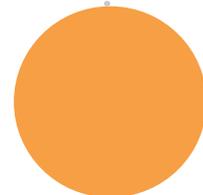
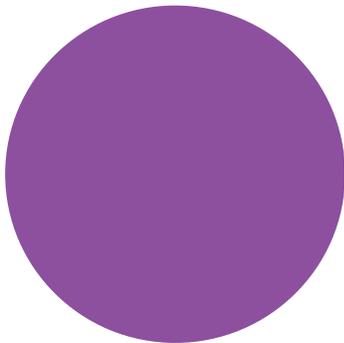
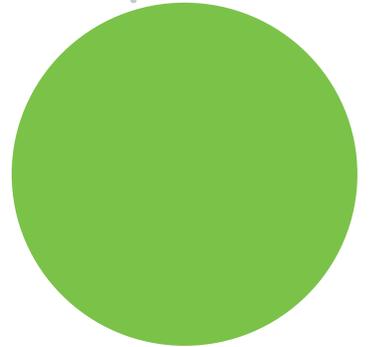




UK Children's Commissioners' UNCRC mid-term review

November 2019



This year marks the 30th anniversary of the United Nations Convention on the Rights of the Child, a landmark agreement by governments around the world on the rights of children. As Children's Commissioners it is central to our mission to make sure that those rights are made a reality for all children.

The United Nations Committee on the Rights of the Child last reviewed the UK's progress in 2016, and will do so again in 2021. We are assessing how UK Government and devolved administrations have progressed towards giving every child the opportunities and protections enshrined in the UNCRC since then. The assessment is set against a backdrop of political uncertainty. It is now three years since the UK voted to leave the EU, and Brexit has drawn political energy and attention away from domestic issues, including the needs of children.

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In addition, Northern Ireland has been without a government for more than 1,000 days, meaning that many vital decisions affecting children haven't been taken.

However, there has been some progress; there are plans in place across much of the UK to improve help for children with mental health

needs. New measures for tackling domestic abuse, which affects hundreds of thousands of children a year, are being introduced. Scotland has passed, and Wales is expected to pass, legislation which bans physical punishment of children. The UK Government is now taking seriously the need to protect children online, with the introduction of the Age Appropriate Design Code.

While there have been positive developments, evidence also shows that UK government welfare reforms have pushed more children into poverty, which in turn increases demand for services for children. Yet these services continue to face significant funding pressures, and are not always able to provide the intensive or early help children need. The UK Government and its devolved governments can only uphold the rights of all children to be safe and to thrive with adequate provision of these services.

In addition, there are still serious deficiencies when it comes to the fundamentals of keeping children safe from violence and abuse. Some children are being ill-treated in institutions meant to care for them, and others are exposed to unacceptable risks in their communities. Here we set out our priorities to ensure that children's rights are respected, and all children are given the protections and opportunities to which they are entitled.



