



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

Summary



About the report

This is the summary for the fifth alternative report to the UN Committee on the Rights of the Child (UN Committee). The report covers the period 2016 - 2022. Due to the word limit specified by the UN Committee for the report (20,000), it 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 UK Government (UKG) unless stated otherwise. All information is correct as of 8th December 2022.

The 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.

Supporting Organisations

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)
- Centrepoint
- 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)

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. 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. The negative impact of austerity policies on cuts to children's services have also become clearer.

The large number of organisations from across civil society that have signed up to our civil society alternative 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 therefore urge the UK Government to commit to addressing the UN Committee's recommendations by working with stakeholders to develop a robust child 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.



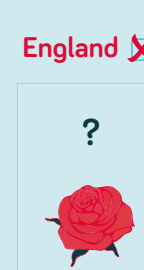
General Measures of Implementation and General Principles

Lack of political priority given to children's rights

Despite some positive steps taken since 2016 to take forward the General Measures of Implementation (GMIs), e.g., the UNCRC Action Group being established, civil service child rights training¹, and a Child Rights Impact Assessment (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.

There remains no cabinet minister with responsibility for children's rights, despite growing calls for one to be established.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 mechanisms.⁵

- ▶ **Establish structures which ensure effective coordination and monitoring of CRC implementation, including a cabinet minister for children.**

Wales ✓	Scotland ✓	England ✗
 <p>CRIA</p>	 <p>CRIA</p>	 <p>?</p>

There is no statutory obligation for Child Rights Impact Assessments (CRIAs) despite requirements in Wales and Scotland.

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

- ▶ **Develop a child rights action plan, setting out how recommendations made in the Concluding Observations (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.**

Inadequate and worsening child rights protection and access to justice

There has been no progress on incorporating the CRC or signing Optional Protocol 3 (OP3). Lack of movement on removing the declaration to Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) remains, reserving the right to deploy children in armed conflicts.

Deep concerns remain about UKG plans to repeal and replace the Human Rights Act 1998 with the Bill of Rights 2022,⁶ which would significantly weaken rights protection for children. Particularly concerning are plans to limit rights for certain groups of children, undermining the human rights principle of universality.

A raft of emergency legislation, regulations, and guidance affecting children was brought in during the Covid-19 pandemic without the usual consultation or parliamentary scrutiny, showing a worrying lack of democratic scrutiny for children's rights.⁷ It is crucial that the UK Covid-19 Inquiry fully scrutinises the impact of UKG decisions during the pandemic on children's rights, including by hearing directly from children.⁸

Brexit continues to pose a threat to children's rights with the Retained EU Law (Revocation and Reform) Bill⁹ potentially removing children's rights enshrined in retained EU law without adequate parliamentary scrutiny.¹⁰

Legal aid is unavailable for many children and the Exceptional Case Funding (ECF) scheme is woefully inadequate.¹¹ Since 2013, at least 6,000 children each year (potentially as many as 15,000) have been denied free legal advice and representation.¹²

- ▶ **Incorporate the CRC into domestic law; ratify OP3 and remove the declaration to OPAC.**
- ▶ **Fully protect the Human Rights Act.**



- ▶ **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.**
- ▶ **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.**

Persistent and increased discrimination against racialised groups

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.¹³

Racial discrimination is stark across the whole of the criminal justice system (CJS) and was the biggest concern of a UKG-commissioned review.¹⁴ Despite this, UKG's action plan¹⁵ makes no reference to, e.g., addressing racial disparity in access to diversion¹⁶ or Black children receiving harsher sentences.¹⁷

"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."¹⁸

Shockingly, racialised children make up the majority (53%) of those imprisoned.¹⁹ 29% are Black²⁰ and account for 34% of those on remand.²¹ Despite Gypsy, Roma and Traveller (GRT) people accounting for an estimated 0.1% of the British population, GRT children comprised 15% of the secure training centre (STC) population²² and 8% of children in young offender institutions (YOIs).²³

GRT and Black children also encounter systematic institutional and community discrimination. They are more likely to suffer poor mental and physical health and face discrimination in school. The UKG National Strategy



Racialised children make up the majority (53%) of children in prison.

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

to reduce GRT inequalities²⁴ 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.²⁵ New legislation²⁶ actively targets GRT families by criminalising those without a place to stop.

"I don't tell people what I am. If you tell them, right away they judge."²⁷

"We're second-class citizens to most people."²⁸

- ▶ **Take immediate steps to address racial disparity in the youth justice system, 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.**

Lack of participation of children in decision-making

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.²⁹ 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.³⁰

A statutory right to advocacy is lacking for most children, and good quality, independent advocacy is patchy.³¹ Though children in care have a legal right to be heard and have an advocate,³² in practice, barriers to accessing advocates means that children cannot always know their options or express their wishes and feelings.³³

Children are not systematically involved in national policy-making. There is no permanent mechanism to facilitate participation consistently.³⁴ UKG consultations rarely involve children or are presented in child-friendly language. However, there are some welcome developments: UKG renewed funding for the UK Youth Parliament³⁵ and the Youth Development Policy Group,³⁶ and carried out consultations with children to inform its State Party report.

- ▶ **Take forward the IRCSC recommendation to provide an 'opt-out' advocacy offer for children in care and ensure Regulation 44 visits and Independent Reviewing Officers (IROs) are retained and adequately resourced.**
- ▶ **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.**

Definition of the child

Inconsistencies in definition of a child

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. Despite repeated calls from the UN Committee and parliamentarians,³⁷ 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.³⁸ There is a concerning trend towards not treating 16-and-17-year-olds as children.³⁹ Little is being done to reduce the harm⁴⁰ caused to those who commit offences as children but are convicted or sentenced as adults.⁴¹ The pandemic has exacerbated an already struggling system.⁴²

- ▶ **Significantly increase the age of criminal responsibility.**
- ▶ **Undertake a review of age-based legislation and guidance to ensure rights in the CRC apply to all under-18s, including 16-and-17-year-olds.**
- ▶ **Reform legislation so that young people are dealt with and sentenced according to their age at the date of their alleged offence and the relevant date for rehabilitation periods is the date the offence was commissioned.**

Violence against children

Growing abuse, neglect and CSA

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 2022.⁴³ Official figures underestimate the true prevalence of child maltreatment, as it is often underreported. The Covid-19 lockdowns placed children at increased risk of domestic abuse.⁴⁴ Data also shows a total of almost a quarter of a million referrals in 2020-2021, an 8% increase on the previous year.⁴⁵

Despite progress in Scotland and Wales,⁴⁶ physical punishment of children remains legal in England in the home⁴⁷ and private foster care⁴⁸ despite numerous COs on the issue.⁴⁹

Although the UK's first national Child Sexual Abuse (CSA) strategy is welcome, CSA has steadily increased since 2016, affecting an estimated 1 in 20 children in the UK and remains hidden and underreported.⁵⁰ CSA victims face an inconsistent network of services and mental health support⁵¹ and there are deficiencies in multi-agency working and information sharing.⁵²

From 2017-2018 to 2021-2022, online grooming offences increased by 84%,⁵³ exacerbated by Covid-19 lockdowns – 2021 was the worst year on record.⁵⁴ Child abuse image offences have also increased, rising by 37% since 2016-2017, surpassing 100,000 crimes over the last five years.⁵⁵ It is essential that the Online Safety Bill⁵⁶ is passed in full.⁵⁷

Recorded episodes of need⁵⁸ for child sexual exploitation (CSE) has fluctuated from 17,600 in 2015-2016 to 18,720 in 2018-2019⁵⁹ to 16,830 in 2020 - 2021 – a 10% decrease from the previous year.⁶⁰ This is likely the result of a fall in referrals from schools during Covid-19.⁶¹

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

Child criminal exploitation (CCE) has increased.
Nearly 50% of referrals for child trafficking were for CCE.



