

The Children's Plan One Year On: a progress report

Children's rights impact statement

About the Children's Rights Alliance for England

The Children's Rights Alliance for England (CRAE) is a coalition of voluntary and statutory organisations committed to promoting the full implementation of the United Nations Convention on the Rights of the Child (UNCRC). Our shared vision is of a society where the rights of all children are recognised and realised to their fullest potential.

1. About children's rights impact statements

Children's rights impact statements are a process for helping predict the potential consequences of a proposed policy, programme or project on children's enjoyment of their rights, and for evaluating the actual impact of implementation. The objective of the assessment is to inform decision-makers, in addition to the people likely to be affected, so that they can improve the proposal to reduce any potential negative effects, as well as increase positive ones, at the earliest stage possible. CRAE believes all proposed policies, programmes and projects affecting children and young people should be systematically assessed by the UK Government for their impact on children's rights prior to being adopted and implemented.

In England, there is currently no statutory obligation to undertake children's rights proofing of law and policy, although the UN Committee on the Rights of the Child recommended this in its general comment on implementing the UNCRC¹ as a requirement of article 4 of the UNCRC. Until such measures are in place, CRAE aims to publish children's rights impact statements in relation to significant policy developments that affect children and young people in England.

This impact statement considers *The Children's Plan One Year On: A progress report* from the perspective of the concluding observations of the UN Committee on the Rights of the Child, which on 3 October 2008 set out progress in the United Kingdom.

2. About the Children's Plan

Since ratifying the UNCRC in 1991, the UK has never set up a comprehensive implementation programme for children's rights. This has attracted criticism from the United Nations on more than one occasion. That said, CRAE does recognise the need to take into consideration that the concluding observations were issued in October 2008, and that this progress report was only published in December 2008. In the interests of fairness and balance, it would be unrealistic to expect the Department for Children, Schools and Families (DCSF) to have been able to come up with a full and complete response to these concluding observations, or a detailed implementation plan. Generally, and subject to the Government's

¹ UN Committee on the Rights of the Child (2003), *General comment no.5: General measures of implementation for the UN Convention on the Rights of the Child*

detailed response to the concluding observations, CRAE welcomes this first progress report on the Children's Plan as representing a significant step forward.

The creation of the DCSF and the appointment of both the first Secretary of State and Minister for Children mark significant steps forward for the better co-ordination of children's rights across government departments, as does the publication of England's first ever Children's Plan. This progress was recognised by the UN Committee in its concluding observations.² However, it needed to go further.

There are still aspects of legislation and strategic planning affecting children and young people that remain outside DCSF's sphere of influence, and in any event the UNCRC is still not fully reflected in all aspects of the Department's policy thinking. The principles of the UNCRC are not routinely reflected in all pieces of legislation affecting children, and the opportunity for incorporating the UNCRC into domestic law continues to be missed. We share some Government concerns about effective delivery at local level, where accountability for ensuring that children and young people's rights are fully met, even under the very best pieces of legislation (for example, the Children Act 1989, Children Act 2004, Childcare Act 2006), can still be lacking.

The Government is right to set itself the ambitious target of making England 'the best place in the world for children to grow up'.³ Given our position of wealth and influence we should be achieving nothing less. However, the Government's vision cannot be fully realised unless children's rights become the central driving force behind the Children's Plan.

The UNCRC is the most universally ratified human rights instrument, setting the minimum international standards by which every country will be measured on its treatment of children. Consequently, England will only be regarded as 'the best place in the world' for children and young people once our obligations under the UNCRC are met in full. This means that we should not merely be following international codes set by others for us, but that our commitment to the rights of all children in this country should aspire to setting the very highest standard for the rest of the world to follow.

3. About *The Children's Plan One year on: A progress report*

There are signs within this progress report that give cause for optimism, but there are also areas where we can, and must, do better. We are encouraged by the clear statement in the report pledging commitment to the UNCRC and its implementation. Government will find a staunch ally in CRAE in its pursuit of that pledge; and a vigilant critic wherever it falls short of expectations arising from our international obligations under the UNCRC.

The progress report helpfully summarises the Government's key priorities for taking forward the concluding observations made by the UN Committee to the UK Government on 3 October 2008. However, the opportunity was missed to use this progress report to set out the Government's plans to respond to the concluding observations in full. CRAE looks forward to the Government realising the opportunity to do so in the not too distant future. We do regret where the UK takes a different position from the UN Committee on certain rights that are intended to be enjoyed in full by all children of the world.

² UN Committee on the Rights of the Child (2008) Concluding Observations: United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/CO/4), paragraph 4b and 4d

³ DCSF (2007) Children's Plan

Alongside its already widely publicised commitments to deliver world-class services, we call upon the Government to mark the 20th anniversary of the UNCRC by pledging to deliver the world-class commitment to children’s rights that all children in this country so richly deserve.

4. General remarks

CRAE commends the Government for making children and young people active participants in its discussions on the development of the Children’s Plan. Given the recognition from the UN Committee of the need to strengthen decision-making mechanisms for children and young people,⁴ we would encourage Government to ensure that children and young people can contribute to reviewing its year on year progress.

Whilst CRAE broadly supports the five fundamental principles underpinning the document, and rightly acknowledges that these include positive aspects of both the General Principles and articles of the UNCRC, they still do not adequately reflect all the requirements of the UNCRC. Not including the promotion of children’s rights among the main principles of the Children’s Plan is a most regrettable omission.

