

UK's draft report to the UN Committee on the Rights of the Child

NCH the children's charity

NCH welcomes the opportunity to respond to the UK government's consultation on its draft report focusing on children's rights in the UK, and on the implementation of the rights laid out in the UN Convention on the Rights of the Child (UNCRC).

NCH will also be contributing to the NGO alternative report to the Committee on the Rights of the Child, as well as working to find opportunities to enable the children and young people we work with to participate in this debate.

Who are we?

NCH is one of the largest children's charities in the UK. We run nearly 500 services and work with more than 160,000 children and young people across the UK, some of the most vulnerable in our society. We complement our role in promoting social justice through our services by lobbying and campaigning for change. NCH is one of the main providers of the government's Sure Start programme and are the sector's leading provider of preventive and intensive support to families with vulnerable children, including those in care, in trouble with the law, who are disabled and who have mental health problems.

Our purpose is to help the most vulnerable children and young people break through injustice, deprivation and inequality, so they can achieve their full potential. Our vision is of a world where all children and young people have a sense of belonging, and are loved and valued. A world where they can fulfil their potential, shape their destiny and experience the joy of life.

NCH has also been actively involved in international work for over 35 years. Essentially we are not an aid institution but operate as a social work service development agency in countries across the Caribbean, in Southern Africa, Central America (Belize) and Russia. Thus, we partner with diverse governments and international development agencies to promote relevant child care policy, create, review and improve services for children and their families.

One recent example of this was during May-July 2006 when as part of a Child Protection Programme for the British Overseas Territories (funded by DFID), NCH conducted training sessions in Anguilla and the British Virgin Islands for their 2007 Report preparation for the United Nations Convention on the Rights of the Child. These sessions facilitated comprehensive guidance for writing this important document on the status of children. NCH has also been lending assistance to DfES in their compilation of the UNCRC Reports from other British Overseas Territories in the South Atlantic.

Key issues:

- NCH believes that the UK government should prioritise working towards full incorporation of the UNCRC into the laws of England and Wales, Northern Ireland and into Scots law
- To improve outcomes for the most vulnerable children and young people, significant investment is needed in services to promote the well-being of children, young people and families with multiple problems.

- The UK government should take an active lead in promoting a positive view of children and young people to combat the negative stereotyping that exists at present, and which fuels age discrimination
- Further action and investment is needed to ensure progress is maintained in eradicating child poverty
- Legislation should be introduced to ensure that children across the UK enjoy the same protection in law from assault, and/or from the threat of assault, as adults
- Disabled children and young people's right to freedom of expression is not being upheld
- Greater prominence should be given to children and young people's views and experiences throughout the report

Chapter I: General measures of implementation

NCH believes that the UK Government should prioritise working towards full incorporation of the UNCRC into the laws of England and Wales, the laws of Northern Ireland and into Scots law.

National plan of action (page 5) and Allocation of resources (page 7)

NCH has been encouraged by the commitment shown by the UK government in driving forward positive policy initiatives for children and young people and by the priority it has given to promoting the interests and welfare of children and young people. However, national strategies and plans of action are no substitute for the full incorporation of the principles and provisions of the Convention.

We also believe that to translate recent policy initiatives into a tangible improvement in outcomes for the most vulnerable children and young people, significant investment is needed in services to promote the well-being of children, young people and families with multiple problems and prevent them from reaching breaking point. Despite the rhetoric about prevention in national plans of action efforts to translate this into practice and shift the emphasis away from crisis-led services to preventative services are being hampered by tightening eligibility criteria and funding shortages.

Reservations to the convention (page 9)

The UK Government should remove its reservation to the UNCRC on asylum and immigration, and work to end the detention of asylum seeking and refugee children.

The Children's Commissioners (page 10)

NCH supports the work of the Children's Commissioners across the UK, and believes they have a vital role to play in promoting and safeguarding the rights of children and young people.

