

**International Covenant on
Economic, Social and Cultural Rights
UK examination - 2008**

**Submission from the Children's Rights Alliance for England to Committee
on Economic, Social and Cultural Rights**

About the Children's Rights Alliance for England

The Children's Rights Alliance for England ('CRAE') is a coalition of more than 380 voluntary and statutory organisations committed to the full implementation of the UN Convention on the Rights of the Child ('UNCRC'). We exist to transform the lives and status of children in England through the full implementation of children's human rights. We want all children to be respected as individuals and to be treated as full and equal members of society.

In this submission, we focus upon the UK Government's performance of its human rights obligations and commitments as they relate to children in England, with particular regard to implementation of the Concluding Observations of the Committee on Economic, Social and Cultural Rights (2002).¹ We also highlight omissions in the UK Government report to the Committee and new and emerging rights violations since the previous examination by the Committee.

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Part II of the Convention - Status of economic, social and cultural rights in England

Incorporation of human rights into domestic law

The UK Government continues to resist a rights-based approach to improving children's well-being and position in society. The Government's over-arching strategy for children's services in England, entitled 'Every Child Matters', sets out how agencies and services should co-operate to improve children's well-being but fails to take a human rights framework and does not reflect the full range of obligations and provisions contained in the ICESCR or the UNCRC (and was not designed to do so).

International treaties must be incorporated into UK law before they are enforceable by individuals in the UK courts. Other than the European Convention on Human Rights, incorporated into UK law through the Human Rights Act 1998, no human rights treaties have been incorporated in full, though many aspects are reflected in domestic law. Even where legal protection does exist, the enjoyment of rights is not uniform and inequalities persist. Whilst the Law of Treaties (articles 26 and 27), which the UK ratified in 1971, makes it plain that non-incorporation is no excuse for inaction on international law, incorporation of economic, social and cultural rights would be a huge step in improving the wellbeing and life chances of children.

In July 2007 the Government published a Green Paper, 'The Governance of Britain', announcing plans to launch a national debate on British values, with a view to working towards the establishment of a British Bill of Rights and Duties and, ultimately, a written constitution.² CRAE and other human rights NGOs are concerned that this may result in the dilution of the Human Rights Act (1998). Furthermore, the Government has indicated that few of the rights in any new British Bill of Rights and Duties will be justiciable.³ In an important speech on the proposed Bill of Rights and Duties, the Rt Hon Jack Straw MP, Lord Chancellor and Secretary of State for Justice, specifically

downplayed the opportunity for economic and social rights that can be legally enforced: *"If, for instance, economic and social rights were part of our new Bill, but did not become further justiciable, this would not in any way make the exercise worthless. This city is a living testament to the power of symbols. As the jurist Philip Alston described, Bills of Rights are 'a combination of law, symbolism and aspiration'. What he makes clear is that the formulation of such a Bill is not a simple binary choice between a fully justiciable text on the one hand, or a purely symbolic text on the other. There is a continuum. And it is entirely consistent that some broad declarative principles can be underpinned by statute. Where we end up on this continuum needs to be the subject of the widest debate."*⁴

Human rights promotion

There has been very little official dissemination of human rights information to children, the wider general public or to professionals working with children. More than three-quarters of 11 to 16 year-olds that took part in an Ipsos/MORI survey for the Office of Children's Commissioner in 2006 were unaware of the Convention on the Rights of the Child.⁵

The national curriculum, introduced in 1988 does not include education about the UN Convention on the Rights of the Child.

In December 2006, the Government was asked in Parliament to describe how it disseminates the Convention. The Minister, Lord Adonis, explained that information is held on three government websites (Department for Children, Schools and Families, Directgov and the Foreign and Commonwealth Office). When asked about wider public dissemination, he replied: *"The department does not disseminate information to schools, health centres, hospitals, courts, job centres, post offices, libraries and other similar establishments. However, there are opportunities within citizenship education to learn about human rights and how they relate to young people and [this] could include the Convention."*⁶

Part III of the Convention: Key continuing violations of children's economic, social and cultural rights

Article 7: Discriminatory national minimum wage

The UK continues to operate a discriminatory national minimum wage (See paras. 107 and 108 of the State party report). There is no minimum wage for employees under 16*, a rate of £3.40 per hour for employees aged 16 to 17 (38% less than the full rate); £4.60 per hour for employees aged 18 to 21 (17% less than the full rate) and £5.52 per hour for employees over 22.

