



Children's
Rights Alliance
for England

UK implementation of the UN Convention on the Rights of the Child Government the Child Safety Civil society Exploitation on alternative report Res ection 2015 to the UN Pov children Committee Deten education - England Asylu ood Report Summary

This report has been produced by the Children's Rights Alliance for England (CRAE) with the support of a large number of individuals and organisations.

We are extremely grateful to everyone who submitted evidence for this report, attended our working group meetings, reviewed draft text and answered our numerous queries. The amount of time and effort very many individuals gave to this project has been a remarkable demonstration of the commitment held towards our common goal of protecting the rights of England's children.

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- Action for Children
- Barnardo's
- British Institute of Human Rights
- British Youth Council
- Children Are Unbeatable! Alliance
- Children England
- Coram Children's Legal Centre
- Kids Company
- National Children's Bureau
- National Council for Voluntary Youth Services
- NSPCC
- The Children's Society
- The Howard League for Penal Reform
- Unicef UK
- Youth Access
- Zacchaeus 2000 Trust

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Children and young people from CRAE's *See it, Say it, Change it* project have been supported by CRAE to undertake their own research and are making a separate submission to the UN Committee on the Rights of the Child.

SUPPORTING ORGANISATIONS

This report and its 172 recommendations have been endorsed by the 76 NGOs and civil society groups listed below. Not all of the organisations work across all areas addressed or necessarily support all of the recommendations.

1. Action for Children
2. Action for Prisoners' and Offenders' Families
3. Ambitious About Autism
4. Article 39
5. Association of Breast Feeding Mothers
6. Association of Lawyers for Children
7. Baby Milk Action
8. Bail for Immigration Detainees
9. Barnardo's
10. British Humanist Association
11. British Institute of Human Rights
12. British Youth Council
13. Brook
14. Campaign for State Education
15. Carers Trust
16. Centrepoint
17. Challenging Behaviour Foundation
18. Child Poverty Action Group
19. Child Soldiers International
20. Children Are Unbeatable! Alliance
21. Children England
22. Children North East
23. Children's Rights Alliance for England
24. Colchester & Tendring Women's Refuge
25. Coram Children's Legal Centre
26. Coram Voice
27. Dost
28. Early Childhood Forum
29. ECPAT UK
30. Family and Childcare Trust
31. Family Fund
32. Family Planning Association
33. Family Rights Group
34. Freedom from Torture
35. Friends, Families and Travellers
36. Gender Identity Research and Education Society
37. Home-Start UK
38. Inclusion London
39. INQUEST
40. Just Fair
41. Just for Kids Law
42. JustRights
43. Kids Company
44. La Leche League Great Britain
45. Lactation Consultants of Great Britain
46. Law Centres Network
47. Liberty
48. London Play
49. National Association for Youth Justice
50. National Children's Bureau
51. National Children's Centre
52. National Council for Voluntary Youth Services
53. NSPCC
54. Policy for Play
55. Practical Participation
56. Praxis Community Projects
57. Prison Reform Trust
58. Project 17
59. Refugee Council
60. Roma Support Group
61. Royal College of Nursing
62. Royal College of Paediatrics and Child Health
63. Runnymede
64. Save the Children
65. Sisters of Frida
66. Standing Committee for Youth Justice
67. Suffolk Children's Rights
68. The Children's Society
69. The Howard League for Penal Reform
70. The Who Cares? Trust
71. Unicef UK
72. Women for Refugee Women
73. World Breastfeeding Trends Initiative UK Working Group
74. YoungMinds
75. Youth Access
76. Zacchaeus 2000 Trust

Report summary

1. This report has been produced by the Children's Rights Alliance for England (CRAE) with the support of a large number of individuals and organisations. We make 172 recommendations for improvements in the implementation of the UN Convention on the Rights of the Child in England (CRC), many of which are urgent.
2. Since 2008, there have been some important advances in children's rights: the Children's Commissioner for England has been significantly reformed, and now has a much clearer rights-based mandate and greater independence from Government.¹ A Ministerial commitment promised to give '*due consideration*' to the CRC when making new policy,² and the Government has made a welcome attempt at child budgetary analysis.³
3. Following the removal of the UK's General Reservation to the CRC on Immigration and Citizenship, Section 55 of the Borders, Citizenship and Immigration Act 2009 was introduced. This places a duty on the Secretary of State to have regard to the need to safeguard and promote the welfare of children in the UK who are subject to immigration control.⁴
4. There has also been significant investment in education, including the extension of nursery provision and the introduction of the Pupil Premium, which allocates funds to the most disadvantaged students. There have been reforms to the system of support for disabled children and children with special educational needs, including a greater focus on outcomes and more emphasis on the views, wishes and feelings of these children in decision-making.⁵
5. The ratification of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography has been widely welcomed; so too the significant reduction in the numbers of children detained for immigration purposes,⁶ the extension to 17 year-olds of special protection measures for children arrested, questioned and detained by the police,⁷ and the substantial decrease in the numbers of children in custody.⁸
6. In March 2015, the UK Government also pledged £1.25 billion over five years for children's mental health services and later committed to making sure children are not held in police cells during a mental health crisis, due to the absence of appropriate places of safety.⁹

1. Children and Families Act 2014

2. HC Deb 6 December 2010, col 17WS

3. HM Government (2014) *The fifth periodic report to the UN Committee on the Rights of the Child*.

4. UK Border Agency (2009) *Every Child Matters, Change for Children: Statutory guidance to the UK Border Agency on making arrangements to safeguard and promote the welfare of children*. para 2.7.

5. Children and Families Act 2014, Part 3

6. Home Office Immigration statistics (2015) *October to December 2014* – this number includes Border cases; age dispute cases; children of Foreign National Offenders (FNO) under Early Release Scheme; Family Returns Panel advised cases including FNOs

7. See section 42 of the Criminal Justice and Courts Act 2015, amending the definition of an 'arrested juvenile' in Police and Criminal Evidence Act 1984, s. 37(15). This amendment comes into force in October 2015

8. Ministry of Justice (2014) *Youth Custody Report March 2014*

9. Department of Health/NHS England (2015) *Future in mind: promoting, protecting and improving our children and young people's mental health and wellbeing*

Invisible children

7. However, this report highlights many issues of serious concern, and insufficient progress in taking forward the UN Committee's 2008 recommendations.¹⁰ The evidence shows that, since the last alternative report, the situation has not improved - and has even worsened - for large numbers of children in England. Their low status in our society persists and is reflected in the fact that children remain largely invisible within the mechanisms of government.
8. Consecutive governments have expressed a desire to make this country the best in the world for children to grow up in. Yet such warm words often fail to translate into action on the ground.
9. A lack of senior political leadership on children's rights has resulted in fragmentary implementation of the CRC and decisions that fail to prioritise children. This is clearly illustrated by the recent Supreme Court judgement which ruled that the Secretary of State for Work and Pensions failed to take account of children's best interests when deciding to introduce the benefit cap.¹¹ Despite play and youth services being so central to children's lives and their healthy development, play and youth facilities have also been disproportionately targeted by councils in the drive to cut spending.¹²
10. Although there has been some movement in implementing children's participation rights, their application remains patchy, especially for disabled children and those of primary school age.¹³ Children under ten remain excluded from the Government's youth voice programme, and child-friendly information on national decision-making is less readily available.
11. Whilst attitudes have shifted on the importance of engaging with children, we still have a long way to go before listening to, and acting on, children's views and opinions is the norm.

