

Children's rights in the UK in the context of the COVID-19 pandemic¹

Across the UK, the Covid-19 pandemic continues to have short-, medium- and long-term impacts on children's rights to education, health, survival and development, adequate standard of living, play, freedom of association, food, protection from violence, abuse, and neglect, and culture. It has exacerbated existing inequalities, such as child poverty, food insecurity, educational inequalities, and mental health.

In March 2020, the UK implemented an emergency response to contain Covid-19, including the UK-wide Coronavirus Act.² The governments implemented lockdown measures, allowing no movement outside the home except in limited circumstances. While these exceptions relaxed somewhat, the lockdown continued for several months. The UK and devolved governments imposed shorter, differentiated restrictions from September 2020 to control the virus.

Equality and non-discrimination (Arts. 2, 3, 4, 12, 23, 24, 28, 29)

Restrictions have disproportionately affected certain groups, including children affected by poverty and disabled children. According to a survey of over 23,700 children in **Wales**, disabled children had a significantly worse experience of lockdown, due to business or service closures, requiring additional support with digital learning, delayed assessments of need and lack of equal access to educational, professional or specialist services.³ This experience was replicated across the UK.

Children with SEN and disabilities across **the UK** experienced significant reductions in access to education, health, and social care services.⁴ Concerns include returning to school because of Covid-19, lack of support, or exclusions if their needs are not met. During the first lockdown, 76% of families no longer received social services' support, e.g., respite care.⁵ Some councils offered direct payments instead, but families could not find services to provide support.

Decision-making, CRIAs and participation (Arts. 2, 3, 4, 12, 24, 28, 29)

The pandemic has demonstrated the need for a structured CRIA process as government responses often overlooked children's rights. Several decisions affecting children were taken without a published CRIA, including school closures and support for education, childcare-related decisions, and restrictions on family contact. Due to the lack of CRIA conducted by the **Scottish government** at the outset of the pandemic, CYPCS commissioned an independent CRIA on the state response to Covid-19, which covered the key areas identified in the Committee's April 2020 statement.⁶

Engagement between decision-makers and children across **the UK** was lacking in Covid-19 responses. During this extraordinary period, decision-makers should have engaged with children and considered their

¹ Annex to Report of the UK Children's Commissioners to the United Nations Committee on the Rights of the Child: Examination of the Combined Sixth and Seventh Periodic Reports of the United Kingdom of Great Britain and Northern Ireland, December 2020.

² *Coronavirus Act 2020* [viewed 09.12.20]. Available from: <https://www.legislation.gov.uk/ukpga/2020/7/enacted>

³ CCFW, 2020, *Coronavirus and Me: Experiences of Disabled Children* [viewed 09.12.20]. Available from: <https://www.childcomwales.org.uk/coronavirus-our-work/experiences-of-disabled-children/>

⁴ Education Committee, 2020, *Oral Evidence: The Impact of Covid-19 on Education and Children's Services*. Available from: <https://committees.parliament.uk/oralevidence/627/pdf/> CCE, 2020, *Supporting Children with Special Educational Needs and Disabilities to Return to School*. Available from: <https://www.childrenscommissioner.gov.uk/2020/08/31/supporting-children-with-special-educational-needs-and-disabilities-to-return-to-school/> [both viewed 09.12.20].

⁵ Disabled Children's Partnership, 2020, *#LeftInLockdown - Parent Carers' Experiences of Lockdown* [viewed 09.12.20]. Available from: <https://disabledchildrenspartnership.org.uk/wp-content/uploads/2020/06/LeftInLockdown-Parent-carers%E2%80%99-experiences-of-lockdown-June-2020.pdf>

⁶ Conducted by the Observatory of Children's Human Rights Scotland, 2020, *Independent Children's Rights Impact Assessment on the Response to Covid-19 in Scotland* [viewed 09.12.20]. Available from: <https://cypcs.org.uk/wp-content/uploads/2020/07/independent-cria.pdf>

views. Children's views were at times completely absent from decision-making; an issue which the Court of Appeal recognised in a recent ruling.⁷

