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the European Social Charter

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Article 7, 8, 16, 17 and 19

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THE EUROPEAN SOCIAL CHARTER

THE UNITED KINGDOM'S REPORT

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ARTICLE 7**Article 7, Paragraph 2**¹ The United Kingdom has not accepted and does not report on Article 7§§s 1, 4, 7 & 8² The United Kingdom has not accepted and does not report on Article 8§§s 2, 3 & 4

Right of children and young persons to protection: Higher minimum age in dangerous or unhealthy occupations

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake to provide that a higher minimum age of admission to employment shall be fixed with respect to prescribed occupations regarded as dangerous and unhealthy.

The United Kingdom has ratified ILO Convention No 138, Minimum Age for Employment, 1973 and ILO Convention No 182, Worst Forms of Child Labour, 1999. Copies of the UK's most recent Article 22 Reports to the ILO on the application of each of those Conventions are appended to this Report as separate files (**UK ESC 38th Report – Annexes**).

The UK strongly supports the ILO's work to fight child labour including the ILO's programme for worldwide ratification and implementation of both Conventions. The Government remains committed to helping developing countries eliminate child labour. Through the Department for International Development (DFID) it continues to support a wide-ranging programme for poverty elimination and development. DFID also supports programmes specifically targeted at tackling child labour and trafficking people. The Government will continue to support programmes in developing countries aimed at breaking the cycle of poverty, which is essential for the elimination of child labour.

a) Details on the general legal framework: please specify the nature of, reasons for and extent of any reforms

The position remains as previously described with the following updates.

Northern Ireland

Working Time Regulations (Northern Ireland) 2016 (S.R. 2016 No. 049) were introduced to consolidate and replace provisions of the Working Time Regulations (Northern Ireland) 1998 and the ten Statutory Rules which amended it from 1998 to 2009. The reason for consolidating the Regulations was to reduce the administrative burden to employers and to make the navigation of the provisions easier for users.

The Ionising Radiations Regulations (Northern Ireland) 2017 (S.R. 2017 No. 229).

Isle of Man

The position remains as previously described except that in November 2017 the Department of Education and Children was renamed as the Department of Education, Sport and Culture (DESC), but the Department retains its responsibility for children.

The Employment of Children Regulations 2005 are the legal framework for the reporting period³. *Regulation 2* of which provides that:

³ <http://www.tynwald.org.im/links/tls/SD/2005/2005-SD-0355.pdf>

- No child may be employed in any work if he is under the age of 13 years.
- No child under the age of 15 years may be employed in work other than light work.
- No child of school age may be employed in work which is, likely to be harmful to his health or development,

However in May 2018, which is outside the reporting period the *Employment of Children (No. 2) Regulations 2018* updated the 2005 Regulations to make them more accessible in terms of restrictions on employment (*Regulation 4*) and permitted employment (*Regulation 5*)⁴.

The applicable legislation relating to the protection of workers and those affected by work activities is the *Health and Safety at Work Act 1974*, as applied to the Isle of Man by order under the *Island's Health and Safety at Work etc. Act 1977*⁵.

Further protection is provided by the *Management of Health and Safety at Work Regulations 2003*⁶ made under the provisions of the above legislation (H&SAWA). These Regulations make provision for the safety of children and young persons at work and defines a child as 'a person who is not over school age (within the meaning of *section 23 of the Education Act 2001*). A young person is defined as any person (other than a child) who has not attained the age of 18.

These regulations exclude persons working in a family undertaking where the work is regarded as not being harmful, damaging or dangerous to the young persons.

Other relevant provisions in the *2003 Regulations* are as follows:

- *Reg 3*: Risk assessment; requires specific risk assessments for young persons and children at work;
- *Reg 9*: Information for employees; requires the employer of a child to provide information on the risks to that child's health and safety (as identified by the aforementioned risk assessment) to the parent (or carer) of the child;
- *Reg 15*: Risk assessments in respect of new or expectant mothers; requires the employer of a new or expectant mother to undertake a risk assessment in respect of new or expectant mothers;

⁴ <http://www.tynwald.org.im/business/opqp/sittings/Tynwald%2020162018/2018-SD-0066.pdf>

⁵ http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/1977/1977-0001/HealthandSafetyatWorkEtcAct1977_1.pdf;

<https://www.gov.im/media/622787/healthsafetyatworketcact1974.pdf>

⁶ <https://www.gov.im/media/622283/managementhsregs.pdf>

- *Reg 16*: Protection of children and young persons; requires every employer to 'ensure that children and young persons employed by him are protected at work from any risks to their health and safety which are a consequence of their lack of experience, or absence of awareness of existing or potential risks or the fact that young persons have not yet fully matured.'

b) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

and

c) Please provide figures, statistics or any other relevant information, if appropriate.

The position remains as previously described with the following updates:

United Kingdom

Under health and safety law, every employer must ensure, so far as reasonably practicable, the health and safety of all their employees, irrespective of age, nationality or sector/industry. As part of this, there are certain considerations that need to be made for young people.

The HSE website has a section dedicated to young people at work: <http://www.hse.gov.uk/youngpeople/index.htm>. This web guidance has been revised, simplified and streamlined to ease navigation and further enhance clarity. The revised guidance covers risks, the law and work experience. There are accompanying answers to Frequently Asked Questions (FAQs) and links to other relevant information and resources, including from the Department for Education.

There was considerable cross-government working to produce and raise awareness of the revised young people guidance, and HSE continues to work with business and education stakeholders to promote the guidance to all those involved in taking on young people for work or work experience.

Under the *Management of Health and Safety at Work Regulations 1999*, an employer has a responsibility to ensure that young people employed by them are not exposed to risk due to lack of experience, being unaware of existing or potential risks and/or lack of maturity. An employer must consider the layout of the workplace, the physical, biological and chemical agents they will be exposed to, how they will handle work equipment, how the work and processes are organised and the extent of health and safety training needed.

Isle of Man

The *2005 Regulations* require that registers are kept in certain areas, details required to be kept are specified within the regulation. An officer of DESC will inspect these registers frequently.

Details of the Regulations are placed online with updated guidance:
<https://www.gov.im/media/188191/guidance-2018-3.pdf>

Health and Safety Inspectors will also monitor work places during inspections and undertake reactive visits following complaints and requests for health and safety advice.

The Health and Safety at Work Inspectorate has worked in conjunction with DESC and the Employers Federation to explain the requirements of the above legislation where children and young persons engaged in work activities are concerned.

DESC carried out 383 visits in 2016 and 154 visits in 2017.

60 known employers employing young people, out of 444, contacted the Health and Safety Inspectorate over the last 3 years.

d) Responses to comments and queries from 2015 conclusions:

The Committee asks for more detailed information on how the HSE Inspectors monitor the possible illegal employment of young workers in dangerous or unhealthy occupations.

United Kingdom

HSE inspectors do not have specific responsibility for monitoring the possible illegal employment of young workers in dangerous or unhealthy occupations. The main object of inspection is to check compliance with health and safety legislation and to ensure that a good standard of protection is maintained. As noted in our previous report, if Inspectors find examples of dangerous health and safety practices then the protection of vulnerable groups such as children and young people is a factor that they consider when applying the Enforcement Management Model (EMM).

Northern Ireland

Under *The Agriculture (Safety of Children and Young Persons) Regulations (Northern Ireland) 2006*, every employer and self-employed person shall, so far as is reasonably practicable, prevent a child from gaining access to any hazardous part of premises used by him for agricultural activities except under the supervision of an adult. A “child” means a person who has not attained the age of 16 years.

In addition, a child is prohibited from driving, towing or operating agricultural machinery in the course of agricultural activities or driving or towing agricultural machinery to or from the site of such activities. Other prohibitions include children not riding on agricultural machinery, maintaining agricultural machinery etc. (NB Some restrictions also apply to young persons who have attained the age of 16 years but have not attained the age of 18 years). Where this type of activity is encountered, inspectors would prohibit it. HSENI work extensively with the agricultural industry and schools to educate children and young persons on the dangers of agricultural work and environments. This involves school talks, school competitions, and general awareness raising activities. HSENI is supported in this work by

partner organisations through the Farm Safety Partnership. In 2017 a farmer was prosecuted and fined for an accident involving a 14 year old casual employee.

Under the *Management of Health and Safety at Work Regulations (Northern Ireland) 2000*, young persons who have not attained the age of 18 years are protected at work from any risks to their health or safety which are a consequence of their lack of experience, of absence of awareness of existing or potential risks or the fact that young persons have not yet fully matured. Again where this type of activity is encountered inspectors would prohibit it.

Under *The Working Time Regulations (Northern Ireland) 2016* young persons who have not attained the age of 18 years are protected.

Isle of Man

Please see the response given under (b) 'Measures Taken'

The Committee wishes to know if sanctions are imposed against employers who do not comply with the prohibition to employ young persons in work which entails exposure to danger or with the restrictions imposed in such cases.

United Kingdom

As above, any sanctions would relate to any non-compliance with health and safety legislation.

Isle of Man

Sanctions can be imposed should these circumstances arise but no cases have been reported to the HSWI during the reporting period (1 January 2014 – 31 December 2017).

The report states that the courts assess the involvement of children and other vulnerable groups in dangerous or unhealthy work when dealing with health and safety cases. The Committee asks if the courts dealt with situations where children and young persons were involved in hazardous activities and what were the outcomes of such cases.

United Kingdom

As noted in our previous report, HSE records its interactions with dutyholders and others on its corporate IT system 'COIN'. In this context, 'interactions' can include: safety report/case assessments; site visits; meetings; interviews; telephone conversations; etc. An inspector may record information pertaining to vulnerable workers where this is relevant to their health and safety intervention. However, this information is not held in a structured form

that would enable HSE to report a count of these instances, and inspectors are not mandated to record specific details on vulnerable workers, e.g. age. HSE is therefore unable to provide detailed data on the number of such interactions. An example of where courts have dealt with situations where a young person was involved included operating machinery without a guard and the company was fined.

Isle of Man

The Isle of Man Government is not aware of any cases during this reporting period (1 January 2014 – 31 December 2017).

Article 7, Paragraph 3

Right of children and young persons to protection: Prohibition of employment of young persons subject to compulsory education

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Contracting Parties undertake to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education.

a) Details on the general legal framework: please specify the nature of, reasons for and extent of any reforms

The position remains as previously described with the following updates.

United Kingdom

Details in *Children and Young Persons Act (1933)* - <http://www.legislation.gov.uk/ukpga/Geo5/23-24/12>. No change during the reference period.

Isle of Man

As previously stated the position remains as previously described except that in November 2017 the Department of Education and Children was renamed in 2017 as the Department of Education Sport and Culture (DESC).

The Employment of Children Regulations 2005 form the legal framework for the reporting period.⁷ Regulation 2 of which provides that no child of school age may be employed in work which is such as to prejudice his attendance at school, his participation in work experience as part of his education or his capacity to benefit from the instruction received or experience gained, as the case may be.

The maximum hours of employment are specified in regulation 3 of the 2005 Regulation, with a maximum number of hours per week of 28 for those over 13 but under 15 years old, and no more than 35 hours if a child is aged 15 years or over.

For school days hours are restricted to be not before 7:00am and not after 9:00pm; there should be no more than 2 hours employed if a subsequent day is also a school day, or 4 hours if the subsequent day is not a school day.

For non-school days (Saturday, Sunday, holiday days) a maximum number of hours in a day should be 7 hours and a young person should only work between 7am and 10pm.

There should be a 2 week compulsory break from school and work.

Only 6 days out of 7 should be worked.

However in April 2018, which is outside the reporting period the *Employment of Children (No. 2) Regulations 2018* updated the *2005 Regulations* to make them more accessible in terms of restrictions on employment (*Regulation 4*) and permitted employment (*Regulation 5*).⁸

b) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

and

c) Please provide figures, statistics or any other relevant information, if appropriate.

The position remains as previously described with the following updates:

United Kingdom

Local authorities are responsible for local compliance with the law.

No relevant additional information is available.

Isle of Man

⁷ <http://www.tynwald.org.im/links/tls/SD/2005/2005-SD-0355.pdf>

⁸ <http://www.tynwald.org.im/business/opqp/sittings/Tynwald%2020162018/2018-SD-0066.pdf>

The *2005 Regulations* require that registers are kept in certain areas, details required to be kept are specified within the regulation. An officer of DESC will inspect these registers frequently.

DESC carried out 383 site visits in 2016 and 154 visits in 2017.

All known employers of children were contacted to inform them of changes implemented by the *Employment of Children (No. 2) Regulations 2018*.

d) Responses to comments and queries from 2015 conclusions:

In order to assess the situation, the Committee asks how many hours per day, for what duration and in what intervals children may perform light work such as delivering newspapers or working as shop assistants.

United Kingdom

Details in section 18 of the *Children and Young Persons Act (1933)* - <http://www.legislation.gov.uk/ukpga/Geo5/23-24/12/section/18>

Isle of Man

The *2005 Regulations* as detailed in section (a) apply to all forms of work which are not restricted under them.

The Committee wishes to know whether there have been cases where local authorities have forbidden the employment of a child under the school leaving age or have imposed restrictions on the child's employment.

United Kingdom

We do not collect data on this, though anecdotal evidence (letters from children/parents) suggest there have been cases.

Isle of Man

There have been no such cases on the Isle of Man

The Committee asks for confirmation that children have 2 consecutive weeks free from work during the summer holiday in the United Kingdom.

United Kingdom

They do. See *section 18(j) of Children and Young Persons Act (1933)* - <http://www.legislation.gov.uk/ukpga/Geo5/23-24/12/section/18>

Isle of Man

The Isle of Man can confirm that children are required to have 2 consecutive weeks free from either work or attendance at school.

The Committee asks for more detailed information on how the Labour Inspectorate monitors possible illegal employment of young workers subject to compulsory education.

United Kingdom

This matter is determined at local authority level. Authorities can inspect if they judge it to be necessary. If a local authority received information that there was illegal employment, it could inspect/act. The Department for Education policy team is not aware of any cases, but notes that local authorities are not obliged to pass on information to central government.

Isle of Man

The labour inspectorate employs local intelligence to ascertain those illegally employing young people. DESC officers undertake spot checks and visits have also been undertaken with the assistance of the police. When necessary other enforcement agencies have been involved, e.g. when investigating fishing on a trawler.

The Committee wishes to know what sanctions are imposed against the employers who do not comply with the restrictions provided by law in relation to employment of young persons subject to compulsory education.

United Kingdom

Details are in *section 21 of the Children and Young Persons Act (1933)* <http://www.legislation.gov.uk/ukpga/Geo5/23-24/12/section/21>

Isle of Man

If necessary court action would be taken against employers in breach of the restrictions. During the reporting period warnings have been sufficient.

Article 7, Paragraph 5**Right of children and young persons to protection: Fair pay****a) Details on the general legal framework: please specify the nature of, reasons for and extent of any reforms**

The position remains as previously described with the following updates.

England

There have not been any changes in this reporting period. The general legal framework for apprenticeships is the *Apprenticeships, Skills, Children and Learning Act 2009*.

Isle of Man

The legal framework is largely as previous described. *The Minimum Wage Act 2001*, *the Minimum Wage Regulations 2001*⁹, *the Minimum Wage (Young Workers) (No. 2) Regulations 2017*¹⁰ and *the Minimum Wage (Single Hourly Rate) (No. 2) Regulations 2017*¹¹ provide the current legislative framework in the Isle of Man.

b) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

and

c) Please provide figures, statistics or any other relevant information, if appropriate.

The position remains as previously described with the following updates.

Apprenticeships**England**

A new system of apprenticeships standards, initially called “trailblazer” apprenticeships was introduced from 2015 under the provisions of the Apprenticeships Skills Children and Learning Act 2009.

⁹ http://www.legislation.gov.uk/cms/images/LEGISLATION/PRINCIPAL/2001/2001-0025/MinimumWageAct2001_1.pdf

¹⁰ <https://www.gov.uk/media/1356009/minimumwage-youngworkers-no2-regulations2017.pdf>

¹¹ <https://www.gov.uk/media/1356008/minimumwage-singlehourlyrate-no2-regulations2017.pdf>

Standards are short and concise documents developed by employers describing the skills, knowledge and behaviours an apprentice needs to be competent in a defined occupation. The combination of employers identifying the key knowledge, skills and behaviours required, and the move away from on-programme assessment via qualifications, to more bespoke and holistic end-point assessment gives employers much greater assurance that, at the end of the apprenticeship, the employee is fully occupationally competent.

Guidance on terms and conditions of employment of apprenticeships can be viewed via the following links:

- www.gov.uk/apprenticeships-guide/pay-and-holidays
- www.gov.uk/national-minimum-wage/who-gets-the-minimum-wage

The Future of Apprenticeships in England

In October 2013, following a consultation, the Government published 'The Future of Apprenticeships in England: Implementation Plan'¹². The 'Implementation Plan' responds to the consultation and sets out policy, process and timescales for reforming apprenticeships in England.

Reforms of the apprenticeships system continue to be implemented following the publication of the Richard Review in 2012. Apprenticeships standards are gradually replacing the frameworks that preceded them and now account for 37% of starts overall. There have been 1.31 million apprenticeship starts since May 2015 and before then there were 2.4 million starts between May 2010 and April 2015 inclusive.

Quality reforms and the introduction of standards have made apprenticeships more responsive to the needs of employers by giving employer groups the role of designing apprenticeships. Standards are short and concise documents developed by employers describing the skills, knowledge and behaviours an apprentice needs to be competent in a defined occupation.

Every apprenticeship must be covered by an apprenticeship agreement signed by both the employer and the apprentice. It must include the training to be provided, the employment period, working conditions and any qualifications the apprentice is working towards. A Commitment Statement must also be signed by both parties that, amongst other information, describes how to resolve queries or complaints. The requirement to pay apprentices for their hours of training is a continuing obligation and is made explicit in the guidance provided to employers:

- "You must pay your apprentice for time spent training or studying for their apprenticeship, whether while at work or at a college or training organisation."

¹² www.gov.uk/government/uploads/system/uploads/attachment_data/file/253073/bis-13-1175-future-of-apprenticeships-in-england-implementation-plan.pdf

- <https://www.gov.uk/take-on-an-apprentice/pay-and-conditions-for-apprentices>

Northern Ireland

The Apprenticeships NI programme aims to provide participants with the opportunity to take part in a Level 2/Level 3 apprenticeship where the participant, in paid employment from day one, will work towards achieving an industry-approved Level 2/Level 3 apprenticeship framework.

Apprentices who are over Compulsory School Age and under 25 years old are entitled to receive the National Minimum Wage (NMW). In Northern Ireland unlike England you can leave school after 30 June if you turn 16 years old between 1 September and 1 July. If you turn 16 years old between 2 July and 31 August you cannot leave school until 30 June the following year.

Workers who are aged 25 and over are entitled to receive the National Living Wage (NLW).

The rates for both the NMW and the NLW are reviewed every April and are updated at the following link: <https://www.gov.uk/national-minimum-wage-rates>.

An Apprentice Rate of NMW or NLW applies to all apprentices who are either:

- Aged under 19; or
- Aged 19 or over and in the first year of their apprenticeship.

As part of the process of finalising a Delivery Agreement, it is the responsibility of Training Contractors to confirm with the employer that ALL apprentices are paid in line with these regulations.

The Higher Level Apprenticeship (HLA) programme launched in September 2017, providing participants with the opportunity to get an industry approved award from Level 4 (A-Level or equivalent) through to Level 8 (Doctorate). The programme formally launched in September 2017, after extensive piloting over a number of years, with more than 1100 participants starting a HLA.

Employers are obligated to pay the HLA apprentice the appropriate rate for the job, in line with National Minimum Wage and National Living Wage Regulations (not the apprenticeship rate) and provide permanent remunerative employment (a minimum of 21 contracted hours per week with one employer, which includes day release/off-the-job training/directed training which must be paid as part of the apprentice's contracted hours while understanding that day release/off-the-job training/directed training days may vary within different academic years) for the apprentice, from day one, for the duration of the HLA.

Isle of Man

Following a reorganisation of the Isle of Man Government in 2017 the functions of the former Department of Economic Development which relate to apprenticeships and training

have been taken over by the newly created Department of Education, Sport and Culture (DESC) (formerly the Department of Education and Children).

The DESC continues to support a number of vocational programmes aimed at supporting young people including:

- The Vocational Training Assistance Scheme (VTAS), which provides financial assistance to both businesses and individuals wishing to undertake vocational training; and
- The Skills Development Scheme (SDS), which offers financial support to those in apprenticeships. The rates of financial support for the SDS are calculated using the recommended hourly rates of pay as issued by the Isle of Man Employers Federation or Joint Industry Board, with 8 hours being allowed for each off the job training day. The rates are reviewed annually, in line with national agreements and will be fixed for each year commencing on the 1st September.

The hourly rates as defined by the Minimum Wage (Young Workers) (no.2) Regulations 2017¹³ are as follows:

<i>Description of worker</i>	<i>Rate</i>
Over compulsory school age but under 18	£5.70
Aged 18 or over	£6.85
Aged 21 or over (except development workers)	£7.20
Aged 25 or over (except development workers)	£7.50
Development worker	£6.85

¹³ <https://www.gov.im/media/1356009/minimumwage-youngworkers-no2-regulations2017.pdf>

A 'development worker' is a worker who:

- is 21 or over;
- is within the first 6 months after the commencement of his or her employment with the employer; and
- has not previously been employed by that employer or an associated employer; and
- has entered into an agreement with the employer requiring the worker to take part in accredited training on at least 26 days. ("Accredited training" means training by means of a course approved by the Department for Enterprise or training provided by the worker's employer which meets certain requirements).

The *Minimum Wage (Young Workers) (No.2) Regulations 2017* revoke and replace the *Minimum Wage (Young Workers) Regulations 2015*¹⁴, which in turn replaced the *Minimum Wage (Young Workers) Regulations 2014*¹⁵.

Although an annual Earnings Survey is undertaken (a sample of employees is drawn at random from income tax records and a questionnaire is sent to the last known employer of each of the selected employees) this survey does not include employees on junior or trainee rates of pay. The numbers of persons in the age range from 16 to 18 years who are on adult rates of pay is considered to be too small to be used for statistical purposes.

The 2016 Census found that the numbers of economically active persons aged 16 -19 in employment was 1,396 (1005 male and 888 female). Included within these numbers, 160 such persons were unemployed.

d) Responses to comments and queries from 2015 conclusions:

The Committee asks for information on the terms of apprenticeships and requests confirmation that the allowance is gradually increased during the apprenticeship period.

England

Apprenticeships are paid jobs with training. Apprentices are employed and paid wages.

DfE has asked the Low Pay Commission to consider the Apprenticeship Minimum Wage in the context of our ambitions for a world-class apprenticeship programme. Considerations should be wide-ranging, including the impact of the levy on employers; whether a lower

¹⁴ <http://www.tynwald.org.im/business/opqp/sittings/Tynwald%2020142016/2015-SD-0342.pdf>

¹⁵ <http://www.tynwald.org.im/links/tls/SD/2014/2014-SD-0232.pdf>

level than the national minimum wage rate can act as deterrent for people from pursuing these opportunities; and the extent to which a higher rate may deter some employers from investing in the potential of people of particular ages or circumstances.

The Government issues an annual remit to the Low Pay Commission asking them to recommend the level of National Living Wage, National Minimum Wage, and Apprentice National Minimum Wage.

The Apprentice National Minimum Wage rate is currently £3.70 per hour. For those under 18 in the second year of their apprenticeship, the minimum rate is £4.20. For 18 year olds in the second year of their apprenticeship, the minimum rate is £5.90. All those apprentices aged 19 and 20 are also entitled to a minimum rate of £5.90. All apprentices aged 21 and over are entitled to minimum rate of £7.38. Allowances therefore increase during an apprenticeship which spans the pay bands above and as a result of recommendations by the Low Pay Commission to increase the Apprentice National Minimum Wage.

Most employers pay also more than the minimum. The Apprenticeship Pay Survey 2016 estimates the average gross hourly pay received by apprentices in England was £6.70 an hour for level 2 and 3 apprentices and £9.83 for higher level apprenticeships. More information is at: <https://www.gov.uk/government/publications/apprenticeship-pay-survey-2016>

Isle of Man

Employers set the terms and conditions of employment. The Department has a training agreement with the employer in line with the *Control of Employment Act 2014*^[1].

Apprentices training under a formal Department of Education Sport and Culture apprenticeship agreement, and who are between the ages of 16 to 19 are currently exempt from minimum wage legislation. The employer may therefore pay them an agreed 'Training Wage' which will reflect their contribution to the company and take into account the company's investment in time dedicated to their training, guidance and mentoring.

Apprentices between the ages of 19 and 24 are exempt (as above) from Minimum Wage Legislation for the first 12 months of their apprenticeship –however after this period they will be entitled to the relevant minimum wage. An apprentice who is 25 years of age or over will be entitled to receive the minimum wage. Employers are able to, and do pay more than the minimum wage.

In determining the level of pay for an apprentice the employers may take this into account and use the subsidy to increase the level of pay but that is up to them. The allowance from the Department to the employer gradually increases for those involved in construction trades, e.g. carpentry, joinery, plumbing, brickwork, electricians. These type of apprentices work on a sliding scale which goes up over the 3 or 4 year period as the apprentice becomes

[1] https://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2014/2014-0011/ControlofEmploymentAct2014_8.pdf

more 'useful' to the employer. However, for other forms of apprenticeships the allowance is gradually reduced (£40, 1st year; £30, 2nd year; and then £20 for the 3rd and 4th year).

It requests information on the allowances paid to apprentices at the end of their apprenticeship.

England

The lifetime benefits associated with doing an apprenticeship at Level 2 and 3 are significant, standing at between £48,000 and £74,000 for Level 2 and between £77,000 and £117,000 for Level 3 Apprenticeships. Higher apprentices could earn £150,000 more on average over their lifetime compared to those with Level 3 vocational qualifications.

Northern Ireland

There are no allowances payable to Apprentices on completion of their ApprenticeshipsNI programme although the employer receives an incentive payment if the apprentice achieves the full framework.

Isle of Man

Allowances are paid during the course of the apprenticeships and therefore no allowance is paid at the end of their apprenticeships.

The Committee asks to be informed of any reforms in the legal framework and practice of apprenticeships intervened as a result of Government's initiatives.

England

From May 2017, the funding arrangements for apprenticeships changed as a result of the apprenticeships levy being introduced. Following legislation in the Finance Bill 2016, the apprenticeship levy came into force on 6 April 2017 requiring all employers with an annual pay bill of £3m or more to pay 0.5 per cent of their paybill to invest in apprenticeship training. The apprenticeship levy is an important part of the changes to raise the quality of apprenticeships, creating long-term, sustainable investment in training.

Scotland

The Scottish Government is committed to promoting fair work throughout Scotland, and fully supports payment of the real Living Wage and the benefits to our economy of treating people who work more fairly.

The Scottish Government is an Accredited Living Wage Employer, and all of the apprentices it employs receive at least the Living Wage rate.

The apprentice rate of pay is a reserved matter and the apprenticeship wage rate is set by the Low Pay Commission (a UK body).

Skills Development Scotland Modern Apprenticeship programme rules¹⁶ provide guidance on when an apprenticeship rate of pay can be paid:

- *“Participants following a Modern Apprenticeship framework must be subject to the same policies and procedures as other employees of the organisation with which they are employed and the Provider must use all reasonable endeavours to ensure that each Participant is informed by his or her employer of their rights as an employee, including those relating to the national minimum wage.”*

Scottish Government and Skills Development Scotland officials are working to review the online information provided, as well as the Modern Apprenticeship rules, to identify ways to further strengthen the guidance made available to providers and employers regarding their legislative requirements.

Isle of Man

The Minimum Wage for young workers is set by the Isle of Man Government through the *Minimum Wage (Young Workers) Regulations. The Minimum Wage (Young Workers) (No.2) Regulations 2017* are the most recent version of these Regulations during the reporting period. However, outside of the reporting period the *Minimum Wage (Young Workers) Regulations 2018* were approved in July 2018 and will come into operation on 1 October 2018¹⁷.

Article 7, Paragraph 6

Right of children and young persons to protection: Inclusion of time spent on vocational training in normal working time.

a) Details on the general legal framework: please specify the nature of, reasons for and extent of any reforms

The position remains as previously described with the following updates.

England

A young person aged under 18 is entitled in law to request reasonable "Time off for Study or Training" with pay. This applies to

- employees aged 16 or 17;
- who are not in full time secondary or further education; and

¹⁶ <https://www.skillsdevelopmentscotland.co.uk/media/44145/ntp-ma-spec-2018-19-1-april-2018.pdf>

¹⁷ <http://www.tynwald.org.im/links/tls/SD/2018/2018-SD-0176.pdf> and <http://www.tynwald.org.im/links/tls/SD/2018/2018-SD-0175.pdf>

- who have not achieved a qualification at NVQ level 2.
- 18 year olds are entitled to complete study or training they have already begun.

For those not covered by the above the general rules on time off for study apply – see guidance via link: www.gov.uk/training-study-work-your-rights

Northern Ireland

Presently under Articles 91A and 91B of the *Employment Rights (Northern Ireland) Order 1996* 16 or 17 year olds in employment who are not already qualified to Level 2 and are not in full-time secondary or further education have a right to paid time off to study for Level 2 qualifications. Level 2 qualifications include GCSEs (A*-C) and Level 2 vocational qualifications such as NVQs and BTECs – and should be one that is likely to improve the young person’s future employment prospects. This extends to age 18, if the study was begun before that age. If an employee is refused time off or payment they have recourse to the normal avenues of employment dispute resolution. There have been no legal reforms in this area.

Isle of Man

The position remains as previously described.

b) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

and

c) Figures, statistics or any other relevant information, if appropriate.

Scotland

Skills Development Scotland Modern Apprenticeship programme rules¹⁸ provide guidance on when an apprenticeship rate of pay can be paid:

- *“Participants following a Modern Apprenticeship framework must be subject to the same policies and procedures as other employees of the organisation with which they are employed and the Provider must use all reasonable endeavours to ensure that each Participant is informed by his or her employer of their rights as an employee, including those relating to the national minimum wage.”*

d) Responses to comments and queries from 2015 conclusions:

¹⁸ <https://www.skillsdevelopmentscotland.co.uk/media/44145/ntp-ma-spec-2018-19-1-april-2018.pdf>

Not applicable

Article 7, Paragraph 9

Right of children and young persons to protection: Regular medical examination

a) **Details on the general legal framework: please specify the nature of, reasons for and extent of any reforms.**

and

b) **Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

and

c) **Figures, statistics or any other relevant information, if appropriate.**

The position remains as previously described with the following updates.

United Kingdom

The Health and Safety Executive completes health surveillance in line with the legal framework for industries where there is high hazard.

- During 2016/17 (the latest statistics available), 5,620 people were under medical surveillance because of work with lead; of these, two were under the age of 18 years.
- During 2015/16, 6,451 people were under medical surveillance because of work with lead; of these, four were under the age of 18 years.
- During 2014/15, 6,374 people were under medical surveillance because of work with lead; of these, six were under the age of 18 years.

Northern Ireland

See response to 7.2 above.

Isle of Man

Legal framework:

- As detailed under Article 7§2, the applicable legislation relating to the protection of workers and those affected by work activities is the *Health and Safety at Work Act 1974*, as applied to the Isle of Man by order under the *Health and Safety at*

*Work etc. Act 1977*¹⁹. Further protection is provided by the *Management of Health and Safety at Work Regulations 2003*²⁰ made under the provisions of the above legislation (H&SAWA).

Measures taken:

- Regulation 5 of the *2003 Regulations (health surveillance)* states that ‘every employer shall ensure that his employees are provided with such health surveillance as is appropriate having regard the risks to their health and safety whHealth and Safety Inspectors will also monitor work places during inspections and undertake reactive visits following complaints and requests for health and safety advice.
- The Health and Safety at Work Inspectorate has worked in conjunction with the Department for Education Sport and Culture and the Employers Federation to explain the requirements of the above legislation where children and young persons engaged in work activities are concerned *ich are identified by the assessment*’.

Figures and statistics:

- None available

d) Responses to comments and queries from 2015 conclusions:

The Committee wishes to receive more information on the conditions and medical surveillance applied to other occupational health risks (work involving risks other than work with lead) and some statistics in this regard.

United Kingdom

See section (c) above.

The table below provides the most recent data available for asbestos removal workers having medical surveillance under control of asbestos regulations and who also agree to participate in the HSE epidemiological survey of asbestos workers. The estimates are for overlapping two-year periods because of the way the data are collected. In most cases workers will have their medicals approximately every two years while they continue to work with asbestos. Thus combining the number of workers who have medicals over two-year periods gives an estimate of the total number of workers under surveillance in those two-year periods. The population of asbestos workers is relatively stable and the figures suggest that any changes in the age distribution will tend to be gradual so that a similar distribution

¹⁹ http://www.legislation.gov.uk/cms/images/LEGISLATION/PRINCIPAL/1977/1977-0001/HealthandSafetyatWorkEtcAct1977_1.pdf and

<https://www.gov.uk/media/622787/healthsafetyatworketcact1974.pdf>

²⁰ <https://www.gov.uk/media/622283/managementhsregs.pdf>

is also likely to apply in for more recent years (for which data have not yet been computerised).

Estimated number of asbestos removal workers participating in the HSE asbestos survey in 3 overlapping 2-year time periods

Age	2011 and 2012		2012 and 2013		2013 and 2014	
< 18	13	(0.1%)	17	(0.2%)	17	(0.2%)
18-25	1262	(12.6%)	1126	(12.4%)	1046	(12.6%)
>25	8740	(87.3%)	7972	(87.5%)	7264	(87.2%)
Total	10015	(100.0%)	9115	(100.0%)	8327	(100.0%)

Isle of Man

There are no statistics available in this regard.

Article 7, Paragraph 10 Right of children and young persons to protection: Special protection against physical and moral dangers

a) Details on the general legal framework: please specify the nature of, reasons for and extent of any reforms

and

b) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

and

c) Figures, statistics or any other relevant information, if appropriate.

The position remains as previously described with the following updates:

United Kingdom

Injuries to employees in Great Britain by specific age groups 2014/15-2016/17p

Source: *Reporting of Injuries, Diseases and Dangerous Occurrences Regulations (RIDDOR)*

Year	Age group	Number of reported injuries to employees				Rate of reported injury per 100,000 employees			
		Total reported injuries	Of which...			Total reported injuries	Of which...		
			Fatal	Specified	Over-7-day		Fatal	Specified	Over-7-day
2016/17p	Under 16	18		7	11	*		*	*
	16-19	1,520	2	398	1,120	149	0.20	39	110
2015/16r	Under 16	12		3	9	*		*	*
	16-19	1,572	2	440	1,130	150	0.19	42	108
2014/15	Under 16	14		2	12	*		*	*
	16-19	1,592	5	479	1,108	160	0.50	48	111

p=provisional

r=revised

* Employment numbers are too small to provide reliable rate estimates.

Rates of fatal injury are expressed to two decimal places: all other rates of injury are presented to the nearest whole number.