Source: Home Office (2022) National Referral Mechanism statistics

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

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

Numbers of potential child victims of exploitation being referred to the National Referral Mechanism (NRM) have continued to rise since 2016 to 5,468 in 2021 (43% of all victims).⁶² UK national children are now the fastest growing and largest group referred to the NRM, partly driven by child criminal exploitation (CCE).⁶³

Despite increasing attention on this issue⁶⁴ and a statutory defence,⁶⁵ victims of CCE continue to be seen as offenders rather than victims by the police and children's health and education services.⁶⁶

UKG's new Devolved Child Decision-Making NRM Pilots and commitment to extend them is welcome⁶⁷ in line with the UN Committee's previous CO,⁶⁸ as these establish whether a child is a victim of modern slavery within existing safeguarding structures. 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 limbo⁶⁹ and increasing risk of trafficking.⁷⁰ Concerningly, the Nationality and Borders Act 2022 (NABA) also contains provisions to raise the legal threshold for the first decisions victims receive after being identified as potential victims.⁷¹

The expansion of Independent Child Trafficking Guardians (ICTGs) to two thirds of LAs is welcome.⁷² However, it is only for children identified as potential victims of modern slavery⁷³ and not all separated migrant children, as recommended in the 2016 COs. There is no confirmed timeline for full national rollout.⁷⁴

- ▶ **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.**

Violence against children by the police

UKG states all officers receive comprehensive training in assessing vulnerabilities, including children, when using force. However, 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.⁷⁵

Tasers were used⁷⁶ on children 2,585 times, including six times on under-11s in 2020-21⁷⁷ up from 938 in 2017-18⁷⁸ despite the 2016 COs calling for Taser use to be banned. 122 were discharged including one on a child under 11 in 2020-21⁷⁹. 51%⁸⁰ of Taser use on children was on Black and other racialised groups⁸¹ – a concern raised by the Independent Office for Police Conduct (IOPC).⁸²

In 2020-2021 spit-hoods were used on children⁸³ 652 times⁸⁴ up from 27 times in 2016.⁸⁵ Racialised children account for 34% of spit-hood use nationally⁸⁶ and 72% of MPS use.⁸⁷ Despite evidence of dangers of asphyxiation and potential for trauma,⁸⁸ there has been no assessment of how safe they are to use on under-18s and no national guidance for use on children.

Children's rights are still being violated through strip searching⁸⁹ without the presence of an appropriate adult as required by law, including in schools.⁹⁰

- ▶ **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.**

High levels of violence and isolation in institutions

Violence and use of isolation in institutions remains extensive despite 2016 COs on this issue. The YJB has expressed deep concern about the high levels of violence, separation and restrictive physical interventions (RPI) in child prisons. In 2020-2021 there were 4,298 RPIs. While this is down 42% compared with the previous year,⁹¹ 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 2020.⁹² The monthly rate of RPI is higher for children aged 10-14.⁹³ Restraint continues to cause injury to children, including serious injuries requiring hospital treatment.⁹⁴

"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."⁹⁵

There were 1,705 isolation incidents in Secure Children's Homes (SCHs) and Secure Training Centres (STCs) in 2020-2021.⁹⁶ A 2018 report found segregation had increased in the previous four years despite the decrease in the overall number of children in detention.⁹⁷ In some cases, children are in their cells all day and are only allowed out to shower or to exercise for 30-60 minutes.⁹⁸ The rate of separation in custody is higher for children aged 10-14

compared to 15–18-year-olds.⁹⁹ During the pandemic most children were confined to their cells for lengthy periods amounting to solitary confinement.¹⁰⁰ Restraint and isolation is disproportionately used on Black and other racialised children,¹⁰¹ including GRT children.¹⁰²

Hundreds of children with SEND have experienced a restrictive intervention (restraint or seclusion) at school,¹⁰³ with 85% of families reporting that their child had been physically injured during the intervention.¹⁰⁴ The Child Safeguarding Practice Review Panel (CSPRP) inquiry highlighted the harmful use of restrictive practices in residential school settings.¹⁰⁵ More welcome is UKG's commitment to provide new guidance on restraint in schools to promote de-escalation practices.¹⁰⁶ Isolation also continues to be used as punishment and children often spend significant amounts of time in isolation,¹⁰⁷ which negatively impacts their mental health.¹⁰⁸

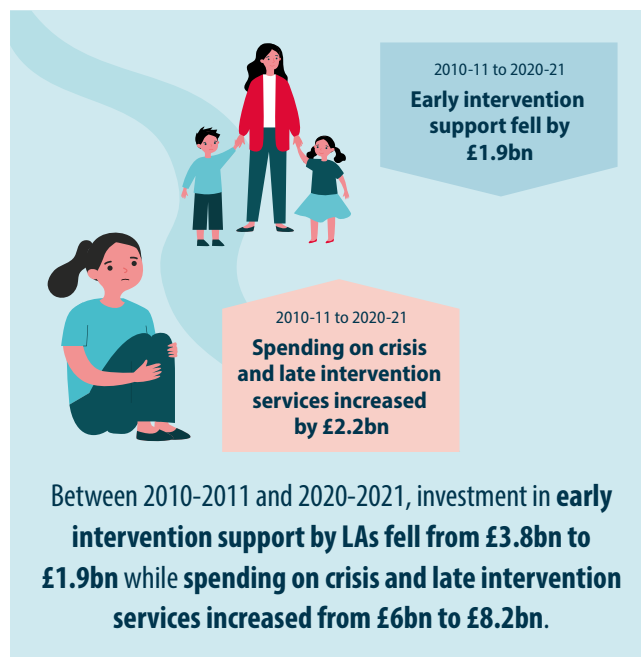
616 children were subject to restrictive interventions in 2019–2020 in mental health hospitals, some multiple times, although likely to be an underestimate.¹⁰⁹ In 2020, 55 children with learning disabilities or autism were subject to 845 (recorded) instances of restraint including 85 instances of prone restraint on 20 children.¹¹⁰

- ▶ **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

Overstretched and underfunded safeguarding systems

Numbers of children in care have continued to rise from 70,440 (2016) to 82,170 (2022),¹¹¹ while children on child protection plans remained the same from



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

50,310¹¹²–50,920.¹¹³ Children who enter the care system are typically older, with more complex needs.¹¹⁴

The publication of the Independent Review of Children's Social Care (IRCSC) and the CSPRP¹¹⁵ provide a once-in-a-generation opportunity to fix a struggling system. But resourcing, workforce pressures, high caseloads and concerns with the accountability of local safeguarding partnerships in the current system¹¹⁶ poses significant challenges to implementing reform.