An estimated 523,000 16 and 17 year-olds in employment continue to face discriminatory pay, despite the recommendation of the Committee in 2002.⁷

In July 2005, the Council of Europe's European Committee of Social Rights reported on the UK's implementation of the European Social Charter. The Committee concluded that: *"The situation in the United Kingdom is not in conformity with Article 7.5 of the Charter on the grounds that there is no evidence that, during the reference period, young workers' lowest wages were fair compared to adult workers' minimum wages, which themselves were unreasonably low compared to the average wage in industry and services"*.⁸

Many young people have expressed their anger and frustration at being paid less than their older colleagues, especially when they had been in the job for a longer period of time. Research conducted in 2004 revealed that young people saw the current system

* From the age of 13 a child may undertake 'light' work only in jobs specified in local bye-laws for not more than one hour before schools (S.18 Children and Young Person's Act 1933 as amended; and the Children (Protection at Work) regulations 1998).

as extremely unfair. When 16 and 17 year-olds were asked in a survey what they thought of young people being paid different amounts for doing the same job, 79% of respondents said it was discriminatory.⁹

This discrimination has a direct and tangible impact on young people's life chances. Many live independently and have the same responsibilities as older people and pay the same prices for food, clothes, housing and heating as older people. Many young people will also face additional financial pressures due to setting up home for the first time. Research shows that these burdens are forcing young people to disproportionately experience poverty and that young people falling into poverty at this stage of life can have a massive impact on life chances.¹⁰

It must not be assumed that young people are financially dependent on others. Similarly, income poverty among young people is more likely to be associated with material deprivation than among the all-adult population.¹¹ An equal national minimum wage would ensure adequate social protection for this vulnerable group and help prevent a lifetime of poverty and exacerbated social exclusion.

Article 9: One third of children live in poverty

Children are a priority in Government anti-poverty policy, but a great deal more needs to be done if their right to social security and an adequate standard of living is to be realised (see paras. 131 - 139 of the State party report).

Up to one third of the UK's children continue to live in poverty - 3.8 million children live below the poverty line after housing costs (In England the figure is around 3.2 million).¹² However, despite previous progress towards the Government's own target of halving child poverty by 2010, child poverty has increased for the first time in seven years, with a rise of 200,000 more children living in poverty in 2007 (after housing costs).

A key determining factor for this rise is growing income inequality. Furthermore, income inequality is at its highest since 2001/02.¹³ Households below average income have not kept pace with the rising affluence of those on average, and above average, incomes. It is estimated that the incomes of the 10% families on the lowest incomes has fallen,¹⁴ putting up to 1.3 million children in the UK at risk of severe poverty.¹⁵

Working for Children, the revised child poverty strategy, was published in March 2007 and gives even greater emphasis on paid employment as the basis of poverty reduction.¹⁶ However, in-work poverty continues to be a major issue, despite the minimum wage and a system of tax credits and in-work benefits to supplement incomes. More than a million children living in poverty are in families where at least one parent works.

