

6

State of Children's Rights in England 2018

Education, Leisure
and Cultural Activities



Briefing 6

Education, Leisure and Cultural Activities

Article 18(3) States Parties shall ensure the children of working parents benefit from childcare services and facilities.

Article 19 Children have a right to be protected from all forms of violence.

Article 23 A disabled child should enjoy a full and decent life in conditions that ensure dignity, promote self-reliance and facilitate the child's active participation in the community. States Parties recognise the right of the disabled child to special care and ensure they have effective access to education, training, health care, rehabilitation, preparation for employment and recreation opportunities.

Article 28 States Parties recognise every child's right to education, on the basis of equal opportunity. School discipline should be administered in a manner consistent with the child's human dignity.

Article 29 The education of the child shall be directed to:

- a) The development of the child's personality, talents, and mental and physical abilities to their fullest potential
- b) The development of respect for human rights
- c) The development of respect for the child's origins and identity, and for civilisations around the world
- d) The preparation of the child for responsible life in a free society
- e) The development of respect for the natural environment.

Article 31 States Parties recognise the right of the child to rest and leisure, to engage in play and recreational activities, and to participate freely in cultural life and the arts.

Definitions and glossary

Children: All children and young people under 18 as set out by article 1 of the UN Convention on the Rights of the Child (CRC).

Progress 8: Aims to capture the progress a pupil makes from the end of primary school to the end of secondary school (key stage 4) and compares their results nationally to the achievements of other pupils with similar prior attainment. A school's Progress 8 score is calculated as the average of its pupils' Progress 8 scores.

Attainment 8: Measures the achievement of a pupil across 8 qualifications. Each individual grade a pupil achieves is assigned a point score, which is then used to calculate a pupil's Attainment 8 score.

About this briefing

The UK ratified the UN Convention on the Rights of the Child (CRC) in 1991. This means that all areas of government and the state including local government, schools, health services and criminal justice bodies must do all they can to fulfil children's rights.

This briefing is part of CRAE's *State of children's rights 2018* and assesses the progress made in England towards implementing the UN Committee's recommendations relating to education, leisure and cultural activities. It highlights areas of progress and concern since CRAE's last *State of Children's Rights in England* report published in December 2017. It is based on written and oral evidence from CRAE's members and additional analysis of recent laws and policies, newly published research, official statistics and responses to Freedom of Information (FOI) requests.

What is the CRC?

The CRC applies to all children aged 17 years and under, and sets out the basic things that children need to thrive: the right to an adequate standard of living, to be protected from all forms of violence, an education, to play, be healthy and be cared for. Children's rights should act as a safety net, meaning children always receive at least the minimum standard of treatment whatever the changing economic climate.

The CRC has four guiding principles (General Principles) which are rights in themselves, but also the framework through which all the rights in the CRC should be interpreted. They are: non-discrimination (article 2), the best interests of the child (article 3), survival and development (article 6) and respect for the views of the child (article 12).

Key to UPR recommendations:

UPR Supported UPR Noted

Concerns of the United Nations

In June 2016 the UK government was examined by the **UN Committee on the Rights of the Child** (the UN Committee) on its compliance with the CRC for the first time since 2008. The UN Committee made a number of recommendations (Concluding Observations) for change. In May 2017 the UK was examined on all its human rights treaties, including the CRC, by the 193 member states of the Human Rights Council as part of the **Universal Periodic Review (UPR)**.¹ This is a process where states can reiterate previous recommendations made by UN Committees and can be used by civil society and parliamentarians as an additional advocacy tool. The government can choose whether to "support" (accept) recommendations or "note" them (reject or not agree). We are very disappointed that the government has only supported 28% of the recommendations relating to children's rights compared to 42% of all the recommendations it received. Below are the relevant UN Committee and UPR recommendations for this briefing:

- Use permanent or temporary exclusion only as a means of last resort and ensure children have the right to appeal against their exclusion, are provided with legal advice, assistance and (where appropriate) representation **CRC**
- Enhance efforts to reduce the effects of the social background or disabilities of children on their achievement in school **CRC UPR**
- Allocate sufficient human, technical and financial resources for the development and expansion of early childhood care **CRC**
- Set up comprehensive measures to further develop inclusive education, ensure that inclusive education is given priority over the placement of children in specialised institutions and classes, and make mainstream schools fully accessible to disabled children **CRC**
- Abolish all methods of restraint against children for disciplinary purposes in all institutional settings, both residential and non-residential. Ensure restraint is used against children exclusively to prevent harm

to the child or others and only as a last resort. Abolish the use of isolation rooms