Inadequate safeguarding responses to vulnerable children persist, particularly due to lack of mandatory inter-agency collaboration and where families are involved with multiple agencies.¹¹⁷ 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.¹¹⁸

80% of all LA spending on children goes towards later intervention services largely due to overall funding cuts from UKG to LAs.¹¹⁹

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.¹²⁰ The IRCSC recommends investing £2.6bn to reform the children's social care system and undo the effects of austerity, however, there are concerns this is far below the amount needed.¹²¹

- ▶ **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.

Lack of stability for children in care

9% of all children in care experienced three or more placement moves in a single year,¹²² with children leaving secure/specialist residential and children's homes more likely to experience multiple moves.¹²³ Just over a fifth were placed more than 20 miles from home.¹²⁴

*"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."*¹²⁵

Significant instability and high turnover in the social work workforce continues¹²⁶ with 29% of 11-18s having three or more social workers in the past year.¹²⁷ Funding cuts also significantly undermine stability.

Despite positive measures for care-leavers introduced in 2017,¹²⁸ they continue to experience inadequate levels of support from local authorities¹²⁹ including in transition to adulthood.

*"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."*¹³⁰

- ▶ Introduce legislation and binding targets to reduce numbers of children placed outside of their local area, as well as numbers of placements.
- ▶ 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.

Lack of appropriate and safe accommodation

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;¹³¹ funding cuts¹³² leading to private providers dominating the market¹³³ and concern that they put profits ahead of children's best interests.¹³⁴

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.



Children are being accommodated for up to 10 months despite UKG policy stating a maximum of six weeks.

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

7,470 children live in unregulated settings in 2022 – an increase of 23% since 2021.¹³⁵ 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.¹³⁶ UKG have now banned unregulated accommodation for under-16s,¹³⁷ but not for those 16 and over.¹³⁸ There is currently no requirement to provide 'care' to these children and standards will be inferior to those for children's homes.¹³⁹

- ▶ 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

Health, mental health and disability

Increasing health inequalities and lack of priority for public health

England has poorer child health than other comparable countries, with rising inequalities in infant mortality and childhood obesity.¹⁴⁰ Rates of obesity and severe obesity in young children living in the most deprived areas are rising while rates are unchanged in the least deprived areas.¹⁴¹

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 0-5.¹⁴² 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.¹⁴³ Cuts have been most acutely felt by households facing multiple disadvantage, or with disabled children or those with additional needs.¹⁴⁴

- ▶ **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.**
- ▶ **Urgently restore LAs' public health grants and increase funding for children's health services.**

Worsening mental health and insufficient services

Over the last five years, UKG initiatives¹⁴⁵ have aimed to improve children's mental health provision, however, the numbers of children needing mental health support have continued to rise.

409,347 children were referred for specialist mental healthcare including suicidal thoughts and self-harm,¹⁴⁶ up from 230,591 in 2019. 450,000 children are waiting or undergoing treatment for a mental health condition – the highest number on record since 2016.¹⁴⁷

The pandemic has caused an unprecedented increase in demand for Child and Adolescent Mental Health Services (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.¹⁴⁸

"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..."¹⁴⁹

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 £225.¹⁵⁰ Consequently, children face high access thresholds, rejected referrals,¹⁵¹ and long waiting lists. Only around 32% of children with a probable mental health disorder were able to access treatment in 2020-2021.¹⁵²

18% of children aged 7 to 16 years in 2022 had a mental health problem.



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

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

Standard of living

Rising numbers of children in poverty

There has been severe regression in relation to child poverty since 2016, despite clear recommendations in the COs.¹⁵³ The rise in poverty has impacted many areas of children's rights, including leading to increased child homelessness, poor health and educational attainment. 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."¹⁵⁴

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.¹⁵⁵ Some children are disproportionately affected by poverty.¹⁵⁶ 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.¹⁵⁷ The poorest households spend over three times the share of their expenditure on energy bills than richer households¹⁵⁸ and on food.¹⁵⁹

The benefits system is not fit for purpose. The Benefit Cap¹⁶⁰ has been frozen since November 2016, while the cost of living has risen 18%.¹⁶¹ The Two-Child Limit¹⁶² affects 1.3 million children¹⁶³ (expected to rise to 3 million).¹⁶⁴ It breaks the link between benefits and children's needs and increases the risk of poverty for larger families.¹⁶⁵



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

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 2022-23.¹⁶⁶ However, 75% of children in poverty live in a family where at least one person is working.¹⁶⁷ The cost of childcare in the UK is among the most expensive in the world,¹⁶⁸ and unaffordable for many families making it impossible for them to work.¹⁶⁹ 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.¹⁷⁰

- ▶ **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.**
- ▶ **Review all childcare funding to work towards a system that enables parents to work and narrows the gap between disadvantaged children and their peers.**

Destitution among families in the immigration system

Despite a High Court decision finding the no recourse to public funds (NRPF) policy to have negative impacts on children,¹⁷¹ the policy continues,¹⁷² and prevents access to benefits including Universal Credit (UC) and Child Benefit.¹⁷³ Many children with NRPF experience homelessness or live in overcrowded, unsafe and inappropriate housing,¹⁷⁴ with severe food insecurity¹⁷⁵ and negative impacts on their mental and physical health.¹⁷⁶ NRPF disproportionately affects children from racialised communities.¹⁷⁷

Asylum support rates are insufficient to avoid destitution, and asylum-seekers are not allowed to work or take up apprenticeships. A 2021 Home Office (HO) review

announced a paltry increase of 17p a day in asylum support (increasing the standard weekly allowance from £39.63 to £40.85),¹⁷⁸ leaving many asylum-seeking families with children, including pregnant women, unable to afford basic essentials.

- ▶ **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.**

Homeless families

Between 2014 -2019, numbers of homeless children rose by 51%.¹⁷⁹ In 2022, there were 58,910 families with a total of 119, 840 dependent children living in temporary accommodation (TA).¹⁸⁰ The number of families in England with dependent children placed in bed and breakfast (B&B) style accommodation has increased¹⁸¹ and children continue to be placed in B&Bs for longer than the six-week legal limit.¹⁸²

"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".¹⁸³

TA includes converted overcrowded units in office blocks, industrial estates, and ex-shipping containers¹⁸⁴ which has a significant impact on children's health, as well as their ability to play receive a good education.¹⁸⁵ Since 2010, homeless families housed away from their local area has increased by 344%, affecting children's education and social networks.¹⁸⁶

The rise in homeless families has been attributed to austerity measures, particularly the freezing of local housing allowance (LHA) rates and the Benefit Cap,¹⁸⁷ leading to increased evictions¹⁸⁸ and exacerbated by the cost-of-living crisis.¹⁸⁹

- ▶ **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.**

Care-experienced homeless young people

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 2019-2020.¹⁹⁰ However, this is an underestimate as hidden homelessness such as “sofa surfing” are not recorded. Homeless 16-and-17-year-olds often do not receive the support they are entitled to.¹⁹¹