The Government is proposing that from October 2008, lone parents should be required to seek work when their youngest child is 12 years old, and from October 2010, when their youngest child is seven years. Currently the youngest child is 16 before the parent has to work. The Government's target is 70% lone parents in employment by 2010.¹⁷ It is claimed that parents will receive additional help to move into employment. The proposal has been criticised strongly by anti-poverty campaigners in the UK who believe that forcing parents into work or face benefit sanctions will be counter-productive and that voluntary employment programmes are repeatedly shown to be far more effective.¹⁸

Inadequate resources for social protection

The UK Government is not investing the maximum available resources (as required under Article 2 of the ICESCR) into eliminating child poverty. The Institute for Fiscal Studies estimates that an additional investment of almost £4 billion per year is needed

to meet the Government's own 2010 target, but this year only an extra £1 billion was found.¹⁹

The Social Fund was introduced in 1988 through the Social Security Act 1986 and replaced grants with state loans for essential items such as bedding and winter coats. Significantly, once local Social Fund budgets have been used in any given year there are no more available resources for destitute families. There is often inadequate investment in the Social Fund with the Local Government Association reporting that local authorities are meeting the shortfall between resources and families refused help from the Social Fund (for example because of lack of resources) in order to avoid children coming into care as a result of destitution.²⁰ Eighty children in England were brought into care (looked-after) in the year ending 31 March 2007 because of poverty, bringing the total to 380 children since 2002.²¹

For young people aged 16 and 17 social security support is discretionary, in direct contradiction to Article 9 of the ICESCR. Yet, this group has been found to be the most at risk of severe poverty.²²

Discriminatory benefits for asylum seekers and refugees

The average adult rate of benefit for asylum-seekers continues to be 70% of that given to non-asylum-seeking adult claimants. At the end of November 2006, the healthy start scheme was introduced nationally. This replaced the welfare food scheme (free milk and vitamins) and gives low-income families vouchers to purchase milk, fruit and vegetables. It is available to pregnant women and families with children under five, but not to asylum-seeking families.

Further, regulations which came into force in June 2004 scrapped single additional payments, which allowed asylum-seekers to apply for a one off payment of £50 every six months for essential "living needs".²³ Asylum-seeking families have been forced to rely on benefits since the right to work was removed in July 2002 (though they can now apply for permission to work after 12 months).

The power to remove accommodation and financial support from families whose asylum claim has failed remains on the statute book although the Government says it will not be used routinely.²⁴

Article 10: Equal protection for children under the law on assault

In 2004 the UK Government supported legislation which allows parents to justify common assault on their children as "reasonable punishment". It resisted campaigning by an alliance of over 400 organisations, including all the major children's organisations, and refused to allow Labour MPs a free (conscience) vote on an alternative proposal which would have satisfied the UK's human rights obligations by removing the defence completely, to give children the same protection as adults enjoy from being hit. This action ignored the Committee on the Rights of the Child's 1995 and 2002 concluding observations. In the latter, the Committee expressed "deep regret" that the UK "persists in retaining the defence of 'reasonable chastisement' and has taken no significant action towards prohibiting all corporal punishment of children in the family". The Committee emphasised then that UK proposals to limit rather than remove the defence do not comply with the principles and provisions of the Convention on the Rights of the Child; constitute a serious violation of the dignity of the child; and suggest that some forms of corporal punishment are acceptable, thereby undermining educational measures to promote positive and non-violent parenting. It referred to a similar recommendation from the Committee on Economic, Social and Cultural Rights. Since then, in 2005, the European Committee of Social Rights has also told the UK that it is not in compliance with the European Social Charter because it has not prohibited all corporal punishment in the family.

Violence in the home

It is estimated that up to a million children in the UK are exposed to domestic violence annually.²⁵ Other evidence suggests that one in 10 children said they had been hit or harmed by an adult in the past 12 months and 87% of this violence happened at home.²⁶

Local authorities have a statutory responsibility towards the approximately 30,000 children in domestic violence refuges as children in need and at risk of significant harm (Children Act 1989). However the Supporting People framework (which funds services for residents of refuges and those living with and escaping from domestic violence) does not provide services for children in such circumstances (including psychological support), despite the fact that two-thirds of refuge residents are children. The funding of services for children in refuges is not the clear responsibility of any named Government agency. As a consequence, services are patchy and vulnerable to resource constraints. Less than half (40 per cent) of all child support workers are funded by local authorities meaning that children's services are constantly under threat of closure.

