

# Report of the Children's Commissioners of the United Kingdom of Great Britain and Northern Ireland to the United Nations Committee on the Rights of the Child

Examination of the Combined Sixth  
and Seventh Periodic Reports of the  
United Kingdom of Great Britain and  
Northern Ireland

December 2020



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## INTRODUCTION

This report from the Children’s Commissioners of the United Kingdom of Great Britain and Northern Ireland (UK) informs the United Nations Committee on the Rights of the Child’s development of the List of Issues Prior to Reporting related to the UK’s Combined Sixth and Seventh Periodic Reports under the UN Convention on the Rights of the Child (UNCRC).

The report identifies emerging trends and key issues, some of which draw on previous concluding observations while others reflect worrying trends caused by the UK’s departure from the European Union (Brexit) and the Covid-19 pandemic.

The Commissioners are Independent Children’s Rights Institutions whose respective remits extend to England, Northern Ireland, Scotland, and Wales. They are the Office of the Children’s Commissioner for England (CCE), Northern Ireland Commissioner for Children & Young People (NICCY), Children and Young People’s Commissioner Scotland (CYPCS), and Children’s Commissioner for Wales (CCFW). Statutory functions differ but all centre upon the promotion and protection of children’s rights, particularly under the UNCRC, informed by children’s views and experiences.

Within the UK, some functions of central government are devolved to the independent executive and legislatures of the Northern Irish, Scottish and Welsh administrations. The extent of devolution varies, as summarised below:

Scotland	Wales	Northern Ireland
Education, Training & Skills	Education, Training & Skills	Education, Training & Skills
Health & Social Services	Health & Social Services	Health & Social Services
Agriculture, Forestry & Fisheries	Agriculture, Forestry & Fisheries	Agriculture, Forestry & Fisheries
Environment & Planning	Environment & Planning	Environment & Planning
Economic Development	Economic Development	Economic Development
Local Government	Local Government	Local Government
Transport	Transport	Transport
Tourism, sport, culture & heritage	Tourism, sport, culture & heritage	Tourism, sport, culture & heritage
Justice & Policing	Welsh Language	Justice & Policing
	Justice & Policing	
Energy	Energy	Energy
Welfare and Social Security*	Welfare and Social Security	Welfare and Social Security
Broadcasting	Broadcasting	Broadcasting
Defence & National Security	Defence & National Security	Defence & National Security
Foreign Affairs	Foreign Affairs	Foreign Affairs
Fiscal and Macroeconomic Policy*	Fiscal and Macroeconomic Policy	Fiscal and Macroeconomic Policy
Nationality, Immigration and Asylum	Nationality, Immigration and Asylum	Nationality, Immigration and Asylum

\*Except elements devolved by Scotland Acts 2012 & 2016

Source: Civil Service

### Key:

-  Devolved matters
-  Matters retained at Westminster

While measures to address some issues, including immigration, are common UK-wide, others are devolved. Consequently, we include nation-specific information and recommendations while recognising that the UK State Party remains ultimately responsible for the UNCRC's implementation. We encourage the Committee to hear from the devolved governments during the State examination.

The Northern Irish government was suspended from January 2017 until January 2020. The lack of Executive caused delays to legislative and policy reform in critical areas, including several affecting children. The *New Decade, New Approach* agreement ensured the restoration of devolved institutions and contains important legislative and policy initiatives concerning children.<sup>1</sup>

Brexit poses significant challenges to the rights of children across the UK, particularly in Northern Ireland. As the only UK nation sharing a land border with the European Union, with a history of conflict related to this border, it is vital to minimise Brexit's impact on all people in Northern Ireland and the Republic of Ireland. There are significant concerns about Brexit's implications for the Good Friday Agreement,<sup>2</sup> peace and stability, and a possible "hard border" between Northern Ireland and the Republic of Ireland, which would affect access to services provided island-wide, including free movement of goods and freedom of movement.

In 2019, there were approximately 12 million children in England, 450,000 in Northern Ireland, 1 million in Scotland and 600,000 in Wales.<sup>3</sup>

Despite encouraging developments in child rights-focused policy and legislation since the last review, the benefits have not been universally felt across the UK. Implementation of the UNCRC remains slow and disjointed and deep and persistent inequalities remain and have increased in some areas, including child poverty and mental health.

## GENERAL MEASURES OF IMPLEMENTATION

### 1. Incorporation of the UNCRC into domestic law and failure to ratify the third Optional Protocol

*Arts. 3, 4, 6, 12, OP3*

**The UK** ratified the UNCRC in 1991. Despite the recommendations of the UN Committee on the Rights of the Child (Committee), the UNCRC has not been incorporated into domestic legislation and remains nonjusticiable in UK courts. Despite the Committee's recommendations,<sup>4</sup> the UK has not ratified the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure.

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<sup>1</sup> Northern Ireland Office, 2020, *New Decade, New Approach* [viewed 04.12.20]. Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/856998/2020-01-08\\_a\\_new\\_decade\\_a\\_new\\_approach.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/856998/2020-01-08_a_new_decade_a_new_approach.pdf)

<sup>2</sup> The Good Friday Agreement, part of the Northern Ireland peace process, was signed on 10 April 1998, ending conflict in Northern Ireland, and establishing its devolved system of government. It also established institutions between Northern Ireland and the Republic of Ireland and between the Republic of Ireland and the UK.

<sup>3</sup> Office for National Statistics (ONS), 2020, *Population estimates for the UK, England and Wales, Scotland and Northern Ireland: Mid-2019: April 2020 local authority district codes edition of this dataset* [viewed 4 December 2020]. Available from:

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland>

<sup>4</sup> CRC/C/GBR/CO/5, 88.

In September 2020, the **Scottish government** introduced the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill<sup>5</sup> to directly incorporate the UNCRC into Scots law. It is expected to pass in early 2021. We welcome the maximalist approach adopted, however, it is not possible to incorporate rights reserved to the UK Parliament. The Scottish government has committed to incorporate other human rights treaties into domestic law and established a National Taskforce for Human Rights Leadership to create a broader statutory human rights framework.<sup>6</sup>

In **Wales**, ministers have a due regard duty to the UNCRC under the Rights of Children and Young Persons (Wales) Measure 2011<sup>7</sup> but there is no due regard duty on public bodies. Due regard does not equal incorporation as it does not give the Convention superior status over policy.<sup>8</sup>

In **England** and **Northern Ireland**, there is no legal requirement on government ministers to have due regard to the UNCRC, and no notable movement has been made to introduce the UNCRC into domestic law. The *New Decade, New Approach* agreement established the **Northern Ireland Assembly Committee** to examine the creation of a Bill of Rights.<sup>9</sup> Full incorporation of the UNCRC must be included in this Bill.

An Incorporation Bill should be accompanied by adequate training and resources for implementation.

## Questions for State Party

- **What steps have been taken to incorporate the UNCRC adopting a maximalist approach in terms of application and justiciability into domestic legislation in England, Northern Ireland and Wales?**
- **What is the status of the Northern Irish Bill of Rights and will it fully incorporate the UNCRC?**
- **What is the status of the UN Convention on the Rights of the Child (Incorporation) (Scotland) Bill and the broader human rights framework in Scotland, and what difference have they made to the implementation of rights?**
- **When will the UK ratify the Third Optional Protocol on a Communications Procedure?**

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<sup>5</sup> *United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill* [viewed 04.12.20]. Available from: <https://beta.parliament.scot/bills/united-nations-convention-on-the-rights-of-the-child-incorporation-scotland-bill>.

<sup>6</sup> Scottish Government, 2020, *National Taskforce for Human Rights Leadership* [viewed 04.12.20]. Available from: <https://www.gov.scot/groups/national-taskforce-for-human-rights-leadership/>

<sup>7</sup> *Rights of Children and Young Persons (Wales) Measure 2011* [viewed 04.12.20]. Available from: <https://www.legislation.gov.uk/mwa/2011/2/contents>

<sup>8</sup> HOFFMAN, S and O'NEILL, S., 2018, *The Impact of Legal Integration of the UN Convention on the Rights of the Child in Wales*, Equality and Human Rights Commission (EHRC) [viewed 04.12.20.] Available from: [https://www.equalityhumanrights.com/sites/default/files/the\\_impact\\_of\\_legal\\_integration\\_of\\_the\\_un\\_convention\\_on\\_the\\_rights\\_of\\_the\\_child\\_in\\_wales\\_eng.pdf](https://www.equalityhumanrights.com/sites/default/files/the_impact_of_legal_integration_of_the_un_convention_on_the_rights_of_the_child_in_wales_eng.pdf)

<sup>9</sup> Northern Ireland Office, 2020, *New Decade, New Approach*, p. 28.

- **How will governments ensure there are robust processes for embedding the UNCRC into new and amended legislation, policies and practices?**

## **2. Children’s rights and interests not prioritised in decision-making**

**Arts. 2, 3, 12, 24, 28, 29**

The **UK** government does not prioritise children’s rights or voices in policy or legislative processes. There is a lack, inconsistent or incorrect use of, and/or poor quality of Child Rights Impact Assessments (CRIA) in **all jurisdictions**. There is limited involvement of children and child rights training. CRIAs are often undertaken retrospectively, meaning any assessed negative impact cannot be addressed in advance. The quality of some CRIAs is concerning, often with no analysis of available options, no justification of selected options, no mitigation measures, and their impact on ministerial decisions is unclear.

The **Welsh government** must complete CRIAs on legislative changes and policy decisions under a published Children’s Rights Scheme,<sup>10</sup> and state how they will achieve their duties. This has not been updated since 2014.<sup>11</sup> They have recently committed to publishing all CRIAs online.<sup>12</sup> The process for monitoring outcomes is unclear.

In **Northern Ireland**, all statutory departments and agencies are required to work with each other and other organisations to improve children’s well-being on eight measures in accordance with the UNCRC.<sup>13</sup> A 2019 draft strategy is under consideration by the Executive, and a Delivery plan is underway but not published. CRIAs are not undertaken when developing government policy or legislation, except for the Looked After Children Strategy.<sup>14</sup>

In **England**, whilst there is now a priority for children to be in school, the initial pandemic response overlooked children’s needs, re-opening hospitality and shops first. We welcome the creation of a CRIA template.<sup>15</sup>

There is no clear screening for CRIAs across government and no systematic process of Child Rights Impact Evaluations (CRIE) in **Scotland**. However, there is provision within the UNCRC Incorporation Bill, which will require strategic use of CRIAs.<sup>16</sup>

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<sup>10</sup> *Rights of Children and Young Persons (Wales) Measure 2011*.

<sup>11</sup> Welsh Government, 2014, *Children’s Rights Scheme 2014* [viewed 04.12.20]. Available from: <https://senedd.wales/Laid%20Documents/GEN-LD9732%20-%20Children's%20Rights%20Scheme%202014-22042014-255569/gen-ld9732-e-English.pdf>

<sup>12</sup> Welsh Government, 2020, *Written Response by the Welsh Government to the Report of the Children, Young People and Education Committee Entitled Children’s Rights in Wales* [viewed 04.12.20]. Available from: <https://business.senedd.wales/documents/s105741/Welsh%20Government%20response%20-%202023%20September%202020.pdf>

<sup>13</sup> *Children’s Services Co-operation Act (Northern Ireland) 2015* [viewed 04.12.20]. Available from: <https://www.legislation.gov.uk/nia/2015/10/contents>

<sup>14</sup> Department of Education, 2018, *Strategy for Looked After Children: Improving Children’s Lives* [viewed 04.12.20]. Available from: <https://www.education-ni.gov.uk/consultations/strategy-looked-after-children-improving-childrens-lives>.

<sup>15</sup> UK Parliament, 2018, *Written Ministerial Statement for Universal Children’s Day* [viewed 04.12.20]. Available from: <https://questions-statements.parliament.uk/written-statements/detail/2018-11-20/HCWS1093>

<sup>16</sup> Scottish Government, 2020, *Child rights and wellbeing impact assessments: list* [viewed 04.12.20]. Available from: <https://www.gov.scot/publications/child-rights-and-wellbeing-impact-assessments-list/>

CRIAs should be routinely undertaken and published on all legislative and policy decisions affecting children. Children should be consulted throughout. Governments should refer to the European Network of Ombudspersons for Children's (ENOC) statement on CRIAs and common framework for their use.<sup>17</sup>

## Questions for State Party

- **What steps are being taken to introduce a statutory obligation across governments to systematically conduct a CRIA when developing laws and policies affecting children and a CRIE to evaluate the effects? Please explain how children's views will be included in these processes.**
- **How will the UK and devolved governments effectively resource and deliver children's rights training and promote the use of tools such as CRIAs and CRIEs across governments at all levels so civil servants know and understand how to apply a child rights approach routinely in the policy-making process?**
- **Is there an Executive-endorsed Children and Young People's Strategy and Delivery Plan to deliver on children's rights, focusing on those most at risk, in Northern Ireland?**

### **3. Inadequate resource allocation and no transparency in budgeting**

*Arts. 2, 3, 4, 31, 28, 29, 24, 23*

Across **the UK**, there is a lack of transparency and clarity in budget processes, allocations, and expenditure concerning children. The absence of a child rights approach to national and local budgeting makes it difficult to identify how much funding is allocated to children, particularly when multiple budgets are involved, or to assess the effectiveness of resource allocation, hold bodies accountable; or evaluate the impacts on children's services.

Prior to the pandemic, children's statutory services in **England** faced a £3 billion<sup>18</sup> shortfall.<sup>19</sup> Meeting the needs of all children in vulnerable situations would cost approximately £10 billion.<sup>20</sup> Securing investment has been challenging due to austerity, an absence of national data on childhood vulnerability, children's outcomes, and expenditure on children's services.

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<sup>17</sup> European Network of Ombudspersons for Children (ENOC), 2020, *Position Statement on "Child Rights Impact Assessment" (CRIA)* [viewed 04.12.20]. Available from: <http://enoc.eu/wp-content/uploads/2020/11/ENOC-2020-Position-Statement-on-CRIA-FV-1.pdf>; *Common Framework of Reference on Child Rights Impact Assessments, A Guide on How to Carry Out CRIA* [viewed 04.12.20]. Available from: <http://enoc.eu/wp-content/uploads/2020/12/ENOC-Common-Framework-of-Reference-FV.pdf>

<sup>18</sup> Approximately 3,940,830,000 USD (November 2020).

<sup>19</sup> Local Government Association, 2018, *Local Government Association Briefing Chancellor's Budget* [viewed 04.12.20]. Available from: <https://www.local.gov.uk/sites/default/files/documents/Budget%202018%20-%20LGA%20briefing.pdf>

<sup>20</sup> Approximately 13,134,900,000 USD (November 2020) CCE, 2019, *A Manifesto for Children Budget* [viewed 04.12.20]. Available from: <https://www.childrenscommissioner.gov.uk/report/a-manifesto-for-children/>

In **Scotland**, budget cuts leading to the closure or reduced availability of local authority services-including libraries and recreation facilities have negatively affected children’s rights. Contracting out public services, including in schools, results in limited accountability and transparency.<sup>21</sup>

In **Northern Ireland**, a lack of transparency in resource allocation to children’s services and budget cuts are increasingly affecting the availability of children’s services, particularly education, health and social care.<sup>22</sup>

The **Welsh government** has cut budget lines where a detailed CRIA would have identified the child rights impact, for example, uniform grants and funding for disadvantaged learners. While these were later overturned, it is concerning that these situations occur.<sup>23</sup>

The UK and devolved governments must undertake child rights-based budgeting, including CRIAs, and ensure transparent resource allocation to children’s services. Budget documentation should be clear and publicly available. Services should be evaluated to determine their effectiveness allowing governments to demonstrate they are allocating funding for children’s services to the maximum extent of available resources.

## Questions for State Party

- **How will the UK and devolved governments transparently and regularly measure resource allocation for children’s rights in budgets and assess the impact of expenditure for children in line with the UNCRC?**
- **How much has been allocated to children over each of the past four years?**
- **Please provide information on measures to ensure that children’s services are adequately funded, particularly for children and families in vulnerable situations.**

### **4. Insufficient data collection, disaggregation, and analysis**

*Arts. 2, 3, 4, 23, 24, 28, 29*

There is a lack of coherent, consistent, transparent, and systematic, disaggregated data collection concerning children across **all jurisdictions**, making it difficult to monitor and measure children’s needs and assess the fulfilment of their rights.

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<sup>21</sup> Joseph Rowntree Foundation, 2015, *The Cost of the Cuts: The Impact on Local Government and Poorer Communities* [viewed 07.12.2020]. Available from:

<https://www.jrf.org.uk/sites/default/files/jrf/migrated/files/Summary-Final.pdf>

<sup>22</sup> NICCY, 2018, *A Rights Based Review of Mental Health Services and Support for Children and Young People: Still Waiting* [viewed 06.12.20]. Available from: <https://www.niccy.org/StillWaiting>

<sup>23</sup> CCFW, 2019, *Evidence to the Children, Young People and Education Committee’s Inquiry into Children’s Rights in Wales* [viewed 06.12.20]. Available from:

<https://business.senedd.wales/documents/s94615/CRW%2011%20Childrens%20Commissioner%20for%20Wales.pdf>

The **Scottish** public sector’s data reporting duties have been developed in an *ad hoc* manner over many years and are inconsistent. There is no reliable data on disabled children. Data on children with Additional Support Needs (ASNs) is published but not fully disaggregated.

The **Northern Irish** 2019 Children and Young People’s Strategy includes information-sharing, monitoring, and evaluation processes.<sup>24</sup> Delays in finalising the Strategy and associated indicators resulted in an absence of robust data regarding UNCRC rights and gaps in children’s services: particularly mental health services<sup>25</sup> and Special Educational Needs (SEN) provision in mainstream schools.<sup>26</sup> This makes it difficult to identify provision gaps and the impact of existing services on outcomes.

In **England**, there is no comprehensive official data on childhood vulnerability,<sup>27</sup> services to support children or children’s outcomes, limiting the State’s ability to identify and support children. There is no systematic approach to identify children falling behind in the early years and secure necessary support.<sup>28</sup>

In **Wales**, there is neither joined-up nor disaggregated data for expenditure on children’s mental health services beyond specialist services. There is a lack of Wales-only disaggregated data for child mortality by ethnicity; disabled children;<sup>29</sup> school bullying; the prevalence of mental illness amongst children; and the well-being of children in custodial institutions; among others.<sup>30</sup>

In **all jurisdictions**, the pandemic has revealed significant and concerning data gaps, making it challenging to assess the impact on children of the pandemic and State responses.

## Questions for State Party

- **How will the UK and devolved governments develop a comprehensive child rights data collection and evaluation system, including measurable child rights indicators, generating high-quality, disaggregated data?**
- **How will this data be shared across all relevant departments and agencies to ensure children’s needs, vulnerabilities, and outcomes can be properly tracked so that child rights obligations can be fulfilled?**

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<sup>24</sup> Department of Education Northern Ireland, 2019, *Children and Young People’s Strategy 2019-29* [viewed 06.12.20]. Available from: <https://www.education-ni.gov.uk/publications/children-and-young-peoples-strategy-2019-2029>

<sup>25</sup> NICCY, 2018, *A Rights Based Review of Mental Health Services and Support for Children and Young People: Still Waiting*.

