

**COMMITTEE ON THE RIGHTS OF THE CHILD**  
**Forty-ninth Session**  
**15 September – 3 October 2008**

**IMPLEMENTATION OF THE CONVENTION  
ON THE RIGHTS OF THE CHILD**

**Response to the list of issues raised in connection with the consideration of the  
third and fourth periodic report of the United Kingdom of Great Britain and  
Northern Ireland (CRC/C/GBR/4)**

## INTRODUCTION

The United Kingdom (UK) Government and the Devolved Administrations have an ongoing commitment to the United Nations Convention on the Rights of the Child (UNCRC) and are looking forward to discussing implementation of the Convention with the Committee. Our commitment is reflected by the primacy given to policies and actions to improve the lives of children and young people across the UK.

Implementation is set within the context of devolution within the UK; an approach that ensures a flexible response to the unique circumstances within each country, whilst maintaining the State Party's commitment to the Convention. The people of Scotland, Wales and Northern Ireland have their own democratically elected legislatures, although the Westminster Parliament continues to legislate on matters which affect the whole of the UK, such as immigration, foreign affairs, defence and macroeconomic policy. The responses to the Committee's list of issues have been separated to refer to the UK as a whole, England or one of the Devolved Administrations to help the Committee's understanding. The responses from the Overseas Territories have been submitted separately to this report.

The UK Government has a clear overarching aim: to give every child the best start in life. Realising this vision will involve much more than investment and reform of services. It will involve deep and broad cultural change which places children and young people at the heart of policy making, empowers young people to take their place as valued members of society, and supports the wider community to embrace and celebrate the contribution that young people make.

In England, the creation of the Department for Children Schools and Families (DCSF), on 28 June 2007, has enabled a coherent focus on achieving these objectives. The Department builds on the successes in education and children's services seen over the over the previous decade and will now focus on the significant challenges that remain: raising standards so that more children and young people reach expected levels in education; lifting more children out of poverty and re-engaging disaffected young people. The new structure will also enable the Department to respond to new challenges that affect children and families: demographic and socio-economic change; developing technology; and increasing global competition. The Children's Plan, published in December 2007, builds on the huge reforms undertaken to improve children's outcomes through the Every Child Matters programme and is underpinned by the UNCRC. It sets out, for the first time, priorities and plans for improving the lives of children and young people in England over the next ten years.

In Scotland, the new administration formed in May 2007 has made clear its commitment to better outcomes for children in general and to the UNCRC in particular. The extension of access to higher education to the children of asylum seekers and ending the remand of under 16s in prison are concrete examples of this. Scottish Ministers and officials are working closely with the Scottish Children's Commissioner and other partners in developing proposals for better implementation of the Convention.

The Welsh Assembly Government has publicly stated its commitment to working towards full implementation of all articles of the UNCRC for every child and young person in Wales. The Welsh Assembly Government believes it has made a promising start towards this objective but acknowledge there is still a considerable way to go. Major cultural change does not happen overnight, it is a long term strategic objective. The approach taken will put in place firm foundations to achieve change and gradually consolidate and build upon those foundations, working with national and local partners across Wales, and with children and young people themselves.

The new Northern Ireland administration, established in May 2007, has demonstrated its commitment to the implementation of the UNCRC. It has included a specific target to ensure central role of the rights of the child in its Programme for Government 2008-11. A Ministerial Sub-Committee on Children and Young People has been established, chaired by the Junior Ministers with specific responsibility for children and a three year action plan is being developed to implement the rights based ten year strategy for children and young people and deliver improved outcomes for all children.

## PART 1

**1. Please indicate whether the Convention of the Rights of the Child has been invoked or referred to directly in domestic courts and if so please provide examples of such cases.**

1. The UN Convention of the Right of the Child (UNCRC) has been directly referred to in the UK domestic courts. Some examples of such cases in England and Wales, Scotland and Northern Ireland are outlined in the table below.

Case Name and Citation	Issue	Description
Susan Helen Mabon v (1) James Mabon & (2) Craig Mabon (3) Adam Mabon (5) Kirsteen Mabon (6) Helen Mabon (7) Callum Shawdale-Mabon (by their Guardian ad Litem James Barclay) [2005] EXCA Civ 634	Article 12 Expression of wishes	The parents of 6 children had separated. The eldest 3 children lived with the father and the youngest 3 with the mother. A single representative had been appointed in respect of all 6 children during the family proceedings. With a view to the requirements of Article 12 UNCRC the Court upheld the claim of the eldest 3 children that they should be allowed separate representation.
S, N and C (minors) (child abduction: child's views: non-convention country) Re [2005] NI Fam 1, [2005] NI 399 (Northern Ireland)	Article 12 Expression of wishes	The presumption that the future of a child should be determined by the Courts in the country of the child's normal residence balanced against the need to take into account a mature child's views about its own best interests, in accordance with Article 12 UNCRC
Nguyen v Secretary of State for the Home Department [2006] EWCA Civ 414, [2006] All ER (D) 380 (Mar)	Article 22 Immigration	The applicant was a mother seeking to prevent her removal to Vietnam. The Court considered the obligations of the UK to the mother's child (born in the UK and so a British citizen) under the UNCRC
R (on the application of DT) v the Secretary of State for the Home Department [2004] EWHC 13 (Admin), [2004] All ER (D) 146 (Jan)	Article 37 (c) Detention	The Claimant contended that her detention in an adult prison when she was aged 16 was unlawful. The Claimant sought to rely on Article 37 (c) of the UNCRC.
HM Advocate v JK [2002] UKPC D1 (Scotland)	Article 40 Fair Trial	A child of 13 was charged with serious sexual assault of his cousin. A delay of 28 months between being charged and being brought to trial was considered to be counter to the UK's obligations under the UNCRC.

**2. Please provide brief information on the ten-year Children's Plan which was adopted in 2007 after the submission of the State party's report.**

2. In December 2007, the Department for Children Schools and Families (DCSF) in England published the *Children's Plan: Building brighter futures*. This ten-year strategic document outlines the Government's approach to improving the lives of children and young people – building on the *Every Child Matters* reforms. For the first time, the Plan brings together all national policy for 0-19 year olds. A copy of the Plan can be found at Annex A. A young people's version and a version of the Plan directed at families are also available and can be downloaded from the DCSF website: [www.dcsf.gov.uk/publications/childrensplan](http://www.dcsf.gov.uk/publications/childrensplan).

3. The Children's Plan was developed in three main ways:

(i) Consulting extensively with parents, children, young people and a range of professionals who work with children, young people and families, for example through an online consultation that received over 3,000 responses. Consultations with children were also carried out with the help of the Children's Commissioner for England and his office. In addition, three 'expert groups'

were created to deliberate specific issues affecting children by age group (0-7, 8-13 and 14-19 years). Each group published a report which directly influenced the development of the Plan.

(ii) Agreeing a set of guiding principles to underpin any new policies to deliver the Government's ambitions for children and young people. These were an acknowledgement that:

- The Government does not bring up children, parents do. The Government needs to do more to support children and families;
- All children have the potential to succeed and should go as far as their talents can take them;
- Children and young people need to enjoy their childhood as well as grow up prepared for adult life;
- Services need to be shaped by and responsive to children, young people and families, not designed around professional boundaries; and
- It is always better to prevent failure than tackle a crisis later.

(iii) Ensuring that the provisions and principles of the UNCRC underpinned the development of the Plan. Each chapter of the Children's Plan relates to the UNCRC and takes forward many of the recommendations of the UN Committee. The Plan also addresses many of the issues subsequently raised by the NGOs and four UK Children's Commissioners in their reports to the UN Committee. The connection between the Plan and the UNCRC was highlighted in Annex B of the Plan which maps policy onto the Convention's principles and clusters of articles.

4. The Children's Plan vision prioritises the following:

- Securing the wellbeing and health of children and young people;
- Safeguarding the young and vulnerable;
- Achieving world-class standards and closing the gap in educational achievement for disadvantaged children;
- Ensuring that young people are participating and achieving their potential to 18 and beyond;
- Keeping children and young people on the path to success; and
- Driving forward system-wide reforms for the way services for children and young people work together.

5. The Plan includes: announcement of the largest ever central Government investment in children's play; commitments on improving the skills of teachers and those working in early years; the vision of the 21<sup>st</sup> Century School as a place offering support to all children to achieve their potential; and announcements of a series of reviews in a number of key policy areas affecting children (including Sex and Relationship Education, the effect of commercial activity on children, and Child and Adolescent Mental Health Services).

6. Delivery of the Plan will only be possible if everybody working with children, young people and families understands what the Plan means to them. To this end, DCSF published a Children's Plan implementation pack in April 2008 providing additional detail, delivery plans and guidance on the Plan for different groups working with children and young people. Consultations have also been ongoing throughout the year with the Expert Groups, and further deliberative events to inform policy development and delivery of the Children's Plan vision.

7. A great deal of progress has already been made in delivering the vision set out in the Children's Plan. Within months of the Plan's launch, the Government published a number of key policy documents as promised. These include a consultation on a strategy on Play, the Youth Crime Action Plan and the Youth Alcohol Action Plan. The Government knows it should be held to account on how well it delivers the Children's Plan. It will report on the progress made on implementing the commitments in the Children's Plan at the end of 2008 – a year after the Children's Plan was published.

8. The Children's Plan outlines a series of goals for 2020 which represent an ambitious long-term vision for children and young people.

- Enhance children and young people's wellbeing, particularly at key transition points in their

lives;

- Every child ready for success in schools, with at least 90 per cent developing well across all areas of our Early Years Foundation Stage Profile by age 5;
- Every child ready for secondary school, with at least 90 per cent achieving at or above the expected level in both English and Maths by age 11;
- Every young person with the skills for adult life and further study, with at least 90 per cent achieving the equivalent of five A\* - C grades at GCSE and by age 19 at least 70 per cent achieving the equivalent of two A-levels by age 19;
- Parents are satisfied with the information and support they receive;
- All young people are participating in positive activities to develop personal and social skills, promote well being and reduce behaviour that puts them at risk;
- Employers are satisfied with young people's readiness for work;
- Child health is improved, with the proportion of obese and overweight children reduced to 2000 levels;
- Child poverty is halved by 2010 and eradicated by 2020; and
- Significantly reduce the number of young offenders receiving a conviction, reprimand or final warning for a recordable offence for the first time by 2020;

**3. Please indicate the processes and mechanisms that exist to ensure an efficient coordination of policy and strategy development with regard to programmes, services and laws for the implementation of the Convention in each Devolved Administration as well as in the Overseas Territories**

9. The Government is committed to improving the lives of children and young people across the UK and views the implementation of UNCRC as a crucial part of achieving this. Devolution within the UK and its Overseas Territories presents both opportunities and challenges. The unique circumstances within each country can be properly addressed within a devolved system and each country is responsible for its own UNCRC implementation strategy. In order to monitor the State Party's overall implementation of the UNCRC, the DCSF has a team dedicated to leading on UNCRC. This team has strong relationships with officials in the Devolved Administrations and Overseas Territories (largely via the Foreign and Commonwealth Office), which enables an overview on progress across the whole of the UK's responsibilities in relation to UNCRC and to enable administrations to learn from one another.

*England*

10. The UK Government's Consolidated Third and Fourth report to the UN Committee on the Rights of the Child provided the context and detail on *Every Child Matters*. This is a reform programme which fully encompasses the UNCRC and sets out the Government's universal ambitions for children and young people, from birth to age 19, together with the support they need in order to be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic wellbeing. The Children Act 2004 provides the legislative spine for developing more effective, accessible and coordinated services focused around the needs of children, young people and families.

11. The Children Act 2004 placed duties to cooperate on local authorities and a range of local partners to improve the wellbeing of children and young people. In each local authority area, 'Children's Trusts' have been established to take forward this multi-agency approach. The Act also requires local partnerships to publish a single Children and Young People's Plan (CYPP), which sets out how they will improve the wellbeing of children and young people in their area. It enables the specified partners to pool budgets and resources in support of these arrangements. The CYPP is a three year strategic document that provides vision, states the agreed priorities, directs future work, sets agreed targets and provides the basis for joint commissioning of services.

12. The Government's focus on children, young people and families has been further developed through the creation of the Department for Children, Schools and Families (DCSF) in June 2007,

when the first Secretary of State for Children, Schools and Families was appointed. The creation of the Department has brought together responsibility for key policies which affect the lives of children and young people, such as education, family life, play and wider wellbeing, into one Government department. Cross-Government units were also created at this time, focusing on cross-cutting issues, namely: youth justice (reporting jointly to the Ministry of Justice and DCSF), child poverty (reporting jointly to DCSF, HM Treasury and the Department of Work and Pensions), childhood obesity (with joint reporting to the Department of Health and DCSF). Play and sport are a joint responsibility of the Department for Culture, Media and Sport and DCSF.

13. The publication of the Children's Plan (as detailed in the response to Issue 2) sets out further ambitions, building on the Every Child Matters reform programme. The Children's Plan explicitly drives forward the Government's commitment to the UNCRC by mapping Children's Plan priorities directly onto clusters of Articles in the Convention.

14. One of the key aspects of the Children's Plan is to examine how the Government can strengthen integrated working at the local level and views Children's Trusts as the main vehicle for achieving this. Consultation on new statutory guidance for Children's Trusts has recently been completed and a consultation on new legislative proposals for Children's Trusts is underway. Later in the year, the Government will have a clearer view of how to improve delivery of truly integrated, effective services to children, young people and families.

#### *Wales*

15. In Wales, the Children Act 2004 placed a similar duty to cooperate on local authorities and a range of partners, to improve the wellbeing of children and young people in each local authority area. The national programme is entitled *Children and Young People: Rights to Action* and provides for statutory Children and Young People's Partnerships and Children and Young People's Plans. Partnerships are based on duties to cooperate and there is no integration of services with Lead Directors at their head, as is the case in England. Those in local authorities and health services with statutory leadership roles under the 2004 Act are responsible for leading partnership and planning processes and for ensuring that attention is given to implementing children's rights.

16. The Children and Young People's Plan (CYPP), sets out how local authorities and their partners will improve the well being of children and young people. This 3-year strategic plan states agreed priorities and targets that direct the work of all partners, and is the key statement of planning intent for children and young people to which all other plans must have regard. The CYPPs in Wales have a basis in the UNCRC, as expressed in the Assembly Government's seven core aims that form the statutory definition of the wellbeing of children and young people. The first plans, covering 2008-11, are required to be published by 30 September 2008.

17. In terms of coordination of policies and programmes in Wales, the process is led by the Minister for Education, Lifelong Learning and Skills who has the additional role of Minister for Children. The Minister chairs the Cabinet Committee on Children and Young People, supported by two groups of senior and middle ranking officials. At local level, coordination is provided by the Children and Young People's Partnerships and CYPPs, as well as Lead Directors and Members for children and young people's services in local authorities, local health boards and Trusts. These roles and groups include in their remit the promotion of the UNCRC.

