



11/04/2023

RAP/Cha/GBP/42(2023)

## **EUROPEAN SOCIAL CHARTER**

42nd National Report on the implementation of  
the European Social Charter

submitted by

**THE GOVERNMENT OF THE UNITED KINGDOM**

Articles 7, 8, 16, 17, and 19  
for the period 01/01/2018 – 31/12/2021

Report registered by the Secretariat on  
11 April 2023

**CYCLE 2023**

European Social Charter UK 42<sup>nd</sup> Report

**COUNCIL OF EUROPE**

**THE EUROPEAN SOCIAL CHARTER**

**THE UNITED KINGDOM'S FORTY SECOND REPORT**

**DECEMBER 2022**

## Contents

Introduction .....	3
Article 7 - The right of children and young persons to protection .....	4
Paragraph 2 - Higher minimum age in dangerous or unhealthy occupations .....	4
Paragraph 3 - Prohibition of employment of young persons subject to compulsory education .....	8
Paragraph 6 - Inclusion of time spent on vocational training in the normal working time .....	15
Paragraph 9 - Regular medical examination .....	15
Paragraph 10 - Special protection against physical and moral dangers .....	15
Article 8 - The right of employed women to protection of maternity .....	37
Paragraph 1 - Maternity leave .....	37
Article 16 - The right of the family to social, legal and economic protection .....	44
Article 17 - The right of mothers and children to social and economic protection...	106
Article 19 - The right of migrant workers and their families to protection and assistance .....	156
Paragraph 1 - Assistance and information on migration .....	156
Paragraph 2 – Departure, journey and reception .....	163
Paragraph 3 – Co-operation between social services of emigration and immigration states .....	169
Paragraph 4 - Equality regarding employment, right to organise and accommodation .....	172
Paragraph 5 – Equality regarding taxes and contributions .....	175
Paragraph 6 - Family reunion .....	175
Paragraph 7 - Equality regarding legal proceedings .....	180
Paragraph 8 - Guarantees concerning deportation .....	181
Paragraph 9 - Transfer of earnings and savings .....	185
Paragraph 10 - Equal treatment for the self-employed .....	186

## Introduction

The UK is providing information in response to the questions posed by the European Committee on Social Rights (ECSR) on areas relating to its policies and measures to conform with Article 7, 8, 16, 17 and 19 of the European Social Charter 1961 which it has ratified.

The reporting period for the 42<sup>nd</sup> European Social Charter Report of the United Kingdom is from 1 January 2018 to 31 December 2021. The information provided in this relates to that period. There are, however, circumstances where information is provided outside of the reporting period where it relates to relevant emerging policies (e.g. legislative changes) and it would be appropriate for us to notify the ECSR of these changes.

Many of the areas covered by this report refer to policies where the competency is with the devolved administrations of the United Kingdom: Scotland, Wales and Northern Ireland. There are also policies which are handled separately by the Isle of Man as a crown dependency. The policy positions in these areas are set out accordingly under appropriate headings. We have used headings for the different devolved administrations (i.e. England, Wales, Scotland and Northern Ireland) for the responses relevant to that administration where appropriate.

## Article 7 - The right of children and young persons to protection

### Paragraph 2 - Higher minimum age in dangerous or unhealthy occupations

#### Questions posed by the European Committee on Social Rights

***a: In reply to the Committee's question whether 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, the report indicates that any sanctions would relate to any non-compliance with health and safety legislation. The Committee asks for concrete statistical data on the nature and number of sanctions applied in the next report.***

For the period 1 January 2018 to 31 December 2021, Great Britain's national occupational health and safety regulator, the Health and Safety Executive (HSE), issued 12 prohibition notices under the Prevention of Accidents to Children in Agriculture Regulations 1998, requiring agricultural businesses to immediately stop their practice to prevent the risk of harm to children and young people. It is a criminal offence to fail to comply with a prohibition notice.

Under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013, employers must report certain serious workplace accidents, occupational diseases and specified dangerous occurrences. In Great Britain, 21 such incidents related to the employment of young persons were investigated in the reference period. This action resulted in 8 prohibition notices, 4 improvement notices and 8 prosecutions.<sup>1</sup>

#### **Scotland**

Scottish Ministers remain committed to incorporating the UN Convention on the Rights of the Child<sup>2</sup> into Scottish law, to the extent possible within the limits of the Scottish Parliament's devolved competency. The Children (Scotland) Bill would require public authorities to take proactive steps to ensure the protection of children's rights in their decision-making and service delivery and make it unlawful for public authorities to act incompatibly with the UNCRC requirements as set out in the Bill. Children, young people and their representatives would have a new ability to use the courts to enforce their rights.

Among the UNCRC requirements in the Bill is Article 32 of the UNCRC, which requires that States parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. Article 32 requires that States parties shall take legislative, administrative, social and educational measures

---

<sup>1</sup> [Improvement and prohibition notices - Notices - Enforcement Guide \(England & Wales\) \(hse.gov.uk\)](#)

<sup>2</sup> [OHCHR | 1. Declaration of the Rights of the Child \(1959\)](#)

to ensure the implementation of the article. To this end, and having regard to the relevant provisions of other international instruments, States parties shall in particular:

- (a) Provide for a minimum age or minimum ages for admission to employment;
- (b) Provide for appropriate regulation of the hours and conditions of employment; and
- (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

The [Children and Young Persons \(Scotland\) Act 1937 \(section 28\)](#) states that children, who are over 13 and under school leaving age (16), are allowed to work but only if, for example, their safety, health, development and education are not put at risk. It also states that subject to the provisions of this section and of any byelaws made thereunder, no child shall be employed for more than thirty-five hours or, if they are under the age of fifteen years, for more than twenty-five hours in any week in which they are not required to attend school.

## **Isle of Man**

### **Employment of Children (No.2) Regulations 2018**

The *Employment of Children (No.2) Regulations 2018*<sup>3</sup> is the legal framework for the reporting period. The *Employment of Children Regulations 2018* restrict a child of school age from employment in a range of different areas. A child can take part in a performance licenced by the Department of Education, Sport and Culture regulated under *The Performance of Children Regulations 2004*<sup>4</sup>.

The 2018 Regulations require that registers are kept in certain areas, details required to be kept are specified within the regulation. They should be made available for inspection by an authorised officer of the Department of Education, Sport and Culture. If a child is employed in contravention of regulations 4, 5, 6, 7 or 8 both the employer and the parent are guilty of an offence, section 11(1) of The Employment of Children Regulations 2018.

To employ a child in contravention of the Employment of Children (no.2) Regulations 2018 is an offence, details of which are provided in Section 11 – Offences.

Summary conviction will result in a fine not exceeding level 5 on the standard scale (The standard scale can be found in the Interpretation Act 2017).

---

<sup>3</sup> [employment-of-children-regulations-no2-2018.pdf \(gov.im\)](#)

<sup>4</sup> [Statutory Document \(gov.im\)](#)

### **Health and Safety at Work Act 1977**

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*<sup>5</sup>.

Further protection is provided by the *Management of Health and Safety at Work Regulations 2003*<sup>6</sup> 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.

### **Merchant Shipping (Masters and Seamen) Act 1979**

To employ a person in contravention of the Merchant Shipping (Masters and Seamen) Act 1979 is an offence, details of which are provided in section 42 – Restriction on employment of persons under eighteen on board ship. Summary conviction will result in a fine not exceeding £1,000.

### **Guidance for employers and regulators**

Details of the Regulations are placed online with updated guidance. Health and Safety Inspectors will also monitor work places during inspections and undertake reactive visits following complaints and requests for health and safety advice.

---

<sup>5</sup> [http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/1977/1977-0001/HealthandSafetyatWorkEtcAct1977\\_1.pdf](http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/1977/1977-0001/HealthandSafetyatWorkEtcAct1977_1.pdf);

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

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

***b: The Committee recalls that the situation in practice should be regularly monitored and asks the next report to provide updated information on the number and nature of violations detected as well as sanctions imposed for breach of the regulations related to the employment of young persons in dangerous or unhealthy occupations in the United Kingdom.***

### **England and Wales**

In addition to the information provided in (a) above, section 18 of the Children and Young Persons Act 1933 prohibits children under fourteen years of age from being employed subject to conditions set out in this legislation.

Section 18(2) of the 1933 Act gives local authorities the function to make byelaws with respect to the employment of children. Local authorities can specify the types of work that they do not permit children to undertake in the local authority area in addition to due to concerns for their mental, physical or moral wellbeing.

All employers must obtain a work permit from the local authority for any child employed in the local authority area. The maximum fine for failure to do so is £100.

Local authorities are responsible for the monitoring, compliance and enforcement of child employment law. These are handled at the local level in England and Wales and data is not gathered by central government.

Where HSE's health and safety inspectors identify or suspect labour exploitation they work with the lead law enforcement and safeguarding agencies to ensure children are protected

### **Scotland**

The rules about employing children are set by local authorities so they can differ across Scotland. Local authorities are responsible for local compliance with the law. The Scottish Government does not keep statistical data on the employment of children under school leaving age as it is a matter for Local Authorities.

### **Isle of Man**

There are 62 detailed on the register between 2018 and 2021. During the reporting period (2018 – 2021) a total of 54 visits were carried out (three national lockdowns occurred during the reporting period). The Department of Education, Sport and Culture is not aware of any violations detected or any sanctions imposed for breach of the regulations during this reporting period.



### Paragraph 3 - Prohibition of employment of young persons subject to compulsory education

#### Questions posed by the European Committee on Social Rights

***a: The Committee previously concluded that the situation in the United Kingdom is not in conformity with Article 7§3 of the 1961 Charter on the ground that the daily and weekly duration of light work permitted to children who are still subject to compulsory education during school holidays is excessive and therefore such work cannot be qualified as being light. Further information on the UK provisions is covered below.***

The UK Government wants children and young people to take advantage of the opportunities which part-time work provides while preventing excessive work during school holidays when children need to rest, spend time with their families and friends and pursue out of school interests.

During school holidays, 13-14 year olds can only work a maximum of 25 hours a week, restricted to no more than 5 hours on weekdays and Saturdays and 2 hours on Sundays. 15-16 year olds can only work a maximum of 35 hours a week, restricted to no more than 8 hours on weekdays and Saturdays and 2 hours on Sundays. These are all provisions provided under Section 18(1) of the Children and Young Persons Act 1933.

During the summer holidays, they must have at least a two week break when they do not work under Section 18(1)(j) of the 1933 Act. The restrictions on the type of work children can undertake applies equally during school holidays and term time. This is in keeping with ECSR case law which requires that 'States Parties must provide for a mandatory and uninterrupted period of rest during school holidays. Its duration shall not be less than 2 consecutive weeks during the summer holidays.'

Section 18(1)(aa) of the 1933 Act requires that children may only do light work. Light work is defined under Section 18(2A) as:

*work which, on account of the inherent nature of the tasks which it involves and the particular conditions under which they are performed—*

*(a)*

*is not likely to be harmful to the safety, health or development of children; and*

*(b)*

*is not such as to be harmful to their attendance at school or to their participation in work experience in accordance with section 560 of the Education Act 1996, or their capacity to benefit from the instruction received or, as the case may be, the experience gained;*

This is in keeping with the ECSR case law which defines light work as work which does not entail any risk to the health, moral welfare, development or education of children.

### **Isle of Man**

The *Employment of Children (No.2) Regulations 2018*<sup>7</sup> is the legal framework for the reporting period. The details of this are set out in response to question (a) of Article 7.1 above.

The Department of Education, Sport and Culture maintains a register of employers known to be employing young people. There are 62 detailed on the register between 2018 and 2021.

During the reporting period (2018 – 2021) a total of 54 visits were carried out (three national lockdowns occurred during the reporting period).

The Department of Education, Sport and Culture is not aware of any violations detected or any sanctions imposed for breach of the regulations.

### **Questions posed by the European Committee on Social Rights**

***b: The Committee recalls that the effective protection of the rights enshrined in Article 7§3 cannot be secured by legislation only, and that the actual implementation of this legislation must be effective and strictly monitored. The Labour Inspectorate has a decisive role to play here. The Committee asks for information in the next report on the number and nature of breaches found with regard to the employment of children still subject to compulsory schooling, and on the penalties to which they were subject.***

In the UK, all labour rights and protections are strictly enforced and monitored through a number of regulatory bodies and through Local Authorities. Therefore, the UK does not have a single 'labour inspectorate' to carry out these functions as is the case in some member states. This tailored approach allows a targeted and specialist approach to enforcement which reflects the regional legislation and local circumstances, helping to ensure that it is more robust.

### **England and Wales**

Local authorities are responsible for the monitoring, compliance and enforcement of child employment law. These are handled at the local level in England and Wales and data is not gathered by central government.

### **Scotland**

Please joint response to Article 7, Paragraph 2 point a and b.

---

<sup>7</sup> [employment-of-children-regulations-no2-2018.pdf \(gov.im\)](#)

## **Isle of Man**

The *Employment of Children (No.2) Regulations 2018* form the legal framework for the reporting period. *Regulations 5, 6, 7 and 8* provide the details of the restrictions which relate to the employment of children of compulsory school age, covering employment before school, hours of employment and rests and breaks.

The *Education Act 2001, section 30* details the requirements relating to education supervision orders where a child of compulsory school age is found failing to regularly attend the school at which they are registered and therefore not receiving efficient full-time education suitable to age, ability and aptitude.

The Department of Education, Sport and Culture is not aware of any violations detected or any sanctions imposed for breach of the regulations.

### Paragraph 5 – Fair pay

***a: Please provide updated information on net minimum wages and allowances payable to persons under 18 years of age. Please provide information on measures taken to ensure that fair remuneration is guaranteed to young workers: (i) In atypical jobs (part-time work, temporary work, fixed-term work, casual and seasonal work, self-employed people, independent workers and homeworkers.) (ii) in the gig or platform economy and (iii) Having zero hours contracts.***

## **United Kingdom**

In the UK, the hourly rate for the national minimum wage (NMW) depends on age and whether the young person is an apprentice. There is no national minimum wage for those under [school leaving age](#) (i.e. 16 years-old) because they do not pay national insurance contributions. The rates for the reporting period are provided in the table below:

<b>: Period</b>	<b>Under 18s (i.e. 16-17 years)</b>	<b>Apprentices</b>
<i>April 2021 to March 2022</i>	£4.62	£4.30
<i>April 2020 to March 2021</i>	£4.55	£4.15
<i>April 2019 to March 2020</i>	£4.35	£3.90
<i>April 2018 to March 2019</i>	£4.20	£3.70
<i>April 2017 to March 2018</i>	£4.05	£3.50

## **Scotland**

Employment law, including pay legislation, is reserved to the UK Government. However, promoting fair pay is a key element of the Scottish Government's Fair Work policy and Scottish Ministers believe that all workers should receive fair pay for

the work they do, regardless of their age and status. Therefore, the Scottish Government is using all the levers it has at its disposal to promote fair work practices across Scotland including payment of the real Living Wage.

We are committed to mainstreaming fair work throughout Scotland and through our flagship Fair Work First policy we will continue to use the Scottish Government's financial powers to drive fair work practice and continue to promote and enhance workers' rights.

The Fair Work Action Plan is currently being refreshed and will consider the Scottish Government's continuing priority for promoting high quality and fair work, with secure pay and contracts at their heart.

### **Isle of Man**

Currently the minimum wage in the Isle of Man is as follows, since 1 April 2022:

Description	Rate
Over compulsory school age (normally 16) but under 18	£6.80
Aged over 18 (except for Development Workers)	£9.50
Development Worker	£8.05

The minimum wage for those aged 16 to 18 applies to all workers, including those in atypical employment Part-time workers are protected through regulations which prevent less favourable treatment for those workers. The provision for those in the gig economy or with zero hours contracts is currently being reviewed. .

It should be noted however that the minimum wage in the Isle of Man will be reviewed over the coming reporting period and that in the current Isle of Man Government Plan there is commitment for the minimum wage to move towards a living wage by 2025.

In addition, The Apprenticeship Scheme is open to anyone 16 or over who has Isle of Man Worker status as defined in the Control of Employment act 2014 or has been granted a work permit under that act and is open to all abilities and backgrounds.

Apprentices training under a formal Department of Education, Sport and Culture (DESC) apprenticeship agreement, depending on their age maybe exempt from minimum wage legislation. They may be paid an agreed 'Training Wage' which will reflect their contribution to a workplace and take into account the employer's investment in time dedicated to their training, guidance and mentoring.

The Department's Training Services Team are available to support both employers and apprentices for the duration of the formal DESC Apprenticeship Agreement.

***b: Please provide information on measures taken to ensure that this right is effectively enforced (e.g., through Labour Inspectorates and similar enforcement authorities, trade unions) (General question, Conclusions 2019)***

Employers must record and report young people's earnings as part of their payroll, including deducting income tax and national insurance contributions. This is an accounting requirement for all employers in line with existing frameworks for adults. If the young person earns more than £123 per week, the employer must be registered as an employer with HM Revenue and Customs and operate the Pay As You Earn (PAYE) system.

**Ensuring employers pay the national minimum wage**

Employers who discover they've paid a worker below the correct minimum wage must pay any arrears immediately. Use the National Minimum Wage calculator to check a worker has been paid correctly.

HM Revenue and Customs (HMRC) officers have the right to carry out checks at any time and ask to see payment records. They can also investigate employers if a worker complains to them.

If HMRC finds that an employer has not been paying the correct rates, any arrears have to be paid back immediately. There will also be a fine and offenders might be named by the government.

Keeping records

It's the employer's responsibility to keep records proving that they are paying the minimum wage. These records must be kept for at least 6 years if they:

- were created on or after 1 April 2021
- still had to be kept on 31 March 2021 under the previous rule that records must be kept for 3 years

The period records must be kept for starts from the last day of the pay reference period after the one they cover.

They do not have to be kept in any particular form, for example they can be paper or computer records. But employers must be able to produce records for an individual pay reference period in a single document.

Most employers use their payroll records as proof of:

- total pay - including pay deductions, allowances and tips
- total hours worked - including absences and overtime

Employers may also need to keep records such as:

- agreements about working hours, pay and conditions, such as contracts
- documents that show why a worker is not entitled to the minimum wage

**Worker disputes over minimum wage**

Workers who think their pay is below the correct minimum wage rate should talk to their employer first.

If this does not solve the problem, they can ask the employer in writing to see their payment records. The worker can take someone with them and make copies of the records.

If an employer owes the worker any arrears they have to pay these back.

Workers can call the confidential Acas helpline to help them solve a payment dispute.

Workers can also make a complaint to HM Revenue and Customs (HMRC) about their employer or employment agency or complain on behalf of someone else.

### If the employer refuses payment

If HMRC find that the employer has not paid they will send them a notice for the arrears plus a fine for not paying the minimum wage.

HMRC can take them to court on behalf of the worker if the employer still refuses to pay.

Employers who do not pay young workers the national minimum wage face a maximum penalty of £20,000 per worker. The revised penalty is calculated as 200% of the total underpayment for all of the workers specified relating to pay reference periods that commence on or after 1 April 2016. Where this amount would be less than £100, the minimum penalty of £100 should still be applied. Where this amount would be more than £20,000, the maximum penalty of £20,000 per worker should be applied. The penalty is reduced by 50% if all of the unpaid wages and 50% of the penalty are paid in full within 14 days.

### Employment tribunal

Workers can also go directly to the employment tribunal themselves. A young worker can be supported by their trade union in this if they are a member of one.

Workers who have been dismissed because of a minimum wage dispute can also complain to the employment tribunal for unfair dismissal.

### Scotland

If a revised UNCRC (Incorporation) (Scotland) Bill is passed and receives Royal Assent, this would require that we take legislative, administrative, social and educational measures to ensure the implementation of Article 32 of the UNCRC (which requires that States Parties recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development).

### Isle of Man

The Isle of Man Government's Employment Inspectors enforce the requirements for employers to pay the minimum wage.

The Isle of Man's Minimum Wage Act 2001 provides that a worker must not suffer detriment as a result of asserting their rights to a minimum wage. If detriment is suffered a complaint can be made to the Isle of Man Employment Tribunal.

***c: If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the question(s) raised. The Committee concludes that the situation in the United Kingdom is not in conformity with Article 7§5 of the 1961 Charter on the ground that the minimum wage of young workers is not fair.***

The National Minimum Wage Act 1998 came into force on 1 April 1999. It allows the national minimum wage (NMW) to increase according to the employee's age. Payment of the NMW is enforced by HM Revenue and Customs. For under 18s, the current NMW is £4.81, rising to £5.28 from 1 April 2023. An apprentice receives remuneration at the same rate. The rates for the reporting period are provided in response to question (d) above.

The UK Government established the Low Pay Commission as an independent body that advises the government about the National Living Wage and the National Minimum Wage. The Low Pay Commission [states](#) that the main reason for setting a lower wage floor for younger workers is to protect employment. Evidence shows that younger workers are at higher risk of being priced out of jobs than older workers. They are also more likely to experience a 'scarring effect' if they spend time out of work, with lower wages that can last several decades. Above all else, we want to ensure that the youth rates are set at a level that means young people are not excluded from the labour market.

Average wages for younger workers tend to be lower than those for older workers. This could be because they tend to have less experience in the workplace and a weaker bargaining position when negotiating pay. One measure we use to gauge the scope to raise pay is the bite of the minimum wage, calculated as the ratio of the minimum wage to the median hourly pay of that age group. It is for these reasons that the UK Government sees its approach as being fair for young workers.

## **Scotland**

Please see response to article 7, Paragraph 2 and 5

## **Isle of man**

It should be noted that in the Isle of Man before the minimum wage is set, there must be consultation with the Minimum Wage Committee. The last time the Minimum Wage Committee reviewed the minimum wage, in autumn 2021, the Committee was asked by the Isle of Man Government's Minister for Enterprise to consider whether the lower rate for young workers should be abolished. However, the Committee

opted to make no recommendation in this. As stated above, however, the minimum wage rates will, once again, be reviewed by the Minimum Wage Committee in the coming months.

#### Paragraph 6 - Inclusion of time spent on vocational training in the normal working time

No information requested.

#### Paragraph 9 - Regular medical examination

No information requested.

#### Paragraph 10 - Special protection against physical and moral dangers

***a: Please provide updated information on the measures taken to strengthen the protection of children, including migrant, refugees, and displaced children, from sexual exploitation and abuse (in particular in response to the risks posed by the Covid-19 pandemic) during the reference period, including information on the incidence of such abuse and exploitation.***

The UK Government is firmly committed to tackling all forms of child sexual exploitation and abuse to keep children safe in our communities and online throughout the UK and around the world. The UK continues to support work being driven across the board, including ensuring frontline professionals in education, social care health and policing are equipped with the resources and capabilities to identify and respond to concerns or cases of child sexual exploitation and abuse. We are also continuing to invest in continuing to strengthen the policing and law enforcement response, and the wider criminal justice system to confront child sexual abuse, bring offenders to justice.

COVID-19 has had a profound impact on our society. We know the pandemic has created significant challenges for frontline services, and measures implemented to stop the spread of the virus have potentially increased the risk of child sexual abuse online and within the home. The UK Government has also committed further funding of the Tackling Child Exploitation Support Programme to continue to improve local areas' strategic responses to harms outside the home including child sexual and child criminal exploitation. In 2021-22, £1.5million was provided through the Covid Regional Recovery Fund to support seven regions to trial new approaches to safeguarding adolescents from child criminal exploitation.

#### **Scotland**

#### **Child Protection: Child Sexual Exploitation**



In September 2021 the Scottish Government published National Guidance for Child Protection in Scotland<sup>8</sup>, which includes advice on identifying and supporting victims of child trafficking and exploitation and reflects learning from recent cases. The Scottish Government has established a national implementation group to support this phase of work.