Anne Longfield OBE
Children's Commissioner for England



Bruce Adamson
Children and Young People's Commissioner Scotland



Koulla Yiasouma
Northern Ireland Commissioner for Children and Young People



Sally Holland
Children's Commissioner for Wales



Issue	Progress	What needs to be done
Mental and physical health	<p>There are excessive waiting times for children to access healthcare, with the longest waiting times in Northern Ireland. There are particularly severe delays in mental health services and a lack of community provision, especially for children and young people with learning disabilities or autism. Too many young people end up in secure wards, far from home, being restrained or secluded, and not treated with dignity. Some children are still placed in adult mental health wards. In England, Wales and Scotland there has been increased funding for mental health services, and plans are in place to improve access to mental health services in schools. However, many children still do not get the treatment they need when they need it.</p> <p>Governments in England and Wales have committed to introducing Healthy Relationships and Sex Education which will require all children to have lessons on mental and sexual health, and the Scottish Government are undertaking a review of Personal and Social Education.</p> <p>There have been no significant reductions in child mortality rates since 2014 – in fact in parts of the UK infant mortality has been rising since 2015, and it appears that this is linked to parental poverty. Of all deaths among children and young people aged 0 to 19 years in the UK, 34% were considered avoidable.</p>	<p>There needs to be increased investment in mental health services, particularly community support, to ensure that all children get help when they need it and no child ends up unnecessarily locked away in an institution.</p> <p>There should be a trained counsellor available in every school without one by 2023.</p> <p>There must be urgent action taken to address unacceptably long waiting lists for healthcare and to eliminate all avoidable deaths among children and young people in the UK, including the introduction of effective child death overview mechanisms in Northern Ireland and Scotland.</p>
Financial security	<p>The number of children in poverty in the UK has risen to 4.1 million, partly driven by changes to benefits. Children in large families have been hit hardest, in part due to the benefit cap and the two-child limit. Those in poverty are also more likely to face digital exclusion which creates challenges for accessing financial support. Scotland and Northern Ireland governments have both spent significantly to mitigate against these changes, (although future spending in Northern Ireland is uncertain due to the lack of government) and the Scottish Government will introduce the Scottish Child Payment in Autumn 2020. Despite calls, Wales hasn't produced a child poverty delivery plan or child focused budget. Hundreds of thousands of children are living in unacceptably poor housing, often inappropriate shared accommodation and often for far too long.</p>	<p>The UK Government should halt the roll-out of Universal Credit and introduce reforms to mitigate against the negative elements for children, including removing the two-child limit, five week wait and benefit cap, and urgently address digital exclusion and barriers to the UK's digital-by-default benefits system. Action should be taken to reduce the use of temporary and inappropriate accommodation for children.</p>
Supporting families	<p>Across the UK, spending on services to support families has fallen dramatically over the last ten years. Over the same period, we have seen more children taken into care, or being placed on child protection plans. Many children when they are in care, experience concerning levels of instability - with frequent changes of social worker, schools and carers – or substandard levels of care, particularly older children placed in unregulated settings.</p> <p>There has been some welcome investment in early intervention services and early years education, in Northern Ireland through Family Support Hubs and in Scotland, England and Wales an increased provision of early education and childcare, although many of the most disadvantaged children are still missing out.</p>	<p>All UK governments should prioritise a spending programme to reduce disadvantage and vulnerability in children through early intervention programmes, including early years services. It should ensure adequate funding for vulnerable children supported by children's services and collect data to track their progress.</p>
Violence towards children	<p>There has been a serious rise in the number of children who have been victims of knife crime, and many are exploited sexually or criminally, or groomed into gangs. There is increased recognition of these extra-familial risks, but much more needs to be done. Thousands of children who identify as gang members are getting no formal support, and children in Northern Ireland continue to be subjected to paramilitary violence and intimidation.</p> <p>Progress has been made on addressing the violence children face in the home – with a new bill introduced to tackle domestic abuse across the UK, a change in law in Scotland to prevent parents from physically punishing their children, and a similar bill introduced in Wales. A review of serious sexual offences in Northern Ireland has recognised the need for a complete overhaul of the way that cases of sexual abuse of children are addressed.</p> <p>The UK armed forces continue to enlist children aged 16 and 17, despite being asked by the UN Committee to reconsider this.</p>	<p>The UK Government should ensure there is better information gathering on children who are victims of different forms of exploitation, intimidation and violence, and training on how to reduce risks children face. The Barnahus, or a similar child-centred model for addressing the sexual assault of children, should be adopted across the UK. Governments in England and Northern Ireland should introduce legislation to prohibit parents from physically punishing their children. The armed forces should not enlist children under the age of 18. The use of restraint and seclusion of children in all settings must be reduced, and all instances should be reported and recorded</p>
Digital rights	<p>There has been a growing understanding from the UK Government of the need to protect children's rights in the digital environment, and it has published an Online Harms white paper which proposes introducing a duty of care towards its users. The Information Commissioner is introducing a new age appropriate design code to protect children's privacy, grounded in children's rights.</p>	<p>UK Government should fully and quickly implement the proposed Duty of Care across all platforms – and ensure it is not watered down to meet the needs of tech companies, rather than children. The European Network of Ombudsmen for Children's statement on Digital Rights should be used to inform implementation of the Council of Europe guidelines on digital rights.</p>
Criminal justice	<p>Hundreds of children are still deprived of liberty every year, some of whom are exposed to pain-inducing restraint, or isolated from their peers for long periods of time. The UK has the lowest ages of criminal responsibility, at 10 in England, Wales and Northern Ireland and 8 - due to rise to 12 in Autumn 2019 - in Scotland. The UN Committee on the Rights of the Child recently reaffirmed their advice that the minimum internationally acceptable age of criminal responsibility is 14. The use of stop and search and strip-searching of children and young people continues to breach children's rights, negatively impacting their relationship with the police and authorities.</p>	<p>Custody should only ever be used as a last resort for children and no children under 18 years old should be placed in custody with over 18s. All use of restraint designed to inflict pain, or for the purposes of punishment should be banned. The purpose and outcomes of all stop and search and strip-searching operations with children and young people should be agreed and reported on accordingly, and their use reduced. The age of criminal responsibility should be raised to at least 14.</p>
Education	<p>Formal and informal exclusions (including 'off-rolling' to home education and reduced timetables) are on the rise across the UK. This disproportionately affects children with special needs who are already more vulnerable, and whose rights to education are already being affected by lack of SEND funding. There is also a worrying level of use of seclusion and 'internal exclusion' and reports of children, particularly in specialist provision, being subject to restraint which causes pain.</p> <p>Positive developments include separate proposals in England and Wales to introduce new guidance to support families and uphold children's rights when educated at home, and new guidance on reducing restraint in special schools in England and in a range of settings in Wales.</p>	<p>All governments should provide adequate levels of funding for schools. All governments should provide comprehensive guidance on limiting use of isolation and restraint unless a child is at risk of immediate harm, and requiring consistent national recording and reporting of all incidents. Mechanisms to reduce formal and informal exclusions should be introduced, and to ensure that all these children are identified and supported.</p> <p>Ensure comprehensive national guidance on restraint and seclusion of children in all settings including education, and consistent national recording and reporting of all incidents</p>
Respecting children's rights	<p>Wales has a legal requirement on government ministers to have due regard to the UNCRC, and in Scotland ministers must keep it under consideration. Northern Ireland and England do not have such requirements, although in England a template for Child Rights Impact Assessments is being introduced across government. Scotland is so far the only nation to have plans to incorporate the UNCRC into law, with a bill due to be introduced in 2020.</p>	<p>A bill to incorporate the UNCRC into domestic law should be introduced with urgency in every nation to mark the 30th anniversary. It should be a requirement for all impact analysis of new legislation in the UK to include a section on the effect on children's rights.</p>

