



Joint Committee on Human Rights

Oral evidence: [Children's Rights](#), HC 663

Wednesday 14 September 2016

Ordered by the House of Commons to be published on 14 September 2016.

[Watch the meeting](#)

Members present: Ms Harriet Harman (Chair); Ms Karen Buck; Lord Henley; Baroness Lawrence of Clarendon; Jeremy Lefroy; Amanda Solloway; and Lord Trimble.

Questions 1–21

Witnesses: **Anne Longfield**, Children's Commissioner for England, and **Professor Lorna McGregor**, Commissioner, Equality and Human Rights Commission gave evidence.

Q1 The Chair: Thank you very much, Anne and Lorna, and your teams for coming along to answer our questions. We are a Joint Committee of the Lords and the Commons. Perhaps you would like to introduce yourselves and then Amanda, who is one of our Commons Members, will kick off the questioning.

Anne Longfield: I am the Children's Commissioner for England.

Professor Lorna McGregor: I am a commissioner with the Equality and Human Rights Commission.

Q2 Amanda Solloway: It is great to have you both here. Perhaps we may first set the scene on what the key human rights issues are for children in the United Kingdom.

Anne Longfield: Shall I kick off on that one? Perhaps I may put this into context. As a country we have been on a journey with children's rights. Only a few decades ago it was a common perception that children were a personal or a family matter, if you like, and only in the past 20 or 30 years has there been an acknowledgement that children have rights in their own right. There has been a change in thinking, but there is still something of a journey to go on. When we look at what was discovered in places like Rotherham over the past couple of years, we see that those children did not get the protection they sought. In the past, children were overlooked by many of the public services when they needed help and were not seen as dependent, vulnerable children. I am glad to say that there has been a huge change of perception and mindset, but that was urgently needed and it is still not always the default of public services and indeed in the wider perception. Clearly, there are specific instances involving very vulnerable children who have particular needs in terms of support and their own rights. They might be those who are in care, those who are in



custody, those with disabilities, but also more broadly there is the issue of how we as a country make sure that the services and support that we provide for children have them at the centre.

An instance of that, because it seems very easy to say, is that I am involved at the moment in trying to encourage people to look at a model in Iceland called the Barnahus project for tackling child abuse. Essentially it makes different services come together around the child with the child in mind. Judges and doctors need to come to the child, and all this is carried out with the child's experience in mind. That is radically different from children having to wait two years and go through a confrontational and often traumatic court process. I am told that in some parts of Yorkshire, if a child has been abused they still have to travel 50 miles to see a doctor. If a child has to rattle around the services that already exist, that is very different from reorganising those services around the needs of the child. I am keen to look at how we can reshape a lot of the services that we have with children in mind to better help them flourish, better help support their rights, and better help to deliver a high-quality outcome.

Professor Lorna McGregor: Thank you for the question. Perhaps I may add to it. The UN concluding observations report on the Convention on the Rights of the Child provide a comprehensive overview of the issues facing children today in the United Kingdom. We have a 25-page report, which is long and detailed for these types of report. We feel that it is quite comprehensive in how it sets out the issues facing children. The Equality and Human Rights Commission has picked out seven issues that we think are key priorities and which we will be working on, and we would very much welcome the Joint Committee on Human Rights also working on and pushing them.

The first issue connects to the Children's Commissioner's emphasis on the structure and the positioning of children in the United Kingdom. The Convention on the Rights of the Child is an international treaty which the United Kingdom has signed and ratified but has not incorporated into law. One of the priorities of the concluding observations for us is the need to give the convention an enhanced status in our law. One of the key ways in which we think that can be done is by moving from giving children's rights due consideration as a policy matter to enshrining them as a statutory obligation so that all public authorities working on issues related to children will have to take the child's best interests into account, as the commissioner has just said. They will have to look at children's rights when developing laws and policies. We also see thematically child poverty and social security reform as key issues, along with children's mental health, youth justice and a number of issues that come out of youth justice, the issues facing migrant children, access to justice for children and children's rights issues, along with personal, social and health education. They are very much the priority issues for us as a result of the concluding observations, which also highlight at the same time a range of other issues. They paint a comprehensive picture of the situation of children in the UK today.

Q3 Amanda Solloway: That leads me on to the next question: what priorities do the UK Government currently given to children's rights, and should they have more prominence in policy-making?

Anne Longfield: The fact is that the Government signed up to the convention and have invested a significant amount of time in the periodic review. It was thorough and well

done, with much constructive dialogue undertaken with organisations including NGOs, and they involved children in that as well. It was embraced, if you like, in those terms. In certain areas of government there is a clear commitment to ensuring that children's views and best interests are considered. But in the absence of the incorporation that Lorna mentioned, there is often inconsistency across different areas of government as well as inconsistencies both nationally and locally. Much of that may be to do with the delivery of services on the ground in certain localities. Again, some will be very on the ball and see this as a crucial issue, and some will not. The language of rights and best interests within decision-making is not one that is often used in many localities or indeed in some national decision-making. It is an area that could be strengthened. People get slightly nervous about some of the rights issues and worry that if it is about children's rights, it is not about parents' rights, but what we are talking about here is working through the lens of the child and the child's best interests. There is some very good practice in the Department for Education, for instance, and promising signs in health in some places.

The Chair: I am sorry, Anne. I am afraid that there is a vote and we have to leave. Sorry, apparently we do not.

Amanda Solloway: I have to vote, but perhaps someone else can take my questions. That would be the most sensible course.

The Chair: As you were, Anne.

Anne Longfield: In summary, there are some inconsistencies. While there is the will and progress has been made on the language of best interests, I do not think that we are yet at the stage where children and young people are regularly included in consultation on changes in legislation or in practice. Significant progress has been made over the past two decades, but there is much to be done that could really strengthen children's standing and rights across the piece both nationally and locally.

The Chair: Are you both saying that you think there should be a statutory duty—that giving due consideration to the UNCRC should be a statutory obligation on all public authorities, rather than voluntary?

Professor Lorna McGregor: Yes.

The Chair: Also, what practical difference do you think it would make in a comparison with Scotland and Wales?

Professor Lorna McGregor: I think we are both saying that a statutory obligation to give due regard to children's rights would be stronger than the current policy position of due consideration. Of course, the key difference is that one is policy and one is a duty. The policy is not enforceable currently, and the Equality and Human Rights Commission's analysis is that due consideration is not given at all times in relation to all legislation. We think that due regard would be better in order to have a systematic approach across all pieces of legislation, policy and acts of public authorities. It would also provide some kind of accountability mechanism to consider and mitigate any negative impacts on children's rights. We think it is very important to move to the statutory obligation. Anne, would you like to speak about the position in Scotland and Wales, from your perspective?

Anne Longfield: There is already a strengthened position in place in Wales. Strengthening the emphasis on this and putting that strengthened framework in place would put this at the forefront. This will not be the end solution. It has to come from culture change; it has to be something that people want to deliver, and can see the benefits of delivering, as much as have to deliver. Strengthening is very important, but it has to go alongside the leadership and will to make it happen.