Estimated prevalence and rates of self-reported musculoskeletal disorders caused or made worse by work, by age and gender, for people working in the last 12 months *Great Britain*

Source: *Labour Force Survey (LFS)*

Age group	Year (three-year average)	Averaged estimated prevalence (thousands)			Averaged rate per 100,000 employed in last 12 months		
		central	95% C.I.		central	95% C.I.	
			lower	upper		lower	upper
16-34	2007/08-2009/10	106	96	116	980	890	1,080
16-34	2010/11, 2011/12, 2013/14	95	84	106	880	780	990
16-34	2014/15-2016/17	107	94	119	930	820	1,040

Northern Ireland

In Northern Ireland, the law on paying for sexual services changed from 1 June 2015. Under section 15 of the *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015*, it became an offence to obtain sexual services in exchange for payment, either by paying, or promising to pay, any person directly, or through a third party. Whilst it remains an offence to keep or manage a brothel, the *2015 Act* repealed the offence of selling sexual services and also removed criminality from loitering or soliciting for the purposes of offering services as a prostitute in a street or public place.

Section 22 of the 2015 Act also created a statutory defence for victims of human trafficking and slavery-like offences who have been compelled to commit certain offences. Subsections

(6) and (7) made separate provision for victims who are children with the effect that a victim who was a child at the time when the offence took place would be able to use the defence where the offence was committed as a direct consequence of being a victim of a slavery-like offence or of “relevant exploitation” (as defined by subsections (1) to (5) of section 3 of the Act). This would mean that a child would not need to show that a “reasonable person” in the same situation would have had no realistic alternative to doing the same criminal act. This is consistent with the special position of children within the criminal justice system, in line with the UN Convention on the Rights of the Child.

Section 23 of the 2015 Act also made provision aimed at ensuring greater protections for victims of slavery-like offences and human trafficking during police interviews in the course of criminal investigations. Subsection (1)(a) placed a duty on the Chief Constable to ensure that, during the investigation of a human trafficking or slavery-like offence, the complainant receives specific treatment aimed at preventing secondary victimisation by avoiding, so far as possible:

- unnecessary repetition of interviews;
- visual contact between the complainant and the accused, using appropriate means including communication technology;
- unnecessary questioning concerning the complainant’s private life.

Subsection (1)(b) made separate provision in respect of the additional duties where the complainant is a child. These include a duty on the Chief Constable to ensure that:

- interviews with the complainant take place without unjustified delay;
- interviews take place, where necessary, in premises designed or adapted for the purpose;
- interviews with the complainant are carried out by or through persons trained for the purpose;
- if possible and where appropriate, the same persons conduct all the interviews with the complainant;
- the number of interviews with the complainant is as limited as possible and interviews are carried out only where strictly necessary for the purposes of the investigation;
- the complainant may be accompanied by an adult of the complainant’s choice (unless the police officer in charge takes a reasoned decision to the contrary).

Child sexual exploitation

The Marshall Inquiry into Child Sexual Exploitation in Northern Ireland was published in November 2014. The Inquiry found evidence of child exploitation occurring in Northern

Ireland, and in different forms, but did not find evidence pointing to the kind of organised exploitation as has occurred in Rotherham or Rochdale. The Inquiry made 17 key recommendations and 60 supporting recommendations, aimed at preventing, identifying, disrupting and tackling child sexual exploitation in Northern Ireland.

In response to the Inquiry's report and recommendations, a cross-departmental action plan has been put in place to ensure a coordinated response to child sexual exploitation across all relevant government departments and their agencies. Since the publication of the Inquiry's findings, a number of measures have been put in place to address child sexual exploitation in Northern Ireland, including training for professionals working across the health, social care, education and justice sectors; improved arrangements for joint working between police and social workers; and continuing engagement with children, young people, parents and carers to raise awareness of child sexual exploitation. The overarching child safeguarding policy document—Co-operating to Safeguard Children and Young People in Northern Ireland—has also been updated to include a revised and agreed definition of child sexual exploitation, which forms the basis of multi-agency training and awareness raising programmes.

Child Victims of Trafficking

The Committee notes that, in its report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, the Group of Experts against Trafficking in Human Beings (GRETA) urges authorities in Britain to take further steps to improve the identification of child victims of trafficking, and in particular to:

Enhance the involvement of local authorities in the decision making process in order to ensure that the special needs and circumstances of children are taken into account during identification;

Train all professionals working with child victims of trafficking to recognise and respond appropriately to their needs; and

Ensure that all unaccompanied minors who are potential victims of trafficking are assigned a legal guardian.

In Northern Ireland, child victims and potential child victims of human trafficking are responded to in accordance with the provisions of the Children (Northern Ireland) Order 1995. Each Health and Social Care Trust has a general duty under the Order to safeguard and promote the welfare of children within its area who are in need, and a specific duty to investigate the circumstances of any child if the Trust has reasonable cause to suspect that the child is suffering, or is likely to suffer, significant harm and to take action to safeguard or promote the child's welfare.

Northern Ireland uses a bespoke residential facility to accommodate and support child victims and suspected child victims of human trafficking, and victims/ suspected victims are assigned a social worker. An Independent Guardian will also be appointed to support, advice and represent a child victim/ potential victim of human trafficking.

A Regional Practice Network for Separated and Unaccompanied Children has been established to build and strengthen knowledge among practitioners across lead agencies, and training has been provided to member organisations of this network to help recognise and respond appropriately to the individual needs and best interests of child victims and potential child victims of trafficking. In addition, the Health and Social Care Board and the Police Service of Northern Ireland—working in conjunction with the Departments of Health and Justice—have developed and jointly issued revised guidance to assist members to respond to child victims and potential child victims of trafficking.

Scotland

Sexual exploitation

In Scotland, offences in sections 9-12 of the *Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005*²¹ criminalise the sexual exploitation of children through prostitution, pornography or other forms of commercial sexual exploitation (e.g. ‘phone sex lines’). These offences apply where the child is under the age of 18.

Human trafficking – Legislation and Strategy

*The Human Trafficking and Exploitation (Scotland) Act 2015*²² (“the Act”) was passed unanimously by the Scottish Parliament on 1 October 2015. This followed extensive work between the Scottish Government, partners and stakeholders, including the Scottish Parliament’s Cross Party Group on Human Trafficking.

The Act requires the Scottish Government to prepare and publish a *Trafficking and Exploitation Strategy* (“the Strategy”) and to review, and if necessary revise, the Strategy within three years of publication.

The Strategy was published on 30 May 2017,²³ setting out three key action areas:

- Identify victims and support them to safety and recovery;
 - Identify perpetrators and disrupt their activity; and
 - Address the conditions, both local and global, that foster trafficking and exploitation.
- The Strategy also identified a fourth key area of work around child victims of trafficking and exploitation.

On 14 June 2018 the first annual progress report on implementation of the Strategy was published,²⁴ setting out achievements reporting on the specific measures in section 5 of the Strategy.

²¹ <http://www.legislation.gov.uk/asp/2005/9/contents>

²² <http://www.parliament.scot/parliamentarybusiness/Bills/84356.aspx>

²³ <http://www.gov.scot/Publications/2017/05/6059/0>

Human trafficking – Disrupting perpetrators

The Act sets out two new offences:

- Human trafficking is defined in section 1 of the Act as the recruitment, transportation or transfer, harbouring or receiving or exchange or transfer of control of another person for the purposes of exploiting them. The arrangement and facilitation of these actions also constitutes an offence. This offence does not always require coercive means such as threats or intimidation to be present and it is irrelevant whether the victim ‘consented’ to any part of the action. It also does not require the victim to have been moved.
- Slavery, servitude and forced or compulsory labour is defined in section 4 of the Act. A person commits this offence when they hold another person in slavery or servitude. A person also commits this offence when they know or ought to know that they are requiring another person to perform forced or compulsory labour.

The Act also introduces new court orders to disrupt activity related to trafficking and exploitation:

A Trafficking and Exploitation Prevention Order (TEPO) restricts and disrupts the activities of convicted traffickers, and is available either when the court disposes of a case or on application of the chief constable. The court can impose a TEPO when disposing of a case, either on its own motion or following an application by the prosecutor.

A Trafficking and Exploitation Risk Order (TERO) has similar effect, and is applied for by the chief constable where someone poses a risk in relation to trafficking and exploitation. It does not require a conviction for a trafficking offence in order to be granted.

Human trafficking – Support for victims

The 2015 Act provides a range of improved protections for victims, including a statutory duty on Scottish Ministers to provide support and assistance to victims. It also requires the Lord Advocate to issue instructions regarding the **presumption against prosecution** of persons who are the victims of trafficking, slavery, servitude or forced or compulsory labour and who have committed offences as a consequence thereof.

The Act provides for a statutory period of support for victims going through the National Referral Mechanism (NRM), and this is in line with international obligations under Article 10 of the Council of Europe Convention on Action against Trafficking in Human Beings.

This **statutory period of support** for adult victims came into force on 1 April 2018, with the period set at 90 days – a doubling of the existing minimum period. At the same time, support for victims of the offence under section 4 of the Act (slavery, servitude and forced or compulsory labour) was also placed on a statutory footing. These changes were agreed

²⁴ <http://www.gov.scot/Publications/2018/06/7045/0>

unanimously in Parliament and were welcomed by victim support organisations and by the Independent Anti-Slavery Commissioner.

The Scottish Government continues to provide **funding** to TARA and Migrant Help to support adult trafficking victims across Scotland. TARA specifically supports female victims of trafficking for commercial sexual exploitation, reflecting the particular impacts on this group of survivors and upholding the gender equality obligations under Article 17 of the Council of Europe Convention. Migrant Help supports all other adult trafficking victims. Funding has been significantly increased for the financial year 2018-19: a 39% increase for TARA to £439,921 for the year, and a 27% increase for Migrant Help to £590,159 for the year. This increase reflects the growing number of referrals through the NRM, and also the increases in the minimum period of support and the provision for victims of slavery, servitude and forced or compulsory labour. The Scottish Government has also committed to a three-year funding agreement with both bodies to provide stability and assurance.

Child victims of trafficking

Section 4 of the Strategy brings together the specific elements of the three action areas which relate to children who are, or may be, victims of human trafficking and exploitation. For the purposes of the 2015 Act, a child is defined as a person under 18 years of age.

A child victim of human trafficking or exploitation is a victim of child abuse. Potential victims of trafficking in Scotland under the age of 18 will automatically be entered into the NRM process – consent is not required – and support will be provided by local authorities through child protection processes.

Since 2010, Scotland has had **specialist independent advocates for unaccompanied children**, almost all of whom have sought international protection, and around 40% have been recognised as having survived trafficking or exploitation. The **Scottish Guardianship Service (SGS)**²⁵ comprises child-centred professionals with a distinctive skillset and knowledge base at the intersection of asylum, trafficking and social welfare, which enables guardians to complement but be independent of the lead local authority social worker to help this very vulnerable group of children and young people.

The service helps them to access the assistance they need, when they need it, and to make informed decisions about their future. On referral, the young person is appointed a guardian, who provides a point of contact and continuity of support as they progress through the asylum and immigration system. The Scottish Guardianship Service is funded by the Scottish Government and managed and delivered by the Scottish Refugee Council and Aberlour Child Care Trust.

In 2017, 63 children in Scotland were considered by the NRM process as having been trafficked. This was an increase from 47 in 2016. Vietnam continues to be the country where

²⁵

http://www.scottishrefugeecouncil.org.uk/how_we_can_help/advice_services/the_scottish_guardianship_service

the highest number of victims (38) originate. More child victims were male (39) than female (24) with 28 males having been subject to labour exploitation. More females (8) continue to be subject to sexual exploitation than males (2). There are also 12 children for whom the type of exploitation they were subject to is unknown.

Section 11 of the 2015 Act, when implemented, makes provision for an **independent child trafficking guardian** to be appointed to assist, support and represent a child where there are reasonable grounds to believe that a child is, or may be, a victim of human trafficking or is vulnerable to becoming a victim of human trafficking, and no person in the UK has parental rights or responsibilities in relation to the child. A consultation will be undertaken to clarify the detailed roles and responsibilities and consider how it will work alongside existing statutory provision. In the meantime, the SGS will continue to provide additional support to unaccompanied children, including those who may be victims of trafficking, as described above.

The Scottish Government has revised the **indicators of concern** for child protection registration to separate out exploitation, including trafficking. The most recent child protection figures for 2016-17 show a rise in the number of child sexual exploitation concerns (from 12 to 52), although the number of child trafficking concerns remain much lower and so is not reported individually.

Section 12 of the 2015 Act was implemented in January 2018. This requires that, where the age of a victim of human trafficking is uncertain but there are reasonable grounds to believe they are under 18 years of age, the relevant authorities must presume the victim is a child for the purpose of receiving immediate age-appropriate support and services until their age is formally established. Following extensive development and consultation, the Scottish Government in March 2018 published **revised age assessment guidance**²⁶ to reflect the new requirements. The revised guidance also includes a specific appendix to support taking a trauma-informed approach to age assessment.

Child Protection Committees (CPCs) play a crucial role in coordinating and improving child protection provision across Scotland, and have been closely involved in implementing the Strategy. During 2017, CPCs across Scotland undertook a self-assessment exercise supported by the Centre for Excellence for Looked After Children in Scotland in relation to the relevant actions for CPCs within the Strategy. This work is being used to support CPCs as they continue to implement the Strategy.

The Crown Office and Procurator Fiscal Service applies the **Lord Advocate's Guidelines**²⁷ regarding the presumption against prosecution of persons who are the victims of trafficking, slavery, servitude or forced or compulsory labour and who have committed offences as a

²⁶ <https://beta.gov.scot/publications/age-assessment-practice-guidance-scotland-good-practice-guidance-support-social/>

²⁷

http://www.copfs.gov.uk/images/Documents/Victims_and_Witnesses/HumanTrafficking/Lord%20Advocates%20Instructions%20for%20Prosecutors%20when%20considering%20Prosecution%20of%20Victims%20of%20Human%20Trafficking%20and%20Exploitation.pdf

consequence thereof. The Lord Advocate's Guidelines contain a specific, less onerous presumption against the prosecution of children who come within this category.

The Scottish Government is working to support the UK Government's reform of the NRM, which covers the whole of the UK. Part of the reform involves making the process more child-centred.

The Scottish Government continues to take forward the **Child Protection Improvement Programme (CPIP)**.²⁸ The Programme's core objective is to identify where recommendations for sustainable improvement could be made, building upon improvements in child protection that had already taken place in Scotland. CPIP sets out 35 Actions covering eight areas, including child trafficking and child sexual exploitation.

Child Sexual Exploitation

The Scottish Government's *National Action Plan to Tackle Child Sexual Exploitation* was published in 2014 and updated in March 2016,²⁹ with time bound actions scoped over three years. The second annual report showing progress against the actions in the **National Action Plan to Prevent and Tackle Child Sexual Exploitation** was published in April 2018.³⁰ Progress includes activity at a national and local level to raise awareness of child sexual exploitation, encourage reporting and share best practice.

'Looked after children'

Under the Children (Scotland) Act 1995, 'looked after children' are defined as those in the care of their local authority – sometimes referred to as a 'corporate parent'. The Scottish Government aims to ensure that all looked after children receive the support they need, whether they are in residential care, looked after by kinship carers, looked after by foster carers, looked after at home, adopted from either Scotland or abroad, or leaving care.

Scotland's looked after children policy is part of *Getting It Right For Every Child (GIRFEC)*³¹ – the national approach to improving outcomes and supporting the wellbeing of children and young people.

The Scottish Government is working to improve the experiences and outcomes of all looked after children by:

- commissioning an independent care review to ensure the care system is meeting the needs of Scotland's looked after children and young people;

²⁸ <https://beta.gov.scot/publications/child-protection-improvement-programme-report/documents/00514761.pdf?inline=true>

²⁹ https://www.gov.scot/Resource/0049/00497283.pdf?_ga=2.89638043.1640130649.1533031913-12656050.1481816801

³⁰ <http://www.gov.scot/Publications/2018/04/6944>

³¹ <http://www.gov.scot/Topics/People/Young-People/gettingitright>

- delivering Permanence and Care Excellence (PACE), a system improvement programme which identifies and addresses drift and delay in permanence processes; and
- funding the Centre for Excellence for Looked After Children In Scotland to support and help improve practice within the looked after children workforce.

On 15 October 2016 the First Minister announced an independent root and branch review of the care system in Scotland.³² The review will be driven and shaped by care experienced young people's voices, stories and experiences. It will look at the underpinning legislation, practices, culture and ethos of the system to drive meaningful, sustainable change for children and young people in Scotland.

We also publish statistics for looked after children in Scotland.³³

Corporate parenting

The Children and Young People (Scotland) Act 2014³⁴ defines corporate parenting as “the formal and local partnerships between all services responsible for working together to meet the needs of looked after children, young people and care leavers”. The Act introduced new duties and responsibilities for the 24 Scottish public bodies defined as corporate parents,³⁵ effective from April 2015.

A good corporate parent will want the best outcomes for their looked after children, accept responsibility for them, and make their needs a priority. To help public services be good corporate parents the Scottish Government has published:

- statutory guidance on corporate parenting³⁶
- guidance for councils and community planning partnerships on being a good corporate parent³⁷

It has also commissioned Who Cares? Scotland to provide a programme of training and support for corporate parents, including elected members, local authorities, schools, health boards and other service providers.³⁸

³² <https://www.carereview.scot/>

³³

http://www.gov.scot/Topics/Statistics/Browse/Children?_ga=2.255185864.1598994487.1532509776-12656050.1481816801

³⁴ <http://www.legislation.gov.uk/asp/2014/8/contents/enacted>

³⁵ <http://www.legislation.gov.uk/asp/2014/8/schedule/4/enacted>

³⁶ <http://www.gov.scot/Publications/2015/08/5260>

³⁷ <https://beta.gov.scot/publications/bairns-guide-community-planning-partnerships-being-good-corporate-parent/>

³⁸ <http://www.corporateparenting.org.uk/>

d) Responses to comments and queries from 2015 conclusions:

The Committee notes that the factual information contained in the GRETA recommendations relating to implementation of the Convention on Action Against Trafficking in Human Beings may be of relevance for the Committee's assessment of the national situation. Therefore, it asks the next report to provide up-to-date information concerning the factual situation indicated in these recommendations.

United Kingdom**GRETA Recommendations from 2015 and the UK response.**

- *take steps to improve the identification and protection of child victims of trafficking, in accordance with the best interests of the child, and in particular to:*
 - *address the problem of children going missing from local authority care, by providing suitable safe accommodation and adequately trained supervisors or foster parents;*
 - *improve the exchange of information on missing unaccompanied children between police forces and local authorities;*
 - *ensure that child victims who may be at risk of re-trafficking can be accommodated in another local authority area, to ensure effective protection from such risk;*
 - *train all professionals working with child victims of trafficking to recognise and respond appropriately to their individual needs and the best interests of the child;*
 - *ensure that possible victims of trafficking are assigned a legal guardian, as expeditiously as possible, to ensure that the best interests of the child are effectively protected (Article 10(4) of the Convention);*
 - *ensure full compliance with Article 10(3) of the Convention concerning age assessment and provision of special protection measures.*

UK Response: *The Children Act 1989* places a statutory obligation on local authorities to provide safe and appropriate accommodation to child victims of human trafficking and modern slavery whom they are looking after. In November 2017 the Department for Education published revised guidance on “Care of unaccompanied migrant children and child victims of modern slavery”. It sets out the steps local authorities should take to plan for the provision of support for looked-after children who are unaccompanied migrant children, and who may be victims, or potential victims, of modern slavery.

Local authority children's services work in close co-operation with the police and Border Force to offer potentially trafficked children the necessary immediate and ongoing protection. The Government's statutory guidance *Working Together to Safeguarding*

Children sets out the steps that all agencies should take to protect any child at risk. This applies to child victims of human trafficking and modern slavery as to any other child who may be at risk. If a trafficked child becomes looked after by a local authority, they will be entitled to the same level of support and care as all looked after children including the allocation of a social worker who will assess the child's needs. This includes ensuring they have all the necessary legal and other support they need, including access to health, education and appropriate and safe accommodation, whether via a foster care arrangement, children's home or supported accommodation. Placement decisions also take particular account of protecting the child from any continued risk from traffickers, and from a heightened risk of going missing.

The charity ECPAT UK, in conjunction with West Yorkshire Police and other partner agencies, has produced a 2 to 3 hour in depth e-learning package that covers both adult and child trafficking, and is suitable for any public sector organisation. The Home Office provides this training for free for Independent Advocates for children and young people and Border Force Safeguarding and Modern Slavery Officers.

ICTAs do not have the responsibility of being legal guardians, whereas social workers do but our interim guidance stipulates that they should paid due regard. Our interim guidance on ICTAs states that in the early adopter sites, public authorities should: recognise and pay due regard to the ICTAs functions in line with *Section 48(6)(e)(i) of the Modern Slavery Act 2015*; and b. provide ICTAs with access to information to enable them to carry out their role effectively in line with *Section 48(6)(e)(ii) of the Modern Slavery Act 2015*.

Section 51 of the Modern Slavery Act 2015 puts on a statutory footing the presumption that, where there are reasonable grounds to believe a person is a victim of modern slavery and, despite uncertainty, has reasonable grounds to believe that the person may be under 18, then they are to be treated as being under 18 years of age for the purposes of assistance and support under the *Modern Slavery Act 2015* until an age assessment is carried out by a local authority or the person's age is otherwise determined. Guidance regarding age assessments can be found here.

Furthermore, our interim guidance for Independent Child Trafficking Advocates (ICTAs), which are live in local authorities in Greater Manchester, Wales and Hampshire and the Isle of Wight, sets out further obligations for ICTAs. Where an age assessment is being undertaken, the potential victim of trafficking will remain entitled to an ICTA and support under the *Modern Slavery Act 2015* as they are presumed to be a child until the definitive assessment is received. In the event of a challenge to the age assessment decision, such as by way of Judicial Review, the child would continue to receive the support of an ICTA until a final determination has been made. If the age assessment declares that the individual is over 18, then the individual ceases to be entitled to an ICTA and the ICTA should transition the individual out of the service and into existing mainstream adult provision as soon as possible from the final decision date. If the child goes missing before the age assessment has been completed, then they must be treated as a missing child by all public authorities involved in their support and care.

- *ensure that all possible victims of trafficking, including children, are offered all the measures of protection and assistance stated in Article 12, paragraphs 1 and 2, of the Convention during the recovery and reflection period.*

UK Response: In October 2017, Government announced we will invoke Section 50 of the modern slavery act and regulate the support provided to victims of modern slavery. This will put the support on a statutory footing. We will also develop statutory guidance for supporting victims.

- *ensure that the best interests of the child are effectively respected, protected and fulfilled, including through pre-removal risk and security assessments, in particular for unaccompanied children, by specialised bodies, working with relevant partners in countries of return; such assessments should also ensure effective enjoyment of the child’s right to education and measures to secure adequate care or receipt by the family or appropriate care structures in countries of return (Article 16, paragraph 5) of the Convention).*

UK Response: Risk assessments are conducted by Local Authorities and a range of guidance is available. If police, Home Office staff or other frontline staff in contact with the child have any suspicion that the child may have been trafficked, they must be referred to the local authority who should convene a strategy discussion with all agencies, and initiate enquires under section 47 of the Children Act 1989. It may be appropriate to take emergency action to secure the safety of the child. The local authority should follow guidance set out in Working Together to Safeguard Children. They also should follow the instructions set out in the National Referral Mechanism: guidance for child first responders and follow child protection procedures, including the Victims of modern slavery – frontline staff guidance and well as following the procedures set out in Independent Child Trafficking Advocates: early adopter sites (2017).

The Committee wishes to be informed whether all acts of sexual exploitation of children, including child pornography and child prostitution have been criminalised for all children under 18 years of age.

United Kingdom

The UK respectfully disagrees that we are not in conformity with the charter. The term ‘child prostitution’ has been removed from legislation in **England and Wales** because we recognise the sale of children for sex is by definition a form of child sexual exploitation. Prosecutions for child sexual exploitation can be brought under provisions of the *Sexual Offences Act 2003*. These include paying for the sexual services of a child (section 47), where a child is defined as a person under 18. Children who are subject to sexual exploitation will always be treated as victims.

With regard to child pornography, it is illegal to take, make, share and possess indecent images of people under 18 under the *Protection of Children Act 1978* (as amended).

There are equivalent legislative provisions in Scotland which criminalise acts of child sexual exploitation, including child pornography and child prostitution, where the child is under the age of 18 and the taking, making, possession etc. of indecent images of people under the age of 18.

There is no longer an offence in **Northern Ireland** of soliciting for the purpose of selling sexual services. Article 59 of the *Sexual Offences (NI) Order 2008* was repealed by the *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015*. This removed any criminality for a person of any age selling sexual services in a public place.

At the same time a further amendment to the Sexual Offences (NI) Order changed the law on the offence of paying for the sexual services of a person subjected to force. The amendment removed the need for the person to be subjected to force, so it is now an offence in Northern Ireland to obtain sexual services in exchange for payment.

It is also an offence, in a street or public place, to solicit a person for the purpose of obtaining the sexual services of a prostitute. This includes 'kerb crawling'.

ARTICLE 8**Article 8, Paragraph 1 Right of employed women to protection: Maternity leave****a) Details on the general legal framework: please specify the nature of, reasons for and extent of any reforms**

The position remains as previously described, with the following updates.

United Kingdom

Statutory Maternity Pay (SMP) is paid by an employer to eligible employees for up to a maximum of 39 weeks. However, the Government reimburses employers 92% of the SMP they pay out (or 100% plus 3% compensation in the case of small employers). Thus the majority of expenditure is borne by the Government.

The rate of SMP over the reporting period is as follows:

- a) For the first 6 weeks SMP is paid at 90% of the woman's average weekly earnings (no upper limit).
- b) The following 33 weeks are paid at that 90% rate or, if lower, a standard rate. The standard rates for SMP are: April 2013 - £136.78; April 2014 - £138.18; April 2015 - £139.58; April 2016 - £139.58; April 2017 - £140.98.

Women who do not qualify for SMP or are self-employed may qualify for Maternity Allowance (MA). This is funded by the Government.

MA is paid at 90% of the woman's average weekly earnings subject to a maximum weekly rate equal to the standard weekly rate of SMP – see rates above.

Reforms made during the period of this report**2014**

To fully comply with EU Directive 2010/41, *The Social Security (Maternity Allowance) (Participating Wife or Civil Partner of Self-Employed Earner) Regulations 2014*, which came into effect from 1 April 2014, introduce MA payments for pregnant women who are neither employed nor self-employed, but regularly take part in activities related to the business of their self-employed spouse or civil partner. This change applies to women with an expected date of childbirth on or after 27 July 2014. *The Social Security (Maternity Allowance) (Miscellaneous Amendments) Regulations 2014*, from 18 May 2014, make minor consequential amendments to various regulations to implement the Directive.

Equivalent Northern Ireland legislation: *The Social Security (Maternity Allowance) (Participating Wife or Civil Partner of Self-employed Earner) Regulations (Northern Ireland) 2014*.

These women must not be a partner or an employee of the business. The payment is for 14 weeks and will enable them to take time out from the activities they perform around the end of their pregnancy and following childbirth. Therefore the qualifying conditions are not based on earnings or employment but on regularly taking part in activities relating to the business of their self-employed spouse or civil partner for which they receive no income.

To qualify the woman must:

- a) not be entitled to SMP or MA for 39 weeks for the same pregnancy; and
 - b) be due to give birth on or after 27 July 2014; and
 - c) have been taking part in activities related to the business of her self-employed spouse or civil partner for at least 26 weeks in the 66 weeks up to and including the week before the baby is due (known as the 'test period') and;
 - d) not be an employee or partner in the business; and
 - e) not be employed or self-employed earner for the same 26 weeks; and
- her spouse or civil partner, for the same 26 weeks must:
- be self-employed and be working as a self-employed earner; and
 - have liability for Class 2 National Insurance Contributions (self-employed earner's contributions).

MA for these women is payable at the weekly rate of £27, which is equivalent to the minimum rate payable for MA.

The rates of SMP and MA are reviewed annually as part of the general benefit up-rating process.

The following relate to Right to Shared Parental Leave and Pay, which is discussed at greater length below:

- *The Statutory Maternity Pay and Statutory Adoption Pay (Curtailment) Regulations 2014*, from 1 December 2014, allowing a woman to curtail her Statutory Maternity Pay Period in order to enable the father or the mother's partner to take Statutory Shared Parental Leave and Pay;
- *The Statutory Maternity Pay (Curtailment) Regulations (Northern Ireland) 2015*;
- *The Maternity Allowance (Curtailment) Regulations 2014*, from 1 December 2014, allowing a woman to curtail her Maternity Allowance Period in order to enable the father or the mother's partner to take Statutory Shared Parental Leave and Pay;
- *The Maternity Allowance (Curtailment) Regulations (Northern Ireland) 2015*.

2015

HM Treasury introduced, in the *National Insurance Contributions Act 2015* "the Act", changes to the method of collection of Class 2 National Insurance contributions (NICs) for the self-employed from the start of the 2015/16 tax year.

Prior to the change the rate of MA was based on whether the woman:

- had paid 13 weeks' Class 2 NICs during the test period and is therefore treated as having sufficient average earnings to entitle her to the standard rate of MA, or
- held a Small Earnings Exception Certificate (SEE) and is therefore treated as earning the minimum weekly amount required to be entitled to the lower rate of MA.

Provisions in the Act affected the way MA is calculated in two respects. Firstly, as the liability for Class 2 NICs was changed to an annual basis, rather than in year, a self-employed woman may not have a contemporaneous record of her Class 2 NICs payments. Secondly, since the provisions in the Act rendered the SEE obsolete, these regulations remove any reference in the Social Security (Maternity Allowance) (Earnings) Regulations 2000 to SEE Certificates and enable a woman, who has merely been self-employed for at least 26 weeks in her test period, to be eligible for MA at the lower rate.

Equivalent Northern Ireland legislation: *The Social Security (Maternity Allowance) (Earnings) (Amendment) Regulations (Northern Ireland) 2015*.

To safeguard the position of self-employed women who, as a consequence of the reforms introduced by the Act, might otherwise be denied access to MA The *Social Security*

(Maternity Allowance) (Earnings) (Amendment) Regulations 2015 (alongside further provisions in the Act) make changes to the way that the earnings of a self-employed claimant are determined for the purposes of calculating MA from 6 April 2015.

Provisions in the Act provide an exception to the new rules enabling payment of the requisite number of Class 2 NICs to be made on a voluntary basis and before any liability is established, for the purposes of a claim for MA, thereby allowing such women to access MA at the standard rate.

These regulations therefore enable account to be taken of all Class 2 NICs paid, whether on a voluntary basis or as part of the self-assessment process, in calculating MA.

2016 & 2017

No changes introduced.

Northern Ireland

This Report deals with the United Kingdom position but it is worth pointing out that there are two separate systems of social security operating within Northern Ireland and Great Britain. That being said the principle of parity ensures that a person in Northern Ireland has the same benefit entitlements as his or her counterpart in Great Britain (England, Scotland or Wales). This facilitates free movement within the UK, and ensures that individuals have access to the same benefits, regardless of location.

Section 87 of the Northern Ireland Act 1998 requires the Secretary of State with responsibility for social security and the equivalent Northern Ireland Minister to consult each other with a view to securing single systems of social security, child support and pensions for the UK.

Accordingly, the general legal framework in Northern Ireland mirrors that for Great Britain in relation to the provision of maternity assistance

Northern Ireland legislation

The basis of the law for maternity benefits is the *Social Security Contributions and Benefits (Northern Ireland) Act 1992*. This provides the framework for the detailed rules contained in regulations made by the Department.

(Great Britain is covered by the Social Security Contributions and Benefits Act 1992 and the arrangements are basically the same.)

Statutory Maternity Pay

The Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987 - SR 1987 No 30

The Statutory Maternity Pay (Compensation of Employers) and Miscellaneous Amendment Regulations (Northern Ireland) 1994 - SR 1994 No 271

The Statutory Maternity Pay (Curtailment) Regulations (Northern Ireland) 2015 -SR 2015 No 150

Maternity Allowance

The Social Security (Maternity Allowance) Regulations (Northern Ireland) 1987- SR 1987 No 170

The Social Security (Maternity Allowance) (Participating Wife or Civil Partner of Self-employed Earner) Regulations (Northern Ireland) 2014 - SR 2014 NO 102

Maternity Allowance (Curtailment) Regulations (Northern Ireland) 2015 - SR 2015 No 149

The Social Security (Maternity Allowance) (Earnings) (Amendment) Regulations (Northern Ireland) 2015 - SR 2015 No 211

Scotland

Legal powers governing protection for working women are reserved to Westminster and are described above.

Isle of Man

The position is as previously described other than the following –

- Following a reorganisation of the Isle of Man Government in 2017 the functions of the former Department of Economic Development which had been responsible for employment law have been taken over by the newly created Department for Enterprise.
- The *Equality Act 2017* will deal with discrimination comprehensively in respect of both employment and the provision of goods on various grounds including pregnancy and maternity. Following the announcement of Royal Assent on 18 July 2017 the Act is being phased in, with the great majority of the provisions expected to come into operation by January 2020. The Act establishes the Employment and Equality Tribunal, which will replace the existing Employment Tribunal. The new Tribunal will be the forum for all employment complaints including any complaints relating to the right to take maternity leave.
- The legal framework for the provision of maternity allowance and other benefits can be found on the Isle of Man Government website at: <https://www.gov.im/about-the-government/departments/the-treasury/social-security-division/social-security-legislation-volumes/>

b) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

AND

c) Figures, statistics or any other relevant information, if appropriate.

The position remains as previously described, with the following updates:

United Kingdom

The UK Government has made significant and beneficial changes to maternity payments over the years bringing into coverage as many working women as possible and helping parents to achieve a better balance between their work and home lives. We now spend around £2.8 billion a year on maternity payments to support pregnant women and new mothers.

The Government believes that the current approach where the standard rate of maternity payments is supplemented by other targeted financial support is the best way to direct help toward pregnant working women. This, in conjunction with one of the longest periods of paid leave in the European Union (up to 39 weeks), rather than a lesser period as provided for in Article 8 of the Charter, allows women the opportunity to stay off work for longer giving them more time to decide on the best balance between work and their family commitments. The Government takes the view that, with limited resources available, to increase spending on an earnings related benefit alone would simply mean that most of the money in available resources would go only to higher earners, which would be socially regressive.

SMP and MA and Statutory Paternity Pay are together only one element of the support available for families who may or may not be working. Depending on individual circumstances, additional financial support, for example, Statutory Paternity Pay, Universal Credit (see more information on Universal Credit in the separate document “**UK ESC 38th Report – Annexes**”) and the benefits and Tax Credits³⁹ it is replacing, Child Benefit and the Sure Start Maternity Grant (a lump sum payment of £500) is available.

Due to the complexity of the tax and benefit system in the United Kingdom, where there are different packages of support available to women in different situations and dependent on their (and their households) circumstances, there is considerable difficulty in estimating both (a) the proportion of previous earnings replaced by benefits offered to those taking maternity leave and (b) the extent to which these benefits offered meet the at-risk-of-poverty threshold. To aid simplicity, an example ‘case study’ has been produced to quantify (a) and (b), for an individual with the following characteristics:

³⁹ Individuals can claim both Working Tax Credits (for up to 39 weeks) and Child Tax Credits whilst on maternity leave.