<sup>26</sup> NICCY, 2020, *‘Too Little, Too Late,’ A Rights Based Review of Special Educational Needs Provision in Mainstream Schools* [viewed 06.12.20]. Available from: <https://www.niccy.org/senreviewreports>

<sup>27</sup> The CCE’s index of risks faced by children is the only comprehensive measure of childhood vulnerability.

<sup>28</sup> See CCE, *CHLDRN: Childhood Local Data on Risks and Needs* [viewed 06.12.20]. Available from: <https://www.childrenscommissioner.gov.uk/chldrn/>

<sup>29</sup> With the exception of education and attainment.

<sup>30</sup> BARRANCE, R., 2019, *The Human Rights of Children in Wales: An Evidence Review*, Wales Institute for Social and Economic Research, Data and Methods [viewed 06.12.20]. Available from: [https://www.childcomwales.org.uk/wp-content/uploads/2019/06/EvidenceReview\\_ENG\\_060619.pdf](https://www.childcomwales.org.uk/wp-content/uploads/2019/06/EvidenceReview_ENG_060619.pdf)

## 5. Independence of Children's Commissioners

In **Northern Ireland**, two external reviews of the Commissioner's legislation have identified critical constraints that restrict the Commissioner's ability to fully exercise their legal powers. The Executive has not yet implemented any of these recommendations.

The **CCE** is answerable to Parliament, sets their own business plan and allocates their resources. However, the **CCE** and the **CCFW** are funded by government and not Parliament, even though part of their role is to hold their respective governments accountable. The **Welsh Parliament** has recommended the Commissioner be funded by Parliament to be compliant with Paris Principles.<sup>31</sup>

The **CYPCS** is funded by and reports to Parliament.

## Questions for State Party

- **What consideration has been given to the recommendations from the reviews of NICCY's legislation?**
- **What steps have been taken to transfer the responsibility for the functioning of the CCFW's and the CCE's offices to their respective Parliaments?**
- **What steps will be taken to improve the Commissioners' independence, particularly regarding budget-setting?**

## GENERAL PRINCIPLES

### 6. Insufficient protection means children continue to experience discrimination

*Arts. 2, 3, 15, 19, 31*

Children across **the UK** continue to face multiple forms of discrimination. There are concerning public narratives about "young people" and Covid-19 restrictions, echoing earlier discourse and measures around anti-social behaviour.<sup>32</sup>

In 2012, the **Northern Ireland** Executive announced that the Age Discrimination (Goods and Facilities and Services) Bill would apply only to persons over 16. Despite NICCY's successful complaint to the Equality Commission for Northern Ireland,<sup>33</sup> no changes have been announced. The *New Decade, New Approach* agreement commits to the introduction of the Bill, but there has been no announcement on whether the remit now includes children under 16.<sup>34</sup>

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<sup>31</sup> Welsh Parliament, 2020, *Children's Rights in Wales: Report of the Children, Young People and Education Committee* [viewed 06.12.20]. Available from: <https://senedd.wales/laid%20documents/cr-ld13405-r/cr-ld13405-r-e.pdf>

<sup>32</sup> CRC/C/GBR/CO/5, 37.

<sup>33</sup> NICCY, 2017, *GFS (Goods Facilities and Services Anti-discrimination Legislation)* [viewed 06.12.20]. Available from: <https://www.niccy.org/children-and-young-people/issues-that-affect-you/gfs-goods-facilities-and-services-anti-discrimination-legislation/>

<sup>34</sup> Northern Ireland Office, 2020, *New Decade, New Approach*.

Despite the Committee's recommendations,<sup>35</sup> mosquito devices<sup>36</sup> are still used to deter children from gathering in public. The **Scottish** government has not used its available powers, or sought additional powers, to introduce a ban, nor has the **UK government**.

In some areas of **Scots law**, a 'child' is defined as someone under 16, which means some child protection and mental health safeguards do not apply to 16- and 17-year-olds in some settings. Under the UK-wide Coronavirus Act 2020,<sup>37</sup> 16- and 17-year-old Scottish children are at risk of being charged, arrested, detained and convicted of criminal offences and may be liable for up to one year's imprisonment.

In **Wales**, schools often do not act responsively enough on student reporting of racism.<sup>38</sup> Embedding anti-racist education in the new curriculum, monitoring through school inspections, and addressing the lack of Black, Asian and Minority Ethnic (BAME) educators are necessary steps to eliminate racial discrimination.<sup>39</sup> The 2019 statutory anti-bullying guidance<sup>40</sup> must be implemented. Disabled children face direct and structural barriers to equality, including a lack of accessible infrastructure.<sup>41</sup> Under the Equality Act 2010,<sup>42</sup> local authorities must have and implement an accessibility strategy.

In **England**, children from BAME backgrounds face numerous inequalities.<sup>43</sup> Those in Asian, Black and 'Other' households are disproportionately affected by persistent poverty and overcrowding.<sup>44</sup> Black Caribbean pupils are three times as likely to be permanently excluded than White British pupils and twice as likely to receive a fixed period exclusion than White British pupils.<sup>45</sup> Gypsy, Roma, or Irish Traveller pupils have the lowest attainment and progress, and are least likely to stay in education after 16. Among LGBTQ+ children, stigma, prejudice and discrimination are associated with low self-esteem, loneliness and suicidal ideation.<sup>46</sup>

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<sup>35</sup> CYPCS, 2020, *Mosquito devices* [viewed 06.12.20]. Available from: <https://cypcs.org.uk/positions/mosquito-devices/#what-should-the-scottish-government-do-to-outlaw-mosquito-device>; CRC/C/GBR/CO/5, 37 (a).

<sup>36</sup> Electronic 'anti-loitering devices' that emit a high-pitched buzzing sound at frequencies only children can hear.

<sup>37</sup> *Coronavirus Act 2020* [viewed 06.12.20]. Available from: <https://www.legislation.gov.uk/ukpga/2020/7/enacted>

<sup>38</sup> Ethnic Minorities & Youth Support Team Wales, 2018, *Experiences of Racism and 'Race' in Schools in Wales* [viewed 06.12.20]. Available from: [://eyst.org.uk/assets/experiences-of-racism-and-race-in-schools-in-wales.pdf](http://eyst.org.uk/assets/experiences-of-racism-and-race-in-schools-in-wales.pdf)

<sup>39</sup> Show Racism the Red Card Wales, 2020, *Racism in Wales? Exploring Prejudice in the Welsh Education System* [viewed 06.12.20]. Available from:

<https://static1.squarespace.com/static/574451fe37013bd0515647ac/t/5ed659aa1288d943ddd2a784/1591106007132/Racism+in+Wales+-+Exploring+racism+the+Education+system+May+2020+%28F%29.pdf>

<sup>40</sup> Welsh Government, 2019, *Rights, Respect, Equality* [viewed 06.12.20]. Available from:

<https://gov.wales/school-bullying>

<sup>41</sup> CCFW, 2018, *Full Lives – Equal Access: A Follow Up Report on Wheelchair Accessibility in Schools in Wales* [viewed 06.12.20]. Available from: <https://www.childcomwales.org.uk/wp-content/uploads/2018/03/Full-Lives-Equal-Access.pdf>

<sup>42</sup> *Equality Act 2010* [viewed 06.12.20]. Available from: <https://www.legislation.gov.uk/ukpga/2010/15/contents>

<sup>43</sup> Cabinet Office, 2018, *Race Disparity Audit Summary Findings from the Ethnicity Facts and*

*Figures website* [viewed 04.12.20]. Available from:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/686071/Revised\\_RDA\\_report\\_March\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/686071/Revised_RDA_report_March_2018.pdf)

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*

<sup>46</sup> WILLIAMS A.J., ARCELUS J., TOWNSEND E., and MICHAEL M., 2019, *Examining Risk Factors for Self-Harm and Suicide in LGBTQ+ Young People: a Systematic Review Protocol*, *BMJ Open*, Nov 1;9(11) [viewed 04.12.20]. Available from: <https://bmjopen.bmj.com/content/9/11/e031541>

## Questions for State Party

- **Please provide information on measures to address discrimination based on age, ethnicity, sexual orientation or gender identity, disability, and other grounds in different settings, including education.**
- **How will the Welsh government support schools to provide an anti-racist education and reasonable accommodation to children and young people in schools so that all children can attend on an equal basis?**
- **Has the Northern Ireland Executive progressed an Age Discrimination, Goods, Facilities and Services) Bill that provides protection for all children under 18?**
- **Will the UK or devolved administrations ban mosquito devices?**

### **7. Inadequate participation of children and young people in decision-making**

*Arts. 2, 12, 13, 15, 19*

Children's right to be heard and involved in decision-making processes **across all jurisdictions** is being denied without comprehensive implementation in law and practice. Consultations and documentation must be accessible and child-friendly, and authorities must engage actively and meaningfully with children. Children's views are often not heard in complaints and appeals processes, e.g., exam appeals and education tribunals. Government must prioritise child participation by establishing appropriate structures, mechanisms, guidance, and provide training for meaningful participation in the development of policies, strategies, legislation, service delivery, and monitoring.

#### *Civic participation*

In **Scotland** and **Wales**, the voting age is 16 for devolved Parliament and local government elections.<sup>47</sup> The voting age for UK general elections remains 18. It should be lowered to 16.

**Scotland** established its Youth Parliament in 1999.<sup>48</sup> **Wales** established its Youth Parliament<sup>49</sup> in 2018. **Northern Ireland** announced in 2020 that a Youth Assembly will be established.<sup>50</sup>

#### *Education and other settings*

In **England**, children engage through the Youth Parliament, school mechanisms, and the NHS Youth Forum. However, meaningful engagement with, and representation of children in decision-making is lacking, particularly for care-experienced children. Children must be integral to the upcoming Care Review and able to access high-quality advocacy.

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<sup>47</sup> *Scottish Elections (Reduction of Voting Age) Act 2015*. Available from:

<https://www.legislation.gov.uk/asp/2015/7/contents/enacted>; *Senedd and Elections (Wales) Act 2020*. Available from: <https://www.legislation.gov.uk/anaw/2020/1/contents/enacted> [both viewed 06.12.20].

<sup>48</sup> Scottish Youth Parliament, 2020, *Our Story* [viewed 06.12.20]. Available from: <https://syp.org.uk/about-syp/our-story/>. In Scotland, the Government meets annually meeting with Youth Parliament representatives.

<sup>49</sup> Senedd Ieuentid Cymru, 2020 [viewed 06.12.20]. Available from: <https://www.youthparliament.wales/>. It has plenary debates and committee sessions; set a work plan; produced reports; and scrutinised Government Ministers.

<sup>50</sup> Northern Ireland Assembly, 2020, *Welcome to the Youth Assembly* [viewed 06.12.20]. Available from: <http://www.niassembly.gov.uk/visit-and-learning/youth-assembly-2020/>

In **Scotland**, children’s participation in decision-making in legal and administrative hearings requires proper support from independent advocacy and, where appropriate, legal aid to ensure their views can be heard. Whilst the Children (Scotland) Act 2020 ensures children’s views in family law proceedings are in line with the UNCRC, appropriate training for professionals and the provision of support, advice, and advocacy for children is needed for implementation.<sup>51</sup>

In **Northern Ireland**, there has been progress in developing structures to mainstream children’s voices in decision-making processes, including the Department for Education’s Participation in Decision-Making initiative, currently under development. However, there is no explicit national policy that requires, mandates, or makes obligatory the involvement of children in decisions concerning them.

In **Wales**, a 2018 survey of 6,392 children found limited participation in school decisions, including school councils,<sup>52</sup> despite the legislative framework supporting children’s participation in their local area, within and beyond school.<sup>53</sup> Many public bodies, including health boards, have established youth participation mechanisms.

## Questions for State Party

- **How will the UK government ensure 16- and 17-year-olds can vote by the next General Election?**
- **What steps will the UK and devolved administrations take to bring children and their interests to the heart of decision-making, including those most at risk of not being heard, and enshrine their right to participate in law through incorporation of the UNCRC?**
- **How will the UK and devolved administrations improve their engagement with children and young people, including by establishing appropriate structures, mechanisms, and guidance, producing child-friendly, accessible versions of consultation documents, child-friendly complaints mechanisms, and training personnel?**

## CIVIL RIGHTS AND FREEDOMS

8. **Respect of children's privacy rights and protection from harm in the digital environment**  
*Arts. 2, 3, 12, 13, 16, 19, 24, 28, 29*

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<sup>51</sup> CYPCS, 2019, *Evidence Submission: Justice Committee Call for Views on the Children (Scotland) Bill* [viewed 06.12.20]. Available from: <https://cypcs.org.uk/get-help/i-work-to-change-things/our-policy-work/evidence-submission-justice-committee-call-for-views-on-the-children-scotland-bill/>

<sup>52</sup> CCFW, 2018, *The Right Way Education Survey 2018* [viewed 06.12.20]. Available from: <https://www.childcomwales.org.uk/wp-content/uploads/2018/10/Childrens-Rights-Survey.pdf>

<sup>53</sup> Welsh Government, 2018, *Children and Young People's National Participation Standards*. Available from: <https://gov.wales/children-and-young-peoples-national-participation-standards>; *Children and Families (Wales) Measure 2010* Available from: <https://www.legislation.gov.uk/mwa/2010/1/contents> [both viewed 06.12.20].

Access to the digital environment is essential, though also poses risks to children across **the UK** including sexual abuse and exploitation, inappropriate material, in-app spending, gambling, lack of data privacy, bullying, and peer pressure.

The Age Appropriate Design Code, rooted in the UNCRC, came into force in September 2020.<sup>54</sup> Its implementation must be a priority.

The **UK** government's white paper<sup>55</sup> detailed plans for Online Harms legislation, but has been repeatedly delayed. This legislation must give companies providing online services a legal responsibility to keep users safe, forcing companies to remove harmful material quickly, and imposing sanctions for non-compliance.

Key areas for response across **all jurisdictions** include through the education system, in learning about online privacy and child protection. Governments should implement recommendations from ENOC's statement on "Children's Rights in the Digital Environment,"<sup>56</sup> involve children as active participants, ensure equal access to the digital environment, and protect children from harm by promoting children's rights online in accordance with the Council of Europe's 2018 Guidelines.<sup>57</sup>

## Questions for State Party

- **What measures are being taken to introduce Online Harms legislation to protect children online without further delay?**
- **What steps are being taken to ensure the full implementation of the Age Appropriate Code?**
- **What measures are being taken to ensure the protection of children from harm in the digital environment, including their right to privacy, investment in educational measures, data collection and protection, child protection measures, regulation of online activities, and development of a child rights-based online safety strategy?**
- **How will the UK and devolved governments involve children as participants in work on protection from harm in the digital environment and use peer-led approaches?**

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<sup>54</sup> Information Commissioner's Office, 2020, *Age Appropriate Design: a Code of Practice for Online Services* [viewed 06.12.20]. Available from: <https://ico.org.uk/media/for-organisations/guide-to-data-protection/key-data-protection-themes/age-appropriate-design-a-code-of-practice-for-online-services-2-1.pdf>

<sup>55</sup> Department for Digital, Culture, Media and Sport and Home Office, 2019, *Online Harms White Paper* [viewed 06.12.20]. Available from: <https://www.gov.uk/government/consultations/online-harms-white-paper>

<sup>56</sup> ENOC, 2019, *Position Statement on "Children's Rights in the Digital Environment"* [viewed 06.12.20]. Available from: <http://enoc.eu/wp-content/uploads/2019/10/ENOC-2019-Statement-on-Childrens-Rights-in-the-Digital-Environment.pdf>

<sup>57</sup> Council of Europe, 2018, *Guidelines to Respect, Protect and Fulfil the Rights of the Child in the Digital Environment*, Recommendation CM/Rec(2018)7 of the Committee of Ministers [viewed 06.12.20]. Available from: <https://edoc.coe.int/en/children-and-the-internet/7921-guidelines-to-respect-protect-and-fulfil-the-rights-of-the-child-in-the-digital-environment-recommendation-cmrec20187-of-the-committee-of-ministers.html>

## VIOLENCE AGAINST CHILDREN

### 9. Overuse of restraint and seclusion in all settings

*Arts. 2, 3, 12, 19, 28, 29, 24, 37*

Across **the UK**, isolation, seclusion and restraint<sup>58</sup> are used in education, care, mental health, and detention settings, sometimes as a disciplinary measure for low-level incidents and sometimes resulting in injuries. Restraint should only be used as a last resort with any use proportionate, properly recorded and reviewed. Inaccurate and/or inconsistent reporting on restraint methods and practices renders it difficult to establish the extent of such use.

In **England**, restraint in education settings and Young Offenders Institutions (YOIs) is permitted to maintain good order and discipline, rather than keep children safe. This must be urgently addressed.

In **Wales**, local authorities' data collection on isolation/seclusion techniques is varied. The government has consulted on a draft framework for reducing restrictive practices in childcare, education, health and social care settings, which includes data collection guidance.<sup>59</sup>

In **Northern Ireland**, a lack of mandatory recording of restrictive intervention and seclusion masks the scale. This must be urgently addressed with updated guidance and training. Pupils with SEN are particularly vulnerable to such practices, which are also used for low-level disciplinary incidents and/or infringements of school rules such as uniform breaches.<sup>60</sup> More positive and proportionate approaches to behaviour management, including therapeutic interventions, are required in mainstream settings.<sup>61</sup>

In **Scotland**, restraint is sometimes used as an inappropriate response to distressed children's behaviour.<sup>62</sup> Local authority policies and practices are inconsistent, failing to recognise children's rights. Restraint and seclusion are disproportionately used against disabled children.<sup>63</sup> Many children have struggled to achieve justice as their accounts and interviews were not used by police or child protection authorities because of their age and/or disabilities.<sup>64</sup>

## Questions for State Party

- **What actions will the UK and devolved governments take to address restraint, including pain-inducing restraint where it still applies, and isolation/seclusion practices in all settings and ensure that restraint is used only as a last resort?**

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<sup>58</sup> Including pain-inducing restraint in some settings.

<sup>59</sup> Welsh Government, 2019, *Consultation Document: Reducing Restrictive Practices Framework* [viewed 06.12.20]. Available from: <https://gov.wales/sites/default/files/consultations/2019-10/consultation-document-reducing-restrictive-practices-framework.pdf>

<sup>60</sup> Evidence from NICCY's Legal and Investigations casework.

<sup>61</sup> NICCY, 2020, *'Too Little, Too Late,' A Rights Based Review of Special Educational Needs Provision in Mainstream Schools*.

<sup>62</sup> Who Cares? Scotland, 2019, *Children (Equal Protection from Assault) (Scotland) Bill: Supplementary Evidence on Restraint Framework* [viewed 11.12.20]. Available from: <https://www.whocaresScotland.org/wp-content/uploads/2019/02/WCS-Supplementary-Evidence-on-Restraint.pdf>

<sup>63</sup> CYPCS, 2018, *No Safe Place: Restraint and Seclusion in Scotland's Schools* [viewed 09.12.20]. Available from: <https://www.cypcs.org.uk/ufiles/No-Safe-Place.pdf>, p.18

<sup>64</sup> *Ibid.*, p.12.