The delivery mechanism for many of the ambitious reforms set out in the report appears somewhat “educentric”, relying on assumptions that children are fully engaged in their school communities. While acknowledging that schools are important centres around which to co-locate and co-ordinate many services for children and their families, the needs of children who are disengaged from school must be adequately accommodated. Also, we know from children and young people that a lack of access to independent information and support for making complaints leaves many feeling disengaged from mainstream services that might be essential to delivering the help that they need. This is particularly the case for children with behavioural problems who are vulnerable to getting excluded from school, sometimes because the necessary and appropriate support to help them with their learning is not in place. It is therefore important to recognise that schools do not represent the most suitable location for all children and young people.

We would encourage the Government to be more child-focused in aspects of taking the Children’s Plan forward. For example, Paragraph 1.20 rightly emphasises that parents need information, advice and to be engaged in genuine partnership with those working with children. This equally applies to children themselves who consistently tell us that they, in their own right, want to be better informed, advised and involved. This requires a stronger and more consistent commitment to participation.

‘School should be more like a business, like, everything should be... evolved... around the client, the actual young people themselves. So the young people should be able to choose what courses the schools do.’ (Young person)

5. Executive summary of *The Children’s Plan One year on: A progress report*

In this children’s rights impact statement we assess the impact of the developments reported in *The Children’s Plan One Year On: A progress report* on the rights of children in England.

The UN Committee welcomed the publication of England’s first ever Children’s Plan and its vision for making England ‘the best place in the world for children and young people to grow up’, a message which is again reinforced in this progress report.

⁴ UN Committee on the Rights of the Child (2008) Concluding Observations: United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/CO/4), paragraph 32

Withdrawal of reservations

CRAE has welcomed the Government's decision to withdraw the UK's reservations to articles 22 and 37(c) of the UNCRC. However, to give effect to this action, it is important that Government moves swiftly to remove harmful policies which are not in accord with the UNCRC.

Five principles

CRAE broadly welcomes the five fundamental principles that underpin the Children's Plan:

- **Parents bring up children, not government – but families need help and support to do their job**
- **All children have the potential to succeed and should go as far as their talents can take them**
- **Children and young people need to be safe, healthy and enjoy their childhood as well as grow up prepared for adult life**
- **All children and families deserve services that work together for them and meet their individual needs**
- **It is always better to prevent failure than tackle a crisis later.**

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These principles accord well with the UNCRC's own general principles of survival, protection and development. However, they expose a lack of sufficient recognition of children's participation rights. The emphasis on others doing things for children and young people denies the empirical evidence that many have the capacity, albeit varied, to do many things for themselves, as well as have their own say in how they would like things to be done. It would be most encouraging to see the addition of an explicit commitment to children's rights as an integral principle enshrined within the Children's Plan.

6. Priority actions for 2009: Happy and healthy

- **Enshrine in law our commitment to eradicate child poverty by 2020, and publish a route map for achieving this**

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The UN Committee welcomed the Government's commitment to end child poverty by 2020⁵, together with its Childcare Act 2006 requirement on local authorities to reduce inequalities among young children. It also notes that this target will be reflected and enforced through legislative measures. However, the UN Committee – while noting that child poverty has been reduced in the last few years – has expressed concern that poverty is a very serious problem still affecting all parts of the UK.⁶

Child poverty impacts on all areas of children's lives, as was recently illustrated in CRAE's children's rights investigation. Children living in poverty, children in care, young disabled people, traveller children, black and ethnic minority children, young refugees and asylum seekers, and children living in low income families were found to have a greater likelihood of underachieving in school, suffering from poor health, feeling unsafe in their community and becoming involved in behaviour that could be termed "anti-social". Poverty not only affected

⁵ UN Committee on the Rights of the Child (2008) Concluding Observations: United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/CO/4), paragraph 64

⁶ UN Committee on the Rights of the Child (2008). *Concluding observations: United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/CO/4)*, paragraph 18

the individual life experiences of particular groups of children and young people - it was also an issue that many children and young people said that they wanted to see taken more seriously. In fact, when children were asked what they would do to help families if they were Prime Minister, the most common response was give more financial support to poor families.

It is disappointing that the Government would appear to be behind in its 2010 target to reduce child poverty by half and we would encourage Government to do more to provide immediate relief from the hardship that many children will face during this time of economic recession. To this end we would urge the Government to consider the UN Committee's recommendation to provide consistent budgetary analysis to identify the amount of expenditure allocated to children and consider whether this serves to effectively implement policies and legislation affecting them. That said, we do recognise that the Government's commitment to eradicating child poverty by 2020 should progress the UK considerably towards compliance with its obligations under article 27. The Government would be assisted greatly in this task by taking account of the UN Committee's recommendations regarding the use of child rights impact assessments as a tool to help evaluate the effectiveness of its policies.

The UN Committee expressed some concern that government strategies are not sufficiently targeted at those groups of children at risk of most severe poverty, and that the standard of living of traveller children remains particularly poor. Traveller children themselves raised this issue in the course of CRAE's children's rights investigation, where it was noted that the often *ad hoc* nature of assembling traveller sites on road verges meant that access to running water and electricity could not always be guaranteed, and the lack of on-site toilets and skips where travellers could dispose of their rubbish raised serious concerns about traveller children's access to high standards of hygiene and health. In light of these findings, CRAE would like to draw attention to the UN Committee's recommendation to reintroduce a statutory duty on local authorities to provide safe and adequate sites for travellers.⁷

- **Extend our offer of a free childcare place to more two year-olds, making sure more children benefit from early learning**

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Both children and their families benefit from early years support. We welcome the commitment to extra investment, and the fact that free learning and childcare is being targeted at 15% of the most disadvantaged two year-olds. It is hoped that free childcare places will reach the people who will most benefit from it, and promote appropriate early learning and play opportunities.

