



UK Covid-19 Inquiry
Module 8 – Children and Young People

ARTICLE 39
SUBMISSIONS FOR THE FIRST PRELIMINARY HEARING OF MODULE 8

Introduction

1. These submissions are made by Article 39, a small, independent charity which fights for the rights of children living in state and privately-run institutions (boarding and residential schools, children's homes, immigration detention, mental health inpatient units, prisons and supported accommodation) in England.¹ The charity takes its name from Article 39 of the United Nations Convention on the Rights of the Child (UNCRC), which grants every child who has been abused or suffered other rights violations the right to recover in environments where their health, self-respect and dignity are nurtured.
2. Module 8 opened on 21 May 2024 and will examine the impact of the pandemic on children and young people in England, Wales, Scotland and Northern Ireland.
3. The Inquiry's definition of children is individuals aged between 0 and 18 years. Its definition of young people incorporates care leavers aged 18 to 25 years; those with special educational needs and/or disabilities up to age 25; those attending further and/or higher education up to age 25; and those aged between 18 and 25 and in the custody of the state.² Article 39 interprets 'in the custody of the state' to include: young people remanded in custody and serving custodial sentences; young people detained under the Mental Health Act 1983; and young people deprived of their liberty through the Court of Protection.

¹ Registered with the Charity Commission for England and Wales, number 1166092, on 16 March 2016.

² Provisional Outline of Scope: M8: <https://covid19.public-inquiry.uk/wp-content/uploads/2024/05/21120338/M8-Provisional-Outline-of-Scope.pdf>

4. Article 39 is grateful to have been designated a core participant in Module 8, and welcomes the Chair's recognition that the charity *"is well-placed to assist the Inquiry in respect of Issues 2, 5, 6, 7 and potentially also 3 and 4 of the Provisional Outline of Scope"*. Following the order of the Chair's determination of Article 39's likely assistance to the Inquiry, these Issues are:

Issue 2	The extent to which children and young people were considered by the UK Government and the Devolved Administrations in respect of the application of non-pharmaceutical Interventions (NPIs) and the impact of those decisions.
Issue 5	The impact of the pandemic on children and young people in relation to access to and engagement with social care services and other agencies with a role in supporting the safety of children. This will include children at risk, children whose families receive support from social services, young carers, those in the care of local authorities, care and care leavers.
Issue 6	The impact of the pandemic on children and young people in contact with the criminal justice system including those in the youth custody estate, youth defendants and offenders and those whose parents or primary carers were in custody during the pandemic.
Issue 7	The impact of the pandemic on children and young people in contact with the immigration system.
Issue 3	The impact of the pandemic on the education of, and the early years provision for, children and young people (including further and/or higher education, apprenticeships).
Issue 4	The impact of the pandemic on children and young people's physical and mental health, wellbeing, development, family lives and on their access to healthcare services.

5. During the pandemic children living in institutional settings, including those detained in mental health and custodial institutions, faced particular challenges because of their increased isolation and separation from family and other support networks. For many children in young offender institutions and secure training centres, solitary confinement became routine and regularised during the initial months of the pandemic.³ The Royal College of Paediatrics and Child Health and other health bodies had warned in 2018 that

³ HM Inspectorate of Prisons (2021) HM Chief Inspector of Prisons for England and Wales Annual report 2020–21, page 30: https://cloud-platform-e218f50a4812967ba1215eaecede923f.s3.amazonaws.com/uploads/sites/19/2024/02/6.7391_HMI-Prisons_Annual-Report-and-Accounts-2020_21_v6.1_WEB.pdf

solitary confinement seriously risks “causing long-term psychiatric and developmental harm” to children.⁴

6. The safeguarding risks inherent in institutional settings are widely known and reflected in legal protections (including the right to help from independent advocates), government guidance and in the investigations and findings of another public inquiry, the Independent Inquiry into Child Sexual Abuse (IICSA). IICSA commenced its work in 2015 and by the onset of the pandemic had published several reports underlining the profound vulnerabilities of children living in institutional settings such as children’s homes, boarding schools and custodial institutions. Each of these investigations stressed the necessity of independent perspectives and careful, vigilant external monitoring which can recognise and challenge the emergence of punitive and abusive cultures. IICSA’s interim report, published in 2018, had highlighted the particular vulnerabilities of children in residential care, and of disabled children (who are disproportionately more likely to live in institutional settings), stating, *“Perpetrators may target these children because they believe that their disability makes them less likely or unable to report sexual abuse”*.⁵
7. Article 39 has a unique contribution to make to Module 8, having been the only organisation to legally challenge the UK Government during the pandemic for introducing secondary legislation that removed and reduced 65 child safeguards.⁶ The Adoption and Children (Coronavirus) (Amendment) Regulations 2020 (‘Amendment Regulations’) were laid before Parliament on 23 April 2020 and came into force the next day. They made more than 100 amendments to 10 statutory instruments concerned with the care, protection and support provided to highly vulnerable children in England.⁷ The Explanatory Memorandum published alongside the Amendment Regulations stated:

The changes prioritise the needs of children, whilst relaxing some administrative and procedural obligations to support delivery of children’s services but maintaining appropriate safeguards in such extraordinary circumstances. The changes will support

⁴ Royal College of Paediatrics and Child Health, Royal College of Psychiatrists and the British Medical Association (2018) Joint position statement on solitary confinement of children and young people: https://www.rcpch.ac.uk/sites/default/files/2018-04/solitary_confinement_position_statement.pdf

⁵ Independent Inquiry into Child Sexual Abuse (2018) Interim report of the Independent Inquiry into Child Sexual Abuse: <https://www.iicsa.org.uk/reports-recommendations/publications/inquiry/interim/nature-effects-child-sexual-abuse/what-is-child-sexual-abuse.html>

⁶ Article 39 produced an online summary of the 65 safeguards which were deleted or diluted: <https://article39.org.uk/2020/06/03/65-safeguards-removed-or-diluted-overnight/>

⁷ The 10 statutory instruments were: The Residential Family Centres Regulations 2002; The Adoption Agencies Regulations 2005; The Children (Private Arrangements for Fostering) Regulations 2005; The Children Act 1989 Representations Procedure (England) Regulations 2006; The Education and Inspections Act 2006 (Inspection of Local Authorities) Regulations 2007; The Care Planning, Placement and Case Review (England) Regulations 2010; The Fostering Services (England) Regulations 2011; The Children Act 2004 (Joint Area Reviews) Regulations 2015; The Children’s Homes (England) Regulations 2015; and The Her Majesty’s Chief Inspector of Education, Children’s Services and Skills (Fees and Frequency of Inspections) (Children’s Homes etc) Regulations 2015.

services to try and manage the increased pressure on children's social care and staff and carer shortages who are ill with coronavirus.⁸

8. The Amendment Regulations were to cease to have effect on 25 September 2020, the date by which the Coronavirus Act 2020 was due for Parliamentary renewal. However, the Explanatory Memorandum stated this expiry date would be revoked "*should the public emergency last longer*".⁹ In April 2020, in oral evidence for the House of Commons Education Committee's inquiry on the impact of Covid-19 on education and children's services, the then Children's Minister was asked whether the imminent changes to 10 statutory instruments, brought about through the Amendment Regulations, could become permanent. The Children's Minister's response raised three principal areas of concern for Article 39. First, that the Department for Education had conducted a review of local authority statutory duties towards children and young people and seemingly determined that some were "*not useful or purposeful*"; second, that the suspension of statutory duties through the Amendment Regulations appeared to be a trial-run for permanent removal of these duties; and third, that the Children's Minister characterised the upcoming changes to the children's statutory scheme as being "*in lower-risk areas*".¹⁰
9. Article 39 identified striking similarities between the Amendment Regulations and clauses in the Children and Social Work Bill 2016/17 that were abandoned by government because of widespread opposition, including by social work and legal bodies. Those clauses would have permitted widespread deregulation in children's social care, allowing local authorities to opt out of children's social care duties for up to six years as trials for national deregulation. Over 60 organisations and several hundred individuals, including care experienced young people and adults, supported the 'Together for children' campaign co-ordinated by Article 39. An online petition gained more than 18,000 signatures.¹¹ Peers voted against the clauses though they were returned in amended form when the Bill reached the House of Commons. Following continued opposition, in March 2017 the government supported an opposition amendment which deleted the clauses from the Bill. The Department for Education stated it had "*listened to concerns*".¹² Two years later, a further attempt to deregulate protections for children in care and care

⁸ Explanatory Memorandum 2020 No. 445, §2.1:

https://www.legislation.gov.uk/ukxi/2020/445/pdfs/ukxiem_20200445_en_001.pdf

⁹ Explanatory Memorandum 2020 No. 445, §14.2:

https://www.legislation.gov.uk/ukxi/2020/445/pdfs/ukxiem_20200445_en_001.pdf

¹⁰ Question 24:

https://committees.parliament.uk/oralevidence/299/html/?_gl=1*1ru05mx*_up*MQ..*_ga*MTcyMzlyNjY5LjE3MjM5OTM1ODM.*_ga_9684J19FT4*MTcyMzk5MzU4My4xLjAuMTcyMzk5MzcwOS4wLjAuMA..