Child protection from violence, abuse, and neglect (Arts. 2, 3, 12, 19, 28, 29, 24, 37)

With schools closed, and other services operating virtually, if at all, many children in vulnerable situations became less visible to those services designed to protect and support them. Childline reported a 22% increase in counselling sessions about child abuse, and a 53% increase from people with concerns about children experiencing physical abuse comparing April–July 2020 with January–March 2020.⁸

In **all jurisdictions**, child protection visits continued mostly in person where necessary, while virtual visits took place for others. Referral rates for child protection and support from social services decreased at the start of the pandemic, due to a lack of contact from universal services, extended family or the local community, who may identify issues.

Education (Arts. 2, 3, 12, 28, 29)

Across **the UK**, school closures exacerbated educational inequalities. Many children, particularly from lower socio-economic backgrounds, had no digital device throughout the first lockdown, and were largely unable to access learning. The consistency and quality of children's learning experiences varied across schools and settings.⁹ Children with SEN, ASN and disabilities have been affected by school closures and the temporary suspension of pupil support and other fundamental services, exacerbating the systemic issues that these children faced prior to the pandemic. Reform is required to ensure these children can access appropriate, effective, and timely support and services. Six months out of school left disadvantaged learners at particular risk of falling behind across **the UK**. Children with disabilities and those who have experienced trauma are more likely to exhibit challenging behaviour on return, struggle to catch up, or drop out.

In **all jurisdictions**, the remote/blended learning offered has been inconsistent in different settings. Funding was made available to local authorities to support distribution of digital devices and ensure families had access to good broadband, but the digital divide persists.

Across **the UK**, secondary school examinations were cancelled in the 2019/2020 year, students were awarded grades based on teacher estimates, moderated by computer-generated algorithms. After widespread protests, results were changed to teachers' estimated grades. Students experienced challenges with no direct access to appeals processes where they disagreed with the estimated grade.

Across **all jurisdictions**, since schools reopened in August/September, some children have had to isolate at home due to contracting Covid-19 or being in contact with someone who has, disrupting learning. In **Wales and Scotland**, secondary school exams for all national qualifications have been cancelled in 2020/2021.

Poverty (Arts. 2, 3, 4, 6, 12, 24, 26, 27, 28, 29)

Across **the UK**, the pandemic has significantly affected children living in poverty, serving to further entrench poverty and long-term impacts. An estimated 300,000 children have been pushed into poverty because of Covid-19.¹⁰ Millions of children are in households where parents had working hours reduced,

⁷ Court of Appeal, *The Queen (Appellant) (on the application of Article 39) and Secretary of State for Education (Respondent)*, 24 November 2020, Case No: C1/2020/1279 [viewed 09.12.20]. Available from: <https://www.judiciary.uk/wp-content/uploads/2020/11/R-Article-39-v-SSE-judgment.pdf>

⁸ NSPCC, 2020, *The Impact of the Coronavirus Pandemic on Child Welfare: Physical Abuse* [viewed 09.12.20]. Available from: <https://learning.nspcc.org.uk/media/2292/impact-of-coronavirus-pandemic-on-child-welfare-physical-abuse.pdf>

⁹ NICCY, 2020, *A Child's Right to Education and Covid-19* [viewed 09.12.20]. Available from: <https://www.niccy.org/publications/2020/june/22/a-child-s-right-to-education-and-covid-19/>

¹⁰ Joseph Rowntree Foundation, 2020, *Nearly Two-Thirds of Families on Universal Credit Forced into Lockdown Debt 'Nightmare'* [viewed 09.12.20]. Available from: <https://www.jrf.org.uk/press/nearly-two-thirds-families-universal-credit-forced-lockdown-debt-%E2%80%99nightmare%E2%80%9999>

were furloughed¹¹ or lost jobs.¹² The pandemic has demonstrated it is possible to fund poverty alleviation measures quickly. Approximately 100,000 children in poverty were assisted by time-bound policy initiatives,¹³ such as increases to Universal Credit (UC), a reversal of cuts to the Local Housing Allowance¹⁴ and protection of incomes by the Job Retention Scheme.¹⁵ Even so, nearly two-thirds of families on UC had to borrow money to survive, and half are behind on rent and other essential bills.¹⁶