The benefits system for care-leavers is inadequate, not covering necessities including rent,¹⁹² and now exacerbated by the cost-of-living crisis.¹⁹³ Eligibility barriers serve as additional hurdles for care-leavers trying to access homelessness support.¹⁹⁴

- ▶ **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.**
- ▶ **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.**

Education, leisure and cultural activities

Lack of inclusive education system

Driven by UKG policy,¹⁹⁵ schools have increasingly adopted a “zero-tolerance”, discipline-led approach to behaviour,¹⁹⁶ which does not account for context such as unaddressed need.¹⁹⁷ Progress has not been made in trauma-informed or contextual approaches to behaviour,¹⁹⁸ although more recent policy developments suggest a better focus towards inclusion.¹⁹⁹

“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.”²⁰⁰

45% of schools are academies following extensive growth over the past 11 years, and UKG had proposed all schools become academies by 2030.²⁰¹ Concerns remain about fragmentation²⁰² and lack of accountability created within the school system²⁰³ as well as performance.²⁰⁴

A focus on improving league tables and academic performance of schools instead of incentivising all children to achieve²⁰⁵ has put pressure on children, leading to stress, emotional difficulties²⁰⁶ and poor

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*

mental health.²⁰⁷ 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.²⁰⁸ Playtimes are shrinking and cutting playtime is increasingly used as punishment.²⁰⁹

- ▶ **Introduce a new Ofsted Inclusion measure to inform judgement of schools.**
- ▶ **Introduce a broader curriculum, with greater focus on play, arts and creativity, particularly for the early years; and ensure sufficient funding for its workforce.**

Widening attainment gap

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.²¹⁰ Disadvantaged children²¹¹ were 4.6 months behind their peers at early-years. Over one in three children are not reaching their expected level of development (ELD) at 5 with 53% of children on free school meals (FSM) not reaching ELD.²¹²

Gypsy/Roma children are nearly three years and Travellers of Irish Heritage, two years behind peers by the end of KS4.²¹³ Black Caribbean students are 11 months behind white British students at the end of KS4.²¹⁴ UKG have committed almost £5bn in 2020-2021 to help close the gaps in education outcomes resulting from Covid-19,²¹⁵ as well as a range of other measures.²¹⁶ However, £5bn remains far below the figure of £15bn that UKG's own Education Recovery Commissioner recommended.²¹⁷

- ▶ **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.**

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*

Lack of support and inclusive education for children with SEND in school

Schools have experienced a significant shortfall in funding for addressing SEND.²¹⁸ UKG has increased total school funding for special educational needs and disabilities (SEND) support over recent years, but not in line with the rise in demand for specialist provision.²¹⁹ UKG's SEND and alternative provision (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.²²⁰ Applications and the total number of Education, Health and Care Plan (EHCPs) have increased each year.²²¹ The system cannot keep up with this pressure meaning deadlines for EHCP provision are routinely missed²²² and support for children with SEND in schools and associated resource commitments are not met.²²³ Quality of decision-making is poor. There has been an increase in both the number and rate of appeals between 2013-2014 and 2020-2021- 96% of tribunal cases were found in favour of parents/ carers.²²⁴

- ▶ **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 the Children and Families Act 2014 to reduce numbers of appeals.**

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*

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.”²²⁵

Exclusion levels continue to be high, despite a decrease in the last two years due to school closures during Covid-19.²²⁶

Fixed-time exclusions (FTEs)²²⁷ also disproportionately affecting children from GRT and Black backgrounds.²²⁸ Excluded children's attainment remains very low.²²⁹ Children with SEND continue to be overrepresented in exclusions (with the crisis in SEND provision exacerbating this),²³⁰ as are children who have suffered trauma or Adverse Childhood Experiences (ACEs) or have mental health difficulties.²³¹

Exclusion and missing education are trigger points for involvement in crime or vulnerability to CCE²³² with sometimes fatal consequences.²³³ Children in the CJS are more likely to have been excluded from school.²³⁴ 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.²³⁵

The review system to challenge unfair and unlawful exclusions is ineffective.²³⁶ The Independent Review Panel (IRP) lacks power to reinstate a child at a school²³⁷ and there is no legal aid available to challenge exclusions, so families must argue cases involving complex legal principles. Many children feel they lack a voice in the

exclusion process and it is unfair,²³⁸ although the revised statutory exclusion guidance places more emphasis on children's voice.²³⁹

*"There's no involvement of children and young people in deciding who and why to exclude."*²⁴⁰

- ▶ **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;²⁴¹ 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.**
- ▶ **Ensure there are greater protections for victims of CCE excluded from school.**

Lack of priority for children's play in the community

Outdoor play is crucial for children's health, well-being and development, particularly for those who have experienced trauma.²⁴² Children now play outside for less than half the time their parents did²⁴³ and are typically not allowed to play outside independently until age 11, compared to nine for their parents' generation.²⁴⁴ 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."*²⁴⁵

Access to playgrounds is a postcode lottery.²⁴⁶ Lack of UKG consideration of the importance of active play for children was highlighted during Covid-19. Playgrounds and early-years settings closed in the first lockdown and unfair restrictions were placed on children meeting a friend, when adults could.²⁴⁷ This impacted most on younger children and those from poorer²⁴⁸ and racialised communities.²⁴⁹

There is no UK Government Minister with responsibility for play and the National Play Strategy was scrapped in 2010.²⁵⁰ However, UKG encouragement of the Play Streets Programme is welcome.²⁵¹

- ▶ **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).**

Special protection measures

Immigration and asylum

The rights of children in the immigration system have significantly regressed, with extremely concerning laws and policies introduced 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 on an individual and systemic scale and jeopardise children's rights, with UKG prioritising immigration control.

Inadequate routes to safety, resettlement and reunification

Routes to the UK for unaccompanied children and families seeking protection are severely and increasingly limited.²⁵² People seeking asylum are thereby forced to make dangerous journeys to the UK, with an increase in people crossing the Channel²⁵³ in small boats,²⁵⁴ including children and families with infants, leading to a number of child deaths.²⁵⁵ Between 2018-2021, 6,103 children arrived in the UK after crossing the Channel, 16% of all 'small boat arrivals' (39,134).²⁵⁶ The UK's current resettlement schemes only serve particular groups.²⁵⁷ Other children have no safe and legal routes to seek protection in the UK.²⁵⁸

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 country²⁵⁹ – the opposite of a durable solution. The UNHCR has stated NABA undermines the 1951 Refugee Convention.²⁶⁰

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, removing one of the main legal safe routes for unaccompanied children seeking asylum and leaving them more likely to take dangerous journeys.²⁶¹

"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..."²⁶²

- ▶ **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.**

Families seeking asylum

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.²⁶³ Most asylum-seeking families are destitute due to low levels of asylum financial support. 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.²⁶⁴ 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.²⁶⁵

