



**Children's Rights
Alliance for England**

Part of Just for Kids Law

**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

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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

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Supporting organisations

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	End Child Poverty Coalition	Power2
4in10 London's Child Poverty Network	Friends, Families and Travellers	Practical Participation
5Rights Foundation	Greater Manchester Immigration Aid Unit	Praxis
Action for Children	Haringey Play Association	Project 17
Alliance for Inclusive Education (ALLFIE)	Home-Start UK	Race on the Agenda (ROTA)
Ambitious about Autism	Humanists UK	Refugee Council
Article 39	INQUEST	Refugee Support Network (RSN)
Asylum Aid	International Play Association for the Child's Right to Play in England (IPA England)	Royal College of Paediatrics and Child Health (RCPCH)
Baby Milk Action	IntoUniversity	Runnymede Trust
Baobab Centre for Young Survivors in Exile	IPSEA (Independent Provider of Special Education Advice)	Save the Children UK
Barnardo's	Just Fair	SEND Community Alliance (SOS!SEN, Special Needs Jungle, SEND National Crisis & SEND Action)
Become	Just for Kids Law	SEND National Crisis
British Association of Social Workers (BASW)	Justice	Social Workers Without Borders
British Institute of Human Rights (BIHR)	Kidscape	South London Refugee Association
British Youth Council	London Play	Square Peg
Campaign for State Education	Mermaids	Standing Committee for Youth Justice (SCYJ)
Centre for Justice Innovation	Meynell Games	The Children's Society (TCS)
Centre for Mental Health	Michael Seiff Foundation	The Howard League for Penal Reform
Centrepoint	Migrant and Refugee Children's Legal Unit (MiCLU) at Islington Law Centre	The Markfield Project
Challenging Behaviour Foundation	Mind	The Traveller Movement
Child Rights International Network (CRIN)	National Association for Youth Justice	Thomas Pocklington Trust (TPT)
Children England	National Bereavement Alliance	Transform Justice
Community Action for Refugees and Asylum Seekers (CARAS)	National Development Team for Inclusion (NDTi)	Under One Sky
Coram Children's Legal Centre	National Network of Designated Healthcare Professionals for Children (NNDHP)	Unicef UK
Council for Disabled Children	National Youth Agency (NYA)	Unlock
Child Poverty Action Group (CPAG)	National Children's Bureau (NCB)	We Belong
Children's Rights Alliance for England (CRAE)	No More Exclusions	World Breastfeeding Trends Initiative (WBTi) UK Working Group
Driver Youth Trust (DYT)	NSPCC	YoungMinds
Early Childhood Forum	National Youth Advocacy Service (NYAS)	Young Roots
ECPAT UK		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 Minister 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) template,² 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 UNCR articles when making new policy and legislation'*,⁴ in practice this is largely absent.⁵ Very few CRIAs have been carried out since the template was published and most are not published.⁶ One of these, on the Adoption and Children (Coronavirus) (Amendment) Regulations,⁷ was completed *after* Ministerial approval.

1 Nadhim Zahawi MP, Parliamentary Under Secretary of State for Children and Families (20 November 2018) *Written Ministerial Statement for Universal Children's Day* HCWS1093 <https://questions-statements.parliament.uk/written-statements/detail/2018-11-20/HCWS1093>

2 House of Lords written answer (15 May 2019) HL 15465 <https://questions-statements.parliament.uk/written-questions/detail/2019-05-01/HL15465#>

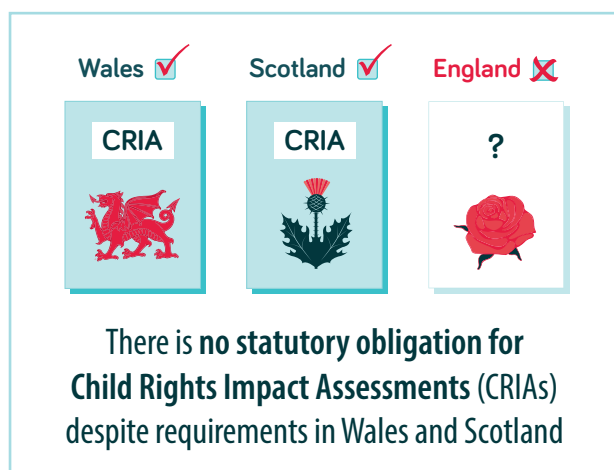
3 The Rights of Children and Young Persons (Wales) Measure 2011 imposes a duty on ministers to have due regard to children's rights as expressed in the CRC. Part one of the Children and Young People (Scotland) Act 2014 requires all Scottish ministers to give better or further effect to the requirements 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) *Written Ministerial Statement for Universal Children's Day* HLWS1064 <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Lords/2018-11-20/HLWS1064/>

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* <https://www.childrenslegalcentre.com/wp-content/uploads/2017/08/Committee-Stage-Briefing-Withdrawal-Bill-28HOC29-Children27s-Rights.pdf>

6 The true scale of how many CRIAs have been conducted is unknown as they are not centrally collected. Most are not published.

7 *Child's rights impact assessment amendments to children's social care regulations during Covid-19 outbreak* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/913234/Children_s_rights_impact_assessment.pdf



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?

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.⁸ The Government is failing to provide assurance that it won't repeal or replace the Act,⁹ 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.¹⁰

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,¹¹ showing a worrying lack of democratic scrutiny for children's rights. Regulations on children's social care,¹² for example, significantly watered-down protections and their adoption was later found unlawful by the Court of Appeal.¹³

There are fears that the review and potential reform¹⁴ of judicial review will limit access to justice and undermine the rule of law,¹⁵ 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.¹⁶ Since 2013, at least 6,000 children each year have been denied free legal advice and representation (the figure could be

8 Robert Buckland MP written answer 9 June 2020) HC147 <https://hansard.parliament.uk/commons/2020-06-09/debates/40290D6F-CF23-4CC6-8A7D-1B1FABCAF3D9/DepartmentalPrioritiesCovid-19Implications>

9 Lewis, L. (no date) 'The Human Rights Act is Under Renewed Attack' *British Institute of Human Rights* <https://www.bih.org.uk/blog/the-human-rights-act-is-under-renewed-attack>

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.

12 Adoption and Children (Coronavirus) (Amendment) Regulations 2020 were brought in in April 2020 and revoked at the end of September 2020 with three elements remaining. Gov.uk [accessed 23 November 2020] <https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-for-childrens-social-care-services/coronavirus-covid-19-guidance-for-local-authorities-on-childrens-social-care#adoption-and-children-coronavirus-amendment-regulations-2020>

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 [accessed 23 November 2020] <https://article39.org.uk/scrapsi445/>

14 Ministry of Justice (31 July 2020) 'Government launches independent panel to look at judicial review' Press Release <https://www.gov.uk/government/news/government-launches-independent-panel-to-look-at-judicial-review>

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.

as high as 15,000).¹⁷ This affects many children, including those unlawfully excluded from schools, [21] and is hard to access in SEND appeals.¹⁸ [22] Following judicial review, immigration matters for separated children were brought back into scope of legal aid,¹⁹ but care leavers are excluded from its remit, as are immigration cases for children in families and separated children once they have turned 18. [26]

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.²⁰ ²¹ Despite an independent review recommending the introduction of mandatory training for all lawyers appearing in the youth court,²² 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?



Since 2013, at least 6,000 children each year have been without access to free legal advice and representation (the figure could be as high as 15,000)

Source: Coram Children's Legal Centre (2018) *Rights without remedies: Legal aid and access to justice for children*

Definition of the child

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.²³ [28]

The UK still enlists 16 year-olds to the armed forces.²⁴ In 2019-20, the armed forces enlisted 3,260 under-18s, three-quarters of whom joined the army.²⁵ 16 and 17 year-olds made up 25.5% of the army's intake – with more soldiers recruited at 16 than any other age.²⁶

17 Coram Children's Legal Centre (2018) *Rights without remedies: Legal aid and access to justice for children* https://www.childrenslegalcentre.com/wp-content/uploads/2018/05/Rights-without-remedies_Final.pdf

18 A person can appeal against a local authority's decisions in relation to EHCPs. This includes the refusal of a request to assess a child to establish whether they need an EHCP; refusal to prepare an EHCP following assessment; and challenging the contents of an EHCP 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.

19 Lucy Frazer MP, Parliamentary Under Secretary of State for Justice (12 July 2018) *Justice Update, Statement HCWS853* <https://questions-statements.parliament.uk/written-statements/detail/2018-07-12/HCWS853>

20 Lord Carlile (2014) Independent Parliamentarians' inquiry into the operation and effectiveness of the youth court http://michaelsieff-foundation.org.uk/content/inquiry_into_the_operation_and_effectiveness_of_the_youth_court-uk-carlile-inquiry.pdf

21 Institute for Criminal Policy Research (2015) *The youth proceedings advocacy review* <https://www.barstandardsboard.org.uk/uploads/assets/8ce6f0eb-5583-4e4a-8f24f1d530eef1d7/yparfinalreportfinal.pdf>

22 Taylor, C. (2016) *Youth Justice Review: final report* Ministry of Justice

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/3399/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>

25 Ministry of Defence (2020) *UK armed forces biannual diversity statistics* <https://www.gov.uk/government/statistics/uk-armed-forces-biannual-diversity-statistics-2020>

26 Ibid

Army recruiters strategically target deprived neighbourhoods and children below enlistment age.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.²⁸

Children aged 16 and 17 are increasingly denied protections as victims of CSE [8] and as homeless children. [17] As separated children turn 18, they are refused a range of protections. [26] For many vulnerable children known to children's services, support stops as they reach 18. [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.²⁹

- ▶ How does the Government ensure:
 - children's best interests by continuing to have a low MACR?
 - recruits aged under 18 and their parents/guardians are fully informed of the risks and obligations enlistment entails?
 - 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?

General principles

4. Lack of consideration of best interests principle

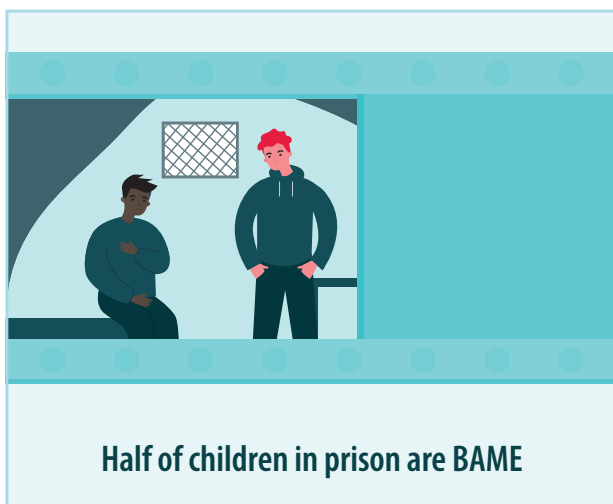
There has been little progress in enshrining children's best interests as a primary consideration in the development and application of laws and policy, including in relation to vulnerable children (e.g. children in care, trafficked children, and asylum-seeking children). Given the lack of systematic and comprehensive CRIAs, [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 regulations³⁰ 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.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. [26]

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

5. Persistent and increased discrimination

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

- 27 Morris, S. (9 September 2018) 'British army 'explicitly targeting' working-class recruits, say critics' *The Guardian* <https://www.theguardian.com/uk-news/2018/sep/09/british-army-explicitly-targeting-working-class-recruits-say-critics>
- 28 Gee, D. (2017) *The first ambush? Effects of army training and employment Veterans for Peace UK* <https://www.forceswatch.net/resources/the-first-ambush-effects-of-army-training-and-employment/>
- 29 Youth Justice Legal Centre (2020) *Timely Justice: Turning 18 – A briefing on the impact of turning 18 in the criminal justice system* <https://yjlc.uk/wp-content/uploads/2020/06/Turning-18-policy-briefing.pdf>
- 30 Adoption and Children (Coronavirus) (Amendment) Regulations (2020)
- 31 Just for Kids Law, Children's Right Alliance for England, and Youth Justice Legal Centre (2020) *The Government's response to Covid-19: human rights implications* <http://www.crae.org.uk/media/128581/Just-for-Kids-Law-CRAE-submission-JCHR-inquiry-on-COVID-June-2020-FINAL.pdf>; Article 39 (2020) Evidence to Joint Committee on Human Rights Inquiry on The Government's response to Covid-19: human rights implications <https://committees.parliament.uk/writtenevidence/9062/default/>
- 32 They are more likely to be living in poverty – 46% of children in BAME families are now in poverty, compared to 26% of children in white British families – and poor quality housing, and over represented in school exclusions and all parts of the CJS. Child Poverty Action Group <https://cpag.org.uk/child-poverty/child-poverty-facts-and-figures>; Cabinet Office (2018) *Race Disparity Audit: Summary Findings from the Ethnicity Facts and Figures website* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/686071/Revised_RDA_report_March_2018.pdf
- 33 As called for by the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance in her 2019 report. UN Special Rapporteur (2019) *Visit to the United Kingdom of Great Britain and Northern Ireland: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance* https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/41/54/Add.2
- 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.



Source: Ministry of Justice and Youth Justice Board (2020) *Youth justice statistics 2018 to 2019*

unimplemented recommendations from previous reviews on race discrimination³⁵ and the need for yet another commission.³⁶

A Government-commissioned independent review³⁷ 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

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

Shockingly, 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.⁴² **[30]**

GRT children also encounter systematic institutional and community discrimination, and are more likely to suffer mental and physical ill-health.⁴³

[18] Approximately 3,000 GRT families don't have a permitted place to stop,⁴⁴ so children living in caravans face constant evictions and live without basic amenities such as water and sanitation.⁴⁵ 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.⁴⁷ This is a substantial overrepresentation⁴⁸ and points to serious concerns that the impact of this policy is discriminatory towards these children.

