



Children's
Rights Alliance
for England

EDUCATION, REST, PLAY AND CULTURE

STATE OF CHILDREN'S
RIGHTS IN ENGLAND

2014

EDUCATION, REST, PLAY AND CULTURE

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

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.

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What does the Convention say?

All children, no matter what their ability, interests or background, have a right to an education that will help them achieve their potential without discrimination. Education should be child-centred and empowering. It should be based on a broad curriculum, designed to provide children with life skills, develop their personality, talents and abilities and promote human rights values.¹ School discipline must respect children's human rights. Children should be able to express their views, and encouraged to participate in preschool, school and college life.

Every child has the right to achieve their potential without discrimination. The UN Convention on the Rights of the Child (UNCRC) recognises that many children experience discrimination in accessing education, and makes it clear that governments must ensure the right to education is based on equal opportunity. In this context, "discrimination" refers not only to decisions which discriminate against an individual pupil or student, but also where governments oversee inequalities to access to a high-quality education or disparities in funding for education.

Children also have a right to play and recreational activities, to rest and leisure, and to take part in cultural life.

In 2008, the UN Committee on the Rights of the Child highlighted its concern about a number of areas relating to the child's right to education, and the right to play and recreation in the UK. Among these, it recommended that the UK government:

- Provide assistance to help parents and guardians with their child-rearing responsibilities
- Ensure the right of all children to an inclusive education
- Continue efforts to reduce the impact of disadvantage on children's achievement at school
- Reduce the number of exclusions, and only use it as a last resort
- Strengthen children's participation in school and learning
- Guarantee children's right to rest and leisure, to engage in play and recreational activities, and to participate in cultural life and the arts
- Provide all children, including those with disabilities, with adequate and accessible play spaces

There are four general principles, which underpin each of the specific rights outlined in the rest of the Convention:

- Article 2 - children should not be discriminated against in the enjoyment of their rights
- Article 3 - the child's best interests should take precedence in every decision and action taken relating to a child
- Article 6 - children have a right to life and develop to their full potential
- Article 12 - children have a right to express their views and have them given due weight

What progress have we made?

There is no definitive list of indicators which determines whether or not children enjoy their rights. This section presents indicators which have been used to illustrate particular rights issues facing children in England, and is based on a combination of official statistics, published research and additional material gathered through Freedom of Information requests. In addition, it summarises significant laws or policies which affect children's human rights.

Early education and childcare

The UNCRC recognises that children's earliest years are of the utmost importance. High quality education during a child's early years has a significant positive impact on the child's outcomes.² The pre-school years are a crucial time for children's cognitive, social, and emotional growth, and early years education is important in allowing children to flourish in these respects. The right to early childhood education is closely aligned to Article 6 of the UNCRC and the young child's right to maximum development.

Children's centres are community facilities working to improve outcomes for young children and their families, with a particular focus on the most disadvantaged families, in order to reduce inequalities in child development and school readiness³ - though pressures on local government funding are leading to a reduction in the hours and services provided, as well as mergers and closures of centres.⁴ Children reports an overall cut in spending on children's centres and early years services of 20% over the three years from 2012-13 to 2014-15, but estimates that they are currently working with only 67% of the families identified as vulnerable.⁴

1 UN Committee on the Rights of the Child (2001). General comment no. 1 on the aims of education
2 Gregory, I (July 2009) Childcare take up and National Indicator 118: A summary of learning funded by government regional offices 08/09 across England, Daycare Trust
3 DfE (2012) The core purpose of Sure Start Children's Centres. <http://media.education.gov.uk/assets/files/pdf/s/sure%20start%20childrens%20centres%20core%20purpose.pdf>
4 4Children (2014) Children's centres census 2014. http://www.4children.org.uk/Files/d1b2b533-b62b-45cc-80f2-a3c400d8e691/Children_Centre_Census_2014.pdf

An entitlement to free early years provision was introduced for all four year-olds in 1998, and expanded to include all three year-olds in 2004. The current entitlement is for 15 hours per week for 38 weeks a year, per child. Since September 2013, 130,000 two year-olds from disadvantaged families have been eligible for a similar free entitlement, with the target doubling to 260,000 or 40% of all two year-olds, from September 2014 - though organisations including the Family and Childcare Trust have expressed doubt over whether the new targets can be met due to insufficient funding and a shortfall in places.⁵ Although it can provide young children with the benefits of some early years provision, the 15 hour-a-week entitlement is not flexible enough to enable parents to work.

PROPORTION OF CHILDREN WITH FUNDED EARLY EDUCATION PLACES ⁶	JANUARY 2009	JANUARY 2014
2 year-olds in funded early education places - funded place based on disadvantage	No data	13%
3 year-olds	92%	94%
4 year-olds	98%	99%

Early years qualifications

The UN Committee on the Rights of the Child says that those who work with young children should be highly qualified and the work they do valued.⁷

Early education and childcare provision in England is offered by a mix of public, private and voluntary sector providers. Private, voluntary and independent (PVI) providers take the greater share of two and three year-olds, with the majority of four year-olds attending school-based infant classes. Most school settings employ qualified teachers, but qualifications for those employed in PVI settings vary.

