



Children's  
Rights Alliance  
for England

# State of Children's Rights in England **2016**

## Briefing 3 Child poverty & Homelessness



## Briefing 2

# Child poverty & Homelessness



**ARTICLE 26** Children have a right to benefit from social security, taking into account the resources and circumstance of those who have responsibility for the child.

**ARTICLE 27** Every child has a right to a standard of living adequate to their physical, mental and social development. States Parties shall take appropriate measures to assist parents and carers and shall, in case of need, provide assistance and support with particular regard to food, clothing and housing.

**ARTICLE 18.2** States Parties shall give appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

### Definitions and Glossary

**Children:** This briefing refers to “children” which covers all children and young people under -18 as set out by article 1 of the UN Convention on the Rights of the Child (CRC).

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

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

**Undocumented:** Individuals whose immigration status is unresolved and as a result they do not have permission to enter or remain in the UK.

## About this briefing

The UK ratified the UN Convention on the Rights of the Child (CRC) in 1991. This means that all areas of government and the state; including local government, schools, health services, and criminal justice bodies, must do all they can to fulfil children's rights. In June 2016 the UK Government was examined by the UN Committee on the Rights of the Child (UN Committee) on its compliance with the CRC for the first time since 2008. The UN Committee set out a number of concerns (summarised below) and recommendations (Concluding Observations) for change.<sup>1</sup>

This briefing is part of CRAE's *State of Children's Rights 2016* and assesses the progress made in England towards implementing the UN Committee's recommendations relating to child poverty and homelessness which are part of a child's right to an adequate standard of living. It highlights areas of progress and concern since July 2015 when CRAE coordinated the England civil society report to the UN Committee as part of the last UK examination.<sup>2</sup> This was endorsed by 76 civil society organisations.

### What is the CRC?

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

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

England's compliance with these General Principles is covered in Briefing 2.

This briefing is based on written and oral evidence from CRAE's members and additional analysis of recent laws and policies, newly published research, official statistics, and responses to Freedom of Information requests (FOIs).

### Concerns of the UN Committee 2016

- The rate of child poverty remains high with a disproportionate representation of children with disabilities, children living in a family or household with person(s) with disability, households with many children, and children belonging to ethnic minority groups
- The Welfare Reform and Work Act 2016 repealed the statutory target on the eradication of child poverty by 2020 and the statutory obligation of the Government to produce child poverty strategies
- Recent amendments to the Tax Credits Act 2002, the Welfare Reform Act 2012 and the Welfare Reform and Work Act 2016 have limited the entitlement to child tax credits and social benefits (the "household benefit cap" and the "bedroom tax"), regardless of the needs of the households
- The negative effect of the high cost of childcare on children and their family environment
- Recent fiscal policies and allocation of resources have contributed to inequality in children's enjoyment of their rights, disproportionately affecting children in disadvantaged situations
- The number of homeless households with dependent children has increased, as well as the number of homeless families, including those with infants, staying in temporary accommodation

## Introduction

The Government's continued austerity drive and wide ranging cuts to social security through the Welfare Reform and Work Act 2016 continue to have a disproportionate and detrimental impact on already disadvantaged families despite a child's right to an adequate standard of living. Rising numbers of children living in poverty or who are homeless and living in cramped Bed and Breakfast accommodation past the six week legal limit mean that the Government has regressed in this area of children's rights.

The UK's vote to leave the European Union has left the future of the UK economy very uncertain, with many forecasting a recession and despite the Government abandoning plans to achieve a budget surplus by 2020 it is still pursuing austerity through fiscal measures.<sup>3</sup> **As a result, the right to thrive and have a decent standard of living is likely to be further under threat for many children in England.**

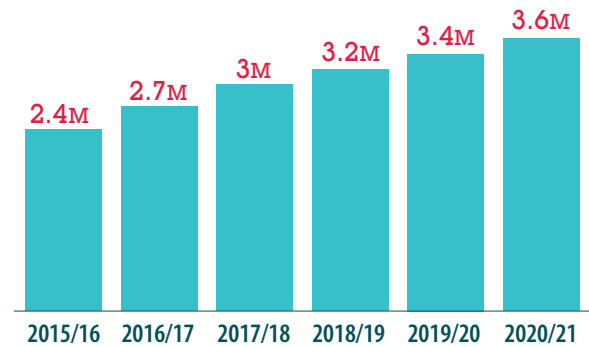
## What progress have we made?

