
**SUBMISSIONS FOR THE FIRST PRELIMINARY HEARING OF MODULE 8
(CHILDREN AND YOUNG PEOPLE)**

**ON BEHALF OF
SAVE THE CHILDREN UK, JUST FOR KIDS LAW,
THE CHILDREN’S RIGHTS ALLIANCE FOR ENGLAND,
THE CENTRE FOR YOUNG LIVES, AND CHILD POVERTY ACTION GROUP**

Introduction and Background

1. Three organisations representing children’s rights – Just for Kids Law (‘JFKL’), the Save the Children Fund (‘STC UK’) and the Children’s Rights Alliance for England (‘CRAE’) – were jointly Core Participants to Module 2. For Module 8, these organisations applied for Core Participant status along with the Centre for Young Lives (‘CYL’) and Child Poverty Action Group (‘CPAG’): this application was granted by the Inquiry Chair on 8 July 2024. All five organisations will hereafter be referred to in these submissions as the Children’s Rights Organisations (‘the CROs’).¹
2. At the outset of this module, the CROs wish to acknowledge the significant and irreversible impacts of the Covid-19 pandemic, including the children and young people who died or lost loved ones, and the impacts on all those who continue to live with the aftermath of the pandemic.

The Role of the CROs

3. The CROs are a group of national organisations committed to championing children’s rights and addressing inequalities and structural discrimination, as well as working directly with children and young people. As recognised in the grant of Core Participant status, the CROs are *‘a strong grouping of five organisations which each in different ways champion children’s rights and work directly with children and young people. They each have considerable depth of expertise and between them they represent an impressive variety of expertise and experience.’*

¹ This acronym was used in Module 2 and is adopted again in these submissions for the sake of consistency, while recognising that other children’s rights organisations have also been designated as Core Participants in Module 8.

4. The grant of Core Participant status also noted that the CROs will be able to assist the Inquiry with detailed analysis of data and other research gathered throughout the pandemic, particularly in relation to inequalities. The CROs welcome that inequalities are a particular concern for the Inquiry, with the Inquiry Chair having previously recommended changes to the Inquiry's Terms of Reference, to '*put possible inequalities at its forefront so that investigation into any unequal impacts of the pandemic runs through the whole Inquiry*'.² The CROs will seek to assist the Inquiry to develop its exploration of these issues in Module 8.

5. **STC UK** is the UK member of the Save the Children movement, a global network of national organisations helping children survive and thrive in 120 countries. Its work during the pandemic included launching an Emergency Response Programme along with education support for children and families experiencing poverty, delivering 5,480 grants to UK families and ensuring that 12,000 children had the material items and resources needed to play, learn, and develop at home. STC UK also undertook advocacy work with national and local government and published a report³ drawing on experiences from over 7,000 families with children aged 0-6. This report highlighted issues with the lack of proper financial support for families and the impact this had on the children's health, education, development and mental well-being, as well as the difficulties caused by lack of access to services such as health visitors, GPs and education support. STC UK have also since conducted further research into the impact of the pandemic on babies and young children.⁴ STC UK participated in Module 2: see *inter alia* the witness statement of Daniel Paskin (INQ000282331).

6. **JFKL** works 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, strategic litigation, and campaigning to ensure children and young people have their legal rights and entitlements respected and promoted and their voices heard and valued. JFKL provides trauma-informed and anti-racist legal representation to children in contact with the criminal justice system and provides community care legal advice and support to its clients, many of whom are in care, care experienced or on the edge of care. JFKL particularly welcomes the opportunity to assist the Inquiry in its scrutiny of decisions relating to children in contact

² https://covid19.public-inquiry.uk/wp-content/uploads/2023/08/18160741/2022_05_12_Chair_letter_to_PM_ToRs_recommendations_FINAL.pdf

³ https://www.savethechildren.org.uk/content/dam/gb/reports/supporting_families_through_covid.pdf

⁴ <https://www.savethechildren.org.uk/what-we-do/child-poverty/uk-child-poverty/early-years/knowledge-bank/Impact-of-Covid-on-Babies-and-Young-Children>

with the criminal justice system and the social care system and the impact these decisions had both in the long and short-term (issues 5 and 6 in the provisional outline of scope for Module 8).