- ▶ **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.**

Separated children in the immigration system

In 2021, there were 3,762 asylum claims made by unaccompanied children seeking asylum in the UK – up from 2,399 in 2017.²⁶⁶ Positively, an increasing proportion are now being recognised as refugees since 2017 (85% in 2021).²⁶⁷ However, there are significant delays in the processing of their asylum claims²⁶⁸ 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.²⁶⁹ Children struggle to access support and services while waiting for a decision, with significant impacts on mental health and increased risk of exploitation.²⁷⁰

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*

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.²⁷¹

Age disputes increased by 195% in 2021²⁷² 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.²⁷³

"...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."²⁷⁴

The new National Age Assessment Board 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 bodies²⁷⁵ and NGOs²⁷⁶ as being inaccurate, unethical, potentially harmful and creating a culture of disbelief. Widespread concerns persists that children disbelieved about their age are at risk of being sent to Rwanda.²⁷⁷

- ▶ **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 CJS

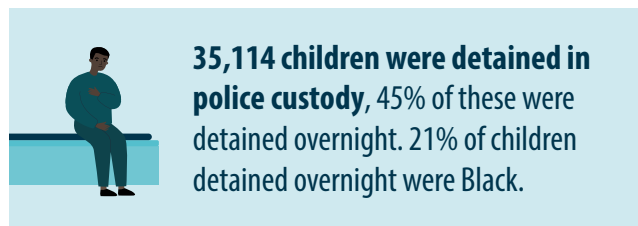
Criminal justice rather than rights-based approach to justice

Children in contact with the CJS are often extremely vulnerable,²⁷⁸ but frequently treated separately to other vulnerable children. This is exacerbated by responsibility for youth justice sitting with the HO and MoJ. Legislation such as Police Crime Sentencing and Courts Act 2022 (PCSCA), significantly impacting children, continues to be passed without regard to the CRC. Despite progress,²⁷⁹ significant reform is required to achieve a rights-based approach to youth justice.

Arrests have decreased since 2016. Even so, in 2020-2021, 49,500 children were still arrested, and 15,800 received a caution or sentence.²⁸⁰ Positively, First Time Entrants to the youth justice system (YJS) have continued to fall with 8,800 in 2020-2021,²⁸¹ although the proportion of Black First Time Entrants has increased, from 10% to 18%.²⁸² Provision and access to diversion remains inconsistent and inequitable.²⁸³

Covid-19 has exacerbated court delays, particularly concerning for children tried in Crown Court or adult magistrates’ courts.²⁸⁴ Pre-charge delays are leaving children in limbo for months if not years.²⁸⁵ A delayed process is hugely detrimental to children, and has particularly life-changing impacts for those who are on remand or turning 18.

- ▶ **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.**



Source: Home Office (2022) *Police powers and procedures: Other PACE powers, England and Wales, year ending 31 March 2022*

- ▶ **Set out further national guidance on out-of-court disposal work, including examples of good practice and a framework for data recording.**
- ▶ **Introduce time limits for children’s cases RUI that are similar to those applied to pre-charge bail.**

Children held in police cells for lengthy periods

Police custody is completely unsuitable for children. Fewer children are entering police custody due to the reduction in child arrests,²⁸⁶ but the treatment of those who do is concerning. A high proportion of child arrests result in overnight police custody (21,369 out of 58,939).²⁸⁷ Children can be held overnight pre- or post-charge, but the vast majority is pre-charge,²⁸⁸ meaning there needs to be greater emphasis on diverting children away from custody.

Positively, for the first time, HO collected data for 2021-2022 on children detained in police custody. It revealed that 45% of children detained in police custody were detained overnight²⁸⁹ 21% of these children were Black, 6% Asian and 9% of mixed heritage.

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.²⁹⁰ UKG states that custody should always be a last resort for children²⁹¹ but there is a lack of specific provisions in Police and Criminal Evidence Act 1984 (PACE) to ensure that police detention is only used in line with article 37.²⁹²

“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.”²⁹³

- ▶ **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.**



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*

Children held in unsafe prisons

*"Right now all jails are [functioning] way below expectations"*²⁹⁴

While children remain in prison, their safety and welfare are at risk. IRCSC concluded that YOIs and STCs are 'wholly unsuitable' for children.²⁹⁵ His Majesty's Prisons and Probation Service (HMPPS) considers all STCs to have failed to meet good standards of safety and care since 2017.²⁹⁶ Two Secure School pilots (a new form of custody announced in 2016) have been beset by delays.²⁹⁷

Experiences in custody during Covid-19 were brutal for children.²⁹⁸ UKG made no efforts to remove children from prison, so they were subjected to awful conditions for months.²⁹⁹ Recovery has been slow and inconsistent, and the long-term impacts are yet to be realised.³⁰⁰

Due to closure of some STCs because of serious failings,³⁰¹ children have been moved to places previously judged as less suitable for their needs, including the adult estate.³⁰²

While the number of children deprived of their liberty has fallen sharply over the last 10 years, custody is still not used in line with article 37.³⁰³ Average custodial sentence length for all offences has increased by over five months in the last ten years.³⁰⁴

Most children are held in prison-like STCs or YOIs, with only 58 (10%) in welfare-based secure children's homes (SCHs).³⁰⁵ 40% of all children in prison are on remand³⁰⁶ and almost 74% of remanded children did not subsequently receive a custodial sentence.³⁰⁷ Girls are remanded to custody because of a lack of other available options such as alternative provision or intervention.³⁰⁸ More positively, UKG tightened the tests the courts must satisfy to remand children,³⁰⁹ but this could have gone further.³¹⁰ The PCSCA moves the UK further from implementing article 37 and abolishing life imprisonment.³¹¹

- ▶ **Urgently develop a national strategy and improvement which includes:**

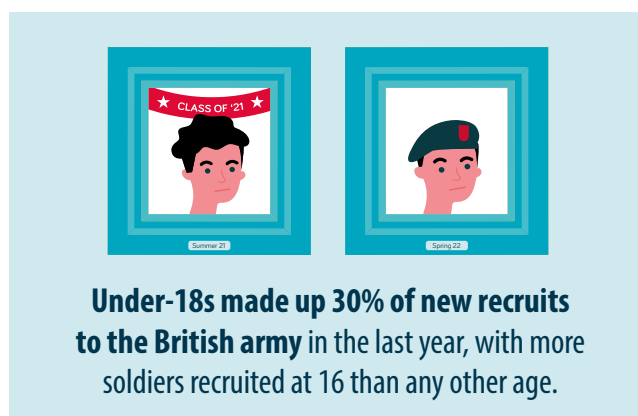
- Steps to prevent the predicted doubling of children in prison in coming years, and to address racial disproportionality.
- How it will repair the harms to children who were in prison during Covid-19
- A plan, with clear timescales, for closing YOIs and STCs and for improving them in the interim.
- ▶ Introduce legislation that significantly narrows when a child can be sentenced to custody.
- ▶ Abolish life imprisonment for offences committed by children.

Children in armed conflict

There has been little progress on taking forward the 2016 COs 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 (23% of the total intake). In the British army, under-18s made up 30% of new recruits with more soldiers recruited at 16 than at any other age.³¹² A plethora of evidence has shown that early enlistment to the armed forces poses risk to children's mental health³¹³ and new data shows that UKG is failing to sufficiently protect child recruits from abuse, violence and harassment.³¹⁴

In 2021, UKG resisted legislative attempts³¹⁵ 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.