Threats to rights protection and redress

12. Successive UK governments have failed to make progress on expressly incorporating the CRC into domestic law. This is despite clear recommendations from the UN Committee¹⁴ and calls for incorporation by the four UK Children's Commissioners¹⁵ and an alliance of over 50 organisations.¹⁶ Whilst some aspects of the CRC are replicated in domestic legislation, and the CRC informs the way the courts interpret the European Convention on Human Rights (ECHR), this piecemeal approach is not satisfactory. It means in practice, as this report demonstrates, that the fulfilment of rights is dependent on where children are placed or what services they receive rather than the entitlement of every child without discrimination.

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

11. *R (on the application of SG and others (previously JS and others)) (Appellants) v Secretary of State for Work and Pensions (Respondent)*, para 179

12. A survey in 2014 by CYPN magazine found overall spending by local authorities on play services down from £67.9m in 2010/11 to £41.5m in 2013/4 (a 39% cut).

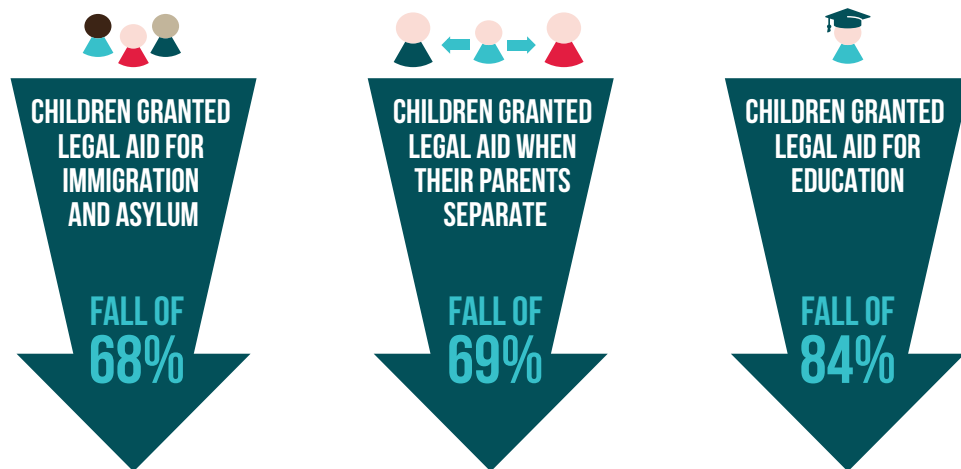
13. VIPER (February 2013) Hear Us Out!

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

15. House of Lords House of Commons Joint Committee on Human Rights (2009) *Children's Rights Twenty-fifth Report of Session 2008-09*, para 21

16. See <http://www.rights-of-the-child.org.uk>

13. We are very concerned by the UK Government's plans to repeal the Human Rights Act 1998 (HRA) and replace it with a "British Bill of Rights" (because, for example, the stated policy of the governing party is to restrict protections to certain groups).¹⁷ This is the primary law which protects everyone's fundamental human rights in the UK. It makes rights from the ECHR accessible in the UK, enabling children to enforce some of their CRC rights, for example, the rights to life, freedom of expression, and the right to family life and privacy, including participation in decisions. Importantly for children, who depend heavily on public services, the HRA also places a duty on the public sector to comply with the human rights set out in the Act.
14. Another big threat to children's rights comes from changes to the legal aid system. Some of our most vulnerable children (and those who support them) are no longer entitled to help with legal advice and representation costs, severely limiting their access to justice.¹⁸



15. Judicial review is an essential feature of English law, enabling individuals to challenge the lawfulness of decisions or actions of public bodies against which there is no right of appeal. But legislative changes have made it more difficult for children, or adults acting on their behalf, to use judicial review to protect children's human rights. In addition, changes introduced by the Criminal Justice and Courts Act 2015 will restrict and deter charities and other organisations bringing claims on behalf of children generally.

Intolerance of childhood

16. Despite a strong 2008 UN Committee recommendation on this issue,¹⁹ a pervasive intolerance of normal childhood behaviour persists, accompanied by negative stereotypes of children and young people. From annoyance directed at "noisy" children on public transport or in restaurants, "no ball game" signs in communal spaces, and shops prohibiting groups of children, to the wide-spread use of Mosquito devices to stop young people "hanging around": evidence surrounds us in everyday life.
17. In spite of such prevalent intolerance and discrimination, the Equality Act 2010 failed to provide full protection to children from unfair discrimination on the basis of their age. This was despite calls to do so from children's charities and equality organisations, the Children's Commissioner and children themselves.

17. Conservative Party (2015) *The Conservative Party Manifesto 2015*

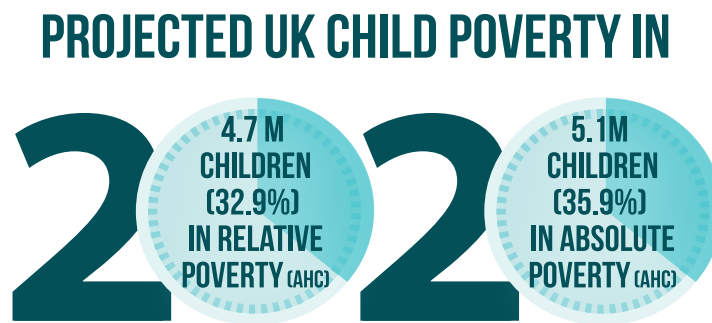
18. Legal Aid, Sentencing and Punishment of Offenders Act 2012

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

18. A new civil injunction, which replaced the Anti-Social Behaviour Order (ASBO), can be obtained where it is 'just and convenient' to prevent behaviour 'likely to cause harassment, alarm or distress' which, as with the ASBO, potentially captures normal childhood behaviour.

Unequal lives

19. Inequality is a key theme running through the findings. In 2008, the UN Committee praised cross-party support for a Child Poverty Act, which aimed to eradicate child poverty by 2020.²⁰ Yet seven years on, approximately one in four children live in poverty in the UK, most importantly, child poverty is projected to remain in the millions by 2020.²¹ Two-thirds of poor children now live in working households, and hundreds of thousands of children are growing up in cold, damp homes.²²



20. Children from low socio-economic backgrounds are still more likely than their wealthy peers to suffer ill health or die in childhood.²³ Women from lower socio-economic groups are more likely to smoke during pregnancy,²⁴ and women living in deprived areas are less likely to breastfeed.²⁵ Children living in the most deprived areas are almost twice as likely to be obese as children living in the least deprived areas, and this gap is widening.²⁶
21. Inequalities in educational attainment appear to be shifting both demographically and geographically. While encouraging progress has been made in disadvantaged urban areas, particularly London, this appears to have been at the cost of England's deprived coastal towns and more remote rural areas. Attainment has risen among England's ethnic minority populations to such an extent that the lowest performing ethnic group is now white British children from poorer families.²⁷

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

21. See: <http://www.poverty.ac.uk/editorial/1-4-children-poverty-2020-%E2%80%93-ifs-forecast> and Browne, J., Hood, A., and Joyce, R., (2013) *Child and Working-Age Poverty in Northern Ireland from 2010 to 2020, IFS Report 78*, Institute of Fiscal Studies

