

UK COVID-19 Inquiry: Module 2 - Rule 9 Request to Just for Kids Law and Children's Rights Alliance for England

Reference: M2/R9R/CRAE/TJS

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Please provide the following information:

1. A brief overview of the history, legal status and aims of the organisation or body. Please explain whether the work of the organisation or body is UK wide, or is instead confined to England, Scotland, Wales or Northern Ireland only.

Just for Kids Law (JfKL) was established in 2007 and is registered as a UK charity and limited company – charity number 1121638 and company number 05815338.

We work with and for children and young people to hold those with power to account and fight for wider reform by providing legal representation and advice, direct advocacy and support, and campaigning to ensure children and young people have their legal rights and entitlements respected and promoted and their voices heard and valued.

We help children and young people navigate their way through challenging times through our unique model of working with individual children and young people which combines direct advocacy and development opportunities with legal advice and representation.

JfKL has gained a reputation for taking the evidence from our direct work with individual children and young people to fight for wider reform through strategic litigation and empowering children and young people to campaign. We also draw on our evidence to equip practitioners to work for children's rights and provide them with advice and expertise. Our Youth Justice Legal Centre has been at the forefront of training lawyers in representing children in court. Furthermore, we lead on monitoring compliance with human rights across the voluntary sector by hosting the Children's Rights Alliance for England.

We exist to help children and young people overcome all the difficulties they face, from problems at school and issues with immigration status to trouble with the police. With rising deprivation and public services under pressure, our work is more important than ever.

Our work is mainly confined to England although some of our strategic litigation may have an impact in other parts of the UK depending on the area of the law it relates to and some of our policy work relates to both England and Wales, for example in relation to the policing and the youth justice system.

The Children's Rights Alliance for England (CRAE) was established in 1991 and merged into JfKL in 2015. CRAE is not a separate legal entity and shares the same governance structures as our host charity. We work with over 100 members to promote children's rights and monitor UK Government implementation of the UN Convention on the Rights of the Child (UNCRC).

We believe that human rights are a powerful tool in making life better for children. We fight for children's rights by listening to what they say, carrying out research to understand what children are going through and empowering children and those who care about children to push for the changes that they want to see.

Our work is confined to England although we work on some policy areas which are non-devolved, for example, safeguarding the Human Rights Act. We also work with partners from across the UK to raise UK-wide matters with the UK Government and when reporting to UN treaty monitoring bodies.

2. A brief description of the group(s) which the organisation or body supports or represents.

Just for Kids Law supports children and young people aged 10-25 across a range of direct programmes including advocacy and legal representation. Our youth advocates work directly with children and young people to make sure that their wishes and feelings are heard by the professionals working with them, as well as helping them to access legal support and other specialist services they need to resolve the multiple challenges they face. The long-term aim of our advocacy is to empower young people to advocate for themselves. We also provide direct legal advice and representation across several areas of law: criminal, education and community care, housing and immigration.

The nature of our individual casework is holistic, both in the way that it provides support for multiple areas of need that a young person has, and in the way that young people are supported by a team of advocates, lawyers and youth opportunities workers who are co-located to provide a joined-up package of help, with the youth advocate as their main point of contact.

We work with some of London's most vulnerable children and young people. This includes disproportionately high levels of clients from Black, Asian and minority ethnic backgrounds, care-experienced children and young people and those with disabilities.

JfKL undertakes policy work on a number of key thematic areas set out in our strategic plan, these are housing and social care, school exclusions, child criminal exploitation, and policing and criminal justice.

CRAE represents children using the definition of a child set out in article 1 of the UNCRC – all those 17 years and under. Working with our members, and other organisations in the sector, we monitor implementation of the UNCRC and have a particular focus on the implementation of the General Measures of Implementation of the UNCRC set out in Article 4.6 of the UNCRC and expanded upon in the UN Committee on the Rights of the Child's (UN Committee) General Comment Number five. We also support children and young people to campaign for the realisation of their rights and to share their views and experiences with UN treaty monitoring bodies on how well their rights are being respected.