Q4 Lord Trimble: Anne Longfield, you mentioned Rotherham in your introduction. Of course, I do not mean to refer just to the town of the Rotherham itself; the problem is widespread. You said that there has been a change of perspective with regard to this. Can you tell us a bit more about what is being done to tackle this problem?

Anne Longfield: Sure, absolutely. It is a very interesting example of how mindsets can change. We found in Alexis Jay's report on Rotherham that there was consistent failure from a range of public bodies to either identify children who had been abused or to act on it. Reference is often made to the fact that there were cases where young girls were found, having drunk a lot of vodka, in a room with many older men, and when the police arrived they arrested the girls for being drunk and disorderly and left the men there. The words "child prostitution" have been used liberally. In our own press, even just 10 years ago, it was commonplace for even the most liberal newspapers to talk about child prostitutes or teenagers having children with many fathers, and the like. Because this has been seen in the stark light of day as being completely unacceptable, there has been a complete change of mindset on the appropriateness of that. It is not a finished journey by any means, but there has been an immense culture change in that there is very clear leadership from the top and this is a national priority. Local authorities themselves have prioritised getting ahead of the game, being able to co-ordinate support and offering those young people the support they need in advance. It is not a perfect solution, but it is a very different starting point and culture from where we were three, four or five years ago.

Lord Trimble: I take your point about change, particularly with regard to policing. There has been considerable improvement in that. It seems to me that we really need to get ahead of the game and find ways of alerting these girls to the dangers that are there and try to give them support before they get sucked into these situations.

Anne Longfield: Absolutely. The thing that shouts out from this is that a lot of the young people involved did not believe they were being abused. They thought that this was the situation they were in and blamed themselves for allowing themselves to be in it. The preventive part of that needs to be extended dramatically. There is a lot of work going on in both the Home Office and the Department for Education on looking at what works. A new response unit has been set up. Again, a lot of this is about relationships and understanding the experience of children and young people and the impact of services. I am working with Dame Esther Rantzen at the moment, looking at how we can set up an outreach social media service that can ask whether young people are okay and start to build a relationship there. The answer is that there is clearly an unmet need for an awful lot of young people, but it is one that increasingly is on radars and is being worked towards.

Lord Trimble: What sorts of concrete steps would be taken in order to warn girls about this danger?

Anne Longfield: There are a number of things on prevention. One is having good education in schools, such as lessons for life, if you like, but also relationships, sex, and general confidence and self-esteem. Another is young people having trusted relationships in their lives so that they can build confidence and confide in them, because this is partly about spotting the signs in advance.

Lord Trimble: Is there any way in which we can track what is happening and what is being done and whether or not it is successful? You are speaking in very general terms, but is there a way in which one can drill down and see what is going on?

Anne Longfield: There certainly is. I get a couple of powers with this role. One is a power to request and be given data about children from any public source. That is child-level data, which is initialised and has dates of birth. The other is the power of entry to talk to children any place they are away from home.

Lord Trimble: Has the power to obtain data actually been exercised?

Anne Longfield: It has, quite fully. We carried out an assessment of the nature and scale of child abuse, which was actually about child abuse within the family, and gained very detailed evidence from all police forces and social services. I have just recruited the eminent Professor Leon Feinstein, who is very well regarded in this area. We are aiming to create a gold-star dataset on vulnerable children and children in need that can track their experience and their connection with services.

Q5 The Chair: The UN committee called for a compulsory child rights impact assessment. In 2014, you were given the power to consider the potential effect on the rights of children of government policy and legislative proposals. Are you going to restart that practice? We are all familiar with the human rights memorandum and I guess this is analogous. It is a children's rights memorandum, but instead of the Secretary of State doing it the power goes to you to do it.

Anne Longfield: I would always want the government machinery to carry out impact assessments in any case. In the past my office has carried out a number of child impact assessments, some of which have taken a considerable amount of time; for example, an impact assessment of budgetary considerations, because of the scale of it, can take a year or 18 months. I have not carried out any large-scale impact assessments since I have been in post, which is 18 months, but I have carried out assessments as Bills have gone through Parliament and have looked at particular areas in some detail. I have also sought to become involved in raising issues and concerns as Bills go through Parliament, and acting on those. I am not ruling out larger-scale impact assessments; they are absolutely on the agenda. One area that potentially springs to mind is around Brexit and children. I will be producing a paper over the next couple of months in which I will aim to raise some of the key considerations that need to be taken into account during that process.

Q6 The Chair: We will come back to that. I know that a lot of NGOs are concerned in respect of children's rights about Clause 29 of the Children and Social Work Bill, which will allow the Secretary of State to exempt local authorities from the requirements of children's

social care legislation. Is that the sort of provision for which an impact assessment certification by the Children's Commissioner would be appropriate?

Anne Longfield: Yes, absolutely. Would you like me to talk a bit about that?

The Chair: Yes.

Anne Longfield: Some of you will be very familiar with the Bill and what it is seeking to achieve. There is some concern about a clause that allows local authorities to pull out of some of their statutory responsibilities if they can demonstrate that they are innovating in the best interests of children. One of the proposals is that they should come to my office and Ofsted for a children's rights impact assessment. I want to support innovation, because I want local authorities to be able to look at new ways of delivering this, but the Bill is currently going through Parliament and many aspects are not yet clear. I have discussed this with the Minister and I have written to Lord Nash, raising some of the things that I think will need to be considered before it can go ahead in its totality. Some of those are about being clear about the scope and some are practical issues, such as: what if my assessment is that it is not appropriate and Ofsted's assessment is that it is? At what stage will it come to me? My understanding from the initial discussions is that the intention is that at some stage the proposals will come to my office and assessments will be made. Clearly, I will be working on the basis that those assessments will be taken into account. So there are many details yet to be clarified but in principle that is how I understand that that might work.

The Chair: So there might be legislative change to make that a requirement before this exemption is allowed, or it might be ministerial commitments or something?

Anne Longfield: I think that legislative changes would enable a decision to be made. Within that, there would need to be a process for establishing the status of my assessment and the process for getting that assessment.

Q7 Baroness Lawrence of Clarendon: You have talked about policies and law. How well do you think the practice is working? What would the practical differences be with regard to Scotland and Wales if there was a statutory duty? What are your thoughts on that?

Professor Lorna McGregor: Thank you, Lady Lawrence. At the Equality and Human Rights Commission, as I said, we think that a statutory duty to have due regard would significantly enhance the status of the UN Convention on the Rights of the Child and child rights in the UK. That is certainly not the only step that needs to be taken. One of the first steps coming out of the concluding observations is to call on the Government to publish their plan for implementation of the concluding observations and the different steps that are recommended. The statutory duty is one. We would expect to see child rights impact assessments as a statutory duty, which would be an obligation on the Government to carry those out. We already have some good examples, including in Wales and Scotland, where there is a duty already. In addition, the Department for Education has carried out child rights impact assessments quite successfully. Looking at how those would be systemised and mainstreamed through the statutory obligation would be significant. The Children and Social Work Bill is an opportunity to introduce that statutory obligation in addition to the life chances strategy.