22. In-work poverty results from stagnant wages and limited hours. The OECD has found that the UK has one of the highest rates of low pay in the developed world with 20% of employees now classified as low paid. Average earnings fell in real terms in the years after 2009/10 and have only very recently caught up with their pre-economic crisis levels. The cost of living has increased by 27-28 % since 2008. Average earnings rose 9% during this period Save the Children (2014) *A Fair Start for Every Child. Why we must act now to tackle child poverty in the UK*

23. Office for National Statistics (2014) *Childhood, infant and perinatal mortality in England and Wales, 2012* ONS

24. Children's Rights Alliance for England (2014) *State of Children's Rights in England 2014*, page 48.

25. 76% in the most deprived areas vs 89% in the least deprived areas. Health and Social Care Information Centre (2012) *Infant Feeding Survey*

26. Ages 4-5: 12.1% in most deprived vs. 6.4% in least deprived; ages 10-11: 24.2% in most deprived vs. 13% in least deprived. NHS Information Centre (2013) *National Child Measurement Programme, England, 2012-13 school year*. See also Cheung R, Duncan H. and Viner R., (2015) *Report of the Children and Young People's Health Outcomes Forum 2014-15 – Health Outcomes Theme Group*

27. Excluding traveller, Gypsy and Romany children which present very specific challenges for the education system, particularly around attendance

22. Poverty clearly has an impact across many areas of a child's life, including their health and wellbeing, educational attainment, and relationships with family and friends. Despite this, the measures set out in the UK Government's submission to the UN are not sufficient to make meaningful progress in reducing child poverty.²⁸ Analysis shows that changes to the welfare system have hit families with children disproportionately - again underlining the low priority children are given by those in power.²⁹

Widespread harm

23. The report also shows that many children in England are at risk of serious harm.³⁰ Reports of neglect and abuse are at alarming rates; an estimated 20,000 girls under the age of 15 are at risk of Female Genital Mutilation;³¹ and disabled children remain disproportionately likely to suffer abuse or neglect compared with their non-disabled peers.³²
24. A BBC television investigation into an Assessment and Treatment Unit for people with learning difficulties whose behaviours challenge,³³ revealed poor care, high levels of abuse, and individuals placed inappropriately in such settings.³⁴ Despite a government commitment to improvement, over 200 children remain in such units, including some aged 10 years or younger. Many of these children are far from home and are more likely than adult in-patients to have experienced hands-on restraint and seclusion.³⁵
25. Regardless of numerous official enquiries and reviews, lessons fail to be learned, especially, when it comes to listening to and believing children when they try and speak-up about their abuse.
26. Shockingly, children still don't have the most basic protection from violent behaviour - the "reasonable punishment" defence remains available to parents who assault their children. The UK also continues to be the only country in Europe that recruits 16 and 17 year-olds to the armed forces - some with a reading age of just five years.³⁶

28. HM Government (2014) *The fifth periodic report to the UN Committee on the Rights of the Child*

29. Office of the Children's Commissioner (June 2013) *A Child Rights Impact Assessment of Budget Decisions: Including the 2013 Budget, and the Cumulative Impact of Tax-Benefit Reforms and Reductions in Spending on Public Services 2010-2015*

30. Travis, A., (9 April 2015) 'Reported child sexual abuse has risen 60% in last four years, figures show'. *The Guardian* www.theguardian.com/society/2015/apr/09/reported-child-sexual-abuse-has-risen-60-in-last-four-years-figures-show

31. See: NHS (2014) Female Genital Mutilation: Available at: <http://www.nhs.uk/conditions/female-genital-mutilation/pages/introduction.aspx>

32. Miller, D. and Brown J., (2014) *We have the right to be safe: Protecting disabled children from abuse*, NSPCC. See also Equality and Human Rights Commission (2014) *Out in the open. Tackling disability related harassment. A manifesto for change*

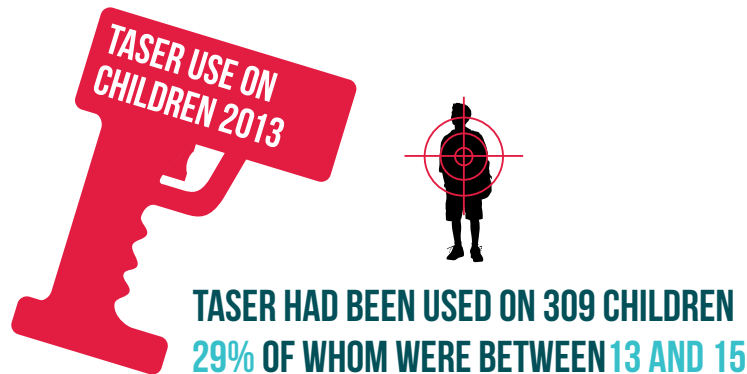
33. Challenging behaviours may include aggression, destruction, self-injury, and other behaviours (for example running away) which pose a risk to themselves and to those around them or which have a significant impact on everyday life

34. BBC Panorama - Undercover Care: The Abuse Exposed, BBC One, Tuesday 31 May 2011

35. Challenging Behaviour Foundation/Council for Disabled Children (2014) *Children with learning disabilities whose behaviours challenge - What do we know from national data?*

36. 74% of recruits were assessed to have literacy skills at Entry Level 3 (equivalent to a reading age of a 9-11 year-old); 7% were assessed at Entry Level 1 (equivalent to a 5-7 year-old). Information obtained under the Freedom of Information Act, Ref. FOI2015/03426, 21 April 2015. http://child-soldiers.org/research_report_reader.php?id=822

27. The use of Taser on children has increased rapidly in recent years, despite international calls for a ban. Freedom of Information Act requests have revealed the use of Taser on children as young as 11.³⁷ There is limited research into the impact of Taser use on children but the evidence available indicates that they are at greater risk of injury to major organs, brain and eyes. Even when Taser are not actually fired the threat of a police officer drawing a weapon is likely to be extremely distressing for children.



28. Since the last alternative report, three children have died in prison custody – without any public inquiry into such deaths.³⁸ Despite the welcome reduction in the numbers of children in detention, it is still not used as a last resort, and research shows that children detained in the secure estate experience high levels of bullying, assault, have little time outside their cells, and experience a poor quality of care.³⁹
29. In July 2012, the Government announced a new system of restraint for use against children in Young Offender Institutions and Secure Training Centres. It is extremely worrying that this still includes three pain distraction techniques. Two of these (the “head hold” and the “arm hold”) raise serious medical risks.⁴⁰ Despite a clear recommendation by the UN Committee in 2008, the overall number of restraint incidents has increased from 23.8 to 28.4 per 100 children in the last year.⁴¹
30. Such mistreatment compounds the existing vulnerabilities and disadvantages experienced by this group of children.

