system for care-leavers is inadequate, not covering necessities including rent,⁵⁵² and now exacerbated by the cost-of-living crisis.⁵⁵³ [25]
 - d) In 2021, UKG introduced an exemption from the Shared Accommodation Rate for all care-leavers aged up to 25, in an attempt to reduce homelessness.⁵⁵⁴ Many LAs have also exempted care-leavers aged 18-25 from paying council tax,⁵⁵⁵ but this support is inconsistent.⁵⁵⁶
 - e) Eligibility barriers serve as additional hurdles for care-leavers trying to access homelessness support. Only care-leavers who are 21 and under have a priority need to receive homelessness help.⁵⁵⁷ In addition, care-leavers can be found intentionally homeless – thus becoming ineligible for support – if they refuse to be placed in unsuitable accommodation or are evicted due to rent arrears.⁵⁵⁸
 - f) Limited social housing means that children who were placed out-of-area when they were in care are often unable to access social housing in the area where they live once they turn 18,⁵⁵⁹ therefore uprooting their lives and leaving support networks behind at a critical age.⁵⁶⁰
- **Ensure all homeless children are housed under section 20 of the Children Act unless they have explicitly refused after being made fully aware of rights and entitlements.**

551 All-Party Parliamentary Group (APPG) for Ending Homelessness (2017) *Homelessness prevention for care leavers, prison leavers and survivors of domestic violence*

552 Care leavers are entitled to a lesser rate of Universal Credit as they are under 25, but do not have the familial support this policy assumes. Children's Commissioner for England (29 October 2020) '10 asks for Care Leavers'

553 Catch 22 (1 April 2022) 'Young care leavers set for grave financial struggles as cost of living soars' Press Release

554 The Shared Accommodation Rate (SAR) limits the amount of housing support available through the benefits system for most single private renters under the age of 35. Hobson, F. (2022) *The Shared Accommodation Rate in Universal Credit and Housing Benefit* House of Commons Library. Care leavers up to the age of 22 were previously granted an exemption to the SAR which means they could claim a higher rate of housing benefit for private rented housing. Once they turned 22, they were restricted to the much lower Shared Accommodation Rate, intended to pay only for a room in a shared house. Extending the exemption from age 22 to age 25 is critical in reducing care leaver homelessness, particularly as there is often little or no accommodation available to rent at the lower rate of housing support. Harding, B. (2018) *Ready to Move On: Barriers to homeless young people accessing longer-term accommodation*

555 The council tax exemption for care leavers is a relief from paying council tax between the age of 18 and 25. Across England, roughly two thirds of local authorities implemented this exemption. There are many care leavers who are either unaware of this or who end up having to pay council tax if they move into a different area, as well as those who do not live in an area with this exemption. Children's Commissioner for England (29 October 2020) '10 asks for Care Leavers'

556 House of Commons Library (2022) *Support for care leavers*. The Government published a guidance letter to local authorities in England (PDF) in January 2021, noting that individual councils in England can offer council tax reductions to care leavers on a discretionary basis. Minister of Housing, Communities and Local Government (13 January 2021) Local Authorities in England *Council Tax Information Letter*

557 After a care leaver turns 21, they must 'prove' their vulnerability by providing expert evidence, which can be hard for a care leaver to gather without the help from a housing professional or lawyer. In addition, evidential requirements can be retraumatising and unless they are aware of their rights and entitlements as a care leaver, they may be turned away by housing services. Just for Kids Law (2022) *Hitting brick walls: Barriers faced by homeless care leavers*

558 Though the Homelessness Code of Guidance states that housing services should avoid intentionality decisions for care leavers aged 18-25, there is no clear duty on local authorities to do this. Care leavers are also more likely to be found intentionally homeless, as they often have little support system in place to help them avoid rent arrears, for example. Ibid.

559 Local authorities retain broad powers to establish which groups will have priority for social housing in their area, within the limits of the Housing Act 1996. As social housing stock is severely limited across England, only those on the highest priority bands can realistically expect to be allocated a property. Statutory guidance indicates that the category in the Housing Act 1996 of people who need to move to social housing on "welfare" grounds encompasses care leavers. However, this does not translate to all care leavers having priority for social housing in all local authorities. Ibid.

560 The IRCSC recognised that intentional homelessness and the lack of priority for social housing contributes to care leaver homelessness. The review recommends removing the intentionality test for homeless care leavers and the introduction of statutory guidance for local authorities to set out priority for care-experienced adults in accessing local services such as social housing, including removing the local area connection test for care leavers living out of area. The Independent Review of Children's Social Care (2022) *The independent review of children's social care: final report*

- **Implement recommendations in IRCSC to reduce homelessness for care-leavers by extending priority need and removing intentional homelessness to all care-leavers up to 25. Introduce statutory guidance for LAs, setting out priority for care-experienced adults in accessing social housing, including removing the local area connection test for those living out of area.**

Education, leisure and cultural activities

Articles: [28](#) [29](#) [30](#) [31](#)

29. Lack of inclusive education system

- a) Education has fallen down the list of political priorities; between 2009–2010 and 2019–2020, spending per pupil in England fell by 9% in real terms⁵⁶¹ although the 2022 Autumn Statement brings funding per pupil back to 2010 levels.⁵⁶²
- b) Driven by UKG policy,⁵⁶³ schools have increasingly adopted a “zero-tolerance”, discipline-led approach to behaviour,⁵⁶⁴ which does not account for context such as unaddressed need.⁵⁶⁵ [33] Progress has not been made in trauma-informed or contextual approaches to behaviour,⁵⁶⁶ although more recent policy developments suggest a better focus towards inclusion.⁵⁶⁷
- c) Presence of police in schools is increasing⁵⁶⁹ potentially creating unsafe school environments, particularly for marginalised students,⁵⁷⁰ and increasing criminalisation of children. Police in schools are targeted at areas of ‘high deprivation’ - areas more likely to be inhabited by Black and racialised communities.⁵⁷¹
- d) 45% of schools are academies following extensive growth over the past 11 years, and UKG had proposed all schools become academies by 2030.⁵⁷² Concerns remain about fragmentation⁵⁷³ and lack of accountability created within the school system⁵⁷⁴ as well as performance.⁵⁷⁵
- e) A focus on improving league tables and academic performance of schools instead of incentivising all children to achieve⁵⁷⁶ has put pressure on children, leading to stress, emotional difficulties⁵⁷⁷ and poor

not been made in trauma-informed or contextual approaches to behaviour,⁵⁶⁶ although more recent policy developments suggest a better focus towards inclusion.⁵⁶⁷

“My secondary school was too strict, and felt like I had no say in consequences and if I spoke up it would be considered as attitude. I would have to take the consequence not knowing why or what I have done.”⁵⁶⁸

- 561 Sibieta, L. (2022) *School spending and costs: the coming crunch* Institute for Fiscal Studies (IFS)
- 562 On November 17th 2022, the Chancellor announced an extra £2.3 billion in school funding in England for 2023-2024 and 2024-2025 in his Autumn Statement. This represents a 4% increase in school funding for 2023-2024 and 2024-2025. This will allow school spending to return to at least 2010 levels in real-terms. Based on economy-wide inflation, spending per pupil in 2024-2025 will be about 3% above 2010 levels. If we adjust for an estimated index of school-specific costs, spending per pupil will return almost exactly back to 2010 levels. IFS (17 November 2022) ‘Autumn Statement 2022 response’
- 563 Tom Bennett (2017) *Creating a Culture: How school leaders can optimise behaviour* Independent review of behaviour in schools Department for Education and Department for Education (2020) *Guidance: Behaviour hubs*
- 564 House of Commons Education Committee (2018) *Forgotten children: alternative provision and the scandal of ever increasing exclusions*
- 565 Ibid
- 566 Commission on Young Lives (2022) *All Together Now. Inclusion not exclusion: supporting all young people to succeed in school*
- 567 UKG’s new Behaviour Guidance, White Paper on Schools and SEND and AP Green Paper
- 568 CRAE (2022) Focus group with children
- 569 Parveen, N. McIntyre, N. and Thomas, T. (25 March 2021) ‘UK police forces deploy 683 officers in schools with some poorer areas targeted’ *The Guardian*
- 570 Joseph-Salisbury, Dr. R. (2020) *Race and Racism in English Secondary Schools* The Runnymede Trust and The City & Hackney Safeguarding Children Partnership (2022) *Local Safeguarding Practice Review – Child Q*
- 571 Joseph-Salisbury, Dr. R. (2020) *Race and Racism in English Secondary Schools* The Runnymede Trust and Parveen, N. McIntyre, N. and Thomas, T. (25 March 2021) ‘UK police forces deploy 683 officers in schools with some poorer areas targeted’ *The Guardian* Under new measures to tackle disproportionality in policing, the Mayor of London has established an initiative to monitor police officers in school to see if they are disproportionately targeting Black children. Dodd, Vikram. (4 December 2020) ‘Met officers in schools to be checked to see if black children are being targeted’ *The Guardian*
- 572 Department for Education and Number 10 (28 March 2022) ‘Schools White Paper delivers real action to level up education’ Press Release. However, at the time of writing, the Schools Bill 22 which contained some of these proposals had been dropped after opposition in the House of Lords and the Government removed 18 clauses relating to academies. Shearing, H. (7 December 2022) ‘Schools Bill scrapped, education secretary says’ *BBC News*
- 573 Sylvester, R. Times Education Commission (26 January 2022) ‘What’s wrong with our schools — and how to reinvent them for the digital age’ *The Times*
- 574 Taylor, G. Academies – *Accountability, Autonomy and Equality* London School of Economics and House of Commons Committee of Public Accounts (2022) *Academies Sector Annual Report and Accounts 2019/20* Forty-Seventh Report of Session 2021–22
- 575 92% of council-maintained schools were ranked good or outstanding by Ofsted in January 2022, compared with only 85% of academies which have been graded since conversion. Angel Solutions (2022) *Analysis of Ofsted Inspection Outcomes by School Type* Local Government Association
- 576 Commission on Young Lives (2022) *All Together Now. Inclusion not exclusion: supporting all young people to succeed in school*
- 577 Children cited academic pressure, too much homework, exams and being overworked in school. Office for National Statistics (2020) ‘Children’s views on well-being and what makes a happy life, UK: 2020’

mental health.⁵⁷⁸ The school curriculum is increasingly restrictive and focused on academic study for students to pass exams, instead of a broader creative curriculum and focus on play.⁵⁷⁹ Playtimes are shrinking and cutting playtime is increasingly used as punishment.⁵⁸⁰

“The pressure from teachers, parents and myself from being at a grammar school and expected to achieve the highest grades possible... often heightened my anxiety. Exam periods were met with a lot of stress and anxiety/panic attacks from fear of not succeeding or being smart enough.”⁵⁸¹