¹¹ <https://you.38degrees.org.uk/petitions/defend-children-s-rights-in-care-withdraw-statutory-instrument-445-2>

¹² <https://www.theguardian.com/society/2017/mar/03/greening-drops-plans-to-allow-councils-to-opt-out-of-child-protection-laws-children-and-social-work-bill>

leavers was halted following the threat of legal proceedings by Article 39.¹³ The introduction of the Amendment Regulations in 2020 gave the appearance that the pandemic was being used as an opportunity to implement deregulation that had been earlier rejected by Parliament.

10. Article 39's judicial review of the Amendment Regulations was unsuccessful at first instance. Nonetheless, Lieven J made important comments when she rejected the government's characterisation of the removed safeguards as 'burdens' on local authorities.¹⁴ The charity then succeeded in the Court of Appeal, obtaining a declaration *"that the Secretary of State acted unlawfully by failing to consult the Children's Commissioner and other bodies representing the rights of children in care before introducing the Amendment Regulations"*.¹⁵ The Court found:

*... it was manifestly in the interests of the vulnerable children who would be most affected by the proposed amendments that those agencies and organisations representing the rights and interests of children in care should be consulted.*¹⁶

11. The application of this fundamental principle – that children and young people have distinct rights and interests which must be separately and fairly considered before laws and policies are made or changed – is critical to the whole of Module 8. Article 39 seeks to assist the Inquiry with examining:
- a. The extent to which children and young people's rights and interests were specifically and explicitly considered throughout the pandemic by the UK Government;
 - b. How (and if) children and young people's rights and interests shaped and influenced the actions and decisions of the UK Government; and
 - c. The lessons learned for future government structures, actions and decision-making.

Scope of Module 8

12. Article 39 welcomes the breadth of issues already identified by the Inquiry to be in scope for Module 8, and agrees that this list is *"ambitious"*.¹⁷ It respectfully encourages the Inquiry to view each of these issues through the lens of the UK's UNCRC obligations. The UK Government and the devolved administrations have adopted different legislative

¹³ <https://www.theguardian.com/society/2019/mar/24/government-backs-down-over-myth-busting-guide-on-child-protection>

¹⁴ [2020] EWHC 2184 (Admin) [48]: <https://www.bailii.org/ew/cases/EWHC/Admin/2020/2184.html>

¹⁵ [2020] EWCA Civ 1577 [90]: <https://knyvet.bailii.org/ew/cases/EWCA/Civ/2020/1577.html>

¹⁶ [2020] EWCA Civ 1577 [86]: <https://knyvet.bailii.org/ew/cases/EWCA/Civ/2020/1577.html>

¹⁷ Counsel to the Inquiry's note for the first preliminary hearing in Module 8 of the UK Covid-19 inquiry on Friday 6 September 2024 §23.

and strategic approaches for the implementation of this children's rights international treaty. Nevertheless, there is an overarching commitment to the implementation of the UNCRC, through the binding nature of the ratification process itself, and arising from individual country methodologies. Being focused on the protection of children's rights in England, Article 39 asks that the Inquiry's considerations of UK Government decision-making and actions in respect of vulnerable children and young people keeps uppermost the high-level government commitment to give due consideration to the UNCRC when making law or policy affecting children. First made in 2010¹⁸, this overarching policy was affirmed in November 2018.¹⁹ Furthermore, the Secretary of State for Education – having lead responsibility for protecting the rights and interests of children and young people within the UK Cabinet – is required through the Children and Young Persons Act 2008 to promote the well-being of children and young people in England.²⁰

13. The unique, statutory role of the Children's Commissioner for England ('CCE') in promoting and protecting the rights of children and young people pertains to all of the issues identified for Module 8, particularly in respect of government decision-making.