37. Bridge, R (25 February 2015) ‘Tasers drawn on 400 children in 2013’ BBC News <http://www.bbc.co.uk/news/uk-31608320> NB The BBC figure is for England and Wales

38. Prison Reform Trust/INQUEST (2012) *Fatally Flawed: Has the state learned lessons from the deaths of children and young people in prison*; Youth Justice Board (2014) *Deaths of children in custody: action taken, lessons learnt*; and INQUEST (undated) *Child Deaths in Penal Custody 1990-date*

39. As well as individual inspections reports

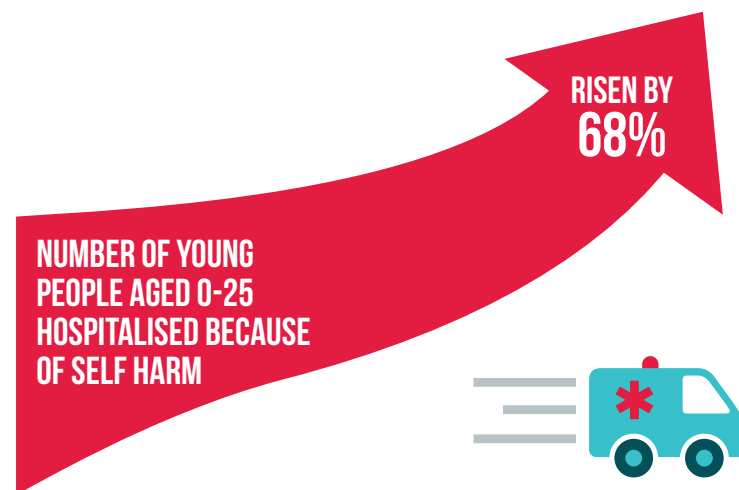
<https://www.justiceinspectorates.gov.uk/hmiprison/inspections/#.VRgsYmYhyp4> see Prisons and Probation Ombudsman for England and Wales (2013) *Learning lessons bulletin: Fatal incidents investigation issue 3: Child Deaths* and Kennedy, E. (2013) *Children and young people in custody 2012–13: An analysis of 15–18-year-olds’ perceptions of their experiences in Young Offender Institutions*

40. Restraint Advisory Board (2011) *Assessment of Minimising and Managing Physical Restraint (MMPR) for Children in the Secure Estate: Report to the Restraint Management Board*

41. Ministry of Justice, Youth Justice Board and National Statistics (2015) *Youth Justice Statistics 2013/14 England and Wales. Youth Justice Board / Ministry of Justice Statistics bulletin*

Vulnerable children

31. Evidence shows that the mental health of children is worsening - the number of children and young people aged 0-25 being hospitalised because of self-harm increased by a staggering 68% between 2001 and 2011.⁴² Despite this, preventative Child and Adolescent Mental Health Services continue to be inadequate.⁴³
32. Particular groups of children are more likely to suffer from mental health conditions than others: nearly one in four (23%) lesbian, gay and bisexual young people have attempted to take their own life, much higher than the national average (7%).⁴⁴
33. The report also highlights that under-16s compulsorily detained for medical care do not have the same safeguards as older people. Following a ruling by the European Court of Human Rights,⁴⁵ the UK introduced new protections to ensure that even people without mental capacity cannot be deprived of their liberty without right of access to a legal review. However, the law was not changed in respect of under-16 year-olds and an unknown number of teenagers are detained in closed wards and compulsorily treated against their wishes. This is solely under the consent of their parents, without right to legal review.⁴⁶



42. HC Deb Nov 6 2011, col 779W

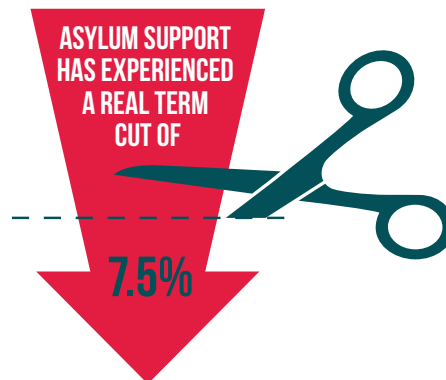
43. In 2014-15, 77% of Clinical Commissioning Groups (newly established bodies responsible for securing local health services) had frozen or cut their child and adolescent mental health budget, and 55% of local authorities had frozen, cut or made below-inflation increases in their child mental health budgets. Young Minds (2014) *Devastating cuts to leading to children's mental health crisis*. Press release, 21 June 2014

44. University of Cambridge research for Stonewall in *The School Report 2012*, a survey of 1600 lesbian, gay and bisexual young people http://www.stonewall.org.uk/at_school/education_for_all/quick_links/education_resources/4003.asp

45. (HL v UK 2004) <http://www.bailii.org/eu/cases/ECHR/2004/720.html>

46. See for example *Re D (A Child; deprivation of liberty)* [2015] EWHC 922 (Fam) confirming that parents can consent to secure accommodation for disabled children which would otherwise constitute a deprivation of liberty

34. Children subject to immigration control, including those seeking asylum, those who are trafficked to the UK, and those who are undocumented, children with Gypsy, Roma and Traveller backgrounds, who are in care, or in contact with the criminal justice system, remain particularly vulnerable.
35. A number of measures taken by the Government have had a particularly detrimental effect on migrant children. This includes a failure to increase asylum support levels in line with inflation,⁴⁷ the removal of legal aid for almost all immigration cases, the tightening of the Immigration Rules on long residence and inadequate provision for children who cannot access mainstream social security.⁴⁸ As a result, many migrant children can face a life of destitution and are at high risk of abuse and exploitation.



36. Gypsy, Roma and Traveller children have the highest proportion of any ethnic group without qualifications, and are more likely to suffer from poor development and limited access to health services.⁴⁹
37. The number of looked after children has increased dramatically since 2010.⁵⁰ This statistic is double-edged. Though the increase in some instances means more children cared for safely, it also means that in other cases, early intervention to avoid care has been non-existent or insufficient.

47. The Children's Society (2014) *From persecution to destitution: Section 95 asylum support*

48. Lewisham Public Accounts Select Committee (2015) *No Recourse to Public Funds Review* Public Accounts Select Committee

49. Lane, P., Spencer, S. and Jones, J. (2014) *Gypsy, Traveller and Roma: Experts by Experience. Reviewing UK progress on the European Union Framework for National Roma Integration Strategies*. Anglia Ruskin University

50. Department for Education (2014) *Statistical First Release Children looked after in England (including adoption and care leavers) year ending 31 March 2014*

38. Brothers and sisters in local authority care continue to be split up,⁵¹ and children regularly suffer inadequate sibling contact.⁵² The number of times a child in care is moved during a year has shown no real improvement since 2008/09.⁵³ Recent figures show that thousands of children in care had three or more placements in one year. Sometimes moves are made for financial reasons even though remaining with the current carer would have been in the child's best interests.⁵⁴ Unsurprisingly, multiple placements contribute to children's deteriorating mental health and lower educational attainment.
39. Successive UK governments have consistently rejected the UN Committee's recommendation⁵⁵ to increase the age of criminal responsibility, which remains at just 10 years-old. Support for this low age fails to take account of the harms children experience when exposed to the criminal justice system and refuses to recognise that alternative, non-criminal processes are available to address childhood offending.
40. The Parliamentary Joint Committee on Human Rights has expressed concern that the need for immigration control is given priority over the child's best interests.⁵⁶ In immigration and asylum determination cases, children's best interests are not systematically and comprehensively assessed and nor are they considered thoroughly when decisions on returns are made in relation to children. Despite progress for trafficked children, and despite their vulnerability, a system of guardianship has still not been introduced for all separated children.
41. The CRC enshrines a clear set of standards to realise a positive vision for childhood. It states that children should enjoy dignity and respect, and be valued for who they are rather than being treated only as future adults. Despite some welcome progress, the findings show that we still have a long way to go before this vision is realised in England.
42. The UK Government must act urgently to address the widespread violations of children's rights identified in this report. Children must be placed at the heart of our society, and our Government, and be invisible no more.