Anne Longfield: To support that, the strengthening would bring consistency. It is also an opportunity to make it very clear that there would be huge benefits from putting children's best interests and children's experience at the heart of reforms. There was a policy paper from the DfE in the summer called *Putting Children First*, which was very much about social work reforms and putting children at the heart of them. There is intent and will around this. The strengthening will provide an added opportunity to make sure that this is seen as a high priority and that it runs through the machinery of government—the machinery of decision-making nationally and locally.

The key thing that young people always tell me when they meet me—part of my role is meeting a lot of young people and talking to them about their experiences—is that what they hate is when they are overlooked and assumptions are made, especially if they are in care; that decisions are made without involving them and that services are being developed without thinking about how they can access them. They hate that most of all. I find that children and young people are very open to the idea that services will not always be 100% as they might like them, whether that is enough of them or exactly how they want them. But if they are part of the solution, that makes all the difference to them. This would be one way, as part of that culture change, to make that happen. A lot of local authorities are starting to see that engaging children and young people in the decision-making leads to much better outcomes, not only for them but for services.

Q8 Lord Henley: You have been talking about the powers you have. Can we move on to your independence? I think this is addressed more to Anne Longfield, but Professor McGregor might want to come in as well. We have had comments from the UN committee that has looked at the need to further strengthen your independence. Do you think that is necessary? What more could be done to strengthen your independence? Have you had discussions with the Government? You mentioned the Department for Education and Lord Nash. Who have you been talking to about this?

Anne Longfield: The independence of my role was actually strengthened in the Children and Families Act 2014. That was quite a significant review. My post has existed for 11 years now. It is still relatively in its infancy. Certainly, the 2014 Act was a significant review. My independence was strengthened in a number of ways. One is that I am now answerable to Parliament, not the sponsor department. Another is that I have particular responsibilities for children in care or living away from home, and that I am able to carry out representation work for those individuals. Those are two quite sizeable movements forward. I feel independent. I have to say that—

Lord Henley: But it is not just you; it is your office.

Anne Longfield: Of course, but the office is clear about its independence. Obviously how I feel about it has some impact on that. I have had great regard to the sensitivities around independence among all the officials and Ministers I speak with. I think people are very clear about that, and it is something that I and the office feel comfortable with. Given the scale and scope of the breadth of working to protect the rights of 12 million children, I feel quite able to look at my own process of evidencing the need and responding to that. I have certain requirements to enable other people in my sponsor department to know about that, as well as the budgetary responsibilities. Beyond that, I think that independence is well understood.

Lord Henley: Do you think that the 2014 Act has taken that forward and that it is possibly not necessary for us to go any further in terms of what the UN committee said?

Anne Longfield: I certainly think that took it to a new place in terms of independence. Certainly, compared with the initial few years of the post, this is a very different setting. That is very evident from the clarity around the post being about promoting and protecting children's rights. When I get in touch with public bodies and make data requests, I do so setting out the powers that I have in law, and they are well understood and responded to. The percentage of those that do not come back is very small, and then they usually do when asked.

The Chair: Oliver, before you move on to your next question, may I follow up the point about independence and ask Lorna a question as well? I do not know whether I have misunderstood the excellent brief that Murray sent to us on this. It is about the money. Obviously, in recent years the Equality and Human Rights Commission's budget has been slashed right down. That is in the control of the Government. The Equality and Human Rights Commission has a responsibility to hold to account, just as you have. How can you be strong when you have so many fewer resources? Is there not a chilling effect whereby if the Government say, "Well, if we can do this in terms of chopping your budget by"—what is it now? Has it gone down by 30% or more than that?

Anne Longfield: Is this—

The Chair: I am just asking Lorna, sorry.

Anne Longfield: I am sorry. I thought that you thought that I knew something.

The Chair: Is there not a chilling effect whereby, if you have a Government who say, "We're going to chop your budget by X"—I do not know what it has gone down by since 2010. Is it 30% or 50%?

Professor Lorna McGregor: I can get you those figures.

The Chair: Would there not be a chilling effect whereby you would think, "We'd better not do this or we'll end up with only 10% of our budget"? Would that not be in people's minds? In Scotland the budget emanates from the Parliament and not from the Government. What do you think about that? Would that give not only independence but more perceived independence?

Professor Lorna McGregor: Thank you for the question, Madam Chair. Our status has recently been reviewed by the UN International Coordinating Committee under the Paris principles. We received a status that includes an emphasis on independence. We would be very happy to share all the documentation with you.

The Chair: Sure, but what do you think? I am not asking what the UN thinks about this, important though it is; I am asking what you think people in this country think in relation to the budget, the Government and your own situation.

Professor Lorna McGregor: We have achieved our A status and we feel that we act,



HOUSE OF COMMONS

operate and appear independent, which is crucial for the way in which we work. We have had budget cuts, and of course we have a spending review. This requires us to look at how we can most effectively work strategically. We have done a lot of work on our business plan, looking at how we can best use the resources we have to deliver outcomes in relation to the promotion and protection of human rights. So we feel confident about the way in which we operate and about our independence.

The Chair: So you do not feel, “We’d better not do this because we’ve already had enough of an axe and do not want to have more axed”. I am just asking you a state-of-mind question in relation to independence.

Professor Lorna McGregor: Our commitment is to fulfil our mandate to promote and protect human rights in England and reserved areas.

The Chair: You would not prefer your budget to be owned by Parliament rather than by the Government.

Professor Lorna McGregor: That is an issue that I am very happy to follow up with you, but that is the priority for us: how we promote and protect human rights within our resources. We feel that we work very independently and determine our strategic objectives with those issues exclusively in mind.

The Chair: I put the same question to Anne, although I do not think that you have had anything like the same scale of cuts. What about the budget?

Anne Longfield: No, absolutely. It is a very interesting question. To my knowledge, it was not part of the consideration in the review that took place before the 2014 Act, but it is clearly the next question on from being accountable to Parliament. My budget is relatively small: it is under £3 million. I have about 26 staff but I work on the basis that you can do quite a lot with 26 staff if they are very good and there is a lot of potential leverage as well. Parliament holding the budget is an interesting question. I would be very interested in having that discussion and reflecting on it more if that were something that the Committee felt it wished to do.

Q9 Lord Henley: Perhaps I might continue with the whole question about cuts. Anne, your sponsor department is the Department for Education, or whatever it happens to be called at the moment, because all the departments seem to change their names. With each spending round you will have long discussions with the appropriate Ministers about what the budget is going to be, how you are going to get there and, presumably, what help it, the department—I have been there post-2010 and know what it is like—can give you. I appreciate that your cuts have not been that large but presumably you have had long discussions.

Anne Longfield: There were some discussions. I have been in post for a year and a half. As I was a new recruit, there was a level of commitment to make this work. The reduction in my budget is 5% year on year, so it is not an immense amount and I do not feel that it has impacted significantly on the scale or the ambition of the work. But, in principle, who sets the budget is clearly an interesting factor.