Food insecurity (Arts. 2, 3, 4, 6, 12, 24, 27)

The pandemic has heightened children's food insecurity, with a 52% increase in distribution of emergency food parcels from April–September 2020.¹⁷ In **England**, one month following school closures, only 47% of children who usually receive Free School Meals received meals or vouchers.¹⁸ In **Scotland**, while alternatives were provided via meal replacements, cash replacements or food vouchers, their delivery was inconsistent, particularly the availability of direct payments. Take-up by parents increased if provision was via a cash payment. The value of substitution varied across local authorities (from £10-20)¹⁹ per week.²⁰

There was a 101% increase in the number of children fed through food banks in **Wales** in April 2020.²¹ BAME respondents were significantly more likely to be worried about having enough food.²² The **Welsh government** provided funding from late April to local authorities for free school meals in communities until return to school in September,²³ and reached another 7,600 children through the summer holiday hunger programme.²⁴ This has been extended during school holidays up to Easter 2021.²⁵ This was the first time that this funding had been provided for the whole holiday period. Funding in Wales was the highest among the UK at £19.50²⁶ per child per week, as it included a £1 per day for breakfasts.

Food bank use increased in **Northern Ireland** by 79.6% for April–September 2020 compared with the same period in 2019, and by 128% in April 2020.²⁷ Government schemes to ensure vulnerable households have access to food include payments to families with children eligible for Free School Meals, while the children were unable to attend school, and extending over the school holidays until April 2022.

¹¹ The Coronavirus Job Retention Scheme allows employers to put staff on temporary leave—or furlough—at 80% of their income. It is in place until 31 March 2021, with a review in January 2021. HM Revenue & Customs, 2020, *Check if You Can Claim for Your Employees' Wages through the Coronavirus Job Retention Scheme* [viewed 09.12.20]. Available from: <https://www.gov.uk/government/publications/extension-to-the-coronavirus-job-retention-scheme/extension-of-the-coronavirus-job-retention-scheme>

¹² CCE, 2020, *Fact Checking Claims about Poverty* [viewed 09.12.20]. Available from: <https://www.childrenscommissioner.gov.uk/2020/06/22/fact-checking-claims-about-child-poverty/>

¹³ The additional financial security provided by the extended furlough scheme and the Universal Credit uplifts are in place until March 2021.

¹⁴ Institute for Public Policy Research, 2020, *Estimating Poverty Impacts of Coronavirus: Microsimulation Estimates* [viewed 09.12.20]. Available from: <https://www.ippr.org/research/publications/estimating-poverty-impacts-of-coronavirus>

¹⁵ HM Revenue & Customs, 2020, *Check if You Can Claim for Your Employees' Wages through the Coronavirus Job Retention Scheme*.

¹⁶ Joseph Rowntree Foundation, 2020, *Nearly Two-Thirds of Families on Universal Credit Forced into Lockdown Debt 'Nightmare.'*

¹⁷ England = 396,395 (62.6% increase for same period in 2019 – 396,395 parcels), Scotland = 37,125 (0.7% increase for same period in 2019 – 36,879 parcels), Wales = 25, 475 (20.6% increase for same period in 2019 – 21,130 parcels), and Northern Ireland = 11,859 (59.9% increase for same period in 2019 – 7,416 parcels).

¹⁸ CCE, 2020, *Childhood in the Time of Covid* [viewed 04.12.20]. Available from: <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/09/cco-childhood-in-the-time-of-covid.pdf>

¹⁹ Approximately 13.30 – 26.56 USD (November 2020).