- ▶ **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*

Endnotes

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 - 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. CRAE (12 September 2022) 'Bill of Rights 2022: Implications for children'
7. The SEND Regulations 2020, the Remand Regulations 2020, the Explanatory Memorandum to the Secure Training Centre (Coronavirus) (Amendment) Rules 2020, the Adoption and Children (Coronavirus) (Amendment) Regulations 2020.
8. The UK Covid 19 Inquiry was established under the Inquiries Act 2005.
9. 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.
10. The Hansard Society (2022) *Five problems with the Retained EU Law (Revocation and Reform) Bill*
11. 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.
12. Coram Children's Legal Centre (2018) *Rights without remedies: Legal aid and access to justice for children*
13. Department for Levelling Up, Housing and Communities Race Equality Unit (2022) *Inclusive Britain: government response to the Commission on Race and Ethnic Disparities*
14. Lammy, D. (2017) *An independent review into the treatment of, and outcomes for Black, Asian and Minority Ethnic individuals in the criminal justice system*
15. Department for Levelling Up, Housing and Communities Race Equality Unit (2022) *Inclusive Britain: government response to the Commission on Race and Ethnic Disparities*
16. Centre for Justice Innovation (2021) *Equal Diversion? Racial disproportionality in youth diversion*
17. Youth Justice Board for England and Wales (2021) *Ethnic disproportionality in remand and sentencing in the youth justice system Analysis of administrative data*
18. 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*
19. Ministry of Justice and Youth Justice Board for England and Wales (2022) *Youth Justice Statistics 2020-2021*
20. Ibid
21. 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*
22. In 2020.
23. Traveller Movement (2022) *Overlooked and Overrepresented: 5 Years on A briefing paper by the Traveller Movement*
24. Ministry of Housing, Communities and Local Government Press Release (6 June 2019) 'New national strategy to tackle Gypsy, Roma and Traveller inequalities'
25. 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*;
26. PCSC Act 2022
27. GRT child. CRAE (2022) Focus group with children
28. GRT child. Ibid
29. Equality and Human Rights Commission (2020) *Respect, equality, participation: exploring human rights education in Great Britain* However, the quality of school councils vary widely.
30. 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?'
31. 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*
32. 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.
33. 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*
34. For example, the 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. However, 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*
35. Department for Digital, Media, Culture and Sports (2022) 'UK Youth Parliament Programme 2023-2025: Guidance for applicants'
36. UKG has extended funding for the Youth Development Policy Group for six months until March 2023. Shout Out UK 'The Youth Policy Development Group with SOUK and DCMS'
37. 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.
38. 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
39. As detailed elsewhere in the report – 16-and-17-year olds are increasingly denied protection as victims of CCE. Homeless children are regularly not housed under children's legislation and are housed in unregulated accommodation. 16- and 17-year-olds used as Covert Human Intelligence Sources are not given the same protection as younger children. UKG continues to recruit 16- and 17-year-olds to the armed forces.
40. 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.
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. 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*.
44. 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

45. Office for National Statistics (2021) *Domestic abuse and the criminal justice system*
46. 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.
47. 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
48. 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
49. Department for Education (2022) *The UK's Response to the UN Committee's List of Issues on the Rights of the Child*
50. 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
51. Barnardo's (2017) *Journey to Justice*
52. 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*
53. 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'
54. 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
55. 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
56. The Online Safety Bill was introduced into Parliament in March 2022.
57. 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*
58. 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.
59. Department for Education (March 2018 – 2019) Characteristics of children in need, Table C3
60. Data provided for the period March-March. Office for National Statistics (2022) *Child victims of modern slavery in the UK: March 2022*
61. Ibid
62. Partly due to a greater awareness of child trafficking and procedures to follow
63. The second most referred nationality for children was Vietnamese (269) followed by Albanian children (244) Home Office (2022) *National Referral Mechanism statistics*
64. 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.
65. Section 45 Modern Slavery Act 2015
66. 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*
67. Home Office (July 2022) *Guidance: Devolving child decision-making pilot programme: general guidance*
68. 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*
69. ECPAT UK (2020) *Child trafficking in the UK 2020: A snapshot*
70. 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*
71. Section 59 Nationality and Borders Act and HM Government (March 2021) *New plan for immigration: Policy statement*
72. Home Office (2021) *Interim Guidance for Independent Child Trafficking Guardians*
73. ICTGs are only provided to children without parental responsibility; regional practice co-ordinators support children with parent responsibility.
74. Modern Slavery Act 2015
75. Types of force include limb and body restraints, batons, irritant spray, Taser and spit-hoods. Home Office (April 2020 to March 2021) *Police use of force statistics, England and Wales*
76. 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.
77. Home Office (April 2020 to March 2021) *Police use of force statistics, England and Wales*
78. Home Office (April 2017 to March 2018) *Police use of force statistics, England and Wales*
79. Home Office (April 2020 to March 2021) *Police use of force statistics, England and Wales*
80. 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'
81. Children's Rights Alliance for England (2019) 'State of Children's Rights 2018: Policing and Criminal Justice'
82. Independent Office for Police Conduct (2021) *Review of IOPC cases involving the use of Taser 2015-2020 Taser review*
83. In England and Wales
84. Home Office (April 2020 to March 2021) *Police use of force statistics, England and Wales*
85. Children's Rights Alliance for England (2019) 'State of Children's Rights 2018: Policing and Criminal Justice'
86. 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.
87. Children's Rights Alliance for England (2019) 'State of Children's Rights 2018: Policing and Criminal Justice'
88. 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*
89. Children's Commissioner for England (2022) *Strip search of children by the Metropolitan Police Service - new analysis by the Children's Commissioner for England*
90. 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
91. Ministry of Justice and Youth Justice Board (2020-2021) *Youth Justice Statistics*
92. Ibid; see table 8.2 in supplementary table: 'Behaviour management in the youth secure estate' for figures from 2015 – 2021.
93. 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*
94. 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
95. 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*
96. 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* NB: No official figures are published on the use of separation in YOIs
97. Children's Commissioner for England (2018) *A report on the use of segregation in youth custody in England*
98. Ibid
99. Ministry of Justice and Youth Justice Board (2020-2021) *Youth Justice Statistics*
100. 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*
101. 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*
102. Friends, Families and Travellers (2022) *Written Evidence Submission to CRAE's Alternative Report*
103. 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*
104. Ibid

