Edward Timpson MP,
Minister of State for Children and Families,
Department for Education,
Sanctuary Buildings,
20 Great Smith St,
London SW1P 3BT

Ref: 183Timpson
18 November 2016

Dear Minister

Universal Children’s Day - Concluding Observations of the UN Committee on the Rights of the Child

On 13 September 2016, I wrote to you about the Concluding Observations recently issued by the UN Committee on the Rights of the Child (UN CRC).\(^1\) I highlighted the key role of the Department for Education in implementing these recommendations and asked you to consider setting out concrete actions which the UK Government will take to address the serious concerns raised by UN CRC.

Since sending that letter, we have greatly appreciated the public commitments you have made to children’s rights, including through your written ministerial statement, your attendance at the parliamentary event on the Concluding Observations on 17 October and your letter dated 31 October 2016 following up from this event. We agree with you that all Government departments need to be involved in implementing these recommendations, and that ensuring the voice of children is heard in policy-making processes should be one of this Government’s central aims. We particularly welcome your plans to reinvigorate the cross-departmental forum for engagement with charities and other stakeholders on children’s rights, and would welcome the opportunity to participate.

We also welcome your willingness to be scrutinised by the Children’s Commissioner on progress made on the CRC. As the National Human Rights Institution for Great Britain, the Equality and Human Rights Commission (the Commission) has primary responsibility for holding Government to account for implementation of the international human rights obligations set out in the treaties the UK has ratified,

including under the CRC. In recognition of this role, we ask that you share with us the details of any progress made on implementing the CRC.

While we welcome the recent statements of intent as to general measures of implementation and accountability, I am writing today, on Universal Children’s Day, to request a response to the specific concerns the Commission raised in our letter of 13 September 2016. Given the recent statements made by the Government in the context of the passage of the Children and Social Work Bill, I am also writing to ask you to set out the further action that you will take to strengthen compliance with the Convention on the Rights of the Child (CRC).

**Engaging on the substance**

In your address at the event on 17 October, you mentioned the importance of concrete action from Government that goes beyond creating a perception of compliance with the CRC. In line with your views, I would ask you to set out the actions that the UK Government will take to address the recommendations made by the UN CRC, in particular, in the areas highlighted in our letter dated 13 September 2016:

1. **Enhancing the status of the Convention on the Rights of the Child**: introduce a statutory obligation to conduct child rights impact assessments when developing laws and policies, and ensure that the best interests of the child is integrated in all proceedings, decisions and policies.

2. **Child poverty and social security reform**: re-establish targets for the reduction of child poverty and conduct an assessment of the cumulative impact of social security reforms on children.

3. **Mental Health**: collect comprehensive data on children’s mental health, invest rigorously in child and adolescent mental health services and develop therapeutic community-based services.

4. **Education**: reduce the effects of the social background or disabilities of children on their achievement in school and ensure that meaningful sexual and reproductive health education is part of the mandatory school curriculum.

5. **Asylum-seeking, refugee and migrant children**: cease the detention of asylum-seeking children, conduct age assessments through multidisciplinary and transparent procedures and establish statutory independent guardians for all unaccompanied children.

6. **Access to justice**: expedite the review of the reforms to legal aid, and ensure that it guarantees the effective participation of children.
7. **Youth justice**: raise the minimum age of criminal responsibility, abolish the use of restraint for disciplinary purposes, and remove all children from solitary confinement.

**Due regard to the Convention on the Rights of the Child**

As you know, the Commission briefed in support of an amendment to the Children and Social Work Bill which seeks to introduce a duty on public authorities in England to have due regard to the CRC when carrying out their functions in relation to children.\(^2\) The Commission considers that currently children’s rights are not given the necessary attention in the decision-making of public bodies. Evidence from Scotland and Wales demonstrates that a duty of this nature would have a real and meaningful impact on children’s lives. It would require public authorities in England to routinely consider the impact of policies on children and put children’s best interests at the heart of decision-making.

The Commission welcomes the statements made by Lord Nash when the amendments were debated at report stage in the House of Lords. In particular, we note that the UK Government is “fully committed to giving due consideration to the articles [of the CRC] when making new policies and legislation”, that it will “consider how best to strengthen compliance with the convention”, “will pay close attention to what is happening in Scotland and Wales” and has “a firm intention to take further action”.

I would appreciate if you could elaborate on the nature of the further action to strengthen compliance with the Convention, and in relation to the 7 issues above highlighted by UN CRC and echoed by the Commission in our previous letter.

Thank you once again for your continued support for progressing children’s rights.

Yours sincerely,

[Signature]

**David Isaac**  
Chair

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\(^2\) EHRC, Children and Social Work Bill, House of Lords, Briefing for Report Stage, Briefing in support of amendments, Tuesday 18 October 2016, available at:  