3. A brief overview of the work of the organisation or body in supporting or representing the relevant group(s) between January 2020 and Spring 2022 as it relates to the response to Covid-19 of (a) the UK Government; (b) the Scottish Government; (c) the Welsh Government; and/or (d) the Northern Ireland Executive

JfKL continued to offer direct services to children and young people in London. Between April 2020 and March 2021, the team worked with 785 children and young people and 1,297 cases. This is a similar total number of clients to the previous year but involved 20% more cases, reflecting increased need among children and young people during this period. Below lists some of the things we witnessed at the time. We are not claiming this to be representative of the experiences of all children and young people, but it gives a flavour of some of the ways the UK Government's response to Covid-19 impacted on our clients.

Social care and courts

- We frequently experienced difficulties with social workers and council workers not responding to calls from our staff. Visiting of children and young people was reduced due to social

- workers working on a one week on and one week off rota. Regularity of welfare checks were really variable and only some social workers had PPE and their own laptop.
- Carrying out crucial meetings with social services via online platforms, e.g., child protection conferences, were ineffective because it made it difficult for children and young people to get their point across and they weren't able to be supported in-person by their advocate.
 - Submitting the correct documents to court proved challenging to some children and young people who often didn't have access to printers, scanners and sufficient technology. Courts were still keeping to submission deadlines despite these sorts of challenges for our clients.

Housing

- Our clients experienced delays to securing housing due to no bidding taking place or advertisements for properties being placed online and no visits to properties taking place. Despite action taken by the UK Government to prevent evictions, we still received eviction case referrals.
- Some clients who had secured more suitable accommodation to meet their needs were unable to move.
- There was a lack of capacity of housing services and children's services to accommodate homeless children.
- There were severe difficulties in getting hold of housing staff and on some occasions couldn't be contacted for many weeks.
- We saw an increase in demand for our emergency hardship grant to prevent imminent street homelessness.

Finance and nutrition

- We saw increased requests for help securing financial assistance, but our advocates struggled to secure hardship loans due to being unable to get through to the DWP.
- One young person faced benefit sanctions as she didn't attend the Job Centre even though it was closed due to Covid-19.
- Many of our clients struggled to access food – particularly if self-isolating and lacking support networks to go shopping for them.
- We saw Local Authorities putting homeless young people in hostels/hotels without making adequate provision for food.
- We saw increased requests for our emergency hardship grants for food.

Education and Exclusions

- Our clients told us they had lack of access to the internet or lack of access to a laptop or computer, which meant they were unable to engage with lessons and homework. They also struggled to keep up with coursework being sent online but received little support from schools.
- In relation to school exclusions, we witnessed problems with Independent Review Panels and Governors panels being held online, which was not always effective for children to have their voice heard and lack of in-person support from our legal team. This could mean they did not receive a fair hearing of their case but if it didn't take place they risked being out of school for a long time.

Mental health

- Our clients told us they were struggling to find something to do and combined with isolation this had increased anxiety for those already with mental health issues and some of our clients developed new mental health issues.
- Children struggled to contextualize what was happening or understand that the current situation would pass. This was compounded by the different way children experience time compared to adults.

Policing and criminal justice

- Children continued to be arrested for minor offenses, transported in police cars, and held in police stations, even at the height of the pandemic, putting them at risk of contacting Covid-19.
- Some children and young people were approached by the police and quizzed on what they were doing outside of their homes and sometimes these interactions unnecessarily escalated leading to arrest.

JfKL also undertook legal work to challenge particular Covid regulations (detailed below).

CRAE and JfKL undertook policy and influencing work to try to ensure that children and their rights were being properly considered during the Pandemic. This involved writing to UK Government Ministers, meeting with officials, writing policy briefings, submitting evidence to Parliamentary Select Committees, and raising issues with parliamentarians (further detail below).

JfKL and CRAE did not undertake any work relating to the response to Covid-19 of the Scottish Government, the Welsh Government, or the Northern Ireland Executive.