Children in care

The Government is giving renewed priority to "looked after" children in the public care system.

However, there is a need to do more to put children's well being at the centre of the system:

- Children in care do not have a right to continuing contact with siblings
- Children in care only have a statutory right to an independent advocacy in relation to complaints procedures and not to decisions affecting them
- Frequent placement moves for children in foster care continue to blight their education.

Outcomes for children in care remain bleak with only 11% of children in care attaining 5 good GCSEs in 2005 compared with 56% of all children, and similar performance gaps exist at all ages both before and after Key Stage 4. Over 30% of care leavers are not in education, employment or training at age 19 compared to 13% of all young people.²⁷

Disproportionate numbers of children in care are from black and ethnic minority communities²⁸ and children with special educational needs make up 28% of looked after children, compared to 3% of all children.²⁹

Accommodation by local authorities for young people found to be "in need" is also highly inconsistent. What is more, the practice of unsupported bed and breakfast accommodation continues for many vulnerable young people. In 2006, 6,750 16 and 17 year-olds and 18 to 20 year-old care leavers were accepted as being in priority need of accommodation, down from 8,970 in 2005 and 10,860 in 2003. However, without accompanying statistics on the number of young people deemed not in priority need (after assessment), this fall cannot be taken as a significant drop in youth homelessness.

Article 11: Discrimination against Gypsy, Roma and Traveller children

The Commission for Racial Equality conducted a year-long inquiry into the rights and treatment of Gypsies and Irish Travellers. This report highlighted discriminatory treatment in the provision of public sites, the lack of basic amenities and the problem of frequent evictions. The duty on local authorities in England and Wales to provide sites was abolished in 1994, and subsequent legislation has never fully restored this duty (which was not properly enforced in any case). The CRE report notes:
"Gypsies and Irish Travellers fare worst of any ethnic group in terms of health and education: life expectancy for men and women is 10 years lower than the national average; Gypsy and Irish traveller mothers are 20 times more likely than mothers in the rest of the population to have experienced the death of a child; and in 2003 less than a quarter of

gypsy children obtained five GCSE's at A to C grades compared to a national average of just over half.*"³⁰

Article 12: High rates of infant mortality and poor child health

Children's health outcomes are marred by growing inequalities in social class. The UK has the second worst infant mortality rate of the 24 richest countries. Nearly half the infants in England and Wales who died in the period 2003-5 were from routine and manual groups.³¹ As researchers from York University have pointed out: *"a key message is the association between socio-economic disadvantage and children's health, which has been shown for: increased risk for infant mortality; low birth weight; not being breastfed; poor self-assessed health; the presence of a longstanding illness; a diagnosis of asthma; non-intentional accident or injury; early age for first sexual intercourse; and teenage conception"*.³²

There remain wide disparities in health outcomes and access to health services:

- There is a major deficit in Child and Adolescent Mental Health Services. The British Medical Association estimates that 10 per cent of children aged 1 to 15 has a mental health disorder. Particularly at risk are children in poverty, asylum-seeking children, children in the care system and children who have witnessed domestic violence.³³
- Levels of infant mortality vary considerably according to the mother's country of birth. For example, babies of mothers born in the Caribbean and Pakistan have particularly high infant mortality rates, 10.7 and 8.6 deaths per 1,000 live births respectively, compared with the overall infant mortality rate of 4.9 per 1,000 live births. Stillbirth and perinatal mortality rates are also particularly high in these groups.³⁴
- Pregnant women on lower incomes are likely to have greater difficulty in accessing maternity services – especially those from black and ethnic minority communities.³⁵

In its report to the Committee on Economic, Social and Cultural Rights (para 297) the UK Government highlights the increasing role of public and patient involvement in health care and new legislation regarding Local Involvement Networks (LINKs) (see State party report para. 297). However, these bodies have no powers of entry to children's social care settings and are not permitted to request a response to its reports on children's social care services by local authorities.³⁶