14. Established by the Children Act 2004, the legislative framework for the CCE was substantially strengthened in 2014. The Explanatory Memorandum to the Children and Families Act 2014 explained:

... John Dunford's independent review of the Children's Commissioner [found] that the legislative framework had prevented the Commissioner from having sufficient impact on children's lives. The provisions in the Act aim to remove the barriers that John Dunford identified, in particular by:

- *Amending the Commissioner's primary function to one of promoting and protecting children's rights;*
- *Making the Commissioner more clearly independent from Government;*
- *Providing for greater scrutiny of the Commissioner's impact, through an annual report to Parliament;*
- *Combining the functions of the Commissioner with the activities currently carried out by the Children's Rights Director;*
- *Clarifying the Commissioner's powers and remit.*²¹

15. Through the 2014 Act, the CCE was given new powers to "*consider the potential effect on the rights of children of government policy proposals and government proposals for*

¹⁸ <https://hansard.parliament.uk/commons/2010-12-06/debates/1012063000011/ChildrenSCommissionerReview>

¹⁹ <https://hansard.parliament.uk/commons/2018-11-20/debates/18112071000005/UniversalChildrenSDay>

²⁰ Section 7: <https://www.legislation.gov.uk/ukpga/2008/23/section/7>

²¹ §24: <https://www.legislation.gov.uk/ukpga/2014/6/notes/division/2/6>

legislation”, and to “advise the Secretary of State on the rights, views and interests of children”. It also, following the deletion of the Children’s Rights Director role in Ofsted, required the CCE, in the discharge of her primary function (which includes the powers above) to have “particular regard to the rights of children ... who are living away from home or receiving social care and other groups of children who the Commissioner considers to be at particular risk of having their rights infringed”.²²

16. The review undertaken by John Dunford had included a recommendation that “A mechanism should be found to ensure that the Commissioner is alerted to new policies or laws early enough in the process for his/her advice to make a difference”.²³ The government accepted this (and all other recommendations) in principle.²⁴
17. The CCE was the only independent statutory body exclusively concerned with the rights and interests of children and young people throughout the pandemic. Article 39 considers that an evaluation of the CCE’s actions to protect the rights of children and young people during the pandemic will provide lessons for improvements in government decision-making that affects children and young people, and the formal role of the CCE in this process. Article 39 invites the Inquiry to consider whether the statutory duties and powers of the CCE are sufficient to ensure children and young people’s rights and interests will be properly considered by government in preparing for, and throughout, future pandemics. During Article 39’s litigation on the Amendment Regulations, the Department for Education stated in its evidence that it had not chosen to exclude the CCE from consultation on its legislative plans. But it did not give an explanation for her omission from the consultation process. Article 39 invites the Inquiry to examine this particular area of decision-making.
18. As set out in its application for core participant status, from the onset of the pandemic, and the first lockdown, Article 39 supported members of its Children and Young People’s Advocates Network to share how they were adapting to the restrictions to ensure children and young people continued to receive their help. Independent advocates are available to a wide range of children and young people in especially vulnerable circumstances, including children in care and care leavers, children and young people with special educational needs and/or disabilities, children and young people in custody, homeless

²² Part 1 Children Act 2004: <https://www.legislation.gov.uk/ukpga/2004/31/part/1>

²³ John Dunford (2010) Review of the Office of the Children’s Commissioner (England), page 38: <https://assets.publishing.service.gov.uk/media/5a7ac78fe5274a34770e7127/Cm-7981.pdf>

²⁴ Written ministerial statement, ‘Children’s Commissioner review’, 6 December 2010: <https://publications.parliament.uk/pa/cm201012/cmhansrd/cm101206/wmstext/101206m0001.htm>

teenagers, children and young people in mental health inpatient care, and children who are the subject of child protection concerns.²⁵