- Earning minimum wage and aged 25 or over⁴⁰
- Lone parent with no other earners present in the household
- Taking maternity leave for their first child
- Claiming either MA or SMP for 39 weeks
- Claiming Child Benefit and the elements of Working and Child Tax Credits for which they are eligible

This simple example is designed to aid understanding and has been chosen because it illustrates the effect for women who may be most dependent on state support during their maternity leave.

With regard to (a) estimates suggest that in 2018/19 they will receive at least 70% of their pre-maternity leave gross income⁴¹ over the 39 weeks, unless working more than 44 hours a week in the case of SMP, or 40 hours a week in the case of MA.

With regard to (b) 50% of median weekly net income, before housing costs, in the UK 2016/17 was approximately £247⁴², which is taken as the at-risk-of poverty threshold. Adjusting the average weekly net income received on maternity leave using the OECD equivalence scale⁴³ provides a comparison with this threshold⁴⁴. If working 16 hours or more each week, the individual's equivalised average weekly net income during their 39 weeks of maternity leave will exceed this threshold. An individual can work up to at least 40 hours pre-maternity leave and will still have an equivalised average weekly net income during maternity leave that exceeds this threshold. This applies to both MA and SMP.

Although those on lower incomes, working less than 16 hours per week, may have equivalised average weekly net incomes below the at-risk-of-poverty threshold during their maternity leave, they experience high replacement rates of their pre-maternity leave earnings. If the individual from our case study was working 13 hours a week, they would receive approximately 170% of their pre-maternity leave gross income over the 39 weeks⁴⁵.

Further financial assistance is available, for those with the lowest incomes and in receipt of certain qualifying benefits, for the additional costs of raising a child, such as the Sure Start Maternity Grant and the Healthy Start voucher scheme.

Individuals are also entitled to a number of benefits-in-kind, during and following pregnancy⁴⁶, including free dental care and free prescriptions. This is in addition to the free antenatal and postnatal care provided by the NHS.

⁴⁰ Minimum wage rate of £7.83/hour in 2018/19.

⁴¹ Income includes Working Tax Credits received before maternity leave.

⁴² This is the most recent published figure for the reference group of a couple with no children.

Source: "Households Below Average Income, 1994/95 to 2016 – The Income Distribution: time series"

⁴³ Source: "Households Below Average Income (HBAI) Quality and Methodology Information Report"

⁴⁴ To produce this comparison the tax, benefit, and minimum wage rates from 2016/17 are used.

⁴⁵ In this example, the individual will only qualify for MA.

⁴⁶ Provided for 12 months following the baby's due date.

Individuals may also receive Occupational Maternity Pay (OMP), which varies between employers and can provide additional maternity payments on top of SMP (and more rarely, MA). In 2008, the Maternity and Paternity Rights Survey⁴⁷ found that around 37% of mothers received OMP either on its own or in combination with SMP or MA. Of this group, 63% received full pay for part of the time they were in receipt of OMP, which would further boost the incomes of those on maternity leave.

The latest edition of the Maternity and Paternity Rights Survey (MPRS) will be conducted this year. Using this, we will collect survey data to provide an update on parental benefits. This survey will explore whether new mothers and fathers (of children aged between 12 and 18 months, who worked in the 12 months prior to birth) were in receipt of enhanced (occupational) maternity, paternity and shared parental pay.

UK maternity provisions have continued to improve, with for example the introduction of Shared Parental Leave and Pay in 2014, as part of the Government's drive to help pregnant women and parents financially and to achieve a better balance between their work and home lives.

We therefore have a generous and, crucially, an effective maternity leave arrangement - In 2008, about 90% of mothers took more than 26 weeks off work on maternity leave with 88% of women taking all of their paid maternity leave; 77% of mothers returned to work within 12 to 18 months of having their child and, after maternity leave, the vast majority of women (84%) returned to work with the same employer. Only 14% of women take less than 26 weeks off work on maternity leave⁴⁸.

Individuals may also receive Occupational Maternity Pay (OMP), which varies between employers and can provide additional maternity payments on top of SMP (and more rarely, MA). In 2008, the Maternity and Paternity Rights Survey⁴⁹ found that around 37% of mothers received OMP either on its own or in combination with SMP or MA. Of this group, 63% received full pay for part of the time they were in receipt of OMP, which would further boost the incomes of those on maternity leave.

Northern Ireland

Implementation projects were in place for all new legislation. Information and guidance was updated on GOV.UK and communities-ni.gov.uk.

Scotland

Although legal powers governing protection for working women are reserved to Westminster, the Scottish Government funds and is an active partner in the Family Friendly Working Scotland (FFWS) Partnership. The level of funding is set out below:

- 2014/15 -£100,000

⁴⁷ Source: [“Maternity and Paternity Rights and Women Returners Survey 2009/10”](#)

⁴⁸ Source: “Maternity and Paternity Rights and Women Returners Survey 2009/10”

⁴⁹ Source: “Maternity and Paternity Rights and Women Returners Survey 2009/10”

- 2015/16 -£251,000
- 2016/17 -£178,500
- 2017/18 -£169,000
- 2018/19 -£159,000

Through this Partnership, established in 2014, it works with Working Families, Parenting Across Scotland and Fathers Network Scotland to support and promote family-friendly working across Scotland. A programme of work supports both employers and employees, encouraging organisations to provide flexible working options wherever possible, and includes regular employer events on key topics, such as shared parental leave. Additionally, the Partnership has developed a flexible working strapline called “*Happy to talk flexible working*” for employers to use on job adverts to let candidates know that a post can be done flexibly. The Partnership also delivers the Scottish Top Employers for Working Families awards, which celebrate the excellent practice that exists across Scotland.

The Scottish Government, including its Agencies and Non Ministerial Departments, provides eligible employees with up to 4 weeks consecutive paternity leave at full pay. The government encourages other Scottish employers to work in partnership with their workforce to consider voluntarily offering a similar enhanced paternity leave.

Additional devolved powers in relation to employment would provide the Scottish Parliament with the ability to strengthen employment rights.

The Scottish Government is working with the Equality and Human Rights Commission (EHRC) to tackle pregnancy and maternity discrimination. The Pregnancy and Maternity Discrimination Working Group is chaired by the Minister for Business, Fair Work and Skills and has a remit to create guidelines for employers to ensure best practice, as well as improving access to guidance for pregnant women and new mothers. The group held its first meeting in December 2016. Seven meetings have been held and the eighth is planned for January 2019.

Isle of Man

In the Isle of Man women who normally work (either for an employer or for themselves) can qualify for weekly payments of maternity allowance if they are not at work because they are pregnant or have recently given birth, and who have satisfied certain earnings and contribution tests. Maternity allowance can be paid for up to 39 weeks, normally beginning 11 weeks before the expected week of childbirth, and is normally at the maximum rate (if they are an employed earner) or the standard rate (if they are a self-employed earner).

More information about maternity allowance can be found on the Isle of Man Government website at: <https://www.gov.im/categories/benefits-and-financial-support/social-security-benefits/social-security-benefits-a-z/>

The number of women entitled to Maternity Allowance at the end of each year during the reporting period are set out below.

	December 2014	December 2015	December 2016	31 December 2017
Women entitled to Maternity Allowance	397	433	386	409

At the time the Isle of Man Census undertaken in April 2016 there were 83,314 people living in the Isle of Man, made up of 41,269 men and 42,045 women. There were 20,077 economically active females of which 19,485 were in work. The number of women receiving maternity allowance at the end of each year in the reporting period as a proportion of the total Isle of Man population per the 2016 Census in the reporting period was therefore around 0.49% of the total population, 0.97% of the total female population and 2% of the total economically active female population.

The weekly rates of Maternity Allowance payable in the reporting period were as follows.

	April 2014	April 2015	April 2016	April 2017
Employed earners (maximum rate)	£179.85	£179.85	£179.85	£179.85
Self-employed earners (standard rate)	£138.18	£139.58	£139.58	£140.98

Using income data which is available, over the reporting period the full rate of maternity allowance payable to women who were full-time employees (i.e. who normally worked at least 30 or more hours per week, excluding overtime and meal breaks), and earning adult rates of pay, represented on average 35% of the median earnings of those women and 31% of their average earnings for the 4 years in that period.

However, over the reporting period the full rate of maternity allowance payable to those full-time employees represented a more substantial proportion of their income, assuming they had gross earnings at the relevant minimum wage applicable to them and they were working for 30 hours and 37 hours, as follows.

	Age of woman				
	16	17	18 to 20	21 to 24	25 and over
Full maternity allowance as a proportion of woman's gross earnings at minimum wage who is	117%	111%	91%	88%	87%

working for 30 hours per week					
Full maternity allowance as a proportion of woman's gross earnings at minimum wage who is working for 37 hours per week	95%	90%	74%	71%	71%

Whilst there is no statutory requirement for employers to provide maternity pay, many employers in the Isle of Man provide contractual maternity pay to women on maternity leave from employment in addition to the maternity allowance payable to those women by the Government.

d) Responses to comments and queries from 2015 conclusions:

The Committee asks whether the minimum rate of maternity benefits corresponds at least to the poverty threshold, defined as 50% of the median equivalised income, calculated on the basis of the Eurostat at-risk-of-poverty threshold value.

United Kingdom

The position is as described above and the methodology used is broadly equivalent to the Eurostat at-risk-of-poverty threshold value.

In our analysis, comparisons to an at-risk-of-poverty threshold value for the UK are made relative to the 'reference' group of an adult couple with no children. The at-risk-of-poverty threshold value for the UK used in our analysis is 50% of median weekly income, before housing costs, for a couple with no children in 2016/17, as published in the HBAI report⁵⁰. To compare estimates of income during maternity leave in the case study above to this threshold, estimates of income were adjusted using the OECD equivalence scale⁵¹. This approach has been taken based on the availability of UK median income data by household composition. Using this approach enabled consistent comparisons against the threshold, as the UK tax and benefits included within the threshold figure were known.

If using the at-risk-of-poverty threshold reported on Eurostat⁵² and the modified OECD equivalence scales used on Eurostat⁵³, the conclusions described above still hold.

⁵⁰ "Households Below Average Income, 1994/95 to 2016/17 – The Income Distribution: time series"

⁵¹ For a lone parent with one child, as in the case study, the adjustment divides estimates of income on maternity leave by 0.87.

Source: "Households Below Average Income (HBAI) Quality and Methodology Information Report" https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/691919/households-below-average-income-quality-methodology-2016-2017.pdf

⁵² Approximately £167 for a single person household, 2016.

⁵³ For a lone parent with one child, as in the case study, the adjustment divides estimates of income on maternity leave by 1.3.

Isle of Man

Based on the lack of up-to-date relevant income data available, it is not possible to determine whether the minimum rate of maternity benefits corresponds at least to the poverty threshold (as defined). The last time that median equivalised weekly income was calculated for the Isle of Man was in 2013 (as £709 per week, so 50% of it would be £354 per week). However, that figure was calculated before taxes and social security contributions were deducted (unlike the Eurostat calculation) and equalisation factors were also different to those used to calculate the Eurostat median equivalised income.

Using current income data which is available, over the reporting period the full rate of maternity allowance payable to women who were full-time employees (i.e. who normally worked at least 30 or more hours per week, excluding overtime and meal breaks), and earning adult rates of pay, represented on average 35% of the median earnings of those women and 31% of their average earnings for the 4 years in that period.

However, over the reporting period the full rate of maternity allowance payable to those full-time employees represented a more substantial proportion of their income, assuming they had gross earnings at the relevant minimum wage applicable to them and they were working for 30 hours and 37 hours, as follows.

	Age of woman				
	16	17	18 to 20	21 to 24	25 and over
Full maternity allowance as a proportion of woman's gross earnings at minimum wage who is working for 30 hours per week	117%	111%	91%	88%	87%
Full maternity allowance as a proportion of woman's gross earnings at minimum wage who is working for 37 hours per week	95%	90%	74%	71%	71%

The Committee asks the next report to provide a comprehensive overview of the measures adopted in the field of maternity, paternity and parental leave, which safeguard the right of employed women to choose freely when to return to work after childbirth. It reserves in the meantime its position on this issue.

United Kingdom**Right to Shared Parental Leave and Pay**

Source: http://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary:Equivalised_income

The Shared Parental Leave Regulations 2014 and the Statutory Shared Parental Pay (General) Regulations 2014 came into force on 1 December 2014 for parents of children due or placed for adoption from 5 April 2015.

These regulations apply in Great Britain. *The Shared Parental Leave Regulations (Northern Ireland) 2015 and the Statutory Shared Parental Pay (General) Regulations (Northern Ireland) 2015* provided corresponding legal entitlements in Northern Ireland.

The introduction of Shared Parental Leave (“SPL”) and Shared Parental Pay (“ShPP”) was a radical step towards achieving greater gender equality and work life balance in the UK.

The schemes allow eligible working couples to share up to 50 weeks of leave and 37 weeks of pay at the statutory flat rate (£140.98 for 2017-2018) or 90% of their average weekly earnings (whichever is lower). These are not additional weeks of leave and pay on top of existing maternity entitlements. SPL and ShPP are ‘created’ from any remaining weeks of leave and pay (or Maternity Allowance) if a mother commits to ending her maternity entitlements early. This provides the mother with the choice to return to work and for the father/partner to be the child’s main carer.

Eligible parents can take their leave and pay in up to three blocks each or more if their employer allows. This allows parents to take leave and pay in a more flexible way, returning to work between blocks of leave if they wish.

The scheme is available to both adopters and birth parents. The eligibility criteria below apply to birth parents (but adopters also need to comply with specific eligibility conditions).

Eligibility Criteria

Note: There are separate eligibility criteria in respect of both Shared Parental Leave and Pay for both the main claimant and their partner. In the interests of brevity and simplicity, the below is not an exhaustive list of all eligibility conditions but cover the key criteria⁵⁴.

Shared Parental Leave and Statutory Shared Parental Pay is an entitlement for working couples. The leave and pay are 'created' when a mother chooses not to use their full maternity entitlements, instead curtailing the relevant entitlements early. Without such maternity entitlements and curtailment of them, there cannot be an entitlement to Shared Parental Leave and/or Statutory Shared Parental Pay.

In the case of birth parents, in addition to the mother having curtailed her relevant maternity entitlement/s, broadly:

- The parent(s) wishing to take SPL and ShPP (whether the mother or the father/partner) must:

⁵⁴ <https://www.gov.uk/guidance/shared-parental-leave-and-pay-guidance-and-tools-for-parents> and <https://www.gov.uk/shared-parental-leave-and-pay>

- share the main responsibility for caring for the child at birth
- have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date and stay with the same employer while they take SPL
- have had average gross weekly earnings of not less than the lower earnings limit (£113 a week in 2017-18) over an 8 week period. If a parent earns less than the lower earnings limit, they may be able to take SPL but not ShPP.
- Give the correct notice to their employer and comply with the stipulated evidential requirements.

The other parent who is not taking SPL must share the main responsibility for caring for the child at birth and also meet a lower employment and earnings threshold in order for the couple to be eligible to participate in the scheme i.e. the individual must, broadly:

- have been working as an employed or self-employer earner for at least 26 weeks (not necessarily continuously) during the 66 weeks before the week in which the baby was due; and
- have earned at least £390 in total across any 13 of the 66 weeks

SPL can only be taken by employees, but some workers may qualify for ShPP.

Rights and Protections

Under the schemes, each parent can have up to 20 days Shared Parental Leave in Touch (SPLiT) days, which allow an employee to work when they are on Shared Parental Leave (if they wish) without bringing their leave to an end.

Employees taking Shared Parental Leave and Pay maintain the right to return to the same job from any period of leave that includes Maternity, Paternity, Adoption and Shared Parental Leave that totals 26 weeks or less in aggregate; even if the leave is taken in discontinuous blocks. Any subsequent leave will attract the right to return to the same job, or if that is not reasonably practicable, a similar job.

Right to Paternity Leave and Pay

There have been no changes to Paternity Leave and Pay policy in the period between 1 January 2014 and 31 December 2017.

Eligible fathers and partners can take one or two consecutive weeks of Paternity Leave after the birth of the child within 56 days of the birth. This is paid a statutory flat rate (£140.98 per week for 2017-2018) or 90% of average weekly earnings (whichever is lower).

Isle of Man

The following statutory rights exist to safeguard the right of employed women to choose freely when to return to work after childbirth:

Maternity rights:

- Women who are working for an employer have a statutory right to take maternity leave of up to 52 weeks, at least 26 weeks' unpaid Ordinary Maternity Leave and, if they have 26 weeks' continuous employment, up to 26 weeks' unpaid Additional Maternity Leave. Women will also be entitled to reasonable paid time off work to attend ante-natal sessions.
- If suspended from work on health grounds, new or expectant mothers who are employees have the right to be offered suitable alternative employment, or if none, to be paid.

Paternity rights:

- A person has a statutory right to take paternity leave from their employer for 1 or 2 weeks. (26 weeks continuous employment required)

Parental rights:

- Men and women who are employees are entitled to parental leave if they are parents of a disabled child under 18 years old, in which case up to 18 weeks' unpaid leave can be taken before the child is 18 (1 year's continuous employment required);
- Men and women who are employees are entitled to parental leave may request flexible working if: they are parents of a child under 6; or a child under 18 with a disability; or if they have defined caring responsibilities (26 weeks' continuous employment required).
- Adoption leave and benefit rights are analogous to those in respect of maternity/paternity and have the same qualifying periods.

ARTICLE 16**Right of the family to social, legal and economic protection****a) Details on the general legal framework: please specify the nature of, reasons for and extent of any reforms**

The position remains as previously described, with the following updates.

Northern Ireland

The Work and Families Act (Northern Ireland) 2015 and related subordinate legislation. For more information see: <https://www.economy-ni.gov.uk/consultations/sharing-parental-rights-extending-flexibility-work>

Scotland

Domestic Abuse (Scotland) Act 2018

Social Security (Scotland) Act 2018

Child Poverty (Scotland) Act 2017

Wales

The Well-being of Future Generations (Wales) Act 2015

The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015

The Housing (Wales) Act 2014

Isle of Man

No material changes have been made to the legal framework for social and family benefits during the reporting period.

The legal framework for the provision for social and family benefits and other benefits are contained within the Social Security Legislation Volumes which can be found on the Isle of Man Government website at: <https://www.gov.im/about-the-government/departments/the-treasury/social-security-division/social-security-legislation-volumes/>

In regards to public sector housing the situation is the same as stated in previous reports apart from the following:

- The Department of Infrastructure has taken over responsibility from the Department of Health and Social Care as the housing authority where no other functioning housing authority exists.

b) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

and

c) Figures, statistics or any other relevant information, if appropriate.

The position remains as previously described, with the following updates:

Social Protection of families

Housing

Social Housing

United Kingdom

Social housing is prioritised for those in housing need by virtue of the statutory 'reasonable preference' categories. These ensure that priority is given to people who are:

- Homeless or owed certain duties under the homelessness legislation
- Families in overcrowded or unsatisfactory housing conditions
- People with medical and welfare needs
- People who would otherwise suffer hardship

This applies equally to Gypsy, Roma and Traveller communities as it does to anyone else.

Provision of sites for Gypsy, Roma and Traveller Communities

The UK has seen recent debates focused on the negative impact unauthorised encampments have on local communities, and we cannot deny many people feel strongly about these issues.

The Planning Policy for Traveller Sites (PPTS) was published alongside the National Planning Policy Framework (the Framework) in 2012. The policy recognises the differing needs and land use of travelling communities, and encourages improved site provision. The overarching aim is to ensure fair and equal treatment for travellers in a way that facilitates their nomadic way of life, while respecting the interests of the settled community. The policy asks local planning authorities to produce their own assessment of needs for traveller sites in their area and use this evidence base to set pitch targets in the Local Plan, in addition to identifying and updating annually a supply of deliverable sites to provide 5 years' worth of sites against local targets.

Since April 2011 local authority traveller sites have been included in the Mobile Homes Act 1983. This means that those living on authorised traveller sites have improved protection against eviction and a secure home in line with residents of other residential mobile home sites.

Between 2011 and March 2015, Homes England spent over £43 million delivering more than 500 [505] new pitches and refurbishing and nearly 400 more [397] refurbished pitches, through the Traveller Pitch Funding programme. In addition, Under the 2015-18 Affordable Homes Programme allocations were agreed for 68 new pitches with £4.9m funding.

Traveller pitches also attract a New Homes Bonus (council tax match funding) in exactly the same way as other forms of housing. In addition, the Government funded training to support councillors with their leadership role around traveller site provision; including advice on dealing with the controversy that can sometimes accompany planning applications for traveller sites. Nearly 1,000 Councillors and council officials have benefitted from this training.

The joint Ministry of Housing, Communities & Local Government, Home Office and Ministry of Justice consultation, which was launched on 5 April and closed on 15 June, sought views

on the effectiveness of existing powers to address unauthorised sites. Over 2,000 responses were received. The consultation asked questions on a range of issues including the effectiveness of local authority and police powers for removing unauthorised encampments, court processes, planning for sites, planning enforcement, impacts on the travelling community, and whether we need reform. We are working closely with the Home Office and Ministry of Justice to consider all representations, and we will announce a way forward in due course.

Additional information relevant to access to housing for Gypsy, Roma and Traveller Communities

The Government is concerned about the inequalities experienced by Gypsy, Roma and Traveller communities, particularly in health and education. The recent Race Disparity Audit revealed that Roma, Gypsy and Traveller communities are amongst the most disadvantaged in British society.

In response to this, MHCLG launched a fund to improve outcomes for Gypsy, Roma and Traveller communities in integration, health and educational attainment. Working closely with Government colleagues in the Department for Education and the Department of Health and Social Care to develop the programme, we have provided £200,000 to six pilot projects to improve outcomes for these communities in the areas mentioned.

In March 2018 we also published a new and ambitious Integrated Communities Strategy Green Paper. The Green Paper invited views on the Government's vision for building strong integrated communities where people – whatever their background – live, work, learn and socialise together, based on shared rights, responsibilities and opportunities. We encouraged all communities, including Gypsy, Roma and Traveller groups, to engage with the Green Paper. We received almost 3,500 responses from a wide range of organisations and individuals and will respond later this year.

MHCLG is supporting Roma communities through the Controlling Migration Fund (CMF). The CMF helps local authorities respond to the impact of recent migration on their communities. 18 CMF projects specify interventions aimed at supporting the Roma community in different areas across England including improving access to services, improving health outcomes, outreach, supporting children and young people, and English language learning. Other projects focus on improving cohesion and myth busting and gathering better data about the Roma community so they can be better supported in future.

The Government is not generally promoting programmes of work aimed at specific communities, because this risks further separating people along community lines. Nonetheless, we do recognise that sometimes programmes directed at particular groups may be necessary. This is why we currently fund three pilot projects which work specifically with Roma communities:

- We are funding the **Luton Roma Trust**, a community project based in Luton, which works with the local Roma community to help them learn English and navigate life in British society independently.
- In health, we are funding the **Thornbury Centre**, a project that works with Roma parents in Bradford to help them learn about grooming and child sexual exploitation and keep vulnerable teenagers safe.
- In education, we are funding the **Granby Toxteth Development Trust**, a project which supports Roma communities in Liverpool to access education and secure employment.

After particular concerns were raised about the deprivations suffered by Roma in Sheffield, integration projects in the city, already open to Roma, were asked to specifically reach out to them as far as possible.

The UK Government supports efforts at a European level to encourage Member States to take effective action to improve the situation of their Roma citizens.

The UK is advancing Roma integration within broader social inclusion and integration policies. This is fully in line with commitments we have made at EU level, and is the best approach in a diverse and decentralised country like the UK.

MHCLG also maintains close contact with Gypsy, Roma and Traveller stakeholder groups, as well as other Government Departments and non-Governmental bodies with an interest in this policy area.

Through continued stakeholder engagement, we ensure all our policy approaches are informed by a wide range of considerations and meet the needs of Gypsy, Roma and Traveller communities in the UK.

Scotland

Housing

The Scottish Household Survey showed that, in 2016, 25% of households in social housing were households with children. This compares to 32% of households in which an adult has moved into the property in the last 12 months and indicates that newly formed social households are more likely to contain children than more established social rented households. [Households where an adult has moved into the property in the last 12 months can be used as an indicator of newly formed social households, although some changes to existing households will also be included].

The Scottish Government's approach to the planning and delivery of affordable housing is focused on providing the "right homes in the right place", achieved by working closely with local authorities across the country in their role as strategic housing and planning authorities.

The Housing (Scotland) Act 2001 places a statutory requirement on local authorities to produce a Local Housing Strategy (LHS) which sets out the strategy, priorities and plans for the delivery of housing and related services across all tenures to meet identified need in its area. The LHS must be supported by an assessment of housing provision and related services, known as a Housing Need and Demand Assessment (HNDA).

The Strategic Housing Investment Plan (SHIP), seen as an annex of the LHS, sets out a local authority's strategic investment priorities for affordable housing over a five-year period. This informs housing investment decisions, including the size and type of housing required.

During the period 1 January 2014 to 31 December 2017, a total of 27,617 affordable homes were delivered, including 16,656 homes for social rent. Over the current target period (2016-17 to 2020-21), more than £3 billion is being invested to deliver at least 50,000 affordable homes. This is a 76% increase on the previous 5-year investment and includes 35,000 homes for social rent.

Social housing provisions in the Housing (Scotland) Act 2014⁵⁵ will come into force in May and November 2019, and will help social landlords to make the best use of available social housing, tackle antisocial behaviour, and provide further protection for tenants with short Scottish secure tenancies. The 2014 Act also ended the Right to Buy in Scotland, which came into force on 1 August 2016 and will help secure social housing stock for current and prospective tenants.

The *Scottish Social Housing Charter* was reviewed and revised in 2016. It contains 16 outcomes and standards on matters such as equality, access to housing and housing quality. They describe the results that tenants and other customers expect social landlords to achieve, cover social landlords' housing activities, and are monitored, assessed and reported upon by the Scottish Housing Regulator. The revised Charter took effect from 1 April 2017.⁵⁶ The Charter sets minimum condition and energy efficient standards for social housing. These standards are not set in terms of the specific needs of different occupiers but set a common minimum that can be expected by all tenants.

The *Housing (Scotland) Act 2006* sets minimum standards for private rented housing. This standard was amended by the *Housing (Scotland) Act 2014* and further amendments will be made by regulations later this year. Additional elements have been added to this standard to make homes safer and to make standards consistent across private and social rented housing.

The *Private Housing (Tenancies) (Scotland) Act 2016*⁵⁷ is the most significant change in private renting in Scotland for almost 30 years. It commenced on 1 December 2017 and introduced the new Private Residential Tenancy (PRT), which replaces Short Assured and Assured Tenancies. The underlying principle of the new PRT is that when a landlord rents out their property to a tenant it becomes the tenant's home, over which they must have

⁵⁵ <http://www.legislation.gov.uk/asp/2014/14/contents/enacted>

⁵⁶ <http://www.gov.scot/Publications/2017/03/8379>

⁵⁷ <http://www.legislation.gov.uk/asp/2016/19/contents/enacted>

security. Its purpose is to improve security, stability and predictability for tenants, balanced with safeguards for landlords, lenders and investors.

The Scottish Government is supporting the house-building industry, through work led by Homes for Scotland, to attract new sources of investment for the building of more new homes to rent.

Homelessness

The Scottish Government is committed to tackling and preventing homelessness.

Scotland has some of the strongest rights for homeless people in the world. Everybody found to be homeless is entitled to housing and most people are provided with settled, permanent accommodation.

Temporary accommodation is a necessary part of the safety net of the homelessness legislation, ensuring people have a place to stay if made homeless. Households are placed in temporary accommodation as a legal right while they wait for appropriate permanent accommodation. The Scottish Government wants time spent in unsuitable temporary accommodation to be as short as possible, especially for households with children or where there is a pregnant woman. It introduced a cap of one week (reduced from 14 days) for families and pregnant women living in B&B accommodation from October 2017, and accepted in principle the recommendation made by the Homelessness and Rough Sleeping Action Group to extend this to all homeless households.

The short-life Homelessness and Rough Sleeping Action Group⁵⁸, chaired by Jon Sparkes, Chief Executive of Crisis, was set up in October 2017 to recommend to Scottish Government Ministers the actions and solutions needed to eradicate rough sleeping, transform the use of temporary accommodation in Scotland and end homelessness.

The Scottish Government has accepted in full or in principle all the recommendations⁵⁹ and research from the Action Group and will take the necessary actions to end homelessness. The recommendations cover:

- addressing the wider risk factors for homelessness, including poverty, social security and migration policy
- early intervention with high risk groups, including for example young people with experience of care
- effective and swift responses to those facing crisis
- the wider societal and government approach to homelessness

Wales

Housing (Wales) Act 2014

⁵⁸ <https://www.gov.scot/groups/homelessness-and-rough-sleeping-action-group/>

⁵⁹ <https://www.gov.scot/publications/homelessness-and-rough-sleeping-action-group-final-report/>

Part 1 of the *Housing (Wales) Act 2014*, or “Rent Smart Wales”, was launched on 23 November 2015, with landlords and agents given a year to comply until enforcement began on 23 November 2016. To date, 91,607 landlords have registered, covering 187,880 rental properties, which Rent Smart Wales estimate to be around 98% of the housing stock required to comply.

Rent Smart Wales compliance ensures that all tenants in Wales live in a property which is let and managed by someone who holds a licence. To obtain a licence involves training, abiding by a mandatory Code of Practice, and successful completion of a Fit and Proper Person test. The Fit and Proper Person test ensures that nobody with unspent relevant criminal convictions can let or manage a property, and therefore that they can not be directly involved with tenants.

The Homelessness Provisions (Part 2) came into force 27 April 2015. The Welsh Government placed a duty on local authorities to help an individual to prevent their homelessness, and a duty on the authority to help to secure housing for all people who require assistance.

The *Housing (Wales) Act 2014* also places a duty on local authorities to periodically assess the accommodation needs of Gypsies and Travellers residing in or resorting to their area and to meet those identified needs. Each local authority was required to undertake a new Gypsy and Traveller Accommodation Assessment (GTAA) and submit their assessment to the Welsh Government for its scrutiny by 26 February 2016 to establish mobile home pitch needs across Wales. All local authorities now have GTAAs approved by Welsh Ministers which indicated a need for 237 residential and 33 transit pitches across Wales by 2021.

Since March 2016, 97 Gypsy and Traveller residential pitches have been provided or received planning permission. 37 of these have been funded by the Welsh Government, with the remainder provided privately. Since the *Housing (Wales) Act* was adopted in 2014, we have funded 77 new pitches. The Welsh Government has also significantly invested in existing local authority sites to improve living conditions for residents.

The Gypsy and Traveller Sites Capital Grant is intended to improve the quality of life for Gypsy and Traveller site residents by improving existing facilities provided on sites, the provision of new facilities on existing sites and the provision of new sites. It is important a local authority’s application for funding clearly demonstrates how its proposal fits in with local strategic plans (e.g. the Local Development Plan or Gypsy and Traveller Accommodation Assessment).

The grant funding for the period 2018 – 2019 may cover up to 100% of site development costs. The Sites Capital Grant is available for developments which will commence during the year 2018-19 and conclude by 31 March 2021. Applications can focus on a single financial year or more than one financial year within this period. In any one financial year, the maximum grant payable is £1.5m.

Welsh Housing Quality Standard (WHQS)

The number of social housing dwellings that are compliant with the Welsh Housing Quality Standard (WHQS) continues to increase. At 31 March 2017, 86 per cent of social housing dwellings (192,302 dwellings) were compliant with the WHQS compared to 79 per cent a year earlier. Excluding acceptable fails, 61 per cent (revised) of all social housing dwellings (136,220 dwellings (revised)) were fully compliant with the WHQS at 31 March 2017. Up to date information about WHQS compliance across social housing sector is available on the Welsh Government website: <https://gov.wales/statistics-and-research/welsh-housing-quality-standard/?lang=en>

Isle of Man

Housing

In regards to the provision of family housing the latest Isle of Man Strategic Plan which was approved by Tynwald in March 2016 is relevant in relation to the provision of affordable housing in private sector developments. Housing Policy 5 states:

“In granting planning permission on land zoned for residential development or in predominately residential areas the Department will normally require that 25% of provision should be made up of affordable housing. This policy will apply to developments of 8 dwellings or more.”⁶⁰

The units identified in this manner can be utilised for Public Sector housing or for eligible first time buyers under a Government assistance scheme. The scheme is based on housing need and financial eligibility, targeting those who cannot access the housing market without assistance.

The Department of Infrastructure is also investigating alternative tenure models such as mid-rental, which it is a present piloting. The intention is to allow tenants who would otherwise be paying a higher rent in the private sector to save some extra money each month towards a deposit in order to help them to move on to purchase their own home, with or without the assistance of the Government First Time Buyer Shared Equity Schemes.

Childcare

England

Evidence shows that high-quality childcare supports children’s development, and prepares younger children for school. It also gives parents the ability to balance work and family life, allowing them to enjoy the benefits of a job safe in the knowledge that their children are in good hands.

The government provides childcare support to parents and carers through a range of measures, including:

⁶⁰ https://www.gov.im/media/1350906/the-isle-of-man-strategic-plan-2016-approved-plan-15_03_16.pdf

- offering **15 hours of free childcare a week for all 3 and 4 year olds in England**, worth around £2,500 a year on average, to help them develop social skills and prepare them for school. There has been near universal take up of the 15 hours for all 3 and 4 year olds (92% of 3 year olds and 95% of 4 year olds).
- offering **30 hours of free childcare a week for working parents of 3 and 4 year olds in England**, saving families using the full 30 hours up to £5,000 per year in total and making it easier for them to work and earn more in the years before their children start school. More than 340,000 children aged three and four years old benefitted from a 30 hours place since the offer was rolled out in September 2017.
- **15 hours of free childcare a week for disadvantaged 2 year olds in England**, nearly 750,000 children have benefited from this support. See below for further information on this (under 'Two-year-old entitlement').
- **Childcare vouchers** provided through some employers in the UK, allowing parents to save money by paying for childcare from their pre-tax salary
- **Help with up to 70% of childcare costs** for people on low incomes through working tax credits, which in April 2016 increased to 85% through Universal Credit, subject to a monthly limit of £646 for one child or £1108 for two or more children. This will make sure work pays for families on a low income. The childcare element of Universal Credit is available to working families in England, Scotland and Wales.
- **Tax-Free Childcare for working families in the UK who have childcare costs**. For every £8 parents pay into an online account, the government will pay £2 – up to a maximum contribution of £2,000 per child each year, for children aged up to 12. Parents of disabled children will receive extra support (worth up to £4,000 per child, each year and until their child is 17).
- **Shared Parental Leave**, giving parents the chance to share up to 50 weeks' leave and up to 37 weeks' parental pay in the first year following their child's birth or adoption.

Guidance and information on childcare out of school, after school hours and through holiday clubs is provided by local authorities and for residents of England and Wales is accessible via the GOV UK website: - www.gov.uk/childcare-out-of-school-hours

The Two-year-old entitlement

Evidence shows that on average disadvantaged families are less likely to make use of formal childcare provision than more advantaged families.

The Government introduced 15 hours of free early education for the most disadvantaged two-year-olds in September 2013. Under the provisions of the Act, eligibility was expanded in September 2014 to include children from low income working families and children with a disability or special educational need.