4. A list of any articles or reports the organisation or body has published or contributed to, and/or evidence it has given (for example to Parliamentary Select Committees) regarding the impact on the group(s) which the organisation or body supports or represents of the response to Covid-19 by (a) the UK Government; (b) the Scottish Government; (c) the Welsh Government; and/or (d) the Northern Ireland Executive. Please include links to those documents where possible

We submitted evidence to the following Parliamentary Select Committees on the impact of the UK Government response to Covid-19 on children:

- [Justice Committee inquiry on Coronavirus \(COVID-19\): The impact on prison, probation and court systems](#) (June 2020)
- [The Women and Equalities Committee Inquiry on Unequal impact: Coronavirus \(Covid-19\) and the impact on people with protected characteristics](#) (May 2020)
- [Housing, Communities and Local Government committee inquiry: Impact of COVID-19 \(Coronavirus\) on homelessness and the private rented sector](#) (May 2020)
- [The Education Select Committee Inquiry on the impact of COVID-19 on education and children's social care](#) (June 2020)
- [The Joint Committee on Human Rights inquiry on The Government's response to COVID-19: human rights implications](#) (June 2020)
- [The Public Accounts Committee inquiry into COVID-19: Education](#) (March 2021)

We produced two briefings in support of a Parliamentary debate on *'Supporting people previously homeless into permanent housing after the Covid-19 pandemic'* tabled by Lord Bird in the House of

Lords on 14th May 2020 [one on care-experienced young people at risk of homelessness](#) and one on [temporary accommodation, homeless families and protections against eviction](#).

We produced a briefing for a House of Lords' Oral Question *'To ask Her Majesty's Government what steps they are taking to enable children who commit offences to be tried and sentenced according to the youth justice system, and in particular, those who turn 18 before their first court appearance'* tabled by Baroness Sater, March 23rd 2021, [Highlighting the delays in the justice system exacerbated by Covid-19 was having on young people turning 18](#).

JfKL's then CEO, Enver Solomon, and the Co-Head of JfKL's Youth Justice Legal Centre, Laura Cooper gave [oral evidence](#) to the Justice Select Committee on June 2020 on entry to the youth justice system where they raised the issues of court delays due to the pandemic and the impact on children reaching their 18th birthday before their case was completed.

We published a briefing in August 2020, [Excluded, Exploited, Forgotten](#), on the links between school exclusion and child criminal exploitation and highlighted how Covid-19 had likely increased the numbers of children being criminally exploited. We called for CCE to be considered as part of the exclusions process.

CRAE contributed to a report on the impact of the Pandemic on children in Europe co-ordinated by Eurochild: [Growing up in lockdown: Europe's children in the age of COVID-19](#) 2020 (December 2020)

JfKL took part in research as part of the project The 'Impact of COVID-19 on Youth Justice' carried out by the Alliance for Youth Justice (AYJ) and Manchester Centre for Youth Studies at Manchester Metropolitan University. The project aimed to understand and document the unprecedented implications that COVID-19 has had on the youth justice system and the vulnerable children it works with. All findings and research papers can be found [here](#).

We published a briefing on homeless care leavers which evidenced how the issue had been exacerbated by Covid 19 [Hitting brick walls: Barriers faced by homeless care leavers](#) (April 2022)

CRAE has also referenced the impact of the UK Government's response to Covid-19 on children in two reports in relation to the UK's forthcoming examination by the UN Committee on the Rights of the Child:

- [Civil Society submission to the List of issues prior to reporting](#) (December 2020)
- Civil Society submission to the UN Committee on the Rights of the Child December 2022 (not yet published)

5. The view of the organisation or body as to whether the group (s) it supports or represents was adequately considered when decisions about the response to Covid-19 were made by (a) the UK Government; (b) the Scottish Government; (c) the Welsh Government; and/or (d) the Northern Ireland Executive. Please also explain the reasons for the view expressed by the organisation or body in this respect.

It is our view that children were not adequately considered when decisions about the response to Covid-19 were made by the UK Government.