NCH welcomed the establishment of the Children's Commissioner in England but remain disappointed that the English Commissioner lacks powers of equivalent force to those of the other UK Commissioners. We also believe that the Commissioners in Wales, Scotland and Northern Ireland should have lead responsibility for dealing with non-devolved issues relating to children and young people in their own countries.

Making the principles of the Convention known to adults and children (page 12)

While we welcome the various initiatives mentioned in the draft report aimed at raising awareness of children's rights and the UNCRC, we believe that a general lack of knowledge persists. The draft report contains no information on levels of

awareness of the Convention amongst children and young people, the adult public and professionals.

Chapter II: Definition of the child

NCH notes the different ages used to define a child in various pieces of legislation. We believe that the government should consider implementing an overall review of the age categories used to define a 'child' to address inconsistencies and discrimination. As an example, we believe that the minimum wage should be paid at a flat rate and not be dependent upon age.

Chapter III: General principles

Non-discrimination (page 16)

NCH believes that age discrimination adversely impacts upon many aspects of young people's lives and that significant cultural change across our society is necessary if age discrimination against young people is to be addressed. NCH welcomes the UK government's commitment to tackling discrimination. Against this background, we believe that the government should take an active lead in promoting a positive view of children and young people to combat the negative stereotyping that exists at present.

There needs to be a focus on greater tolerance and understanding between different generations. We consider that intergenerational work to promote mutual understanding between adults and young people in communities where, for example, there has been antisocial behaviour and youth offending could assist this process. We also believe that community based interventions can help to build stronger and more positive relationships between the young and old, and to reduce the often negative images of young people held by adults.

In addition, there remain specific groups of children and young people, such as those seeking asylum or in who are trouble with the law, who are discriminated against by government policy.

Promoting the best interests of children in care (page 19)

NCH has welcomed government initiatives across the UK to raise standards for children in care. To turn these policy initiatives into a reality of improved outcomes will require more resources committed to supporting families, preventive services, the foster care system, the emotional well-being of children and the assistance given to those leaving care.

NCH welcomes the Scottish Executive's generous support for the Reading Rich project which we are progressing with our partners at the Scottish Book Trust. This project seeks to encourage looked after children and their carers to develop an interest in reading and in literature.

For more information on the mental health needs of children and young people in care, please see our comments on **Chapter VI – basic health and welfare**.

Contact Point (page 19)

In principle NCH supports the introduction of Contact Point. We also believe that in order to safeguard children and young people's rights certain safeguards will need to

be built into its implementation, for example to constantly monitor the type of information that is held, when that information is deleted and what it is used for.

Youth work (page 20)

Despite opportunity cards, a lack of money prevents the most vulnerable young people from accessing services that can help them develop in a healthy and positive way. Evidence from NCH led focus groups shows that young people see finance as a barrier to taking part in sports. Another issue was transport, especially in rural areas, but for disabled young people across the board. Thinking needs to be joined up so that young people are not left with an opportunity card full of credit that they cannot spend because they can't afford the bus fare to the swimming pool.

Accident prevention (page 22)

NCH believes that UK policy in this area needs to incorporate responses to young people aged 16 plus who face particular vulnerabilities, such as undertaking risky behaviour.

Promoting, facilitating and monitoring participation (page 23)

The laws mentioned in this section of the draft report address efforts to '*promote*' participation, but do not evidence '*facilitation and monitoring participation*'. In addition, this section of the draft report is largely restricted to a schools agenda. NCH recognises that participation is a right which includes all children and young people. While we acknowledge the importance of schools-based approaches, participation should not be solely school-led. Children and young people are a diverse group and require the reflection of this diversity in both the methods and models used to facilitate their involvement, as well as the settings at which this may take place.

Disabled children's right to freedom of expression is not being upheld. There is a postcode lottery of access to Speech and Language Therapy assessment and intervention and even where provision exists this can be limited to work undertaken in the education setting. Children spend most of their lives out of school and need to be able to use their communication skills in all environments. We need to invest in communication aids now and the training and support for families, universal, social and health care service staff to competently use high and low tech communication aids. We need a greater commitment to producing information in accessible formats for children who do not use written or verbal communication. If young people are going to be able to make a positive contribution they need to have an effective means of communicating and support to enable them to do so.