- 35 There have been multiple reviews including most recently the 2017 Race Disparity Audit, which documented enduring racial discrimination and disadvantage.
- 36 Greene, D. (12 August 2020) 'Challenging the Commission on Race and Ethnic Disparities' *Doughty Street Chambers* <https://insights.doughtystreet.co.uk/post/102gd96/challenging-the-commission-on-race-and-ethnic-disparities>
- 37 Lammy, D. (2017) *An independent review into the treatment of, and outcomes for Black, Asian and Minority Ethnic individuals in the criminal justice system* <https://www.gov.uk/government/publications/lammy-review-final-report>
- 38 For instance, while the number of First Time Entrants (FTEs) from a black background has decreased in the last decade, the proportion they comprise of all FTEs has doubled (from 8% to 16%). Ministry of Justice and Youth Justice Board (2020) *Youth justice statistics 2018 to 2019* <https://www.gov.uk/government/statistics/youth-justice-statistics-2018-to-2019>
- 39 Home Office (2019) *Police powers and procedures, England and Wales, year ending 31 March 2019* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/841408/police-powers-procedures-mar19-hosb2519.pdf
- 40 In August 2019
- 41 Ministry of Justice and Youth Justice Board (2020) *Youth justice statistics 2018 to 2019* <https://www.gov.uk/government/statistics/youth-justice-statistics-2018-to-2019>
- 42 For the year 2018-2019. Her Majesty's Inspectorate of Prisons (2019) *Children in Custody 2018-19: An analysis of 12-18-year-olds' perceptions of their experiences in secure training centres and young offender institutions* <https://www.justiceinspectors.gov.uk/hmiprisoners/wp-content/uploads/sites/4/2020/02/Children-in-Custody-2018-19-Web-1.pdf>
- 43 Equality and Human Rights Commission (2016) *Healing a divided Britain: the need for a comprehensive race equality strategy* <https://www.equalityhumanrights.com/en/publication-download/healing-divided-britain-need-comprehensive-race-equality-strategy>
- 44 Ministry of Housing, Communities and Local Government (2019) *Count of Traveller Caravans, July 2019 England* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/848868/TCC_November19_Stats_Release.pdf
- 45 Equality and Human Rights Commission (2018) *Pressing for progress: women's rights and gender equality in 2018* <https://www.equalityhumanrights.com/en/publication-download/pressing-progress-women%E2%80%99s-rights-and-gender-equality-2018>
- 46 Department for Education Statistics (2020) *Destinations of school pupils after GCSEs (and equivalent qualifications)* <https://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/after-education/destinations-of-school-pupils-after-key-stage-4-usually-aged-16-years/latest>
- 47 Figures obtained through FOI requests – period March 2014 to 2016. Breakdown by ethnicity: Asian 37.7%; white 33.0%; black 5.3%; mixed 4.0%; Chinese 0.2%; other 7.2%; unknown 11.6%. CRIN (2018) *Caught in the crossfire?* <https://archive.crin.org/sites/default/files/caughtinthecrossfire.pdf>
- 48 Compared to the population as a whole, Muslims accounted for 4.8% and Asians for 7.5% of the population in the most recent national census data. Muslim Council of Britain (2015) *British Muslims in Numbers: A Demographic, Socio-economic and Health profile of Muslims in Britain drawing on the 2011 Census* http://www.mcb.org.uk/wp-content/uploads/2015/02/MCBCensusReport_2015.pdf; Gov.uk [accessed 23 November 2020] <https://www.ethnicity-facts-figures.service.gov.uk/uk-population-by-ethnicity/national-and-regional-populations/population-of-england-and-wales/latest>

Schools continue to be segregated by sex,⁴⁹ religion,⁵⁰ ethnicity, and socioeconomic background⁵¹ and are required by law to undertake daily collective worship of a “broadly Christian character.”⁵²

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.⁵³ Nearly half of LGBT children are bullied for being LGBT at school and nearly two in three trans children.⁵⁴ 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.⁵⁵

- ▶ 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.⁵⁶

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.⁵⁷

There is no statutory right to advocacy for most children, and the availability of good quality, independent advocacy is patchy.⁵⁸ Though children in care have a legal right to be heard and have an advocate,⁵⁹ in practice, barriers to accessing advocates results in these children not always knowing their options or expressing their wishes and feelings.⁶⁰ 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.

- 49 In 2018, more than 500,000 students attended single-sex schools. The Economist (28 April 2018) ‘England’s single-sex schools are struggling to recruit pupils’ *The Economist* <https://www.economist.com/britain/2018/04/28/englands-single-sex-schools-are-struggling-to-recruit-pupils>
- 50 State-funded schools designated with a religious character enjoy an exemption to the Equality Act, which means they are legally permitted to select their pupils on the basis of faith. Schedule 11(5) Equality Act (2010)
- 51 Weale, S. (23 March 2017) ‘Quarter of English state primary schools are ‘ethnically segregated’ *The Guardian* <https://www.theguardian.com/education/2017/mar/22/english-state-primary-schools-ethnically-segregated-white-british-children>
- 52 Section 70 School Standards and Framework Act (1998)
- 53 Ditch the Label (2019) *The Annual Bullying Survey 2019: The annual benchmark of bullying in the United Kingdom* <https://www.ditchthelabel.org/wp-content/uploads/2020/05/The-Annual-Bullying-Survey-2019-1-2.pdf>
- 54 Stonewall (2017) *Schools Report: The experiences of lesbian, gay, bi and trans young people in Britain’s schools in 2017* <https://www.stonewall.org.uk/school-report-2017> The impact of compulsory relationships and sex education (RSE) on this issue is likely to be restricted because statutory guidance permits religious schools to teach their ‘distinctive faith perspective on relationships’, which may include the view that same-sex relationships are morally impermissible. Primary schools are permitted to avoid teaching about LGBT issues if they deem this is not ‘age-appropriate’. Department for Education (2019) Relationships Education, Relationships and Sex Education (RSE) and Health Education: Statutory guidance https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/805781/Relationships_Education__Relationships_and_Sex_Education__RSE__and_Health_Education.pdf
- 55 The anti-bullying grant fund, which provided 2,250 schools across the country with materials and training, was due to end in March 2020. However, this is the first time that the funding has not been extended since it was originally announced in October 2014. Hunte, B. (19 November 2020) ‘School LGBT bullying projects axed by government’ *BBC News* <https://www.bbc.co.uk/news/education-54988187>
- 56 See for example, Ofsted, Care Quality Commission, HM Inspectorate of Constabulary, and HM Inspectorate of Probation (2018) *Growing up neglected: a multi-agency response to older children* <https://www.gov.uk/government/publications/growing-up-neglected-a-multi-agency-response-to-older-children>
- 57 For example, children have said they want young people to be more involved in shaping health services and in individual care decisions. Royal College of Paediatrics and Child Health (2019) *What do young people want in the NHS Long Term Plan* <https://www.rcpch.ac.uk/resources/what-do-young-people-want-nhs-long-term-plan#:~:text=21%25%20of%20young%20people%20wanted,and%20in%20individual%20care%20decisions.>
- 58 The Government is committed to consulting on revised advocacy standards in early 2021.
- 59 22(4) and 22(5) Children Act (1989). Under section 26A of the Children Act 1989, local authorities must provide children in care with an advocate – an independent person not employed by the local authority, who can inform them of their rights and empower them to have their voice heard.
- 60 Unlike in Wales, their right to an advocate is not actively made known to them at vital stages, including when they first enter care. Government of Wales (2019) *Independent Professional Advocacy: National Standards and Outcomes Framework for Children and Young People in Wales* <https://gov.wales/sites/default/files/publications/2019-08/national-standards-and-outcomes-framework-for-children-and-young-people-in-wales.pdf>

The increase in video link hearings for child defendants (many of whom have complex needs)⁶¹ severely compromises fair trial rights and their ability to effectively participate.⁶² The default position should be that children never appears 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.⁶³ 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 children⁶⁴ 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?

Violence against children

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 plan⁶⁵ increasing from 50,310 children in 2016 to 52,330 children in 2019.⁶⁶ Despite progress in Scotland and Wales,⁶⁷ physical punishment of children is still legal in England in the home⁶⁸ and private foster care.⁶⁹ The Government stated in February 2020 that it had no plans to bring forward legislation to ban all physical punishment.⁷⁰

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.⁷¹ 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.⁷²

Before the lockdown, over 800,000 children in England were living in households that reported domestic abuse.⁷³ 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.⁷⁴

- 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>
- 62 The Standing Committee for Youth Justice (2018) *They just don't understand what's happening or why: A report on child defendants and video links* <http://scyj.org.uk/wp-content/uploads/2018/04/SCYJ-Child-defendants-and-video-links.pdf>
- 63 Initial summary findings from ChildFair State Inquiry by Children England, a project led by young people aged 13 to 21 in 2020. Children England (2020) *The Young Leaders of the ChildFair State* <https://www.childrenengland.org.uk/childfair-state-inquiry-summary-of-findings>
- 64 Ibid
- 65 In England, the most common reasons for being the subject of a child protection plan are neglect and emotional abuse. Department for Education (2019) *Characteristics of children in need: 2018 to 2019* <https://www.gov.uk/government/statistics/characteristics-of-children-in-need-2018-to-2019>
- 66 Office of the Children's Commissioner for England (2019) *Childhood vulnerability in numbers* <https://www.childrenscommissioner.gov.uk/publication/childhood-vulnerability-in-england-2019/>
- 67 The Children (Equal Protection from Assault) (Scotland) Act (2019) came into force in November 2020; the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act (2020) will come into force in March 2022.
- 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*
- 73 Office of the Children's Commissioner for England (2019) *Childhood vulnerability in numbers* <https://www.childrenscommissioner.gov.uk/publication/childhood-vulnerability-in-england-2019/>
- 74 SafeLives (2017) *Safe Young Lives: Young People and domestic abuse* <https://safelives.org.uk/sites/default/files/resources/Safe%20Young%20Lives%20web.pdf>

- ▶ 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?

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 2018-19.⁷⁵ 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.⁷⁶ Covid-19 also increased the risk of CSE in the home.⁷⁷ 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.⁷⁸

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 2019-20⁷⁹ – and risk has substantially increased during the pandemic.⁸⁰ In April 2019, the Government committed to regulation of social networks and gaming sites,⁸¹ however, legislation⁸² is yet to be drafted.⁸³

The publication of the national strategy for tackling CSE, first announced in June 2019, has been repeatedly delayed.⁸⁴

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.⁸⁵ [6]

Despite ambitious plans for reform of the judicial system published in 2016,⁸⁶ child victims and witnesses in criminal courts are still experiencing problems accessing justice⁸⁷ 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.⁸⁸

75 Department for Education (2020) *Characteristics of children in need Table C3* (Please note 2018-19 is the most recent year that data is available) <https://www.gov.uk/government/statistics/characteristics-of-children-in-need-2018-to-2019>

76 The Children’s Society (2018) *Attrition rates briefing* <https://tce.researchinpractice.org.uk/briefing-on-attrition-rates-in-reported-cases-of-sexual-offences-against-children-under-18/>; Pona, I. and Baillie, D. (2015) *Old Enough to Know Better? Why sexually exploited older teenagers are being overlooked* The Children’s Society <https://www.basw.co.uk/resources/old-enough-know-better-why-sexually-exploited-older-teenagers-are-being-overlooked>

77 77% of contacts to the NSPCC helpline about child sexual abuse during the pandemic lockdown period related to concerns about sexual abuse within the family home. NSPCC (2020) *The impact of Coronavirus on child welfare: sexual abuse* <https://learning.nspcc.org.uk/media/2280/impact-of-coronavirus-pandemic-on-child-welfare-sexual-abuse.pdf>

78 For example, the inquiry found there had been 1,070 allegations of sexual abuse in custodial institutions between 2009 and 2017. Independent Inquiry into Child Sexual Abuse (2019) *Sexual abuse of children in custodial institutions 2009-2017: Investigation report* <https://www.iicsa.org.uk/publications/investigation/custodial>

79 Number of reported sex offences against children flagged as online offences by police. Data gathered in response to FOIs by the NSPCC. See also: NSPCC (2019) *How safe are our children? 2019* <https://learning.nspcc.org.uk/media/1747/how-safe-are-our-children-2019.pdf>

80 During lockdown, the majority of children were out of school and many spent more time online without parental supervision as they were working. Many sites also had less moderation. *Recovery Plan – Safeguarding and Child Protection* (2020) <https://www.ncb.org.uk/sites/default/files/field/attachment/safeguarding-and-child-protection-briefing.pdf>. Europol and the National Crime Agency points to an increased threat. Europol (2020) *Catching the virus: cybercrime, disinformation and the Covid-19 pandemic* <https://www.europol.europa.eu/publications-documents/catching-virus-cybercrime-disinformation-and-covid-19-pandemic>

81 Department Culture Media and Skills, Home Office (2020) *Online Harms White Paper* <https://www.gov.uk/government/consultations/online-harms-white-paper/online-harms-white-paper>

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

83 Information Commissioner’s Office (11 June 2020) ‘Age Appropriate Design Code is laid before Parliament’ Press Release <https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2020/06/age-appropriate-design-code-is-laid-before-parliament/>

84 HO News Team (25 June 2019) ‘Fact Sheet on online Child Sexual Exploitation and Abuse’, Home Office <https://homeofficemedia.blog.gov.uk/2019/06/25/fact-sheet-on-online-child-sexual-exploitation-and-abuse/>

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/childabuseandthecriminaljusticesystemenglandandwales/yearendingmarch2019#main-points>

86 HM Courts & Tribunals Service (2016) *Transforming our Justice System* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/553261/joint-vision-statement.pdf

87 Provision of support remains inconsistent and fragmented. As a result, child witnesses and victims 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 delays 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>

88 Ofsted (2020) *The multi-agency response to child sexual abuse in the family environment* <https://www.gov.uk/government/publications/the-multi-agency-response-to-child-sexual-abuse-in-the-family-environment>

- ▶ 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?
- ▶ 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-traumatisation, and continue beyond the child's 18th birthday?