The introduction of a National Living Wage on 1 April 2016 of £7.20 an hour for all working people aged over 25 combined with the new £12,500 threshold for income tax by 2020 will lift many low-paid families out of poverty. The Government's U-turn on planned cuts to tax credits, which would have cost low-income families an average of £1,000 a year was also a positive development. Though still concerning, the number of children living in a workless household has fallen over the past eight years to 13%.<sup>4</sup> The planned introduction of 30 hours free childcare, starting in some areas from September 2017 for working parents with three and four year-olds was another positive move, particularly given the wide ranging cuts elsewhere.<sup>5</sup> The new Prime Minister, Theresa May has also clearly set out her ambitions to tackle social inequality and poverty and increase social mobility which are to be welcomed.<sup>6</sup>

## Where do we need to improve?

### Poverty

Graph 1: Predicted rates of children in relative poverty (in millions)



Note: Incomes measured before housing costs have been deducted. Poverty line is 60% of median household income in the current year.

Source: Institute for Fiscal Studies<sup>7</sup>

### Increase in child poverty

It is of grave concern that the latest child poverty figures show that child poverty is rising - 3.9 million children were living in poverty in the UK in 2014/15 after housing costs were taken into account.<sup>8</sup> That is 200,000 more children than 2013/14 and equates to nine children in every classroom, or 29% of all children. **Two thirds of children growing up in poverty live in a family where at least one member is in work, this is a 4% increase on the previous year,** showing that work is not a guaranteed route out of poverty.<sup>9</sup> The Institute for Fiscal Studies (IFS) predicts child poverty will rise by 50% to 3.6 million children living in relative poverty by 2020 before housing costs. This is due to a growth in average real earnings leaving those on benefits behind and the impact of planned tax and benefit reforms which will account for 40% of the increase in relative child poverty (see below).<sup>10</sup>

### Lack of child poverty strategy and targets

By repealing sections (1-7) of the Child Poverty Act 2010, the Welfare Reform and Work Act 2016 removed the duty on the Government to report on the four key targets for eradicating child poverty by 2020: relative low income, combined low income and material deprivation, absolute low income and persistent poverty. These

measures ensured that the scale of child poverty in the UK was measured and understood, and helped to drive action to eliminate it. The UN Committee expressed deep concern about these changes and that the rate of child poverty in the UK remains so high and urged the Government to reintroduce *'clear accountability mechanisms for the eradication of child poverty, including by re-establishing concrete targets with a set timeframe and measurable indicators, and continue regular monitoring and reporting on child poverty reduction.'*

There are concerns that the focus on "life chances" in the Government's forthcoming *Life Chances Strategy* will prove meaningless without a parallel attempt to tackle rising child poverty. The strategy will look at educational attainment, family breakdown, addiction and debt with less emphasis on low family income as a measure of deprivation.<sup>11</sup> The UN Committee recommended the Strategy include a *'clear focus on the child in poverty reduction strategies and action plans.'*

### Cuts to social security

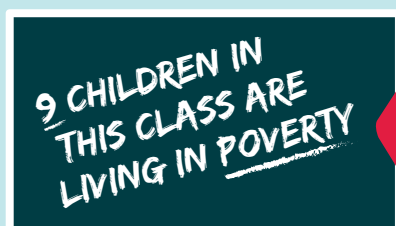
The Welfare Reform and Work Act 2016 introduced a two child limit on receipt of the child element of child tax credit for children born after 5 April 2017 and the child element of Universal Credit for families making a new claim (whether or not the child is born before April 2017). Based on the current profile of tax credit claimants by 2020/21, **640,000 families will lose support as a direct result of the proposed changes.** Around 1.2 million households will be affected by the loss of the family element.<sup>12</sup>