7. JFKL hosts **CRAE**, which works with over 100 members to promote children's rights and monitor Government implementation of the UN Convention on the Rights of the Child, which the UK ratified in 1991, alongside the other core human rights treaties. Despite some progress to embed children's rights across Government, the response to Covid-19 demonstrated how children's rights and voices are regularly overlooked in UK Government decision-making with devastating consequences, as evidenced in CRAE's joint report with STC UK, *What about the Children?*⁵ The extent to which children and children's rights were considered in relation to UK government decision-making has already been explored to some extent in Module 2 - see, *inter alia*, Louise King's witness statement at **INQ000282335**, which addresses the structures, mechanisms and legal framework necessary for the rights of children to be properly considered in decision-making, including through the full incorporation of the UNCRC, and in particular Child Rights Impact Assessments ('CRIAs'), into domestic law at UK level (as it has been in Scotland). The CROs welcome this opportunity to continue this exploration in more detail in Module 8, including in relation to the emergency legislation, regulations and guidance which affected many aspects of children's lives. CRAE's interests engage particularly with issues 1 and 2 of the Provisional Scope for Module 8, but also issue 4, as well as the other issues identified relating to the impact of the pandemic response on children.

8. The **Centre for Young Lives** (formerly the Commission on Young Lives) is led by Anne Longfield CBE, the former Children's Commissioner for England (March 2015-February 2021) who has already provided evidence to the Inquiry in Module 2 (**INQ000273750**). The CYL is hosted by the Oasis Charitable Trust which runs 54 schools in some of the most disadvantaged areas. Ms Longfield's previous witness statement sets out the substantial body of analysis which she and the Children's Commissioner's Office produced from the early stages and throughout the progression of the pandemic, including: *'Tackling the disadvantage gap during the Covid-19 crisis'*, *'Children, domestic abuse and coronavirus'* and *'We're all in this together? Local area profiles of child vulnerability'* dated April 2020; *'Lockdown babies: Children born during the coronavirus crisis'* dated May 2020; *'Putting children first in future lockdowns'* dated August 2020; and *'Stress among children in England during the coronavirus lockdown'* dated September 2020. These were submitted to Government, SAGE and other public bodies.

⁵ <https://www.savethechildren.org.uk/content/dam/gb/reports/sept-23-scuk-what-about-children-covid.pdf>

9. As Children's Commissioner, Ms Longfield regularly wrote to cabinet and junior ministers during the pandemic, highlighting concerns about children's experiences and wellbeing, including the impact of extensive school closures for most children. Two of her publications were designed with the likelihood of an Inquiry in mind: *'Childhood in the time of Coronavirus'* dated September 2020 and *'Putting children first in future lockdowns'*. The CYL continues to monitor the impact of the pandemic on children. As noted by the Inquiry Chair, the CYL's work includes a particular research focus on the experiences of children who faced secondary risks which Covid-19 exacerbated, such as those faced by migrant children and by children in receipt of local authority support.
10. **CPAG** works on behalf of the more than one in four children in the UK growing up in poverty. It uses an understanding of what causes poverty and the impact it has on children's lives to campaign for policies that will prevent and solve poverty. CPAG provides training, advice and information to ensure families get the financial support they need and carries out high profile legal work to establish and protect children's rights. CPAG hosts the End Child Poverty coalition, a group of around 100 organisations dedicated to alleviating child poverty, as well as co-ordinating the Social Security Consortium, a network of over 40 organisations working on issues related to the social security system. CPAG also facilitates a London Youth Panel.
11. CPAG has conducted extensive research about how lockdown impacted on children's experiences of learning, particularly concerning children living in low-income households, including children with SEND. CPAG's engagement with decision-makers during the pandemic led to specific local and national policy changes which supported children living in low-income houses: for example, leading to authorities across Scotland and Wales taking a cash-first approach to free school meals replacements; the expansion of free school meals to migrant families with no recourse to public funds; and policies to support the dissemination of laptops and funds for devices.
12. The CROs are well-connected to, and will work collaboratively with, wider civil society groups whose expertise is relevant to this module of the Inquiry – for example, JFKL are members of the Alliance for Youth Justice and CRAE is a member of the Children and Young People's Mental Health Coalition. CRAE is itself a membership organisation, and so many civil society groups are members of CRAE. The Centre for Young Lives has networks with schools, community providers and system leaders.
13. In sum, throughout the pandemic the CROs provided direct support to children and young people, witnessing first-hand the impact of the pandemic response on this cohort; engaged in advocacy, campaigning and strategic litigation in support of specific law and policy

changes in both England and the devolved governments; and have produced and continue to produce research on the short, medium and long-term impacts of the pandemic on the 'Covid Generation'.

