England Civil Society Submission to the United Nations Committee on the Rights of the Child to inform its List of Issues Prior to Reporting (LOIPR)

2020
About this submission

This submission has been produced by the Children’s Rights Alliance for England (CRAE), part of Just for Kids Law, to inform the UN Committee on the Rights of the Child’s (UN Committee) List of Issues Prior to Reporting (LOIPR). This submission is done under the new Simplified Reporting Procedure which specifies that 30 priority issues must be identified. For more information about this procedure see our briefing.

The priority issues set out in the report were identified through a six week call for written evidence and six thematic oral evidence sessions, as well as additional analysis. Written evidence was received by 32 organisations and academics, and 60 representatives from organisations participated in the oral evidence sessions. The written evidence can be found here. The issues are arranged under the clusters of articles of the UN Convention on the Rights of the Child (CRC). Bold numbers in square brackets refer the reader to the other sections where the issue is covered. There is a list of abbreviations and glossary at the end of the report.

Due to the word limit specified by the UN Committee (10,000), the report does not contain details of all children’s rights issues in England but provides an overview of the key priority issues identified by civil society organisations who participated in the consultation process. The information contained in the submission is correct as of 25th November 2020.

Acknowledgements

We are extremely grateful to everyone who submitted evidence for this submission, attended our oral evidence sessions, reviewed draft text, and answered queries. The amount of time and effort many individuals gave to this project demonstrates the commitment held across civil society of our common goal of achieving the full implementation of the UNCRC in England. CRAE would also like to acknowledge and thank the project’s co-ordinator, Natalie Williams, Policy and Public Affairs Manager at CRAE and other members of the team: Louise King, Alex Temple, Augusta Itua, Eloïse Di Gianni, and Laura Cooper. We would also like to thank Giana Rosa, Independent Consultant for Children’s Rights and Economic and Social Rights.

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Royal College of Paediatrics and Child Health (RCPCH)
National Children’s Bureau (NCB)
Coram Children’s Legal Centre (CCLC)
NSPCC
Unicef UK
Child Poverty Action Group (CPAG)
Barnardo’s
Standing Committee for Youth Justice (SCYJ)
The Children’s Society
Become

CRAE would like to thank the Equality and Human Rights Commission and the Baring Foundation for funding this project.
This submission has been endorsed by 90 NGOs and civil society groups listed below, many of whom are CRAE members. Not all the organisations work across all the areas addressed or necessarily support all the content or questions.

4Front Project
4in10 London’s Child Poverty Network
5Rights Foundation
Action for Children
Alliance for Inclusive Education (ALLFIE)
Ambitious about Autism
Article 39
Asylum Aid
Baby Milk Action
Baobab Centre for Young Survivors in Exile
Barnardo’s
Become
British Association of Social Workers (BASW)
British Institute of Human Rights (BIHR)
British Youth Council
Campaign for State Education
Centre for Justice Innovation
Centre for Mental Health
Centrepoint
Challenging Behaviour Foundation
Child Rights International Network (CRIN)
Children England
Community Action for Refugees and Asylum Seekers (CARAS)
Coram Children’s Legal Centre
Council for Disabled Children
Child Poverty Action Group (CPAG)
Children’s Rights Alliance for England (CRAE)
Driver Youth Trust (DYT)
Early Childhood Forum
ECPAT UK
End Child Poverty Coalition
Friends, Families and Travellers
Greater Manchester Immigration Aid Unit
Haringey Play Association
Home-Start UK
Humanists UK
INQUEST
International Play Association for the Child’s Right to Play in England (IPA England)
IntoUniversity
IPSEA (Independent Provider of Special Education Advice)
Just Fair
Just for Kids Law
Justice
Kidscape
London Play
Mermaids
Meynell Games
Michael Seiff Foundation
Migrant and Refugee Children’s Legal Unit (MiCLU) at Islington Law Centre
Mind
National Association for Youth Justice
National Bereavement Alliance
National Development Team for Inclusion (NDTf)
National Network of Designated Healthcare Professionals for Children (NNDHP)
National Youth Agency (NYA)
National Children’s Bureau (NCB)
No More Exclusions
NSPCC
National Youth Advocacy Service (NYAS)
Power2
Practical Participation
Praxis
Project 17
Race on the Agenda (ROTA)
Refugee Council
Refugee Support Network (RSN)
Royal College of Paediatrics and Child Health (RCPCH)
Runnymede Trust
Save the Children UK
SEND Community Alliance (SOSISEN, Special Needs Jungle, SEND National Crisis & SEND Action)
SEND National Crisis
Social Workers Without Borders
South London Refugee Association
Square Peg
Standing Committee for Youth Justice (SCYJ)
The Children’s Society (TCS)
The Howard League for Penal Reform
The Markfield Project
The Traveller Movement
Thomas Pocklington Trust (TPT)
Transform Justice
Under One Sky
Unicef UK
Unlock
We Belong
World Breastfeeding Trends Initiative (WBTi) UK Working Group
YoungMinds
Young Roots
Youth Access
Zacchaeus 2000 Trust (Z2K)
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Introduction

Children’s rights in England have regressed in many areas since the UK was last examined in 2016. Despite progress to embed children’s rights across Government, the response to Covid-19 has demonstrated how children’s rights and voices are regularly overlooked. England is also lagging behind other parts of the UK, with incorporation of the CRC a very long way off.

Child poverty is increasing and likely to be exacerbated by the significant economic downturns expected because of Covid-19 and Brexit. Health and educational inequalities have continued to widen since 2016; in particular for poorer children and those from BAME backgrounds.

On top of this, black children continue to suffer persistent discrimination across many aspects of their lives and are disproportionately represented in school exclusions and in all parts of the criminal justice system (CJS). Despite numerous reviews, there is still no cross-government strategy for preventing and addressing systematic racism and race discrimination.

Although there have been welcome developments to children’s social care legislation, funding for children’s and youth services has been decimated, while the number of children needing care or protection is rising and the pandemic is putting additional pressure on services.

Despite some positive measures, very vulnerable children in need of special protection – such as those in the immigration or criminal justice systems – are still having their rights breached. Access to justice has also been eroded since 2016 and with the Human Rights Act under threat, England’s domestic legal framework for protecting children’s human rights is at great risk.

General measures of implementation

1. No political priority given to children’s rights

As this report demonstrates, the Government has generally failed to prioritise children or their rights since 2016, with retrogression in many areas. There is no Cabinet Minister with responsibility for children’s rights and, in 2018, the role of Children and Families Secretary of State was demoted to Parliamentary Under-Secretary of State. There is no children’s rights action plan or strategy to address the 2016 Concluding Observations, nor a centrally based, adequately resourced child rights team, for example, within the Cabinet Office. This means there is only very limited cross-departmental monitoring processes to embed children’s rights across Government, take forward the Concluding Observations, and ensure the full breadth of the CRC is implemented.

The civil service training on children’s rights1 and the Child Rights Impact Assessment (CRIA) template2, launched in 2018, are welcome steps. However, there is no statutory obligation to conduct CRIAs in all policy areas affecting children, despite similar requirements in Wales and Scotland.3

Despite the Government’s commitment to: ‘give due consideration to the UNCRC articles when making new policy and legislation’;4 in practice this is largely absent. Very few CRIAs have been carried out since the template was published and most are not published.5 One of these, on the Adoption and Children (Coronavirus) (Amendment) Regulations,6 was completed after Ministerial approval.

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2. House of Lords written answer (15 May 2019) HL 15465
3. The Rights of Children and Young Persons (Wales) Measure 2011 imposes a duty on ministers to have due regard to children’s rights as expressed in the CRC. Part one of the Children and Young People (Scotland) Act 2014 requires all Scottish ministers to give better or further effect to the requirements of the CRC, take account of the relevant views of children of which they are aware; promote public awareness and understanding of the rights of children; and report every three years to the Scottish Parliament on what they have done to fulfil these duties.
4. Lord Agnew of Oulton, Parliamentary Under Secretary of State for the School System (20 November 2018)
5. For example, calls by children’s rights organisations for an amendment to the EU Withdrawal Bill to ensure that a CRIA would be carried out on future law and policy developments were rejected by the Government. Coram Children’s Legal Centre, NSPCC, National Children’s Bureau, Children England, The Children’s Society, and ECPAT UK (2017) European Union (Withdrawal) Bill Briefing, Committee Stage, House of Commons, Protection and promotion of children’s rights
6. The true scale of how many CRIAs have been conducted is unknown as they are not centrally collected. Most are not published.
2. Inadequate and worsening child rights protection and access to justice

Unlike in Scotland, there has been no effort to incorporate the CRC into domestic law in England. The Government has not signed OP3 or removed its declaration to OPAC.

The Human Rights Act continues to be under threat, with a review imminent.1 The Government is failing to provide assurance that it won’t repeal or replace the Act,2 with serious implications for children’s rights protections and redress for human rights breaches. Brexit poses considerable risks to children’s rights. The EU (Withdrawal) Act 2018 excluded the EU Charter of Fundamental Rights from being transposed into UK law, which gave specific rights to children that are not in domestic law.3

A raft of emergency legislation, regulations, and guidance affecting children was brought in during the pandemic without the usual parliamentary scrutiny, consultation period, or consultation with the Children’s Commissioner,4 showing a worrying lack of democratic scrutiny for children’s rights. Regulations on children’s social care,5 for example, significantly watered-down protections and their adoption was later found unlawful by the Court of Appeal.6

There are fears that the review and potential reform7 of judicial review will limit access to justice and undermine the rule of law,8 including in areas affecting children such as school exclusions, immigration, social security, and social care. Legal aid is still unavailable for many children and families, and the Exceptional Case Funding Scheme is woefully inadequate.9 Since 2013, at least 6,000 children each year have been denied free legal advice and representation (the figure could be

Sources:

10 Article 24, EU Charter of Fundamental Rights
11 The SEND Regulations downgraded the duties and delayed the timescales for the assessment and preparation of an EHCP, which enables children with SEND to access specific resources and a school place whilst schools are not open for all children. These changes have expired but there will likely be a lasting impact on children who lost their entitlement to support for the first time since 2014. The School Exclusions Regulations created potentially long delays for children attempting to hold schools to account over unfair school exclusions, which will have inevitably impacted most harshly on pupils with SEND. These changes have been relaxed but not ended, and are set to continue in some form until at least March 2021. The Remand Regulations extend custody time limits in the crown court by two months and are currently in place until June 2021. The Explanatory Memorandum to the Secure Training Centre (Coronavirus) (Amendment) Rules 2020 sets out a temporary minimum restricted regime, reducing the minimum amount of time children have out of their cells from the usual 14 hours to only 1.5 hours in each 24-hour period. These are in place until March 2022.
13 Article 39 v the Secretary of State for Education (2020) EWCA 1577 (Civ) https://www.bailii.org/ew/cases/EWCA/Civ/2020/1577.html The Department for Education was found by the Court of Appeal to have acted unlawfully in adopting these regulations without consulting the Children’s Commissioner and other bodies representing the rights of children in care. This judicial review was brought by Article 39 after a broad coalition of organisations and concerned individuals undertook a campaign challenging the regulations, their broad scope and the lack of scrutiny around their adoption. Article 39 v (23 November 2020) https://article39.org.uk/scrapsi445/
15 Liberty (4 August 2020) Limits to judicial review could undermine vital safeguards Liberty https://www.libertyhumanrights.org.uk/issue/limits-to-judicial-review-could-undermine-vital-safeguard/
16 The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) overhauled the legal aid system: from April 2013 legal aid was no longer available for employment, education (except for cases of special educational needs), non-asylum immigration, private family law, many debt and housing cases, and most welfare benefits cases.