The Government has extended the benefit cap (a cut of £6,000 outside London to £20,000 in

total and £3,000 in London to £23,000) from November 2016 which has already been shown to have a particularly detrimental impact on families both in and out of work. Department for Work and Pensions (DWP) statistics show that between April 2013 and May 2016, 76,200 households with dependent children had their benefits cut. 95% of these are families and two thirds are single parent families. Large families and those in London are most affected.<sup>13</sup>

**Analysis suggests 319,000 children are likely to be affected by the new cap and far more families outside the south east than currently.**<sup>14</sup> In some cases families will lose up to £115 a week. This is despite the DWP Impact Assessment stating that it has taken the CRC into account.<sup>15</sup>

The UN Committee was extremely troubled by the Government's continued drive to reform welfare and push for austerity, stating it had a *'disproportionate [effect on] children in disadvantaged situations.'* This was recently echoed by the UN Special Rapporteurs on Poverty, Disability, Housing and Food. The IFS estimates that welfare reforms will reduce incomes of those who are already the most disadvantaged (the 10th percentile) by 3% by 2020/21, whilst having little or no impact on those in higher income percentiles.<sup>16</sup> The UN Committee urged the Government to *'Conduct an assessment of the cumulative impact of the social security and tax credit reforms on children, particularly those from disadvantaged groups.'* The UN Committee on the Rights of Disabled Persons (CRPD)'s recent inquiry into the reforms to welfare said it had led to *'grave and systematic violations'* of disabled people's rights, with a



9 CHILDREN IN  
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**3.9 children were living  
in poverty in 2014–2015.**

That's 9 children in  
every classroom.

specific impact on children with disabilities and called on the UK to pay special attention to these groups in the implementation of such policies.<sup>17</sup>

### Continued benefit freezes

Alongside these changes, the Government introduced a four year freeze on entitlements to most benefits and tax credits until 2020, including local housing allowance rates. Based on the most recent tax credit claimant data, **around four million families, with 7.5 million children are estimated to be affected by the four year benefit freeze.** Nearly two thirds of these families - 2.6 million families with 4.9 million children – will be in work.<sup>18</sup> The Government has not adequately assessed the effect of its budgets on children for at least two years, nor has it protected budget lines for children. As a result, the UN Committee recommended the Government *'Regularly conduct child rights impact assessments of the budget, including austerity measures.'* Although the Government have introduced the National Living Wage which will increase the incomes of some low earners, the IFS predicts this will have *'very little impact'* on official poverty measures, or household income inequality up to 2020/21. This is because frozen in-work welfare payments make up a larger proportion of household income when earnings are lower.<sup>19</sup>

### Early years and childcare

The number of local authorities in England reporting a shortage of free early education places for three and four year olds has more than doubled since last year. More than a third of councils are now struggling to meet demand.<sup>20</sup>

**The extension of the free early education nursery place to 30 hours a week from September 2017 for working parents of three and four year olds is a welcome development.**

However, its potential to help families out of poverty and into work is limited because it does not apply to parents seeking work or undertaking work-related training.

Concerns have also been raised by the Commons Public Accounts Committee that the policy will not be rolled out as nurseries and childminders will be left out of pocket or lack the capacity to deliver the places.<sup>21</sup> The Accounts Committee suggested this would particularly affect families

from disadvantaged areas, which is concerning given the already disappointing take-up of funded places for disadvantaged two year olds. Another study also found little evidence that the policy will substantially improve maternal employment rates.<sup>22</sup>

More help with childcare costs for parents with low incomes will be provided through the increase in the childcare element of tax credits to 85% of childcare costs from April 2017 for families eligible for Universal Credit. However, the proposed system of delivering this support is bureaucratic, difficult to navigate for parents and will fail to properly address basic affordability challenges for parents such as deposits and up-front fees which can risk families getting into debt and act as a barrier to starting work. Furthermore, childcare costs could limit financial gains from work for many low income parents. The maximum costs of childcare supported through Universal Credit do not meet the high costs of childcare in many areas and the structure of work allowances mean that financial gains from working can be spent on childcare costs. The UN Committee recommended the UK conduct *'a rigorous child rights impact assessment of the recent reduction of funding for childcare and family support.'* For more information about the quality of childcare and its role in the educational attainment of disadvantaged families, see Briefing 6.