Only 50% of two year-olds and 52% of three year-olds in PVI education are at settings where staff have Qualified Teacher Status⁸ or Early Years Professional Status.⁹

Quality matters - Ofsted has commented on how much more young children from low income families are likely to benefit from high quality early years provision than their more advantaged peers, while noting that twice as many outstanding early years providers are based in more affluent areas.¹⁰

Childcare costs

Since 2009, the cost of childcare in England has risen by 27%. Despite government subsidies available through Working Tax Credit or employer support through childcare vouchers, most parents who buy full-time care have to contribute between 20% and 30% of their gross income on childcare.¹¹

The UN Committee on the Rights of the Child has commented on governments' responsibility to ensure that

- 5 Family and Childcare Trust (2014) Thousands of England's poorest two year olds missing out on free childcare offer. Press release. 17 February 2014. <http://www.familyandchildcaretrust.org/News/thousands-of-englands-poorest-two-year-olds-missing-out-on-governments-flagship-free-childcare-offer>
- 6 DCFS (2010) Provision for children under five years of age in England, January 2009. <http://webarchive.nationalarchives.gov.uk/20130401151655/http://media.education.gov.uk/assets/files/pdf/sfr112009pdf.pdf>
- 7 DfE (2014) Provision for children under five years of age in England: January 2014. <https://www.gov.uk/government/statistics/provision-for-children-under-5-years-of-age-january-2014>
- 8 UN Committee on the Rights of the Child (2005) General comment no.7 on implementing child rights in early childhood
- 9 Qualified Teacher Status is a level 5 qualification; and Early Years Professional Status is a level 3 qualification.
- 10 Huskinson, T et al (2014) Childcare and early years survey of parents 2012-2013. DfE <https://www.gov.uk/government/statistics/childcare-and-early-years-survey-of-parents-2012-to-2013>
- 11 Ofsted (2014) The report of Her Majesty's Chief Inspector of Education, Children's Services and Schools - early years 2012/13. <http://www.ofsted.gov.uk/sites/default/files/documents/annual-reports/o/Ofsted%20Early%20Years%20Annual%20Report%20201213.pdf>
- 12 Daycare Trust (2009) Childcare costs survey 2009. Family and Childcare Trust (2014) Childcare costs survey 2014. <http://www.familyandchildcaretrust.org/childcare-costs-surveys>

the children of working parents have the right to benefit from childcare services. How affordable childcare is has an inevitable impact on maternal employment,¹² and getting parents into paid work is the core thrust of the government's strategy to reduce child poverty.¹³

CHILD CARE COSTS - 25 HOURS A WEEK ENGLAND REGIONAL AVERAGE ¹¹	2009	2014
Nursery (under 2)	£83.50	£110.95
Nursery (2 and over)	£78.00	£106.19
Childminder (under 2)	£78.00	£100.74
Childminder (2 and over)	£76.00	£101.51

In its annual parents' survey of childcare,¹⁴ the Department for Education (DfE) found that:

- 37% of lone parents and 23% of couple families paying for childcare said they found it difficult or very difficult to cover the costs
- Only 58% of parents rated the overall quality of local childcare provision as very or fairly good
- 54% of mothers who were not working said that they would prefer to go out to work if they could arrange good quality childcare which was convenient, reliable and affordable

The government is planning to introduce an Early Years Pupil Premium from April 2015, allocating £300 funding for every disadvantaged child to early years providers to help pay for extra support.¹⁵ A new tax free childcare scheme is due to be introduced in Autumn 2015, which will provide families where the lone parent or both parents work 20% support towards their childcare costs up to £2,000 per child.¹⁶ It will not be available to parents who receive help with childcare costs through the tax credits system.

School places

A shortage of school places impacts on a child's right to education, how much choice they have over the school they attend, and the quality of the education they may receive. In 2013, the National Audit Office¹⁷ estimated that 256,000 new school places would be needed in 2014-15 - mostly in primary schools. The Education Act 2011¹⁸ stipulates that any new school in a local authority area has to be an academy, which has led to some local authority maintained schools having to convert non-classroom spaces, reduce playground space, or expand classes beyond the 30 child- per-class limit to accommodate children.¹⁹

In a report on school admissions, the Office of the Children's Commissioner (OCC) investigated whether or not unlawful admissions activity was taking place.²⁰ Although there is a statutory Admissions Code²¹ which is meant to ensure an open and fair allocation of places - and in particular prioritises placements for children in care, adopted children, and children with special educational needs - in practice the admissions system operates as a market. OCC found no clear-cut evidence that schools were deliberately "gaming" the admissions system to manipulate their intakes, but that elements of the admissions systems used by some schools may have that effect, even if schools were not doing it deliberately. The DfE is consulting on changing the Code²² to prioritise the admission of children eligible for the Early Years Pupil Premium, Pupil Premium, or Service Premium in all state-funded schools.

12 Thompson, S and Ben-Galim, D (2014) Childmind the gap: reforming childcare to support mothers into work. http://www.ippr.org/assets/media/images/media/files/publication/2014/02/childmind-the-gap_Feb2014_11899.pdf

13 HM Government (2014a) Child poverty strategy 2014-17. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/324103/Child_poverty_strategy.pdf

14 Huskinson, T et al (2014) op cit.

15 DfE (2014) Early years pupil premium and funding for two year olds - consultation. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/323495/EY_Funding_ConDoc_Branded_final_with_foreword.pdf

16 Childcare Payments Bill. <http://www.publications.parliament.uk/pa/bills/cbill/2014-2015/0007/15007.pdf>

17 National Audit Office (2013) Capital funding for new school places. http://www.nao.org.uk/wp-content/uploads/2013/03/10089-001_Capital-funding-for-new-school-places.pdf

18 Education Act 2011, s.37 and schedule 11. <http://www.legislation.gov.uk/ukpga/2011/21/schedule/11/enacted>

19 Local Government Association (2013a) Councils warn of rising demand for primary school places. Press release. 3 September 2013. http://www.local.gov.uk/media-releases/-/journal_content/56/10180/5416718/NEWS

20 Office of the Children's Commissioner (2014) It might be best if you looked elsewhere: an investigation into the schools admission process. http://www.childrenscommissioner.gov.uk/content/publications/content_798

21 DfE (2012) Admissions Code. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275598/school_admissions_code_1_february_2012.pdf

22 DfE (2014) Changes to the school admissions code. <https://www.gov.uk/government/consultations/changes-to-the-school-admissions-code23>

Ofsted (2014) The pupil premium: an update. <http://www.ofsted.gov.uk/sites/default/files/documents/surveys-and-good-practice/t/The%20pupil%20premium%20-%20an%20update.pdf>