The emergency provisions in the Coronavirus Act 2020 and its associated regulations were far-reaching pieces of legislation that restricted many children's rights outlined in the UNCRC, including their right to an education, adequate standard of living, good mental health, and play. The measures had a devastating and long-lasting impact on children's lives, particularly on those whose rights are often most at risk such as Black and other racialised children, children with SEND, living in poverty or in the criminal justice system. The impact of some of the measures will be felt for a generation and beyond as research and statistics are now evidencing.¹

It is also important to note that the UN Committee issued a statement² in April 2020 warning of *"the grave physical, emotional and psychological effect of the COVID-19 pandemic on children"* which called *"on States to protect the rights of children."* It issued guidance to governments on how to protect children's rights in pandemic responses and to take steps to mitigate any adverse impacts on children. We have not been made aware of evidence which shows that the UK Government took the UN Committee's statement into account in its response.

Despite the scale of the changes, the Coronavirus Act was rushed through parliament with very little democratic scrutiny or opportunity to change it. A Child Rights Impact Assessment (CRIA) was not carried out on the Act or on many of the Regulations that followed it. In answer to Parliamentary Questions asking why no CRIA had been carried on particular Regulations the answers did not elaborate why, except to say that Equality Impact Assessments (EIA) have been conducted.³ However, EIAs do not sufficiently assess the impact on children's rights and are not a replacement for CRIAs.

There were numerous occasions in UK Government decision-making where the impact on children was downplayed, where children's specific vulnerabilities, needs, and rights were not considered, and where children were discriminated against, as the following examples demonstrate:

While a CRIA was carried out on regulations relating to children's social care (The Adoption and Children (Coronavirus) (Amendment) Regulations 2020), we disagreed with its conclusions and whether it could really be described as a full impact assessment on children's rights. It concluded, for example, that the changes were *"low risk and small scale"*. However, children's social care is of such nature that even small-scale changes could create risks.

A key point in the changes was that *"Reasonably practicable"* was the new threshold and standard for social workers' interventions, including visits. We would question whether this approach is in line with the recommendation by the UN Committee in its COVID-19 statement:⁴ *"Define core child protection services as essential and ensure that they remain functioning and available, including home visits when necessary"*. The UN Committee uses the word 'necessary' as it views the measures to be taken by States from the perspective of children and their rights - primarily their best interests⁵

¹ See for example, Children's Rights Alliance for England (2022) UK implementation of the UN Convention on the Rights of the Child civil society alternative report 2022 to the UN Committee on the Rights of the Child; Centre for Mental Health (2021) [Covid-19 and the nation's mental health Forecasting needs and risks in the UK: October 2020](#) Alliance for Youth Justice (2022) [A perfect storm for children at risk? Preventing a post pandemic surge in the criminalisation of children](#)

² UN Committee on the Rights of the Child (2020) [The Committee on the Rights of the Child warns of the grave physical, emotional and psychological effect of the COVID-19 pandemic on children and calls on States to protect the rights of children](#)

³ Written Question: 45341 – Tulip Sadiq (11 May 2020) <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2020-05-11/45341/>

⁴ UN Committee on the Rights of the Child (2020) [The Committee on the Rights of the Child warns of the grave physical, emotional and psychological effect of the COVID-19 pandemic on children and calls on States to protect the rights of children](#)

⁵ UNCRC article 3

On the other hand, the approach taken in the changes in the Regulations was principally from the perspective of service providers.

Regulations were also made which would apply to both children and adults without due consideration being given to the specific vulnerabilities of children. The Prosecution of Offences (Custody Time Limits) (Coronavirus) Regulations 2020 extended the custody time limits in the Crown Court increasing the time a person could be held on remand from 182 to 328 days. In the original Regulations, there was no differentiation between children and adults, despite the fact children being held on remand for a long period of time would be extremely detrimental to their health and well-being.