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%.⁸⁹ Over half (52%) of referrals concerned children from the UK.⁹⁰

Child criminal exploitation (CCE) is the most commonly reported type of exploitation.⁹¹ Children in poverty, children with learning difficulties, children excluded from school, and looked-after children (LAC) are particularly at risk from county lines exploitation,⁹² with children as young as seven targeted.⁹³ While there has been increasing attention on this issue,^{94 95} and although there is a statutory defence, children who are criminally exploited

Child criminal exploitation (CCE) is the most commonly reported type of exploitation



Source: Home Office (2020) *National Referral Mechanism Statistics*

continue to be seen as offenders rather than victims, which contributes to an inconsistent safeguarding response.^{96 97} [21] [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 concerns⁹⁸ that it is disconnected from local child protection processes and called for radical

- 89 From 2018. Home Office (2020) *National Referral Mechanism statistics UK: End of year summary 2019: data tables second edition* <https://www.gov.uk/government/statistics/national-referral-mechanism-statistics-uk-end-of-year-summary-2019>. The increase is likely a reflection of the increased identification of victim. ECPAT UK (2020) *Child trafficking in the UK 2020: A snapshot* <https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=b92ea99a-6dd8-480c-9660-e6c0f0764acf>. From April to June 2020, there were more NRM referrals for child potential victims than for adults for the first time. Home Office (2020) *Modern Slavery: National Referral Mechanism and Duty to Notify Statistics UK, Quarter 2 2020 – April to June* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/918298/national-referral-mechanism-statistics-uk-quarter-2-2020-april-to-june.pdf
- 90 The high proportion of UK children reflects professionals' increasing recognition that British children who are criminally exploited are victims of trafficking. The other principal countries of origin are Vietnam, Eritrea, Albania and Sudan, Romania, Afghanistan, Nigeria, Iran and Ethiopia. ECPAT UK (2020) *Child trafficking in the UK 2020: A snapshot* <https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=b92ea99a-6dd8-480c-9660-e6c0f0764acf>.
- 91 Home Office (October to December 2019; January to March 2020; April to June 2020; July to September 2020) *National Referral Mechanism statistics* <https://www.gov.uk/government/collections/national-referral-mechanism-statistics>. Criminal exploitation was recorded as a separate category for the first time in the last quarter of 2019.
- 92 Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services, HM Inspectorate of Probation, Care Quality Commission, Ofsted (2018) *Protecting children from criminal exploitation, human trafficking and modern slavery: an addendum* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756031/Protecting_children_from_criminal_exploitation_human_trafficking_modern_slavery_addendum_141118.pdf
- 93 The Children's Society (2019) *Counting lives: Responding to children who are criminally exploited* <https://www.childrenssociety.org.uk/sites/default/files/counting-lives-report.pdf>
- 94 The County Lines Coordination 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>
- 95 Home Office and Patel, P. (29 May 2020) ‘Hundreds of arrests and deal lines closed as police crackdown on county lines gangs’ Press Release <https://www.gov.uk/government/news/hundreds-of-arrests-and-deal-lines-closed-as-police-crackdown-on-county-lines-gangs>
- 96 The Children's Society (2019) *Counting lives: Responding to children who are criminally exploited* <https://www.childrenssociety.org.uk/sites/default/files/counting-lives-report.pdf>
- 97 Ofsted, Care Quality Commission, HMICFRS, and HMIOF (2018) *Protecting children from criminal exploitation, human trafficking and modern slavery: an addendum* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756031/Protecting_children_from_criminal_exploitation_human_trafficking_modern_slavery_addendum_141118.pdf
- 98 Home Office and Rudd, A. (17 October 2017) ‘Modern Slavery Taskforce agrees new measures to support victims’ Press Release <https://www.gov.uk/government/news/modern-slavery-taskforce-agrees-new-measures-to-support-victims>; Home Office and Newton, S. (26 October 2017) ‘Modern slavery victims to receive longer period of support’ Press Release <https://www.gov.uk/government/news/modern-slavery-victims-to-receive-longer-period-of-support>

reform.⁹⁹ In 2019, 76% of all child referrals to the NRM were still waiting for a final decision by the end of the year, leaving many in limbo.¹⁰⁰ The multi-agency panels that review negative decisions, provide some scrutiny of decision-making but they cannot compel a review.¹⁰¹

Despite legislation in 2015, the Independent Child Trafficking Guardians (ICTG) scheme pilot is only operating in a third of local authorities, with no timeline for full implementation.¹⁰² ¹⁰³ Furthermore, it does not apply to all separated migrant children, which would support those not yet identified as trafficking victims.¹⁰⁴ [26]

- ▶ What steps has the Government taken to ensure that a referral into the NRM is linked to specialist support and accommodation?
- ▶ What is the timeframe for full rollout of the ICTG scheme and what steps have been taken to provide an independent legal guardianship service for all separated children up to 21?
- ▶ What is the Government doing to prevent children who are trafficked/exploited from being arrested and prosecuted? Why is there no specific offence of trafficking of children or child exploitation?

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?

99 Independent Anti-Slavery Commissioner (2020) *Independent Anti-Slavery Commissioner Annual Report 2019-2020, Presented to Parliament pursuant to Section 42 (10) (b) of the Modern Slavery Act 2015* https://www.antislaverycommissioner.co.uk/media/1461/ccs207_ccs0520602790-001_iasc_annual-report-2019-2020_e-laying.pdf

100 ECPAT UK (2020) *Child trafficking in the UK 2020: A snapshot* <https://www.ecpat.org.uk/child-trafficking-in-the-uk-2020-snapshot>

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, but many children still left behind' Press Release <https://www.ecpat.org.uk/news/guardianship-expands-more-pilot-sites-many-children-left-behind>

103 Home Office (2019) *An evaluation of Independent Child Trafficking Guardians – early adopter sites* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819723/evaluation-independent-child-trafficking-guardians-final-horr111.pdf

104 Unlike in Scotland and Northern Ireland and despite frequent recommendations from the UN Committee.

105 Between March 2018 and March 2019. Home Office (2019) *Police use of force statistics* <https://www.gov.uk/government/collections/police-use-of-force-statistics>

106 Home Office (2019) *Police use of force statistics, England and Wales: April 2018 to March 2019* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/853204/police-use-of-force-apr2018-mar2019-hosb3319.pdf

107 Children's Rights Alliance for England (2020) *Children's rights and policing: Tasers and children's rights* https://yjlc.uk/wp-content/uploads/2020/04/CRAE_POLICING-TASER-PRINT-1.pdf

108 Home Office and Patel, P. (27 September 2019) *Home Office announces £10 million for Taser uplift* Press Release <https://www.gov.uk/government/news/home-office-announces-10-million-for-taser-uplift>

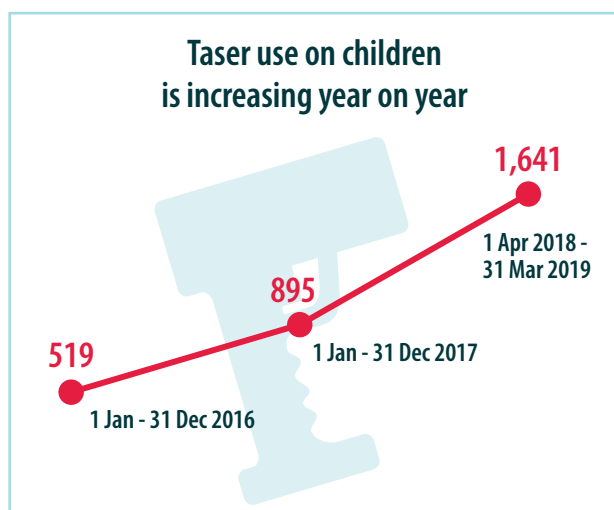
109 Home Office (2019) *Police use of force statistics, England and Wales: April 2018 to March 2019* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/853204/police-use-of-force-apr2018-mar2019-hosb3319.pdf

110 Children's Rights Alliance for England (2020) *Children's rights and policing: Spit-hoods and children's rights* https://yjlc.uk/wp-content/uploads/2020/04/CRAE_POLICING-SPITHOODS_PRINT.pdf

111 See the case study of Sophie, a disabled 11-year old girl, in CRAE (2016) *State of children's rights in England: Policing and criminal justice* http://www.crae.org.uk/media/118312/crae_scr2016_b8_cjs-web.pdf

112 Evidence from Youth Justice Legal Centre

113 Gov.uk [accessed 23 November 2020] <https://www.gov.uk/guidance/police-and-criminal-evidence-act-1984-pace-codes-of-practice>



Source: Home Office (2016 and 2018/19) and FOIs to all English police forces (2017)

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.¹¹⁴ Over half of cases of physical intervention or seclusion involved children aged between five and ten.¹¹⁵

1,049 children and young people under 20 were subject to restrictive interventions in mental health, learning disabilities, and autism inpatient services in 2018-19¹¹⁶ – 369 to prone physical restraint.¹¹⁷ There is currently no publicly available disaggregated data on the ages of children subject to these practices.¹¹⁸

There are around 200 children with learning disabilities and/or autism in inpatient units – double the number from 2015.¹¹⁹ Concerns have been raised about these children being detained unlawfully, subjected to solitary confinement, and deprived of the right to family life.¹²⁰

An inspectorate report into the use of separation in YOIs found children being held in isolation for prolonged periods.¹²¹ Despite a law change to allow early release in response to Covid-19,¹²² 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.¹²³ 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.¹²⁴

Overall the prevalence of assaults, restraint, and isolation has risen alarmingly.¹²⁵ BAME children are also physically restrained more than white children, and experience more verbal abuse, threats, and intimidation from prison officers.¹²⁶ More positively, a review recommendation that pain-inducing techniques should not form part of the MMRP programme has been accepted.¹²⁷ However, pain-inducing techniques will be available to officers as a last resort in very serious incidents. Data collection on restraint is still inadequate.¹²⁸

114 The Challenging Behaviour Foundation and Positive and Active Behaviour Support Scotland (2019) *Reducing Restrictive Intervention of Children and Young People. Case study and survey results* <https://www.challengingbehaviour.org.uk/learning-disability-assets/reducingrestrictiveinterventionofchildrenandyoungpeoplereport.pdf>

115 Ibid

116 This amounts to 32,221 restrictive interventions, including physical and chemical restraint, seclusion, and segregation. NHS Digital (2018-19) *Mental Health Bulletin Reference Tables, Table 7.1*

117 Ibid

118 The Mental Health Units (Use of Force) Act 201 requires the collection of disaggregated data on all incidences of use of force in mental health units, as well as training and measures to minimise it, but it has still not come into force.

119 NHS Digital (June 2020) *LDA Monthly Statistics from AT - June 2020: Reference Tables Table 2* <https://digital.nhs.uk/data-and-information/publications/statistical/learning-disability-services-statistics/provisional-statistics-at-june-2020-mhsds-april-2020-final>

120 House of Commons and House of Lords Joint Committee on Human Rights (2019) *The detention of young people with learning disabilities and/or autism: Second Report of Session 2019* <https://publications.parliament.uk/pa/jt201919/jtselect/jtrights/121/121.pdf>

121 Her Majesty's Inspectorate of Prisons (2020) *Separation of children in young offender institutions: a thematic review* <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/separation-of-children-in-young-offender-institutions/>

122 The Prison and Young Offender Institution (Coronavirus) (Amendment) Rules (2020) <https://www.legislation.gov.uk/uksi/2020/400/contents/made>

123 Her Majesty's Inspectorate of Prisons (August 2020) *Aggregate report on short scrutiny visits* <https://www.justiceinspectorates.gov.uk/hmiprison/inspections/short-scrutiny-visit-aggregate-report/>

124 The Secure Training Centre (Coronavirus) (Amendment) Rules (2020) <https://www.legislation.gov.uk/uksi/2020/664/made> and Explanatory Memorandum to the Secure Training Centre (Coronavirus) (Amendment) Rules 2020 <https://www.legislation.gov.uk/uksi/2020/664/memorandum/contents>

125 Ministry of Justice and Youth Justice Board (2020) *Youth justice statistics 2018 to 2019* <https://www.gov.uk/government/statistics/youth-justice-statistics-2018-to-2019>

126 Her Majesty's Inspectorate of Prisons (2020) *Children in Custody 2018-19: An analysis of 12-18-year-olds' perceptions of their experiences in secure training centres and young offender institutions* <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2020/02/Children-in-Custody-2018-19-Web-1.pdf>

127 Ministry of Justice (2020) *Independent review of pain-inducing techniques – Government response* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/893194/pain-inducing-techniques-government-response.pdf

128 Inadequate data collection means that effective monitoring and scrutiny of the use of restraint is fundamentally lacking. Article 39 <https://article39.org.uk/no-to-pain-inducing-restraint/>

1,049 children and young people under 20 were subject to restrictive interventions in mental health, learning disabilities and autism inpatient services, 369 to prone physical restraint



Source: NHS Digital (2019) *Mental Health Bulletin 2018-19 Annual Report, Reference Tables, Table 7.1*

- ▶ 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?