In April 2018, the Government introduced an earnings threshold for families on Universal Credit, equivalent to £15,400 per year, to ensure that the entitlement is available to those who will benefit most.

As of January 2018, 72% of eligible two-year-olds are taking up the entitlement - this is up from 68% in January 2015.

Since its introduction in September 2013, nearly three quarters of a million of the country's most disadvantaged two-year-olds have benefitted from the entitlement to 15 hours of free early education a week. As of January 2018, 72% of eligible two-year-olds are taking up the entitlement - this is up from 68% in January 2015.

Scotland

Maternity care

The *Best Start: A Five Year Forward Plan for Maternity and Neonatal Care in Scotland* (2017)⁶¹ contains recommendations that will fundamentally reshape services. A review of NHS maternity and neonatal services in Scotland has provided an excellent opportunity to identify best practice and opportunities to make improvements to create world class maternity and neonatal care.

A £1.5 million Scottish Government neonatal expenses fund was announced in December 2017 and will be universally available to parents with children in neonatal care. Parents can claim for travel and subsistence costs but not accommodation costs. All Health Boards already offer accommodation when it is most needed and the Scottish Government is working with them to ensure that there is sufficient, free accommodation for all parents when required.

On 22 December 2017 the Scottish Government announced that £1.5 million would be invested through the 2018-19 budget into supporting parents of premature babies. The Neonatal Expenses Fund was launched on 1 April 2018, providing expenses for travel and meals for premature babies and also those who are born sick spending time in neonatal units from birth. Eligibility for the fund is not means tested, meaning all parents of babies in neonatal units are eligible to apply. The fund provides up to £8.50 per day to subsidise meal costs and one return journey (in mileage or public transport costs) to the hospital per day.

The Scottish Government has invested heavily in working with NHS Boards to improve early access to antenatal services and has created a Local Delivery Plan (LDP) Standard to help drive improvement. The Standard states that at least 80% of pregnant women in each deprivation area - based on the Scottish Index of Multiple Deprivation (SIMD) - will have booked for antenatal care by the 12th week of gestation. In Scotland the target has been met across all 5 SIMD quintiles.

Every child born in Scotland and resident in Scotland will be eligible to receive a Baby Box. The purpose of Scotland's Baby Box is to give every child the best start in life by improving the support available to new and expecting parents both through the items contained in the box, the box itself and the engagement with health services that comes alongside the box.

⁶¹ <http://www.gov.scot/Publications/2017/01/3303>

In July 2018, the Scottish Government announced additional funding of more than £2 million for breastfeeding support. Health Boards, and other partners have received an additional £1.6m this year to meet the cost of local and national quality initiatives aimed at improving the breastfeeding experience for women across Scotland.

The Scottish Government has removed the requirement that women must be in receipt of a specified social security benefit to qualify for Healthy Start vitamins, and in Scotland the vitamins have been provided universally since April 2017.

Best Start Grant

The Scotland Act 2016 devolved new social security powers to Scotland, including powers to pay maternity expenses (the UK Sure Start Maternity Grant (SSMG)). In 2016 the Scottish Government Programme for Government contained a commitment to create a new Best Start Grant (BSG) to bring together the system for Healthy Start food vouchers and the SSMG, and on 28 September 2017 illustrative regulations for the BSG were published.⁶²

The BSG is a central part of the Scottish Government's commitment to parents and children, providing lower-income families with financial support during the early years of a child's life. By summer 2019 BSG will provide eligible families with £600 on the birth of their first child and £300 on the birth of any subsequent children, and give eligible families two further payments of £250 around the time of nursery and around the time a child starts school. There is no limit on the number of children in a family who can be supported by BSG.

The Grant has been designed to make sure that the people who need it, both in and out of work, can access it as easily as possible. To do this:

- eligibility will be extended to anyone on a tax credit or housing benefit (in addition to existing qualifying benefits) so that they can apply and receive a payment before their baby is born
- parents who are under 18 will not be required to be on a qualifying benefit, making it easier for them to apply
- there will be longer periods of time for people to apply so that they have more time to become aware of and access BSG
- BSG will be integrated with Healthy Start Vouchers so that parents complete one simple application process rather than two

Childcare

While the UK Government provides support to families UK-wide for any registered childcare, through the benefits system (Universal Credit and Tax Credits) and tax schemes (childcare

⁶² <https://beta.gov.scot/publications/early-years-assistance-best-start-grant-illustrative-regulations-policy-narrative/>

voucher schemes and Tax Free Childcare), the Scottish Government's main investment in childcare is in 'early learning and childcare'.

The overall aim of Scottish Government policy on funded early learning and childcare (ELC) is to improve outcomes for children and to contribute to closing the poverty-related attainment gap.

The overarching legislative framework for ELC is set out in the Education (Scotland) Act 1980⁶³, as amended. There was a significant amendment to this framework under the Children and Young People (Scotland) Act 2014⁶⁴ which: defined the term "early learning and childcare"; introduced an assumption of flexibility in the delivery of the funded hours; increased the amount of funded hours from 475 hours per year to up to 600 hours; and included 2 year olds for the first time (initially to around 15% and further increased to around a quarter in 2015 – targeting those expected to benefit most from early access to funded ELC).

Local authorities have the duty to provide access to funded ELC for all 'eligible children' in their area. All 3 and 4 year olds are eligible from the relevant start date⁶⁵ and eligibility criteria for 2 year olds include looked after children and children whose family are in receipt of a 'qualifying benefit'.⁶⁶ Local authorities also have discretion to provide funded ELC to other children "as they think fit".

The Scottish Government has committed to almost double the entitlement to up to 1,140 hours per year by August 2020. A *Blueprint for 2020* consultation was launched in October 2016 with the 2017-18 Action Plan published in March 2017⁶⁷ In April 2018, a multi-year funding package was agreed with the Convention of Scottish Local Authorities (COSLA), which secured full funding for the expansion.⁶⁸

Quality Child Care - at 31st March 2017 there were 4,524 providers registered with the 5 Health & Social Care Trusts supporting 60,903 registered places for day care. To ensure continued and enhanced quality within early years provision, the five Health and Social Care Trusts (Trusts) Early Years Teams register and inspect childminding and day care provision against minimum standards set by The Department of Health. The total invested annually in this particular statutory function is £5.6m. In addition, £1.7m is invested in the work of the Child Care Partnerships (CCPs) which support the provision of mandatory training for the child care sector; quality improvement programmes to ensure compliance by the sector with the Minimum Standards for Childminding and Day Care Provision; and Family Support services. Significant investment is also made in the provision of sponsored day care provision for children in need on an individual basis. In 2016/17, 506 children in need benefitted from this investment.

⁶³ <http://www.legislation.gov.uk/ukpga/1980/44/section/1>

⁶⁴ <http://www.legislation.gov.uk/asp/2014/8/part/6/enacted>

⁶⁵ <https://www.mygov.scot/childcare-costs-help/start-and-end-dates/>

⁶⁶ <https://www.mygov.scot/childcare-costs-help/funded-early-learning-and-childcare/>

⁶⁷ <https://consult.gov.scot/creating-positive-futures/expansion-of-early-learning-and-childcare/>

⁶⁸ <https://news.gov.scot/news/almost-a-billion-pounds-to-fully-fund-childcare>

Support for carers

The Scottish Government has put in place a number of measures to improve support for carers – people looking after a relative (or friend) for reasons of disability or a long term health condition. This includes mothers looking after a child with a disability or long term health condition, and young carers looking after another family member. (The following measures do not extend to parents looking after a child only by virtue of the child's age)

The Carers (Scotland) Act 2016,⁶⁹ which took effect on 1 April 2018, widens the scope of carers who can access support. It puts in place a system of carers' rights designed to listen to carers, improve consistency of support, and prevent problems – helping sustain caring relationships and protect carers' health and wellbeing:

- Carers now have a right to an adult carer support plan or young carer statement to identify their personal outcomes so that their eligible needs are supported.
- Carers also have rights to be listened to in decisions about carer services and in the hospital discharge of the person they are looking after.
- Local authorities must also provide information and advice services for carers.

The Scottish Government has established the Carer Positive scheme,⁷⁰ which helps raise awareness of the growing numbers of people who balance work and caring responsibilities. The Carer Positive employer recognition scheme has been a consistent Government commitment since 2011. The scheme encourages employers to understand the business case for supporting carers in the workplace, helping to retain experienced staff and improve productivity. This can be through, for example, flexible working hours, carers' leave or staff support networks. 116 employers have now been assessed as being Carer Positive, and the total number of employees working for Carer Positive organisations in Scotland stands at over 310,000 (June 2018).

In Scotland, the Carer's Allowance Supplement (CAS) will increase Carer's Allowance (currently £64.60 per week) to the level of Jobseeker's Allowance (currently £73.10 per week) from summer 2018. This is an increase of 13% and an investment of more than £30 million per year. CAS will be paid by the Scottish Government as two 6-month lump sums of £221 in 2018-19 to people who are resident in Scotland and in receipt of Carer's Allowance on two 'qualifying dates' chosen by Scottish Ministers.

On 20 September 2017 Scotland's First Minister announced a new package of support for young carers, with a £300 grant at its heart. The Young Carer Grant will be paid from autumn 2019 to carers aged 16 and 17 (and 18 if still at school), who are caring for 16 or more hours per week.

⁶⁹ <http://www.legislation.gov.uk/asp/2016/9/contents/enacted>

⁷⁰ <http://www.gov.scot/Topics/Health/Support-Social-Care/Unpaid-Carers/ProgrammesandInitiatives/CarerPositiveKitemark>

Wales

The Well-being of Future Generations (Wales) Act 2015 is about improving the social, economic, environmental and cultural well-being of Wales. It is intended to make the public bodies listed in the Act think more about the long-term, work better with people and communities and each other, look to prevent problems and take a more joined-up approach.

Under the 2015 Act, these public bodies must consult widely ahead of publishing a well-being plan for their area setting out its objectives and the steps it will take to meet them. They must also carry out an annual review of their plan showing their progress: <https://gov.wales/topics/people-and-communities/people/future-generations-act/?lang=en>

Prosperity for All

In September 2017, the Welsh Government published its National Strategy, Prosperity for All. This provides a framework for a whole-government approach to increasing prosperity and addressing the root causes of poverty in a more effective, joined-up way. <https://gov.wales/docs/strategies/170919-prosperity-for-all-en.pdf>

Under the National Strategy, every Cabinet Secretary and Minister has responsibility for improving outcomes and ensuring action is taken to break the cycle of disadvantage and tackle inequality in Wales.

Child Poverty Strategy

The Welsh Government revised its Child Poverty Strategy in 2015. The revised Strategy set five objectives for tackling child poverty. These focus on reducing the number of children living in workless households, increasing the skills of parents and young people, reducing education, health and economic inequalities, reducing in-work poverty and action to increase household income.

The Strategy also identified five key priority areas where we can do more with the levers available to the Welsh Government to improve outcomes for low income households in the here and now. These areas are childcare, housing and regeneration, mitigating the impacts of welfare reform, in-work poverty and food poverty. <https://gov.wales/docs/dsjlg/publications/150327-child-poverty-strategy-walesv2-en.pdf>

Under the Children and Families (Wales) Measure 2010, Welsh Ministers have a duty to publish a report on progress in tackling child poverty every three years. The last progress report was published in 2016: <https://gov.wales/docs/dsjlg/publications/cyp/161212-child-poverty-strategy-progress-report-2016-en.pdf>

Northern Ireland

The Work and Families Act (Northern Ireland) 2015 and related subordinate legislation introduced, from April 2015, significant measures to help families improve their work-life balance. These include the following:

- If they choose to do so, an eligible mother can end her maternity leave early and, with her partner or the child's father, opt for Shared Parental Leave instead of Maternity Leave. If they both meet the qualifying requirements, they will need to decide how they want to divide their Shared Parental Leave and Pay entitlement.
- Adopters will have the same rights as other parents to Shared Parental Leave and Pay.
- Fathers and partners will also be entitled to time off for up to two antenatal appointments.

Various changes to adoption leave and pay have also been introduced as follows:

- Statutory Adoption Pay has been brought into line with statutory maternity pay by setting it at 90% of normal earnings for the first six weeks;
- the right has been introduced for prospective adoptive parents to take time off before the adoption to have contact with the child and professionals making arrangements for the adoption; and
- entitlement to adoption leave and pay is introduced for intended parents who have availed of surrogacy arrangements.

There is no compulsion in respect of taking shared parental leave. Employed mothers will continue to be entitled to 52 weeks of Maternity Leave and 39 weeks of Statutory Maternity Pay or Maternity Allowance.

The right to request flexible working has been extended to all eligible employees.

Paid Paternity Leave of two weeks continues to be available to an eligible father and mother's or adopter's partner.

For more detail see <https://www.economy-ni.gov.uk/consultations/sharing-parental-rights-extending-flexibility-work>

Make the Call (MtC)

A key aim of the draft Programme for Government is to reduce poverty among the citizens of Northern Ireland. One of contributing actions towards the achievement of this aim is the introduction of the 'Make the Call Wraparound Service' (MtC) within Department for Communities. The primary purpose of this service is to increase customer access to benefits, supports and services. A supporting objective is to form new, and enhance existing, relationships across government and with the voluntary sector.

The Departments of Health and Communities have worked together to target MtC at families known to social services in Northern Ireland. As a result of the joint initiative, a significant proportion of the families who made the call to MtC were found to be entitled to additional benefits or supports.

Domestic Violence

A 'Stopping Domestic and Sexual Violence and Abuse Strategy' was published jointly by the Northern Ireland Department of Health and the Department of Justice on 15 March 2016. The vision of this Strategy is to have a society in which domestic and sexual violence is not tolerated in any form; to have effective tailored preventative and responsive services in place; and to ensure all victims are supported and perpetrators are held to account. The Strategy is being delivered through a series of action plans in conjunction with many key organisations across the statutory, voluntary and community sectors.

There were 29,913 domestic abuse incidents and 14,560 domestic abuse crimes recorded by the Police Service of Northern Ireland in 2017/18. Since Multi-Agency Risk Assessment Conferences were held across the country between January 2010 and 31 December 2017, over 12,181 high risk victims of domestic violence have had safety plans put in place to protect them – plans which have included 15,709 children.

The 24 hour Domestic & Sexual Violence Helpline managed 29,657 calls during 2016/17, 93% from women and 7% from men, who identified as victims of domestic violence. Approximately three hundred of the calls were from BME (black and ethnic minority) and Traveller women.

A Domestic Violence and Abuse Disclosure Scheme (DVADS) was introduced across Northern Ireland on 26 March 2018 for individuals aged 16 years and over. DVADS is similar in its framework to disclosure schemes introduced in the rest of the United Kingdom: the Domestic Violence Disclosure Scheme in England and Wales (commonly known as 'Clare's Law'); and the Disclosure Scheme for Domestic Abuse Scotland. The main purpose of the DVADS is to keep people safe. It will enable a potential victim, or a third party who knows them and has concerns, to receive information on a partner's history of abusive behaviour. It is hoped that this information will help them make an informed choice about whether to continue in their relationship (more information on DVADS and how to apply can be found on the PSNI webpage: <https://www.psni.police.uk/crime/domestic-abuse/dvads/>).

Also in early 2018 a Domestic Violence Perpetrator Programme pilot was launched in Londonderry/Derry, which is premised on a problem solving justice approach, which aims to change behaviours and reduce re-offending. Government continues to fund a 24-Hour Domestic and Sexual Violence Helpline.

The Victim Charter, which is now on a statutory footing, is also central to supporting victims of domestic and sexual violence and abuse.

Isle of Man

Childcare

Families in the Isle of Man on low income benefits can qualify for financial assistance in meeting any child care costs they are incurring for any children in their family up to age 12, depending on their circumstances and the type of benefit they are receiving.

In particular, persons receiving employed person's allowance can qualify for allowances towards the cost of their childcare if they are a lone parent in work, a member of a couple both of whom are in work or where one of them is in work and the other is sick. Persons claiming income support or income-based jobseeker's allowance can also qualify for allowances for childcare cost, but only if they are a lone parent who is in education or attending an approved training course.

During the reporting period the allowances paid were capped at a fixed amount for one child and capped at a higher fixed amount for more than one child. Those maxima were higher where the person claiming employed person's allowance was working at least 24 hours a week. The allowance for child care costs in employed person's allowance is normally of an amount to cover the actual cost of child care being incurred, albeit that only 70% of the actual child care cost is met through employed person's allowance because of the way the benefit is calculated. The allowances for child care costs paid to persons receiving other low income benefits (income support and income-based jobseeker's allowance) are normally enough to cover the whole charge.

Pre-School Credits

Through the Department of Education, Sport and Culture parents may also apply for pre-school credits annually and are issued with a certificate which they can exchange at the Pre School of their choice. The value of the credit has changed from previously reported and is now a universal benefit and not two tier. The value of the credit is now £3,420.

Further information about Pre-School Credits is available on the Isle of Man Government website at :

- <https://www.gov.im/categories/education-training-and-careers/pre-school/>

Legal Protection of families

Scotland

Domestic Abuse

There are a range of criminal offences that can be used to prosecute domestic abuse in Scots law, depending on the facts and circumstances of the particular case. These include assault, threatening or abusive behaviour, a range of sexual offences and breach of the peace. In February 2018, the Scottish Parliament passed the Domestic Abuse (Scotland) Act 2018⁷¹ which will provide for a specific offence of domestic abuse when it comes into effect.

The Act introduces a new offence criminalising a course of abusive behaviour towards a partner or ex-partner, which appropriately and effectively criminalises the type of pernicious coercive and controlling behaviour that can constitute domestic abuse. The new offence

⁷¹ <http://www.legislation.gov.uk/asp/2018/5/contents/enacted>

covers all the types of behaviour that can constitute domestic abuse, including psychological harm. While physical harm and overt threats can be prosecuted using, for example, common law assault and the offence of threatening or abusive behaviour, psychological harm can be very challenging to prosecute using existing laws.

There were 58,810 incidents of domestic abuse recorded by the police in Scotland in 2016-17, an increase of 1% from 2015-16. Criminal Proceedings statistics show that there were 10,830 convictions for an offence that was aggravated by domestic abuse in Scotland's courts in 2016-17.

The Scottish Government is implementing Equally Safe⁷² Scotland's strategy to tackle all forms of violence against women and girls - working with stakeholders to prevent violence from occurring in the first place, build the capability and capacity of mainstream and specialist services to support survivors and those at risk, and strengthen the Justice response to victims and perpetrators. Following a consultation on a draft version, *Equally Safe - A Delivery Plan for Scotland's Strategy to Prevent Violence Against Women and Girls* was published on 24 November 2017.⁷³

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The following provisions of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 came into force on 24 April 2017:

- the introduction of a 'statutory domestic abuse aggravator' to ensure courts take domestic abuse into account when sentencing offenders
- power for courts to make non-harassment orders in cases where they cannot do so at present
- a requirement for judges to give juries specific directions when dealing with sexual offence cases to help improve access to justice for victims

⁷² <https://www.gov.scot/Publications/2014/06/7483>

⁷³ <https://www.gov.scot/Publications/2017/11/5647>

- the extension of Scottish courts' extra-territorial jurisdiction over sexual offences committed against children to cover the other jurisdictions of the UK

The Act also created a specific offence of sharing private intimate images without consent (commonly known as 'revenge porn'), with a maximum penalty of five years' imprisonment, which came into force on 3 July 2017. The Scottish Government undertook a publicity campaign to coincide with the commencement of this offence. The campaign aimed both to raise awareness of the new offence and to challenge "victim blaming" attitudes.

Funding

Additional funding of £30,000 (from the £20 million Violence against Women and Girls Justice Fund) was allocated to Rape Crisis Scotland to develop a campaign to increase public understanding of responses to rape. The campaign complements the jury directions provisions introduced by the 2016 Act, which introduced a requirement for judges to give directions to juries on how people may respond to becoming a victim of rape, which are designed to ensure any pre-conceived views about how someone who has been raped should react do not influence how a jury reaches a decision in a case.

Through the work of the Equally Safe Justice Expert Group, the Scottish Government is looking at both medium and longer term improvements that can be made to the justice system for all victims of this type of violence, including domestic abuse victims and their children.

In the face of significant austerity, equality funding has been held in Scotland at similar levels since 2012. The Scottish Government is investing significant levels of funding to tackle violence against women and girls, including nearly £30 million over 2017-20 from the Equality budget. This includes direct provision for front line domestic abuse and sexual assault services, as well as funding for the National Domestic Abuse, Forced Marriage and Rape Crisis Helplines. The Scottish Government has also invested an additional £20 million over 2015-18 from Justice budgets, which includes increased support for advocacy provision.

Children

Equally Safe states that the Scottish Government has a responsibility to make sure that the rights of all children are protected, including their right to have a say in all matters affecting them, and to create an environment that is safe for children and young people to grow up. In the context of gender-based violence, children and young people must be regarded as 'victims/survivors' with the ability to access services in their own right and to be recognised as service users with an individual and collective voice in relation to the services they receive.

The Scottish Government is working closely with children's organisations to ensure that the Equally Safe Delivery Plan reflects the need to ensure children are protected from domestic abuse, and is continuing to invest resources in a number of services across Scotland that support children who have experienced domestic abuse.

The Domestic Abuse (Scotland) Act 2018 provides for a statutory aggravation to the offence of domestic abuse where the perpetrator involved a child in the perpetration of the abuse, directed behaviour at a child in committing the offence, or that a child saw or heard incidents of abusive behaviour, or was present when they took place, or that a child who was habitually residing with either the perpetrator or the victim was likely to be adversely affected by the perpetrator's behaviour in committing the offence. Where the aggravation is proven, the court will be required to take this into account in sentencing the offender.

The Scottish Government recognises the value in approaches such as the "Safe and Together" model, which can offer support to non-abusing parents in line with the principles of Equally Safe. In partnership with Barnardos and others in the Safe and Together Consortium, the Scottish Government is exploring what can be done to support local authorities to embed the model's principles and produce a strong evidence-base in Scotland, which will create a change in practice and better inform those who work with survivors and children.

Tackling offenders and supporting victims

Police Scotland has established a National Domestic Abuse Taskforce to target the most prolific perpetrators, and the Crown Office has a dedicated National Prosecutor for Domestic Abuse. A new Joint Protocol has been published, which commits Police Scotland and the Crown Office and Procurator Fiscal Service (COPFS) to a consistent and robust approach to domestic abuse, and recognises the significant and enduring impact that domestic abuse can have on victims and children.

There are currently 477 refuge spaces in Scotland for women and their children affected by domestic abuse. Legal aid is available to victims of domestic and gender-based violence seeking protection through civil actions, where they meet the statutory eligibility criteria. There is no residency test and no requirement to demonstrate that domestic abuse has taken place. In criminal cases, the state investigates offences and prosecutes alleged offenders. Victims of domestic and gender-based violence have the status of 'complainer' and can access advice and assistance on the criminal process.

In addition to the general availability of publicly-funded legal assistance, the Scottish Government has provided funding, through the Scottish Legal Aid Board (SLAB), to support the Scottish Women's Rights Centre, which offers free legal information and advice to women who have experienced gender-based violence, including a national helpline. The Scottish Government has also made available publicly funded legal assistance for those seeking representation in recovery proceedings where sensitive records are sought, following the judgment in *WF v Scottish Ministers* [2016] CSOH 27.

The Scottish Government's Justice Directorate commissioned a national scoping exercise of advocacy services relating to the criminal justice system for victims of violence against women and girls. The exercise included advocacy services for victims of domestic abuse, prostitution, human trafficking, rape and sexual assault, and advocacy services available for children and for men where these may have an impact on women's services.

The Scottish Government funds a number of women's support organisations that provide specialist services for black and ethnic minority women, for instance Shakti, Saheliya, Kenyan Women in Scotland Association (KWISA) and Community Infosource. These community based organisations work to support women affected by so-called honour-based violence, including FGM, forced marriage and domestic abuse. The Scottish Government is working with CEMVO Scotland to facilitate an ethnic minority women's event, which aims to identify specific barriers experienced by minority ethnic communities with regard to gender-based violence, so these can be accounted for in Equally Safe.

Fairer Scotland Duty

The Fairer Scotland Duty, known in part 1 of the Equality Act 2010 as the 'Socio-Economic Duty', came into force in Scotland from April 2018. It places a legal responsibility on particular public bodies in Scotland to actively consider how they can reduce inequalities of outcome caused by socioeconomic disadvantage, when making strategic decisions. Scotland is the first and only part of the UK where the duty is now operational.

Economic protection of families

United Kingdom

Family Benefits

The position remains as previously described with the following update.

Working Tax Credit rates

Working Tax Credit - £GB per year

Rates	April 2015	April 2016	April 2017
Basic element	£1,960	£1,960	£1,960
Couple and lone parent element	£2,010	£2,010	£2,010
30 hour element	£810	£810	£810
Disabled worker element	£2,970	£2,970	£3,000
Severe disability element	£1,275	£1,275	£1,290

Childcare element of Working Tax Credit

The maximum childcare costs claimable, and percentage of help with them are shown below.

Childcare element of Working Tax Credit

Rates	April 2015	April 2016	April 2017
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Rates	April 2015	April 2016	April 2017
Maximum eligible cost for 1 child	£175 per week	£175 per week	£175 per week
Maximum eligible cost for 2 or more children	£300 per week	£300 per week	£300 per week
Percentage of eligible costs covered	70%	70%	70%

Child Tax Credit rates

The maximum Child Tax Credit rates are shown below.

Child Tax Credit - £ per year

Rates	April 2015	April 2016	April 2017
Child Tax Credit Family element	£545	£545	£545
Child element	£2,780	£2,780	£2,780
Disabled child element	£3,140	£3,140	£3,175
Severely disabled child element	£1,275	£1,275	£1,290

Tax credits income thresholds

The tax credits income thresholds and withdrawal rates are shown below.

Income thresholds and withdrawal rates - £ per year (unless stated)

Rates and Thresholds	April 2015	April 2016	April 2017
Income threshold	£6,420	£6,420	£6,420
Withdrawal rate (%)	41%	41%	41%
Threshold for those entitled to Child Tax Credit only	£16,105	£16,105	£16,105
Income rise disregard	£5,000	£2,500	£2,500
Income fall disregard	£2,500	£2,500	£2,500

Child Benefit rates

The Child Benefit rates are shown below.

Child Benefit - £ per week

Rates	April 2015	April 2016	April 2017
Eldest/Only Child	£20.70	£20.70	£20.70
Other Children	£13.70	£13.70	£13.70

Guardian's Allowance rates

The Guardian's Allowance rates are shown below.

Guardian's Allowance - £ per week

Rates	April 2015	April 2016	April 2017
Guardian's Allowance	£16,55	£16.55	£16.70

Current and historical rates of Tax Credits, Child Benefit and Guardian's Allowance can be found at the following link:

<https://www.gov.uk/government/publications/rates-and-allowances-tax-credits-child-benefit-and-guardians-allowance>

England**The Troubled Families Programme**

The current Troubled Families Programme (2015-2020) aims to achieve significant and sustained improvement for up to 400,000 families in England with multiple high-cost problems by 2020. The programme is driving better ways of working around complex families - improving outcomes for individuals in those families, reducing their dependency on services, and delivering better value for taxpayers.

The Welfare Reform and Work Act 2016 requires the Secretary of State for Communities and Local Government to report annually to Parliament on the progress of the Troubled Families programme.

The programme is delivered by 150 top tier authorities, working with their local partners – police, Jobcentre Plus (which provides approximately 300 dedicated Troubled Families Employment Advisers, working with the local authorities and providing direct employment support to families), health organisations, schools, housing providers, voluntary community services and others.

To be eligible for the Troubled Families Programme, each family must include dependent children and have at least two of the following six headline problems:

- Parents or children involved in crime or anti-social behaviour.
- Children who have not been attending school regularly.
- Children who need help: children of all ages who need help, are identified as in need or are subject to a Child Protection Plan.
- Adults out of work or at risk of financial exclusion or young people at risk of worklessness.
- Families affected by violence against women and girls
- Parents or children with a range of health problems

Local authorities and their partners are expected to prioritise the families with multiple problems who are of most concern locally and cause the highest reactive costs; appoint a keyworker who manages each family and their problems; work towards agreed goals which

are shared and jointly owned across local partners; and be transparent about outcomes, benefits and costs.

As well as providing better support for families, the programme is designed to be a catalyst for local services to transform and work together in a more cost efficient and integrated way, and also reduce demand for high cost services such as children's social care. The outcomes shown in the emerging evaluation results for families who joined the programme between September 2014 and December 2016 are encouraging, particularly in reducing demand for high cost children's social care services. In families on the programme in the 6-12 months after intervention, the proportion of children designated as Children In Need decreases by 14% when compared to the period just before the start of intervention.

As of Autumn 2017, more than 270,000 of the families who most need help were worked with as part of the programme. More than 75,000 families had achieved significant and sustained progress on all of the problems identified, and in almost 12,200 of these families, one or more adults had succeeded in moving into continuous employment.

£920 million has been committed to the Troubled Families Programme from 2015 – 2020.

The first Troubled Families programme ran from 2012 to 2015, with £448 million distributed to local authorities over the three years. Over 116,000 troubled families were 'turned around' by May 2015⁷⁴. This includes: more than 18,000 families who saw an adult back into continuous employment; nearly 105,000 families with children back into school for 3 consecutive terms; reduced youth crime and anti-social behaviour.

Scotland

Child Poverty

In order to set out a clear agenda for tackling, reporting on and measuring child poverty, Scottish Ministers brought forward their own legislation, the Child Poverty (Scotland) Act 2017,⁷⁵ which:

- sets out four statutory income targets
- places a duty on Scottish Ministers to publish child poverty delivery plans in 2018, 2022 and 2026, and to report on those plans annually
- places a duty on local authorities and health boards to report annually on activity they are taking to reduce child poverty
- establishes a statutory Poverty and Inequality Commission from 1 July 2019

⁷⁴ DCLG Troubled Families Programme (2015) Progress Information
<https://www.gov.uk/government/publications/troubled-families-progress-information-by-december-2014-and-families-turned-around-by-may-2015>

⁷⁵ <http://www.parliament.scot/parliamentarybusiness/Bills/103404.aspx>

The Act requires the Scottish Government to reduce the number of children who live in poverty. By 2030, the following targets must be met:

- fewer than 10% of children living in families in relative poverty
- fewer than 5% of children living in families in absolute poverty
- fewer than 5% of children living in families in combined low income and material deprivation
- fewer than 5% of children living in families in persistent poverty

The Act also includes a set of interim targets to be met by 2023. In March 2018 Scottish Ministers published the first *Tackling Child Poverty Delivery Plan* due under the Act.⁷⁶ Its actions are organised in two ways:

- actions to make progress now on the three main drivers of child poverty (income from work and earnings; costs of living; income from social security)
- actions to help children and young people in poverty now avoid bringing up their own children in poverty in 2030 (this includes a focus on quality of life and partnership working).

The first progress report due under the Act will be published by June 2019.

Isle of Man

Benefits

Detailed information about social and family benefits and other benefits can be found on the Isle of Man Government website at: <https://www.gov.im/categories/benefits-and-financial-support/social-security-benefits/social-security-benefits-a-z/>

- The main family benefits payable in the Isle of Man are –
 - A. child benefit;
 - B. maternity allowance;
 - C. maternity payments;
 - D. paternity allowance;
 - E. adoption allowance.

The following benefits are also paid to families on low incomes, including allowances for partners and children in families as well as for the person claiming benefit –

⁷⁶ <http://www.gov.scot/everychild>

- a) employed person's allowance;
- b) income support; and
- c) income-based jobseeker's allowance.

To qualify for any low income benefit a person normally has to satisfy an Isle of Man residential condition. However, that condition can be waived if there is a special reason which would render that person's disqualification from benefit exceptionally harsh or oppressive and they satisfy the other conditions for benefit.

There is a range of other benefits payable to persons in the Isle of Man who are sick, disabled, unemployed and pensioners.

There is no equivalent payment in the Isle of Man to child tax credits paid in the UK.

Family Benefits

Child benefit

Qualifying conditions for receiving benefit

A person can qualify for child benefit for each child they have who is living with them who is –

- under age 16; and
- age 16 or over but under age 20 who is still in full-time non-advanced education or approved training of more than 12 hours a week.

To qualify for child benefit a person, their partner or their child must have lived in the Isle of Man or the UK for more than 6 of the previous 12 months. However, this rule does not apply in certain circumstances (e.g. where a person is in employment).

A person can also qualify for child benefit for each such a child or young person who is not living with them but for whom they are contributing to the cost of providing for at a rate at least equal to the rate of child benefit for that child.

Since April 2014, a person is not entitled to child benefit if they are treated as having a household income of above the upper income threshold. If the person has a household income which is not above the upper income threshold but is above the lower income threshold they can qualify for child benefit but at less than the full amount that would otherwise be payable for the child. The reductions are –

- a reduction of 25% of the full amount if their household income is up to £10,000 above the lower income threshold;

- a reduction of 50% of the full amount if their household income is more than £10,000 above the lower income threshold but not more than £20,000 above the lower income threshold;
- a reduction of 75% of the full amount if their household income is more than £20,000 above the lower income threshold but not above the upper income threshold.

A person's household income for these purposes is the total amount of income which they and their partner are assessed as having for Isle of Man income tax purposes, normally in the tax year two years before the claim for child benefit. In certain circumstances a person's household income is calculated differently (for instance, if the person was not assessed for Isle of Man income tax purposes in the tax year two years before the claim for child benefit, their household income is taken to be the amount of income they expect to have for Isle of Man income tax purposes in the year they make their claim for child benefit).

Changes have been made to legislation to enable a person's household income for child benefit income-testing purposes by reference to be the amount of income they expect to have for Isle of Man income tax purposes in the year they are making their claim for child benefit rather than two years before if certain circumstances apply to them. Changes have also been made to extend list of special payments made to a person which are disregarded in determining their income for child benefit income-testing purposes.

Originally, the upper income threshold was set at £90,000 and the lower income threshold at £60,000. From April 2015 the upper income threshold has been £80,000 and the lower income threshold £50,000.

More information about child benefit can be found on the Isle of Man Government website at: <https://www.gov.im/categories/benefits-and-financial-support/social-security-benefits/social-security-benefits-a-z/#>

Level of benefit

The weekly rates of Child Benefit payable during the reporting period are shown below.

	April 2014	April 2015	April 2016	April 2017
For the first or only child in the family	£20.40	£20.40	£20.40	£20.80
For the any other child in the family	£13.50	£13.50	£13.50	£13.75
Enhanced rate	£30.00	£30.00	Not payable	Not payable

An enhanced rate of child benefit of £30.00 per week was payable for children in education aged 16 to 19 but was abolished in April 2012 (subject to transitional protection for existing recipients). It has not been payable in any circumstances since April 2016.

Number of persons receiving benefit as a proportion of the total population

The numbers of persons entitled to child benefit at the end of each year during the reporting period are set out below.

	December 2014	December 2015	December 2016	December 2017
Number of persons entitled to child benefit	8,419	7,834	7,586	7,380
Number of children for whom child benefit is payable	12,759	11,802	11,330	11,042

At the time the Isle of Man Census undertaken in April 2016 there were 83,314 people living in the Isle of Man, made up of 41,269 men and 42,045 women. The number of persons receiving child benefit at the end of each year in the reporting period as a proportion of the total Isle of Man population per the 2016 Census was therefore around 9%.