Lord Henley: In your short experience are you happy with how you operate?

Anne Longfield: I have found it an easy process to manage. It has not been adversarial or lengthy, and the outcome was not negative for the office. I imagine there are a number of factors around that. It was not a large budget to start with.

Lord Henley: In the case of the Equality and Human Rights Commission?

Professor Lorna McGregor: We have these budget cuts and we will have to have further budget cuts of 25% in the next three years. These are significant for us. My chairperson and chief executive are the ones leading those conversations and they would be very happy to discuss then with you further. For us, it is a question of looking at how to be more efficient and how to prioritise our work strategically.

Lord Henley: Forgive my asking what seems rather a dim question, but whom do you have to negotiate with?

Professor Lorna McGregor: With the department, but we have moved.

Lord Henley: But you yourself have not been involved in those discussions; it is your chief executive and the chairperson.

Professor Lorna McGregor: Yes, and they would be very happy to follow up with you on these issues.

Lord Henley: Do you think that it might make a difference, as the Chair put it, if it was not a sponsor department that was doing this but, rather, Parliament itself?

Professor Lorna McGregor: Again, as the commissioner says, that is an interesting question that we would be happy to discuss with you, as we have in the past.

Lord Henley: If I may continue—

Baroness Lawrence of Clarendon: Anne said that there is a 5% year-on-year reduction. That will add up to quite a bit of money that you are going to lose. How would you manage?

Anne Longfield: One thing that I have been keen to clarify is whether I can gain income from elsewhere. It seems that, while that is yet to be set in stone, it is perfectly possible. There may be specific pieces of work—for instance, in relation to the Children and Social Work Bill. If an assessment on that is to take place, I have made a request for additional resource to enable my office to deal with that properly. On the core functions—

The Chair: What do you mean by elsewhere? Do you mean from government or from outside organisations?

Anne Longfield: That is to be clarified, but certainly from across different parts of government, especially if different areas of work are taken on. Something like the Bill that is coming up will require a serious, credible assessment, and extra resource will be needed for that, alongside everything else. I think there is the potential to look at attracting and securing further funding for certain areas, if needs be. Apart from that, even with a full

100% budget of just under £3 million, trying to meet the rights of 12 million children would be a stretch. It is about choosing the things to focus on strategically, just as Lorna said, in a very intelligent and robust way, as well as garnering others to further those aims. I am particularly keen on the conversations about how we encourage local government to embrace best interests as part of its work. That will be a part of the system of implementation.

Lord Henley: There is a further recommendation from the UN committee that you should be empowered to investigate individual complaints. Again, is that something that the whole budgetary question might have an impact on?

Anne Longfield: That has been looked at a number of times over the decades, and it was certainly part of the John Dunford review that took place about five years ago. I can undertake casework for children who are living away from home and are in care through the Children and Families Act responsibilities. I prioritised that in my first year and will continue to do so. How that works is that young people, often through their advocates, will contact me and my office. I have an advice and representation line, rebranded as Help at Hand. It will often involve a young person who is being asked to move from their residential home at very short notice or who is dissatisfied with the service they are being offered. I will not just give out advice but take their case. I often write to the director of children's services in their area and say, "This child has been in touch. I am worried that their rights are not being upheld. I do not know all about the issue but would you please look at this and report to me what you do about this?". So I intervene in quite a robust way.

Lord Henley: And the fact that it comes on your writing paper makes quite a difference?

Anne Longfield: It makes a huge difference. The numbers that I can respond to are not vast—probably about 400 to 500 a year, and there will be that level of representation for about half of those. So an element of casework can already be undertaken. Having looked at the debates over the past decade, I tend to agree that, with 12 million children in this country, taking individual cases beyond that group would be quite difficult on the budget that we have.

Professor Lorna McGregor: We already have inquiry powers. We also carry out and fund strategic litigation. Some of those cases can cover children and children's rights issues. We are also currently conducting a scoping exercise on whether we might seek further dispute resolution powers. That is at a very early stage. We have conducted a literature review and we are consulting on and exploring these issues further, but potentially they could include children and children's rights issues.

Lord Henley: Earlier—I forget in answer to whom—you touched on different regimes. I think it was in answer to the Chair, who talked about Scotland in relation to funding. This is directed to Anne. Obviously you cover England but you have been working with your fellow commissioners from the other three parts of the United Kingdom. Have you worked well with them, and are there significant differences in approach that the four of you take? Again, you might want to come back to the budgetary point regarding the separate means by which budgets are dealt with in Scotland. I do not know about Wales and Northern Ireland.

Anne Longfield: Yes, I do work closely with the other commissioners. Three out of the four of us took up our posts within about a month, so we started afresh. We meet every quarter and we also meet with the ombudsman in Ireland, who is based in Dublin. We worked together very closely on the UNCRC review. We have a memorandum of understanding between us, which means that in practice we can deal with issues positively. I have lead responsibility for children in custody and youth custody across Wales, but, again, we have a memorandum of understanding for issues that arise in Wales. We are always very sensitive to each other's perspectives: I would not steam into Wales without having a discussion. In fact, we collaborate on these issues in a very positive way, so I think that it works effectively. Of course, there are children's commissioners across Europe and globally, and they meet once a year in Europe. I am particularly keen to encourage children's commissioners to get stuck in in a lead role on some quite tricky issues, not least in terms of children who are on the move across Europe. I have worked quite closely with my counterpart in France over the last six months or so, looking at what we, in our respective countries, might do about Calais.

Lord Henley: In passing, when you talk about Europe, are you talking about the European Community or are you talking more widely—the Council of Europe? I am particularly thinking of children coming in from outside Europe.

Anne Longfield: Yes, it is just a gathering of European commissioners who are all in post, and most European countries have a commissioner. It is a well-established way of working. We certainly do not sit in each other's pockets and wait for everyone else to sign off policy initiatives. We will all have our own priorities and ways of working. I have taken the lead on unaccompanied asylum seekers because I retain that responsibility. The scale of the population of children in our respective countries makes a difference to the ways of working. Because the populations in Wales and Northern Ireland are much smaller—literally a few hundred thousand—I think the commissioners can be much more part of that community. Children's commissioners in those countries will spend much more time in schools, going to assemblies and the like, whereas that is very difficult for me to do. I do from time to time but not in that systematic way. It is not unusual in those countries for the commissioner to go to the same school two or three times in a couple of years, whereas clearly I could not do that. When you look at how you raise awareness of children's rights and your role in representing children and being a conduit to decision-makers, it is a different way of going about it in this country from in those other countries.

Lord Henley: Do you think it is better in some other countries?

Anne Longfield: I think there are huge gains to be had from being able to get feedback from children directly. I meet literally hundreds of children myself so I know the benefits of that. I just think it is different but it does mean that I need to look at scale. Also, there are many more partners and actors on the stage in England that I need to find a working relationship with.