- **Please provide information on measures to introduce comprehensive guidance on limiting use of isolation, exclusion, seclusion, and restraint and restrictive practices unless a child is at risk of immediate harm. This information requires consistent national recording, reporting, monitoring and reviewing of all incidents across health, justice, social care, residential and education settings as well as training for all staff working directly with children. Please provide all data available since 2016.**
- **What steps are being taken to eliminate the use of solitary confinement of any length for children?**

#### **10. Equal protection from assault needed UK-wide**

*Arts. 2, 3, 19, 36*

Since 2016,<sup>65</sup> legal reform has been secured in **Scotland** through the Children (Equal Protection from Assault) (Scotland) Act 2019<sup>66</sup> and **Wales** through the Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020.<sup>67</sup> Both governments must prioritise strong implementation and support focused on positive parenting.

In **England**<sup>68</sup> and **Northern Ireland**<sup>69</sup> the reasonable punishment defence for assaulting children still exists in law. The governments should remove this defence.

#### **Questions for State Party**

- **What measures are being taken regarding the implementation and communication of the new legislation in Scotland and Wales?**
- **Will the UK and Northern Ireland governments commit to removing the defence of “reasonable punishment” in legislation, and providing positive parenting information and support in implementation?**

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<sup>65</sup> CRC/C/GBR/CO/5, para. 41.

<sup>66</sup> *Children (Equal Protection from Assault) (Scotland) Act 2019* [viewed 06.12.20]. Available from: <https://www.legislation.gov.uk/asp/2019/16/enacted>. Entered into force on November 7, 2020.

<sup>67</sup> *Welsh Parliament (2020) Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020* [viewed 06.12.20]. Available from: <https://www.legislation.gov.uk/anaw/2020/3/contents/enacted>. Enters into force March 2022.

<sup>68</sup> Section 58 of the *Children Act 2004* limits reasonable punishment so that it is not a defence for serious harm to children but provides a “reasonable punishment” defence for parents, grandparents, nannies, and babysitters etc. to a charge of common assault/battery. [Viewed 06.12.20]. Available from: <https://www.legislation.gov.uk/ukpga/2004/31/section/58>

<sup>69</sup> The law regarding physical punishment was reformed to restrict the defence of “reasonable punishment” or “reasonable chastisement” in the *Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006*. However, the defence remains available to parents in certain circumstances regarding common assault [viewed 06.12.20]. Available from: <https://www.legislation.gov.uk/nisi/2006/1945/contents>

## **11. Child-centred support for children affected by sexual abuse**

*Arts. 2, 3, 19, 34, 35, OP2*

In **Scotland**, implementation of the Barnahus model<sup>70</sup> continues with a pilot under development. It must be available to all children affected by sexual abuse up to 18. 16- and 17-year-olds must not be treated as adults and ineligible for this support.

In **England**, most children who experience sexual abuse are not identified or supported. For those children who are, the investigative process, including significant delays in bringing cases to trial, are often traumatic. A London facility based on Barnahus--The Lighthouse--was established by voluntary and public sector organisations as a safe space for children affected by sexual abuse or exploitation.<sup>71</sup>

There is no Barnahus equivalent in **Northern Ireland** or **Wales**.

Under a 2019 National Action Plan,<sup>72</sup> regional safeguarding boards in **Wales** must review available therapeutic support for children to identify and address provision gaps. Current and planned Sexual Assault Referral Centres for children should follow the Barnahus model and be adequately funded.

The 2019 Review of law and procedures in cases of serious sexual offences in **Northern Ireland** expressed concern regarding the average of 986 days for sexual offences cases involving child victims to reach completion, documenting the inconsistent application of special measures.<sup>73</sup> Pre-recorded cross-examination does not exist, legal personnel have little contact with child victims prior to court, the length and nature of cross-examination often fails to reflect that children are vulnerable witnesses, and procedures can be re-traumatising.<sup>74</sup> The Executive has committed to address the Review's findings, including a recommendation to consider the Barnahus model.<sup>75</sup>

### **Question for State Party**

- **When will the UK and devolved governments introduce the Barnahus, or a similar child-centred model for children affected by sexual abuse, including necessary financial and human resources?**

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<sup>70</sup> The Barnahus model supports implementation of the Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse, which the UK ratified in 2018.

<sup>71</sup> University College London Hospitals, 2020, *The Lighthouse* [viewed 6 December 2020]. Available from: <https://www.uclh.nhs.uk/OurServices/ServiceA-Z/CYPS/lighthouse/Pages/Home.aspx>.

<sup>72</sup> Welsh Government, 2019, *National Action Plan – Preventing and Responding to Child Sexual Abuse* [viewed 06.12.20]. Available from: <https://gov.wales/sites/default/files/publications/2019-07/national-action-plan-preventing-and-responding-to-child-sexual-abuse.pdf>

<sup>73</sup> Gillen Review, 2019, *Report into the Law and Procedures in Serious Sexual Offences in Northern Ireland* [viewed 06.12.20]. Available from: <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/gillen-report-may-2019.pdf>

<sup>74</sup> *Ibid.*, 117; NICCY, 2018, *NICCY's Advice to Sir John Gillen's Review of Sexual Offences Cases* [viewed 06.12.20]. Available from: <https://www.niccy.org/publications/2018/september/07/review-of-sexual-offences-cases/>

<sup>75</sup> Northern Ireland Office, 2020, *New Decade, New Approach*, p. 7.

## **12. Insufficient protection of children and young people at risk of serious violence, coercion and exploitation**

**Arts. 6, 19, 28, 29, 34, 35, 36, 38, 39, OPI, OP2**

### ***Child Sexual Exploitation (CSE)***

Provisions for victims of CSE vary across **Wales**. A more comprehensive data collection system is needed, particularly local authorities' data about 'county lines' exploitation.<sup>76</sup>

**Northern Ireland** should implement the recommendations from the 2014 Independent Inquiry into CSE across the health, social care, policing, justice, and education sectors to more effectively protect and support victims.<sup>77</sup> Not all published CSE Action Plans and Progress Reports have provided a robust framework to implement the Inquiry's findings or demonstrated real improvements.<sup>78</sup>

### ***Violence against Children***

Sexual offences against children increased from 2017/18-2018/19 in **England** and **Wales**.<sup>79</sup> There is no disaggregated data for **Wales**. The **Scottish government** do not indicate for all sexual crimes whether they were committed against a child, for example, recorded rape crimes.<sup>80</sup>

As schools in **Wales** have no duty to follow the Outdoor Education Advisors Panel National Guidance,<sup>81</sup> guidance is needed for schools regarding trips. All schools and colleges must be aware of and under a duty to implement such guidance. Guidance should be thoroughly inspected by Estyn<sup>82</sup> in all schools. Teachers at private schools do not have to register with the Education Workforce Council and private schools do not have to demonstrate compliance with national safeguarding processes. The government must ensure equal protection from exploitation and abuse for children at private schools.

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<sup>76</sup> The Children's Society, 2019, *Counting Lives: Responding to Children who are Criminally Exploited* [viewed 06.12.20]. Available from: <https://www.childrenssociety.org.uk/sites/default/files/2020-10/counting-lives-report.pdf>

<sup>77</sup> Kathleen Marshall, 2014, *Child Sexual Exploitation in Northern Ireland: Report of the Independent Inquiry* [viewed 06.12.20]. Available from: <http://www.cjini.org/getattachment/f094f421-6ae0-4ebd-9cd7-aec04a2cbafa/Child-Sexual-Exploitationin-Northern-Ireland.aspx>

<sup>78</sup> NICCY, 2016, 2017, and 2018 Reviews of CSE Action Plans and Progress Reports are available from: NICCY, 2020, *Child Sexual Exploitation* [viewed 07.12.20] : <https://www.niccy.org/about-us/our-current-work/high-level-corporate-objectives/children-s-right-to-health-protection-from-violence-or-abuse/child-sexual-exploitation-cse/>

<sup>79</sup> ONS, 2020, *Child Sexual Abuse—Appendix tables* [viewed 07.12.20]. Available from: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/childsexualabuseappendixtables>

<sup>80</sup> Scottish Government, 2019, *Recorded Crime in Scotland: 2018-2019* [viewed 07.12.20]. Available from: <https://www.gov.scot/publications/recorded-crime-scotland-2018-19/pages/15/> A National Society for the Prevention of Cruelty to Children (NSPCC) Freedom of Information request to Police Scotland found that there were 5,311 recorded sexual offences against children in 2019/20, including instances of rape, sexual assault and grooming: <https://fn.scot/news/child-sexual-offences-rise-by-a-third-over-five-years>.

<sup>81</sup> Outdoor Education Advisors Panel, 2020, *National Guidance Contents* [viewed 07.12.20]. Available from: <https://oeapng.info/5471-national-guidance-contents/>

<sup>82</sup> The education and training inspectorate

In **England**, despite increased warning signs of gang-related violence, exclusions, and knife crime,<sup>83</sup> children's services have only identified 6,560 of the 34,000 children at highest risk.<sup>84</sup> Services need to be implemented and/or strengthened to protect children from exploitation and violence, including detailed local safeguarding arrangements, better data use, and a focus on children at risk of exploitation by gangs.

Children are recognised in the Domestic Abuse Bill,<sup>85</sup> but it does not acknowledge relationship abuse between children. Intimate relationship abuse between children is not well understood, identified, addressed, or included in the Working Together to Safeguard Children guidance.<sup>86</sup> It must be routinely identified and recorded by police and children's services to tailor responses.

The **Northern Ireland Assembly** is currently considering the Domestic Abuse and Family Proceedings Bill.<sup>87</sup> It must be amended to provide effective and full protections for child victims across civil and criminal law and procedures, ensuring that children engaging in harmful and abusive behaviour receive appropriate and effective interventions.<sup>88</sup>

### *Armed Forces and Non-State Armed Groups*

Despite the Committee's recommendations,<sup>89</sup> the **UK** continues to enlist children in the Armed Forces from 16, and actively recruit 16- and 17-year-olds. They enlist over 2,000 children annually, and target areas of deprivation to recruit young people.<sup>90</sup>

In **Northern Ireland**, paramilitary intimidation, shootings and attacks continue to be perpetrated on children, causing casualties, injuries, and many to become homeless.<sup>91</sup> Young people across different

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<sup>83</sup> Referrals to children's services involving gangs increased 27% from 2017/18-2018/19, permanent exclusions increased 70% in 2018/19 from 2012/13, and hospital admissions for children assaulted with a sharp object rose 57% from 2015/16-2018/19. Department for Education, 2020, *Permanent and Fixed-Period Exclusions in England: 2018 to 2019*. Available from: <https://www.gov.uk/government/statistics/permanent-and-fixed-period-exclusions-in-england-2018-to-2019>; 2019, *Characteristics of Children in Need: 2018 to 2019*. Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/843046/Characteristics\\_of\\_children\\_in\\_need\\_2018\\_to\\_2019\\_main\\_text.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/843046/Characteristics_of_children_in_need_2018_to_2019_main_text.pdf); NHS Digital, 2019, *Hospital Admissions for Assault by Sharp Objects*. Available from: <https://digital.nhs.uk/data-and-information/find-data-and-publications/supplementary-information/2019-supplementary-information-files/ae-attendances/hospital-admissions-for-assault-by-sharp-object>. [All viewed 07.12.20].

<sup>84</sup> CCE, 2019, *Keeping Kids Safe: Improving Safeguarding Responses to Gang Violence and Criminal Exploitation* [viewed 07.12.20]. Available from: <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2019/02/CCO-Gangs.pdf>

<sup>85</sup> UK Parliament, 2020, *Bill Documents — Domestic Abuse Bill 2019-21* [viewed 07.12.20]. Available from: <https://services.parliament.uk/Bills/2019-21/domesticabuse/documents.html>.

<sup>86</sup> UK Government, 2019, *Working Together to Safeguard Children: Statutory Guidance on Inter-Agency Working to Safeguard and Promote the Welfare of Children* [viewed 07.12.20]. Available from: <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>.

<sup>87</sup> *Domestic Abuse and Family Proceedings Bill* [viewed 07.12.20]. Available from: <http://www.niassembly.gov.uk/assembly-business/legislation/2017-2022-mandate/primary-legislation---bills-2017---2022-mandate/domestic-abuse-bill/bill---as-introduced/>

<sup>88</sup> NICCY, 2020, *Domestic Abuse and Family Proceedings Bill* [viewed 07.12.20]. Available from: <https://www.niccy.org/publications/2020/june/04/domestic-abuse-and-family-proceedings-bill/>

<sup>89</sup> CRC/C/GBR/CO/5, 49, 85.

<sup>90</sup> Child Rights International Network, 2019, *Conscription by Poverty? Deprivation and Army Recruitment in the UK* [viewed 07.12.20]. Available from: [https://static1.squarespace.com/static/5afadb22e17ba3eddf90c02f/t/5d5bbf83278b3100018306a4/1566293898095/UK\\_recruitment\\_report\\_final.pdf](https://static1.squarespace.com/static/5afadb22e17ba3eddf90c02f/t/5d5bbf83278b3100018306a4/1566293898095/UK_recruitment_report_final.pdf)

<sup>91</sup> Police Service of Northern Ireland, 2020, *Police Recorded Security Situation: Statistics 1 April 2019 to 31 March 2020* [viewed 07.12.20]. Available from: <https://www.psni.police.uk/globalassets/inside-the-psni/our->

communities have reported ‘activity by non-state forces,’ highlighting increasing recruitment to paramilitary organisations, often through coercion, threats, intimidation and/or assaults.<sup>92</sup> Initiatives include the Executive Action Plan for Tackling Paramilitarism, Criminality and Organised Crime<sup>93</sup> and guidance regarding the health of children subject to threats to life.<sup>94</sup>

## Questions for State Party

- **Please provide information on steps taken to improve data collection and identification of children at risk of coercion, exploitation, violence and effective actions to improve their situations.**
- **How are children protected from abuse in intimate relationships?**
- **What action is the Welsh government taking concerning statutory guidance on school trips and ensuring children at private schools have the same protections as children at non-private schools?**
- **Please provide information concerning measures to ensure that children in Northern Ireland affected by domestic abuse are fully protected in civil and criminal law and procedures, children displaying harmful and abusive behaviour receive appropriate and effective interventions and the recommendations of the Independent Inquiry into Child Sexual Exploitation have been effectively implemented.**
- **Will the State Party raise the age of recruitment to the Armed Forces to 18?**
- **Please provide information on full monitoring and evaluation data for programmes and actions to prevent children from involvement in paramilitary activity and protect them from paramilitary violence.**

## FAMILY ENVIRONMENT AND ALTERNATIVE CARE

### 13. Lack of early intervention, childcare, and effective family support services

*Arts. 2, 3, 12, 23, 24, 25, 28, 29*

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[statistics/security-situation-statistics/2020/march/security-situation-statistics-to-march-2020.pdf](https://www.belfasttelegraph.co.uk/news/northern-ireland/exclusive-2000-households-forced-out-of-their-homes-paramilitaries-blamed-for-73-of-cases-37676384.html); DEENEY D. and RUTHERFORD A., 2019. *Exclusive: 2,000 Households Forced Out of Their Homes-Paramilitaries Blamed for 73% of Cases*. *The Belfast Telegraph*. Belfast, 3 January [viewed 07.12.20]. Available from: <https://www.belfasttelegraph.co.uk/news/northern-ireland/exclusive-2000-households-forced-out-of-their-homes-paramilitaries-blamed-for-73-of-cases-37676384.html>.

<sup>92</sup> Reported to the Northern Ireland Commissioner for Children and Young People.

<sup>93</sup> Department of Justice, 2016, *Tackling Paramilitary Activity, Criminality, and Organised Crime Action Plan* [viewed 07.12.20]. Available from: <https://www.justice-ni.gov.uk/publications/tackling-paramilitary-activity-criminality-and-organised-crime-action-plan>.

<sup>94</sup> NICCY, 2020, *Statement on Children's Rights in NI 2* [viewed 07.12.20]. Available from: <https://www.niccy.org/media/3691/niccy-socrni-2-main-report-web-nov-20.pdf>, pp. 85-90.

Across **the UK**, greater investment is needed in early intervention services for families in vulnerable situations. Governments should adopt an approach that prioritises prevention before crisis, particularly in the early years.

In **England**, total spending on children's services decreased in real terms by approximately 11% from 2009/10-2017/18, with services, including youth services and children's centres, experiencing a 60% decrease by 2019/20.<sup>95</sup> Spending on preventative children's services decreased from 41% to 25% from 2010/11-2017/18.<sup>96</sup> Local authorities' ability to provide early intervention support is consequently restricted.

Other early intervention services, including funding for health visitors, are also under strain.<sup>97</sup> The Troubled Families model, which provides targeted support to address wider determinants of family dysfunction, significantly reduces the likelihood of a child needing to enter state care, and could be expanded to include a greater focus on children's outcomes.<sup>98</sup> To meet post-pandemic needs, funding for this model must be trebled.<sup>99</sup>

In **Wales**, the childcare offer of up to 30 hours per week for working parents of 3-4-year-olds is welcome but should be available to all children, irrespective of parental work status. The proposed new Early Childhood Education and Care approach will consider widening eligibility to some non-working parents. The Coronavirus Childcare Assistance Scheme<sup>100</sup> provided free childcare for some 'vulnerable children' irrespective of parental work status. This should continue.

The rate per 100,000 of looked-after children (in state care) in **Wales** (102) is significantly higher than England (64) and is increasing.<sup>101</sup> Multi-agency early intervention programmes to support families must be established.

In **Northern Ireland**, the Executive must ensure ongoing investment in prevention and early intervention services to properly support children and their families. Despite consultations on a draft childcare strategy, this has not yet been published.

In **Scotland**, the reduction in local authority funding has affected family support provision. Delivery is inconsistent nation-wide, as services are provided by local authorities and third sector organisations. The

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<sup>95</sup> Institute of Fiscal Studies, 2018, *Public Spending on Children in England: 2000 to 2020* [viewed 07.12.20]. Available from: <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2018/06/Public-Spending-on-Children-in-England-CCO-JUNE-2018.pdf>

<sup>96</sup> National Audit Office (NAO), 2019, *Pressures on Children's Social Care* [viewed 07.12.20]. Available from: <https://www.nao.org.uk/wp-content/uploads/2019/01/Pressures-on-Childrens-Social-Care.pdf>

<sup>97</sup> CCE, 2020, *Best Beginnings in the Early Years* [viewed 07.12.20]. Available from: <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/07/cco-best-beginnings-in-the-early-years.pdf>

<sup>98</sup> Ministry of Housing, Communities and Local Government, 2020, *Troubled Families Programme* [viewed 07.12.20]. Available from: <https://troubledfamilies.blog.gov.uk/>

<sup>99</sup> Ibid.

<sup>100</sup> Welsh Government, 2020, *Written Statement: The Childcare Offer and Coronavirus Childcare Assistance Scheme* [viewed 07.12.20]. Available from: <https://gov.wales/written-statement-childcare-offer-and-coronavirus-childcare-assistance-scheme>

<sup>101</sup> HODGES, H. and BRISTOW, D., 2019, *Analysis of the Factors Contributing to the High Rates of Care in Wales* [viewed 07.12.20]. Available from: <https://www.wcpp.org.uk/publication/analysis-of-the-factors-contributing-to-the-high-rates-of-care-in-wales/>

short-term, uncertain grant funding status for many services, which receive funding from multiple sources, can create uncertainty about service continuity and negatively affect staff.<sup>102</sup>

## Questions for State Party

- **Please provide information on planned measures and resource allocation to ensure increased investment in and emphasis on prevention and early intervention services and supports, expanding the number of children supported with an improved focus on children’s outcomes?**
- **Please provide information on measures to ensure all families can access childcare based on need and not employment status.**
- **When will the Welsh government prioritise the funding and provision of suitable and sufficient family support services to address unacceptably high rates of children and young people being taken into local authority care?**

### 14. Children in care

*Arts. 2, 3, 6, 12, 23, 24, 28, 29, 37*

Across **the UK**, looked-after children are affected by poor system design, resulting in instability and uncertainty, inadequate care standards, and isolation.