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There is no statutory obligation for Child Rights Impact Assessments (CRIAs) despite requirements in Wales and Scotland

Source: The Rights of Children and Young Persons (Wales) Measure 2011 and the Children and Young People (Scotland) Act 2014

- Could the Government explain:
  - why there is no senior cabinet member with responsibility for children and no cross-departmental action plan on children’s rights?
  - why statutory obligations to systematically conduct CRIAs exist in Wales and Scotland, but not in England?
  - where policy decisions affecting children were made without undertaking a CRIA, this approach was taken?

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1. The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) overhauled the legal aid system: from April 2013 legal aid was no longer available for employment, education (except for cases of special educational needs), non-asylum immigration, private family law, many debt and housing cases, and most welfare benefits cases.
as high as 15,000). This affects many children, including those unlawfully excluded from schools, and is hard to access in SEND appeals. Following judicial review, immigration matters for separated children were brought back into scope of legal aid, but care leavers are excluded from its remit, as are immigration cases for children in families and separated children once they have turned 18.

Standards of legal representation in the youth court are variable and therefore the interests of some of the most vulnerable children are not being adequately represented. Despite an independent review recommending the introduction of mandatory training for all lawyers appearing in the youth court, this has not been taken forward.

Will the Government:
- guarantee that it will not repeal or dilute the Human Rights Act?
- set out how it expects children to access free legal advice and representation in areas where it has removed legal aid and how it will reform the ECF scheme to make it easier for children to apply?

Will the Independent Review of Administrative Law specifically consider the impact of any reform measures on the rights of children?

What steps are being taken to ensure those representing vulnerable children have the specialist skills and expertise to do so?

3. Inconsistencies in definition of the child

Many children, particularly those aged 16 and 17, are treated as adults and denied the protections and support due to under 18s.

The age of criminal responsibility in England and Wales remains very low at 10 years old, despite repeated calls from the UN Committee. Keeping children in the CJS rather than mainstream child welfare services harms their wellbeing. The UK still enlist 16 year-olds to the armed forces. In 2019-20, the armed forces enlisted 3,260 under-18s, three-quarters of whom joined the army. 16 and 17 year-olds made up 25.5% of the army’s intake – with more soldiers recruited at 16 than any other age.


17 Coram Children’s Legal Centre (2018) Rights without remedies: Legal aid and access to justice for children
18 A person can appeal against a local authority’s decisions in relation to EHCs. This includes the refusal of a request to assess a child to establish whether they need an EHC; refusal to prepare an EHC following assessment; and challenging the contents of an EHC plan including whether the child will attend a mainstream or special school. The type of legal assistance available for SEND appeals is “legal help”: a restricted type of support that allows families to take early advice and prepare a case, but not to be represented in hearings.
23 In its recent report, the Justice Committee has also called on the Government to conduct a review into the age of criminal responsibility. House of Commons Justice Committee (2020) Children and young people in custody (Part 1): Entry into the Youth Justice System Twelfth Report of Session 2019–21 https://committees.parliament.uk/publications/3398/documents/32490/default/
24 The UK is only one of 16 states to do so. The Romeo Dallaire Child Soldiers Initiative (2020) Child Soldiers World Index http://childsoldiersworldindex.org/opac-status
26 Ibid
Army recruiters strategically target deprived neighbourhoods and children below enlistment age.\textsuperscript{27} The risks associated with being in the armed forces – such as poor mental health, post-traumatic stress disorder, alcohol misuse, self-harm, or suicide – are greater for those recruited as children.\textsuperscript{28}

Children aged 16 and 17 are increasingly denied protections as victims of CSE \textsuperscript{[8]} and as homeless children.\textsuperscript{[17]} As separated children turn 18, they are refused a range of protections.\textsuperscript{[26]} For many vulnerable children known to children's services, support stops as they reach 18.\textsuperscript{[13]}

Little has been done to reduce the harm caused to those who commit offences as children but are convicted or sentenced as adults. In cases where children have turned 18 between the offence and prosecution, the courts do not have access to sentences for children, and supervision is not carried out by YOTs. Instead, they receive longer adult criminal records, rehabilitation periods, and are not eligible for the same diversionary schemes. The Covid-19 pandemic has exacerbated an already struggling system.\textsuperscript{[29]}

\begin{itemize}
\item How does the Government ensure:
\item children's best interests by continuing to have a low MACR?
\item recruits aged under 18 and their parents/guardians are fully informed of the risks and obligations enlistment entails?
\item children who are under 18 at the time of an offence, but turn 18 during the criminal justice process, receive outcomes commensurate with their age at the time of the offence?
\end{itemize}

\section*{General principles}

\subsection*{4. Lack of consideration of best interests principle}

There has been little progress in enshrining children’s best interests as a primary consideration in the development and application of laws and policy, including in relation to vulnerable children (e.g. children in care, trafficked children, and asylum-seeking children). Given the lack of systematic and comprehensive CRIAs,\textsuperscript{[1]} little consideration is given to whether children’s best interests are undermined or enhanced by Government policy. For example, the social care Covid-19 regulations\textsuperscript{[30]} removed or weakened 65 legal protections for children in care, with little evidence in the CRIA to support its conclusion that the new measures were small scale and in the best interests of children.\textsuperscript{[31]} If it is considered, the best interests principle is often applied tokenistically, for example, in immigration and asylum decisions, with no thorough assessment and explanation, and decisions are made that are contrary to children’s wellbeing.\textsuperscript{[26]}

\item How does the Government ensure the best interests principle is embedded in policy-making?

\subsection*{5. Persistent and increased discrimination}

Despite BAME children experiencing significant discrimination in many aspects of their lives,\textsuperscript{[32]} there is no cross-government strategy for preventing and addressing systematic racism and race discrimination.\textsuperscript{[33]} The Government announced a new Commission on Race and Ethnic Disparities,\textsuperscript{[34]} but this has been criticised for not recognising the many implications.

\textsuperscript{30} Adoption and Children (Coronavirus) (Amendment) Regulations (2020).
\textsuperscript{34} The Commission was set up by the Prime Minister in 2020 and is due to report by the end of the year. Its stated purpose is to review inequality in the UK, focusing on areas including poverty, education, employment, health, and the CJS.
Black people are ten times more likely to be stopped and searched than white people.\(^{39}\) Due to lack of data, it is difficult to know the proportion of black children who are stopped and searched but it is likely to be disproportionate. Stop and search is traumatic for children. It is therefore concerning that restrictions on police stop and search powers have been eased.\(^{40}\)

Shockinglly, BAME children make up half of the child population in prison (28% are black) and are more likely to be acquitted following remand.\(^{41}\) Despite making up just 1% of the population, 8% of children in YOIs and 13% in STCs are GRT.\(^{30}\)

GRT children also encounter systematic institutional and community discrimination, and are more likely to suffer mental and physical ill-health.\(^{43}\)

[\(\textbf{18}\)] Approximately 3,000 GRT families don’t have a permitted place to stop,\(^{42}\) so children living in caravans face constant evictions and live without basic amenities such as water and sanitation.\(^{43}\) They also struggle to access school.\(^{46}\)

FOIs indicate that 40% of children referred to the Prevent programme were recorded as Muslim and a quarter Asian.\(^{19}\) This is a substantial overrepresentation\(^{48}\) and points to serious concerns that the impact of this policy is discriminatory towards these children.

unimplemented recommendations from previous reviews on race discrimination\(^{35}\) and the need for yet another commission.\(^{36}\)

A Government-commissioned independent review\(^{37}\) into the overrepresentation of BAME individuals, including children, in the CJS made recommendations to address this problem, yet many are still to be implemented. While the criminalisation of children of all other ethnic groups has decreased in the last decade, it has increased for black children.\(^{38}\)
Schools continue to be segregated by sex, religion, ethnicity, and socioeconomic background and are required by law to undertake daily collective worship of a “broadly Christian character.”

Children continue to experience bullying (including online) due to certain characteristics (real or perceived). A 2019 survey showed that 24% were bullied for being considered gay/lesbian, 13% because of a disability, and 10% because of attitudes towards their sexuality. Nearly half of LGBT children are bullied for being LGBT at school and nearly two in three trans children. While a growing number of schools are supporting these pupils and tackling such bullying, too many are unequipped to do so and funding for it ended this year.

What steps:
- will the Government take to eradicate racial disparities in the YJS, particularly the overrepresentation of black and GRT children?
- have been taken to ensure that local authorities comply with planning policies to identify sufficient land to accommodate GRT children?
- are being taken to change the culture around trans inclusion and to combat bullying of LGBTQ children in schools?
- When will the Government conduct its review of the Prevent policy and how will it ensure the rights of children are considered, particularly privacy, free expression, and non-discrimination?

6. Lack of participation of children in decision-making

Children’s views are still not taken seriously by many, despite pockets of good practice and progress in particular areas, for example, the proliferation of school councils. Reports show the extent to which children are listened to by professionals often relies on the commitment of individuals.

Statutory participation rights are ad hoc and do not apply to all children in all settings, and there is often more of a willingness to involve children in individual rather than strategic decision-making.

There is no statutory right to advocacy for most children, and the availability of good quality, independent advocacy is patchy. Though children in care have a legal right to be heard and have an advocate, in practice, barriers to accessing advocates results in these children not always knowing their options or expressing their wishes and feelings.

Children are also unable to take their own school exclusion appeal and must rely on their parents or carers to do so on their behalf.
The increase in video link hearings for child defendants (many of whom have complex needs) severely compromises fair trial rights and their ability to effectively participate. The default position should be that children never appear via video link for non-administrative hearings.

Children report not feeling part of local decision-making and want more inclusion and representation in local democracy. At national level, children are rarely involved in policy-making. There is no permanent structure or plan to facilitate systematic participation. For example, the Government has not provided opportunities for under-18s to share their views and experiences of the pandemic and, unlike in Wales and Scotland, the Government failed to consult children in England on the implications of Brexit for their lives.