Our priorities

Northern Ireland

- Full, direct and urgent incorporation of the UNCRC into domestic law in Northern Ireland
- Increased investment in child and adolescent mental health services
- Increased funding for education with a focus on wellbeing, and meeting the needs of children with SEN
- Reform of the education system to overcome inequalities and division and ensure all children have a high-quality education
- Effective action to tackle homelessness and poverty, including a new mitigation package, and removal of the two-child limit
- Addressing the legacy of the conflict on children and young people beginning with the impact of 'paramilitary' violence and intimidation
- A focus on safeguarding the rights and best interests of children in Northern Ireland throughout the Brexit process
- Introduce legislation to:
 - » Raise the minimum age of criminal responsibility
 - » Ban physical punishment
 - » End all Age Discrimination (GFS)

Wales

- Full, direct and urgent incorporation of the UNCRC into domestic law in Wales
- Complete the legislative process to give equal protection from physical punishment for children and young people
- 'No wrong door' for emotional, behavioural and mental health support
- The provision of safe and therapeutic residential care for children and young people with severe behavioural or mental health issues in Wales
- A universal early education and childcare offer which includes children of non-working parents as well as the current offer for working parents
- A Child Poverty Delivery Plan setting out concrete actions to mitigate and tackle child poverty in Wales
- Adequately resource positive reforms that we have seen from Welsh Government, such as the Additional Learning Needs and Education Tribunal (Wales) Act 2018 and the new curriculum
- Expressly include the UNCRC on the face of legislation for the new Curriculum

Scotland

- Full, direct and urgent incorporation of the UNCRC into domestic law in Scotland
- Ensure comprehensive national guidance on restraint and seclusion of children in all settings including education, and consistent national recording and reporting of all incidents
- Raise the minimum age of criminal responsibility to ensure children are not criminalised
- Adequate mental health support for every child and young person
- A rights-based approach to reduce, mitigate, and prevent child poverty
- Publicly recognise and increase support for children human rights defenders
- Ensure child friendly justice for every child who comes into contact with the law

England

- Full, direct and urgent incorporation of the UNCRC into domestic law in England
- Increased funding for families in challenging circumstances, including opening up schools to communities
- A trained NHS counsellor in every school, and access to mental health support for every child
- Urgent action to reduce child poverty and homelessness
- Increased provision of high-quality care placements for children who cannot live at home
- Increased action to reduce the number of children entering secure care or custody, reductions in the use of restraint and seclusion and end to the use of pain-inducing restraint in youth custody
- Protection for children at risk of serious violence
- Remove the reasonable punishment defence for assaulting children
- Adequate levels of funding for children with special needs

What do children say?

“All your life **you just want to be accepted by somebody**, whether that’s your friends, whether that’s in a classroom with peers, whether that’s by parents. And when you’ve been through the care system, you sometimes don’t feel accepted or wanted.”

“I think **parents should not be allowed to hit their children** as it is a form of child abuse which is already illegal.”

“My parents really had to fight to get access to relevant services. **It took 4 years before I finally saw someone who helped.**”

“Having to wait upwards of **6 months for a mental health appointment can cost lives** - it almost cost me mine.”

“The fact that we don’t have as many youth clubs anymore has led to young people just - they’re literally out on the streets, **basically, they have nothing to do.**”

“I hope you take our thoughts into **consideration**, as we voice the issues that matter to us most.”

“**Don’t forget us!** We may be the minority, we share the smallest segment of the pie, we may be disabled, we may choose to change our gender, we may be different races or speak different languages, but we are powerful as one so don’t forget us!”



Children and Young People’s Commissioner Scotland

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