Q10 Baroness Lawrence of Clarendon: We are going to move on to access to justice. What do you think about children's access to justice in the UK? What ongoing work are the EHRC and the Children's Commissioner doing on this issue?

Professor Lorna McGregor: Thank you for the question. This is a really critical issue for

us, which was highlighted in the concluding observations. We have expressed our concerns about the reduction in the scope of civil legal aid with LASPO and the range of ways that it can affect children's lives: not covering non-asylum immigration, which has an impact, as we have just been discussing, on separated children and trafficked children; not covering education except in relation to discrimination or special educational needs; and not covering prison law or private family law except domestic violence. So you can see the range of ways in which children's lives can be affected when legal aid is withdrawn. The exceptional funding is not functioning as it is intended to function. The application process is very complicated. I think the Children's Commissioner has previously said that that would be very difficult for a child to do without legal representation, and there are very strict eligibility criteria. So we see this as a really crucial issue.

The Government committed in 2013 to reviewing the functioning and impact of LASPO within three to five years. That would take us to 2018. In our view, the review process really needs to be expedited because it has come up in every treaty body review process we have had in the past year: CEDAW, ISESCO and the UN Convention on the Rights of the Child. We have had so many treaty reviews for the United Kingdom in the past year, and we see it every time. Now we have the universal periodic review coming up and we expect that that will be a central issue in the Human Rights Council in Geneva. If the review is done earlier than 2018, that will be a chance for the United Kingdom to engage with those issues at the UN and international level. The review has to look at the impact on the right to remedy for children. We have heard quite a lot about that today. It needs to look at children's right to be heard and to participate in proceedings which affect their lives, which is critical. It also needs to look at the functioning of the exceptional funding. This is a really important issue and we ask the Joint Committee to consider calling on the Government for an expedited review because we think this is such a critical issue.

Q11 Baroness Lawrence of Clarendon: What do you think the timetable and scope of the review should be, and how should it be conducted?

Anne Longfield: We concur with what Lorna said. The Children's Commissioners have been very clear on that.

The Chair: You have set out how it has been kicked into the long grass; meanwhile, the problems are mounting so you want it expedited. I guess Doreen's question is: what timetable do you want and how do you want it to be done?

Professor Lorna McGregor: We have the concluding observations now. Ideally, it would be within one year.

The Chair: Within a year from now?

Professor Lorna McGregor: Yes.

The Chair: When did they start the review—in 2013, did you say?

Professor Lorna McGregor: No, they committed that they would review in three to five years from 2013 so it could be up to 2018 but we are suggesting that it should be within

one year from now—or, really, one year from when the concluding observations were issued.

The Chair: If they decided in 2013, in practical terms why should it take until 2017? Leaving aside what they have said or what international bodies have said, is there a genuine justification for why it should take that long?

Baroness Lawrence of Clarendon: It sounds as though it has not started.

Professor Lorna McGregor: My understanding is that it has not started but I can confirm that to you in writing. Our view is that the issues are significant and we would like it to happen as soon as it can, so within a year.

The Chair: Are you saying that it should have started already and should have been completed already but since it has not started, they should start it now and complete it within a year?

Professor Lorna McGregor: The commitment was that it would be within three to five years so it would have started in 2016 at the earliest. We are in mid-2016 so we would like it to start within the year.

The Chair: So it could have started in 2013?

Professor Lorna McGregor: No, their commitment was that they would review it within three years.

The Chair: We are just asking real ordinary things. If they knew they were going to have to review it and they made that commitment in 2013, could they have started the review in 2013?

Professor Lorna McGregor: Yes.

Anne Longfield: I am not aware of the detail around it.

The Chair: It is an amazing device, is it not? You just say, “We’re going to start reviewing something, possibly in five years’ time, so please don’t speak to us about it now or have any views about it because there is going to be a review and that review will take a long time”. It is quite a long-grass process if you are talking about children’s rights. Some of them will be adults by the time this is done.

Anne Longfield: Certainly, with all these things time is of the essence because, as you say, children do not remain children for ever.

Q12 The Chair: The next question is about children in custody. Do you think the Taylor review of youth justice is an opportunity to have an informed debate about the age of criminal responsibility?

Anne Longfield: I am quite a fan of what I have seen in the initial findings and proposals from the Taylor review, so I think it is an opportunity to look at the whole arena of youth justice and have the debate in a positive light. The discussions have been taking place over

a number of months and have been wide-ranging. An awful lot of partners have been involved. There has been a freshness about the debate looking at how youth justice can improve children's life chances and resettlement, and help improve their outcomes in a way that has not been there before. That has been very welcome. The proposals that were being mooted on an interim basis were about moving towards a different form of accommodation for custody that was much more in small units, with a greater emphasis on recovery and resettlement—so very, very different.

We know that at the moment there is a large turnover of young people who reoffend, and I see this review as an opportunity to break out of that cycle. We would like to see secure children's homes being used for youth custody in a much more robust way. One thing to note is that fewer young people are in custody now than five years ago: way below 1,000, and only 30-odd girls, so just a classroom of girls in custody. That is a huge change. I am always reminded at this point that in Finland the number of young people in custody rarely gets beyond five.

The Chair: That is probably proportionate to the population.

Anne Longfield: I do not think it is quite the same, but there are choices that we make about how we intervene with young people. The age of criminal responsibility was not part of the original brief. We said at the time that there would be benefits from including it in the original brief, and that remains the case.

Professor Lorna McGregor: We have the same position. A number of UN bodies have already addressed the age of criminal responsibility. It is part of the concluding observations, so we hope that this will be an opportunity to raise the age of criminal responsibility. Picking up on what the commissioner said about lowering the number of children in detention, certainly this is a really welcome development. At the same time, we need to continue to look at alternatives to detention and at using detention as a last resort for children. We also have to think about the Taylor review and its scope in relation to the treatment of children who are detained and in custody. That is a serious question, which comes up in the concluding observations and has come up via the National Preventive Mechanism in reports by the Children's Commissioner and the EHRC, particularly with regard to the policy on restraint and its implementation, seeing that restraint is still being used for disciplinary purposes, which it should not be. Restraint needs to be used only to prevent harm to that individual or to others and even then as a last resort. So there is a lot of work to do around restraint and segregation. The focus has to be on the treatment of children in detention, along with continuing to look at alternatives.

Q13 The Chair: There is not a provision for punishing adults in custody with restraint, is there? How come there is a provision for punishing children in custody with restraint, leaving aside restraint used as a last resort to protect them or others? Can you say something about using it as a disciplinary punishment?

Anne Longfield: Yes, the whole issue of the treatment of young people is absolutely part of that power of entry, so my team go into youth custody accommodation and speak to young people. You may remember some of the concerns about Medway last year. They talked to young people then. Their impression is that these approaches, be they restraint or solitary confinement, are used as part of a behaviour management package. It becomes part of the

culture in some institutions. From what young people have told me, it is more likely to be part of the culture in the larger institutions, which may have lower ratios of adult staff to young people.