Particular groups of children are less likely to have their voices heard, for example, disabled children or children under 10, and there has been no progress in lowering the voting age to 16, despite developments in Wales and Scotland.

► What steps is the Government taking to ensure:
- the views of children are taken into account in policy-making, particularly younger children and those from underrepresented groups?
- all children in care have access to an advocate?
- children are able to participate effectively in judicial proceedings?

7. Increase in abuse and neglect in the home

Abuse and neglect of children is still on the rise, with the number of children subject to a child protection plan increasing from 50,310 children in 2016 to 52,330 children in 2019. Despite progress in Scotland and Wales, physical punishment of children is still legal in England in the home and private foster care. The Government stated in February 2020 that it had no plans to bring forward legislation to ban all physical punishment.

A lack of routine health data collection on child safeguarding and joined-up working with health services is hampering services’ ability to respond to early signs of violence, abuse, and neglect. The Covid-19 pandemic placed children at increased risk of abuse – NSPCC’s helpline reported a 10% increase during lockdown as vulnerable children were less visible due to school, youth club, and nursery closures.

Before the lockdown, over 800,000 children in England were living in households that reported domestic abuse. The Domestic Abuse Bill currently before parliament improves support for those children but there is still a lack of provision for specialist community-based services (as opposed to solely accommodation or care based). The Bill only defines domestic abuse as taking place between two persons over the age of 16, despite research showing that abuse in teenage relationships starts at 14.5 years.

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61 Many children who come into contact with the CJS have learning disabilities (23-32%), communication difficulties (60-90%), and neuro-developmental disorders such as autism spectrum disorders (15%) and attention deficit hyperactivity disorder (11-18%). House of Parliament (2018) Age of Criminal Responsibility https://yjlc.uk/wp-content/uploads/2018/06/ACR.pdf


64 Ibid


68 Section 58 of the Children Act (2004) allows for ‘reasonable punishment’ of children by parents. Until May 2018, this was interpreted by the Crown Prosecution Service (CPS) as allowing bruises, cuts or weals. As of today, CPS guidance has reverted to “temporary reddening the skin” as the upper threshold for the defence. Global Initiative to End All Corporal Punishment of Children [accessed 4 December 2020] https://endcorporalpunishment.org/reports-on-every-state-and-territory/uk/ The Government has confirmed that staff acting in loco parentis in health settings would be able to invoke the defence: House of Commons written answer (4 May 2018) HC 138474 https://questions-statements.parliament.uk/written-questions/detail/2018-04-26/138474

69 Corporal punishment is explicitly prohibited in other kinds of foster care in schedule five of the Fostering Services (England) Regulations (2011) but no such ban exists for private foster care.

70 House of Commons written answer (10 February 2020) HC 12407 https://questions-statements.parliament.uk/written-questions/detail/2020-02-04/12407

71 Royal College of Paediatrics and Child Health (2020) Written evidence on the UK’s examination by the UNCRC

72 Based on data from analysis of contacts to NSPCC’s helpline about children experiencing domestic abuse. NSPCC (2020) Written Evidence Submission


8. Increase in CSE and abuse

CSE is increasing. Recorded episodes of need where sexual exploitation was identified as a risk factor increased from 17,600 in 2015-16 to 18,720 in 2018-19. However, the true scale is difficult to ascertain: data collection is piecemeal, with sexual offending against 16 and 17 year old children being aggregated with adults, despite their heightened risk of abuse and exploitation. Covid-19 also increased the risk of CSE in the home. Around 90,000 children in England live in institutional settings and the Independent Inquiry into Child Sexual Abuse has heard extensive evidence of sexual abuse against children in these establishments.

The prominence of online CSE has increased. In 2015-16, 3,645 online sex offences against children were reported, which rose to 9,492 in 2019-20 – and risk has substantially increased during the pandemic. In April 2019, the Government committed to regulation of social networks and gaming sites, however, legislation is yet to be drafted.

The publication of the national strategy for tackling CSE, first announced in June 2019, has been repeatedly delayed.

A current reliance on victim’s disclosure, lack of training for police on how to work with children, and inadequate early disruption actions against perpetrators, all result in low prosecution rates in sexual offences against children.

Despite ambitious plans for reform of the judicial system published in 2016, child victims and witnesses in criminal courts are still experiencing problems accessing justice in a process that can be long and re-traumatising. Ofsted has found a lack of prioritisation of prevention and identification of sexual abuse, and inconsistency in protection and therapeutic recovery services.

What steps is the Government taking to repeal the defence of ‘reasonable punishment’ to prohibit physical punishment in all settings, including the home?

Will the Government issue separate statutory guidance on teenage relationship domestic abuse and ensure that victims and perpetrators of abuse in teenage relationships receive early intervention and prevention specialist support?

What steps are being taken to improve responses to children experiencing domestic abuse and ensure they have access to specialist, community-based support?


77 The Office of National Statistics reported significant discrepancies between the number of police reports of child sexual abuse, CPS offending against 16 and 17 year old children being aggregated with adults, despite their heightened risk of abuse and exploitation. Covid-19 also increased the risk of CSE in the home. Around 90,000 children in England live in institutional settings and the Independent Inquiry into Child Sexual Abuse has heard extensive evidence of sexual abuse against children in these establishments.

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In-line with the Committee’s draft General Comment on digital rights.


85 The Office of National Statistics reported significant discrepancies between the number of police reports of child sexual abuse, CPS prosecutions, and convictions. Only 4% of child abuse cases resulted in a charge or summons, due to “evidential difficulties”. The Office of National Statistics (2020) Child abuse and the criminal justice system, England and Wales: year ending March 2019 https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/childabuseandthecriminaljusticehermanglandandwales/yearendingmarch2019#main-points


87 Provision of support remains inconsistent and fragmented: As a result, child victims and witnesses are still at risk of negative experiences in the CJS. The number of courts equipped for prerecorded cross-examinations of child victims and digital hearings is still too low, and the endemic delays in criminal trials also affect cases involving child victims and witnesses. Plotnikoff J, and Woolfson R (2019) Falling Short?: a snapshot of young witness policy and practice NSPCC https://learning.nspcc.org.uk/research-resources/2019/falling-short-young-witness-policy-practice

9. Lack of adequate support for victims of trafficking and modern slavery

In 2019, 4,550 children were referred into the National Referral Mechanism (NRM) – an increase of 45%. Over half (52%) of referrals concerned children from the UK.\(^8\)

Child criminal exploitation (CCE) is the most commonly reported type of exploitation.\(^9\) Children in poverty, children with learning difficulties, children excluded from school, and looked-after children (LAC) are particularly at risk from county lines exploitation,\(^10\) with children as young as seven targeted.\(^11\) While there has been increasing attention on this issue,\(^12,13\) and although there is a statutory defence, children who are criminally exploited continue to be seen as offenders rather than victims, which contributes to an inconsistent safeguarding response.\(^14\) \(^15\) \([\text{21} \text{ [28]}\)] This is at odds with progress made for victims of CSE.\(^8\)

Despite Government efforts to make the NRM more “child friendly”, the UK’s Anti-Slavery Commissioner has raised concerns\(^16\) that it is disconnected from local child protection processes and called for radical changes.

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94 The County Lines Co-ordination Centre was set up due to improved awareness of this particular exploitation type following a 2017 report, which found that 65% of police forces in the UK reported “county lines” activity linked to exploitation of children, with 42% of forces specifically reporting children “running” (moving drugs/money) on behalf of drug lines. National Crime Agency (2017) County lines gang violence, exploitation and drug supply https://www.nationalcrimeagency.gov.uk/who-we-are/publications/234-county-lines-violence-exploitation-drug-supply-2017/file


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\[^8\] Will the Government’s national strategy on CSE outline its support for children affected by sexual offences, addressing the need for stronger upstream prevention of CSE and tackling high attrition rates in relation to sexual offences against children?

\[^9\] How will the Government ensure that services to support and protect children who are sexually abused, have sufficient resources, do not subject children to re-trauma utilisatation, and continue beyond the child’s 18th birthday?
10. Children subject to increased use of force by police

Taser and spit-hood use on children is increasing year on year – up 78% and 65% respectively.105

In 2018-2019, Taser was used on children at least 1,700 times in England and Wales.106 In the first 10 months of 2019, nearly 74% of Taser use by the MPS was on BAME children.107 The £10 million funding for Taser uplift is increasing the number of officers carrying the devices and consequently increasing use on children.108

In 2018-2019, spit-hoods were used on children in England and Wales 312 times.109 Across the whole period requested for 2017 and 2018, BAME children accounted for 34% of spit-hood use nationally and 72% of MPS use.110 Children have described how traumatic and distressing it is to be hooded.111 Despite evidence of dangers of asphyxiation and the potential for trauma, there has been no assessment of how safe they are to use on under-18s and there is no national guidance for use on children.

Children's rights are still being violated through strip searching112 without the presence of an appropriate adult, as required by law.113

In the absence of prohibiting Taser and spit-hood use on children, is the Government going to publish clear guidance and training for the police on the use of spit-hood and Taser on children to ensure they are used only as a last resort?

What steps has the Government taken to:

- establish and improve local and national mechanisms for scrutinising Taser and spit-hood use on children, including routinely publishing disaggregated data, including by age and ethnicity, and reasons for use?
- address the disproportionate use of force on BAME children?

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101 Ibid. Positively, the Home Office has committed to launching a pilot under their NRM Transformation Programme.  
102 The Modern Slavery Act 2015 made provision for Independent Child Trafficking Guardians. ECPAT UK (17 August 2020) Plans to expand guardianship to more pilot sites – many children left behind
104 Unlike in Scotland and Northern Ireland and despite frequent recommendations from the UN Committee.
112 Evidence from Youth Justice Legal Centre
11. High use of restraint and isolation

Violence against children in institutions is extensive. Physical and mechanical restraint, isolation, and chemical restraint is being used against disabled children in schools. Over half of cases of physical intervention or seclusion involved children aged between five and ten. In 2018-19, there are around 200 children with learning disabilities and/or autism in inpatient units – double the number from 2015. Concerns have been raised about these children being detained unlawfully, subjected to solitary confinement, and deprived of the right to family life.

An inspectorate report into the use of separation in YOIs found children being held in isolation for prolonged periods. Despite a law change to allow early release in response to Covid-19, not a single child has been released. Instead some children in YOIs have been locked up for 22+ hours a day for 15 days or more - some children have only had 40 minutes out of cells a day. A regulation qualifying many entitlements of children in STCs contained an Explanatory Memorandum setting out a temporary minimum restricted regime, which provides children (as young as 12) with a reduced time out of cell from the usual 14 hours to only at least 1.5 hours a day.