- f) There is growing use of grammar schools,⁵⁸² continued use of the 11 Plus in some boroughs, and evidence that schools select children to improve league table performance (particularly within academies), with impacts on children’s mental health.⁵⁸³ Children face a stressful ordeal to gain a school place, and it can affect ambition and self-worth when they fail. Selective schools educate few children from low-income families, children in care or with SEND,⁵⁸⁴ and evidence suggests they don’t improve attainment.⁵⁸⁵
- g) Children begin formal learning at four, younger than many other countries. Guidance setting out the curriculum for the early-years foundation stage is not statutory⁵⁸⁶ and puts limited emphasis on play, outdoor learning and children’s individual needs.⁵⁸⁷

h) Workforce low pay and temporary staff affect quality of early-years provision.⁵⁸⁸ [25] Covid-19 closures of early-years settings meant young children missed out on vital development, education, communication and socialisation skills.⁵⁸⁹ [30] UKG recently announced £180 million for early-years professional development,⁵⁹⁰ but this does not address the fundamental issues within the sector (sustainability, costs for parents, rapid closures, staff retention).⁵⁹¹

- i) Religious selection criteria for school admissions continues.⁵⁹² Schools are required to conduct religious collective worship of a broadly Christian character⁵⁹³ and only parents and over-16s can withdraw themselves or their children from it.⁵⁹⁴ UKG has no plans to review this policy.⁵⁹⁵
- j) The curriculum is largely euro-centric⁵⁹⁶ with little progress on decolonising it.⁵⁹⁷ However, a recent UKG report acknowledged the deficit in the curriculum for racialised children and has committed to change this for history.⁵⁹⁸ LGBT children also report not being taught about LGBT families or relationships in RSHE or the wider curriculum, compounding their sense of isolation at school.⁵⁹⁹

► **Introduce a new Ofsted Inclusion measure to inform judgement of schools.**

► **Prohibit police in schools.**

578 Mind (2022) *Not making the grade: why our approach to mental health at secondary school is failing young people*

579 Up to 97% of teachers agree that preparation for Standard Assessment Tests (SATs) did not support children’s access to a broad and balanced curriculum that included arts and music. National Education Union (2019) ‘Too much testing: the alternative’

580 School break times are as much as an hour shorter than they were two decades ago, meaning children are missing out on valuable opportunities to make friends, develop social skills and exercise. Nearly 60% of schools withheld breaks from children when they or their classmates had been poorly behaved or needed to finish off work. Baines, E. (2019) *A follow up survey of break and lunch times in schools* University College London

581 Mind (2022) *Not making the grade: why our approach to mental health at secondary school is failing young people*

582 There are 11,000 more grammar school pupils in England now than in 2010, BBC analysis of official data shows. And by 2021, the data suggests, the number of extra places created will be equivalent to 24 new grammar schools compared to eight years ago. Jeffreys, B. (1 August 2018) ‘Grammar schools: Thousands of new places created’ *BBC News*

583 Comprehensive Future (2016) *The true price of selection: Parents’ stories from selective areas in England*

584 Comprehensive Future (2018) *Decision Time: A plan for phasing out selection*

585 Education Policy Institute (8 November 2016) ‘Grammar Schools: 8 Conclusions from the Data’

586 HM Government (2020) *Development Matters Non-statutory curriculum guidance for the early years foundation stage*

587 Coalition of Early Years Sector Organisations (7 September 2020) ‘Statement on the new non-statutory guidance for the EYFS’ Press Release

588 Social Mobility Commission (2020) *The stability of the early years workforce in England: An examination of national, regional and organisational barriers* Education Policy Institute and NatCen

589 Ofsted (2022) *Education recovery in early years providers: spring 2022* Department for Education

590 The funding will also provide programmes to every region in England for more than three years, to improve teaching of early speech, language and numeracy, partly to address issues since the pandemic. Department for Education (20 October 2022) *£180 million to improve children’s development in the early years* Press Release

591 Harle, E. (25 October 2022) ‘Childcare experts urge MPs to address recruitment crisis’ *CYP Now*

592 Humanists UK (2022) *Written Evidence Submission to CRAE’s Alternative Report*

593 S70 School Standards and Framework Act 1998

594 Humanists UK (2022) *Written Evidence Submission to CRAE’s Alternative Report*

595 HM Government (2022) *The UK’s Response to the UN Committee’s List of Issues on the Rights of the Child*, Paragraph 130

596 Weale, S. (25 Nov 2020) ‘National curriculum ‘systematically omits’ black British history’ *The Guardian*

597 A decolonised and anti-racist curriculum provides a complete education in which teaching fully examines imperialism and racism, as well as histories and cultures from around the world. National Education Union (25 February 2022) ‘What is decolonising education?’

598 Department for Levelling Up, Housing & Communities (2022) *Inclusive Britain: government response to the Commission on Race and Ethnic Disparities*

599 Ditch the label (2020) *The Anti-bullying survey 2020: The annual benchmarking of bullying in the United Kingdom*

- ▶ **Introduce a broader curriculum, with greater focus on play, arts and creativity, particularly for the early-years; and ensure sufficient funding for its workforce.**
- ▶ **End the use of selective education and testing measures that impact children's well-being.**
- ▶ **Amend policy to allow under-16s to withdraw from collective worship.**
- ▶ **Decolonise and provide anti-racist and LGBT-inclusive guidance and curriculum content in all areas.**

30. Widening attainment gap

- a) There remains a widening gap in attainment between different groups of children, exacerbated by Covid-19. The attainment gap between children in primary school living in poverty and their peers grew in 2019 for the first time in 12 years.⁶⁰⁰ Disadvantaged children⁶⁰¹ were 4.6 months behind their peers at early-years. Over one in three children are not reaching their ELD at 5 with 53% of children on FSM not reaching ELD.⁶⁰² [29]

- b) Disadvantaged children were nine months behind peers by KS2 in primary school, and 18 months behind by KS4. This increased further between 2019 and 2022 and is now the widest it has been since 2012⁶⁰³ due to disruption to learning during Covid-19.⁶⁰⁴ [32]

- c) Gypsy/Roma children are nearly three years and Travellers of Irish Heritage, two years behind peers by the end of KS4.⁶⁰⁵ Black Caribbean students are 11 months behind white British students at the end of KS4.⁶⁰⁶

Disadvantaged children were nine months behind peers by KS2 in primary school, and 18 months by KS4.



This increased further between 2019 and 2022 and is now the widest it has been since 2012 due to disruption to learning during Covid-19.

Source: Department for Education (2022) *Key Stage 2 attainment*, Department for Education (2022) *Key stage 4 performance*

- d) 8% 5-15s do not have access to an internet-enabled device at home.⁶⁰⁷ 18% of 15-year-olds do not have their own desk or a place to study.⁶⁰⁸ Covid-19 highlighted and further exacerbated digital exclusion and inequalities related to the home learning environment.⁶⁰⁹

600 Source: Education Policy Institute (2019) *Education in England Annual Report*

601 Disadvantaged pupils are defined as: those who were registered as eligible for free school meals at any point in the last six years, children looked after by a local authority or have left local authority care in England and Wales through adoption, a special guardianship order, a residence order or a child arrangements order. Department for Education (2022) *Key Stage 2 attainment*

602 Department for Education (2022) *Early years foundation stage profile results*

603 KS2 attainment by disadvantage status: 2.91 in 2019 compared to 3.21 in 2022. Department for Education (2022) *Key Stage 2 attainment* The KS4 disadvantage gap index has widened compared to 2020/21, from 3.79 to 3.84. It is now at its highest level since 2011/12. Before the pandemic, the gap index had widened going from 3.66 to 3.7 between 2017 and 2019, before narrowing slightly in 2020 to 3.66 when Centre Assessment Grades were used to awarded grades. Department for Education (2022) *Key stage 4 performance*

604 The gap narrowed in 2020 when centre assessed grades were used, before widening again in 2021 to 3.79. The DfE state the widening "may reflect the difficult circumstances that many pupils will have experienced over the last few academic years". Department for Education (2022) *Key stage 4 performance*

605 Education Policy Institute (2020) *Education in England: Annual Report 2020*

606 Percentage of pupils achieving grades 5 or above in English and Mathematics GCSEs 2021/22: Gypsy Roma (8.4) Traveller of Irish Heritage (14.4) Black Caribbean (34.4) Mixed White and Black Caribbean (36.0) Department for Education (2022) *Key stage 4 performance* see *Attainment by ethnicity*.

607 UNICEF UK, Carnegie UK Trust (2021) *Closing the Digital Divide for Good. An end to the digital exclusion of children and young people in the UK*

608 UNICEF (2022) *Innocenti Report Card 17: Places and Spaces - Environments and children's well-being*

609 Ibid

- e) Children with SEND,⁶¹⁰ with mental health needs,⁶¹¹ in AP,⁶¹² young carers⁶¹³ and migrant children all have lower attainment.^{614 615} [37] Once referred to an AP, it is difficult to return to mainstream school (particularly in GCSE years), affecting children's attainment outcomes.
 - f) UKG have committed almost £5bn in 2020-2021 to help close the gaps in education outcomes resulting from Covid-19,⁶¹⁶ as well as other changes⁶¹⁷ including the National Tutoring Programme. However, £5bn remains far below the figure of £15bn that UKG's own Education Recovery Commissioner recommended.⁶¹⁸ Concerns remain that these measures are too focused on school-based interventions instead of the home learning environment and poverty.
 - **Urgently develop a strategy with associated funding to reduce inequalities faced by children with SEND, in AP and from different economic, racialised and migrant backgrounds, both at school and home.**
- total school funding for SEND support over recent years, but not in line with the rise in demand for specialist provision.⁶²⁰ UKG's SEND and AP Review proposes £70 million to deliver and implement key proposals; however, concerns remain around lack of detailed costing which is focused on assisting families once in crisis, not early intervention.⁶²¹
- b) Applications and the total number of EHCPs have increased each year.⁶²² The system cannot keep up with this pressure meaning deadlines for EHCP provision are routinely missed⁶²³ and support for children with SEND in schools and associated resource commitments are not met.⁶²⁴ The pandemic and return to school has highlighted and intensified lack of provision in the system for a long time.⁶²⁵
 - c) While funding for associated services such as mental health services⁶²⁶ and occupational therapists has risen, a postcode lottery exists.⁶²⁷ Speech, language and communication needs remain under-supported, with long waiting lists.⁶²⁸ Children with mental health needs are also less likely to secure an EHCP to address them.⁶²⁹

31. Lack of support and inclusive education for children with SEND in school

SEND funding

- a) Schools have experienced a significant shortfall in funding for addressing SEND.⁶¹⁹ UKG has increased

Poor decision making

- d) Quality of decision-making for EHCPs is poor. There has been an increase in both the number and rate

610 Department for Education (2022) *Key stage 4 performance* In 2022, 18% of pupils with SEND reached the expected standard in reading, writing and maths compared with 69% of pupils with no identified SEND. This percentage fell from 2019 to 2022, suggesting that the pandemic had a greater impact on the attainment levels of pupils with SEND. Department for Education (2022) *Key stage 2 attainment*

611 Young people with poor mental health were 2.7 times more likely to not achieve the GCSE benchmark, even when accounting for other factors. Natcen (2019) *How does poor mental health in the early years of secondary school impact on GCSE attainment*

612 Whether single registered at an AP or dual-registered at a mainstream school, pupils who spend time in AP are unlikely to achieve 5 A*-C grades at GCSE. House of Commons Education Committee (2018) *Forgotten children: alternative provision and the scandal of ever increasing exclusions*

613 'Young carers have significantly lower attainment at GCSE level – the difference between nine B's and nine C's' - The Children's Society (2018) *Young Carers and School*