### Destitution amongst NRPf families

New research has found that there are approximately 144,000 undocumented children in families living in England and Wales facing levels of extreme destitution and exploitation.<sup>23</sup> These families have "no recourse to public funds" (NRPf). Local authorities have a duty to support these families under Section 17 of The Children Act 1989 if they are "in need". However, research has found only 38% of families who apply for this actually receive it due to barriers put in place by local authorities.<sup>24</sup> Even if families do receive this support, they still experience poverty on a daily basis, with the rates of support varying across the country. **In some circumstances this can mean NRPf families are forced to live on less than £2 per person per day.**



The UN Committee expressed concern that migrants are at high risk of destitution and urged the Government to *‘Provide sufficient support to migrant children to access basic services’* which was echoed by the Communities and Local Government (CLG) Select Committee Inquiry into Homelessness.<sup>25</sup> The Immigration Act 2016 has worsened the situation and introduced a new type of support for families who would otherwise be destitute.<sup>26</sup> These provisions divert the support for families away from the Children Act framework, replacing it with immigration-led provisions and removing the focus on safeguarding and promoting children’s welfare.

Since 2012, the Home Office has begun placing NRPF conditions on parents who have leave to remain in the UK. In the past two years over 50,000 individuals with dependants were given a condition of NRPF on their limited leave to remain, but research shows a third of applications to remove these conditions are in fact successful.<sup>27</sup>

## Homelessness

### Increasing numbers of children in temporary accommodation

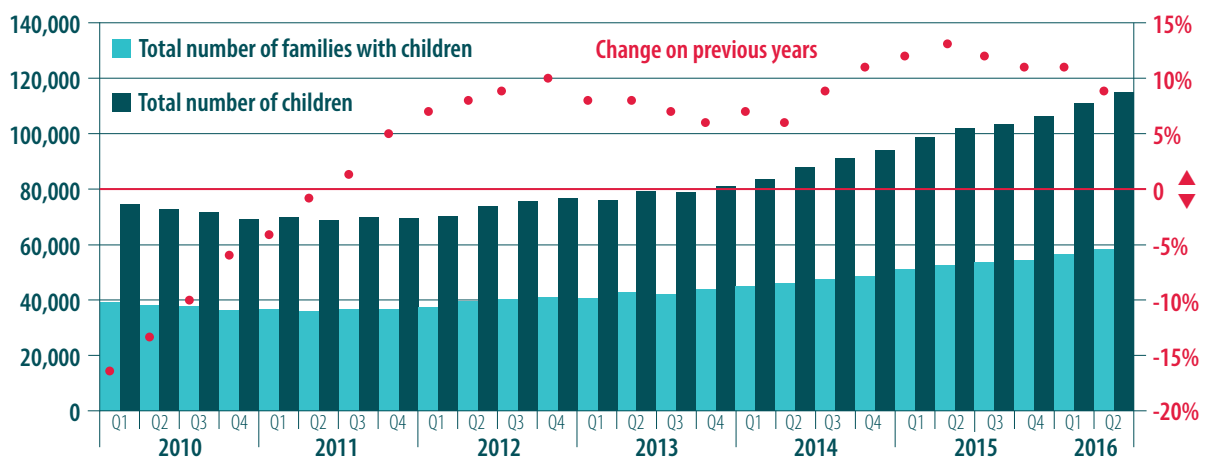
**The numbers of homeless families are rising, in 2015 government statistics show there were 38,040 households with dependent children, two thirds more than the 23,850 in 2009.**<sup>28</sup> The rise has been mainly attributed to the impact of cuts to social security, including the Government’s restriction of housing benefits and

tax credits to only take account of two children.<sup>29</sup> These cuts combined with a shortage in social housing and the high cost of private sector rentals has led to an increase in families being housed in temporary accommodation (TA).