Overall the prevalence of assaults, restraint, and isolation has risen alarmingly. BAME children are also physically restrained more than white children, and experience more verbal abuse, threats, and intimidation from prison officers. More positively, a review recommendation that pain-inducing techniques should not form part of the MMPR programme has been accepted. However, pain-inducing techniques will be available to officers as a last resort in very serious incidents. Data collection on restraint is still inadequate.

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What action is being taken to:

• systematically and regularly collect and publish disaggregated data on the use of restraint and other restrictive interventions, solitary confinement, segregation, and isolation on children in all settings, including in education, custody, and mental health settings?

• ensure that relevant staff have the skills and training needed to uphold children’s rights in all institutional settings?

What steps is the Government taking to ensure the Secure Training Centre (Coronavirus) (Amendment) Rules 2020 are repealed as soon as possible?

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See section seven on Increasing abuse and neglect for data on child protection plans.


131 Local authority spending on early intervention services for children and young people has fallen from £3.5 billion to £1.9 billion between 2010/11 and 2018/19. Local authority spending on late intervention services for children and young people has risen from £5.6 billion to £7.2 billion between 2010/11 and 2018/19. Ibid


The number of children in care has continued to rise to 78,150 children (11% since 2016). Estimated funding to local authorities’ children services has fallen by £2.2 billion since 2010.

A lack of mandatory inter-agency collaboration at local authority level can mean piecemeal provision and children slipping through the gaps. Information sharing between the police and social services to help with identification of risks in a child’s life and improve safeguarding responses remains an issue of concern, in particular in the case of children going missing.

What assessment has been made of the impact of the Government’s decision to reduce funding for children’s and youth services?

13. Lack of stability for children in care

Children in care need stability to thrive. Unfortunately, evidence shows they experience frequent changes in their social worker, placement, and schools. Although 72% of children in care are placed in foster care, recruiting foster families who can look after a range of children across the whole country remains a challenge, further exacerbated by Covid-19. There is a consistent fall in the number of children adopted out of the care system with older children less likely to be adopted. The Government has so far continued to fund the Staying Put programme and committed to a national rollout of Staying Close. However, in 2018, only 55% of young people eligible to “stay put” were still living with their foster families three months after they turned 18.

There is no law to ensure contact between siblings, and many children in care are unable to live or have regular contact with them. This accounts for half of the episodes of children going missing from foster care. Despite positive measures for care leavers in the Children and Social Work Act 2017, they continue

What steps are being taken to close this funding gap and enable early intervention to be prioritised by local authorities, particularly given the impact of the pandemic?


138 Only in around 50% of missing incidents did children receive a return home interview with a professional to discuss the reasons behind the missing episode and support children to help address issues in their lives. Follow-up support for children also remains inconsistent. Pona, I. et al (2019) The First Step: How return home interviews can improve support and safeguarding for missing young people The Children’s Society and National Police Chiefs’ Council https://www.childrenssociety.org.uk/sites/default/files/the-first-step.pdf

139 In 2017-2018, seven in 10 young people in care experienced a change in where they live, where they go to school, or who their social worker was. Just over half of children in care moved home at least once in three years, and one in 10 did so four or more times in three years. Department for Education (2019) Children looked after in England including adoption: 2018 to 2019 https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2018-to-2019


142 Barnardo’s (22 June 2020) ‘Barnardo’s declares state of emergency’ as number of children needing foster care during Coronavirus pandemic rises by 44% Press Release https://www.barnardos.org.uk/news/barnardos-declares-state-emergency-number-children-needing-foster-care-during-coronavirus. 42.4% of foster carers are over 55 and more likely to be vulnerable or shielding. The Fostering Network (2019)

143 In 2017-2018, seven in 10 young people in care experienced a change in where they live, where they go to school, or who their social worker was. Just over half of children in care moved home at least once in three years, and one in 10 did so four or more times in three years. Department for Education (2019) Children looked after in England including adoption: 2018 to 2019 https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2018-to-2019

144 In 2018-19, 81% of children adopted out of the care system were under five years old. Ibid


147 Ibid

148 Which included the extension of personal advisor support to all care leavers up to age 25 and the introduction of the duty on all local authorities to publish a Local Offer.
The number of children placed in unregulated, unsuitable, or unsafe accommodation and in out of area placements has exploded in recent years – increasing risks of abuse, exploitation, going missing, or re-trafficking. Separated children, including survivors of trafficking, are six times more likely to live in this accommodation. This reflects limited capacity in local placements to respond to the increased age of children in care. The dominance of the private sector in the ownership of children’s homes and unregulated settings means they are spread unevenly across the country – often where it is cheapest to operate, not where there is the greatest need for safe and secure accommodation.

What steps is the Government taking to:

- ensure there are enough local placements to meet the needs of LAC?
- reduce the rate of missing episodes for children placed in out of area and unregulated accommodation?
- ensure that no young people leaving care are forced to leave their placements at age 18 and all care leavers – regardless of the type of setting they are placed in – have the option to remain where they are until at least 21?

The number of children placed in unregulated, unsuitable, or unsafe accommodation and in out of area placements has more than doubled since 2015. The number of young people aged 16 or 17 living in unregulated, unsuitable, or unsafe accommodation and in out of area placements has exploded in recent years – increasing risks of abuse, exploitation, going missing, or re-trafficking. Separated children, including survivors of trafficking, are six times more likely to live in this accommodation. This reflects limited capacity in local placements to respond to the increased age of children in care. The dominance of the private sector in the ownership of children’s homes and unregulated settings means they are spread unevenly across the country – often where it is cheapest to operate, not where there is the greatest need for safe and secure accommodation.

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Disability, basic health, and welfare

14. Rising child poverty

Child poverty is rising, with 4.2 million children living in poverty in the UK.\(^{159}\)\(^{160}\) Families in poverty are now living in deeper poverty than five years ago,\(^{162}\) despite rising employment. There has been no strategy to address child poverty since the Child Poverty Act was abolished\(^{167}\), along with associated targets, monitoring, and reporting. The economic impact of Covid-19 and Brexit is predicted to further increase child poverty.\(^{163}\)

BAME children,\(^{164}\) disabled children,\(^{165}\) children in single parent families,\(^{166}\) and children in migrant families\(^{167}\) are disproportionately affected.\(^{168}\)

The two-child limit and the benefit cap on the support households receive, regardless of need, exacerbate child poverty.\(^{159}\) These policies disproportionately affect households that rely more on the social security system (e.g. single parent families) and those with more children.

The two-child limit affects around 860,000 children, expected to rise to two million children by the end of 2024.\(^{169}\) As of August 2020, 154,000 families were affected by the benefit cap, with increased hardship due to Covid-19.\(^{171}\)

There has been no targeted financial support for families with children in poverty during the pandemic,\(^{163}\) except free school meal vouchers during lockdown and the summer holidays, and some temporary funding to local authorities to help families in crisis.\(^{177}\)\(^{178}\)

Despite additional investment, childcare is still unaffordable for many families.\(^{177}\) This leaves women in particular at greater risk of not being able to work and falling deeper into poverty.

- Will the Government commit to re-establishing cross-government long-term child poverty targets and poverty reduction strategies, in-line with the Child Poverty Act 2010?

159 Estimated number of children in relative low-income poverty (i.e. percentage below 60% of contemporary median income) after housing costs. Department for Work and Pensions (2020) Households Below Average Income 2018/19 Table 4b https://www.gov.uk/government/statistics/households-below-average-income-199495-to-201819

160 In 2018-19

161 Lee, T. (2020) ‘Dragged Deeper: how families are falling further and further below the poverty line’ Child Poverty Action Group https://cpag.org.uk/sites/default/files/policypost/Dragged_deeper_How_families_are_falling_further_and_further_below_the_poverty_line.pdf

162 In 2016.


172 The Government announced a £20 increase in certain welfare benefits (universal credit, working tax credit) for a temporary period to support low-income households affected by the pandemic. However this payment takes no account of family size, so a family with children receive the same as a single claimant.

173 Families eligible for free school meals were provided with vouchers during lockdown and over the summer holidays, and this was extended to families with no recourse to public funds on a temporary basis. After a high-profile campaign, the government announced £170 million of funding for local authorities to help families in crisis. This funding is designed to help families over the Christmas period (December 2020 to March 2021). Department for Work and Pensions (8 November 2020) ‘New winter package to provide further support for children and families’ Press Release https://www.gov.uk/government/news/new-winter-package-to-provide-further-support-for-children-and-families


15. Destitution among families in the immigration system

More families are not eligible for social security due to their immigration status and having the no recourse to public funds (NRPF) condition applied. Children in households affected by NRPF face high levels of destitution, hunger, and homelessness.177

In 2019, 175,643 non-EEA children under 18 had a temporary form of leave to remain in the UK176 and most would have been restricted from accessing public funds.178 In addition, an estimated 215,000 undocumented children are prevented from accessing social security.179 While not all those with leave to remain will face hardship, the blanket ban on access to social security means those more likely to be in low income or in need of support are disproportionately affected.180 [14] Children affected by NRPF struggle to get statutory support owed to them under Section 17 of the Children Act 1989, as local authorities often refuse support, leaving families and children destitute and homeless.181

This hardship has been exacerbated by Covid-19.182 While the Government has extended free school meals to some families with NRPF, this is only temporary and under review, and they are not eligible for some vital benefits.183 Families subject to NRPF are also ineligible for some childcare provision, making it more difficult to work.

Financial support for asylum seekers is insufficient to avoid destitution,184 given additional needs resulting from accessing most essential social security support such as universal credit, child benefit and housing benefit.

What analysis has been undertaken to assess the impacts of the two-child limit and the benefit cap on child poverty, including impact on different groups of children?

What measures has the Government taken to ensure that all families can access and afford high-quality childcare to support children's development and enable parents to work?

176 NRPF is a condition in the Immigration Rules, and Section 115 of the Immigration and Asylum Act 1999. The NRPF condition excludes migrant families from accessing most essential social security support such as universal credit, child benefit and housing benefit.


179 This figure does not include British children who are also affected by NRPF conditions on their parents. The Government’s policy is that most of those who have temporary leave to remain or visa generally have no recourse to public funds until they settle and obtain Indefinite Leave to Remain. There are some exceptions – for example those who get Refugee Status or Humanitarian Protection through the protection system, which does not carry a NRPF condition.