614 Unaccompanied children seeking asylum are on average three years behind non-migrant children by the time they take their GCSEs. Children with a likelihood of being a resettled refugee or asylum-seeker in receipt of support were estimated to be 15.5 months behind non-migrant children in English and Maths GCSEs, and 17.3 months behind across all GCSE subjects. Refugee and asylum-support children are estimated to be similarly vulnerable to children with local authority child protection plans or those who were persistently disadvantaged over the course of their school life. Education Policy Institute (2021) *The educational outcomes of refugee and asylum-seeking children in England*. However, children subject to immigration control remain 'hidden' or 'missing' in national datasets which are used to analyse and inform policy-making around a range of children's outcomes including their health, well-being and educational outcomes, despite being at higher risk of poverty and material deprivation. Ilona Pinter, London School of Economics (2022) *Written submission to CRAE's UNCRC report*

615 Education Policy Institute (2021) *The educational outcomes of refugee and asylum-seeking children in England*

616 Department for Education (26 May 2022) 'Education recovery funding doubles for secondary schools' Press Release

617 Changes to how schools are managed and run, the length of the school week and improvements to the standards pupils should achieve in English and Maths. Department for Education (28 March 2022) 'Schools White Paper delivers real action to level up education' Press Release

618 Adams, R. (27 October 2021) Sunak commits £1.8bn to catch-up and tutoring classes in England' *The Guardian* and concerns remain that the NTP is missing its target to deliver tuition to two million children. House of Commons Education Committee (2022) *Is the Catch-up Programme fit for purpose?*

619 House of Commons Education Committee (2019) *Special educational needs and disabilities*

620 National Audit Office (2019) *Support for pupils with special educational needs and disabilities in England*

621 Robert Halfon (12 July 2022) Secretary of State for Education *Re: The Government's SEND Review and its impact on children and young people with SEND*

622 Department for Education (2022) *Education, health and care plans*. See 'New EHC Plans' and 'Education, Health and Care Plans'.

623 Of the new EHC plans made during the 2021 calendar year (excluding cases where exceptions apply), 59.9% were issued within the 20 week time limit. This is an increase from 2020 when 58.0% of new plans were issued within the time limit, but lower than the 60.4% issued in 2019. Department for Education (2022) *Education, health and care plans*. see *Timeliness - EHC plans issued within 20 weeks*

624 House of Lords Children and Families Act Committee (2022) *Children and Families Act: A Failure of Implementation Report of Session 2022-2023*

625 Ofsted (2021) *SEND: Old issues, new issues, next steps*

626 Children's Commissioner (2019) *Early access to mental health support*

627 National Audit Office (2019) *Support for pupils with special educational needs and disabilities in England*.

628 House of Commons Library (2018) *Speech, language and communication support for children*

629 House of Commons Education Committee (2019) *Special educational needs and disabilities*

of appeals between 2013-2014 and 2020-2021, which are largely successful⁶³⁰ (96% of tribunal cases were found in favour of parents/carers).⁶³¹ However, this prolongs the process and means families incur costs.⁶³² Complaints around EHCP provision have also dramatically increased with nearly nine out of 10 investigations upheld.⁶³³

- e) UKG has proposed that appeals are only made in cases where parents feel provisions are not in line with the new proposed national standards,⁶³⁴ fundamentally changing the role of the tribunal so that national standards determine its decisions. This will likely result in an increase in appeals to the tribunal and further exacerbate the challenges that children and families face. Proposals also create a tailored list of educational settings that a child can attend, restrict parental and child choice, and cut across the individual decision-making process set out in the CAFA.⁶³⁵

Lack of inclusion

- f) Segregation between mainstream schools and special schools remains,⁶³⁶ as well as the use of inclusion units for children with SEND within mainstream schools. Isolation and isolation units are often disproportionately used to segregate children with SEND, and in many cases may breach their rights.⁶³⁷ [16]
- g) UKG says it is proposing a more inclusive education system by establishing a single national SEND and AP

system. However, this could create a two-tier system, with children struggling in mainstream education not being supported to remain but moved to AP. Children with SEND are already significantly overrepresented in AP.⁶³⁸ Children with SEND are often formally or informally “managed out” of mainstream education because schools have failed to understand or support their behavioural and educational needs,⁶³⁹ or because of cost pressures and lack of accountability, which creates further disincentives.⁶⁴⁰ Rates of permanent exclusions and FTE are higher among children with SEND.⁶⁴¹ [33]

- **Ensure the SEND system has sufficient resources to meet demand, including for specialist services such as speech and language therapists, occupational therapists and educational psychologists, to enable inclusive mainstream schools.**
- **Take steps to improve decision-making around EHCPs and encourage full compliance of CAFA 2014 to reduce numbers of appeals.**
- **Ensure all state-funded schools are not segregated on basis of SEND and ensure children can realise education rights in mainstream schools.**

32. Children missing school

- a) Pupil absence has grown following the pandemic and school closures.⁶⁴² In 2020, 270 million school

630 Isos Partnership (2022) commissioned by the Local Government Association, *Agreeing to Disagree? Research into arrangements for avoiding disagreements and resolving disputes in the SEND system in England*

631 In 2020. Ibid.

632 Ibid.

633 Local Government and Social Care Ombudsman (2019) *Not going to plan? - Education, Health and Care plans two years on*

634 HM Government (2022) *SEND Review: Right support, right place, right time Government consultation on the SEND and alternative provision system in England*

635 SEC (2022) *Written Evidence Submission to CRAE's Alternative Report*

636 The percentage of pupils with an EHC plan who are in mainstream schools (state-funded primary and secondary) has increased from 50.4% to 51.4% in 2022. Although the number of pupils in special schools has increased, the percentage of pupils with an EHC plan attending state-funded special schools has dropped from 40.6% to 39.4%. These trends continue patterns seen since 2018. The percentage of pupils with an EHC plan in PRUs has continued to increase, from 24.0% to 28.2%. This is driven by both an increase in the number of plans and by a decrease in the overall population in PRUs. Department for Education (2022) *Special educational needs in England*. See *pupils with special educational needs in schools*

637 See section on violence in institutions. Isolation may breach children's rights under UNCRC, Mental Capacity Act, Equality Act and other legislation designed to prevent discrimination and protect them from harm. Challenging Behaviour Foundation (2020) *Reducing Restrictive Intervention of Children and Young People: Update of Case study results*

638 81% of children in AP have identified SEND. Commission on Young Lives (2022) *All together now. Inclusion not exclusion: supporting all young people to succeed in school*

639 Ibid

640 National Audit Office (2019) *Support for pupils with special educational needs and disabilities in England*.

641 Department for Education (2022) *Permanent exclusions and suspensions in England*. See *Pupil Characteristics*.

642 Phase 1, 23 March to end of summer term 2020: On 18 March 2020, the Secretary of State announced that schools, colleges and early years settings in England would close after 20 March, except to children in priority groups. Following the announcement, schools and education institutions were closed to most students by the start of the week commencing Monday 23 March 2020 across all of the UK. Phase 2, Autumn term 2020: Schools remained closed to most students until the end of the summer 2020 term. Schools reopened with the expectation of near full attendance for the new 2020 to 2021 school year in the first week of September 2020. Phase 3 – Spring term 2021 – 8th March 2021: Schools and colleges in England closed to most students again, with provision moving to remote learning from 5 January until after February half-term, subject to review. Phase 4, 8th March to mid May 2021: On 8 March schools reopened and attendance became mandatory again for all students. Ofqual (2021) *Research and analysis: Learning during the pandemic: quantifying lost time*

- days were missed due to circumstances related to Covid-19 restrictions,⁶⁴³ compared to 59.6 million prior to the pandemic.⁶⁴⁴ The level of lost learning is unprecedented and disproportionately affected the most vulnerable and disadvantaged children.⁶⁴⁵ [30] Severe absence impacts on children's education, attainment, mental health, social and emotional development, and prevents access to a protective environment.⁶⁴⁶
- b) The percentage of persistent absentees who missed 50% or more sessions has more than doubled since 2015-2016.⁶⁴⁷ Children with SEND, mental health issues, and teenagers are most likely to be facing additional barriers to re-engaging with school post-lockdown.⁶⁴⁸
 - c) Elective home education has increased, from 54,656 in 2019⁶⁴⁹ to 81,196 children in 2021.⁶⁵⁰ This is partly attributed to children's positive experiences of home education during lockdown, schools struggling to meet children's needs post-lockdown, or ongoing challenges around school attendance, leading to parents being at risk of fines or legal action, and therefore seeing home education as the only option.⁶⁵¹
 - d) Persistent absence in special schools has also increased: 29% in 2020 to 39% in 2021.⁶⁵² Children with SEND were significantly impacted by the pandemic
- and school closures, leaving them even further behind than their peers.⁶⁵³
- e) Young carers' school attendance is affected by caring responsibilities, and they miss or partially miss 48 school days per year.⁶⁵⁴ [30] Covid-19 resulted in more children taking on caring responsibilities and missing more education.⁶⁵⁵
 - f) A national register for children not in school has been proposed in the Schools Bill⁶⁵⁶ following rises in persistent absence, lack of data on EHE, and because children missing education are unknown to LAs and potentially at risk.⁶⁵⁷ However, concerns remain about how this data will be used.⁶⁵⁸
- **Address increases in pupil absences through a supportive rather than punitive approach, including by providing additional funding.**

33. High rates of school exclusions

*"Getting excluded from early on [in secondary school] leaves the student to view themselves negatively and then begins the self-fulfilling prophecy. First time I got excluded I thought that's just how I am. Schools have to be careful with how they do it and not make it a habit. It's used all the time now."*⁶⁵⁹

643 270 million refers to days that were missed due to not being able to attend during lockdown, and not attending when it was contrary to public health to attend. but it also includes pupils self-isolating and shielding, including when a class or bubble was required to stay at home. A confirmed case of Covid-19 was logged as absence due to illness. Department for Education (2022) *Pupil absence in schools in England See Absence Rates*

644 Department for Education (2020) *Pupil absence in schools in England*

645 Ofqual (2021) *Research and analysis: Learning during the pandemic: quantifying lost time*

646 Commission on Young Lives (2022) *All together now. Inclusion not exclusion: supporting all young people to succeed in school*

647 In 2015/16 the percentage was 0.8 compared to 2.1% in 2021/22. These figures are for the percentage of persistent absentees who missed 50% or more of their sessions in state-funded secondary schools. Department for Education (2022) *Pupil absence in schools in England: autumn term*

648 Commission on Young Lives (2022) *All together now. Inclusion not exclusion: supporting all young people to succeed in school*

649 Association of Directors of Children's Services (2019) *Elective home education survey 2019*

650 Association of Directors of Children's Services (2021) *Elective home education survey 2021*

651 Barnardo's (2022) *Written submission to CRAE's UNCRC report*

652 Data from 2016/17 shows a gradual increase of persistent absence in special schools. The overall absence rate for pupils with an EHCP was 11.6% in autumn 2021, up from 9.4% in autumn 2020. This compares to 9.1% for pupils with SEND support and 6.3% with no identified SEND. Department for Education (2022) *Pupil absence in schools in England: autumn term see amount of absence and non-attendance.*