Context for Module 8

Per Sir Patrick Vallance: *'there is a terrible, terrible truth, and it's something that we all need to reflect on, which is that all pandemics feed off inequality and drive inequality. I mean, that's the way they behave. That is a tragedy that needs to be understood and is relevant, of course, to the many people who suffered during Covid. That needs to be built into the thinking, the thought process, right at the outset'*⁶

14. There are approximately 14 million children in the UK, forming nearly a quarter of the population. Children have specific rights: as a signatory to the United Nations Convention on the Rights of the Child ('UNCRC'), the UK government had an international law obligation to consider those rights in all decisions affecting children. Children's rights, needs and considerations for policy making can be quite distinct from those of adults. As emphasised in Module 2, the lack of consideration of children's rights and needs is problematic at any time, but is particularly harmful during a crisis when major decisions are being taken at speed and based on imperfect information, such as during the Covid-19 pandemic (**INQ000282331 _ 0004**).

15. The Inquiry has, at 4.9 of its Module 1 report, identified that *'if differing, sometimes competing, interests were considered prior to the onset of a pandemic, the UK would naturally have a better base for its pandemic strategy and response'*. Those interests would include *'the continuation of important aspects of life for **those at risk from the response to a pandemic, such as young children in education**'* (emphasis added). The Module 1 report also importantly concludes that Government's pandemic preparation strategy *'paid insufficient attention to the economic and social consequences of pandemic response'*, *'failed to account sufficiently for the pre-existing health and societal inequalities and deprivation in society'*, and failed to *'appreciate the full extent of the impact of government measures and long-term risks, from both the pandemic and the response, on ethnic minority communities and those with poor health or other vulnerabilities'* (Executive Summary; further at 3.46-3.65 of the Report).

⁶ [Patrick Vallance, 22 June 2023 165/5-12.](#)

16. These findings reflect the evidence given by leading scientific experts, who were acutely conscious of the limits of their expertise in developing a whole-system approach and socio-economic response to the pandemic.⁷ When she gave evidence, Anne Longfield also spoke of a toxic mix of secondary issues and devastating outcomes which were likely to impact children, which would *'leave them in a position where they may, for the next 10, 20 years, have the long shadow of the Covid experience.'*⁸
17. The CROs welcome the opportunity now to explicitly consider the extent to which children and young people in particular, and the various multiply disadvantaged and/or disproportionately impacted cohorts within this broad group, were considered as part of pandemic preparedness and planning (Issue 1 of the provisional outline of scope). This will include consideration of the planning, or lack of planning, at government level for school closures (as recommended in Operation Cygnus).
18. Schools and early years settings⁹ should be considered as essential infrastructure, with a greater emphasis on identifying and implementing relevant safety measures to allow them to open safely, and encouraging and supporting children considered vulnerable to attend. There should have been, and should now be, more digital investment in children's education, as well as consideration of how teaching methods can be diversified to meet the varied circumstances and needs of all children and young people.
19. Children and young people experienced a 'digital divide', where one in five children in England lacked access to a suitable device for home study at the start of the pandemic.¹⁰ The scheme to provide free laptops and routers only reached less than half of these children.¹¹ Low-income families surveyed by CPAG were twice as likely to say that they lacked all the resources they needed to support learning at home, and 40% of low-income families were missing at least one essential resource to support their children's learning.¹²

⁷ For example, Professor Graham Medley, who led an interdisciplinary team of biologists, clinicians, mathematicians and statisticians providing SAGE with epidemiological modelling expertise concerning the pandemic, said of the modelling done on school closures in February 2020 that *'we state in [that modelling] that school closures cause harms, but we are not experts in that area'*: 8/112/23-25. He went on to say that the failure to consider the harms of policies such as school closures was a major gap in the modelling.

⁸ 4/31/4-18.

⁹ STC UK highlighted the importance of Early Years Settings in its evidence to the Parliamentary Education Committee's Inquiry into the Impact of Covid-19 on Education and Children's Services in May 2020: https://committees.parliament.uk/writtenevidence/5297/pdf/?_gl=1*1cibam8*_up*MQ..*_ga*MTM1MTE4NDY0Mi4xNzI0MjM2NDM1*_ga_9684J19FT4*MTcyNDIzNjQzNS4xLjAuMTcyNDIzNjQ2MS4wLjAuMA (see in particular paragraphs 3.3-3.4).

¹⁰ <https://www.suttontrust.com/our-research/learning-in-lockdown/>.

¹¹ <https://www.childrenscommissioner.gov.uk/blog/children-without-internet-access-during-lockdown/>; see also CRAE's 2022 report to the UN Committee on the Rights of the Child, https://crae.org.uk/sites/default/files/fields/download/CRAE_UN-%20CIVIL-SOCIETY-REPORT_22-DIGITAL_0.pdf.