Of course the number of people who could have qualified for child benefit had they claimed it is a lot lower than the total Isle of Man population, since the total population figure includes children for whom child benefit is being paid, persons who do not have children living with them and the partners of people receiving child benefit (only one person can be entitled to child benefit for the same child).

It is known that the number of persons entitled to child benefit at the end of the reporting period is around 25% less than it was before income-testing of entitlement to child benefit was introduced in 2014.

Maternity allowance

Qualifying conditions for receiving benefit

A woman who is pregnant, or who has recently given birth, and who has satisfied certain earnings and contribution tests, is entitled to a weekly payment of maternity allowance. Maternity allowance can be paid for up to 39 weeks, normally beginning 11 weeks before the expected week of childbirth, and is normally at the maximum rate (if they are an employed earner) or the standard rate (if they are a self-employed earner).

More information about maternity allowance can be found on the Isle of Man Government website at: <https://www.gov.im/categories/benefits-and-financial-support/social-security-benefits/social-security-benefits-a-z/>

Level of benefit

The weekly rates of Maternity Allowance payable in the reporting period were as follows.

	April 2014	April 2015	April 2016	April 2017
For employed earners (maximum rate)	£179.85	£179.85	£179.85	£179.85
	£179.85			

For self- employed earners (standard rate)	£138.18	£139.58	£139.58
	£140.98		

Number of persons receiving benefit as a proportion of the total population

The numbers of women entitled to Maternity Allowance at the end of each year during the reporting period are shown below.

December 2014 December 2015 December 2016 December 2017

Women entitled to Maternity Allowance	397	433		
	386	409		

At the time the Isle of Man Census undertaken in April 2016 there were 83,314 people living in the Isle of Man, made up of 41,269 men and 42,045 women. There were 20,077 economically active females of which 19,485 were in work. The number of women receiving maternity allowance at the end of each year in the reporting period as a proportion of the total Isle of Man population per the 2016 Census in the reporting period was therefore around 0.49% of the total population, 0.97% of the total female population and 2% of the total economically active female population.

Maternity Payments

Qualifying conditions for receiving benefit

Women on low incomes who are pregnant or have recently given birth may also qualify for a maternity payment for each child they have given birth to. Maternity payments may also be paid in other circumstances (e.g. following adoption rather than childbirth).

To qualify for a maternity payment a woman (or her partner) must be entitled to a low income benefit and have savings of no more than £6,000.

Rates of maternity payment payable have not changed during the reporting period and the rules of entitlement have not changed materially during that period either.

More information about maternity payment can be found on the Isle of Man Government website at: <https://www.gov.im/categories/benefits-and-financial-support/social-security-benefits/social-security-benefits-a-z/>

Level of benefit

A person receives a maternity payment of £500 for each child, but the payment is reduced to £250 for each child if a maternity payment has been paid to the person in the previous 3 years.

Number of persons receiving benefit as a proportion of the total population

The number of maternity payments payable each year in the reporting period was relatively low (around 100 to 130 in total for each of the four years) due to the qualifying conditions for the benefit, representing a very small proportion of the Isle of Man's population.

Paternity Payments

Qualifying conditions for receiving benefit

A person who is on paternity leave from their employer and who has satisfied certain employment and earnings tests is entitled to a weekly payment of paternity allowance for 1 or 2 weeks.

More information about paternity allowance can be found on the Isle of Man Government website at: <https://www.gov.im/categories/benefits-and-financial-support/social-security-benefits/social-security-benefits-a-z/>

Level of benefit

The maximum rate of paternity allowance payable is £179.85 per week.

Number of persons receiving benefit as a proportion of the total population

The number of people who received paternity allowance payments in the reporting period was very low (between 15 and 30 in total for each of the four years).

Adoption allowance

Qualifying conditions for receiving benefit

A person who is on adoption leave from their employer and who has satisfied certain employment and earnings tests is entitled to a payment of adoption allowance for up to 39 weeks, starting around the date the child is placed for adoption.

Level of benefit

The maximum rate of paternity adoption allowance payable is £179.85 per week.

More information about adoption allowance can be found on the Isle of Man Government website at: <https://www.gov.im/categories/benefits-and-financial-support/social-security-benefits/social-security-benefits-a-z/>

Number of persons receiving benefit as a proportion of the total population

The number of people who received adoption allowance payments in the reporting period was very extremely (only 1, 2 or 3 in total for each of the four years).

Benefits for Persons on Low Incomes, (including allowances for partners and children in families as well as for the person claiming benefit)

Employed person's allowance

Qualifying conditions for receiving benefit

Some families on low incomes are entitled to employed person's allowance if one or both adults in the family are in work. The amount of employed person's allowance payable to a person includes a contribution towards any child care costs and housing costs they are paying as well as personal allowances for each family member.

More information about employed person's allowance is provided on the Isle of Man Government website at <https://www.gov.im/categories/benefits-and-financial-support/social-security-benefits/social-security-benefits-a-z/>

Level of benefit

The amount of employed person's allowance payable to a person is the difference between the total allowances for that person less the amount of income they are treated as having (including their earnings) multiplied by 70%. The allowances which apply to a person vary depending on their circumstances. The allowances which apply currently (2018/19) are provided on the Isle of Man Government website at <https://www.gov.im/categories/benefits-and-financial-support/social-security-benefits/benefit-rates/>. The allowances for the 4 years in the reporting period were broadly the same as those in 2018/19 except for annual cost-of-living increases applied each year.

Number of persons receiving benefit as a proportion of the total population

The number of people receiving employed person's allowance in each year of the reporting period was around 1,200, almost all of whom had children in their families. This is around 1.44% of the total Isle of Man population at the time of the 2016 Census (83,314).

Of course the number of people with children in their families who could have qualified for employed person's allowance had they claimed it is much lower than the total Isle of Man population, since the total population figure includes children (who cannot qualify for employed person's allowance), people who do not have children living with them, the partners of people receiving employed person's allowance (only one member of a couple can be entitled to employed person's allowance), people who are not in work (to qualify for employed person's allowance you must be working a minimum number of hours per week) and people who don't qualify for employed person's allowance because their income is too high.

Income Support

Qualifying conditions for receiving benefit

Income Support is payable to certain categories of people who are not in full-time and who are on a low income. Those categories include –

- a) lone parents who have at least one child in their family under age 12;

- b) women who are (or have been pregnant), but only for the period commencing 11 weeks before the expected week of child birth and ending 15 weeks after her pregnancy ends;
- c) persons on unpaid parental or paternity leave from their employer.

More information about income support can be found on the Isle of Man Government website at: <https://www.gov.im/categories/benefits-and-financial-support/social-security-benefits/social-security-benefits-a-z/>

Level of benefit

The amount of Income Support payable to a person is the difference between the total amount of allowances and premiums that apply in their case and the amount of income they are treated as having. The allowances which apply currently (2018/19) are provided on the Isle of Man Government website at <https://www.gov.im/categories/benefits-and-financial-support/social-security-benefits/benefit-rates/>. The allowances for the 4 years in the reporting period were broadly the same as those in 2018/19 except for annual cost-of-living increases applied each year.

Number of persons receiving benefit as a proportion of the total population

The number of persons entitled to income support with children in their families and the number of those children at the end of each year in the reporting period are shown below.

	December 2014	December 2015	December 2016	December 2017
Number of families entitled to income support with children in their families	664	589	600	556
Number of children in families for whom income support is payable	1,211	1,058	1,069	1,011

The number of persons with children in their families entitled to income support at the end of each year in the reporting period as a proportion of the total Isle of Man population per the 2016 Census in the reporting period (83,314) therefore ranged between 1.21% and 1.45%.

Of course the number of people with children in their families who could have qualified for income support had they claimed it is much lower than the total Isle of Man population, since the total population figure includes children (who cannot qualify for income support), people who do not have children living with them, the partners of people receiving income support (only one member of a couple can be entitled to income support) and people who don't qualify for income support because their income is too high.

Income-based jobseeker's allowance

Qualifying conditions for receiving benefit

A person on a low income who is unemployed but looking for work may claim income-based jobseeker's allowance if they don't qualify for income support.

More information about jobseeker's allowance can be found on the Isle of Man Government website at: <https://www.gov.im/categories/benefits-and-financial-support/social-security-benefits/social-security-benefits-a-z/>

Level of benefit

The amount of income-based jobseeker's allowance payable to a person is the difference between the total amount of allowances and premiums that apply in their case and the amount of income they are treated as having. The allowances are broadly the same as those for people claiming income support – and include allowances for partners and children of people claiming income-based jobseeker's allowance – although lower allowances are payable for people who have been out of work for at least 6 months and for persons who do not have to pay housing costs (e.g., rent or mortgage interest) compared with people receiving income support. The allowances which apply currently (2018/19) are provided on the Isle of Man Government website at <https://www.gov.im/categories/benefits-and-financial-support/social-security-benefits/benefit-rates/>

There is only a small number of people receiving income-based jobseeker's allowance who have children in their family compared to other benefits.

As previously described parents may also apply for pre-school credits annually and are issued with a certificate which they can exchange at the Pre School of their choice. The value of the credit has changed from previously reported and is now a universal benefit and not two tier. The value of the credit is now £3,420.

The table below provides the number of pre-school credit issued in the reporting period.

Academic Year Number of Pre-school credits certificates issued

2014/15	870
2015/16	886
2016/17	885
2017/18	795

d) Responses to comments and queries from 2015 conclusions:

Wales: The Committee asks for it to be stated in the next report whether any measures are being taken to remedy the affordability issue – childcare costs being the main barrier to accessing childcare.

The Welsh Government is committed to delivering the childcare offer to make childcare more affordable for parents and to increase their employment options. The Welsh Government's childcare offer is to provide 30 hours of government-funded early education and childcare for working parents of three and four year olds for 48 weeks of the year.

The childcare offer has been delivered within seven local authorities across Wales since September 2017 and there is an agreed programme of expansion so that the offer will be available across the whole of Wales by September 2020. This programme of early implementation is central to ensuring the offer meets the needs of children, parents and childcare providers once rolled out across Wales. The funding to support the childcare offer increases to £25m in 2018-19, and to £45m in 2019-20.

Parents in Wales who pay for formal childcare are also able to access schemes administered by the United Kingdom government to support parents with their childcare costs, such as Tax-Free Childcare; Tax Credits; Universal Credit; and Childcare vouchers.

Scotland and Northern Ireland: The Committee asks the next report to indicate what mediation assistance is available for families in need in case of family conflict.

Scotland

The Scottish Government provides financial support to Relationships Scotland (<https://www.relationships-scotland.org.uk/>), which provides a wide range of support to families, including mediation. In some instances (for example when family mediation is ordered by the court), the legal aid fund may meet the costs of some aspects of family mediation. A range of mediation and conciliation services for different circumstances are available in Scotland.

Northern Ireland

In Northern Ireland, the Department of Health and its ALBs continue to support families through a range of measures. These include the provision of:

- *Family Mediation* – In recognition that assistance needs to be more readily available earlier in the process of separation and the important role of both parents in a child's life, The Department of Health has worked with Family Mediation NI to produce information on Family Mediation services. The Department of Health is also working cross departmentally with the Department of Justice; Department for Communities and the Department of Finance to implement recommendations falling from a review of Civil and Family Justice in Northern Ireland. This work includes awareness-raising of family mediation services. In addition, the HSC Board contract Family Mediation NI to deliver a minimum of 1,000 face to face free sessions each year to parents and their children/young people. These are early intervention services, targeted at separating parents with children who have not entered the court process.

- *Family Support NI website* – Recognising that all families face challenges at some point, the Department of Health, in conjunction with the HSC Board has established the Family Support NI website to help families find the support they need to help them address these challenges. Family Support NI is a searchable online directory which provides a wide range of useful information not only to parents and families, but also to young people and front line staff. The directory contains details of a wide range of statutory, voluntary and community family support services and child care provision throughout Northern Ireland. Current available statistics show the site receives some 50,000 hits per month. Additional investment has recently been secured in partnership with the Department of Education to enhance the functionality of the site and undertake an associated promotion campaign in 2018/19.
- *Relationship Counselling* – The Department of Health, HSC Board and Trusts invest significantly in relationship counselling services through contracts and grant awards to key partners within the Voluntary and Community Sector such as Relate NI; Accord and Parenting NI. These provide a myriad of services to support couples who wish to remain together; are separating or are separated and co-parenting. They also provide family counselling; psychosexual therapy; support for those experiencing domestic violence in their relationship and those where alcohol or drug issues are having an impact on family relationships.
- *Family Support Hubs* - There are 29 Family Support Hubs operating across Northern Ireland. Each Hub is a multi-agency network of statutory, community and voluntary organisations that either provide early intervention services or work with families who need early intervention services. In 2016/17 hubs received referrals relating to 6075 families, 7651 children and 4499 parents. Funding of £725k has supported the establishment of these hubs and in 2018/19 this funding has been increased to £1.35m.
- *Family and Parenting Support Strategy* - The Department of Health is leading on the development of a new, cross-departmental, Family and Parenting Support Strategy. This will build on the strengths of the existing parenting strategy, *Families Matter*, particularly the strong focus on early intervention. The new Strategy will also reflect the achievements of the Family Support Hub Network and the Early Intervention Transformation Programme in helping families through the use of a multi-agency approaches. A strategy co-design workshop took place in April 2018. It was attended by over 100 stakeholders from across government, statutory bodies and the voluntary and community sector. The focus is now on how best to ensure that parents and families themselves can contribute to the development of the Strategy. At this stage, it is planned that the new Strategy will be subject to public consultation late in 2018.
- *EITP* - A further significant investment (£30m) has been made through the Early Intervention Transformation Programme (EITP) which aims to improve outcomes for children and young people across Northern Ireland through embedding early

intervention approaches and which is funded jointly by five government Departments (DoH, DE, DOJ, DfC and DfE) Delivering Social Change and Atlantic Philanthropies from 2014/15 to March 2019.

England and Wales: The Committee asks for more detailed information in the next report on the outcome of domestic violence measures mentioned in report.

United Kingdom

We introduced the Coercive or Controlling Behaviour Offence (as part of the Serious Crime Act in 2015). It means that victims who experience the type of behaviour that stops short of serious physical violence, but amounts to extreme psychological and emotional abuse, can bring their perpetrators to justice. The offence will carry a maximum of 5 years' imprisonment, a fine or both and since the introduction of the offence, there have been 294 successful convictions and the number of cases has increased from 155 in December 2016 to 468 in December 2017 (up by 300%).

Domestic Abuse Bill

In 2017 the Prime Minister introduced a new programme of work to transform how we think about and tackle domestic abuse that would result in a draft Domestic Abuse Bill. This was confirmed in the Queen's speech. We recently consulted on the Bill – the consultation sought to address domestic abuse at every stage from prevention through to rehabilitation and reinforces the Government's aim to make domestic abuse everyone's business. We received over 3,200 responses to the consultation, and are now analysing the responses.

The features of the Domestic Abuse Bill are:

1. A new statutory definition of Domestic Abuse, which will ensure that frontline professionals and those charged with protecting victims and going after perpetrators will work to a clear definition of domestic abuse ensuring that people understand domestic abuse in all its forms. This definition explicitly includes 'economic abuse' as we want to take a more expansive approach to account for all forms of abuse
2. A new independent Domestic Abuse Commissioner who will be appointed to stand up for victims and survivors and hold local and national Government to account. We propose the Domestic Abuse Commissioner will have the power and resources to:
 - Map and monitor provision of domestic abuse services, and use transparency of data to showcase and share best practice, as well as to highlight where local provision falls short of what is expected;
 - Require local organisations to cooperate and provide information;
 - Oversee the Domestic Homicide Review Quality Assurance process, feeding lessons learned into their recommendations;

- Publish findings in reports, which will be laid before Parliament; and
 - Provide recommendations to both national and local Government to improve the response to domestic abuse, and that this be accompanied with a duty on the responsible person/organisation to respond to these recommendations.
3. A new domestic abuse protection order. The notice and order would be linked to the new statutory definition of abuse thereby extending their application beyond violence or the threat of violence and will provide protection for women against the range of domestic abuse offences. There would be a proposed criminal sanction for breach of the order.
 4. Introducing new aggravated factors for domestic abuse that takes place in front of children to reflect the harm done to the child as well as the victim. We propose to create a statutory aggravating factor in sentencing, similar to those already in law for hate crimes. The aggravating factor could be drafted to apply to circumstances of domestic abuse, including behaviour involving, or with particular impact on, a child. Such an aggravating factor could apply to all offences; courts consider the full scope of the aggravating factor and increase sentences accordingly within the statutory maximum penalty.
 5. We will facilitate the ratification of the Istanbul Convention by taking ETJ (extraterritorial jurisdiction) offences as required by the convention. Set out Istanbul Convention requirements on sexual harassment and Government's proposal to rely on the civil law remedy in the 1997 Act to ratify the Convention obligations in this regard.

Wales

The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 received Royal Assent in April 2015. The main aims of the Act are to improve arrangements to:

- promote awareness of, and to prevent, protect and support victims of violence against women, domestic abuse and sexual violence;
- strengthen the strategic leadership and accountability for violence against women, domestic abuse and sexual violence; and
- improve the consistency, quality and join-up of service provision in Wales.

The Act is a vital part of a comprehensive package of measures which takes important steps towards ending these abuses. This includes our whole school approach to addressing these issues and the introduction of our National Training Framework.

The National Training Framework on violence against women, domestic abuse and sexual violence: statutory outlines the Welsh Government's requirements for training on these subjects across the public service and specialist third sector to ensure a consistent standard

of care for those who experience violence against women, domestic abuse and sexual violence.

A National Strategy to help fulfil the purposes of the Act was published in November 2016; this highlighted the distinct needs of a number of groups and set out actions the Welsh Government will take to achieve its objectives.

In respect of family benefits (Child Benefit) the Committee considers that, in order to comply with Article 16, child benefits must constitute an adequate income supplement for a significant number of families. The Committee asks what is the percentage of families covered.

United Kingdom

Child Benefit is payable at the rate of £20.70 per week for the first child and £13.70 (per child) for additional children.

The estimated Child Benefit take-up rate for the period 2015-16 is 94 per cent.

Further information about take-up rates⁷⁷ for UK family benefits (Child Benefit and Tax Credits) can be found at the following link: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/666846/Child_Benefit_Child_Tax_Credit_and_Working_Tax_Credit_Take-up_rates_201....pdf

Take-up rates for the period 2016-17 are scheduled to be updated in December 2018.

Isle of Man

At the time the Isle of Man Census undertaken in April 2016 there were 83,314 people living in the Isle of Man, made up of 41,269 men and 42,045 women. The number of persons receiving child benefit at the end of each year in the reporting period as a proportion of the total Isle of Man population per the 2016 Census was therefore around 9%.

	December 2014	December 2015	December 2016	December 2017
Number of families entitled to child benefit	8,419	7,834	7,586	7,380

Of course the number of people who could have qualified for child benefit had they claimed it is a lot lower than the total Isle of Man population, since the total population figure includes children for whom child benefit is being paid, persons who do not have children living with them and the partners of people receiving child benefit (only one person can be

⁷⁷ The definition and calculation of take-up rates is set out in page 7 of the Report

entitled to child benefit for the same child).

It is known that the number of persons entitled to child benefit at the end of the reporting period is around 25% less than it was before income-testing of entitlement to child benefit was introduced in 2014.

In respect of site rent for Gypsy and Traveller families, the Committee asks whether Gypsies and Travellers encounter problems when the landlord is a private person.

United Kingdom/England

There is a problem with the evaluation officers and how rent is worked out which is affecting private sites. Private site rents tend to be higher, and the reasons for this are complex.

Wales

Please see information under answer to part b and c of this report on the *Housing (Wales) Act 2014*.

Scotland

During the period 2014-17, the Scottish Government responded to two inquiries by the Scottish Parliament's (then) Equal Opportunities Committee into Gypsy/Traveller issues (*Where do Gypsy Travellers Live?*⁷⁸ and *Gypsy Travellers and Care*⁷⁹). In response to the Committee's call for "strong leadership at all levels and the need for a powerful Ministerial voice," and to the Independent Race Adviser's conclusion that "on every indicator of what is required to live a happy, productive and fulfilled life, Gypsy/Travellers are worse off than any other community in Scotland,"⁸⁰ in December 2017 the Scottish Government announced the creation of a Ministerial Working Group (MWG) to drive forward improvements at a much faster pace.⁸¹

The role of the MWG - which brings together ministers with responsibility for housing, health and wellbeing, education and employment – is to develop a set of effective actions to be delivered in the current parliamentary session, which will improve the lives of Scotland's Gypsy/Travellers. It recognises that radical new solutions are required to make progress on seemingly intractable problems. The MWG has so far discussed accommodation issues, education and reducing poverty and financial exclusion. The programme of work now underway has pace and energy and a high level of visibility with the Gypsy/Traveller community and those who work with them. It also has the support of COSLA and of the Scottish Parliament, and Ministers are determined that to maintain this momentum and deliver on the Scottish Government's commitment.

⁷⁸ <http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/49027.aspx>

⁷⁹ <http://www.parliament.scot/parliamentarybusiness/CurrentCommittees/49020.aspx>

⁸⁰ <http://www.gov.scot/Publications/2017/12/9088/8>

⁸¹ <https://beta.gov.scot/groups/ministerial-working-group-on-gypsy-travellers/>

Decisions about the provision of Gypsy/Traveller sites are best made at the local level, by those with local knowledge and accountability. Local authorities are required by law to produce a Local Housing Strategy (LHS) that sets out its strategy, priorities and plans for the delivery of housing and related services, including for Gypsy/Travellers. The strategy must be supported by an assessment of housing provision and related services, known as a Housing Need and Demand Assessment (HNDA). In 2014 the Scottish Government published revised guidance for Housing Need and Demand Assessments⁸² and for Local Housing Strategies.⁸³ This is to help make sure the accommodation needs of Gypsy/Travellers are fully taken into account by councils as they plan accommodation provision.

The Scottish Government updated its HNDA Guidance in 2018 and aims to strengthen the HNDA evidence-base by ensuring that Local and Planning Authorities consult with individuals or representatives of those with a protected characteristic about their accommodation needs, with their views documented and considered as part of the HNDA process. A refresh of the LHS guidance is also underway, with the intention to publish revised guidance in Spring 2019. This will present an opportunity to further improve and strengthen the guidance, to help ensure that the needs of Gypsy/Travellers are fully understood, considered and addressed as required.

The Scottish Government's role is to set a robust framework and promote good practice. It wants the most effective approaches to be used across the whole country to meet the needs both of the Gypsy/Traveller community and the settled community. The Scottish Government provides local authorities with a General Capital Grant to fund capital expenditure. It is for each individual local authority to decide how its resources are best used to meet both local needs and national priorities. This includes how much it chooses to allocate to the provision of Gypsy/Traveller sites.

Scottish Planning Policy⁸⁴ (2014) requires councils to plan for the current and future needs of the Gypsy/Traveller community, and to involve the community in planning and decision-making which affects them. Scottish Ministers have made it clear that they want Scotland's plan-led system to be more effective and that plans need to be up-to-date, place-based and enabling.

Provisions in the Planning Bill⁸⁵ currently before the Scottish Parliament would lead to a combined National Planning Framework and Scottish Planning Policy taking on an enhanced statutory status as part of the "development plan", guiding decisions on individual planning applications. It also contains proposals aimed at improved procedures for preparing local development plans. An amendment to the Planning Bill at Stage 2 was introduced to ensure that planning authorities properly involve Gypsy/Travellers in planning the future of their places as part of further improvements to engagement in development planning.

⁸² <http://www.gov.scot/Topics/Built-Environment/Housing/supply-demand/chma/hnda>

⁸³ <http://www.gov.scot/Publications/2014/08/3070>

⁸⁴ <https://beta.gov.scot/publications/scottish-planning-policy/>

⁸⁵ <http://www.parliament.scot/parliamentarybusiness/Bills/106768.aspx>

In 2015 the Scottish Government published guidance *Improving Gypsy/Traveller Sites*.⁸⁶ This set out minimum standards for Gypsy/Traveller sites as well as a standard core set of rights and responsibilities of site tenants. The deadline for compliance with the site standards was June 2018. In 2017 the Scottish Government reviewed progress towards implementing the guidance with site tenants, site providers and other stakeholders and published a report in May 2018.⁸⁷ The standards are similar to those enjoyed by social housing tenants under the Scottish Housing Quality Standards. They were developed in consultation with Gypsy/Travellers living on sites, local authorities, and others stakeholders, and are now part of the Scottish Social Housing Charter Outcomes.

The Scottish Housing Regulator (SHR), in its role in overseeing the standards as part of the Charter, contacted all site providers after the June deadline for meeting the standards to request further information. SHR published a [report](#) detailing its findings in October 2018. The Scottish Government will continue to liaise with SHR and site providers to ensure that all sites provide accommodation that is of a good standard to Gypsy/Travellers.

In April 2017, the Scottish Government published fully revised guidance for local authorities on managing unauthorised encampments in Scotland.⁸⁸ During the review officials met with local authorities, Police Scotland, Gypsy/Travellers, landowners, and equality groups, and visited the location of a number of unauthorised sites to see them at first hand. Local authorities need to balance a range of issues and needs when managing unauthorised sites, including helping to ensure those on such sites have access to the services needed to address education, health, and other needs. The revised guidance outlines the issues a local authority will need to take into account in deciding its own strategy for managing unauthorised sites in its area, and includes a suggested process for responding to such sites. The Scottish Government expects each local authority to consider the revised guidance and their own local arrangements to ensure their management of unauthorised sites reflects best practice.

The Scottish Government is not aware of any issues regarding site rents when the landlord is a private person. Its understanding is that the majority of private sites in Scotland are small, family owned/run sites.

Isle of Man

N/A

Scotland: The Committee asks for information on the results of the Child Poverty Strategy 2014

The Child Poverty Act 2010 required Scottish Ministers to develop a Child Poverty Strategy. The Scottish Government requested an opt-out from the UK Government's approach, and

⁸⁶ <https://beta.gov.scot/publications/improving-gypsy-traveller-sites-guidance-minimum-sites-standards-site-tenants/>

⁸⁷ <https://beta.gov.scot/publications/improving-gypsy-traveller-sites-guidance-minimum-sites-standards-site-tenants-9781788518949/>

⁸⁸ <http://www.gov.scot/Publications/2017/04/6796>

the Welfare Reform and Work Act 2016 repealed all parts of the 2010 Act that imposed any duty on Scottish Ministers.

In order to set out a clear agenda for tackling, reporting on and measuring child poverty, Scottish Ministers brought forward their own legislation, the Child Poverty (Scotland) Act 2017,⁸⁹ which:

- sets out four statutory income targets
- places a duty on Scottish Ministers to publish child poverty delivery plans in 2018, 2022 and 2026, and to report on those plans annually
- places a duty on local authorities and health boards to report annually on activity they are taking to reduce child poverty
- establishes a statutory Poverty and Inequality Commission from 1 July 2019

The Act requires the Scottish Government to reduce the number of children who live in poverty. By 2030, the following targets must be met:

- fewer than 10% of children living in families in relative poverty
- fewer than 5% of children living in families in absolute poverty
- fewer than 5% of children living in families in combined low income and material deprivation
- fewer than 5% of children living in families in persistent poverty

The Act also includes a set of interim targets to be met by 2023. In March 2018 Scottish Ministers published the first *Tackling Child Poverty Delivery Plan* due under the Act.⁹⁰ Its actions are organised in two ways:

- actions to make progress now on the three main drivers of child poverty (income from work and earnings; costs of living; income from social security)
- actions to help children and young people in poverty now avoid bringing up their own children in poverty in 2030 (this includes a focus on quality of life and partnership working).

The first progress report due under the Act will be published by June 2019.

The Committee asks the next report to indicate whether refugees are treated equally with regard to family benefits.

⁸⁹ <http://www.parliament.scot/parliamentarybusiness/Bills/103404.aspx>

⁹⁰ <http://www.gov.scot/everychild>

United Kingdom

Refugees are treated in the same way as UK nationals in respect of access to UK family benefits (Child Benefit and Child Tax Credit).

Scotland

In Scotland, people with refugee status have the right to access welfare benefits. However, people seeking asylum do not as they have no recourse to public funds under immigration legislation, which is reserved to the UK Government. If asylum seekers would otherwise be destitute, they can apply to the Home Office for financial support.

The Scottish Refugee Council provides a number of services to assist asylum seekers and refugees and their families. These include the Refugee Integration Service,⁹¹ which helps recently-recognised refugees to access benefits and accommodation, find work and identify other relevant services; and the Family Keywork Service,⁹² which offers specialised advice and support to families with young children aged 0-8 years who have recently entered the asylum process, with a focus on asylum, health, education and other UK and Scottish systems.

Isle of Man

Refugees can normally qualify for most social security benefits in the same way as other persons can do so (as they are not treated as being a person subject to immigration control). To qualify for any low income benefit (employed person's allowance, income support and income-based jobseeker's allowance) a person normally has to satisfy an Isle of Man residential condition. However, that condition can be waived if there is a special reason which would render that person's disqualification from benefit exceptionally harsh or oppressive and they satisfy the other conditions for benefit. There is special provision allowing refugees to qualify for income support for up to 9 months while they are attending a course to learn English to get work.

Additional UK comment on non-conformity

In addition, in the response to the previous UK report the Committee concluded that the situation in the United Kingdom is not in conformity with the Article 16 of the 1961 Charter on the grounds that:

- ***associations representing families are not consulted when family policies are drawn up.***

⁹¹

http://www.scottishrefugeecouncil.org.uk/how_we_can_help/i_have_refugee_status/leave_to_remain_in_the_uk/refugee_integration_and_employment_s

⁹²

http://www.scottishrefugeecouncil.org.uk/how_we_can_help/advice_services/family_keywork_service

The UK respectfully disagrees with the Committee's finding of nonconformity, on the basis that evidence presented by the UK in the 34th report indicates that mechanisms for enabling the participation of associations representing parents are present throughout policy making processes in the UK.

In the UK, central guidelines for policy making require that the policy making process involves consultation with relevant stakeholders. Where these stakeholders are parents, the government will reach out to parents and their representatives, including associations. It is therefore inaccurate to suggest that the absence of a mechanism intended solely for the involvement of parents should be taken as an indication that there is an absence of involvement of parents in areas of policy where they are relevant stakeholders.

ARTICLE 17

Article 17, Right of mothers and children to social and economic protection

With a view to ensuring the effective exercise of the right of mothers and children to social and economic protection, the Contracting Parties will take all appropriate and necessary measures to that end, including the establishment or maintenance of appropriate institutions or services.

- a) Details on the general legal framework: please specify the nature of, reasons for and extent of any reforms**

and

b) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

and

c) Figures, statistics or any other relevant information, if appropriate.

The position remains as previously described, with the following updates:

Children's rights

The position remains as previously described, with the following updates:

The Children and Young People (Scotland) Act 2014 places specific duties on the Scottish Ministers to keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the UN Convention on the Rights of the Child (UNCRC), and to take steps identified by that consideration as appropriate. The Act requires Ministers to promote public awareness and understanding of children's rights, and to report every three years to the Scottish Parliament on relevant progress and their plans for the subsequent three year period. The first report is expected in 2018. The Act also places a duty on a wide range of public authorities, including local authorities and health boards, to report every three years on the steps they have taken in that period to secure better or further effect within its areas of responsibility of the UNCRC requirements.

The Scottish Government actively participated in the 2016 review of the UK by the UN Committee on the Rights of the Child and, in March 2016, publishing its own response to the Committee's list of issues on the UK's 5th Periodic Report. Following on from this, the 2017-18 Programme for Government contains a commitment to undertake a comprehensive audit on the most effective and practical way to further embed the principles of the UN Convention on the Rights of the Child into policy and legislation in Scotland.

Scotland's Child Rights and Wellbeing Impact Assessments (CRWIA) support policy officials to consider the possible direct and indirect impacts of proposed new policies and legislation on the rights and wellbeing of all children and young people, no matter what their individual backgrounds and circumstances, and any necessary mitigation. Detailed training and guidance on the UNCRC and children's rights is available to officials undertaking CRWIAs and best practice online materials will continue to be updated. The CRWIA approach has been published for use by public authorities (and other organisations) when developing and refreshing local policies and procedures.

The *Getting it right for every child* approach puts the rights and wellbeing of children and young people at the heart of the services that support them. It means services, such as early years services, schools, and the NHS, work with and for children, young people and families to give them the best possible support by offering the right help, at the right time, from the right people. When commenced, the Named Person and Child's Plan provisions in the

Children and Young People (Scotland) Act 2014 will place these parts of *Getting it right for every child* on a statutory footing. Section 96 of the 2014 Act also places the assessment of wellbeing on a statutory basis providing a holistic definition of wellbeing for children and young people, as set out by the wellbeing indicators (safe, healthy, achieving, nurtured, active, responsible, respected and included).

The Scottish Government is committed to doing more to ensure that the voices of children and young people are heard. It acknowledges that existing participation structures do not always meet the needs and aspirations of all children and young people, and is developing a more systematic, co-ordinated and sustainable approach to ensure meaningful engagement with children and young people in local and national decision-making. The extension of the franchise to 16 and 17-year olds in the 2014 Scottish Independence Referendum and recent elections to the Scottish Parliament allowed young people to express their views in the democratic process. Young people were widely commended for their ability to engage with the issues and express their opinions seriously and enthusiastically. In February 2017 and March 2018, Cabinet Ministers held meetings with children and young people (supported by the Scottish Youth Parliament and the Children's Parliament) to discuss issues that are important to them. Cabinet Ministers recognise the importance of involving children and young people in policy development on an ongoing basis, and their meetings with children and young people will take place annually.

Northern Ireland

In Northern Ireland the legislation⁹³ governing the statutory aim of the youth justice system in Northern Ireland was amended in 2015 to ensure it fully reflects the 'best interests' principle as espoused in Article 3 of the UN Convention on the Rights of the Child (UNCRC). This means that in exercising their functions, all professionals in the youth justice system must ensure that they consider a child's best interests when dealing with their case.

Departmental guidance was produced for all criminal justice organisations and practitioners setting out the implications of this legislative change, and the need to consider a child's best interests has been incorporated into the Public Prosecution Service's Code for Prosecutors.

In common with other jurisdictions in the United Kingdom, Northern Ireland is keen to ensure that children and young people are not prosecuted whenever an alternative can be found through diversionary or community disposals.

This approach has seen a significant reduction in children entering the formal justice system and/or prosecuted through courts (see statistics below).

Youth court disposals decreased by 54%, from 3,023 children dealt with in 2011 to 1,398 in 2016⁹⁴.

⁹³ S53 of the Justice (Northern Ireland) Act 2002

⁹⁴ NI Courts and Tribunals Service Judicial Statistics 2011, 2016

First time entrants to the youth justice system decreased by 19% last year (793 entrants); of these, 88% (699) were dealt with by way of a diversionary disposal⁹⁵.