#### *Scotland*

18. Scottish Ministers have established a dedicated Children's Rights Team whose focus is on promoting and supporting the rights of children in Scotland. The Team is working closely with key partners in the development of policy and legislation for better implementation of the Convention. An external working group has been established, including representatives from Scotland's Commissioner for Children and Young People's Office, UNICEF, the Convention of Scottish Local Authorities and the voluntary sector. The Children's Rights Team is also engaged in discussions with Scotland's Children's Commissioner around the implementation of an impact assessment

tool which will examine the affect of policies or laws on children and young people's rights.

#### *Northern Ireland*

19. The Children and Young People's Unit in the Office of the First Minister and Deputy First Minister (OFMDFM) has responsibility for the coordination of the UNCRC. A cross-departmental rights based 10 year strategy for children and young people was published in 2006. The strategy contains a specific pledge to be guided by the UNCRC and that the strategy will be the key mechanism by which to chart progress on this commitment.

20. A one year action plan for the strategy was published in 2007. The next action plan, which will be a 3 year action plan, is currently being developed. Future reports to the Committee will be directly linked to progress on actions agreed to deliver on the aims of the strategy.

21. A Ministerial Sub-Committee for Children and Young People meets quarterly. The Committee's ultimate aim is to improve the lives of Northern Ireland's children and young people. It is intended that through the workings of the Committee, the six objectives contained in the 10 year strategy will be placed at the heart of the government's agenda. The Committee will also seek to achieve greater integration of policy, funding and service delivery relevant to children and young people; and strive to achieve transparency through the timely sharing of information relevant to children and young people (particularly in relation to resources, including financial resources).

**4. Please indicate whether there is any development with respect to the State party's reservations and declarations to the Convention, in particular regarding articles 22 and 37 (c). Furthermore, please inform the Committee on whether article 32 is now fully applicable to all the State party's dependent territories.**

#### Article 22

22. The Home Secretary announced a review of the UK's immigration reservation to the UNCRC on 14 January 2008. The review includes an internal assessment of the current risks and a public consultation and will consider all of the options open, including removing the reservation completely or retaining it in its current form. The results of both the public consultation and the assessment of risks and currently being analysed. The outcome of the review should be known in the near future.

#### Article 37(c)

23. Recently the Government has carried out an assessment of the reservation to Article 37(c). The outcome of that assessment is currently being evaluated and the outcome is expected to be announced later in the year.

#### Article 32

24. The reservation against article 32 remains in place for the Overseas Territories. The UK Government will review the position for each of the Overseas Territories and make an assessment as to whether to remove the reservation.

**5. Please update the Committee on any developments concerning the State party's ratification of the Optional Protocol to the Convention of the sale of children, child prostitution and child pornography**

25. The UK Government has completed an assessment to examine compliance with the measures contained in the Optional Protocol and is currently reviewing the results. Once this review is complete the Government expects to be able to begin the ratification process.

**6. Please inform the Committee on the measures taken to prevent and combat violence, including domestic violence, throughout the country and notably in the Overseas Territories**

*England*

26. In February 2008, the Home Office published '*Saving Lives. Reducing Harm. Protecting the Public. An Action Plan for Tackling Violence 2008-11*'. The action plan is targeted at reducing more serious violence which includes homicide, attempted murder, serious sexual offences and wounding or other act endangering life. It is based on the principle that in order to tackle violence effectively, intervention must be targeted at every stage of the lifecycle of offending from work with parents and young children to prevent violent behaviour developing to ensuring the law is properly enforced to managing offenders to reduce re-offending.

27. The action plan outlines the need for all agencies to work together to share information about risky individuals and to manage their risk to prevent (re-)offending. The agencies are also tasked with working together to identify and protect their victims. The aim of the action plan is that by 2011 communities will see: reduced gun crime and gang-related violence; increased action against knife crime, in particular that involving young people; increased action against sexual violence including protecting children from sex offenders; a further improved response to tackling domestic violence; a reduction in street prostitution, human trafficking and all forms of sexual exploitation; improved action to manage known violent offenders, as well as those who are most at risk of becoming involved in serious violence; and enhanced care and support for victims of violence. Overall crime in England is down by a third.

28. Youth crime in England is stable. Whilst overall levels have not increased, there are emerging concerns with violent crime, the use of weapons (and in particular signs of a growing knife culture), concerns about delinquent peer groups and gangs, increased binge drinking, and the continuing problem of drug-related crime. The harm these problems cause directly, and the perceptions they give rise to, can have a devastating impact. The Youth Crime Action Plan (YCAP) represents a comprehensive cross-government plan for dealing with the full range of issues around youth crime from enforcement, to better targeted support, to early prevention. The Government is pledging additional funding of almost £100 million for measures which will cut youth crime in the short-term and prevent it in the long-term. The Plan sets out a 'triple track' approach to dealing with youth crime:

- Tough **enforcement** where behaviour is unacceptable or illegal;
- More **non-negotiable support** to address the underlying causes of poor behaviour, including more parenting orders and the new Youth Referral Order requiring young people to attend education, go to an attendance centre for group work, undertake treatment for drug and substance abuse etc;
- Better **prevention** to tackle problems before they become serious or entrenched.

29. The YCAP recognises that some young people are particularly vulnerable and consequently are at greater risk of offending. To help them the YCAP includes commitments to expand the reach of existing successful intensive family interventions, expand and improve links between young people and the police, and increase the take up of parenting support and explore better ways to engage parents in the youth justice system. In order to help the small number of offenders who require more support to ensure they do not re-offend, the YCAP sets out how the Government will improve education and training for young offenders by giving local authorities a statutory duty to fund and commission education services as well as reinforcing the role of Children's Services in overseeing resettlement provision. The Government will develop a more comprehensive package of support for young people leaving custody, ensure access to suitable accommodation and health services for all young offenders leaving custody, and ensure access to financial support for those who need it. In addition, the Government has extended the British

Crime Survey (BCS) to include young people. This will provide national data on the extent to which victimisation is being prevented and young victims of crime are being supported.

30. The Government is also specifically committed to tackling domestic violence. Through the National Domestic Violence Delivery Plan, which was published in 2005, the Government is seeking to ensure that domestic violence is combated by all mainstream services. The Plan outlines how perpetrators are brought to justice whilst providing the best possible help for victims and their children.

31. The key parts of the Plan are:

- The ongoing expansion of Specialist Domestic Violence Courts which situate the court and the Criminal Justice System (CJS) as part of a community wide response to domestic violence and ensure that all CJS agencies recognise the difficulties and special concerns faced by victims. There are currently 98 Specialist Domestic Violence Courts.
- The Introduction of Independent Domestic Violence Advisors (IDVAs) who are trained specialists who provide a service to victims who are at high risk of harm. IDVA involvement with victims of domestic violence has been shown to decrease victimisation and reduce victim withdrawal. To date, the Home Office has contributed funding to over 275 IDVAs.
- The roll-out nationally (by 2010/11) of Multi-Agency Risk Assessment Conferences which bring together key agencies likely to come into contact with victims and enable them to obtain the most complete assessment possible of the circumstances of the abuse and risks faced by victims and their children. This information is then used to develop a safety plan.

32. Following the review of the Law of Murder, the Government has published proposals to ensure that laws will provide justice for victims, properly punish offenders and command confidence from the public. A key aim of the review, especially on provocation and diminished responsibility, was to ensure that the law responds appropriately to domestic homicides. The Government has published draft clauses for consultation and, subject to the outcome of that consultation, will aim to include provisions in a Law, Victims and Witnesses Bill in the next parliamentary session.

33. A key component of *Every Child Matters* is improving the welfare of all children, and in particular vulnerable children such as those affected by domestic violence, through arrangements for earlier and more effective assessment and intervention. Government guidance *Working Together to Safeguard Children* emphasises the interrelationship between domestic violence and the abuse and neglect of children. It stresses the need for all agencies, particularly local authority children's services and the police, to be aware of these links and the importance of them working closely together.

#### *Wales*

34. The Welsh Assembly Government is delivering an all-Wales Domestic Abuse National Strategy to combat abuse. Prevention is an important part of the strategy. Funding has been significantly increased to establish numerous projects, including a 24 hour helpline and funding of a Domestic Abuse co-ordinator in every Community Safety Partner in Wales. The delivery of this will be enhanced by the development of a Strategic Action Plan, which is expected to be completed in March 2009.

35. Welsh Assembly Government Guidance *Working Together under the Children Act 2004*, as with the guidance issued in England, emphasises the interrelationship between domestic violence and the abuse and neglect of children and promotes inter agency working to identify and tackle abuse and neglect of children through local Children and Young People's Partnerships and Local Safeguarding Children Boards

#### *Scotland*

36. Scottish Ministers have established the police led national Violence Reduction Unit (VRU). The VRU is tasked to work with a range of partners in local government, health and education to

develop effective measures to deliver reduced levels of violence throughout the country through coordinated and sustained action by Scotland's police forces to tackle the existing problems and longer term work to educate our young people and prevent violence before it occurs.

37. Scottish Ministers recognise that people may experience multiple forms of violence throughout the lifetime. The '*National Domestic Abuse Delivery Plan for Children and Young People*' details 13 priorities for action under the key themes of protection, provision, prevention and participation. In recognising that measures to improve the outcomes for children and young people must include achieving better outcomes for all involved, the Plan addresses the needs of the non-abusing parent and dealing effectively with the perpetrator. Its implementation will support capacity building in the education, informal youth and communities sector to take forward a national programme of work around preventative education. This programme is informed by consultation with service providers, children and young people.

#### *Northern Ireland*

38. The Make Communities Safer Public Service Agreement, published 9 October 2007, sets out the Northern Ireland Office's commitment over the following three years to making communities safer by, inter alia, reducing the level of violent crime. Key areas for action will cover: Alcohol-related crime, hate crime, knife culture, road safety, and inter-personal violence including domestic and sexual violence. Action is already in hand in relation, for example, to domestic and sexual violence with the development of cross-departmental strategies and action plans.

39. The strategy for addressing domestic violence and abuse in Northern Ireland "*Tackling Violence at Home*" was launched in October 2005. This sets out a strategy for addressing domestic violence in three key areas of prevention; protection, justice and support. The strategy aims to meet the needs of all victims who experience domestic abuse through the development of better, more equitable, accessible and effective services; and on working towards the development of a society in which domestic violence is unacceptable and will not be tolerated. The ultimate goal is to put in place all practicable measures towards the elimination of domestic violence and abuse. The Strategy recognises that children are often the 'silent' victims of Domestic Violence and delivery against the Strategy is managed by a Regional Steering Group and 3 sub-groups, one of which is the Children and Young People sub group.

40. The Northern Ireland Executive has also recently launched the cross-departmental Sexual Violence and Abuse 5 year regional strategy and 2008/09 action plan. The aims of the regional strategy are to implement an effective, collaborative and cohesive approach to tackling and reducing sexual violence and abuse for both adults and children through increasing public awareness of the problem, improving responses for victims from the Criminal Justice System, providing better support for victims/survivors and their families; and working with perpetrators to reduce risk and prevent sexual violence and abuse from recurring.

41. Both Strategies set out the commitment of the Executive and all the partner agencies to adopting a consistent and long term approach to the prevention of both domestic and sexual violence and abuse, and an effective and timely response when it occurs.

42. A new Inter-Ministerial Group on Domestic and Sexual Violence was set up by the Northern Ireland Executive in November 2007 to lead and coordinate efforts across the Executive to address domestic and sexual violence. It will ensure that domestic and sexual violence issues are integrated into the policy initiatives of all relevant Departments.

#### **7. Please provide further information on the measures taken to implement the International Code of Marketing of Breastmilk Substitutes**

43. Across the UK each of the administrations has used the International Code of Marketing of Breastmilk Substitutes to introduce stricter controls on advertising all types of formulae across the UK to ensure that breastfeeding is not undermined by marketing of such products.

*England*

44. An independent panel was set up in June 2008 to review the effect of the infant and follow-on formula controls. The panel will examine whether parents, parents to be and carers are now clear that the presentation of and adverts for follow-on formula relate to formula for older babies (6 months and above) and not infant formula. The review will also evaluate the current measures and advise if any further action is needed.

45. Work to promote breastfeeding as part of a healthy start in life is a key priority for Government and is one of the key indicators within the Public Service Agreement (PSA 12) 'to improve the health and wellbeing of children and young people' (see response under Issue 11).

*Wales*

46. The Welsh Assembly Government's Breastfeeding Strategy, 'Investing in a Better Start: Promoting Breastfeeding in Wales' makes recommendations for ways to support and encourage mothers and mothers to be in Wales to breastfeed their babies. A new national programme to promote breastfeeding to the youngest mothers has been introduced. It includes funding for health professionals and the voluntary sector to work within communities and schools. The programme also includes provision to increase the work to raise public awareness of the benefits of breastfeeding to mothers, babies and their families.

*Scotland*

47. The Infant Formula and Follow-on Formula (Scotland) Regulations 2007 came into force on 11 January 2008. These new regulations implement Directive 2006/141/EC which consolidated community legislation on the composition, labelling and marketing of infant formula and follow-on formula. One of the aims of the Directive is to ensure the rules on composition, labelling and advertising are in line with the principles and aims of International Code of Marketing of Breast Milk Substitutes.

*Northern Ireland*

48. The Department of Health, Social Services and Public Safety and the Food Standards Agency have implemented the new regulations on Infant and Follow-on formula, introducing stricter controls on the advertising of all types of formulae, to ensure that breastfeeding is not undermined by the marketing of such products.

49. An independent panel has been set up in Northern Ireland to review the effect of the infant and follow-on formula controls on how follow-on formulas are presented and advertised. The review which commenced in June 2008 will be carried out for over a year and has similar terms of reference as that set up for England.

**8. Please inform the Committee on whether there has been any assessment of the specialist guidance on prejudice driven bullying: 'Bullying around Race, Religion and Culture' produced in 2006. Please also indicate briefly any other new programme of activity to prevent bullying in schools. Is there a systematic approach towards teaching in schools issues such as a culture of tolerance, acceptance of those who are different and civic education?**

*England*

50. The DCSF worked closely with the main professional associations, as well as a wide range of other interested stakeholders, in the production of the '*Guidance for Schools on Bullying around Racism, Religion and Culture*' and was pleased to add endorsements from the main teaching unions to the finalised material. The guidance, with its questions for whole-school review, and sections on continuing professional development, and on curriculum and in-class resources, is designed to support schools in preventing and responding to this kind of bullying. It offers

discussion topics and activities to stimulate debate and spark activity involving everyone in the school community. The format closely links to the cycle of self evaluation for schools and it can be used, alongside behaviour audits and pupil surveys, to identify key strengths and areas for development.