183 Dickson, E., Jolly, A., Morgan B., and Qureshi, F. (2020) Local Authority Responses to people with NRPF during the pandemic, Research Report https://www.researchgate.net/publication/343774922_Research_report_Local_Authority_Responses_to_people_with_NRPF_during_the_pandemic

184 Children’s organisations have pressed the Government to extend free school meals permanently to all families with NRPF, following a campaign by footballer Marcus Rashford to persuade the Government to provide free school meals during the summer holidays. BBC News (13 August 2020) Free school meals should be extended for pupils from low-income migrant families BBC News https://www.bbc.com/news/uk-53766050

185 In June 2020, the Home Office announced an increase of £1.85 a week, bringing the weekly financial support for asylum seekers to £39.60 per person per week. Just Fair (14 June 2020) ‘Just Fair joins over 250 organisations to write to the Home Secretary demanding an increase asylum support rates’ Press Release http://justfair.org.uk/just-fair-joins-over-250-organisations-to-write-to-the-home-secretary-demanding-an-increase-asylum-support-rates/
from Covid-19, and that asylum seekers cannot work or take up apprenticeships.\(^\text{186}\)

- How does the Government monitor the impacts of the NRPF policy on children’s rights and will it publish up-to-date disaggregated data on how many children are affected by the NRPF condition, including British citizens, and how many are destitute as a result?

- What steps have been taken to ensure local authorities meet their statutory obligations under Section 17 of the Children Act 1989 with respect to families with NRPF?

- Will the Government set out how its asylum support rates allow children to meet all their essential and developmental needs?

16. Growing numbers of homeless children housed in temporary accommodation

The number of homeless households with dependent children has increased, as has the number of homeless families staying in poor temporary accommodation. Children continue to be placed in B&Bs for longer than the six-week legal limit. In 2019, 135,000 children in Britain were homeless and living in temporary accommodation.\(^\text{187}\)

The number of homeless children has risen by 51% in the last five years.\(^\text{188}\) Official figures are considered underestimates as local authorities do not record cases of hidden homelessness such as “sofa surfing”. Due to the economic impacts of Covid-19, 420,000 children could be at risk of eviction.\(^\text{189}\)

Families with children continue to be placed in unsafe and unhealthy accommodation, often sharing facilities with strangers – including in hostels, B&Bs, converted office blocks, on industrial estates, and in ex-shipping containers – in overcrowded units with no access to green space, play areas, or amenities.\(^\text{190}\)

Homeless families continue to be housed away from their local area, affecting children’s education and social networks.

Deregulation of the planning system and the proposed expansion of permitted development rights\(^\text{191}\) are particularly concerning. This has led to children being housed in “21st century slums”,\(^\text{192}\) with significant risks to their health, safety, and wellbeing.

- What measures is the Government taking to:
  - support local authorities to end the use of temporary accommodation?
  - ensure that all children can live in housing that has security of tenure, is safe and child-friendly, and supports their health, wellbeing, and development?

- Will the Government consider reversing permitted development rights and enact legislation to ensure all new housing is suitable for children and complies with the right to adequate housing?

17. Lack of support for homeless children and young people on their own

Homeless 16 and 17 year-olds often do not receive the support they are entitled to from local authorities.\(^\text{193}\) Under current legislation\(^\text{194}\) they should become LAC, which entitles them to vital support and contact from a social worker while they are a child and care leaver entitlements once they turn 18, including financial and housing support. However, due to lack of understanding of the legislation and funding, only one in five children receive this status.\(^\text{195}\) Additionally, 16 and 17 year-olds, whether in care or not, are often placed in unsuitable accommodation such as out of area placements, poor quality unregulated provision, and

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186 For example, migrant and asylum-seeking children struggled to access online learning, due to lack of IT equipment and internet access. The Home Office review in 2018 – the last one published – states that children can rely on schools and local libraries to access internet. It allocates a total of £3 per week per person for all communication needs. Home Office (2018) Report on review of cash allowance paid to asylum seekers: 2017 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/673545/Report_on_review_of_cash_allowance_paid_to_asylum_seekers_-_2017_-_final_.pdf. The provision of IT devices and internet access by DfE during the lockdown was only provided to children with a social worker, care leavers, or year 10 pupils, so most asylum-seeking children were unlikely to benefit.


190 Permitted development rights allow property developers to convert commercial and retail buildings into housing without the full planning permission from local authorities, which is normally required.


193 Ibid

One third of care leavers become homeless in the first two years immediately after they leave care


18. Rising health inequalities and barriers to accessing healthcare

Inequalities in some health outcomes have widened since 2016, with disproportionate ill-health in poorer households and among children with protected characteristics (eg BAME children). This is driven by underlying factors; namely poverty and food insecurity (exacerbated by austerity in recent years and now Covid-19), systemic racism, disability, poor housing, and homelessness. Children from deprived backgrounds have higher rates of mortality, tooth decay, and childhood obesity.

UNICEF has ranked the UK 27th out of 41 high-income countries for child wellbeing. Despite this, there is no strategy or targets to address child health inequality.

Children living in inadequate, overcrowded housing with poor indoor air quality and cold and damp conditions face greater risks of respiratory and other illnesses. Children in deprived neighbourhoods face increased health risks due to air pollution, traffic hazards, and no safe play places.
Transgender, non-binary and gender-diverse children face longer than average waiting times for specialist services and encounter discrimination, along with poor understanding of their needs. The NHS charging regulations are also a discriminatory barrier to accessing healthcare for undocumented migrants.

GRT children continue to face barriers to primary healthcare, resulting in reduced access to preventative and early intervention care, including immunisations and screening.

- What plans does the Government have to introduce a cross-departmental national strategy with specific targets to address growing health inequality and the specific needs of children with protected characteristics and vulnerable children?
- What assessment has been made of the effect of NHS charging regulations on migrant children’s right to access healthcare?
- Has the Government ensured appropriate funding is in place to ensure all transgender, non-binary and gender-diverse children receive the care they need in a timely manner?

19. Lack of public health prevention and early intervention

Under-investment is eroding public health services for children in preventive healthcare, including health visitors and midwives, and insufficient support in children’s early years. The UK has one of the lowest rates of breastfeeding in Europe, especially among young mothers and disadvantaged socioeconomic groups.

There is concern over the plan to dissolve Public Health England, including where responsibility for children’s health strategy will lie. Since the devolution of public health responsibility to local authorities, there has been a real-term cut of £1 billion to the public health grant, reducing provision under the Healthy Child Programme and creating a postcode lottery of support.

Uptake of early vaccinations has fallen, for both the MMR and 5-in-1 vaccines across the UK, with England and Wales recently losing the World Health Organisation measles-free status.

Childhood obesity is a public health crisis (34% of children aged 10-11 in England are overweight or
obese).221 Despite recent initiatives,220 misleading food marketing of ultra-processed products targeting infants and children persists, in violation of the International Code221 and subsequent relevant Resolutions. Meanwhile economic barriers to accessing healthy, biodiverse and minimally processed foods contribute to all forms of malnutrition.

- What measures have been taken to ensure commitments from the prevention green paper Advancing our health: Prevention in the 2020s is implemented in full following the abolition of Public Health England?

- Will the Government consider restoring £1 billion of cuts to the public health grant for local authorities and ensure future investment in public health increases at the same rate as NHS funding and is allocated based on population health needs?

- How will the Government ensure sufficient investment in early intervention services that promote the health and wellbeing of children, particularly in the first 1,000 days of life?

20. Worsening mental health despite increased investment

Suicide is among the leading causes of death for five to 19 year-olds222 and it is estimated that one in six (16%) five to 16 year-olds in England have a mental disorder.223

Exam stress, fear of failure, unhappiness, inequality, and the environment are all key concerns for children.224 Covid-19 has taken its toll, with a sharp increase in sleeping pill prescriptions, eating disorders, self-harm, and feelings of inability to cope with life.225 Many parents are unable to get mental health support for their children. There is still insufficient data on children's wellbeing, including mental health, with surveys carried out infrequently.225

Care-experienced227 and GRT228 children are at greater risk of mental ill-health, and self-harm and attempted suicide are high among LGBTQ children.229 Children in households receiving benefits are almost twice as likely to have a mental disorder (18%) as those who don't (10%).230

Under-investment in mental health remains a huge concern, despite additional investment of £1.4bn committed from 2015-16 to 2020-21.231 Children account for 20% of the population, but only 10% of total mental health spending. On average, the NHS spends £225 for every adult and £92 for every 25

219 Ibid
220 The Government is currently due to complete a review on improving health outcomes in babies and young children and the first 1,000 days of childhood. In 2018, the Government introduced a “sugar tax” on soft drinks as part of its strategy to combat childhood obesity, aimed at encouraging manufacturers to reduce the sugar content in their products. In July 2020, the Government announced further measures aimed at reducing obesity among adults and children, including its intention to ban products high in fat, salt, and sugar from TV and online advertising before 9pm.


226 The latest data available was published in 2018 by NHS Digital and the previous survey was carried out in 2004.


231 Through the Future in Mind Strategy.
Children wait, on average, two months to begin mental health treatment. Referral rejection rates have also failed to improve in four years, with considerable regional variation.233

There is insufficient early intervention and community-based care, with many children not receiving timely support close to home. In 2017, NHS England committed to ending out of area placements, but hundreds of children are still admitted to mental health inpatient units far away from home,234 including those with learning disabilities or autism235 – some having to travel hundreds of miles.

Young people experience difficulties transitioning from CAHMS and many see support cut off at 18.236

Children are still being admitted to adult mental health inpatient wards.237

There is inadequate availability of specialist support for children with complex needs (care-experienced;238 asylum seekers239 and victims of trafficking and exploitation).240 Children with SEND and mental health needs face particular challenges.241

- Will the Government commit to:
  - an annual measurement of children’s wellbeing?
  - increasing funding for mental health support for children and progressively reach parity of esteem with funding for adult mental health services?

- What steps are being taken to understand and address the underlying causes of high rates of mental ill-health among children?
21. High rates of school exclusions

School exclusions have continued to rise year on year. \(^242\) GRT and black Caribbean children are excluded at between double to four times the national rate. \(^242\) Children with SEND also continue to be dramatically overrepresented, \(^246\) with the crises in SEND provision exacerbating this. \([22]\)

Children who have suffered trauma or ACEs, or have mental health difficulties, are also at risk. \(^28\) \([20]\) The number of exclusions of very young children has also increased. \(^246\)

There were 7,849 permanent exclusions and 438,265 fixed-term exclusions in the academic year ending in 2019, compared with 6,685 and 339,360 respectively for the year ending 2016. Every intervening year has seen an increase in the cumulative number. Department for Education statistics (August 2020) Permanent and fixed period exclusions in England https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2018-to-2019

For the year ending 2019, the national rate of permanent exclusion was 0.1, the rate of fixed term exclusions was 5.36. The rate for Gypsy/Roma learners was 0.39 and 21.26 respectively. For Travellers of Irish heritage, the rates were 0.27 and 14.63. For Black Caribbean learners, the rates were 0.25 and 10.46. Ibid

The rates vary between those who have an Education Health and Care plan (the highest level of SEND provision) and those without, but no figures include children with unidentified or unrecorded SEND. The rate is up to six times the national rate. Ibid


Department for Education (2018) Government response to the Education Select Committee’s fifth report of Session 2017-19 on alternative provision https://www.gov.uk/government/publications/alternative-provision-response-to-the-select-committee-report. See also: Department for Education (2017) Creating a Culture: How school leaders can optimise behaviour https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/602487/Tom_Bennett_Independent_Review_of_Behaviour_in_Schools.pdf and the government’s response in a letter dated 24 March 2017 in which the Secretary of State explained: ‘We have [taken steps toward improving behaviour] by strengthening teachers’ powers to tackle disruptive behaviour, making clear teachers can use reasonable force to maintain behaviour, extending their searching powers and allowing teachers to impose same-day detention. In relation to exclusions, we have also introduced a system of independent review panels that strikes a balance between providing parents an avenue for review, and putting the final decision about exclusions with the school.’