51. Family Rights Group (2015) *What happens to siblings in the care system?*

52. The Who Cares? Trust (2015) *Anecdotal evidence via email 17 March 2015*

53. Department for Education (2013) *Children looked after in England (including adoption and care leavers) year ending 31 March 2013, includes data for 2008/9*

Department for Education (2014) *Children looked after in England (including adoption and care leavers) year ending 31 March 2014. SFR 36/014*

54. Department for Education (2013) *Children looked after in England (including adoption and care leavers) year ending 31 March 2013, includes data for 2008/9*

Department for Education (2014) *Children looked after in England (including adoption and care leavers) year ending 31 March 2014. SFR 36/014*

55. UN Committee on the Rights of the Child (2002) *Concluding Observations on the United Kingdom of Great Britain and Northern Ireland and*. UN Committee on the Rights of the Child (2008) *Concluding Observations on the United Kingdom of Great Britain and Northern Ireland*

56. Joint Committee on Human Rights (2013) *Human Rights of Unaccompanied migrant children and young people in the UK First Report of Session 2013–14*

ANNEX: RECOMMENDATIONS 2015

GENERAL MEASURES OF IMPLEMENTATION

1. The Declaration on OPAC should be amended to ensure that child recruits cannot take a direct part in hostilities in any circumstance.
2. The Human Rights Act 1998 must be retained and the vital role it plays in protecting children's universal human rights, including key provisions of the CRC, should be recognised.
3. The CRC should be expressly incorporated into UK law at the earliest opportunity.
4. Structures should be established which ensure effective co-ordination and monitoring of CRC implementation across government, for example: a Cabinet Minister for Children, a Children's Cabinet Committee and a cross-cutting children's rights unit with adequate authority and resources. The children's rights unit should ensure adequate mechanisms are in place to enable civil society and children to work effectively and systematically with government in monitoring CRC implementation.
5. A Cabinet Minister for Children should be appointed, with responsibility for developing, in consultation with stakeholders, a child rights action plan. This should set out how it will address the recommendations made in the forthcoming Concluding Observations. The action plan should include clear, resourced, time-bound actions and a monitoring framework. Progress should be reviewed on an annual basis.
6. A mandatory, transparent system of child rights impact assessment for all policy, legislation and spending decisions should be introduced.
7. A clear set of child rights indicators should be developed alongside the collection and publication of disaggregated data, which cover the full range of children's rights, and includes data on how well children believe their rights are being realised. Such data should be used as a means of monitoring the resourcing and implementation of the CRC.
8. Transparent and participatory budgetary decision-making processes should be established and disaggregated budgets showing spending on children should be published regularly.
9. A national strategy for increasing awareness, knowledge and understanding of the CRC should be delivered.
10. The Office of the Children's Commissioner for England should have adequate funds to enable it to carry out its functions effectively.
11. All professionals working with and for children should receive statutory, pre and post qualifying comprehensive and ongoing training on the CRC.
12. Resources should be developed on the CRC for a range of audiences especially parents and specific groups of children, including younger children and disabled children.

13. All types of schools should be required to teach children about the CRC.
14. Aspects of the legal aid budget should urgently be restored to ensure that children can access justice and challenge decisions which affect their lives, welfare and rights.

Specifically:

Private family law:

15. Legal aid for an initial legal consultation (legal help fixed fee stage) for private family law cases concerning arrangements for children should be reinstated so that families can get preliminary legal advice on the process and their position, including on the possibility of mediation.
16. In private family law proceedings affecting children, there should be wider discretion to grant legal aid to victims of domestic violence. This should include discretion to allow evidence of domestic violence from more than 24 months prior to the date of the application for legal aid and greater flexibility as to what type of evidence is required.

Public family law:

17. Non-means-tested legal aid for parents should be available at an earlier stage of the child protection process (before the issue of a “letter before proceedings”) to enable families to obtain legal advice where there is a possibility that a local authority may contemplate care proceedings. In any court proceedings which consider the separation of a child from her/his birth parent(s), non-means-tested legal aid should be available.

Immigration:

18. Legal aid should be immediately reinstated for all children with immigration claims, and, on a means-tested basis, parents of under-18s bringing immigration claims. There should be an effective accessible process to apply for legal aid in all immigration cases affecting children’s welfare and best interests and legal aid should be granted to ensure effective access to justice for children.
19. Legal representatives should be paid to make Exceptional Case Funding applications, including in cases where the Ministry of Justice refuses the application.

Education:

20. Legal aid (including legal advice, assistance and, where necessary, representation) should be available for all education law matters involving children. This should include all matters in which parents hold legal rights relating to their child’s education.

Juvenile justice:

21. The availability to children in prisons of legal aid for treatment and sentencing issues should be restored.
22. Restrictions on judicial review under the Criminal Justice and Courts Act 2015 should be repealed.

DEFINITION OF A CHILD

23. The UK Government should undertake a review of age based legislation to ensure that all of the protective rights in the CRC apply to all those aged under 18 years of age.

GENERAL PRINCIPLES

24. A national strategy should be developed to end all forms of discrimination against children.
25. The Equality Act 2010 should be amended to extend protection from unfair age discrimination to under-18s. The law should also be amended so that the age element of the Public Sector Equality Duty applies to schools and children's homes.
26. The regulations made under the Equality Act 2010 should be amended to make clear that the exclusion of children who behave violently from the definition of disability does not apply to those whose behaviour is related to an underlying condition such as autism.
27. The requirement to treat children's best interests as a primary consideration should be enshrined in all laws relating to children, including in relation to juvenile justice.
28. Immigration law, policy and practice should reflect the UK's legal obligations under the CRC. The Home Office should ensure that the best interests principle is a primary consideration in every action affecting children.
29. A holistic and multi-agency Best Interests Determination process should be introduced to identify and implement a durable solution as early as possible for children subject to immigration control.
30. Courts should be expressly required in statute to have due regard to the best interests of children when sentencing parents.
31. Children's right to express their views, and to have these views given due weight according to age and maturity, should be enshrined in all laws relating to children and apply to all children, including those in the armed forces.
32. Children should be informed of their right to be heard and taken seriously, and training and support should be provided on an ongoing basis to all professionals working with children, including the judiciary. Any consultative methods should be fully assessable and of good practice standard.
33. Independent and confidential advocacy should be widely available to ensure children can actively take part in decisions about their lives and future. Where a child is the subject of administrative proceedings, including statutory reviews for children in care, care planning, child protection conferences and reviews, school exclusions, special educational need assessments and tribunals, and hospital admission processes (including mental health settings), there should be a statutory right to an independent and confidential advocate.
34. Accessible, well publicised and effective complaints procedures with an independent element should be guaranteed for all children living away from home.
35. The right to vote and stand in public elections should be extended to 16 and 17 year-olds.
36. The "Tellus" Survey, or an equivalent, should be reinstated, and extended to children in "special schools" and those in secure treatment and assessment centres and residential settings. Government should set out actions it plans to take as a result of surveying children's views and experiences.
37. Section 29B of the Education Act 2002, which provides students with a mechanism for dialogue with school governing bodies, should be commenced as soon as possible.
38. The Government's Youth Voice programme should be extended to include children under the age of 10.
39. The consideration of children's views in policy making should be included within its Open Government Partnership agenda.