- **Introduce new ways to support parents at times when their relationships come under strain, and give more support to children when family relationships break down**

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Very much in line with article 12 of the UNCRC, children need a process for enabling them to express their own wishes and feelings in a way that recognises that these may not always coincide with the interests of parents who may be in conflict with each other. All children separated from their parents should have a presumed right of access to information about their own family, and to have contact promoted with members of it who are important to them

⁷ UN Committee on the Rights of the Child (2008). *Concluding observations: United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/CO/4)*, paragraph 65d

and their welfare. We know from CRAE's recent nationwide children's rights investigation that contact between children in care and their siblings is not always encouraged and that the appropriate support is not always available for children who wish to meet their biological parents. We welcome work that the Children's Rights Director for England is bringing forward on this issue, and look forward to the opportunity of learning further what children and young people themselves have to say.

The UNCRC supports safeguarding parental rights to bring up their children and this should always be measured alongside direct evidence from children about the impact of family problems on their lives.

- **Publish a new child health strategy, *Healthy Lives, Brighter Futures*, to improve children's health services and set out plans to expand Family Nurse Partnerships**

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The Government's commitment to reducing health inequalities directly addresses the UN Committee's concerns, and its new child health strategy *Healthy Lives, Brighter Futures* begins to take account of its recommendations for better co-ordination of children's health services across government departments. This is a vital reform given the sometimes conflicting policies on health and inequality. The UN Committee expressed particular concern at the widening gap in rates of infant mortality between different socio-economic groups.⁸

For all children and young people to enjoy equal access to health services it is necessary to understand how important confidentiality is to them. During CRAE's children's rights investigation many concerns were raised by children and young people about confidentiality (especially in relation to counselling services), breaches of which could constitute a major deterrent to children using this service within school. A typical comment was:

'I think school counsellors should learn to keep their things to themselves, because my old school counsellor discussed everything with the dinner lady during lunch time, so you'd be standing in the queue and listening to everything from her last session. If you're at the front of the queue, you'd have to listen, and all the teachers go in first, and you're stood there with the counsellor at the top of her voice, discussing everything about the kid's problems, and that's not right.'

Lesbian, gay, bisexual or transgender (LGBT) young people and children in care (including those affected by abuse) were the most likely to request a confidential counselling service. This request was reflected in the UN Committee's recent concluding observations, which recommended that additional financial resources be invested in mental health services for children and that these services should be fully accessible and appropriate to children and young people's needs.⁹ Without clear guidance on the need to provide children and young people with confidentiality, and the impact of this on current child protection thinking and policies, the Government's efforts to increase children and young people's take up of services that meet their health needs, or keep them safe from harm, will not be as effective as they could be.

⁸ UN Committee on the Rights of the Child (2008). *Concluding observations: United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/CO/4)*, paragraph 54

⁹ UN Committee on the Rights of the Child (2008). *Concluding observations: United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/CO/4)*, paragraphs 57 and 63

- **Take forward the recommendations of the CAMHS review, and increase the number of areas in which mental health services for young people are provided through schools to 55 new areas, as part of our plan to make this nationally available by 2011**

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Whilst the Government's plans are demonstrably an important step forward, we remain concerned that more needs to be done to address the lack of access for many children, who need it, to appropriate treatment and care. Too many are still being treated in adult facilities, including as inpatients in adult psychiatric wards, as a result of falling into the gap in service provision between child and adult mental health services. In some areas, child and adolescent mental health services end at 16, while adult services can only be accessed once the young person is 18. Particular attention is needed for children at greatest risk, including those in care, leaving care, affected by conflict, in trouble with the law or living in poverty.

Provision must not only be improved in schools, but in wider communities as well. Taking forward the CAMHS review's recommendations will only be effective if these are supported by sufficient and sustainable funding, and deliver trained professional staff to support children at different levels of mental health and well-being intervention.

- **Continue to invest in creating exciting spaces and activities that children and young people want to get involved with, with plans to deliver 500 new playgrounds by April 2009**

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We are very encouraged by government plans to increase play and leisure facilities for children and young people. However, CRAE is aware from its recent children's rights investigation that despite recent investment in play through the national play strategy and through initiatives such as the youth opportunity and youth capital funds, children and young people of all ages living across England generally describe the quality and quantity of local play and leisure provision as poor. Children and young people identified a number of barriers to their use of the facilities that did exist: parks and playgrounds in a poor state of repair, vandalised, or littered; the cost of activities; the availability of low-cost travel; restricted opening hours; a limited range of activities; being made to feel unwelcome; feeling unsafe, or threatened by other young people; lack of ongoing funding to keep facilities open; and lack of information about what facilities were available in the local area. CRAE very much welcomes government initiatives to create dedicated and safe play spaces for children, which are in keeping with recommendations from the UN Committee.¹⁰ However, as noted in its concluding observations, there has been insufficient attention to developing adequate play and leisure facilities for young disabled people and this requires urgent attention.¹¹

More generally, we call on the Government to acknowledge and respect children's right, under article 15 of the UNCRC, to freedom of association within existing and developing policy and legislation; and for children and young people to share in use of public space.

¹⁰ UN Committee on the Rights of the Child (2008). *Concluding observations: United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/CO/4)*, paragraph 68

¹¹ UN Committee on the Rights of the Child (2008). *Concluding observations: United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/CO/4)*, paragraph 69

- **Further expand the number of short breaks for disabled children and their families, including those with the most acute needs**

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This is a welcome addition to services for young disabled people and their families; and, importantly, these should be provided in full partnership and consultation with both. Further, and in line with a key recommendation from the UN Committee, the Government needs to undertake a review of the rights of young disabled people to family life and active participation in the community. Such a review should include an examination of why still so many children and young people with disabilities are in long-term institutional care, and whether the care and treatment they receive in these settings is consistently good enough.