A lack of appropriate services, including specialist residential provision, in or near place of residence, means children from **England** and **Wales** are placed in unregulated placements or sent far from home.<sup>103</sup>

In **Wales**, children with complex social care and mental health needs often fail to receive support or access to specialist residential provision and are placed in unsuitable provision in Wales, or sometimes in England or Scotland. The Welsh government should create suitable, local care facilities for these children. Children should not be placed in unregulated placements, which have not been inspected by the Care Inspectorate.

Companies should not make a profit from children's care. The average cost of an Independent Agency placement (£43,368)<sup>104</sup> is almost double that of a local authority placement (£23,327)<sup>105</sup> and having a

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<sup>102</sup> Galloway, S., 2020, *Challenges from the Frontline – Revisited: Supporting Families with Multiple Adversities in Scotland during a Time of Austerity*, Barnardo’s Scotland and NSPCC Scotland [viewed 07.12.20]. Available from: <https://www.barnardos.org.uk/sites/default/files/2020-10/Barnardo%27s%20Scotland%20and%20NSPCC%20Scotland%20-%20Challenges%20from%20the%20Frontline%20-%20Revisited.pdf>, pp. 11, 38-39.

<sup>103</sup> One in eight children in care spends time in unregulated placements, and 2,000 children live over 100 miles from their home. CCE, 2019, *Stability Index* [viewed 07.12.20]. Available from: <https://www.childrenscommissioner.gov.uk/report/stability-index-2019/>

<sup>104</sup> Approximately 56,740 USD (November 2020).

<sup>105</sup> Approximately 30,519 USD (November 2020).

market in state care increases the risk of children being placed far from home.<sup>106</sup> The government should introduce legislation to require support for care leavers to transition from local authority care.

In **Scotland**, the Independent Care Review made significant recommendations to improve the care system, including a transformation of services to support children and families, with a focus on early intervention and user-centred systems.<sup>107</sup> Whilst the Children's Hearings system<sup>108</sup> aims to take a child-centred approach, young people continue to report that they are not always adequately supported to participate in hearings. This particularly applies to younger children and older children in conflict with the law.<sup>109</sup>

In **England**, many looked-after children experience significant instability due to frequent changes of social worker, schools, and carers.<sup>110</sup> A lack of available secure placements means children can be deprived of their liberty in inappropriate settings. Some placements have substandard levels of care, particularly in unregulated settings.<sup>111</sup> The proposed ban on children under 16 living in settings where they are only allowed to be provided with 'support' must be extended to all children under 18.<sup>112</sup> The proposed care review is urgently needed and must consider the whole system of family support and necessary steps to increase sufficiency and stability of placements for looked-after children.

The long-delayed Adoption and Children Bill and revised Strategy for Looked After Children in **Northern Ireland** must be introduced urgently. The review of specialist regional facilities across secure care, mental health, and juvenile justice must address delayed discharge and minimising repeated admissions. Measures to ensure all children can access appropriate facilities and support and tailored placements do not always comply with their rights and best interests. Movement of children between regional facilities should include access to specialist placements for children with complex needs and disabilities and address poor outcomes.

## Questions for State Party

- **Please provide information on measures to ensure children are placed in specialist residential provision suited to their needs, near their home, proper inspections by the Care Inspectorate of all placements, including 'unregulated placements,' and that children's views are heard.**

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<sup>106</sup> National Assembly for Wales, Public Accounts Committee, 2018, *Care Experienced Children and Young People* [viewed 07.12.20]. Available from:

<https://business.senedd.wales/documents/s81096/Committee%20Report%20-%20Care%20experienced%20children%20and%20young%20people%20-%20November%202018.pdf>

<sup>107</sup> Independent Care Review, 2020, *The Promise* [viewed 07.12.20]. Available from:

<https://www.carereview.scot/wp-content/uploads/2020/02/The-Promise.pdf>

<sup>108</sup> The welfare-based Children's Hearings System makes decisions for children who require compulsory measures of supervision, care, and protection, including those who are accused of having committed an offence.

<sup>109</sup> *Ibid.*, pp.39-44.

<sup>110</sup> CCE, 2019, *Stability Index*.

<sup>111</sup> CCE, 2020, *Unregulated: Children in Care Living in Semi-Independent Accommodation* [viewed 07.12.20]. Available from: <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-unregulated-children-in-care-living-in-semi-independent-accommodation.pdf>

<sup>112</sup> Department for Education, 2020, *Strict New Measures to Protect Vulnerable Children in Care* [viewed 07.12.20]. Available from: <https://www.gov.uk/government/news/strict-new-measures-to-protect-vulnerable-children-in-care>

- **How will the State Party improve the wellbeing of looked-after children?**
- **What is the Welsh government doing to ensure that specialist provision is established for those children with complex needs who require residential provision which supports their mental health and social care needs?**
- **Please provide information on measures to implement the recommendations from Scotland’s Independent Care Review.**
- **Please confirm the timeline for the introduction of the Adoption and Children Bill and the Strategy for Looked After Children in Northern Ireland and measures to ensure that all children will have access to specialist facilities appropriate to their needs.**
- **What measures are in place to ensure the upcoming Care Review in England will lead to significant improvements in the children’s social care system, including active engagement with children throughout?**

## **DISABILITY, BASIC HEALTH AND WELFARE**

### **15. Inadequate resources to support disabled children**

*Arts. 2, 3, 4, 12, 23, 24, 28, 29*

Across **the UK**, disabled children are disproportionately affected by inadequate resourcing, particularly because of austerity measures and Covid-19. Overall, disabled children do not always have the additional support required by law or equal access to services.

In **Wales**, health boards routinely fail to achieve the target of 26 weeks for initial assessment for neurodevelopmental services. Some boards report average waits of 24 months.<sup>113</sup> The government should adopt an approach which recognises neurodiversity and provides a multi-agency response for all children experiencing emotional distress, with or without formal diagnoses--a ‘No Wrong Door’ approach.<sup>114</sup> Children with learning disabilities and their families experience disjointed services and are often not involved in their transition to adult services.<sup>115</sup> The government must ensure a child-centred, “joined-up” process.

In **England**, Special Educational Needs and Disabilities (SEND) services are under increasing pressure. In 2017/18, 81.3% of local authorities overspent their high-needs budget. More than half of the first 100

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<sup>113</sup> HOLTOM, D., IQBAL, H., and LLOYD-JONES, S., 2019, *Scoping Study for the Alignment and Development of Autism and Neurodevelopmental Services*, GSR report number 43/2019. [viewed 07.12.20]. Available from: <https://gov.wales/autism-and-neurodevelopmental-services>

<sup>114</sup> The CCFW has identified a ‘No Wrong Door’ approach, which should include preventative wraparound support models to provide swift support from a range of services (including but not limited to mental health) to address need rather than focusing on reduction of waiting lists. CCFW, 2020, *‘No Wrong Door’: Bringing Services Together to Meet Children’s Needs* [viewed 07.12.20]. Available from: <https://www.childcomwales.org.uk/publications/no-wrong-door-bringing-services-together-to-meet-childrens-needs/>

<sup>115</sup> CCFW, 2018, *Don’t Hold Back* [viewed 08.12.20]. Available from: <https://www.childcomwales.org.uk/wp-content/uploads/2019/10/Dont-Hold-Back.pdf>

inspections of local SEND services found serious weaknesses.<sup>116</sup><sup>117</sup> The government's 2019 announcement of the SEND review is welcome, however it was delayed due to the pandemic, with government resources diverted.

In **Northern Ireland**, children with learning disabilities are more likely to experience mental health problems. However, mental health services and support are fragmented and often not available, accessible, or of a quality to meet their needs.<sup>118</sup>

The SEN system and disability provision in mainstream schools is insufficient. Issues include accessing procedures for needs identification and assessment, access to and adequacy of vital educational supports, and having their voices heard. There have been significant delays in implementing new legislation for disabled children and those with SEN.<sup>119</sup>

In **Scotland**, there is inadequate support for disabled children, particularly in mainstream education.<sup>120</sup> Children with Attention Deficit Hyperactivity Disorder, Autism Spectrum Disorder and other neurodiverse conditions are disproportionately affected. Despite increasing numbers of children being identified with ASN, the number of children with Co-ordinated Support Plans (CSP) continues to fall. Social care support for disabled children, including respite care, continues to be difficult to access.<sup>121</sup>

## Questions for State Party

- **Please provide information on support for disabled children and their needs, particularly in the education and health sectors and children's services.**
- **Please provide information on the SEND Review in England, including timeframe for publication.**
- **How is the Welsh government investing in neurodevelopmental services and a wider 'No Wrong Door' approach?**
- **Please provide information on the delivery of a new Special Educational Needs framework to support children with special needs and disabilities in Northern Ireland.**

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<sup>116</sup> These include poor quality education, healthcare plans, high numbers of SEND children being excluded or absent from school, poor exam outcomes for SEND children, and a lack of parental confidence in the system.

<sup>117</sup> NAO, 2019, *Support for Pupils with Special Educational Needs and Disabilities in England* [viewed 08.12.20]. Available from: <https://www.nao.org.uk/wp-content/uploads/2019/09/Support-for-pupils-with-special-education-needs.pdf>

<sup>118</sup> NICCY, 2018, *A Rights Based Review of Mental Health Services and Support for Children and Young People: Still Waiting*.

<sup>119</sup> NICCY, 2020, *'Too Little, Too Late,' A Rights Based Review of Special Educational Needs Provision in Mainstream Schools*

<sup>120</sup> Advice calls and information from other advice providers, including Enquire.

<sup>121</sup> Scottish Government, 2019, *Additional Support for Learning Review* [viewed 08.12.20]. Available from: <https://www.gov.scot/groups/additional-support-for-learning-review/>

- **Please provide information on the Additional Support for Learning Review and the use of CSPs in Scotland.**

## **16. Failure to realise the highest attainable standard of health**

*Arts. 2, 3, 6, 12, 24, 27*

### *Child mortality rates*

Infant mortality rates have decreased in **Northern Ireland, Scotland, and Wales**, and remain unchanged in **England**. The **UK** has a rate of 3.9 deaths per 1,000 live births. Progress is slow when compared to most EU nations.<sup>122</sup> Infant mortality rates are highest in the most deprived areas in the UK<sup>123</sup> and lowest in the least deprived areas.<sup>124</sup>

Child mortality rates have declined in recent years in **the UK**; however, the rate of this decline has slowed, and increased in **Scotland**. **Northern Ireland** continues to have the highest child mortality rate.<sup>125</sup> Data for **England** and **Wales** is combined. The child mortality rate is 70% higher amongst the most deprived groups in **Wales**.<sup>126</sup>

Adolescent mortality rates remain high across **all jurisdictions**, with a significant increase in **Scotland** since 2017, from 19.5 to 24.6 per 100,000 aged 10-19.<sup>127</sup>

In 2018, 35% of all deaths aged 0-19 in **the UK** were considered avoidable.<sup>128</sup> **Northern Ireland** has the highest rate of avoidable child deaths and, with **Scotland**, significantly higher rates than **England** and **Wales**.<sup>129</sup> The **Northern Irish Executive** has not commenced the child death review process required in Section 3(5) of the Safeguarding Board Act (Northern Ireland) 2011.<sup>130</sup>

<sup>122</sup> In comparison, countries such as Estonia, Sweden, Spain, and Ireland have a rate of less than 3 deaths of children under one year per 1,000 live births. Organisation for Economic Co-operation and Development (OECD), 2019, *Health at a Glance* [viewed 08.12.20]. Available from: <https://data.oecd.org/healthstat/infant-mortality-rates.htm>

<sup>123</sup> For example, 5.2 deaths in **England** and 4.6 in **Scotland** per 1,000 live births

<sup>124</sup> For example, 2.7 deaths in **England** and 3 in **Scotland** per 1,000 live births. ONS, 2019, *Child and Infant Mortality in England and Wales: 2017*. Available from:

<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/bulletins/childhoodinfantandperinatalmortalityinenglandandwales/2017> and NHS Health Scotland, 2018, *Child Poverty in Scotland: Health Impact and Health Inequalities*. Available from: <http://www.healthscotland.scot/media/2186/child-poverty-impact-inequalities-2018.pdf> [both viewed 08.12.20].

<sup>125</sup> Royal College of Paediatrics and Child Health (RCPCH), 2020, *State of Child Health: Child Mortality* [viewed 08.12.20]. Available from: <https://stateofchildhealth.rcpch.ac.uk/evidence/mortality/child-mortality/>

<sup>126</sup> Public Health Wales, 2015, *Child Death Review Programme: Annual Report* [viewed 08.12.20]. Available from: <https://phw.nhs.wales/services-and-teams/child-death-review/child-death-review-publications/child-death-review-programme-annual-report-july-2015/>

<sup>127</sup> RCPCH, 2020, *State of Child Health: Adolescent Mortality* [viewed 08.12.20]. Available from: <https://stateofchildhealth.rcpch.ac.uk/evidence/mortality/adolescent-mortality/>

<sup>128</sup> That equals 1,720 deaths out of 4,883 deaths. ONS, 2020, *Avoidable Mortality in the UK: 2018* [viewed 08.12.20]. Available from:

<https://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/causesofdeath/bulletins/avoidablemortalityinenglandandwales/2018#avoidable-mortality-in-children-and-young-people>

<sup>129</sup> *Ibid.*

<sup>130</sup> *Safeguarding Board Act (Northern Ireland) 2011* [viewed 08.12.20]. Available from: <https://www.legislation.gov.uk/nia/2011/7/contents>

### *Waiting times*

In **Northern Ireland**, waiting times far exceed those of other UK jurisdictions.<sup>131</sup> At 31 March 2020, 15,540 children were on paediatric waiting lists, with 3,394 waiting for over a year.<sup>132</sup> Official statistics are not always disaggregated to a level required to understand waiting times for children. However, the available figures show a relentless upward trend.<sup>133</sup>

In **Wales**, referral to treatment waiting times for paediatrics within the 28-week target reached 95% in December 2019-February 2020. In September 2020 it was 76.5%.<sup>134</sup>

### *Healthcare services*

There are concerns across **the UK** that immunisation rates declined during the pandemic. Rates in **Wales** appear to be stable.<sup>135</sup>

In **England**, the NHS Long-Term Plan includes welcome initiatives on children's mental health and maternity care.<sup>136</sup> However, it lacks focus on physical health, including children with long-term conditions, obesity, and health inequalities, among others. A stronger overall approach to children's health and well-being is needed, starting in the early years; the reorganisation of Public Health England presents a good opportunity to do so.

All children must enjoy equal access to independent advocacy concerning their healthcare. The **Welsh government** committed to produce guidance for local health boards on independent advocacy services but progress has stalled.<sup>137</sup> This guidance must have a statutory footing.

## **Questions for State Party**

- **Please explain measures to address child mortality rates across the UK.**
- **Please provide information on measures to realise the highest attainable standard of health for children across the UK.**

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<sup>131</sup> Pivotal Public Policy Forum Northern Ireland, 2020, *Priorities for Recovery: A Briefing Paper for the Northern Ireland Executive's Return from Recess* [viewed 08.12.20]. Available from:

[https://www.pivotalppf.org/cmsfiles//Pivotal\\_Priorities-for-Recovery-Paper.pdf](https://www.pivotalppf.org/cmsfiles//Pivotal_Priorities-for-Recovery-Paper.pdf), p. 12.

<sup>132</sup> Department of Health, 2020, *Hospital Waiting Times Statistics* [viewed 08.12.20]. Available from:

<https://www.health-ni.gov.uk/topics/dhssps-statistics-and-research/hospital-waiting-times-statistics>

<sup>133</sup> Department of Health, 2020, *Outpatient Waiting Times* [viewed 08.12.20]. Available from: <https://www.health-ni.gov.uk/articles/outpatient-waiting-times>

<sup>134</sup> StatsWales, 2020, *Referral to Treatment* [viewed 08.12.20]. Available from:

<https://statswales.gov.wales/Catalogue/Health-and-Social-Care/NHS-Hospital-Waiting-Times/Referral-to-Treatment>

<sup>135</sup> Public Health Wales, 2020, *Vaccine Uptake in Children in Wales: April to June 2020* [viewed 08.12.20]. Available from:

[http://www2.nphs.wales.nhs.uk:8080/CommunitySurveillanceDocs.nsf/\(\\$All\)/1212332138CB7AB2802585EA00477764/\\$File/Cov20q2%20\(Report%20135\)\\_v1.pdf](http://www2.nphs.wales.nhs.uk:8080/CommunitySurveillanceDocs.nsf/($All)/1212332138CB7AB2802585EA00477764/$File/Cov20q2%20(Report%20135)_v1.pdf)

<sup>136</sup> NHS, 2019, *The NHS Long Term Plan* [viewed 08.12.20]. Available from:

<https://www.longtermplan.nhs.uk/publication/nhs-long-term-plan/>

<sup>137</sup> Welsh Government, 2020, *Children's Commissioner for Wales Annual Report 2019 to 2020: Welsh Government Response* [viewed 08.12.20]. Available from: <https://gov.wales/childrens-commissioner-wales-annual-report-2019-2020-welsh-government-response>

- **What actions are being taken by the UK and devolved governments to reduce waiting lists and address the impact of such delays on children’s health outcomes and quality of life?**
- **How will the Welsh government ensure all children receiving healthcare can access independent advocacy?**
- **What steps are being taken to ensure that Northern Ireland has a robust and functioning multi-agency child death review mechanism, in line with Section 3(5) of the Safeguarding Board Act (Northern Ireland) 2011?**

#### **17. Children are unable to access appropriate mental health treatment**

*Arts. 2, 3, 6, 12, 23, 24, 27*

In **England**, too many children lack access to treatment. Only one-quarter of children with a diagnosable condition are referred for help, more than one-third of referrals are rejected, and children wait too long for treatment--an average of 53 days.<sup>138</sup> Consequently, children too often reach the point of crisis requiring inpatient care rather than support in the community.

In **Scotland**, the number of children waiting more than 18 weeks for an initial appointment with CAMHS (Tier 3 services)<sup>139</sup> increased from 24.9% to 33.5%, with those waiting more than one year increasing from 1.5% to 5.6% in 2019.<sup>140</sup> Most CAMHS services were very limited from March-June 2020 so waiting times are likely to have increased. There is inconsistent provision of mental health services at community level (Tier 2)<sup>141</sup> with resources in some areas focussed on CAMHS and inpatient services. Inadequate community provision has resulted in increased and, in the absence of other services, inappropriate CAMHS referrals.