This guidance provides updated information on Child Sexual Abuse and Exploitation (CSAE) and Child Criminal Exploitation to support local areas in developing effective, evidenced-based responses<sup>9</sup>. This action is strengthened further by The Promise foundations<sup>10</sup>, proposals to incorporate the UNCRC into Scots law, and Scotland's Getting It Right For Every Child<sup>11</sup> (GIRFEC) approach. We continue our funding commitments to strengthen early intervention and prevention to better protect children and young people in Scotland from abuse and neglect.

The Scottish Government's response to this threat is also supported by a range of action in a number of interconnected areas, including Scotland's Serious Organised Crime Strategy<sup>12</sup>, the Cyber Resilience Learning and Skills Action Plan<sup>13</sup>, Scotland's Digital Strategy<sup>14</sup>, the National Internet Safety Action Plan<sup>15</sup>, the Curriculum for Excellence<sup>16</sup>, Equally Safe<sup>17</sup>, the Child Protection Improvement Programme<sup>18</sup>, delivery of the proposals of the Expert Group on Preventing Sexual Offending Involving Children and Young People<sup>19</sup>, the Chief Medical Officer's Rape and Sexual Assault Taskforce<sup>20</sup>, and the Joint Strategy for Policing<sup>21</sup>, as well as the passing of the Disclosure (Scotland) Act 2020<sup>22</sup>, the Vulnerable Witnesses (Criminal Evidence)

---

<sup>8</sup> [National guidance for child protection in Scotland 2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/national-guidance-for-child-protection-in-scotland-2021/pages/1-1-introduction.aspx)

<sup>9</sup> [National guidance for child protection in Scotland 2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/national-guidance-for-child-protection-in-scotland-2021/pages/1-1-introduction.aspx)

<sup>10</sup> [Home - The Promise](#)

<sup>11</sup> [Getting it right for every child \(GIRFEC\) - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/getting-it-right-for-every-child-girfec/pages/1-1-introduction.aspx)

<sup>12</sup> [Serious Organised Crime strategy - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/serious-organised-crime-strategy/pages/1-1-introduction.aspx)

<sup>13</sup> [Cyber resilience: learning and skills action plan 2018-2020 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/cyber-resilience-learning-and-skills-action-plan-2018-2020/pages/1-1-introduction.aspx)

<sup>14</sup> [A changing nation: how Scotland will thrive in a digital world - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/a-changing-nation-how-scotland-will-thrive-in-a-digital-world/pages/1-1-introduction.aspx)

<sup>15</sup> [Internet safety for children and young people: national action plan - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/internet-safety-for-children-and-young-people-national-action-plan/pages/1-1-introduction.aspx)

<sup>16</sup> [What is Curriculum for Excellence? | Curriculum for Excellence | Policy drivers | Policy for Scottish education | Scottish education system | Education Scotland](https://www.gov.scot/publications/what-is-curriculum-for-excellence/pages/1-1-introduction.aspx)

<sup>17</sup> [Equally Safe strategy - Violence against women and girls \(VAWG\) - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/equally-safe-strategy-violence-against-women-and-girls-vawg/pages/1-1-introduction.aspx)

<sup>18</sup> [Child Protection Improvement Programme - Child protection - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/child-protection-improvement-programme/pages/1-1-introduction.aspx)

<sup>19</sup> [The Expert Group on Preventing Sexual Offending Involving Children and Young People: Summary \(www.gov.scot\)](https://www.gov.scot/publications/the-expert-group-on-preventing-sexual-offending-involving-children-and-young-people-summary/pages/1-1-introduction.aspx)

<sup>20</sup> [Chief Medical Officer's Rape and Sexual Assault Taskforce - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/chief-medical-officer-rape-and-sexual-assault-taskforce/pages/1-1-introduction.aspx)

<sup>21</sup> [New Joint Strategy for Policing and Annual Police Plan 2020/21 - Police Scotland](https://www.gov.scot/publications/new-joint-strategy-for-policing-and-annual-police-plan-2020-21/pages/1-1-introduction.aspx)

<sup>22</sup> [Disclosure \(Scotland\) Act 2020 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2020/12/section/1)

(Scotland) Act 2019<sup>23</sup>, and the Redress for Survivors (Historical Abuse in Care) (Scotland) Act 2021<sup>24</sup>.

### **Migrants and Refugees**

In 2021-22 the Scottish Government provided a funding uplift of £500,000 to local authorities to help accommodate and support vulnerable unaccompanied children arriving in Scotland either as part of the [UK Government's National Transfer Scheme](#) or through alternative routes of entry.

The Scottish Government continued to fund the [Scottish Guardianship Service](#) (SGS) throughout the COVID-19 pandemic. The SGS is a unique service run by Aberlour in partnership with [Scottish Refugee Council](#). The SGS works with local authorities and other stakeholders and provides one-to-one support to children and young people who are separated from their families. Guardians help young people navigate complex asylum, trafficking and welfare systems, and provide the assistance they need to make informed decisions about their future, such as empowering them to access education and build social networks.

### **Covid-19 Supplementary National Child Protection Guidance**

In March 2020 the Scottish Government published [Coronavirus \(COVID-19\) supplementary national child protection guidance](#) to respond to the issues identified by local areas and support evolving approaches. Coronavirus (Scotland) Act 2020 provisions were also developed to improve capacity and flexibility of local child protection processes and prioritisation of children at greatest risk. The guidance enforced the message that child protection is part of a continuum of collaborative responsibilities upon agencies working with children and requires good professional judgement, based on assessment and evidence, informed by the perspectives of the team around the child, including the child and family. The supplementary guidance was regularly updated to ensure that it remains relevant. The Covid-19 Supplementary Guidance is superseded by the [National Guidance for Child Protection in Scotland 2021](#) which incorporates learning from the pandemic.

### **Wales**

Modern slavery, including child exploitation and human trafficking, are matters reserved to the UK Government. Data concerning exploitation, including during the Covid-19 pandemic, is published quarterly by the Home Office.

The Welsh Government is part of the steering group for the Independent Child Trafficking Guardianship (ICTG) service, commissioned by the Home Office, which provides specialist support to trafficked children. To assist practitioners in applying the Social Services and Well-being (Wales) Act 2014, the Welsh Government has produced with partners the Wales Safeguarding Procedures [Safeguarding Wales](#) and All Wales Practice Guides, including:

- [Safeguarding children from Child Criminal Exploitation](#)

---

<sup>23</sup> [Vulnerable Witnesses \(Criminal Evidence\) \(Scotland\) Act 2019 \(legislation.gov.uk\)](#)

<sup>24</sup> [Redress for Survivors \(Historical Child Abuse in Care\) \(Scotland\) Act 2021 \(legislation.gov.uk\)](#)

- [Safeguarding children from abuse related to cultural and religious beliefs](#)
- [Safeguarding children who may be trafficked](#)
- [Safeguarding children where there are concerns about Harmful Sexual Behaviour](#)
- [Safeguarding children who go missing from home or care](#)
- [Safeguarding children from Child Sexual Exploitation](#)

The Welsh Government has further produced a [Sanctuary website](#) to help sanctuary seekers to understand their rights. The Welsh Government has also published a [Nation of Sanctuary – Refugee and Asylum Seeker Plan](#). During the pandemic, Welsh Government provided funding to allow free Wi-Fi access for those living in dispersed accommodation (asylum seekers) provided by the Home Office. This enabled them to access online information on services and to the Sanctuary website.

Welsh Government also provides funding to the Welsh Refugee Council and its partners to deliver an advice service for sanctuary seekers in Wales which includes Unaccompanied Asylum Seeker Children, safeguarding mechanisms and close working relationships with local authority safeguarding teams are in place.

#### **National Action Plan on preventing and responding to child sexual abuse:**

- The National Action Plan was published in July 2019 and sets out 10 objectives to prevent and respond to child sexual abuse. The plan contains actions for the Welsh Government and for Safeguarding Board partners which will be implemented over three phases up to the end of June 2022.
- We will produce a report setting out what has been achieved under the Plan which ended on 30 June. The report will include evidence provided by the Safeguarding Boards. The report was published in November 2022 and is available [here](#).

#### **National Safeguarding Training Standards**

- Social Care Wales has been leading on the development of the National Safeguarding Training Standards. The standards have been co-produced by a multi-agency national development group as well as other groups focused on specific aspects of the work.
- The standards will help organisations make sure:
  - they incorporate the standards for practitioners into their safeguarding policies and procedures
  - practitioners understand their responsibilities relevant to the group they're in and how to follow the relevant policies and procedures
  - all practitioners have access to and comply with the Wales Safeguarding Procedures.
- The Standards were developed by a working group of representatives across the safeguarding landscape in Wales and were subject to a consultation exercise between April and June 2022.

- The National Safeguarding Training Standards were launched as during National Safeguarding Week in November 2022.

### **Reducing Restrictive Practices Framework**

- The Reducing Restrictive Practices Framework was published on 19 July 2021 [Reducing restrictive practices framework 2021 | GOV.WALES](#)
- The Framework promotes sector policy and practice in line with human rights and person centred practice to reduce the use of restrictive practices for children and adults in childcare, social care, education and health settings.
- An animation to raise awareness with commissioners and providers of services and settings has been published and is being promoted via social media. Watch our [video on what we can all do to reduce our use of restrictive practices](#)
- An animation for people who use services and the people who care about them has now also been published. [Restrictive Practices - YouTube](https://www.youtube.com/watch?v=T7eI4WZCaYI)

### **Northern Ireland**

#### **Child Abuse Investigation Units**

There are currently five Child Abuse Investigation Units (CAIUs) within the Public Protection Branch (PPB), Police Service NI (PSNI), which are aligned with the five Health and Social Care Trusts in Northern Ireland given the requirement for close joint working with Health colleagues. Each of these 5 teams deal with reports of child abuse that have happened in the past 12 months.

In total the teams consist of: 5x Detective Inspector; 16x Detective Sergeant; 70x Detective Constable

#### **Child Sexual Exploitation (CSE) Team**

This team investigates approximately 6% of child related investigations for PPB.

The CSE team consists of: 1x Detective Inspector; 2x Detective Sergeant; 12x Detective Constable

Within child abuse investigations PSNI work closely with Health and Social Care Trusts (HSCT) and have regular strategic and operational engagement to enrich data and information sharing for child protection purposes.

#### **Joint Protocol working**

The Protocol is to assist police officers and social workers, and, other practitioners who refer to the document, to better safeguard and protect those children and young people who are the subject of joint police and social services child abuse investigations. The Protocol aims to provide clear standards and guidance and should be used in conjunction with 'Achieving Best Evidence Guidance on interviewing victims and witnesses, the use of special measures, and the provision of pre-trial therapy'.

Although the primary responsibility for safeguarding children rests with parents, a principle enshrined in the Children (Northern Ireland) Order 1995, it is also the duty of every police officer and social worker to safeguard and protect children. The abuse of children, whether sexually, physically, emotionally or by neglect, whether inside the home or outside, is unacceptable. Police and Social Services play an important role in preventing such abuse and in the investigation of crimes committed against children. This is the primary function of the CAIU teams across the aforementioned health trust areas.

### **Isle of Man**

The *Employment of Children (No.2) Regulations 2018* provide for the protection of children and young people against physical and moral dangers in a workplace. Specifically, *section 4 Restrictions on employment* which details work in which children

under the age of 16 may not be employed for the purpose of protection against physical and moral dangers.

#### *Safeguarding Act 2018*

DESC is a relevant safeguarding body under the *Safeguarding Act 2018*<sup>25</sup> and therefore must have due regard to safeguard and promote the welfare of children and the need to safeguard and protect vulnerable adults.

#### *Domestic Abuse Act 2020*

In the summer of 2018, the Isle of Man Government published a consultation on 'The Diversion of Offenders and Domestic Abuse Bill 2018' to the public, undertaken in connection with Criminal Justice, Offender Management, Sentencing and Domestic Abuse.

Considering the feedback from this consultation the Isle of Man introduced the Domestic Abuse Act 2020 to address the issues of coercive or controlling behaviour, and domestic abuse itself. The Act defines 'domestic abuse' as follows:

'Behaviour of a person ("A") towards another person ("B") is 'domestic abuse' if –

- (a) A and B are personally connected to each other, and
- (b) the behaviour is abusive.

The Act goes on to define what is meant by 'personally connected' and 'abusive'.

The Isle of Man's Department of Home Affairs has committed to establish and develop a strong governance framework for domestic abuse consisting of legislation, statutory guidance and an overarching strategy. This will ensure that domestic abuse services are of a high quality. Services will be underpinned by the National Institute for Health and Care Excellence (NICE) quality standards. This is to ensure that services are shaped around the identified needs of victims and perpetrators at all levels of risk. By providing a framework for the commissioning and delivery of statutory and specialist domestic abuse services, the Department of Home Affairs

---

<sup>25</sup> [Safeguarding Act 2018 \(gov.im\)](#)

will ensure that these are focused around the needs of the victim, and the perpetrator, to provide the best outcomes possible. This also gives services the necessary legal powers to take immediate steps to address the particular situation they encounter, by way of an immediate domestic abuse protection notice. In addition, the Department are committed to establishing a communications strategy that aims to raise awareness of Domestic Abuse and encouraging more victims to come forward, as well as educating the public on the signs of abuse.

The Department brought the majority of the Act into operation through an Appointed Day Order (ADO) that was laid before Tynwald Part in January 2023. The ADO brought Part 1 (sections 1-6), Part 2 (sections 7 -23 & 25-34), Part 3 (sections 35-41), Part 5 (section 46 - 49) and the Schedule into operation on 4th January 2023. The Act establishes these preventative and protective measures in the form of the DAPN and the Domestic Abuse Protection Order (DAPOs). A Domestic Abuse Protection Notice (DAPN) can be given to a person if the person who is aged over 14 years old has been abusive towards a person who is aged over 16 years old. Within 14 days of the DAPN being issued, the police must apply for a Domestic Abuse Protection Order (DAPO). A DAPN may be issued by the Police but a DAPO may be made by any court before which a matter is being considered when domestic abuse is raised as a factor within the matter, irrespective of whether or not the initial matter concerned domestic abuse.

These plans are set out in the Department's Domestic Abuse Act 2020 Implementation plan published in 2022<sup>26</sup>

#### *Sexual Offences and Obscene Publications Act 2021.*

This legislation was outlined in the 2018 submission from the Isle of Man.

This new legislation introduces new offences to protect children from harm. These include abuse by someone who is in a position of trust, a person who causes or facilitates (through 'grooming' etc.) sexual abuse or exploitation and image based sexual abuse of children. Offences relating to sexual abuse of children in a family context have also been expanded and updated. There has also been an increase in sentencing powers for a number of offences.

#### ***b: Please provide information on the impact of the Covid-19 pandemic on the monitoring of the exploitation and abuse of children, as well as measures taken to strengthen monitoring mechanisms.***

The UK's Home Office has been working closely with law enforcement, the UK intelligence community, safeguarding partners and the third sector to assess the impact of COVID-19 on the threat of child sexual abuse and to ensure they have the resources they need to tackle offending, protect children, and support victims and survivors. Schools, children's social care services, youth services, victim support and early help services remained open throughout periods of public health restrictions, providing support for children, young people and their families where needed. The

---

<sup>26</sup> <https://www.gov.im/media/1376008/domestic-abuse-act-2020-implementation-plan-24032022.pdf>

Government also acted to ensure charities could continue to provide services that safeguard vulnerable children and protect them from harm.

Also, through the joint Vulnerable Children National Charities Strategic Relief Fund, we provided financial hardship relief for vulnerable children's charities to ensure children continued to receive support.

Unaccompanied children may be offered resettlement where they have been identified as eligible for the Afghan citizens resettlement scheme (ACRS) and it is determined that resettlement to the UK is in their best interests. This assessment will be made with expert partners. Where a child is unaccompanied, it may be in their best interest to remain in the region, where they are more likely to be reunited with family.

### **Scotland**

A local authority and Police Scotland data return - collected since April 2020 - continues to be key to understanding how the pandemic is impacting on Scotland's vulnerable children and young people. This data is reviewed by Scottish Government's Collective Leadership Group which provides strategic oversight of national and local responses.

### **Wales**

Wales adopted the following measures to boost engagement and improve monitoring.

#### **Awareness Raising - Covid-19**

- Additional guidance on Reporting suspected abuse, harm or neglect (safeguarding) was provided early during the first lockdown period;
  - [Reporting suspected abuse, harm or neglect \(safeguarding\) | GOV.WALES](#)
- This was supported by a nationwide radio and social media campaign "Make the Call Wales"

#### **Awareness Raising - Covid-19**

- Additional guidance on Reporting suspected abuse, harm or neglect (safeguarding) was provided early during the first lockdown period;  
[Reporting suspected abuse, harm or neglect \(safeguarding\) | GOV.WALES](#)
- This was supported by a nationwide radio and social media campaign "Make the Call Wales"
- Data concerning the number of safeguarding referrals of both children and adults was captured on a weekly basis from each of the 22 Local Authorities in Wales and collated on a Weekly Checkpoint Report that provided monitoring mechanisms for officials to assess the data on the number of referrals and the number of children on the Child Protection Register.

- Regular engagement with the All Wales Heads of Children's Services and Regional Safeguarding Boards took place throughout the pandemic period.

### **Northern Ireland**

Crime recording did go down during that period mainly due to schools etc. being closed. Reporting since the lifting of Covid restrictions has seen a steady increase back to pre-pandemic level.

During the Covid pandemic, the PSNI worked with social services to ensure those children deemed at the highest risk of child sexual exploitation (CSE) were visited by police on a regular bases along with other children at risk identified by the health and social care trusts. Police have a dedicated CSE team that works with Social Services to help put safeguarding in place around children identified at risk of CSE. There are weekly meetings in place to monitor the work ongoing around each CSE child.

There is also return to home interviews with every child that goes missing from a care residential home, or from a family residential homes in order to ascertain the reason for the missing episode, and if they had been harmed while missing.

In order to assist safeguarding and support for those at risk of CSE, as recommended by Criminal Justice Inspection in a 2020 published review, a CSE problem profile was completed in 2022.<sup>27</sup>

As part of this work, a request was made from partner agencies within the Safeguarding Board for Northern Ireland (SBNI), to provide information which would enrich the data on which the PSNI CSE problem profile was created. Upon its completion the problem profile has been shared with the Child Protection Senior Officials Group (CPSOG), attended by both Justice and Health representatives to discuss and agree next steps.

### **Isle of Man**

The Department of Education, Sport and Culture (DESC) is an active member of the recently launched (this was in 2022, outside of the reporting period) Vulnerable Adolescent Strategy and Protocol under the auspices of the Isle of Man Safeguarding Board. This aims to identify victims of exploitation particularly in relation to criminal exploitation which manifested during the Covid-19 pandemic when the Island's borders were closed.

DESC participates in daily, weekly and monthly meetings which identify and work with vulnerable young people in a planned and coordinated way across multiple agencies.

---

<sup>27</sup> Document 44 – CSE CJINI Problem Profile v3



***c: Please provide information on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming).***

The UK Government is committed to working to make the UK the safest place for children to be online. The Online Safety Bill will, for the first time, place clear legal duties on companies to take proactive action to keep children safe on their platforms, including by identifying, reporting and removing child sexual exploitation and abuse content. Tech companies will be held to account by an independent regulator, OfCom, who will be producing guidance for tech companies and will have strong enforcement powers if tech companies fail in their duty of care. We are also continuing to work with international partners and engage with industry on implementation of the Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse, and to report transparently on progress in that regard.

The Home Office is also the primary donor to the Global Fund and Partnership to End Violence Against Children (EVAC), supporting programmes and research to tackle the threat of online child sex abuse and exploitation around the world. To date, our investments of over £55 million investments have supported more than 45 projects in 50 countries, which include: delivering support to victims, technical solutions to detect and prevent offending, support to law enforcement and educational campaigns to keep children safe online. We take an active role in EVAC's governance, with the UK represented on its board and chairing its Safe Online Working Group.

### **Scotland**

In 2016 a Scottish Government Ministerial working group developed a [National Action Plan to Prevent and Tackle Child Sexual Exploitation](#) as part of the Child Protection Improvement Programme (CPIP). The delivery of the four-year plan was overseen by a National Group, consisting of key organisations and third sector partners delivering services in this area. The Action Plan brought together a range of organisations, professionals and invested parties, in taking forward an ambitious set of actions to improve the child protection landscape and create a hostile place for perpetrators.

The UK ratified the Council of Europe Convention on the [Protection of Children against Sexual Exploitation and Sexual Abuse \(Lanzarote Convention\)](#) in June 2018 and this was seen as a key step in the delivery of the 2016 Action Plan.

In June 2019, the Scottish Government provided a response, along with the other UK nations, to the Council's General Overview Questionnaire. This response set out the range of actions being implemented in Scotland to support the prevention of sexual exploitation and sexual abuse of children; the protection and promotion of the rights of child victims; and the prosecution of perpetrators.

The Scottish Government published [a report in June 2020](#) outlining the work delivered since 2016 of Scotland's National Action Plan to Prevent and Tackle Child

Sexual Exploitation, as well as through continued efforts through Government-supported work streams across Health, Justice, Equalities, Education and Policing.

In spring 2021, the Scottish Government worked with operational partners to run complementary awareness raising campaigns. We re-ran messaging from the 2016 CSE: TheSigns campaign in March 2021 through various social media channels, aimed at parents of 11– 7 year olds, which was seen 8.4 million times. Police Scotland’s perpetrator-focused advert ‘Get Help or Get Caught’ on the STV Player received roughly 1 million viewers and CPC Scotland’s ‘Keeping Kids Safe Online’ campaign ran on social media channels, with nearly 200,000 views. alongside this, the Scottish Government also provided a funding uplift to Police Scotland of £150,000 to support enhanced enforcement activity.

We continue to liaise with Scottish and UK partners and agencies, particularly Police Scotland and the National Crime Agency, to assess and respond to the heightened risk of online harm. This includes participation in the [UK Council for Internet Safety Early Warnings System Group](#) and the Scottish Online Safety Education Group chaired by the [NCA-CEOP](#).

## **Wales**

Modern slavery, including child exploitation and human trafficking, are matters reserved to the UK Government. The Welsh Government and partners have produced an All Wales Practice Guide on [Safeguarding children from Online Abuse](#).

### **Wales Safeguarding Procedures**

- The Wales Safeguarding Procedures provide accessible, evidence based guidance to set out the essential roles and responsibilities for practitioners to ensure that they safeguard children and adults who are at risk of abuse, neglect and harm.
- The Procedures help practitioners apply the legislation [The Procedures helps practitioners apply the legislation Social Services and Wellbeing \(Wales\) Act 2014](#) and statutory safeguarding guidance [Working Together to Safeguard People](#).

## **Northern Ireland**

The Child Internet Protection Team (CIPT), PSNI, receives referrals relating to suspected CSE online in Northern Ireland (also known as Indecent Images of Children (IIOC)) primarily from the National Crime Agency (NCA), but also other police services and agencies.

PSNI also use the Child Protection System (CPS Intelligence System), which incorporates Bit Torrent, which was made available to PSNI via the NCA in April 2019. Bit Torrent is a communication protocol for peer-to-peer (platform) file sharing, which enables users to distribute data and electronic files over the internet in a decentralised

manner. The CPS system produces intelligence packages for CIPT to action each month. This system produces the intelligence, but there remains a significant amount of research required from officers within CIPT to ensure that proactive action can be taken, alongside the proactive NCA intelligence led searches.

PSNI are part of a subgroup for online safety in partnership with the Safeguarding Board for Northern Ireland. The group has the task of ensuring preventative messaging is being delivered to children, young people and those with parental responsibility, with regards the dangers of online harm.

### **Isle of Man**

Personal, Social, Health and Emotional (PSHE) is one of the cross curricular dimensions of DESC's curriculum statement (Essentials for Learning)<sup>28</sup>. A Relationships & Sex Education Advisory Curriculum is in place which explores topics including online safety and responsible online use.

Availability of the Safer Schools App to all children and parents via their school which provides up-to-date advice, warnings and alerts regarding image sharing, online bullying and safer gaming.