40. Public funding should be made available for children's rights groups and organisations run by and for children.
41. There should be an independent and public inquiry into the unexpected death of any child who is looked after or held in custody.
42. Comprehensive data on child deaths (preventable and non-preventable) in all institutional settings spanning education, health, care, custody and the military should be published by the Government on an annual basis.
43. Disaggregated data should be collected, and made available, on children who self-harm or attempt suicide, including those in care, custody and immigration detention.
44. All available resources should be used to protect the child's right to life. The use of prison-like institutions (Young Offender Institutions; Secure Training Centres; and the proposed "secure colleges") should be ended for children and replaced with care-based homes. An independent inquiry into the deaths of children in such institutions should be commissioned by the Government.
45. Following a death in a mental health setting, an independent investigation should be carried out prior to an inquest and proper data (such as the cause of a death as well as demographic information like age and ethnicity) needs to be kept on children.

CIVIL RIGHTS AND FREEDOMS

46. The use of Mosquito devices in public spaces should be banned.
47. The law should be changed so that the range of injunctions to prevent nuisance and annoyance and dispersal directions cannot be issued in response to normal childhood behaviour, or behaviour that results from unmet SEN needs, and breach does not result in a custodial sentence.
48. Police forces should be required to collect the age of those they stop and search, and the Home Office annual review of stop and search should assess the proportionality of age alongside other protected characteristics.
49. The law should be changed so there is no "naming and shaming" of children in conflict with the law or who are subject to anti-social behaviour provisions. The law should be changed: to protect the identity of a child in receipt of the new anti-social civil injunction; to include a presumption that the privacy of children involved in criminal proceedings will be protected; and to extend the power of the courts to protect the identity of child defendants after they reach the age of 18.
50. The law should be changed so that children are treated distinctly from adults in relation to the retention of their DNA and fingerprints.

VIOLENCE AGAINST CHILDREN

51. The law should be changed to remove the defence of "reasonable punishment" and to prohibit all corporal punishment of children.
52. Restraint against children should only be used when the child poses an imminent threat of injury to himself or others, and it should never be used to deliberately inflict pain. All methods of physical restraint for disciplinary and immigration purposes should be abolished.
53. All institutional settings, whether run by the State or by a private or voluntary organisations, should be open and transparent about their approaches to discipline and behaviour management.
54. There should be consistency in safeguarding law and policy across all children's settings.

55. A national strategy on child neglect should be produced to create a unified system to ensure neglected children receive the help they need. The strategy should also include early help to avoid crisis intervention and reflect the complex nature of child neglect.
56. The system of managing sex offenders should be urgently reviewed to improve monitoring and prevent re-offending by individuals who pose immediate harm to children.
57. Increased resources should be made available to police to enable them to tackle online abuse images of children and increase convictions.
58. The age of victim under Section 1 of the Children and Young Persons Act 1933 should be raised from 16 to 18 to ensure all children can be protected as victims of child abuse and neglect.
59. A new offence of “child exploitation” covering victims up to the age of 18 should be introduced to better protect young people. Such an offence should stipulate that a child under the age of 18 cannot consent to their own exploitation.
60. The UK Government, police and prosecuting authorities should develop robust and reliable data collection on crimes committed against children up to the age of 18. This should include data on how many crimes have been reported to the police, the number of those that were investigated and prosecuted and conviction rates for different offences committed against children.
61. Data on abuse and neglect allegations made in respect of children in institutional settings - spanning education, health care, custodial and the military – should be published annually. This should identify the number of allegations that led to investigations and the outcomes of such investigations.
62. Child Abduction Warning Notices (served under Section 2 of the Child Abduction Act 1984 or Section 49 of the Children Act 1989) should be extended to all children up to the age of 18.
63. A reformed National Referral Mechanism for identifying trafficked and exploited children and embedded in existing child protection procedures should be introduced. This should be a multi-agency model requiring mandatory, accredited and specialist training for all social workers, police and front line professionals and rights of appeal to children.
64. A non-prosecution provision in statute should be introduced to prevent victims of trafficking from being prosecuted for crimes directly connected to their trafficking situation.
65. Safe accommodation, including specialist foster care, should be made available for child victims of trafficking based on a detailed assessment of their welfare and protection needs and should be guaranteed until the age of 21.
66. A durable solution for children who have been trafficked to the UK should be sought at the earliest opportunity following a formal Best Interests Determination process.
67. The use of Taser on children should be banned and, in the meantime, the regulations, training, guidance and transparency around the use of Taser on children should be improved, including the regular publication of fully disaggregated national data on this.
68. The use of all harmful devices on children by prison, police and immigration staff, including ratchet handcuffs and chains, should be prohibited.
69. Children should not be subject to strip-searching unless absolutely necessary, and then only in the presence of an appropriate adult.

FAMILY, ALTERNATIVE CARE AND EXPLOITATION

70. Public money should be invested in preventative early intervention, acting early to avoid crisis and to reduce the cost of late intervention.
71. An annual progress report on early support should be produced, which is presented and scrutinised by Parliament through the Public Accounts Committee.
72. The Government should monitor the level and quality of short break provision (providing support for disabled children and their carers). This should be monitored to ensure adequate funding is available to sustain provision. In the longer term the Government should be moving towards the situation where disabled children and their carers have adequate support on a day to day basis.
73. Universal Credit support for childcare with a tax-free childcare scheme should be introduced to create a single and fair system.
74. All local authorities should guarantee acceptable rates for subsistence under Section 17 of the Children Act 1989 taking into account the cost of meeting a child's basic needs. This could be set by linking this support rate to an existing benefit level.
75. The UK Government should be working towards providing adequate support to ensure that children do not have to care for a relative. In the meantime, there should be a commitment to identifying and providing adequate funding to support young carers.
76. Children with parents in prison should be identified at the point of sentencing, triggering an inquiry as to whether adequate care arrangements are in place, including assessments for kinship care support.
77. A lead Minister should be identified with responsibility for children with parents in prison and a National Action Plan should be developed to improve the experiences of such children.
78. There should be a statement in law that the principle aim of the care system for children and young people who spend significant time in care is to achieve recovery and healing from past harm, and promote resilience and emotional wellbeing. Alongside such a principle a new child-led outcomes framework for looked after children should be introduced.
79. Children whose parents have voluntarily placed them in foster care should not be put in a "fostering for adoption" placement without the parents first having access to legal advice or judicial oversight of the placement.
80. A legal presumption that it is in the interests of siblings to be placed together, unless contrary to an individual child's welfare needs, should be introduced. All local authorities should undertake an audit of the needs of looked after siblings and regularly publish data on sibling placements so as to ensure contact for separated siblings in care and support for older siblings acting as carers.
81. A new duty on local authorities should be introduced to ensure that potential placements with family and friends carers are always explored and assessed for suitability in preference to unrelated carers.
82. Statutory guidance on assessing family and friends carers should be issued, which includes an assessment tool for both viability and full assessments.
83. There should be a statutory presumption that a child placed away from home lives as close as possible to his or her family, unless this contradicts their wishes and feelings or would be demonstrably not in the child's best interests.
84. A nationwide 0-25 child and adolescent mental health service should be developed which meets the specific needs of children in care and care leavers, including access to appropriate placements and therapeutic services and continuity of care during important transition points.