The Chair: What physical restraint are we talking about that is part of the disciplinary regime, apart from solitary confinement?

Anne Longfield: Solitary confinement was a particular piece of work that I undertook.

The Chair: Yes, besides that; physical restraint.

Anne Longfield: Young people tell us that restraint can be overused. The intention is that restraint is only for preventing harm, but there can be occasions, as we saw in Medway, on which staff can overuse restraint as a way of restraining individuals and dealing with the situation, and that seemed to be very much part of the culture of the place.

The Chair: So it was not an acknowledged use of it as a disciplinary mechanism? It had just migrated into that category?

Anne Longfield: It became common practice among some individuals, not all. That was part of the culture change needed. In some institutions where a different provider has been brought in, it is easy to see how that can quickly be changed into a much more positive culture.

Q14 Jeremy Lefroy: I apologise for being late due to being in a committee and then in the Chamber. I want to raise a specific point about children in custody. It overlaps between children and adults in custody. I recently met a young person—no longer a child but a young adult—who had been sentenced for a very serious offence when he was 17, so still a child, to a period of custody but on IPP. He has now served five times the length of his original sentence.

The Chair: Do you want to decode those initials, Jeremy?

Jeremy Lefroy: I always wish I knew exactly what they meant, but it basically means an indefinite power to keep—it is for public protection, is it not?

The Chair: Is it indeterminate?

Jeremy Lefroy: Indeterminate public protection sentence, something like that. It basically means that every two years they have to go up before the probation service and the probation service decides whether or not they are let out, on the basis of public protection. What concerns me here—and I will not go into the details of the individual case—is that here is someone who was sentenced under the age of 18 and is now well into his young adulthood, who has served five times the original sentence and has no prospect of release, as far as I can see. I wonder whether this review into children in custody will look at this, although there must be very few cases of this a year. To me, it is a very serious matter when we are detaining people for so much longer than was originally envisaged when they were sentenced as a child. I fully understand the need for public protection, but there must surely be some safeguards. As far as I can see, this person is going to be caught up in the

system and, subject to the probation service, have a chance only every two years—and he has had four or five reviews by now—to make the case for not being detained any longer.

Anne Longfield: I am no technical expert in this area. I share your concerns. Lorna probably knows more than me. I suspect it is something around the transition from being a juvenile to moving to adult prison. That is certainly a big thing for a lot of older young people. Of course, there is also the fact that this individual is not being seen as an individual but has been lost in the system. I do not know whether the youth justice review has that level of detail, but it has the remit to be able to see that as something that clearly needs attention. Whether it is in there or not, I think it will lead to allowing that discussion to be had. Certainly, I will take that back and have that conversation with others.

Q15 Ms Karen Buck: I want to ask a couple of questions about migration, migrant children and welfare. Before I do, I want to ask a general question: have you done or know of research into public perceptions about the use of a rights-based approach to children? You mentioned that there has been a significant change in attitude towards the treatment of children and the rights of the child over recent decades. Why is that? Is it still changing? Is it amenable to change and if so, how? Critically, what happens when it comes up against some aspects of policy that the public are less sympathetic to, such as migration or welfare?

Anne Longfield: That is a large question. I have not undertaken that research, but it is very interesting and it is something that I will take back and look at. Others in my office will be able to tell me whether others have looked at this, and I will be very happy to share that. I am not aware of such research being commonplace and widely known if it has been undertaken.

The language of child rights can sometimes make people quite nervous. I made the point before about whether you offset children's rights against parents' rights and whether you offset a child's right to protection against a child's right to have a say. In my experience, none of those is binary. Only yesterday I was with a group from a child protection team who had set out to design their service within a child's rights framework. They were trying to work out how to uphold the child's rights to have their say and be involved alongside the right to protect them when they knew that they were in a dangerous situation. That is really complicated but, from what I can see, it is possible. You can build really big systems around that but, at the heart or the nub of it, you know why you are there and you know what children need. I think that people get very nervous about it. They should not because the practical reality is that you are looking at things from the perspective of the best interests of the child, and that is a really valuable starting point and lens. Some local authorities around the country do that very well. Leeds is particularly good at it and has really raised outcomes for children.

In my work to raise awareness about the importance of children's rights, that is my route into that dialogue. It is about ensuring best outcomes and it is about a culture change of putting children at the centre. The framework of the rights provides clarity about the starting points, and I think that that is helpful to people. It is very interesting that some people feel less inclined to instantly look at children as needing additional support. I truly believe that most people believe that children need extra help because they are a vulnerable group, but clearly, for some people, in practice it is very much about context.

The Chair: Can I follow up on Karen's really interesting and important question about how far we have got on the continuum and what the challenges are? When I was at the National Council for Civil Liberties and we had a children's rights committee, that was regarded as a thoroughly bad thing, thoroughly subversive and an attack on patriarchy. It was seen as an intervention in the family and there was utter hostility to it. When we set up the Voice of the Child in Care, that was regarded as an attack on local authorities and social services. You are talking about a more micro issue, where people who have the interests of the child at heart have to balance how they help the child. Karen and I are asking about the role of the state in any starting point for the child—the child against a school or any other institution, the child against the parent/father or a child against a local authority. Obviously, we know that that has allowed a whole load of abuse to go on, whether in the Church or anywhere else, and that therefore the state needs to step forward. How far have we got on that, or are there still areas where people think that this is none of the state's business, that children's rights are all lefty nonsense and that children need a strong father and a good institution to lock them up?

Anne Longfield: I think we are on a continuum. We are not at the point where we think it is settled and sorted. The notion of children's rights being a fringe interest and a subversive interest has somewhat passed and been diluted, I hope, and I see it as part of my role to make that the case. Because the best interests of children are now written increasingly into both legislation and practice, it has become more commonplace for them to be not only expected but checked. For example, Ofsted would expect to see engagement with the child as part of a care proceeding. That would be seen to be the norm and a bottom line. If that does not happen then something is going amiss, and that is where I can come in with my advice and representation.

That all said, of course there are many day-to-day practices where that does not always happen, and the broader population are still some way from feeling comfortable about some of those. If we look at the headlines in this country, children are spoken about most often when things go wrong and then there is a response to that. What happened in Rotherham was a watershed in many ways. It changed things. There is an interesting debate to be had. I was talking with some members of a police force recently about whether or not younger members of gangs were being exploited. Actually, if you look at grooming, the lure of money and glamour and the fear of not being part of it, that is very like child protection.

Q16 Ms Karen Buck: I am really interested to know what Lorna has to say on this. This has inspired a supplementary question. One question is: what is the relationship between safeguarding and rights, but I will ask you to hold that for a second. The other question is the flipside of where Harriet was going. It is about the extent to which rights can be seen as an intrusion into the family, for example. The other side of that equation can possibly be seen in terms of where the state is going. There have been many examples in the past but at the moment a couple spring to mind in the area of welfare policy—for example, where the state decides to restrict benefits to only two children in a family. I think that that raises a very interesting question about the rights of a child in that context. Another example is the impact of the overall benefit cap. Is that something that you would be interested in, or do you think that it is not a rights approach? Or would you think, “Yes, that's quite nice but it may be too controversial”?

