**Briefing 4**  
**Safeguarding Children**

**ARTICLE 5** States Parties shall respect the responsibilities, rights and duties of parents, members of the extended family or legal guardians.

**ARTICLE 9** States Parties shall ensure that a child is not separated from his or her parents against their will, unless such a separation is in their best interests. All interested parties shall be able to participate and make their views known. A child separated from parents has the right to direct and regular contact with both parents, unless this is contrary to the child's best interests.

**ARTICLE 18** Parents or legal guardians have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern. States Parties shall help parents and legal guardians in the performance of their child-rearing responsibilities.

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

**ARTICLE 20** A child deprived of his or her family environment is entitled to special protection and assistance provided by the State.

**ARTICLE 21** States Parties shall ensure that the best interests of the child shall be the paramount consideration in adoptions.

**ARTICLE 25** States Parties recognise the right of a child in care to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

**ARTICLE 34** States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. This provision is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

**ARTICLE 39** Children who experience any form of exploitation should receive the help they need to recover and reintegrate into society.

**Definitions and glossary**

**Special Guardianship Order:** Appoints one or more individuals to be a child’s “special guardian” under the Children Act 1989. It is intended for children who cannot live with their birth parents and who would benefit from a legally secure placement, but not adoption.

**National Referral Mechanism (NRM):** A framework for identifying victims of human trafficking or modern slavery and ensuring they receive the appropriate support. It is also the mechanism through which the Modern Slavery Human Trafficking Unit (MSHTU) collect data about victims.

**County lines gangs:** Groups of more than three people (usually based or originating within an urban city location) who have established a market in a rural town in a neighbouring county, into which they supply drugs.

**FGM:** Female genital mutilation is the ritual cutting or removal of some or all of the external female genitalia.

**Staying close:** Aims to mirror “staying put” where children in foster care can request to remain in care until 21, therefore increasing stability.
Concerns of the United Nations

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

- Provide protection and adequate support to families, and protect the best interests of the child through early intervention.
- Address the increasing numbers of children in care.
- Ensure children leaving residential or foster care receive proper support, including for their future plans and how to cope with living far away from former carers.
- Stop frequent changes of foster carer and/or children experiencing more than two family placements in a year.
- Better protect children from sexual abuse and exploitation, and increase respect for the views of children when responding to allegations.
- Address the low rate of prosecution for child sexual exploitation (CSE) and abuse. Complete investigations on numerous cases of sexual violence against children and bring perpetrators to justice.

About this briefing

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

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

What is the CRC?

The CRC applies to all children aged 17 years and under and sets out the basic things that children need to thrive: the right to an adequate standard of living, to be protected from all forms of violence, to 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.

Key to UPR recommendations:

| UPR | Supported | UPR | Noted |

Breifing 4 - Safeguarding Children
The Children and Social Work Act 2017 (CSWA) promised increased support for children in care and children leaving care. Despite some positive steps by the government this year, continued cuts to local authority budgets threaten the potential success of these reforms. **Thousands of vulnerable children remain unsupported and even in the face of growing need, the downward trend in the funding allowance for early intervention continues.**

Recognition of sexual abuse and exploitation of children has increased. The government has introduced some welcome measures to offer better support and protection to children. Yet support services for the growing numbers of children who have experienced abuse still lack capacity and investment.

### What progress have we made?

The extension of Personal Advisors up to the age of 25 under the CSWA is welcome, as is the planned introduction of relationships education (RE) for primary schools and sex and relationships education (SRE) for secondary schools, despite a delay in its introduction. New standards for qualified child and family social workers, alongside grants for a national assessment and accreditation system and the set-up of a board for What Works Centres for Children's Social Care are positive. What Works Centres seek better outcomes for children and families by gathering evidence on frontline practice to inform and guide practitioners and decision-makers across children's social care.

A new National County Lines Coordination Centre became fully operational this year. It is hoped this will strengthen the law enforcement response and potentially better protect children. Continuation of the ‘Disrespect NoBody’ campaign, which helps young people understand what a healthy relationship is and the introduction of a £13 million ‘Trusted Relationships Fund’ which aims to foster stronger relationships between frontline staff and young people at risk of exploitation are important steps in protecting children from exploitation.