653 Many children with complex needs did not attend school during the first lockdown. Some did not have a place because they did not have an EHCP. Others could not attend because their personal or health needs could not be met. When schools and colleges opened fully to all pupils in September 2020, not all pupils with SEN and disabilities returned. Many children with complex needs were considered clinically extremely vulnerable, meaning parents feared settings could not keep their child safe or meet their needs, and high staff absences impacted some schools' ability to provide provision. Special Educational Consortium (2022) *The response of the Special Educational Consortium to the DfE consultation on the Green Paper SEND Review: Right support, right place, right time*; Nuffield Foundation, ASK Research, NFER and UCL (2021) *The reported effects of the pandemic on pupils in special schools and colleges and what they need now*

654 Carers Trust and The Children's Society (2020) *Young Carers in School*

655 Research by Carers Trust into the impact of the crisis on young carers found that some 58% of young carers aged 12 to 17 said they were caring on average for an extra 10 hours a week since the start of the pandemic. Of young carers aged 12 to 17, 40% said their mental health was worse as a result of Covid-19 and 66% of young carers aged 12 to 17 felt more stressed as a result of the crisis. Carers Trust (2020) *My Future, My Feelings, My Family*

656 However, at the time of writing, the Schools Bill 22 had been dropped and although the Secretary of State for Education said the register was a priority to still take forward, it is yet unclear how this will be done or if it needs legislation and what the final duty on parents and schools will be. Shearing, H. (7 December 2022) 'Schools Bill scrapped, education secretary says' *BBC News*

657 Department for Education (2022) *Children not in school: Annex to the government consultation response*

658 Concerns were shared following an audit report from the Information Commissioner's Office in 2020 which highlights the DfE's failure to comply with data protection laws on pupil data. Whittaker, F (2022) 'Campaigners warn against 'dangerous' register of children not in school' *School's Week*. see also on ICO ruling, Defend Digital Me (2022) *The ICO audit of the Department for Education two years on*

659 CRAE (2022) Focus group with children

Disproportionate use of school exclusion

- a) Exclusion levels continue to be high, despite a decrease in the last two years due to school closures during Covid-19.⁶⁶⁰ GRT and Black Caribbean children are excluded at between almost double to more than three times the national rate.⁶⁶¹ This trend also persists in FTEs,⁶⁶² with these disproportionately affecting children from the same ethnic groups.⁶⁶³ Excluded children's attainment remains very low.⁶⁶⁴
- b) UKG has recently published revised Statutory Guidance on Exclusions and Behaviour.⁶⁶⁵ Concerningly, UKG removed a crucial paragraph that lists the groups of children disproportionately affected by exclusions such as GRT, Black Caribbean pupils, pupils on FSMs, boys, and children with SEND.⁶⁶⁶ However, it does place greater emphasis on the importance of collecting and monitoring exclusion data.
- c) Children with SEND continue to be overrepresented in exclusions (with the crisis in SEND provision

exacerbating this),⁶⁶⁷ as are children who have suffered trauma or ACEs, or have mental health difficulties.⁶⁶⁸

- d) Shockingly, very young children continue to be excluded. While exclusions decreased in 2020-2021,⁶⁶⁹ this is likely due to Covid-19.⁶⁷⁰ In 2016-2017, 171 children aged 5 and under were permanently excluded⁶⁷¹ and in 2018-2019, 134.⁶⁷²
- e) Off-rolling statistics are not available, but evidence suggests unofficial exclusions and off-rolling are increasing due to schools seeking higher league table positions and maintain good performance and Ofsted ratings.⁶⁷³ [29]

Exclusions and CCE

- f) Exclusion and missing education are trigger points for involvement in crime or vulnerability to CCE⁶⁷⁴ [32] with sometimes fatal consequences.⁶⁷⁵ Children in the CJS are more likely to have been excluded from school.⁶⁷⁶ Black children are also disproportionately

660 There were 3,900 permanent exclusions in 2020-2021 compared to 5,057 permanent exclusions in 2019-2020. While these statistics show that permanent exclusions have decreased, 2019-2020 and 2020-2021 were interrupted by national lockdowns due to Covid-19 so caution should be taken when comparing figures across years. In the last full academic year before the pandemic, 2018-2019, there were 7,849 permanent exclusions, and 7,719 and 7,905 permanent exclusions in 2016-2017 and 2017-2018 respectively. Comparing the data pre and post pandemic, in 2019-2020 autumn term (pre-pandemic), there were 3,200 permanent exclusions. This decreased in the 2020-2021 autumn term due to the pandemic (1,700). However, recent data for 2021-2022 autumn term shows that post-pandemic, there were 2,100 permanent exclusions, showing that exclusions are starting to rise again. Department for Education (2020-2021) *Permanent exclusions and suspensions in England* and Department for Education (Autumn 2021-2022) *Permanent exclusions and suspensions in England*

661 The national rate for permanent exclusions in 2020-2021 was 0.05. The rate for permanent exclusions for each group disproportionately affected is: Gypsy Roma (0.18) Irish Travellers (0.10) Black Caribbean and Mixed White (0.12) and Black Caribbean (0.08). Department for Education (2020-2021) *Permanent exclusions and suspensions in England* see Pupil Characteristics

662 Temporary exclusions or fixed-period/term exclusions are now referred to as 'suspensions'. Department for Education (2020-2021) *Permanent exclusions and suspensions in England* see Suspensions

663 There were 352,500 FTE in 2020-2021 compared to 310,733 FTE in 2019-2020. In the last full academic year before the pandemic, 2018-2019, there were 438,265 FTE. Comparing the data pre and post pandemic, there were more FTE in 2021-2022 autumn term compared to the autumn term prior to the pandemic, showing a return to the increasing trend in FTE. In the 2019-2020, 2020-2021 and 2021-2022 autumn term there were 178,412, 159,988 and 183,800 FTE respectively. Department for Education (2020-2021) *Permanent exclusions and suspensions in England* and Department for Education (Autumn 2021-2022) *Permanent exclusions and suspensions in England*; The national rate for FTE in 2020-2021 was 4.25. The rate for each group disproportionately affected is: Gypsy Roma (15.00) Irish Traveller (11.22) Mixed White & Black Caribbean (8.50) and Black Caribbean (7.41)

664 Gill, K. with Quilter-Pinner, H. and Swift, D. (2017) *Making the Difference: Breaking the link between school exclusion and social exclusion* IPPR

665 Department for Education (2022) *Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement*; Department for Education (2022) *Behaviour in schools Advice for headteachers and school staff*

666 Department for Education (2022) *Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement* Paragraph 44

667 Exclusion rates are higher in pupils with special educational needs. The permanent exclusion rate for pupils with an education, health and care (EHC) plan is 0.08, and for pupils with SEND with no EHC plan (SEN support) is 0.15, compared to 0.03 for those without SEND. Department for Education (2020-2021) *Permanent exclusions and suspensions in England*

668 Mind (2021) *Not making the grade: why our approach to mental health at secondary school is failing young people*

669 47 children under five were excluded in 2020-2021.

670 Like the previous year, this academic year was affected by the Covid-19 pandemic. Schools were open to all pupils in the Autumn term, however during the Spring term schools were only open to key worker and vulnerable children from January for the first half term, before all pupils returned during the second half term. During this period, online tuition was provided for pupils. Schools were then open to all pupils during the Summer term. As with 2019-2020, while FTE and permanent exclusions were possible throughout the academic year, these restrictions will have had an impact on the numbers presented and caution should be taken when comparing across years. Department for Education (2020-2021) *Permanent exclusions and suspensions in England*

671 Department for Education (2020-2021) *Permanent exclusions and suspensions in England*. See Permanent Exclusions and explore data

672 Ibid.

673 You Gov nd Ofsted (2019) *Exploring the issue of off-rolling*

674 Graham, J. (2021) *Excluded or missing from education and child exploitation: literature review and stakeholder views on safeguarding practice* Tackling Child Exploitation and Commission on Young Lives (2022) *All together now. Inclusion not exclusion: supporting all young people to succeed in school*

675 Waltham Forest Safeguarding Children Board (2020) *Serious Case Review Child C*

676 Around one in five (22%) of children that had ever been permanently excluded were also cautioned or sentenced for a serious violent offence. Department for Education and Ministry of Justice (2022) *Education, children's social care and offending*

affected by CCE and more likely to be excluded as a result of adultification.⁶⁷⁷

- g) Protections from exclusion for CCE victims are lacking, with the law not taking a positive NRM decision into consideration. Understanding of CCE amongst schools and sufficient safeguards in guidance to protect vulnerable children facing exclusions from CCE are lacking.⁶⁷⁸

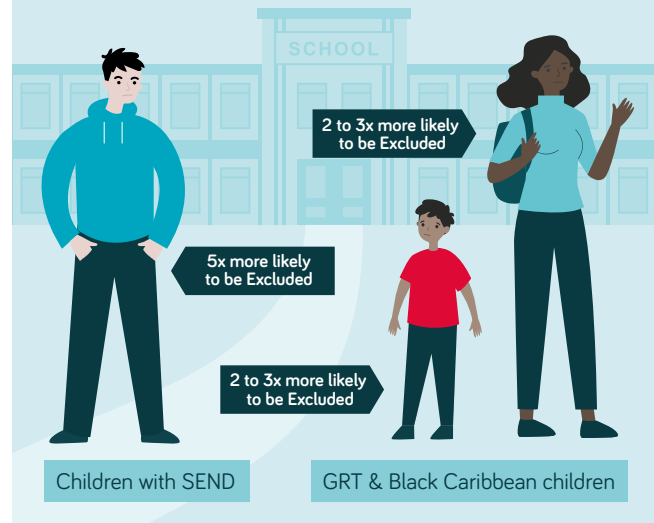
Ineffective Exclusions Review System

- h) The review system to challenge unfair and unlawful exclusions is ineffective.⁶⁷⁹ The IRP lacks power to reinstate a child at a school⁶⁸⁰ and there is no legal aid available to challenge exclusions, so families must argue cases involving complex legal principles. [2] Many children feel they lack a voice in the exclusion process and it is unfair,⁶⁸¹ although the revised statutory exclusion guidance places more emphasis on children's voice.⁶⁸²

"There's no involvement of children and young people in deciding who and why to exclude."⁶⁸³

- ▶ **Provide resources for LAs to establish area-wide inclusion strategies and support packages for schools to better address children's needs.**
- ▶ **Ensure exclusion is used as a last resort in secondary schools and ended in primary schools;⁶⁸⁴ support schools with the necessary resources to achieve this.**
- ▶ **Give IRPs the power to reinstate pupils.**
- ▶ **Disproportionality in rates of exclusion must be monitored, including by Ofsted, and the impact of ACEs and racism, and the personal circumstances of these groups captured in their inspection framework.**

Children with SEND are five times more likely to be excluded than the national rate. GRT and Black Caribbean children are excluded between double to more than three times the national rate.