51. In September 2007 the Department issued a new suite of anti-bullying guidance for schools in England under the title '*Safe to Learn: Embedding Anti-bullying Work in Schools*'. This includes core guidance and specialist materials on bullying related to cyberbullying and homophobic bullying. The guidance links to the existing guidance on bullying around racism, religion and culture. In May 2008, DCSF added new guidance for schools on how to prevent and tackle the bullying of children with special educational needs and disabilities. The final phase of this work has just begun and will include commissioning guidance for schools on bullying related to gender and transgender issues.

52. In addition to this programme of work to tackle all forms of bullying, a new peer mentoring programme for schools has been introduced. There will be three peer mentoring pilots over the next 2 years which will be carefully monitored and evaluated. Schools already using peer mentoring schemes report substantial falls in aggressive behaviour: evidence suggests that up to 85% of disputes solved in this way resulting in long-lasting agreements<sup>1</sup>.

53. The DCSF is working with the Anti-Bullying Alliance (ABA) and National Strategies<sup>2</sup> to embed effective anti-bullying practice on the ground. Their advisers are providing support and challenge to Local Authorities and schools, helping them to improve their anti-bullying policies and strategies.

54. Citizenship education is a statutory subject within the National Curriculum. It equips young people with the knowledge, skills and understanding to play an effective role in public life, including tolerance and understanding of the range of communities within society. The Government, in partnership with the British Institute of Human Rights, has recently published a resource for Citizenship teachers on Human Rights. '*Right Here, Right Now*' includes distinct lesson plans on the understanding and applying the UNCRC as well as considering issues, such as bullying of those considered to be 'different', in a rights based context.

55. Community cohesion is one of the priorities of Public Service Agreements (PSAs) introduced by Government in England as part of its 2007 Comprehensive Spending Review (CSR). The Government, over the three year period 2008-2011, is aiming to build more cohesive, empowered and active communities. DCSF recognises the importance of cohesive and resilient communities and is working with schools and local authorities to equip children and young people with the skills and knowledge to achieve their potential and make a positive contribution to the communities they live in and wider society.

56. The Education and Inspections Act 2006 placed a new duty on the governing body of maintained schools in England to promote community cohesion. This duty came into effect on 1 September 2007. The 2006 Act also, placed a duty on Ofsted (the official body for inspecting schools) to report on the contribution made by schools to community cohesion. Ofsted, as part of the normal school inspection process, will begin inspecting schools against their duty to promote community cohesion from September 2008; giving schools a year to embed the duty within their institution.

57. The duty to promote community cohesion is key part of Government's vision for a 21<sup>st</sup> Century School as set out in the Children's Plan. The DCSF is working towards achieving the vision of the 21<sup>st</sup> century school, which should bring communities together and offer wider opportunities for children, young people to succeed and fulfil their potential as well as being a place where children develop confidence, self-respect and respect for others, learn about

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<sup>1</sup> Source: "Don't Suffer in Silence", 2002

<sup>2</sup> The National Strategies were introduced to raise standards of achievement and rates of progression for children and young people. They play a key role in delivering a number of the commitments set out in The Children's Plan and will also support National Challenge schools

teamwork and leadership, and about responsibility and successful relationships.

### *Wales*

58. The Welsh Assembly Government is working on new guidance to tackle bullying around race, culture and religion, together with guidance on homophobic bullying and cyberbullying. A toolkit to allow all schools to assess and improve their own anti-bullying policies will also be available to shortly to promote a more rigorous and consistent approach. The Welsh Assembly Government is also planning to undertake detailed research of the prevalence of bullying in Welsh schools. This research will provide the necessary benchmark data from which it will be possible to determine the success of anti-bullying policies, guidance and activities.

59. From September 2008, a revised school curriculum will be implemented for 3-19 year olds in Wales. The revised curriculum sets out the responsibilities of schools, colleges and other learning providers towards learners to eliminate discrimination and harassment, to promote positive attitudes and equal opportunities and to encourage participation. There is a requirement throughout the revised curriculum to develop the skills and understanding necessary for learners to value others and respect difference and to realise that good relationships are the result of care and support, communication and the willingness to accept responsibility. Coupled with this, a newly-developed School Effectiveness Framework (SEF) acknowledges the importance of the UNCRC. The Framework will be used to drive improvement involving children and young people as active participants in improving school effectiveness.

60. The Welsh Assembly Government is working in partnership with Local Authorities and other public sector bodies to respond to the challenges posed by changing communities and to promote safe, cohesive and welcoming communities. An All Wales Community Cohesion strategy is currently being prepared as part of a strategic approach to realising a prosperous future for Wales. The new strategy, which will be published in the autumn, will seek to address how communities can become more cohesive, develop a shared vision and a sense of belonging. A web site and tool kit is also being prepared which will share good practice that is already taking place within Wales.

### *Scotland*

61. A range of materials that support schools and local authorities to prevent and deal effectively with discrimination relating to race, religion and culture are available in Scotland. Examples include the '*Anti-Racist Toolkit*', which offers advice and information on preventing, tackling and reacting to racist incidents and the '*Don't Give it, Don't take it*' web resource which supports educators to address sectarianism and religious intolerance. Guidance has also been issued to schools and local authorities in Scotland on their obligations under the Equality Act 2006 to prevent discrimination on the grounds of sexual orientation or religious belief.

62. Scottish Ministers have established *Respectme*, the national anti-bullying service, to support those working directly with children and young people to prevent and tackle bullying effectively. The service works with those in schools, authorities and communities to challenge and support them in their approach to anti-bullying. The service provides advice, information and training and supports organisations to develop, refresh and implement effective anti-bullying policies dealing with all aspects of bullying including equalities. In addition, the service has the remit to raise awareness of anti-bullying. *Respectme* has developed national campaigns to raise awareness of anti-bullying generally and specifically on cyberbullying. These campaigns are supported by resources aimed to support schools, parents and those in the community affected by these issues. The service is currently working with Enable, the Scottish voluntary organisation representing children and young people with disabilities to develop guidance and training on preventing and dealing with bullying related to disabilities, to complement the guidance and training already in existence.

63. Learning and Teaching Scotland and LGBT Youth Scotland have been commissioned to develop guidance and training resources to support schools and communities deal confidently and effectively with homophobic incidents. The guidance is currently being piloted and will be published at the end of 2008.

64. *A national approach to anti-bullying in Scotland* is also being developed. The document will set out the current picture of anti-bullying work across Scotland, and will highlight the role of key agencies in delivering anti-bullying. The approach will also identify gaps and overlaps in our approach which will identify priorities for future work. The approach is being developed in conjunction with key stakeholders through the Scottish Anti-Bullying Steering Group, which includes representatives from the Children's Parliament, Her Majesty's Inspectorate of Education, Youth Scotland, Children 1<sup>st</sup> and the Commission for Equality and Human Rights.

65. In terms of the systematic approach to teaching in Scotland, 'Responsible Citizens' is one of the four key aspirations of Curriculum for Excellence which aims to provide better educational outcomes for all young people. Building the Curriculum 3, which was published in June 2008, provides a framework for teaching and learning Curriculum for Excellence and includes guidance that the curriculum must be an encouragement towards informed and responsible citizenship.

66. One of the key aspirations of Curriculum for Excellence is a central element of learning and teaching for young people about the culture of tolerance, acceptance of those who are different and civic education. Citizenship education provides opportunities for inter-disciplinary learning and teaching about these issues in a number of areas; for example, the learning experiences and outcomes of social studies includes the emphasis on the rights and responsibilities of individuals and nations and the importance and use of local contexts. There are also opportunities through the Religious Moral Education learning and experiences outcomes which will foster the development of values, beliefs and attitudes.

#### *Northern Ireland*

67. The Department of Education (DE) is fully committed to tackling the issues around bullying and works closely with an expert body, the Northern Ireland Anti-Bullying Forum (NIABF). This involves an approach which includes consideration of bullying for whatever reason and in whatever form.

68. A representative study on the scale and nature of bullying in schools, published in 2007, did not identify prejudicial treatment because of ethnicity or disability as a significant issue among pupils. The study confirmed that the focus should remain on developing a broad anti-bullying culture within a school and protecting any child who had been affected. Schools have not separately identified to either DE or NIABF a need for specialist advice on this type of bullying. All schools have access to the Internet and the TeacherNet Website which contains a range of specialist materials should they wish to use it.

69. Citizenship is a compulsory part of the revised curriculum, which is being introduced over the 2007/08 to 2009/10 school years for all Year 1 to Year 12 pupils, to equip young people to play their full part in society. Pupils will explore issues such as diversity, inclusion, cultural and mutual understanding and respect for others. Citizenship education was piloted in post-primary schools from the 2002/03 school year, prior to it becoming compulsory, and to support the pilot, DE provided funding of £1.5million over a number of years for the training of teachers. A common programme of support, including the provision of training and guidance materials, is currently being rolled out to all teachers to support the introduction of the revised curriculum, including citizenship, in primary and post-primary schools.

70. Work undertaken in the youth service, in regard to tackling bullying, reinforces the work undertaken in schools. The youth service anti-bullying policy is informed by the Education and Library Boards (ELB) anti-bullying strategy and DE guidance, and forms part of the child protection arrangements in place throughout the youth sector.

71. In terms of a systematic approach by providers towards issues such as a culture of

tolerance, a forthcoming Diversity Audit will review the training needs of early years practitioners, teachers and the youth sector in the north on dealing with issues of diversity in those sectors to assist and promote good relations and to develop and sustain respect for diversity among children and young people.

**9. Please explain how the right of the child to rest, leisure and engage in play and age appropriate recreational activities is enshrined in legislation and ensured in practice.**

*England*

72. The Government values play for its own sake and for the vital role it has in children and young people's childhood. Play is something that children enjoy and it essential for children's good physical and mental health and development. It has proven benefits in terms of the acquisition of some of the key skills, including social skills and risk management, which children and young people need as they become adults and move into education of work. The Government's vision for play is that communities should offer a variety of places for children to play, in which all children have a stake and that they can help shape through their active involvement in decisions regarding the design and location of play spaces.

73. The Children's Plan sets out the Government's commitment to create more safe places to play, supported by an investment of £235 million capital funding. A share of this funding will be offered to each local authority in England, allowing them to rebuild or renew and make accessible to all children, including disabled children, up to 3500 play spaces and 30 adventure playgrounds. Children and young people have been actively engaged in all aspects of the development of the play strategy including the DCSF's own Children and Youth Board. The 'Fair Play' consultation is under way, seeking views on what more can be done to make public space more welcoming for play. Over 6000 Children and young people have responding telling the Government more about the barriers to outside play and what more can be done to make play spaces more appealing.

74. The play strategy will provide new funding for piloting adventure play parks and innovation in public play spaces. It will also focus on involving local communities, children and families in planning and design including faith groups, residents associations, local parents and children's groups etc. The DCSF will be helping planners, engineers and managers of public spaces understand the value of playable space by sharing best practice and providing guidance.

75. The play strategy is more than improving the built environment, so the Department is also seeking views on what contribution parents, young people and communities can make to support children playing outside. It is important that play is child led the Department is therefore exploring further how through understanding levels of supervision, children can be enabled to explore on their own whilst being safe.

76. The right to leisure and engage in age appropriate activities is also enshrined in extended schools in England. The Government's vision is that by 2010 all children and young people will have access to a range of extended services and activities beyond the normal school day. Extended schools are at the heart of delivery of *Every Child Matters*, improving outcomes and raising standards of achievement for children and young people. There is strong evidence showing the positive impact of extended services on children's motivation, behaviour and engagement with learning. A varied menu of activities such as sport, arts and creative activities, music tuition, dance and drama, special interest clubs, visits to museums and galleries, and business and enterprise activities is available. This is combined with formal childcare in primary schools. The benefits of this support are widely recognised and there has been a significant increase in the amount and variety of opportunities offered to children across the country.

77. Given the benefits, the Government is keen to see more. Building on the £840 million of support made available over the 2003-08 period, they have made an investment of £1.3 billion over the next three years. The funding will support the development and sustainability of extended services. The funding also includes £265 million extended schools subsidy, to increase

the opportunities for disadvantaged children and young people to participate in a range of activities.

78. The Government placed a duty on local authorities to secure access to activities and facilities for all young people in Section 507B of the Education Act 1996. This is an access duty similar to equalities legislation, in that it provides an individual with rights and can be challenged where the individual feels that these rights have not been given and takes account of the needs of young people with disabilities by extending the age range of the provision to 24 for young people with learning difficulties. However, as the guidance makes clear, a local authority is free to extend provisions made under this legislation to older or younger people outside the 13-19 age range when they feel it is necessary. The objective of this legislation is to improve access for all and specifically for those who currently face barriers to participation.

79. The Government has also introduced *Aiming High for Young People*, which is a 10 year strategy for positive activities. Implementation of Aiming High is supported by an investment of £679 million over the 2008-11 period. Initiatives within Aiming High include: the Positive Activities for Young People (PAYP) programme, which provides targeted developmental activities for 8-19 year olds at risk of social exclusion and community crime; the Youth Opportunity and Youth Capital Funds (YOF/YCF) which allow young people to shape the provision of positive activities in their area; and 'myplace' a multi-million pound programme supporting ambitious projects to create world-class places to go. Launched in April 2008, myplace is funded by DCSF and delivered by the Big Lottery Fund. It provides grants to projects across England that are working to create safe places for young people to go, where they can get involved in a wide range of activities and get information and advice from people they trust. It is driven by the active participation of young people and all projects will need to demonstrate genuine cross-sector partnership between public sector bodies and third and/or private sector organisations as well as the support of young people.

#### *Wales*

80. In their Children and Young People's Plans, local Partnerships set out strategic priorities and joint action for ensuring access to play, leisure, sporting and cultural activities, including music and the arts, under Core Aim 4. This includes improving outcomes in respect of diet and exercise, linking actions taken by health services, schools, youth support services and voluntary organisations.

81. A Wales Play Policy was published in 2002 and covers play needs of all children at each stage of their development. The Play Policy Implementation Plan, published in 2006, touches on aspects such as education, health, transport, leisure and safety and is used by Local Authorities and their partners as a basis for local play strategies. Guidelines on quality play and new minimum standards are currently being developed.

82. In June 2008, the Welsh Assembly Government launched a public consultation '*Taking Action on Child Poverty*' proposing new legislation for Wales. One of the new duties on local authorities put forward is to ensure adequate access to play for all children and young people. This can embed existing excellent work funded by Assembly Government grants promoting the understanding of children and young people's play and the creation of local strategies.

83. A new duty to ensure adequate access to play may go wider than providing play facilities such as fixed equipment or staffed schemes. In the promotion of play, the new legislation will allow for the creation of statutory guidance and national minimum standards. The Welsh Assembly Government is already developing guidance and national standards for play.