No CRIA was carried out on the Regulations despite the fact that the UNCRC is clear that detention should only be used as a matter of last resort and for the shortest possible time⁶. There was also no consideration given to the fact the Black boys are more likely to be remanded to custody than their white peers⁷ and that the majority of children remanded to custody do not go on to receive a custodial sentence⁸. Implications for those crossing a significant age threshold – turning 18- were also not considered, which would mean that these young people would not benefit from the safeguard afforded by the youth justice system. The Regulations were only amended to remove under-18s after JfKL issued a Pre-action Protocol letter to the Justice Secretary.

Regulations and guidance also discriminated against children. Regulations⁹ relating to the third lockdown set out new rules and guidance on meeting outdoors. Applying while schools were closed, they precluded children aged 5 or over, but too young to go out without a parent, from having any social contact with their peers. This was in contrast to adults who were allowed to meet another person. Children who had no siblings therefore went months without contact with other children their own age.

Guidance¹⁰ issued at the time also discouraged families from leaving their house for their children to play because it was unclear that play (including play outside of playgrounds) was a legitimate form of exercise and many parents were too anxious to allow their child/children to play outdoors for fear of infringing the rules. Despite raising these concerns with the UK Government, it failed to further consider the impact on children and amend the policy or clarify the guidance.

Even when the UK Government did engage with issues raised, it often didn't fully address our concerns and left vulnerable children at risk. The Department for Education did, for example, amend the section on care leavers in its New Coronavirus guidance for local authorities on children's social care¹¹ following representations from us, however, concerning aspects of it remained. The Guidance stated, for example, that Local Authorities should "prioritise the most vulnerable." We were concerned that this could lead to some care leavers who needed support (vulnerable by the fact that they had been in care), would not receive what they were legally entitled to.

Despite obligations in the UNCRC,¹² the UK Government also failed to hold any sort of engagement or consultation with children to enable them to share their experiences of the pandemic or their views on the UK Government's response to it, even though both have clearly had a profound impact

⁶ UNCRC Article 37

⁷ Ministry of Justice and Youth Justice Board for England and Wales (2022) [Youth Justice Statistics 2020-2021](#)

⁸ Ministry of Justice and Youth Justice Board for England and Wales (2022) [Youth Justice Statistics 2020-2021](#)

⁹ The Health Protection (Coronavirus, Restrictions) (All Tiers and Obligations of Undertakings) (England) Amendment) regulations 2020

¹⁰ <https://www.gov.uk/guidance/coronavirus-covid-19-advice-on-accessing-green-spaces-safely>

¹¹ <https://www.gov.uk/government/publications/coronavirus-covid-19-guidance-for-childrens-social-care-services>

¹² UNCRC Article 12

on children's lives. This was in contrast to some consultation which was carried out by the devolved governments.

These are just some limited examples where the impact on children's rights was not considered adequately, or not at all, in the UK Government's response to the pandemic.

We do not have a view in relation to the Scottish Government, Welsh Government and Northern Ireland Executive.

6. Whether the organisation or body raised any concerns about the consideration being given to the group(s) which it supports or represents with (a) the UK Government; (b) the Scottish Government; (c) the Welsh Government; and/or (d) the Northern Ireland Executive, when the Government(s) and/or Executive were making decisions about their response to Covid-19. Please provide a list of any such correspondence or meetings with the UK Government, Scottish Government, Welsh Government and/or the Northern Ireland Executive, including the dates on which the body or organisation wrote, or such meetings were held, to whom the correspondence was addressed or with whom the meeting was held, and any response received from the UK Government, Scottish Government, Welsh Government and/or Northern Ireland Executive addressing such concerns.

- We wrote the following letters to Government Ministers (attached to the email). Dates of responses, where we had them, are noted in the table below.