Spotlight: the Pupil Premium

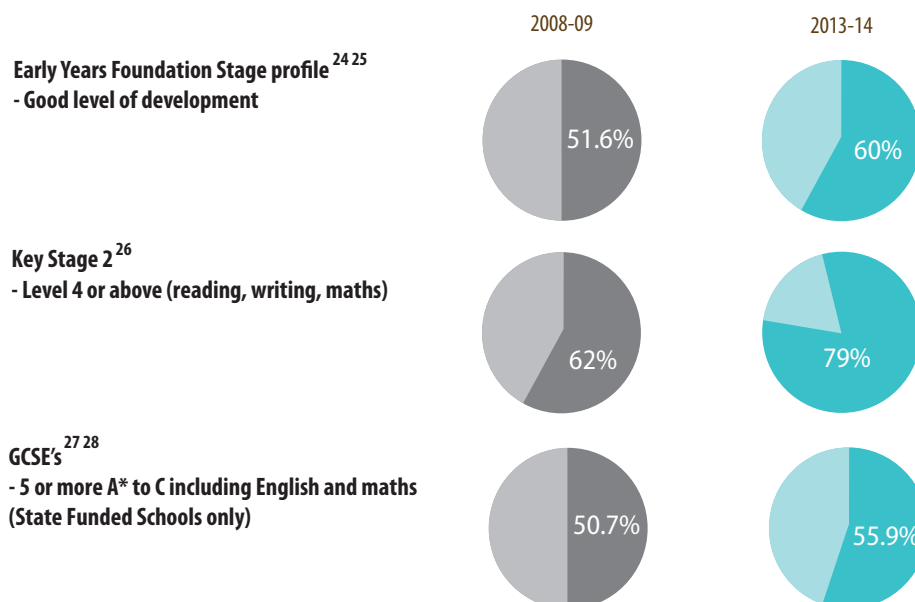
The coalition government introduced the Pupil Premium in April 2011. It provides additional per pupil funding to all state-funded schools (local authority maintained and academy) on the basis of the number of children registered for Free School Meals (FSM), looked after children, and the children of service personnel. The money is used by the school to buy in whatever services it decides would help to close the attainment gap between disadvantaged pupils and their peers; the school is inspected on the way it spends the fund and its results. Typically, the money is used to buy in additional staffing which can help the school provide smaller classes, one-to-one tuition, learning mentors, classroom assistants, and speech and language therapists. In its latest assessment of the Pupil Premium, Ofsted reports that the money is being well-spent in good and outstanding schools, and the attainment gap is closing.²³ The government plans to introduce an Early Years Pupil Premium from April 2015.

Educational outcomes

Children have a right to education which allows them to realise their potential - a high quality education suited to their capacities, needs and learning styles.

Although not directly comparable due to changes in the curriculum and assessment systems, official figures on educational achievement show an overall increase between 2008-09 and 2013-14 in early years (or readiness for school), at Key Stage 2, and in GCSEs. This applies to both boys and girls, and children eligible for Free School Meals (FSM). There have been improvements for black pupils, but Early Years Foundation Stage (EYFS) and Key Stage 2 results for White pupils have remained static. The attainment gaps for children with special educational needs (SEN) have actually increased at all stages at which they were assessed or tested. Children in care are achieving better results at Key Stage 2 but the gap starts widening again by the time they take their GCSEs.

EDUCATIONAL DEVELOPMENT AND ACHIEVEMENT - ALL CHILDREN



23 Ofsted (2014) The pupil premium: an update. <http://www.ofsted.gov.uk/sites/default/files/documents/surveys-and-good-practice/t/The%20pupil%20premium%20-%20an%20update.pdf>

24 DCSF (2010) Early Years Foundation Stage Profile Achievement by Pupil Characteristics, England 2008/09. <http://webarchive.nationalarchives.gov.uk/20130401151655/http://www.education.gov.uk/researchandstatistics/statistics/allstatistics/a00196330/early-years-foundation-stage-profile-attainment-by>

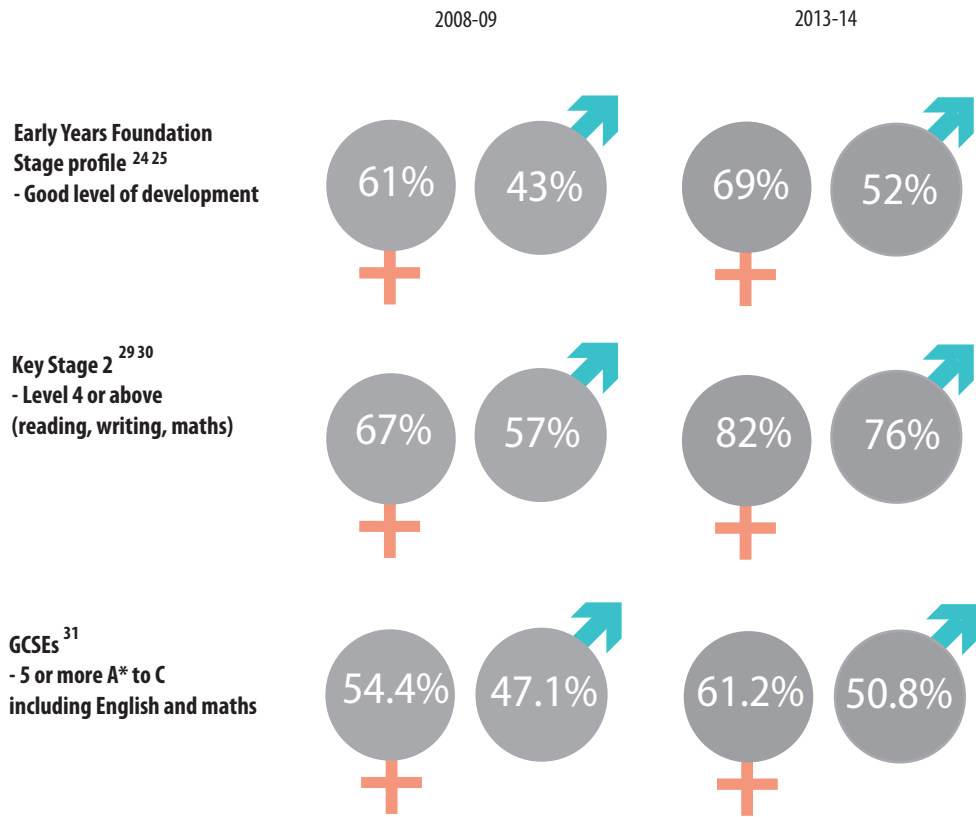
25 DfE (2014) Early Years Foundation Stage Profile results, 2013 to 2014. <https://www.gov.uk/government/statistics/early-years-foundation-stage-profile-results-2013-to-2014>