²⁰ LAMBIE-MUMFORD, H., LOOPSTRA, R., and GORDON, K., 2020, *Mapping Responses to Risk of Rising Food Insecurity during the Covid-19 Crisis across the UK* [viewed 04.12.20]. Available from: <http://speri.dept.shef.ac.uk/wp-content/uploads/2020/08/Food-Vulnerability-During-COVID-19-first-project-report.pdf>

²¹ The Trussell Trust, 2020, *Summary Findings on the Impact of the Covid-19 Crisis on Food Banks* [viewed 09.12.20]. Available from: https://www.trusselltrust.org/wp-content/uploads/sites/2/2020/06/APRIL-Data-briefing_external.pdf

²² CCFW, 2020, *Coronavirus and Me: Experiences of Children from Black, Asian and Minority Ethnic Backgrounds* [viewed 09.12.20]. Available from: <https://www.childcomwales.org.uk/coronavirus-our-work/coronavirus-and-me-bame-children/>

²³ Welsh Government, 2020, *Wales was the First Country in the UK to Guarantee Ongoing Funding for Children for Free School Meals during the Pandemic* [viewed 09.12.20]. Available from: <https://gov.wales/wales-has-become-first-country-uk-guarantee-ongoing-funding-children-continue-receive-free-school>

²⁴ Food Foundation, 2020, *A Year of Children's Food: A Progress Review of Policy on Children's Food and Nutrition across the Four UK Nations 2019-2020* [viewed 09.12.20]. Available from: https://foodfoundation.org.uk/wp-content/uploads/2020/07/CR2F_ProgressBriefing_DIGITAL-1.pdf

²⁵ Welsh Government, 2020, *Marcus Rashford MBE backs Welsh Government Decision to Ensure Free School Meal Provisions for Every School Holiday until Easter 2021* [viewed 09.12.20]. Available from: <https://gov.wales/marcus-rashford-mbe-backs-welsh-government-decision-ensure-free-school-meal-provisions-every-school>

²⁶ Approximately 25.90 USD (November 2020).

²⁷ The Trussell Trust, 2020, *Summary Findings on the Impact of the Covid-19 Crisis on Food Banks*.

Highest attainable standard of health (Arts. 2, 3, 6, 12, 23, 24, 27)

While healthcare services have mostly remained available to children during the pandemic, in many cases access to and provision of these services changed. **UK-wide**, the impact of pressures on the NHS and restricted face-to-face contact is concerning. Access to services for children with ongoing health conditions or disabilities were severely restricted, and continue to be affected. The authorities must guarantee safe levels of paediatric care, including routine vaccinations, medical appointments, procedures and assessments, during crises.²⁸

Children and young people accessing mental health services pre-pandemic, and subsequently, have reported a difference in service delivery with many areas only providing mental health support online or over the phone. Research suggests there has been an increase in symptoms of depression and anxiety.²⁹ In a survey of over 2,000 young people with a history of mental health needs, across **the UK**, 80% said the pandemic had made their mental health worse, and 41% said “much worse.”³⁰ Covid-19 has significantly affected staffing for inpatient CAMHS, which have had to operate with members of staff absent because of illness or isolation.

Children and young people reported lacking confidence in knowing where to go for help and advice, beyond family and friends, as well as increased stress from being at home and distance learning. Just 39% of secondary-school-aged children in **Wales** felt confident in getting help from school counsellors, despite local authorities being under a statutory duty to provide counselling services for children.³¹ This experience was replicated across **the UK**.

Deprivation of Liberty (Arts. 2, 3, 12, 25, 28, 29, 31)

Children and young people in **England, Scotland, and Wales** experienced significant reductions in access to education and recreation due to restrictions in YOIs, exacerbating concerns around isolation. Children regularly spent more than 20 hours per day confined in their cells.³² Children also experienced an extended period without face-to-face contact with their families, social workers, or lawyers. Education was also variable for children in mental health wards. From March 2020, the **Northern Ireland** Juvenile Justice Centre’s Covid-19 contingency plan included withdrawing all educational and vocational activities. Educational work packs were provided to each young person, however none were used. Staff noted that it was difficult for young people to get motivation to work on ‘school work’ outside the classroom setting. Education resumed on 13th May, albeit in a reduced capacity. **Across the UK**, advocacy services in mental health wards and YOIs were negatively affected. There was a reduction in advocates attending mental health wards in person, and in YOIs, advocacy services were delivered remotely.³³

Children in residential settings have been affected by rolling shutdowns due to staff or children testing positive for Covid-19; closing settings to all external visitors for 14 days. Children’s homes have reported repeat periods of isolation which have affected their children’s family and professional contact.