***d: If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised. The Committee concludes that the situation in the United Kingdom is not in conformity with Article 7§10 of the 1961 Charter on the ground that child victims of prostitution in England and Wales may be criminalised.***

The UK respectfully disagrees that it is not in conformity with the charter on this matter. Section 68 of the Serious Crime Act 2015 amended the Sexual Offences Act 2003 to remove anachronistic references to "child prostitute", "child prostitution" and "child pornography" following the recommendation in Ann Coffey's *Report on child sexual exploitation in Greater Manchester* (November 2014).

The UK does not recognise the terminology of 'child prostitution' and 'child pornography' as these terms carry with them an inference that the child is somehow complicit in sexual crimes that have been committed against them, and the language used by extension is victim blaming. UK legislation and processes are in place to ensure children who experience sexual exploitation, irrespective of whether this is as a form of child prostitution, child pornography or neither, are always viewed and supported as victims and that adult offenders are criminalised for all forms of child sexual abuse and exploitation through legislative provisions, such as the Sexual Offences Act 2003.

---

<sup>28</sup> [What is E4L? \(sch.im\)](#)

In addition to legislation that criminalises adult offenders, the UK has made significant moves to ensure that police forces can exercise discretion in managing criminal investigations involving children and young people and safeguard them effectively. Outcome 21 in the police outcomes framework specifies that a decision has been made that there will be no further investigation (other than to ensure safeguarding) because it is not in the public interest to continue.

## **Scotland**

Please see response to Article 7 point c.

***e: As regards England and Wales the report states that children who are subject to sexual exploitation will always be treated as victims. However no information is provided on any legislative changes in this respect. The Committee asks the next report to provide information on any cases where a child has been prosecuted for loitering or soliciting for the purposes of prostitution.***

As mentioned in the response to question (d), the UK does not recognise the terminology of children loitering or soliciting for the purposes of prostitution. The UK's approach is to prioritise the child's wellbeing as the victim of sexual exploitation.

It is crucial to the UK government that the victims and survivors of child sexual abuse and exploitation are always at the centre of UK policy and ensuring that they feel confident in being able to seek justice and are supported at every stage of the process. That is why the UK government is continuing to engage across government, local authorities, frontline professionals, police, and third sector organisations to ensure a joined up and supportive approach.

We have increased investment in specialised support services through funds such as the Support for Victims and Survivors of Child Sexual Abuse (SVSCSA) Fund, and have introduced a Victims Bill, to make sure that victims and survivors can be supported in rebuilding their lives.

## **Northern Ireland**

There have been no prosecutions in Northern Ireland

There is no longer an offence in this jurisdiction 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 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'.

***f: The committee asks for updated information on the protection against sexual exploitation as regards to Scotland.***

## **Scotland**

Please see response to Article 7, point c.

***g: The Committee notes the information in the report on the measures taken to address the sexual exploitation of children such as the National Action Plan to Tackle Child Sexual Exploitation in Scotland, in Northern Ireland the response to the Marshal Inquiry into sexual exploitation of children. It asks the next report to provide updated information as well as measures taken in England and Wales.***

The UK Government is firmly committed to tackling all forms of child sexual exploitation and abuse and working to keep children safe online and in our communities across the UK and around the world. Our approach to tackling this complex and evolving threat is underpinned by the Government's [Tackling Child Sexual Abuse Strategy](#), which was published in 2021. The Strategy draws together important work and key activities being driven forward to support frontline professionals in education, social care, health, law enforcement, wider criminal justice system and industry to confront child sexual abuse, pursue offenders and bring them to justice, and provide support to victims and survivors.

The UK Government is also proud to be independently recognised as global leaders in our efforts in this regard. We are continuing to work with international partners, including with Five Country and G7 partners, to develop and drive forward global standards, share insights and best practice, and to build international capacity to tackle this transnational crime. This includes, among other commitments, to having ratified the Convention on the Protection of Children from Sexual Exploitation and Abuse (Lanzarote Convention) in 2018, and continued engagement with Council of Europe members through the Lanzarote Committee.

## **Wales**

Modern slavery, including child exploitation and human trafficking, are matters reserved to the UK Government. As noted above, the Welsh Government has worked

with partners to publish All Wales Practice Guides on Safeguarding children where there are concerns about Harmful Sexual Behaviour, Safeguarding children who go missing from home or care, and Safeguarding children from Child Sexual Exploitation

### **National Action Plan on preventing and responding to child sexual abuse:**

- The National Action Plan was published in July 2019 and sets out 10 objectives to prevent and respond to child sexual abuse. The plan contains actions for the Welsh Government and for Safeguarding Board partners which will be implemented over three phases up to the end of June 2022.

We will produce a report setting out what has been achieved under the Plan which ended on 30 June. The report will include evidence provided by the Safeguarding Boards. The report has been published here: [Preventing and responding to child sexual abuse: delivery report | GOV.WALES](#)

### **Northern Ireland**

How the PSNI manage CSE has changed significantly following the Marshal Inquiry and in recent years following a Criminal Justice Inspectorate NI 2020 report. The first main change was to resourcing. CJINI commented that across the 5 PPB structures there were different practices in how CSE was assessed and managed. At the time of the inspection, each Trust Detective Inspector managed CSE as to how they saw fit. However in 2021 a new dedicated Inspector and 2 Sergeants were appointed to oversee the Detective Constables based in the Trusts in order to bring consistency in practice.

It was also assessed that there were varying approaches to identifying and managing those at risk of CSE. With Health colleagues, a new “at risk of CSE” assessment was created and introduced consistently across the 5 Trusts. Having introduced this new assessment process, the combined CSE team on average manage 35 children “at risk” of CSE at any one time in partnership with the Health and Social Care Trust Social Workers. If a child meets the “at risk” criteria, from a policing perspective they are then flagged on the PSNI system at risk from CSE and assigned to a Detective Constable who will then provide the appropriate investigation safeguarding and support. All relevant flags for CSE and children on the Child Protection Register are in place and reviewed as necessary.

To further improve this service, as of mid-2022, the Health Trust now has a social worker embedded within the PPB to work alongside the CSE team in order to further develop working relationships and ensuring effective safeguarding is in place. A further change to the PSNI response was a drive to focus more closely on disrupting and detecting those suspected of seeking to offend against children at risk of CSE. Officers are more aware of the professional boundaries aspect of working with partners, ensuring police are carrying out their core role of investigative safeguarding and support, whilst working closely with Health Trust colleagues who provide the social and health care based support.

PSNI define a Person Of Concern (POC) as “A person, of any age or gender, who acts alone or within a group to take advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity in exchange for something the person of concern needs or wants from the victim”. Partner agencies were consulted with and agreed the definition.

The POC process is also designed to promote awareness amongst front line colleagues of those seeking to prey on vulnerable children. Where front line colleagues suspect someone may be a POC they can refer the details to the local CSE team who will research and develop the information.<sup>1</sup> A meeting will then take place weekly between PSNI and Social Services to discuss and share information regarding the POC. A POC visiting template has been developed to standardise the process of visiting any identified persons, which is completed and stored against the person’s nominal on NICHE to allow easy access to the information. This information can also be used to assist identify proactive opportunities to disrupt the activity of the POC. This new POC approach brings further consistency across the PSNI through the revised supervision structure and improved governance and accountability across the 5 trusts.

***h: The Committee asks the next report to provide updated information on measures taken to prevent the exploitation of children through the Internet.***

The Government is committed to working to make the UK the safest place for children to be online. The Online Safety Bill will, for the first time, place clear legal duties on companies to take proactive action to keep children safe on their platforms, including by identifying, reporting and removing child sexual exploitation and abuse content. Tech companies will be held to account by an independent regulator, OfCom, who will be producing guidance for tech companies and will have strong enforcement powers if tech companies fail in their duty of care. We are also continuing to work with international partners and engage with industry on implementation of the Voluntary Principles to Counter Online Child Sexual Exploitation and Abuse, and to report transparently on progress in that regard.

**Scotland**

Please see response to point c

**Wales**

Modern slavery, including child exploitation and human trafficking, are matters reserved to the UK Government. The Welsh Government and partners have produced an All Wales Practice Guide on [Safeguarding children from Online Abuse](#).

**Northern Ireland**

Where referrals of this nature are reported to PSNI they are managed within Child Internet protection Team supported by Victim Identification and grading resources. The Kent Internet Risk Assessment Tool ([KIRAT](#)) risk assessment tool is used to

assess the risk posed, albeit this will identify the potential risk for contact offending rather than the risk/ propensity for online abuse.

Where it is considered that there are first generation images or children being abused in real time this will be investigated within the Child Abuse Investigation Units. CIPT are aware and follow the relevant protocols for information sharing with health and social care trusts during the course of their investigations to address risks that are presented by alleged offenders as they are identified.

CIPT monitor the referrals that are received and internal protocols have recently changed whereby low and medium risk referrals are investigated by CID to help reduce the backlog and support investigations being managed in a more timely manner to better support those who are likely to become or have become abused / exploited online.

***i: The Committee asks the next report to provide updated information on measures taken to address the trafficking of children.***

The UK Government is committed to work to improve the human rights practices of businesses, including through the promotion of the UN Guiding Principles (UNGPs) on business and human rights. They include the use of both legislative and non-legislative measures to protect against, and provide remedy for, human rights abuses by business.

The UK jointly launched the *Principles to Combat Human Trafficking in Supply Chains* with the U.S, Canada, Australia and New Zealand at the UN General Assembly in September 2018. The four principles commit countries to:

- Take steps to prevent and address human trafficking in government procurement practices;
- Encourage the private sector to prevent and address human trafficking in its supply chains;
- Advance responsible recruitment policies and practices; and
- Strive for legal and policy harmonisation.

The UK is the first country in the world to require businesses to report on the steps they have taken to tackle modern slavery in their operations and global supply chains.

The landmark 'Transparency in Supply Chains' provision in the Modern Slavery Act 2015 has driven a change in business culture, spotlighting modern slavery risks on boardroom agendas and within the international human rights community.

Following the 2018 Independent Review of the Modern Slavery Act, the Government committed to:

- Creating a free online central reporting service for businesses' modern slavery statements, to make it easier for consumers, NGOs and investors to scrutinise the action that businesses are taking to prevent modern slavery in their supply chains.



- Consulting on options to strengthen the transparency provisions in the Modern Slavery Act and level the playing field for responsible businesses.

Following strong support from a broad coalition of stakeholders, the [Government response to the Transparency in Supply Chains consultation](#), published on 22 September 2020, committed to taking forward an ambitious package of changes to strengthen the Modern Slavery Act's transparency legislation, including:

- Extending the reporting requirement to public bodies with a budget of £36 million or more, a global first;
- Mandating the specific reporting topics statements must cover;
- Requiring organisations to publish their statement on the new government modern slavery statement registry;
- Setting a single reporting deadline by which all modern slavery statements must be published.

The UK Government continues to work with a wide range of partners to raise awareness of modern slavery to help increase resilience against these crimes and reduce public tolerance of exploitative behaviour for all victims, including children. This includes supporting the police to tackle modern slavery by funding targeted prevention activity within vulnerable sectors of the community, our 'Hidden in Plain Sight' targeted communications campaign, which was rolled out in four regions across the UK and equipping the public and frontline professionals with the knowledge to spot signs of modern slavery and report concerns.

In addition to this, the Government has rolled out Independent Child Trafficking Guardians (ICTG) to two thirds of local authorities in England and Wales. ICTGs are an additional source of advice and support for potentially trafficked children, irrespective of nationality, and somebody who can advocate on their behalf. The purpose of an ICTG is to advocate on behalf of the child to ensure their best interests are reflected in the decision-making processes undertaken by the public authorities who are involved in the child's care. An ICTG's advocacy and involvement throughout the decision-making process is intended to ensure the child is protected from further harm, prevent possible repeat victimisation, re-trafficking or going missing, and promote the child's recovery.

## **Scotland**

The Scottish Government has provided a total of £3.2 million in funding to the [Scottish Guardianship Service \(SGS\)](#) since 2010. The SGS provides support to unaccompanied children arriving in Scotland who have been victims or are at risk of being trafficked. The service provides Guardians to help trafficked children in Scotland in their recovery and to navigate the complex legal and asylum processes.

The Scottish Government will implement the statutory Independent Child Trafficking Guardian (ICTG) service, to fulfil the duty on Scottish Ministers set out under [Section 11 of the Human Trafficking and Exploitation \(Scotland\) Act 2015](#). The ICTG service

will commence on 1 April 2023 and will replace the current non-statutory service provided by the Scottish Guardianship Service.

In 2021 the Scottish Government published [National Guidance for Child Protection in Scotland](#). The guidance includes advice on identifying and supporting victims of child trafficking and exploitation and reflects learning from recent cases. The Scottish Government has established an implementation steering group to provide strategic oversight and offer support to local areas.

A [toolkit](#) to assist those completing National Referral Mechanism referrals for children and adults was published in 2021. The toolkit was developed by the Scottish Government and First Responder Organisations and aims to ensure that both frontline staff and potential victims are clear on the process and possible outcomes of this national pathway to identification and protection.

A Home Office pilot programme to devolve decision-making about children with the National Referral Mechanism was launched in 2021. The programme tests whether determining if a child is a victim of modern slavery within existing safeguarding structures is a more appropriate model for making such decisions for children. One Scottish local authority is currently participating. To support the pilot, the Scottish Government published [decision-making guidance](#) for pilot schemes in Scotland.

In October 2020, the Scottish Government published a research paper on [Child Trafficking in Scotland](#) by the University of Stirling. The study shed a light on the unique needs of children and young people who had been victim to trafficking and highlighted improvements to current practice. Importantly the research includes interviews with trafficked children and young people in Scotland. Those first-hand accounts inform how we continue to improve the support and services available.

## **Wales**

Modern slavery, including child exploitation and human trafficking, are matters reserved to the UK Government. The Welsh Government and partners have produced an All Wales Practice Guide on [Safeguarding children who may be trafficked](#) and is part of the steering group for the Independent Child Trafficking Guardianship (ICTG) service, commissioned by the Home Office, which provides specialist support to trafficked children.

## **Isle of Man**

Trafficking in persons is an offence under section 4 of the Organised and International Crime Act 2010, for which the maximum penalty is 20 years custody. If the persons trafficked are under the age of 18 and/or the persons are physically exploited or intended to be physically exploited (where physical exploitation includes sexual exploitation), these are aggravating factors in determining the sentence to be imposed by the court when a person has been convicted of the offence.

***j: The Committee asks the next report to provide information on measures taken to address the issue of the labour exploitation of children.***

This UK Government is committed to protecting and promoting the rights of children. The youngest age a child can work part-time is 13, except children involved in areas like television, theatre and modelling. Children working in these areas will need a performance licence under section 37 of the Children and Young Persons Act 1963, a licence must be obtained before a child can take part in certain types of performance and activities in Great Britain.

The Government spends £33 million a year on state enforcement of employment rights. This covers national minimum wage, employment agencies, gangmasters licensing and modern slavery related to worker exploitation.

The Health and Safety Executive (HSE) work in partnership with other agencies to tackle labour exploitation of children. Where HSE's health and safety inspectors identify or suspect labour exploitation they work with the lead law enforcement and safeguarding agencies to ensure children are protected.

### **Scotland**

Please see responses to Article 7, Paragraph 2 point a, Paragraph 10, points a, c and i.

### **Wales**

This area is reserved to the UK Government. The Welsh Government is part of the steering group for the Independent Child Trafficking Guardianship (ICTG) service, commissioned by the Home Office, which provides specialist support to trafficked children, including child victims of labour exploitation.

### **Isle of Man**

The Department of Education, Sport and Culture maintains a register of employers known to be employing young people. There are 62 detailed on the register between 2018 and 2021.

During the reporting period (2018 – 2021) a total of 54 visits were carried out (three national lockdowns occurred during the reporting period).

The Department of Education, Sport and Culture is not aware of any violations detected or any sanctions imposed for breach of the regulations.

***k: The Committee asks what measures are being taken to address the problem and ensure that children involved in county lines are treated of victims of exploitation.***

‘County lines’ is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas, using dedicated mobile phone lines or other form of “deal line”. They are likely to exploit children and vulnerable adults to move and store the drugs and money and they will often use coercion, intimidation, violence (including sexual violence) and weapons.

The UK Government considers the targeting, grooming and exploitation of children who are often the most vulnerable in our society for criminal purposes to be deplorable and is committed to tackling it.

In November 2019 we launched our county lines programme to boost the police and law enforcement response to this issue. Since November 2019, up to March 2022, police funded activity through the Programme has resulted in over 2,400 county lines closed, 8,000 arrests made, and engaged over 9,500 individuals through safeguarding interventions.

As part of the programme, the UK Government is investing up to £5m over three financial years 2022-25 to provide support to victims of county lines exploitation and their families. We are funding [Catch22](#) to provide specialist support for under 25’s from the major exporting force areas (London, the West Midlands, Merseyside and Greater Manchester), and their families, who are criminally exploited through county lines, to help them safely reduce and exit their involvement. The UK is also funding the Missing People’s SafeCall service, a national, confidential helpline for young people, families and carers who are concerned about county lines exploitation.

## **Scotland**

In September 2021 Scottish Government published the revised [National Guidance for Child Protection](#) which includes detailed advice for all practitioners who support children and families on identifying and supporting victims of human trafficking and exploitation, including criminal and sexual exploitation. The Scottish Government is clear that any child being forced or coerced to commit crime must be seen as a victim of exploitation rather than a suspect.

The [Human Trafficking and Exploitation \(Scotland\) Act 2015](#) required the Lord Advocate to issue instructions regarding the prosecution of persons who are, or appear to be, the victims of trafficking, slavery, servitude or forced or compulsory labour and who have allegedly committed a criminal offence. The instructions set a strong presumption against prosecution of child victims who have committed an offence in the course of, or as a consequence of, being trafficked or exploited.

The Scottish Government and partners on [Scotland's Serious Organised Crime \(SOC\) Taskforce](#) are committed to delivering the [SOC Strategy](#) and reducing serious organised crime and the harm it causes. The Divert 3 subgroup of the Serious Organised Crime Taskforce is working on a briefing document which aims to support a shared understanding of criminal exploitation of children and adults, and to help practitioners and frontline staff to identify those at risk from serious organised crime. The Scottish Government will continue to work with operational partners to better understand this complex, evolving, and often hidden form of abuse.

## Article 8 - The right of employed women to protection of maternity

### Paragraph 1 - Maternity leave

***a: Please provide information whether the Covid-19 crisis had an impact of on the right to paid maternity leave (in particular whether all employed women concerned – in the private as in the public sector - continue to receive at least 70% of their salary during the whole length of the compulsory maternity leave during the Covid-19 crisis).***

Entitlement to Statutory Maternity Pay (SMP) is determined in part by a calculation, carried out by employers, to determine an employee's average earnings over a set period. For SMP purposes, 'earnings' are defined as gross earnings and include any remuneration or profit derived from a person's employment, including sums such as Statutory Sick Pay, alongside other payments such as overtime, bonus payments and arrears of pay.

Where the calculation reference period for either SMP or Maternity Allowance (MA) included time on furlough, the entitlement threshold might not have been met or the amount of money received might have been reduced. As the Coronavirus Job Retention Scheme was new it was appropriate that the earnings calculation was adjusted to accommodate this and ensure women on furlough were not detrimentally affected.

In April 2020 changes were made to [legislation](#) to ensure that the weekly earnings of furloughed employees used for determining entitlement to, or the amount of MA and SMP payable, were calculated as if the person had not been furloughed.

The Government made changes to the [Self-Employment Income Support Scheme \(SEISS\)](#) which helped support new parents who were self-employed and who's activities have been adversely affected by the COVID-19 pandemic. These changes benefitted self-employed parents who were previously ineligible for SEISS because they had not submitted a tax return for 2018/2019, or because their trading profits in 2018/19 were less than their other non-trading income, because they were taking time off work from their business to care for their new-born or newly adopted child. Individuals in this position were therefore able to claim through SEISS if they meet the other eligibility criteria.

Maternity Allowance continued to be payable to people in receipt of income from the SEISS.

***b: The Committee asks again what legal safeguards exist to avoid any pressure from employers on women to shorten their maternity leave; whether there is an agreement with social partners on the question of postnatal leave which protects the free choice of women and whether collective agreements offer additional protection.***

Pregnant employees have 4 main legal rights:

- a. paid time off for antenatal care
- b. maternity leave**
- c. maternity pay or maternity allowance
- d. protection against unfair treatment, discrimination or dismissal**

An employee's employment rights (like the right to pay, holidays and returning to a job) are protected during maternity leave. Employers cannot change a pregnant employee's contract terms and conditions without agreement - if they do they are in breach of contract.

There are three types of maternity leave:

- ii. compulsory maternity leave: two weeks immediately after the birth, which all employees entitled to maternity leave must take
- iii. ordinary maternity leave: the first 26 weeks of leave, including the compulsory maternity leave period
- iv. additional maternity leave: a further 26 weeks of leave

It is unlawful pregnancy and maternity discrimination to treat a woman unfavourably during the "protected period" (the period which starts when a woman's pregnancy begins and ends

- (i) if she has the right to ordinary and additional maternity leave, at the end of the additional maternity leave period or (if earlier) when she returns to work after the pregnancy; or
- (ii) if she does not have that right, at the end of the period of two weeks beginning with the end of the pregnancy) because of her pregnancy or an illness suffered by her as a result of her pregnancy.

It is also unlawful pregnancy and maternity discrimination to treat a woman unfavourably because,

- she is on compulsory maternity leave,
- is taking or is trying to take ordinary or additional maternity leave,
- or has taken or tried to take ordinary or additional maternity leave.

This right exists from the first day of starting a job. The definition of being classed as an employee is here - [Types of employment status: Checking your employment rights - Acas](#) .

Women are protected by law against unfair treatment and dismissal because of pregnancy and maternity, no matter how long the employee has worked for the

employer. It is unlawful discrimination to treat a woman unfavourably because of her pregnancy or a related illness, or because she is exercising, has exercised or is seeking or has sought to exercise her right to maternity leave (sections 18(1)- (4) [Equality Act 2010 \(legislation.gov.uk\)](#)). Also See for example Chapter 8 of the [Employer Code](#)

It is also It is discriminatory and automatically unfair to dismiss a woman because she is pregnant or because of any reason linked to her pregnancy, such as pregnancy-related illness ([Employment Rights Act 1996 \(legislation.gov.uk\)](#) section 99 and [The Maternity and Parental Leave etc. Regulations 1999 \(legislation.gov.uk\)](#) regulation 20(3).

The UK Government would encourage women in this situation to seek help and advice from social partners, such as independent employment rights services like ACAS, as well as trade unions if they are a member. UK employers may also have agreements with employees' representatives (from trade unions or staff associations) that allow negotiations of terms and conditions like pay or working hours

A full overview of Maternity rights can be found here - [Maternity pay and leave: Leave - GOV.UK \(www.gov.uk\)](#)

### **How can a woman access redress if treated unfairly whilst in maternity leave?**

There are two main mechanisms for enforcing employment rights in the UK – individual enforcement through the employment tribunal system and state-based enforcement through several enforcement bodies.

#### **Route 1: Individual Rights**

Most employment rights are enforced through the first route and require an individual to take their employer to an employment tribunal. This is one way that a woman in the situation highlighted could seek redress from the employer.

Before doing so there is a statutory requirement for the individual to notify The Advisory, Conciliation and Arbitration Service (Acas) of the dispute so that its conciliators can attempt to resolve it via the early conciliation process.

However, taking part in conciliation is not mandatory and either party can turn down the opportunity. Remedies for individuals who successfully argue they have had their employment rights breached include redress (unpaid wages or redundancy payments), reinstatement, compensation, and cost orders.

#### **Route 2: State Enforcement**

In contrast, state-based enforcement is the responsibility of several government-funded bodies:

- HM Revenue and Customs (HMRC): responsible for the enforcement of holiday pay and National Minimum and National Living Wage; In this example, His Majesty's Revenue and Customs are responsible for the enforcement of Statutory Maternity Pay (SMP).