Source: Department for Education (2020-2021) *Permanent exclusions and suspensions in England* see *Pupil Characteristics*

- ▶ **Reintroduce the paragraph in the statutory exclusion guidance which details the groups of pupils with disproportionately high rates of exclusion.**
- ▶ **Ensure there are greater protections for victims of CCE excluded from school.**

677 Commission on Young Lives (2022) *All together now. Inclusion not exclusion: supporting all young people to succeed in school*; Davis, J. and Marsh, N. (2020). 'Boys to men: the cost of 'adultification' in safeguarding responses to Black boys', *Critical and Radical Social Work*, 8(2), pp. 255-259

678 Temple, A. (2020) *Excluded, exploited and forgotten: Childhood criminal exploitation and school exclusions* Just for Kids Law

679 Justice (2019) *Challenging school exclusions*

680 Department for Education (2022) *Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement*

681 House of Commons Education Committee (2018) *Forgotten children: alternative provision and the scandal of ever increasing exclusions* Fifth Report of Session 2017–19

682 Paragraph 4 of the new exclusion guidance states: 'Headteachers should also take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They should inform the pupil about how their views have been factored into any decision made. Where relevant, the pupil should be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker. Whilst an exclusion may still be an appropriate sanction, the headteacher should also take account of any contributing factors identified after an incident of misbehaviour has occurred and consider paragraph 45 of the Behaviour in Schools guidance.' Department for Education (2022) *Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement* see also Paragraph 105, 110, 199.

683 CRAE (2022) Focus group with children

684 Southwark Council has introduced an inclusion charter which strives for 100% inclusion of children in education and aims to prevent the use of exclusion in the borough. Southwark Council (18 July 2022) 'Southwark launches charter to help every child stay in education'

34. Lack of priority for children's play in the community

- a) Outdoor play is crucial for children's health, well-being and development, particularly for those who have experienced trauma.⁶⁸⁵ Children now play outside for less than half the time their parents did⁶⁸⁶ and are typically not allowed to play outside independently until age 11, compared to nine for their parents' generation.⁶⁸⁷ [23] Loss of physical activity and social interaction has significant long-term impacts on physical and mental health.

*"[I want] to be outside, in the real world... in open spaces."*⁶⁸⁸

- b) Key barriers to children playing outside include parental concerns for safety, especially traffic danger⁶⁸⁹ and fears about harm and increasing use of technology.⁶⁹⁰ Children told us their local parks can be unsafe and full of litter.⁶⁹¹
- c) Access to playgrounds is a postcode lottery.⁶⁹² Lack of funding for play over the past ten years has led to playgrounds being closed or poorly maintained, disproportionately impacting children without access to private gardens.⁶⁹³ There is also lack of adequate playgrounds for disabled children.⁶⁹⁴ Outdoor space on housing estates is increasingly limited, with some banning children from playing in response to complaints or equating play with anti-social behaviour,⁶⁹⁵ space being sold or built on, and poorer

children being prevented from accessing play space on their own estates.⁶⁹⁶ Children in TA lack space to play outdoors.⁶⁹⁷

- d) Lack of UKG consideration of the importance of active play for children was highlighted during Covid-19. Lockdowns disproportionately affected children's play and outdoor activity, with no clarity on whether play was a "legitimate excuse" to be outside. Playgrounds and early-years settings closed in the first lockdown and unfair restrictions were placed on children meeting a friend, when adults could.⁶⁹⁸ This impacted most on younger children and those from poorer⁶⁹⁹ and racialised communities.⁷⁰⁰ Children's outdoor play was restricted while pubs were allowed to open.
- e) There is no UK Government Minister with responsibility for play and the National Play Strategy was scrapped in 2010. This is in contrast to Wales and Scotland.⁷⁰¹ It is telling that play is an omission from the UKG's State Party report in relation to England. However, UKG encouragement of the Play Streets Programme is welcome.⁷⁰²
- ▶ **Introduce a public health and physical activity strategy that prioritises children's free outdoor play, including a duty for LAs to ensure sufficient provision for play in the community.**
 - ▶ **Ensure a child "lens" is applied to all UKG policy areas impacting streets and other public spaces (transport, planning, housing).**

685 Children's Commissioner for England (2018) *Playing Out: A Children's Commissioner's report on the importance to children of play and physical activity*

686 Kennedy, R. (15 January 2018) 'Children spend half the time playing outside in comparison to their parents' *Child in the City*

687 Dodd, H., Nesbit, R. and, Fitzgibbon, L. (2022) 'Child's Play: Examining the Association Between Time Spent Playing and Child Mental Health' *Child Psychiatry & Human Development*; British Children's Play Survey, University of Reading cited in Weale, S. (20 April 2021) 'UK children not allowed to play outside until two years older than parents' generation' *The Guardian*

688 Children's Commissioner for England (2021) *The Big Ask. Big Answers*

689 In 2020, 31 children in the UK were killed and a further 1,362 seriously injured whilst on foot or cycle. Department for Transport (2022) *Reported road casualties Great Britain, provisional results: 2021*; Shaw, B. et al (2015) *Mobility: an international comparison and recommendations for action* University of Westminster

690 Play Day (2013) 'Opinion poll 2013'

691 CRAE (2022) Focus Group with Children

692 In 2016, the Government changed rules to allow local authorities to use the proceeds from the sale of parks and playgrounds to fund public services in limited ways. Bawden, A. (14 March 2018) 'Councils forced to sell off parks, buildings and art to fund basic services' *The Guardian*

693 API-Play (2022) *#Equal Play: Every child's right to Everyday Play*

694 Joint Children's Play Policy Forum and UK Play Safety Forum Position Statement (2022) *Including Disabled Children in Play Provision*

695 *Playing Out 'Housing and Playing Out'*

696 Grant, H. and Michael, C. 'Too poor to play: children in social housing blocked from communal playground' *The Guardian*

697 Children's Commissioner for England (2019) *Bleak Houses: Tackling the crisis of family homelessness in England*

698 In the lockdown in Jan-March 2021, only children in England under five were exempt from the rules prohibiting more than two people from meeting outdoors whereas children in Scotland under the age of 12 were exempt. In practice, this meant children aged five and above who needed adult supervision to go outside could not even meet one friend. Just for Kids Law, CRAE, *Playing Out* and Play England (8 March 2021) 'Campaigners call on Prime Minister to allow children to play outside together as they return to school' Press Release

699 Weale, S. (27 October 2020) 'Covid: toddlers from UK's poorest families 'hit hardest by lockdown'' *The Guardian*

700 Bingham, D. et al. (2021) 'Covid-19 lockdown: Ethnic differences in children's self-reported physical activity and the importance of leaving the home environment' *International Journal of Behavioral Nutrition and Physical Activity* BMJ, CSH and Yale

701 The Welsh Government has a Play Duty: Section 11 of the Children and Families (Wales) Measure 2010 places a duty on local authorities to assess and secure sufficient play opportunities for children in their area; and the Scottish Government has enshrined children's right to play outdoors every day in its national Health and Social Care Standards.

702 Department for Transport (23 August 2019) *Revised road closure guidance to boost children's outdoor play*

Special protection measures

Articles: [22](#) [30](#) [32](#) [33](#) [35](#) [36](#) [37\(b-d\)](#) [38](#) [39](#) [40](#)

Immigration and asylum

- a) Rights of children in the immigration system have significantly regressed, with the introduction of extremely concerning laws and policies since 2017 as part of UKG's 'Hostile Environment' agenda. Decisions related to children in the immigration system still fail to meaningfully consider their best interests [\[4\]](#) on an individual and systemic scale and jeopardise children's rights, with UKG prioritising immigration control.
- b) No CRIA was done as part of UKG's 2021 New Plan for Immigration or for the NABA despite substantial implications for thousands of refugee children. UKG's State Party report does not mention the NABA at all, a significant omission.

35. Inadequate routes to safety and resettlement

Safe and legal routes for people seeking protection

- a) Routes to the UK for unaccompanied children and families seeking protection are severely and increasingly limited. The end of the EU-era Dublin regulations has reduced the possibilities for children to apply to join family members in the UK, and the UK has also not renewed the 'Dubs scheme'.⁷⁰³
- b) People seeking asylum are thereby forced to make dangerous journeys to the UK, with an increase in people crossing the Channel⁷⁰⁴ in small boats,⁷⁰⁵

including children and families with infants, leading to a number of child deaths.⁷⁰⁶ Between 2018-2021, 6,103 children arrived in the UK after crossing the Channel, making up 16% of all 'small boat arrivals' (39,134) recorded during that time.⁷⁰⁷

- c) UKG chose not to exempt children from most of the restrictive provisions in NABA, including the creation of a new category of refugees who will receive shorter, more vulnerable periods of leave and have fewer rights while resident in the UK, depending on *how* they entered the country⁷⁰⁸ – the opposite of a durable solution. The UNHCR has stated NABA undermines the 1951 Refugee Convention.⁷⁰⁹
- d) New Regulations that rule that an asylum claim is 'inadmissible' if the claim can be made in another 'safe third country'⁷¹⁰ (the basis for determining removals to Rwanda) also apply to children. Although the inadmissibility process does not apply to unaccompanied children seeking asylum, it applies to children in families, and to age-disputed children.⁷¹¹
- e) The UK's current resettlement schemes only serve particular groups.⁷¹² Other children have no safe and legal routes to seek protection in the UK.⁷¹³ Two resettlement schemes established in response to the 'refugee crisis' in 2014 ended in February 2021, having resettled only 1,838 children.⁷¹⁴

Restrictions on family reunification

- f) Rights of children to family reunification have regressed. Unaccompanied children seeking asylum continue to be ineligible for the refugee family reunion policy that applies to adults. NABA further restricts family reunion, including for children, thereby removing one of the main legal safe routes

703 The Dubs scheme committed to transferring 480 unaccompanied asylum seeking children to mainland Europe to the UK for a limited period. UK Government (27 July 2020) *Factsheet: section 67 of the Immigration Act 2016 ('Dubs amendment')*

704 The Joint Council for the Welfare of Immigrants (2021) *A safe and legal route from France to the UK through a humanitarian visa scheme*

705 Home Office (25 August 2022) *Official Statistics Irregular Migration to the UK, year ending June 2022*

706 Refugee Council (2022) *Safe Routes Save Futures* and Harding L. Mando N., Chulov M. (27 November 2021) *'Death in the Channel: My wife and children said they were getting on a boat. I didn't hear from them again'* *The Observer*

707 This data is taken from the Home Office quarterly irregular migration data tables published in August 2022 for the year ending June 2022. These define 'small boat arrivals' as those involving any migrant who is either (a) detected on arrival to the UK, or (b) detected in the Channel by UK authorities and subsequently brought to the UK, having travelled across the English channel in a small boat. Home Office (2022) *Irregular migration to the UK, year ending June 2022. Statistics on irregular migration to the UK, including small boats*

708 As a result of the NABA, those arriving through third countries via irregular routes (e.g. crossing the Channel in small boats) will have reduced temporary protection (30 months instead of five years' permission to stay), with limited rights to welfare benefits and family reunion, and a long and uncertain route to settlement. Refugee Council (2022) *'What is the National and Borders Bill?'*

709 UNHCR UK UK Migration and Economic Development Partnership with Rwanda

710 Right to Remain (3 February 2021) *'The new asylum inadmissibility rules'* Legal Update

711 FOI data shows that of the 9,622 individuals identified for consideration on inadmissibility grounds in 2021, 920 were children. 777 of these were issued with a 'notice of intent'. However, 422 were subsequently admitted into the UK asylum process. Ilona Pinter, PhD Candidate, Department of Social Policy, London School of Economics and Political Science (2022) *Written Evidence Submission to CRAE's Alternative Report*.