¹² <https://cpag.org.uk/news/cost-learning-lockdown-family-experiences-school-closures>

20. Pandemic preparedness must also include consideration of the ways in which pre-existing issues with the ‘invisibility’ of children and young people may be exacerbated in a range of contexts within a pandemic response, including the invisibility of babies in maternity services and families of young children experiencing poverty, children in contact with the social care system (whether children already in care or children in relation to whom child protection concerns may be raised), children and young people with SEND, children in the youth justice system, and children in the immigration system.
21. The context in which the pandemic occurred in the UK was not merely inadequate pandemic resilience and preparedness (as found by the Inquiry in its Module 1 report), but also a context of high levels of UK inequality¹³ and child poverty, and inadequate capacity and resilience in UK social care services, the benefits system, and public services more broadly, following a decade of austerity. Austerity hit children and families the hardest, with many benefits cuts affecting these groups the most significantly. On the eve of the pandemic, 31% of children in England were growing up in poverty. Children from Black and minority ethnic groups were even more likely to be in poverty: 46% were in poverty in 2019/2020, compared with 26% of children in white British families.¹⁴
22. The pandemic exposed these existing inequalities: for example, it highlighted the fact that many families with children lacked financial resilience, that disadvantaged families were more likely to have to continue working outside the home and that larger families, particularly those living in multigenerational homes, were more likely to be at risk. The pandemic, and the response to the pandemic, also exacerbated many existing inequalities (INQ000280060_0004); for example, the £20 per week uplift to Universal Credit did not recognise the additional costs and needs of having children at home, and that this measure would therefore not mitigate pre-existing disadvantage. It remains the case that unless an adequate recovery package is implemented, the inequalities caused and/or exacerbated

¹³ The report of Professor Clare Bambra and Professor Sir Michael Marmot to Module 1 recognised that as the UK entered the pandemic, there were ‘*substantial systematic health inequalities by socio-economic status, ethnicity, area-level deprivation, region, socially excluded minority groups and inclusion health groups*, and that these inequalities increased during the relevant period: [INQ000195843_0029](#) para 58; Module 1 Report para 3.56. Professor David Taylor-Robinson also reported to Module 2 on child health inequalities (INQ000280060), and gave evidence that ‘*inequalities that affect children are particularly important, because we know that early childhood inequalities track through and layer on top of one another over the course of children’s lives to generate inequalities in adult health*’: 4/3/18-22. The CROs acknowledge the importance of these health inequalities, but will also seek to focus on separate and interrelated socioeconomic inequalities, as well as considering how interrelated inequalities may have carried interconnected risks and long-term risks for vulnerable people, which should be fully considered in future risk assessments.

¹⁴ CPAG analysis derived from Households Below Average Income: an analysis of the UK income distribution FTE 1995 to FYE 2022.

by the pandemic and response to the pandemic will continue to have stark, long-lasting impacts on the 'Covid Generation'.

23. The CROs emphasise the structural invisibility of children and young people within governmental decision-making: this is not a blind spot which can be attributed to specific individuals or governments, but a systemic issue requiring structural solutions. These solutions, set out in the '*What about the Children?*' report referred to above, include the implementation of statutory Child's Rights Impact Assessments ('CRIAs'), the creation and effective implementation of a joined up, cross-departmental national strategy to advance children's rights and wellbeing, and the creation of a specific Cabinet level ministerial role with overall responsibility for children – as human beings with the full panoply of rights and needs that comes with being human (not merely within education and social care), distinct from those of adults. The CROs would also encourage the Inquiry to reflect on the new Government's approach to tackling societal problems, such as cross-departmental working and a long-term mission-led approach to breaking down barriers to opportunity for children. We consider these in more detail in paragraphs 28-38 below.

24. The long-standing invisibility of children in UK governmental decision-making led to poor decisions during the pandemic and caused unnecessary harm to the nation's children, when there were some straightforward things which the UK Government could have done better from the outset (clearer messaging in relation to play as a form of exercise being just one example) (**INQ000282335_0002**). This is not a matter of hindsight: the CROs have pointed to, and will continue to give evidence on, the advice of experts and campaigners raised throughout the pandemic.¹⁵ Contemporaneous advice from children's experts (including Ms Longfield as the then Children's Commissioner for England, leading psychologists, and children's organisations) was consistently ignored.