Family and alternative environment

12. Overstretched and underfunded safeguarding systems

The number of children in care has continued to rise (11% since 2016 to 78,150 children) as well as the number on a child protection plan.¹²⁹ [7] At the same time, estimated funding to local authorities' children services has fallen by £2.2 billion since 2010.¹³⁰ Local authority spending on early intervention services for children has fallen dramatically by 46% since 2010, with late intervention increasing by 29%.¹³¹ This has led to huge cuts to universal early help services such as youth clubs and children's centres.¹³² As social services are now only getting involved at crisis point, children who enter the care system are typically older with more complex needs.¹³³ The support they receive is subject to a postcode lottery, with more deprived areas having less funding to allocate per child.¹³⁴

There is great fear that the March 2020 lockdown has intensified these funding and capacity issues because children have slipped under the radar.¹³⁵ This could lead to a huge spike in child protection referrals in the coming year and an increased funding shortfall of £1.7 billion for the early intervention grant.¹³⁶

129 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>

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

130 Action for Children, National Children's Bureau, NSPCC, The Children's Society, and Barnardo's (2020) *Children and young people's services: Funding and spending 2010/11 to 2018/19* <https://www.barnardos.org.uk/sites/default/files/2020-05/Analysis%20funding%20and%20spending%20on%20children%20and%20young%20people%27s%20services%20-%20May%202020.pdf>

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

132 The Sure Start children's centres programme, introduced in 1999 by the last Labour government, has had its spending cut by two-thirds since 2010 and more than 500 centres have officially been closed. Cattan, S. et al (2019) *The health effects of Sure Start* *The Institute for Fiscal Studies* <https://www.ifs.org.uk/uploads/R155-The-health-effects-of-Sure-Start.pdf>

133 Between 2015 and 2019, the proportion of children in care aged 10 to 15 increased by 18% and for those aged 16 and over by 21%. 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>

134 Action for Children, National Children's Bureau, NSPCC, The Children's Society, and Barnardo's (2020) *Children and young people's services: Funding and spending 2010/11 to 2018/19* <https://www.barnardos.org.uk/sites/default/files/2020-05/Analysis%20funding%20and%20spending%20on%20children%20and%20young%20people%27s%20services%20-%20May%202020.pdf>

135 (2020) *Recovery Plan – Safeguarding and Child Protection* <https://www.ncb.org.uk/sites/default/files/field/attachment/safeguarding-and-child-protection-briefing.pdf>

136 Local Government Association (2020) *A child-centred recovery* <https://www.local.gov.uk/child-centred-recovery>. The Children and Family Court Advisory and Support Service (Cafcass) has reported an uptick in the number of care orders in September 2020, with a 6.9% increase compared to September 2019. Cafcass [accessed 19 October 2020] <https://www.cafcass.gov.uk/about-cafcass/research-and-data/public-law-data/>

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.



Source: Department for Education (2019) *Children looked after in England including adoption: 2018 to 2019*; Action for Children, National Children's Bureau, NSPCC, the Children's Society and Barnardo's (2020) *Children and young people's services: Funding and spending 2010/11 to 2018/19*

A lack of mandatory inter-agency collaboration at local authority level can mean piecemeal provision and children slipping through the gaps.¹³⁷ 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.¹³⁸

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

- ▶ 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?

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.¹³⁹ Although 72% of children in care are placed in foster care,¹⁴⁰ recruiting foster families who can look after a range of children across the whole country remains a challenge,¹⁴¹ further exacerbated by Covid-19.¹⁴² There is a consistent fall in the number of children adopted out of the care system¹⁴³ with older children less likely to be adopted.¹⁴⁴ 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 18.¹⁴⁵

There is no law to ensure contact between siblings, and many children in care are unable to live or have regular contact with them.¹⁴⁶ This accounts for half of the episodes of children going missing from foster care.¹⁴⁷

Despite positive measures for care leavers in the Children and Social Work Act 2017,¹⁴⁸ they continue

137 Child Safeguarding Practice Review Panel (2020) *Annual report: 2018 to 2019* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/870033/Child_Safeguarding_Practice_Review_Panel___Annual_Report_2018_2019.pdf

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.childrensociety.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. Children's Commissioner (2019) *Stability Index 2019: Overview report* <https://www.childrenscommissioner.gov.uk/report/stability-index-2019>

140 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>

141 The Fostering Network (13 May 2020) 'Thousands of new foster families needed this year to help change children's futures' Press Release <https://www.thefosteringnetwork.org.uk/media-release/2019/thousands-new-foster-families-needed-year-help-change-childrens-futures>

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) *State of the Nation's Foster Care: 2019 summary report* <https://www.thefosteringnetwork.org.uk/sites/www.fostering.net/files/content/tfnstateofthenationsummaryreport2019singles.pdf>

143 In 2016, 4,710 children were adopted out of the care system, and only 3,570 in 2019 – a 24% decrease. 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

145 The Fostering Network (2018) *Staying Put: An Unfulfilled Promise* https://www.thefosteringnetwork.org.uk/sites/www.fostering.net/files/content/stayingput-anunfulfilledpromise_1.pdf

146 Of sibling groups in local authority care, 49.5% are split up. Family Rights Group (2015) *What happens to siblings in the care system?* <https://www.frg.org.uk/images/PDFS/siblings-in-care-final-report-january-2015.pdf>. In total, 450 sibling groups (1,340 individual children) are not placed together. Ofsted (2020) *Fostering in England 1 April 2018 to 31 March 2019* <https://www.gov.uk/government/statistics/fostering-in-england-1-april-2018-to-31-march-2019>

147 Ibid

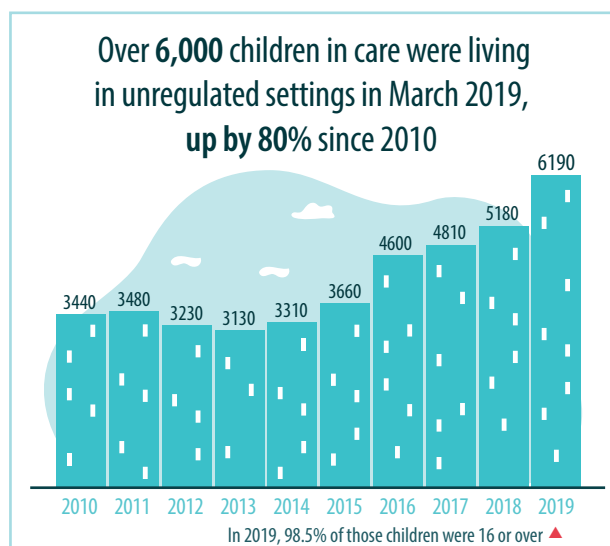
148 Which included the extension of personal advisor support to all care leavers up to age 25 and the introduction of the duty on all local authorities to publish a Local Offer.

to experience inadequate levels of support.¹⁴⁹ The process of supporting children in care to transition to adulthood should begin much earlier.¹⁵⁰ Care leavers do not have the same support network as their peers and so often face independence alone [17].¹⁵¹ The Government asked local authorities to ensure that no child had to leave care during Covid-19, but without clarity as to when or how this commitment would end safely.¹⁵²

The number of children placed in unregulated, unsuitable, or unsafe accommodation¹⁵³ and in out of area placements has exploded in recent years¹⁵⁴ – increasing risks of abuse, exploitation, going missing, or re-trafficking.¹⁵⁵ Separated children, including survivors of trafficking, are six times more likely to live in this accommodation.¹⁵⁶ 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 settings¹⁵⁷ means they are spread unevenly across the country¹⁵⁸ – 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?



Source: Department for Education (2015-2020) *Children looked after in England including adoption: tables*; Department for Education (2020) *Looked-after children in independent or semi-independent placements*

- 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?

- 149 One in five care leavers report feeling lonely and 23% report having low wellbeing. Many fall into debt due to insufficient financial support and education. Coram Voice (2019) *Our Lives Beyond Care: care leavers' views on their well-being in 2018* <https://coramvoice.org.uk/latest/our-lives-beyond-care-care-leavers-views-on-their-well-being-2018/>; The Children's Society (2016) *The cost of being care free: The impact of poor financial education and removal of support on care leavers* <https://nnecl.org/resources/the-cost-of-being-care-free-the-?topic=guides-and-toolkits>
- 150 Older children often express anxiety about leaving care and report feeling unclear about what will happen to them and uncertain about their rights and entitlements, even years before they are expected to leave care themselves. Children's Commissioner (2018) *Voices of Children in Foster Care* <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2018/05/VOICE-OF-CHILDREN-AND-YOUNG-PEOPLE-IN-FOSTER-CARE.pdf>
- 151 Benefits entitlements for young people under 25 are usually lesser than for adults 25 and over. Homeless care leavers who are 21 and over also do not benefit from "priority need" and do not receive support with housing.
- 152 Department for Education (2020) *Coronavirus (Covid-19): guidance for children's social care services* <https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-for-childrens-social-care-services/coronavirus-covid-19-guidance-for-local-authorities-on-childrens-social-care>
- 153 Such as unregulated accommodation, temporary accommodation, etc. These settings often do not provide the level of support young people need. Under current Government proposals for new national standards, these settings would continue to be legally unable to provide care. Department for Education (2020) *Reforms to unregulated provision for children in care and care leavers* <https://consult.education.gov.uk/unregulated-provision/unregulated-provision-children-in-care/>; Become (2020) *Submission to the Department for Education's consultation on reforms to unregulated provision for children in care and care leavers* <https://www.becomecharity.org.uk/for-professionals/resources/response-to-consultation-on-unregulated-accommodation-2020/>. As of 31 March 2019, there were over 6,000 children in care living in unregulated settings – up by 80% since 2010. Department for Education (2020) *Looked after children in independent or semi-independent placements* <https://www.gov.uk/government/publications/looked-after-children-in-independent-or-semi-independent-placements>
- 154 Of children living in children's homes, 64% are now placed outside of their local authority area – up from 48% in 2010. 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>. Ofsted report that, as of 31 March 2018, children who were living outside of their home local authority area were on average 53 miles from their home. Ofsted (2020) *Ofsted Annual Report 2018/19: education, children's services and skills* <https://www.gov.uk/government/publications/ofsted-annual-report-201819-education-childrens-services-and-skills>
- 155 The number of children missing from out of area placements has more than doubled since 2015. The number of young people aged 16 or 17 living in unregulated environment has more than doubled in the last 10 years to over 6,000. APPG (All-Party Parliamentary Group) for Runaway and Missing Children and Adults (2019) *No place at home* <https://www.childrenssociety.org.uk/sites/default/files/2020-10/no-place-at-home.pdf>
- 156 Willow, C. (25 February 2020), 'Care for all children in care' *Article 39* <https://article39.org.uk/2020/02/>
- 157 Local Government Association (2020) *Profit making and risk in independent children's social care placement providers* <https://www.revolution-consulting.org/wp-content/uploads/2020/03/Profit-Making-and-Risk-in-Independent-Childrens-Social-Care-Placement-Providers-Final-29-Feb-2020-report.pdf>
- 158 Ofsted (2020) *Main findings: children's social care in England 2020* <https://www.gov.uk/government/publications/childrens-social-care-data-in-england-2020/main-findings-childrens-social-care-in-england-2020#childrens-homes>

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,¹⁶¹ despite rising employment. There has been no strategy to address child poverty since the Child Poverty Act was abolished,¹⁶² 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 families¹⁶⁷ are disproportionately affected.¹⁶⁸

The two-child limit and the benefit cap on the support households receive, regardless of need, exacerbate child poverty.¹⁶⁹ 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 2024.¹⁷⁰ 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,¹⁷² except free school meal vouchers during lockdown and the summer holidays, and some temporary funding to local authorities to help families in crisis.^{173 174}

Despite additional investment, childcare is still unaffordable for many families.¹⁷⁵ 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

162 In 2016.

163 Joseph Rowntree Foundation (2020) *Briefing: Strengthen social security for a stronger economy* <https://www.jrf.org.uk/report/strengthen-social-security-stronger-economy>; Earwaker, E (19 October 2020), 'Keeping the £20 lifeline is right for our families and economy' *Joseph Rowntree Foundation* <https://www.jrf.org.uk/blog/keeping-20-lifeline-right-our-families-and-economy>

164 Around 50-60% of black, Bangladeshi and Pakistani children are living in poverty in the UK. Khan, O. (2020) 'Understanding and responding to ethnic minority child poverty, excerpt' in *2020 Vision – ending child poverty for good* Child Poverty Action Group

165 Joseph Rowntree Foundation (2020) *UK Poverty 2019/20* <https://www.jrf.org.uk/file/54566/download?token=nBJYDlCV&filetype=full-report>

166 Of children living in lone-parent families, 44% are in poverty. Department for Work and Pensions (2020) *Households Below Average Income (2018/19) Data table: Children (detailed breakdowns) contemporary income, table 4.5db* <https://www.gov.uk/government/statistics/households-below-average-income-199495-to-201819>

167 Hughes, C. and Kenway, P. (2016) *Foreign-born people and poverty in the UK* <https://www.jrf.org.uk/report/foreign-born-people-and-poverty-uk>; Vizard, P., Burchardt, T., Obolenskaya, P., Shutes, I., and Battaglini, M. (2018) *Child poverty and multidimensional disadvantage: Tackling "data exclusion" and extending the evidence base on "missing" and "invisible" children* <http://sticerd.lse.ac.uk/dps/case/cr/casereport114.pdf>

168 Khan, O. (2020) 'Understanding and responding to ethnic minority child poverty, excerpt' in *2020 Vision – ending child poverty for good* Child Poverty Action Group

169 To be affected by the two-child limit, any third or subsequent children must have been born on or after 6 April 2017, when the policy came into force.

170 Sefton, T., Monk-Winstanley, R., and Howes, S. (2020) *"No one knows what the future can hold": The impact of the two-child limit after three years* Child Poverty Action Group and the Church of England <https://cpag.org.uk/sites/default/files/files/policypost/No-one-knows-what-the-future-can-hold-FINAL.pdf>

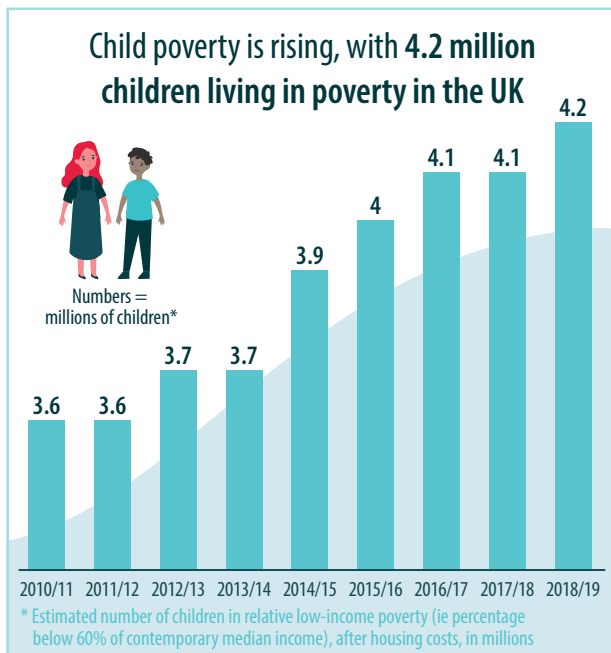
171 There was a 93% increase in the number of capped households between February and May 2020 due to the Covid-19 pandemic. Department for Work and Pensions (2020) *Benefit cap: number of households capped to May 2020* <https://www.gov.uk/government/statistics/benefit-cap-number-of-households-capped-to-may-2020>

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>

174 The Government reversed its decision not to offer free school meals in the Christmas holidays, following a campaign by footballer Marcus Rashford. Lawrie, E. (9 November 2020) 'How Marcus Rashford campaign changed free school meals' *BBC News* <https://www.bbc.co.uk/news/explainers-53053337>

175 Lloyd, E. (17 June 2020) 'Ensuring fairer access to early years and childcare provision after the Covid-19 lockdown' *Nuffield Foundation* <https://www.nuffieldfoundation.org/news/opinion/ensuring-fairer-access-early-years-provision-after-covid-19-lockdown>



Source: Department for Work and Pensions (2020) *Households Below Average Income, 1994/95 to 2018/19, Table 4b*

- ▶ 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?