**The number of households with children living in TA is almost two thirds more than in 2010 (58,180 compared to 36,230) which includes 114,930 children or expected children.**<sup>30</sup> 12% of these households were living in accommodation with shared facilities such as bathrooms or kitchens. The problem is significantly worse in London - 75% (43,590) of the total figure of families are in London due to a chronic shortage of affordable social housing.<sup>31</sup> The extended benefit cap is likely to further increase the numbers of families in TA as families in the expensive private rental sector are evicted and forced into TA.<sup>32</sup>

The UN Committee clearly stated its concern about these worrying increases and urged the Government to *‘Take necessary measures to reduce homelessness and to guarantee all children stable access to adequate housing so children do not have to grow up in cold, damp, unsafe or overcrowded spaces.’* Research has shown the detrimental impact of extended periods in TA on children’s health, development, education and well-being. Half of the parents questioned said their children’s development had been negatively affected by their housing situation and two-thirds felt their children’s mental and emotional health had been badly affected.<sup>33</sup>

Graph 2: Families living in temporary accommodation



Source: Department for Communities and Local Government (June 2016) Statutory homelessness and prevention and relief live tables

**Children illegally accommodated in B&Bs Despite a ban on local authorities accommodating homeless families and pregnant women in bed and breakfast (B&Bs) for longer than six weeks, local authorities are continuing to break the law.** The number of families in this type of accommodation is rising significantly, as well as those living there for longer than six weeks. At the end of June 2016, government statistics revealed that 3,390 families with dependent or expected children were living in B & B accommodation, more than double the number at the end of 2013 (1,560), with well over a third (1,140) living there for more than six weeks.<sup>34</sup>

Whilst in some cases, families are living in modern hotels rather than the kind of dilapidated B&Bs used in the 1990s, it is a clear breach of many rights in the CRC for children spend five or six months in a hotel room. Some councils are not reporting families if they are in accommodation with similar characteristics to B&Bs (with shared facilities) such as some "annexes" as they do not fall within the scope of the regulations.<sup>35</sup> *The UN Committee urged the Government to 'Strictly implement the legal prohibition of prolonged placement of children in temporary accommodation.'* One key driver of this is the reduction in Housing Benefit Subsidy for TA, which came in after 2010. Families living in the social rented sector are often there because they are struggling to access affordable private housing and there is great concern that this will further reduce the number of affordable options.<sup>36</sup>

### High numbers of children classed as "intentionally homeless"

Homeless families with children would ordinarily be classified as in "priority need". However, housing advice services see many families who are denied a full homelessness duty by their local authority because they are deemed to be "intentionally homeless", for example because they have fallen into rent arrears and been evicted. With the benefit cap and other cuts making it less likely that housing benefit will cover the full costs of rent, such judgments are extremely harsh. Families found to be intentionally homeless should still be offered

### Case study

#### Children living in B & B accommodation CRAE 'See it, Say it, Change it' Steering group member, Renee

Renee was aged 14 when she and her two younger sisters and brother were made homeless. Her mum and dad had been going through a divorce and the house ended up being repossessed and they were evicted.

After a year of waiting whilst the council assessed them to see if they were "intentionally" homeless and living in cramped conditions with her mum's friend and her four children, they told the council they couldn't stay there any more and the council put them in a B&B.