Anne Longfield: Probably all of the above.

Ms Karen Buck: It does not mean that you should do them.

Anne Longfield: I will shut up in a minute. I am sorry, but could you remind me of the first part of the question?

Ms Karen Buck: It is my fault because it was a long question. The second part of the question was about the extent to which the decisions that Governments make in areas such as welfare that affect the child—social security policy, for example—raise issues of rights and whether they can be looked into with a rights approach. Or would you not think of it in terms of a rights approach and therefore not touch it? The other question was about the relationship between safeguarding and rights.

Anne Longfield: Shall I come back to safeguarding, because that is very specific? Welfare and social security are clearly part of the rights framework. The UNCRC had comments and recommendations about those. If you have a system that builds a consideration of best interests into all discussion, debate and decision-making, it is as much part of that as it is part of other areas. We are talking about 20% of citizens here; it is part of that. When we are looking at specific decisions, I believe that children's benefits and best interests need to be taken into account when there are budgetary issues. That is not something that anyone needs to stay away from. Quite how you impact on that is clearly a big task. I am very interested in how we can use the debate about life chances for children as another opportunity to be clear about how Governments can work alongside others to help children's life chances at different times. I was working closely with Frank Field and others, looking at school-readiness as a key stage of life chances. I am relatively comfortable with some of that area, notwithstanding the fact that it is difficult.

On the safeguarding, that is the dilemma I was talking about: you want to engage with young people who are at risk but you need to protect them as well. There will be a period where you know that that young person will not confide in you until you have built a relationship. Building a relationship and helping them engage is one issue. At the same time you may strongly suspect that they are at high risk. The judgment of the professional is at the core of this. From the conversation I was having with a group of professionals yesterday, having the clarity of a rights framework helped them deal with those contradictions.

Professor Lorna McGregor: Thank you, Mrs Buck, for your many interesting and critical questions. I will reverse into them and pick up the commissioner's last point. In relation to safeguards, we are going back to access-to-justice questions about how we deal with underreporting—that is a critical issue for many groups in positions of vulnerability, but certainly children—and how complaints structures can build confidence and work well for children. Those two issues continue to be very important in what you are talking about.

On language, briefly, this is a big job for all of us who work on human rights and children's rights. The perceptions of what child rights mean have come a long way but we have a long way to go on human rights and child rights in terms of using language that people understand. People often have perceptions about what human rights and child rights are that are not always what we are talking about. We have to get out there and talk in a way that allows people to understand what we are talking about. That helps us deal with perceptions, notwithstanding certain tricky issues. Related to that is the question of mainstreaming. You can see in the concluding observations the extent to which child rights

touch on every aspect of government at the national and local level. We are trying to have the understanding across government, businesses and other institutions that child's rights issues are not only when there is a child's rights issue on the label. That is a role for us and the Children's Commissioner, and if the Joint Committee on Human Rights was able to work with the other committees in Parliament to get them to embrace child rights within their work and when parliamentarians go to constituencies, I think we would be able to continue to move forward.

On the welfare issues, from our perspective, child poverty and social security issues highlight the extent to which child poverty affects every single part of a child's life. Therefore, by definition it engages with many specific rights under the convention: standard of living and education, health, food, et cetera. Evidence shows that this can be even more important if we are dealing with children who are disabled or from a minority. As the Committee on the Rights of the Child did, we see that these areas very much raise child rights issues.

Going back to the impact assessments we were speaking about, in our view the Welfare Reform and Work Act was an example of not having a very strong child rights impact assessment, and we saw the consequences in relation to child tax credits and the household benefit cap as a result of not taking a child rights approach versus other approaches, such as the Department for Education's child rights impact assessments that I spoke about before. We very much see these as rights-based issues. The life chances strategy is a critical way in which to engage with the welfare and social security reform issues.

Q17 Ms Karen Buck: I want to ask you two specific questions about the UN report but is there a risk, on the welfare agenda above all, that the rights of some children are potentially compromised by a policy decision that is driven by looking at the behavioural patterns of the parent—for example, particularly about work and sickness—and that children will be disadvantaged because a Government, not just the current one, will decide that they are going to give priority to removing benefits from or disadvantaging in some way the children of parents who do not behave in a way that the state wants them to?

Anne Longfield: The first point is that children's experience and their rights can be affected by their parents' circumstances. Therefore, if their parents' circumstances change, that will be the case. Part of the task of getting this whole area into everyday existence is understanding that children's rights are not just about the state. They are about all of us. It is what we all sign up to. There is a job to be done with children about understanding not only their rights but their responsibilities to each other. That is certainly something that a lot of schools are doing. I think there are about 400 rights-respecting schools. The number has rocketed. I am going to go and see one of those very soon. That is interesting. I do not think there are overly bureaucratic schools which constantly refer to individual rights as headers but they are clearly putting the rights of children at the centre. Children's rights are impacted by all the decisions around them.

Q18 Ms Karen Buck: Can I ask you about the migrant refugee children? Again, the UN report made a number of recommendations. Which of those proposals are likely to be most effective? What rights-based approach can and should be used to look at the rights of migrant children, particularly in Calais?

Anne Longfield: There are two areas that I focused on. One is the right to reunification with a family member—Dublin III—and one is about the right to protection when they are in this country. I should say, having worked with the French children’s commissioner trying to get a change from Calais, that our laws and responses here are much, much stronger. The Children Act means that there is no doubt about our responsibilities for protection the minute children enter this country. Children who enter the country will be in some form of care protection usually within five or six hours. That is dramatically different from the scenario in Calais, and I have been very much struck by that. The unification issue is one on which I have been in dialogue with French officials, Home Office officials, British volunteers who are there and people from organisations such as Citizens UK. Some progress has been made but it is still slow. The French Government in particular were very slow when I started looking at this in April this year. So that is an important area, especially when the number of children is increasing in Calais—it is estimated that about 200 children there are likely to have a right to unification—and indeed more broadly across Europe. One of the practical things that I am trying to do with other children’s commissioners in Greece, Italy and France is to try to get us to work together and take some leadership on that.

The other issue is the right to protection. I think that our protection of those under 16 is very good. They will be with foster families, notwithstanding the difficulties and pressures on those families. When children get to 17 or 18, the position is slightly different. Some young people have told me that they have difficulties with accommodation, support and so on. Still, the ambition is that they get protection. When they are over 18 and fall into leaving care, there are very good aspirations and ambitions, but the context is often difficult.

Professor Lorna McGregor: Could I add two issues? One is immigration and the detention of children, which comes out of the report. For us at the commission, it is a critical issue. Children should not be kept in immigration detention, but if they are it has to be as a last resort and we need to follow up on that. In that regard, we are particularly concerned about the closure of Cedars. The children detained there will be moved to the Tinsley House immigration removal centre, which we really do not consider to be appropriate housing for children. That is a critical issue on which we need to refocus attention.