26 DfE (2014) National curriculum assessment at Key Stage 2 in England, 2014 (provisional). <https://www.gov.uk/government/statistics/national-curriculum-assessments-at-key-stage-2-in-england-2014>

27 DfE (2014) Provisional GCSE and equivalent results in England 2013/14. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366556/SFR41_2014_provisional_GCSE_and_equivalents.pdf. Not directly comparable to previous years due to changes to vocational qualifications and the introduction of the early entry policy to only count a pupil's first attempt at a qualification

28 DCSF (2009) National curriculum assessments at Key Stage 2 in England, 2008/9 (revised). <http://webarchive.nationalarchives.gov.uk/20130401151655/http://www.education.gov.uk/researchandstatistics/statistics/allstatistics/a00196257/national-curriculum-assessments-at-key-stage-2>

EDUCATIONAL DEVELOPMENT AND ACHIEVEMENT - BY GENDER



EDUCATIONAL DEVELOPMENT AND ACHIEVEMENT - BY ETHNICITY

	2008-09	2012-13
Early Years Foundation Stage profile ^{24 32} - Good level of development	53.3% White; 43.7% Black - attainment gap 9.6	53% White 51% Black - attainment gap 2
Key Stage 2 - Level 4 or above (reading, writing, maths)	73% White 64% Black - attainment gap 9	76% White 73% Black - attainment gap 3
GCSEs - 5 or more A* to C including English and maths	White 50.7% Black 44.5% - attainment gap 6.2	White 60.2% Black 58.1% - attainment gap 2.1

29 DCSF (2009) National curriculum assessments at Key Stage 2 in England, 2008/9 (revised). <http://webarchive.nationalarchives.gov.uk/20130401151655/http://www.education.gov.uk/researchandstatistics/statistics/allstatistics/a00196257/nationalcurriculum-assessments-at-key-stage-2>

30 DfE (2014) National curriculum assessments at Key Stage 2: 2014

31 DfE (2014) GCSE and equivalent attainment by pupil characteristics in England, 2012/13. <https://www.gov.uk/government/statistics/gcse-and-equivalent-attainment-by-pupil-characteristics-2012-to-2013>

32 DfE (2013) Early Years Foundation Stage Profile Attainment by Pupil Characteristics, England 2013. <https://www.gov.uk/government/statistics/eyfsp-attainment-by-pupil-characteristics-2013>

EDUCATIONAL DEVELOPMENT AND ACHIEVEMENT - SPECIAL EDUCATIONAL NEEDS	2008-09	2012-13
Early Years Foundation Stage profile ²⁴ - Good level of development	15.4% SEN 55.5% no SEN - attainment gap 39.6	14% SEN 56% no SEN - attainment gap 42
Key Stage 2 - Level 4 or above (reading, writing, maths)	31.0% SEN 85.5% no SEN - attainment gap 54.5	35% SEN 88% no SEN - attainment gap of 53
GCSEs - 5 or more A* to C including English and maths	Attainment gap of 44.9 - attainment gap 6.2	Attainment gap of 47.0 - attainment gap 2.1

EDUCATIONAL DEVELOPMENT AND ACHIEVEMENT - CHILDREN ELIGIBLE FOR FREE SCHOOL MEALS	2008-09	2012-13
Early Years Foundation Stage profile ^{24 30} - Good level of development	34.5% FSM pupils 55% non FSM - attainment gap 20.5	36% FSM pupils 55% non FSM - attainment gap 19
Key Stage 2 - Level 4 or above (reading, writing, maths)	53.3% FSM pupils 75.5% non FSM - attainment gap 22.2	60% FSM pupils 79% non FSM - attainment gap 19
GCSEs - 5 or more A* to C including English and maths	26.6% FSM pupils 50.7% all state funded pupils - attainment gap 24.1	37.9% FSM pupils 60.6% all state funded pupils - attainment gap 22.7

EDUCATIONAL DEVELOPMENT AND ACHIEVEMENT - CHILDREN IN CARE ³³	2008-09	2012-13
Early Years Foundation Stage profile - Good level of development	No information	No information
Key Stage 2 - Level 4 or above (reading, writing, maths)	Attainment gap of 29.5 (English and maths)	Attainment gap of 26
GCSEs - 5 or more A* to C including English and maths	Attainment gap of 38.1	Attainment gap of 42.7

School curriculum

Article 29 of the UNCRC entitles children to a broad curriculum which helps them develop their life skills, talents and abilities, including the ability to make well-balanced decisions and develop a healthy lifestyle. It also stresses the child's right to learn about human rights.³⁴ In its General Comment on the right to health, the UN Committee on the Rights of the Child recognises the importance of children receiving education on relationships and sexual health.³⁵

The school curriculum has undergone a number of key changes since 2008. In 2011, the English Baccalaureate (EBacc) was introduced as the key performance measure for schools. The EBacc measures a pupil's performance across a group of core academic subjects - English, maths, history or geography, the sciences and a language - and appears to have led to a decline in the provision and choice of non-academic subjects in the school curriculum.³⁶ A new National Curriculum took effect in September 2014.