In **Wales**, referral to first CAMHS appointment times improved in 2019 and early 2020. The majority are seen within four weeks of referral, but children still too often wait unacceptably long for assessment and treatment.<sup>142</sup> There are children for whom the right level of mental health support does not exist in Wales due to limited residential provision and high thresholds and narrow criteria for treatment eligibility. Children may be ‘held’ on adult mental health wards because no support exists. All regions should adopt the ‘No Wrong Door’ approach.<sup>143</sup>

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<sup>138</sup> CCE, 2020, *The State of Children’s Mental Health Services* [viewed 08.12.20]. Available from: <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/01/cco-the-state-of-childrens-mental-health-services.pdf>

<sup>139</sup> Tier 3 is for children with severe, complex, or persistent mental health disorders.

<sup>140</sup> Public Health Scotland, 2020, *Child and Adolescent Mental Health Services (CAMHS) in Scotland: Waiting Times and Inpatient Activity and CAMHS Workforce in Scotland* [viewed 08.12.20]. Available from: <https://www.isdscotland.org/Health-Topics/Mental-Health/Child-and-Adolescent-Mental-Health/index.asp>

<sup>141</sup> Community provision for children with less severe mental health problems such as anxiety and depression.

<sup>142</sup> StatsWales, 2020, *Specialist Child and Adolescent Mental Health Services (sCAMHS) Management Information* [viewed 08.12.20]. Available from: <https://statswales.gov.wales/Catalogue/Health-and-Social-Care/NHS-Hospital-Waiting-Times/Inpatient-and-Outpatient-Waiting-Times-for-Non-RTT-Specialties>

<sup>143</sup> CCFW, 2020, *‘No Wrong Door’: Bringing Services Together to Meet Children’s Needs*.

In **Northern Ireland**, waiting times continue to increase, breaching targets, and are unlikely to improve without additional funding.<sup>144</sup> Children have mixed experiences of availability, accessibility, and quality of mental health support.<sup>145</sup> The Executive's commitments to prioritise mental health are welcome as reform is essential to ensuring a fully child rights-compliant system.<sup>146</sup>

## Questions for State Party

- **How will the State Party and devolved administrations ensure that mental health services are adequately resourced so that children are supported and their needs met in a timely and effective manner?**
- **How will the Welsh government ensure that children experiencing emotional distress or mental ill health receive the multi-agency 'No Wrong Door' response to their needs without waits for assessment?**
- **How will the Northern Ireland Executive ensure that the first Mental Health Strategy will lead to better outcomes and be child rights-compliant?**

### **18. Inadequate action to tackle children's food insecurity**

*Arts. 2, 3, 4, 6, 12, 24, 27*

Food insecurity remains a serious problem for children **UK-wide**.<sup>147</sup> There is no single nationwide government measure for hunger in the UK.<sup>148</sup>

Prior to the pandemic, an estimated 1.9 million children experienced food insecurity across **the UK**.<sup>149</sup> 720,504 children UK-wide<sup>150</sup> received food from 1,200 foodbanks in 2019.<sup>151</sup> Three of the main causes

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<sup>144</sup> Health and Social Care Board (HSCB), 2015, *CAMHS Reform - An Example of Integration*; HSCB, 2016-2020, *CAMHS Datasets provided to NICCY from HSCB*; HSCB, *Monthly Meeting Minutes - Performance Management Reports* [viewed 08.12.20]. Available from: <http://www.hscboard.hscni.net/meeting/>

<sup>145</sup> NICCY, 2018, *A Rights Based Review of Mental Health Services and Support for Children and Young People: Still Waiting*.

<sup>146</sup> Department of Health, 2019, *Inter-Departmental Action Plan in Response to 'Still Waiting' Report* [viewed 08.12.20]. Available from: <https://www.health-ni.gov.uk/stillwaitingreport-response>; Northern Ireland Office, 2020, *New Decade, New Approach*.

<sup>147</sup> Food Foundation, 2019, *Children's Future Food Inquiry Report* [viewed 08.12.20]. Available from: <https://foodfoundation.lcdev.co.uk/wp-content/uploads/2019/04/Childrens-Future-Food-Inquiry-report.pdf>

<sup>148</sup> UK Parliament, 2019, *Sustainable Development Goals in the UK Follow Up: Hunger, Malnutrition and Food Insecurity in the UK: 2 - Hunger, food insecurity and malnutrition in the UK* [viewed 08.12.20]. Available from: <https://publications.parliament.uk/pa/cm201719/cmselect/cmenvaud/1491/149105.htm#:~:text=There%20is%20no%20single%2C%20nationwide,for%20hunger%20in%20the%20UK.&text=22%20However%20the%20British%20Association,1.3%20million%20are%20over%2065>. The Department for Work and Pensions will be measuring food insecurity in its annual Food and Resources Survey, with first data sets available in March 2021.

<sup>149</sup> CCE, 2020, *Childhood Vulnerability in Numbers: Children Living in Food Poverty* [viewed 08.12.20]. Available from: <https://app-t1pp-cco.azurewebsites.net/vulnerability-in-numbers/>

<sup>150</sup> England (569,810); Northern Ireland (18,934); Scotland (80,623); Wales (51,137).

<sup>151</sup> This represented around two-thirds of foodbank provision. The Trussell Trust, 2020, *End of Year Stats* [viewed 08.12.20]. Available from: <https://www.trusselltrust.org/news-and-blog/latest-stats/end-year-stats/>

are low income, benefit delays, and benefit changes.<sup>152</sup> Food bank use to feed children increased by 25% in the UK between 2018/19 and 2019/20.<sup>153</sup>

The **Scottish government** announced in April 2020 that the planned Good Food Nation (Scotland) Bill will not be tabled before the end of the Scottish parliamentary term in May 2021.

State payments should continue over school holidays and the State Party should review eligibility criteria and adequacy of support for families.

## Questions for State Party

- **Please provide data on the extent and impact of food poverty on children across the UK, and the measures taken to address this covering both prior to the pandemic and since. Please indicate if particular groups are at higher risk of food poverty.**
- **What steps are being taken to ensure children have access to adequate food and nutrition throughout the year, including when not at school and increased need for food parcels and free school meals?**
- **What steps is the State Party taking to ensure that the reintroduction of protections for income and food security implemented during the first lockdown are a priority?**

### **19. Environmental health and justice**

*Arts. 12, 13, 15, 24, 28, 29, 31, 42*

Environmental degradation and climate change are priority issues for children across **the UK**. They have exercised their right to freedom of assembly and participation, campaigning for urgent action.

In **Northern Ireland** there has been little engagement with children concerning environmental matters, and slow progress concerning climate change. Executive commitments to tackle climate change and environmental degradation<sup>154</sup> must be child-centred and include meaningful engagement with children.

The Active Travel Act (2013) was introduced in **Wales**, but a Parliamentary Committee found in 2018 that active travel had reduced for children travelling to school.<sup>155</sup> The government's plans to implement

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<sup>152</sup> SOSENKO, F., et al, 2019, *State of Hunger: A Study of Poverty and Food Insecurity in the UK*, The Trussell Trust [viewed 08.12.20]. Available from: <https://www.stateofhunger.org/wp-content/uploads/2019/11/State-of-Hunger-Report-November2019-Digital.pdf>

<sup>153</sup> England (25%); Northern Ireland (23%), Scotland (13%); Wales (22.5%). The Trussell Trust, 2020, *End of Year Stats: April 2019–March 2020* [viewed 08.12.20]. Available from: <https://www.trusselltrust.org/news-and-blog/latest-stats/end-year-stats/>

<sup>154</sup> Northern Ireland Office, 2020, *New Decade, New Approach*.

<sup>155</sup> National Assembly for Wales, Economy, Infrastructure and Skills Committee, 2018, *Post Legislative Scrutiny of the Active Travel (Wales) Act 2013* [viewed 08.12.20]. Available from: <https://senedd.wales/laid%20documents/cr-ld11566-r/cr-ld11566-r-e.pdf>

20 miles per hour<sup>156</sup> urban zones should be imposed in all residential areas. The 2020 Clean Air Plan recognises children’s vulnerability to air pollution in their early years.<sup>157</sup>

Pupils in **Scotland** were threatened with detention or other punishments for participating in climate strikes.<sup>158</sup> Transport is the dominant cause of air pollution. Car engines often remain on when children are dropped off or picked up at school or nursery, significantly increasing their exposure to toxic pollution.<sup>159</sup> The government’s forthcoming climate change plan must focus on transformation of transport, particularly clean public transport, cycling, walking, and low emission zones.

Children have clear ideas on how to protect their health, that of the planet, and ensure their right to a healthy environment. They must be actively involved in identifying solutions and policy and legislative changes to the environmental emergency.

## Questions for State Party

- **What assessment has been made of the impact of pollution on children’s health across the UK?**
- **How have children’s rights been considered when developing and implementing strategies to reduce environmental degradation and climate change?**
- **How are the State Party and devolved administrations responding to children’s calls for action on climate change and environmental protection, and engaging them as active participants?**
- **What action is the Welsh government taking to improve rates of active travel and to implement a 20mph speed limit in residential areas?**

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<sup>156</sup> Approximately 32 kilometres per hour.

<sup>157</sup> World Health Organisation, 2018, *Air Pollution and Child Health: Prescribing Clean Air* [viewed 08.12.20]. Available from: <https://apps.who.int/iris/bitstream/handle/10665/275545/WHO-CED-PHE-18.01-eng.pdf?ua=1>

<sup>158</sup> CYPCS, 2019, *Climate Change is a Human Rights Issue: Commissioner Supports Children on #ClimateStrike* [viewed 08.12.20]. Available from: <https://cypcs.org.uk/news-and-stories/climate-change-is-a-human-rights-issue-commissioner-supports-children-on-climatestrike/>

<sup>159</sup> Public Health England, 2019, *Review of Intervention to Improve Outdoor Air Quality and Public Health* [viewed 08.12.20]. Available from:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/795185/Review\\_of\\_interventions\\_to\\_improve\\_air\\_quality.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/795185/Review_of_interventions_to_improve_air_quality.pdf), pp.14-15.

## 20. Child poverty and welfare reform

Arts. 2, 3, 4, 6, 12, 24, 26, 27, 28, 29

### *Child poverty*<sup>160</sup>

In the UK, there were 4.2 million children (30%) living in poverty in 2018/19—an increase of 600,000 from 2011/12.<sup>161</sup> Rates pre-pandemic were predicted to reach 5.2 million by 2022.<sup>162</sup> Around one-quarter of children in households in an Asian or ‘Other’ ethnic group and one in five children in Black households are in persistent poverty compared with one in ten White British households.

Poverty provides a constant stress for children, 21% of whom list ‘not having enough money’ in their top three worries and 5% ‘not having enough food or clothes.’<sup>163</sup> Opportunities for children in poverty are also fewer: 37% of children who receive free school meals leave education without a Level 2 Qualification,<sup>164</sup> compared to 18% overall.<sup>165</sup>

Around 28% of children in Wales live in poverty.<sup>166</sup> Welcome developments include strengthened funding for school-related costs, extending school holiday food and activity provision for school-age children, and additional funds for a pilot secondary school breakfast scheme. However, much more needs to be done. These initiatives should be implemented through a child poverty delivery plan.<sup>167</sup>

In Northern Ireland, an estimated 27% of children in 2018/19 were in relative poverty.<sup>168</sup> Children continue to be the age group with the highest poverty levels.<sup>169</sup> The Child Poverty Strategy 2016-2019 aimed to reduce child poverty and included measurable indicators and annual reporting.<sup>170</sup> This was extended to May 2022 while the government develops a comprehensive new Anti-Poverty Strategy.<sup>171</sup>

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<sup>160</sup> Numbers for child poverty are after housing costs.

<sup>161</sup> Department for Work and Pensions, 2020, *Households Below Average Income 2018/19: The Income Distribution Summary Tables* [viewed 08.12.20]. Available from:

<https://www.gov.uk/government/statistics/households-below-average-income-199495-to-201819>

<sup>162</sup> Social Mobility Commission, 2020, *Monitoring Social Mobility 2013-2020: Is the Government Delivering on our Recommendations?* [viewed 08.12.20]. Available from:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/891155/Monitoring\\_report\\_2013-2020\\_-\\_Web\\_version.pdf#page=17](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/891155/Monitoring_report_2013-2020_-_Web_version.pdf#page=17)

<sup>163</sup> CCE, 2020, *Stress Among Children in England During the Coronavirus Lockdown* [viewed 04.12.20].

Available from: <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-stress-among-children-in-england-during-the-coronavirus-lockdown.pdf>

<sup>164</sup> Equivalent of General Certificate of Secondary Education (GCSEs).

<sup>165</sup> Social Mobility Commission, 2020, *Monitoring Social Mobility 2013-2020*.

<sup>166</sup> StatsWales, 2020, *Children in Relative Income Poverty by Number of Children in the Household* [viewed 08.12.20]. Available from: <https://statswales.gov.wales/Catalogue/Community-Safety-and-Social-Inclusion/Poverty/childreninrelativeincomepoverty-by-numberofchildreninthehousehold>.

<sup>167</sup> CCFW, 2019, *Charter for Change: Protecting Welsh Children from the Impact of Poverty* [viewed 08.12.20]. Available from: <https://www.childcomwales.org.uk/a-charter-for-change-protecting-welsh-children-from-the-impact-of-poverty-2/>

<sup>168</sup> Department for Communities, Northern Ireland Statistics and Research Agency (NISRA), 2020, *Households Below Average Income: Northern Ireland 2018-19 Poverty* [viewed 08.12.20]. Available from:

<https://www.communities-ni.gov.uk/system/files/publications/communities/hbai-2018-19.pdf>

<sup>169</sup> The relative poverty rates for working-age adults was 19% and for pensioners was 15%.

<sup>170</sup> Department for Communities, 2016, *The Child Poverty Strategy* [viewed 08.12.20]. Available from:

<https://www.communities-ni.gov.uk/publications/child-poverty-strategy#:~:text=The%20Executive's%20Child%20Poverty%20Strategy,their%20lives%20and%20life%20chance>

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<sup>171</sup> Northern Ireland Office, 2020, *New Decade, New Approach*.

In **Scotland**, an estimated 24% of children each year lived in relative poverty in 2016-19.<sup>172</sup>

### **Welfare Reform**

Austerity policies and welfare reform across **the UK** continue to affect those most reliant on government services, particularly children. The UK government has not undertaken a comprehensive assessment of the cumulative impact of social security and tax credit reforms introduced, and has introduced several changes detrimentally affecting children and their families.

The **UK government** limits support for families with more than two children in receipt of Child Tax Credit<sup>173</sup> and the total amount of support received through the Benefit Cap.<sup>174</sup> Exceptions exist for the two-child limit, including where the mother can show the child was conceived because of non-consensual intercourse.<sup>175</sup> Since it was introduced in 2013, the Benefit Cap has fallen from £26,000<sup>176</sup> to £20,000<sup>177</sup> per year.

Changes to the social security system in **Northern Ireland** have continued since 2016, with families with children most affected. In 2015, the Executive established a mitigation package, ensuring that those most in need, in particular families with children, have been protected from some of the most severe welfare reform measures. However, subsequent social security system changes include the two-child limit and removal of the family element of tax credits or Universal Credit (UC). The pandemic has delayed the new mitigations package, planned for April 2020. This must address the changes that have most negatively affected families with children.

The **UK** should retain the positive changes emerging from Covid-19 responses,<sup>178</sup> expand welfare reform, improving UC, and implement all recommendations from the UN Special Rapporteur on Extreme Poverty and Human Rights.<sup>179</sup>

## **Questions for State Party**

- **What assessment has been undertaken of the cumulative impact of the full range of social security and tax reforms to date on children and their families?**

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<sup>172</sup> Scottish Government, 2020, *Poverty & Income Inequality in Scotland: 2016-19* [viewed 08.12.20]. Available from: <https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2020/03/poverty-income-inequality-scotland-2016-19/documents/poverty-income-inequality-scotland-2016-19/poverty-income-inequality-scotland-2016-19/govscot%3Adocument/poverty-income-inequality-scotland-2016-19.pdf?forceDownload=true>

<sup>173</sup> UK government, 2020, *Child Tax Credit* [viewed 08.12.20]. Available from: <https://www.gov.uk/child-tax-credit>

<sup>174</sup> The 'benefit cap' is a cap on the maximum level of welfare benefit that can be paid to a household whatever the size, which disproportionately affects families with children and particularly those with a larger number of children.

<sup>175</sup> Equalities and Human Rights Commission, 2017, *Letter to Minister of State for Employment – Damian Hinds MP: Child Tax Credit (Amendment) Regulations 2017* [viewed 08.12.20]. Available from: <https://www.equalityhumanrights.com/sites/default/files/letter-to-damian-hinds-child-tax-credits-rape-clause-21-april-2017.pdf>

<sup>176</sup> Approximately 34, 255 USD (November 2020).

<sup>177</sup> Approximately 26, 350 USD (November 2020). It is £23,000 (approximately 30,300 USD) in London.

<sup>178</sup> See Annex on the Covid-19 pandemic.

<sup>179</sup> United Nations Special Rapporteur on Extreme Poverty and Human Rights, 2018, *Visit to the United Kingdom of Great Britain and Northern Ireland* [viewed 08.12.20]. Available from: <https://undocs.org/A/HRC/41/39/Add.1>

- **Please provide information on measures to reverse welfare reform that negatively affect children and their families, including the Family Cap and the Benefit Cap; mitigate child poverty, including through measures such as free school meals; and to implement the recommendations of the UN Special Rapporteur on Extreme Poverty and Human Rights.**
- **Please explain how groups of children disproportionately affected by poverty will be prioritised in the government’s approach to poverty reduction.**
- **What consideration has been given to lessons learnt from measures introduced to bring people out of poverty in response to the pandemic and to applying these more widely?**

## **21. Adequate housing**

*Arts. 2, 3, 4, 6, 24, 27*

In **Wales**, there is a lack of available data regarding youth homelessness. In March 2020, roughly 69% of those in temporary housing were households with children, including in hostels and bed and breakfasts.<sup>180</sup> Access to housing support requires the Local Housing Authority to determine whether the applicant is in ‘priority need’, and if so, whether they are ‘intentionally homeless.’ A finding of intentionality has implications for access to social housing and ongoing support. This affects children and penalises them without recognising their needs.<sup>181</sup>

Certain groups of children are more likely to be living in unsuitable housing and being homeless, including care-experienced young people. The State Party should ensure that no 16- or 17-year-old in **the UK** should be in unsupported temporary accommodation, and that multi-agency reviews are undertaken whenever a care-experienced young person presents to a local authority as homeless or at risk of homelessness

There is a family homelessness crisis in **England**, driven by welfare reforms and a social housing shortage. Not all families are eligible for accommodation under the Housing Act and are instead housed by children’s services under the Children Act,<sup>182</sup> under which protection standards are lower. There were around 127,000 children in temporary accommodation pre-pandemic and approximately 90,000 families “sofa surfing” and likely to be in overcrowded accommodation.<sup>183</sup> Ethnic minority households are

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<sup>180</sup> Welsh Government, 2020, *Households Accommodated Temporarily by Accommodation Household Type (post 2015-16)* [viewed 08.12.20]. Available from:

<https://statswales.gov.wales/Catalogue/Housing/Homelessness/Temporary-Accommodation/householdsaccommodatedtemporarily-by-accommodationtype-householdtype>

<sup>181</sup> Tai Pawb, the Chartered Institute of Housing Cymru and Shelter Cymru, 2019, *The Right to Adequate Housing in Wales: Feasibility Report* [viewed 08.12.20]. Available from: <https://www.taipawb.org/wp-content/uploads/2019/06/RightToHousing-Full-ENG.pdf>

<sup>182</sup> *Children Act 1989* [viewed 08.12.20]. Available from: <https://www.legislation.gov.uk/ukpga/1989/41/contents>, Section 17.