Another issue is age assessment, which we are concerned is still being done subjectively. We are intervening in a case at the moment concerning a child who appears to have been assessed in relation to his physical appearance and then detained. Those would be the two things that I would add to what Anne said.

Anne Longfield: Could I just add something on the Tinsley House accommodation issue? The Cedars accommodation was well respected and regarded. It is going to be phased out and the residents will be moved to Tinsley House. This is one of the areas where I have taken quite a hands-on approach. I have been to see it and have talked to the people who are in charge of redeveloping it. There will be substantial changes to the building. I have arranged for the building contractors to go to the best family centres to see the kind of environment that has been created there. There are some very specific issues in relation to

access to other adults pre-departure, which I have sought to input too. That is a very live issue and it is one that I am engaged with.

Baroness Lawrence of Clarendon: I want to ask about language barriers, especially for migrant children and asylum seekers, and their rights. If they came to this country, they would be with foster parents. How do you work with those young children?

Anne Longfield: It is an issue that consistently comes up. A couple of weeks ago, I met some families from Syria who had been in the country for five or six months. Some of it may have been to do with the area they were living in, but they were having real difficulty in getting English language tuition. Clearly, they were very pleased to be part of the resettlement programme. They wanted to get on with their lives, start planning and look for work and so on, but they did not feel that they could do that without a good grip of the English language. In the last few days there has been an announcement of additional funding for language classes and support, which I am really pleased about, but the children will need that in their schools or colleges. It clearly needs to be part of the resettlement and support package.

Q19 The Chair: Thank you. As we draw this evidence session to a close, there are just two more points. One concerns an individual case that I want to raise with you, and the other concerns Brexit. Are there any issues in relation to children's human rights and Brexit?

Anne Longfield: As I said, I am going to be putting a paper together over the next couple of months on the issues for consideration. From initial conversations that I have had, I know that a number of academics have a very detailed grip of some of the legal issues, as I am sure you will have. I want to highlight the areas that I think we need to consider very carefully and maintain. One that comes instantly to mind is co-operation across borders in tackling child abuse and trafficking. We know that the National Crime Agency and CEOP absolutely rely on that. I am sure that that will be a big issue for them and they will know much more about those things than I do.

Another area is opportunities to study across Europe and the Erasmus scheme. There are some areas where the EU provides protection for children. They could be environmental and consumer protections, such as toy safety. We should maintain those. More broadly, there would be minimum standards.

Another issue is EU regional funding for areas. That has played a big part in regeneration, especially some of the early years and childcare funding over many years. Clearly there are opportunities to look slightly more broadly at that without wishing to dilute any of the funds that already go there. I am sure that we will want to maintain all that funding. I am just about to start a project about growing up in the north. There are significant parts of the north that would benefit from investment. So there are some opportunities there. I am seeking to come up with a clear set of policy areas that the EU currently has an influence over, setting out considerations and proposals by the end of this calendar year.

The Chair: And presumably Article 8, on the right to family life and children who are currently settled in this country with their parents, is also an issue under the Brexit dimension. Lorna.

Professor Lorna McGregor: Yes. Like the Children's Commissioner, we are looking at

these issues as they unfold. As we know, under EU law children's rights are protected in many different ways. There is also a range of financial as well as policy ways in which children's rights are protected in the United Kingdom, with the funding to different civil society organisations and so on. There is a range of important legal, policy and financial issues. The difficulty we have at the moment, particularly because of the way in which EU law is so engrained in the United Kingdom, is that until we know what the concrete proposals are it is difficult to talk about specifics, but it is something that we are very much watching and will be analysing, and we will be very happy to share our analysis as we go forward in this area.

At the same time, this very much underscores why engagement with the implementation of the UN concluding observations and our international treaty commitments at the UN, not just to the Convention on the Rights of the Child but the array of treaties that we have ratified, is such an important process. This is a very detailed report, as we said. It sets up an agenda, a plan, for how to implement child rights in the UK. The context of Brexit very much encourages us to think about how to focus on the implementation of these UN treaties. From our perspective, it would be very useful if the Committee could call on the Government to publish their plan for the implementation of the concluding observations. The Committee might also consider reviewing the progress of implementation over the next few years, not just the implementation of the substantive provisions but the resources that the Government commit to it. As I say, the concluding observations set out a plan for how to concretely improve children's rights and children's lives in the UK.

Q20 The Chair: Presumably that means that you think that the Government should have an eye to children's rights running through all the issues to do with Brexit. Finally, someone in my constituency has asked for my help with a case that shows the interlocking nature of rights to education and religious freedom, child's rights, parents' rights and gender rights—sometimes these things overlap and interlock. A father has asked for my help in relation to his daughter not being allowed to take up the place she has been offered in a Catholic school because she wore the hijab in her primary school and is not allowed to wear it in her secondary school. What are your observations? He has asked for my help as his MP.

Anne Longfield: The starting point should be the principle of the best interests of the child. Clearly, this case is challenging and very much of it is context. The starting point being the best interests of the child gives you a way into that situation. I would be very happy to talk to you about the practicalities and the next stages in that discussion, if that would be helpful.

Professor Lorna McGregor: Similarly, our starting point is the guarantee of the right of all children to reach their potential and to a truly inclusive education. We would be very happy to write to you to engage with that issue further.

Q21 Jeremy Lefroy: Finally, in my constituency surgery last week—

Professor Lorna McGregor: Shall we do this every week?

Jeremy Lefroy: This is more general. A family lawyer approached me and said that she was quite concerned about various aspects of the consequences of Brexit, such as access to parents when the parents come from different countries in the EU, the enforceability of child maintenance payments, and so on. That is quite a lot of detail, but obviously with



HOUSE OF COMMONS

several million EU citizens living in the UK and likely to continue to live in the UK after Brexit, and vice versa, is someone giving consideration to all the technicalities of what is currently possible because we are part of the European Union and what might or might not be possible in the context of family law and the detailed arrangements for families?

Anne Longfield: I will take that as another issue to put on my list. Others are much better versed in family law than I am and I will need to speak to them. But certainly there is an immense benefit in setting out and considering the issues that are pertinent to children to enable us to get ahead of the game.

Jeremy Lefroy: That will be your responsibility, will it?

Anne Longfield: I do not think anyone is giving me that responsibility.

Jeremy Lefroy: You are taking it.

Anne Longfield: Understanding that it is a key backdrop with the potential for change, I am keen to look at what I can do to help set out the kinds of issues that might be impacted on.

Jeremy Lefroy: Would it be possible to keep us informed? These issues are going to be changing month by month over the next couple of years.

Anne Longfield: Yes, we should probably work together on some of those.

The Chair: Thank you very much indeed. We look forward to you developing the agenda as it emerges. I guess you probably both think that the first thing I need to do with this case is actually talk to the child.

Anne Longfield: Indeed. I think that is where we were going on that.

The Chair: Thank you very much indeed for your evidence and we look forward to continuing to work with you.