84. In Wales £15.75 million of support for Community Focussed Schools has been made available over the 2008-11 period. The funding supports the development of services, activities and facilities for Community Focused schools including £4.2 million over three years to promote out of school childcare with special attention to child care in Community First and/or disadvantaged areas. In Wales, legislation made in 2002 (Directions and Guidance on Extending Entitlement) requires a range of National and Local partners to work together to ensure that all 11

– 18 year olds can access their universal basic entitlements. The Welsh Assembly Government's 'Youth Service Strategy' was launched in March 2007 and sets out the WAG's vision for the future of the youth service in Wales.

85. Over 84% of maintained schools in Wales are actively participating in the Welsh Network of Healthy School Schemes. This is supported with £4.5 million for 2008-11, the One Wales commitment to having a minimum of one family nurse per secondary school by 2011. The 5-year Implementation plan - Food and Fitness - Promoting Healthy Eating and Physical Activity for Children and Young People in Wales was launched in June 2006, and work is continuing.

### *Scotland*

86. Scottish Ministers recognise the benefits of play in making a significant contribution to outcomes for children. They have committed to supporting play through a range of policies and to develop a strategic approach to play. The first step in doing so will be through the Early Years Framework which is due for publication in the autumn.

87. Another significant step is being explored through a proposal made in the Health Inequalities Task Force report, which was published in June 2008. Baseline research is being conducted into a proposal to set up the '*Inspiring Scotland*' programme to improve play opportunities for children most in need, recognising the importance of physical and social environments on health and wellbeing. This would be a joint programme with funding from the public, private and third sectors.

88. The '*Active Schools*' initiative was launched in 2004. Active Schools Managers (based in local authorities) and Coordinators (based in schools) recruit, support and sustain a network of volunteers, coaches, leaders and teachers who in turn deliver physical activity and sport before, during and after school. The aim is to provide pupils with sufficient opportunities to get active to the extent that it makes a positive contribution to their health. During the last academic year, over 350,000 activity sessions were held across Scotland's primary, secondary and special needs schools in a range of activities from football, volleyball and rugby to dance and movement, cheerleading and playground games. Whilst the curriculum in Scotland is non-statutory, Scottish Ministers expect schools to work towards the provision of two hours of good quality PE for each child every week. This should give children and young people an important foundation for engaging in physically activities and sport in preparation for a healthy and fulfilling lifestyle.

89. The *CashBack for Communities Scheme* was launched on 11 January 2008 to support an expanded range of activities for children and young people in the areas of sports, culture and the arts. The aim is to aid personal and physical development and to increase the likelihood of positive long-term outcomes for those who take part. It is funded from the Proceeds of Crime. Initiatives are open to all children and young people, although focussing resources on areas of high crime and antisocial behaviour.

90. The national youth work strategy '*Moving Forward*' has the vision that all young people in Scotland can benefit from youth work opportunities which make a real difference to their lives. National voluntary youth organisations are funded to support children and young people to achieve positive outcomes. Youth work provides young people with positive opportunities that contribute to their personal growth and improve their life chances and experiences, while helping young people to experience success and achievement.

91. Scottish Ministers are supporting the Cultural Pathfinder programme, which comprises 13 projects across Scotland aimed at widening access to culture for a range of underrepresented groups in the local community. A number of these projects focus on children e.g. pre-school aged children and their families in deprived areas. Scotland's National Museums, Galleries and Library are also supported to deliver outreach and education work to school children through exhibitions, online resources and children's workshops.

92. *Play@home* is a series of three booklets for parents in Scotland covering ages 0 to 5 years. Activities are aimed at developing the bonding between parent and child as well as stimulating

children's all-round development, from muscular control to language skills. There are also a number of projects which support girls and young women to participate in activities to increase their physical activity levels. For example: *YDance* offers dance as an alternative to Physical Education for 14–17 year olds; *Fit for Girls* offers training information on the barriers and potential solutions to providing access to high-quality activities for school-aged girls together with financial support for those initiating girls-only projects; and *Girls on the Move* - a community based programme promotes physical activity through participation and leadership programmes and focuses on girls and young women from hard to reach groups.

#### *Northern Ireland*

93. The Northern Ireland Executive will shortly be publishing a play and leisure policy for 0-18 years. The Executive has agreed that funding and implementation plans for the 0-11 and 12-18 age groups will follow next year.

94. The Arts Council Northern Ireland (ACNI) has in place a dedicated Children and Youth Arts policy specifically focused on ensuring that all children and young people regardless of their circumstances and community have an opportunity to participate and attend arts events. ACNI's current strategic plan –Theme 3 “ Growing Audiences and Increasing Participation “ makes specific reference to Children, linking the arts to supporting education in both the formal and non formal sectors.

95. Northern Ireland Screen's Education Strategy: A Wider Literacy embeds the use of moving image as a support across the formal and non- formal curriculum in Northern Ireland.

96. Creative Learning Centres provide children and young people with a unique opportunity for creative learning through the use of digital technologies. Programmes have been developed to target new groups to access the facilities from school children, teachers, youth groups and leaders. Funding was prioritised towards children and young people in disadvantaged areas, in minority communities and young people excluded from formal school provision. DCAL provides funding annual funding of £500,000 for the three Creative Learning Centres in Northern Ireland from the Children and Young People's funding package.

97. The Cinemagic and Nerve Centre After Schools Film Club provide opportunities for children and young people to view a wider range of films as part of the Northern Ireland Extended Schools programme. DCAL funding for the Cinemagic Film Festival, The Nerve Centre, Queen's Film Theatre and the Foyle Film festival provides education and related film –making workshops for schools, children and young people.

98. In 2007-08 the National Museums Northern Ireland held 360 outreach events such as workshops and lectures in schools, libraries, museums, community centres and church halls throughout Northern Ireland.

99. Funding for a Science and Skills Programme to tackle the issue of making, particularly science but also technology, engineering and maths relevant and engaging for children and young people. For example, support to Armagh Observatory and Planetarium for an active programme of education and public outreach and Science in the Community.

100. The North/ South Language Body was set up as one of the North/South Bodies under the Belfast Agreement. Under its auspices, Foras na Gaeilge (The Irish Language Agency) launched a Youth Scheme in 2007, offering grants of up to £3,500 to groups or individuals to run events through the medium of Irish outside of school hours. Foras na Gaeilge have approved funding through a number of legacy or core-funded bodies to support inter-schools events such as extra curricular activities for young people along with the provision of pre-school programmes and family activities through Irish.

101. The Ulster Scots Agency provided funding for Summer Schools run by Ulster-Scots Groups. the funding is part of a targeted financial support scheme and is dependant on groups agreeing to include a range of linguistic and cultural Ulster –Scots activities including story telling with

language activity for children.

102. The Public Library Service has been asked to target its services at young adults and children (and in particular children who need school or homework support. This focus of attention by the Library Service will be monitored through Public Library Standards.

103. Sport NI (SNI) continues to make significant investments through a range of organisations (including governing bodies of sport, education and library boards, district councils and community/voluntary groups) in projects which seek to improve and extend the range and quality of opportunities for children to participate in a sport at a level of their choice.

104. SNI continues to engage with a range of stakeholders in sport in NI, the UK and throughout Ireland to embed and extend an understanding of the concept and importance of physical literacy for childhood development. It is in such a context that SNI has engaged with colleagues in education and health to improve the understanding of the link between “play”, “physical literacy” and “lifelong investment in sport and physical activity”

105. SNI recognises its responsibility to protect young people from abuse. SNI ensures that organisations in receipt of financial awards operate within the legal legislative framework, and to the standards of best practice. SNI has renewed its contract of professional services with the NSPCC for 2009-2011, in order to provide a support and guidance service to governing bodies of sport, sports clubs and community and voluntary organisations in line with the Protection of Children and Vulnerable Adults (NI) Order 2003 legislation.

106. Since 1990, the Department of Education (DE) has advised schools that they should provide the youngest pupils with appropriate learning experiences, including: ample opportunity for active learning through play; free movement both indoors and outdoors; and approaching reading, writing and mathematics through informal rather than formal activities. This approach is reflected in the new Foundation for pupils in Years 1 and 2 as part of the statutory revised curriculum.

107. The Council for the Curriculum, Examinations and Assessment (CCEA) has piloted a Fundamental Movement Skills (FMS) programme with the Education and Library Boards to support the teaching of PE in the early years of primary education.

108. A Curriculum Sports Programme was introduced from the 2007-08 school year to provide greater opportunities for the youngest pupils to develop their physical literacy skills.

109. The Department of Education will also be contributing to DCAL’s Strategy for Sport and Physical Recreation and continues to encourage schools to provide pupils with at least 2 hours of energetic physical activity per week. Article 37 of the Education and Libraries (NI) Order 1986 requires that each board shall secure the provision for its area of adequate facilities for social, physical and youth service activities.

**10. Please inform the Committee on the measures taken to protect the rights of children affected by migration in the Overseas Territories (both nationals left behind by their parents migrating abroad and foreign children of migrant workers in the British Overseas Territories)**

110. The Overseas Territories reports have been submitted as a separate document.

**11. Please indicate the issues affecting children that the State party considers to be priorities, requiring the most urgent attention with regard to the implementation of the Convention**

*England*

111. In England, the Government’s priorities and ambitions for all children and young people are set out in the Children’s Plan, which is built on the foundations of *Every Child Matters*. The State

Party's report submitted to the UN Committee last year, provides more detail of the raft of reforms contained within *Every Child Matters*, and underpinned by the Children Act 2004, to improve wellbeing and outcomes for all children and young people. The Government's universal ambition for every child and young person, whatever their background or circumstances, is that all children will:

- Be healthy (Articles 23, 24, 27, 31, 36 and 39)
- Stay safe (Articles 9, 10, 13, 18-21, 25, 32-37, 39 and 40)
- Enjoy and achieve (Articles 5, 7, 13-15, 17, 20, 23, and 28-31)
- Make a positive contribution (Articles 5, 10, 13-15, 29-31 and 42)
- Achieve economic well-being (Articles 8, 10, 18, 19, 24, 26 and 27)

112. The Children's Plan is the next step to achieving these outcomes for all children. *Every Child Matters* and the Children's Plan have a specific focus on improving the outcomes for particular groups of children such as those who are in the care of local authorities and children with special education needs and disabilities, reducing the numbers of children and young people who take part in risk taking behaviours and those that enter the criminal justice system.

113. The role of parents, carers and families in improving outcomes for children and young people is crucial and the Government will provide support for parents, carers and families in order for them to do so. The Government also recognises the important role of the local community. To ensure that local children's services reflect the needs of children and young people, local authorities and partners need to ensure there is a good level of participation of children and young people in the design and delivery of services.

114. In 2007, the Government announced a radical reform of the performance management framework to focus on priorities. The Public Service Agreements (PSAs) set out the vision for continuous and accelerated improvement in the Government's priority areas and are key to delivery of the provisions contained within the Children's Plan and the achievement of the five *Every Child Matters* outcomes. Performance will be assessed against key indicators within each PSA.

The key priorities for children and young people are:

115. **Be healthy (UNCRC articles 23, 24, 27, 31, 36 and 39).** (PSA 12) Improve the health and wellbeing of children and young people - This PSA is intended to improve children's health and wellbeing in the round but also to focus on five key areas – breastfeeding, take-up of school lunches to ensure children have at least one nutritious, cooked meal; child obesity; children's mental health and wellbeing and disabled children. The Child Health Strategy, which is currently being developed, will set the agenda for the next 10 years and seek to clarify how health services, working with schools and other partners can work better to improve children and young people's health.

116. **Stay safe (UNCRC articles 9, 10, 13, 18-21, 25, 32-37, 39 and 40).** (PSA 13) Improve children and young people's safety - The government's approach to safeguarding is intended to ensure both prevention of harm to children and harm being addressed effectively where it happens and the indicators being measured represent the breadth of the issues that are being addressed to improve the safety of children and young people. They include levels of bullying, emergency hospital admissions and reducing preventable child deaths.

117. **Enjoy and achieve (UNCRC articles 5, 7, 13-15, 17, 20, 23, and 28-31).** (PSA 10) Raise the educational achievement of all children and young people; & (PSA 11) Narrow the gap in educational achievement between children from low income and disadvantaged backgrounds and their peers - the Government aims to secure high quality teaching and learning in every setting, from early years on to primary and secondary education and beyond, and to help every child and young person overcome barriers to learning. Progress towards achieving these goals will be measured through improvements in a range of indicators overall achievement, achievement of vulnerable groups such as those in care and reducing the gap in achievement between children of different social groups from early years to secondary school.

118. **Make a positive contribution (Articles 5, 10, 13-15, 29-31 and 42).** (PSA 14) Increase

the number of children and young people on the path to success - This PSA measures progress in increasing successful transitions to adulthood in terms of increased participation and resilience, and tackling negative outcomes. The five areas being measured include the proportion of young people not in education, employment or training; young people's participation in positive activities, reducing teenage pregnancy and reducing first-time entrants to the criminal justice system.

119. **Achieve economic well-being (Articles 8, 10, 18, 19, 24, 26 and 27).** (PSA 9) Halve the number of children in poverty by 2010-11, on the way to eradicating child poverty by 2020 - The Government is committed to its pledge to eradicate child poverty by 2020, Under the PSA it will measure progress towards this goal and a range of strategic priorities including tackling poor living conditions and improving employment opportunities and the availability of childcare.

120. Delivery of these key priorities, with the exception of child poverty, whilst led by DCSF, will be supported by cross-government arrangements. The agreement to work together across government departments is enshrined in a delivery agreement. In addition, the Government has recently created three joint cross-government units, established to address youth justice, child poverty and childhood obesity. The creation of these units represents the commitment across government to improving children's outcomes. Mirroring local-level integrated working at a national level, they enable better policymaking and better communication, reinforcing at both national and local level the importance of children and young people.

121. The Government is currently engaged in a complex set of reforms in order to enable the delivery of policies at a local level that will achieve the ambitions set out for children and young people. These include:

- Further development of the **Children's Trust** model of partnership working for local areas including proposals to introduce legislation to strengthen the statutory basis for Children's Trust boards and include schools as statutory relevant partners and extend the ownership of joint local area Children and Young People's Plans.
- Delivery of **21<sup>st</sup> Century Schools** that offer excellent personalised education and contribute to all aspects of pupil wellbeing. This places the school at the heart of a preventative system working in partnership with other agencies through the local children's trust, and parents to become a resource for families and the wider community.
- **Targeted youth support reforms** that will make the *Every Child Matters* outcomes a reality for the most vulnerable young people ensuring that across England local areas have systems in place to identify, assess and respond early and effectively to their needs.
- **The 14-19 reforms** will lead to a wider range of courses in schools and colleges, to meet different learning styles. This should encourage more young people to stay in learning, and achieve higher levels of qualification. They will help every young person fulfil their potential by gaining the knowledge and skills that will allow them to progress to further learning or to better career choices.
- Developing a long term children's **Workforce Strategy for 2020**, which will address workforce capacity, excellence in practice, purpose and roles, joint working, interventions and the delivery of the reforms.
- Supporting **families** through a revised childcare strategy and ongoing work towards a achieving a more family friendly country. This will include significant expansion of targeted support for families and a major programme to make information and support for all families more available.