Failed asylum seekers refused medical treatment

Changes to regulations in 2004 removed asylum seekers whose asylum applications (and any subsequent asylum appeals) have been finally rejected the right to free treatment from the National Health Services and introduced a charging regime.³⁷

The charges apply to all forms of secondary care, except treatment provided in Accident and Emergency (A&E) departments.³⁸ The charging system covers almost all health needs: the only types of treatment that remain free are family planning services, compulsory mental health care³⁹, and treatment for a range of communicable diseases that might pose a public health risk if not dealt with. Treatment provided in sexually transmitted diseases clinics is also free, except treatment for HIV/AIDS which is only provided to those who can afford to pay.⁴⁰ The Refugee Council illustrates the impact of charging: *"No patient is too vulnerable to escape charging: a refused asylum seeker involved in a near fatal car accident would receive free care in A&E, but once transferred to the intensive care unit would begin incurring charges that would ultimately amount to tens of thousands of pounds. Children are charged..."*⁴¹

A test case was brought by human rights organizations and in April 2008 the regulations were declared unlawful in the High Court by Mr Justice Mitting. However, the Government was given permission to appeal.⁴²

Article 13: Many children unable to realise full education rights

Most recent figures available (2005/06) show a slight decrease (almost 3 per cent) of permanent exclusions compared to the previous year with 9,170 cases of permanent exclusions from primary, secondary and all 'special' schools. However, during the same period there was a 4 per cent increase in fixed period exclusions from maintained secondary schools.

The Education and Inspections Act 2006, which came into force on September 1 2007, places a new duty on local authorities to provide full-time education for excluded children. The Education (Provision of Full-Time Education for excluded Pupils) (England) Regulations 2007 require local authorities to arrange full-time provision "*from and including the sixth school day of exclusion*" for both fixed period and permanent exclusions (previous guidance stated that local authorities should provide full-time provision from the 16th day of the exclusion).⁴³ However, as the average length of most fixed period exclusions is 3.5 days, this leaves most children without the right to full-time education provision during their absence from school.⁴⁴

Rates of exclusion and wider inequalities:

- Children in public care are over 8 times more likely to be excluded than other children
- Roma and Gypsy children are 3.5 times more likely to be excluded than other children
- Children with special educational needs are over 3 times more likely to be excluded than other children
- Children from black and mixed ethnic origins are twice as likely to be excluded than white children.⁴⁵

Children detained under a court order or through criminal justice legislation are excluded from the statutory right to education.⁴⁶ According to statistics from the Youth Justice Board (YJB) for 2006/07, children in young offender institutions receive an average of 26.2 hours a week of education, training and personal development activity.⁴⁷ Currently available statistics (2005/06) for secure training centres and secure children's homes show that 99.4 per cent and 79.9 per cent (respectively) of children receive 30 hours or more of education per week.⁴⁸ Young people in custody do not receive the same curriculum as other children and there has been ongoing criticism of the focus on skills and work-based learning rather than on giving young people access to an inspiring and challenging curriculum.⁴⁹

Disabled children continue to face discriminatory educational provision

There has been insufficient progress toward inclusive education for disabled children. Legislation still permits segregated education for many disabled children. Section 316 of the Education Act 1996 (as amended by the Special Educational Needs and Disability Act 2001) provides that any child who does not have a statement of special educational needs must be educated in a mainstream school. However, a child with a statement of special educational needs must attend a mainstream school unless it would be incompatible with "the provision of efficient education for other children" or the wishes of parents. This is discriminatory.

In January 2007, the number of disabled children and young people attending 'special' schools was 89,410. Of these, 4,540 were aged five and under and 720 were aged two and under. Over half (57.2%) of children with a statement of special educational needs attended a mainstream school in January 2007⁵⁰; in January 2003, this was 60.3%.⁵¹

New education requirements for 16 and 17 year olds

The Education and Skills Bill, currently before Parliament, proposes mandatory educational attendance for young people aged 16-18 who have not attained a level 2 qualification. Children in breach may be subject to civil penalties, ultimately leading to the possibility of criminal penalties for non-compliance. Their parents may also be

subject to parenting contracts and orders. Other educational legislation places the duty on parents and carers, rather than children. Whatever the good intentions behind the Bill, the imposition of sanctions risks creating yet another route for conflict with the law, especially for the most disadvantaged young people. This is not in a child's best interests.