Advocacy services for children who are receiving care services (page 24)

There remain issues around children and young people accessing advocacy services (however 'good' they are) if they do not have a relationship of trust with that person or agency.

In England, NCH has reservations about the government's proposals in the Care Matters Green Paper. In our experience Independent Visitors are a very good idea and we are keen to see them promoted and revitalised. Independent Visitors take an active interest in the lives, hopes and concerns of young people and are there to listen and help. However renaming them and including an advocacy role is not the way to do this. Visiting and advocacy are two different roles that could be combined but often should not. The government's proposals to combine both will lead to less people being able to commit the time to the role as well as children and young people becoming confused about the role and relationship.

Access to advocacy is restricted to 'looked after' children who wish to complain, it would be helpful to see advocacy available for young people, for example, in the transition to adulthood. In particular if the young person is looked after and accommodated but also for young people whose ideas and aspirations may conflict with their parents. To obtain the 'Enjoy and Achieve' outcome, one of NCH's key indicators is: *The child or young person is able to express their ambitions for the future*. For children with communication impairments this will be really challenging and the role of an advocate will be imperative.

Child participation in court proceedings (page 24)

NCH believes that work on developing a 'young defendants' pack' in England and Wales should be prioritised and that the dissemination and use of this, and the young witness packs, should be monitored.

Giving weight to children's views (page 25)

NCH welcomes the progress that government policy has made in this area, noting that children's participation in decision making has been increasingly included in policy initiatives and national action plans.

However, there are still too many gaps. NCH acknowledges the importance of children and young people's views and this is encapsulated in our guiding principal of the child being at the centre of all we do. Services are often most effective when they are a direct response to need. Therefore, it is important that children and young people are engaged appropriately, inclusively, and in accessible ways, in order for them to express their feelings and needs.

All government documents that have an impact on children and young people should be routinely translated and made available in a form that is accessible to (all) children and young people. An area where NCH has particular concerns is in ensuring that materials are made accessible for children and young people with disabilities.

Chapter IV: Civil rights and freedoms

Use of restraints and solitary confinement (page 27)

The Carlisle Inquiry into the use of restraint, segregation and strip-searching in child custody, reported in February 2006 and called for greater safeguards for children in custody. However, there is no reference to this inquiry in the draft report.

The 'reasonable punishment' defence (page 28)

NCH is concerned about the level of protection children receive in law from assault. We believe that the law in this area is still confused and does not provide equity between children and young people and adults. Currently, adults enjoy greater legal protection from the threat of assault than children. Significantly, the assault of adults and/or the threat of assault against adults are strictly prohibited under the laws of England and Wales, the laws of Northern Ireland and under Scots law. By contrast, the law permits adults to physically chastise children where the chastisement is deemed to be 'reasonable', and 'moderate' force is used. NCH believes that legislation should be introduced to ensure that children across the UK enjoy the same protection in law from assault, and/or from the threat of assault, as adults.

Chapter V: Family environment and alternative care

Strengthening the reporting system (page 32) and Monitoring, responding to and prosecuting abuse and neglect (page 33)

Most of the developments listed in the draft report relate to structural changes about the way welfare services are provided. Important though these are, NCH is concerned that they do not necessarily equate to children's rights, a demonstrable improvement in outcomes, nor to what value children and young people put on them.

NCH has concerns regarding the safeguarding agenda and how it is applied to work with young people aged 16 and over. These young people face particular vulnerabilities, including risk taking behaviour as well as vulnerability to assault and exploitation. NCH believes that the safeguarding needs of children aged 16 and over need to be given greater prominence within formal, multi-agency safeguarding arrangements.

Campaigns and programmes to reduce child deaths and abuse (page 33)

The government's approach to addressing domestic violence does not, in practice, make the links between violence against children and domestic violence more broadly, nor does it sufficiently address the safeguarding and support needs of children affected by domestic violence. The separation of children's and adult's services has exacerbated this situation, with children affected by domestic violence effectively falling down the gap between the Domestic Violence Crime and Victims Act (2004) and the Children's Act (2004).