122. Finally, a key component to identifying and addressing key priorities for children and young people, is gathering the views of children and young people themselves. The Government is committed to listening to the views of children and young people in developing key policies that affect their lives. This has been exemplified by the wide ranging consultation process that took place with children and young people of all ages in the development of the Children's Plan. In addition, the DCSF's Children and Youth Board regularly advises Ministers on key policy

developments.

123. The Government has welcomed the contribution made by children and young people to the reporting process on the UNCRC. The Minister for Children, Young People and Families in England, met with children and young people from Get Ready for Geneva and discussed the findings and recommendations in their report to the UN Committee. The Government initiated a joint seminar: *'What next? Children's rights, wellbeing and the Convention on the Rights of the Child,'* with UNICEF UK and Get Ready for Geneva, for children and young people. The focus of the event, in July 2008, was to discuss the issues raised in Get Ready for Geneva's report, giving them a forum for debate with a wide range of children and young people and opportunity for discussion directly with the relevant policy officials from Government.

### *Wales*

The key priorities for Wales are listed below:

124. **Tackling poverty for children and young people in Wales** (*Articles 27 & 24*). A strategy has been put in place focusing action widely on income, participation and service poverty and including cross cutting 2010 milestones and 2020 child poverty targets. An Expert Group was established in April 2008 to advise on further policy requirements to meet the targets. Legislation will be made in 2008/09 to provide an underpinning basis for this work.

125. **Delivering positive outcomes for the most vulnerable children and families** (*Articles 20 & 25*). In Wales, a strategy for vulnerable children is being developed and will include looked after children and young people, care leavers and children and young people at risk of going into care. It will be supported by provisions in the Children and Young People's Bill together with Wales-specific legislation.

126. **Awareness raising** (*Article 42*). Funky Dragon's OROS research found that only 8% of children and young people in Wales are aware of their UNCRC rights. Work to publicise the convention to children young people, professionals who work with them and families is well underway within Welsh Assembly Government (WAG). The Children and Young People's Workforce Development Network Wales is currently consulting on a draft Children and Young People's Workforce Strategy, which includes awareness raising as part of its Common Core of Skills, Knowledge and Understanding. The document will be considered by WAG in November. A Wales-wide publicity campaign will begin towards the end of 2008 following the launch of a new recognisable "brand" for all WAG initiatives for 0-25 year olds.

127. **Gap between policy & outcomes for children & young people** (*Article 43*): WAG acknowledges that many of its policies are new and designed to achieve long-term strategic change in the lives of children and young people living in Wales. WAG will put in place systems to monitor their impact and work closely with a wide range of national and local partners to support delivery of policies. WAG is working to develop an effective outcome measurement framework, and have for the last 3 years been developing "*Demonstrating Success*" outcome indicators which are currently being piloted. The Children & Young People Monitor for Wales, to be published in November 2008, will highlight key trends and issues that need to be addressed in Wales in relation to the wellbeing of children and young people.

128. **Better learning achievement** (*Articles 28 and 29*). The aim is to deliver this via a combination of approaches including the new School Effectiveness Framework, Foundation Phase, Skills Based Curriculum, and the 14-19 Curriculum, a review involving children and young people of school attendance and behaviour; and work to give children and young people a right of appeal to the Special Educational Needs Tribunal (including 3 specially designed workshops to provide opportunity for children and young people to contribute their views on the proposals.) The "*Skills that Work for Wales Strategy*" aims to improve skills deficits and employability; and the "*Finding a Future*" initiative aims to reduce the number of 16-18 year olds who are NEET (those not in Employment, Education or Training). *Extending Entitlement* sets out a holistic approach to youth support services including learning for young people in the criminal justice system and the

*Youth Service Strategy* emphasises the important contribution of non-formal learning.

129. **Emotional well-being** (*Articles 6, 24, 27, and 39*). There is a need to strengthen children and young people's mental health services (CAMHS). The approach in Wales is to involve all agencies and children and young people themselves in developing support for children and young people who may have mental health problems or mental illness. Additional resources have been identified to establish counselling services in schools, universal and targeted advocacy support and for National Health Service CAMHS with a specific focus on mental health workers, supported by specific targets around access to treatment and support.

130. **Play** (*Article 31*). Children and young people have said that they want more places where they can play safely. WAG is addressing this through an Implementation Plan for their 2002 Play Policy, and is consulting on new legislation to ensure adequate access to play. WAG is also developing national minimum standards for play provision and guidance for local authorities.

131. **Participation in decision-making** (*Article 12*). Significant progress has been made since 2002 including a participation soundbite for Wales, a multi-agency Participation Consortium, pupil participation initiatives and National Standards. The next step is to consolidate and secure sustainability of structures and funding sources, as well as driving further forward.

132. **Discrimination against children and young people with disabilities; access to services & support** (*Article 23*). The Welsh Assembly Government recognises the economic and social disadvantages that may follow from physical or other impairment and as part of its commitment to inclusion, wishes to reduce the barriers to full participation in the life of civil society faced by young people with disabilities and their families. Priorities include ensuring that families make full use of available income support and that play, leisure and recreational services are available to young people with disabilities on the same terms as they are to other children and young people.

133. **Physical punishment** (*Article 19*). The Welsh Assembly Government accepts the UN Committee's concluding observations from 2002 that the defence of "reasonable punishment" (section 58 of the Children Act 2004) ought to be removed so that children and young people enjoy the same level of protection in law as adults. The Welsh Assembly Government supports an approach that aims to inform and change public attitudes, and that promotes positive parenting.

134. **Bullying including homophobic bullying** (*Articles 2, 3, 14, 28, and 29*) is a serious concern for children and young people both within school and in the broader community with a significant number reporting that they have been victims. WAG is reviewing its approach in order to achieve reductions to the current unacceptable levels.

135. **Refugee and asylum seeking children and young people** (*Article 22*). In Wales, links to the implementation of the new service framework have been incorporated into the Refugee Inclusion Strategy to ensure that developments in advocacy will also consider the need for specialist advocacy. Future statutory guidance on advocacy will also promote improved access for this group of children at local/regional level. In addition, the Assembly Government will continue to work with the Refugee Council and the UK Border and Immigration Agency to secure the setting up of a specialist advocacy (that includes legal and other advice) – equivalent to that operated by the 'Children's Panel' in England for asylum seekers requiring extra legal and other support to allow them to make an application for asylum in their own right.

136. **Discrimination / inequality against children and young people** (*Article 2*). The Assembly Government is aware of the use of the Mosquito device as a deterrent to anti-social behaviour by young people in Wales. The device emits a sound which allegedly can only be heard by children and young people. The Assembly Government has never supported this device and shares the view taken by the four police forces in Wales that the Mosquito is discriminatory against young people. The Assembly Government would be concerned if the use of the Mosquito Device was found to be constraining children's rights under the UN Convention.

137. **Communities First** (*Article 27*) is the Welsh Assembly Government's flagship programme for tackling the effects of poverty in Wales' most deprived areas. Based in some 166 areas and covering about 20% of the population of Wales, the activities are focused around the work of a Communities First Partnership in each area. The focus for Communities First Partnerships in moving forward will be to make a positive contribution towards tackling poverty through income maximisation and economic inactivity. Partnerships have to show how their activities benefit children and young people in their areas but they are also required to demonstrate how they ensure and build on the contribution of children and young people to the growth and regeneration of their communities. The Assembly Government will take this forward through an increasingly strategic approach to the provision of activities for young people and through reinforcing the importance and support for engaging children and young people in the work of Communities First partnerships.

138. **Improving the transparency of budgeting for children and young people at Welsh Assembly Government level.** The Welsh Assembly Government has made some limited progress on this recommendation to date; we published analysis showing how much is spent on children (aged 0-17) across all of the different portfolio departments. This work, which uses statistical methods to estimate the proportion of the budget spent on children, has recently been updated for 2007-08 and will be published on the Welsh Assembly Government website in due course. However, we need to go further. From autumn 2008 onwards we will give further consideration to ways in which we can improve our own practice and influence that of partner organisations in Wales, with the aim of achieving increased transparency.

139. **Children and Young People in the Criminal Justice System** (*Articles 37, 40*). The Assembly Government's policies on youth justice are set out in the All Wales Youth Offending Strategy, published jointly with the Youth Justice Board in 2004. The Assembly Government currently makes available some £4.5 million per annum to local agencies to facilitate youth crime prevention and diversionary schemes. The Strategy states that there should be effective community based sentencing alternatives to custody for children and young people who do offend where this is in the best interests of the child. The Assembly Government would wish to see the development of additional juvenile secure facilities in Wales, in order to reduce the number of young people placed in secure establishments in England, which has given rise to concerns for a number of reasons: distances from families and communities, bullying and educational and cultural issues.

#### *Scotland*

140. The priority for Scottish Ministers is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. Beneath this, there are a number of priorities in relation to children and young people as part of a Concordat with local authorities.

141. The Concordat was signed by Scottish Ministers and the Convention of Scottish Local Authorities (CoSLA) on 14 November 2007 and represents a key change in how policy and services (including for children) are developed and delivered in Scotland. The Concordat sets out shared objectives and shared responsibilities between local and central government for the delivery of better outcomes for the people of Scotland and provides a National Performance Framework with which to measure performance. There are 15 national outcomes that cover all aspects of devolved responsibility in Scotland. Successful delivery of each of these will impact positively on the lives of children and young people but six have particular relevance to the UNCRC.

142. Beneath the national outcomes lie a wide range of policies and priorities that reach across the work of national and local government in Scotland and other statutory bodies. The immediate priorities in relation to children's rights are outlined below:

143. **We are better educated, more skilled and more successful, renowned for our research and innovation** (UNCRC articles 5, 13, 15, 17, 28, 29, 31, 32). Priorities in this area

are to ensure that the education children receive is of the highest quality and relevance to the individual child and results in positive and sustained destinations – in work, training or further education. Scottish Ministers are committed to improving educational outcomes for all young people through *Curriculum for Excellence* – a curriculum which will provide all young people with opportunities to build skills for learning, skills for life and skills for work. This reflects the focus on skills set out in *Skills for Scotland* – a lifelong skills strategy for Scotland and through the development of the *Early Years Framework*.

**144. Our young people are successful learners, confident individuals, effective contributors and responsible citizens (UNCRC articles 5, 12-15, 17, 23, 28, 29, 31).** Linked to the first, a key focus of this outcome is to ensure that education develops these four capacities in all Scotland's children, regardless of where they are learning. The four capacities go beyond school and link to the way children interact with the world around them and how included and involved they are in making decisions affecting their lives. The development of a Youth Framework will be part of an interconnecting set of policy developments including *Curriculum for Excellence* and the *Youth Justice* and *Early Years Frameworks* and will be underpinned by the UNCRC.

**145. Our children have the best start in life and are ready to succeed (UNCRC articles 4-10, 18, 20, 21, 24, 26, 27, 31).** An *Early Years Framework* is being developed that will set the long term direction of policy for children from before birth to age 8. It aims to achieve a shift from crisis management to prevention and early intervention and is based around four themes: building parenting and family capacity; creating communities that provide a supportive environment for children and families; delivering integrated services that meet the holistic needs of children and families; and developing a suitable workforce to support the framework.

**146. We live longer, healthier lives (UNCRC articles 3, 11, 17, 19, 24, 25, 32-39).** *Better Health Better Care*, the Scottish national strategy for health and wellbeing sets out a series of actions to support good health choices and behaviours amongst children and young people in areas such as diet, physical exercise, and sexual health. It also aims to address the link between early life adversity and poorer health in later life through initiatives such as Health for all Children, a surveillance, assessment and needs identification programme which enables access to intensive support for those with greater needs.

**147. We have tackled the significant inequalities in Scottish society (UNCRC articles 2, 12-14, 22, 23, 27, 30).** Inequalities take many forms but the key priorities related to UNCRC are to tackle child poverty and inequalities in access to services for looked after children, asylum and refugee children and children with disabilities

**148. We have improved the life chances for children, young people and families at risk (UNCRC articles 6, 9, 11, 18-21, 25, 26, 33-37, 39, 40).** By tackling many of the issues highlighted above, the life chances of all children in Scotland should be improved particularly those in vulnerable groups e.g. looked after children and children with disabilities. The *Early Years Framework* will aim to improve outcomes for all children and families, but paying particular attention to identifying those at risk of not achieving positive outcomes and delivering effective prevention and early intervention to prevent risk becoming harm. *Curriculum for Excellence* will offer better educational outcomes for all young people and will provide more choices and more chances for those young people who need them.

149. Clearly there are significant relationships between national outcomes. Many of the policies being developed link across a number of national outcomes and involve input from distinct areas of central and local government. The extension of the National Performance Framework to statutory bodies and community planning partners will give key stakeholders a stronger collective responsibility for delivering better and stronger outcomes for children in Scotland.

#### *Northern Ireland*

150. The Ministerial Sub-Committee on Children and Young People has recently agreed on six

key priorities. These are intended to improve the lives of the most marginalised children and young people to progress the implementation of the Convention. The priorities are:

- A holistic and comprehensive approach to child poverty.
- A comprehensive early years strategy that focuses on the development and wellbeing of each child, including affordable access to high quality early years provision for families living in areas of disadvantage and poverty in urban and rural areas.
- Provision for vulnerable young people, including those in care settings, those engaged in anti-social behaviour and those in contact with the criminal justice system; promotion of good mental health and early intervention in addressing mental health issues as they arise; provision of care for children with autism, learning, physical and sensory disabilities including respite and community provision.
- Safeguarding, including support for parents, families and carers.
- Provision for children with special educational needs in mainstream and special schools, including transitions to adulthood and the provision of appropriate health and social care interventions.
- Provision of school buses, road safety and transport issues.

151. In relation to rural communities, because the rural population is more scattered, the two main challenges facing children in rural communities are access to suitable transport to enable children to travel to childcare facilities in their own community, and provision of local quality childcare facilities that are sustainable due to the low population density.

152. Other priorities include the co-ordination of services for children and young people focusing on the needs of families living in poor and disadvantaged communities.

153. Alongside the work of the Ministerial Sub-Committee, the Department for Employment and Learning has undertaken to develop an overarching framework for its engagement with children and young people and within that context has identified the following as key priorities for its business: Literacy/ numeracy/ employability; careers Education Information Advice and Guidance (jointly with the Department of Education); transitions for young people with learning difficulties and disabilities; provision for 14-19 year olds; provision for young people disaffected with education; healthy living; pastoral care and child protection; training for childcare; young carers.

In addition, other priorities for Northern Ireland are:

154. **Protection of Children and Vulnerable Adults (UNCRC article 19)** – The Children and Vulnerable Adults (NI) Order 2003 was commenced in 2005 to strengthen safeguards for children. Work is underway to further strengthen these arrangements by way of the introduction of new Safeguarding Vulnerable Groups legislation which will establish a new vetting and barring scheme for those wishing to work with children and vulnerable adults.