Average daily population of Woodlands Juvenile Justice Centre⁹⁶ (single custodial centre for children in NI):

Year	Status		
	PACE	Remand	Sentence
2012/13	1	16	12
2013/14	1	14	12
2014/15	1	20	13
2015/16	1	14	11
2016/17	1	15	7

Total number of Children In Custody By Age⁹⁷:

Financial Year	Total Young People	Age									
		10 to 13		14		15		16		17 and over	
		Number	%	Number	%	Number	%	Number	%	Number	%
2012/13	211	9	4	20	9	39	18	54	26	89	42
2013/14	196	6	3	21	11	46	23	67	34	56	29
2014/15	199	8	4	9	5	39	20	63	32	80	40
2015/16	163	6	4	17	10	34	21	44	27	62	38
2016/17	139	6	4	10	7	26	19	38	27	59	42

Isle of Man

The Isle of Man Government Strategy for Children and Young People 2015-2020⁹⁸ sets out a vision for the Isle of Man's children and young people aged 0 – 18 years. And has the following key principles:

- Provision of high quality services with clearly defined outcomes for children and young people;
- To work in partnership with families to help them achieve the best they can for their children;

⁹⁵ 'First Time Entrants to the Criminal Justice System in Northern Ireland 2016/17', Research and Statistical Bulletin 18/2018

⁹⁶ 'Youth Justice Agency Annual Workload Statistics 2016/17', YJA Statistical Bulletin 28/2017

⁹⁷ Ibid

⁹⁸ <https://www.gov.im/about-the-government/departments/education-sport-and-culture/strategy-for-children-and-young-people/>

- Ensuring children and young people are safe from harm and are able to build resilience to overcome inequalities;
- Promote the wellbeing of children and young people.

To ensure the social and economic protection of children in care, each child and young person has an allocated qualified Social Worker who manages the care services provided to them and ensures they are appropriately included in plans made. Care Plans are regularly reviewed, with the participation of the child, by a more senior officer from the Department of Health and Social Care who is independent of the line management arrangements of the case.

The Island has a Secure Care Home which accommodates young people who are remanded or sentenced to custody. Pre-trial detention is rare. In January 2011 arrangements were made to allow 17 year olds who were remanded or sentenced to custody to be held in the Secure Care Home instead of the adult prison where they had been held previously.

The 2016/17 Annual Report of the Isle of Man's Youth Justice Team can be found at:
<https://www.gov.im/media/1359630/yjt-annual-report-doc-2016-2017-final.pdf>

The Regulation of Care Act 2013 has been enacted to put on a legal footing improved arrangements for the registration and inspection of care services, including those in respect of children and families.

Age of Criminal Responsibility

The **UK** Government's position remains unchanged. We believe that children aged 10 and older are able to differentiate between bad behaviour and serious wrongdoing and that this correctly reflects the needs of our justice system.

Custody for under 18s remains a last resort and no children aged 10 and 11 have been sent to immediate custody since 2010⁹⁹.

Scotland has two rules which relate to the age at which a child can be held criminally responsible.

The age below which a child is deemed to lack the capacity to commit a crime is currently eight. *Section 41 of the Criminal Procedure (Scotland) Act 1995*¹⁰⁰ states that it "shall be conclusively presumed that no child under the age of eight years can be guilty of an offence".

According to sections 41A and 42(1) of the 1995 Act, the age of prosecution in Scotland is currently 12, though children below the age of 16 can be prosecuted only on the instructions of the Lord Advocate or at his instance

⁹⁹ Criminal Justice Statistics Quarterly, December 2017. Sentencing Data Tool.

¹⁰⁰ <https://www.legislation.gov.uk/ukpga/1995/46/contents>

As a result of these two rules:

- children under the age of eight are presumed conclusively not to be guilty of any offence. In the case of *Merrin v S* 1987 (SLT 193) the Inner House of the Court of Session held that the offence ground of referral to a children's hearing could not be used when the child was under the age of criminal responsibility at the time of the offence because the effect of the provision was that a child under eight did not have the capacity to commit the offence.
- children under the age of 12 (but aged eight and over) cannot be prosecuted, but their offending behaviour can be dealt with through the children's hearings system should compulsory measures be required for the child. Should compulsory measures not be necessary, the principles of *Getting It Right For Every Child* and the application of Early and Effective Intervention ensure that children are kept out of formal systems when possible, where interventions other than formal action are suitable. This means that many children will not be referred to the Principal Reporter, but will still be worked with to address concerns regarding their behaviour.
- children between the ages of 12 and 15 can be prosecuted but, in terms of the Lord Advocate's Guidelines, should only be reported to the Procurator Fiscal for consideration if the offence is sufficiently serious (e.g. murder, rape) to be dealt with on indictment. Otherwise they will be dealt with by the children's hearings system.
- children aged 16 or 17 who remain subject to compulsory supervision through the children's hearings system can continue to be managed in this system or can be prosecuted (the decision to be made by the Procurator Fiscal following discussion with the Principal Reporter). The court can also chose to remit such a child back to the children's hearings system for disposal (section 49 of the 1995 Act).

An Advisory Group on the Minimum Age of Criminal Responsibility was set up in autumn 2015 to consider the policy, legislative and procedural implications of raising the age to 12. The Group's report¹⁰¹ (March 2016) recommended that, if the age was raised to 12, a number of measures should be put in place to ensure that the police are still able to respond to serious incidents. It also recommended that information about serious incidents may still be released on Disclosure Scotland certificates into adulthood, but that this information should be subject to independent review before release.

Following public consultation in March-June 2016, the Scottish Government's 2017-18 Programme for Government contained a commitment to introduce a Bill to raise the age of criminal responsibility to 12.

¹⁰¹ <http://www.gov.scot/Publications/2016/03/3627>

The Minimum Age of Criminal Responsibility (MACR) remains at 10 in **Northern Ireland**, in the continued absence of cross-party support that would be required to raise it.

However, the legislation¹⁰² governing the statutory aim of the youth justice system in Northern Ireland was amended in 2015 to ensure it fully reflects the ‘best interests’ principle as espoused in Article 3 of the UN Convention on the Rights of the Child (UNCRC). This means that in exercising their functions, all professionals in the youth justice system must ensure that they consider a child’s best interests when dealing with their case.

Isle of Man: the legal framework for the protection of children and establishment of public care for children who require it continues to be principally contained in the Children and Young Person’s Act 2001 and associated Regulations. Under this Act the age of criminal responsibility in the Isle of Man continues to be 10 years old, in line with the position in England, Wales and Northern Ireland.

Corporal punishment of children

Recognising that the information is outside the reference period, there have been some developments in **UK** policy since January 2018.

The Crown Prosecution Service have modified charging guidance for prosecutors; it now suggests that if a ‘smack’ causes anything more than temporary reddening of the skin, then the relevant charge is likely to be Actual Bodily Harm, Grievous Bodily Harm or child cruelty, rather than assault. The ‘reasonable chastisement’ defence can only be used in cases of assault, so would be available in fewer cases

The Welsh Government has announced plans to remove ‘reasonable chastisement’ defence and consulted earlier in 2018. Legislation not yet published and intended within year 3 of the legislative timetable [between Sept 2018 and July 2019]. If passed this legislation will prohibit the physical punishment of children by parents and those acting in loco parentis within Wales.

In **Scotland**, the Children (Equal Protection from Assault) (Scotland) Bill was introduced by John Finnie MSP to the Scottish Parliament in early September 2018. This will remove the common law defence of “reasonable chastisement” which is currently available to parents and carers charged with assaulting a child in their care. The Scottish Government supports the removal of this defence, and has established a Implementation Group which is considering the steps to be taken to raise awareness about this Bill should it be enacted by Parliament. Other forms of physical punishment (shaking, blows to the head, and use of an implement) are already unlawful.

In **Northern Ireland** there is no change to the statement provided in the previous 2014 report. However, work has been undertaken by The Department of Health to advise parents

¹⁰² S53 of the Justice (Northern Ireland) Act 2002

of the law; that they do not have a right to physically punish their children and that they should consider positive parenting as an approach.

Housing

The position remains as previously described with the following updates

Northern Ireland

The Department of Social Development drew up a housing strategy for 2012-2017, which included a plan for the provision of affordable social housing with a view to creating a balanced housing market providing households with a range of good quality housing at a reasonable price. The aim was to deliver 8,000 social and affordable homes by 2015.

During the period 2014/15 to 2017/18 the Department for Communities (DfC), previously named The Department of Social Development, delivered 9,204 new social and affordable home starts. DfC currently plans to deliver 2,600 new social and affordable home starts in 2018/19.”

d) Responses to comments and queries from 2015 conclusions:

The Committee asks whether children can be taken into care solely on the basis of inadequate resources of parents.

UK Government

For the UK this is not a ‘yes or no’ answer. The position of the UK is that the assessment of a child would consider what action is required to safeguard and promote the welfare of a child who is suspected of or likely to be suffering significant harm.

Taking account of all relevant factors, the assessment would therefore – in very broad terms – seek to identify (1) whether the child is suffering or at risk of suffering significant harm (2) if Yes to (1) what action is needed.

Northern Ireland

In accordance with law in Northern Ireland (the Children (NI) Order 1995), a child will be made the subject of a Care Order / interim Care Order if it is at risk of significant harm, suffering ill treatment or neglect, or beyond parental control. A child may also be taken into care on the basis of a voluntary arrangement with the child’s parent(s).

Under the law in Northern Ireland, Health and Social Care Trusts have a duty to safeguard and promote the welfare of children who are in need; promote the upbringing of such children by their families by providing a range of personal social services to that family, appropriate to meeting those children’s needs.

As part of its duties under the law, Health and Social Care Trusts may assist families to obtain alternative accommodation or by providing financial and other assistance as required, in order to safeguard or promote the child's welfare.

Table: No. of children placed in NI from 2014 – 2017 by placement type

Placement type	No. of children placed each year			
	At 31/3/14	At 31/3/15	At 31/3/16	At 31/3/17
Residential Care	195	194	168	164
Foster Care	2,156	2,189	2,212	2,334
Placed with Parents	357	338	390	364
Other	150	154	120	121
TOTAL	2,858	2,875	2,950	2,983

Between 31st March 2014 and 31st March 2017 the proportion of looked after children placed in Residential Care (institutions) has fallen from 7% to 5%. Conversely the proportion of children placed in foster care has risen from 75% to 78%.

In 2016/17, 78% of looked after children were placed in foster care placements, 12% were placed with parents, 5% were in residential care and 4% were in other types of placements. This pattern was similar to that observed in previous years.

In Northern Ireland, of those children placed in foster care, 48% were non-kinship placements, 44% were kinship foster placements and 8% were with independent providers.

In 2006 the Going the Extra Mile (GEM) Scheme was established in Northern Ireland to allow young people aged 18-21 to live with their former foster carers in order to promote stability and continuity in their living arrangements. The Scheme ensures that appropriate and agreed levels of financial and other supports are available to assist carers to continue to meet the care, accommodation and support needs of these young people as they transition out of care.

In Northern Ireland there are a total of 45 registered Residential Children's Homes (42 of these are statutory and 4 are independent). Most children's residential homes have 4-6 places. One exception to this is the regional Secure Care Unit which has 16 places in total, however this is divided into 3 separate units, with a 6/6/4 ratio of places across the units.

Scotland

The Scottish Government published its Getting it Right for Looked After Children and Young People Strategy¹⁰³ in November 2015 with strategic aims for early engagement, early permanence and improving the quality of care. The strategy advocates preventative work and early intervention to support children, young people and their families. The underpinning aim is to engage early to support and build on the assets within families and communities to prevent children becoming looked after where possible.

¹⁰³ <http://www.gov.scot/Publications/2015/11/2344/0>

The number of children in Scotland placed with foster families, kinship care families (family and friends) and in residential child care homes in years 2014-15, 2015-16 and 2016-17, taken from Scottish Government annual Social Work Statistics¹⁰⁴ are:

Placement Type	2014/15	2015/16	2016/17
Foster Care	5478	5392	5252
Kinship Care	4156	4279	4138
Residential Child care home	564	581	619

The Scottish Government expects that all professionals dealing with children and their families act in accordance with the National Guidance for Child Protection in Scotland (2014).¹⁰⁵ The Guidance outlines that, unless the level of risk posed to the child requires emergency measures to immediately protect that child (sections 351-353 of the Guidance outline emergency legal measures to protect children at risk), procedures to remove a child from its family will only start after extensive efforts to keep the child with the family. Scotland's Getting it right for every child approach enshrines the principle of the best interests of the child at the heart of decision making.

A core component of Getting it right for every child and the Children and Young People (Scotland) Act 2014 is the Child's Plan (Part 5 of the Act). Within the context of child protection activity, where this plan includes action to address the risk of significant harm, it will incorporate a Child Protection Plan and any meeting to consider such a plan is known as a Child Protection Case Conference (CPC). CPCs are a core feature of inter-agency co-operation to protect children and young people. Their primary purpose is to consider whether the child – including an unborn child – is at risk of significant harm and, if so, to review an existing Child's Plan and/or consider a multi-agency action plan to reduce the risk of significant harm.

As the Guidance outlines, in Scotland there are two different ways a local authority can ask to remove a child from its family. If the child is in immediate danger the local authority can ask a Sheriff Court to grant a child protection order (CPO). Otherwise the local authority can refer the case to a children's reporter, who will decide if it is necessary to refer a child to a children's hearing for compulsory measures of supervision, which may include supervision at home, or away from home. The hearing is explicitly charged with determining the course of action that it believes is in the child's best interests, based on the Child's Plan and with input from professionals. The hearing discusses the child's circumstances fully with the child or young person themselves, with the parents and with other relevant representatives and professionals before reaching a decision.

The Scottish Children's Reporter Administration publishes statistics on reasons for referral to a children's hearing. "Inadequate parental resources" is not recorded as a reason for any referrals. The Scottish Government does not collect information on the specific reasons for each case.

¹⁰⁴ <http://www.gov.scot/Topics/Statistics/Browse/Children/PubChildrenSocialWork>

¹⁰⁵ <http://www.gov.scot/Publications/2014/05/3052>

Wales

Under the *Social Services and Well-being Wales Act 2014* local authorities in Wales must promote the upbringing of a child by the child's family, in so far as doing so is consistent with promoting the child's well being. Under the Children Act 1989 a local authority can only apply for a care order if it believes a child is suffering or at risk of suffering significant harm.

Family courts thoroughly test each local authority care application so the right decision about a care application is reached for the child. In all cases the welfare and best interests of the child is the overriding priority. In practice this means that in Wales children are not taken into care solely because of the inadequate resources of their parents. In cases where families are struggling to bring up their children on a very low income support is offered by local authorities and other agencies.

The Welsh Government has prioritised social care as a sector of national strategic importance. *The Social Services and Well-being (Wales) Act 2014*, which came into force on 6 April 2016, provides the statutory framework to deliver the Welsh Government's commitment to transform social services in Wales. The key principles within the Act focus on improving well-being and empowering people to have greater voice and control over their care and support.

The Act has been developed to drive stronger partnership working across health and social care and the third and independent sectors to ensure delivery of high quality care and support services which are sustainable and which meet people's needs. A statutory framework has been developed under the Act comprising of regulations, codes of practice and statutory guidance. The Act and its associated framework can be accessed via the Social Care Wales Learning Hub: <https://socialcare.wales/hub/sswbact>

Most recently our focus has been reinforced by the publication of our long term plan for health and social care in Wales, A Healthier Wales, which reasserts the importance of social care transformation and sets it in the wider context of creating a seamless system of health and social care.

Isle of Man

This is not the case on the Isle of Man; such a situation would occur only if parents agreed. The first response of the Department of Health and Social Care (DHSC) in such a situation would be to offer support and resources to the family. This is established in law through the Section 23 of the Children and Young Persons Act 2001.¹⁰⁶

The Committee asks to be informed of the average length of remand for young offenders after the entry into force of the new youth remand framework.

¹⁰⁶ http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2001/2001-0020/ChildrenandYoungPersonsAct2001_1.pdf

England and Wales

In 2012 we made reforms to the youth remand framework in England and Wales. Since that point, the numbers of custodial remand episodes reduced by 66% since 2011/12, from 3,621 to 1,244¹⁰⁷ in 2016/17.

The median number of nights spent on remand is set out in the table below and 85% of custodial remands ended within three months (1-91 bed nights)¹⁰⁸.

The median number of nights spent on remand is for remand only episodes, i.e. those episodes where the young person had only received remand custodial orders with the episode in custody. It does not take into account those young people who received both remand and sentenced custodial orders. Unfortunately, due to changes in case management systems the length of time in custody data is only available for 2014/15, 2015/16 and 2016/17. The data for 2017/18 is due to published in the Youth Justice Annual Statistics in January 2019

	Year ending March		
	2015	2016	2017
Median bed nights for custodial remand	21	21	23

Scotland

The new youth remand framework is not in use in Scotland.

The average number of 16-17 year olds held in custody between 4 April 2014 and 29 December 2017 by the Scottish Prison Service in Young Offenders Institution was 59¹⁰⁹.

The average number of children in Scotland's secure accommodation from 1 August to 31 July 2017, taken from the Scottish Government annual Social Work Statistics¹¹⁰, are detailed in the table below:

Average number of children in Scotland's Secure Accommodation 2014-17	
2014 - 2015	* 82
2015 - 2016	* 85

¹⁰⁷ Youth Justice Statistics 2016/17, page 27

¹⁰⁸ Length of time spent in youth custody 2016/17. Published April 26th 2018. Pg 12.

¹⁰⁹ <http://www.sps.gov.uk/Corporate/Information/SPSPopulation.aspx>

¹¹⁰ <http://www.gov.scot/Topics/Statistics/Browse/Children/PubChildrenSocialWork>

2016 - 2017	* 76
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*The figures above include children from other parts of the UK: in 2014-15 there were 6; in 2015-16 there were 13; and in 2016-17 there were 19.

Scotland's secure accommodation provision consists of 84 beds. Young people under the age of 18 can be placed in secure accommodation through the children's hearing system on welfare grounds or by the court on remand or sentence. Children and young people under the age of 18 are remanded to be detained by the local authority under the Criminal Procedures (Scotland) Act 1995. Young people can be detained in secure accommodation, a place of safety identified by the local authority or a Young Offenders Institution (YOI) only if they are aged 16 or over.

Scotland's Youth Justice Strategy 2015-2020, Preventing Offending: Getting it right for children and young people¹¹¹, builds on the impact of a decisive shift towards prevention since 2008 and the whole system approach (WSA) to offending by young people, which was rolled out in 2011. This focus on prevention was also prominent in Justice for Scotland, Visions and Priorities.

The numbers of children and young people in the Scottish justice system has reduced substantially. The average number of under 18s in custody has decreased by 77% from 223 in 2006 to 51 in 2016. Diversion from prosecution cases commenced for 16-17 year olds have also increased from 142 in 2010-11 to 536 in 2015-16. Consideration is now being given to all 16 and 17 year olds going through the Children's Hearings System (both on welfare grounds and offence) as part of the recommendations of the Child Protection Improvement Programme¹¹². A Diversion from Prosecution Group was convened in October 2017 to consider how to further increase the availability of diversion for 16 and 17 year olds.

Isle of Man

The Youth Remand Framework is not in operation on the Isle of Man.

¹¹¹ <http://www.gov.scot/Resource/0047/00479251.pdf>

¹¹² <https://beta.gov.scot/policies/child-protection/child-protection-improvement-programme/>

ARTICLE 19**Article 19, Paragraph 1 Right of migrant workers and their families to protection and assistance: Assistance and information on migration****The UK notes the following inaccuracies in *Conclusions XX-4 (2015)*:**

- *“new rules introduced to curb the number of Tier 2 visas, which included a quota of 20,700 for two years until April 2014 and a language test.”* – The limit is set at 20,700 places per year (not over two years) and has been at that level since April 2011. The language requirement for Tier 2 (General) was set at CEFR A1 level in 2008 and raised to CEFR B1 level in 2011. There have been no changes since.
- *“Restrictions have also been introduced regarding the acquisition of permanent residence of those initially admitted for the purpose of work. In April 2013, the income threshold was raised to £35,500 (€ 42 516) for settlement applications from 2018.”* – This was an inflationary uplift only (the previous threshold set in 2012 was £35,000 for settlement applications from April 2016).
- *“New requirements of knowledge of “life in the UK” and the English language at level B1 were introduced in October 2013, except for certain exemptions such as those applying to migrants earning more than £150,000 (€179 645) p.a.”* – This is incorrect. There are certain exemptions for high earners (e.g. their sponsors are not subject to the Tier 2 limit or the Resident Labour Market Test), but they are subject to the same language & life in the UK rules as anyone else.

- a) **Details on the general legal framework: please specify the nature of, reasons for and extent of any reforms**

United Kingdom**Modern Slavery**

The Modern Slavery Act 2015 gives law enforcement agencies the tools to tackle modern slavery, including maximum life sentences for perpetrators and enhanced protection for victims. We have implemented provisions to give protection to overseas domestic workers, a duty on public authorities to notify the Home Office when they come across potential victims, and the world-leading transparency in supply chains measure requiring certain businesses to report how they are eradicating modern slavery from their organisation and their supply chains. The Act also established the Independent Anti-Slavery Commissioner,

whose mandate covers the whole of the UK, working with law enforcement agencies, local authorities and third sector organisations to encourage identification, prevention, detection, investigation and prosecution of modern slavery crimes. The role also includes international collaboration.

In July 2018, the Government announced an independent review of its landmark *Modern Slavery Act 2015* to ensure the UK's world-first legislation keeps in step with this evolving crime. The review team will identify where the Act is working well and whether specific areas of the Act need to be strengthened. The review team will report its findings in March 2019.

Within Scotland and Northern Ireland the Devolved Administrations have overall responsibility for policy relating to modern slavery in their respective jurisdictions. In Scotland, the legal framework is the *Human Trafficking and Exploitation (Scotland) Act 2015*. In Northern Ireland, the legal framework is the *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015*.

Northern Ireland

Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (see above).

Scotland

Human Trafficking and Exploitation (Scotland) Act 2015 (see above).

Isle of Man

The legal framework concerning immigration in the Isle of Man continues to be United Kingdom immigration legislation extended to the Island by Order in Council, through the Immigration (Isle of Man) Order 2008.¹¹³ The Immigration Rules that apply in the Isle of Man have generally been updated to reflect changes made to the Immigration Rules which apply in the UK. The most recent update being the Statement of Changes in Immigration Rules SD 2018/0084.¹¹⁴

b) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

and

¹¹³ http://www.legislation.gov.uk/ukxi/2008/680/pdfs/ukxi_20080680_en.pdf as amended by [SI 2015/1765](#), [SI 2016/156](#) and [SI 2016/755](#)

¹¹⁴ <https://www.gov.im/media/1361107/immigration-rules-from-6-april-2018.pdf>

c) Figures, statistics or any other relevant information, if appropriate.**United Kingdom****Modern Slavery**

The UK Government published a Modern Slavery Strategy in 2014, based on the ‘four Ps’ structure, which the Home Office also uses to tackle terrorism and serious and organised crime.

Pursue: Prosecuting and disrupting individuals and groups responsible for modern slavery.

Prevent: Preventing people from engaging in modern slavery.

Protect: Strengthening safeguards against modern slavery by protecting vulnerable people from exploitation and increasing awareness of and resilience against this crime.

Prepare: Reducing the harm caused by modern slavery through improved victim identification and enhanced support.

The Strategy also commits the Government to step up its **international** response to modern slavery.

The Scottish Government and the Northern Ireland Executive use a different strategic framework to organise their work. In Scotland, this includes the development and implementation of the Trafficking and Exploitation Strategy published in May 2017. In Northern Ireland, the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (NI) 2015 requires an annual modern slavery and human trafficking strategy. The current strategy seeks to raise awareness of modern slavery offences and reduce the threat from, the vulnerability to, and the prevalence of, modern slavery in Northern Ireland.

Pursue

There has been a continued uplift in operational activity to tackle modern slavery, involving a range of law enforcement agencies. **In 2017, 130 defendants were prosecuted under the Modern Slavery Act 2015 (on a principal offence basis);** compared to 51 defendants prosecuted under the Act in 2016.

Project AIDANT, the National Crime Agency (NCA)-led collaborative modern slavery operations, targeted high risk source countries or types of exploitation. The operations brought together resources from the NCA, Border Force, Immigration Enforcement, Her Majesty’s Revenue and Customs (HMRC), the Gangmasters and Labour Abuse Authority (GLAA) and UK police forces to deliver intensified operational activity focused on specific thematic areas. During Project AIDANT activity in 2017, over 320 offenders were arrested and over 560 potential victims of trafficking identified.

Through the Modern Slavery Police Transformation Programme and in chairing the multi-agency National Threat Group, Chief Constable Shaun Sawyer has overseen a steep uplift in

police investigations. In July 2018, there were 850 active police investigations, compared with 188 in November 2016. At a national level, there is a richer understanding of the nature of these crimes and more joint investigations taking place with other countries than ever before.

The Government has used the *Immigration Act 2016* to extend the remit and strengthen the powers of the Gangmasters Licensing Authority, renaming it the Gangmasters and Labour Abuse Authority (GLAA) and formally launched as such on 1 July 2017, to reflect its changing and broader functions. Its new mission is to prevent, detect and investigate worker exploitation across the entire economy in support of the new Director of Labour Market Enforcement annual strategy. The GLAA has made good progress utilising Police and Criminal Evidence (PACE) powers to investigate serious cases of labour exploitation in the first year of operation. In 2017/18, the GLAA conducted over 100 operations, with more than 80 of those across sectors outside of the traditional agricultural sector. As a result, the GLAA arrested over 100 people for suspected labour market offences.

Police Scotland continued to support the Scottish Government's Human Trafficking and Exploitation Strategy, and in June 2018 the Government published its first annual progress report on implementation. The report also includes Scottish data against a range of key measures of progress. The Police Service of Northern Ireland (PSNI) made use of the full range of local, national and international tactics to identify suspects and victims and to disrupt organised crime groups involved in human exploitation.

Prevent

The UK Government is committed to improving evidence about the nature and scale of modern slavery to inform our response to preventing modern slavery from taking place. In October 2017 the Home Office published research that identified and profiled 17 distinct types of modern slavery in the UK. In July 2018, the Home Office published research that estimated the total social and economic cost of modern slavery in the UK was £3.4-4.3 billion in the year ending March 2017.

Across the UK, communications campaigns have raised awareness of the crime of modern slavery. The campaigns have provided information to the public and frontline professionals about how to spot signs of modern slavery and report concerns.

We are piloting targeted, localised communications activity focused on particular types of modern slavery. For example, we worked with Nigerian communities in Manchester and Barking and Dagenham to co-create and pilot communications activity designed to help spot the signs of domestic servitude and encourage reporting.

Protect

The UK is the first country to require businesses to report on the steps they have taken to tackle modern slavery. As a result of the landmark provision in the Modern Slavery Act we have seen thousands of transparency statements published and many businesses are now more focused on this issue than ever before.

To accelerate progress in tackling modern slavery the Home Office has also launched the 'Business Against Slavery Forum'. This partnership between business and Government brings together the CEOs of some of the world's largest organisations to share best practice and build new initiatives to tackle modern slavery in global supply chains. Members of the Forum are working together to support survivors of slavery rebuild their lives through initiatives such as Co-op's Bright Future programme, giving survivors a path to employment and HSBC's survivor bank accounts.

The Government understands we have a responsibility to ensure we are doing as much as we can to prevent modern slavery occurring in our own supply chains. We have announced plans to require Government's biggest suppliers to publish data and provide action plans to address the scourge of modern slavery and are developing practical guidance to help buyers tackle modern slavery in government supply chains.

We are determined to ensure that our policies to address modern slavery in supply chains have a real impact and recognise that there is more to do. The Home Office will shortly be writing to the CEOs of businesses in scope with clear guidance and resources to support effective reporting under the Act and we will be stepping up the pressure on non-compliant businesses.

In 2018, there have been increasing examples of best practices including companies implementing the 'Employer Pays' principle to prevent worker-paid recruitment fees which can contribute to debt bondage.

There have also been more sector-led initiatives to tackle exploitation in supply chains. For example, 'Tech Against Trafficking' brings the tech sector together with Non- Governmental Organisations (NGOs) and academics to examine how technology solutions can be used to fight modern slavery. Furthermore, at the UN General Assembly this year, the UK, US, Canada, New Zealand and Australia launched a set of Principles for governments across the globe to endorse and use as a framework for tackling modern slavery in global supply chains.

Prepare

Government is committed to identifying and supporting the men, women and children who are victims of modern slavery, to recover from their exploitation and rebuild their lives. This will ensure the UK's National Referral Mechanism (NRM) is the bridge that rescues people from exploitation and supports them as they move on and rebuild their lives.

Adults identified in the can receive specialist and tailored support through the Victim Care Contract, where they can receive accommodation, financial support, assistance in accessing

mental and physical health care including counselling, and access to legal support. The Government recognises the particular vulnerabilities of child victims of modern slavery, including trafficking. This vulnerable group of children are entitled to support and assistance and require tailored support which addresses their specific needs and vulnerabilities.

Over the last 12 months, the UK Government and its delivery partners have made good progress to ensure that an ambitious package of reforms to the NRM will be delivered by April 2020. These reforms will make a tangible difference to the experience of victims of modern slavery by supporting their recovery and resilience to future exploitation.

In April 2018, the Scottish Government doubled the minimum period of support for victims to 90 days. In Northern Ireland, an Independent Guardian Service became operational in April 2018. Independent Guardians are trained adults who must act in the best interests of child victims.

Approximately 1,000 training places have been made available in England and Wales for foster carers and support workers caring for Unaccompanied Asylum-Seeking Children (UASC), so that they are better equipped to support victims and reduce the risk of re-trafficking.

Additionally, £2 million has been committed to extend the support provided by Independent Child Trafficking Advocates (ICTAs) so that one third of local authorities in England and Wales can ensure vulnerable children get the help they need. A further £2.2 million of funding has been committed to test innovative ways to protect vulnerable children in the UK and overseas who are at risk of trafficking. Over £1 million from the Ministry of Housing, Communities and Local Government's Controlling Migration Fund has been distributed to six local authorities to test how best to support victims as they exit NRM services and move into local communities.

International

The UK Government continued to work with a range of partners to strengthen cooperation with those countries from where the UK receives the highest numbers of victims. The UK has also pushed for change on a global scale by working with other countries and multilateral fora such as the G7, G20, Commonwealth and UN.

The UK Government has deployed its diplomatic network and official development assistance to build political will and partnerships to combat modern slavery abroad. In 2018, key projects included targeted awareness-raising campaigns in source countries, building the capacity of overseas law enforcement, and an international conference with fifteen countries on how to increase prosecutions. Key multilateral achievements have included commitments to enhance the response to modern slavery with Western Balkan countries, G7, G20 and Commonwealth countries. At the Commonwealth Heads of Government Meeting in April, the UK announced £5.5 million to support Commonwealth countries in tackling this issue.

Over the last 12 months, the UK's multilateral engagement has been shaped by the Call to Action to End Forced Labour, Modern Slavery and Human Trafficking, launched by the Prime Minister in September 2017. The Call to Action now has over 80 endorsements and positive

progress has been made by countries on implementation. This progress was showcased at the UN General Assembly in September 2018 during an event hosted by the Secretary of State for International Development, where Ministers from the US, Australia, Canada, Bangladesh, Nigeria, Argentina and Bahrain outlined the steps they have taken to improve their own responses to modern slavery.

Data and Figures

For the most recent Annual Reports for the data and figures, see:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/749346/2018_UK_Annual_Report_on_Modern_Slavery.pdf

and

National Referral Mechanism Annual Report:

<http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/2017-nrm-statistics/884-nrm-annual-report-2017>

Scotland

Race equality

The Race Equality Framework for Scotland 2016-2030 (REF)¹¹⁵ was developed to advance race equality and address the barriers that prevent people from minority ethnic communities realising their potential. The Scottish Government appointed an independent Race Equality Framework Adviser to champion race equality and help drive implementation.

The Race Equality Framework (REF) Implementation Approach (February 2017)¹¹⁶ looks at how the Framework can remain responsive and flexible to accommodate new evidence and change in the demographic and policy environments. The Scottish Government published an action plan in December 2017,¹¹⁷ setting out key actions for the current parliamentary session to drive positive change for minority ethnic communities.

Intersectionality is a key principle underpinning the Framework. In Summer 2016 the Scottish Government held a series of intersectional engagement activities, which specifically included stakeholders that represented disability and older people, giving these groups the

¹¹⁵ <https://www.gov.scot/Publications/2016/03/4084>

¹¹⁶ <https://beta.gov.scot/publications/race-equality-framework-implementation-approach/>

¹¹⁷ <https://www.gov.scot/Publications/2017/12/8700>

opportunity to discuss the delivery of and future actions in the Framework. Throughout 2017 a series of Framework-themed roundtables were held, involving policy officials and key experts from a range of statutory and third sector organisations and from academia.

A minority ethnic women's network has been established for mentoring, peer support, capacity building, training, and influencing workforce/workplace policies and practices – such as increasing the number of minority ethnic women in senior management roles within the public sector. An event in September 2017 focused on the Equally Safe strategy¹¹⁸ for preventing and eradicating violence against women and girls. Further events are being planned for 2018.

The Scottish Government commissioned Young Scot to co-design the Fairer Future project, which is a panel of 16 young people aged 14-21 exploring (among other topics) the six core themes of Scotland's REF. Following an event involving young people, youth organisations, minority ethnic organisations and relevant policy makers in June 2017, the Creating a Fairer Future¹¹⁹ report was published in November 2017. A second phase of the project will be carried out in 2018.

The Scottish Government is providing over £2.6 million (2017-18) to organisations working to advance race equality in Scotland.

Tackling hate crime

Since 2012, the Scottish Government has invested over £100 million to promote equality and tackle discrimination, and is continuing to work closely with partner organisations to advance the vision of 'One Scotland'. The Scottish Ministers have shown leadership in condemning hate crime as unacceptable and in challenging rhetoric that seeks to divide communities.

There has been no evidence of a significant rise in hate crime in Scotland following the EU Referendum in 2016. Ministers were active in the period immediately following the Referendum in engaging with non-UK EU nationals to hear and understand their concerns.

The Scottish Government accepted the recommendations of the Independent Advisory Group on Hate Crime, Prejudice and Community Cohesion (published 23 September 2016) and, on 13 June, set out an ambitious programme of work to take them forward, Tackling Prejudice and Building Connected Communities.¹²⁰

On 26 January 2017, the Scottish Government announced an independent review of hate crime legislation chaired by Lord Bracadale. The review was published on 31 May 2018.¹²¹ The Scottish Government welcomed Lord Bracadale's report and accepted the recommendation to consolidate all Scottish hate crime legislation into one new hate crime statute. On 14 November a public consultation was launched seeking views on what should

¹¹⁸ <http://www.gov.scot/Publications/2014/06/7483>

¹¹⁹ https://www.youngscot.net/wp-content/uploads/2017/11/YS_Fairer_Future_Report.pdf

¹²⁰ <https://www.gov.scot/Publications/2017/06/1336>

¹²¹ <http://www.gov.scot/Publications/2018/05/8696>

be included in a new hate crime bill. Lord Bracadale's report and recommendations have been used as the basis for the consultation. All concerns will be listened to – updated hate crime legislation must balance protections required with human rights, freedom of speech and civil liberties.