²⁸ RCPCH, 2020, *The Impact of COVID-19 on Child Health Services - Report* [viewed 09.12.20]. Available from: <https://www.rcpch.ac.uk/resources/impact-covid-19-child-health-services-tool-results>

²⁹ Welsh Government, 2020, *Review of the Impact of Mass Disruption on the Wellbeing and Mental Health of Children and Young People, and Possible Therapeutic Interventions* [viewed 09.12.20]. Available from: <https://gov.wales/review-impact-mass-disruption-wellbeing-and-mental-health-children-and-young-people>

³⁰ YoungMinds, 2020, *Coronavirus: Impact on Young People with Mental Health Needs: COVID-19 summer 2020 survey* [viewed 09.12.20]. Available from: <https://youngminds.org.uk/about-us/reports/coronavirus-impact-on-young-people-with-mental-health-needs/>

³¹ CCFW, 2020, *Coronavirus and Me Results* [viewed 09.12.20]. Available from: <https://www.childcomwales.org.uk/coronavirus-our-work/coronavirus-and-me-results/>

³² CCE, 2020, *Briefing: Children in Custody* [viewed 09.12.20]. Available from: <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/05/cco-children-in-custody.pdf>

³³ CCE, 2020, *Briefing: Inpatient Mental Health Wards during Covid-19* [viewed 09.12.20]. Available from: <https://www.childrenscommissioner.gov.uk/wp-content/uploads/2020/10/cco-inpatient-mental-health-wards-during-covid-19.pdf> and CCE, 2020, *Childhood in the Time of Covid*.

Play and leisure (Arts. 2, 3, 24, 31)

Across the **UK**, measures applied due to the pandemic exacerbated barriers to children's play and leisure. Children without a private space for play, such as a garden, were particularly affected. In **England**, the rules around children's right to play as part of "one hour's exercise" were unclear. Access to public green space for play was limited, especially in poorer urban areas, and some parks were closed.³⁴ Eight percent of children did not have access to a private garden, rising to 22% for BAME children.³⁵ **Across the UK**, children were not allowed to mix with other households and play and leisure facilities were closed. Children and young people have highlighted the inconsistencies around the rules and the loss of free play spaces.

The State Party should adopt an effective, child rights-based response to emergencies, which protects and benefits those in most vulnerable situations, and includes targeted responses for those groups. The government should consider the support that children affected by poverty will require post-pandemic.

Questions for State Party

- **Please outline all the emergency legislation that was created since the start of the pandemic that affects children's rights, their rationale, and processes undertaken during their development to assess their impact on children's rights. Please indicate those which are still in place, the reasons for this, and the plan for these to be repealed.**
- **Please provide information on plans to monitor the situation for children, assess the pandemic's impact on children's lives, including CRIEs, and measures to address all adverse impacts affecting children's rights, including a comprehensive recovery package for children.**
- **How will the UK and devolved governments ensure a minimum standard for children's access to and provision of healthcare during future crises?**
- **How will the UK and devolved governments respond to the needs of disabled children during and after this pandemic to ensure they are prioritised in all legislative, policy and practices, including the return to school?**
- **Please provide information on measures to mitigate a widening of the disadvantage gap following the school closure and 'learning loss' related to the pandemic.**
- **How are children's rights being considered in the COVID-19 recovery and how are children involved in this process?**

³⁴ Lambeth Council, 2020, *Statement – Brockwell Park Temporary Closure* [viewed 09.12.20]. Available from: <https://love.lambeth.gov.uk/lambeth-council-statement-brockwell-park-temporary-closure/>

³⁵ CCE, 2020, *How Lockdown has Affected Children's Lives at Home* [viewed 09.12.20]. Available from: <https://www.childrenscommissioner.gov.uk/2020/08/22/how-lockdown-has-affected-childrens-lives-at-home/>