25. The CROs welcome the Inquiry's clear recommendations, in its Module 1 report, for radical structural reform in respect of pandemic planning, in particular recommendations 1, 2 and 10. The CROs intend to make further submissions on how the newly established structures recommended by the Inquiry should include roles dedicated to, and/or a mandate for specific consideration of, children's rights, needs and vulnerabilities. Structural reforms must also be accompanied by the incorporation of the rights contained in the UNCRC into

¹⁵ To take just three of the examples already given in Module 2 (**INQ000282331_0006**), it was clear at the time to Sir Kevan Collins that £15 billion needed to be spent on education recovery; clear to teachers that allocating exam results by algorithm would reinforce inequalities; and clear to Marcus Rashford that more support was needed to prevent children going hungry. Anne Longfield's witness statement details numerous further contemporaneous recommendations of the Office of the Children's Commissioner made throughout the pandemic.

domestic law on a UK wide basis, so that however government is structured, Ministers and officials are required to respect children's rights.

26. As submitted in Module 2, the failure to adequately consider children's rights and wellbeing caused unnecessary harm during the pandemic, which could have been mitigated. These harms are ongoing, and will be stark and long-lasting, if comprehensive action is not now taken. There is real urgency in making the necessary structural changes to avoid or mitigate the harm caused to children in future crises.
27. The CROs continue to monitor the emerging evidence on the impact of the pandemic on children and young people, including increasing evidence of lasting harm to children's social, emotional, speech and language development in the early years; to levels of attendance at schools; and to children's physical and mental health (**INQ000282331 _ 0009**).¹⁶ Module 8 provides a vital further opportunity to consider the developing picture on the long-term impacts of the pandemic and response to the pandemic, and for further recommendations to be made both to mitigate ongoing harms and prevent the occurrence of future harms. For example, the requirement for restrictions on visits on public health grounds must be balanced against the risk of harm to babies and young children who may not be actually seen by professionals.

Approach to Module 8

28. In its Module 1 report, the Inquiry had '*no hesitation*' in concluding that the processes, planning and policy of governmental civil contingency structures failed the UK public. In Module 8, the CROs will submit (building on submissions made in Module 2) that many groups of children and young people, in particular, entered the pandemic facing structural disadvantages and with a lack of protections, and subsequently were failed both by Government's preparation for a pandemic, and the specific response to this pandemic. Children and young people were too often structurally invisible in decision-making structures, and the Government's response to the pandemic did not sufficiently consider children's rights, their best interests, health and wellbeing. Across a range of areas, the UK Government failed sufficiently to consider children as a distinct group with particular needs and rights (for example, by recognising their particular need for and right to play outdoors; the increased likelihood of child safeguarding issues caused by lockdown rules; distinct social interaction needs and educational rights and needs).

¹⁶ See, for example, the joint *What About the Children?* report cited earlier in these submissions, and STC UK's Early Years Knowledge Bank.

29. The CROs recognise that some measures which impacted children and young people were necessary. The CROs do not, for example, contend that school closures could have been entirely avoided. However, the management of these closures could have been improved, their impact better mitigated, and the reopening of schools further prioritised, with more effort put in to identifying and implementing better and further safety measures in schools to allow them to reopen sooner. It cannot be the case in a future pandemic which necessitates some form of 'lockdown' that restaurants, non-essential shops and theme parks are reopened before schools.
30. The ways in which children were failed were not always a necessary feature of responding to the pandemic, but too often resulted from a lack of political will to make children a priority, and a lack of commitment to children's rights and best interests (particularly in England, in contrast to some aspects of governmental decision-making in Wales and Scotland¹⁷). Children could and should have been more robustly prioritised, given the significant and disproportionate impact of the pandemic on their childhood, learning, and overall development.
31. The same ambition and creativity demonstrated in relation to other areas of society, such as the furlough scheme in respect of adult employment, could and should have been demonstrated in the measures taken in respect of education, social care, and other important areas which particularly affected children and young people. Instead, in areas such as children's social care or provision for children and young people with SEND, the response to the pandemic was to water down pre-existing statutory rights and protections.
32. In addition to the need for systemic prioritisation of children and children's rights, the CROs emphasise that there is a need for financial investment in support for disadvantaged children and young people. Families with children lacked financial resilience going into the pandemic, in part due to the impact of austerity policies, with living standards severely affected: family incomes need to be restored, particularly through investment in social security.