There are no formal protections from exclusion for victims of CCE, with the law not taking a positive NRM decision into consideration. \(^247\) There is also very little understanding of CCE amongst school decision-makers. Victims are more vulnerable to further or new exploitation when out of mainstream education. \(^9\)

Driven by Government policy, \(^247\) schools have increasingly adopted a “zero-tolerance” approach to behaviour, \(^249\) which does not account for context such as unaddressed underlying need. \(^249\) Comparatively, progress has not been made into trauma-informed strategies. \(^210\)

The review system to challenge unfair and unlawful school exclusion remains ineffective. The appeal bodies for reviewing school exclusions still lack power to reinstate a child at a school. \(^210\) There is no legal aid available, \(^212\) so families must argue cases (involving complex law principles) themselves. \(^213\)

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Although the rates of formal exclusions have slowed since 2017-18, rates of fixed term exclusions continue to rise,²⁵⁶ with evidence suggesting unofficial exclusions and off-rolling are also increasing.²⁵⁷ These children do not benefit from procedural protections, and it is easy for them to fall out of the education system entirely.²⁵⁸

Isolation continues to be used as punishment. There are no specific national rules on its use, recording, or reporting requirements and no national data describing the nature and extent of the practice.

What steps have been taken towards reducing the overrepresentation of children with SEND, BAME children, and GRT children in school exclusions?


258 Ibid


263 Ibid. See table % of new EHC plans issued in 20 weeks (20 weeks being the lawful time limit from request to completion).


266 Milmo, C. and Standon, A. (20 August 2019) ‘Campaigners warn that special needs children have been forced out of mainstream schools’ The J Newspaper https://news.co.uk/news/education/government-segregation-special-needs-children-mainstream-schools-3287004. Refer to: ‘There are some 1.2 million children in England identified as having special educational needs. But the number of those attending a mainstream primary or secondary in England fell by 24 per cent between 2012 and 2019, according to an analysis of Department for Education figures by the JPI Media Data Unit.’
children even within mainstream settings.267 Some children attend special schools against their wishes.268

Children with mental health needs continue to be under-supported, experiencing more unexplained exits from school,269 and being less likely to achieve academically.270 They are less likely to secure an EHCP to address mental health needs.271 [20] Speech, language, and communication needs also remain under-supported, with long waiting lists for accessing support.272

- What steps has the Government taken to:
  - improve decision-making and reduce the number of successful appeals taken to the First-tier Tribunal?
  - ensure all state-funded schools are not segregated on the basis of SEND, and ensure children can realise their right to learn in a mainstream setting?
  - ensure the SEND system has sufficient resources to meet demand?

23. Increasing attainment gap

The attainment gap between children living in poverty and their peers grew in 2019 for the first time in 12 years. Disadvantaged children273 are nine months behind their peers by Key Stage 2 in primary school, and an average of 18 months behind their peers at GCSE age.274 Initial Ofsted analysis has highlighted concerns that this has worsened after school and nursery closures of six months during lockdown, with long-term consequences.275

There continues to be a gap between children of different ethnic backgrounds; particularly for Gypsy/Roma pupils, who are nearly three years behind their peers by the end of secondary school, and Travellers of Irish Heritage, who are two years behind.276 A lack of access to IT resources for remote learning during Covid-19 has exacerbated this further.277

Black Caribbean students are 11 months behind white British students at the end of their GCSEs,278 with black Caribbean students 16% behind white British on attainment 8 scores.279 Pupils with SEND perform markedly worse than pupils with no identified SEND across all measures of attainment.280 Starkly, only 1% of students at an alternative provision (AP) school left with five good grades at GCSE.281 PRUs have 15,000 students.282 Once referred to an AP, it is difficult to return to mainstream school – particularly in GCSE years – which can affect children’s whole lives.

267 Alliance for Inclusive Education (2018) Written Submission to UNESCO’s GEM Report on Inclusion in Education. ‘Segregation occurs when disabled pupils and students’ education is provided in separate environments, such as SEN units and segregated courses designed or used to respond to particular or various impairments, in isolation from their non-disabled peers whilst on the roll of a mainstream school or college.’

268 For statistics see Department for Education statistics (2019) Statements of SEN and EHCP plans https://www.gov.uk/government/statistics/statements-of-sen-and-ehc-plans-england-2019 The percentage of pupils with a statement or EHCP plan attending state-funded special schools has seen a year on year increase since January 2010 from 38.2% to 44.2% in January 2018. The law allows for a local authority to make provision at a special school, against the family’s wishes, in exceptional circumstances. Local authorities will often make an assessment of whether a child can continue to learn in a mainstream school after a permanent exclusion or unexplained school exit.


270 Young people with poor mental health were 2.7 times more likely not to achieve the GCSE benchmark, even when accounting for other factors. Natcen (2020) The influence of mental health on educational attainment in adolescence https://natcen.ac.uk/our-research/research/the-influence-of-mental-health-on-educational-attainment-in-adolescence/


274 Ibid


The UK’s 700,000 young carers also experience worse academic attainment and on average miss or partially miss 48 school days per year. Covid-19 is likely to have aggravated this, with more children taking on caring responsibilities and spending more time out of school during lockdown.

What is the Government doing to address the attainment gap based on economic disadvantage, ethnic backgrounds, and SEND?

Can the Government provide data on attainment in alternative provision?

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24. Lack of play in the community and at school

Children continue to play outside for around half the time their parents did. This is exacerbated by the sale of parks and playgrounds by local councils, which increased after a 2016 rule change. Local authorities continue to charge for access to some playgrounds, and there are ongoing closures: a quarter of parents report that their children’s play area has closed. A lack of good quality play spaces is most prevalent in disadvantaged areas, where it can have the most detrimental impact.

There is no Government minister with responsibility for play or a national play strategy, showing a lack of priority and coordination at national level.

Gypsy/Roma pupils are nearly three years behind their peers by the end of secondary school, and Travellers of Irish Heritage two years behind. Black Caribbean students are 11 months behind white British students at the end of their GCSEs.


286 Research by Carers Trust into the impact of the crisis on young carers found that some 58% of young carers aged 12 to 17 said they were caring on average for an extra 10 hours a week since the start of the pandemic. Of young carers aged 12 to 17, 40% said their mental health was worse as a result of Covid-19 and 66% of young carers aged 12 to 17 felt more stressed as a result of the crisis. Carers Trust (2020) My Future, My Feelings, My Family https://carers.org/downloads/what-we-do-section/my-future-my-feelings-my-family.pdf
287 Child in the City (2018) Children spend half the time playing outside in comparison to their parents https://www.childinthecity.org/2018/01/15/children-spend-half-the-time-playing-outside-in-comparison-to-their-parents/?gdpr=accept
288 In 2016, the government changed rules to allow local authorities to use the proceeds from the sale of parks and playgrounds to fund public services in limited ways. Bawden, A. (14 March 2018) ‘Councils forced to sell off parks, buildings and art to fund basic services’ The Guardian https://www.theguardian.com/society/2018/mar/14/councils-forced-sell-parks-buildings-art-fund-basic-services
The school curriculum is becoming increasingly restrictive and focused on academic study for students to pass exams. Up to 97% of teachers agree that preparation for Standard Assessment Tests (SATS) did not support children’s access to a broad and balanced curriculum that included arts and music. Guidance setting out the curriculum for the early years foundation stage is not statutory and puts limited emphasis on play and outdoor learning.

- Can the Government share data on the availability of play spaces, including cost for access, trends, and economic advantage of the areas in which they are available?
- What steps have been taken to understand the ending of statutory guidance on the early years curriculum, and its impact on play and outdoor learning?

25. **Inadequate resettlement options for children seeking protection**

Children seeking asylum face great dangers to reach the UK as the routes available are inadequate and highly restrictive. The end of the “Dubs Scheme” means that many UASC who are coming from Europe, including those living in camps in northern France, no longer have a safe route to the UK. Many of these children face destitution and are at high risk of trafficking and smuggling.

There is a great risk that ending the Brexit transition period without a successful re-negotiation of the terms of the EU’s Dublin III scheme would also close one of the few safe and regular routes currently available for refugee children seeking reunion with their family already resident in the UK.

Current rules do not allow children with refugee status to sponsor a family member to join them, which is a clear breach of a child's right to family life. Whilst applications can be made outside of the rules, the guidance is that applications should generally be refused and rarely will the circumstances be exceptional or compassionate enough to warrant a grant of leave.

- What measures are being taken to provide safe and regular routes for asylum-seeking children already in Europe after the Brexit transition period?
26. Inadequate protections for separated children in the immigration system

Although some protections for asylum seeking children have improved since 2016, a range of protections stop at 18, which has been worsened by the Government’s punitive “hostile environment” agenda.

There were 3,775 applications from UASC in 2019 – up from 3,290 in 2016. The number of children granted refugee status, which provides them with a route to settlement and durable solution, has greatly increased since 2016 (76% were granted asylum in 2019). Child victims of trafficking are also entitled to a permanent form of leave, but only 11% were granted refugee status or humanitarian protection in 2019.

Serious delays in processing children’s asylum claims means that children with temporary leave who turn 18 while their case is pending lose legal protections accorded to children, which has serious impacts on their education and mental health.

Despite improved statutory guidance after a change in policy, age-disputed children (798 in 2019) are at risk of being assessed improperly (e.g., on physical appearance alone), resulting in erroneous decisions that find them to be adults and a refusal of support under the Children Act 1989.

Since 2016, there has been an increase in the use of certified refusals for UASC – mostly from Albania, a designated “safe” country. On turning 18, children have also been returned to countries considered unsafe, including countries affected by war (eg Iraq, Afghanistan, Somalia) or where they may risk being re-trafficked.