- Health and Safety Executive (HSE): the principal cross-sectoral enforcing authority (in Great Britain, with a sister agency in Northern Ireland) is responsible for enforcing parts of the Working Time Regulations 1998, including the maximum weekly working time limits, night work limits, as well as health and safety laws requiring employers to ensure, as far as reasonably practicable, the health, safety and welfare at work of their workers; in this scenario Employers must have a workplace health and safety assessment for employees of child-bearing age, including new mothers.
- Equality and Human Rights Commission (EHRC): responsible for enforcing equality legislation on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. This body would be able to advise on if unlawful maternity discrimination has occurred.

The penalties available to these bodies for breaches range from civil penalties to criminal prosecution leading to imprisonment in the most serious cases.

The UK Government actively collaborates with social partners on any changes to policy affecting employment rights and has an established mechanism of collective bargaining to ensure that worker's rights and established rights under maternity conditions are upheld.

## **Scotland**

The Scottish NHSInform platform provides advice on employment rights for women who are pregnant at work<sup>29</sup>.

## **Isle of Man**

The Isle of Man's Employment Act 2006 provides that a worker has the right not be subjected to detriment by an employer on the grounds that he or she has exercised or sought to exercise a statutory right, and this can be enforced by a complaint to the Isle of Man's Employment and Equality Tribunal.

In addition, under the Isle of Man's Equality Act 2017 pregnancy and maternity are protected characteristics and there is provision for discrimination against pregnant women, for example if they are treated unfavourably for seeking to take maternity

---

<sup>29</sup> [Working while pregnant | Ready Steady Baby! \(nhsinform.scot\)](https://www.nhsinform.scot)

leave. A person who suffers such treatment can make a complaint to the Isle of Man's Employment and Equality Tribunal.

***c: If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised. The Committee concludes that the situation in the United Kingdom is not in conformity with Article 8§1 of the 1961 Charter on the ground that the standard weekly rate of Statutory Maternity Pay after six weeks and the maximum weekly rate of the Maternity Allowance are inadequate.***

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. Maternity pay is not and has never been intended to replace a woman's earnings completely.

The Government currently spends approximately £3 billion a year (2021/22) on maternity payments, and this is forecast to rise to £3.5bn by 2026/27. [[outturn-and-forecast-tables-autumn-statement-2022.xlsx \(live.com\)](#)].

“The OECD average for paid maternity leave is 18.5 weeks and the EU average is 21.1 weeks. [[Title \(oecd.org\)](#); December 2022).

As previously stated, the UK Government believes that the approach where the standard rate of maternity payments is supplemented by other targeted financial support is the best way to direct help toward pregnant women who are working.

This, in conjunction with one of the longest periods of paid leave in the European Union (up to 39 weeks), 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. Both SMP and MA are paid for up to a maximum of 39 weeks. The OECD average is 18.6 weeks and the EU average is 21.3 weeks.<sup>30</sup>

The rate of SMP and MA is reviewed annually. Looking ahead outside of the reporting period, the standard weekly rate of SMP and MA is £156.66 from April (2022/23). This is considerably higher than the level of other out of work benefits and reflects the special position of pregnant working women and new mothers.

Women on SMP and MA can also make a claim for Universal Credit if needed. This provides tailored support based on household circumstances and includes a number of support options including help for children and with housing and childcare costs. The calculations of income for what a recipient of SMP and MA differ given

that SMP will be assessed as a source of income from the employer, where MA is a benefit for those who are not eligible for SMP that is paid for by the UK Government.

The UK makes reference to the case study provided in its 38<sup>th</sup> report on the European Social Charter to the Council of Europe. This case study illustrates the way in which statutory maternity pay and maternity allowance work in practice.

When considering calls to increase the level of maternity benefits generally, these must be balanced against limited resources, as well as being mindful of the need to balance the burden on employers and the needs of parents.

If changes to SMP and/or MA are to be considered, there would necessarily have to be careful thought given to any unintended consequences those changes might bring. The UK 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.

Individuals in the UK can 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 February 2019, The UK Government published notice of a Parental rights study . This research will provide information on the time off parents take when they have a baby, and the financial help and wider support available to them. This is yet to be published.

### **Other support for parents**

In the UK Shared parental leave (SPL) gives more choice in how 2 parents can care for their child.

Eligible parents who are sharing responsibility for a child can get shared parental leave in the first year after:

- the birth of their child
- adopting a child
- getting a parental order if they had the child through surrogacy

Eligible parents can share up to 50 weeks of leave and up to 37 weeks of pay between them.

Parents need to share the pay and leave in the first year after the child is born or placed with their family.

SPL can be used to take leave in blocks separated by periods of work, or taken all in one go. Parents can also choose to be off work together or to stagger the leave and pay.

More information about SPL in the UK is available on the [Shared Parental Leave and Pay: How it works - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/shared-parental-leave-and-pay-how-it-works).

### **Isle of Man**

There is currently no provision for statutory sick pay in the Isle of Man.

Subject to qualifying criteria (see <https://www.gov.im/categories/benefits-and-financial-support/families-and-children/maternity-allowance/>) women who have been in work shortly before taking maternity leave are eligible to claim maternity allowance from the Social Security Division of Treasury.

For those who have been in employed earner's employment, maternity allowance is payable at the rate of 90% of the individual's gross earnings, subject to a cap of £179.85 per week, for up to 39 weeks. Maternity allowance is payable to qualifying individuals irrespective of whether they receive maternity pay from their employer.

For those who have been in self-employed earner's employment - and have paid self-employed national insurance contributions during the test period -maternity allowance is payable at the flat rate of £151.97 per week (2021-2022 rate) for up to 39 weeks. This is the same provision as exists in the UK.

## Article 16 - The right of the family to social, legal and economic protection

***a: Please provide updated information on measures taken to reduce all forms of domestic violence against women including information on incidence and conviction rates.***

Tackling violence against women and girls (VAWG) is a government priority. It is unacceptable and preventable, an issue which blights the lives of millions. The response to this question covers England and Wales only as policing, crime and justice are devolved matters.

VAWG crimes include rape and other sexual offences, stalking, domestic abuse, 'honour'-based abuse (including female genital mutilation and forced marriage and 'honour' killings), 'revenge porn' and 'upskirting', and can occur online as well as offline. While different types of violence against women and girls have their own distinct causes and impacts on victims and survivors, what these crimes share is that they disproportionately affect women and girls.

In 2021, the Government introduced the [Domestic Abuse Act 2021](#) to raise awareness and understanding of domestic abuse and its impact on victims, to further improve the effectiveness of the justice system in providing protection for victims of domestic abuse and bringing perpetrators to justice, and to strengthen the support for victims of abuse and their children provided by other statutory agencies. Further information about the Domestic Abuse Act 2021 is provided in response to question (i) below.

### Incidence

The evidence shows women and girls are more likely to be victims of these crimes. The most recent statistics show (2021/22 Crime Survey for England and Wales CSEW) the following:

- 27% women have been victims of sexual assault (or attempted assault) since the age of 16 (and 6% of men);
- 29% of women had experienced domestic abuse since the age of 16 years old (14% of men);
- 23% of women aged 16 and over experienced stalking since the age of 16 (10% of men);
- 7% of women experienced domestic abuse in the last year (3% of men);
- an estimated 5% of adults aged 16 and over experienced domestic abuse in the last year; and
- 2.3% of adults aged 16 and over had experienced sexual assault (including attempted offences) in the last year

High levels of non-reporting combined with changes in reporting trends can have a significant impact on sexual offences recorded by the police. The latest figures may reflect a number of factors, including the impact of high-profile incidents, media coverage, and campaigns on people's willingness to report incidents to the police, as well as a potential increase in the number of victims.

Statistics for the number of victims for domestic abuse are published by the ONS for the year to November 2022 [here](#).

There are a range of criminal offences that can be used to prosecute domestic abuse or "domestic violence". Statistics on prosecutions and convictions are published by the Ministry of Justice and are available online [here](#) -. For example,

- Controlling or coercive behaviour is a particularly insidious form of domestic abuse, constituted by behaviour on the part of the perpetrator which takes place repeatedly or continuously.
- Controlling or coercive behaviour (CCB) is often committed in conjunction with other forms of abuse and often part of a wider pattern of abuse, including violent, sexual or economic abuse.
- In recognition of the severe impact of such behaviour, in 2015, we introduced the offence of controlling or coercive behaviour within the Serious Crime Act. This sends a clear message that this form of domestic abuse is a serious offence - particularly in light of the violation of trust it represents - and provides protection for victims experiencing repeated or continuous abuse.

**Convictions** for the Controlling or Coercive Behaviour offence as a principal offence have risen since the offence was introduced in 2015 (235 in 2017, 308 in 2018, 305 in 2019, 374 in 2020, and 434 in 2021)<sup>30</sup>. Controlling or coercive behaviour is a particularly insidious form of domestic abuse, constituted by behaviour on the part of the perpetrator which takes place repeatedly or continuously. The controlling and coercive behaviour offence was introduced in Section 76 of the Serious Crime Act 2015.

## Government action

In July 2021, the Government published a cross-Government [Tackling Violence Against Women and Girls Strategy](#) to help ensure that women and girls are safe everywhere - at home, online, at work and on the streets. This was followed by a complementary cross-Government [Tackling Domestic Abuse Plan](#), published in March 2022. These documents aim to transform the whole of society's response to these crimes with actions to prevent abuse, support victims and pursue perpetrators, as well as to strengthen systems to respond to violence against women and girls.

---

<sup>30</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1076470/HO-code-tool-all-offence-2021.xlsx](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1076470/HO-code-tool-all-offence-2021.xlsx)

The Tackling Domestic Abuse Plan invests over £230 million of cross-Government funding into tackling this heinous crime. This includes over £140 million for supporting victims and over £81 million for tackling perpetrators. £47 million of this will be ringfenced over three years for community-based services to support victims and survivors of domestic abuse and sexual violence.

Significant progress has been made in implementing the over 100 commitments set out in the Tackling violence against women and girls strategy and [Tackling Domestic Abuse Plan - GOV.UK](#).

In March 2022, the UK became the 11<sup>th</sup> country to ratify the ILO Violence and Harassment No. 190 on the elimination of violence and harassment in the world of work which will support our work to prevent domestic violence against women in all settings.

### **Health and social care support**

All National Health Service staff undertake mandatory safeguarding training which includes a focus on domestic abuse. NHS England and Health Education England continue to review mandatory safeguarding training for all health professionals to ensure that they are fully equipped with the key skills, knowledge, and principles to protect all citizens.

The Office for Health Improvement and Disparities (OHID) within the Department for Health and Social Care (DHSC) has been working with the Office for National Statistics (ONS) to explore how insights from health data can improve our understanding of violence against women and girls. The recently published Women's Health Strategy (DHSC, 2022) includes a public commitment to this project. The new information generated will be used to improve services and experience of service for women and girls and inform interventions around violence against women and girls.

### **Additional information provided by the Welsh Government**

The Welsh Government published its five-year Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) National Strategy on 24<sup>th</sup> May which was developed alongside a group of key partner organisations including the police, specialist sector and survivors.

A public consultation on a draft Strategy was held between 7 December 2021 and 7 February 2022. Over 120 responses were received. In addition to organisational responses from across the public, private and the third sector, there were responses from individuals who are VAWDASV survivors or whose lives have been directly impacted by VAWDASV.

The Strategy sets out the overarching objectives that the Welsh Government will deliver in partnership with stakeholders to progress the purpose of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

The strategy will be delivered through a Blueprint approach, which brings together devolved and non-devolved organisations, as well as strengthening the partnership between public private and specialist sectors.

## **Scotland**

[Equally Safe](#), Scotland's strategy for preventing and eradicating violence against women and girls, including domestic abuse, sets out a vision to prevent violence from occurring in the first place, building the capability and capacity of support services, and strengthening the justice response to victims and perpetrators.

Through our [Delivering Equally Safe Fund](#) we are dedicating £11 million over a 2-year period specifically to tackle domestic abuse and support those affected by it. We also fund Scotland's Domestic Abuse and Forced Marriage Helpline, which provides advice and support to victims of domestic abuse. We have also invested over £22 million in the innovative and accredited [Caledonian System domestic abuse court mandated programme](#) so that more male perpetrators of domestic abuse can receive specific rehabilitation services to address and challenge their harmful behaviours.

We are driving improvements in service response and fostering greater multi-agency working both by funding work to support local coordination and by encouraging every local authority to have an effective partnership in place and are working closely with them to support their improvement journey. We are working with partners to consider improvements to multi-agency risk assessment and interventions for victims of domestic abuse.

We have made improvements to the law. The [Domestic Abuse \(Scotland\) Act 2018](#) creates a specific offence of domestic abuse that covers not just physical abuse but also other forms of psychological abuse and coercive and controlling behaviour. This new offence brings clarity for victims so they can see explicitly that what their partner or ex-partner has done to them is wrong and can be dealt with under the law. The Act reflects the fact that children are harmed by domestic abuse by providing for a statutory aggravation in relation to children.

We are committed to tackling so called 'honour based' violence. In 2016, we published [Scotland's National Action Plan to Prevent and Eradicate Female Genital Mutilation](#) (FGM) which is supported by a National Implementation Group. In 2017, we published multi-agency [guidance](#) setting out how agencies, individually and together, can protect girls and young women from FGM, and how to respond appropriately to survivors. On 8 November 2019 we published our [year three progress report](#) on the national action plan.



On 29 May 2019 we introduced the [Female Genital Mutilation \(Protection and Guidance\) \(Scotland\) Bill](#) which became an Act in April 2020 and which sought to strengthen the existing legislative framework for the protection of women and girls from FGM. The Bill included two main policies: FGM protection orders and statutory guidance. We are now working with stakeholders on the implementation of the Act and to consult on statutory guidance.

The [Ending Homelessness Together Action Plan](#) outlines our commitment to develop and implement pathways to prevent homelessness for women and children experiencing domestic abuse.

Summary statistics covering a number of important justice and safer communities statistics are published by the Scottish Government on a monthly basis<sup>31</sup>.

### **Northern Ireland**

A new Domestic and Sexual Abuse Strategy for NI is being prepared. In addition a number of new measures have been introduced in recent years to address violence against women and girls. This includes new domestic abuse, stalking offence and a range of sexual offences. There is also provision to enhance support for victims of domestic abuse giving evidence in civil (including family) proceedings including the use of special measures, such as giving evidence from behind a screen, and protection from being cross examined in person by the alleged perpetrator.

In addition Domestic Homicide Reviews were established and a new domestic and sexual abuse advocacy support service introduced for victims, as well as a multi media advertising campaign to raise awareness of domestic abuse. A range of work has also been progressed in relation to the Gillen Review into serious sexual offences in Northern Ireland.

Domestic Abuse is also a strategic priority for the Police Service of Northern Ireland. During 2021/22 Domestic Abuse calls for service, including Domestic Abuse crimes rose to the highest numbers on record and show a continuing increase over the last 5 years.

There were 33,186 domestic abuse incidents recorded in 2021/22, the highest level recorded since the data series began in 2004/05. This latest figure is more than one and a half times higher than the level of 20,959 recorded at the start of the data series in 2004/05.

---

<sup>31</sup> [Justice Analytical Services: safer communities and justice statistics monthly report - gov.scot \(www.gov.scot\)](#)

There were 21,723 Domestic Abuse crimes recorded in 2021/22 which is the highest level recorded since the series began in 2004/05. This figure is two and a quarter times higher than the level recorded in 2004/05 and represents one in five of all crimes recorded in this financial year.

There were 17 Domestic Abuse incidents per 1,000 population and 11 domestic abuse crimes per 1,000 population recorded by the police in 2021/22. Of the 33,186 incidents recorded in 2021/22 where there was a domestic abuse motivation, there were 15,940 which did not contain a crime (i.e. incidents where the circumstances did not amount to an offence being committed). The remaining 17,246 incidents contained one or more crimes (amounting to 21,723 recorded crimes in total). Just over half of incidents recorded in 2021/22 did not result in a crime being recorded.

Domestic Abuse stats are found via a number of mechanisms:

- Formal statistics produced within the official publications (NISRA)
- Operational data contained within PULSE
- Formal outcome rates within CMIS

The below information is reflective of operational data and is therefore subject to change and should only be used as an opportunity to highlight the reflective position on outcome rates to date / reporting figures to date

Rolling 12 Months to 6th December 2022 - Domestic Motivated Offences				
Outcome Type	All Crime	Violence with Injury	Malicious Communication	Sexual Offences
Charge / Summons	22.2%	26.9%	16.7%	4.2%
Out of Court	3.2%	3.9%	1.0%	0.2%
Out of court (formal)	0.8%	1.0%	0.6%	0.2%
Out of court (informal)	2.4%	2.9%	0.4%	
Evidential Difficulties (victim does not support)	34.5%	31.1%	41.6%	31.6%
Evidential Difficulties (victim supports)	13.2%	14.0%	15.0%	11.7%
Prosecution prevented / not in public interest	0.2%	0.2%	0.1%	0.6%
Other agencies	1.9%	1.0%	0.4%	3.6%
Investigation complete - no suspect	0.6%	0.3%	0.6%	1.0%
Outcome not yet recorded	24.2%	22.8%	24.5%	47.1%

Malicious communications outcome rates having increased significantly following additional guidance and quality assurance processes being introduced throughout 2019/2020. This has seen the outcome rate rise from 7.3% in 2017/18 to 15.1% in the current financial year.

Outcome Group	17/18	18/19	19/20	20/21	21/22	22/23
Charge / Summons	7.3%	12.4%	10.1%	11.9%	13.4%	15.1%
Out of Court	2.3%	1.3%	1.1%	1.0%	1.3%	0.7%
Out of Court (Formal)	1.1%	1.3%	0.5%	0.6%	0.6%	0.4%
Out of Court (Informal)	1.1%	0.0%	0.6%	0.4%	0.7%	0.3%

## European Social Charter UK 42<sup>nd</sup> Report

Evidential difficulties (victim does not support)	57.1%	44.4%	50.8%	47.5%	42.9%	39.2%
Evidential difficulties (victim supports)	6.2%	10.2%	14.7%	17.0%	16.7%	14.3%
Other	0.6%	0.8%	0.2%	0.2%	0.2%	0.7%
Investigation complete - no suspect	1.7%	2.3%	1.5%	1.4%	1.1%	0.3%
<b>Total Offences assigned an outcome at 31st March</b>	<b>75.1%</b>	<b>71.2%</b>	<b>78.3%</b>	<b>79.0%</b>	<b>75.6%</b>	<b>70.3%</b>

Since the introduction of the new Domestic Abuse offence there has been a significant focus on training and compliance with statutory aggravators and usage of this offence through guidance and additional support and consultation with PPS. As a result the table below outlines the outcome rates to date specifically for the Domestic Abuse offence

Outcome Group	17/18	18/19	19/20	20/21	21/22	22/23
Charge / Summons	/0	/0	/0	/0	22.0%	39.7%
Evidential difficulties (victim does not support)	/0	/0	/0	/0	9.3%	17.1%
Evidential difficulties (victim supports)	/0	/0	/0	/0	1.7%	7.5%
Investigation complete - no suspect	/0	/0	/0	/0	0.0%	0.1%
<b>Total Offences assigned an outcome at 31st March</b>	<b>/0</b>	<b>/0</b>	<b>/0</b>	<b>/0</b>	<b>33.1%</b>	<b>64.5%</b>

22.2% of Domestic Abuse offences have resulted in a charge or summons; 1.2% down on the same figure for the rolling 365 days. For crimes without a domestic motivation however, 17.5% have resulted in a charge or summons in the current 365 day period.

Over the last three years there has been the development and implementation of a service wide domestic abuse performance meeting which is chaired by a D/Supt this focuses on:

- The reports of domestic abuse - tracking and trending the numbers of reports / incidents / daily average
- The number of repeat victims and perpetrators
- The call attendance details in respect of timeliness / quality
- Risk assessment mechanisms with a particular focus on high risk clusters within PPN
- Usage of body worn video particularly for emergency calls for service

In response to new legislation there has been a significant drive in respect of operationalisation and training across the PSNI. The training programme for the introduction of the Domestic Abuse & Civil Proceedings (NI) Act 2021 resulted in the following:

- A 4 module training programme focusing on understanding coercive control, impact of domestic abuse, pathways to support, and understanding the new legislation
- Case studies for operational officers
- Process maps to highlight the key parts of the legislation
- Internal guidance
- Bespoke internal guidance for crime recording / contact management / custody
- Webinar sessions for those who have been identified as domestic abuse champions

There are a number of ongoing review processes that will improve the services for victims of domestic abuse including

- A review of the MARAC process – this is a whole systems review of how each organisation supports victims who are identifying those who are at highest risk and creating a joint approach to supporting this risk
- A review of the DVADs process – this includes a training programme with Women’s Aid to better understand how we use this disclosure scheme and the risk of domestic abuse. There is also ongoing work with the DOJ to review and reformulate the threshold for disclosures – likely that this will reduce from serious harm to harm which will provide more opportunities to disclose and better protect and inform victims and potential victims

### **Isle of Man**

In the summer of 2018, the Isle of Man Government published a consultation on ‘The Diversion of Offenders and Domestic Abuse Bill 2018’ to the public, undertaken in connection with Criminal Justice, Offender Management, Sentencing and Domestic Abuse.

Considering the feedback from this consultation the Isle of Man introduced the Domestic Abuse Act 2020 to address the issues of coercive or controlling behaviour, and domestic abuse itself. The Act defines ‘domestic abuse’ as follows:

‘Behaviour of a person (“A”) towards another person (“B”) is ‘domestic abuse’ if –

- (a) A and B are personally connected to each other, and
- (b) the behaviour is abusive.

The Act goes on to define what is meant by ‘personally connected’ and ‘abusive’.

The Isle of Man’s Department of Home Affairs has committed to establish and develop a strong governance framework for domestic abuse consisting of legislation, statutory guidance and an overarching strategy. This will ensure that domestic abuse

services are of a high quality. Services will be underpinned by the National Institute for Health and Care Excellence (NICE) quality standards. This is to ensure that services are shaped around the identified needs of victims and perpetrators at all levels of risk. By providing a framework for the commissioning and delivery of statutory and specialist domestic abuse services, the Department of Home Affairs will ensure that these are focused around the needs of the victim, and the perpetrator, to provide the best outcomes possible. This also gives services the necessary legal powers to take immediate steps to address the particular situation they encounter, by way of an immediate domestic abuse protection notice. In addition, the Department are committed to establishing a communications strategy that aims to raise awareness of Domestic Abuse and encouraging more victims to come forward, as well as educating the public on the signs of abuse.

The Department brought the majority of the Act into operation through an Appointed Day Order (ADO) that was laid before Tynwald Part in January 2023. The ADO brought Part 1 (sections 1-6), Part 2 (sections 7 -23 & 25-34), Part 3 (sections 35-41), Part 5 (section 46 - 49) and the Schedule into operation on 4th January 2023. The Act establishes these preventative and protective measures in the form of the DAPN and the Domestic Abuse Protection Order (DAPOs). A Domestic Abuse Protection Notice (DAPN) can be given to a person if the person who is aged over 14 years old has been abusive towards a person who is aged over 16 years old. Within 14 days of the DAPN being issued, the police must apply for a Domestic Abuse Protection Order (DAPO). A DAPN may be issued by the Police but a DAPO may be made by any court before which a matter is being considered when domestic abuse is raised as a factor within the matter, irrespective of whether or not the initial matter concerned domestic abuse.

These plans are set out in the Department's Domestic Abuse Act 2020 Implementation plan published in 2022<sup>32</sup> with the intention this will be carried out in 2023. Before this date, offenders cannot be prosecuted for 'domestic abuse', but are prosecuted for assault etc. and therefore, figures on incidence and conviction rates are not readily available.

Included in the Chief Constable's Annual Reports, domestic incidents rates are included. Domestic incidents make up a proportion of investigations over several categories of recorded crime, from physical assaults through coercive behaviour to non-physical arguments, and some non-crime incidents.