<sup>183</sup> CCE, 2020, *Written Evidence Submitted by the Children’s Commissioner for England* [viewed 04.12.20]. Available from: <https://committees.parliament.uk/writtenevidence/3772/pdf/>

disproportionately affected, particularly by overcrowding. LGBTQ+ youth are more likely to be homeless, partly due to familial rejection, abuse, and violence.<sup>184</sup>

In **Scotland**, waiting lists for public and social housing remain high.<sup>185</sup> There is a shortage of accessible family housing for disabled children and their families, with many families in insecure tenancies or inappropriate housing.<sup>186</sup> New social housing building needs to at least double to meet demand.<sup>187</sup> Children living in private lets are more likely to experience poverty and be affected by the Benefit Cap due to significantly higher rents in this sector.

In **Northern Ireland**, between January and June 2020, 2,899 children were included in the 1664 families presenting as statutorily homeless.<sup>188</sup>

## Questions for State Party

- **What are the UK and devolved governments' plans to improve the accessibility and affordability of housing?**
- **Please provide information on measures to protect, support and find suitable accommodation for those young people who are particularly vulnerable to homelessness or living in unsuitable accommodation?**

## EDUCATION, LEISURE AND CULTURAL ACTIVITIES

### 22. Unequal access to education

*Arts. 2, 3, 12, 28, 29, 42*

#### *Unequal access*

Inequalities continue in **Northern Ireland** as many children, including care-experienced children, disabled children, Traveller children, those from ethnic minorities, disadvantaged backgrounds, and with additional needs, face significant impediments to high-quality education.<sup>189</sup> Academic selection and separated schooling continue to exacerbate inequalities, advantage children from more affluent families,

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<sup>184</sup> The Albert Kennedy Trust, 2015, *LGBT Youth Homelessness: A UK National Scoping of Cause, Prevalence, Response and Outcome* [viewed 08.12.20]. Available from: <https://www.theproudsttrust.org/resources/research-and-guidance-by-other-organisations/lgbt-youth-homelessness-a-uk-national-scoping-of-cause-prevalence-response-and-outcome/>

<sup>185</sup> Scottish Government, 2018, *Housing Statistics 2018: Key Trends Summary* [viewed 08.12.20]. Available from: <https://www.gov.scot/publications/housing-statistics-scotland-2018-key-trends-summary/pages/13/>

<sup>186</sup> EHRC, 2018, *Housing and Disabled People: Scotland's Hidden Crisis* [viewed 08.12.20]. Available from: <https://www.equalityhumanrights.com/sites/default/files/housing-and-disabled-people-scotland-hidden-crisis-long-summary.pdf>

<sup>187</sup> Joseph Rowntree Foundation, 2020, *Poverty in Scotland 2020* [viewed 08.12.20]. Available from: <https://www.jrf.org.uk/report/poverty-scotland-2020>

<sup>188</sup> Department for Communities, NISRA, and the Northern Ireland Housing Executive, 2020, *Northern Ireland Homelessness Bulletin: January – June 2020* [viewed 08.12.20]. Available from: <https://www.communities-ni.gov.uk/system/files/publications/communities/ni-homelessness-bulletin-jan-jun-2020.pdf>

<sup>189</sup> NICCY, 2017, *Educational Inequalities and Inclusion Position Paper* [viewed 08.12.20]. Available from: <http://www.niccy.org/publications/2017/august/02/educational-inequalities-position-paper/>; NICCY, 2020, *Education Briefing* [viewed 08.12.20]. Available from: <https://www.niccy.org/publications/2020/june/10/education-committee-briefing/>

and reinforce social and religious divides.<sup>190</sup> A minority attend desegregated or “integrated” schools, which educate Catholic and Protestant children together. Selection and segregation mean the system comprises multiple education sectors at different levels.

In **Scotland**, disabled children, particularly those with autistic spectrum disorders and other disabilities, are unable to access education on an equal basis. Significant numbers of autistic children are absent for reasons other than common childhood illnesses, including a lack of support, anxiety, or other mental health conditions.<sup>191</sup> Children unable to attend school due to ill-health report inconsistent levels of education provision. There is also unequal access to hospital-based education. Approximately one-third of children in hospital receive education in line with government guidance; sometimes children on the same ward receive different provision based on their place of residence.<sup>192</sup>

In **England**, there is an attainment gap between the most advantaged and disadvantaged pupils. In 2019, 26.5% of pupils in state-funded schools at the end of key stage 4<sup>193</sup> were classified as disadvantaged. In 2018/19 disadvantaged pupils were 18 months behind their peers when they sat GCSEs.<sup>194</sup> Educational outcomes for those involved with children’s services are also poor. 1.6 million children have been recorded as needing a social worker since 2014 and 17% of these children pass maths and English GCSE.<sup>195</sup> Of this group, those with a child protection plan<sup>196</sup> are twenty months behind their peers.<sup>197</sup>

Access to an education in **Welsh** is problematic for children with Additional Learning Needs (ALN) as there is a lack of specialist ALN support in Welsh.

### *Financial barriers*

Insufficient funding hinders universal access to education in **Northern Ireland**.<sup>198</sup> Spending on education per child was considerably lower than the rest of the UK, and a smaller proportion of this reached schools in Northern Ireland than other jurisdictions.<sup>199</sup> Increased funding is required to improve educational outcomes, particularly for vulnerable groups.

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<sup>190</sup> Department of Education, 2020, *Northern Ireland Statistical Bulletin: Enrolments at Schools and in Funded Pre-School Education in Northern Ireland 2019/20* [viewed 08.12.20]. Available from: <https://www.education-ni.gov.uk/publications/school-enrolments-201920-statistical-bulletins>

<sup>191</sup> Children in Scotland, National Autistic Society, and Scottish Autism, 2018, *Not Included, Not Engaged Not Involved: A Report on the Experiences of Autistic Children Missing School* [viewed 08.12.20]. Available from: [www.notengaged.com](http://www.notengaged.com)

<sup>192</sup> Children’s Health Scotland, 2019, *Children in Hospital 2018/2019 Survey* [viewed 08.12.20]. Available from: <https://mk0childrensheafm4fc.kinstacdn.com/wp-content/uploads/2019/10/191016-Children-in-Hospital-Survey-2018-19-FINAL.pdf>

<sup>193</sup> During Key Stage 4 most pupils work towards national qualifications--usually GCSEs. *The National Curriculum* [viewed 08.12.20]. Available from: <https://www.gov.uk/national-curriculum/key-stage-3-and-4>

<sup>194</sup> CCE, 2020, *Tackling the Disadvantage Gap During the Covid-19 Crisis* [viewed 8 December 2020]. Available from: <https://www.childrenscommissioner.gov.uk/report/tackling-the-disadvantage-gap-during-the-covid-19-crisis/>

<sup>195</sup> Department for Education, 2019, *Review of Children in Need* [viewed 8 December 2020]. Available from: <https://www.gov.uk/government/publications/review-of-children-in-need/review-of-children-in-need>

<sup>196</sup> A child protection plan is drawn up by the local authority children’s services and sets out how the child can be kept safe, how things can be improved for the family, and what support they will need.

<sup>197</sup> Education Policy Institute, 2020, *Education in England: Annual Report 2020* [viewed 8 December 2020]. Available from: [https://epi.org.uk/wp-content/uploads/2020/09/EPI\\_2020\\_Annual\\_Report\\_.pdf](https://epi.org.uk/wp-content/uploads/2020/09/EPI_2020_Annual_Report_.pdf)

<sup>198</sup> NICCY, 2017, *‘A ‘Free’ Education?’: The Cost of Education in Northern Ireland* [viewed 8 December 2020]. Available from: <https://www.niccy.org/media/2909/niccy-costs-of-education-key-findings-report-and-recommendations-18-oct-17.pdf>

<sup>199</sup> *Ibid.*

A lack of free transport provided to over-16s can mean some are unable to reach a place of **Welsh** medium education when this is their language of choice.

### *Mental Health and Wellbeing in Schools*

Pupil wellbeing is concerning with only 18% of **UK** pupils reporting ‘positive wellbeing.’<sup>200</sup> Academic pressure, social media, and bullying are predominant issues affecting wellbeing.<sup>201</sup>

Implementation of the ‘Addressing Bullying in Schools Act’ (**Northern Ireland**) 2016<sup>202</sup> has been delayed. The development of an Emotional Health and Wellbeing Framework is welcome. Children and their families need support to develop awareness in this area.<sup>203</sup> Independent Counselling Support Service is currently not available to primary school pupils despite increasing need, and there is no consistent measure of well-being across all schools.

The **Welsh government** has consulted upon statutory guidance on a whole-school approach to mental health and well-being, which will require schools to demonstrate plans for improvement.<sup>204</sup> In **Scotland**, Gypsy/Traveller children report bullying and harassment.<sup>205</sup> The government’s commitment to provide 350 counsellors in secondary schools is welcome, but unlikely to be adequate given the increased need.

### *Curriculum*

Contrary to the Committee’s recommendation<sup>206</sup> that meaningful sexual and reproductive health education be part of the mandatory school curriculum for all schools in **Northern Ireland**, the Department for Education requires grant-aided schools<sup>207</sup> to develop their own Relationships and Sexuality Education (RSE) policy. This contravenes Section 9 of the Northern Ireland (Executive Formation etc) Act 2019, which requires the implementation of CEDAW’s recommendations<sup>208</sup> and, therefore, the introduction of a compulsory RSE curriculum.

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<sup>200</sup> OECD, 2018, *Programme for International Student Assessment* [viewed 08.12.20]. Available from: <https://www.oecd.org/pisa/publications/pisa-2018-results.htm>

<sup>201</sup> National Children’s Bureau, 2019, *Informing the Development of an Emotional Health and Wellbeing Framework for Children and Young People in Northern Ireland* [viewed 08.12.20]. Available from: [www.ncb.org.uk/sites/default/files/field/attachment/news/Informing%20the%20Development%20of%20an%20Emotional%20Health%20and%20Wellbeing%20Framework...pdf](http://www.ncb.org.uk/sites/default/files/field/attachment/news/Informing%20the%20Development%20of%20an%20Emotional%20Health%20and%20Wellbeing%20Framework...pdf)

<sup>202</sup> *Addressing Bullying in Schools Act (Northern Ireland) 2016* [viewed 08.12.20]. Available from: <https://www.eani.org.uk/sites/default/files/2019-04/Addressing%20Bullying%20in%20Schools%20Act%20%28Northern%20Ireland%29%202016.pdf>

<sup>203</sup> NICCY, 2018, *A Rights Based Review of Mental Health Services and Support for Children and Young People: Still Waiting*.

<sup>204</sup> Welsh Government, 2020, *Draft Framework Guidance on Embedding a Whole-School Approach* [viewed 08.12.20]. Available from: <https://gov.wales/sites/default/files/consultations/2020-07/draft-framework-guidance-on-embedding-a-whole-school-approach.pdf>

<sup>205</sup> Scottish Government, 2020, *Educational Outcomes for Gypsy/Traveller Children* [viewed 09.12.20]. Available from: <https://www.gov.scot/policies/gypsy-travellers/educational-outcomes-for-gypsytraveller-children/>

<sup>206</sup> CRC/C/GBR/CO/5, 64.

<sup>207</sup> In Northern Ireland, most schools are grant-aided (state-funded). These schools follow the revised curriculum.

<sup>208</sup> Committee on the Elimination of Discrimination against Women, 2018, *Report of the Inquiry concerning the United Kingdom of Great Britain and Northern Ireland under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*, CEDAW/C/OP.8/GBR/1 [viewed 09.12.20]. Available from:

[https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GBR/INT\\_CEDAW\\_ITB\\_GBR\\_8637\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/GBR/INT_CEDAW_ITB_GBR_8637_E.pdf)

Schools should always prioritise in-person education, but be prepared to ensure children’s digital participation in education when necessary. All children should be provided with equipment, or the ability to access equipment and internet connection, to fully participate in digital learning.

## Questions for State Party

- **Please provide information on measures to prioritise and invest in the promotion and monitoring of children’s mental health and wellbeing in schools at all levels.**
- **Please provide information on measures to implement a single education system in Northern Ireland, including addressing fundamental inequalities stemming from *inter alia* academic selection and segregation, to lead to improved outcomes for all children.**
- **How will the UK and devolved governments ensure every child has access to the technology they need to fully participate in a blended or digital learning environment?**
- **What plans are in place to support children with additional needs, such as SEND and mental health needs, within schools?**

### 23. Suspension, exclusion, and off-rolling

*Arts. 2, 3, 12, 28, 29*

There continues to be a worrying pattern of illegal withdrawal from school rolls (“off-rolling”),<sup>209</sup> and formal or informal exclusions, which are not recorded **UK-wide**.<sup>210</sup> There is a lack of data due to the failure to record or document fully these “informal” suspensions, exclusions, or absences. Disabled children are particularly vulnerable to “off-rolling,” suspension and exclusion. Schools employ such measures due to lack of skills, available support services for behavioural management, or capacity to respond to these children’s educational, behavioural, or health needs.<sup>211</sup> Pupils with SEN are almost twice as likely to be suspended as their peers and almost half of expulsions since 2015/16 have involved children with SEN in **Northern Ireland**.<sup>212</sup> In **England**, children with SEN are half of all permanent exclusions despite representing 15% of all pupils.<sup>213</sup> Children supported by social care are excluded at a higher rate, as are Irish, Black, Caribbean, and Gypsy Roma children.<sup>214</sup> Rises in permanent exclusions and “off-

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<sup>209</sup> The practice of removing a student from the school roll without using a permanent exclusion.

<sup>210</sup> NICCY, 2020, ‘*Too Little, Too Late*,’ *A Rights Based Review of Special Educational Needs Provision in Mainstream Schools*

<sup>211</sup> Ibid.

<sup>212</sup> Ibid.

<sup>213</sup> Department of Education, 2020, *Permanent and fixed-period exclusions in England: Academic Year 2018/2019* [viewed 09.12.20]. Available from: <https://explore-education-statistics.service.gov.uk/find-statistics/permanent-and-fixed-period-exclusions-in-england#sectionBlocks-dataBlock-dda34aec-0e51-4bc5-5a3e-08d8331bca8a-tables>

<sup>214</sup> Edward Timpson, 2019, *Timpson Review of School Exclusion* [viewed 09.12.20]. Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/807862/Timpson\\_review.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807862/Timpson_review.pdf)

rolling” are likely caused by multiple accountability measures that do not emphasise inclusion, stretched school budgets leading to additional support cuts, and strict zero-tolerance behaviour policies.<sup>215</sup>

## Question for State Party

- **Please provide information on measures to monitor and address children falling off the school roll through exclusions, “off-rolling” or absence, particularly disabled children.**

### **24. Education on human rights and the UNCRC**

*Arts. 12, 28, 29, 42*

In **England** and **Scotland**, human and child rights education are not compulsory in schools.

In **Northern Ireland**, whilst the UNCRC and children’s rights are reflected with the school curriculum throughout Key Stages 1-4, these are not compulsory.

**Wales’** new curriculum, to be implemented from 2022, refers to the UNCRC and a children’s rights approach in its contents but there is no duty to have regard to children’s rights in the legislation. This means that individual school settings are not required to consider children’s rights when making decisions about their education and disapplying elements of the curriculum for some.

Children’s and human rights education should be a mandatory component of the curriculum across all stages of education and the UNCRC should be fully embedded into the curriculum.

## Question for State Party

- **How will the UK and devolved governments recognise the UNCRC and embed it into children’s experiences of the curriculum and ensure children learn about their rights at school?**

### **25. Limited access to leisure and play in disadvantaged areas**

*Arts. 2, 3, 6, 24, 31*

In **England**, access to rest, leisure and play is often unequal due to costs or distance, poor quality and/or maintenance of local parks, a lack of age-appropriate equipment, and a perceived lack of safety.<sup>216</sup>

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<sup>215</sup> CCE, 2019, *Exclusions: Children Excluded from Mainstream Schools* [viewed 09.12.20]. Available from: <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2019/05/Exclusions-cover-merged.pdf>

<sup>216</sup> CCE, 2018, *Playing Out: A Children’s Commissioner’s Report on the Importance to Children of Play and Physical Activity* [viewed 09.12.20]. Available from: <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2018/08/Play-final-report.pdf>

In **Wales**, common barriers are financial, lack of variety, and transport needs.<sup>217</sup> The government must ensure that disadvantaged communities have adequate resources to access exercise and healthy food to implement the Healthy Weight Strategy, and engage with children in planning processes.<sup>218</sup>

In **Scotland**, access to leisure and play opportunities are limited in rural areas, as well as small towns, and some urban areas, particularly less affluent ones.<sup>219</sup> Poorly-maintained parks is a reason many children do not engage in unstructured play outdoors.<sup>220</sup> Both formal and informal opportunities are threatened due to local authority budget cuts.

In **Northern Ireland**, children, particularly those most marginalised and disabled children, experience similar restrictions.

## Questions for State Party

- **What action is the State Party taking to improve leisure and play opportunities for BAME children and disabled children?**
- **What actions are being taken to ensure children in disadvantaged areas have equal access to leisure and play, including through monitoring local authorities' actions?**

## SPECIAL PROTECTION MEASURES

### **26. Insufficient measures to protect and support migrant, refugee, and asylum-seeking children** *Arts. 2, 3, 10, 22, 24, 26, 27, 28, 29*

The **UK government** should ensure that children can access safe and legal routes to the UK to apply for asylum, and that unaccompanied asylum-seeking children (UASC) can access appropriate support when in local authority care. With the completion of the Dubs scheme and the rejection of the proposed amendment to legislation to allow continued family reunification post-Brexit,<sup>221</sup> the government must consider other options.

Asylum-seeking and refugee children and families face barriers to appropriate healthcare and education, a lack of child-friendly interview facilities, the vulnerability of exhaustion of appeal rights, destitution, and the negative consequences of the **UK government's** 'hostile environment' policy.

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<sup>217</sup> CCFW, 2018, *Article 31: Spotlight Report* [viewed 09.12.20]. Available from:

<https://www.childcomwales.org.uk/publications/article-31-spotlight-report/>

<sup>218</sup> Welsh Government, 2019, *Healthy Weight Strategy (Healthy Weight Healthy Wales)* [viewed 09.12.20].