7. Priority actions for 2009: Safe and sound

- **Respond to Lord Laming's report to strengthen the arrangements for safeguarding children**

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CRAE joins with the UN Committee in welcoming efforts to strengthen arrangements for tackling the problem of violence, abuse and neglect of children, which remains alarmingly high. The *Staying safe* document makes an important contribution towards providing a national strategy for keeping children safe. However, there is still no comprehensive system of recording and analysing abuses committed against children, and support for victims is not sufficiently embedded in local services for children across the country. The UN Committee offers constructive recommendations in both regards.

Moreover, there is an urgent need for a more child-centred approach to child protection. Systems, such as those in place for improved strategies, structures, communication, co-ordination and information-sharing, have been headlined amongst responses to recent tragedies. However, the risk is that these improvements may be too far removed from children and young people, unless persuaded as to their benefits, making it more likely that some may come to distrust those very systems intended to help to keep them safe. We need to be sensitive to the fact that not all children and young people subscribe to the principle that child protection is "everybody's business". In contrast, we do need to start recognising children and young people as having a legitimate interest in the cause of their own protection.

The announcement of leadership training for all Directors of Children's Services provides an important opportunity to ensure that children's rights are very much embedded as an integral part of that training programme. The creation of the role, under the provisions of the Children Act 2004 has rather unfortunately encouraged less focus on leaders with a background in children's social work. A recent survey of Directors of Children's Services, carried out by CRAE, raised concerns about the extent to which the UNCRC was actively guiding and informing the work of local authorities. The findings suggested that the national implementation of the UNCRC is not being filtered down to children's services, and that knowledge and awareness of the UNCRC among senior members of staff working in children's services is limited and inconsistent. In particular it was noted that:

- 45% of local authorities had not "adopted" the UNCRC despite it being ratified by the UK Government in 1991

- 77% of local authorities did not explicitly reference the UNCRC in their Children and Young People's Plan
- No local authority referred to the UNCRC in the job description of the Director of Children's Services
- 19% of local authorities did not have a designated person in charge of implementing the UNCRC
- Inadequate knowledge of the UNCRC was identified as the second major barrier to the fulfilment of children's rights
- Out of those local authorities who had received training on the UNCRC *and* who had incorporated the UNCRC into their daily work, only 14% felt they had an 'excellent' awareness and understanding of children's rights.

If Directors of Children's Services are to be expected to take an important lead on arrangements for safeguarding children and young people in their local area then such an important deficit in their knowledge will not support them to set out the strategic priorities for putting the welfare of children first.

CRAE would also want to be reassured that the creation of statutory Children's Trust Boards, the Government's latest response to a child care tragedy, will not return us to the muddled circumstances of no one person or agency being responsible when next there is a failure of statutory agencies to keep a child safe.

In addition to observations made by UN Committee, and most especially in light of the Baby P case, CRAE would encourage the Government to examine again the important role that advice given by local authority solicitors is playing in child protection cases. Where there is evidence to support the view that this is not consistently good enough, as has been suggested in the Baby P case, then it would be helpful to make child protection training and involvement in the work of the Local Safeguarding Children Board mandatory for all local authority solicitors working on child protection cases.

- **Establish a new taskforce to strengthen and reform the social work profession, because social workers play a vital role in keeping some of our most vulnerable children safe**

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We are encouraged to see that the Government is addressing urgent workforce issues. At least 20% of social worker posts remain unfilled in more than half of teams, and increased caseloads means that unqualified or inexperienced staff are more likely to be carrying out safeguarding work. Also, in a series of recently leaked emails to *The Guardian*, it has come to light that Haringey council is appealing to all London boroughs to lend it "good quality" social workers to help with its recruitment crisis following the case of Baby P.

CRAE is particularly concerned that many local authorities are struggling with the recruitment and retention of key staff. Whilst pay, status and workloads each play an important part in this, recent high profile cases might also suggest that, at least in the eyes of some professionals working in the field of child protection, dissatisfaction levels appear to relate to a perception that some councils are too often failing to get the balance between 'best interests' and 'best value' right.

Many social workers benefit from training on children's rights. However, the UN Committee's concluding observations called for the universal teaching of children's rights for the benefit of all professionals whose work brings them into contact with children.¹²

- **Respond to the independent review of the impact of the commercial world on children's well-being which will report in the spring**

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CRAE welcomes this timely development and would encourage the Government to afford children special protection from all unnecessary and harmful commercial exploitation, particularly in light of the findings from the Byron Review and the Children's Society's recent *Good Childhood Inquiry*.

- **Require schools to record all incidents of bullying**

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Bullying is becoming more widely recognised as a serious and widespread problem, which may hinder children's attendance at school and achievement of good learning outcomes. Recording incidents of bullying will only help if firstly there is a presumption of transparency in those records being available to parents and inspectors on request; and secondly this is part of a wider strategy for tackling violence and bullying in schools. Although children and young people have the right to be protected from all forms of violence (article 19 of the UNCRC) and schools should be founded on respect for human rights, one-third of the 432 children and young people who completed an education survey in CRAE's children's rights investigation said that bullying is quite a big problem in their school; an additional 13% of children and young people thought bullying is a very big problem. Bullying emerged as the main thing children and young people disliked about school. In light of this, it is not surprising that calls to stop bullying and improve student behaviour emerged as the second key issue students wanted their schools to address.

We support the UN Committee's recommendations in 2002 and 2008 to the Government to intensify its efforts to tackle bullying and violence in schools, including through the teaching of positive messages about human rights, peace and tolerance.¹³

CRAE has received its own evidence from children, which is supported by research undertaken by the Children's Rights Director for England, about different types of bullying (intentional versus unintentional, cyber-bullying, staff to student bullying) and, most importantly, about solutions that have actually worked best for them. Protection from bullying is a human right, no less so than when it impacts on children's lives.