As the Committee on Economic, Social and Cultural Rights has noted, the obligation to fulfil the right to education requires States to take positive measures that *enable and assist* individuals and communities to enjoy this right.⁵² Measures have to be in place to ensure that children are not prevented from enjoying their right to education. However, it would be perverse to impose a *duty* on 16 and 17 year olds to take up that *right*, as the Education and Skills Bill proposes.

Article 3 of the UNCRC requires children's best interests to be a primary consideration in all matters concerning them. In addition, Article 12 of the UNCRC, which requires States Parties to "*assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child*" and to give children's views "*due weight in accordance with the age and maturity of the child.*" The proposed new duty is manifestly in conflict with Article 12 given the capacity of 16 and 17 year olds for independent decision-making, and runs directly contrary to the recommendation of the UN Committee on the Rights of the Child in its 2002 Concluding Observations which called for the UK Government to respect children's rights to express their views and have them given due weight in all matters affecting them in accordance with the age and maturity of the child concerning their education.⁵³

As pointed out by the UN Committee on the Rights of the Child in its 2001 General Comment on education, article 29(1) of the UNCRC (the aims of education) "*not only adds to the right to education ... a qualitative dimension which reflects the rights and inherent dignity of the child; it also insists upon the need for education to be child-centred, child-friendly and empowering, and it highlights the need for educational processes to be based upon the very principles it enunciates.*" We believe the proposed new duty runs contrary to these principles, although we welcome improved educational support and entitlements.

Recommendations

Our main recommendations relating to economic and social rights are as follows.

The UK Government should:

- Ensure the UNCRC and the ICESCR are reflected in any forthcoming Bill of Rights
- Invest substantial additional resources in eradicating child poverty and tackling inequality
- Abolish the three-tier minimum wage and replace with one single minimum level for all employees
- Ensure that children have equal protection with adults under the law on assault by legislating to remove the "reasonable punishment" defence
- Develop a national strategy to end all forms of violence against children
- Strengthen restrictions on school exclusions
- Ensure detained children have the same right to education as other children
- Repeal legislation prohibiting access to free healthcare for failed asylum seekers
- Place children's needs at the heart of the public care system by strengthening their right to maintain relationships with siblings and to have access to an independent advocate
- Make access to benefits non-contingent on requiring lone parents to seek work before their youngest child is 16

- Benefits should be reinstated for 16 and 17 year olds who are living at home and who are not looked after or being provided with leaving care assistance