¹⁷ For example, as set out in the Module 2 closing submissions from the CROs at that time, Scotland exempted children under the age of 12 from its social distancing restrictions on 10 July 2020: the CROs have not seen any evidence that the UK government considered whether the ongoing restrictions on children in other countries were proportionate, or whether to replicate the Scottish position elsewhere in the UK. In September 2020, Scotland (which has since incorporated the UNCRC into domestic law), carried out a Children's Rights and Wellbeing Impact Assessment, which concluded that the pandemic restrictions had caused a disproportionate effect on children, and that exemptions of children from social distancing restrictions were justified under Article 31 of the UNCRC: these exemptions were preserved when Scotland re-introduced the Rule of Six on 14 September 2020. Wales (where UNCRC rights must also be considered by Welsh Ministers when making decisions of a strategic nature) enacted a similar exemption. On 23 September 2020, Scotland exempted all children from restrictions on interhousehold mixing. On 24 September 2020, the Rule of Six was re-introduced in England: children were not exempt.

33. Further, a broader education, health and social care recovery package is needed to address the widespread impacts on children's development. These include significant impacts on mental health, and significant and widespread developmental delays, particularly in social and emotional and speech and language development, which require comprehensive support to remediate. Without a comprehensive recovery programme, key milestones will continue to be missed, with long-lasting consequences for the Covid Generation's childhood and adulthood and for society more widely.
34. The CROs will build on the recommendations which we urged the Inquiry to make in Module 2, including:
- a. Taking forward in full the UNCRC 'General Measures of Implementation', in particular through incorporating the UNCRC into domestic law across the UK, building on recent developments in Scotland.
 - b. CRIAs should be made a statutory requirement for all new policy and legislation, using the existing template developed by the Department for Education. There should be a statutory requirement to publish CRIAs at the time of their production. In addition, CRIAs should be incorporated as a requirement into pandemic planning processes, and children's rights should be given specific consideration in any of the new pandemic preparedness structures recommended by the Inquiry in its Module 1 report.
 - c. Government should adopt the UN Committee on the Rights of the Child's recommendation that UK Government establish structures, such as a ministerial lead at the national level, for implementation and monitoring of the UNCRC, and a Cabinet Minister for Children, as recommended *inter alia* in the final report of the Independent Inquiry into Child Sexual Abuse.
 - d. Government should implement a cross-government mechanism, and associated funding, to ensure the views of children are systematically considered in policy-making, including younger children and those from marginalised groups.
35. The CROs will make further submissions, amongst other areas, in respect of:
- a. How the particular vulnerabilities of children and young people in general, and the Covid Generation in particular, should be considered within the new Government's Opportunity Mission;
 - b. The work of the newly established Child Poverty Taskforce (which currently plans to publish a cross-governmental Child Poverty Strategy by Spring 2025), and how to achieve the aim of radically reducing child poverty at pace;

- c. The development of a children's mental health and wellbeing strategy, including mental health teams in schools, a National Play Strategy, and a mechanism to ensure that play is specifically considered within a ministerial portfolio.
36. In addition, the CROs will make submissions during Module 8 on the appropriate response to address the structural invisibility of children and young people in decision-making structures, including:
 - a. Bringing the socio-economic duty set out in section 1 Equality Act 2010 into force, as has already been done in Scotland and Wales;
 - b. Amending the Equality Act 2010 such that age becomes a 'protected characteristic' generally for under 18 year olds, ending the egregious position where service providers and others can discriminate lawfully against children on the basis of their age; and
 - c. The reinstatement of statutory child poverty reduction targets, through new primary legislation in a Child Poverty Act.
37. In respect of Issue 3 (impact on education and early years provision) the CROs hope to see a focus on school exclusions, SEND provision (and 'off-rolling'/lack of access to early education and childcare for children with SEND), and the significant and ongoing issue of absenteeism, with 100,000 'ghost children' who have failed to return to school (**INQ000273750_0004**). The Education Recovery Commissioner, Sir Kevan Collins, recommended an ambitious and generous recovery programme for education and wider childhood in May 2021, with a £15 billion funding commitment, £12 billion of which would be paid directly to schools and used to help disadvantaged pupils. Ministers announced just £1.4 billion in funding at the time of refusing to fund the proposed recovery programme, £400 million of which was earmarked for teacher development programmes. Government said at the time that £3 billion had been committed to catch up overall.
38. The CROs will submit that the education recovery measures so far implemented are manifestly insufficient, and assist the Inquiry to consider evidence in this area, which the CROs believe will demonstrate the need for recommendations in relation to an adequate recovery package which take into account the ongoing impact on children's development, and in particular the impact on already disadvantaged children (such as children experiencing poverty, children with SEND and children from marginalised racial groups).
39. In respect of Issue 4, there must be a focus on not only physical health and physical health inequalities (such as the high prevalence of obesity in children), but also mental health issues, particularly for children from low-income families and certain racial groups.