85. All children in care and care leavers should have an automatic right to an assessment of their mental health needs.
86. All young people leaving care and preparing to live independently should be offered substantial independence skills training under a new framework. For young people who wish to leave care before their eighteenth birthday, this training should be mandatory. Preparation for leaving care should prioritise the importance of positive attachments, with the aim of ensuring no young person leaves care isolated and without familial and/or social support.
87. Local authorities should be prevented from placing care leavers in bed and breakfast accommodation.
88. There should be an entitlement for young people to remain in residential care until the age of 21 and urgent steps to ensure that arrangements for children to remain in all forms of care meet the needs of the most vulnerable.
89. Young people and their families should be given better support when they return home from care. In particular, continuing services which address the reasons why the children were removed, such as domestic violence, mental ill health or drug and alcohol misuse, should be provided.
90. Access to independent and effective advocacy services for children in care should be improved so that they are available to every child who wants them.
91. Each separated child should have meaningful access to an Independent Reviewing Officer within each local authority.
92. Separated children looked after by the local authority should be guaranteed mental and physical health assessments to address their health needs.
93. The Government should create a national database for missing children to improve data collection and intelligence sharing.

DISABILITY AND BASIC HEALTH AND WELFARE

94. An overarching strategy for promoting children's physical and mental health, outlining clear goals and accountability mechanisms - for the full range of services for children, from health promotion to acute care - should be developed. It should include measures to address health inequalities affecting children, in relation to poverty as well as the specific health challenges affecting groups of children particularly at risk of poor health or who face barriers to accessing services.
95. Children should be included in all relevant indicators in the NHS Outcomes Framework, to ensure the NHS is held to account for child health outcomes.
96. Children should be included in all relevant patient surveys or other mechanisms for recording patient experience, to ensure their voices inform commissioning and service development. All such mechanisms should be fully accessible for all children (including for disabled children).
97. The health complaints and complaints advocacy system should be reformed to ensure it is accessible for all children (including disabled children) and families, and that it helps drive service improvement. In particular, the Government should clarify where complaints about the lack of a particular service should be made.
98. Childhood mortality figures and steps taken to reduce child deaths should be reported on annually.
99. A sufficient number of midwives should be secured to address the current shortage and match the projected birthrate and clinical need.
100. An analysis of health system models should be commissioned to identify opportunities for improvement in the care of children, including examination of standards of care in neonatal care settings, examination of the prevention and

management of non-communicable diseases and consideration of the differences between the UK health system and that of our better performing European neighbours.

- 101.** The International Code of Marketing of Breastmilk Substitutes (and subsequent relevant Resolutions of the World Health Assembly) should be made statutory and mechanisms should be introduced to avoid conflicts of interest arising from public health programmes and partnerships. The quinquennial UK National Infant Feeding Survey should be reintroduced, alongside the appointment of National Infant Feeding Coordinators and the requirement for all hospitals, maternity, health visiting and neonatal services to work towards Baby-Friendly accreditation.
- 102.** There should be investment in smoking cessation in pregnancy services, and new national and local targets for reducing smoking rates across all stages of pregnancy and early parenthood should be set.
- 103.** Local authorities should be held to account by the UK Government for their teenage pregnancy rates through an annual audit of measures taken and their affect in high rate areas.
- 104.** The UK Government should ensure that local authorities continue to secure effective health visiting services for families - when they take over responsibility for their delivery - to promote healthy pregnancy and childhoods.
- 105.** A cross-sectoral National Physical Activity Plan should be implemented to reduce the number of inactive children and increase the number who meet World Health Organisation recommendations.
- 106.** Measures to tackle the effects of poverty and social inequality on children's health should be included in future national and local child poverty strategies.
- 107.** Local authorities and health bodies should be provided with evidence-based information and guidance on reducing health inequalities. Trends in geographical and social health inequalities should also be monitored.
- 108.** No child should be charged for NHS services on the basis of their immigration status and no one should be charged for NHS maternity services based on their immigration status.
- 109.** The development of high quality mental health services for children and young people in custody should be prioritised by NHS England.
- 110.** The UK Government should ensure all local authorities and local health commissioners are following guidelines on promoting the health of looked after children.
- 111.** All the proposals of the children's mental health taskforce should be implemented and progress and impact should be reported on annually. In particular, government should ensure that all local health commissioners produce Transformation Plans for Children and Young People's Mental Health and Wellbeing, and hold them to account for delivering those plans.
- 112.** The commitment to legislate to ensure that no child or young person under-18 is detained in a police cell under mental health legislation should be delivered upon as soon as possible. The number of health-based and alternative places of safety should be increased to ensure sufficient places are available.
- 113.** As a matter of urgency, the commitments to ensure that no child with learning disabilities and behaviours that challenge is placed inappropriately in an in-patient assessment and treatment unit should be fulfilled. Future admissions should be prevented by securing both evidence-based support, close to home, and early intervention services.
- 114.** A programme of action to ensure better integration across children's health (including in-patient and community), social care and education services should be developed. For example, a Children and Young People's Social Care Outcomes Framework should be developed, to sit alongside the public health, NHS and adult

social care outcomes frameworks, to support better joined up accountability and approaches across children's health and social care services.

- 115.** Children's transition between different health services, and especially into adult services, should be well supported.
- 116.** The child health nursing workforce should be increased and developed and all GPs should have training in hospital-based paediatrics.
- 117.** The law should be reformed to ensure that all children under-16 who are "voluntarily" admitted to mental health hospital under the consent of their parents are given the same right of access to legal review that all those over 16 years, deemed to lack capacity, already enjoy.
- 118.** Urgent action should be taken to reduce the unacceptable and increasing levels of child poverty.
- 119.** Child Benefit and Child Tax Credit – the principal financial state support for children – should be given the same protection as the basic state pension, that is, a "triple lock" guarantee that they rise in line with inflation, earnings, or by 2.5% – whichever is the highest.
- 120.** The Benefit Cap should be removed to allow families in poverty to receive the social security benefits to which they are entitled.
- 121.** Progress in eradicating child poverty should continue to be measured against the indicators set out in the 2010 Act.
- 122.** The Spare Room Subsidy (the "Bedroom Tax") should be ended to ensure that tenants are not left facing Housing Benefit shortfalls that are likely to result in rent arrears and eviction.
- 123.** A strategy for improving access to affordable credit for families should be developed, including developing a 'Breathing Space' scheme giving struggling families an extended period of protection from default charges, mounting interest, collections and enforcement action.
- 124.** Current levels of investment in the Early Intervention Grant should be maintained, as the planned changes will compromise local authorities' ability to meet the needs of vulnerable children and their families.
- 125.** A fully-funded national system of Council Tax support should be reinstated.
- 126.** Free School Meals should be extended to all children living in poverty, including those from low income working families.
- 127.** Universal Credit should be reformed to ensure that Free School Meals are available to all children whose families are on it, support with childcare costs are made up front (rather than reimbursed); and access is made available off line.
- 128.** Further support should be provided to local authorities to help them reduce the use of "B&B" accommodation for homeless families. Action should be taken against those that continue to use it beyond the six week legal limit.
- 129.** Action should be taken against local authorities who do not comply with law and statutory guidance, by accommodating under section 20 of the Children Act 1989 all children who present as homeless, or at risk of immediate homelessness, pending a full assessment of need.
- 130.** The Education Committee's recommendation that there be a total ban of B&B accommodation for 16/17 year-olds, alongside a strengthened requirement for local authorities to commission sufficient alternative emergency facilities, should be adopted into law.