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)¹⁷⁶ 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 UK¹⁷⁸ and most would have been restricted from accessing public funds.¹⁷⁹ In addition, an estimated 215,000 undocumented children are prevented from accessing social security.¹⁸⁰ 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.¹⁸¹ **[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.¹⁸²

This hardship has been exacerbated by Covid-19.¹⁸³ 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.¹⁸⁴ 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,¹⁸⁵ given additional needs resulting

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.

177 The Children's Society (2020) *A Lifeline for All: Children and families with No Recourse to Public Funds* <https://www.childrenssociety.org.uk/sites/default/files/2020-10/a-lifeline-for-all-summary.pdf>

178 Fernández-Reino, M. (2020) *Briefing: Children of migrants in the UK* The Migration Observatory at the University of Oxford <https://migrationobservatory.ox.ac.uk/wp-content/uploads/2020/08/Briefing-Children-of-Migrants-in-the-UK.pdf>

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.

180 Jolly, A., Thomas, S., and Stanyer, J. (2020). *London's children and young people who are not British citizens: A profile* https://www.london.gov.uk/sites/default/files/final_londons_children_and_young_people_who_are_not_british_citizens.pdf

181 Families with children, ethnic minorities, disabled people, and pregnant women. Woolley, A. (2019) *Access Denied: The cost of the "no recourse to public funds" policy* <https://static1.squarespace.com/static/590060b0893fc01f949b1c8a/t/5d021ada54e8ee00013fe5b9/1560419116745/Access+Denied+++V12+%281%29.pdf>

182 Dickson, E. (2019). *Not Seen, Not Heard: Children's experiences of the 'hostile environment'* <https://www.project17.org.uk/media/70571/Not-seen-not-heard-1-.pdf>

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.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 homelessness 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.¹⁸⁷ The number of homeless children has risen by 51% in the last five years.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.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.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 rights¹⁹¹ are particularly concerning. This has led to children being housed in "21st century slums",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.¹⁹³ Under current legislation¹⁹⁴ 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.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

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.

187 Estimates by Shelter. Reynolds L. and Dzalto, A. (2019) *Generation homelessness: the numbers behind the story Shelter* https://england.shelter.org.uk/professional_resources/policy_and_research/policy_library/policy_library_folder/generation_homeless_the_numbers_behind_the_story

188 Ibid

189 Office of the Children's Commissioner for England (21 August 2020) 'Children's Commissioner warns 420,000 children in England are at risk of eviction unless Government acts' Press Release <https://www.childrenscommissioner.gov.uk/2020/08/21/childrens-commissioner-warns-420000-children-in-england-are-at-risk-of-eviction-unless-government-acts/>

190 Children's Commissioner for England (2019) *Bleak houses. Tackling the crisis of family homelessness in England* <https://www.childrenscommissioner.gov.uk/report/bleak-houses/>.

191 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.

192 Town and Country Planning Association (2020) *Planning 2020 'One Year On': 21st Century Slums?* <https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=7260c5e9-ad84-48a2-92a5-922fa48ba6f7>

193 Just for Kids Law and CRAE (2020) *Not in Care, Not Counted* <https://justforkidslaw.org/sites/default/files/fields/download/Just%20for%20Kids%20Law%20-%20Not%20in%20care%2C%20not%20counted%20-%20June%202020.pdf>

194 Section 20 Children Act (1989)

195 Just for Kids Law and CRAE (2020) *Not in Care, Not Counted* <https://justforkidslaw.org/sites/default/files/fields/download/Just%20for%20Kids%20Law%20-%20Not%20in%20care%2C%20not%20counted%20-%20June%202020.pdf>

temporary accommodation – putting them at risk of exploitation and abuse.¹⁹⁶ [13]

The benefits system for care leavers is inadequate and can lead to homelessness; it does not cover necessities, including rent. Care leavers are entitled to a lesser rate of universal credit as they are under 25, but do not have the familial support this policy assumes.¹⁹⁷ One third of care leavers become homeless in the first two years immediately after they leave care and a quarter of all homeless people have been in care at some point.¹⁹⁸

Only care leavers who are 21 and under have a priority need to receive homelessness help. Care leavers can be found intentionally homeless – thus becoming ineligible for support – if they refuse to be placed in unsuitable accommodation or are evicted due to rent arrears or anti-social behaviour.

- ▶ What steps is the Government taking to:
 - ensure all homeless children become LAC under section 20 of the Children Act?
 - ban 16 and 17 year-olds living in unsuitable unregulated accommodation, including those who should be in care and accommodated under section 20, but are not?
 - better support homeless care leavers by extending priority need to all care leavers up to 25 and clarifying guidance around intentionality?



Source: All-Party Parliamentary Group (APPG) for Ending Homelessness (2017) *Homelessness prevention for care leavers, prison leavers and survivors of domestic violence*

18. Rising health inequalities and barriers to accessing healthcare

Inequalities in some health outcomes have widened since 2016,¹⁹⁹ 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,²⁰⁰ tooth decay, and childhood obesity.²⁰¹ UNICEF has ranked the UK 27th out of 41 high-income countries for child wellbeing.²⁰² Despite this, there is no strategy or targets to address child health inequality.

Children living in inadequate, overcrowded housing with poor indoor air quality²⁰⁴ 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,²⁰⁵ traffic hazards, and no safe play places.

196 APPG (All-Party Parliamentary Group) for Runaway and Missing Children and Adults (2019) *No Place at Home* <https://www.childrenssociety.org.uk/sites/default/files/2020-10/no-place-at-home.pdf>

197 When care leavers turn 22 their housing benefit entitlement drops to the Shared Accommodation Rate (SAR), often creating a cliff-edge. Centrepoin (2020) *Exempting homeless young people and care leavers from the Shared Accommodation Rate* <https://centrepoin.org.uk/media/4223/4-exempting-homeless-young-people-and-care-leavers-from-the-shared-accommodation-rate.pdf>. The Government announced in March 2020 that all care leavers would be exempt from the SAR, but this will only be implemented in 2023. HM Treasury (2020) Budget 2020, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/871799/Budget_2020_Web_Accessible_Complete.pdf

198 All-Party Parliamentary Group (APPG) for Ending Homelessness (2017) *Homelessness prevention for care leavers, prison leavers and survivors of domestic violence* https://www.crisis.org.uk/media/237534/appg_for_ending_homelessness_report_2017_pdf.pdf

199 Royal College of Paediatrics and Child Health (2020) *State of Child Health in the UK 2020* <https://stateofchildhealth.rcpch.ac.uk/>

200 Ibid. The current infant mortality rate for the UK is 3.593 deaths per 1000 live births – a higher rate than comparable wealthy countries (eg Spain, the Netherlands). www.macrotrends.net/countries/GBR/united-kingdom/infant-mortality-rate

201 Royal College of Paediatrics and Child Health (2020) *State of Child Health in the UK 2020* <https://stateofchildhealth.rcpch.ac.uk/>

202 UNICEF Innocenti Research Centre (2020) *Worlds of Influence: Understanding what shapes child wellbeing in rich countries* <https://www.unicef-irc.org/publications/pdf/Report-Card-16-Worlds-of-Influence-child-wellbeing.pdf>

203 Ibid

204 Royal College of Paediatrics and Child Health (2020) *The inside story: Health effects of indoor air quality on children and young people* https://www.rcpch.ac.uk/sites/default/files/2020-01/the-inside-story-report_january-2020.pdf

205 UNICEF UK (2018) *A breath of toxic air: UK children in danger* https://www.unicef.org.uk/wp-content/uploads/2018/06/A-breath-of-toxic-air_UnicefUKResearchPaper_June2018.pdf

Transgender, non-binary and gender-diverse children face longer than average waiting times for specialist services²⁰⁶ and encounter discrimination,²⁰⁷ along with poor understanding of their needs.²⁰⁸ The NHS charging regulations²⁰⁹ are also a discriminatory barrier to accessing healthcare for undocumented migrants.²¹⁰

GRT children continue to face barriers to primary healthcare,²¹¹ resulting in reduced access to preventative and early intervention care, including immunisations and screening.²¹²

- ▶ 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 children²¹³ in preventive healthcare,²¹⁴ including health visitors²¹⁵ 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.²¹⁶

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.²¹⁷

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.²¹⁸

Childhood obesity is a public health crisis (34% of children aged 10-11 in England are overweight or

- 206 'Average waiting times for transgender and gender diverse young people trying to access the specialist medical support pathway have increased significantly since 2016. The average waiting time has increased from between 14-18 months (in 2018), to an average of 24 months or more in 2020. The waiting times transgender young people are subject to are significantly higher than the maximum waiting times in England.' Mermaids written evidence submission to CRAE.
- 207 Two in five (41%) trans people said that healthcare staff lacked understanding of specific trans health needs when accessing general healthcare services. Stonewall (2017) *Schools Report: The experiences of lesbian, gay, bi and trans young people in Britain's schools in 2017* https://www.stonewall.org.uk/system/files/the_school_report_2017.pdf
- 208 'Examples of such conduct includes young trans people being misgendered, placed on a ward which does not correlate with their gender identity, and their incorrect name being used.' Mermaids written evidence submission to CRAE.
- 209 NHS charging regulations restrict access to some NHS services for those with irregular immigration status, including some undocumented children. Some patient groups, such as asylum seekers, refugees, victims of trafficking, recognised by the NRM and children in the care of local authorities, are exempt. Primary healthcare and accident and emergency services remain free, although there have been proposals to extend charging to these services. Murphy, L., Broard, J., Hopkinshaw, B., et al (2020) *Healthcare access for children and families on the move and migrants* *BMJ Paediatrics Open* <https://bmjpaedsopen.bmj.com/content/4/1/e000588>
- 210 Royal College of Paediatrics and Child Health (22 April 2020) 'Migrant charges "unworkable", say paediatricians' Press Release <https://www.rcpch.ac.uk/news-events/news/migrant-charges-unworkable-say-paediatricians>. There are concerns this will affect more children as Brexit increases their risk of becoming undocumented.
- 211 For example, wrongful registration refusal for those with no fixed address or ID, communication barriers, and digital exclusion. Sweeney, S. and Worrall, S. (2019) *No room at the inn: How easy is it for nomadic Gypsies and Travellers to access primary care?* Friends Families and Travellers <https://www.gypsy-traveller.org/wp-content/uploads/2019/03/No-room-at-the-inn-findings-from-mystery-shopping-GP-practices.pdf>; Women and Equalities Committee (2019) *Tackling inequalities faced by Gypsy, Roma and Traveller communities* <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/360/full-report.html>
- 212 Public Health England (2018) *Making measles history together: A resource for local government* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/739985/Measles_local_authority_case_study.pdf
- 213 Local Government Association (2019) *Health and Local Public Health Cuts* <https://www.local.gov.uk/sites/default/files/documents/LGA%20briefing%20-%20health%20and%20local%20public%20health%20cuts%20-%20HoC%20140519%20WEB.pdf>
- 214 The King's Fund (12 June 2019) 'Health charities make urgent call for £ 1 billion a year to reverse cuts to public health funding' Press Release <https://www.kingsfund.org.uk/press/press-releases/reverse-cuts-public-health-funding>
- 215 According to Royal College of Paediatrics and Child Health (RCPC), the number of health visitors in England has fallen by 25% since a peak in 2015. In addition, a survey in June-July 2020 highlighted the effects of Covid-19 on health visitor staff numbers (due to redeployment and increasing caseloads) and their ability to meet the needs of the most vulnerable children. Conti, G. and Dow, A. (2020) *The impacts of Covid-19 on health visiting in England. First results* University College London
- 216 Royal College of Paediatrics and Child Health (2020) *State of Child Health in the UK 2020* <https://stateofchildhealth.rcpch.ac.uk/>
- 217 Institute of Health Visiting (2020) *What do parents want from a health visiting service?* <https://ihv.org.uk/wp-content/uploads/2020/01/HV-Vision-Channel-Mum-Study-FINAL-VERSION-24.1.20.pdf>
- 218 Royal College of Paediatrics and Child Health (2020) *State of Child Health in the UK 2020* <https://stateofchildhealth.rcpch.ac.uk/> In England, the 5-in-1 vaccine coverage decreased from 94.2% to 92.1%, and the MMR coverage fell from 88.6% to 86.4%.

obese).²¹⁹ 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.²²⁶

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

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.