The expansion of the Female Genital Mutilation (FGM) Centre to include breast-flattening and child abuse linked to faith or belief, and new funding to develop a new delivery model in social work enabling local authorities (LAs) to provide specialist services to children and families affected by FGM are encouraging. The new Centre for Expertise on Child Sexual Abuse to help tackle child sexual exploitation (CSE) is also a positive step and the forthcoming White Paper on Internet Safety offers an opportunity to better protect children. For more on RE and SRE see Briefing 6.

### Where do we need to improve?

#### Children in care

**Increase in looked after children**

Numbers of children in care have risen for the tenth consecutive year and at the fastest rate in six years. 2018 figures show 75,420 looked after children in England, an increase of 4% on the previous year. The number of children who ceased to be looked after fell by 5% this year (3% more than the previous year). Increasing numbers of children in care may reflect more instances of children being looked after. However, the Care Crisis Review identified lack of early intervention as a factor in rising care numbers,
alongside lack of resources, increasing levels of poverty and deprivation amongst families, and a culture of blame and fear in social work that made professionals more likely to rely on procedural responses.  

Numbers of children ceasing to be looked after due to adoption fell 13% in the last year (3,820) continuing the downwards trajectory from previous years and down from a peak of 5,360 in 2015. There were 3,430 Special Guardianship Orders (SGOs) this year, a slight decrease since 2017 (3,720) but an increase of 34% since 2013. Concerns have previously been raised that the rise reflects attempts by local authorities to control costs, as in many instances an SGO will be cheaper than other out-of-home options.

Nearly four-fifths of looked after children are in foster care. Demand for foster care is growing – an estimated 6,800 new foster families are currently required in England. The much anticipated Fostering Stocktake published its findings this year. Disappointingly these lack detail on challenges and fail to give recognition to the voices of foster carers or engage with children’s views. A report from the Education Committee on fostering, published just weeks before, identified foster care as an invaluable part of the care system, emphasising the importance of valuing young people and foster carers and highlighting the huge pressure the system is under. In contrast, the Fostering Stocktake report presented fostering as a success story, failing to detail challenges facing the system. 

Lack of stability in care placements

Stability is a crucial factor in long-term outcomes for children in care. Despite recommendations from the UN Committee, the high turnover of social workers and multiple care placements continue to undermine stability for children.

Recent research found most children in care experience instability: in 2016-17, 1 in 10 (7,500) children experienced placement moves; 1 in 10 (4,300) of those enrolled in school experienced a mid-year move and nearly 19,000 children experienced two or more social worker changes in the same period. School and placement changes are often traumatising and should not take place unless in the child’s best interests. Social worker retention continues to be an issue.

Graph 1: Numbers of children in care and entering 2014-18

The announcement of an additional £50 million for the Frontline fast track training programme for social workers has been criticised by social work professionals who raised serious concerns about the programme receiving additional funding prior to the results of a study into its effectiveness in improving retention.

The Local Offer for Care Leavers, introduced under the CSWA, provides new statutory regulations outlining the standard of services provided to care leavers by local authorities, and the extension of Personal Advisors up to the age of 25.

Recent Government announcements on the Care Leavers Covenant highlight plans to provide £6 million over two years to trial “staying close” in eight local authorities.

These positive steps go some way toward meeting the UN Committee’s recommendation that children in care be consulted on plans for transition and are given sufficient support. However, recent evidence suggests “staying put” is being poorly implemented due to lack of funding and poor planning, leaving many young people unable to stay with their families. Nearly four-fifths of looked after children are in foster care. Demand for foster care is growing – an estimated 6,800 new foster families are currently required in England. The much anticipated Fostering Stocktake published its findings this year. Disappointingly these lack detail on challenges and fail to give recognition to the voices of foster carers or engage with children’s views. A report from the Education Committee on fostering, published just weeks before, identified foster care as an invaluable part of the care system, emphasising the importance of valuing young people and foster carers and highlighting the huge pressure the system is under. In contrast, the Fostering Stocktake report presented fostering as a success story, failing to detail challenges facing the system.