145. **Alcohol and Drugs Misuse (UNCRC articles 24, 27 and 33)** – The Department of Health, Social Services and Public Safety (DHSSPS) has developed the New Strategic Direction for Alcohol and Drugs (NSD) 2006-2011. One of the NSD's key themes is "Children, Young People, and Families", and it identifies a range of key priorities including developing young people's services, promoting alcohol and drug related education and prevention, targeting those at risk and vulnerable, addressing under age drinking, addressing binge drinking, reducing illicit drug use and availability, and promoting harm reduction approaches. In addition, DHSSPS is developing a "*Hidden Harm*" Action Plan that will seek to support the needs of children born to, or living with, substance misusing parents or carers. A young people's drinking Action Plan will seek to reduce the harm young people suffer through their own and other people drinking, again this will be launched in late 2008.

146. **Sexual Violence and Abuse (UNCRC articles 19, 34 and 39)** - '*Tackling Sexual Violence and Abuse – Regional Strategy 2008 – 2013*' and its subsequent action plans are working towards delivering effective, accountable and integrated strategies and services in respect of sexual violence and abuse for both children and adults. The strategy includes enhanced assessment and therapeutic support services for children; support will also be made available for

the child's main carer's, to assist them in protecting the child from further victimisation and help them to adjust to and recover from abuse.

**147. Health and wellbeing (UNCRC articles 24 and 27)** – The development of a service framework to cover both the health and social wellbeing of children and young people. An Obesity Prevention Steering Group has been established to oversee, co-ordinate and drive forward the implementation of Fit Futures, which seeks to address childhood obesity. Also, advisory groups will consider areas such as physical activity and food and nutrition.

**148. Children and Young People with Physical/Sensory Disabilities (UNCRC articles 6, 13, 23 and 24)** – In July 2007, DHSSPS published a Speech and Language Therapy Taskforce Report, which dealt specifically with communication needs of children. DHSSPS will be convening a working group to take forward the recommendations contained in the report. Through additional funding secured in 2008 - 10/11, DHSSPS aims to improve wheelchair services and the capacity of respite services for both children and adults.

**145. Autism Services (UNCRC articles 6, 23 and 24)** – Following completion of an independent review of autism services in May 2008, DHSSPS is preparing an Autism Action Plan for public consultation by the end of August 2008. This Action Plan is intended to increase the scale, scope and quality of autism services for people of all ages affected by Autism.

**146. Mental Health (UNCRC articles 23 and 24)** – The development of community mental health services, including services for Children and Adolescent Mental Health Services and the introduction of crisis intervention teams to support young people with mental health needs in the community.

**147. Traveller Children (UNCRC articles 2, 24, 28, 29 and 30)** – As a group, Traveller children experience low educational achievement and poor health. There is a current drive to reverse this trend and to ensure that future generations of Traveller children are educated and healthy, with a strong sense of identity and proud of their culture and traditions. This will be achieved through:

- Additional Funding of over £1 million to schools and updated comprehensive guidance on a range of issues which impact on the education of children from the Traveller community.
- As a priority, the creation of a central service to build upon existing good practice, expertise and resources for the education of Traveller children to ensure services of a consistently high standard, providing equality of access and outcomes and improving attendance and attainment.
- Inter-agency approaches – The Department of Education (DE) is establishing a Committee for the Education of Traveller Children with statutory and voluntary partners to make recommendations on Traveller education and also assist DE in developing a time-bound Action Plan.
- Collection of data – more systematic collection of data, particularly in the areas of attendance and achievement. The 'e-Schools' project, which is currently under development, will gather data at individual pupil level, using a Unique Pupil Number to track pupils through the education system.
- The Integration and Managing Change Committee for the Education of Traveller Children will work towards all Traveller children being educated in an inclusive school environment.
- North-South Ministerial Council –is considering the education of children from the Traveller community.
- Tackling racist attitudes towards the Traveller Community within its work relating to educational underachievement.
- An all-Ireland Study of Traveller Health has been commissioned jointly by DHSSPS and the Department of Health and Children in Ireland. It is expected that the outcome will be key in identifying the inequalities experienced by all Travellers, including Traveller children in relation to experiences of health and social care and will allow for appropriate planning of services to address identified inequalities.

148. **Early Years Provision (UNCRC articles 3, 5, 12, 18, 19, 23, 27, 29, 31 and 42)** –The Department of Education is drafting an Early Years (0 – 6) Strategy to join up early years services in a cohesive way to support a greater integration of service delivery and taking into account the effect on the lives of children and families. In relation to the UNCRC the articles most relevant to the Strategy have been identified and recommendations will be cross-checked to ensure compliance (Articles 3, 5, 12, 18, 19, 23, 27, 29, 31 and 42). A participatory approach has been taken in the development of the strategy with consultative stakeholder groups, and work with children and parents who were using existing services. A larger-scale public consultation including children will be undertaken in 2009.

149. **English as an Additional Language (UNCRC articles 28 and 29)** – The Department of Education (DE) wants all new migrant pupils to be taught, in as short a time as possible, the skills they need in English to allow them to access fully the school curriculum and to achieve their potential. A policy will be finalised and launched in schools in 2008. DE has been working with the Education and Library Boards (ELBs) to improve services to schools with newcomer pupils and strengthen and improve support and services to newcomer pupils and their parents. For example, an information website for newcomer parents at [www.education-support.org.uk](http://www.education-support.org.uk), teaching resources and the provision of advice and guidance via locally based Diversity Coordinators.

150. **Special Educational Needs (UNCRC articles 28 and 29)** – In line with Articles 28 & 29 of the Convention on the Rights of the Child, a key priority included in the Programme for Government 2008 – 2011, Public Service Agreement (PSA) 10, is “Helping our children to achieve through education”. An objective of this PSA is to provide more effective interventions to support children and young people with special educational needs (SEN). The review of SEN & Inclusion, commenced by the Department of Education in April 2006, will be issuing its recommendations for consultation later this year. From a high level perspective the recommendations emerging from the review are designed to ensure that: access to assessment and provision for children who face barriers to learning is consistent across the 5 Education and Library Boards; all teachers receive appropriate training to help with general issues relating to SEN; and each school promotes the inclusion of all children.

151. **Criminal Justice** – the focus will be on implementation of two major pieces of legislation. The *Criminal Justice (Northern Ireland) Order 2008* places significant emphasis on the protection of the public, especially vulnerable groups such as children. It reforms the NI sentencing framework by creating new sentences for dangerous sexual and violent offenders and establishing post-release supervision on release from prison. The Order strengthens arrangements to more effectively manage the risk posed by certain offenders in the community through a multi-agency risk management approach. The *Sexual Offences (NI) Order 2008* strengthens and updates the law on sexual offences, primarily to ensure that all non consensual sexual activity and sexual activity involving children and other vulnerable groups is criminalised and attracts appropriately robust sanctions. It puts children at the centre of the proposals with new offences designed to protect the most vulnerable and punish severely any perpetrator of child sexual abuse. It ensures that other vulnerable groups, such as those with mental health problems and others in relationships of trust, also benefit from added protection and includes new offences designed to protect children from abusive behaviour in the home.

## PART II

152. Due to the page limit the answers to this section represent the some of the key legislation, institutions, policies, programmes and projects and are not comprehensive lists.

### New Bills or Enacted Legislation

Legislation / Bill Provision	Article(s) Engaged
Childcare Act 2006	Articles 3, 5, 6, 12, 14, 18, 19, 20, 27
Education and Inspections Act 2006	Articles 28, 29 and 31.
The Further Education (Providers of Education) (England) Regulations 2006	Articles 28, 29, 31.
Education (Prohibition from teaching or working with Children) (Amendment) Regulations 2007 (SI 2007/195)	Articles 3, 6, 19, 28, 36.
Childcare (Disqualification) Regulations 2007 (SI 2007/723)	Articles 3, 6, 19, 36.
Children Act 2004 (Information Database (England) Regulations 2007 (SI 1007/2182)	Articles 3, 6, 19, 24, 28, 36.
Education (Nutritional Standards and Requirements for School Food) Regulations 2007 (SI 2007/2359)	Articles 3, 6, 24.
Childcare (Disqualification) (Amendment) Regulations 2008 (SI 2008/1740)	Articles 3, 6, 19, 36.
Education (Nutritional Standards and Requirements for School Food) (Amendment) Regulations 2008 (SI 2008/1800 )	Articles 3, 6, 24.
Children and Young Persons Bill	Articles 3, 6, 9, 12, 18, 20, 22, 21, 23, 24, 25, 27, 28, 39
Education and Skills Bill	Articles 3, 5, 12, 14, 16, 23, 28, 29.
Mental Health Act 2007	Articles 3, 6, 12, 18, 24, 39
The Vulnerable Children and Child Poverty Legislative Competence Order (LCO) (Wales)	Articles 3, 6, 27, 28.
The Education (Amendments in respect of Graduate Endowment, Student Fee and Support) (Scotland) Regulations 2007	Article 28
Graduate Endowment Abolition (Scotland) Act 2008	Article 28
The Smoking, Health and Social Care (Scotland) Act 2005	Articles 3, 6, 18, 24.
Prostitution (Public Places) (Scotland) Act 2007	Articles 3, 6, 18, 19, 33, 34, 35, 36, 39.
Sexual Offences (Scotland) Bill	Articles 3, 6, 18, 19, 34
Intensive Support and Monitoring (Scotland) Regulations 2008	Articles 3, 15, 16, 18, 37, 39
Legislative Competence Order - Vulnerable Children and Child Poverty (Wales)	Articles 3, 19, 24, 28
The Libraries Act (Northern Ireland) 2008	Article 31
The Criminal Justice (Northern Ireland) Order 2008	Articles 19, 34, 37, 40
Sexual Offences (Northern Ireland) Order 2008	Articles 3, 12–26, 32-34, 37-42
The Children (Emergency Protection Orders) Act (Northern Ireland) 2007	Articles 3, 5, 9, 19, 20, 33-37, 39

### New Institutions

- Joint Youth Justice Unit (England) created November 2007. Responsibility shared between DCSF and the Ministry of Justice.
- Child Poverty Unit (England) created December 2007. Responsibility shared between the Department for Work and Pensions, HM Treasury and DCSF.
- Cross Government Obesity Unit (England) created January 2008. Responsibility for child obesity is shared between the Department of Health and DCSF.
- The Scottish Commission for Human Rights assumed full legal powers on 1 April 2008.
- The Criminal Justice (NI) Order 2008 created a body of independent Parole Commissioners for Northern Ireland to assess dangerous offenders' suitability for release into the community and to review decisions recalling licensed prisoners to custody. The current Life Sentence Review Commissioners are renamed and their role extended to include these functions.
- Access NI provides criminal history and other relevant information in line with Part V of the Police Powers Act 1997 to employers to allow them to make informed recruitment decisions. It will be the

gateway into the Independent Safeguarding Authority

### Newly Implemented Policies

- The UK Borders Agency - Code of Practice for Keeping Children Safe from Harm.
- UK Action Plan on Tackling Human Trafficking – a comprehensive range of measures including tackling ‘internal trafficking’ and sexual exploitation of children, developing a national referral mechanism for child victims of trafficking, tackling trafficking for the purposes of domestic servitude and benefit fraud, addressing the issue of trafficked children missing from care, or coerced into criminal activities by organised crime gangs, and improved investigation and prosecution of cases of child trafficking.

#### England

- Raising awareness of forced marriages, their consequences and specialist help available. A consultation on new guidance will run over the summer.
- Full Government acceptance of the independent Byron Review recommendations into the risks to children from harmful and inappropriate content on the internet and from video games.
- Five hours of cultural activity each week both in and out of school (pilot).
- Stay safe Action Plan – to keep children safe from all forms of harm including child abuse, safe and stable home environments, preventing accidents and bullying.
- Youth Alcohol Action Plan - which is a collaboration between DCSF, the Department of Health and the Home Office to tackle the issues around drinking and young people.
- 10 Year Drugs Strategy – which is a collaboration between DCSF and the Home Office with a particular emphasis on reducing the harm caused to children and young people by parental drug use.
- Youth Crime Action Plan - which is a collaboration between the Home Office, DCSF and the Ministry of Justice. It focuses on a range of issues around youth crime from enforcement to better targeted support to prevention.
- Aiming High for Young People Implementation Plan - improving outcomes for young people.

#### Wales

- Working Together to Reduce Harm the substance misuse strategy for Wales 2008-2018 to tackle the harms associated with the misuse of alcohol drugs and other substances. It recognises that there needs to be a continued emphasis in prevention work with children and young people and describes how we aim to reduce the risk of harm to children, for example, as a consequence of the substance misusing behaviour of a parent.

#### Scotland

- Improving people’s health - through a variety of initiatives which aim to: deliver healthcare that is patient-centred, safe, effective, efficient, equitable and timely; deliver specialist, hospital based services for children and young people; improve diet, increase physical activity and tackle obesity
- Guidance to promoting attendance at school;
- Action plan to prevent offending by young people;
- Recommendations on care of detained and arrested children.

#### Northern Ireland

- Guidance is due to be developed following the publication of the central NICS policy on child protection from the Department of Finance and Personnel (DFP).
- The Office of the First Minister and deputy First Minister (OFMDFM) will shortly be publishing a Policy Statement on Safeguarding which will improve co-ordination on safeguarding children
- New multi agency Public Protection Arrangements covering the risk and management of sexual and violent offenders
- Publication of the strategy document: Including the Homeless: a Strategy to Promote the Social Inclusion of Homeless People, and Those at Risk of Becoming Homeless in Northern Ireland in July 2007 by the Department for Social Development.

### Newly Implemented Programmes and Projects and Their Scope

#### England

- Consultation on the future of tobacco control in England
- ‘Healthy Weight, Healthy Lives: A Cross Government Strategy for England’ sets out the Government’s ambition to ensure that everyone is able to attain and maintain a healthy weight, and describes the first

steps to achieving it, with an initial focus on children

- Child Health Promotion Programme Guidance - supporting a comprehensive programme of action to support child health, especially in the early years and work is being developed for school age children.
- Human Papillomavirus Immunisation Programme to protect women against cancer – in England girls aged 12-13 years old will be offered HPV vaccination as part of a routine programme starting in 2008
- Health Inequalities: Progress and Next Steps Programme – commitment to develop new ambitions for reducing health inequalities beyond the existing 2010 Public Service Agreement
- Revised National Carers Strategy - includes over £6m in increased support for young carers in universal services, such as schools, targeted support and whole family support for carers.
- Health Inequalities: Progress and Next Steps Programme – commitment to develop new ambitions for reducing health inequalities beyond the existing 2010 Public Service Agreement
- Healthy Schools Programme – to be extended to Further Education sector
- Sexual health – new investment to improve women's access to contraception and reduce number of teenage pregnancies
- 'You're Welcome' project lays out principles to help community and health services to be more accessible for young people across the NHS.
- 'Aiming High For Disabled Children' is a major review of provision for disabled children and sets out plans in three priority areas: access and empowerment, responsive services and targeting support
- National Challenge programme - all secondary schools have at least 30% of its pupils achieving 5+ A\*-C GCSEs including both English and mathematics, by 2011, or be subject to formal intervention.