Available from: <https://gov.wales/healthy-weight-strategy-healthy-weight-healthy-wales>

<sup>219</sup> Young Scot and Scottish Land Commission, 2019, *Young People and Their Local Urban Areas* [viewed 09.12.20]. Available from: [https://www.landcommission.gov.scot/downloads/5dd7d54fb8b87\\_Young-Scot-SLC-Report-Aug-2019-REDUCED.pdf](https://www.landcommission.gov.scot/downloads/5dd7d54fb8b87_Young-Scot-SLC-Report-Aug-2019-REDUCED.pdf)

<sup>220</sup> Children's Parliament, 2019, *Schools on the Move: A Report for the MRC/CSO Social and Public Health Sciences Unit on the Physical and Social Barriers to Children's Engagement in Physical Activity* [viewed 09.12.20]. Available from: [https://www.childrensparliament.org.uk/wp-content/uploads/Children\\_Create2019-1.pdf](https://www.childrensparliament.org.uk/wp-content/uploads/Children_Create2019-1.pdf)

<sup>221</sup> UK Parliament, 2020, *Immigration Bill Completes Passage through Parliament* [viewed 11.12.20]. Available from: <https://www.parliament.uk/business/news/2020/july/lords-immigration-and-social-security-co-ordination-eu-withdrawal-bill/>

**Northern Ireland's** participation in the Syrian Vulnerable Person's Relocation Programme and the creation of a multi-stakeholder collaborative model with streamlined procedural and services innovations are welcome.<sup>222</sup> However, access to UNCRC rights and services for children and families subject to immigration control should not be contingent on entry route. These children and families must have timely access to all-island services.

Initiatives to support separated children, including an independent guardianship provision,<sup>223</sup> are welcome. Nonetheless, the development of specialist resources, such as the regional residential unit, and professional expertise are under pressure. The Executive must ensure the service provision model is robust and responsive to increased arrivals and establish regional child rights-compliant age assessment guidance.

Recommendations to reform the National Referral Mechanism for potential child victims of human trafficking and modern slavery and ensure it is located within multi-disciplinary safeguarding processes and procedures have not been progressed.

In **England** and **Scotland**, asylum-seeking children are affected by their parents' No Recourse to Public Funds (NRPF) status. Despite duties on local authorities to support children, no specific funds are allocated for implementation.<sup>224</sup>

In **Wales**, there is a paucity of information on migrant, refugee and asylum-seeking children. The government must better understand the impact of adverse childhood experiences on these children<sup>225</sup> to best focus support and resources. We welcome the 2018 Health and Wellbeing Provision for Refugees and Asylum seekers.<sup>226</sup> The government should consider extending travel concessions on public transport, ensuring minimum standards for mental health support for UASC,<sup>227</sup> and maximising available support, including early intervention services, education, and mental health support.<sup>228</sup>

In **England**, local authorities are under pressure due to increased numbers of arrivals and the stalling of the National Transfer Scheme (NTS). The NTS relies on local authorities offering places voluntarily, but higher demand than available places and long processing delays leave children awaiting transfer at their point of entry.

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<sup>222</sup> Department for Communities, 2020, *Syrian Vulnerable Persons Relocation Scheme: Briefing Document* [viewed 09.12.20]. Available from:

<https://www.communities-ni.gov.uk/sites/default/files/publications/communities/dfc-svprs-briefing-feb20.pdf>

<sup>223</sup> Commencement of Section 21 of the *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015* in 2018 [viewed 09.12.20]. Available from:

<https://www.legislation.gov.uk/ni/2015/2/enacted>

<sup>224</sup> *Children (Scotland) Act 1995* [viewed 09.12.20]. Available from:

<https://www.legislation.gov.uk/ukpga/1995/36/contents>, Section 22; CYPCS, 2019, *Legal Brief: No Recourse to Public Funds - A Children's Human Rights Issue* [viewed 09.12.20]. Available from:

<https://cypcs.org.uk/resources/legal-brief-no-recourse-public-funds/>

<sup>225</sup> Public Health Wales, 2020, *Adverse Childhood Experiences in Child Refugee and Asylum Seeking Populations* [viewed 09.12.20]. Available from: <https://www.wmsmp.org.uk/wp-content/uploads/ACEs-in-Child-Refugee-and-Asylum-Seekers-Report-English-final.pdf>

<sup>226</sup> Welsh Government, 2018, *Policy Implementation Guidance: Health and Wellbeing Provision for Refugees and Asylum Seekers* [viewed 09.12.20]. Available from: [https://gov.wales/sites/default/files/publications/2019-03/health-and-wellbeing-provision-for-refugees-and-asylum-seekers\\_0.pdf](https://gov.wales/sites/default/files/publications/2019-03/health-and-wellbeing-provision-for-refugees-and-asylum-seekers_0.pdf)

<sup>227</sup> Welsh Parliament, Equality, Local Government and Communities Committee, 2019, *"I Used to be Someone" – Refugees and Asylum Seekers in Wales* [viewed 09.12.20]. Available from:

<https://senedd.wales/laid%20documents/cr-ld11012/cr-ld11012-e.pdf>

<sup>228</sup> Ibid.

## Questions for State Party

- **What action will the State Party take to ensure asylum-seeking children are able to access safe and legal routes to the UK, particularly following Brexit?**
- **What steps are the UK and devolved governments taking to ensure that the rights of all children, including destitute asylum seekers, are fully protected and that they access the services and receive the support they need, including through systematic, disaggregated data collection?**
- **What is the Welsh government doing to improve understanding of migrant, refugee, and asylum-seeking children’s experiences and to remove all possible barriers to access to services, so that resources can be best targeted to support them and they access their rights?**
- **When will the UK and Northern Ireland governments establish a National Referral Mechanism for child victims of trafficking and modern slavery which is embedded in child protection arrangements, strengthen current provisions for separated children, and establish regional child rights compliant age assessment guidance?**

### 27. Overuse of deprivation of liberty

*Arts. 2, 3, 6, 24, 28, 29, 37, 40*

Across **the UK**, there are increasing concerns about children being unlawfully deprived of their liberty in institutional settings. The legal rights and safeguards of these children have been consistently debated in court.<sup>229</sup> The Supreme Court is currently considering<sup>230</sup> whether it is lawful to deprive a child of their liberty in an unregistered, unregulated children’s home as ‘secure accommodation.’ This case concerns intra-country cross-border placements where the regulations and domestic law differ.

There is a lack of sufficient and disaggregated data **across the UK** regarding the numbers of children deprived of liberty in unregulated alternative care placements; and residential care homes without the necessary procedural and human rights safeguards. The number of Deprivation of Liberty orders placed on children in care across **England and Wales** increased from 43 in 2016/17 to 134 in 2018/19.<sup>231</sup> There are no equivalent Deprivation of Liberty orders available in Scots law, yet children from **England, Northern Ireland** and **Wales** have been placed in **Scotland** and deprived of their liberty outside the statutory childcare scheme.

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<sup>229</sup> The CCE report discusses the debates in the High Court and the Supreme Court around legal and human rights threshold tests for lawful deprivation of liberty, capacity of the child and parental consent. CCE, 2020, *Who Are They? Where are They? Children Locked Up* [viewed 09.12.20]. Available from: <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/11/cco-who-are-they-where-are-they-2020.pdf>

<sup>230</sup> In the matter of T (A Child) (Appellant) UKSC (Judgment pending), Case ID: UKSC 2019/0188 [viewed 09.12.20]. Available from: <https://www.supremecourt.uk/cases/uksc-2019-0188.html>.

<sup>231</sup> TITHERADGE N., 2020. *Rise in Care Children Being 'Deprived of Liberty.'* *BBC News*. London, 6 August [viewed 09.12.20] Available from: <https://www.bbc.co.uk/news/uk-53641136>

In **England**, since 2015 the government has significantly reduced the numbers of children in custody, however 650 children are still detained in poor conditions, experiencing high levels of restrictive practices.<sup>232</sup> The steadily increasing use of custodial remands is worrying, particularly for BAME children who are grossly overrepresented.<sup>233</sup> In February 2020, children on remand equalled 37% of all children in custody. Children can spend up to nine months in custody without a sentence. In 2019, two-thirds of remanded children did not subsequently receive a prison sentence.<sup>234</sup>

In **England**, many children are treated in mental health wards far from home. At any time over 900 children are in inpatient mental health wards, with many staying for considerable time periods.<sup>235</sup> This is particularly concerning for children with learning disabilities and autism. There should be better community care services to ensure children are not hospitalised unnecessarily.

In **Northern Ireland**, there is no transparency or public data regarding deprivation of liberty, despite government commitments to ensure all detentions on mental health grounds are reasonable and proportionate, and to publish statistics.<sup>236</sup> New mental health and capacity legislation was introduced in the 2016 (Mental Capacity Act).<sup>237</sup> The application of this Act only to 16-year-olds and over is concerning as it denies children under 16 access to its protections and safeguards.<sup>238</sup>

All children imprisoned are in Woodlands Juvenile Justice Centre. In 2019/20, only 7% of children detained were sentenced, with the remaining 93% held under the Police and Criminal Evidence Act 1989 or on remand.<sup>239</sup> “Looked-after” children are disproportionately overrepresented in custody (39%) as are children identifying as Catholic (63%).<sup>240,241</sup> There is no robust understanding of the cause of, nor clear

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<sup>232</sup> Levels of restraint, separation, and violence are high. National Association for Youth Justice, 2020, *The State of Youth Justice 2020* [viewed 09.12.20]. Available from: <https://thenayj.org.uk/cmsAdmin/uploads/state-of-youth-justice-2020-final-sep20.pdf>

<sup>233</sup> BAME children represent 57% of all children on custodial remand. Ministry of Justice, 2019, *Youth Justice Statistics, England and Wales, April 2018 to March 2019* [viewed 09.12.20]. Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/862078/youth-justice-statistics-bulletin-march-2019.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/862078/youth-justice-statistics-bulletin-march-2019.pdf)

<sup>234</sup> Ibid.

<sup>235</sup> CCE, 2020, *Who Are They? Where are They? Children Locked Up*.

<sup>236</sup> Department of Health, 2019, *Inter-Departmental Action Plan in Response to ‘Still Waiting’ Report* [viewed 09.12.20]. Available from: <https://www.health-ni.gov.uk/stillwaitingreport-response>, Objectives 4.6, 8.1; NICCY, 2018, *A Rights Based Review of Mental Health Services and Support for Children and Young People: Still Waiting*; NICCY, 2020, *NICCY Assessment of IDG Still Waiting Action Plan* [viewed 09.12.20]. Available from: <https://www.niccy.org/StillWaiting>

<sup>237</sup> *Mental Capacity Act (Northern Ireland) 2016* [viewed 09.12.20]. Available from: <https://www.legislation.gov.uk/nia/2016/18/contents/enacted>

<sup>238</sup> NICCY, 2020b), *Response to the Department of Health Northern Ireland on the Mental Capacity Act (Northern Ireland) 2016 Code of Practice* [viewed 09.12.20]. Available from: <https://www.niccy.org/publications/2019/february/22/mental-capacity-act/>

<sup>239</sup> Department of Justice, 2020, *Northern Ireland Youth Justice Agency Annual Workload Statistics 2019-20, Statistics Bulletin* [viewed 10.12.20]. Available from: <https://www.justice-ni.gov.uk/publications/northern-ireland-youth-justice-agency-annual-workload-statistics-2019-20>

<sup>240</sup> At the last census in 2011, 41% of the population of Northern Ireland identified as Catholic. NISRA, 2012, *Statistical Bulletin, Census 2011: Key Statistics for Northern Ireland* [viewed 09.12.20]. Available from: <https://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/2011-census-results-key-statistics-statistics-bulletin-11-december-2012.pdf>

<sup>241</sup> Department of Justice, 2020, *Northern Ireland Youth Justice Agency Annual Workload Statistics 2018/19, Statistics Bulletin*. Available from: <https://www.justice-ni.gov.uk/publications/northern-ireland-youth-justice-agency-annual-workload-statistics-201819>. *R & S Bulletin 28/2017 - Youth Justice Agency Annual Workload*

efforts to address, this disparity.

In **Scotland**, children are deprived of their liberty in adult prisons and YOIs, police and court custodial settings, mental health wards, and immigration detention centres.<sup>242</sup> Restrictive practices, including restraint, unlawful searches and strip searches, seclusion, and chemical restraint are used on children in penal, educational, residential care, and institutional settings. This also applies to 16- and 17-year-olds in adult settings. Twenty-four children are currently detained in YOIs, only eight have been tried and sentenced to custody.<sup>243</sup>

## Questions for State Party

- **How will the UK and devolved governments ensure that children who must be detained have access to therapeutic support, legal advice advocacy and access to child-friendly complaints mechanisms and justice, so they can be properly rehabilitated and reintegrated into their families and communities?**
- **How will the Scottish government ensure that no child under 18 is deprived of their liberty in settings which are unregulated, unregistered, and not in accordance with Scots law or international human rights standards?**
- **Please provide information on plans to ensure all children can access an inherently therapeutic integrated model of secure care.**
- **Please provide information on measures to reduce the number of children deprived of their liberty, including addressing root causes; to ensure that alternatives to deprivation of liberty are always considered in the first instance, and ensure that deprivation of liberty is only used as a last resort for the least possible time and that its application is regularly monitored and reviewed.**
- **Please provide data on children deprived of their liberty in the criminal justice, immigration, residential care and mental health systems, disaggregated by ethnicity, age, religion, disability, and gender, including length of deprivation and the legal basis of any placement.**
- **What steps will be taken to collect data and share data across government agencies and the National Preventative Mechanism on children deprived of liberty**

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*Statistics 2016/17*. Available from: <https://www.justice-ni.gov.uk/publications/r-s-bulletin-282017-youth-justice-agency-annual-workload-statistics-201617> [both viewed 10.12.20].

<sup>242</sup> Although this is a reserved UK power.

<sup>243</sup> This means 67% of children currently in a prison setting in Scotland are on remand. Despite the 2019 HMIPS Inspection and [Expert Review of Mental Health](#) which highlighted significant concerns. HM Inspectorate of Prisons for Scotland, 2019, *Report on an Expert Review of the Provision of Mental Health Services, for Young People Entering and in Custody at HMP YOI Polmont* [viewed 09.12.20]. Available from: [https://www.prisonsspectoratescotland.gov.uk/sites/default/files/publication\\_files/Report%20on%20Expert%20Review%20of%20Provision%20of%20Mental%20Health%20Services%20at%20HMP%20YOI%20Polmont%20-%20Final%20Version.pdf](https://www.prisonsspectoratescotland.gov.uk/sites/default/files/publication_files/Report%20on%20Expert%20Review%20of%20Provision%20of%20Mental%20Health%20Services%20at%20HMP%20YOI%20Polmont%20-%20Final%20Version.pdf)

**in all settings to ensure that these children can be tracked and their rights respected and protected?**

- **What urgent measures will be taken by the Northern Ireland Executive to ensure that children’s rights are upheld and where possible strengthened through commencement of Mental Capacity Act and the associated provisions contained in the Code of Practice?**
- **Please provide information concerning steps to implement the recommendations of the Committee on the Rights of the Child, Committee against Torture, and the UN Global Study on Children Deprived of Liberty concerning children deprived of liberty.**

**28. Minimum age of criminal responsibility should be raised to at least 14**

*Arts. 6, 24, 28, 29, 37, 40*

The minimum age of criminal responsibility (MACR) remains very low across **the UK**, despite the Committee’s recommendations and General Comment No. 24.<sup>244</sup>

The MACR in **England, Northern Ireland, and Wales** remains ten. Although youth justice in **Wales** prioritises support and diversion, there is no formal protection in the legal system for this approach and a 10-year-old can be prosecuted.

In **Scotland**, although legislation has been enacted to raise the MACR to 12,<sup>245</sup> it has not yet been commenced,<sup>246</sup> so remains eight.

The MACR must be raised to at least 14 in **all jurisdictions** urgently.

## **Question for State Party**

- **When will the UK and devolved governments raise the minimum age of criminal responsibility to at least 14?**

**29. Youth justice**

*Arts. 2, 3, 12, 37, 40*

We welcome updated legislation on criminal record checks<sup>247</sup> in **England and Wales** but rehabilitation periods do not reflect the children’s sentencing regime and are linked to the age of the person at date of

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<sup>244</sup> CRC/C/15/Add.3, para. 36; CRC/C/15/Add.188, para. 62; CRC/C/GBR/CO/4, para. 78; CRC/C/GBR/CO/5, para. 79; CRC/C/GC/24, para. 22.

<sup>245</sup> *Age of Criminal Responsibility (Scotland) Act 2019* [viewed 09.12.20]. Available from: <https://www.legislation.gov.uk/asp/2019/7/contents/enacted>.

<sup>246</sup> The day a particular section of, or the entire, legislation becomes law.

<sup>247</sup> *The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2020* [viewed 08.12.20]. Available from: <https://www.legislation.gov.uk/ukdsi/2020/9780348209648/contents> and

conviction. Delays in convictions could result in a child being treated as an adult regarding criminal record disclosure.<sup>248</sup>

In **England**, children from BAME and care-experienced backgrounds are over-represented in the secure estate. Black children are over four times more likely to be arrested than White children. BAME children equal 49% of the entire youth custody population, despite being 18% of the general population.<sup>249</sup> 55% of children in custody have been in care.<sup>250</sup>

Youth justice should be devolved to **Wales** to align it with the health, social services, and education services, which support children. Many children normally resident in Wales<sup>251</sup> are in YOIs in England. More suitable provision is needed in Wales in the form of secure centres providing the appropriate support, including education and therapeutic interventions. The Welsh youth justice blueprint<sup>252</sup> details plans for further provision; this must be progressed.

In **Scotland**, the youth justice system comprises Children's Hearings and the adult criminal justice system. Despite a welfare-based ethos that all children be assessed for their needs for care and protection rather than in the punitive criminal justice system, approximately 37%<sup>253</sup> of children in conflict with the law are not referred to Children's Hearings and are prosecuted for alleged offences in adult criminal courts. At present, 16- and 17-year-olds cannot be newly referred to a Children's Hearing.

There has been little progress in implementing children's rights in the **Northern Irish** youth justice system. The system must be child rights-compliant and address custody as a last resort and for the least possible time, outcomes data on young people who have received services from the Youth Justice Authority, diversion, statutory time limits of 120 days for processing youth court cases, and children's participation in design and delivery of services.

## Questions for State Party

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*The Police Act 1997 (Criminal Record Certificates: Relevant Matters) (Amendment) (England and Wales) Order 2020* [viewed 08.12.20]. Available from: <https://www.legislation.gov.uk/ukdsi/2020/9780348209631/contents>

<sup>248</sup> Standing Committee for Youth Justice, 2020, *Response to the Sentencing White Paper*

*Reform of Childhood Criminal Records* [viewed 08.12.20]. Available from: <http://scyj.org.uk/wp-content/uploads/2020/11/SCYJ-FINAL-Submission-in-Response-to-Sentencing-White-Paper-Childhood-Criminal-Records-19112020.pdf>

<sup>249</sup> Ministry of Justice and Youth Justice Board for England and Wales, 2020, *Youth Justice Annual Statistics for 2018 to 2019 for England and Wales* [viewed 09.12.20]. Available from:

<https://www.gov.uk/government/statistics/youth-justice-statistics-2018-to-2019>

<sup>250</sup> Youth Justice Board, 2020, *Assessing the Needs of Sentenced Children in the Youth Justice System: England and Wales* [viewed 09.12.20]. Available from:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/887644/assessing-needs-of-sentenced-children-youth-justice-system.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/887644/assessing-needs-of-sentenced-children-youth-justice-system.pdf)

<sup>251</sup> Unpublished CCFW engagement with youth justice organisations, 2020.