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Local authorities have lost an estimated 60p out of every pound since 2010 due to funding cuts

Source: Local Government Association (2018) Moving the conversation on: LGA Autumn Budget Submission to HM Treasury

Money that councils have available is severely limited. Significant variation in children’s services spend in local authorities across England continues, varying from £292 to £1,254 per child. Deprivation is the main driver for variation (accounting for 31%) and local authorities with greater levels of deprivation are facing higher demand for spending on children’s services, whilst having less and less resources available to them. Revision of the previous 2009 guidance was recommended by the UN Committee in 2016, however current revisions still fail to give sufficient recognition to the CRC.

The new arrangements mean Local Safeguarding Children Boards (LSCBs) will be replaced by three safeguarding partners: local authorities, chief police officers, and clinical commissioning groups. A lack of a single point of leadership to ensure effective oversight in the new arrangements could also leave children at risk.

The DfE’s new Children’s social care statutory guidance myth busting guide is extremely concerning. The guide aims to set out what local authorities are permitted to do within existing guidance and legislation, and clarify the legal framework. However, it has multiple errors and contradicts existing laws and guidance, which could lead to local authorities breaking or misapplying the law and children and young people suffering harm as a consequence. To date the government has refused to withdraw it.

Local authorities have suffered huge funding cuts since 2010, losing an estimated 60p out of every pound, a trend that is set to continue with the predicted £3.9 billion shortfall in 2018-19 set to grow to £7.8 billion by 2024-25. Early intervention is essential to support children and their families and to stop problems escalating. Clear recommendations to protect early intervention made by the UN Committee and following the UK’s UPR are being ignored.

Keeping children safe

New safeguarding arrangements and early intervention cuts leave children at risk

The Department for Education (DfE) has published updated statutory safeguarding guidance for England, Working together to safeguard children. It sets out the changes needed to support the new system of multi-agency safeguarding arrangements established by the CSWA. Revision of the previous 2009 guidance was recommended by the UN Committee in 2016, however current revisions still fail to give sufficient recognition to the CRC.

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Early intervention allocation to local authorities fell from £3.28bn in 2010-11 to £1.17bn by 2017-2018 – a drop of 64%. The national database recorded a 14% drop in numbers of children’s centres since 2009, however recent research estimated that the figure might be closer to 30%.

Violence against children

Increasing levels of neglect and abuse

198,090 children were subject to child protection enquiries in 2016-17, a staggering increase of 122% (89,300) since 2009-10, and an increase of 7% on the previous year. The number of children made subject to a child protection plan or being added to the child protection register rose by 5% this year (53,790), an increase of 18% (43,190) since 2012-13. Numbers of children looked after due to abuse or neglect are now the highest on record in
England (44,600 at March 2017), representing over 60% of all looked after children. The proportion of children subject to a child protection plan due to emotional abuse has almost doubled since 2002 (33.8%). Research suggests two million children in England live in families with substantial complex needs (690,000 of whom are under five). Of these, 1.6 million children have no established, recognised form of additional support.

Recognition and reporting of many different types of abuse is growing. Positively, the Office for National Statistics has agreed to bring forward a feasibility study to determine whether a new prevalence study could be an effective source of data on child abuse and neglect, including online abuse.

Increasing CSE and inadequate responses to victims
Sexual offences against children under 18 have continued to rise—54,846 offences in 2016-7, an increase of nearly 17% since 2015-16 (47,045). Reported sexual offences rose 23% in England this year, with more than a quarter of these against children. Worryingly, 16 and 17 year-old victims are excluded from official statistics on sexual offending and are instead counted with adult data, despite CSE statutory definitions to include children up to the age of 18 and calls from the UN Committee to change this.

It was hoped that a revised statutory definition of CSE and new guidance for practitioners would improve understanding of what abuse is and responses to abused or exploited children. However, concerns have been raised that confusion continues as to when CSE constitutes modern slavery or trafficking. The UK received recommendations from the UN Committee and following UPR that the UK develop comprehensive services to support children. The 2018 National Child Sexual Abuse and Exploitation Prevention Strategy identifies clear steps in how safeguarding children from CSE can be improved, including better training for adults in contact with children.

To meet growing need it is essential that funding cuts to children’s safeguarding services be reassessed. The recent announcement of a review of the effectiveness and spending on services for victims of child sexual abuse offers an important opportunity for improvements.

The criminal injuries compensation scheme, which currently fails to recognise grooming as a factor in abuse cases, is to be reviewed. Nearly 700 children, some as young as 12, have been denied compensation as they are deemed to have given consent. The Independent Inquiry into Child Sexual Abuse has highlighted the need for increased training for police officers on preventing and responding to child sexual abuse.