#### Wales

- A National School-based Counselling Strategy published and funding provided to local authorities to expand the level of counselling in schools with a view to providing universal access across Wales.
- Food and Fitness – Promoting Healthy Eating and Physical Activity for Children and Young people in Wales – 5 year Implementation Plan details a range of action until 2011 in both school and the community to improve nutrition and levels of physical activity
- Welsh Network of Healthy School Schemes – local healthy school co-ordinators work with schools to look at a whole-school approach to all aspects of health. All maintained schools will be actively involved by March 2010
- Foundation Phase – The Framework for Children's Learning for 3 to 7-year-olds in Wales will be introduced on a four year rolling programme, starting in September 2008 with 3 to 4-year-olds. The Foundation Phase introduces a new approach to teaching and learning which is based on play and experiential activities.
- Primary Schools Free Breakfast Initiative - Based on the most recent information received from the local authorities, at the end of the spring term, 828 schools were participating in the Primary School Free Breakfast Initiative. In addition, a further 80 schools have signed up to participate by the end of the autumn term bringing the total to 908 or 56 per cent.
- Advocacy: We are pursuing new arrangements for provision of advocacy services by 2010. A local specialist integrated service across health, social care and education will provide advocacy and broader support for vulnerable children and young people, while there will be universal access to a national advocacy helpline. A new national board will provide strategic independent scrutiny. The new arrangements will help drive awareness of children's rights amongst providers and challenge them to effectively engage with children and young people in the design and delivery of services.
- Appetite for Life - A 2 year action research project involving four local authorities (Ceredigion, Merthyr Tydfil, Torfaen and Wrexham) will run from September 2008 to develop and test the guidelines for implementing the food and nutritional standards proposed in the Appetite for Life Action Plan to inform wider application across Wales.

#### Scotland

- 5 year smoking prevention action plan to discourage young people from taking up smoking.
- Increased sexually transmitted infection testing for under 25s.
- A programme of support for young carers including a National Young Carers Festival and self-evaluation guide for services in contact with young carers.
- Restorative Justice Guidance and Protocol for practitioners working with young people and those harmed by their behaviour.
- Guidance for professionals working with hard to reach young people and young people who present a serious risk of harm to themselves and/or others.
- A developmental Health, Efficiency, Access, Treatment target to tackle childhood obesity

- 3 year funding to Health Boards to improve nutrition of women of childbearing age, pregnant women and children under five in disadvantaged areas.

*Northern Ireland*

- A Rural Childcare programme aims to address rural specific need and circumstance.
- The Housing Executive, working closely with partner agencies and the Traveller Community, have progressed the development of Traveller specific accommodation which addresses inadequate living conditions and social exclusion.
- The Department for Employment and Learning introduced the new Training for Success Provision which replaced Jobskills in September 2007.
- A new all age Careers Education, Information, Advice and Guidance (CEIAG) Strategy developed jointly by the Department for Employment and Learning and the Department of Education is currently being finalised with a view to a formal launch in autumn 2008.
- DEL and DE have made changes to the Vocational Enhancement Programme (VEP). VEP and Schools Collaboration Programme have been merged providing vocational education opportunities
- DEL introduced the Individual Learner Programme (ILP) for all 16 to 19 year olds enrolling with FE colleges provides each young person with a personalised programme to meet their career aspirations.
- Establishment of a 24/7 Crisis Response / Suicide Prevention Telephone Helpline, 'Lifeline' with associated rapid response support services
- Curriculum Sports Programme – In partnership with the Gaelic Athletic Association and the Irish Football Association aims to provide opportunities for our youngest pupils to develop their physical literacy skills from an early age.
- The Primary Languages Programme provides opportunity to learn a language from an early age.
- Community Based Restorative Justice projects across NI working with victims and offenders in the aftermath and incidences of low level crime, helping to repair the harm caused to victims and the community as a whole.

### PART III

**1. In the light of article 4 of the Convention, please provide updated data for 2006, 2007 and 2008 on budget allocations (including trends analysis) regarding the implementation of the Convention throughout the country in the areas of education and health**

#### *England*

155. The budget allocations are not disaggregated according to implementation of the Convention.

156. The figures given below are the education expenditure by central and local government in real terms in England. Our commitment to continual improvement to our services is evident in the increasing budgets.

<b>Education<sup>3</sup></b>	
2005-06	£48,680 million
2006-07	£49,221 million
2007-08	£51,123 million

157. The health budget is not disaggregated by age, and so we are not able to provide the information in the form requested.

#### *Wales*

158. The work identifying Welsh Assembly Government expenditure on children (aged 0-17) has been updated for 2007-08. This will be published on the Welsh Assembly Government website in due course. This work identifies how much is spent on children for all portfolio areas including education and health.

#### *Scotland*

159. Budget allocations in Scotland are not disaggregated according to implementation of the Convention.

160. The education figures given below relate to central government funding to local authorities who provide the majority of education services to under 18s in Scotland. However, some children over the school leaving age will continue education in a further education college or higher education institution. Government funding to this sector is not disaggregated by age and has not been included.

<b>Education<sup>4</sup></b>	
2006-07	£4,091,132,000 (48% of overall budget)
2007-08	£4,169,404,000 (47% of overall budget)
2008-09	£4,267,086,000 (42% of overall budget)

161. There is no assumption that these are actual budgets or spending targets for any particular service, they are simply a means of allocating the total to local authorities. It is up to each local authority to decide how they allocate their total budget according to local needs and priorities.

162. Health figures are not disaggregated by age and so are not available in the form requested. However, £32m of additional funding has been allocated for the implementation of the National Delivery Plan for Children and Young People's Specialist Services in Scotland.

<sup>3</sup> We are unable to exclude all over 19 spending from FE budgets or other administrative spend relating to adult FE prior to the Departmental split in 2007. This figure also excludes expenditure on areas other than education, such as children and families. However, we believe this represents as accurate a figure as possible of under 19 spend

<sup>4</sup> includes budget lines on: Nursery Teaching Staff, Primary Teaching Staff, Secondary Teaching Staff, Special Education, School Transport, School Meals, School Non-Teaching Costs including Property, School Hostels & Clothing, School Security, Gaelic Education, Teachers for Ethnic Minorities, Education Deprivation Assessment, Community Education, Residual FE, Residual FE Travel & Bursaries, Childcare Strategy, Sure Start Strategy, Adult Literacy & Numeracy, National Priority Action Fund, Former Excellence Fund, Pre-School Education, Teacher Pensions

*Northern Ireland*

163. It is currently not possible to disaggregate fully the Department for Education and Learning's (DEL) budget/spend on children and young people – particularly as regards to those in the age group, for example care leavers or those with a disability over 18 that might be accessing all-age services. Insofar as can be determined the DEL Departmental spend on Children and Young People during this financial year 2007– 08 was in excess of £150 million<sup>5</sup>.

164. Funding on children and young people by the Department of Health, Social Services and Public Safety (DHSSPS) is set out in Table 1. Funding for Education is set out in Table 2.

Table 1: Children and Young People Funding - Department of Health, Social Services and Public Safety (DHSSPS) (Northern Ireland)

<b>Strategic Resource Framework (SRF) Planned Expenditure</b>	<b>2006/07 £m</b>	<b>2007/08 £m</b>	<b>2008/09 £m</b>
Children's Homes	34	33	33
Community Fieldwork	38	42	42
Adoptions	24	29	29
Social Work – Family Placements	10	11	11
Other Community	3	7	7
Other PSS	24	25	25
Funds to be attributed	14	14	14
<b>Total Children and Young People Funding per SRF</b>	<b>147</b>	<b>161</b>	<b>161</b>
Plus additional funding for Children and Young People	21	20	18
Child Protection			1
Children with Complex Needs			2
Children's Services			5
<b>Total Children and Young People's Funding</b>	<b>168</b>	<b>181</b>	<b>187</b>

Table 2: Education Budget Figures

	<b>2005/06 Final Outturn</b>	<b>2006/07 Final Outturn</b>	<b>2007/08 Provisional Outturn</b>
<b>Resource</b>	1,563,975	1,589,804	1,712,555
<b>Capital</b>	126,032	132,512	157,731
<b>TOTAL</b>	<b>1,689,907</b>	<b>1,722,316</b>	<b>1,870,286</b>

**2. Please provide information on the number of Anti-Social Behaviour Orders (ASBOs) imposed on children since the entry into force of this legislation, disaggregated by year, age, sex and nature of the anti-social behaviour. Please also indicate the percentage of these children who were subsequently treated under the criminal justice system.**

*England and Wales*

165. Anti-Social Behaviour Orders (ASBOs) came into force through the Crime and Disorder Act 1998, in England and Wales. Between 1 June 2000 and 21 December 2006<sup>6</sup>, a total of 5110 ASBOs were issued to 10-17 year olds. The majority, 91% (4655) were issued to males and 455 to females. Tables 2 and 3 provide a breakdown by age and gender.

Table 3: Number of ASBOs issued to males and females aged 10-17, as reported to the Home Office by the Court Service, by year (June 2000 – December 2006) in England and Wales.

<b>Sex</b>	<b>2000<sup>7</sup></b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>Total</b>
<b>Males</b>	59	187	238	575	1212	1447	937	<b>4655</b>
<b>Females</b>	3	6	13	53	128	135	117	<b>455</b>
<b>Total</b>	<b>62</b>	<b>193</b>	<b>251</b>	<b>628</b>	<b>1340</b>	<b>1582</b>	<b>1054</b>	<b>5110</b>

<sup>5</sup> This includes funding for FE, education maintenance allowances and Training for Success

<sup>6</sup> These are the most recent figures available.

<sup>7</sup> This refers only to the period June-December 2000.

**Table 4:** Number of ASBOs issued to males and females by age, as reported to the Home Office between June 2000<sup>8</sup> – December 2006, in England and Wales.

<b>Age</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
<b>10</b>	30	-	<b>30</b>
<b>11</b>	79	5	<b>84</b>
<b>12</b>	141	14	<b>155</b>
<b>13</b>	335	29	<b>364</b>
<b>14</b>	638	71	<b>709</b>
<b>15</b>	1082	112	<b>1194</b>
<b>16</b>	1212	119	<b>1331</b>
<b>17</b>	1138	105	<b>1243</b>
<b>Total</b>	<b>4655</b>	<b>455</b>	<b>5110</b>

166. Information on the behaviour leading to ASBOs is not collected centrally by the Ministry of Justice.

#### *Scotland*

167. Anti-Social Behaviour Orders (ASBOs) for 12-15 year olds came into force in Scotland through the Anti-social Behaviour (Scotland) Act 2004. Information is published on the use of measures contained within the Act, broken down by the year of issue and local authority. Information is not disaggregated by age, gender or the nature of the anti-social behaviour. No information is held centrally on numbers subsequently treated under the criminal justice system. Information on ASBOs for 16-18 year olds is incorporated into the 'adult' figures, which are not disaggregated by age. However, the number of ASBOs for under 16s issued in Scotland is very small with a total of 14 issued between October 2004 and March 2008.

**Table 5:** Total number of ASBOs issued to for 12-15 year olds, 2004-2008<sup>9</sup> in Scotland.

<b>Year</b>	<b>Number</b>
Oct 2004 - Sept 2005	1
Oct 2005 – Sept 2006	6
Oct 2006 – Sept 2007	4
Oct 2007 – March 2008	3

168. Scottish Ministers are currently reviewing anti-social behaviour in Scotland. One of the emerging issues is about media reporting and the need to communicate positive messages about action being taken to tackle anti-social behaviour. The media unfairly report negative messages about young people and use language which would not be tolerated for any other members of society.

#### *Northern Ireland*

169. The Northern Ireland Office does not collect information on the exact nature of anti-social behaviour which led to the court granting an order for anti-social behaviour. Such an order can only be made where it has been proved beyond reasonable doubt that the defendant acted in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household of the defendant, and where the court feels in necessary to make the order to protect people from further anti-social behaviour. The Northern Ireland office has been notified of a total of 37 anti-social behaviour orders granted against under 18s between 2004 and 2008. A total of 10 (27%) of these individuals were convicted of breaching their anti-social behaviour orders.

<sup>8</sup> Data were not collected by age or gender from 1 April 1999 to 31 May 2000.

<sup>9</sup> The reporting year runs October to September as the Act commenced in October 2004

**Table 6:** Breakdown of the number of ASBOs issued in Northern Ireland by age and gender (2004-08)

<b>Year</b>	<b>Number</b>
2004 (from 25 Aug)	0
2005	3
2006	14
2007	12
2008 (to 30 June)	8
<b>Age</b>	<b>Number</b>
10	0
11	0
12	1
13	1
14	5
15	8
16	8
17	14
<b>Gender</b>	<b>Number</b>
Male	35
Female	2

**3. Please provide data covering the last three years on the number of persons below 18 who have been tried as adults. Please also inform the Committee of the number of reported cases of abuse or ill-treatment of children occurred during their arrest and/or detention as well as on the follow-up given to these cases.**

*England and Wales*

170. The Courts Proceedings Database, from which courts data is drawn, does not identify whether a juvenile was sentenced at a Youth Court or an adult Magistrates Court.

171. Under child protection procedures, if a young person makes a complaint or allegation that could indicate that the young person is at risk of significant harm, then the establishment will make a child protection referral to the local Child Protection Team who will consider what action is necessary. Table 7 below sets out the number of referrals involving children in custody made to local children’s services between 1 April 2006 and 31 March 2008.

**Table 7:** Total number of referrals involving children in custody by establishment type

<b>Type of Establishment</b>	<b>Number</b>
Young Offender Institutions	381
Secure Training Centres	302
Secure Children’s Homes	109

172. Not all of these child protection referrals relate to allegations during their time in the establishment. There can be circumstances where young people disclose historic abuse that would result in a referral. Also the numbers may be artificially high because establishments are keen that when a young person makes a complaint there is transparency and an independent overview. However, in many cases the Child Protection team will look at the referral and consider there is no need for an independent investigation.

*Scotland*

173. In Scotland, where an offence is committed by a child or young person and compulsory measures of supervision are considered to be necessary, the police will make a referral to the Children’s Reporter. The Children’s Reporter will investigate the case to establish if there is sufficient evidence to support the grounds for further referral. If the Reporter decides that

compulsory measures of supervision may be required then a children's hearing will be arranged.