712 Including the Afghan Citizens' Resettlement Scheme, the Afghan Relocations and Assistance Policy, and the Homes for Ukraine scheme

713 Safe Passage, KRAN, Hummingbird Refugee Project *Safe routes from the perspective of young refugees. Our response to the new plan for immigration*

714 UK Government *Vulnerable Persons and Vulnerable Children's Resettlement Schemes* Factsheet March 2021

for unaccompanied children seeking asylum and leaving them more likely to take dangerous journeys.⁷¹⁵ Children separated from their families are more vulnerable to exploitation and abuse, anxiety and mental health problems.⁷¹⁶

"Being without your family, it is like you have a body without a soul. How can I explain that? It is like a car without an engine... I want to be with my family..."⁷¹⁷

- ▶ **Scrap asylum reforms of the Nationality and Borders Act. If they are retained, all children should have their asylum claims decided within the UK, and be afforded full rights in the UK as refugees if their claim is accepted.**
- ▶ **Create new, adequate, safe and legal routes for children seeking protection to enter the UK.**
- ▶ **Ensure child refugees in the UK have the right to sponsor their close family to join them.**

36. Families seeking asylum

- a) 58,364 children applied for asylum between 2016-2021, making up almost a quarter (23%) of all asylum applicants and dependents. 39,745 were children part of family claims.⁷¹⁸

Inappropriate accommodation

- b) Most asylum-seeking families are destitute due to low levels of asylum financial support. [25] Despite eligibility for additional support, pregnant asylum-seeking women and/or with children are housed in poor-quality accommodation (including hostels and hotels), with related ill-health, stress and poor nutrition affecting them and their children.⁷¹⁹
- c) The use of hotels almost trebled in 2021, leaving thousands of families and 2,569 children in TA outside of established community support and with limited access to health, legal, education and other services.⁷²⁰

3,256 separated children were placed in hotels between 2021 and 2022 outside of the child protection system, denying them rights associated with the care system.



Source: ECPAT UK (2022) *Outside the frame: Unaccompanied children denied care and protection*

- ▶ **Ensure asylum-seeking families are housed in safe and adequate accommodation to meet children's essential and developmental needs. End the practice of using hotels and hostels for families.**

37. Separated children in the immigration system

- a) In 2021, there were 3,762 asylum claims made by unaccompanied children seeking asylum in the UK – up from 2,399 in 2017.⁷²¹ Positively, an increasing proportion are now being recognised as refugees

715 Refugee Council (5 January 2022) 'Government plans will 'all but destroy' main safe route out of conflict for women and children at risk, warns Refugee Council'

716 Amnesty International UK, Refugee Council, Save the Children (2019) *Without my family. The impact of family separation on child refugees in the UK*

717 Habib, 17, from Sudan in Amnesty International UK, Refugee Council, Save the Children (2019) *Without my family. The impact of family separation on child refugees in the UK*

718 Home Office (2022) *Immigration statistics, year ending June 2022*

719 Maternity Action (2022) *Maternal health. Exploring the lived experiences of pregnant women seeking asylum* Refugees from Ukraine are supported outside of the existing asylum system, with British host families often shouldering the burden of support. Barnardo's (2022) Written Evidence Submission to CRAE's Alternative Report

720 Refugee Council (2022) *Lives on hold: Experiences of people living in hotel asylum accommodation. A follow-up report*

721 Home Office (2022) *Immigration statistics, year ending June 2022*

since 2017 (85% in 2021).⁷²² However, there are significant delays in the processing of their asylum claims⁷²³ despite UKG's intention to improve this. Numbers of children waiting for more than a year increased from 563 children in 2010 to 6,887 in 2020. Almost 500 had been waiting for more than three years and 55 more than five years.⁷²⁴ Children struggle to access support and services while waiting for a decision, with significant impacts on mental health and increased risk of exploitation.⁷²⁵

- b) Many unaccompanied children seeking asylum do not get the correct support from social services to resolve their immigration status before they turn 18 and some support ceases.⁷²⁶ Children who are not granted refugee status before turning 18 face fear of detention or removal, risk having their support from social services removed and disruption to further education.⁷²⁷
- c) On turning 18, those whose asylum claim was refused have also been returned to countries considered unsafe, including countries affected by war (e.g. Iraq, Afghanistan, Somalia)⁷²⁸ or where they risk being re-trafficked.
- d) Separated children turning 18 in the CJS are at risk of the 'double punishment' of having their immigration or refugee status revoked after serving even a short sentence and facing administrative removal or deportation at the end of that sentence.

Age disputes

- e) Age disputes increased by 195% in 2021⁷²⁹ and many unaccompanied children seeking asylum are increasingly wrongly assessed as adults. Between 2016-2021, there were 6,177 age disputes and just under half (42%) were subsequently determined to be children.⁷³⁰
- f) In 2021, 94% of the 233 children who had been determined to be 'certainly' adults were later found to be children.⁷³¹ In over half of cases, the HO claimed the children were at least 25 years old. These children were housed with adults, with no access to support or education, putting them at serious risk of abuse and neglect.⁷³²

Numbers of children waiting an initial decision on their asylum claim for more than a year increased more than twelvefold from 563 children in 2010 to 6,887 in 2020.



Almost 500 had been waiting for more than three years at the end of December 2020, and 55 had been waiting for more than five years.

Source: Refugee Council (2021) *Living in Limbo: A decade of delays in the UK asylum system*

"...I tell them I am 16 years, they don't believe me, they tell me 'no, you are 28'. They tell me we'll give you this age, bring me to hotel, I stay in my room. I don't feel comfortable, I'm afraid. In the hotel I get in a bad situation... After two weeks they sent some social worker, they say this is your age, you are not 28, you are 16. It's better, when I move from the hotel, now I feel better. I will start school in September. Now I have someone to care for me. I lost my family. I come to find a place to live."⁷³³

722 Home Office (2022) *Immigration statistics, year ending December 2021*, 91% in 2020 (where the decision was made whilst the child was under 18) and 82% (where the decision made after turning 18). Refugee Council (2022) *Children in the Asylum System June 2022*

723 Independent Chief Inspector of Borders and Immigration (2021) *An inspection of asylum casework (August 2020- May 2021)*

724 Refugee Council (2021) *Living in Limbo: A decade of delays in the UK asylum system*

725 Migrant and Refugee Children's Legal Unit (2021) *Into the arms of Traffickers*

726 Meloni F. and Chase E. (2017) *Transitions into institutional adulthood. Becoming Adult Research Brief no. 4*

727 Devenney, K. (6 February 2019) 'When unaccompanied young asylum seekers turn 18, many face an immigration cliff edge' *The Conversation*

728 Barnes, T. (12 April 2019) 'Hundreds of children seeking refuge in UK deported to 'unsafe' countries at age 18' *The Independent*

729 Refugee Council (2022) *Children in the Asylum System February 2022*

730 Refugee and Migrant Children's Consortium (2022) *Briefing on government plans to send people seeking asylum to Rwanda*

731 Refugee Council (2022) *Identity Crisis. How the age dispute process puts refugee children at risk*

732 Ibid

733 Ahmed in Refugee Council (2022) *Identity Crisis. How the age dispute process puts refugee children at risk*

- g) NABA has introduced a National Age Assessment Board, which has been criticised for lacking independence from the HO and removing power and responsibility from child protection experts. NABA also establishes powers to use 'scientific methods' to determine age, which have been widely condemned by medical bodies⁷³⁴ and NGOs⁷³⁵ as being inaccurate, unethical, potentially harmful and creating a culture of disbelief. Children will face unnecessary and traumatic assessments, as well as undergoing procedures that are not reliable and not in their best interests.⁷³⁶
- h) Widespread concerns persist that under NABA, children disbelieved about their age are at risk of being sent to Rwanda.⁷³⁷ [35] These changes come as it is becoming increasingly difficult to secure legal aid representation.⁷³⁸ [2]

Immigration detention

- i) Numbers of children held in immigration detention had fallen considerably in recent years until 2021. In 2021, 515 children were detained, an almost 500% rise from the 87 detained in 2020.⁷³⁹ Children as young as 14 are placed in immigration detention or alone in adult accommodation (due to disputes about their age) at significant risk.⁷⁴⁰
- j) UKG data does not make clear how many children are treated as adults nor how many are subsequently placed in immigration detention. However, data collected by NGOs from just 55 LAs showed that in 2021, over 450 young people were referred to children's services having been sent to adult accommodation, including detention centres. Three quarters were found to be children.⁷⁴¹
- **Clear the backlog of children's asylum decisions and reinstate the service standard that decisions for**

children should be made within six months.

- **Scrap powers to determine children's ages through unreliable and invasive 'scientific' means. Ensure holistic, impartial multi-agency approaches are used when an age assessment is conducted, and sufficient safeguards are built into the process to ensure that no-one claiming to be a child is erroneously treated as an adult and detained or deported.**

Children in the criminal justice system

38. Criminal justice rather than rights-based approach to justice

- a) Children in contact with the CJS are often extremely vulnerable,⁷⁴² but frequently treated separately to other vulnerable children. This is exacerbated by responsibility for youth justice sitting with the HO and MoJ, despite pressure to reform.⁷⁴³ [1] Legislation such as PCSCA, significantly impacting children, continues to be passed without regard to the CRC.
- b) Despite progress,⁷⁴⁴ significant reform is required to achieve a rights-based approach to youth justice. Punishment remains a statutory purpose of sentencing for children,⁷⁴⁵ despite the CRC principles and evidence on what facilitates change in children's lives.
- c) Arrests have decreased since 2016. Even so, in 2020-2021, 49,500 children were still arrested, and 15,800 received a caution or sentence.⁷⁴⁶ [6] Positively, First Time Entrants to the YJS have continued to fall with 8,800 in 2020-2021,⁷⁴⁷ although the proportion of Black First Time Entrants has increased, from 10% to 18%.⁷⁴⁸

734 Royal College of Paediatrics and Child Health (RCPCH) (2022) *Refugee and asylum seeking children and young people - guidance for paediatricians*

735 Dorling, K. (4 February 2022) 'Refugee and Migrant Children's Consortium briefings on Part 4 (age assessments) of the Nationality and Borders Bill'

736 Refugee Council (2022) *Identity Crisis: How the age dispute process puts refugee children at risk*

737 Refugee and Migrant Children's Consortium (July 2022) *Briefing on Government plans to send people seeking asylum to Rwanda*

738 Wilding, J. (4 November 2022) *New Freedom of Information data indicates half of asylum applicants are unable to access legal aid representation* Refugee Law Initiative

739 Refugee Council (2022) *Detention of Children August 2022*

740 Refugee and Migrant Children's Consortium (2022) *Briefing for debate on age disputes and removals to Rwanda*

741 Initial data relating to 2022 indicates that this issue continues. Ibid

742 House of Commons Justice Select Committee (2020) *Children and Young People in Custody (Part 1): Entry into the youth justice system*, Twelfth Report of Session 2019-21, HC306

743 MacAlistair, J. (2022) *The independent review of children's social care Final Report* The independent review of children's social care

744 Ministry of Justice and Youth Justice Board (2019) *Standards for children in the youth justice system 2019*; Ministry of Justice (2020) *A smarter approach to sentencing*

745 Section 142A(3)(a) Criminal Justice Act (2003)

746 Ministry of Justice and Youth Justice Board (2020-2021) *Youth Justice Statistics*; In 2018-2019, 60,208 children were arrested of which 21,700 children were cautioned or sentenced. Ministry of Justice and Youth Justice Board (2018-2019) *Youth Justice Statistics*; In 2019-2020, 58,939 children were arrested of which just over 19,000 were cautioned or sentenced. Ministry of Justice and Youth Justice Board (2019-2020) *Youth Justice Statistics*.