221 World Health Organisation, International Code of Marketing of Breast-Milk Substitutes 1981 <https://www.who.int/nutrition/netcode/resolutions/en/>

222 Suicide and injury or poisoning of undetermined intent accounted for 17.1% of deaths among males aged five to 19, and 13.8% among females, in England and Wales. Office of National Statistics (2020) *Deaths registered in England and Wales 2019* <https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/bulletins/deathsregistrationssummarytables/2019>

223 From one in nine in 2017. NHS Digital (2020) *Mental Health of Children and Young People in England, 2020: Wave 1 follow up to the 2017 survey* <https://digital.nhs.uk/data-and-information/publications/statistical/mental-health-of-children-and-young-people-in-england/2020-wave-1-follow-up>

224 The Children's Commissioner for England (2020) *Childhood in 2020: Business plan consultation with children 2020-21* <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/03/cco-childhood-in-2020.pdf>; The Children's Society (2020) *The Good Childhood Report 2020* <https://www.childrenssociety.org.uk/sites/default/files/2020-11/Good-Childhood-Report-2020.pdf>

225 Marsh, S. and Hill, A. (21 October 2020) 'Figures lay bare toll of pandemic on UK children's mental health' *The Guardian* [https://www.theguardian.com/society/2020/oct/21/figures-lay-bare-toll-of-pandemic-on-uk-childrens-mental-health#:~:text=The%20childrens%20commissioner%20for%20England,eating%20disorders%20and%20self%20harm](https://www.theguardian.com/society/2020/oct/21/figures-lay-bare-toll-of-pandemic-on-uk-childrens-mental-health#:~:text=The%20childrens%20commissioner%20for%20England,eating%20disorders%20and%20self%20harm;); The Children's Society (2020) *Life on Hold: Children's well-being and Covid-19* <https://www.childrenssociety.org.uk/sites/default/files/2020-10/life-on-hold-childrens-well-being-and-covid-19.pdf>

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

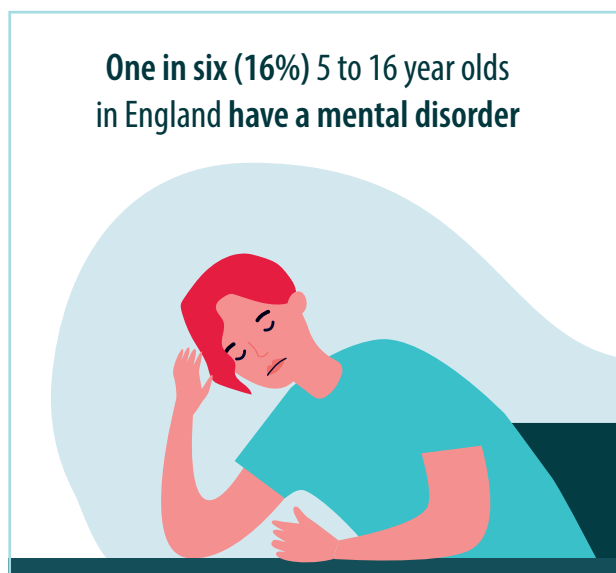
227 Care Leaver Covenant (2018) *Care Leaver Covenant Overview* <https://mycovenant.org.uk/identity-cms/wp-content/uploads/2020/01/CLC-Intro-Leaflet-Branded-Low.pdf>

228 Equality and Human Rights Commission (2016) *Healing a divided Britain: the need for a comprehensive race equality strategy* <https://www.equalityhumanrights.com/en/publication-download/healing-divided-britain-need-comprehensive-race-equality-strategy>

229 Stonewall (2017) *Schools Report: The experiences of lesbian, gay, bi and trans young people in Britain's schools in 2017* https://www.stonewall.org.uk/system/files/the_school_report_2017.pdf; LGBT Foundation (2020) *Hidden Figures: LGBT Health Inequalities in the UK* <https://s3-eu-west-1.amazonaws.com/lgbt-website-media/Files/b9398153-0cca-40ea-abe6-f7d7c54d43af/Hidden%2520Figures%2520FULL%2520REPORT%2520Web%2520Version%2520Smaller.pdf>

230 House of Commons Library (23 January 2020) *Mental health statistics for England: prevalence, services and funding, Number 6988* Briefing Paper <https://researchbriefings.files.parliament.uk/documents/SN06988/SN06988.pdf>

231 Through the Future in Mind Strategy.



Source: NHS Digital (2020) *Mental Health of Children and Young People in England, 2020: Wave 1 follow up to the 2017 survey*

child.²³² 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?

232 Children's Commissioner for England (2020) *The state of children's mental health services* <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/01/cco-the-state-of-childrens-mental-health-services.pdf>

233 Crenna-Jennings, W. and Hutchinson, J. (2020) *Access to child and adolescent mental health services 2019* Education Policy Institute https://epi.org.uk/wp-content/uploads/2020/01/Access-to-CAMHS-in-2019_EPI.pdf

234 There were 1,040 in 2018/19. Article 39 (2020) *Children in Hospital (Mental Health) statistics briefing* <https://article39.org.uk/statistics-briefings>

235 Nearly a quarter of all children with learning disabilities and autism were in a hospital at least 50km from home for at least six months. Around one in 10 children stayed for at least a year in wards that were at least 100km from their homes. Children's Commissioner (2019) *Far less than they deserve: Children with learning disabilities or autism living in mental health hospitals* <https://www.childrenscommissioner.gov.uk/report/far-less-than-they-deserve/>

236 Education and Health and Social Care Committees (2018) *The Government's Green Paper on mental health: failing a generation* House of Commons report on response to Green Paper on mental health. *Third Report of the Education Committee of Session 2017–19; Sixth Report of the Health and Social Care Committee of Session 2017–19* <https://publications.parliament.uk/pa/cm201719/cmselect/cmhealth/642/642.pdf>

237 In 2018-19, 592 children were admitted to adult mental health inpatient wards – over three times the number admitted to adult wards the previous year (196). Article 39 (2020) *Children in Hospital (Mental Health) statistics briefing* <https://article39.org.uk/statistics-briefings>

238 Crenna-Jennings, W. and Hutchinson, J. (2020) *Access to child and adolescent mental health services in 2019* Education Policy Institute https://epi.org.uk/wp-content/uploads/2020/01/Access-to-CAMHS-in-2019_EPI.pdf

239 The Children's Society (2018) *Distress signals: Unaccompanied young people's struggle for mental health care* https://www.basw.co.uk/system/files/resources/distress-signals-report_0.pdf

240 Bright, C. (2017) *Local authority support for non-EEA migrant child victims of modern slavery: Research report* Government Social Research h

241 Children and Young People's Mental Health Coalition (2019) *Overshadowed The mental health needs of children and young people with learning disabilities* <https://cypmhc.org.uk/wp-content/uploads/2019/11/Overshadowed.pdf>

Education, leisure, and cultural activities

21. High rates of school exclusions

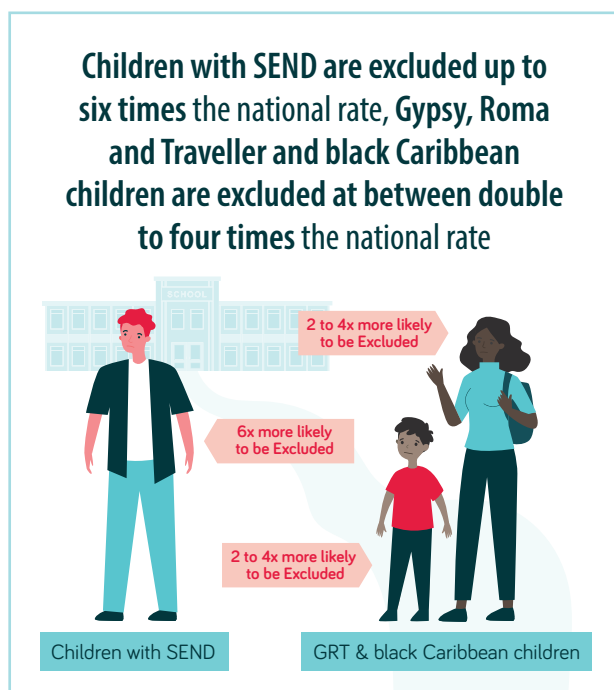
School exclusions have continued to rise year on year.²⁴² GRT and black Caribbean children are excluded at between double to four times the national rate.²⁴³ Children with SEND also continue to be dramatically overrepresented,²⁴⁴ with the crises in SEND provision exacerbating this. [22] Children who have suffered trauma or ACEs, or have mental health difficulties, are also at risk.²⁴⁵ [20] The number of exclusions of very young children has also increased.²⁴⁶

Driven by Government policy,²⁴⁷ schools have increasingly adopted a “zero-tolerance” approach to behaviour,²⁴⁸ which does not account for context such as unaddressed underlying need.²⁴⁹ Comparatively, progress has not been made into trauma-informed strategies.²⁵⁰

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.²⁵¹ There is no legal aid available,²⁵² [2] so families must argue cases (involving complex law principles) themselves.²⁵³

There are no formal protections from exclusion for victims of CCE, with the law not taking a positive NRM decision into consideration.²⁵⁴ 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.²⁵⁵ [9]

- 242 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>
- 243 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
- 244 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
- 245 Children with mental health difficulties are excluded at a rate of 6.8%. Government Statistics Service and National Health Service (2018) *Mental Health of Children and Young People in England, 2017 Summary of key findings* <https://files.digital.nhs.uk/A6/EA7D58/MHCYP%202017%20Summary.pdf>. See also: University of Bristol (2020) *Poor mental health “both cause and effect” of school exclusion*, <http://www.bristol.ac.uk/alspac/news/2020/mental-health-school.html>; Centre for Mental Health: *Trauma, challenging behaviour and restrictive interventions in schools* https://www.centreformentalhealth.org.uk/sites/default/files/2020-01/Briefing_54_traumainformed%20schools_0.pdf
- 246 There were 134 permanent exclusions of children aged five and under in the academic year ending 2019. 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>
- 247 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.’ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/602692/Government_Response_Letter_-_Tom_Bennett_Behaviour_in_Schools_Review.pdf
- 248 House of Commons Education Committee (2018) *Forgotten children: alternative provision and the scandal of ever increasing exclusions* <https://publications.parliament.uk/pa/cm/201719/cmselect/cmeduc/342/342.pdf>
- 249 Ibid. See evidence from the Special Educational Consortium: ‘on curriculum, the same as with behaviour policies, the more rigid you make a structure the more difficult it is for children who are different to fit into that.’
- 250 Hansard record of debate: *School Exclusions* (26 February 2020) HC 104WH and 105WH <https://hansard.parliament.uk/Commons/2020-02-26/debates/A61FE70F-D4CB-482E-8311-4F8863AF504D/SchoolExclusions>. Edward Timpson, author of a government-commissioned review of school exclusions asks about the government carrying forward his recommendations on trauma training. The government declines to commit to this recommendation or confirm the existing of any current program.
- 251 Department for Education (2017) *Exclusion from maintained schools, academies and pupil referral units in England* <https://www.gov.uk/government/publications/school-exclusion>. Key points on page seven.
- 252 LAG (2014) *The education problems still covered by legal aid* <https://www.lag.org.uk/article/202534/the-education-problems-still-covered-by-legal-aid>
- 253 Department for Education (2017) *Exclusion from maintained schools, academies and pupil referral units in England* <https://www.gov.uk/government/publications/school-exclusion>. Paragraph six notes: ‘Any decision of a school, including exclusion, must be made in-line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to exclusions and a school’s wider legal duties, including the European Convention on Human Rights and the Equality Act 2010); rational; reasonable; fair; and proportionate.’
- 254 Temple, A. (2020) *Excluded, exploited, forgotten: Childhood criminal exploitation and school exclusions* Just for Kids Law and CRAE https://justforkidslaw.org/sites/default/files/fields/download/JfKL%20school%20exclusion%20and%20CCE_2.pdf
- 255 NCA Intelligence assessment (2018) *County lines drug supply, vulnerability and harm* [https://www.nationalcrimeagency.gov.uk/who-we-are/publications/257-county-lines-drug-supply-vulnerability-and-harm-2018/file#:~:text=Heroin%20and%20crack%20cocaine%20remain,commonly%20supplied%20through%20county%20lines.&text=They%20are%20likely%20to%20exploit,incluing%20sexual%20violence\)%20and%20weapons](https://www.nationalcrimeagency.gov.uk/who-we-are/publications/257-county-lines-drug-supply-vulnerability-and-harm-2018/file#:~:text=Heroin%20and%20crack%20cocaine%20remain,commonly%20supplied%20through%20county%20lines.&text=They%20are%20likely%20to%20exploit,incluing%20sexual%20violence)%20and%20weapons). See paragraph 30.



Source: Department for Education statistics (2019) *Permanent and fixed-period exclusions in England*

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?

- ▶ What data does the Government have on the number of unofficial exclusions and what steps have been taken to monitor and address this problem?
- ▶ Has the Government undertaken any analysis on the impact of isolation on students?

22. Lack of support and inclusive education for children with SEND in school

Schools have experienced a continued per capita fall in funding for addressing SEND.²⁵⁹ Although funding for associated services such as mental health services and occupational therapists has risen overall, a postcode lottery exists.^{260 261}

As a result, applications for Education, Health and Care Plans (EHCP) have increased, as families try to secure support.²⁶² These provide the highest levels of SEND funding and ring-fenced provision to individual children. The system has not kept up with this pressure, meaning deadlines for making provision are routinely and increasingly missed.²⁶³ Support often fails to materialise, and resourcing commitments not met.

The quality of decision-making is also poor. Appeals against local authority decisions to refuse support are largely successful.²⁶⁴ However, this process is long due to a significant backlog, with some taking more than six months, and then resolved in their favour. Complaints to the Local Government Ombudsman around EHCP provision have dramatically increased.²⁶⁵

Segregation between mainstream schools and special schools has increased.²⁶⁶ The use of inclusion units for the long-term education of children with additional needs continues to segregate SEND

256 The rate of fixed-period exclusions has increased from 5.08 to 5.36 in 2018-19. This continues an increasing trend from 2013-14. The rate of permanent exclusion has remained at 0.10% since 2017-2018. Department for Education statistics (2020) *Permanent and fixed-period exclusions in England* <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2018-to-2019>

257 Education Policy Institute (2019) *Unexplained Pupil Exits from Schools: a growing problem?* https://epi.org.uk/wp-content/uploads/2019/04/EPI_Unexplained-pupil-exits_2019.pdf. See page seven: 'These "unexplained" exits numbered 47,225 in the 2011 cohort of pupils, 49,051 in the 2014 cohort and 55,309 in the 2017 cohort.'