The needs of children and young people affected by domestic violence must be explicitly addressed within the new structures for children's services and embedded within the prevention agenda for all vulnerable children.

A major concern is safeguarding: children in private law cases need the same rights to protection and services as children in public law cases. Welfare and safety must be paramount with better safeguards for children built in before enforcing contact arrangements. Current arrangements, such as the revised gateway forms, are not sufficient to safeguard children. Further work is also needed to ensure that domestic violence multi-agency risk management and safety planning processes specifically address the needs of children affected by domestic violence.

Private fostering arrangements (page 35)

Privately fostered children must be afforded the same standard of safeguarding as those children who are cared for by childminders or accommodated by the local authority. NCH favours immediate moves to create and resource a registration scheme for private foster carers. Recent statistics show that current arrangements have not been successful in encouraging voluntary registration.

Training professionals in reporting and managing cases of ill-treatment, including the care, recovery and re-integration of victims (page 35)

The draft report comments on the second joint Chief Inspectors' Report on '*Arrangements to Safeguard Children*', which highlighted concerns about the safeguarding service available to children with disabilities. Despite some progress, such as the use of intermediaries in court, little progress has been made on this.

Recording crimes against children in the British Crime Survey (page 36)

NCH believes that a mechanism must be found to ensure that children under the age of 16 are included within the British Crime Survey. Without this basic information it is impossible to get a true idea of children's criminal victimisation. This invisibility has led to a continued lack of provision.

The reference to the Offending, Crime and Justice Survey providing ‘*a means of measuring crimes committed against children*’ is unhelpful. This is a survey of 10 to 25 year-olds and covers their involvement in offending, anti-social behaviour and their experience of theft or assault. It is not a comprehensive analysis of crimes committed against children. Earlier this year, an independent review of the way that data on crime is collected recommended, in its report to the Home Secretary that the BCS should be extended to under-16s. We would like to see this reflected as one of the recommendations in the forthcoming Home Office consultation on crime statistics in response to this review.

Support for parents (page 36)

NCH believes that the persistent and continuing uncertainty caused by short-term funding has created a situation where many of the family support services provided by NCH and by other voluntary sector providers are overstretched, and face increasing problems in providing the support which is urgently needed.

Children deprived of a family environment (page 43)

We fully agree with the government’s concerns that children in care are moved between placements far too frequently, and about the negative impact this can have on the ability of children and young people to succeed in education and other areas of their lives. NCH believes an underlying problem in this area is the need to recruit far more foster carers and make the resources available to train and support them in their role.

In order to make fostering a viable alternative to other employment, we need to remunerate foster carers accordingly. This would allow them to give the time and energy to the role that is required of them. NCH supports the introduction of a professional fee for all carers, and believe that this could be stepped, based on experience, attendance at training, and a willingness to take on additional tasks, such as mentoring new carers or training prospective carers.

NCH believes the government should explore the extension of corporate parenting responsibilities until a care leaver reaches the age of 25.

Young carers - omission

NCH believes that a section specifically looking at the needs of young carers should be included in the government’s report.

There are a number of areas where government action needs to be taken to secure improvements for young carers. These include: an early identification of their needs; greater awareness amongst professionals; financial assistance; an acceptable level of guaranteed respite care; and improved support in education and in accessing other key services such as health and transport.

In England, the split of adult and children’s social services has meant that young carers have tended to loose out. This is in part because of increased difficulties in communication between adult and children’s services and also because obtaining funding for whole family services has become increasingly difficult. If a child is caring for a vulnerable adult who has a mental health problem, the range of agencies that need to be involved can be unnecessarily bureaucratic. A particular problem when working with PCTs is in accessing funds for community-based work.

The government must pledge more support for young carers who lack information, formal support services and recognition for what they do. Currently many young carers’ services in many local authorities face cuts. NCH believes the government’s

current review of its national carer's strategy should include a thorough appraisal of the needs of young carers.