8. Priority actions for 2009: Excellence and quality

- **Work with schools to help more parents get involved in their child's learning, for example by ensuring that all new teachers are trained to work with parents**

¹² UN Committee on the Rights of the Child (2008), *Concluding observations: United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/CO/4)*, paragraph 21

¹³ UN Committee on the Rights of the Child (2002). *Concluding observations: United Kingdom of Great Britain and Northern Ireland (CRC/C/15/Add.118)*, paragraph 48e; UN Committee on the Rights of the Child (2008), *Concluding observations: United Kingdom of Great Britain and Northern Ireland (CRC/GBR/CO/4)*, paragraph 67

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The UN Committee appreciated efforts made to meet the objectives set out in the UNCRC in the sphere of education. However, it expressed concern that significant inequalities persist with regard to school achievement of children living with their parents in conditions of greatest economic hardship. To be effective, this needs to be supported by children's participation in decisions about their learning and school life.

- **Sir Jim Rose will make his final recommendations on the primary curriculum to create fresh momentum in raising standards in primary schools, strengthening subject knowledge alongside improved skills and understanding for children**

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CRAE welcomes the fresh look at the primary school national curriculum and the opportunity it provides to include the UNCRC as an integral part of children's learning. An explicit focus on the UNCRC, particularly at Key Stage 2, would give children the opportunity to learn and understand the role of Children's Commissioners, independent human rights organisations and the Government in upholding children's rights. It would also improve links between primary and secondary curricula, enabling students to more easily progress to the secondary programme of study and towards assuming an increasingly active role in their schools and communities. UNICEF's *Rights Respecting Schools* programme represents a promising start, but there is still no systematic awareness-raising about the UNCRC, and levels of knowledge about it among children and young people, parents or professionals working with children is low.

Under article 42 of the UNCRC, governments are obliged to widely disseminate information about children and young people's economic, social, cultural, civic and political rights, including to children and young people. As an organisation working with children and young people, CRAE has consistently found that where children and young people do not know about the UNCRC, they are unlikely to realise that they have rights. Data from CRAE's children's rights investigation showed that while 33% of children and young people had not heard about the UNCRC, an encouraging 58% of children and young people said they were aware of this treaty. However, the majority of these said they knew very little about the detail of the UNCRC and only 34% claimed to know a lot. It is also noteworthy that out of those children and young people who had heard of the UNCRC, 82% had not received this information through school.

In its concluding observations, the UN Committee regretted that the UNCRC is not yet part of the curriculum in schools. The primary and secondary curricula must be further developed to incorporate the UNCRC, and reflect an ethos of children and young people's participation in all schools.

- **Schools will begin to offer one-to-one tuition on a national basis for children aged 7 to 14 and more young people will benefit from personal tutors**

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This is an important measure that will better support each child in reaching his or her individual potential. Children and young people learn at very different rates. It is important therefore that those who learn a little more slowly than their peers are not simply left behind. In CRAE's children's rights investigation, many children and young people, particularly those struggling with their studies, raised the need to assess the needs of individual students early

on in their education – these children were especially likely to feel neglected in the classroom, as they felt the teacher’s main priority was on helping brighter students. Teachers’ low expectations of certain groups of students was an issue raised particularly by children and young people from black and minority ethnic groups:

‘I get thrown out of school because I’ve got problems when what I really need is help, and that sort of sums up what we’re trying to say to you there.’

Children and young people can have their education disrupted for many reasons and personal tuition is likely to be welcomed by many children trying to re-engage with their schooling following a move or a significant period of absence. The balance between school and play is also important to many children; as is ensuring that the content of any one-to-one tuition is appropriate and purposeful.

- **Begin to invest an additional £31 million to demonstrate best practice in improving outcomes for children with special educational needs, raising schools’ expectations and aspirations for these children**

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Children with special educational needs have a right to be treated as an integral part of society. While CRAE welcomes this announcement, we will be keen to see that the additional resources are targeted to drive up standards, improve outcomes and encourage greater integration and engagement for all children with special educational needs.

As the UN Committee pointed out in its concluding observations, children have no independent right to appeal the decisions of a special educational needs tribunal (SENDIST). CRAE feels strongly that this anomaly must be urgently rectified to enable the child’s voice to be heard in the process. For children in care, too, the Government needs to resolve the situation whereby only giving a right of appeal to a parent amounts to an effective conflict of interest when it is the decision of the child’s corporate parent (in the form of the local authority) that they would be seeking to challenge.

- **Take forward John Bercow’s recommendations on improving speech, language and communication provision, backed by an additional £12 million**

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The lack of access to speech therapy services in certain parts of the country denies far too many children and young people the help that they need. The extra funding should therefore prove a welcome addition to both children and parents, irrespective of where they live. This is important so as to enable children to realise their right to achieve their full potential.

9. Priority actions for 2009: Leadership and collaboration

- **Publish a strategy to help all primary schools to improve and ensure no child is left behind**

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It is important that primary schools becoming increasingly focused on the individual child, and on ensuring they are able to support each child to develop their ‘personality, talents, and mental and physical abilities to their fullest potential’ (Article 29 of the UNCRC).

Underpinning any strategy for improvement in primary schools must be a rights-based approach that takes into account each child as an individual and deals with every aspect of well-being in schools (including children's involvement in decision-making). Getting this right will enable children to develop a range of social and emotional skills, assisting in their educational achievement and in preventing disengagement with formal education at an early age. In Ofsted's *TellUs2* survey with over 11,000 children in England, children also expressed the view that a more interesting and varied curriculum at primary level would help them to do better at school. This was reflected in the findings of CRAE's children's rights investigation in 2008, with younger children reporting that there was too much emphasis on core subjects at primary level to the exclusion of other subjects such as history, drama and art. CRAE is pleased that this issue is beginning to be addressed by Sir Jim Rose's review of the primary curriculum.