- Will the Government review the application of discretionary leave for child victims of trafficking to ensure they receive a durable solution in their best interests?
- Following the change in age dispute policy in 2019, what assessment has been made of the effectiveness of the new threshold for treating applicants as adults despite their claim to be a child? How many applicants, initially treated as adults under the ‘over 25’ policy, have subsequently been assessed as under 18?
- Will the Government review the application of the certified refusals policy in relation to children?
27. Increased risks and difficulties in regularising status for undocumented children

An estimated 215,000 undocumented children in the UK (half born here) experience significant barriers to accessing education, have mental health needs, or are at risk of exploitation and trafficking. They also face significant barriers to regularising their status and gaining UK citizenship; a 10-year route to indefinite leave to remain currently costs £10,521 in fees. Despite the fee exemption for many immigration applications for children in care, this does not extend to nationality applications or care leavers, making it more difficult for local authorities to support them to register as British citizens.

Legal aid and fee waivers are not available for citizenship applications. If a child or their family cannot afford fees, they can apply for limited leave to remain and enter the costly 10-year route to settlement. For fee waivers, applicants must usually prove they are destitute. To avoid the risk of being refused, some parents resort to borrowing from loan sharks or exploitative circumstances, including domestic servitude or “sex for rent”.

Brexit requires EEA nationals in the UK to apply for EU Settlement Status (EUSS) to remain in the country legally. By March 2020, around 400,000 children had applied for EUSS, but many cases of vulnerable children remain unresolved including LAC, children who are homeless, or children with complex needs or family circumstances. It is estimated that 3,220 LAC and care leavers need to apply for EUSS, though this is likely to be an underestimate and with 7 months until the deadline, only 46% have made applications. LAC with pre-settled status face another cliff-edge when they have to reapply for settled status, as many will have left care and risk becoming undocumented. There are specific concerns that children with criminal records or children in prison are not getting adequate, if any, support with their EUSS application.

- What steps is the Government taking to ensure all EU national children and children of EU parents who were eligible for status under the EUSS will be supported to apply and not become undocumented after the deadline, in particular children in care, children in need, care leavers, and children in prison?
- What is the Government estimate of how many undocumented children and young people live in the UK?

Source: Greater Manchester Immigration Unit, the Children’s Society, Coram Children’s Legal Centre (2020) The application rate of vulnerable groups to the EU Settlement Scheme

It is estimated 3,220 children in care and care leavers* need to apply for EUSS but with 7 months until the deadline, only 46% have made applications for settled status, as many will have left care and risk becoming undocumented. There are specific concerns that children with criminal records or children in prison are not getting adequate, if any, support with their EUSS application.

* This number may be an underestimation as initial calculations estimated that over 9,000 children and young people were in this position.
28. Criminal rather than welfare-based approach to justice

Despite some progress, significant reform is required to achieve a welfare-based approach to youth justice. Moreover, punishment remains a statutory purpose of sentencing for children, despite the CRC principles and evidence as to what brings about change in children’s lives.

Thousands of children are arrested each year. In 2018-2019, over 60,000 children were arrested of which 21,700 resulted in a caution or sentence. Worryingly, HMIP found a postcode lottery in the way YOTs handle out of court cases and the resultant outcome for children. There is also an “incomplete picture” of how many children are diverted. BAME children are less likely to make admissions in police interviews, meaning they are not eligible for formal pre-court disposals, and may be deemed unsuitable for informal diversionary interventions where accepting guilt is a prerequisite.

Children in care are more likely to be unnecessarily criminalised – LAC are between three and five times as likely as their peers to be made a subject of a formal youth justice disposal. A national protocol on reducing unnecessary criminalisation of LAC and care leavers was introduced in 2018. While positive, there does not appear to be any meaningful monitoring of its success or implementation. Victims of CCE are also often treated as offenders.

What steps is the Government taking to:
• move to a welfare-based system as opposed to a CJS?
• ensure that outcomes for children successfully diverted from the CJS are systematically monitored, including by age and ethnicity?
• monitor and embed the protocol on reducing the unnecessary criminalisation of LAC?

29. Children held in police cells for lengthy periods

Police custody is completely unsuitable for children. Fewer children are entering police custody due to the reduction in child arrests, but the treatment of those that do is concerning. Children spend considerable periods of time without access to an independent adult and many who are refused bail are kept in the police station overnight, despite this being against the law.

A concordat sets out the key actions to tackle overnight detention, but by November 2020, only 27 police forces and 66 local authorities have signed it. FOI responses received from 33 police forces revealed that there were 19,683 occasions of overnight detention of children and, of these, there were 21,700 resulting in a caution or sentence. Thousands of children are arrested each year. In 2018-2019, over 60,000 children were arrested of which 21,700 resulted in a caution or sentence.


331 Bevan, M. (2019) Children and young people in police custody: an exploration of the experience of children and young people detained in police custody following arrest, from the perspective of the young suspect The London School of Economics and Political Science http://etheses.lse.ac.uk/3951/1
334 These figures are most certainly an underestimation since they only include children who have been continuously looked after for at least 12 months. Nearly half (49%) of children who become looked after retain this status for shorter than one year.
338 This is contrary to section 38(6) of the Police and Criminal Evidence Act, which provides for the transfer of children from police custody to local authority accommodation post charge.
340 Out of 43.
341 Out of 343.
were at least 2,871 occasions of overnight detention post charge.\textsuperscript{343} Figures for the MPS revealed that BAME children accounted for two thirds (67%) of the 7,038 children detained overnight.\textsuperscript{344}

Data on the number of children detained in police custody is not centrally collected.

- What steps is the Government taking to:
  - reduce the number of, and length of time, children are held in police detention and improve the treatment of arrested children?
  - ensure that it systematically and regularly collects and publishes disaggregated data, including by age and ethnicity, on the numbers of children detained in police custody pre and post charge?
  - ensure that all councils and police forces are signatories to the concordat on children in custody, and how will it monitor its implementation and success?

### 30. Children held in unsafe child prisons

The child custodial estate is not fit for purpose and should be abolished. In December 2016, the Government committed to phasing out child prisons,\textsuperscript{345} but little action has been taken to achieve this goal.\textsuperscript{346} While children remain in prison, their safety and welfare is at risk.\textsuperscript{[4]}

While the number of children deprived of their liberty has fallen sharply over the last 10 years, custody is not used as a last resort and for the shortest possible time,\textsuperscript{347} and BAME children now make up the majority (51%) of those imprisoned.\textsuperscript{348}

There were 571 children in custody in August 2020, with the majority held in prison like STCs or YOIs with only 48 (9%) in welfare-based SCHs, despite the Government recognising that these: ‘come closest to delivering the principles of best practice in youth custody’.\textsuperscript{349} The proportion of children held in youth custody on remand is increasing\textsuperscript{350} and accounted for 28% of all children in prison.\textsuperscript{351} Of these children, 66% did not subsequently receive a custodial sentence.\textsuperscript{352} Over the last ten years, the proportion of black children remanded to custody has seen an overall increase, accounting for 33% in 2018-2019.\textsuperscript{353} This is likely to get worse following new regulations, which extend custody time limits in the crown court by two months.\textsuperscript{354}

The requirement that any child convicted of murder receive a life sentence remains of great concern as is the availability and frequent use of discretionary life sentences and other “adult” sentences, especially as the average length of sentence has increased substantially in recent years\textsuperscript{355} and proposals\textsuperscript{356} will increase custody time.

There are unacceptable levels of self-harm among children in the secure estate. In the last year there were 1,800 incidents – the highest number seen in the last five years.\textsuperscript{357}

- Can the Government provide a clear plan, including timescales, for the closure of all juvenile YOIs and STCs?
- Can the Government explain why it amended the custody time limits regulations relating to remand, prior to carrying out a CRIA and despite its impact assessment stating it would have a disproportionate impact on BAME individuals and children?
- Does the Government intend to introduce child-specific maximum sentences and abolish life imprisonment for offences committed by children?

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\textsuperscript{343} Responses to FOI requests by Just for Kids Law. For the year 2019.

\textsuperscript{344} Black children account for 44%. Responses to FOI requests by Just for Kids Law. Overnight signifies that a detainee was held within custody for four or more consecutive hours between 00:00 and 08:00. FOIA/MOPAC Ref Number 01/FOI/20/0139?


\textsuperscript{346} Ibid


\textsuperscript{348} Ministry of Justice (September 2020) Youth custody data: July 2020: https://www.gov.uk/government/statistics/youth-custody-data

\textsuperscript{349} Ministry of Justice (September 2020) A smarter approach to sentencing: https://www.gov.uk/government/publications/a-smarter-approach-to-sentencing

\textsuperscript{350} Increasing by 12% (to 243 children) in 2018-2019

\textsuperscript{351} The Government has proposed to strengthen the legal tests for custodial remand to raise the threshold for imposing custodial remand and require courts to record their rationale: Ibid


\textsuperscript{353} Ibid


\textsuperscript{356} Ministry of Justice (2020) A smarter approach to sentencing: https://www.gov.uk/government/publications/a-smarter-approach-to-sentencing

Abbreviations

ACE: Adverse Childhood Experiences
AP: Alternative provision
BAME: Black Asian Minority Ethnic
B&B: Bed and Breakfast
CAMHS: Child Adolescent and Mental Health Services
CCE: Child Criminal Exploitation
CJS: Criminal Justice System
CRC: UN Convention on the Right of the Child
CRIA: Child Rights Impact Assessment
CSE: Child Sexual Exploitation
ECF: Exceptional Case Funding
EEA: European Economic Area
EHCP: Education, Health and Care Plan
EU: European Union
EUSS: EU Settled Status
FOI: Freedom of Information
GCSE: General Certificate of Secondary Education
GRT: Gypsy Roma Traveller
HMIP: Her Majesty's Chief Inspector of Prisons
ICTG: Independent Child Trafficking Guardians
LAC: Looked-after Children
MACR: Mandatory Age of Criminal Responsibility
MMPR: Minimising and Managing Physical Restraint
MMR: Measles, Mumps and Rubella
MPS: Metropolitan Police Service
NHS: National Health Service
NRM: National Referral Mechanism
NRPF: No Recourse to Public Funds
Ofsted: Office for Standards in Education, Children’s Services and Skills
OP3: Optional Protocol to the Convention on the Rights of the Child on a communications procedure
OPAC: Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
PRU: Pupil Referral Unit
RSE: relationships and sex education
SCH: Secure Children’s Home
SEND: Special Educational Needs and Disabilities
STC: Secure Training Centre
UASC: Unaccompanied Asylum-Seeking Children
YJS: Youth Justice System
YOI: Young Offender Institution
YOT: Youth Offending Team
Alternative provision (AP): Refers to schools that sit outside of mainstream education but are not "special" schools and so can take students with no SEND.

Attainment 8: A score given to students across key eight subjects at the end of their secondary education.

Care leaver: A young person (usually 18 or over, but sometimes 16 or 17) who has been in the care of a local authority for a period of 13 weeks or more spanning their 16th birthday.