Chapter VI: Basic health and welfare

Mental health for adolescents, and preventing suicide (page 48)

Despite increased funding, emotional ill-health in children and young people remains a growing problem; with a rising number of children having mental health problems.

There are persistent problems with existing mental health provision for children and young people, with a perception that there is a post code lottery in terms of access and quality of services. Young people are still being placed on adult wards. Many disadvantaged children and young people find it difficult to access and make use of traditional clinical models of service delivery. There can be very high thresholds for getting any help, long waiting lists, appointments may be weeks apart and it may require a difficult journey on public transport to attend. For families with few material or emotional resources, this represents too many barriers. Young people may also feel there is a stigma attached to going to a traditional CAMHS setting.

NCH believes there must be an increased emphasis on early intervention, community based support for children, young people and parents and developing healthy relationships, emotional intelligence and resilience.

Research shows that children in care have a higher rate of mental health problems than children who remain with their families, especially of depressive illness (45% of children in care have some form of mental illness compared to 10% of the general under-18 population). 63% of children come into care as a result of abuse or neglect. This will inevitably have an impact on their emotional well-being, particularly their ability to deal with separation and loss, to trust adults and to form secure attachments with carers. Children and young people need to make sense of their experiences and receive support in doing so.

Yet despite this higher prevalence and the need for these children to access specialist services, they still experience significant problems in getting treatment. There are particular problems in identifying needs at an early stage as well as inequitable access to services. It appears that, in the past, more effort has been put into addressing these children's physical rather than mental health needs.

In England, the Care Matters Green Paper sets out and encourages the use of an integrated health service model which includes the provision of CAMHS services. But, the paper does not look in detail at how to address the existing difficulties in accessing mental health services, for example by considering how it can help lower the threshold to access support. PCT's and local government will need to prioritise this issue and be held accountable for young people's access to services.

NCH also has grave concerns about mental health of young people in custody. Research in to young people in prison found that 90% of young people aged 15-20 in prison have a diagnosable mental health problem, substance misuse problem, or both. In addition, the level of suicide for teenage boys in custody is 18 times that for boys living in the community.

In 2002, NCH published the findings of a three year research project which showed that a quarter of a million children, some as young as seven, hurt themselves on

purpose. The research involved talking to and recording the experiences of our service users who were found, or confessed, to self-harming. As a follow-up to this piece of work, we welcome the Scottish Executive's support for NCH Scotland's Self Harm Research Initiative, which focuses on the causes of self harm, and also on the design and delivery of services which would best support young people who are self harming. A final report with related recommendations and guidance will be produced later this year.

Reducing child poverty (page 50)

The UK Government faces a formidable challenge in meeting the needs of, and in breaking the cycle of poverty for the most vulnerable children, families and young people in our society. 3.4 million children live in poverty in the UK, with more than 50% of children living in poverty in some areas.

The government's failure to meet its interim target to reduce child poverty by a quarter by 2004/5, and the recognition that it is unlikely to halve it by 2010, has led to growing disappointment. NCH believes that the 2010 target is still achievable if the government gives its full political commitment and sufficient funding.

The areas where NCH considers more action is essential include ensuring that welfare reform increases support for those most in need. It should be noted, for example, that more than 80% of parents with a disabled child are unemployed, and that disabled children are twice as likely to live in poverty as non-disabled children. Lifting disabled children and their families out of poverty is one of the most cost-effective interventions the government could implement.

Reducing youth homelessness (page 51)

One of the greatest issues for young people leaving care is finding appropriate accommodation. We must move away from the current situation where care leavers face a 'postcode lottery' in accessing accommodation, and where their housing is dependent upon living in a 'good' authority's area. However, in our experience as a service provider, young people are frequently unable to access the type of accommodation identified as suitable in their pathway plans. In particular, the problem with placement gets more acute the greater the vulnerabilities of the young person (those most in need have the most difficulty getting their needs met). The artificial nature of leaving care rarely reflects young people's readiness for independence in the way that leaving home does.