258 Ibid

259 National Audit Office (2019) *Support for pupils with special educational needs and disabilities in England* <https://www.nao.org.uk/wp-content/uploads/2019/09/Support-for-pupils-with-special-education-needs.pdf>

260 For spending on mental health, see the Children's Commissioner (2019) *Early access to mental health support* <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2019/04/Early-access-to-mental-health-support-April-2019.pdf>

261 National Audit Office (2019) *Support for pupils with special educational needs and disabilities in England* <https://www.nao.org.uk/wp-content/uploads/2019/09/Support-for-pupils-with-special-education-needs.pdf>

262 Department for Education statistics (2019) *Statements of SEN and EHC plans* <https://www.gov.uk/government/statistics/statements-of-sen-and-ehc-plans-england-2019>. See table *Statements and EHC plans, January 2019*.

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

264 Keer M. (18 June 2019) 'The latest SEND Tribunal figures paint a troubling picture' *Special Needs Jungle* <https://www.specialneedsjungle.com/latest-sen-tribunal-figures-paint-a-troubling-picture/>

265 Local Government and Social Care Ombudsman (2019) *Not going to plan? - Education, Health and Care plans two years on* <https://www.lgo.org.uk/assets/attach/5693/EHCP-2019-vfC.pdf>

266 Milmo, C. and Standon, A. (20 August 2019) 'Campaigners warn that special needs children have been forced out of mainstream schools' *The I Newspaper* <https://inews.co.uk/news/education/government-segregation-special-needs-children-mainstream-schools-328706>. 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

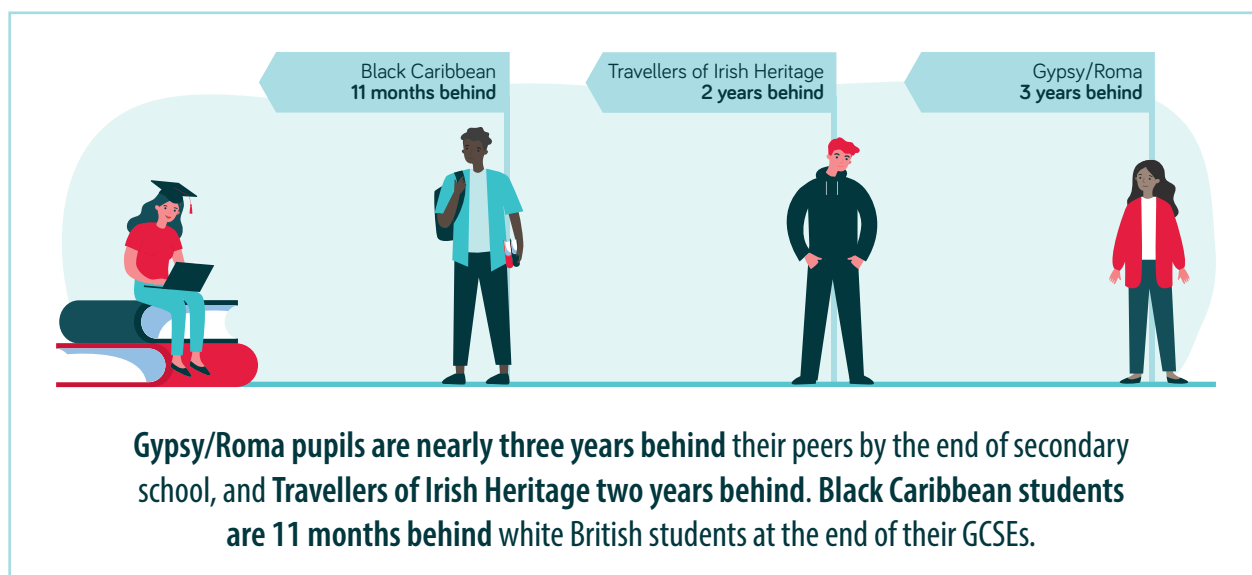
time in 12 years. Disadvantaged children²⁷³ are nine months behind their peers by Key Stage 2 in primary school, and an average of 18 months behind their peers at GCSE age.²⁷⁴ Initial Ofsted analysis has highlighted concerns that this has worsened after school and nursery closures of six months during 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 grade GCSEs.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 EHC plans <https://www.gov.uk/government/statistics/statements-of-sen-and-ehc-plans-england-2019>. 'The percentage of pupils with a statement or EHC 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.
- 269 Nearly a quarter of pupils with social, emotional, or mental health needs experienced at least one unexplained exit from secondary school in 2017. Education Policy Institute (2019) *Unexplained pupil exits from schools: A growing problem?* https://epi.org.uk/wp-content/uploads/2019/04/EPI_Unexplained-pupil-exits_2019.pdf
- 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/>
- 271 House of Commons Education Committee (2019) *Special educational needs and disabilities* <https://publications.parliament.uk/pa/cm201919/cmselect/cmeduc/20/20.pdf>
- 272 House of Commons Library (2018) *Speech, language and communication support for children*, <http://researchbriefings.files.parliament.uk/documents/CDP-2018-0163/CDP-2018-0163.pdf>
- 273 Disadvantage is defined by the DfE as a student who has been in receipt of free school meals at any time in the preceding six years. Education Policy Institute (2020) *Education in England: annual report* https://epi.org.uk/wp-content/uploads/2020/09/EPI_2020_Annual_Report_.pdf
- 274 Ibid
- 275 Ofsted (2020) Covid-19 series: briefing on schools: October 2020; Ofsted (2020) *Covid-19 series: briefing on early years: October 2020* <https://www.gov.uk/government/collections/Ofsted-covid-19-series>. See also: Lally, C. and Bermingham, R. (2020) *Covid-19 and the disadvantage gap Rapid response* UK Parliament <https://post.parliament.uk/covid-19-and-the-disadvantage-gap/>
- 276 Education Policy Institute (2020) *Education in England: annual report* https://epi.org.uk/wp-content/uploads/2020/09/EPI_2020_Annual_Report_.pdf
- 277 Walker, A. (8 April 2020) 'Coronavirus: School Pupils Lacking Internet Access Could Fall Behind' *Each Other* <https://eachother.org.uk/coronavirus-school-pupils-lacking-internet-access-could-fall-behind/>
- 278 Education Policy Institute (2020) *Education in England: annual report*, figure 4.1 https://epi.org.uk/wp-content/uploads/2020/09/EPI_2020_Annual_Report_.pdf
- 279 Department for Education (2019) *National Characteristics Tables* Table CH1 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/863939/2019_KS4_revised_national_characteristics_tables.xlsx
- 280 Department for Education (2019) *Key stage 4 performance* (revised) Table 4 <https://www.gov.uk/government/statistics/key-stage-4-performance-2019-revised>
- 281 In 2018. House of Commons Education Committee (2018) *Forgotten children: alternative provision and the scandal of ever increasing exclusions* <https://publications.parliament.uk/pa/cm201719/cmselect/cmeduc/342/342.pdf>
- 282 Department for Education (2020) *Schools, pupils and their characteristics* <https://explore-education-statistics.service.gov.uk/find-statistics/school-pupils-and-their-characteristics>.



Source: Education Policy Institute (2020) *Education in England: annual report*, figure 4.1

The UK's 700,000²⁸³ young carers also experience worse academic attainment²⁸⁴ and on average miss or partially miss 48 school days per year.²⁸⁵ Covid-19 is likely to have aggravated this, with more children taking on caring responsibilities and spending more time out of school during lockdown.²⁸⁶

- ▶ 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?

24. Lack of play in the community and at school

Children continue to play outside for around half the time their parents did.²⁸⁷ This is exacerbated by the sale of parks and playgrounds by local councils, which increased after a 2016 rule change.²⁸⁸ 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.²⁸⁹ A lack of good quality play spaces is most prevalent in disadvantaged areas, where it can have the most detrimental impact.²⁹⁰ There is no Government minister with responsibility for play or a national play strategy,²⁹¹ showing a lack of priority and coordination at national level.²⁹²

283 Young Minds [accessed 23 November 2020] <https://youngminds.org.uk/find-help/looking-after-yourself/young-carers/>

284 Carers Trust and The Children's Society (2020) *Young Carers in School* <https://carers.org/downloads/resources-pdfs/young-carers-in-schools/young-carers-in-schools-guidance-for-schools-covid-19-recovery.pdf>

285 Young Minds [accessed 23 November 2020] <https://youngminds.org.uk/find-help/looking-after-yourself/young-carers/>

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/?gclid=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>

289 Nursery World (2019) *Association for play calls for urgent investment in playgrounds* <https://www.nurseryworld.co.uk/news/article/association-for-play-calls-for-urgent-investment-in-playgrounds>. Nine in 10 parents who were not close to a playground said that having access would make their child play outside more. Association of Play Industries (2019) *Play Must Stay: A Childhood Crisis* <https://www.api-play.org/wp-content/uploads/sites/4/2019/08/Play-must-stay-4-pager.pdf>

290 Sutton, L. (2008) *The State of Play: Disadvantage, Play and Children's Well-Being*

291 Children and Young People Now (2015) *States of Play: how the UK nations approach children's play* <https://www.cypnow.co.uk/features/article/states-of-play-how-the-uk-nations-approach-children-s-play>

292 Government-listed portfolios on "ministerial roles". Gov.uk [accessed 23 November 2020] <https://www.gov.uk/government/ministers/parliamentary-under-secretary-of-state-for-the-school-system>

The school curriculum is becoming increasingly restrictive and focused on academic study for students to pass exams.²⁹³ 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.²⁹⁴ Guidance setting out the curriculum for the early years foundation stage is not statutory²⁹⁵ and puts limited emphasis on play and outdoor learning.²⁹⁶

- ▶ 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?

Special protection measures

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.²⁹⁷ 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.²⁹⁸ Many of these children face destitution and are at high risk of trafficking and smuggling.²⁹⁹

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.³⁰⁰

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.³⁰¹ 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?

293 GL Assessment (16 November 2018) 'Obsession with exams is forcing schools to restrict curriculum and leading to damaging consequences, teachers and parents say' Press Release <https://www.gl-assessment.co.uk/news-hub/press-releases/obsession-with-exams-is-forcing-schools-to-restrict-curriculum-and-leading-to-damaging-consequences-teachers-and-parents-say/#:~:text=16%20Nov%202018-,Obsession%20with%20exams%20is%20forcing%20schools%20to%20restrict%20curriculum%20and,consequences%2C%20teachers%20and%20parents%20say&text=Nine%20in%20ten%20of%20them,exclusion%20of%20the%20wider%20curriculum>. Refer to: 'Over three-quarters of teachers (76%) and three-fifths of parents (60%) believe that schools have offered a more restricted curriculum from an earlier age over the past three years than they did previously, with large majorities (92% of teachers and 76% of parents) saying the pressure placed on schools to deliver good exam results is to blame'.

294 National Education Union (2019) *Too much testing: the alternative* <https://neu.org.uk/media/6491/view>

295 Department for Education (2020) *Development Matters Non-statutory curriculum guidance for the early years foundation stage* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/914443/Development_Matters_-_Non-statutory_curriculum_guidance_for_the_early_years_foundation_stage__1_.pdf. The guidance also fails to mention key principles that were present in the defunct statutory guidance. These include "unique child", positive relationships, enabling environments, and learning and development. The "unique child" is the principle is: 'every child is a unique child, who is constantly learning and can be resilient, capable, confident and self-assured'. (2007) *Early Years Foundation Stage*

296 Coalition of Early Years Sector Organisations (7 September 2020) 'Statement on the new non-statutory guidance for the EYFS' Press Release <https://www.early-education.org.uk/press-release/coalition-early-years-sector-organisations-statement-new-non-statutory-guidance-eyfs>

297 Joint Council for the Welfare of Immigrants (2019) *Safe and Legal Routes of Entry to the UK* <https://www.jcwi.org.uk/briefing-safe-and-legal-routes-to-the-uk>

298 The "Dubs scheme" refers to section 67 of the Immigration Act 2016, which supported the relocation of unaccompanied children from Europe to the UK. While campaigners expected the number of children to be relocated to be around 3,000, the government restricted this to only 480 children.

299 Farrell, G. (2019) *Children stuck in limbo: examining the vulnerability of unaccompanied minors in northern France* Refugee Rights in Europe https://refugee-rights.eu/wp-content/uploads/2019/08/RRE_ChildrenInCalais-web.pdf

300 Safe Passage (11 August 2020) 'More children will cross the Channel if government scraps family reunion' Press Release <https://www.safepassage.org.uk/news/2020/8/11/more-children-will-cross-the-channel-if-government-scraps-family-reunion#:~:text=Lord%20Dubs%20joins%20charity%20warning,their%20lives%20crossing%20the%20Channel>

301 Home Office (2020) *Family reunion: for refugees and those with humanitarian protection* <https://www.gov.uk/government/publications/family-reunion-instruction>

- ▶ Will the Government make public the evidence to support its position that giving child refugees the same family reunion rights as adults will put children in danger?

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.³⁰²

There were 3,775 applications from UASC in 2019 – up from 3,290 in 2016.³⁰³ 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).³⁰⁴ Child victims of trafficking are also entitled to a permanent form of leave,³⁰⁵ but only 11% were granted refugee status or humanitarian protection in 2019.³⁰⁶

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,³⁰⁷ which has serious impacts on their education³⁰⁸ and mental health.³⁰⁹

Despite improved statutory guidance³¹⁰ after a change in policy,³¹¹ age-disputed children (798 in 2019)³¹² 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.³¹³ On turning 18, children have also been returned to countries considered unsafe, including countries affected by war (eg Iraq, Afghanistan, Somalia)³¹⁴ or where they may risk being re-trafficked.³¹⁵

- ▶ 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?