Professor Taylor-Robinson has given evidence that following the pandemic, there has been a *'step change'* in child mental ill-health, with *'almost a doubling in the prevalence of mental health problems and also a doubling of the social inequality... particularly for disadvantaged children.'*¹⁸ Obesity and mental health problems, which both significantly worsened during the pandemic, have been described as *'the modern epidemics of childhood'*, and as *'critical societal concerns'* in that they *'predict outcomes in later life'*.¹⁹ These long-term impacts require a mitigation strategy, to avoid further widening of inequalities.

40. Issue 4 should also include consideration of the importance of play for social development,²⁰ and on language development, particularly in younger children. The CROs' expertise suggests that the impact of the pandemic on children's health and development includes impact in terms of cognitive delays, increasing mental ill-health, and an increase in physical health issues such as obesity. In respect of each of these, the pandemic has exacerbated the pre-existing social-economic inequalities in aspects of health, education and care.
41. In respect of Issue 5, the CROs will draw on the contemporaneous guidance disseminated by the UN Committee of the Rights of the Child, as already outlined in Module 2. A number of the changes made in the pandemic to social care regulation ran contrary to this guidance. In particular in respect of child protection, children were inadequately protected from risks arising from the government's response to the pandemic, in particular the reduced contact of children with education, health and social care professionals and/or other adults outside their household. Government failed to adequately plan for, recognise, and/or mitigate these risks. Further, children in social care (including those in care under voluntary arrangements) and care experienced children underwent sudden and stark reductions in their contact with families and trusted professionals, which endured for months on end, with significant negative consequences for their mental health and wellbeing. Entitlements for children and young people with SEND were diluted as resources were diverted to meet gaps in pandemic preparation.
42. Just as there is a need for a comprehensive education recovery package, there is a need for a comprehensive, long-term and resourced plan for children's services and children's social care, including early intervention and therapeutic services. This should include the publication of a Children and Young People's Mental Health and Wellbeing Plan, which

¹⁸ 4/16/5-17.

¹⁹ 4/13/24-25; 4/14/1-13.

²⁰ Professor Taylor-Robinson's evidence has explored the critical nature of play, which is the *'key factor in children's early development'*: 4/24/1-19.

addresses waiting times for services and places emphasis on both prevention and early and community based intervention.

43. In respect of Issue 6, Module 8 should scrutinise the ‘brutal’²¹ conditions for children in prison during the pandemic; the treatment of children in police custody (for example, unnecessary arrests, the criminalisation of children for breaking lockdown rules, particularly those from Black and other racialised groups, and the use of PPE in police custody); and the impact on children and young people who were not taken into custody but had other contact with the police during the pandemic. Some aspects of the general impact on the justice system more broadly – such as delays to cases being heard – had a disproportionate impact on children, due to their different developmental stages. In particular, there was a disproportionate impact on children who turned 18 before their case was completed, and who were therefore dealt with in the adult justice system.
44. The Inquiry should examine the benefits to children and young people of moving towards a trauma-informed, education-led model for the small numbers of children who need to be deprived of their liberty through the youth justice system.²² There needs to be a national strategy and improvement plan to address racial disproportionality and repair the harms to children who were in prison during Covid-19, alongside a plan with clear timescales for closing children’s prisons.
45. The above submissions reflect key perspectives which are informed by the work already done by the CROs on the position of children and young people going into the pandemic, throughout the pandemic, and following the pandemic. They are not, and necessarily cannot at this early stage, be comprehensive. The CROs will carefully consider all of the expert evidence, listening exercise and research project findings, and other disclosure made throughout Module 8, and will make comprehensive submissions on each issue in Module 8 in due course.

Case Management Issues (Scope of Module 8, Rule 9 Requests, Expert Witnesses and Every Story Matters)

Scope of Module 8

46. The CROs welcome the detailed and specific consideration given to many aspects of children and young people’s lives across the provisional outline of scope, and has set out above some of the key issues which it considers arise under each identified issue.

²¹ <https://www.ayj.org.uk/news-content/crises-and-crossroads-policy-briefing-publication>

²² <https://article39.org.uk/wp-content/uploads/2024/08/Why-child-imprisonment-is-beyond-reform.-A-review-of-the-evidence-August-2024.pdf>

47. The CROs would welcome a more express consideration of how the full gamut of existing inequalities and structural discrimination in the UK going into the pandemic (including but not limited to health inequalities), which plainly affected children and young people just as they affected adults, were exacerbated by the pandemic and the response to the pandemic. The CROs would also welcome an express consideration of structural issues with government decision-making – as explored in Module 2 – specifically in relation to children and young people (just as pandemic preparedness, considered holistically in Module 1, will also be explored specifically through Module 8). This could include (a) whether children were involved or consulted in decision-making which affected them, (b) how advice about children was considered, (c) whose role it was to consider issues impacting children, (d) the information that was provided to children about the rules, and whether this was clear and understood, and (e) whether children should be instantly recognised as vulnerable in a pandemic.
48. In respect of Issue 6 (the criminal justice system), the CROs recommend that specific consideration is also given to children and young people who were not in the youth custody estate or had been charged with an offence, but who otherwise came into contact with the police, particularly Black children and those from other racialised groups and children living in deprived areas.