The recent announcement by DCLG of their commitment to end the use of Bed and Breakfast accommodation for 16 and 17 year olds and to extend the availability of supported lodgings/accommodation is very welcome, but we would like to see this guarantee extended. Following a study by one of our own care leavers, we are calling for a complete end to the use of Bed and Breakfast accommodation for all care leavers. There also needs to be national minimum standards for, and greater monitoring of, supported accommodation.

Children with disabilities (page 53)

NCH welcomes '*Aiming high for children with disabilities*' and the announcement of additional government funding. Given our concerns about a lack of priority/capacity in some local authorities, and the importance of continuing to review provision against needs, NCH believes that legally enforceable duties should also be placed on local bodies to ensure that adequate services are provided based on an assessment of needs.

Chapter VII: Education, leisure and cultural activities

Improving education for children in care (page 64)

NCH welcomes recent government policy initiatives across the UK to improve education for children in care, such as the proposals to enable children to access schools through free transport and, in England, the enhanced role that social workers will have in holding a budget to improve educational outcomes. However, we do have some concerns. The proposals appear attainment, rather than achievement, focused. We believe that it would be a mistake to measure the progress of children in care by GCSE results alone. And, while we very much support the statement that young people in years 10 and 11 should not move schools, we believe this commitment should be extended throughout children's education.

Chapter VIII: Special protection measures

Asylum and refugee children (page 82)

Refugee and asylum seeking children and young people must be given the same rights to protection and support as other children. Currently in the UK these children do not benefit from the same levels of protection as other children. They are also discriminated against in terms of the financial support and the accommodation they receive. The situation in Northern Ireland is particularly worrying where asylum seekers are held in prison while their claims are processed. Male and female asylum seekers are kept in separate prisons so families have to endure the trauma of separation and imprisonment. In Scotland children are held at Dungavel Removal Centre.

NCH remains apprehensive that the government's immigration concerns take precedence over its human rights obligations to asylum seeking children and families. A recent example is the government's proposals relating to unaccompanied asylum seeking children.

Unaccompanied asylum seeking children are children first and foremost with the same universal needs as any other child. While the common factors for asylum seeking children will be needs and issues relating to immigration matters, the response to each child has to be tailored to take into consideration their unique needs and circumstances. Policies that cover children in care apply to all looked after children including those children with immigration needs. It is unacceptable that as a group unaccompanied children seeking asylum should be treated differently from any other child in care or care leaver.

We are very concerned about a number of the proposals set out in the Home Office consultation paper *'Planning better outcomes and support for Unaccompanied Asylum seeking children'*, for example the statement that asylum seeking children over 16 are generally placed in accommodation that is shared with other young people while the majority of under 16s are placed with foster carers. We also have major safeguarding concerns about some of the proposals relating to voluntary returns programmes, especially the suggestion of introducing a voluntary returns programme that uses a system of reducing financial support as a means of encouraging young people to leave the UK. For more detailed information on our views on the Home Office proposals please see the responses by the Refugee Children's Consortium and the Action on Aftercare Consortium.

Given the government's commitment to seek the views of children and young people when their policies would have a significant impact on their lives, NCH was disappointed that a young people's version of the Home Office consultation document was not produced.

Children in conflict with the law - general comments

NCH believes it vital that young people's offending and antisocial behaviour should be kept firmly in perspective. Sections of the media and policy makers in particular must do more to acknowledge that the overwhelming majority of young people do not offend, or behave anti-socially. For example, less than 1% of all young people in Scotland are considered to be persistent offenders. In fact, young people are statistically more likely to be the victims of such offending behaviour than the perpetrators.

We are concerned that government policy has become increasingly punitive, whereas children in trouble with the law should be treated as children in need of protection and support.

Age of criminal responsibility (page 86)

The Government's explanation for such a low age of criminal responsibility *'that it allows us to intervene earlier to prevent offending and to help young people develop a sense of personal responsibility for their misbehaviour'* should be supported by evidence to show how successful current policy has been in this respect.