Police Scotland has a strong commitment to tackling hate crime and the Crown Office has in place a presumption to prosecute where a crime has been aggravated by prejudice. There are laws in place to ensure that perpetrators are prosecuted.

The Scottish Government is working to improve the capture of data to better understand the scale and severity of hate crime. On 26 September the Scottish Government launched a hate crime campaign which was a series of letters addressed to perpetrators of hate crime and describes the experience of victims, stating that 'your hate has no home here'. They are signed 'Yours, Scotland' in order to encourage those who read it to report hate crime if they witnesses it – therefore helping to create 'One Scotland' where hate crime and prejudice is not tolerated.

Police Scotland training

Integrity, Fairness, Respect and compliance with human rights are central to Police Scotland's Professional Ethics and Values. Police

Scotland's training has been reviewed to ensure that human rights, organisational values and the Code of Ethics (CoE)¹²² must be considered in the design specification of every course. New recruits receive training on the ethics and values, as well as on both the European Convention on Human Rights and the Human Rights Act 1998.

All people in Police Scotland custody are cared for in line with Police Scotland's Care and Welfare of Persons in Police Custody Standard Operating Procedure (SOP),¹²³ which provides instructions and guidance to all police officers and members of police staff responsible for the care and welfare of persons in police. This SOP outlines the stringent care and welfare measures in place for everyone in Police Scotland's custody. There is also a Police Scotland SOP on the Registration of Foreign Nationals.¹²⁴

Isle of Man

As previously reported, Nationals of European Economic Area countries and Switzerland are not subject to immigration control but any person who is not an "Isle of Man worker" as defined in the Control of Employment Act 2014 requires a work permit before he or she can

¹²² <http://www.scotland.police.uk/about-us/code-of-ethics-for-policing-in-scotland/>

¹²³ <http://www.scotland.police.uk/assets/pdf/151934/184779/care-and-welfare-of-persons-in-police-custody-sop>

¹²⁴ <http://www.scotland.police.uk/assets/pdf/151934/184779/registration-of-foreign-nationals-sop>

take up employment in the Island (including being self-employed).¹²⁵ The Department for Enterprise (formerly the Department for Economic Development) operates the work permit system and are responsible for maintaining the existing framework of work permit controls and updating the legislation.

Workers from outside the European Economic Area (or Switzerland) who are subject to controls under the Immigration Acts (of Parliament), as extended to the Isle of Man will, in most cases, also require permission to work on the Isle of Man through a work permit.

It is worth noting that as of 6th April 2018, Tier 2 of the points based system which concerns skilled workers from outside the EEA and Switzerland has been replaced by the Worker Migrant (Intra Company Transfer) Routes.

The Worker (Intra-Company Transfer) (ICT) Migrant route enables multinational employers to transfer their existing employees from outside the European Economic Area (EEA) to their Isle of Man branch for training purposes or to fill a specific vacancy.

The requirements that must be met by migrants are similar to the previous system however the entrance route has been altered following a public consultation, in order to streamline the process and better suit the needs of Isle of Man employers. Mailshots were sent to affected persons and employers in order to make them aware of the changes that had been made.

d) Responses to comments and queries from 2015 conclusions:

The Committee asks that the next report contain a detailed and up-to-date description of the rules applying to migrant workers coming to the UK from other States party to the Charter, and information on their implementation in practice.

United Kingdom

The Immigration Rules are updated frequently. Updates are published at <https://www.gov.uk/government/collections/immigration-rules-statement-of-changes>

Isle of Man

As previously described nationals of European Economic Area countries and Switzerland are not subject to immigration control but any person who is not an “Isle of Man worker” as defined in the Control of Employment Act 2014 requires a work permit before he or she can take up employment in the Island (including being self-employed).¹²⁶ The Department for Enterprise operates the work permit system and is responsible for maintaining the existing framework of work permit controls and updating the legislation.

¹²⁵ https://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2014/2014-0011/ControlofEmploymentAct2014_9.pdf

¹²⁶ https://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2014/2014-0011/ControlofEmploymentAct2014_9.pdf

The Committee also notes the introduction in March 2014, outside the reference period, of a Minimum Earnings Threshold, and asks that the next report contain a detailed description of its purpose and implementation.

United Kingdom

It is unclear what this is referring to. The UK would be happy to assist if the Committee could provide further information. There were minor amendments to salary rules in April 2014 (annual inflationary updates to Tier 2 salary thresholds, and minor changes to what could be counted towards the family route income threshold), but no changes of any significance. There were no new thresholds introduced in any of the Rules changes around this time.

Isle of Man

The Isle of Man requires that Worker Migrants meet this minimum earnings threshold of £20,800 per year. This figure has been reduced following a public consultation, from £30,000, which is the minimum salary required by the UK at present. The purpose of this minimum salary threshold is to protect worker migrants who come to the Isle of Man, by ensuring that they are able to sustain themselves adequately, as they are not permitted to rely on public funds.

The UK Visa and Immigration department (UKVI) has a number of visa centres to enable access to further information and complete application processes. The Committee wishes to know whether there are language services at these centres, such as leaflets or interpreters, to ensure that the migrant worker can understand the information provided.

United Kingdom

While it is not possible to cover every language, there is coverage for the more widely spoken local foreign languages. Our Commercial Partner websites are in English and local languages.

Notices in Visa Application Centres (VAC) are in English and local languages, VAC staff are employed locally and therefore can provide coverage for English and local languages to provide support assisting with form filling, explanation.

Isle of Man

For out of country applications, the Isle of Man Immigration Service uses UKVI systems, and so for these applications the position in the Island aligns with that in the UK.

The Isle of Man Immigration Service deals with in country applications entirely, operating a public counter and a telephone line for general inquires. The Isle of Man Immigration Service does not provide non-English language services as this service has never been requested.

The Committee considers that free information and assistance services for migrants must be accessible in order to be effective. While the provision of online resources is a valuable service, it considers that due to the potential restricted access of migrants, other means of information are necessary, such as helplines and drop-in centres. The report gives Lincolnshire as an example of good practice, providing information packs in various languages in public spaces such as Libraries. The Committee would like to know whether such provision of physical information material is normally undertaken by local councils as opposed to national authorities, and to what extent this occurs across other regions of the United Kingdom.

United Kingdom

Many Local Authorities provide this information and advice, as do Citizens Advice Bureaux. Our public offices (immigration reporting centres and public caller units, visa processing offices and Embassies and High Commissions abroad) also provide a range of leaflets in numerous languages.

Isle of Man

Information packs in non-English languages are not provided by the Isle of Man Immigration Service as this service has never been requested.

The Committee stresses the importance of promoting responsible dissemination of information. It considers that in order to combat misleading propaganda, there must be effective organs to monitor discriminatory, racist or hate-inciting speech, particularly in the public sphere. The Committee asks what monitoring systems exist to ensure the implementation of anti-discrimination regulations, and requests a description of their activities.

United Kingdom

Hate Crime

We treat all hate crime with equal seriousness; no one should be a target for hatred because of their race, religion, sexual orientation, transgender identity or disability.

The UK Government's hate crime action plan launched in July 2016 focuses on five key areas:

- preventing hate crime by challenging beliefs and attitudes;
- responding to hate crime within our communities;
- increasing the reporting of hate crime;
- improving support for victims of hate crime; and
- building our understanding of hate crime.

The Hate Crime Action Plan has been refreshed this year and we are working closely with our stakeholders to ensure that it is fit for purpose and that we are able to respond appropriately and effectively.

In the Refreshed Hate Crime Action Plan, we have committed a further £1.5m over the next two years to tackle racially and religiously motivated hatred. This work includes:

- Work to support victims of racially motivated hatred through the British Forum of Race Equality Councils,
- Resource for projects to combat Islamophobia identified by our Anti-Muslim Hatred Working Group,
- The creation of a network of anti-hate crime organisations to share resource and best practice in the Challenging Hate Crime Support Group
- Support for True Vision, the Police Hate Crime Reporting Portal, to refresh their page to be more user friendly and maintain its work to encourage reporting

We have also committed a further £900,000 for the Places of Worship Security Fund to support places of worship that are vulnerable to hatred.

We have a strong legal framework in place with criminal penalties for offences such as incitement to racial, religious or sexual orientation hatred, racially or religiously aggravated offences such as intentionally causing harassment, alarm or distress, as well as increased sentences for offences motivated by prejudice hostility or prejudice based on a person's real or perceived race, religion, transgender identity, sexual orientation or disability.

We have a robust police and CPS policies: police forces continue to be alert to crimes being committed within communities and take appropriate steps to safeguard people and property.

The Police Inspectorate has recently concluded and published its inspection on how effectively and efficiently police forces deal with hate crime. Government will be refreshing the Hate Crime Action Plan later this year, which will respond to a number of issues this report has raised.

UK Government also funds projects that encourage the reporting of hate crime for Gypsy, Roma and Traveller communities. An example in this sense is the #OperationReportHate project, run by the Traveller Movement, for which MHCLG contributed £55,000 over two years.

Online Hate Crime

Government has recognised the harm caused by hate on the Internet and committed to take action to reduce this harm in the Hate Crime Action Plan.

The law is clear that what is illegal offline is also illegal online. We have robust legislation in place to deal with internet trolls, cyber-stalking and harassment, and perpetrators of grossly offensive, obscene or menacing behaviour.

We are funding a Police National Online Hate Crime Hub, building digital resilience, and are working industry and partners internationally.

DCMS published the Government response to the Internet Safety Strategy Green Paper on 20 May 2018. The Government response announced that DCMS and the Home Office will jointly work on a White Paper. The White Paper will set out proposals for future legislation that will cover online harms, including both harmful and illegal content. The Government remains fully committed to collaborating with tech companies, charities and other stakeholders ahead of publication of the White Paper.

One of the biggest successes has been through the Cyber hate Working Group established by the Inter-Parliamentary Coalition for Combating Antisemitism to engage with the Internet industry. The group was tasked with finding solutions that balanced competing rights, particularly of free speech and protection from harm, whilst respecting the myriad of legal approaches globally. This has also been fully supported by the USA based Anti-Defamation League (ADL).

The Cyber Hate Working Group has allowed UK parliamentarians, officials and community representatives to work with most of the largest industry companies and has led to a range of initiatives and policy changes including the agreement of a 'Best Practice' document which is published by the ADL and has been endorsed by many Internet companies.

This best practice document has been signed by all the major companies based in the United States, but does not specifically call for the removal of illegal content within 24 hours.

Building on the success of the above best practice document we have supported the European Commission initiative to agree a second generation of this agreement signed in June 2016 which commits the signatories to removing illegal hate speech within 24 hours.

Isle of Man

The Equality Act 2017 will deal with discrimination comprehensively. Following the announcement of Royal Assent on 18 July 2017 the Act is being phased in, with the great majority of the provisions expected to come into operation by January 2020.¹²⁷

The Act protects all people from discrimination on the basis of possessing a 'protected characteristic' including Gender Reassignment, Marriage & Civil Partnership, Race, Religion, Sex, Sexual Orientation, Pregnancy & Maternity, Age and Disability. The act will protect from discrimination in the workplace, using public services (e.g. healthcare or education), using businesses & organisations that provide goods and services, using transport, buying or renting property, as a member or guest of a private club or association; and when you have contact with public bodies (e.g. local commissioners or government departments).

The Act also creates an obligation on public authorities or those who carry out public functions with the aim of positively promoting equality known as the public sector equality duty. This shifts the onus from individuals to public organisations, removing or reducing the need for individuals to bring discrimination claims. Organisations will be required to consider how they can contribute to the advancement of equality and good relations. Such equality considerations will be manifested in policy design and service delivery through the assessment of how a function may affect a different group in different ways.

The Act establishes the Employment and Equality Tribunal, which will replace the existing Employment Tribunal. The new Tribunal will be the forum for all employment complaints including any complaints relating to discriminatory, racist or hate-inciting speech.

The Committee requests that the next report include comments on these issues, and in light of the above, provide evidence of any action taken to combat discrimination, xenophobia and racism. In the meantime it reserves its position on this matter.

United Kingdom

Hate Crime

We have published a hate crime action plan and improved the police recording of hate crime, including disaggregation of religious hate crime by faith, to help police target resources and increase understanding.

Race Disparity Audit

We see the collection of data as a key part of preventing and tackling discrimination, this is why the launch of the Race Disparity Audit was one of the first things the Prime Minister committed to do in August 2016. This unprecedented Audit - something of this scope, scale and transparency has not been done anywhere before – aims to hold up a

¹²⁷ https://www.legislation.gov.uk/cms/images/LEGISLATION/PRINCIPAL/2017/2017-0005/EqualityAct2017_1.pdf

mirror to our society and over time enable Government – and society as a whole – to tackle ethnic disparities. We believe this strategic data and analysis allows Government to better channel resource to tackle discrimination at its source.

The findings launched in the *Ethnicity Facts and Figures* website in October 2017 highlight differences in outcomes for people of different backgrounds, in every area from health to education, childcare to welfare, employment, skills and criminal justice.

The Government has already taken action in response to the Audit:

- to tackle disproportionality in the criminal justice system following the Lammy Review;
- targeted employment support in up to twenty “challenge areas” across the UK with high levels of unemployment and inactivity;
- a review of school exclusions;
- to address ethnic disparities in youth unemployment through a £90m fund

Northern Ireland

Equality legislation and measures taken

In the absence of Ministers, there has been no agreement on a Single Equality Bill; however, a number of statutes have been enacted over the last decades in Northern Ireland, which provide protection against discrimination on the grounds of age, disability, race, religion and political opinion, sex and sexual orientation.

Current legislation (of which there is much, both primary and many items of secondary legislation) now prohibits, with some exceptions, less favourable treatment in areas such as employment and training, the provision of goods, facilities and services, premises, education and public functions (although not consistently across grounds) on a number of protected grounds:

- Gender (including pregnancy, maternity and gender reassignment);
- Religious belief and political opinion;
- Race;
- Sexual Orientation;
- Disability; and
- Age.

The Executive Office has established a team to conduct a review of the Race Relations Order 1997 in line with the commitment made in the Racial Equality Strategy 2015-2025.

As part of the review the team will also consider those areas recommended for strengthening by the Equality Commission for Northern Ireland.

Race Equality

In the absence of Ministers, Northern Ireland cannot take part in the Race Disparity Audit. However, the Racial Equality Strategy 2015-2025 for Northern Ireland identifies a need to review monitoring frameworks to ensure they have been developed and are fit for purpose. All public bodies including Government departments and agencies need robust information to monitor inequalities, develop evidence-based policy and to plan service delivery.

With the support of the Northern Ireland Statistics and Research Agency (NISRA) and the Racial Equality Unit of the Executive office, and with advice from the Racial Equality Subgroup, Government departments and agencies will, as a matter of priority, examine where they should introduce ethnicity monitoring and draw up and implement proposals to do so following consultation. In drawing up proposals for ethnicity monitoring, Government departments and agencies will draw on the experience of Department of Health, who have already begun implementing ethnicity monitoring, and review the 2011 published Guidance for Monitoring Racial Equality.

Isle of Man

See information above on the Equality Act 2017.¹²⁸

It asks for complete and up-to-date information on any measures taken to target irregular migration and in particular, trafficking in human beings.

United Kingdom

See information above on Modern Slavery.

Isle of Man

The Isle of Man Immigration Service makes provision for safeguarding training and border force training for immigration officers, which includes human trafficking awareness training.

¹²⁸ https://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2017/2017-0005/EqualityAct2017_1.pdf

Article 19, Paragraph 2 Right of migrant workers and their families to protection and assistance: Departure, journey and reception

- a) **Details on the general legal framework: please specify the nature of, reasons for and extent of any reforms**

United Kingdom**Access to healthcare**

All people in the UK can access healthcare from the National Health Service. There are no charges for NHS primary care, except statutory charges in some cases for prescriptions, dental and eye care.

Charges do apply to people who are not 'ordinarily resident' in the UK for NHS secondary care unless an exemption category set out in Regulations applies to them or the service being accessed.

Being ordinarily resident in the UK means, broadly, living in the UK lawfully and on a properly settled basis for the time being. Non-EEA nationals subject to immigration control must also have the immigration status of 'indefinite leave to remain' (ILR) in the UK.

EEA nationals working in the UK are ordinarily resident here and therefore entitled to free NHS secondary care.

A person who is chargeable for NHS secondary care will be provided with it regardless of advance payment unless the treatment is clinically assessed as non-urgent, ie it can safely wait until the time the person can leave the UK, in which case full payment is required in advance of treatment.

Recent changes regarding residence status and payment for NHS care for non-EEA nationals

Prior to April 2015, those non-EEA nationals subject to immigration control who came to the UK to work would have either been ordinarily resident in the UK upon taking up residence here, or, if not, exempt from charge if working here lawfully for a UK based employer.

Since April 2015 non-EEA nationals cannot be OR unless they have indefinite leave to remain in the UK (and are properly settled here for the time being). When applying for the right to work in the UK for 6 months or over, they are required to pay an 'immigration health charge' ("the surcharge") with their visa application, currently set at £200 per year. Payment is not optional, so if no payment is made, then unless there is an exemption from the requirement to pay it, or the requirement to pay it has been waived, the visa will be denied. This happens prior to coming to the UK. Once they have ILR they are no longer required to pay the surcharge.

Those who have paid the immigration health charge (or are exempt from paying it/have had the requirement to pay it waived) and had their visa granted are exempt from charge for NHS secondary care with the exception, from August 2017, of assisted conception services for which charges will still generally apply.

Non-EEA workers here for 6 months or more access healthcare in the UK in the same way as previously. Their NHS record has a green banner on it which NHS staff understand to mean that they are entitled to free NHS care. The Biometric Residence Permit they are given soon after coming to the UK can also be taken as evidence that they are entitled to free NHS care.

- b) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**
- c) Please provide pertinent figures, statistics or any other relevant information, if appropriate.**

United Kingdom

Access to healthcare

The only relevant statistics available are as follows:

- From April 2015 to Dec 2017, there were around 1.4m individuals who paid the Immigration Health Surcharge of which around 250k had at least one secondary care contact.
- There were a total of 1.5m secondary care contacts across all surcharge payers from Apr 2015 to Dec 2017.

d) Responses to comments and queries from 2015 conclusions:

Reception must include not only assistance with regard to placement and integration in the workplace, but also assistance in overcoming problems, such as short-term accommodation, illness, shortage of money and adequate health measures. What assistance may be provided upon reception for migrant workers who suffer such difficulties?

United Kingdom

Short-term accommodation

The position of the UK is that migrants should be self-supporting at the time of their arrival in the UK and during temporary residence in the UK.

The UK is compliant with the European Social Charter (1961) and in line with the UN's Vienna Declaration of 1993. Measures are in place to ensure that vulnerable migrants can

access support and assistance where this is required. In the UK, this will generally be where the Human Rights Act 1998 is engaged or the welfare of children is in question. The UK also provides accommodation and support to destitute asylum seekers and assistance to identified victims of modern slavery.

Examples of classes of vulnerable people who may access social housing or housing assistance include those granted refugee status or humanitarian protection, and those brought into the UK under resettlement schemes. There are also provisions to allow for the nationals of a state that has ratified the European Convention on Social and Medical Assistance (1953) or the European Social Charter (1961) as long as they are lawfully in the UK and habitually resident in the Common Travel Area (the UK, Ireland and the other island states).

For EEA nationals, they may be able to apply for housing assistance where they are exercising treaty rights through economic activity.

For non-EEA nationals, the same safeguards are in place. Immigration restrictions in the Immigration and Asylum Act 1999 (s118 and s119) make clear that migrants are generally excluded from social housing and homelessness support unless they acquire indefinite leave to remain in the UK or fall into a class of persons set out as exceptions in immigration and housing regulations, as explained above. However, short term accommodation may be made available by local authorities where this is required in order to avoid a breach of human rights or in order to safeguard the interests of children. Schedule 3 of the Nationality, Immigration and Asylum Act 2002 sets out these safeguards.

The Home Office arranges accommodation and support for destitute asylum seekers and the UK's national referral mechanism caters for victims of slavery. In other cases, local authorities are responsible for assessing whether a migrant requires such support, and they are then responsible for provision of any support or accommodation. The level of support provided will depend upon the levels of need, vulnerability or as required in order to protect the wellbeing of children.

Homelessness assistance in England

Local authorities have duties towards eligible households in their area who are homeless or at risk of homelessness. They have a duty to take reasonable steps to help prevent any eligible person who is threatened with homelessness from becoming homeless. If homelessness is not successfully prevented or relieved, a housing authority will owe the main housing duty to applicants who are eligible, have a priority need for accommodation and are not homeless intentionally. Only certain foreign nationals are eligible for homelessness assistance specified in regulations. EEA nationals are eligible if they have a relevant EU right to reside (ie if they are working lawfully, have a permanent right to reside following 5 years lawful residence, or are self-sufficient and habitually resident). Non EEA nationals' eligibility is linked to their immigration status and wider policy on migrants' access to public funds; they will be eligible if they have a relevant form of protection leave or indefinite leave to remain. Further details of eligibility can be found in the Homelessness Code of Guidance, [Chapter 7: Eligibility for assistance](#).

Housing authorities have a duty to provide or secure the provision of advice and information about homelessness and the prevention of homelessness, free of charge which must be available to any person in their district. All applicants, including those who are ineligible as a result of their immigration status, will be able to access this form of assistance from the housing authority. Housing authorities should refer applicants to appropriate support which they may be entitled to where relevant.

In periods of severe weather, Severe Weather Emergency Provision (SWEP) is triggered and local authorities work closely with charities to provide basic emergency accommodation during to minimise the risk of harm to individuals who are sleeping rough when the temperature drops. The Government have made available a £5 million cold weather fund for all local authorities in England to provide additional support this winter.

Migrants and entitlement to Department for Work and Pensions (DWP) benefits

Contributory benefits, are payable to anyone who satisfies the contributions and entitlement conditions for the benefit, regardless of nationality. Generally, an individual would need to have been working and paying National Insurance in the UK for around two years to qualify for contributory benefits. If a European Economic Area (EEA) national has not paid sufficient UK contributions to claim a contributory benefit in the UK, it is possible under the European Union (EU) social security rules to take account of the contributions paid in another EEA country to help meet the contribution conditions. Contributions-based Jobseeker's Allowance is paid to jobseekers for a maximum of 182 days and contributions-based Employment and Support Allowance is paid to claimants who are unable to work due to ill health.

Eligibility for income-related (means-tested) social security benefits depends on a person's immigration status in the UK. EEA nationals have, under the European Union Treaties and EU Directive 2004/38 (commonly known as the "Citizens' Directive"), a right to live in another Member State as long as they are a 'qualified person'. The Immigration (European Economic Area) Regulations 2006 originally transposed this Directive into UK law (since replaced by the Immigration (European Economic Area) Regulations 2016). These Regulations define a qualified person who has a right to reside for the purposes of the UK regime.

Migrants who are exercising a right to reside as a worker, self-employed person or a person who retains such a status are eligible to access income-related benefits such as Universal Credit which provides financial assistance for those with no income or a level of income below a statutory amount set by Parliament. Housing Benefit is also available for eligible claimants who require assistance with their rental costs.

Non-Contributory benefits are payable to anyone who satisfies the entitlement conditions for the benefit. Those who are exercising a right to reside as a worker, self-employed person or a person who retains such a status are eligible to access non-contributory benefits such as Personal Independence Payments if they require financial assistance whilst living with a disability and Carers Allowance for individuals with caring responsibilities for a person with a disability.

Access to healthcare

Depending on the type of visa / nationality of the migrant workers, they may be required to pay a healthcare surcharge as part of their immigration application. The National Health Service can then be accessed as soon as the visa or immigration application is granted. See above for further details.

Scotland

Everyone who is resident in Scotland is entitled to access health care on the same basis. This includes migrant workers living in Scotland who are entitled to register with a GP, to access emergency health services, to register with a dentist and to have eye tests. They can access specialist healthcare, as any other patient can, often through a GP referral. This includes maternity care, mental health services and any other services for specific conditions. All public health services have a Public Sector Equality Duty that requires them to ensure that the services provided are fit for purpose and meet the needs of all members of society.

The Scottish Government's National Health and Wellbeing Outcomes¹²⁹ are high-level statements setting out the ambition for health and social care in Scotland. The outcomes are intended to improve the quality and consistency of care provision across Scotland, so that service users and carers have a similar experience, regardless of the Health Board or local authority area they live in, while allowing for local approaches to service delivery. The outcomes are grounded in a human rights approach, which recognises that we should all be free to live with dignity and to participate in our local communities.

A human rights approach to health emphasises the importance of empowering people to know and claim their rights, to participate in decisions that affect them, and to maintain and improve their wellbeing independently. This approach is supported by the concept of health literacy, which is about people having the knowledge, understanding, confidence and skills to use health information, to be active partners in their care, and to navigate health and social care systems. Scotland's first health literacy action plan, Making It Easy, was published in 2014 setting out an ambition, and the means, for all of us to live well, on our own terms, with whatever condition we may have. Making it Easier, published in 2017, will support people to navigate the health and care system more easily, building on the progress made since 'Making it Easy'.

Wales

Wales operates a residency based system for patients seeking to obtain healthcare treatment. Access to free NHS treatment is therefore dependent on whether a person is considered ordinarily resident. Anyone not ordinarily resident is considered an overseas visitor and liable to be charged for healthcare treatment.

Certain types of treatment are not chargeable for any patient, these include free emergency treatment at an accident and emergency department and to ask to be registered with a GP.

¹²⁹ <https://www.gov.scot/Topics/Health/Policy/Health-Social-Care-Integration/National-Health-WellbeingOutcomes>

In common with other parts of the UK, certain visitors from European Economic Area member states to Wales have a right under EU agreements to receive free healthcare. These are:

- workers posted temporarily to another member state and any members of their family who accompany them;
- students temporarily in another member state to study and any accompanying members of their family.

Temporary migrants would also be able to access NHS provision if they pay the Immigration Health Surcharge (IHS). Payment of the surcharge would allow a migrant to access visits to a doctor's surgery, healthcare centre or hospital. Payment of the IHS is a precondition of receiving a temporary visa.

Refugees, asylum seekers, failed asylum seekers, actual and suspected victims of human trafficking can access treatment and care in the same way that an ordinary resident can and are exempt from charging in Wales.

The Committee asks for more information on what impact budget cuts have had on provision of assistance for migrant workers, and whether other specific assistance is provided to make up for any shortfall.

This is a very broad group and the question could relate to a range of public services. If the Committee is able to provide more information on specific services and changes it may be possible to provide more information.

The Committee wishes to know at what point this 'immigration health surcharge' is to be levied and whether immediate assistance would be denied in its absence.

United Kingdom

The charge is currently paid by non-European Economic Area temporary migrants who apply for a visa for more than six months, or who apply to extend their stay in the UK for a further limited period. It is paid up front, as part of the immigration application process, and is separate to the visa fee.

From the point of arrival in the UK, a charge-payer can enjoy the same access to the NHS as permanent residents do. They can use the full range of NHS services without incurring treatment charges and without having made any tax or national insurance contributions in the UK. They generally pay only those NHS charges that a UK resident would also pay, such as prescription charges in England. They will also be charged for assisted conception services in England, should they choose to use them.

Short-term migrants (including those on visitor visas) and those without permission to be in the UK do not pay the surcharge; they are generally charged for secondary care treatment by the NHS at the point of access. Certain vulnerable groups such as asylum seekers and

modern slavery victims are exempt from NHS charges in addition to the surcharge. Unlike the health surcharge, NHS treatment charges are administered by NHS overseas visitor managers located in hospitals across the UK. Devolved health legislation sets out which patients may have to pay for their treatment, and which treatments they have to pay for. Whilst there are some variations, overseas visitor charges for non-residents are operated across all UK nations. Currently, NHS overseas visitor charges can only be raised in respect of secondary (hospital) care. Primary care (including GP consultations) and accident and emergency services are free of charge to all, regardless of immigration status.

Additionally, family planning services, treatment for certain infectious diseases, treatment of sexually transmitted infections, and treatment required for condition caused by torture, female genital mutilation, domestic violence or sexual violence are also free of charge to all.

Family members of EEA nationals are exempt from paying the surcharge. Under our arrangements with the EU, for those EEA nationals and their family members exercising Treaty rights as a worker, self-employed person or jobseeker, the NHS provides free access to healthcare, as is enjoyed elsewhere in the EU by British citizens living there. However, EEA nationals who are students or self-sufficient and their family members, are required to hold comprehensive sickness insurance for the duration of their stay.

The Committee therefore wishes for the next report to contain information on any changes to the situation regarding provision of healthcare to migrant workers, in particular statistics on access to healthcare.

Please see answer to b) and c) “Access to health care” for statistics.

With regard to the departure of migrants, the Committee asks for information on any assistance given to emigrants prior to departure, whether of British nationality or nationals of other States party to the Charter, including financial aid.

United Kingdom

Benefit entitlement when travelling or moving abroad

An individual may still be able to claim some benefits if they travel or move abroad, or if they are already living abroad. Entitlement depends on where they are going and how long for.

See guidance links below from [Gov.uk](https://www.gov.uk) (the UK government website available to the general public for information on government services), on:

- Claiming benefits if living, moving or travelling abroad <https://www.gov.uk/claim-benefits-abroad>
- Claiming State Pension if retiring abroad <https://www.gov.uk/state-pension-if-you-retire-abroad>

- Which government offices to inform when deciding to move abroad
<https://www.gov.uk/moving-or-retiring-abroad>
- Contact point in UK for people abroad who have questions about their UK benefit eligibility or want to claim a benefit
<https://www.gov.uk/international-pension-centre>

Voluntary Returns Service

The Voluntary Returns Service can assist individuals and families to leave the UK voluntarily. It is designed to offer:

- Different levels of support for all those who want to return to their home country — from providing access to a passport or emergency travel document, purchasing tickets, through to complex assisted returns for eligible people.
- Help for returnees on a case by case basis, offering guidance and practical support (including reintegration funds where applicable).

VRS support is available to those returning to countries outside of the EU.

If the applicant is a Home Office recognised Victim of Modern Day Slavery from within the EU the Home Office can also offer support and reintegration assistance.

Assistance available:

Category	Amount of cash or in-kind reintegration support
Vulnerable individual	Up to £1,000
Anyone who has been in the UK asylum system	Up to £1,500
Families	Up to £2,000 per family member

The Committee requests information on any measures taken to facilitate access to health and medical services and maintain proper hygiene standards in the process of collective recruitment.

United Kingdom

This is the responsibility of Employers and Local Authorities.

Article 19, Paragraph 3 Right of migrant workers and their families to protection and assistance: Co-operation between social services of emigration and immigration states

- a) **Details on the general legal framework: please specify the nature of, reasons for and extent of any reforms**

The information is as previously provided with the following changes.

Isle of Man

There is no change to the information provided previously. There are no formal or informal arrangements for such co-operation, although there is nothing that would prevent such co-operation. If such need were to arise the Isle of Man Immigration Service and the Department for Health and Social Care would assist where possible however no such requests have been made.

- b) **Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**
- c) **Please provide pertinent figures, statistics or any relevant information, as appropriate.**

There is no change to the information provided previously.

- d) **Responses to comments and queries from 2015 conclusions:**

The Committee notes that an appendix to the report contains information regarding cooperation at state level, such as through WAPES (World Association of Public Employment Services) and EPSCO (EU Employment, Social Policy, Health and Consumer Affairs committee). It asks for further information on the activities of such cooperation.

United Kingdom

In the field of social security coordination and social policy there are a number of forums at both EU and international level where informal discussion at official level is possible. These are not formal mechanisms for raising individual cases, however they instead provide the opportunity for officials to share information and request assistance in directing queries to the correct authorities. Examples of these forums include the EU network of Public Employment Services and the corresponding World Association of Public Employment Services. As these are informal mechanisms for information sharing there are no specific examples that we are able to provide.

Common situations in which the co-operation would be useful would be for example where the migrant worker, who has left his or her family in the home country, fails to send money

back or needs to be contacted for family reasons, or where the worker has returned to his or her country but needs to claim unpaid wages or benefits or must deal with various issues in the country in which he was employed. The report states that there is nothing that would prevent cooperation between social services at a local level, if such need were to arise. The Committee asks the next report to provide information on any instances where such cooperation has occurred. Such cooperation should facilitate both emigration and immigration.

United Kingdom

This information is not available.

Isle of Man

No such incidents have occurred in this reporting period

Article 19, Paragraph 4 Right of migrant workers and their families to protection and assistance: Equality regarding employment, right to organise and accommodation**a) Details on the general legal framework: please specify the nature of, reasons for and extent of any reforms****Great Britain**

Current anti-discrimination law for England, Scotland and Wales is contained in the *Equality Act 2010*. The Act covers nine 'protected characteristics' including race. The race provisions provide protection against discrimination because of: race; colour; nationality; ethnic and national origins. The race provisions have not changed since the Act came into force in 2010.

Isle of Man

The position is as previously described other than the following –

- Following a reorganisation of the Isle of Man Government in 2017 the functions of the former Department of Economic Development, which had been responsible for employment law, have been taken over by the newly created Department for Enterprise.
- *The Equality Act 2017* deals with discrimination comprehensively in respect of both employment and the provision of goods on various grounds including race.¹³⁰ Following the announcement of Royal Assent, on 18 July 2017 the Act is being phased in, with the great majority of the provisions expected to come into operation by January 2020. The Act establishes the Employment and Equality Tribunal, which will replace the existing Employment Tribunal. The new Tribunal will be the forum for all employment complaints.
- As previously described during the last reporting phase, discrimination on trade union grounds at recruitment, during employment and at termination of employment are dealt with in the Employment Act 2006, the main statute which provides for individual employment rights.¹³¹

b) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**Scotland**

¹³⁰ https://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2017/2017-0005/EqualityAct2017_1.pdf

¹³¹ https://legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2006/2006-0021/EmploymentAct2006_3.pdf

Equality

Equality of opportunity is a founding principle of the Scottish Parliament, and the Scottish Government is determined to tackle all forms of inequality.

Equal opportunities in general are reserved to the UK Parliament, but with exceptions that provide scope for the Scottish Parliament to legislate in relation to the advancement of equality. The Scottish Ministers have made direct use of devolved powers to make Regulations which place specific equality duties on Scottish public authorities.¹³² These are designed to support and enable the better performance of the Public Sector Equality Duty (PSED) in section 149 of the Equality Act 2010. Under the Regulations, there is a duty on the Scottish Ministers to publish proposals for activity to enable public authorities in Scotland to better perform the PSED.

The Scottish Government *Equality Outcomes and Mainstreaming Report 2017*¹³³ provides an update on its progress in incorporating equality across its activities and in delivering on the 2013 equality outcomes. It also sets new equality outcomes covering the period 2017-21.

The Scotland Act 2016 introduced further exceptions to the equal opportunities reservation in the *Scotland Act 1998*. These constitutional changes allow the Scottish Parliament some limited additional scope to legislate in relation to the functions of Scottish public authorities and cross-border public authorities.

Access to accommodation for migrant workers and their families

According to the Scottish Household Survey, in the period 2013 to 2016, 87% of adults in social rented households were born in Scotland; 5% of adults stated that they were born in England; 4% said they were born in the EU (excluding UK and Ireland); 3% said they were born in the Rest of the World (i.e. outside Europe).