EDUCATION, LEISURE AND CULTURAL ACTIVITIES

- 131.** The entitlement to early education should continue to be extended, particularly ensuring it is taken up among under-represented or disadvantaged groups.
- 132.** The professionalism of early years' education should be increased by, for example, requiring that each setting should have at least one member of staff who is a graduate.
- 133.** Further education should be resourced appropriately to meet the duty of ensuring all 16 and 17 year-olds have access to education, training or employment (with specified training).
- 134.** Policies should be adapted to respond to recent changes in demographics to ensure all children receive the highest quality education regardless of particular characteristics, for example ethnicity, gender, disability, etc.
- 135.** All children should have access to independent face to face careers advice.
- 136.** Policy and strategy for children's play and recreation should be reinstated as a ministerial responsibility, and sufficient provision for play should be made a statutory duty for local authorities in England.
- 137.** Personal, Social, Health and Economic education should be given statutory status, securing for all pupils a legal entitlement to health education, to strengthen the quality of provision. This should cover statutory sex and relationships education, and should be inclusive (for example covering same-sex families and health and relationships issues for lesbian, gay, bisexual and transgender young people) with no opt outs for 'faith' schools and Academies and no right of withdrawal for parents.
- 138.** All children should have the right to access a broad religious studies curriculum, including a non-religious world-view, and the degree to which state schools can religiously select should be gradually reduced.
- 139.** Children should have a separate statutory right to appeal against school admission and exclusion decisions and, where they are granted these rights, all children should have access to legal aid when they wish to make an appeal.
- 140.** All children without an Education, Health and Care Plan, who would have previously received additional support under the School Action and School Action Plus system, should receive the necessary provision they require in a timely manner.
- 141.** Permanent or temporary exclusion from school should only be used as a last resort, the number of exclusions should be reduced, and the over-representation of particular groups of children, which are currently more likely to be affected by exclusion, should be addressed.
- 142.** The quality of alternative provision should be monitored and improved.
- 143.** All teachers should be trained to tackle bullying, including cyberbullying, and should be able to support specific groups, such as disabled children, including those with SEN and LGBT young people.

SPECIAL PROTECTION MEASURES

- 144.** Children should never be separated from their parents for the purposes of immigration control.
- 145.** The Home Office should ensure that children's long-term legal status and stability is resolved as soon as possible. Every immigration case should include a case-specific consideration of the welfare of the child concerned and, where it would be in the child's best interests, they should be granted indefinite leave to remain, rather than automatically granted limited leave.

146. Where a parent with a child in the UK is appealing their deportation, and Section 17(3) of the Immigration Act 2014 applies, the appeal should be brought from within the UK if this is in the best interests of the child.
147. Children should not be detained for the purposes of immigration control and authorities should ensure that alternative enforcement measures do not harm children's health and welfare.
148. A consistent system of legal, independent guardianship should be introduced for all separated children across the UK.
149. A specialist, multi-agency, holistic approach to age assessments should be developed, which ensures participation from a range of professionals such as doctors, teachers, foster carers and children's advocates. When undertaking age assessments, intrusive medical procedures should not be used like x-rays or dental assessments.
150. A separated child should only be returned to their country of origin on a voluntary basis to family, not to institutionalised care, following a formal Best Interests Determination process.
151. The Immigration Rules and statute should be revised to reflect the UK's legal obligations under domestic, regional and international instruments. Children's rights under Article 8 of the European Convention on Human Rights and best interests should be respected in line with established domestic and regional jurisprudence.
152. A cost of living increase to asylum support rates should be implemented so that they reflect at least 70% of mainstream support rates - this should be increased annually in line with inflation.
153. The minimum age for recruitment into the armed forces should be raised to 18. The best interests of the child should be paramount in all policies relating to the armed forces. For as long as the UK continues to recruit children into its armed forces, the following recommendations apply:
 154. The minimum service period that applies to child recruits should be no greater than that applied to adult recruits.
 155. Children who do not meet the minimum entry criteria should not be enlisted, without exception.
 156. The youngest recruits should be enlisted into all roles that carry a lower risk than frontline combat roles and child recruits should not be over-represented in frontline combat roles, particularly in the infantry.
 157. Educational provision for child recruits should be improved so that GCSEs in core subjects are included, which provide a necessary step towards further and higher education and improve lifelong employment prospects.
 158. As a minimum, it should be a requirement for armed forces recruiters to meet in person with the parents/guardians of child recruits at an early stage in the process and before enlistment may proceed.
 159. Parents/guardians should be given the right to withdraw consent to enlistment until their child turns 18.
160. A description of the terms of service should be included in the primary armed forces recruitment materials and brochures. The text should present the legal obligations of enlistment in clear and consistent terms, and in language accessible to a potential recruit who meets the minimum entry criterion for literacy.
161. Legislation to increase the minimum age of criminal responsibility should be introduced.

- 162.** Legislation should be introduced to require a child's consent before issuing a caution, in line with the Beijing Rules – this should ensure any consent is fully informed. The Youth Conditional Caution should be repealed unless prosecutorial oversight is required.
- 163.** Custody officers should be sufficiently well trained in the legal obligations under the Police and Criminal Evidence Act 1984; overnight police detention should only be used as a last resort; and there should be sufficient local authority accommodation to ensure that no child spends the night in police cells.
- 164.** Section 44(1) of the Children and Young Persons' Act 1933 should be amended so that the child's best interest is a primary consideration in criminal proceedings against the child.
- 165.** Section 104 of the Coroners and Justice Act 2009 should come into force as soon as practicable so that child defendants have the right to an intermediary in court where it is necessary for a fair trial.
- 166.** Lawyers representing children in the police station and in all other criminal proceedings should be required to receive specialist training and be accredited.
- 167.** The commitment to deprive children of their liberty as a last resort should be embedded in legislation. Prison-like detention should be abolished and where children do need to be detained, they should be placed in appropriate, care-based homes.
- 168.** Solitary confinement, or any conditions that amount to solitary confinement, should be abolished.
- 169.** "Secure colleges" should be abolished or at the least the provisions which authorise the use of reasonable force against children in secure colleges for the purposes of good order and behaviour should be repealed.
- 170.** The status of "looked after" child should be extended to all children deprived of their liberty.
- 171.** There should be more investment in mental health services to divert vulnerable groups away from the criminal justice system.
- 172.** A statutory safeguard should be introduced to ensure that children are only detained as a last resort and for the shortest time possible. Where detention is necessary, this should only be in care-based homes: the threshold for the use of custodial sentences should be increased; imprisonment for breach of community orders and civil orders prohibited; and children should never be detained for immigration purposes.



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