174. The Criminal Procedure (Scotland) Act 1995 provides that no child shall be prosecuted for any offence except on the instructions of the Lord Advocate. Children under 16 are only considered for prosecution in court for serious offences, for example those normally prosecuted on indictment or which are so serious as to give rise to solemn proceedings, certain road traffic offences, where the child is aged 15 or over, which can lead to disqualification, cases involving antisocial behaviour and any other cases, alleged to have been committed by children, where for special reasons, which must be stated, prosecution might be considered and offences committed by children aged 16 or 17 who are under the supervision of a Children's Hearing as outlined in guidance by the Lord Advocate. In cases of this kind the police will report to the Children's Reporter and the Procurator Fiscal to facilitate discussion. The Procurator Fiscal has to decide if prosecution is in the public interest. Even, if so, it is still by no means automatic that the child or young person will be prosecuted. The Procurator Fiscal may refer the child or young person to the Children's Reporter for a decision on whether referral to a Children's Hearing is more appropriate.

175. Therefore, the figures set out below for under 16s are for children who have committed specific offences, not for all children who have offended. A number of these will also have been referred to the Children's Hearings system for further advice or action; these numbers appear in brackets in Table 8 below.

176. Some 16 and 17 year olds are referred to the Children's Hearings system, but the majority are dealt with by the Courts. Those 16 and 17 year olds who commit an offence, and are not on Compulsory Measures of Supervision through the Children's Hearings system, are reported to the Procurator Fiscal who will make a decision on how to deal with the case. If a young person is already on Compulsory Measures of Supervision, they would be jointly reported to the Procurator Fiscal and the Children's Reporter. A decision would then be taken as to who would deal with the case.

Table 8: Persons aged 8-15 proceeded against in Scottish Courts

Age	2004-05	2005-06	2006-07
8 years old	-	-	-
9 years old	-	1	-
10 years old	-	1	-
11 years old	-	-	-
12 years old	1 (1)	-	1
13 years old	4 (2)	4 (1)	1
14 years old	20 (10)	25 (8)	15 (6)
15 years old	129 (28)	143 (48)	129 (38)

Table 9: Persons aged 16-17 proceeded against in Scottish courts

Age	2004-05	2005-06	2006-07
16 years old	2466	2864	2897
17 years old	6271	6599	7065

177. The data on the number of reported cases of abuse or ill-treatment of children occurring during arrest and/or detention is not held centrally in Scotland. It is planned that from 2009 it will be held centrally by the Police Complaints Commissioner<sup>10</sup> for Scotland.

178. Data is available for the 8 forces in Scotland. All data relates to allegations made by under 16s. Data from each force are not strictly comparable as they have reported incidents differently. For example, Strathclyde have provided a very comprehensive response covering a number of criminal and non-criminal allegations, Central have provided information on allegations of assault,

<sup>10</sup> The role of the Police Complaints Commissioner was established by Parliament and is independent of the police and Ministers. Although he is appointed by Scottish Ministers, he is independent of them. The role is funded through Justice Directorate. The first PCC took up post on 1 April 2007.

Fife have not defined the type of complaints.

**Table 10:** Number of reported cases of abuse or ill treatment of children (under 16s) during arrest and / or detention, since July 2005

<b>Force</b>	<b>Number of allegations/complaints</b>	<b>Action</b>
<b>Strathclyde (covers 43% of Scottish population)</b>	395 <sup>11</sup> cases recorded	<ul style="list-style-type: none"> <li>• 176 No disciplinary or criminal action taken<sup>12</sup></li> <li>• 3 Corrective advice</li> <li>• 1 Criminal proceedings – no conviction</li> <li>• 144 Marked no proceedings by Area Procurator Fiscal</li> <li>• 71 Live cases</li> </ul>
<b>Central (covers 5.6% of Scottish population)</b>	4 allegations of assault.	<ul style="list-style-type: none"> <li>• All 4 allegations resulted in no proceedings being taken.</li> </ul>
<b>Fife (covers 7% of Scottish population)</b>	7 recorded complaints.	<ul style="list-style-type: none"> <li>• 3 were dealt with as formal warnings</li> <li>• 4 resulted in no proceedings</li> </ul>
<b>Lothian and Borders (covers 17.8% of Scottish population)</b>	18 allegations: <ul style="list-style-type: none"> <li>• 11 assault,</li> <li>• 2 excessive force,</li> <li>• 5 oppressive conduct.</li> </ul>	<ul style="list-style-type: none"> <li>• 9 marked No Proceedings by Area Procurator Fiscal</li> <li>• 2 withdrawn by complainer</li> <li>• 3 resolved by explanation</li> <li>• 4 unsubstantiated by available evidence</li> </ul>
<b>Dumfries and Galloway (covers 2.9% of Scottish population)</b>	8 cases recorded	<ul style="list-style-type: none"> <li>• 4 of which were unsubstantiated</li> <li>• 3 resolved by explanation</li> <li>• 1 case is still ongoing</li> </ul>
<b>Grampian (covers 10.35% of Scottish population)</b>	10 cases recorded	<ul style="list-style-type: none"> <li>• 4 marked no proceedings</li> <li>• 1 unsubstantiated</li> <li>• 3 where advice was given to Officers</li> <li>• 2 resolved by explanation to the complainer</li> </ul>
<b>Northern (covers 5.5% of Scottish population)</b>	5 complaints received.	<ul style="list-style-type: none"> <li>• 4 were concluded as unsubstantiated</li> <li>• 1 case is still a live complaint.</li> </ul>
<b>Tayside (covers 7.6% of Scottish population)</b>	4 complaints of assault 1 complaint of excessive force.	Information not provided

### *Northern Ireland*

179. In the Northern Ireland court system, children are never tried as adults. Even if the case is heard in an adult court, they are still treated as a child e.g. with reporting restrictions still in place, the removal of wigs and gowns etc.

180. It is only in exceptional cases that children are tried on indictment in the Crown Court, which could be considered an ‘adult’ court. To protect the child, and ensure this court setting is appropriate, all indictments against children are now sent to the office of the Lord Chief Justice who personally inspects them and assigns an appropriate Crown Court judge to the case. Children tried on indictment represent a very small proportion (less than 3% over the last 3 years) of the overall number of cases involving children and this number has been decreasing over the past 3 years both in absolute terms and also as a percentage of the total number of children prosecuted in all courts.

<sup>11</sup> Includes allegations of assault (167), crimes of violence (1), excessive force (30), incivility (59), Irregularity in Procedure (41), Miscellaneous Offences(2), Neglect of Duty (3), Oppressive Conduct/Harassment (8), Other – Criminal (19), Other - Non Criminal (46), Racially Discriminatory Behaviour (2), Traffic Irregularity/Offence (1), Unlawful/Unnecessary Arrest or Detention (16)

<sup>12</sup> Resolved by explanation, unsubstantiated, withdrawn

Table 11: Number of Crown Court Defendants (Under 18s) Disposed of 2005-07 (Northern Ireland)

Year	Number
2005	95
2006	76
2007	69

181. The Youth Justice Agency is committed to the protection of children and young people from abuse and seeks to achieve this by operating safe, secure and caring environments that address the needs of the child whilst reducing risk of harm to and from others. All children, staff, parents and representatives of other organisations who use or have contact with Agency services are encouraged to be alert to and report any concerns about abuse. All concerns, whether past or present, will be responded to in keeping with these principles and procedures. The Agency has a published Child Protection Policy document which is compatible with the DHSS&PS guidance “Co-operating to Safeguard Children”.

182. During 2007-2008 (the first year for which detailed figures are available) a total of 53 child protection allegations were received by the Agency, three of which were carried forward from 2006-2007. All related to occurrences outside the jurisdiction of the Agency (e.g.; incident occurred before young person came into contact with the Agency) and were as a result of disclosure by children to members of staff, disclosure by family or other representatives of the child, and arising through assessment processes. The child protection policy was followed in each case and referrals made to the appropriate authorities. Further details are set out in the following table.

Table 12 - Youth Justice Agency – Summary of Child Protection Allegations Received (Northern Ireland) April 2007 – March 2008<sup>13</sup>

Directorate	No of Allegations Received	Outcome		
		No Action Required	Referred to H&SST	Total
Community Services <sup>14</sup>	39	0	39	39
Corporate Services	0	0	0	0
Custodial Services	14	2 <sup>15</sup>	12	14
Youth Conference Service	0	0	0	0
<b>TOTALS</b>	<b>53</b>	<b>2</b>	<b>51</b>	<b>53</b>

183. In October 2006, the Youth Justice Agency introduced new complaints arrangements which were designed to be easy to understand and responsive. The aim was to encourage anyone who felt they had been treated unfairly or inappropriately by the Agency to speak out so that concerns could be addressed. The complaints arrangement provide for independent review through the Independent Complaints Reviewer (ICR) when complaints cannot be resolved within the Agency. The ICR provides an impartial complaints review and resolution service for anyone who has an unresolved complaint in relation to the Agency’s services. The ICR also reports through the Agency’s published annual report.

184. During 2007-2008 a total of 46 complaints were received by the Agency (this includes one carried forward from 2006-2007). 45 of the 46 complaints were made against Custodial Services Directorate. All were resolved at a local management level and no complaints were ongoing at year-end. However, lessons learned from the process have been used to improve and influence the development of Agency services.

185. It is not possible to provide reliable and consistent data for complaints made by children against the Police or Prison Services in Northern Ireland. There is either no single authoritative source or the information is not collated specifically in relation to children.

<sup>13</sup> All referrals relate to incidents occurring outside the jurisdiction of the Agency but which were identified and reported via the Agency’s Child Protection procedures.

<sup>14</sup> Community Services figure includes three outstanding allegations carried forward from the year 2006-2007.

<sup>15</sup> Health & Social Services already aware of both cases when contacted – formal referral not required.

**4. Please provide data covering the last 3 years on the number of children involved in sexual exploitation, including prostitution, pornography and trafficking and the number of those children who were provided access to recovery and social reintegration services.**

*England*

186. Data on the number of sexually exploited children and young people or those who have been victims of trafficking is not available due to the hidden nature of the crime.

187. An indication of the numbers of children who have suffered abuse can be established by the numbers of children subject to a Child Protection Plan. This Plan sets out the action being taken to ensure the child is safe, to prevent the child from suffering further harm and to help and support the family. The plan sets out how children’s services will monitor the child’s welfare and the changes required to reduce risk of harm to a child. It also sets out the multi-agency support to be provided to help and support both the child and his or her family.

Table 13: Number of children and young people who were the subject of a Child Protection Plan by the category of abuse, 2005-07.

Category of Abuse	Numbers		
	2005	2006	2007
<b>Neglect</b>	11,400	11,800	12,500
<b>Physical abuse</b>	3,900	3,600	3,500
<b>Sexual abuse</b>	2,400	2,300	2,000
<b>Emotional abuse</b>	5,200	6,000	7,100
<b>Mixed</b>	3,000	2,700	2,700

153. The Government is fully committed to ensuring that child victims of trafficking are safeguarded. The Government’s UK Action Plan on Tackling Human Trafficking outlines this commitment. A comprehensive range of measures are included in the plan, ranging from tackling the ‘internal trafficking’ and sexual exploitation of children, to developing a national referral mechanism (NRM) for child victims of trafficking, tackling trafficking for the purposes of domestic servitude and benefit fraud, addressing the issue of trafficked children missing from care, or coerced into criminal activities by organised crime gangs, and improved investigation and prosecution of cases of child trafficking.

In 2007, the Government commissioned the Child Exploitation and Online Protection Centre (CEOP) to carry out a scoping study on the extent and nature of child trafficking, which revealed 330 suspected and confirmed cases of children trafficked into the UK during the period covered by the study.

*Scotland*

188. Data collected in Scotland relates to convictions for offences. There is no information on the number of children the offence was committed against.

189. Table 14 provides details of the number of children and young people included on Scotland’s Child Protection Register as a result of them being at ongoing risk of sexual abuse and/or subject to sexual abuse.

Table 14: Total number of children on the Child Protection Registers in Scotland

Year	Number
<b>2005</b>	226
<b>2006</b>	303
<b>2007</b>	270

190. Placement on the Child Protection Register is itself an action to address risks associated with a child’s wellbeing. All children included on the register should be in receipt of services to address their needs and prevent them from being placed at risk of further harm.

191. Scottish Ministers are clear that the lack of firm evidence of child prostitution in Scotland does not mean that there is no need for action. Arrangements are therefore in place to ensure that young people at risk of sexual exploitation are immediately and appropriately protected. Criminal penalties are set out in law which penalise paying for the sexual services of a child and causing, inciting or controlling the provision of sexual services by a child. The Children (Scotland) Act 1995 provides the basis for ensuring that proper care can be provided for any potential victims of such offences.

192. Data on child pornography is not held centrally in Scotland. Officials are however working closely with the Child Exploitation and Online Protection Centre (CEOP), a UK wide programme, on this issue.

193. A recent police anti-trafficking operation, Pentameter 2, covered all forms of trafficking, including child trafficking, but did not find any evidence of child trafficking in this Scotland. However, the absence of evidence does not prove the absence of a problem and Scottish Ministers are committed to ensuring robust measures are in place to combat child trafficking. Plans are in place to deal with victims of child trafficking who may be identified in future and Scottish Ministers are currently consulting on draft guidance '*Safeguarding children in Scotland who may have been trafficked*' which seeks to provide professionals with advice on identifying and supporting children who have been the victims of trafficking. Officials in Scotland are working closely with CEOP to better understand the prevalence of child trafficking both in Scotland and across the UK.

#### *Northern Ireland*

194. Currently, the clandestine nature of human trafficking makes it difficult to gather definitive data about the nature and scale of the problem in Northern Ireland and elsewhere. The Police Service of Northern Ireland (PSNI) participated fully in the recent Pentameter 2 anti-trafficking operation to identify the scale of human trafficking in the UK, during which no child victims of human trafficking were uncovered in Northern Ireland.

195. As with other parts of the UK, absence of evidence does not prove the absence of a problem and Ministers are committed to ensuring robust measures are in place to combat child trafficking. An Organised Crime Task Force (OCTF) was established in Northern Ireland in 2000 to tackle all aspects of organised crime on an inter-agency basis. The OCTF Immigration and Human Trafficking Expert Group is analysing and assessing the scale of human trafficking here and is working closely with Home Office and NI Departments to implement measures set out in the UK Action Plan. These include prevention, enforcement and, most importantly, protection of adult and child victims. To date, the PSNI report that there has been one reported child victim of human trafficking (for labour exploitation) found in Northern Ireland.

196. Upon ratification, we have given our commitment in Northern Ireland to implement the requirements of the Council of Europe Convention Against Trafficking in Human Beings, to enhance existing arrangements for victims of human trafficking, including those for children, to ensure that they receive victim-centred support.

197. The Sexual Offences (NI) Order 2008 introduces a series of new offences specifically targeted at protecting children from sexual exploitation. These new offences will be available to the courts from January 2009.