105. 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*
106. This will bring into force primary legislation contained in the Apprenticeships, Skills, Children and Learning Act 2009, make the recording of physical force mandatory, 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. 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*
107. Titheradge, N. (12 November 2018) 'Hundreds of pupils spend week in school isolation booths' *BBC*
108. Centre for Mental Health (2020) *Trauma, challenging behaviour and restrictive interventions in schools*
109. Article 39 (2021) 'Children in Hospital (Mental Health) Statistics Briefing'
110. 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.'
111. Department for Education (2022) *Children looked after in England including adoptions*
112. Department for Education (2016) *Characteristics of children in need: 2015 to 2016*
113. Department for Education (2022) *Characteristics of children in need*
114. The children in need population is ageing and those aged ten and over now make up the majority. Ibid.
115. The Child Safeguarding Practice Review Panel (2022) *Child Protection in England: National review into the murders of Arthur Labinjo-Hughes and Star Hobson*
116. 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*
117. 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*
118. NSPCC (2021) *Statistics briefing: child deaths due to abuse or neglect*
119. 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*
120. 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*
121. 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*
122. Department for Education (2022) *Children looked after in England including adoptions*
123. Ibid
124. 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*
125. Coram Voice (2022) 10,000 voices: the views of children in care on their well-being
126. BASW (2022) 'Independent Review of Children's Social Care - BASW England full response' Press Release
127. Coram Voice (2022) 10,000 voices: the views of children in care on their well-being
128. 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.
129. 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*
130. Ibid
131. Competition and Markets Authority (2022) *Children's social care market study: Final report*
132. 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*
133. Accounting for 79% of children's homes in 2022 Ofsted (2022) *Largest national providers of private and voluntary social care*
134. 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'
135. Department for Education (2022) *Children looked after in England including adoptions*
136. Children's Commissioner for England (2020) *Unregulated Children in care living in semi-independent accommodation*
137. Department for Education (19 February 2021) 'Unregulated accommodation banned for vulnerable children under 16' Press Release
138. 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*
139. UKG is consulting on a set of national standards for 16-and-17-year-olds living in 'supported accommodation' Department for Education (5 December 2022) 'Introducing regulations for supported accommodation provision'. 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*
140. 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
141. NHS Digital (2021) *National Child Measurement Programme, England 2021/22 School Year*
142. Finch D., Marshall L., Bunbury S. (2021) *Why greater investment in the public health grant should be a priority* The Health Foundation
143. First 1001 Days Movement (2021) *A Decade of Disinvestment. The loss of services for babies in England*
144. Ibid.
145. Department of Health and Department for Education (2017) *Transforming children and young people's mental health: a green paper* and the NHS Long Term Plan 2019 aims to offer comprehensive support for 0-25-year-olds and a new cross-departmental 10-year mental health plan Department for Health and Social Care (12 April 2022) 'Call for evidence for new 10-year plan to improve mental health' Press Release but it is unclear when it will be published, and concerns remain about funding it.
146. Between April and October 2021.
147. Young Minds (2022) 'Record Emergency Referrals for Under-18s' Press Release
148. 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 N 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 Children with SEND are also more likely (56.7%) to have a probable mental disorder than those without (12.5%) House of Commons
149. Non-binary child, 17 Ditch the Label (2021) *The Annual bullying survey*
150. 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
151. 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*.
152. Children's Commissioner for England (2022) *Children's Mental Health Services 2020/21*
153. 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*
154. CRAE (2022) Focus group with children
155. Children's Commissioner for England (2021) *Child poverty: the crisis we can't keep ignoring*