Only maintained schools are required to follow the National Curriculum, but all state-funded schools, including academies, must provide a curriculum which is balanced and broadly based and which promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society and prepares pupils at the school for the opportunities, responsibilities and experiences of later life.³⁷ Ofsted assesses the breadth of the curriculum during its inspections of schools and academies.³⁸

Spotlight on: Personal, Social, Health and Economic (PSHE) education and human rights education

Personal, Social, Health and Economic (PSHE) education is a non-statutory subject in the National Curriculum. Although schools are able to develop their own PSHE programme, they must refer to statutory sex and relationship education guidance.³⁹ Human rights and international law are part of the Key Stage 4 Citizenship curriculum, but younger children do not have a right to learn about human rights.⁴⁰

In order to assess how teachers are delivering on those wider aims of education, CRAE asked a sample of secondary schools and academies across England about their PSHE education, and whether they provide human rights education. Twenty-two secondary schools and academies responded to this question.

PSHE education is available in all but one of these schools and academies, though the number of hours per student designated for PSHE education varies significantly from half an hour to 6½ hours a week. This includes classroom teaching, but also meetings with form tutors and school assemblies, as well as cross-curricular aspects covered in other areas of the curriculum. Twelve of the 22 schools/academies had teaching staff trained in PSHE, or specific elements such as sex and relationship education or drug education. Two of the schools also accessed expertise through external agencies, including the PSHE Association.

All 22 schools and academies said they teach their pupils about human rights. Twelve of the schools/academies provide human rights education as part of their PSHE, or Citizenship education. Others cover human rights in English, Psychology, History, Geography, Business and especially Religious Education. Most were unable to quantify teaching time. Only five schools/academies had teachers who had received some training in human rights education - and two of the academies were working towards Unicef's Rights Respecting Schools Award accreditation.⁴¹

34 UN Committee on the Rights of the Child (2001) General comment no. 1 on the aims of education

35 UN Committee on the Rights of the Child (2013) General comment no.15 on the right of the child to the highest attainable standard of health

36 Greevy, H et al (2013) Revised: The effects of the English Baccalaureate. DfE. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/183528/DFE-RR249R-Report_Revised.pdf

37 DfE (2013) The national curriculum in England: framework document. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/339805/MASTER_final_national_curriculum_until_sept_2015_11_9_13.pdf

38 Ofsted (2014) School inspection handbook. <http://www.ofsted.gov.uk/sites/default/files/documents/inspection-forms-and-guides/s/School%20inspection%20handbook.pdf>

39 DfEE (2000) Sex and relationship education guidance. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/283599/sex_and_relationship_education_guidance.pdf

40 DfE (2014) The national curriculum in England: Key Stage 3 and 4 framework document. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/330327/SECONDARY_national_curriculum_FINAL_140714.pdf

41 Unicef UK Rights Respecting Schools award website. <http://www.unicef.org.uk/rrsa>

Careers guidance

The right to education includes a right to technical and vocational education that - in addition to the academic curriculum - can help prepare young people for work.⁴² Up to 2011, Connexions provided information, advice and guidance - including careers advice - to young people. In 2011-12, Connexions funding became an unprotected part of the Early Intervention Grant and many local services were closed.⁴³ In the Education Act 2011,⁴⁴ schools and academies were made responsible for providing impartial careers guidance to young people from the age of 13, though they receive no additional funding to do so. An all-age National Careers Service (NCS) was launched in April 2012, with information, advice and guidance about courses and careers available through its website.

In a recent report, the National Careers Council acknowledged that schools are facing particular challenges in delivering careers guidance for pupils,⁴⁵ and Ofsted has found that too much guidance about 16 to 19 study options is weak.⁴⁶ In April 2014, the government issued statutory guidance for schools⁴⁷ setting out expectations that schools provide activities and opportunities that help prepare young people for the next stage of their lives - including through contact with employers, mentors and coaches.

CRAE asked a sample of secondary schools and academies about their careers budget, how many hours of careers guidance were provided over the school year, and the level of expertise in careers advice and support available to students. Twenty secondary schools and academies responded to a Freedom of Information request which found:

- A wide variation in funding available for careers guidance in schools. Schools' annual budgets for 2014-15 ranged from £3,000 to £50,000 - the £50,000 budget paid for a full-time Information, Advice and Guidance service in one academy
- Careers guidance was delivered in a number of ways: through PSHE education; as part of Steps to Success lessons; through assemblies and visits; and (where available) through drop-in sessions with local authority Connexions staff
- Seventeen schools/academies brought in external careers providers, and staff in 13 schools/academies had received at least some careers training
- Six schools/academies said they built links with and arranged visits from local businesses and colleges

Exclusion from school

A permanent exclusion is the removal of a child from the school roll. This issue was of particular concern to the UN Committee on the Rights of the Child in 2008 because of the disproportionate number of exclusions affecting certain groups of children.

Statutory guidance from the DfE states that:

*... permanent exclusion should only be used as a last resort, in response to a serious breach, or persistent breaches, of the school's behaviour policy; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.*⁴⁸

The Office of the Children's Commissioner has said explicitly that the exclusions system in England is not compliant with the UNCR: ⁴⁹ the exclusions process does not always consider the child's views, and the child has no right of appeal against the decision to exclude.