CRC

- Ensure that meaningful sexual and reproductive health education is part of the mandatory school curriculum for all schools and provide age-appropriate information on confidential sexual and reproductive healthcare services, contraceptives and sexuality CRC
- Make children's rights education mandatory CRC
- Intensify efforts to tackle bullying including through teaching human rights, building capacities of students and staff members to respect diversity, and involve children in initiatives aimed at eliminating bullying CRC
- Adopt and implement play and leisure policies with sufficient and sustainable resources. Involve children in the planning, designing and monitoring of the implementation of play policies at local and national levels CRC

Introduction

This year has seen growing concern about inadequate school funding, particularly in relation to the impact on children with Special Educational Needs or have a disability (SEND).

Disappointingly, a significant education attainment gap remains between children living in poverty and their peers, and children from some minority and ethnic groups continue to perform especially poorly at school, particularly Gypsy/Roma and Traveller children.

Of real concern is the increase in school exclusion rates and the persistent disproportionality of certain groups of children being excluded, in particular children with SEND, Gypsy/Roma and Traveller and Black Caribbean children.

Particularly alarming is the high incidence of physical restraint on disabled children in "special schools", increased use of isolation and the spread of 'zero tolerance' behaviour policies in mainstream schools. These pose

clear barriers to the realisation of the child's right to be protected from all forms of violence and inhuman and degrading treatment or punishment.

Play provision, and the government's commitment to play, continues to lag behind the devolved nations.

What progress has been made?

In a welcome move, the government dropped plans to remove the '50% cap' on new religious academies and free schools, which restricts such schools selecting up to half of their pupils on the basis of religion. This move will promote integration between children of different religious and non-religious backgrounds and enable children to attend their local schools. Research shows that lifting the '50% cap' was likely to make faith schools more unrepresentative of their local areas and reduce the number of good school places available to children across the socio-economic spectrum.²

Positively, health education will become part of the school curriculum and guidance on the teaching of Sex Education (SE) and Relationship and Sex Education (RSE) has been broadly welcomed, especially the emphasis on ensuring it's delivered through a '*planned programme of lessons*' and is '*resourced, staffed and timetabled*'.³

Funding for early years education has also substantially increased. Although challenges remain in ensuring that children from disadvantaged backgrounds can access good quality nurseries or pre-schools.

What needs to improve?

Education

Inadequate funding for schools

An Institute for Fiscal Studies (IFS) analysis found that total school spending per pupil fell by 8% in real terms between 2009–10 and 2017–18 and will only be about 14% higher in real terms in 2017–18 than in 2003–04.⁴

Shockingly, a National Education Union member survey found that 94% of respondents were pessimistic about their school's budget prospects over the next three years. Over half reported teaching posts had been cut, 80% teaching assistant posts and 60% other support staff posts. Over three quarters reported cuts in spending on books and equipment and one in five reported that their school had been driven to ask parents for financial contributions.⁵

A survey of school leaders found that only 2% of respondents said that the top up funding they received was sufficient to meet individual education health and care plans (EHCPs) or statements for pupils with SEND. 94% of respondents now found it harder to source the support required to meet the needs of disabled children than they did two years ago and 73% said it was harder to source support for pupils with SEND due to cuts to teaching assistants and pastoral staff.⁶ Another survey revealed that some schools only allot specialist support to some subjects or do so by age group.⁷

The Education Committee has raised concern that financial pressures on schools may also be affecting their ability to identify the support needs of children and provide early intervention to prevent them being excluded from school.⁸

More positively, the IFS analysis found that spending on early years has grown significantly over time. Spending on the three- and four-year-old free entitlement to early education has risen from almost nothing in the early 1990s to about £3 billion in 2017–18. However, the IFS also note how other early years services have seen big cuts, for example spending on Sure Start children's centres has fallen by two-thirds since 2009–10.⁹

Risk of increased religious segregation

Disappointingly, as a compromise to the announcement to keep the 50% cap on selection of pupils based on religious background, the government said it would allow new voluntary aided schools to open that will be able to select 100% of students based on religious background.¹⁰ A wealth of evidence has shown that religious selection has a disproportionate impact on the accessibility of good schools to children for particular ethnic groups and lower socio-economic backgrounds.¹¹