Expert Material and the Instruction of Expert Witnesses

49. The CROs welcome the important findings in the Module 1 report that the government's pandemic strategy paid insufficient attention to the economic and social consequences of pandemic response, failed to account sufficiently for the pre-existing health and societal inequalities and deprivation in society, and the findings as to the impact of the government's response to the pandemic and the longer-term structural issues highlighted in Module 1. The CROs propose that these issues expressly feature in the list of issues in respect of which expert evidence will be sought (paragraph 44 of the CTI note).
50. In particular, the CROs recommend that a discrete topic is added which considers the experiences of children living in families with a low income and the impact of the pandemic on them. Within this topic, expert consideration should be given to the particular experiences of children and young people in ethnic minority and racialised communities, as well as those growing up in poverty. The CROs would be willing and able to assist with identifying appropriate expert individuals and organisations who could make a worthwhile contribution under this heading.

51. The CROs recognise the significant value in Module 2 of the Inquiry disclosing the identities of expert witnesses and their instructions for comment and observations by Core Participants, and would be seeking a similar approach in Module 8. As the instruction of experts is critical to the outcomes of the module, the CROs invite the Inquiry to make this a key priority in the early stages of Module 8.

The Inquiry's Listening Exercise, Every Story Matters (ESM), Targeted ESM Research Project

52. The CROs welcome the specific targeted research project gathering evidence from children and young people about their experiences of the pandemic, as well as hearing from adults who worked with children and young people, and parents, carers and guardians. The CROs strongly submit that the Inquiry should hear evidence directly from children and young people, in an appropriate format; the CROs would be pleased to assist the Inquiry in working through how best children and young people could be supported to give direct evidence in this way.

53. The CROs would like to see more systematic and comprehensive information-sharing with all Module 8 Core Participants, at an early stage in the evidence-gathering process for Module 8, on this project's proposed methodology, including how Verian plan to identify and recruit research participants. It would also be helpful to have an opportunity to review and comment on the proposed methods of research analysis.

54. In relation to the proposed Key Lines of Enquiry ('KLOEs') at paragraph 47 of the CTI note, the CROs welcome the explicit identification of child poverty as a line of enquiry at KLOE 2(i). The CROs would however welcome further consideration of how the Inquiry's intention to examine the differential impact on groups from ethnic minority backgrounds and racialised communities will be advanced through all the KLOEs/the KLOEs as a whole. It may be helpful to ensure that in relation to each identified KLOE, Verian will consider any differential impact on different groups of children and young people, such as those living in poverty, or those living in Black or minority ethnic households. Furthermore, children living in different areas of the country had very different experiences of the pandemic, in particular due to the 'tiering' system of lockdown restrictions, and the differential impact on children in different geographical parts of the UK, will be important to consider.

55. In terms of further additions to the proposed list of KLOEs, the CROs believe that the significant impact on play caused by the pandemic and the response to the pandemic – identified as an important issue in Module 2 – should be specifically considered under at least KLOEs 1 and 2.

56. In addition to Verian's research project, some of the KLOEs would appropriately be investigated through rule 9 requests: it will be important to make use of research done contemporaneously during the pandemic with children, given that a significant amount of time has passed, memories will have faded and perceptions will have moved on (particularly for younger children, but this is true even for parents/carers).

57. The CROs would welcome the opportunity to further assist the Inquiry and/or Verian in considering inequalities and adopting a child's rights led approach when developing topic areas, developing questions for participants, and undertaking the subsequent research analysis.

Conclusion

58. The CROs welcome the breadth of Module 8, and the Inquiry's indications to date that it will be particularly cognisant of relevant pre-existing inequalities for children, and the ways in which these were exacerbated by the pandemic and pandemic response. The CROs look forward to deploying their broad expertise to assist the Inquiry in preparing effectively for Module 8, and in maintaining a focus on these important issues, as well as a focus on a children's rights approach to future crisis responses and broader Government decision-making, and exploring the need for financial investment for disadvantaged children and young people as part of the recovery process and preparations for any future pandemic.

Dated 22 August 2024

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JENNIFER TWITE
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