Recipient	Topic	Date	Response	Response date
Rt Hon Robert Buckland QC MP	Children in prison	18 March 2020		
Rt Hon Priti Patel MP copied to Kit Malthouse MP,	Children in police custody	23 March 2020		
Rt Hon Michael Gove MP – copied to Ministers from other key government departments.	Support for cross-government efforts to address the impact of Coronavirus on children and families. This also included a briefing paper.	25 March 2020		
Rt Gavin Williamson CBE MP	Guidance for local authorities on children's social care	17 April 2020	Vicky Ford MP	21 May 2020 And 16 th July 2020
Vicky Ford MP	Request for Child Rights Impact Evaluation (CRIE) to be conducted on the Coronavirus Act 2020 and that comprehensive CRIAs be conducted for all COVID-19 related regulations.	12 May 2020	Vicky Ford MP	1 June 2020

Rt Hon Boris Johnson MP, Rt Hon Gavin Williamson MP, Rt Hon Matt Hancock, Vicky Ford MP	Exempting children under 12 from the regulations concerning meeting outdoors.	5 March 2021	Name Redacted	Min-	8 March 2021
			isterial Correspondence from DHSC		
			Nadine Dorries MP		1 April 2021

- We published a series of joint briefings with a number of children's charities on putting children at the heart of the pandemic recovery planning led by the National Children's Bureau. Briefings were published in June 2020 and [a follow-up statement in June 2021](#). These covered a set of overall principles alongside briefings on child poverty, social security and housing; early years; education; mental health; children in care and care leavers; back to school; safeguarding and child protection. The briefings were sent to the UK Government and also discussed at meetings with coalition members and officials from a number of Government departments. The briefings were also discussed at [an All Party Parliamentary Group for Children meeting in July 2020](#), where the then Children's Minister Vicky Ford was in attendance. We also supported a briefing calling on the Government to [Build Back Childhoods](#) published in October 2021.
- We had a number of meetings with Government officials. It has not been possible to provide details of all of these meetings during this period as we generally do not log or hold this information centrally. There has also been changes of personnel.

Government department	Attendees	Date	Topic
Ministry of Justice	Youth Justice Board	April 20 2020	Youth justice issues including early release from prison
Department for Education	Sophie Langdale, Director, Children's Social Care Practice and Workforce, DfE; Jeremy Gleadon, Senior HMI, Ofsted; Katy Weeks, Deputy Director, Adoption, Family Justice and Care Leavers, DfE; Jonathan Bacon, Deputy Director, Looked After Children, DfE; NR Children's Social Care Covid-19 Co-ordination, DfE; NR Children's Social Care Covid-19 Co-ordination, DfE	5 th May 2020	Discussion between DfE and children's charities on the children's social care regulations
Department for Education	Fran Oram, Director, Children's Social Care – Practice and Workforce, DfE, Jeremy Gleadon, Senior HMI, Ofsted, NR Chief Social Worker for England (Children and Families), DfE; NR Deputy Director, Adoption, Family Justice and Care Leavers, DfE NR NR Children's Social Care Covid-19 Co-ordination, DfE; NR NR Children's Social Care Covid-19	20 th May 2020	Meeting with DfE and children's charities on the children's social care regulations

	Co-ordination, DfE NR Children's Social Care Covid-19 Co-ordination, DfE; NR Children's Social Care Covid-19 Co-ordination, DfE; NR Stakeholder Engagement and Communication, DfE		
Department for Education	Katy Weeks, Deputy Director, Adoption, family justice and care leavers, DfE	10 June 2020	To discuss the section on care leavers in the New Coronavirus guidance for local authorities on children's social care
Department for Education	NR Behaviour, Attendance, Exclusions and Alternative Provision Division (BAEA), DfE NR Behaviour, Attendance, Exclusions and Alternative Provision Division (BAEA), DfE NR Exclusions Team Leader, Behaviour, Attendance, Exclusions and Alternative Provision Division (BAEA), DfE	13 th July 2020	To discuss Covid exclusions regulations
Department for Education	John Myers, Deputy Director, Children's Social Care, DfE	16 th July 2020	To discuss the section on care leavers in the New Coronavirus guidance for local authorities on children's social care
Department for Education	Katy Weeks, Deputy Director, Adoption, family justice and care leavers, DfE Name Redacted Head of care leavers Name Redacted	15 th July 2020	To discuss the section on care leavers in the New Coronavirus guidance for local authorities on children's social care
Department for Education	NR Behaviour, Attendance, Exclusions and Alternative Provision Division (BAEA), DfE NR , Behaviour, Attendance, Exclusions and Alternative Provision Division (BAEA), DfE	29 th July 2020	To discuss Covid exclusions regulations