Certified refusals: Refers to Section 94(1) of the Nationality, Immigration and Asylum Act 2002, which enables the Secretary of State to reject an asylum claim as "clearly unfounded" and restricts the right of appeal against refusal, so that appeals can only be made once the claimant has left the UK.

Child criminal exploitation (CCE): The act of making children engage in criminal activity by means of threat, manipulation, and coercive control. Child criminal exploitation does not always involve physical contact; it can also occur through the use of technology.

Child protection plans: Children on child protection plans are children whom a child protection conference has determined are suffering, or are likely to suffer, significant harm.

Child trafficking: The recruitment, transportation, transfer, harbouring, or receipt of a child for the purpose of exploitation. Victims of CCE can also be defined as victims of child trafficking.

Children in care: See entry for Looked-after children (LAC).

County lines exploitation: The exploitation and coercion of children and young people by gangs and organised criminal networks for the purpose of moving and storing drugs and money from one geographical area to another, using dedicated mobile phone lines.

Custody time limits: Limits on the amount of time a defendant who has been refused bail can be kept in custody before trial. Custody time limits serve as an important check and brake on the deprivation of liberty of persons awaiting trial and are a fundamental protection against people being held in custody without trial for any more time than is necessary.

Dublin III: An EU law, which determines that EU Member States examine an asylum seeker's application for international protection. It allows signatory states to return asylum seekers to the first country in Europe in which they are known to have been present, and allows for family reunification, particularly in relation to children.

Early intervention services: Services provided to support children and their families and to prevent problems developing later in life, such as poor physical and mental health, low educational attainment, crime, and anti-social behaviour.

EU Settled Status (EUSS): Following Brexit, EU, EEA, and Swiss citizens must apply to the EU Settlement Scheme in order to continue living in the UK after 30 June 2021.

Exceptional Case Funding Scheme: The system providing legal aid funding to people whose cases are otherwise outside of any area of qualifying law. It is only available in cases where failing to provide funding would cause an individual’s human rights to be breached.

FOI: The Freedom of Information Act 2000 provides public access to information held by public authorities and entitles members of the public to request information from public authorities.

GCSE: GCSE examinations are taken by most pupils at the end of compulsory school education (year 11) in England, Wales, and Northern Ireland.

Inclusion unit: A program within a mainstream school, but delivered in a separate building or classroom, which provides education to children who are at risk of exclusion, or who require support outside of mainstream classes.

Intentionally homeless: A person can be found intentionally homeless if they have lost their home because of something they deliberately did or failed to do. This can include not being able to pay rent and leaving accommodation that the local authority considered to be suitable, even if staying there put the person's health or wellbeing at risk. Someone found to be intentionally homeless will be denied housing support.

Looked-after children (LAC): Children who have been in the care of their local authority for more than 24 hours.

Minimising and Managing Physical Restraint (MMPR): The restraint system for secure training centres and young offender institutions.

Modern slavery: Modern slavery includes child trafficking, which includes CCE.
National Referral Mechanism (NRM): The Modern Slavery Act 2015 requires potential victims of trafficking and modern slavery to be referred to the NRM by authorised organisations (e.g. local authorities, some NGOs, the police, and specified government agencies). The NRM is a two-stage process to meet the Government’s obligations under the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT). The decision is made by central government, whereby initially a “reasonable grounds” decision is made within five days if a child is a suspected to be a victim of modern slavery. This is followed up by a “conclusive grounds” decision with an expectation it will be made after up to 45 days – currently there are significant delays. Children identified as potential victims are meant to be assessed under Section 17 of the Children Act 1989 by the relevant local authority and, if determined as being in need of support and accommodation, can be accommodated under Section 20 of the Children Act 1989.

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

Off-rolling: The practice of removing a pupil from the school roll without using a permanent exclusion, when the removal is primarily in the best interests of the pupil. They also inspect and regulate services that care for children and young people.

Out of area placements: Under the Children Act 1989, accommodation provided by local authorities for children in their care must be “within the local authority’s area” unless this is “not reasonably practicable.” There is, however, no provision in legislation that prohibits a local authority from placing a child out of its area – an “out of area placement”.

Permitted development rights: A grant of planning permission which allows some building works and changes of use to be carried out without making a planning application.

Prevent: The Prevent programme is the part of the UK’s counter-terrorism strategy focusing on preventing people joining terrorist groups or supporting terrorism.

Priority need: Priority need is one of the tests that a homeless person needs to pass for their local authority to determine whether they are entitled to housing support. Having priority need is often the only way to receive homelessness relief. People with priority need are pregnant women, families with children, 16 and 17 year-olds, care leavers who are under 21, people who have lost their accommodation in a disaster, and others who may be deemed as vulnerable by the local authority (for example due to old age, disability, risk of domestic violence, etc).

Prone physical restraint: Pinned to the floor in a face down position.


Pupil Referral Unit (PRU): A form of alternative provision that mostly receives students who have been permanently excluded from mainstream education but can take any child outside of mainstream education.

Remand: When a court decides to remand a child to custody, they will be kept in one of the institutions in the youth secure estate until their next court hearing or trial.

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

Secure Children’s Home (SCH): SCHs in England are run by local authorities and are overseen by the Department for Education. They generally accommodate remanded or sentenced children between 12-14 years old, plus girls and “at risk” boys up to the age of 16. SCHs range from eight to 36 beds and have high staff-to-child ratios allowing focus on the emotional, physical, and mental health needs of the children they look after. SCHs currently hold 10% of children in custody.

Secure training centre (STCs): STCs hold boys and girls between 12-17 years old. They are run by private providers. STCs currently hold 21% of all children in custody.

Separated children: Children under 18 who are outside their country of origin and have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. The term “separated children” includes unaccompanied children seeking asylum in the care of local authorities.

Shared Accommodation Rate (SAR): The shared accommodation rate is the maximum amount of universal credit housing costs available when renting a room in a shared house from a private landlord. The rate is set under local housing allowance (LHA) rules. It often does not meet the full cost of rent. Most under-35s are only entitled to a SAR under their universal credit housing costs.

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Permitted development rights: A grant of planning permission which allows some building works and changes of use to be carried out without making a planning application.

Prevent: The Prevent programme is the part of the UK’s counter-terrorism strategy focusing on preventing people joining terrorist groups or supporting terrorism.

Priority need: Priority need is one of the tests that a homeless person needs to pass for their local authority to determine whether they are entitled to housing support. Having priority need is often the only way to receive homelessness relief. People with priority need are pregnant women, families with children, 16 and 17 year-olds, care leavers who are under 21, people who have lost their accommodation in a disaster, and others who may be deemed as vulnerable by the local authority (for example due to old age, disability, risk of domestic violence, etc).

Prone physical restraint: Pinned to the floor in a face down position.


Pupil Referral Unit (PRU): A form of alternative provision that mostly receives students who have been permanently excluded from mainstream education but can take any child outside of mainstream education.

Remand: When a court decides to remand a child to custody, they will be kept in one of the institutions in the youth secure estate until their next court hearing or trial.

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

Secure Children’s Home (SCH): SCHs in England are run by local authorities and are overseen by the Department for Education. They generally accommodate remanded or sentenced children between 12-14 years old, plus girls and “at risk” boys up to the age of 16. SCHs range from eight to 36 beds and have high staff-to-child ratios allowing focus on the emotional, physical, and mental health needs of the children they look after. SCHs currently hold 10% of children in custody.

Secure training centre (STCs): STCs hold boys and girls between 12-17 years old. They are run by private providers. STCs currently hold 21% of all children in custody.

Separated children: Children under 18 who are outside their country of origin and have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. The term “separated children” includes unaccompanied children seeking asylum in the care of local authorities.

Shared Accommodation Rate (SAR): The shared accommodation rate is the maximum amount of universal credit housing costs available when renting a room in a shared house from a private landlord. The rate is set under local housing allowance (LHA) rules. It often does not meet the full cost of rent. Most under-35s are only entitled to a SAR under their universal credit housing costs.
Solitary confinement and isolation: The confinement of a child in custody in their bedroom or another room or area as a means of control and without the child’s permission or agreement, without a member of staff being present, and with the door locked in order to prevent the child from leaving.

Spit-hood: A bag made of mesh-like material with a drawstring to tighten it, which is placed over a person’s head. It is a restraint device used to prevent spitting or biting.

Staying Close: Following on from Staying Put, see below, national rollout of Staying Close was announced in October 2019 to enable care leavers to retain links with their former children’s homes.

Staying Put: Under the Children and Families Act 2014, fostered young people have the right to stay with their foster family from the age of 18 until 21, should this be what they and their foster carers want.

Taser: A Conducted Energy Device (CED or Taser) is a “less lethal weapon system” designed to temporarily incapacitate a subject through use of an electrical current, which temporarily interferes with the body’s neuromuscular system and produces a sensation of intense pain.

Temporary accommodation: Individuals who have met the criteria for long-term housing support might be given temporary accommodation until the local authority can find a longer-term home. This can include B&Bs, hostels, etc. Families with children and young people on their own should legally not be housed in temporary accommodation for longer than six weeks.

Unaccompanied asylum-seeking children (UASC): Unaccompanied children seeking asylum in the care of local authorities. This term is used by the Government. We use this term where needed to make clear the child is seeking an asylum claim, but prefer the term “separated children”, see entry above.

Undocumented children: Children who do not have a regular immigration status, in that they do not have permission (leave) to enter or remain in the UK.

Universal credit: Universal credit was rolled out nationally in 2018. It is a benefit for working-age people, which merged six benefits relating to income, housing, and children into one payment. It is paid monthly.

Unofficial exclusions: Any exclusion from school that is not formally recorded on the student’s record or reported to the Department for Education in annual data. They do not trigger the formal exclusion review process.

Unregulated provision: Also referred to as independent and semi-independent provision. Unregulated provision is accommodation for young people (usually 16 or over) who need support to live independently, but do not need full-time care. These settings, unlike children’s homes, are not inspected by Ofsted. As corporate parents, councils have a responsibility to ensure that these settings are safe and suitable for the young person being placed there. Most unregulated provision is supported accommodation, where young people are visited regularly as they move towards independence.

Young carers: Children who help to look after a relative with a disability, illness, mental health condition, or drug or alcohol problem.

Young offender institution (YOI): YOIs can accommodate boys between 15-18 years old and are run under Prison Service standards. They are either run by private providers or the Prison Service. YOIs tend to be larger than STCs and SCHs, with lower ratios of staff to children. YOIs currently hold 69% of all children in custody.

Youth offending team (YOT): YOTs are based at local councils and work with young people in contact with the criminal justice system.
About CRAE

The Children’s Rights Alliance for England (CRAE) is part of the charity Just for Kids Law. We work with over 100 organisations and individuals to promote children’s rights – making us one of the biggest children’s rights coalitions in the world.

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

Children’s Rights Alliance for England, part of Just for Kids Law.
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