However further work is needed to ensure that respect for the views of the child is guaranteed for children making allegations, as recommended by the UN Committee.

Escalating online abuse
Police forces have seen a 700% increase in referrals for online child sexual abuse since 2012-13. The number of child abuse image offences recorded by the police in the UK rose by almost a quarter this year (22,724 offences). Children are often forced to share images of themselves or groomed to do so by adults. In 2017, 78,589 URLs containing child sexual abuse imagery were identified, an increase of 37% from the previous year. The new Child Abuse Image

Graph 2: Numbers of children subject to a child protection plan or enquiry 2009-17

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of children who were the subject of a child protection plan at 31 March</th>
<th>Number of Section 47 enquiries which started during the year ending 31 March</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010-11</td>
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<td>111,660</td>
</tr>
<tr>
<td>2011-12</td>
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<td>124,590</td>
</tr>
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<td>2012-13</td>
<td>43,140</td>
<td>124,590</td>
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<tr>
<td>2013-14</td>
<td>48,300</td>
<td>142,490</td>
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<td>2015-16</td>
<td>50,110</td>
<td>172,290</td>
</tr>
<tr>
<td>2016-17</td>
<td>51,080</td>
<td>185,450</td>
</tr>
<tr>
<td>2017-18</td>
<td>53,790</td>
<td>198,090</td>
</tr>
</tbody>
</table>

Ongoing failure to tackle FGM
The UN Committee recommended that the UK strengthen its data collection and prosecution of perpetrators and continue to take action to end violence against women and girls, yet there has still not been a successful prosecution for FGM. Positively, an annual statistical release of figures for FGM is now in place. 4,495 newly reported cases of FGM occurred between April 2017 and March 2018. A further 1,015 cases were reported between April 2017 and July 2018. New intelligence-sharing arrangements between the UK and the USA which aim to build knowledge and tackle FGM more effectively are encouraging.

Updated sentencing guidelines for failing to protect girls from FGM is positive and comes into force in January 2019. The establishment of the FGM centre is also a step forward in protecting children, but high quality training for practitioners and community level resourcing are essential to see its potential realised.

High numbers of children exposed to domestic abuse
The forthcoming Domestic Abuse Bill offers an opportunity to better protect children. However, to be effective the Bill must place provision of refuges on a statutory footing, alongside national ringfenced funding, and end payment of Universal Credit to the “main carer” as this potentially ‘makes it harder for victims to leave or avoid economic abuse and control’. Domestic abuse is a factor in 50% of social worker assessments of children in need, over half of serious case reviews and two-thirds of child contact applications. The commitment to award £8 million over the next two financial years (2018-2020) to organisations in England and Wales delivering interventions designed to support children who are exposed to domestic abuse is welcome.

Children still recruited to the armed forces
Children can still be recruited to the armed forces from age 16. The UK is the only European Union state to do so. In 2016 the UN Committee
Briefing 4 - Safeguarding Children

Recent evidence suggests that countries with a full ban on corporal punishment are safer places for children to grow up. For information on use of isolation in schools see Briefing 6.

Army recruiters strategically target deprived neighbourhoods and children below enlistment age. Evidence shows social media is used to target teenagers on GCSE results day. Recruitment materials do not make clear that once enlisted, children lose much of the legislative protection to which they are normally entitled, since military law imposes far-reaching obligations and suspends certain fundamental rights, a problem compounded by relatively low literacy levels amongst recruits. The risks associated with an armed forces career are greater for those recruited as children, such as poor mental health, post-traumatic stress disorder, alcohol misuse, self-harm or suicide.

The UN Committee criticised the armed forces’ arrangements for seeking parental consent as ‘insufficient’ and called for safeguards to be strengthened. It also criticised the armed forces for making child recruits complete a longer minimum period of service than is required of adult recruits. Publication of the internal review into ‘Junior Entry’ has been repeatedly delayed, despite initial findings being reported to the Army Board in 2017, and there has been no civil society involvement in the review.