Schools exclusions on the rise

Both permanent and fixed term exclusions continue to rise.¹² This is despite the UN Committee's recommendation to: *'further reduce the number of exclusions.'*

Table 1: Number of permanent and fixed term exclusions in England 2015-16 & 2016-17

	2014/15	2015/16
Permanent Exclusions from all state funded primary, secondary and "special" schools	6,685	7,720 (▲1,035)
Fixed term Exclusions from state funded primary schools	55,740	64,340 (▲8,600)
Fixed term Exclusions from state funded secondary schools	270,135	302,890 (▲32,755)

Source: Department for Education (2018) *Permanent and fixed period exclusions in England 2016/17*

Particular groups of children continue to be disproportionately excluded from school. In 2016-17, the national average for fixed term exclusions in state-funded primary, state-funded secondary and special schools for all school students was 4.8%.¹³ Gypsy/Roma children and Traveller children had the highest rates of temporary exclusions at 17.3% and 16.7% respectively.¹⁴ The national average for permanent exclusions for all children in state-funded primary, secondary and special schools was 0.1%. This is compared to 0.4% for Gypsy/Roma children and 0.5% for Traveller children. Black Caribbean children are nearly three times more likely to be permanently excluded.¹⁵

Children with an EHCP or Statement are over five times more likely to receive a fixed period exclusion than children with no SEND. Concern has been raised that due to the current funding crisis schools may be deliberately failing to identify SEND or tempted to exclude children with SEND in order to save money. Evidence also suggests some schools are justifying permanent exclusions of pupils with SEND by claiming they will get better support in alternative provision.¹⁶

Looked after children are more than five times more likely to have a fixed term exclusion.¹⁷ Pupils claiming free school meals (FSMs) were around four times more likely to receive a permanent or fixed period exclusion than those who didn't. Boys were over three times more likely to receive a permanent exclusion and almost three times more likely to receive a fixed period exclusion than girls.¹⁸

Large numbers of very young children in reception and year 1 continue to be excluded from school. There were 170 permanent exclusions of children in these year groups in 2016-17 (20 girls and 145 boys) and 10,220 fixed term exclusions (1,250 girls and 8,965 boys).

Extremely concerning is the Education Committee's conclusion that the rise in so-called "zero tolerance" behaviour policies is creating school environments where children are punished and ultimately excluded for incidents that could and should be managed by the school. It concludes: "...a school culture which is intolerant of minor infractions of school policies on haircuts or uniform will create an environment where pupils are punished needlessly."¹⁹ Concerns were also raised that the new Progress 8 measure could give an incentive for exclusion due to the time a school needs to invest in a child with extra support needs. While the DfE has made some amendments to Progress 8, they do not fully reduce the incentive to off-roll pupils who will bring down the school's Progress 8 score.²⁰

The increasing level of exclusions is even more worrying given the patchy availability of good quality alternative provision. While 88% of alternative provision inspected by Ofsted is 'good' or 'outstanding', in 11 local authorities there are no 'good' places. In some areas – Dudley, Gateshead, Newcastle and Thurrock - all pupil referral units (PRUs) are rated 'inadequate'.²¹ Research has found that one in three English Councils have no vacant places at PRUs. Disturbingly, it has been concluded that this lack of provision, and the postcode lottery of quality provision, is a major contributing factor fuelling serious youth violence and criminal exploitation of children.²²

On a more positive note, the government has appointed the former Children's Minister Edward Timpson to carry out an independent review

of exclusions. The review is examining the drivers behind the variation in exclusion rates of different groups of children and geographically, particularly between areas with similar characteristics.²³

Inadequate and unfair exclusion process

The Education Committee has concluded that parents and pupils often don't know their rights regarding exclusion and the process is weighted in favour of schools. This is reflected in our direct work. There is also an urgent need to reform the appeal process so the Independent Review Panel can force a school to reinstate a child.