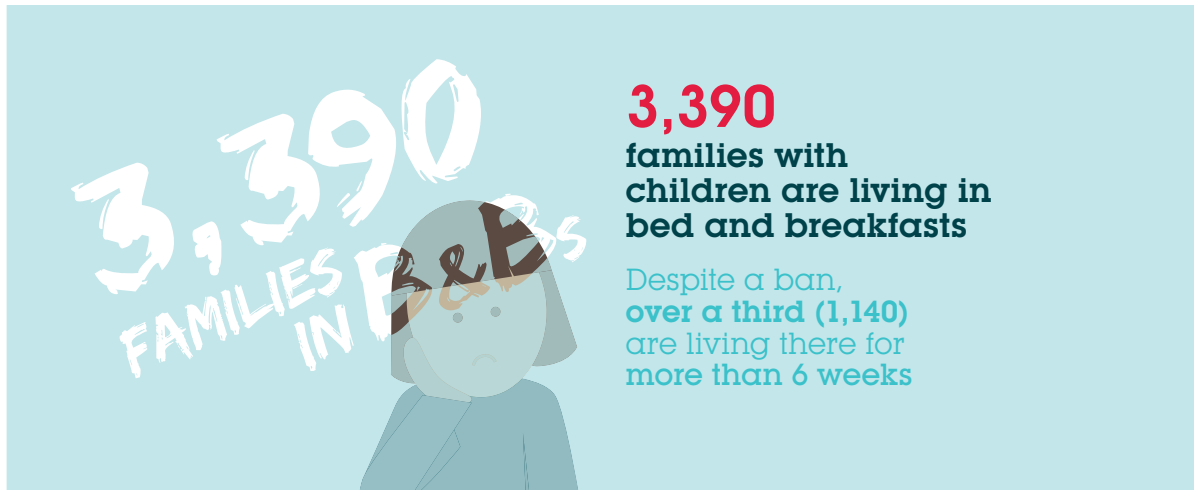
*'I had this impression that being in a B&B is going to be like a hotel, but when I got there it was just a shock. We had one room. It had a bunk bed, a double and a single for all of us to stay in.'*

*'When you're put in that situation, you become grateful for everything. It's weird. I remember when we got moved into our second hostel, because we had our own kitchen space it was like they'd given us a mansion.'*

*'I was going through my GCSEs and I've got younger siblings so it was really difficult to find my own space to do my homework. The majority of the time I would wake up super early in the morning, go to the school library before school and then again at the end of the school day. I think the only reason why I put so much focus on education is because it was like an escape. Everything else was changing all the time: where we were living, our routines. I think education was the only thing that stayed consistent.'*

*'I won't feel stable until my mum can afford to have a house of her own and we completely get off this benefit system. I don't trust it and how badly we've been treated. I don't feel like anything could last. I feel like it could just be taken away and it's scary because we can just be back at square one again.'*





Source: Department for Communities and Local Government (June 2016) Statutory homelessness and prevention and relief live tables

help following a “child in need” assessment under section 17 of the Children Act 1989. However, this does not always happen and even when it does families are often merely placed into B&Bs often with shared facilities which can be dirty, unsafe and put children at risk from dangerous adults.<sup>37</sup>

Recent responses to CRAE's FOI requests found that 363 families were found to be “intentionally homeless” on the 31 March 2016 and a quarter of these families were housed in shared facilities. However, the numbers are likely to be far higher as only a third of local authorities were able to provide the information. Worryingly many were unable to respond because the numbers were too high to report back on or they did not collect the information in an accessible format. Our responses also show that this group of children are falling between the gaps between District authorities who have responsibility for homelessness and Unitaries who have responsibility for child protection as many disagreed who had responsibility for these families.

### Homeless families placed out of area against the law

Despite official guidance requiring councils to place families where practical in the borough in which they are resident, increasing numbers of authorities are now moving households out of area “as a matter of course” due to severe budget cuts and rising numbers of homeless families. This is against the best interests of many children.<sup>38</sup> On 30 June 2016, 28% (20,660) of families in temporary accommodation were

placed out of area.<sup>39</sup> This a 17% increase from the same quarter in 2015 and 46% more than 2014.<sup>40</sup> Of the total this year, 91% (18,700) were from London boroughs.<sup>41</sup>