- **National Challenge advisers will work with headteachers to improve standards in their schools, backed by £400 million**

Children's rights impact statement

CRAE would hope that National Challenge advisers would help headteachers in looking at effective processes for involving children and young people in the running of the school; whether, for example, by engagement through the activities of a school council, being actively consulted on the school's disciplinary policies or, as in some more enlightened schools, being involved in the appointment of senior staff. In particular, National Challenge advisers could be utilised to ensure that headteachers are helped to understand the essential differences between consultation and participation, and appreciate the greater benefits that active participation can bring.

Furthermore, the UN Committee pointed out that the participation of children in all aspects of schooling is inadequate, and observed that children and young people have very few consultation rights; in particular (and as pointed out earlier) they have no right to appeal their exclusion or to appeal the decisions of a special educational needs tribunal. We are encouraged that the Government has acted to give children and young people a greater say in the running of schools, and by measures (through the provisions of the Apprenticeships, Skills, Children and Learning Bill) designed to introduce a right to complain regarding educational provision, which currently is restricted to parents. We would encourage the Government to go further in addressing the number of permanent and temporary school exclusions, which remains high and tends to affect already low-achieving children from disadvantaged groups.

- **The new Masters in Teaching and Learning will be available to teachers in the National Challenge schools to improve their professional skills and subject knowledge**

Children's rights impact statement

In line with the concluding observations of the UN Committee in relation to UNCRC training for teachers, the new Masters level training for teachers provides a very real opportunity to ensure that they acquire an appropriate body of knowledge about children's rights under the UNCRC.

- **Set out next steps on achieving our vision for schools to deliver a 21st century service, with greater co-location of services and greater partnership between schools and other services – with a new School Report Card to help parents understand how their local schools are performing and a Schools White Paper in the spring**

Children’s rights impact statement

Several groups of children and young people have problems being enrolled in school or continuing or re-entering education, either in regular schools or alternative educational facilities, and cannot fully enjoy their right to education – most notably young disabled people, traveller children, Roma children, asylum-seeking children, children disengaged and non-attending for different reasons (sickness, family obligations, young carers, etc.), and teenage mothers. The 21st century vision set out in the Children’s Plan is strong on its statements of support for parents. However, this strategy risks not doing enough to recognise that many children who are disengaged with mainstream services and without adequate parental care may well need other routes into help they can access in their own right.

The Children Plan: One Year On should provide greater emphasis on participation rights for children. Participation rights for parents seem to have been given high priority. Children excluded from school and children who are detained, who cannot enjoy the same right to education, need to be explicitly included in the Government’s plans.

Participation rights in schools cannot be assumed, as recent research carried out by children and young people shows. CRAE’s children’s rights investigation, which obtained the views of over 1,700 children and young people,¹⁴ found that secondary schools tended to be much less proactive than primary schools when involving children in developing school councils. Although 97% of the 432 children and young people completing a survey said that their school had a school council, less than a quarter rated their council as ‘excellent’ (23%), whilst one in three (33%) rated their school council as either only ‘ok’ or ‘poor’. When asked what three things they wanted to change about school, the top choice was for more involvement in decision-making, reflecting recommendations from the UN Committee on the Rights of the Child in 2002 and 2008.¹⁵ Although the investigation uncovered some excellent examples of youth participation work within local councils, MPs and local councillors were voted the second and third least likely groups to value children and young people and listen to their views.

10. Priority actions for 2009: Staying on

- **Introduce five more Diplomas and a national apprenticeship service to double the number of Apprenticeships, so even more young people can make learning choices that will take them on to future success**

Children’s rights impact statement

It is noted that the provision of different routes to learning, and towards educational and vocational achievement, will begin to address the UN Committee’s concerns about the inequalities that still persist with regard to educational outcomes for children living in

¹⁴ Children’s Rights Alliance for England (2008), *What do they know? Investigating the human rights concerns of children and young people living in England*

¹⁵ UN Committee on the Rights of the Child (2002). *Concluding observations: United Kingdom of Great Britain and Northern Ireland (CRC/C/15/Add.118)*, paragraph 30; UN Committee on the Rights of the Child (2008), *Concluding observations: United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/CO/4)*, paragraph 67g

conditions of economic hardship. In addition to offering more routes to learning, CRAE is hopeful that the introduction of five more Diplomas and a doubling in the number of national apprenticeships should translate into offering greater choices for children and young people to make about learning, which both match their interests as well as fit with their needs. It will be important to monitor the impact of raising the school leaving age on certain groups of children so as to ensure that there are no unintended detrimental impacts.

11. Priority actions for 2009: On the right track

- **Publish, for the first time, guidelines on young people's alcohol consumption, helping parents to help children make sensible decisions about the amount they drink**

Children's rights impact statement

The UN Committee expressed its concern at the high incidence of alcohol use by adolescents in the UK. It recognised that the Government is addressing the issue and called for it to continue its efforts, including by: studying the root causes of these problems in order to provide targeted prevented measures; providing children with accurate and objective information; and supporting young people to reduce their use or dependency.

CRAE would encourage the Government to compare cultural attitudes across Europe where children and young people grow up with alcohol as part of everyday normal life. Many children in France, Italy and Spain, for example, are allowed to experience alcohol in moderation from an early age. In consequence, they quickly learn that alcohol is not the great anti-social taboo that we have allowed it to become in the UK. In stark contrast, children in the UK never learn that alcohol has its place, and many young people are too readily inducted into our binge culture. It will require a long-term commitment to address fundamental issues of the alcohol culture that is embedded in the lives of some of our young people.