	<div>NR Behaviour, Attendance, Exclusions and Alternative Provision Division (BAEA), DfE</div> <div>NR Exclusions Team Leader, Behaviour, Attendance, Exclusions and Alternative Provision Division (BAEA), DfE</div>		
Ministry of Justice	<div>Name Redacted Senior Lawyer, MOJ, SASO and General Public Law Litigation Team</div> <div>Matthew Gould - Deputy Director, Criminal Justice Strategy & Criminal Court Policy MOJ</div> <div>NR - Criminal Justice Strategy, MOJ</div> <div>Name Redacted</div>	8th and 17 th December 2020	To discuss Custody Time Limits case

- JfKL issued a Pre-action Protocol letter to the Justice Secretary in relation to the (Custody Time Limits) (Coronavirus) Regulations 2020. The case was conceded in full by the MOJ but we had to issue protectively because there was a delay on part of the Ministry of Justice confirming when the amended Statutory Instrument would be laid in parliament. The case concluded in January 2021. PAP letter attached to email.
- JfKL issued a pre Pre-action Protocol letter on the School Discipline (England) (Coronavirus) (Pupil Exclusions and Reviews) (Amendment) Regulations 2020 putting the DfE notice that we would issue a legal challenge if amendments were not made to the regulations which would address our concerns that it would be possible for schools to extend the time limit for holding an exclusion review potentially without upper limit. Following a series of meeting the DfE amended the Regulations to address our key concerns. Pre PAP letter attached to email.

It's also important to note, that many children's organisations raised concerns with Government over the negative impact its decisions were having on children. We therefore recommend that further Rule 9 requests are made to a range of children's organisations. We are happy to provide a list of suggested organisations.

7. A brief summary of the views of the organisation or body as to any lessons, if any, that can be learned from any consideration which was given to the group(s) that the organisation or body supports or represents by (a) the UK Government; (b) the Scottish Government; (c) the Welsh Government; and/or (d) the Northern Ireland Executive when they were making decisions about their response to Covid-19.

It is the view of both JfKL and CRAE that the most important lesson to be learned is the need for Child Rights Impact Assessments to be carried out as part of Government decision-making. This needs to be a statutory requirement.

The UK ratified the UN CRC in 1991. Article 4 states that “State Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention.” What this means in practice has been expanded upon in the UN Committee on the Rights of the Child in its General Comment number 5 on the General Measures of Implementation¹³ where it states that signatories to the CRC should carry out CRIAs when developing new policy and legislation. In 2019, in a welcome development, the Department for Education developed a CRIA template which they are promoting across Whitehall for use whilst developing policies and legislation. However, very few have been carried out to date and this was also the case during the pandemic, as discussed above, with devastating impacts on children.

CRAE has been campaigning for statutory CRIAs for many years and the stark invisibility of children in Government decision-making during the pandemic, and the subsequent detrimental impact on children, clearly demonstrates the need for greater consideration of children in the policy-making process.

Another lesson to learn is the need for the UK Government to carry out effective engagement with children and young people. As well as being a key right of children, evidence has shown that involving children in policy making that directly or indirectly affects them leads to more effective decisions being made. Early and continuing engagement with children in the Pandemic would have been really valuable in informing government decision-making.

Lastly, there must be proper recognition by the UK Government of the negative impact the pandemic, and its response to it, had on children. This recognition must be followed up with the necessary investment in resources and implementation of policies to mitigate the adverse impacts on children across a wide range of issues in order to prevent the permanent scarring of a generation of our children.

Just for Kids Law and the Children’s Rights Alliance for England

8th December 2020

¹³ UN Committee on the Rights of Child (2003) *General Comment no. 4 General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6)*