19. Article 39 heard of children and young people in particular settings and circumstances facing barriers in accessing help from advocates. Children wishing to speak about abuse and neglect within the family home often did not have the privacy to do so. Children detained under the Mental Health Act 1983 prior to the pandemic were able to find out about their right to advocacy through drop-in sessions; these were stopped and some hospitals were slow to make alternative (virtual) arrangements. Article 39 published a report in November 2020, having elicited information from 10 different mental health inpatient advocacy services in England, finding that, “... *while many advocates tried alternatives [to face-to-face contact] such as putting up posters, sending letters, WhatsApp calls or online drop-ins, all felt that this was not an adequate substitute for their regular physical presence, especially when first meeting a young person*”.²⁶
20. Some disabled children and young people were anxious about speaking on telephones or being visible on computer screens. Advocates adapted their practice by holding conversations in gardens, through open windows and whilst walking round parks. As the restrictions continued, Article 39 became aware of particular detriments suffered by children in care that had not been planned for. For example, teacher assessments of children’s GCSE grades relied on teachers knowing the child. Article 39 was told of a child who had to repeat a whole year of GCSE study because they had been forced to move school on entering care (a common experience), and their new school reported having insufficient evidence from which to calculate their grades.
21. Other information about the harms suffered by children and young people have come to light after the pandemic. For example, a national review into the experiences of 108 children and young adults (aged 8 to 19 years) who were living in three residential special schools (also registered children’s homes) run by the Hesley Group in Doncaster between 2018 and 2021 found that children had suffered “*significant abuse and harm over an extended period of time. The voices of the children and young adults were not heard*”.²⁷ The review found, “*The protective factors afforded by supportive families were significantly compromised during the pandemic, with many of the children having limited*

²⁵ Article 39 published a guide for directors of children’s services earlier in 2024, which sets out the statutory scheme for the provision of advocacy. Available here: <https://article39.org.uk/wp-content/uploads/2024/05/Article-39-Advocacy-guide-for-directors-of-childrens-services-17-May-2024.pdf>

²⁶ Article 39 (2020) A safe space? The rights of children in mental health inpatient care, page 5: https://article39.org.uk/wp-content/uploads/2020/11/A-safe-space_final_Nov20.pdf

²⁷ The Child Safeguarding Practice Review Panel and Council for Disabled Children (2022) Safeguarding children with disabilities and complex health needs in residential settings, page 12: https://assets.publishing.service.gov.uk/media/635914568fa8f557d066c1ad/safeguarding_children_with_disabilities_in_residential_care_homes_phase_1_report.pdf

*contact with their parents and other members of their family. Some parents were able to visit their children in-person but were not allowed onto the premises – one parent saw their child from behind the fence to the placement building”.*²⁸

22. In its annual report for 2020/21, the Care Quality Commission reported that the absence of suitable community mental health services – vital to prevent inpatient admissions – was “a particular concern for children and young people” during the pandemic, and that it had “seen an increase in the numbers of children and young people being cared for in inappropriate settings while they wait for an inpatient bed”.²⁹ Across that period, there were 197 placements of children on adult wards lasting more than 48 hours, with only around 15% being for positive, child-centred reasons (because the child was almost 18, and this would be a more suitable environment, for example).³⁰ Young people with experience of being detained as children under the Mental Health Act 1983 have told Article 39 that being placed on adult wards can be intimidating, bewildering and terrifying. One young person recounted:

*The staff on the ward were not trained on child restraint so often I ended up really hurt and often they would call response and it would be like really big men who were used to going up to forensics to restrain people, and then coming to restrain me, a little girl at the time basically. It was horrific ... I couldn't even have my teddy at one point and that was my one bit of comfort. It wasn't nice. No activities, no nothing ... It was difficult for me because I wanted to do my colouring and play on my [Nintendo] Switch and stuff. But it's like, you shouldn't be doing that, you're on an adult ward so we're gonna treat you like an adult and we expect you to behave like an adult.*³¹

23. Article 39 invites the Inquiry to consider children and young people's experiences throughout the pandemic, as well as the longer-term implications of policy decisions taken at the time. For example, the Amendment Regulations contained significant savings provisions, which meant that decisions and actions taken while provisions were in force (24 April 2020 to 25 September 2020) potentially had longstanding and wide-ranging impact on the individual lives of highly vulnerable children. Further, it was not until 30 September 2021 that all regulatory changes expired. The Secretary of State was

²⁸ The Child Safeguarding Practice Review Panel and Council for Disabled Children (2022) Safeguarding children with disabilities and complex health needs in residential settings, §4.11: https://assets.publishing.service.gov.uk/media/635914568fa8f557d066c1ad/safeguarding_children_wit_h_disabilities_in_residential_care_homes_phase_1_report.pdf

²⁹ Care Quality Commission (2022) Monitoring the Mental Health Act in 2020/21, page 8: https://www.cqc.org.uk/sites/default/files/2023-06/20230629_mhareport202021_print.pdf

³⁰ Care Quality Commission (2022) Monitoring the Mental Health Act in 2020/21, page 52: https://www.cqc.org.uk/sites/default/files/2023-06/20230629_mhareport202021_print.pdf