No movement on banning corporal punishment

Despite evidence that it is harmful, the government continues to resist calls to ensure that children have equal protection from assault in the home and other settings. The Crime Prosecution Service charging standard continues to accept “reasonable chastisement” as a defence. Consultations on the Domestic Violence and Abuse Bill were conducted in spring 2018 but the Committee report overlooked the issue of corporal punishment of children. In contrast the Welsh Government will introduce a Bill to remove the defence of reasonable punishment by July 2019. Likewise the Scottish Government have published legislation to give children equal protection.

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Case study

Child Soldiers International

Failed investigation into abuse

In February 2018 a court martial began against ten instructors of the Army Foundation College Harrogate; the institution that trains the Army’s youngest recruits, aged 16-17. The defendants were accused of 25 counts of ill-treatment and six of battery against teenage recruits at a battle-camp exercise in 2014. They allegedly pushed cattle dung into recruits’ mouths, held their heads under water, and physically assaulted them. The allegations were investigated by the Royal Military Police (RMP) and prosecuted by the armed forces Service Prosecution Authority.

Not long after the court martial began, the case was thrown out by the judge because the investigation had been “seriously flawed” and so a fair trial could not take place. He criticised the RMP for failing to interview key witnesses, and for the length of time between the allegations coming to light and the defendants being charged.

While the failings of the investigation mean the allegations remain unproven, there are longstanding concerns about young people being exposed to abuse in the Armed Forces. In the last decade the RMP have conducted approximately 50 investigations into staff at the Army Foundation College, with around half relating to assault or ill-treatment.

This is also not the first time that possible abuses against minors have been improperly investigated by the military’s internal policing and justice system. The way in which four deaths of young recruits (two of them aged 17) at Deepcut barracks between 1995 and 2002 were handled has been widely criticised. An inquest into one of the deaths this year found the first investigation was “woefully” inadequate.
1. The government should urgently address the funding gap in children's services and provide additional funding to local authorities struggling to provide early intervention services.

2. The government should ensure that sufficient funding is made available to successfully realise the new reforms introduced under the Children and Social Work Act 2017.

3. The government should take action to address the current problems with “staying put” and make clear how the programme will be funded after 2020.

4. The government should strengthen duties on local authorities, chief police officers and clinical commissioning groups to ensure that children are kept safe under new safeguarding arrangements, and provide clear guidance for all partners on how to approach the new arrangements.

5. The government should continue to invest in its programme to ensure retention recruitment of social workers, and complete assessment of the efficacy of current programmes.

6. The government should commission further research to establish the full extent of child abuse and neglect in the UK.

7. The government should ensure that all victims of sexual crimes should have access to specialist therapeutic or mental health support.

8. The government should ensure development of more training for police officers in how to identify and support exploited children. Resources should be allocated to early intervention for children at risk of serious violence, and relationship and sex education should ensure that children are made aware of different types of grooming and exploitation.

9. The government should introduce clear standards on how young victims of crimes of a sexual nature are kept informed about the progress of investigation and court process.

10. The government should make increased resources available to the police to enable them to tackle online abuse images of children and to increase convictions.

11. The government should take steps to ensure that children involved in county lines gangs are placed on the NRM and treated as victims of trafficking and modern slavery, not criminals.

12. The government should introduce stronger sanctions for failing to meet mandatory reporting responsibilities on FGM among frontline professionals.

13. The government should ensure that the forthcoming Domestic Abuse Bill includes refuge provision as a statutory obligation, backed up by national ringfenced funding, and cease the payment of Universal Credit to the “main carer”.

14. The government should raise the minimum enlistment age to the armed forces with a view to end the recruitment of children. In the meantime, the government should a) require recruiters to meet directly with parents and ensure parents are fully informed of the risks and obligations of military service at an early age, and b) ensure that child recruits cannot be made to serve longer than adult recruits.

15. The government should change the law to ensure that children have equal protection from assault by removing the defence of “reasonable chastisement” and prohibit corporal punishment in all settings.
In this series

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**Briefing 2:** Children at the Centre - The General Measures of Implementation & General Principles of the CRC
**Briefing 3:** Poverty & Homelessness
**Briefing 4:** Safeguarding Children
**Briefing 5:** Immigration, Asylum & Trafficking
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**Briefing 7:** Health
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**About CRAE**

The Children’s Rights Alliance for England (CRAE), part of Just for Kids Law, works with over 100 members to promote children’s rights and monitor government implementation of the UN Convention on the Rights of the Child.

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

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