Continued inequality in educational outcomes

The educational achievement gap continues despite the UN Committee recommendation that more needs to be done to '*reduce the effects of the social background or disabilities of children on their achievement at school.*'

Disadvantaged children

Attainment in children's early development has increased nationally, but disappointingly gaps between the most disadvantaged children and their peers persist. In 2016-17

more than one in four children (29%) started primary school without reaching a good level of early development. This rises to almost one in two for children living in poverty (44%).²⁴ Not reaching a good level of school readiness has an impact on the duration of a child's academic career.²⁵ Ensuring every child, particularly the most disadvantaged, has access to high quality childcare and early education would have a huge impact on closing gaps in attainment.

As noted above, the provision of free childcare has been expanded. While this is welcome, the government needs to ensure it doesn't have an adverse impact on the most disadvantaged children, exacerbating gaps in early learning if, for example, providers choose not to offer the 15 hours for disadvantaged two-year-olds and focus on places for better off children eligible for 30 hours.²⁶ Expansion must also be balanced with investment in quality but research has identified concerning trends, including an increasing reliance on unpaid staff and a decline in levels of qualifications.²⁷ The government has also reneged on its commitment to conduct a feasibility study into developing a programme

Case study

Just for Kids Law Insufficient support for child with Special Educational Needs

Robert*, a 13-year-old boy, initially received a fixed term exclusion for five days, which was subsequently converted to a permanent exclusion for violence and persistent disruptive behaviour. The child was on the SEND register at the school for moderate learning difficulties and social, emotional and mental health difficulties. No support was provided by the school besides placing him on a pastoral support plan. An assessment of his needs was eventually conducted, however the school did not give sufficient time for these provisions to be put in place before permanent exclusion, nor did it make any further attempts to assess the child's needs. The Governing Body upheld the head teacher's decision but failed to give reasons and did not take into account relevant considerations.

The Independent Review Panel decided to quash the permanent exclusion and directed the Governing Body to reconsider its decision on the basis that the Governing Body had not properly applied the statutory test. Despite this, the Governing Body upheld the permanent exclusion and simply corrected the flaws in its previous decision making.

* Not real name

that seeks to grow the graduate workforce in disadvantaged areas.²⁸ For more on childcare see Briefing 3.

In the early years and primary stages there's little change to the overall size of the attainment gap - 4.3 and 9.4 months respectively. The secondary gap has closed more significantly. In 2017, the gap was 18.4 months, compared with 19.3 months in 2016. This decrease is the largest in a single year since 2013. However, this decrease is affected by an increase in entry rates to GCSE English literature. If the outcomes in English (language) and maths are considered alone, the gap trend is largely unchanged. **Based on current trends, it's estimated that the gap at the end of secondary school, in English and maths, would take over 100 years to close.**²⁹

In 2016-17, the average Attainment 8 score for all children in state-funded schools in England was 46.3. **For Gypsy/Roma children it was just 18.0 and for Traveller children of Irish Heritage 23.8.**



Source: Department for Education (2018) *GCSE results (Attainment 8) for children aged 14 to 16 (key stage 4)*

Ethnicity

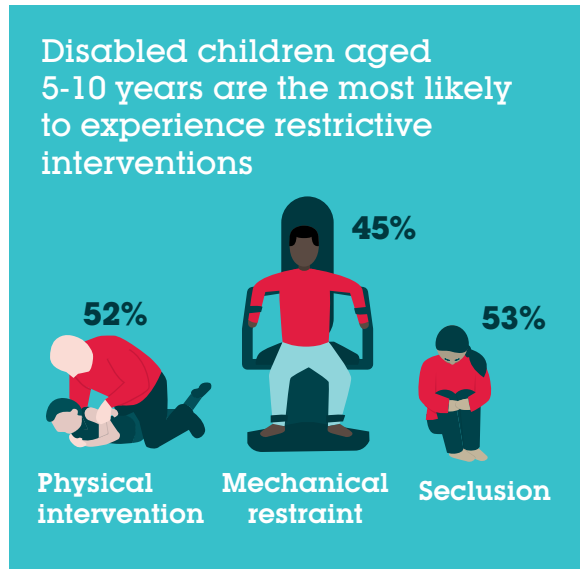
Outcomes for Gypsy/Roma and Traveller children continue to be low for both progress and attainment. In 2016-17, the average Attainment 8 score for all pupils in state-funded schools in England was 46.3. The children with the lowest scores were in the Gypsy/Roma (18.0) and Traveller (23.8) ethnic groups. Attainment by ethnicity is even more varied when figures are broken down further by FSM eligibility and gender. In 2017, White children eligible for FSM were the lowest attaining major ethnic group at the end of key stage 4, with an Attainment 8 score of 32.3. The gap increases when only White boys eligible for FSM are considered – an Attainment 8 score of 29.5.³⁰