747 A 20% decrease since the previous year, the biggest year-on-year decrease in eight years, though this is likely in part due to the impacts of restrictions during the pandemic. Ministry of Justice and Youth Justice Board (2020-2021) *Youth Justice Statistics*.

748 Ibid.

However, without “coordinated and concerted action, the commendable progress made over the last decade to reduce the criminalisation of children risks being reversed in the post-pandemic period” due to Covid-19 compounding the risk factors bringing children into the CJS.⁷⁴⁹

- d) Provision and access to diversion remains inconsistent and inequitable.⁷⁵⁰ Children from racialised communities are less likely to be diverted.⁷⁵¹ Eligibility criteria creates constraints.⁷⁵² Police forces’ awareness and use of informal outcomes varies,⁷⁵³ and YOT practitioners are concerned that increasing numbers kept out of the system aren’t being offered support.⁷⁵⁴
- e) CCE victims are often criminalised instead of getting the help and protection needed. [14] Concerns persist about the Serious Violence Duty,⁷⁵⁵ [9] which emphasises enforcement and criminal justice rather than safeguarding children.
- f) Girls and young women experiencing sexual exploitation are routinely criminalised: up to 90% of girls in contact with the YJS have experienced abuse; 63% serving community sentences have experienced rape or domestic abuse.⁷⁵⁶
- g) Covid-19 has exacerbated court delays, particularly concerning for children tried in Crown Court or adult magistrates’ courts.⁷⁵⁷ Pre-charge delays are leaving children in limbo for months if not years – with the practice of RUI, without time limits, delaying cases indefinitely.⁷⁵⁸ A delayed process is hugely detrimental to children, and has particularly life-changing impacts for those who are on remand or turning 18. [3]

► **Amend legislation so the child’s best interests is**

a primary consideration in criminal proceedings against children.

- **Collect and publish improved data on point-of-arrest diversion, including by age, gender and ethnicity, and what support is available. Conduct a review of eligibility criteria, and cases that reach court but then receive a diversionary outcome.**
- **Set out further national guidance on out-of-court disposal work, including examples of good practice and a framework for data recording.**
- **Amend the Serious Violence Duty guidance so emphasis is on positive rather than punitive interventions.**
- **Introduce time limits for children’s cases RUI that are similar to those applied to pre-charge bail.**

39. Children held in police cells for lengthy periods

- a) Police custody is completely unsuitable for children. Fewer children are entering police custody due to the reduction in child arrests,⁷⁵⁹ but the treatment of those who do is concerning. Annual data from 2019-2020 shows that a high proportion of child arrests result in overnight police custody (21,369 out of 58,939).⁷⁶⁰ Children can be held overnight pre- or post-charge, but the vast majority is pre-charge,⁷⁶¹ meaning there needs to be greater emphasis on diverting children away from custody.

749 Harris, M., and Goodfellow, P., (2022) *A perfect Storm for children at risk? Preventing a post-pandemic surge in the criminalisation of children*, Alliance for Youth Justice

750 Centre for Justice Innovation (2021) *Equal Diversion? Racial disproportionality in youth diversion*; Centre for Justice Innovation (2021) *Mainstreaming Youth Diversion*; The Association of Youth Offending Team Managers (AYM) (2002) *Response to the NPCC on use of Outcome 22*; Howard League for Penal Reform (2022) *Response to NPCC consultation on Outcome 22 guidance*; Centre for Justice Innovation *Mapping youth diversion in England and Wales*

751 Centre for Justice Innovation (2021) *Equal Diversion? Racial disproportionality in youth diversion*; Centre for Justice Innovation (2021) *Mainstreaming Youth Diversion*

752 The Association of Youth Offending Team Managers (AYM) (2002) *Response to the NPCC on use of Outcome 22*; Centre for Justice Innovation (2021) *Mainstreaming Youth Diversion*; Centre for Justice Innovation (2021) *Equal Diversion? Racial disproportionality in youth diversion*

753 Howard League for Penal Reform (2022) *Response to NPCC consultation on Outcome 22 guidance*

754 Smithson, H., Nisbet, A., Larner, S., Gray, P., Jump, D. (2022) *The Youth Justice System’s Response to the Covid-19 Pandemic Partnership Working Research Paper 3*, the Manchester Centre for Youth Studies (MCYS) at the Manchester Metropolitan University (MMU) and the Alliance for Youth Justice (AYJ) Justice

755 Alliance for Youth Justice (2022) AYJ response to Serious Violence Duty statutory guidance August 2022

756 Agenda and Alliance for Youth Justice (2022) *Young Women Surviving the Criminal justice system, young women’s justice project final report*

757 Harris, M., and Goodfellow, P. (2022) *A critical juncture for youth justice learning lessons and future directions for a post-pandemic youth justice system*

758 Ibid

759 In 2018-2019, there were 60,208 arrests of children, 58,939 arrests in 2019-2020 and 50,784 in 2020-2021. The large decrease in 2020-2021, the biggest in eight years, is likely to be driven in part by the pandemic, with many children being home-schooled for large parts of the year. Ministry of Justice and Youth Justice Board for England and Wales (2020) *Youth Justice Statistics: England and Wales 2018-2019 see 2019-2020 statistics and 2020-2021 statistics*.

760 Responses to FOI requests by Just for Kids Law from 34 police forces for the year 2019. Just for Kids Law (2020) *“It’s Horrible when they keep you there at night” Ending the overnight detention of children in police custody*

761 Ibid.



35,114 children were detained in police custody, 45% of these were detained overnight. 21% of children detained overnight were Black.

Source: Home Office (2022) *Police powers and procedures: Other PACE powers, England and Wales, year ending 31 March 2022*

- b) Positively, for the first time, HO collected data for 2021-2022 on children detained in police custody. It revealed 35,114 children were detained in police custody and 45% of these were detained overnight.⁷⁶² 21% of children detained overnight were Black, 6% Asian and 9% of mixed heritage. In 2019, 244 children aged 12 and under were held overnight and nine were just 10 years old.⁷⁶³
- c) One of the consequences of delays in meeting the obligation to secure attendance of an Appropriate Adult is the increased duration that children spend in police custody.⁷⁶⁴
- d) A UKG concordat sets out key actions to tackle overnight detention post-charge, but by November 2022, only 27 police forces and 88 LAs have signed it and post-charge detention still accounts for only 18% of all children held overnight.⁷⁶⁵

- e) UKG states that custody should always be a last resort for children.⁷⁶⁷ However, there is a lack of specific provisions in PACE to ensure that police detention is only used in line with article 37.⁷⁶⁸

*"It's horrible when they keep you in there at night. You don't know what's going on, you don't know what's going to happen or what to do with yourself."*⁷⁶⁹

- ▶ **Set a much-reduced statutory limit on how long children can be detained in police custody.**
- ▶ **Ensure all councils and police forces are signatories to the Concordat on children in custody and monitor its implementation.**

40. Children held in unsafe prisons

*"Right now all jails are [functioning] way below expectations"*⁷⁷⁰

*"I would like more time out my cell and different things to do in my cell to keep me busy."*⁷⁷¹

- a) While children remain in prison, their safety and welfare are at risk. [4] IRCSC concluded that YOIs and STCs are 'wholly unsuitable' for children, and 'should be phased out within the next ten years.'⁷⁷² HMPPS considers all STCs to have failed to meet good standards of safety and care since 2017.⁷⁷³ Two Secure School pilots (a new form of custody announced in 2016) have been beset by delays.⁷⁷⁴
- b) Experiences in custody during Covid-19 were brutal for children.⁷⁷⁵ UKG made no efforts to remove children from prison, so they were subjected to awful conditions for months, characterised by poor in-cell provision, withdrawal of support services, and deprived of education, visits and contact.⁷⁷⁶ Recovery

⁷⁶² Home Office (2022) *Police powers and procedures: Other PACE powers, England and Wales, year ending 31 March 2022*.

⁷⁶³ Responses to FOI requests by Just for Kids Law from 32 police forces for the year 2019, cited in Just for Kids Law (2022) *"It's Horrible when they keep you there at night" Ending the overnight detention of children in police custody*

⁷⁶⁴ Children's Commissioner for England (2017) *A night in the cells. Children in police custody and the provision of non-familial appropriate adults*

⁷⁶⁵ Home Office (2017) *Concordat on Children in Custody*

⁷⁶⁶ Responses to FOI requests by Just for Kids Law. For the year 2019.

⁷⁶⁷ HM Government (2022) *The UK's Response to the UN Committee's List of Issues on the Rights of the Child, Paragraph 294*

⁷⁶⁸ PACE, s37(3)

⁷⁶⁹ 15-year-old boy, child looked after, held overnight in police custody on multiple occasions.

⁷⁷⁰ Alliance for Youth Justice and Leaders Unlocked (2022) *Young Advocates for Youth Justice A youth-led report from children and young people with experience of the system*

⁷⁷¹ Ibid

⁷⁷² The Independent Review of Children's Social Care (2022) *The independent review of children's social care: final report*

⁷⁷³ National Audit Office (2022) *Children in custody: secure training centres and secure schools*

⁷⁷⁴ The first pilot is not expected to open until 2024 and there is no known progress on the second pilot. Public Accounts Committee (15 July 2022) *'Delays to secure schools condemn vulnerable children to unsafe conditions, say MPs'*

⁷⁷⁵ Harris, M and Goodfellow, P. (2022) *Crises and crossroads for the children's secure estate: Resisting child imprisonment and rethinking youth custody post-pandemic*, Alliance for Youth Justice

⁷⁷⁶ HM Chief Inspectorate of Prisons for England and Wales (2020) *Annual Report 2019-20* Alliance for Youth Justice (2022) *'The Youth Justice response to the Covid-19 Pandemic'*; Harris, M and Goodfellow, P. (2022) *Crises and crossroads for the children's secure estate: Resisting child imprisonment and rethinking youth custody post-pandemic*, Alliance for Youth Justice

has been slow and inconsistent, and the long-term impacts are yet to be realised.⁷⁷⁷

- c) Due to closure of some STCs because of serious failings,⁷⁷⁸ children have been moved to places previously judged as less suitable for their needs, including the adult estate.⁷⁷⁹ A thematic review found that often girls with the highest level of need were placed into the institution with the least resources.⁷⁸⁰
- d) While the number of children deprived of their liberty has fallen sharply over the last 10 years, [6] custody is still not used in line with article 37.⁷⁸¹ In 2020-2021 there were an average of 560 children in prison at any one time.⁷⁸² Average custodial sentence length for all offences has increased by over five months in the last ten years.⁷⁸³ Concerningly, UKG predicts the number of children in custody will steeply increase, more than doubling by September 2024,⁷⁸⁴ but has no preventative strategy.⁷⁸⁵
- e) Most children are held in prison-like STCs or YOIs, with only 58 (10%) in welfare-based SCHs.⁷⁸⁶ In both STCs and YOIs, GRT children are significantly more likely to report they had either been victimised or felt unsafe whilst in custody.⁷⁸⁷
- f) 40% of all children in prison are on remand⁷⁸⁸ and almost 74% of remanded children did not subsequently receive a custodial sentence.⁷⁸⁹ Girls are remanded to custody because of a lack of other

available options such as alternative provision or intervention.⁷⁹⁰ More positively, UKG tightened the tests the courts must satisfy to remand children,⁷⁹¹ but this could have gone further.⁷⁹²