When looking solely at social rented households in which an adult has moved into the property within the last 12 months between 2013 and 2016 (which includes new-lets as well as changes to existing household compositions), 80% of adults were born in Scotland and 7% of adults were born in the New EU (2004 to 2013). These figures differ to the equivalent proportions for all social rented households in the latest year (87% and 3% respectively), and suggest that newly formed social households are more likely to contain adults born in the New EU than established social households.

In Scotland social housing is allocated on an objective and non-discriminatory assessment of housing need. The legislation on social housing allocations is set out in the Housing (Scotland) Act 1987.¹³⁴

The *Scottish Social Housing Charter*¹³⁵ requires social landlords to perform all aspects of their housing services so that every tenant and other customer has their individual needs

¹³² <http://www.legislation.gov.uk/sdsi/2012/9780111016718/contents>

¹³³ <https://www.gov.scot/Publications/2017/04/4384>

¹³⁴ <http://www.legislation.gov.uk/ukpga/1987/26/contents>

recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

Homelessness

Scotland has some of the strongest rights for homeless people in the world. By law, local authorities must offer a minimum of advice, assistance and temporary accommodation to all homeless households and those at risk of homelessness. This includes a person who is from one of the EEA member states, unless they are subject to immigration control.

Housing Options¹³⁶ is an information and advice process that local authorities use when someone approaches them with a housing problem. It aims to prevent homelessness wherever possible. The service focuses on people's personal circumstances, helping them to explore all options - including council housing, housing association homes and private rented accommodation. It can also provide support for underlying issues that can underpin housing problems such as debt, family breakup and mental health problems.

The five local authority led Housing Options Hubs bring together neighbouring councils in Scotland to promote, develop and share information and best practice on the prevention of homelessness. All 32 local authorities are represented at the Housing Option Hubs. The Hubs have received Scottish Government funding from 2010 to continue developing their approach to homeless prevention.

Recognition and validation for skills/qualifications

The Scottish Government is funding a pilot project which will develop a process to enable people from overseas who have migrated to Scotland (including refugees and asylum seekers) to gain recognition and validation for the skills/qualifications they have gained outwith the UK. Unemployment and underemployment are a known feature of migrants' economic engagement in Scotland. The Scottish Government commissioned two studies (2010 and 2016) to further assess and understand the landscape in Scotland. This project is in response to this work and seeks to evidence, outline and develop appropriate practical local and national infrastructure to support the integration of migrants into education and ultimately the workplace in Scotland.

Using a participatory action research approach, this project will evidence and develop a sustainable model for a skill recognition and accreditation process for those that have gained qualifications, skills and experience in countries beyond the UK. It will focus on four key targeted sectors: Social Care, Construction/ Engineering and IT and Hospitality. The project will also develop and subsequently host a live database of skills recognition information."

Isle of Man

¹³⁵ <https://beta.gov.scot/publications/scottish-social-housing-charter-april-2017/>

¹³⁶ <https://beta.gov.scot/policies/homelessness/housing-options/>

Other than the planned establishment of the new Tribunal, discussed above and the appointment of an Equality Adviser to educate employers, workers and service users about the Equality Act the position is largely as previously described.

- c) **Please provide pertinent figures, statistics or any other relevant information, in particular concerning the number of migrant workers, if possible, which have had access to subsidised housing.**

Isle of Man

No figures relating to the number of migrant workers who have accessed subsidized housing are currently available.

- d) **Responses to comments and queries from 2015 conclusions:**

The Committee requests that the next report contain information concerning the monitoring bodies and procedures for the Equality Act and the Race Relations (Northern Ireland) Order, any statistics collected on the implementation of the legislation, and examples of its enforcement where available.

Great Britain

As a **regulator of equalities legislation**, the EHRC takes its statutory duties and powers from the Equality Act 2006. These include:

- A General Duty to work towards the development in society in which equality and rights are embedded. (Section 3);
- A duty to encourage good practice in relation to equality and diversity promote equality of opportunity, and promote awareness and understanding of the Equality Acts 2006 and 2010, as well as enforcing the legislation (Section 8);
- Powers to publish information, undertake research, provide education or training, or give advice and guidance “whether about the effect or operation of an enactment or otherwise” (Section 13);
- A power to issue Codes of Practice (statutory guidance) which must be taken into account by courts and tribunals in relevant cases (Section 14);
- A power to conduct an inquiry into the public sector duties under the 2010 Act. The Commission can make recommendations based on findings of the inquiry for change and improvement of policy, practice and legislation to

any organisation who must have regard to the recommendations (Section 16 and Sch. 2);

- Formal enforcement powers (e.g. to conduct investigations, provide an 'unlawful act' notice, require the production of an action plan, enter into an agreement, make applications to a court, including applications to restrain unlawful advertising, pressure etc., provide conciliation and legal assistance, including costs, institute or intervene in judicial review and other legal proceedings; assess compliance with the Public sector equality Duty (PSED) and issue a PSED compliance notice.) (Sections 20 – 32).

As an example of the EHRC's work, in March 2015, the EHRC provided briefing in support of the government's proposed amendment to introduce a new Clause of the Modern Slavery Bill to improve protection from exploitation for overseas domestic workers. Human Rights violations suffered by domestic workers and immigrants can be reported to the EHRC.

Isle of Man

As previously described the Isle of Mans Equality Act is being phased in, with the great majority of the provisions expected to come into operation by January 2020.

The Committee asks whether vocational training with a view to improving the skills of workers and their opportunities is available in the United Kingdom on the same basis for migrants and nationals.

United Kingdom

Citizens of countries within the European Economic Area are eligible for funding from the government's Adult Education Budget if they have been resident in EEA countries for three years. In these circumstances they are eligible on the same basis as UK residents.

A non-EEA citizen is eligible for funding if they have permission granted by the UK government to live in the UK - which is not for educational purposes - and have been ordinarily resident in the UK for at least the previous three years before the start of learning.

Individuals with certain types of immigration status and their family members are eligible to receive funding and are exempt from the three-year residency requirement rule. This means that refugees, for example, are exempt from the qualifying period and are eligible for full funding to support learning in English for Speakers of Other Languages (ESOL) if they are unemployed and looking for work.

To be funded for an apprenticeships programme, an individual must have the right to work in England and have an eligible residency status.

Isle of Man

Vocational training courses which are available through the University College Isle of Man are open to all persons providing they meet the entry requirements of the course e.g. 5

GCSE's. These courses also require individuals to be in employment for at least part, if not all of the course, and as such they may be required to be Isle of Man Workers or be in possession of a valid work permit as prescribed in the Control of Employment Regulations 2017.¹³⁷

The Vocational Training Assistance Scheme (VTAS) provides financial assistance to both businesses and individuals wishing to undertake vocational training on the Isle of Man. This scheme is available to individuals working in the private or third sector who are either defined as Isle of Man Workers, or who are in possession of a valid work permit, in accordance with the Control of Employment Regulations 2017.¹³⁸

The Committee asks that the next report provide further information concerning the legal status of workers posted from abroad, and what legal and practical measures are taken to ensure equal treatment in matters of employment, trade union membership and collective bargaining.

United Kingdom

As explained in the previous UK reports, migrant workers who are lawfully present in the UK are treated no less favourably than UK nationals in relationship to membership of trade unions and collective bargaining.

The legal position for workers in the UK depends on where the worker is employed. In general, workers employed in the UK who are nationals of another country are entitled to the same statutory workplace rights and protections as UK nationals. They will also generally be covered by any collective agreements covering the company or sector in which they are employed.

It is possible to work in the UK and be employed in another country. Within the European Union (EU) and the European Economic Area (EEA) the rules governing the rights workers are entitled to when posted by their employer to provide a service in another country are set out in the Posting of Workers Directive. In practice in the UK posted workers are entitled to almost all the same statutory rights and protections as UK workers, even where they are employed in another country. Only those collective agreements which are universally applicable must apply to a posted worker from the EU or EEA.

Regarding workers posted from outside the EU and EEA, the legal minimum level of protection and rights is the same as posted workers from another EU or EEA Member State.

Posted workers are able to enforce their rights in either their home or host country through the relevant systems. In the UK the rules of the Posting of Workers Directive are enforced by the Employment Agency Standards Inspectorate or through an employment tribunal. Her Majesty's Revenue and Customs enforces the payment of the National Minimum Wage or

¹³⁷ <https://www.gov.im/media/1358953/controlofemploymentregulations2017.pdf>

¹³⁸ <https://www.gov.im/media/1358953/controlofemploymentregulations2017.pdf>

National Living Wage for all workers, regardless of nationality. The Gangmasters and Labour Abuse Authority run a licensing scheme which regulates businesses who provide workers from the UK and abroad to the fresh produce supply chain and horticulture industry. The Health and Safety Executive also has a role in enforcing occupational safety and health regulations.

Isle of Man

All workers in the Isle of Man who are either Isle of Man Workers or in possession of a valid work permit have equal rights in trade union membership and collective bargaining.

The Equality Act 2017 deals with discrimination comprehensively in respect of both employment and the provision of goods on various grounds including race. Following the announcement of Royal Assent, on 18 July 2017 the Act is being phased in, with the great majority of the provisions expected to come into operation by January 2020. The provisions in respect of race discrimination (which includes discrimination on the grounds of nationality) in employment are expected to come into operation in January 2019.

The Committee notes from the Department for Work and Pensions that from April 2014 (outside the reference period) new migrant jobseekers from the European Economic Area (EEA) will no longer be able to get Housing Benefit. It asks that the next report comment on this change.

United Kingdom

From December 2013, the government introduced measures to restrict access to benefits for migrants from the European Economic Area (EEA).

These publications provides information on:

- the numbers affected by the measures
- trends relating to Jobseeker's Allowance and Housing Benefit caseloads, onflows and durations for EEA and UK nationals

2016 publication

<https://www.gov.uk/government/statistics/analysis-of-eea-migrants-access-to-income-related-benefits-measures>

2017 publication

<https://www.gov.uk/government/statistics/analysis-of-migrants-access-to-income-related-benefits>

Article 19, Paragraph 5 Right of migrant workers and their families to protection and assistance: Equality regarding taxes and contributions

a) Details on the general legal framework: please specify the nature of, reasons for and extent of any reforms

Isle of Man

The position remains as previously described.

b) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

United Kingdom

Equality regarding employment taxes and contributions

The position remains broadly unchanged and this has been the case since the UK's 17th Report. UK tax liability depends on where a person is 'resident' and 'domiciled' in a particular tax year.

From 2013, the concept, or test, of "ordinary residence" was replaced by a "Statutory Residence Test" – more information on this can be viewed via the following link: www.hmrc.gov.uk/international/residence.htm

Under the Social Security (Contributions and Benefits) Act 1992, and Regulations made under it, liability for payment of National Insurance (i.e. social security) Contributions is dependent on conditions as to a person's residence and presence in the UK, either as an employed or self-employed earner. Corresponding legislation applies in Northern Ireland.

<http://www.legislation.gov.uk/ukpga/1992/4>

See also the Social Security (Contributions) Regulations, 2001 SI No. 1004 - Case F (Regulations 145 to 148), which apply throughout the UK.

<http://www.legislation.gov.uk/uksi/2001/1004/contents>

The question as to a person's nationality has no bearing on the above issues. Migrant workers are treated equally, irrespective of their nationality.

c) **Please provide pertinent figures, statistics or any other relevant information, if appropriate**

d) **Responses to comments and queries from 2015 conclusions:**

None

Article 19, Paragraph 6 Right of migrant workers and their families to protection and assistance: Family reunion

a) **Details on the general legal framework: please specify the nature of, reasons for and extent of any reforms**

United Kingdom

Please note: the legal framework set out below is the one that is relevant to British citizens or persons settled in the UK (permanent residents). This is irrespective of whether they arrived in the UK as workers or not.

Those wishing to enter or remain in the UK as a non-EEA partner, child, parent or adult dependent relative of a British citizen or person settled in the UK – are a small part of overall non-EEA migration. Family migration is based from the outset on an intention to settle permanently in the UK.

The family immigration route is human rights-based, under Article 8 of the European Convention on Human Rights (the right to respect for private and family life). This means that any restrictions have to be evidence-based and proportionate to a legitimate public policy aim, e.g. preventing burdens on the taxpayer or promoting integration, if they are to withstand legal challenge under human rights and equalities legislation.

Significant reforms have been implemented since 2010. These include new English language and financial requirements for partners, upheld as lawful by the Supreme Court in 2015 and 2017 as compatible with Article 8 and striking a ‘fair balance’ between the interests of those wishing to sponsor a non-EEA partner to settle in the UK and of the community in general.

The family and private life Immigration Rules provide a 5 or 10-year route to settlement depending on individual circumstances:

A 5-year route, for partners, parents and children who meet all of the relevant suitability and eligibility requirements of the Immigration Rules at every stage.

A 10-year route for partners and parents who meet all of the suitability requirements, but do not meet the English language and financial eligibility requirements to access a 5-year

route, but it's unreasonable to expect a qualifying child to leave the UK, there are insurmountable obstacles to family life continuing outside of the UK, or there are exceptional circumstances such that would result would constitute a breach of Article 8.

A 10-year route, for those who meet all relevant suitability and have sufficient periods of residence, very significant obstacles to integration to a country outside of the UK, or exceptional circumstances, to remain in the UK on the basis of their private life.

Immediate settlement for adult dependent relatives or bereaved partners.

From 6 April 2015, under changes made by the Immigration Act 2014, all applications for leave to remain under the 5-year partner or parent route which are refused (except as a bereaved partner) attract a right of appeal on the basis that a human rights claim has been refused, regardless of whether the application was made at a time when the applicant had valid leave to remain.

In February 2017 the Supreme Court upheld the lawfulness of the minimum income requirement under the family Immigration Rules. The Supreme Court has endorsed our approach in setting an income requirement for family migration that prevents burdens on the taxpayer and ensures migrant families can integrate into our communities. This includes setting a higher requirement where non-EEA national children are involved. The Supreme Court upheld the lawfulness of the minimum income requirement, but asked us to look at how, in cases involving exceptional circumstances, we assess all the financial support available to the family and to ensure that the best interests of any children are taken into account as a primary consideration in any decision affecting them.

A temporary hold on decision-making in respect of some family visa applications was introduced on 22 February 2017 so that the implications of the Supreme Court judgment could be considered. From 10 August 2017 the individuals whose applications (visa or extension) were then on hold (around 5,000 as at 30 June 2017), pending the Rules changes.

New Immigration Rules were implemented on 10 August 2017 to give effect to the Court's findings that, in circumstances where refusal of the application could otherwise breach ECHR Article 8, other credible and reliable sources of income or funds available to the couple should be taken into account under the minimum income requirement, and that Appendix FM needed to give direct effect to the Secretary of State's duty under section 55 of the Borders, Citizenship and Immigration Act 2009 to have regard, as a primary consideration, to a child's best interests in making an immigration decision affecting them.

The temporary hold in place since then on applications falling for refusal under the Immigration Rules with which the judgment was concerned, was lifted on 10 August when these changes came into effect.

A requirement that most non-European Economic Area (non-EEA) national migrants applying to come to the UK, or to extend their stay here, for more than six months should pay an Immigration Health Surcharge was introduced on 6 April 2015. The surcharge is currently set at £200 per annum for spouses and partners and will shortly increase to £400 per annum. It aims to ensure that non-EEA migrants make a contribution to the cost of healthcare in the UK, in line with their immigration status.

Isle of Man

Although the legal framework of United Kingdom immigration legislation applies to the Isle of Man it has been updated in relation to the issues above as described below:

- a. *family members may be expelled following the deportation of their sponsor, without proof that they are a threat to national security, or offend against public interest or morals;*
- Part 13 of the Isle of Man's Immigration Rules lays out the rules for deportation.¹³⁹ It provides that family members of the deportee will not usually be deported where they qualify for settlement in their own right or have been living apart from the deportee. If they fail to meet either of these conditions family members will be deported on the grounds that their sponsor has been deported on the above grounds.
- b. *the language requirements imposed on the family members of migrant workers are likely to hinder family reunion;*
- There are no language requirements on the Isle of Man for family members of worker migrants, until they choose to apply for indefinite leave to remain. This is optional and in most cases may only be applied for after meeting a qualifying period of residence of 5 years.
- c. *the income requirement for migrants who wish their families to join them is too high and is likely to hinder family reunion.*
- The income requirement for migrants does not increase per dependant that they have living with them. However, the level of funds that they have available in order to maintain themselves and any additional dependents does increase per dependent that is joining the migrant. For example, a worker migrant must have £945 in savings before they are able to move to the Isle of Man. This minimum amount of savings increases by £945 per dependent that is moving with them, or who wishes to join them. The Isle of Man's minimum salary threshold has been reduced from £30,000 to £20,800 on 6 April 2018, following a public consultation on Tier 2 of the Points based system.

b) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

United Kingdom

The legal framework is implemented through the normal administrative arrangements that are in place for immigration control; that is, through the visa application process, the system

¹³⁹ <https://www.gov.im/media/1361107/immigration-rules-from-6-april-2018.pdf>

of controls in operation at the UK border, and through the arrangements whereby applications can be made in the UK for further leave to remain.

Isle of Man

There has been no substantial change to the situation as previously described, which is in line with that of the UK.

c) Please provide pertinent figures, statistics or any other relevant information, in particular on the number of applications for family reunion, and the percentage of applications which were granted and turned down, respectively.

United Kingdom

The number of visas granted to those on the family route (43,228) in the year ending June 2018 was 43,228. Comparable records began in 2005, with the lowest figure in 2013 (33,162) and much lower than the peak in the year ending March 2007 (72,894).

Family visas granted increased by 18 per cent in the year ending June 2018 (by 6,518 to 43,228) compared the year ending June 2017 (36,710).

Within that, partner visas granted increased by 18 per cent in the year ending June 2018 (by 5,106 to 33,456) compared with the year ending June 2017 (28,350).

Provisional Annual Survey of Hours and Earnings data shows that the gross median earnings in 2017 of all employees were £23,474 for the UK as a whole. They exceeded £18,600 in every county and region of the UK.

The Immigration Act 2014 made clear the public interest in family migrants being financially independent and able to speak English. This prevents family migrants from being a burden on the taxpayer and promotes integration.

Isle of Man

There has been no application refused in respect of migrant workers' children between the ages of 18 and 21 who wish to apply to join their parent and were able to demonstrate that they are dependent on their parent.

There has been no application refused with respect to the means/income and accommodation requirement.

There has been no application refused during the reference period on the grounds that they do not fulfil language requirements.

d) Responses to comments and queries from 2015 conclusions:

With regard to the deportation of the families of migrant workers, the Committee notes that where a migrant worker is expelled, a family member can make an application for leave to remain in the UK in their own right. The Committee asks whether this requirement to make an application gives rise to a presumption that the migrant's family will be removed, if they do not apply or their application does not succeed.

United Kingdom

Please note the comment at (a) above. British citizens are not liable to deportation, so the question of a family member being deported with them does not arise.

A person who has settled status may be deported although there are some qualifications to this based on residence conditions set down in the Immigration Act 1971.

In addition, there are restrictions on deportation of a person who has a genuine and subsisting parental relationship with a child who is a British citizen, or if the child has lived continuously in the UK for seven years. There are additional restrictions that can be invoked if it would be unduly harsh for a partner to have to re-locate to the country to which the person is being deported. There is therefore not a presumption that the family member(s) will be removed.

With regard to those with status as a dependant of a non-EEA migrant worker, their basis of stay is contingent on that worker's presence in the UK. If the worker is removed, their stay will usually be curtailed in line. If they do not make any further application to stay on another basis, or if they make an application and it is refused, then they would no longer have any basis of lawful residence in the UK and would usually be liable for removal from the UK.

Isle of Man

As previously stated, family members of the deportee will not usually be deported where they qualify for settlement in their own right or have been living apart from the deportee. Failing to meet either of these conditions family members will be deported in a case where their sponsor has been deported on the above grounds

The Committee wishes to know to what extent the calculation of whether a migrant meets the minimum income thresholds may include entitlements to income from social assistance.

United Kingdom

We recognise that some of those wishing to be joined by a partner from overseas will have a reduced earning capacity as a result of disability or caring for someone who has a disability. Therefore, provision is made for an applicant whose sponsor is in receipt of a specified disability-related benefit or Carer's Allowance to be exempt from meeting the minimum income requirement and simply be required instead to meet a requirement for adequate maintenance (equivalent to Income Support level).

Isle of Man

Migrants under the new Worker routes are the only category that is required to meet this minimum income threshold. All visas of this type come with an attached condition of no recourse to public funds, making them ineligible to receive financial assistance such as this.

The Committee asks what appeal mechanisms exist to challenge decisions against the grant of family reunion.

United Kingdom

An avenue of appeal on human rights grounds exists for applicants refused a visa to join a family member in the UK. These appeals are heard by a specialist Immigration and Appeals Tribunal and there is a right of further appeal from any of its decisions right up to the Supreme Court of the UK.

Isle of Man

An appeal against an immigration decision of this kind would be made to the immigration adjudicator. This would be made under Part 5 of the Nationality, Immigration and Asylum Act 2002.¹⁴⁰

The Committee asks that the next report provide up to date information on any requirements imposed for eligibility for family reunion, including, for example, accommodation, health or length of residence.

United Kingdom

The latest changes are those introduced in 2010 and 2012.

From November 2010, a non-EEA partner – and from July 2012, a non-EEA parent – have been required to have basic (A1 level) English before they can come or remain here. From 2016 to have A2 level English to extend their Visa and B1 with a Knowledge of Language and Life in the UK Test to apply for settlement (indefinite leave to remain). These were

¹⁴⁰ <http://www.tynwald.org.im/links/tls/SD/2008/2008-SD-0184.pdf>

introduced to promote integration of migrant partners into the UK, in particular to ensure that

From July 2012, there has been a minimum income requirement of £18,600 for sponsoring a non-EEA partner to come or remain here, £22,400 for sponsoring a partner and one non-EEA child, and an additional £2,400 for each further child.

A visa may be refused if granting it would lead to a family living in accommodation that falls short of UK legal standards, including with regard to overcrowding.

From July 2012, the minimum probationary period before settlement for non-EEA partners was extended from two years to five years, to test the genuineness of the relationship.

From July 2012, non-EEA adult dependants (including parents and grandparents) have been required to demonstrate that they require a level of long-term personal care that can only be provided in the UK by their sponsor here and without recourse to public funds. They must also apply from overseas, not while in the UK as a visitor.

Isle of Man

Migrant workers do not need to have lived lawfully in the Isle of Man for a period of time before their family members can join them. Spouses and children can join migrant workers holding temporary residence permission.

Article 19, Paragraph 7 Right of migrant workers and their families to protection and assistance: Equality regarding legal proceedings

a) Details on the general legal framework: please specify the nature of, reasons for and extent of any reforms

United Kingdom

The position remains as previously described. It remains the case that subject to satisfying financial means and merits criteria, civil legal services are available where the subject matter is within the scope of the civil legal aid scheme, as set out in Part 1 of Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO).¹⁴¹

Isle of Man

¹⁴¹ www.legislation.gov.uk/ukpga/2012/10/schedule/1/enacted

No substantial reforms to the legal framework have taken place in the reporting period. The legal framework for the provision of legal aid can be found on the Isle of Man Government website at: <https://www.gov.im/about-the-government/departments/the-treasury/social-security-division/legal-aid/legislation/>

b) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

United Kingdom

The Government is conducting an evidence based assessment of the impact of the legal aid changes made by LASPO and subsequently. The findings of the review will be published by the end of the year.

The evidence gathering phase of the review is complete and the second round of consultative group meetings took place in July.

The review team has met with over 80 individuals and organisations during the review process. They have provided evidence on the impact LASPO has had across the justice system.

The engagement phase of the review closed at the end of September in order to provide time for the findings of the review to be finalised by the end of the year.

The review will provide a robust evidence base which will be used to inform the Governments wider consideration of the future of legal support in the justice system.

Isle of Man

The situation remains the same as the last report. Detailed information about legal aid is provided on the Isle of Man Government website at: <https://www.gov.im/about-the-government/departments/the-treasury/social-security-division/legal-aid/>

c) Please provide pertinent figures, statistics or any other relevant information, if appropriate

United Kingdom

Statistics collected by the Government do not allow for a breakdown of claims by status as a migrant and UK nationals.

Isle of Man

Expenditure on civil and criminal legal aid during the reporting period is shown below.

	2014-15	2015-16	2016-17
Gross civil legal aid expenditure	£1,498,342.63	£1,487,362.13	£1,518,597.97
Net civil legal aid expenditure	£1,269,993.19	£1,335,678.46	£1,280,903.54

	2014-15	2015-16	2016-17
Criminal legal aid expenditure	£ 2,249,584.66	£ 2,217,500.04	£ 1,672,974.49

d) Responses to comments and queries from 2015 conclusions:

In respect of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), the Committee asks for any statistics or information regarding the operation in practice of the new rules, in particular data on the number of claims brought respectively by migrants and UK nationals, where available.

United Kingdom

See response to (c), above.

Isle of Man

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 does not extend to the Isle of Man. No data is held as to whether claims for legal aid are brought by Manx residents, UK nationals, or migrants.

The Committee requests to receive further information on the introduction of a residence test for legal aid in the next report, and in particular wishes for details of any residential requirements should they exist.

United Kingdom

There are no current plans to introduce a residence test for legal aid.

Scotland

In Scotland, the eligibility criteria for those accessing legal aid are consistent and transparent and there is no requirement to be resident in Scotland when applying for legal aid. If it is a matter of Scots Law (including UK law that applies in Scotland) and could be heard in a Scottish Court, an application can be made to the Scottish Legal Aid Board (SLAB). A person looking for advice on an immigration case has open to them the full range of publicly funded legal assistance available in Scotland. The eligibility criteria has the same statutory tests and there is no residency test for accessing this funding. For those requiring representation for a case at the Immigration and Asylum Tribunal, an applicant can access Assistance by Way of Representation. In most cases only a means test is applied and all of these applications will be passed on merit.

While recognising that the current system compares very well internationally, the report, *Rethinking Legal Aid, An Independent Strategic Review* (February 2018)¹⁴² sets out a 10 year vision for legal aid in Scotland and makes 67 recommendations on how this vision can be delivered. Following analysis and discussion with stakeholders, a Scottish Government response will be issued.

Isle of Man

Persons who do not reside in the Isle of Man may qualify for legal aid. Therefore no Isle of Man residence test is carried out on applicants for legal aid. As long as the case is to be heard by a Manx Court and falls within the jurisdiction of a Manx Court, an application may be made for assistance or a Legal Aid Certificate irrespective where the applicant resides.

The Committee notes that interpretation services are available in most cases, and understands that these are free where the applicant cannot reasonably afford to pay for the service, and cannot otherwise take part in the hearing. The Committee asks for confirmation of this point.

United Kingdom

Interpretation services are covered as part of disbursements.

Comprehensive guidance on right to interpretation and translation in criminal proceedings is provided to staff (this was last updated in November 2016).

Isle of Man

¹⁴² <http://www.gov.scot/Resource/0053/00532544.pdf>

Legal Aid Certificates and Green Forms cover disbursements in respect of translation and interpretation services.

The Committee refers to its Statement of Interpretation on the rights of refugees under the Charter, and asks under what conditions refugees and asylum seekers may receive legal aid assistance.

United Kingdom

Under current legislation, legal aid is available in all asylum cases – for all age groups - and immigration cases where someone is challenging a detention decision, subject to means and merits tests.

Legal aid for other immigration matters is available via the Exceptional Case Funding (ECF) scheme, which is intended to ensure legal aid is accessible in all cases where there is a risk of breach of human rights.

Judicial review is also available to challenge certain immigration decisions, subject to means and merits tests.

We are bringing immigration matters for unaccompanied and separated children back into scope of legal aid. We will aim to lay affirmative legislation shortly.

Legal aid is available via the Exceptional Case Funding (ECF) scheme in any matter where failure to provide it would breach, or risk breaching, the European Convention on Human Rights or enforceable EU law, subject to the statutory means and merits tests.

Article 19, Paragraph 8 Right of migrant workers and their families to protection and assistance: Guarantees concerning deportation

a) Details on the general legal framework: please specify the nature of, reasons for and extent of any reforms

United Kingdom

The current UK immigration legal framework was founded by the Immigration Act 1971 and a considerable number of significant pieces of subsequent primary and secondary legislation, together with the Immigration Rules. The most recent amendments are reflected in the Immigration Act 2014 and the Immigration Act 2016. Legislative revisions are made in order to meet the demands and needs of societal changes and the wide-ranging nature of such are extensive.

Isle of Man

Part 9 of the Isle of Man Immigration Rules lays out the general grounds for refusal and curtailment of leave.¹⁴³ This has been based on Part 9 of the UK's Immigration Rules, and are updated to mirror changes that are made by the UK.

- b) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

United Kingdom

The Home Office is responsible for securing the UK border and controlling immigration, considering applications to enter and stay in the UK, and issuing passports and visas. The application of these functions is underpinned at all times by the current legislative framework.

Isle of Man

As previously stated, the legal framework concerning immigration in the Isle of Man continues to be United Kingdom immigration legislation extended to the Island by Order in Council, the current applicable legislation being The Immigration (Isle of Man) Order 2008¹⁴⁴. The Immigration Rules that apply in the Isle of Man have generally been updated to reflect changes made to the Immigration Rules which apply in the UK.

- c) Please provide pertinent figures, statistics or any other relevant information, in particular on the number of migrant workers nationals of States party served with an expulsion order**

Isle of Man

The Isle of Man Immigration Service has never deported or removed anyone for these reasons, or any other reason, who has lawfully been present.

- d) Responses to comments and queries from 2015 conclusions:**

With regard to the deportation of migrant workers, the Committee notes the introduction, outside the reference period, of the Immigration Act 2014. It asks that the next report contain detailed information and examples concerning the Act's contents, implementation, and consequences for the expulsion of migrants.

United Kingdom

¹⁴³ <https://www.gov.im/media/1361107/immigration-rules-from-6-april-2018.pdf> as amended by [SI 2015/1765](#), [SI 2016/156](#) and [SI 2016/755](#)

¹⁴⁴ http://www.legislation.gov.uk/uksi/2008/680/pdfs/uksi_20080680_en.pdf

Entry clearance or leave to enter the United Kingdom might be refused where the applicant has previously breached the UK's immigration laws, including where enforcement action may have been taken. The circumstances of the individual case would determine any time limit on this restriction. In cases where deportation action is initiated the subject is required to leave the United Kingdom. This also prohibits re-entering the United Kingdom for as long as the Order is in force and invalidates any leave to enter or remain in the United Kingdom given him before the Order is made or while it is in force. The Immigration Act 2014 was enacted 14th May 2014.

Isle of Man

The Isle of Man generally follows the UK legislation on this.

The Committee requests that the next report contain information on the implementation of the Immigration Act and its follow up in this regard, with a view to ensuring that abuses are not perpetrated without the right to review of the decision.

United Kingdom

Judicial review is a type of court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body, this process can be initiated through the Courts and Tribunals Judiciary.

Isle of Man

The Isle of Man generally follows the UK legislation on this.

The Committee asks on what grounds the Secretary of State may consider that the expulsion of a foreigner may be conducive to the public good, and what grounds of appeal are available.

United Kingdom

The main types of cases where further leave to remain in the UK may be refused are those that involve criminality, a threat to national security, war crimes or travel bans. It may also include threats to immigration control, such as cases where a migrant has entered, attempted to enter or facilitated a sham marriage to evade immigration control.

There may be exceptional circumstances when deportation is specifically considered conducive to the public good. A higher threshold is applied when considering deportation than when considering applications for further leave to remain.

Additionally, those who entered the UK illegally or overstayed their visas are liable for removal from the UK.

Isle of Man

The grounds on which the Governor may consider curtailing a migrant's leave to remain in the IOM in relation to the public good are set out in Part 9 of the Immigration Rules.¹⁴⁵ The grounds on which an EEA citizen may be expelled on grounds relating to the public good are set out in the Isle of Man's EEA Regulations 2009.¹⁴⁶

An appeal of this kind would be made against an immigration decision, rather than a court, and therefore the appeal would be made to an immigration adjudicator, rather than a court of appeal. Grounds of appeals against immigration decisions are made under Part 5 of the Nationality, Immigration and Asylum Act 2002, as extended to the Isle of Man by Order in Council in the Immigration (Isle of Man) Order 2008.¹⁴⁷

The Committee asks whether all the circumstances of the case must be considered prior to an expulsion order being made.

United Kingdom

An 'Expulsion Order' is not a recognised action within UK immigration regulations or legislation. In all cases where enforced removal is undertaken a wide range of circumstances, including those pertaining to Human Rights, are considered.

Isle of Man

This is provided for under Part 5 Section 85 of the Nationality, Immigration and Asylum Act 2002 as extended to the Isle of Man by Order in Council in the Immigration (Isle of Man) Order 2008.¹⁴⁸ Discretion is given to the adjudicator as to what evidence they consider relevant to the substance of the decision. So it is not necessarily the case that all circumstances will be considered in these appeals.

¹⁴⁵ <https://www.gov.im/media/1361107/immigration-rules-from-6-april-2018.pdf>

¹⁴⁶ https://www.gov.im/media/765804/immigration_european_economic_area_regulations_2009.pdf

¹⁴⁷ <http://www.tynwald.org.im/links/tls/SD/2008/2008-SD-0184.pdf> as amended by [SI 2015/1765](#), [SI 2016/156](#) and [SI 2016/755](#)

¹⁴⁸ <http://www.tynwald.org.im/links/tls/SD/2008/2008-SD-0184.pdf> as amended by [SI 2015/1765](#), [SI 2016/156](#) and [SI 2016/755](#)

Article 19, Paragraph 9 Right of migrant workers and their families to protection and assistance: Transfer of earnings and savings

- a) **Details on the general legal framework: please specify the nature of, reasons for and extent of any reforms**

Isle of Man

The position is as previously described; there are no restrictions on the transfer of such parts of the earnings and savings of such workers as they may desire.

- b) **Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.**

Isle of Man

The position as previously described.

- c) **Please provide pertinent figures, statistics or any other relevant information, if appropriate**

Isle of Man

- d) **Responses to comments and queries from 2015 conclusions:**

The Committee refers to its Statement of Interpretation on Article 19.9 in Conclusions XIX-4 (2011), and asks whether there are any restrictions on the transfer of movable property of a migrant worker.

United Kingdom

There are no restrictions on the transfer of lawfully obtained assets.

Isle of Man

There is no change to the information previously provided. Migrant workers are free to transfer to their country of origin such parts of their earnings and savings as they may wish.

Article 19, Paragraph 10 Right of migrant workers and their families to protection and assistance: Equal treatment for the self employed

a) Details on the general legal framework: please specify the nature of, reasons for and extent of any reforms

United Kingdom

The position remains that migrant workers who are self-employed have access to the same protection and assistance as other self-employed workers in the UK. Similarly, employed migrant workers have access to the same protection and assistance as other employed workers.

Isle of Man

Please see responses provided for Articles 19§4 and 19§6.

b) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Isle of Man

Please see responses provided for Articles 19§4 and 19§6.

c) Please provide pertinent figures, statistics or any other relevant information, if appropriate

Isle of Man

Please see responses provided for Articles 19§4 and 19§6.

d) Responses to comments and queries from 2015 conclusions:

No requests for information