Looked after children

Attainment for both looked after children and children in need continues to be much lower than for non-looked after children. In 2016-17, 48% of looked after children and 45% of children in need reached the expected standard or above in writing compared to 76% of non-looked after children. These figures were 46% and 44% respectively compared to 75% in mathematics, and 50% and 47% compared to 77% in grammar, punctuation and spelling.³¹

Young carers

Research has found that being a young carer can affect a child's school attendance and educational achievement. On average young carers miss or cut short 48 school days a year.³² There are as many as 800,000 young carers in England, an average of six young carers in every secondary school classroom.³³



Source: The Challenging Behaviour Foundation and Positive and Active Behaviour Support Scotland (2019) *Reducing restrictive interventions of children and young people: Case studies and survey results*

Inclusive education continues to decline

There has been no change in the downwards trajectory of the number of children with SEND in mainstream schools.

Following its examination of the UK, in 2017 the UN Committee on the Rights of Persons with Disabilities recommended the UK government: *'Adopt and implement a coherent and adequately financed strategy, with concrete timelines and measurable goals, on increasing and improving inclusive education.'*³⁴

The percentage of children with a statement or EHCP attending maintained "special" schools continues its year on year increase since January 2010, meaning fewer disabled children or children with SEN are attending mainstream schools.

There is also concern over the transfer of existing resources from mainstream schools to finance

the expansion of "special schools" and alternative education provision.³⁵ During 2017, 1,600 new special free school places were created across England as 19 local authorities invited applications to run new special free schools.³⁶

High uses of restraint and seclusion

Disturbingly, a survey has revealed that physical interventions and isolation of disabled children is wide-spread.³⁷ 88% of the 204 respondents said their disabled child has experienced physical restraint, with 35% reporting that it happened regularly. 71% of families said their child had experienced seclusion or isolation with 21% reporting that this happened daily. Most of the physical interventions took place in schools (68%). **Shockingly, over half of the cases of physical intervention or seclusion reported involved children between the ages of five and ten.** 20% of respondents reported the use of mechanical restraints, for example arm splints or being strapped to a chair. Of these, 35% reported that mechanical restraint was taking place daily. 58% of the families whose child had experienced restraint said it led to injury and 91% reported an emotional impact on their child.

Extremely concerning is that 42% believed that restrictive interventions were being used with the aim of punishing their child.

Some academy trusts are making wide spread use of "isolation booths" in mainstream schools, even though corporal punishment is prohibited in all public and private schools. Children are made to sit completely still, alone and in silence for up to several hours a day as punishment for even minor disciplinary offences. The UN Committee has made clear that *'forcing children to stay in uncomfortable positions'* is a form of corporal punishment.³⁸

Table 1: Percentage of pupils with a statement or EHC plan by type of provision England, January 2010-2018

School type	2010	2011	2012	2013	2014	2015	2016	2017	2018
Maintained nursery	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.1
State-funded primary	25.8	25.8	25.9	26.0	26.2	26.2	25.5	25.8	26.3
State-funded secondary	28.8	28.4	27.7	26.9	25.7	24.6	23.5	22.2	20.9
State-funded special	38.2	38.7	39.0	39.6	40.5	41.4	42.9	43.8	44.2
Pupil Referral Units	0.9	0.8	0.7	0.7	0.7	0.7	0.6	0.7	0.7
Independent	4.2	4.3	4.7	4.9	5.1	5.3	5.7	5.8	6.3
Non-maintained special	2.0	1.9	1.9	1.8	1.7	1.6	1.6	1.5	1.4

Source: Department for Education (2018) *School Census and School Level Annual School Census 2010-2018 (as at January each year)*

Delays in teaching sex education and lack of rights education

Positively, the government announced that Health Education would be introduced as a subject alongside RE and SRE. **However, there have been significant delays to implementing RE and SRE and schools won't be expected to begin teaching the subjects until September 2020.**

Concerns also remain that legislation requires that when RE or SRE is taught it must have regard to the age and religious background of the pupils. There are fears this could lead to certain topics being watered down especially those relating to LGBTQ issues.³⁹ The UN Committee has stated that age-appropriate, comprehensive and inclusive SRE should be part of the mandatory school curriculum and be available to all adolescents, on the basis of non-discrimination.⁴⁰