- g) The PCSCA moves the UK further from implementing article 37 and abolishing life imprisonment.⁷⁹³ The starting point for minimum custodial terms for murder committed as a child have been amended. Children convicted under seven of the nine new categories⁷⁹⁴ will now face higher sentences.⁷⁹⁵
- **Urgently develop a national strategy and improvement plan which includes:**
 - **Steps to prevent the predicted doubling of children in prison in the coming years, and to address racial disproportionality.**
 - **How it will repair the harms to children who were in prison during Covid-19**
 - **A plan, with clear timescales, for closing YOIs and STCs and for improving them in the interim.**
- **Introduce legislation that significantly narrows when a child can be sentenced to custody.**
- **Abolish life imprisonment for offences committed by children.**

777 Criminal Justice Joint Inspection (2022) *The impact of the Covid-19 pandemic on the criminal justice system – a progress report*; Harris, M and Goodfellow, P. (2022) *Crises and crossroads for the children's secure estate: Resisting child imprisonment and rethinking youth custody post-pandemic*, Alliance for Youth Justice

778 Medway STC closed in March 2020 due to concerns about safety and abuse; in December 2021 Rainsbrook STC followed suit due to significant concerns about safeguarding and care of children. Oakhill STC was placed under special measures in October 2021 due to significant concerns about safety and welfare.

779 National Audit Office (28 April 2022) 'Children in custody: secure training centres and secure schools' Press Release

780 HM Chief Inspector of Prisons (20220) *A thematic review of Outcomes for girls in custody*

781 Standing Committee for Youth Justice (2020) *Ensuring custody is the last resort for children in England and Wales*

782 Ministry of Justice and Youth Justice Board for England and Wales (2022) *Youth Justice Statistics 2020-2021*

783 The average custodial sentence length for all offences has increased from 11.4 months to 16.8 months over the last ten years. Ministry of Justice and Youth Justice Board for England and Wales (2022) *Youth Justice Statistics 2020-2021*

784 National audit office (2022) *Children in custody: secure training centres and secure schools*

785 Harris, M and Goodfellow, P. (2022) *Crises and crossroads for the children's secure estate: Resisting child imprisonment and rethinking youth custody post-pandemic*, Alliance for Youth Justice

786 Ministry of Justice (2020) *A smarter approach to sentencing*

787 Written evidence received from Friends, Families and Travellers, September 2022.

788 Children spent an average of over two weeks longer on remand than the previous year. This is likely due to limits on court activity, including pauses to jury trials and the subsequent backlog of cases. Ministry of Justice and Youth Justice Board (2020-2021) *Youth Justice Statistics*

789 Ministry of Justice and Youth Justice Board for England and Wales (2022) *Youth Justice Statistics 2020-2021*

790 HM Chief Inspector of Prisons (20220) *A thematic review of Outcomes for girls in custody*

791 The new rules will require the court to record their rationale for remand decisions affecting children. HM Government (2022) *The UK's Response to the UN Committee's List of Issues on the Rights of the Child*, Paragraph 302

792 Alliance for Youth Justice (2020) *Response to the Sentencing White Paper Reducing the number of children remanded to custody*

793 Alliance for Youth Justice (2021) *Police, Crime, Sentencing and Courts Bill House of Lords Second Reading Briefing*

794 Ibid.

795 S127 Police, Crime, Sentencing and Courts Act 2022



Source: Source: Ministry of Justice and Youth Justice Board for England and Wales (2022) *Youth Justice Statistics 2020-2021*, National audit office (2022) *Children in custody: secure training centres and secure schools*

Deprivation of liberty

41. Children deprived of liberty outside statutory framework

- a) The Family Courts of England and Wales have the power to deprive children of their liberty under 'inherent jurisdiction'.⁷⁹⁶ Concerningly, use of this power has risen 462% in three years⁷⁹⁷ and such applications now outnumber those made through the statutory regime. In July 2022, a specific national deprivation of liberty (DoLs) court was launched⁷⁹⁸ and to date over 400 applications have been made.⁷⁹⁹

⁷⁹⁶ Children in England and Wales can be deprived of their liberty for welfare (risks to their safety), youth justice or mental health reasons, and placed in secure children's homes, young offender institutions, secure training centres or mental health in-patient wards. When a place for a child cannot be found in any of these settings – either because their needs are deemed too challenging, or because there aren't enough beds available – the High Court can use the powers under its inherent jurisdiction to deprive the child of their liberty outside of the statutory framework and in an unregulated placement. Nuffield Family Justice Observatory (10 Feb 2022) 'Number of applications to deprive children of their liberty in unregulated placements rises by 426% in three years' Press Release

⁷⁹⁷ Ibid

⁷⁹⁸ Courts and Tribunal Judiciary (22 June 2022) 'Launch of National Deprivation of Liberty (DoLs) Court at the Royal Courts of Justice – 4 July 2022'

⁷⁹⁹ Nuffield Family Justice Observatory 'National deprivation of Liberty Court: 445 children subject to DoLs applications in first four months of the national deprivation of liberty court'

⁸⁰⁰ Ibid

⁸⁰¹ The judge found that the child required urgent assessment and therapeutic treatment for acute behavioral and emotional issues arising from past abuse but 'no such placement is available.' *Wigan BC -v- Y (Refusal to Authorise Deprivation of Liberty)* July 14 2021 [2021] EWHC 1982 (Fam) Case No: MA21C00512

⁸⁰² Ministry of Defence (2022) *UK armed forces biannual diversity statistics*

- b) These children are often housed in unsuitable and unregulated placements such as caravans or holiday lets without properly regulated care. A major cause for concern is that there is inadequate data on where children are placed and with what restrictions on liberty, or the child's outcomes.⁸⁰⁰
- c) One judge refused to authorise the continued detention of a child in a hospital with no mental health provision, finding they had been placed 'in full restraint with several police officers and staff... His legs were strapped together and his face covered with a guard ...'.⁸⁰¹
- ▶ **Create and resource therapeutic placements needed for vulnerable children and ensure all children deprived of their liberty have – at the very least – the same legal safeguards that exist for other secure orders.**
 - ▶ **Court orders must contain a review for the shortest amount of time.**
 - ▶ **Ensure children have representation – to ensure their voice can be heard – in every meeting about their deprivation of liberty and placement.**

Children in armed conflict

42. Increasing child recruits

- a) There has been little progress on taking forward the UN Committee's 2016 Concluding Observations on OPAC. Since 2016, the proportion of under-18s recruited to UK armed forces has increased. In 2021-2022, 2,800 16-and-17-year-olds were recruited; under-18s made up 23% of the total intake, the highest proportion since 2010-2011. In the British army, under-18s made up 30% of new recruits in the last year, with more soldiers recruited at 16 than at any other age.⁸⁰²

b) In 2021, UKG resisted legislative attempts⁸⁰³ to end the discrimination in the army terms of service which means that under-18s can be made to serve a longer minimum period than adult recruits. An under-18 recruit who joins and doesn't leave before their 18th birthday still has to serve up to two years longer than a recruit who joins aged 18 or above. The UK State party report says that recruits aged under 18 'have the right to claim discharge when they enlist' but omits the fact that this right is subject to restrictions. Child recruits have no right to leave the armed forces during the first six weeks (the most intense phase of training), after which a 14-day notice period applies. After the first six months, a notice period of up to three months applies until the age of 18, at which point the discharge window closes until the age of 22.5.

c) Former child recruits and their parents have also reported that, in practice, they were not made aware of their rights of discharge, it was denied, or pressure was applied on them to not exercise it.⁸⁰⁴

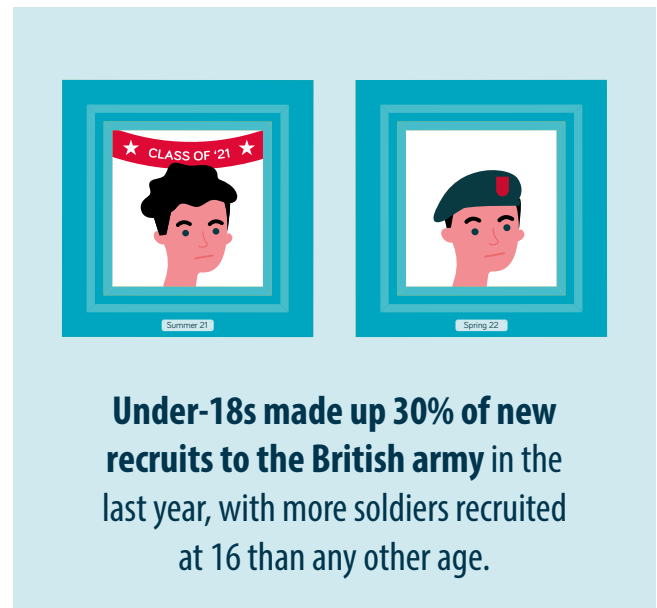
d) A plethora of evidence has shown that early enlistment to the armed forces poses risk to children's mental health.⁸⁰⁵

e) New data has revealed shocking levels of sexual violence towards young recruits, particularly girls. In 2021, 37 girls serving in the armed forces were victims in a sexual offence investigation; more than one in every ten girls in the forces.⁸⁰⁶ This data shows that UKG is failing to sufficiently protect child recruits from abuse, violence and harassment.

► **Raise the minimum age for armed forces enlistment to 18.**

► **So long as recruitment of under-18s persists:**

- **Ensure that army recruits who enlist under the age of 18 cannot be made to serve a longer minimum period than those who enlist as adults;**
- **Ensure that under-18 recruits have the right to leave the armed forces at will, with no notice period.**



Source: Ministry of Defence (2022) *UK armed forces biannual diversity statistics*

803 During the passage of the Armed Forces Bill

804 Child Rights International Network (2022) *Testimonies: abuse of children in armed forces training*

805 Most recently an editorial in the British Medical Journal concluded: "In the face of overwhelming evidence that childhood adversity, up to and including adolescence, renders young people especially vulnerable to long-term alterations in brain structure and function, culminating in mental health problems and increased risk for suicide, it is particularly disturbing that the minimum age of enlistment into the British Armed Forces continues to be 16 years." K.A. Campbell (2022) 'Childhood trauma: a major risk factor in the military recruitment of young people' British medical Journal Military Health

806 Ministry of Defence (2022) *Murder, Manslaughter, and sexual offenses in the Service Justice system*; House of Commons written answer (14 April 2022) HC 154397

About CRAE

The Children's Rights Alliance for England (CRAE), part of Just for Kids Law, works with over 100 members to promote children's rights and monitor government implementation of the UN Convention on the Rights of the Child.

We believe that human rights are a powerful tool in making life better for children. We fight for children's rights by listening to what they say, carrying out research to understand what children are going through and using the law to challenge those who violate children's rights. We campaign for the people in power to change things for children and we empower children and those who care about children to push for the changes that they want to see.

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