Data from June 2019 onwards accurately shows the number of domestic incidents recorded. The number of incidents pre-June 2019 has been estimated from domestic

---

<sup>32</sup> <https://www.gov.im/media/1376008/domestic-abuse-act-2020-implementation-plan-24032022.pdf>

abuse forms, which detail every incident recorded between two individuals, but cannot be easily analysed.<sup>33</sup>

Investigations		2019-2020	2020-2021	2021-2022	Comparison to 2020-2021
Total		650	722	670	-7%

***b: For States Parties not having accepted Article 31, please provide updated information on the availability of adequate affordable housing for families.***

The provision of affordable housing is part of the UK Government's plan to build more homes and provide aspiring homeowners with a step onto the housing ladder.

Our £11.5 billion Affordable Homes Programme will deliver thousands of affordable homes for both rent and to buy right across the country.

The [Levelling Up White Paper](#) committed to increasing the supply of social rented homes and a large number of the new homes delivered through our Affordable Homes Programme will be for social rent.

Since 2010, we have delivered over 632,600 new affordable homes, including over 441,612 affordable homes for rent, of which over 162,800 homes for social rent.

**Scotland**

[Housing to 2040](#) is Scotland's long-term strategy for housing and sets out a vision for housing in Scotland by 2040 and a route map to get there. It aims to deliver our ambition for everyone in Scotland to have a safe, good quality and affordable home that meets their needs in the place they want to be.

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

---

<sup>33</sup> <https://www.iompolice.im/footer/corporate/chiefs-constable-annual-report-2021-2022/>

over a five-year period. This informs housing investment decisions, including the size and type of housing required.

During the period 1 January 2018 to 31 December 2021, a total of 35,070 affordable homes were delivered, including 24,968 homes for social rent. The previous 50,000 affordable homes target (2016-17 to 2020-21) was met during March 2022, a year later than planned, after delays caused by the COVID-19 pandemic and global issues around supply and workforce affected the pace at which homes could be delivered.

An estimated 3,220 households with children have been helped into affordable housing in the year to March 2022 through the [Affordable Housing Supply Programme](#), with an estimated total of 16,500 households with children being helped throughout the whole of the 50,000 target period (2016-2022).

Housing to 2040 also commits to the introduction in law of a new Housing Standard for Scotland in 2024. Our aim is that this will cover all homes new or existing, including agricultural properties, mobile homes and tied accommodation. We aim to ensure that there will be no margins of tolerance, no exemptions and no “acceptable levels” of sub-standard homes in urban, rural or island communities, deprived communities or in tenements. This will mean our existing homes will keep pace with new homes, with no one left behind.

The Scottish Government is taking forward a new Human Rights Bill. The Bill follows on from the recommendations of the [National Taskforce for Human Rights Leadership](#) for a new human rights framework for Scotland and will be introduced this parliamentary session. The Bill will incorporate into Scots Law, as far as possible within devolved competence several international law treaties, including the International Covenant on Economic, Social and Cultural Rights. The framework will ensure the right to an adequate standard of living (which relates to poverty, adequate food and housing) will be at the heart of Scottish services, law and policy. Inclusion of these rights will empower people, enabling them to claim and enforce their rights domestically.

## **Isle of Man**

Public sector housing in the Isle of Man is provided by a variety of housing authorities, which manage different areas of the Island. The Department of Infrastructure provides public sector housing in areas where there is no functioning housing authority.

The Department's public sector housing is located in various areas within the Island and totals approximately 1200 houses.

Eligibility for a public sector house in the Isle of Man is dependent upon meeting certain criteria

The Housing and Communities Board was established to address a perceived housing crisis on the Isle of Man. They are working to put all housing policy, law and provision in one national housing strategy, with the aim of providing suitable and affordable homes for all.

Some key workers, such as nurses and teachers, are currently experiencing difficulty in finding appropriate accommodation when seeking to relocate to the Island after being offered a job.

The Board are looking to create a list of readily available rental accommodation for key workers and are asking all landlords to come forward and express their interest.

The Isle of Man Government's Island plan published in November 2021 laid out the 'Building Great Communities vision of everyone having "a suitable and affordable place to call home" with the Island's housing stock "meeting the needs of our population now and into the future". Draft Housing work streams to realise that vision were specified immediately thereafter and are committed to in the Housing & Communities Board Action Plan for 2022/23<sup>34</sup>.

Affordable housing is one of the initial 12 month actions of the Housing and Communities Board 2022/23 Action plan that details adjusting thresholds for the existing Shared Equity first time buyer scheme in line with current conditions alongside starting a fundamental review of affordable housing support to bring forward potential reforms. This plan also sets a commitment to the continuation of social housing reform including mid-rent, fixed term tenancies and rent setting<sup>35</sup>.

***c: Are family or child benefits provided subject to a means-test? If so, what is the percentage of families covered?***

Child Benefit is not a means-tested benefit and is available to anyone who meets the entitlement conditions, irrespective of their income. Families on lower incomes or in more vulnerable situations would be eligible to claim additional means-tested benefits such as Universal Credit in addition to Child Benefit.

To reduce the burden on public expenditure, we ask that families who have a parent or guardian with an individual income higher than £50,000 pay the High Income Child Benefit Charge. Those subject to the Charge can choose to either:

---

<sup>34</sup> <https://www.tynwald.org.im/business/opqp/sittings/20212026/2022-GD-0039.pdf>

<sup>35</sup> <https://www.tynwald.org.im/business/opqp/sittings/20212026/2022-GD-0039.pdf>



- get Child Benefit payments and pay any tax charge at the end of each tax year
- opt out of getting payments and not pay the tax charge

More information on this is provided in response to question (d) below.

### **Isle of Man**

The Isle of Man Government introduced means testing to the provision of Child Benefit from 2014.

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

- under age 16; or
- 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 and paying National Insurance contributions).

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 of £80,000 per annum. If the person has a household income which is not above the upper income threshold but is above the lower income threshold of £50,000 they can qualify for child benefit but at a rate which is 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.

***d: Please provide information about the amounts paid in child/family benefit as well as the median equivalised income for the reference period.***

Child Benefit is generally payable to all persons who have responsibility for a child, regardless of means. It is a non-contributory benefit and is not treated as taxable income.

Generally, in order to qualify for Child Benefit, claimants must be responsible for a child under 16 (or under 20 if they stay in approved education or training) and live in the UK. Being responsible for a child means living with them or paying at least the same amount as Child Benefit (or the equivalent in kind) towards looking after them.

Child Benefit is payable at the rate of £21.80 per week for the first child and £14.45 (per child) for additional children.

The estimated Child Benefit take-up rate for the period 2019-20 is 91 per cent<sup>36</sup>.

As of January 2013, claimants may be liable to a tax charge called the 'High Income Child Benefit Charge'. Being liable for this charge does not affect entitlement to Child Benefit for a child. The High Income Child Benefit Charge is a tax charge which applies to anyone with an income of over £50,000 if they, or their partner, is in receipt of Child Benefit. The charge increases gradually for those with incomes between £50,000 and £60,000 and is equal to one per cent of a family's Child Benefit for every extra £100 of income that is over £50,000 each year. Where income exceeds £60,000, the tax charge is equal to the amount payable in Child Benefit. Alternatively, claimants affected by the High Income Child Benefit charge have the option to opt-out of receiving Child Benefit, thereby ceasing their payments, which means that they are not subject to the tax charge.

Child Benefit is paid to those responsible for children (aged under 16) or qualifying young people. The latter includes those:

- a) in full-time non-advanced education or (from April 2006) on certain approved vocational training courses and who are under 19 or are aged 19 and have been on the same course since their 19th birthday.
- b) entered for future external examinations or are in the period between leaving education and the week containing the first Monday in September and are not in work.
- c) aged under 18 who have moved directly from full-time education to being registered for work or training with the Careers service or with Connexions.

Child Tax Credit (CTC) is a means-tested form of support for families (with children) who are in or out of work and living in the UK.

---

<sup>36</sup> More information on take-up rates can be found here [Child Benefit Statistics: annual release, data as at August 2021 - GOV.UK \(www.gov.uk\)](#)

Working Tax Credit (WTC) provides financial support, on top of earnings for in-work households with low incomes who are living in the UK. This is paid to families with or without children. WTC provides support to in-work households on low incomes and additional support is available for disabled workers. It is payable to the person who is working. The “childcare element” of WTC is paid directly to the main carer of the child or children along with Child Tax Credit. Further information on eligibility for tax credits and how awards are calculated is published in leaflet WTC 2 entitled [A Guide to Child Tax Credit and Working Tax Credit](#).

From 6 April 2022, if a claimant is entitled to Working Tax Credit, whether on its own or in addition to Child Tax Credit, and their family’s annual income is below £6,770 they will get the maximum amount of all the elements that they qualify for. If income is over that threshold, the maximum amount will be reduced by 41 pence for every pound of income over the threshold.

From April 2022 there have been no new claims to tax credits and the new claim gateway to tax credits closed to all new claims from that date with all future welfare paid through Universal Credit. HMRC, as the Government department administering tax credits is actively working with the Department for Work and Pensions, who manage Universal Credit, to accelerate the managed migration for remaining tax credits claimants, with the aim to migrate the remaining customers by March 2025.

Where a claim to Universal Credit is made by a tax credits recipient, their tax credits award is ended. Tax credits customers under state pension age will typically move to Universal Credit if they have a relevant change of circumstances such as a change in household make-up or loss of employment leading to a need for out of work support.

HMRC and DWP are working together on a plan to migrate those tax credit claimants who are over state pension age from tax credits onto Pension Credit alongside the existing migration of tax credit claimants onto Universal Credit. You can find out more about the migration to Universal Credit here - [Completing the move to Universal Credit - GOV.UK \(www.gov.uk\)](#)

***di: median equivalised income for the reference period based on scenarios reflecting the various ways a family may receive benefits to supplement their income through the UK welfare system .***

Below are 3 random case studies of different families receiving Universal Credit in the UK. Please note that these case studies apply to the UK only. As the UK welfare system is so complex it would be difficult to run these case studies for the Devolved Administrations too. This is particularly the case for Scotland who have their own flexibilities within Universal Credit.

	<b>Case Study 1</b>	<b>Case Study 2</b>	<b>Case Study 3</b>
<b>Family type</b>	Lone parent	Lone parent	Couple
<b>If they are a lone parent - are they receiving child maintenance from the non-resident parent?</b>	Y	Y	N/A
<b>Are any of the adults disabled?</b>	N	N	N
<b>Number of children</b>	1	2	2
<b>Are the children over or under 14?</b>	Under	1 under, 1 over	Under
<b>Are any of the children disabled?</b>	N	1 child is disabled	N
<b>Are they renting a property?</b>	Rent	Rent	Rent
<b>Is at least 1 adult in the family working?</b>	Y	N	Y
<b>Total hours worked</b>	16	0	37.5
<b>Are they on the national living wage?*</b>	Y	N/A	Y
<b>Are they entitled to Universal Credit?</b>	Y	Y	Y

\*The national living wage is higher than the national minimum wage (the minimum pay per hour that almost all workers are entitled to) and it applies to workers aged 23 and over. The national living wage in 2020/21 was £8.72 per hour.

For each case study, we have produced a personal financial statement showing their typical monthly inflows vs outflows to give their monthly net equivalised income (after housing costs). **These numbers are all rough estimates** and the Universal Credit numbers are based on 2020/21 rates.

The monthly net equivalised income (after housing costs) in case studies 1, 2 and 3 does not include deductions for water bills, council tax, pension contributions, maintenance payments and other bills. We have also assumed there are no housing shortfalls. **Therefore, this is not directly comparable to the UK median monthly equivalised income (after housing costs).**

The UK median monthly equivalised income (after housing costs) in 2020/21 was **£2,049**. Previously, in 2019/20 it was £2,079 and in 2018/19 it was £1,990.

### **Case Study 1**

This family consists of a lone parent over 25 with 1 child born prior to 06/04/2017, but under the age of 14. They receive child maintenance support from the non-resident parent at the lowest rate of £7 per week. The family are renting a 2-bed flat. The lone parent works 16 hours a week earning national living wage.

<b>Case Study 1</b>	
	<b>£</b>
Earnings	606
UC - Standard Allowance	323
UC - Housing Element	618
UC - Child Element	281
UC - Disability Element	0
UC - Earnings Taper	-198
Child Maintenance	30
Child Benefit	91
Other Disability Benefits	0
<b>Gross Income</b>	<b>1,752</b>
Rent	618
Tax & NI	0
<b>Net AHC Income</b>	<b>1,135</b>
<b>Net AHC Equivalised Income</b>	<b>1,455</b>

### **Case Study 2**

This family consists of a lone parent over 25 with 2 children, one under the age of 14 and one over the age of 14. One of the children is disabled and receives the lower rate of disability support. They receive child maintenance support from the non-resident parent (who's gross salary is £1,738 per month). The family are renting a 3-bed flat and the lone parent does not work.

<b>Case Study 2</b>	
	<b>£</b>
Earnings	0
UC - Standard Allowance	323
UC - Housing Element	743
UC - Child Element	517
UC – Child Disability Element	128

UC - Earnings Taper	-
Child Maintenance	278
Child Benefit	152
Other Disability Benefits	205
<b>Gross Income</b>	<b>2,346</b>
Rent	743
Tax & NI	0
<b>Net AHC Income</b>	<b>1,604</b>
<b>Net AHC Equivalised Income</b>	<b>1,337</b>

### **Case Study 3**

This family consists of a couple, at least one over 25, with 2 children, both under the age of 14, but the first born prior to 06/04/2017. The family are renting a 2-bed flat. One parent works 37.5h a week earning national living wage and the other parent does not work.

<b>Case Study 3</b>	
	<b>£</b>
Earnings	1,421
UC - Standard Allowance	507
UC - Housing Element	618
UC - Child Element	517
UC - Disability Element	0
UC - Earnings Taper	-616
Child Maintenance	0
Child Benefit	152
Other Disability Benefits	0
<b>Gross Income</b>	<b>2,599</b>
Rent	618
Tax & NI	151
<b>Net AHC Income</b>	<b>1,830</b>
<b>Net AHC Equivalised Income</b>	<b>1,307</b>

### **Child Maintenance Service Background Information**

The Child Maintenance Service operates using earnings thresholds. It asks for non-resident parents on the lowest incomes to pay a flat rate amount of £7 a week (regardless of the number of children). Those with slightly higher incomes pay a percentage of their gross income, the percentage amount dependent on how much they earn and the number of children they are paying Child Maintenance for.

The thresholds used for the case studies here are the basic and flat rate bands- these are reflective of middle and low-income earners.

[Child Maintenance Service: What child maintenance is - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

## **Scotland**

The [Social Security \(Scotland\) Act 2018](#) was passed unanimously by the Scottish Parliament in April 2018. When fully operational Social Security Scotland will administer 17 benefits in total. During the height of the pandemic the Scottish Government introduced four new benefits. This included the “[game-changing](#)” Scottish Child Payment, which is a key part of our national mission to eradicate child poverty and provides vital financial support to low income families.

Families claiming Scottish Child Payment are not subject to means testing, as the payment is legally paid as a top-up of existing reserved benefits.. Similarly [Best Start Foods and Best Start Grant](#) which offer financial support to low income families who receive certain reserved benefits and tax credits are not means-tested.

Scottish Child Payment launched in February 2021 at £10 per eligible child per week and is now paid at £20 per eligible child per week. It increased to £25 on the 14 November 2022.

Best Start Foods replaced the UK Healthy Start Voucher scheme in Scotland in August 2019. It provides pregnant women and families with children under the age of three, who receive certain benefits under a certain amount, with a minimum of £4.50 a week via a payment card to purchase healthy foods. The payment doubles from birth until a child turns one to support breastfeeding mothers or help with the costs of providing first infant formula milk.

Best Start Grant replaced the Sure Start Maternity Grant in Scotland in December 2018. It provides support at three key transition points in a child’s early years. The Pregnancy and Baby Payment provides £642.35 for a first child and £321.20 for second and subsequent children. The Early Learning Payment and School Age Payment both provide £267.65 per child.

## **Isle of Man**

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

	April 2018	April 2019	April 2020	April 2021
For the first or only child in the family	£21.50	£22.60	£23.05	£23.05

For the any other child in the family	£14.20	£14.90	£15.20	£15.20
---------------------------------------	--------	--------	--------	--------

Maternity:

The weekly rates of Maternity Allowance payable in the reporting period are shown in the table below.

	April 2018	April 2019	April 2020	April 2021
For employed earners (maximum rate)	£179.85	£179.85	£179.85	£179.85
For self-employed earners (standard rate)	£145.18	£148.68	£151.20	£151.97

*The maximum rate of paternity allowance payable is £179.85 per week. it is likely that the rate will be increased from April 2023.*

Paternity:

The maximum rate of paternity adoption allowance payable is £179.85 per week. It is likely that the rate will be increased from April 2023. The number of people who received adoption allowance payments in the reporting period was extremely low (0, 1 or 2 cases at any given point).

Adoption:

The number of people who received adoption allowance payments in the reporting period was extremely low (0, 1 or 2 cases at any given point).

***e: Is there a length of residence requirement imposed on nationals of other States Parties lawfully resident in your country for eligibility to child/family benefits?***

**Changes since 31 December 2020**

People wishing to come to the UK are expected to be able to maintain and accommodate themselves and their families until they are settled here.

European Economic Area (EEA) nationals and their eligible family members covered by the Withdrawal Agreements, European Union (EU) and European Free Trade



Association (EFTA) under the European Union (Withdrawal Agreement) Act 2020<sup>37</sup> are eligible to apply for pre-settled or settled status under the EU Settlement Scheme (which opened in March 2019). Settled status (Indefinite Leave to Remain) ensures EEA nationals access to benefits is equivalent to that of a UK national. Pre-settled status (Limited Leave to Remain) preserves the rights of EEA nationals before Brexit under the terms of the EU and EFTA Withdrawal Agreements and means that that they can access benefits if habitually resident or present in the UK and exercising a qualifying Treaty.

EEA nationals coming to the UK after 31 December 2020, who are not covered by the Withdrawal Agreements would need to apply and be granted an immigration status under the points-based immigration system. They would typically be granted access to family benefits when they received Indefinite Leave to Remain, which depending on the immigration route would be after 2, 3 or 5 years of continuous residence.

Limited Leave to Remain can also be granted without a no recourse to public funds (NRPF) condition and NRPF conditions can be lifted for those destitute or at risk of destitution on certain immigration routes.

### **Child Benefit**

Generally, individuals who are subject to immigration control<sup>38</sup> are not entitled to Child Benefit. Certain exceptions apply, primarily to refugees, those whose leave to enter or remain in the UK is not subject to any limitation or those with discretionary or humanitarian leave to enter or remain in the UK.

Entitlement can also arise for individuals covered by a relevant bilateral social security agreement with another country, including the Agreement on the Withdrawal of the UK from the EU.

In order to qualify for Child Benefit a claimant must have been living in the UK for a consecutive period of 3 months if they moved to the UK on or after 1 July 2014 and do not have a job. There are exceptions to this rule, mainly customers who:

- have a family member who works or is self-employed
- were made redundant in the UK (or their family member was) and they are now a jobseeker or in training
- temporarily cannot work because of their health or an accident, but have worked in the UK before

---

<sup>37</sup> [European Union \(Withdrawal Agreement\) Act 2020 \(legislation.gov.uk\)](#)

<sup>38</sup> A person subject to immigration control is defined in s115(9) of the [Immigration and Asylum Act 1999 \(legislation.gov.uk\)](#). It includes a person who requires leave to enter or remain in the United Kingdom but does not have it **and** a person who has leave to enter or remain in the United Kingdom which is subject to a condition that he does not have recourse to public funds (ie. a NRPF condition)

- usually live in the UK and were getting Child Benefit before moving abroad for less than one year
- usually live in the UK and were in the UK for 3 months, before moving abroad for less than one year
- paid Class 1 or Class 2 National Insurance contributions while working abroad, and paid these within 3 months of returning
- are refugees
- have been granted discretionary leave to enter or stay in the UK, and do not have restrictions on receiving benefits attached to their leave
- have been given leave to stay as a displaced person and do not have restrictions on receiving benefits attached to their leave
- have been given leave to stay and have applied for 'leave to remain' as a victim of domestic violence
- have been granted humanitarian protection.
- left Afghanistan in connection with the collapse of the Afghan government
- left Ukraine in connection with the Russian invasion

Statistics on non-UK nationals in receipt of Child Benefit can be found here: [Income Tax, NICs, tax credits and Child Benefit statistics for non-UK nationals - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/income-tax-nics-tax-credits-and-child-benefit-statistics-for-non-uk-nationals)<sup>39</sup>.

## **Scotland**

Individuals claiming Scottish Child Payment (and the child to whom the claim relates) and applicants for Best Start Foods and Best Start Grant must be ordinarily resident in Scotland. For most applicants with a qualifying benefit this can be checked electronically. Scottish Child Payment is separate to and additional to Child Benefit and eligibility is tied to being in receipt of certain reserved benefits and child responsibility.

## **Isle of Man**

Normally to be entitled to child benefit a person or the child they are claiming for must have been resident in the Isle of Man or in the UK for more than 182 days in the 52-week period immediately before they make their claim. But they may become entitled to Child Benefit sooner than that if:

---

<sup>39</sup> <https://www.gov.uk/government/collections/income-tax-nics-tax-credits-and-child-benefit-statistics-for-non-uk-nationals>

- they take up work in the Island and start to pay national insurance contributions, provided they intend to stay in the Isle of Man for at least 6 months; or
- their spouse or civil partner –
  - is from a country with which the Isle of Man has a social security agreement which makes provision for child benefit (including the UK); or
  - is a member of HM Forces, the Civil Service or other special category working abroad; or
  - has returned to the Island and intends to stay in the Isle of Man for at least 6 months and they, their spouse or their civil partner were entitled to Child Benefit at any time within the 3-year period immediately before their current claim for Child Benefit.

In addition, an individual might not be able to claim child benefit if they are subject to immigration controls being the following:

- The individual's leave to remain is on the condition that they don't have recourse to public funds;
- They require leave to enter or remain in the Isle of Man but don't have it;
- They have leave to enter and remain as a result of a written undertaking given by another person to be responsible for their maintenance and accommodation; or
- They are allowed to enter or remain in the Isle of Man while an appeal against an immigration decision is pending

***f: What measures have been taken to ensure that vulnerable families can meet their energy needs, in order to ensure their right to adequate housing (which includes access to essential services)?***

The government has provided £37 billion of cost of living support in 2022, including:

- Help for workers to keep more of what they earn through changes to the personal tax system. The increase to the National Insurance contributions Primary Threshold and Lower Profits Limit is a tax cut for typical employees worth £330 in the first year.
- Every household with a domestic energy supply will receive a £400 discount on their energy bill this autumn and winter. This is being paid in six monthly instalments, paid from October, and is automatically taken off bills. 3 million low-income households will also receive an additional £150 through the Warm Homes Discount.
- This year, households on means tested benefits are receiving cost of living payments, totalling up to £650, pensioners a further £300 Winter Fuel Payment and people who receive disability benefits an extra £150.

- Households in council tax bands A-D in England have received a £150 discount on their Council Tax to help with the cost of living.

The UK Government announced further support for 2023-24 designed to target the most vulnerable households. This cost-of-living support is worth £26 billion in 2023-24, in addition to benefits uprating, which is worth £11 billion to working age households and disabled people. This means that over 8 million households across the UK, many of whom face the biggest challenge making their incomes stretch, will be supported via additional Cost of Living Payments totalling up to £900 in the 2023-24 financial year. We're also increasing benefits, including the State Pension, in line with September inflation by 10.1%.

The Government introduced the Energy Price Guarantee to shield people from unprecedented rises in energy prices. It fixed the cost of energy so that a typical household pays the equivalent of £2,500 on their energy bills a year, saving the typical household £900 this winter.