42 UN Committee on Economic, Social and Cultural Rights (1999) General comment no.13: the right to education. <http://www.refworld.org/publisher/CESCR/GENER/AL/4538838c22,0.html>

43 Hooley, T and Watts, AG (2011) Careers work with young people: collapse or transition? University of Derby. http://www.derby.ac.uk/files/careers_transition_paper.pdf

44 Education Act 2011, s.29. <http://www.legislation.gov.uk/ukpga/2011/21/section/29/enacted>

45 National Careers Council (2014) Taking action: achieving a culture change in careers provision. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/355473/bis-14-1080-taking-action-achieving-a-culture-change-in-careers-provision.pdf

46 Ofsted (2014) Transforming 16 to 19 education and training: the early implementation of 16 to 19 study programmes. <http://www.ofsted.gov.uk/sites/default/files/documents/surveys-and-good-practice/t/Transforming%2016%20to%2019%20education%20and%20training%20-%20the%20early%20implementation%20of%2016%20to%2019%20study%20programmes.pdf>

47 DfE (2014) Careers guidance and inspiration in schools: statutory guidance for governing bodies, school leaders and school staff. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/302422/Careers_Statutory_Guidance_-_9_April_2014.pdf

48 DfE (2012) Exclusion from maintained schools, academies and pupil referral units in England. p.4. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/269681/Exclusion_from_maintained_schools__academies_and_pupil_referral_units.pdf

49 Office of the Children's Commissioner (2013) They never give up on you: Office of the Children's Commissioner school exclusions inquiry. http://www.childrenscommissioner.gov.uk/content/publications/content_561

The total number of both permanent and fixed term exclusions has fallen since 2008, but a higher proportions of pupils with SEN, from black and minority ethnic groups, who are eligible for Free School Meals, or who are in care are excluded from school than their peers.

EXCLUSIONS FROM SCHOOL	PERMANENT EXCLUSION FROM SCHOOL ^{50 51}		FIXED TERM EXCLUSION FROM SCHOOL	
	2008-2009	2012-2013	2008-2009	2012-2013
Total number - all schools	6,550	4,630	363,280	267,520
Pupils with SEN	4,680 - 71%	3,160 - 68%	235,090 - 65%	164,590 - 62%
Minority ethnic pupils	1,520 - 23%	1,240 - 27%	72,440 - 20%	59,550 - 22%
FSM	2,480 - 38%	2,110 - 46%	124,190 - 34%	109,430 - 41%

	2008-2009	2011-2012	2008-2009	2011-2012
Children in care ^{50 51}	4 times more likely to be permanently excluded	2 times more likely to be permanently excluded	Nearly 3 times more likely to be given a fixed term exclusion	Nearly 3 times more likely to be given a fixed term exclusion

Children's involvement in their school

It is a cornerstone of the UNCRC to listen to children and take account of their views. In 2014, the DfE issued statutory guidance to maintained schools on listening to and involving children and young people,⁵² which emphasises the contribution participation can make to children's achievement and attainment, as well as the development of democratic skills.

Twenty-three secondary schools and academies responded to a Freedom of Information request from CRAE.

- Twenty-two have a school council with volunteer or elected pupil members - one school appoints school council members
- Seven schools are involved in Student Voice⁵³ surveys and campaigns
- Nine schools undertake regular student surveys, though it is not clear if these are initiated by pupils or staff
- One school has Associate Student Governors, and two involve students in interviews for new staff

They mentioned a range of issues students have been consulted on recently, including: uniforms, school catering, the school environment, the curriculum, extra-curricular activities, charitable fundraising, and the school's behaviour and reward policy. One school mentioned involving students in staff inductions.

50 DfE (2010) Permanent and fixed period exclusions from schools and exclusion appeals in England, 2008/09. Tables 6.1, 12 and 15. <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-academic-year-2008-to-2009>. DfE (2013) Outcomes for children looked after by Local Authorities in England, as at 31 March 2013

51 DfE (2014) Permanent and Fixed Period Exclusions in England: 2012 to 2013. <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2012-to-2013>

52 DfE (2014) Listening and involving children and young people. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/271814/Listening_to_and_involving_children_and_young_people.pdf

53 Student Voice website <http://studentvoice.co.uk/>

Feeling safe and well in school

Article 29 of the UNCRC promotes a holistic approach to education, which includes emotional support. Health education and provision within schools can reach children who may not otherwise access it.⁵⁴

Although school governors of maintained schools are under a duty to promote the wellbeing of pupils,⁵⁵ this has not been extended to academies. Neither schools nor academies are inspected on pupil wellbeing. This year, the DfE issued advice for schools on mental health and behaviour, though its contents look at how mental health issues can affect children's ability to engage with learning.⁵⁶

In an inquiry into child and adolescent mental health services (CAMHS), the Health Committee notes that schools have a crucial role to play in relation to children's and young people's mental health. Although some school support is good, many teachers seem to be "scared" of mental health issues - they lack training, and children are not taught about mental health. Despite this, between 61% and 85% of secondary schools provide children with access to counselling, making school-based counselling one of the principal forms of CAMHS intervention in England.⁵⁷

Twenty-two secondary schools and academies responded to a Freedom of Information request from CRAE, asking what types of on and off-site mental health support were available for pupils.

- Nineteen had access to a school nurse - most on-site - though their availability ranged from ½ day a week to a full-time post
- Seventeen had a school counsellor on site, available for ½ day to 21 hours a week
- Three mentioned pastoral staff, and three schools/academies had mentors available to work with pupils
- One academy offered self-esteem and confidence building clubs for students
- Seventeen had some links with local child and adolescent mental health services (CAMHS)
- Four had links with the local authority educational psychology service
- Other services mentioned include social work, Relate counselling, and a local bereavement service

Children have a right to feel safe in school and, under Article 19 of the UNCRC, should be protected from all forms of physical or mental violence. Schools in England are required to have behaviour policies in place that set out measures to prevent bullying, and have to be able to demonstrate the impact of these policies when inspected by Ofsted. In January 2009, 46% of children reported having been bullied whilst at school⁵⁸ - a situation that does not seem to have improved. In its most recent annual bullying survey of secondary school and college students,⁵⁹ Ditch the Label found that 45% of the 3,600 respondents had been bullied. In its latest Good Childhood report, The Children's Society finds that children who are bullied are unhappy most days, and three times as many of them have low life satisfaction compared with their peers.⁶⁰

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Outcomes for older children

One way of measuring how well the education system is serving children is to look at what they are doing when compulsory schooling comes to an end. School leaving age in England is 16. In the past, the UK has performed badly in international comparisons⁶¹ when comparing the rates of young people who go on to further education, or the numbers who are not in education, training or employment (NEET).