As noted above, draft statutory guidance has been broadly welcomed, but areas for improvement have been identified by the PSHE Association. For example, the guidance states that primary aged children should have *'the vocabulary and confidence to report concerns or abuse'* but it isn't clear about whether or not children should be taught the correct terms for genitalia, despite both Ofsted and the Education Select Committee recommending they be taught in order to improve safeguarding.⁴¹

The government has also announced that parents will no longer have the right to withdraw their child from sex education up to the age of 18.⁴² From 2020 headteachers will have the power to grant a parental request to withdraw a child, which should ordinarily be granted until three terms before the child is 16 years of age. This a step in the right direction.

There continue to be no developments on ensuring all children receive education on children's rights.

Play, leisure and cultural activities

Opportunities to play still limited

There's been no advancement in adequately resourcing play and leisure, despite it being crucial for a child's health and wellbeing. There also continues to be no responsibility for play in

a ministerial portfolio. This is in sharp contrast to welcome developments in the devolved nations in recent years, for example, the Play Sufficiency Duty in Wales which requires local authorities to assess the provision of play opportunities, and the mainstreaming and resourcing of play by the Scottish Government. There have however, been some positive developments at regional level, for example in London, Bristol and Leeds.

A study of primary school children on their Body Mass Index and cardiorespiratory fitness (CF) found that children's CF increased throughout the school year but decreased back to the baseline throughout the summer holidays.⁴³ The decrease is most pronounced for children living in deprived areas. The report recommends that concerted public health action is taken to increase physical activity levels in the summer holiday - accessible play provision having a key role.

Research with children identified key barriers to being able to play locally including prohibitive costs for fun activities and poor-quality facilities.

Whilst children were pleased to be able to go to the park for free they said concerns about safety, dirty toilets or lots of broken equipment could deter them from going. Children viewed holiday clubs and holiday play schemes positively and enjoyed the activities offered. However, the report observes that affordable and good quality clubs have become rarer in recent years due to local funding cuts and many holiday clubs are now expensive. Where parents could be entitled to government help with meeting the cost through tax-free childcare schemes the report identified that the bureaucratic process meant many parents are not taking up the opportunity. It recommends that direct government grants to holiday clubs and play schemes could help ensure they are accessible to children from low income families.⁴⁴

There continues to be a decrease in the number of children visiting a library. In 2017-18, 64% of children aged 5-15 had visited a library in the last 12 months, compared with 75.3% in 2008-09.⁴⁵

Recommendations

1. The government must urgently allocate significant additional resources for schools to maintain funding in real terms and to reverse the affects that cuts have already had.
2. The government should drop plans to allow new voluntary aided schools to open that can select up to 100% of children based on their religious background.
3. The government should urgently address the over-representation of certain groups of children being excluded from schools.
4. The government should introduce a statutory right for children to appeal against exclusion decisions.
5. The government should reform the appeals process so that the Independent Appeal Panel has the power to instruct a governing body to reinstate a child.
6. The government should enforce the ban on informal exclusions and give further resources and training to schools, in order to assist with the inclusion of disabled children and children with SEND in mainstream schools.
7. The government must urgently improve the quality of Alternative Provision and ensure it is available across all regions and that children are offered a broad curriculum and taught at a sufficient level of challenge.
8. The government should reverse its decision to drop the feasibility study into developing a programme that seeks to grow the graduate workforce in early years education in disadvantaged areas.
9. The government should adopt and implement a coherent and adequately financed strategy, with concrete timelines and measurable goals, on increasing and improving inclusive education.
10. The government should abolish all methods of physical interventions against children for disciplinary purposes in all institutional settings, including "special" schools, and ensure it is used against children exclusively to prevent harm to the child or others and only as a last resort.
11. The government should prohibit the use of isolation rooms or booths.
12. The government should make sure that regardless of the religious character of the school, RE and SRE provides children with comprehensive, accurate and unbiased information.
13. The government should ensure that all children receive education on children's rights.
14. The government should ensure that play is included within a named ministerial portfolio. In consultation with key stakeholders, including children, the government should develop, resource and implement a national play policy. Local authorities must provide sufficient play and leisure provision, including for children with additional needs.