<sup>252</sup> Ministry of Justice, 2019, *Youth Justice Blueprint for Wales* [viewed 10.12.20]. Available from:

[https://gov.wales/sites/default/files/publications/2019-05/youth-justice-blueprint\\_0.pdf](https://gov.wales/sites/default/files/publications/2019-05/youth-justice-blueprint_0.pdf)

<sup>253</sup> Children and Young People's Centre for Justice, 2020, *Rights Respecting? Scotland's Approach to Children in Conflict with the Law* [viewed 09.12.20]. Available from: <http://www.cycj.org.uk/wp-content/uploads/2020/01/Rights-Respecting-Scotlands-approach-to-children-in-conflict-with-the-law.pdf> and

CYPCS, 2020, *Older Children in Conflict with the Law* [viewed 09.12.20]. Available from: <https://cypcs.org.uk/resources/older-children-in-conflict-with-the-law/>

- **Please explain steps taken to include all 16- and 17-year-olds in the UK and devolved youth justice system for children in conflict with the law and to prevent the criminalisation of all children in the respective justice systems.**
- **What steps will be taken by the Scottish government to ensure that necessary amendments are made in Scots law to amend the definition of ‘a child’ in all legislation as any person under 18?**
- **Will the State Party commit to a wide-ranging review of the childhood criminal records system?**
- **How will Welsh government advance the youth justice blueprint to ensure suitable secure centres exist within Wales?**

## OTHERS

### 30. Impact of Brexit

*Arts. 2, 3, 10, 24, 28, 29, 30, 31*

The European Union (EU) Withdrawal Agreement Act<sup>254</sup> removes the EU Charter of Fundamental Rights<sup>255</sup> from UK law, weakening legal protections for children. It contains rights with no direct equivalent in UK law, including for a child’s best interests to be a primary consideration in all actions taken by a public or private institution, a freestanding right to non-discrimination and the right to human dignity.<sup>256</sup> It provides more powerful accountability mechanisms than are available elsewhere in UK law and its progressive framing allows for the rights to reflect social change and be interpreted in light of current culture and practice.<sup>257</sup> In the absence of UNCRC incorporation, the Charter remains the one legal document where there is focused and specific recognition of children’s rights.

Children’s exposure to toxic substances is significant risk as the EU’s REACH<sup>258</sup> Regulations will no longer apply after Brexit. These standards can cover anything from chemicals within food contact materials (e.g. food packaging) to herbicides and pesticides. There are concerns about the lowering of chemical safety standards in the UK as REACH decisions will no longer apply.

Brexit poses challenges for children in **Northern Ireland**. The human rights impact, including a possible hard border between Northern Ireland and the Republic of Ireland, is significant for children’s rights to health, education, family, security, play and leisure, and free participation in cultural life and the arts. Access to health services, organised on an island-wide basis, may be severely constrained. Children who cross the border to school, visit friends or relatives, or participate in cultural or leisure activities may see these rights restricted. UK and Northern Ireland government agencies must work with Republic of Ireland

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<sup>254</sup> *European Union Withdrawal Agreement Act* [viewed 09.12.20]. Available from:

<https://www.legislation.gov.uk/ukpga/2020/1/contents/enacted>

<sup>255</sup> *Charter of Fundamental Rights of the European Union* [viewed 09.12.20]. Available from: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>

<sup>256</sup> *Ibid.*, arts. 1, 21, 24.

<sup>257</sup> The Charter places a constitutional obligation on EU Member States to adhere to children’s rights standards when implementing EU law and the EU’s Court of Justice now routinely refers to the Charter when adjudicating on cases involving children.

<sup>258</sup> Registration, Evaluation, Authorisation and Restriction of Chemicals

authorities to establish arrangements providing such access, safeguarding children and families, and guarding against any negative criminal justice or immigration consequences of cross-border travel for such purposes.

All legal documents concerning EU withdrawal must comply with international human and children's rights obligations. Children in Northern Ireland must continue to enjoy equal access to all rights and services following the end of the transition period.<sup>259</sup>

## Questions for State Party

- **What assessment has been made concerning the impact of Brexit arrangements on children across the UK, particularly in Northern Ireland?**
- **What steps have been taken to ensure no diminution of rights for children with the loss of the EU Charter of Fundamental Rights?**
- **What measures will the UK and Northern Ireland governments take to ensure that children and families, including those subject to immigration control, can cross the land border to access healthcare services and participate in educational, sporting or cultural activities?**

## Conclusion

The Commissioners remain available to assist the Committee with any requests for further information arising from this report and look forward to engaging with the Committee throughout this reporting cycle.

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<sup>259</sup> 31 December 2020

## ANNEX - Compiled Questions for State Party

### *1. Incorporation of the UNCRC into domestic law and failure to ratify the third Optional Protocol*

- What steps have been taken to incorporate the UNCRC adopting a maximalist approach in terms of application and justiciability into domestic legislation in England, Northern Ireland and Wales?
- What is the status of the Northern Irish Bill of Rights and will it fully incorporate the UNCRC?
- What is the status of the UN Convention on the Rights of the Child (Incorporation) (Scotland) Bill and the broader human rights framework in Scotland, and what difference have they made to the implementation of rights?
- When will the UK ratify the Third Optional Protocol on a Communications Procedure?
- How will governments ensure there are robust processes for embedding the UNCRC into new and amended legislation, policies and practices?

### *2. Children's rights and interests not prioritised in decision-making*

- What steps are being taken to introduce a statutory obligation across governments to systematically conduct a CRIA when developing laws and policies affecting children and a CRIE to evaluate the effects? Please explain how children's views will be included in these processes.
- How will the UK and devolved governments effectively resource and deliver children's rights training and promote the use of tools such as CRIAs and CRIEs across governments at all levels so civil servants know and understand how to apply a child rights approach routinely in the policy-making process?
- Is there an Executive-endorsed Children and Young People's Strategy and Delivery Plan to deliver on children's rights, focusing on those most at risk, in Northern Ireland?

### *3. Inadequate resource allocation and no transparency in budgeting*

- How will the UK and devolved governments transparently and regularly measure resource allocation for children's rights in budgets and assess the impact of expenditure for children in line with the UNCRC?
- How much has been allocated to children over each of the past four years?
- Please provide information on measures to ensure that children's services are adequately funded, particularly for children and families in vulnerable situations.

### *4. Insufficient data collection, disaggregation, and analysis*

- How will the UK and devolved governments develop a comprehensive child rights data collection and evaluation system, including measurable child rights indicators, generating high-quality, disaggregated data?
- How will this data be shared across all relevant departments and agencies to ensure children's needs, vulnerabilities, and outcomes can be properly tracked so that child rights obligations can be fulfilled?

### *5. Independence of Children's Commissioners*

- What consideration has been given to the recommendations from the reviews of NICCY's legislation?
- What steps have been taken to transfer the responsibility for the functioning of the CCFW's and the CCE's offices to their respective Parliaments?
- What steps will be taken to improve the Commissioners' independence, particularly regarding budget-setting?

#### *6. Insufficient protection means children continue to experience discrimination*

- Please provide information on measures to address discrimination based on age, ethnicity, sexual orientation or gender identity, disability, and other grounds in different settings, including education.
- How will the Welsh government support schools to provide an anti-racist education and reasonable accommodation to children and young people in schools so that all children can attend on an equal basis?
- Has the Northern Ireland Executive progressed an Age Discrimination, Goods, Facilities and Services) Bill that provides protection for all children under 18?
- Will the UK or devolved administrations ban mosquito devices?

#### *7. Inadequate participation of children and young people in decision-making*

- How will the UK government ensure 16- and 17-year-olds can vote by the next General Election?
- What steps will the UK and devolved administrations take to bring children and their interests to the heart of decision-making, including those most at risk of not being heard, and enshrine their right to participate in law through incorporation of the UNCRC?
- How will the UK and devolved administrations improve their engagement with children and young people, including by establishing appropriate structures, mechanisms, and guidance, producing child-friendly, accessible versions of consultation documents, child-friendly complaints mechanisms, and training personnel?

#### *8. Respect of children's privacy rights and protection from harm in the digital environment*

- What measures are being taken to introduce Online Harms legislation to protect children online without further delay?
- What steps are being taken to ensure the full implementation of the Age Appropriate Code?
- What measures are being taken to ensure the protection of children from harm in the digital environment, including their right to privacy, investment in educational measures, data collection and protection, child protection measures, regulation of online activities, and development of a child rights-based online safety strategy?
- How will the UK and devolved governments involve children as participants in work on protection from harm in the digital environment and use peer-led approaches?

#### *9. Overuse of restraint and seclusion in all settings*

- What actions will the UK and devolved governments take to address restraint, including pain-inducing restraint where it still applies, and isolation/seclusion practices in all settings and ensure that restraint is used only as a last resort?
- Please provide information on measures to introduce comprehensive guidance on limiting use of isolation, exclusion, seclusion, and restraint and restrictive practices unless a child is at risk of immediate harm. This information requires consistent national recording, reporting, monitoring and reviewing of all incidents across health, justice, social care, residential and education settings as well as training for all staff working directly with children. Please provide all data available since 2016.
- What steps are being taken to eliminate the use of solitary confinement of any length for children?

#### *10. Equal protection from assault needed UK-wide*

- What measures are being taken regarding the implementation and communication of the new legislation in Scotland and Wales?
- Will the UK and Northern Ireland governments commit to removing the defence of “reasonable punishment” in legislation, and providing positive parenting information and support in implementation?

### *11. Child-centred support for children affected by sexual abuse*

- When will the UK and devolved governments introduce the Barnahus, or a similar child-centred model for children affected by sexual abuse, including necessary financial and human resources?

### *12. Insufficient protection of children and young people at risk of serious violence, coercion and exploitation*

- Please provide information on steps taken to improve data collection and identification of children at risk of coercion, exploitation, violence and effective actions to improve their situations.
- How are children protected from abuse in intimate relationships?
- What action is the Welsh government taking concerning statutory guidance on school trips and ensuring children at private schools have the same protections as children at non-private schools?
- Please provide information concerning measures to ensure that children in Northern Ireland affected by domestic abuse are fully protected in civil and criminal law and procedures, children displaying harmful and abusive behaviour receive appropriate and effective interventions and the recommendations of the Independent Inquiry into Child Sexual Exploitation have been effectively implemented.
- Will the State Party raise the age of recruitment to the Armed Forces to 18?
- Please provide information on full monitoring and evaluation data for programmes and actions to prevent children from involvement in paramilitary activity and protect them from paramilitary violence.

### *13. Lack of early intervention, childcare, and effective family support services*

- Please provide information on planned measures and resource allocation to ensure increased investment in and emphasis on prevention and early intervention services and supports, expanding the number of children supported with an improved focus on children's outcomes?
- Please provide information on measures to ensure all families can access childcare based on need and not employment status.
- When will the Welsh government prioritise the funding and provision of suitable and sufficient family support services to address unacceptably high rates of children and young people being taken into local authority care?

### *14. Children in care*

- Please provide information on measures to ensure children are placed in specialist residential provision suited to their needs, near their home, proper inspections by the Care Inspectorate of all placements, including 'unregulated placements,' and that children's views are heard.
- How will the State Party improve the wellbeing of looked-after children?
- What is the Welsh government doing to ensure that specialist provision is established for those children with complex needs who require residential provision which supports their mental health and social care needs?
- Please provide information on measures to implement the recommendations from Scotland's Independent Care Review.
- Please confirm the timeline for the introduction of the Adoption and Children Bill and the Strategy for Looked After Children in Northern Ireland and measures to ensure that all children will have access to specialist facilities appropriate to their needs.
- What measures are in place to ensure the upcoming Care Review in England will lead to significant improvements in the children's social care system, including active engagement with children throughout?

#### *15. Inadequate resources to support disabled children*

- Please provide information on support for disabled children and their needs, particularly in the education and health sectors and children's services.
- Please provide information on the SEND Review in England, including timeframe for publication.
- How is the Welsh government investing in neurodevelopmental services and a wider 'No Wrong Door' approach?
- Please provide information on the delivery of a new Special Educational Needs framework to support children with special needs and disabilities in Northern Ireland.
- Please provide information on the Additional Support for Learning Review and the use of CSPs in Scotland.

#### *16. Failure to realise the highest attainable standard of health*

- Please explain measures to address child mortality rates across the UK.
- Please provide information on measures to realise the highest attainable standard of health for children across the UK.
- What actions are being taken by the UK and devolved governments to reduce waiting lists and address the impact of such delays on children's health outcomes and quality of life?
- How will the Welsh government ensure all children receiving healthcare can access independent advocacy?
- What steps are being taken to ensure that Northern Ireland has a robust and functioning multi-agency child death review mechanism, in line with Section 3(5) of the Safeguarding Board Act (Northern Ireland) 2011?

#### *17. Children are unable to access appropriate mental health treatment*

- How will the State Party and devolved administrations ensure that mental health services are adequately resourced so that children are supported and their needs met in a timely and effective manner?
- How will the Welsh government ensure that children experiencing emotional distress or mental ill health receive the multi-agency 'No Wrong Door' response to their needs without waits for assessment?
- How will the Northern Ireland Executive ensure that the first Mental Health Strategy will lead to better outcomes and be child rights-compliant?

#### *18. Inadequate action to tackle children's food insecurity*

- Please provide data on the extent and impact of food poverty on children across the UK, and the measures taken to address this covering both prior to the pandemic and since. Please indicate if particular groups are at higher risk of food poverty.
- What steps are being taken to ensure children have access to adequate food and nutrition throughout the year, including when not at school and increased need for food parcels and free school meals?
- What steps is the State Party taking to ensure that the reintroduction of protections for income and food security implemented during the first lockdown are a priority?

#### *19. Environmental health and justice*

- What assessment has been made of the impact of pollution on children's health across the UK?
- How have children's rights been considered when developing and implementing strategies to reduce environmental degradation and climate change?

- How are the State Party and devolved administrations responding to children’s calls for action on climate change and environmental protection, and engaging them as active participants?
- What action is the Welsh government taking to improve rates of active travel and to implement a 20mph speed limit in residential areas?

#### *20. Child poverty and welfare reform*

- What assessment has been undertaken of the cumulative impact of the full range of social security and tax reforms to date on children and their families?
- Please provide information on measures to reverse welfare reform that negatively affect children and their families, including the Family Cap and the Benefit Cap; mitigate child poverty, including through measures such as free school meals; and to implement the recommendations of the UN Special Rapporteur on Extreme Poverty and Human Rights.
- Please explain how groups of children disproportionately affected by poverty will be prioritised in the government’s approach to poverty reduction.
- What consideration has been given to lessons learnt from measures introduced to bring people out of poverty in response to the pandemic and to applying these more widely?

#### *21. Adequate housing*

- What are the UK and devolved governments’ plans to improve the accessibility and affordability of housing?
- Please provide information on measures to protect, support and find suitable accommodation for those young people who are particularly vulnerable to homelessness or living in unsuitable accommodation?

#### *22. Unequal access to education*

- Please provide information on measures to prioritise and invest in the promotion and monitoring of children’s mental health and wellbeing in schools at all levels.
- Please provide information on measures to implement a single education system in Northern Ireland, including addressing fundamental inequalities stemming from *inter alia* academic selection and segregation, to lead to improved outcomes for all children.
- How will the UK and devolved governments ensure every child has access to the technology they need to fully participate in a blended or digital learning environment?
- What plans are in place to support children with additional needs, such as SEND and mental health needs, within schools?

#### *23. Suspension, exclusion, and off-rolling*

- Please provide information on measures to monitor and address children falling off the school roll through exclusions, “off-rolling” or absence, particularly disabled children.

#### *24. Education on human rights and the UNCRC*

- How will the UK and devolved governments recognise the UNCRC and embed it into children's experiences of the curriculum and ensure children learn about their rights at school?

#### *25. Limited access to leisure and play in disadvantaged areas*

- What action is the State Party taking to improve leisure and play opportunities for BAME children and disabled children?
- What actions are being taken to ensure children in disadvantaged areas have equal access to leisure and play, including through monitoring local authorities’ actions?

#### *26. Insufficient measures to protect and support migrant, refugee, and asylum-seeking children*

- What action will the State Party take to ensure asylum-seeking children are able to access safe and legal routes to the UK, particularly following Brexit?
- What steps are the UK and devolved governments taking to ensure that the rights of all children, including destitute asylum seekers, are fully protected and that they access the services and receive the support they need, including through systematic, disaggregated data collection?
- What is the Welsh government doing to improve understanding of migrant, refugee, and asylum-seeking children's experiences and to remove all possible barriers to access to services, so that resources can be best targeted to support them and they access their rights?
- When will the UK and Northern Ireland governments establish a National Referral Mechanism for child victims of trafficking and modern slavery which is embedded in child protection arrangements, strengthen current provisions for separated children, and establish regional child rights compliant age assessment guidance?

#### *27. Overuse of deprivation of liberty*

- How will the UK and devolved governments ensure that children who must be detained have access to therapeutic support, legal advice advocacy and access to child-friendly complaints mechanisms and justice, so they can be properly rehabilitated and reintegrated into their families and communities?
- How will the Scottish government ensure that no child under 18 is deprived of their liberty in settings which are unregulated, unregistered, and not in accordance with Scots law or international human rights standards?
- Please provide information on plans to ensure all children can access an inherently therapeutic integrated model of secure care.
- Please provide information on measures to reduce the number of children deprived of their liberty, including addressing root causes; to ensure that alternatives to deprivation of liberty are always considered in the first instance, and ensure that deprivation of liberty is only used as a last resort for the least possible time and that its application is regularly monitored and reviewed.
- Please provide data on children deprived of their liberty in the criminal justice, immigration, residential care and mental health systems, disaggregated by ethnicity, age, religion, disability, and gender, including length of deprivation and the legal basis of any placement.
- What steps will be taken to collect data and share data across government agencies and the National Preventative Mechanism on children deprived of liberty in all settings to ensure that these children can be tracked and their rights respected and protected?
- What urgent measures will be taken by the Northern Ireland Executive to ensure that children's rights are upheld and where possible strengthened through commencement of Mental Capacity Act and the associated provisions contained in the Code of Practice?
- Please provide information concerning steps to implement the recommendations of the Committee on the Rights of the Child, Committee against Torture, and the UN Global Study on Children Deprived of Liberty concerning children deprived of liberty.

#### *28. Minimum age of criminal responsibility should be raised to at least 14*

- When will the UK and devolved governments raise the minimum age of criminal responsibility to at least 14?

### *29. Youth justice*

- Please explain steps taken to include all 16- and 17-year-olds in the UK and devolved youth justice system for children in conflict with the law and to prevent the criminalisation of all children in the respective justice systems.
- What steps will be taken by Scottish government to ensure that necessary amendments are made in Scots law to amend the definition of ‘a child’ in all legislation as any person under 18?
- Will the State Party commit to a wide-ranging review of the childhood criminal records system?
- How will Welsh government advance the youth justice blueprint to ensure suitable secure centres exist within Wales?

### *30. Impact of Brexit*

- What assessment has been made concerning the impact of Brexit arrangements on children across the UK, particularly in Northern Ireland?
- What steps have been taken to ensure no diminution of rights for children with the loss of the EU Charter of Fundamental Rights?
- What measures will the UK and Northern Ireland governments take to ensure that children and families, including those subject to immigration control, can cross the land border to access healthcare services and participate in educational, sporting or cultural activities?