54 UN Committee on the Rights of the Child (2013) General comment no.15 on the right of the child to the enjoyment of the highest attainable standard of health
55 Education and Inspections Act 2006, s.38. <http://www.legislation.gov.uk/ukpga/2006/40/section/38>
56 DfE (2014) Mental health and behaviour in schools: departmental advice for staff. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/326551/Mental_Health_and_Behaviour_-_Information_and_Tools_for_Schools_finalwebsite__2__25-06-14.pdf
57 Health Committee (2014) Children's and adolescents' mental health and CAMHS. Third report of session 2014-15. <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmhealth/342/342.pdf>
58 Chamberlain, T and others (2010) Tellus4 national report. London: DCSF. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/221932DCSF-RR218.pdf
59 Ditch the Label (2014) The annual bullying survey 2014. <http://www.ditchthelabel.org/uk-bullying-statistics-2014/>
60 The Children's Society (2014) The Good Childhood report 2014, p.35. http://www.childrensociety.org.uk/sites/default/files/publications/the_good_childhood_report_2014_-_final.pdf
61 Adamson, P (2012) Child wellbeing in rich countries: a comparative overview. Unicef report card 11. <http://www.unicef-irc.org/publications/pdf/rc11eng.pdf>

Part 1 of the Education and Skills Act 2008 requires 16 and 17 year-olds to remain in some form of education or training to the age of 18. Raising the participation age came into force for 16 year-olds in 2013, and will extend to 17 year-olds in 2015.⁶² In order to comply with the duty, young people can choose to take part in: full-time education, an apprenticeship, or full-time work or volunteering combined with part-time education or training.

Although the new policy is already having an effect - 2013 NEET figures are at their lowest since 1994 - its implementation is happening at the same time as overall funding for 16 to 19 year-olds has been cut.⁶³ There is considerable debate over whether the 16 to 19 Bursary Fund set up to support poorer students - worth up to £1,200 for care leavers and young people in receipt of benefits, with a discretionary element for other needy students - is providing sufficient support,⁶⁴ although there is extra help for some through the extension of Free School Meals to college students from September 2014.⁶⁵

PARTICIPATION RATES ^{66 67}	END 2008	END 2013
16 - 18 year olds in:		
• Education and work-based learning	75%	81.2%
• Education and training	79.4%	85.6%
• Not in education, employment or training (NEET)	10.4%	7.6%

Despite overall numbers of those achieving a qualification at the age of 19 increasing, the attainment gap between FSM and non-FSM pupils remains stubbornly high.

PERCENTAGE ACHIEVING LEVEL 3 QUALIFICATIONS AT AGE 19 ⁶⁸	2008-09	2012-13
FSM pupils	26.9%	35.2%
Non-FSM pupils	51.4%	59.5%
Attainment gap	24.5%	24.3%

Play, recreation and cultural activities

Play and recreation are essential to the health and wellbeing of children - as the UN Committee on the Rights of the Child notes: '*an essential component of physical, social, cognitive, emotional and spiritual development*'.⁶⁹ A child's right to play and recreation suffers from poor recognition of its importance, and a lack of investment by government at national and local level. The Education Act 1996⁷⁰ requires local authorities in England to ensure there are recreational facilities for children under 13, and sufficient leisure-time activities for 13 to 19 year-olds - the latter duty supported by statutory guidance.⁷¹

62 DfE (2013) Participation of young people in education, employment or training. Statutory guidance for local authorities. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/349300/Participation_of_Young_People_Statutory_Guidance.pdf

63 National Audit Office (2014) 16 to 18 year old participation in education and training. <http://www.nao.org.uk/wp-content/uploads/2014/09/16-to-18-year-old-participation-in-education-and-training.pdf>

64 Evans, J (2012) Staying the course: Disadvantaged young people's experiences in the first term of the 16-19 Bursary Fund. Barnardo's. <http://www.barnardos.org.uk/stayingthecourse.pdf>

65 Education Funding Agency (2014) Further education free meals: advice for further education funded institutions. <https://www.gov.uk/government/publications/further-education-free-meals-advice-for-fe-institutions>

66 DfE (2010) Participation in education, training and employment by 16-18 year olds in England. <http://webarchive.nationalarchives.gov.uk/20130401151655/http://www.education.gov.uk/researchandstatistics/statistics/allstatistics/a00196072/participation-in-education-training-and-employment>

67 DfE (2014) Participation in Education, Training and Employment by 16-18 year olds in England: End 2013. <https://www.gov.uk/government/statistics/participation-in-education-training-and-employment-age-16-to-18>

68 DfE (2014) Attainment gap at age 19 between Free School Meals pupils and the rest. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300218/Indicator-9_L3at19by_FSM_-_DR.pdf

69 UN Committee on the Rights of the Child (2013) General comment no.17 on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts.

70 Education Act 1996, as amended by s.507A and 507B Education and Inspections Act 2006. <http://www.legislation.gov.uk/ukpga/2006/40/section/6>

71 DfE (2012) Statutory guidance for local authorities on services and activities to improve young people's well-being. <http://media.education.gov.uk/assets/files/pdf/s/statutory%20guidance%20on%20la%20youth%20provision%20duty.pdf>

Spotlight on: Children's play services

In 2008, the government published a ten-year play strategy for England and provided funding for new or refurbished play areas. This funding ended in March 2011, and the play strategy was effectively abandoned by central government.⁷² In response to Freedom of Information request sent to 152 local authorities in England by CRAE, 32 local authorities were able to provide information on play budgets for 2008-09 and 2014-15, which indicate:

- All had reduced their play budgets - overall, a 54% reduction in funding for play across the 32 local authorities
- Three of the local authorities had reduced their play budget to zero for 2014-15
- In most areas, play funds were being used to maintain and repair existing play facilities