A landmark court judgement in 2015 emphasised that while out-of-area placements are not in themselves unlawful, councils have a legal duty to ensure that relocation is suitable and appropriate for the family's circumstances, taking into account any potential disruption to education, medical needs, caring responsibilities and employment.<sup>42</sup> However, research has found that one year on, a third of London boroughs had not complied with the judge's ruling.<sup>43</sup> The DCLG Select Committee stated that *‘housing people away from their homes and support networks should be an action of last resort.’*<sup>44</sup>

### 16 and 17 year olds at risk of homelessness

Local authorities continue to refuse to accommodate 16 and 17 year olds under section 20 of the Children Act 1989 (so that they become a looked after child) as required by statutory guidance and get the support they are entitled to including accommodation, financial and personal support.<sup>45</sup> Snapshot data has found that out of 84 Just for Kids Law cases since August 2015, 77% were refused to be looked after under section 20 when they should have been and 65% were refused accommodation by the local authority. This is backed up by FOI data from 2014 which found that approximately 12,000 young people aged 16 and 17 present themselves as homeless to their local authority but only one in five of those was accommodated.<sup>46</sup>

## Recommendations

1. The Government should make the elimination of child poverty a national priority and ensure progress, monitoring and reporting continues against the indicators in the Child Poverty Act 2010.
2. The Government should develop, fund and implement a plan to reduce the number of children in poverty year-on-year for the next five years.
3. The Government's forthcoming *'Life Chances Strategy'* should include a clear focus on family income as a key measure of poverty and deprivation.
4. The Government should conduct an assessment of the cumulative impact assessment of the welfare and benefit reforms on children, particularly those from disadvantaged groups.
5. The Government should ensure that any benefits affecting children are given a "triple lock" guarantee so that they rise each year in line with inflation, earnings or 2.5%, whichever is higher.
6. The Government should extend the new 30 hours childcare provision to parents seeking work or undertaking work-related training.
7. The Government should improve Universal Credit by reversing work allowance cuts, introducing a second earner work allowance and increasing the maximum amount of childcare costs to reflect market rates.
8. The Government should establish a mechanism to pay the deposit and first month of childcare fees up front for parents with low incomes moving into work.
9. Subsistence support for families with NRPF under Section 17 and Section 10A should never be lower than that provided for destitute families seeking asylum. Both should be aligned to mainstream benefit rates paid for living expenses, where accommodation is provided.
10. The NRPF condition should not be applied to parents with leave to remain in the UK where they have children under 18 years old.
11. The Government should make a significant investment to build new social housing to reduce the numbers of homeless households in TA and the length of time they stay there.
12. The Government should exempt homeless households from the benefit cap.
13. Local authorities should ensure that any temporary accommodation used for families does not have shared facilities and is child-friendly, clean and safe.
14. The Government should legislate to introduce a strengthened requirement for local authorities to commission sufficient alternative emergency accommodation facilities.
15. The Government should take action to end the growing number of homeless families illegally in B&B.
16. The Local Government Ombudsman should take pro-active steps to stop authorities using B&Bs beyond six weeks and action should be taken when they break the law.
17. The Government should monitor the practice and process of local authorities placing families out of area to ensure that is only an action of last resort and the needs and best interests of the children have been fully considered.
18. The Government should exempt care leavers from paying council tax until they are 21.
19. The Government should amend the Housing Act 1996 to ensure that those under 18 cannot be made "intentionally" homeless.
20. Local authorities should always offer homeless 16 and 17 year olds accommodation and support under Section 20 of the Children Act 1989 and ensure they have access to an independent advocate when making a decision about whether to accept this offer.

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## About CRAE

The Children's Rights Alliance for England (CRAE) works with 150 organisations and individual members to promote children's rights, making us one of the biggest children's rights coalitions in the world.

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

**Written by:** Natalie Williams

**Children's Rights Alliance for England**

part of Just for Kids Law 180 North Gower Street,  
London, NW1 2NB

**Telephone:** 020 3174 2279

**Fax:** 020 7681 1393

**Email:** [info@crae.org.uk](mailto:info@crae.org.uk)

**Website:** [www.crae.org.uk](http://www.crae.org.uk)

**Twitter:** [@crae\\_official](https://twitter.com/crae_official)



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