Children's Rights Alliance for England
94 White Lion Street
London N1 9PF

00 44 (0) 207 278 8222

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- ¹ Committee on Economic, Social and Cultural Rights (2002) *Concluding Observations of the Committee on Economic, Social and Cultural Rights: The United Kingdom of Great Britain and Northern Ireland* Paragraph 33.
- ² Ministry of Justice (2007) *The Governance of Britain*
- ³ Rt Hon Jack Straw, "Towards a Bill of Rights and Responsibility", speech 21 January 2008
- ⁴ Rt Hon Jack Straw, "Modernising the Magna Carta", speech 13 February 2008
- ⁵ PRESS RELEASE Office of the Children's Commissioner THURSDAY 13 JULY 2006 'Nearly half of young people feel they are not given enough respect'
- ⁶ House of Lords written answer, 7 December 2006: Hansard Column WA150.
- ⁷ ONS (2007) *Labour market statistics September 2007*
- ⁸ European Committee of Social Rights (2005) European Social Charter: European Committee of Social Rights Conclusions XVII-2 (United Kingdom) Articles 7,8,11,14,17 and 18 of the Charter.
- ⁹ British Youth Council and Children's Rights Alliance for England (2004) *Your views*
- ¹⁰ Smith, N. and Middleton, S. (2007) *A review of poverty dynamics research in the UK* Joseph Rowntree Foundation
- ¹¹ Adelman, L. and Cebulla, A. (2003) 'The dynamics of poverty and social exclusion in the UK', in E. Apospori and J. Millar (eds) *The Dynamics of Social Exclusion in Europe: Comparing Austria, Germany, Greece, Portugal and the UK*. Cheltenham: Edward Elgar
- ¹² Department for Work and pensions (2007) Households below average income.
Figures used in this paragraph are data after housing costs. An estimated 2.8 million children are living in poverty after housing costs.
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- ¹⁵ M. Magadi, M. and Middleton, S. (2007) *Severe Child Poverty in the UK*. Save the Children
- ¹⁶ Department of Work and Pensions (March 2007) *Working for Children*,
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- ²³ Citizens Advice Bureau (June 2006). *Shaming destitution. National Asylum Support Service (NASS) support for failed asylum seekers who are temporarily unable to leave the UK: section 4*
- ²⁴ Section 9 of the Asylum and Immigration (Treatment of Claimants) Act 2004
- ²⁵ UNICEF and Body Shop (2006) *Behind closed doors: the impact of domestic violence on children*.
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- ³¹ Department of Health (2006) *Tackling Health Inequalities*
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- ³³ British Medical Association (2006) *Child and Adolescent Mental Health*
- ³⁴ 'Higher death rates in deprived areas'. Press release, Office of National Statistics (November 21 2006)
- ³⁵ Bamfield, L. (2006) *Narrowing the Gap* Fabian Society
- ³⁶ The Local Involvement Networks Regulations 2008 Statutory Instruments 2008 No. 528
- ³⁷ National Health Service (Charges to Overseas Visitors) (Amendment) Regulations 2004
- ³⁸ Department of Health (2004) *Implementing the Overseas Visitors Hospital Charging Regulations: Guidance for NHS Trusts in England HMSO*
- ³⁹ Such as that defined in the Mental Health Act 1983
- ⁴⁰ Department of Health (2004) *Implementing the Overseas Visitors Hospital Charging Regulations: Guidance for NHS Trusts in England Pp. 21*
- ⁴¹ Refugee Council (2006) *First do no harm: denying healthcare to people whose asylum claims have failed*.
- ⁴² The Guardian, 12 April 2008
- ⁴³ Department for Children, Schools and Families (2007), *Improving behaviour and attendance: guidance on exclusions from schools and Pupil Referral Units*
- ⁴⁴ Department for Education and Skills (2007), *Permanent and fixed period exclusions from schools and exclusion appeals in England 2005/06*
- ⁴⁵ Department for Education and Skills (2007), *Permanent and fixed period exclusions from schools and exclusion appeals in England 2005/06*
(No data on fixed period exclusions was collected from primary and special schools due to a change in the nature of collection; figures will be available through the School Census next year for the 2006/07 academic year.)
- ⁴⁶ Section 562 of the Education Act 1996
- ⁴⁷ Youth Justice Board (2007), *Annual Reports and Accounts 2006/07*
- ⁴⁸ Youth Justice Annual Statistics 2005/06
- ⁴⁹ House of Lords debate, May 8 2007: Column 1338
- ⁵⁰ National Statistics and DCSF (27 September 2007) *Schools and pupils in England, January 2007 (final)*.
- ⁵¹ National Statistics and DCSF (29 April 2003) *Pupil characteristics and class sizes in maintained schools in England, January 2003 (provisional)*
- ⁵² General Comment No. 13 (Twenty-first session, 1999). General Comment No. 11 confirms that compulsion (see Article 14 in relation to primary education) relates to compulsory access to education, not compulsory participation.
- ⁵³ Committee on the Rights of the Child (2002) *Concluding observations on the United Kingdom of Great Britain and Northern Ireland*, paragraph 48 (a)