Youth services

Youth service provision is divided between universal services, often based round youth clubs and centres, and targeted services for vulnerable groups. In 2009-10, average local authority youth service expenditure was £77.28 for each child aged between 13 and 19;⁷³ in 2014-15, this has fallen to £49 per head.⁷⁴ Results of a survey of local authority youth services undertaken by the Cabinet Office⁷⁵ show that youth service expenditure fell by 22.3% between 2011-12 and 2013-14. This pattern is confirmed in a Freedom of Information request sent to 152 local authorities in England by CRAE, to which 60 local authorities responded, indicating:

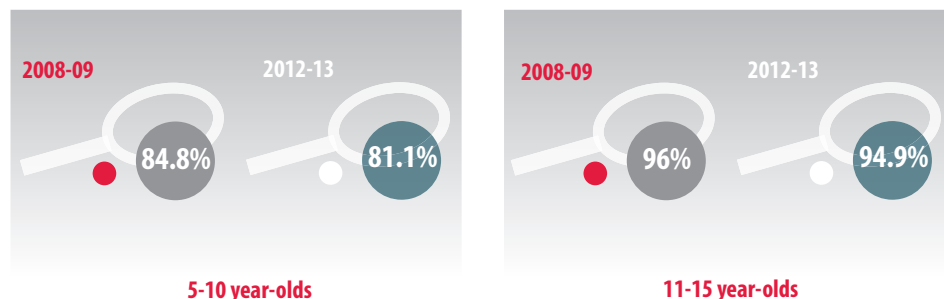
- Youth service budgets have fallen by 35%, from an average 1.28% of the total local authority budget in 2008-09 to 0.87% in 2014-15
- However, 11 local authorities have increased their budget for youth services since 2008-09
- Twelve local authorities are spending all or nearly all their youth service budget on targeted youth services

Unison has found that these continuing reductions in youth service funding have led to a loss of 41,000 youth service places, 35,000 hours of outreach work with young people, and at least 2,000 youth worker posts since 2012.⁷⁶

Participating in sport and cultural activities

Children have a right to participate in sport and culture, and public bodies should facilitate this. Results from the Taking Part survey of children in 2008-09 and 2012-13 show that more children are involved in arts activities, though levels of involvement in sport are slightly lower.⁷⁷

PARTICIPATING IN SPORTING ACTIVITIES (OVER A 4 WEEK PERIOD)



72 Play England (2013) Response to UK Government periodic report on UNCRC. http://www.playengland.org.uk/media/457042/131122_play_england_response_to_uk_government_draft_report_on_uncrc_final.pdf

73 Education Committee (2011) Services for young people: third report of session 2010-12, para.53. <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmeduc/744/744i.pdf>

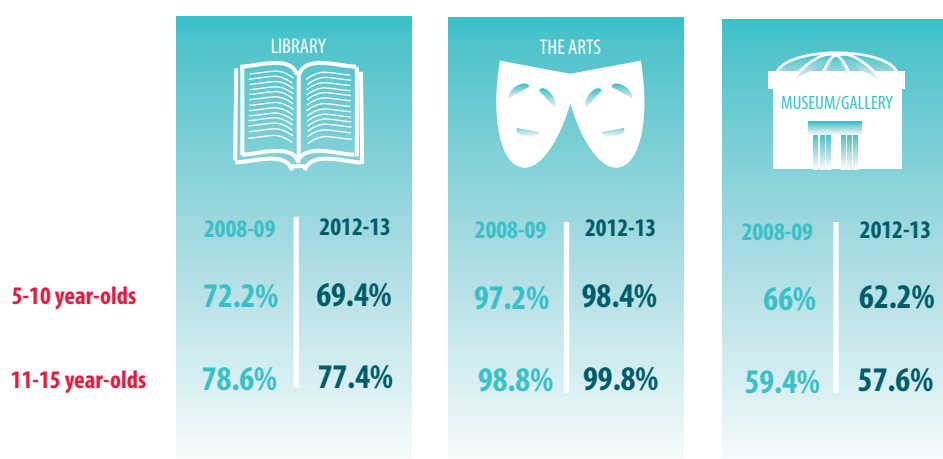
74 DfE (2014) Planned expenditure on schools, education and children's services. Table 1. <https://www.gov.uk/government/statistics/planned-expenditure-on-schools-education-and-childrens-services>

75 McCardle, L (2014) Youth funding and services cut. 22 July 2014, Children and Young People Now, pp.10-13. <http://www.cypnow.co.uk/cyp/analysis/1145500/youth-funding-services-cut-councils-overlook-legal-duty>

76 Unison (2014) The UK's youth services: how cuts are removing opportunities for young people and damaging their lives. <https://www.unison.org.uk/upload/sharepoint/On%20line%20Catalogue/22532.pdf>

77 DCMS (2014) Taking part: annual child report. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/231004/Taking_Part_Year_8_2012_13_Child_Report.pdf

PARTICIPATING IN CULTURAL ACTIVITIES (OVER THE YEAR)



Recommendations

- Set targets and introduce subsidies to encourage high quality early years settings to operate in disadvantaged areas
- Increase and protect investment in children's centres at central and local government level
- Require all early years staff to work towards a level 3 qualification to improve the quality of provision
- Develop school's understanding of and capacity to identify and support pupils' mental health needs through effective school-based mental health programmes
- Make PSHE a statutory entitlement for pupils in all state-funded schools
- Include the UNCRC in human rights education in schools at all levels
- Ensure all pupils have access to careers guidance and support throughout their time at school
- Require all state-funded schools to invite and consider pupils' views
- Place a duty on local authorities to provide a universal youth service

CRAE believes that human rights are a powerful tool in making life better for children. We're one charity working with over 100 organisational and individual members to promote children's rights, making us one of the biggest children's rights coalitions in the world. Our vision is a country that values and upholds every child's human rights.

We fight for children's rights by listening to what children 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.

CRAE has produced an annual State of Children's Rights in England report since 2003. This report is one chapter from the full report State of Children's Rights in England 2014.

ISBN: 978-1-898961-41-3



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