- 302 The "hostile environment" policy was introduced by the government in 2012 aimed at deterring illegal migration. It has far-reaching impacts on all aspects of the immigration system and makes it even more difficult for migrant and asylum-seeking children, especially the most vulnerable, to get the support and protection they need. The October 2020 government announcement of an overhaul of the immigration system with the possibility of offshore asylum processing centres has raised serious concerns. BBC News (4 October 2020) 'Priti Patel pledges to fix 'broken' asylum system in UK' *BBC News* <https://www.bbc.co.uk/news/uk-politics-54404554>
- 303 Refugee Council (2020) *Children in the asylum system August 2020* <https://media.refugeecouncil.org.uk/wp-content/uploads/2020/09/08134044/Children-in-the-Asylum-System-Aug-2020.pdf>
- 304 In 2016, 503 children were granted refugee status, compared to 1,382 in 2019. Ibid
- 305 In-line with the UK Government's obligation under the Council of Europe Convention Against Trafficking, residence permits for child victims should be: 'issued in accordance with the best interests of the child and, where appropriate, renewed under the same conditions.' Article 14 Paragraph 2 Council of Europe Convention on Action against Trafficking in Human Beings (2005)
- 306 Only 28 children were granted discretionary leave, 443 were granted refugee status, and 51 humanitarian protection, out of 4,695 confirmed trafficking victims in that time period and 6,332 referrals of potential EEA and third-country national child victims. ECPAT UK (2020) *Child Trafficking in the UK 2020: A Snapshot* <https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=b92ea99a-6dd8-480c-9660-e6c0f0764acf>
- 307 Elder Rahimi Solicitors (2018) *Systemic delays in the processing of the claims for asylum made in the UK by unaccompanied asylum seeking children (UASC)* http://www.elderrahimi.co.uk/UserFiles/Files/p_nS4kT4.pdf
- 308 Refugee Support Network and UNICEF UK (2018) *Education for refugee and asylum seeking children: Access and quality in England, Scotland and Wales* <https://www.unicef.org.uk/wp-content/uploads/2018/09/Access-to-Education-report-PDF.pdf>
- 309 The Children's Society (2018) *Distress Signals: Unaccompanied young people's struggle for mental health support* https://www.basw.co.uk/system/files/resources/distress-signals-report_0.pdf
- 310 Home Office (2019) *Assessing age. Version 3.0* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/804760/Assessing-age-asylum-instruction-v3.0ext.pdf
- 311 Following a legal challenge to the previous wording of the policy, the age assessment guidance was amended to include an interim policy, which it was hoped would lead to fewer children being incorrectly deemed adults. However, without analysis of its impact, it is not possible to tell if it provides an adequate safeguard. Ibid
- 312 Refugee Council (2019) *Children in the Asylum System May 2019* <https://www.refugeecouncil.org.uk/wp-content/uploads/2019/06/Children-in-the-Asylum-System-May-2019.pdf>
- 313 Home Office (2020) *Immigration statistics, year ending March 2020: Outcomes of asylum applications at initial decision, and refugees resettled in the UK, by nationality, age, sex, applicant type, and UASC Table ASY_D02* <https://www.gov.uk/government/statistics/immigration-statistics-year-ending-march-2020>
- 314 Barnes, T. (12 April 2019) 'Hundreds of children seeking refuge in UK deported to 'unsafe' countries at age 18' *The Independent* <https://www.independent.co.uk/news/uk/home-news/asylum-seekers-children-uk-iraq-afghanistan-somalia-home-office-a8853866.html>
- 315 Humphris, R., and Sigona, N. (2017) 'Outsourcing the 'best interests' of unaccompanied asylum seeking children in the era of austerity' *Journal of Ethnic and Migration Studies*; Sigona, N., Chase, E., and Humphris, R. (2017) *Becoming Adult Project: protecting the 'best interest' of the child in transition to adulthood* <https://becomingadultproject.files.wordpress.com/2017/12/ba-brief-3-low-res.pdf>

27. Increased risks and difficulties in regularising status for undocumented children

An estimated 215,000 undocumented children in the UK (half born here)³¹⁶ experience significant barriers to accessing education, have mental health needs,³¹⁷ or are at risk of exploitation and trafficking.³¹⁸ 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.³¹⁹ 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”.³²⁰

Brexit requires EEA nationals in the UK to apply for EU Settled 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 unresolved³²¹ including LAC, children who are homeless, or children with complex needs or family circumstances. It is estimated that 3,220 LAC³²² and care leavers need to apply for EUSS, though this is likely to be an underestimate³²³ and with 7 months until the deadline, only 46% have made applications.³²⁴ LAC with pre-settled status face another cliff-edge when they have to reapply

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



* This number may be an underestimation as initial calculations estimated that over 9,000 children and young people were in this position.

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*

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.³²⁵

- ▶ 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?

316 Jolly, A., Thomas, S., and Stanyer, J. (2020) *London's children and young people who are not British citizens: a profile* Mayor of London https://www.london.gov.uk/sites/default/files/final_londons_children_and_young_people_who_are_not_british_citizens.pdf

317 We Belong and Just for Kids Law (2019) *'Normality is a Luxury': How 'limited leave to remain' is blighting young lives* <https://static1.squarespace.com/static/5c459ab1f2e6b156c9342d0a/t/5d09f90d10395e0001d7df4f/1560934675559/NIAL-Final.pdf>

318 ECPAT UK (2020) *Child Trafficking in the UK 2020: A snapshot* <https://www.ecpat.org.uk/Handlers/Download.ashx?IDMF=b92ea99a-6dd8-480c-9660-e6c0f0764acf>

319 Coram Children's Legal Centre, We Belong, Joint Council for the Welfare of Immigrants, Citizens UK, and On Road Media (2020) *The fee barrier* https://www.childrenslegalcentre.com/wp-content/uploads/2020/01/The-fee-barrier_finalJan2020.pdf

320 Qureshi, A., Morris, M., and Mort, L. (2020) *Access denied: the human impact of the hostile environment* IPPR <https://www.ippr.org/files/2020-09/access-denied-hostile-environment-sept20.pdf>

321 Lagrue, M., Bourthoumieux, C., and Layonu, J. (2020) *Children left out? Securing children's rights to stay in the UK beyond Brexit* Coram CLC https://www.childrenslegalcentre.com/wp-content/uploads/2020/06/CCLC-Children-left-out_July-2020_final.pdf

322 Home Office (2020) *EUSS Home Office Looked after children and care leavers survey, 2020* <https://www.gov.uk/government/publications/eu-settlement-scheme-home-office-looked-after-children-and-care-leavers-survey-2020/eu-settlement-scheme-home-office-looked-after-children-and-care-leavers-survey-2020>

323 This number may be an underestimation as initial calculations estimated that over 9,000 children and young people were in this position and other estimates of the general population have proven an underestimation. Therefore it provides little assurance that all relevant children have been identified by local authorities. House of Commons written question (18 February 2019) UIN 222791 <https://questions-statements.parliament.uk/written-questions/detail/2019-02-18/222791>.

324 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* <https://drive.google.com/file/d/1e6ZnPAIUzWfVU546u0RT8v3e3MQh2T5/view>

325 Lagrue, M., Bourthoumieux, C., and Layonu, J. (2020) *Children left out? Securing children's rights to stay in the UK beyond Brexit* Coram CLC https://www.childrenslegalcentre.com/wp-content/uploads/2020/06/CCLC-Children-left-out_July-2020_final.pdf

28. Criminal rather than welfare-based approach to justice

Despite some progress,³²⁶ significant reform is required to achieve a welfare-based approach to youth justice. Moreover, punishment remains a statutory purpose of sentencing for children,³²⁷ 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.³²⁸ Worryingly, HMIP found a postcode lottery in the way YOTs handle out of court cases and the resultant outcome for children.³²⁹ There is also an "incomplete picture" of how many children are diverted.³³⁰

BAME children are less likely to make admissions in police interviews, meaning they are not eligible for formal pre-court disposals,³³¹ and may be deemed unsuitable for informal diversionary interventions where accepting guilt is a prerequisite.³³²

Children in care are more likely to be unnecessarily criminalised – LAC are between three and five times as likely as their peers³³³ to be made a subject of a formal youth justice disposal.³³⁴ A national protocol on reducing unnecessary criminalisation of LAC and care leavers was introduced in 2018.³³⁵ 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. [9]

- ▶ 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,³³⁶ 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,³³⁷ despite this being against the law.³³⁸

A concordat sets out the key actions to tackle overnight detention,³³⁹ but by November 2020, only 27 police forces³⁴⁰ and 66 local authorities³⁴¹ have signed it.³⁴² FOI responses received from 33 police forces revealed that there were 19,683 occasions of overnight detention of children and, of these, there

326 Ministry of Justice and Youth Justice Board (2019) *Standards for children in the youth justice system 2019* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/780504/Standards_for_children_in_youth_justice_services_2019.doc.pdf; Ministry of Justice (2020) *A smarter approach to sentencing* <https://www.gov.uk/government/publications/a-smarter-approach-to-sentencing>

327 Section 142A(3)(a) Criminal Justice Act (2003)

328 Ministry of Justice and Youth Justice Board (2020) *Youth Justice Statistics: England and Wales 2018-2019* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862078/youth-justice-statistics-bulletin-march-2019.pdf

329 Her Majesty's Inspectorate of Probation (2019) *Annual report: inspection of youth offending services (2018-2019)* <https://www.justiceinspectorates.gov.uk/hmiprobation/wp-content/uploads/sites/5/2019/10/Youth-annual-report-inspection-of-youth-offending-services-2018-2019-1.pdf>

330 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/3399/documents/32490/default/>

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/>

332 Sabbagh, M. (2017) *Restorative justice and Black, Asian and minority ethnic children in the youth justice system* Restorative Justice Council [https://restorativejustice.org.uk/sites/default/files/resources/files/BAME_Research%20Report_Final%20\(1\).pdf](https://restorativejustice.org.uk/sites/default/files/resources/files/BAME_Research%20Report_Final%20(1).pdf)

333 Department for Education (2019) *National tables: Children looked after in England including adoption 2018 to 2019 Table 1* <https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2018-to-2019>

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.

335 Department for Education (2018) *The national protocol on reducing unnecessary criminalisation of looked-after children and care leavers* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/765082/The_national_protocol_on_reducing_unnecessary_criminalisation_of_looked-after_children_and_care_leavers.pdf

336 In 2018-2019, there were 60,208 arrests of children. Ministry of Justice and Youth Justice Board (2020) *Youth Justice Statistics: England and Wales 2018-2019* <https://www.gov.uk/government/statistics/youth-justice-statistics-2018-to-2019> https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862078/youth-justice-statistics-bulletin-march-2019.pdf

337 Children's Commissioner for England (2017) *A night in the cells. Children in police custody and the provision of non-familial appropriate adults* <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2018/06/A-Night-in-the-CellsTechnical-Report.pdf>

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.

339 Home Office (2017) *Concordat on children in custody* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/655222/Concordat_on_Children_in_Custody_ISBN_Accessible.pdf

340 Out of 43.

341 Out of 343.

342 Home Office (2020) *Signatories to the concordat on children in custody* <https://www.gov.uk/government/publications/concordat-on-children-in-custody>

were at least 2,871 occasions of overnight detention post charge.³⁴³ Figures for the MPS revealed that BAME children accounted for two thirds (67%) of the 7,038 children detained overnight.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,³⁴⁵ but little action has been taken to achieve this goal.³⁴⁶ While children remain in prison, their safety and welfare is at risk. **[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,³⁴⁷ and BAME children now make up the majority (51%) of those imprisoned.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'*.³⁴⁹ The proportion of children held in youth custody on remand is increasing³⁵⁰ and accounted for 28% of all children in prison.³⁵¹ Of these children, 66% did not subsequently receive a custodial sentence.³⁵² Over the last ten years, the proportion of black children remanded to custody has seen an overall increase, accounting for 33% in 2018-2019.³⁵³ This is likely to get worse following new regulations, which extend custody time limits in the crown court by two months.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 years³⁵⁵ and proposals³⁵⁶ 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.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?

343 Responses to FOI requests by Just for Kids Law. For the year 2019.

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/20/013397

345 Ministry of Justice (2016) *Government response to Charlie Taylor's Review of the youth justice system*

346 Ibid

347 Standing Committee for Youth Justice (2020) *Ensuring custody is the last resort for children in England and Wales* <http://scyj.org.uk/wp-content/uploads/2020/06/Ensuring-custody-is-the-last-resort-FINAL.pdf>

348 Ministry of Justice (September 2020) *Youth custody data: July 2020* <https://www.gov.uk/government/statistics/youth-custody-data>

349 Ministry of Justice (September 2020) *A smarter approach to sentencing* <https://www.gov.uk/government/publications/a-smarter-approach-to-sentencing>

350 Increasing by 12% (to 243 children) in 2018-2019

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

352 Ministry of Justice and Youth Justice Board (2020) *Youth Justice Statistics: 2018 to 2019* <https://www.gov.uk/government/statistics/youth-justice-statistics-2018-to-2019>

353 Ibid

354 The Prosecution of Offences (Custody Time Limits) (Coronavirus) (Amendment) Regulations (2020) <https://www.legislation.gov.uk/uksi/2020/953/made>

355 Ministry of Justice and Youth Justice Board (2020) *Youth Justice Statistics: 2018 to 2019* <https://www.gov.uk/government/statistics/youth-justice-statistics-2018-to-2019>

356 Ministry of Justice (2020) *A smarter approach to sentencing* <https://www.gov.uk/government/publications/a-smarter-approach-to-sentencing>

357 Ministry of Justice and Youth Justice Board (2020) *Youth Justice Statistics: 2018 to 2019* <https://www.gov.uk/government/statistics/youth-justice-statistics-2018-to-2019>

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

Glossary

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.

Care Quality Commission: The independent regulator of health and adult social care in England.

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 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 school, rather than the best interests of the pupil.

Ofsted: The Office for Standards in Education, Children's Services and Skills inspect services providing education and skills for learners of all ages. 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.

Public Health England: An executive agency of the Department of Health and Social Care, tasked with protecting and improving health and wellbeing and reducing health inequalities.

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.

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