156. 49% of children living in single parent families are in poverty; 46% of children from racialised communities (compared to 26% in white British families); 47% of children in families with three or more children, children living in a family where someone is disabled have a poverty rate of 37%. 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.
157. 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
158. Resolution Foundation (2022) *The Living Standards Outlook*
159. Resolution Foundation (17 August 2022) 'Rising food prices drive Britain into double digit inflation' Press Release
160. 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).
161. Child Poverty Action Group (21 June 2022) '35,000 More Families Face Benefit Cap Next Year' Press Release
162. 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.
163. 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*
164. 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*
165. Some ethnic and religious groups are more likely to have larger families and are therefore disproportionately affected, exacerbating inequalities. Ibid
166. 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
167. 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.
168. Corfe S. Social Market Foundation (2022) *Childcare costs and poverty*
169. Coram Family and Childcare (2022) *Childcare Survey 2022*
170. UNICEF UK (2022) *Early Moments Matter. Guaranteeing the best start in life for every baby and toddler in England*
171. 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
172. NRPF denies individuals subject to immigration control access to public funds
173. House of Commons Work and Pensions Committee (2022) *Children in poverty: No recourse to public funds Seventh Report of Session 2021–22*
174. House of Commons Work and Pensions Committee (2022) *Children in poverty: No recourse to public funds Seventh Report of Session 2021–22*
175. Coventry University, Project 17, Sustain, University of Wolverhampton, We Belong (2021) *Immigration Policies: Enforcing Borders, Driving Hunger and Creating Destitution*
176. House of Commons Work and Pensions Committee (2022) *Children in poverty: No recourse to public funds Seventh Report of Session 2021–22*
177. Coventry University, Project 17, Sustain, University of Wolverhampton, We Belong (2021) *Immigration Policies: Enforcing Borders, Driving Hunger and Creating Destitution*
178. Refugee Council 'Support payments for asylum seekers living in poverty to increase by all of 17p a day, decides Home Office' 28 January 2022
179. Estimates by Shelter. Reynolds L. and Dzalto, A. (2019) *Generation homelessness: the numbers behind the story* Shelter
180. 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*
181. 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)*
182. 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*
183. Child aged 14. Children's Rights Alliance for England (2018) *Change it!*
184. 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*
185. CRAE (2018) *Change it!*
186. 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)*
187. 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
188. Human Rights Watch (2022) 'I Want Us to Live Like Humans Again' *Families in Temporary Accommodation in London, UK*
189. 3,405 households in the private rented sector evicted by bailiffs between April and June 2022 – up 39% on the previous quarter Shelter (11 August 2022) 'Bailiff evictions rise by 39% in just three months as private renters run out of options' Press Release
190. Centrepoin, Youth Homelessness Databank
191. 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*
192. 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'
193. Catch 22 (1 April 2022) 'Young care leavers set for grave financial struggles as cost of living soars' Press Release
194. Only care-leavers who are 21 and under have a priority need to receive homelessness help. However, after a care leaver turns 21, they must 'prove' their vulnerability by providing expert evidence. 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. Just for Kids Law (2022) *Hitting brick walls: Barriers faced by homeless care leavers*
195. 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*
196. House of Commons Education Committee (2018) *Forgotten children: alternative provision and the scandal of ever increasing exclusions*
197. Ibid
198. Commission on Young Lives (2022) *All Together Now. Inclusion not exclusion: supporting all young people to succeed in school*
199. UKG's new Behaviour Guidance, White Paper on Schools and SEND and AP Green Paper
200. CRAE (2022) Focus group with children
201. 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*
202. 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*
203. 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
204. 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
205. Commission on Young Lives (2022) *All Together Now. Inclusion not exclusion: supporting all young people to succeed in school*
206. 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'
207. Mind (2022) *Not making the grade: why our approach to mental health at secondary school is failing young people*
208. 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'
209. 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
210. Source: Education Policy Institute (2019) *Education in England Annual Report*
211. 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*
212. Department for Education (2022) *Early years foundation stage profile results*
213. Education Policy Institute (2020) *Education in England: Annual Report 2020*
214. 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.*
215. Department for Education (26 May 2022) 'Education recovery funding doubles for secondary schools' Press Release
216. 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 and the National Tutoring Programme. Department for Education (28 March 2022) 'Schools White Paper delivers real action to level up education' Press Release
217. 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?*
218. House of Commons Education Committee (2019) *Special educational needs and disabilities*
219. National Audit Office (2019) *Support for pupils with special educational needs and disabilities in England.*
220. House of Commons Education Committee, Halfon, Robert. *The Government's SEND Review and its impact on children and young people with SEND'*
221. Department for Education (2022) *Education, health and care plans. See 'New EHC Plans' and 'Education, Health and Care Plans.'*
222. 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 issues within 20 weeks*
223. House of Lords Children and Families Act Committee (2022) *Children and Families Act: A Failure of Implementation Report of Session 2022-2023*
224. Ios 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*
225. CRAE (2022) Focus group with children
226. 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*
227. 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*
228. 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)
229. Gill, K. with Quilter-Pinner, H. and Swift, D. (2017) *Making the Difference: Breaking the link between school exclusion and social exclusion* IPPR
230. 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*
231. Mind (2021) *Not making the grade: why our approach to mental health at secondary school is failing young people*
232. 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*
233. Waltham Forest Safeguarding Children Board (2020) *Serious Case Review Child C*
234. 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*
235. Temple, A. (2020) *Excluded, exploited and forgotten: Childhood criminal exploitation and school exclusions* Just for Kids Law
236. Justice (2019) *Challenging school exclusions*
237. Department for Education (2022) *Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement*
238. House of Commons Education Committee (2018) *Forgotten children: alternative provision and the scandal of ever increasing exclusions* Fifth Report of Session 2017-19
239. 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.
240. CRAE (2022) Focus group with children
241. 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'
242. Children's Commissioner for England (2018) *Playing Out: A Children's Commissioner's report on the importance to children of play and physical activity*
243. Kennedy, R. (15 January 2018) 'Children spend half the time playing outside in comparison to their parents' *Child in the City*
244. Dodd, H., Nesbit, R. and, Fitzgibbon, L. (2022) 'Child's Play: Examining the Inclusion of Children in Education 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*
245. Children's Commissioner for England (2021) *The Big Ask. Big Answers*
246. 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*
247. 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
248. Weale, S (27 October 2020) 'Covid: toddlers from UK's poorest families 'hit hardest by lockdown'' *The Guardian*
249. 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
250. This is in contrast to Wales and Scotland. 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.
251. Department for Transport (23 August 2019) 'Revised road closure guidance to boost children's outdoor play'
252. 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' which 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')*
253. Joint Council for the Welfare of Immigrants *A safe and legal route from France to the UK through a humanitarian visa scheme* 15 January 2021
254. Home Office (25 August 2022) Official Statistics Irregular Migration to the UK, year ending June 2022
255. 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*
256. 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*
257. Including the Afghan Citizens' Resettlement Scheme, the Afghan Relocations and Assistance Policy, and the Homes for Ukraine scheme
 258. Safe Passage, KRAN, Hummingbird Refugee Project *Safe routes from the perspective of young refugees. Our response to the new plan for immigration*
 259. 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?'*
 260. UNHCR UK Migration and Economic Development Partnership with Rwanda
 261. 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'*
 262. 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*
 263. Home Office *Immigration statistics, year ending June 2022*
 264. 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*
 265. Refugee Council (2022) *Lives on hold: Experiences of people living in hotel asylum accommodation. A follow-up report*
 266. Home Office *Immigration statistics, year ending June 2022*
 267. Home Office *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 *Children in the Asylum System June 2022*
 268. Independent Chief Inspector of Borders and Immigration (2021) *An inspection of asylum casework (August 2020- May 2021)*
 269. Refugee Council (2021) *Living in Limbo: A decade of delays in the UK asylum system*
 270. Migrant and Refugee Children's Legal Unit (2021) *Into the arms of Traffickers*
 271. Meloni F. and Chase E. (2017) *Transitions into institutional adulthood. Becoming Adult Research Brief no. 4* 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. Devenney, K. (6 February 2019) *'When unaccompanied young asylum seekers turn 18, many face an immigration cliff edge'* *The Conversation*
 272. Refugee Council (2022) *Children in the Asylum System February 2022*
 273. Refugee and Migrant Children's Consortium (2022) *Briefing on government plans to send people seeking asylum to Rwanda*
 274. Ahmed in Refugee Council (2022) *Identity Crisis. How the age dispute process puts refugee children at risk*
 275. Royal College of Paediatrics and Child Health (RCPCH) (2022) *Refugee and asylum seeking children and young people - guidance for paediatricians*
 276. Dorling, K. (4 February 2022) *'Refugee and Migrant Children's Consortium briefings on Part 4 (age assessments) of the Nationality and Borders Bill'*
 277. Refugee and Migrant Children's Consortium (July 2022) *Briefing on Government plans to send people seeking asylum to Rwanda*
 278. 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
 279. 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*
 280. 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*.
 281. 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*.
 282. Ibid.
 283. Centre for Justice Innovation (2021) *Equal Diversion? Racial disproportionality in youth diversion*; Centre for Justice Innovation (2021) *Mainstreaming 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*
 284. Harris, M., and Goodfellow, P. (2022) *A critical juncture for youth justice learning lessons and future directions for a post-pandemic youth justice system*
 285. Ibid
 286. 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*.
 287. 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*
 288. Ibid.
 289. Home Office (2022) *Police powers and procedures: Other PACE powers, England and Wales, year ending 31 March 2022*
 290. Home Office (2017) *Concordat on Children in Custody*
 291. HM Government (2022) *The UK's Response to the UN Committee's List of Issues on the Rights of the Child*, Paragraph 294
 292. PACE, s37(3)
 293. 15-year-old boy, child looked after, held overnight in police custody on multiple occasions.
 294. 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*
 295. The Independent Review of Children's Social Care (2022) *The independent review of children's social care: final report*
 296. National Audit Office (2022) *Children in custody: secure training centres and secure schools*
 297. 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'*
 298. 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*
 299. 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*
 300. 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*
 301. 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.
 302. National Audit Office (28 April 2022) *'Children in custody: secure training centres and secure schools'* Press Release
 303. Standing Committee for Youth Justice (2020) *Ensuring custody is the last resort for children in England and Wales*
 304. 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 20-2021*
 305. Ministry of Justice (2020) *A smarter approach to sentencing*
 306. 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*
 307. Ministry of Justice and Youth Justice Board for England and Wales (2022) *Youth Justice Statistics 2020-2021*
 308. HM Chief Inspector of Prisons (2022) *A thematic review of Outcomes for girls in custody*
 309. 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
 310. Alliance for Youth Justice (2020) *Response to the Sentencing White Paper Reducing the number of children remanded to custody*
 311. Alliance for Youth Justice (2021) *Police, Crime, Sentencing and Courts Bill House of Lords Second Reading Briefing*
 312. Ministry of Defence (2022) *UK armed forces biannual diversity statistics*
 313. 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
 314. Ministry of Defence (2022) *Murder, Manslaughter, and sexual offenses in the Service Justice system*; House of Commons written answer (14 April 2022) HC 154397
 315. During the passage of the Armed Forces Bill

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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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