- **Extend the Family Intervention Project into more areas, to work with the most challenging families where children and young people are at risk of poor outcomes**

Children's rights impact statement

The lack of consistent budgetary analysis and child rights impact assessments, combined with the added complexities arising from devolved responsibilities, make it difficult to identify either how much expenditure is allocated to children or the extent to which this serves to effectively implement policies and legislation aimed at improving outcomes. In its concluding observations, the UN Committee made a particular point of encouraging the UK Government to do more to address children being taken into care because of parental low income. However, whilst CRAE notes that the matter of children being taken into care due to parental low income was heavily refuted by the UK delegation in Geneva, it would encourage the Government to look at the UN Committee's recommendations with regard to better targeting of resources. Extending the Family Intervention Project should make an important contribution towards this.

The UN Committee noted the increase in expenditure on children in recent years. Nevertheless, it was concerned that the increases alone were not sufficient in themselves to eradicate poverty or tackle inequalities. In addition, low income is only one indicator of poor outcomes for children and young people in the UK. The Government itself recognises that

more needs to be done, and CRAE is encouraged by initiatives to improve outcomes for children in care in particular. However, there are other groups of children and young people at risk of poor outcomes that also require attention.

The Government should be careful to ensure that its commendable policies for supporting families whose children and young people are at risk of poor outcomes are not being undermined by the emphasis being placed by other government policies on punitive juvenile justice measures, the ineffective use of anti-social behaviour orders (ASBOs), and an increased culture of punitive discipline in schools.

- **Ensure more youth facilities are open on Friday and Saturday nights**

Children's rights impact statement

This is a provision that will be welcomed by many young people up and down the country where facilities for play and recreation have been depleted over the years. Clearly, to be effective as a measure to encourage young people's engagement in positive activity, these facilities (as noted earlier in the document) need to be accessible, affordable (if not free) and based on what young people themselves are interested in doing. This provision reflects a sad indictment of the society in which we live that we have to construct places for young people to go to as opposed to learning better how to co-exist with them. It also highlights the inconsistency of those that constantly complain about the visibility of youth on our streets, yet who do nothing to provide them with any alternatives. The UN Committee, in its concluding observations, was struck by evidence of the growing intolerance in the UK towards children and young people.¹⁶

In making these facilities more available it is important to recognise that children and young people may not always want structured activities of the kind that might be envisaged, and that space must be given for children and young people to develop their own social networks and activities.

12. Priority actions for 2009: Making it happen

- **Legislate to strengthen Children's Trusts in every local area to ensure that all local services – including schools, health services, and the police – work together to improve outcomes for children and young people**

Children's rights impact statement

CRAE remains deeply concerned that government responses to national child protection crises appear to focus largely on strategic and structural changes. It is too early to say whether there is evidence to support whether or not these changes actually improve anything substantially for children and young people themselves. Provision for Children's Trust Boards, in many areas, could simply mean the same group of people and local organisations that use to meet to co-ordinate local children's services will now be doing so on a statutory basis. Unless the legislation requires them to put the interests of children first, and builds in clear structures for accountability, CRAE fears that when the media and political attention diminishes, some of the organisations central to keeping children safe may, once again, revert to putting their organisational interests first. Successive governments have issued a plethora of *Working Together* statutory guidance since 1988, and this has culminated in the Government bringing in substantial new legislative reforms in 2004.

¹⁶ UN Committee on the Rights of the Child (2008), *Concluding observations: United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/CO/4)*, paragraph 24

However, none of these appear to have entirely addressed or resolved the inherent conflict of interests, namely that the statutory body with primary responsibility for child protection (the local authority) is exactly the self-same body charged with delivering the resources to ensure the safety of those children who they assess as being at risk.

Consequently, there may be times in the budgetary planning cycle of local authorities, when there is a particular tension between 'best interests' (as defined in article 3 of the UNCRC) and 'best value'. CRAE fears that Children's Trust Boards may not provide the long-term solution.

13. Missed opportunities

- It is regrettable that the UK entered into the process of examination by the UN Committee, culminating in the concluding observations on 3 October 2008, with so many recommendations from the previous examinations in 1995 and 2002 still unaddressed. In particular, the UN Committee regrets that not all pieces of domestic legislation affecting children and young people have incorporated the UNCRC. There is also disappointment that the UN Committee had cause to note the widening gap in UNCRC implementation across the four UK jurisdictions. The Government could have used the opportunity of its first year review of the Children's Plan to have set out, in full, its plans to respond comprehensively to the latest concluding observations (along with those outstanding from 1995 and 2002), and its process for taking action on these recommendations forward.
- Notwithstanding the UN Committee's welcoming of the creation of the new Department of Children, Schools and Families, there remains a lack of both co-ordination and cross-cutting policy across Government for the implementation of the UNCRC.
- This one year review provided an opportunity for the Government to set out its arrangements for disseminating information to the public about the UNCRC and, more precisely, the high quality training on it that various professionals working with children and young people should receive.
- The Government could have put in place proposals for introducing safeguards against violations of children's privacy rights.
- The UN Committee is joined by CRAE in regretting another missed opportunity to strengthen the powers of the Children's Commissioner for England in order to give children and young people in England a strong and effective independent voice, and to fully comply with our obligations under the Paris Principles.
- The UN Committee welcomes plans to consolidate and strengthen equality legislation, with clear opportunities to mainstream children's right to non-discrimination into UK anti-discrimination law (the forthcoming Equality Bill). The UN Committee also welcomes the adoption of action plans and the monitoring and information collection work carried out on the issue of discrimination. However, the UN Committee is concerned that in practice certain groups of children, such as Roma and Irish Travellers' children, migrant, asylum-seeking and refugee children, LGBT young people, and children belonging to minority ethnic groups continue to experience discrimination and social stigmatisation. CRAE would wish to add children in care and leaving care, young disabled people and children in conflict with the law to those groups of children and young people who regularly face

discrimination within our society. The UN Committee also expressed concern at general levels of intolerance and negative public attitudes towards children, especially young people, which appear to exist in the UK, especially in the media, and may be an underlying cause of further infringements of their rights. CRAE wants the Government to make it unlawful to discriminate against children generally, and, more specifically, children from those groups that are most prone to being discriminated against.