From April 2023, this will change so that the typical household will now pay on average £3,000 a year. This will save the typical household £500 a year off their energy bills. This change allows us to provide additional support to the most vulnerable through the new Cost of Living Payments.

The government will also double to £200 the level of support for households that use alternative fuels, such as heating oil, LPG, coal or biomass, to heat their homes. This will apply to all households in Northern Ireland in recognition of the prevalence of alternative fuel usage in Northern Ireland.

### **New Cost of Living Payments for pensioners**

More than eight million pensioner households across the UK will receive an additional £300 Cost of Living Payment for pensioners in 2023-24 to help with bills. This is in addition to the means tested benefit and disability payments, if eligible.

Pensioners are disproportionately impacted by higher energy costs, many are unable to increase their income through work, and many low-income pensioner households do not claim the means tested benefits they are entitled to, so offering universal support for this group is the right thing to do.

This payment will be tax-free and will not have any impact on existing benefit awards. These payments will be made on a UK-wide basis.

### **New Disability Cost of Living Payments for people on disability benefits**

Over 6 million people across the UK on eligible 'extra costs' disability benefits will receive a further £150 Disability Cost of Living Payment in 2023-24, to help with the additional costs they face. This is in addition to the Cost of Living Payments for households on means tested benefits and pensioner households, if eligible.

This payment will be tax-free and will not have any impact on existing benefit awards. These payments will be made on a UK-wide basis.

### **Further information**

Further information on the full suite of UK's cost-of-living support is available on GOV.UK: [Cost of living support Factsheet - GOV.UK \(www.gov.uk\)](https://www.gov.uk/cost-of-living-support-factsheet)

## **Scotland**

The Scottish Government's vision is for everyone to have a warm, safe home that they can afford and that meets their needs in a place where they want to live. The [Fuel Poverty strategy](#) sets out comprehensive actions in tackling the four drivers of fuel poverty, to ensure everyone can afford the energy they need to live comfortably, which is fundamental to realising the vision.

Since winter 2020, the Fuel Insecurity Fund has been in place to support people on any fuel who are at risk of self-disconnection or self-rationing their energy use. Although developed as part of our Covid support, the fund is now a critical plank in the Scottish Government's support to people in the context of unprecedented increases to energy costs. This Fund is there to support anyone who is at risk of self-disconnection or self-rationing their energy use, anyone can be supported regardless of which home they live in or fuel type through one of the three partners. It is currently delivered through our trusted third sector partner network, namely the [Fuel Bank Foundation](#), [Advice Direct Scotland](#) and the [Scottish Federation of Housing Associations](#), directly supporting thousands of vulnerable customers.

As required by the [2019 Fuel Poverty Act](#), a new statutory Scottish [Fuel Poverty Advisory Panel](#) was established from January 2022. The panel is an advisory non-departmental public body (NDPB) which will oversee the implementation of the Fuel Poverty Strategy, providing an important means of external scrutiny of our progress towards meeting the statutory targets. As the 2019 Act requires the Scottish Government to formally consult with the panel on the strategy, we are presently working with them to seek their views in relation to appropriate next steps.

The panel are also working collaboratively with the Poverty and Inequality Commission to inform advice for Scottish Ministers. The Panel is newly formed but has engaged widely across the third sector (advice agencies and housing associations) and energy sector (retail and network energy companies, trade associations, Ofgem and the Ombudsman). It has also engaged with those with lived experience of fuel poverty.

## **Isle of Man**

In 2018, the Isle of Man Government launched the Energy Efficiency Scheme to assist residents with their fuel bills and reduce usage of fossil fuels. The scheme provides grants of up to 75% of the cost of energy efficiency improvement works permitted under the scheme, or up to a maximum of £250 for each item of work (whichever is the lesser sum), capped at a total of £1000. The scheme is open to homeowners and private renters (with landlord's consent).

Eligible applicants can have an income of up to £29,000 per annum and an eligible jointly taxed couple could have an income of up to £43,000 per annum combined (calculated as tax allowance plus £15,000).

Those claiming Income Support from the Isle of Man Government are usually eligible for a 'winter bonus' which is a lump sum payment normally worth £350 (risen from £300 in 2018) intended to help certain people with the extra costs of heating their homes during the winter months. In 2018, this helped around 2,300 people on low incomes. This payment is paid to recipients automatically without having to be applied for.

In October 2021, Treasury announced a financial support package for the low paid and vulnerable in response to rises in home-heating costs following a recommendation from the gas regulator, the Communications and Utilities Regulatory Authority.

A Variable Rate Winter Bonus was also introduced for those not in receipt of income support but who have incomes just above the threshold worth between £25 and £75 dependent on individual circumstances and income.

***g: If specific temporary measures were taken to financially support vulnerable families during the Covid-19 pandemic, will they or are they expected to they been maintained or withdrawn? If they have been withdrawn, what effect is this expected to have on vulnerable families?***

The UK Chancellor announced a temporary six-month extension to the £20 per week uplift to Universal Credit at the Budget in March 2021 to support households affected by the economic shock of Covid-19. Universal Credit provided a vital safety net for six million people during the pandemic, and the temporary uplift was part of a COVID support package worth a total of £407billion in 2020-21 and 2021-22.

The latest poverty figures since the pandemic began (2020/21) demonstrate that absolute poverty rates (both before and after housing costs) have fallen. In 2020/21, 13% of people were in absolute poverty (before housing costs), compared to 14% in 2019/20. Statistics for 2021/2022 will be published in the next Households Below Average Income publication in March 2023, subject to the usual quality checks.

There have been significant positive developments in the public health situation since the uplift was first introduced. With the success of the vaccine rollout and record job vacancies, it is right that our focus is on helping people back into work. This approach is based on clear evidence about the importance of employment, particularly where it is full-time, in substantially reducing the risks of poverty.

This Government is wholly committed to supporting those on low incomes, and continues to do so through many measures, including by increasing the living wage,

and by spending over £111 billion on welfare support for people of working age in 2021/22.

Child Benefit is not a means-tested benefit and is available to anyone who meets the entitlement conditions, irrespective of their income. The entitlement conditions did not change during the pandemic, however some temporary measures relating to child benefit were introduced. These were largely aimed at ensuring customers remained entitled to Child Benefit where their situation or circumstances were affected.

The measures included, for example:

- Allowing claimants to continue receiving Child Benefit for children in education where schools were closed and children had to stay at home.
- Considering the continuation of entitlement to Child Benefit where the customer was outside of the UK for longer than the periods permitted under the relevant regulations, where they were unexpectedly stranded overseas in the early stages of the pandemic.

## **Scotland**

To support people who were most at risk from the impacts of the pandemic, funding was made available to councils, charities, businesses and community groups to enable them to respond swiftly and according to local need. The Scottish Government made over £434 million of additional investment in social protections as a result of COVID-19, bringing targeted spend to support low income households to almost £2.5 billion in 2020/21<sup>40</sup>.

This included £70 million flexible local authority funding in 2020/21 to tackle financial insecurity and support access to food and other essentials. Analysis of monitoring returns indicated the positive impact of flexibility to respond and deploy resources to meet local needs. A number of local authorities introduced bespoke hardship funds, targeting low income families and adapting supports for people not eligible for mainstream supports. Including people with no recourse to public funds and marginalised groups. A report summarising the actions taken in 2020/21 can be found online.<sup>41</sup>

A further £25 million was allocated for similar purposes through the Winter Support Fund in 2021-22, and monitoring returns indicate a continued strong emphasis on

---

<sup>40</sup> [Tackling child poverty: third year progress report 2020-2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/tackling-child-poverty-third-year-progress-report-2020-2021/pages/100/index.html)

<sup>41</sup> [Local action to tackle food insecurity: summary of activities, trends and learning – gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/local-action-to-tackle-food-insecurity-summary-of-activities-trends-and-learning/pages/100/index.html)

cash-first approaches with over 70% reported spend allocated in this way. A report summarising the activities, learning and trends for 2021/22 can be found online.<sup>42</sup>

In terms of social security, the Coronavirus (Scotland) Act 2020 was passed by the Scottish Parliament on 1 April 2020 and received Royal Assent on 6 April. Specific provisions were drafted in the [Scottish Child Payment Regulations 2020](#) which gave Social Security Scotland the discretion to accept late requests for applications, re-determinations and appeals where the reason for the application or request not being made sooner was related to Coronavirus. These provisions defined coronavirus by reference to section 1 of the [Coronavirus \(Scotland\) Act 2020](#), which expired at the end of 30 September 2022. Therefore we have brought in new provisions as part of a suite of amending regulations, which will allow this discretion to continue by removing reference to the Coronavirus (Scotland) Act 2020 and inserting the section 1 definition of Coronavirus directly into the 2020 Regulations.

### **Isle of Man**

A number of measures were taken by the Isle of Man Government to ensure sufficient support was given to vulnerable families during the Covid-19 pandemic.

All support related directly to the covid-19 pandemic has now been withdrawn as it is believed the Isle of Man has successfully transitioned into normal business. A number of support schemes such as the Salary Support scheme that assisted businesses to support their employees were kept open for a longer period to allow for a smooth transition.

Alternative support is now in place during 2022 for vulnerable families.

***h: If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.***

The responses to the questions raised by the European Committee on Social Rights on Article 16 from its previous conclusions are provided in the sections below.

***i: In 2017 the Prime Minister introduced a new programme of work that would result in a draft Domestic Abuse Bill. The Committee asks for information in***

---

<sup>42</sup> [Winter Support Fund: summary of local action to tackle financial insecurity 2021-22 – gov.scot \(www.gov.scot\)](#)



***the next report on any developments regarding the Domestic Abuse Bill.***

**England and Wales**

[The Domestic Abuse Act](#) 2021 became law in April 2021. The jurisdiction of the Act covers England and Wales. The legislation transforms the response to victims in every region in England and Wales and helps to bring perpetrators to justice.

The Act includes a general purpose legal definition of domestic abuse, which incorporates a range of abuses beyond physical violence, including emotional, controlling or coercive, and economic abuse. As part of this definition, children are explicitly recognised as victims if they see, hear or otherwise experience the effects of abuse.

Other key measures in the Domestic Abuse Act 2021 include:

- creating a new offence of non-fatal strangulation;
- extending the controlling or coercive behaviour offence to cover post-separation abuse;
- extending the ‘revenge porn’ offence to cover the threat to disclose intimate images with the intention to cause distress;
- clarifying the law to further deter claims of “rough sex gone wrong” in cases involving death or serious injury;
- creating a statutory presumption that victims of domestic abuse are eligible for special measures in the criminal, civil and family courts (for example, to enable them to give evidence via a video link);
- establishing in law the Domestic Abuse Commissioner, to stand up for victims and survivors, raise public awareness, monitor the response of local authorities, the justice system and other statutory agencies and hold them to account in tackling domestic abuse;
- placing a duty on local authorities in England to provide support to victims of domestic abuse and their children in refuges and other safe accommodation;
- providing that all eligible homeless victims of domestic abuse automatically have ‘priority need’ for homelessness assistance;
- the guidance supporting the Domestic Violence Disclosure Scheme (“Clare’s law”) will be placed on a statutory footing;
- ensuring that when local authorities rehouse victims of domestic abuse, they do not lose a secure lifetime or assured tenancy;
- providing that all eligible homeless victims of domestic abuse automatically have ‘priority need’ for homelessness assistance;
- stopping vexatious family proceedings that can further traumatise victims by clarifying the circumstances in which a court may make a barring order under section 91(14) of the Children Act 1989;
- prohibiting GPs and other health professionals from charging a victim of domestic abuse for a letter to support an application for legal aid;

- prohibiting perpetrators of abuse from cross-examining their victims in person in family and civil courts in England and Wales;
- incorporating the case of R v Brown<sup>43</sup> into legislation, invalidating any courtroom defence of consent where a victim suffers serious harm or is killed;
- enabling domestic abuse offenders to be subject to polygraph testing as a condition of their licence following their release from custody;
- extending the extraterritorial jurisdiction of the criminal courts in England and Wales, Scotland and Northern Ireland to further violent and sexual offences;
- providing for a new Domestic Abuse Protection Notice and Domestic Abuse Protection Order, which will provide protection from all forms of domestic abuse and to impose electronic monitoring requirements, and positive requirements, such as attendance on perpetrator behaviour change programmes;
- introducing a statutory duty on the Secretary of State to publish a domestic abuse perpetrator strategy. This was included in the Domestic Abuse Plan, published in March 2022.

[Factsheets](#) were created for the Domestic Abuse Bill as it progressed through Parliament and can be viewed on Gov.uk, alongside a [commencement schedule](#) covering the implementation of the provisions in the Act. Good progress has been made with implementing the Domestic Abuse Act 2021 and the majority of the provisions have now been commenced.

### **Scotland**

The [Domestic Abuse \(Scotland\) Act 2018](#) created a specific offence of domestic abuse that covers not just physical abuse, but also other forms of psychological abuse as well as coercive and controlling behaviour. This new offence brings clarity for victims so they can see explicitly that what their partner or ex-partner has done to them is wrong and can be dealt with under the law. The Act also reflected the fact that children are harmed by domestic abuse by providing for a statutory aggravation in relation to children

### **Northern Ireland**

The Domestic Abuse & Civil Proceedings (NI) Act 2021 was commenced on 21st February 2022. This saw the introduction of a new domestic abuse offence which included non-physical abuse offence incorporating coercive controlling behaviour. It also introduced a number of statutory and child aggravators – this allowed a domestic motivation / aggravator to be attached to other statutory offences and a child aggravator which recognised the impact of domestic on children. The child aggravator better supports those who are witness to / present when domestic abuse

---

<sup>43</sup> R v Brown [1993] UKHL 19, [1994] 1 AC 212 is a House of Lords judgment [before the establishment of the UK Supreme Court] which re-affirmed the conviction of five men for their involvement in consensual unusually severe sadomasochistic sexual acts.

occurs but also where they are direct victims themselves. The operationalisation and training regime for this legislation has been highlighted throughout other elements of this response.

The Police are working alongside key statutory partners to introduce the domestic abuse protection notices and orders which are a key element of this legislation.

The Executive Office is currently working to bring forward a strategy on Ending Violence against Women and Girls.

***j: The Committee asks that the next report provide comprehensive and updated information on all actions and measures taken in this field (concerning prevention, protection, prosecution, integrated policies), on the implementation of legislation/measures and their impact in preventing and reducing domestic violence in the United Kingdom.***

See response to question (i) above.

### **Scotland**

Please see response to Article 16, point a.

In addition, in September 2021 Scottish Government published the revised [National Guidance for Child Protection](#) which includes detailed advice for all practitioners who support children and families on identifying and supporting victims of domestic abuse.

### **Wales**

Please see response to Article 16, point a.

### **Northern Ireland**

The Domestic Abuse (Safe Leave) Act (Northern Ireland) 2022 will, when commenced, provide new and additional employment rights to leave and pay, for workers and employees who are the victims of domestic abuse. The Act will provide victims and survivors of domestic abuse with a right to ten days paid leave from work for the purposes of dealing with issues connected to domestic abuse.

A new Domestic and Sexual Abuse Strategy is being prepared. In addition a number of new measures have been introduced in recent years to address violence against

women and girls. This new domestic abuse, stalking offence and a range of sexual offences. There is also provision to enhance support for victims of domestic abuse giving evidence in civil (including family) proceedings including the use of special measures, such as giving evidence from behind a screen, and protection from being cross examined in person by the alleged perpetrator.

In addition Domestic Homicide Reviews were established and a new domestic and sexual abuse advocacy support service introduced for victims, as well as a multi media advertising campaign to raise awareness of domestic abuse. A range of work has also been progressed in relation to the Gillen Review into serious sexual offences in Northern Ireland.

For the year ending September 2022, there were 33,108 domestic abuse incidents reported to the police and 22,288 domestic abuse crimes. For the same period 4,127 sexual offences were recorded by the police.

In the last 18 months there has been significant progress through the creation of new legislation in NI to help better protect victims from offences that may be considered as non-physical abuse including; the introduction of a domestic abuse offence via the Domestic Abuse & Civil Proceedings Act (NI) 2021 and two new offences of stalking and threatening & abusive behaviour within the Protection From Stalking Act (NI) 2022

In order to prepare the PSNI for these significant legislative changes and given their complexity in terms of size and scale, a dedicated project management team was created to oversee their introduction. This incorporated via workstream areas, led by PPB which were;

- Training
- Front line support
- Policy response
- ICS technical requirements
- Communications.

Within the training workstream it was, as highlighted previously, important that the training for the new offences was trauma-informed with a key focus on keeping the victims voice central within this. As a result, training was co-designed with support from Women's Aid, Men's Advisory Project and the Rainbow Project to focus on the concept of coercive controlling behaviour, the new legislative provisions, impact of Domestic Abuse and pathways to support. This training has been delivered to 6000 officers / staff members across the organisation.

Front line supported was provided through additional training being provided to 250 identified DA "champions" across policing who in turn could provide support to those within their respective areas of business.

As Domestic Abuse represents 21% of all crimes reported to Police it was essential that this training was undertaken and embedded effectively through strong internal communications and as a result a suite of digital assets outlining the new elements of the new legislation were created. Simultaneously all relevant service instructions were updated to reflect the new processes.

Despite its complexity, size and scale, this new legislation was introduced seamlessly within PSNI and the project management style approach taken, replicated for the subsequent stalking legislation, which now also has over with 4800 officers/staff having completed that training (the training is outlined above in respect of the 4 module approach)

Additionally see response to Article 16 a.

### **Isle of Man**

In the summer of 2018, the Isle of Man Government published a consultation on 'The Diversion of Offenders and Domestic Abuse Bill 2018' to the public, undertaken in connection with Criminal Justice, Offender Management, Sentencing and Domestic Abuse.

Considering the feedback from this consultation the Isle of Man introduced the Domestic Abuse Act 2020 to address the issues of coercive or controlling behaviour, and domestic abuse itself. The Act defines 'domestic abuse' as follows:

'Behaviour of a person ("A") towards another person ("B") is 'domestic abuse' if –

- (a) A and B are personally connected to each other, and
- (b) the behaviour is abusive.

The Act goes on to define what is meant by 'personally connected' and 'abusive'.

The Isle of Man's Department of Home Affairs has committed to establish and develop a strong governance framework for domestic abuse consisting of legislation, statutory guidance and an overarching strategy. This will ensure that domestic abuse services are of a high quality. Services will be underpinned by the National Institute for Health and Care Excellence (NICE) quality standards. This is to ensure that services are shaped around the identified needs of victims and perpetrators at all levels of risk. By providing a framework for the commissioning and delivery of statutory and specialist domestic abuse services, the Department of Home Affairs will ensure that these are focused around the needs of the victim, and the perpetrator, to provide the best outcomes possible. This also gives services the necessary legal powers to take immediate steps to address the particular situation they encounter, by way of an immediate domestic abuse protection notice. In addition, the Department are committed to establishing a communications strategy that aims to raise awareness of Domestic Abuse and encouraging more victims to come forward, as well as educating the public on the signs of abuse.

The Department brought the majority of the Act into operation through an Appointed Day Order (ADO) that was laid before Tynwald Part in January 2023. The ADO brought Part 1 (sections 1-6), Part 2 (sections 7 -23 & 25-34), Part 3 (sections 35-41), Part 5 (section 46 - 49) and the Schedule into operation on 4th January 2023. The Act establishes these preventative and protective measures in the form of the DAPN and the Domestic Abuse Protection Order (DAPOs). A Domestic Abuse Protection Notice (DAPN) can be given to a person if the person who is aged over 14 years old has been abusive towards a person who is aged over 16 years old. Within 14 days of the DAPN being issued, the police must apply for a Domestic Abuse Protection Order (DAPO). A DAPN may be issued by the Police but a DAPO may be made by any court before which a matter is being considered when domestic abuse is raised as a factor within the matter, irrespective of whether or not the initial matter concerned domestic abuse.

### **Social and economic protection of families Family counselling services**

***k: The Committee took note previously of the family counselling services available in England (Conclusions XIX-4 (2011)) as well as in Wales, Scotland and Northern Ireland (Conclusions XX-4 (2015)). It asks for updated information in the next report on family counselling services available throughout the United Kingdom.***

#### **England and Wales**

The government is rolling out Mental Health Support Teams (MHST) to support the mental health needs of children and young people in primary, secondary and further education (ages 5 to 18). MHSTs use an evidence-based approach to provide early intervention on some mental health and emotional wellbeing issues, such as mild to moderate anxiety and work alongside and integrate with the mental health and wellbeing support that already exists. Provision is agreed locally and MHSTs work with each education setting to scope out and co-design the support offer required to ensure that the support offer reflects the needs of pupils and students, the setting, and the local system. EMHPs are a new addition to the Children and Young People's workforce and are a key part of the Mental Health Support Team workforce. EMHPs complete a 1-year diploma level training programme which equips them to provide support and advice for children and young people with mild-to-moderate mental health problems, and their parents or carers.

In the most recent Spending Review, the Government committed to an additional £200million for the cross-Government Supporting Families programme, around a 40% real-terms uplift in funding for the programme by 2024/25, taking total planned investment across the next three years to nearly £700million. This funding will help up to 300,000 more families that face multiple, interconnected issues, access effective whole-family support and improve their life outcomes.

Supporting family relationships is particularly important during the 1,001 critical days. As part of the Family Hubs and Start for Life programme, the government is investing £100m to support perinatal mental health and parent-infant relationships. Parent-infant relationships are crucial in the early years, and babies need strong and nurturing interactions with their caregiver as a foundation for lifelong mental health. Early intervention helps to improve children's mental health and life outcomes, which is why this investment is an important step to better support the early years of a child's life. Parents and carers will also benefit from support for their wellbeing and mental health.

## **Scotland**

Through the [Community Mental Health and Wellbeing Supports and Services Framework](#) the Scottish Government has provided local authorities with £15 million per annum since January 2021 to fund more than 230 community-based mental health supports for children and young people aged 5-24 (26 if care-experienced) and their families. The Framework recognises that family members and carers should be able to access community support when it is needed to help them in their role as parent or carer. It also recognises that there is a need to provide whole-family support and preventative support to family members, with resilient families better able to provide support at home. The services available include a number of whole-family supports and counselling services for those in emotional distress.

The [Communities Mental Health and Wellbeing Fund](#) for adults was launched in 2021 to help tackle the impact of social isolation, loneliness and mental health inequalities made worse by the pandemic. Through the £21 million made available in 2021/22 we have made around 1,800 awards to community projects, a number of which offer counselling for parents and families.

The Scottish Government also remains committed to meet the standard that 90% of patients start treatment within 18 weeks of referral to [Child and Adolescent Mental Health Services \(CAMHS\)](#) and Psychological Therapies. Additional investment in mental health staffing in recent years has increased access to specialist provision and the level of investment in services more generally has increased, for example, in 2021/22 an additional £40 million funding was provided to CAMHS. In addition, the Scottish Government provides £16 million a year to ensure that all secondary schools have access to a school counsellor. The service is available to pupils age 10 and above and all authorities have confirmed services are in place across Scotland.

## **Isle of Man**

Manx Care is a Statutory Board responsible for delivering all health and care services on the Island as a public sector arm's length body run by a Board appointed by Government.

Manx Care run a Community Wellbeing Service that offer a range of brief interventions but not a specialised family counselling service.

### **Childcare Facilities**

***I: The Committee notes that the report provides information mainly on the childcare support and financial assistance awarded to families such as universal credit or tax credits. The Committee requests that the next report provides information on the available childcare facilities in all entities in UK, namely the types of facilities, coverage with respect to the number of children aged 0-6, ratio of staff to children, staff training/qualifications, suitable premises. Meanwhile, it reserves its position on this point.***

### **England**

In England, the staff to child ratios are set as part of the Statutory Framework for the Early Years Foundation Stage made by the Secretary of State for Education under the [Early Years Foundation Stage \(Learning and Development Requirements\) Order 2007](#).