Given the existing poor outcomes for children and young people in conflict with the law, NCH believes the age of criminal responsibility should be raised. At present the position in England and Wales, and Northern Ireland constitutes the 'worst of both worlds' in that the age of criminal responsibility of 10 is extremely low by European standards, *and* the dominant approach of the state to children who offend is to provide a criminal justice rather than a welfare response. In Scotland the age of criminal responsibility is low compared to the rest of the European Union, at age 8, but the approach taken to the children concerned through the Children's Hearing system is predominantly a welfare one, except in the case of very serious offences.

Ensuring no child can be tried as an adult (page 87)

Considerable numbers of children and young people are routinely subjected to procedures designed for adult offenders so that, for example, children alleged to have committed grave offences can be tried in the Crown Court.

In addition, we know that most young people who sexually offend don't go on to a career of offending, however in many ways they are still treated as adult offenders. NCH is keen to see a more flexible response to these young people that supports closer working between welfare and criminal justice agencies.

Protecting the privacy of children in conflict with the law (page 88)

NCH believes the anonymity of under-18s should be protected in both civil and criminal cases unless issues of public safety arise. We are worried that the lifting of reporting restrictions for children issued with ASBOs is resulting in the erosion of anonymity for children involved in criminal cases. There is anecdotal evidence that children and young people who have had their ASBOs publicised have been stigmatised in their communities, to their detriment and that of their family. We are not aware of any evidence to support the notion that publishing personal details about a young person reduces their anti-social behaviour.

Detention of children as a last resort, and for the minimum possible time (page 89)

NCH believes that custody for children and young people should be used as a last resort, and then only for the small numbers who are a risk to themselves or to others. These children and young people should be held in local authority secure units, not in prison service establishments, because all the evidence is that children's welfare and safety is seriously in jeopardy in the latter, with significant incidence of suicide, self-harm and bullying. All establishments which accommodate children should be subject to Children Act regulation and more effective strategies are needed for identifying children and young people who are at risk from themselves or others and for protecting them and assuring their well-being.

We therefore find the recent increase in the use of custody for children, and the falling average age for detained children, alarming. The government must focus its energies on reversing this trend.

Alternatives to custody must be explored, for example greater use of specialist and remand fostering. NCH has been able to demonstrate success in using various models of care in dealing with young offenders while also keeping them out of custody. For example, the Foster Care NCH Wessex Community Projects has lengthy experience in providing remand fostering. A recently published evaluation of the project indicated that 75% of young people in remand foster care did not offend while in placement. In contrast, recent Youth Justice Board statistics suggest 96 per cent of children with 7–10 previous convictions re-offend within two years. NCH has also undertaken to run the first two of three pilots for Intensive Fostering with funding through the Youth Justice Board. Success has been demonstrated showing that while in placement they are supported in maintaining school or work placements, introduced to new experiences and social skills which allows them to break their ties with their peers, and improving their relationship with their families is a focus of the work that is undertaken with them. In Scotland, NCH runs a number of successful projects, such as the Great Eastern Youth Build, which have been successful in securing a reduction in community based persistent offending behaviour in children and young people.

Education, health and child protection for children deprived of liberty (page 90)

As a member of the Standing Committee for Youth Justice, NCH's concerns about the education, health and child protection needs of children and young people in custody are well-documented. These concerns are borne out by the evidence of poor outcomes in all of these areas leading to greatly reduced life chances for these children and young people.

Preventing criminalisation of children who are sexually exploited (page 92)

While recognising government progress in this area, NCH believes that the government must legislate to end the criminalisation of children who have been sexually exploited and make resources available to children who are sexually exploited, including victims of trafficking.

Sale, trafficking and abduction (Page 99)

Relevant agencies need to coordinate action on child protection and the prevention of trafficking, and not just focus on law enforcement measures. NCH supports ECPAT UK in its call on the UK Government to monitor and document trafficking cases and establish effective support and protection services for trafficked children.