- The UN Committee regrets that the principle of the best interests of the child is still not reflected as a primary consideration in all legislative and policy matters affecting children and young people, especially in the area of juvenile justice, immigration, and freedom of movement and peaceful assembly.
- The UN Committee welcomes the introduction of statutory reviews of child deaths. However, CRAE is concerned that these currently lack sufficient independence and accountability, and they allow far too great a discretion in local arrangements for undertaking these investigations.
- CRAE believes that the Government should issue clear guidelines to every police force in the country specifically cautioning against the use of tasers on children, because of the increased risk of fatal injury. In the Government's own words, 'It is always better to prevent failure than tackle a crisis later'.
- In line with UN Committee recommendations, CRAE believes that the Government should do more to promote the rights of children and young people with disabilities to have their views heard and taken into account.
- CRAE shares the UN Committee's concerns at the restrictions imposed on the freedom of movement and peaceful assembly of children and young people by ASBOs, the use of so-called "mosquito devices", curfews, and the introduction of "dispersal zones". We call upon the Government to reconsider the use of ASBOs as well as other measures outlined above insofar as they may violate the rights of children to freedom of movement and peaceful assembly, the enjoyment of which is essential for children's development. Both their use and the rhetoric that is often used to represent "public opinion" does a serious disservice to the vast majority of our young people and, at its worst, is so invective as to suggest that we have actually declared war on our youth. It is ridiculous, in a so-called civilised society, that we have constructed what amount to "no-go areas" for our children. In addition, the Government should do more to protect children from negative media reporting and other gratuitous abuses of their right to privacy. In that regard, CRAE would like to credit the Government for dropping its plans to open up family court proceedings to the public.
- CRAE joins the UN Committee in its call for an urgent review of the use of ASBOs, but would add the need for a similar exercise to examine why our criminal justice system is amongst the most punitive in the world, being as it is ever dependent upon locking up children.
- CRAE is disappointed that the Government has missed an important opportunity to provide children deprived of their liberty greater protection from the use of physical restraint, some incidents of which have led to death and serious injury.

- The Government could have set out proposals for banning all uses of physical punishment against children. It is inconsistent to insist on a position to retain it when it is widely banned in all spheres of care and education, and physical punishment is increasingly rejected by parents as either a reasonable or effective method of disciplining their children. The Government's position that introducing a ban would criminalise parents is not born out by experience in those countries that have taken this step.
- The UN Committee welcomed initiatives at national and local level to improve the situation of young disabled people. However, CRAE is concerned, along with the comments in the *Third Joint Chief Inspectors' Report on Arrangements for Safeguarding Children (2008)*, that progress for this group remains slower than for other children and young people.
- Together with the UN Committee, we call for a comprehensive national strategy for the inclusion of young disabled people into society, and for the Government to do more to help young disabled people overcome barriers they continue to face in the enjoyment of their rights guaranteed under the UNCRC, including the right of equal access to health services, education, leisure and play. This includes urging the Government to ratify without reservation the UN Convention on the Rights of Persons with Disabilities.
- The UN Committee welcomes the UK withdrawing its reservation to article 22, as well as the introduction of a new asylum procedure in March 2007 whereby all asylum applications from children are considered by specially trained "case owners", who have been trained to interview children. It also welcomes the fact that the UK Border Agency (UKBA) has engaged in a wide process of reform concerning unaccompanied asylum-seeking children and the coming into effect of new legislation providing a specific welfare duty on the UKBA. It would be encouraging to see progress in these matters strengthened by measures to resolve age disputes in immigration cases and a commitment to a full review of all harmful legislation affecting these children and young people.
- The Joint Committee on Human Rights noted that asylum-seeking children continue to be detained, and may be kept in detention for weeks until their assessment is completed. Along with the UN Committee, we encourage government to address the lack of data on the number of children seeking asylum; the lack of independent oversight mechanism for an assessment of reception conditions for unaccompanied children who have to be returned; and to review Section 2 of the Asylum and Immigration Act 2004 which permits the prosecution of children over the age of 10 if they do not possess valid documentation upon entry to the UK.
- CRAE believes it is particularly important that young refugee and asylum-seeking children and children in conflict with the law are brought completely under the remit of DCSF in order that they can benefit from the expertise and focus of policy development with children's well-being and best interests at its heart.
- The Government could do more to provide services and accommodation for children and young people caught up as victims of trafficking.

14. Addressing missed opportunities

The Children's Plan: One Year On clearly represents progress that is being made. However, there are limitations to what one Government department can alone achieve. These reforms need to be part of a Government-wide strategy, with full commitment and sign up from all Government departments; and for the UNCRC to be embedded in every aspect of policy and legislation that touches the lives of every child and young person in this country.

The framework for giving expression to children's rights under the UNCRC might be provided by current proposals for a British Bill of Rights. It is timely for the Government and all political parties to show the political leadership and courage required to give our children and young people those rights that are internationally owed to all the children of the world.