³¹ Article 39 (2023) In what world is this hospital care? Young people's views on fixing the Mental Health Act 1983, page 28: <https://article39.org.uk/wp-content/uploads/2023/12/In-what-world-is-this-hospital-care-young-peoples-views-on-fixing-the-Mental-Health-Act-1983-December-2023.pdf>

required to review the effectiveness of the Amendments Regulations. Article 39 is not aware of any published analysis of the impact of the relaxation of statutory duties on the welfare of children. There is concern that the Amendment Regulations have had a wider, adverse effect on the fulfilment of children's social care statutory duties. For example, Article 39's children's rights advice service consistently hears of local authorities failing to meet statutory timescales in the investigation of children and young people's complaints – these timescales were suspended during the period of the Amendment Regulations.

24. Aspects of government decision-making affecting children and young people during the pandemic remain opaque. In respect of the Amendment Regulations, it is not clear how the Department for Education decided which regulations to amend, and when and how it determined the precise changes to those statutory instruments. The Association of Directors of Children's Services, for example, stated publicly that it had not put forward changes to the children's social care scheme but had instead been sent a list of proposed changes by the Department for Education: *"We were informed of the list of their proposed changes rather than asked to submit our own proposals"*.³² It is not known whether the Department for Education had considered strengthening legal protections through the Amendment Regulations. One week after the Amendment Regulations were published, and following Article 39's very public opposition,³³ the then CCE issued a statement indicating the need for *"increased protections"*.³⁴
25. Article 39 invites the Inquiry to consider the particular role of the Chief Social Worker for Children and Families during the pandemic. One function of this role, established in 2013, is to provide *"independent expert advice to ministers on social work reform"* and another is to ensure children *"get the best possible help from social workers"*.³⁵ As Article 39 indicated in its application for core participant status, the Amendment Regulations weakened statutory duties relating to, *inter alia*, social worker visits to children in care, the periodic review of children in care's welfare, safeguards for disabled children, decision-making around the placements of children who may be adopted (particularly affecting young children), and the approval of foster carers. It appears the Chief Social Worker for Children and Families played a key role in determining the scope of the Amendment Regulations. Article 39 submits that the Inquiry would benefit from evidence from the Chief Social Worker to enable further understanding around decision-making at the time.

³² Tweet dated 30 April 2020: <https://x.com/ADCStweets/status/1255752498087895041>

³³ Article 39's first statement published on 23 April 2020: <https://article39.org.uk/2020/04/23/ministers-use-covid-19-to-destroy-childrens-safeguards/>

³⁴ Statement published 30 April 2020: <https://www.childrenscommissioner.gov.uk/media-centre/statement-on-changes-to-regulations-affecting-childrens-social-care/>

³⁵ <https://www.gov.uk/government/news/office-of-the-chief-social-worker-new-appointees-start>

Rule 9 requests

26. Article 39 understands the need for Rule 9 requests to be made on an iterative basis, as Module 8 proceeds. There are important bodies that have not been designated Core Participants for Module 8, which Article 39 considers could provide valuable information to the Inquiry. These include: HM Chief Inspector of Prisons, HM Chief Inspector of Education, Children's Services and Skills, the Care Quality Commission, the Independent Chief Inspector of Borders and Immigration, the Chief Social Worker for Children and Families, The Child Safeguarding Practice Review Panel, and the Association of Directors of Children's Services.

Experts

27. Article 39 welcomes the Inquiry's provisional list of topics for which expert evidence may be sought for Module 8. Additional suggestions from Article 39 at this preliminary stage include:

- a. The safeguarding challenges in institutional settings during the pandemic, including the effect of suspending and reducing children's contact with parents and other loved ones.
- b. The extent and impact on children and young people's physical, emotional and mental health of segregation and solitary confinement in places of detention (including mental health inpatient care, immigration and children's social care) during the pandemic.
- c. Whether or to what extent children in institutional settings were exposed to higher levels of physical, sexual and psychological abuse during the pandemic.
- d. Whether or to what extent children and young people's access to independent advocates and to complaints and child protection procedures were inhibited during the pandemic, and any longer-term consequences of this.

28. Article 39 would be grateful for the opportunity, in due course, to make proposals for individual experts who may be able to assist the Inquiry in the areas listed above.

29. We hope these submissions are of assistance.

Martha Cover
Coram Chambers

Carolyn Willow
Chris Callender
Article 39

22 August 2024