Endnotes

- 1 United Nations Universal Periodic Review (2017) *United Kingdom, British Overseas Territories and Crown Dependencies Annex to the response to the recommendations received on 4 May 2017*
- 2 The Sutton Trust (2017) *Selective comprehensives 2017*
- 3 Department for Education (2018) *Relationships Education, Relationships and Sex Education (RSE) and Health Education: Guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers, Draft for consultation: July 2018*
- 4 Institute for Fiscal Studies and Nuffield Foundation (2018) *2018 Annual report on Education spending in England*
- 5 National Education Union (2018) *Impact of school funding cuts: Report of a March 2018 survey of NEU members about the current and likely future impact of funding cuts*
- 6 NAHT (2018) *Empty Promises: The crisis in supporting children with SEN*
- 7 NASUWT (2018) *Special Educational Needs (SEN), Additional Learning Needs (ALN) and Additional Support Needs (ASN) survey report April 2018*
- 8 Education Select Committee (2018) *Forgotten children: Alternative provision and the scandal of ever increasing exclusions Fifth Report of Session 2017–19 HC 342*
- 9 Institute for Fiscal Studies and Nuffield Foundation (2018) *2018 Annual report on education spending in England*
- 10 Evidence from Humanists UK, September 2018
- 11 See for example Department for Education (2017) *Diversity and social cohesion in mixed and segregated secondary schools in Oldham* and The Sutton Trust (2017) *Selective Comprehensives 2017*
- 12 Department for Education (2018) *Permanent and fixed-period exclusions in England: 2016 to 2017*
- 13 Ibid
- 14 Ibid
- 15 Ibid
- 16 Education Select Committee (2018) *Forgotten children: Alternative provision and the scandal of ever increasing exclusions Fifth Report of Session 2017–19 HC 342*
- 17 Department for Education (2018) *Outcomes for children looked after by local authorities in England 31st March 2017*
- 18 Ibid
- 19 Education Select Committee (2018) *Forgotten children: Alternative provision and the scandal of ever increasing exclusions Fifth Report of Session 2017–19 HC 342*
- 20 Ibid
- 21 Ibid
- 22 BBC News Online 30 October 2018 'School exclusions 'fuelling gang violence' - Barnardo's'
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- 24 Department for Education (2018) *Early Years Foundation Stage profile results: 2016 to 2017*
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- 26 National Audit Office (2016) *Entitlement to free early education and childcare*
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- 28 Evidence received from Save the Children, September 2018
- 29 Education Policy Institute and Nuffield Foundation (2018) *2018 Annual report on education spending in England*
- 30 Department for Education (2018) *GCSE results ('Attainment 8') for children aged 14 to 16 (key stage 4)*
- 31 Department for Education (2018) *Outcomes for children looked after by local authorities in England, 31 March 2017*
- 32 <https://carers.org/young-carers-schools>
- 33 https://www.bbc.co.uk/news/resources/idt-sh/Being_a_young_carer
- 34 UN Committee on the Rights of Persons with Disabilities (2017) *Concluding Observations of the United Kingdom of Great Britain and Northern Ireland*
- 35 Evidence from Alliance for Inclusive Education, September 2018
- 36 Department for Education 27 July 2017 'Applications open to create 1,600 new special free school places' Press release
- 37 The Challenging Behaviour Foundation and Positive and Active Behaviour Support Scotland (2019) *Reducing restrictive interventions of children and young people: Case studies and survey results*
- 38 UN Committee on the Rights of the Child (2006) *General Comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment*
- 39 Evidence from Humanists UK, September 2018
- 40 UN Committee on the Rights of the Child (2016) *General comment No. 20 on the implementation of the rights of the child during adolescence*
- 41 PSHE Association 8th November 2018 'Health education and RSE guidance — the outstanding, the good and the 'requires improvement''
- 42 Schools Week 19th July 2018 'Heads will decide if pupils can be withdrawn from sex education'
- 43 UK Active Research Institute (2018) *One Year Surveillance of body mass index and cardiorespiratory fitness in UK primary school children and the impact of school deprivation level*
- 44 Children's Commissioner for England (2018) *Playing Out: A Children's Commissioner's report on the importance to children of play and physical activity*
- 45 Department for Digital Culture Media and Sport (2018) *Taking part survey: England child report, 2017/18*

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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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