All early years providers working with children from birth to 5 years old must follow the standards on early years foundation stage (EYFS) staff:child ratios. This is the number of qualified staff, at different qualification levels, an early years setting needs to have in order to meet the needs of all children at different stages of development and ensure their safety. These standards are set out in the [early years foundation stage \(EYFS\) statutory framework](#).

Providers must make sure staff have the appropriate qualifications to count in the ratios, including the need to have at least one staff member trained in [paediatric first aid](#).

The Department for Education (DfE) defines the qualifications that staff must hold to count in EYFS staff:child ratios. Providers can use our [early years qualifications lists](#) to:

- check if a person's qualification meets the approved 'full and relevant' criteria for early years qualifications
- confirm if a person counts in the EYFS staff:child ratios

If a person holds a level 2 qualification achieved from 1 September 2019 that meets the level 2 full and relevant criteria, you can count them towards the EYFS staff:child ratios at level 2.



If a person holds a level 3 qualification from September 2014 that meets the level 3 full and relevant criteria, you can count them towards the EYFS staff:child ratios at level 3.

If a person holds a qualification at level 4 or 5 (completed as part of a level 6 course), unless the level 4 or level 5 qualification is listed as meeting the full and relevant criteria, they cannot be counted in the EYFS staff:child ratios at level 3.

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

- 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 benefitted 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 11 or under, as they stop being eligible on 1 September after their 11th birthday. 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](http://www.gov.uk/childcare-out-of-school-hours)

More information on childcare can be found here: [Childcare - GOV.UK \(www.gov.uk\)](http://www.gov.uk) (<https://www.gov.uk/browse/childcare-parenting/childcare> )

More information on the number of Ofsted-registered childcare providers and their most recent inspection outcomes on 31 August 2022 and data on inspections and regulatory activity carried out until 31 August 2022 can be found on the [Ofsted Website](#)

### **Scotland**

The Scottish Government invests significantly in Early Learning and Childcare (ELC) policy within the powers devolved to it. The overall vision of the Scottish Government is that, through access to rich and nurturing early learning and school age childcare experiences children, families, and their communities are enabled to reach their full potential and the poverty-related outcomes gap narrows. To realise this vision we have developed three outcomes:

- Children's development improves and the poverty-related outcomes gap narrows;
- Family wellbeing improves;
- Parents' and carers' opportunities to take up or sustain work, training and study increase.

Quality is critical to early learning and school age childcare which is why we have placed quality at the heart of the [Funding Follows the Child and the National Standard](#), which is the national policy framework that has supported the delivery of funded ELC in Scotland.

From August 2021, all local authorities have made 1,140 hours of high quality funded ELC available per year to all three and four year olds, and eligible two year olds. Local authorities have the duty to provide access to funded ELC for all 'eligible children' in their area. All three and four year olds are eligible from the relevant start date and eligibility criteria for two year olds include looked after children and children whose family are in receipt of a 'qualifying benefit'. Local authorities also have discretion to provide funded ELC to other children "as they think fit".

In September 2021, 97% of eligible three and four year olds were registered for funded ELC. As of September 2022, 93,902 children were accessing their funded ELC entitlement, a 3% increase year on year. Of these children, 97% (91,465) were accessing more than 600 hours and 89% (83,237) were accessing the full 1140 hours entitlement. We are committed to ensuring that all eligible families know the benefits of the offer and are able to access it if they wish to do so. To allow us to do this, we have been working with the UK Government to establish a data sharing agreement that will enable local authorities to target information about the ELC offer

to households with an eligible two year old child, as has been the case in England for a number of years. [Data Sharing Regulations](#) have been approved by the UK Parliament and came into force in October 2022. We expect that this data will be made available to Scottish local authorities before the end of the 2022-23 financial year.

Families use a wide variety of childcare services and activities to support them before and after the school day and during holidays. This includes regulated out of school care services which under the [Public Services Reform \(Scotland\) Act 2010](#) must register with the [Care Inspectorate](#) as a day care of children services.

Childcare professionals working in regulated services must register with the [Scottish Social Services Council \(SSSC\)](#).

The Care Inspectorate regulate childcare providers and expect the following ratios in children's day care settings, including out of school care:

- 0 to under 2 years – 1 adult to 3 children
- 2 to under 3 years – 1 adult to 5 children
- 3 to under 8 years – 1 adult to 8 children (or 1 to 10 when attendance is for fewer than 4 hours)
- Over 8 years – 1 adult to 10 children

They recommend two adults be present in the premises when children are being cared for. They may agree to vary these ratios up or down where warranted, for example attendance of children with additional support needs, the layout of the premises and additional support staff on the premises.

Childminders can usually care for a maximum of eight children at any one time under the age of 16 years, of whom a maximum of six children will be under 12 years, no more than three children will be under primary school age, and only one child will be under one year old. Childminders' own children are counted in this ratio. Again, the Care Inspectorate may vary these ratios to take account of special circumstances.

[The Early learning and childcare statistics 2021](#) report published by the Care Inspectorate provides data on the provision of day care of children and childminding services in Scotland at 31 December 2021. This report shows that the number of children registered with an out of school care service at 31 December 2021 was 40,480. There were 711 registered out of school care services in Scotland as of 31 December 2021. The total capacity of registered out of school care places was 32,470, with the average capacity (registered places) per service at 45.7.

The report notes that Childminding services, who provide out of school care services before and after school, during term time and often full time during the school holiday period, typically offer care for the widest range of age groups. Approximately, four in

every five childminders (80.2%) offer a service for children of all ages between 2 and 11 years old and 58.9% of childminders also offer a service for children aged 12 and over.

The Scottish Social Service Council (SSSC) regulates the Day Care of Children Workforce which includes those working in Early Learning and Childcare and in School Age Childcare (Out of School Care). The Day Care of Children workforce is registered under three categories: support workers, practitioners and managers. The qualification requirements vary by category and increase as staff progress. For example a manager may require to hold, or be working towards, a BA in Childhood Practice or similar, while a Support Worker can gain registration if they hold, or are working towards, a qualification like a National Certificate Early Education and Childcare. Once registered workers are expected to undertake annual Post Registration Training and Learning (PRTL).

As well as registering people who work in social services, SSSC:

- publish the national codes of practice for people working in social services and their employers, and make sure they adhere to these;
- promote and regulate the learning and development of the social service workforce (including benchmarking qualifications to ensure they meet the standards for registration); and
- are the national lead for workforce development and planning for social services in Scotland.

## Wales

### ***Childcare Data: Types of settings and capacity***

Childcare services are regulated by Care Inspectorate Wales (CIW). The CIW register records live information about the number of services that are operational, by service type and sub-type. Table 1 below presents data from the CIW register taken on Monday 17 October 2022.

**Table 1: Registered childcare services by type and sub-type, 17 October 2022**

		Service type		
		Children's day care	Child minder	TOTAL
Service sub type	Full Day Care	1,039	-	1,039
	Out of School Care	322	-	322
	Sessional Day Care	416	-	416
	None	-	1,318	1,318
	Creche	13	-	13
	Open Access Play Provision	16	-	16
	<b>TOTAL</b>	<b>1,806</b>	<b>1,318</b>	

There are two types of service, Children’s Day Care (typically made up of nurseries) and Child Minders, (typically individuals who deliver care to small numbers of children, often in their own homes). As Table 1 shows, Children’s Day Care services are further subdivided into sub-types that indicate the forms of care they provide.

Services are required to indicate to CIW the maximum number of children that they are able to care for. This does not directly indicate their capacity, as settings may limit spaces for certain types of provision, and because children will access different amounts of care, such as full-time or part-time. Nonetheless, the total number registered to care for provides the most regularly updated proxy measure for capacity in the sector.

Table 2 below presents data on the total number of children registered to care for of childcare services by service type and sub-type.

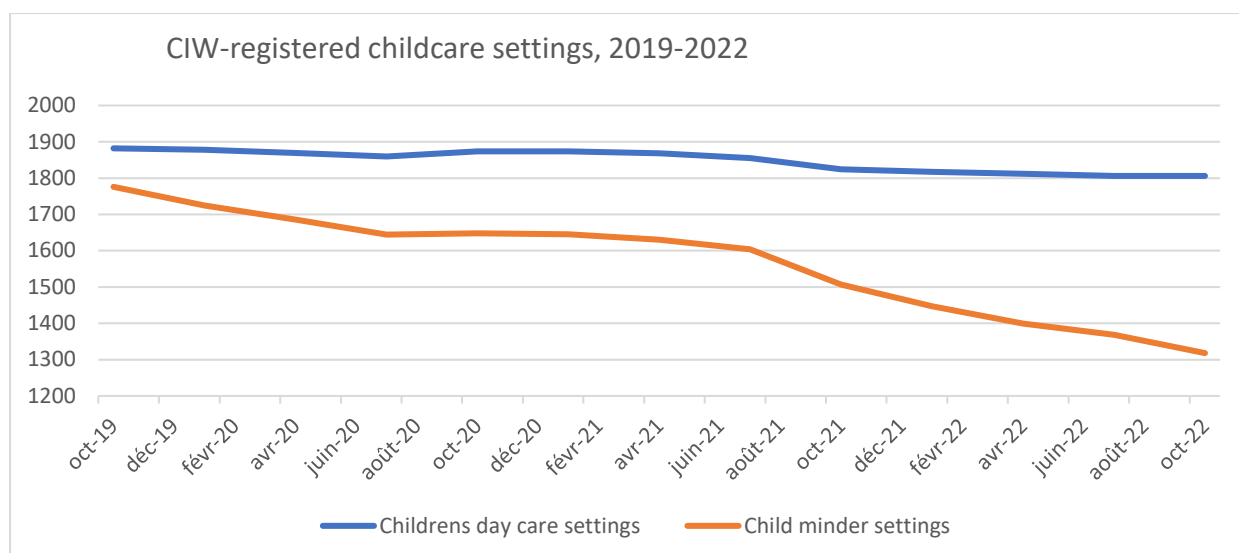
**Table 2: Total number of children registered to care by service type and sub-type, 17 October 2022**

		Service type		
		Children’s day care	Child minder	TOTAL
Service sub type	Full Day Care	40,255	-	40,255
	Out of School Care	12,935	-	12,935
	Sessional Day Care	9,490	-	9,490
	None	-	10,776	10,776
	Creche	293	-	293
	Open Access Play Provision	1,303	-	1,303
	<b>TOTAL</b>	64,276	10,776	

Table 2 illustrates the difference in capacity between Children’s Day Care and Child Minder services. Despite having only around 500 more services, Children’s Day Care provides over six times the amount of places as Child Minders.

The number of childcare services in Wales has decreased over the last three years. Figure 1 below shows the change in the number of Children’s Day Care and Child Minder services recorded in CIW registers between October 2019 and October 2022. While the number of settings for both types have decreased, the decrease in the number of Child Minders has been greater.

**Figure 1: Change in CIW-registered childcare settings in Wales, 2019-2022**



### Staff ratios

Childcare facilities in Wales for children up to the age of 12 years operating for more than two hours a day are subject to regulation, with providers having to meet the requirements of the 2010 Child Minding and Day Care Wales Regulations.<sup>44</sup> These underpin the National Minimum Standards (NMS)<sup>45</sup> for regulated childcare to which all registered providers must have regard. The NMS include specific adult:child staff ratios for child minder and day care settings.

The maximum number of children for whom a child minder may care is as follows:

- Ten children up to 12 years of age;
- Of those ten children, no more than six may be under 8 years of age.
- Of those six, no more than three may be under 5 years of age.
- Of those three children, normally no more than two may be under 18 months of age, although exceptions can be made for siblings.

In day care the minimum staffing ratios are:

- One adult to three children under 2 years.
- One adult to four children aged 2 years.
- One adult to eight children aged 3 - 7 years.
- One adult to ten children aged 8 – 12 years.

### Qualifications

The NMS also set out extensive details as to the qualification requirements of staff operating in registered settings. These are different for child minders and day care

<sup>44</sup> [The Child Minding and Day Care \(Wales\) Regulations 2010 \(legislation.gov.uk\)](https://legislation.gov.uk)

<sup>45</sup> [National Minimum Standards for regulated childcare \(gov.wales\)](https://gov.wales)

providers. Welsh Government recently [consulted](#)<sup>46</sup> on changes to the NMS, with particular consideration given to *Standard 13 – Suitable Person*, which details requirements as to the qualifications staff must hold.

For child minders the qualification requirement is:

*The child minder, and any assistant employed by them, have successfully completed an appropriate pre-registration course recognised in the [Social Care Wales's Qualification Framework](#).*

For day care settings, a registered provider must ensure that they employ the correct numbers of suitably qualified staff to care for the children at their setting. The NMS sets out for registered day care settings the percentage of staff who must hold required levels of qualifications as set out on [Social Care Wales's Qualification Framework](#). For full day care settings at least 80% of the non-supervisory staff are required to hold the appropriate Level 2 Qualification with at least half of these having an appropriate qualification at Level 3.

Given the recruitment problems faced by the sector in employing suitably qualified staff, the consultation proposes changes to the NMS. The proposition would allow settings to incorporate those working towards a qualification to be included in the accepted ratio of staffing numbers.

The consultation proposes that this standard be revised so that in full day care settings, 60% of the staff hold the appropriate Level 2 qualification with at least half of these having an appropriate qualification at Level 3. We are proposing that an additional 20% of the staff can be working towards an appropriate qualification at Level 2 or Level 3. These staff would need to meet certain conditions for example that there is tangible evidence that the individual is actively working towards a level 2 or 3 qualification.

### **Premises**

The 2010 Child Minding and Day Care Wales Regulations include regulations which childcare providers must meet to ensure their premises are suitable for the provision of childcare. They must insure they are adequately lit, heated and ventilated with suitable furnishings and equipment. Premises must be kept in good structural repair and well maintained. They must also be equipped with what is reasonably necessary and adapted as necessary to meet the need arising from the disability of any child attending.

The NMS contain specific standards to reflect these regulatory requirements including detailed requirements about the indoor minimum playing space for children depending on their age. For example in a child minding provision there should be a minimum of 3.5 sq metres per child for those under 2 years whilst for those aged 2 to 7 years it

---

<sup>46</sup> [Changes to the National Minimum Standards for Regulated Childcare | GOV.WALES](#)

should be 2.5 sq metres. In day care settings the indoor playing space should be at least the following per child:

- under 2 years - 3.7 sq. metres;
- 2 years - 2.8 sq. metres and
- 3 to 12 years - 2.3 sq. metres.

Childcare settings that are registered with CIW are asked to complete annual surveys detailing features of their service including premises. In the most recent available survey (July 2021) around 60 percent were based in private addresses or other facilities, 25 percent were based in schools, 11 percent within community facilities, two percent with employers and one percent in places of worship.

### **Northern Ireland**

The Department of Education NI leads on the development of the Executive Early Learning and Childcare Strategy, however, the Department of Health has statutory responsibility for the registration and inspection of childcare services.

The Department of Health publishes annual statistics on the number of registered childcare providers, and the number of places this equates to. These statistics can be viewed at section five in the [Children's Social Care Statistics for Northern Ireland 2021/22 \(health-ni.gov.uk\)](https://www.health-ni.gov.uk/publications/childrens-social-care-statistics-for-northern-ireland-2021-22). The Department of Health Minimum Standards for [Childminding and Day Care for Children Under Age 12](https://www.health-ni.gov.uk/publications/minimum-standards-for-childminding-and-day-care-for-children-under-age-12) sets out ratios, minimum qualification and standards for childcare providers.

### **Isle of Man**

A wide variety of care services are now registered, regulated and inspected by the Registration and Inspection Unit ran by the Isle of Man Government's Department of Health and Social Care.

These services are covered under the categories described within the Regulation of Care Act 2013 and include childminders<sup>47</sup>. There are currently 59 registered childminders providing services across the Island.

There are 46 child day care centres across the Island with services ranging from private nursery to after school care.

---

<sup>47</sup> <https://www.gov.im/media/815765/regulation-of-care-act-2013v2.pdf>



Childcare service inspection reports can be found here <https://www.gov.im/about-the-government/departments/health-and-social-care/registration-and-inspection-unit/inspection-reports/child-day-care-centres-inspection-reports/> and <https://www.gov.im/about-the-government/departments/health-and-social-care/registration-and-inspection-unit/inspection-reports/child-minder-inspection-reports/>.

## **Family benefits, equal access to family benefits**

***m: In its previous conclusion the Committee noted from the report that that since 1 July 2014, persons who have entered the UK and are unemployed need to have lived in the UK for three months before they could claim Child Benefit or Child Tax Credit, although there are exceptions to this rule. The Committee asks whether there have been any changes to these rules.***

There have been no changes to this rule, which is set out in more detail above (answer to question (e)).

Statistics on non-UK nationals in receipt of Child Benefit can be found here: [Income Tax, NICs, tax credits and Child Benefit statistics for non-UK nationals - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/income-tax-nics-tax-credits-and-child-benefit-statistics-for-non-uk-nationals)<sup>48</sup>

## **Isle of Man**

The position in the Isle of Man did not change in July 2014 and is as follows.

Normally to be entitled to child benefit a person or the child they are claiming for must have been resident in the Isle of Man or in the UK for more than 182 days in the 52-week period immediately before they make their claim. But they may become entitled to Child Benefit sooner than that if:

- they take up work in the Island and start to pay national insurance contributions, provided they intend to stay in the Isle of Man for at least 6 months; or
- their spouse or civil partner –
  - is from a country with which the Isle of Man has a social security agreement which makes provision for child benefit (including the UK); or

---

<sup>48</sup> <https://www.gov.uk/government/collections/income-tax-nics-tax-credits-and-child-benefit-statistics-for-non-uk-nationals>

- is a member of HM Forces, the Civil Service or other special category working abroad; or
- has returned to the Island and intends to stay in the Isle of Man for at least 6 months and they, their spouse or their civil partner were entitled to Child Benefit at any time within the 3-year period immediately before their current claim for Child Benefit.

Child Tax Credit does not exist in the Isle of Man. Instead, help is available to families on low incomes through (other) income-related benefits, i.e. employed person's allowance, income support and income-based jobseeker's allowance.

More information can be found at <https://www.gov.im/media/1369464/benefits-information-guide-october-2022.pdf>

### **Level of family benefits**

***n: With a view to assessing whether child benefit represents an adequate income supplement for a significant number of families, the Committee asks the next report to provide comprehensive information on the child benefit system and the impact of the benefit cap on child benefits as well as information on the real value of child benefits.***

In addition to the information on Child Benefit above, detailed Child Benefit data can be found here: [Child Benefit Statistics: annual release, data as at August 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/child-benefit-statistics-annual-release-august-2021/child-benefit-statistics-annual-release-data-as-at-august-2021) (<https://www.gov.uk/government/statistics/child-benefit-statistics-annual-release-august-2021/child-benefit-statistics-annual-release-data-as-at-august-2021>). These include information on the number of families claiming Child Benefit as at 31 August 2021, the number and ages of children within those families and their geographical location.

According to that data release, on 31 August 2021, there were:

- 7.74 million families were claiming Child Benefit, a fall of approximately 95,000 when compared to a year earlier
- 7.09 million families in receipt of Child Benefit payments, a fall of approximately 122,000 when compared to a year earlier
- 13.32 million children registered in Child Benefit claims, a fall of approximately 183,000 when compared to a year earlier
- 12.31 million children in Child Benefit payment recipient families, a fall of approximately 215,000 when compared to a year earlier.

There is no cap on the number of children Child Benefit can be claimed for. Additionally, from the benefit cap perspective – the policy doesn't have any impact on child benefit.

### **Scotland**

Please see response to article 16, points c and d.

### **Isle of Man**

Please see response to article 16, points c.

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.

	<b>April 2014</b>	<b>April 2015</b>	<b>April 2016</b>	<b>April 2017</b>
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.

***o: The first progress report due under the Child Poverty (Scotland) Act 2017 will be published by June 2019. The Committee wishes to be kept informed.***

### **Scotland**

Within the reporting period, the Scottish Government published three annual Tackling Child Poverty Delivery Plan progress reports. Information in relation to levels of child poverty are set out in each report, and set out in response to Article 17, point r.

- [Tackling child poverty: first year progress report \(2018 to 2019\) - gov.scot \(www.gov.scot\)](http://www.gov.scot)
- [Tackling child poverty: second year progress report \(2019-2020\) - gov.scot \(www.gov.scot\)](http://www.gov.scot)
- [Tackling child poverty: third year progress report 2020-2021 - gov.scot \(www.gov.scot\)](http://www.gov.scot)

A fourth annual report was published on 29 June 2022<sup>49</sup>. It highlights the range of action taken across government to tackle and reduce levels of child poverty. All 68 actions reported on over the lifetime of the first Tackling Child Poverty Delivery Plan have been delivered.

***p: The Committee also asks what measures are taken to support vulnerable families and single-parent families in England, Scotland, Wales and Northern Ireland.***

Supporting Families (England only) encourages services to work together to provide co-ordinated support to vulnerable families facing multiple challenges including unemployment, poor school attendance, domestic abuse and poor mental and physical health.

Since April 2015 Supporting Families [*previously the Troubled Families Programme*] has funded local areas to help over 520,000 (522,024) families with multiple and complex needs to make significant positive changes to their lives, with many thousands more benefitting from services joining up to ensure access to early, coordinated whole family support.

Evaluation shows the programme is successfully preventing high-cost statutory intervention, for example, it found an 11% reduction in adults claiming Jobseekers Allowance two years after joining the programme. It also found the proportion of children on the programme going into care reduced by a third; the proportion of adults receiving custodial sentences had decreased by a quarter; and juveniles receiving custodial sentences had decreased by almost 40%.

We know from local Jobcentre Plus data, local authority casework data and independently commissioned qualitative analysis that people on the programme are making sustained progress towards employment. From April 2021- June 2022, in 3,259 of families on the Supporting Families programme, one or more adults succeeded in moving into continuous employment. From April 2015- March 2021, in 32,717 of families on the Troubled Families Programme, one or more adults had moved off benefits and into sustained employment.

Over 300 dedicated employment advisors provide intensive face-to-face support to families to help them into work – exploring employment options, researching jobs, drafting CVs and cover letters with family members or taking them to meetings. The Ipsos Mori's Staff Survey found that 95% of these employment advisers agree that, among the families they work with, employment advice significantly helps families.

The UK Budget 2021 announced around a 40% cash-terms uplift in funding for

---

<sup>49</sup> [Tackling child poverty delivery plan: fourth year progress report 2021 to 2022 - gov.scot \(www.gov.scot\)](https://www.gov.scot/resources/documents/2022/06/Tackling-child-poverty-delivery-plan-fourth-year-progress-report-2021-to-2022-20220629.pdf)

Supporting Families by 2024-25, taking total planned investment to £695 million over the Spending Review period to improve the life outcomes and resilience of up to 300,000 families and deliver savings for the taxpayer

### **Reducing Parental Conflict programme to 2021**

If unaddressed, intense, frequent and poorly resolved parental conflict can be damaging to children's mental health, including attainment and future employment outcomes. Since 2018, the innovative Reducing Parental Conflict (RPC) programme has aimed to increase local access to help to reduce parental conflict occurring in disadvantaged families.

The Reducing Parental Conflict programme is helping families to minimise the negative impacts of conflict on their children, whether the parents are together or separated.

The UK Department for Work and Pensions works closely with a range of stakeholders to help promote optimum implementation of the programme. The programme works with all local authorities in England, and in 2021 147 Local Authorities (LAs) applied successfully for grants to train local practitioners who work with families to spot parental conflict and help them address the root cause of the issue.

In 2021 the Programme was delivered in close collaboration with LAs, their local partners and a number of contracted service providers and grant-holders.

We are working with our LA partners to embed support to reduce parental conflict in local services for families, so that parents across England will in time be able to access the support they need.

The 2021-22 phase of the RPC programme had up to £11m of funding available.

The programme has:

- been **building the evidence base** on what works to support families to reduce conflict, including families with additional disadvantages through a Challenge Fund, and Evidence & Dissemination Grant and by testing specialist interventions in 31 local authority areas;
- supported local authorities to **build awareness and capacity** to integrate relationship support for families;
- worked closely with colleagues in the Department of Health and Social Care and the Office for Health Improvement and Disparities (OHID, formerly Public Health England) on the **Children of Alcohol Dependent Parents** programme (CADeP); and
- made up to £3.87m available in 21/22 for local authorities to upskill their workforce to recognize conflict, provide moderate levels of support as part of their day job, or be able to provide specialist interventions through the **Workforce Development Grant**.

### **Scotland**

The Scottish Government has continued to provide support to families on a low income who are raising disabled or seriously ill children and young people in Scotland through the [Family Fund](#) who deliver support, advice and direct grants to families. Between the period 1/1/18 and 31/12/21 we have provided £12.83 million of funding including an additional £1.38 million to support families during the COVID-19 pandemic.

The [Tackling Child Poverty Delivery Plan](#) focuses on the six priority family types at greatest risk of poverty, including lone parents, across all actions thereby ensuring we reach and support these families in particular. Specific measures taken in Scotland to support vulnerable families and single-parent families are set out in our response to Article 17.b.

## **Wales**

### **Well-being of Future Generations:**

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.

Each public body listed in the act must work to improve the economic, social, environmental and cultural well-being of Wales. To do this they must set and publish well-being objectives which show how they will work to achieve the vision for Wales set out in the well-being goals. Public bodies must then take action to make sure they meet the objectives they set.

### **Socio-economic Duty**

In Wales, the [Socio-economic Duty](#) commenced on 29 September 2020. The overall aim of the duty is to deliver better outcomes for those who experience socio-economic disadvantage.

The duty supports this through ensuring that public bodies covered by the legislation have due regard for those experiencing socio-economic disadvantage when taking strategic decisions.

### **Tackling Child Poverty**

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 health, educational 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.

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 2022.

### Working towards our Child Poverty Objectives

The Welsh Government's [Programme for Government](#) was published in June 2021 and updated following the co-operation agreement with Plaid Cymru. It reinforces the Welsh Government's commitment to improve outcomes for low income households and achieve its child poverty objectives.

- We are giving children in deprived areas the best start in life through support for expanding our flagship [Flying Start](#) programme and improving outcomes by investing in the learning environment of community schools which co-locate key services. We are also funding up to 1800 additional tutoring staff in our schools.
- We are improving the prospects of young people who have been so badly affected by the pandemic, giving everyone under 25 the offer of work, education, training, or self-employment through the [Young Persons Guarantee](#). We are also creating 125,000 all-age apprenticeships.
- We are tackling economic inequalities, using the new network of [Disabled People's Employment Champions](#) and are also implementing the commitments made in our [Race Equality Action Plan](#). We are committed to implement targets around Gender Budgeting and exploring legislation to address pay gaps based on gender, sexual orientation, ethnicity, disability, and other forms of discrimination. . In December 2021, a National Milestone was laid before the Senedd which commitment the Welsh Government to working in social partnership with public sector bodies to eliminate the pay gap for gender, race and ethnicity by 2050.
- Working with social partners and others, we are striving to strengthen worker voice, promote fair work, and tackle modern slavery. Improving conditions at work and addressing labour exploitation is an important factor in addressing economic inequality and tackling in-work poverty.
- We are supporting families living in poverty to increase their household income through our continued support for the social wage. Our Programme for Government commits us to meeting the rise in demand for Free School Meals resulting from the pandemic and review the eligibility criteria. We are also rolling out our commitment to universal free school meals for primary pupils. We will seek to reform council tax to ensure a fairer system for all.



- Our commitment to put social partnership on a statutory footing through the Social Partnership and Public Procurement (Wales) Bill will support our efforts to build a strong and fair economy and labour market. We are also strengthening our [Economic Contract](#) and will deliver the [Digital Strategy for Wales](#) and upgrade our digital and communications infrastructure.

## Housing for families

***q: The Committee also notes from the report that a joint Ministry of Housing, Communities and Local Government (MHCLG), Home Office and Ministry of Justice consultation was launched on the effectiveness of existing powers to address unauthorised sites. In this connection, it notes that a more recent consultation (2019, outside the reference period) has been launched on measures to criminalise trespassing when setting up an unauthorised encampment in England and Wales. The Committee asks the next report to provide information on the results of both consultations and on any legislative or other reforms proposed in this field.***

## England and Wales

The Home Office's 2019 consultation entitled "Strengthening Powers to Tackle Unauthorised Encampments" built upon the response to the 2018 Government consultation "Powers for Dealing with Unauthorised Development and Encampments". The responses to the 2018 consultation showed that people wanted to see more protection for local communities and for the police to be given greater powers to crack down on trespassers. Details on the responses to both consultations can be found in the published Government responses, as below:

- Government response to the consultation "Powers for Dealing with Unauthorised Development and Encampments" - [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/917668/Unauthorised\\_development\\_and\\_encampments\\_response.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/917668/Unauthorised_development_and_encampments_response.pdf)
- Government response to the consultation "Strengthening Powers to Tackle Unauthorised Encampments" - [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/967164/Gov\\_Response\\_to\\_Consultation\\_UEs.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/967164/Gov_Response_to_Consultation_UEs.pdf)

Through the Police, Crime, Sentencing and Courts Act 2022, we have introduced a new criminal offence, with penalties, for those people on unauthorised encampments

causing significant damage, disruption and distress, enabling the police to take quicker, and more effective enforcement action where significant harm is happening.

The Government has also amended existing powers under the Criminal Justice and Public Order Act 1994 to:

- **broaden the types of harm that are covered** by the power to direct trespassers away, to include damage, disruption and distress;
- increase the period in which trespassers directed away from the land must not return **from 3 months to 12 months**;
- enable police to direct people away from **land that forms part of a highway**.

How police use these powers is an operational matter for them. Each case will be dealt with on its own merits and according to the evidence. Police will always need to investigate and collect evidence before making arrests. All our measures have to be implemented in line with equality and human rights legislation, their Public Sector Equality Duty and wider equalities legislation.

***r: The Committee accordingly asks the next report to provide more detailed and updated information on the current Planning Policy for Traveller Sites and on the overall number of available authorised sites for Gypsies/Travellers in England, also in the light of the abovementioned findings and recommendations of different monitoring bodies.***

The Planning Policy for Traveller Sites 2015 (PPTS), read in conjunction with the National Planning Policy Framework 2021 (NPPF) sets out the UK Government's planning policy for traveller sites. Planning policy is clear that local planning authorities should assess the need for traveller accommodation and identify land for sites. The Government is considering the outcome of a court judgment *Smith v SSLUHC & Ors* [2022] EWCA Civ 1391 with respect to the definition of Gypsy and Travellers in the PPTS.

Information on the number of pitches and sites for gypsies and travellers is collected at local authority level (not centrally). The Traveller Caravan Count provides a statistical count of the number of caravans on authorised and unauthorised sites every January and July.

Between 2010 and 2021, 1,294 permanent affordable traveller pitches have been delivered across the Country. £10 million of funding has also been made available by the Department for Levelling Up, Housing and Communities in 2022-23 to support

local authorities in providing new or improved accommodation provision for the travelling community.

***s: In order to assess whether the situation is in conformity with Article 16 as regards access to adequate housing for families, the Committee asks the next report to provide up-to-date information on housing policies for families in England and Northern Ireland, including figures on the overall availability (demand and supply) of social housing and other types of housing support (housing allowances).***

### **England**

The provision of affordable housing is part of the Government's plan to build more homes and provide aspiring homeowners with a step onto the housing ladder.

Our £11.5 billion Affordable Homes Programme will deliver thousands of affordable homes for both rent and to buy right across the country.

The Levelling Up White Paper committed to increasing the supply of social rented homes and a large number of the new homes delivered through our Affordable Homes Programme will be for social rent.

Since 2010, we have delivered over 632,600 new affordable homes, including over 441,612 affordable homes for rent, of which over 162,800 homes for social rent.

### **Housing allowances**

Housing Benefit is an income-related Social Security benefit designed to help people who rent their home to meet their housing costs. Local authorities must be satisfied that a liability to pay rent actually exists and that the claimant is residing at the address given in order for payment to be considered.

Entitlement is assessed by comparing a person's net income with an amount, known as an applicable amount, which is intended to cover day-to-day living expenses, taking account of the size and make-up of the household. The applicable amount is made up of personal allowances, paid according to age and family status, and flat-rate premiums for groups recognised as having special needs, such as disabled people, families and the elderly.

Where a person's income is below or equal to the applicable amount, they will normally receive maximum available help with rent. However, this would be subject to any deductions for ineligible service charges (if applicable), non-dependants living in the household or restrictions owing to their property being considered too large or too expensive or where the rent does not exceed the Local Housing Allowance rate which applies to their household.

For those who receive Universal Credit, help is available for people who have a rent liability to pay for the home they live in. DWP must be satisfied that a liability to pay rent actually exists and that the claimant is residing at the address given before housing costs support can be considered.

The value of the housing costs element of Universal Credit is subject to any deductions for ineligible service charges (if applicable), non-dependants living in the household or restrictions owing to their property being considered too large or where the rent is limited by the Local Housing Allowance rate which applies to their household.

***t: The Committee asks that the next report provide information on the implementation of the Homelessness Reduction Act of 2017 and its practical impact on the prevention of family homelessness in England.***

The Homelessness Reduction Act 2017, which was implemented from April 2018, sets out the statutory duties a local authority may owe a person who is at risk of becoming or is homeless. This introduced new duties on local authorities to try and prevent or relieve homelessness for all applicants who are eligible for assistance and are homeless or threatened with homelessness, irrespective of whether or not they may have a priority need for accommodation. If a housing authority is unable to prevent an applicant from becoming homeless, or to help them to secure accommodation within the 'relief' stage, they are required to reach a decision as to whether the applicant has a priority need for accommodation. The full list of priority need categories can be found at Chapter 8 of the Homelessness Code of Guidance: [https://assets.publishing.service.gov.uk/media/5ef9d8613a6f4023cf12fc67/current\\_Homelessness\\_Code\\_of\\_Guidance.pdf](https://assets.publishing.service.gov.uk/media/5ef9d8613a6f4023cf12fc67/current_Homelessness_Code_of_Guidance.pdf)

Since the Homelessness Reduction Act came into force in 2018, over half a million households have had their homelessness successfully prevented or relieved through securing accommodation for more than 6 months.

The UK Government's [review](#) of the implementation of Homelessness Reduction Act published in September 2020 found that the service has improved for those who would previously have had limited support and households are receiving help both earlier and for longer. The review also concluded that the Act was still bedding in and identified some challenges with administration, data collection and joint working. We are committed to fully enforcing the Homelessness Reduction Act and continue to support local authorities to implement the Act and overcome the challenges identified in the review. This includes promoting the duty to refer and increasing public awareness of the prevention duty, and streamlining data. For example, we have developed a [performance dashboard](#) that provides a summary of local authority performance on statutory homelessness measures and helps local authorities to compare performance and benchmark against other similar authorities.

In addition, a team of expert advisers continue to provide local authorities with bespoke support to ensure the Act is effective on the ground. We have also ensured

Local Authorities have the resources they need to carry out their duties under the Act.

In 2022-23 LAs were given £316m through the Homelessness Prevention Grant - which can be used to offer financial support for people to find a new home, to work with landlords to prevent evictions, or to provide temporary accommodation to ensure families have a roof over their head. The funding is part of overall investment of £2bn over the next three years to tackle homelessness and rough sleeping.

***u: The Committee further notes that during the reference period (14 June 2017), a fire broke in a 24-storey tower block of flats in Kensington, London (Grenfell Tower), causing 72 deaths and more than 70 injured. The Committee asks that the next report provide information on the steps taken to support those affected by the fire.***

Information relating to the Grenfell fire and be found at [Grenfell Tower - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/grenfell-tower-public-enquiry), the website includes details on the public enquiry, independent Grenfell Recovery taskforce other relevant information. The [Grenfell Tower Inquiry](https://www.grenfelltowerinquiry.gov.uk/) website provides of the public enquiry.

***v: In this regard, the Committee notes the ongoing Public Inquiry into the fire at Grenfell Tower on 14 June 2017. The Committee asks the next report to provide updated information on the outcome of this inquiry and on the measures taken to respond to its recommendations, as well as steps taken across the United Kingdom to improve, ensure and monitor the adequacy and safety of residential buildings of this nature, whether publicly or privately owned.***

See response to question (u) above.

### **Isle of Man**

The Fire Safety Department within the Isle of Man Fire and Rescue Service is managed by a Divisional Officer and consists of two dedicated teams:

- General Fire Safety Team
- the Flats Team

It is the department's role to apply and enforce the current fire safety legislation, The Fire Precautions Act 1975, to all applicable premises on the Island.

The department provides free goodwill fire safety advice to members of the public when requested and actively encourages feedback regarding their service delivery.

The team has a programmed inspection regime to ensure compliance with the conditions of the individual certificates and will offer advice, education and enforcement to achieve compliance.

The team also provides free expert fire safety advice to members of the community, government departments and private businesses to ensure that all premises and public events are safe in the event of a fire or emergency.

Fire safety officers also sit on the Event Safety Advisory Group (ESAG) offering advice and assistance to ensure that event organisers comply with current legislation and follow best practice, thus ensuring events are both safe and enjoyable.

In June 2017, The Isle of Man Fire and Rescue Service began carrying out additional fire safety inspections following the fire at Grenfell Tower. Fire Safety officers focused on buildings of five storeys or more in which people lived or slept overnight. These included hotels, boarding houses, blocks of flats and large houses in multiple occupation. The purpose of the inspections was to check compliance with the Fire Precautions Act 1975, in particular the Fire Precautions (Houses in Multiple Occupation and Flats) Regulations 2016 and the Hotels and Boarding Houses Order 1997.

Current Service Delivery Plans for the Isle of Man's Fire and Rescue Service list a number of legislative changes to be made in the coming years which are currently underway including a revised Fire Services Act and the introduction of new fire safety legislation.

***w: The Committee takes note from the report (under Article 19) that those granted refugee status or humanitarian protection may access social housing or housing assistance. In Scotland, the Refugee Integration Service helps recently recognised refugees to access accommodation. Referring to its Statement of Interpretation on the rights of refugees under the Charter (Conclusions 2015), the Committee asks for information in the next report on the housing situation of refugee families across the United Kingdom.***

Everyone who is resettled in the UK through a resettlement scheme receives fee free indefinite leave to remain (ILR), having the right to education, work and access to public funds in the same way as British Citizens. Accommodation that is provided by local authorities for refugees is subject to the same regulatory requirements that apply to the UK population as defined in part 1 of the Housing Act 2004.

Once an asylum seeker is granted refugee status, they are able to work and become eligible to receive mainstream benefits. They may also be eligible to receive housing

assistance from their local authority. We provide a further 28 days' of asylum support after the grant of refugee status to give individuals the opportunity to make arrangements for their accommodation and support moving forwards. We also offer support to newly recognised refugees during the 28-day 'move-on' period, through Migrant Help or their partner organisations. This includes providing advice on applying for Universal Credit and signposting to local authorities for assistance with housing.

## **Scotland**

Asylum and immigration are reserved to the UK Parliament, including the design and operation of UK refugee resettlement schemes. Statistical information relating to the number of refugees accommodated under refugee resettlement schemes and any further information about their housing situation is held by the Home Office

Since 2015, all 32 of Scotland's local authorities have welcomed refugees into their communities under UK refugee resettlement schemes. Under these schemes, local authorities identify suitable properties which are matched with refugees accepted for resettlement by the UK Government following referral from United Nations High Commissioner for Refugees (UNHCR). Matching is based on the needs of refugees with reference to size of property and availability of essential services (e.g. healthcare and school places).

Newly recognised refugees (who have received a positive decision on their asylum application) have the same rights to access housing as anyone legally resident in Scotland. This includes referral to local authority housing and homelessness services.

***x: With regard to Gypsies and Travellers, the Scottish Government updated the Housing Need and Demand Assessments Guidance in 2018, to make sure that the needs of Gypsies/Travellers are considered by local authorities. It also published in 2015 a guide on Improving Gypsy/Traveller Sites, setting out minimum standards for sites (which had to be met by June 2018) as well as a core set of rights and responsibilities of site tenants. The Committee asks for information in the next report on whether the existing sites have met all the minimum standards or on the progress made so far.***

## **Scotland**

The Scottish Government published [Minimum Standards for Gypsy/Traveller sites](#) in 2015. The Minimum Standards are now part of the Scottish Social Housing Charter. Compliance with the standards is monitored and reported on by the [Scottish Housing Regulator \(SHR\)](#). As of November 2022 there is one inhabited site that does not yet meet the Minimum Standards. The SHR has been engaging with the provider at it considers options for the site.

The [Gypsy/Traveller Action Plan](#) published in 2019 includes a key commitment to review housing and investment programmes to ensure that the needs of Gypsy/Travellers are included going forward. As a result of work to progress this action, Housing to 2040 included a commitment to make up to £20 million of funding available from 2021-26 for more and better Gypsy/Traveller accommodation. The funding has initially been focused on a number of demonstration projects to establish examples of model sites. In consultation with members of the Gypsy/Traveller community an [Interim Site Design Guide](#) has been published to sit alongside the Fund. This will assist public sector providers of Gypsy/Traveller sites to design high quality accommodation that meets the varying needs of families, including children, older and disabled people.

***y: The report states that mechanisms for enabling the participation of associations representing parents are present throughout policy making processes in the United Kingdom. It further indicates that 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. The Committee asks for concrete examples of such consultations with associations representing families/parents in the next report.***

At the 2021 Autumn Budget the Government committed to improving support for families by announcing £301.75 million to fund a new three-year Family Hubs and Start for Life programme. This programme will deliver a step-change in outcomes for babies, children, parents and carers in 75 local authorities (LAs).

The Government is providing funding to 75 local authorities to establish Parent and Carer Panels in their local authority area as part of the DHSC and DfE Family Hubs and Start for Life programme. Parent and Carer Panels are the forum where parents and carers will work together with local service commissioners to co-design and evaluate services. This will help to ensure that babies and their families are at the centre of service design and delivery.

As part of the Family Hub and Start for Life programme, the Government will also be publishing guidance for all local authorities to help them establish a Parent and Carer Panel. This includes advice on how to recruit a diverse panel, how to co-design with parents and carers and how to use feedback from the panel.

To inform the development of the Family Hub and Start for Life programme, we established the National Parent and Carer Panel, receiving feedback from seldom heard parents and carers on our policy areas, which helped to shape our national policy development.

## **Scotland**



A wide ranging public consultation was conducted between November 2017 and February 2018 prior to publication of our first Tackling Child Poverty Delivery Plan<sup>50</sup> in March 2018. The Scottish Government engaged with a range of organisations representing parents, such as [One Parent Families Scotland](#) and [Parent Network Scotland](#), as well as with parents themselves through focus groups arranged by organisations across the third and public sector. Similar consultation and engagement took place towards the end of 2021 to inform the second Tackling Child Poverty Delivery Plan<sup>51</sup> which was published in March 2022.

That consultation highlighted the desire for more holistic family support services and the need for greater support into quality employment, linked to the key enablers and infrastructure needed to make this possible. It also highlighted the need to make systems easier to navigate, removing the barriers people face in accessing multiple services, and it reinforced the value of taking a cash first approach and providing immediate support to families now. This feedback was critical in shaping our offer to families.

Our consultation strongly recommended ongoing engagement with people with lived experience to ensure planned action delivers for those who need it most. This led to commitments such as establishing a lived experience panel to inform development of employability activity, continuing to work with the school age childcare people panel to test and understand how we can build a sustainable system of school age childcare, and improving our benefit take-up efforts through expanding the membership of our Stakeholder Take-up Reference group.

The [Five Family Payments Reference Group](#) was set up in July 2021 to allow Scottish Government policy officials to meet with key stakeholders to identify best practice for our five family payments: Scottish Child Payment, Best Start Foods and the three Best Start Grants. This group is just one of the ways in which officials engage with stakeholders and clients. Key stakeholders who have offered views include [One Parent Families Scotland](#), [Child Poverty Action Group](#), [Children in Scotland](#) and [Inclusion Scotland](#). This engagement has taken the form of client experience panels and public consultations. For example, we consulted on the timescale for requesting a re-determination of adult and child disability assistance, which led to clients having 42 calendar days (6 weeks) to request a re-determination and Social Security Scotland having 56 calendar days (8 weeks) to complete it. These timescales were chosen to allow time for Social Security Scotland to request supporting information from general practitioners, schools and social workers, etc.

## **Northern Ireland**

---

<sup>50</sup> [Every child, every chance: tackling child poverty delivery plan 2018-2022 - gov.scot \(www.gov.scot\)](#)

<sup>51</sup> [Best Start, Bright Futures: tackling child poverty delivery plan 2022 to 2026 - gov.scot \(www.gov.scot\)](#)

The NI Department of Education is currently leading on the development of an Executive Early Learning and Childcare Strategy. From inception there has been engagement with parents and relevant stakeholders (including Parenting NI, The Early Years Organisation, Mencap, Save the Children, Children in Northern Ireland and Barnardos) in the form of virtual iLabs and in person Stakeholder Engagement Forums. This engagement is ongoing and there are also plans to capture the views of children at a children's consultation event

It should be noted that there is a recognition by PSNI of the requirement to be trauma informed and victim focused in respect of training programmes and guidance – therefore there is a desire to continue to work with voluntary sector who can present and represent the voices of victims impacted by legislation and abuse.

### **Isle of Man**

The Isle of Man Government run an engagement hub where all online consultations are available <https://consult.gov.im/> where details from consultations ran during the reporting period can be found.

Examples of consultations where stakeholders include parents are but not limited to the following:

- [The New Education Bill](#) – Opened 29 January 2019
- [Children's Weight Management Strategy](#) – Opened 2 September 2019
- [Racial and Cultural Awareness in Education on the Isle of Man](#) – opened 7 December 2020
- [Additional Education Needs \(AEN\) Code of Practice – Stakeholder Views Survey](#) – opened 28 September 2020
- [Remote Learning review survey](#) – opened 27 July 2020
- [Consultation on Student Awards Policy](#) – Opened 10 July 2021
- [Literacy for All \(parent perspective\)](#) – Opened 19 April 2021

## Article 17 - The right of mothers and children to social and economic protection

***a: Please provide information on measures taken by the State to: (i) reduce statelessness (e.g., ensuring that every stateless migrant child is identified, simplifying procedures to ensure the acquisition of nationality, and taking measures to identify those children who were not registered at birth) and (ii) facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular situation. (General question posed in Conclusions 2019).***

### **Statelessness**

In April 2013, the UK Government introduced the statelessness leave policy and Immigration Rules setting out the requirements for an individual to qualify for statelessness leave. In April 2019, the route to settlement for those who are genuinely stateless with no right of residence elsewhere was simplified, so that they can now benefit from an initial five years' limited leave rather than 30 months.

The UK has also taken steps to deter abuse by making clear in the rules that someone must show that they have tried to obtain a nationality or right of permanent residence that they could reasonably expect to be entitled to, before benefitting from statelessness leave.

There are cases where individuals have refused to register themselves or their UK born children for a nationality they are entitled to, or deliberately renounced citizenship to benefit from statelessness leave. That is why the Government have made clearer that someone must show they have been unable to obtain or re-establish a nationality they could reasonably expect to be entitled to.

The Government continues to work with overseas organisations and the UNHCR to find long term durable solutions to statelessness by working with countries to address shortcomings in national legislation that make certain groups stateless in the first place, e.g., there should be no discrimination against women that prevents them passing their nationality onto their children.

Article 7 of the UN Convention on the Rights of the Child (UNCRC) provides that children have the right to a nationality. Children, especially unaccompanied children, may face acute challenges in communicating basic facts about their nationality.

Close attention is always given to the welfare and best interests of the child when considering their nationality and potential that they may be stateless.

Considering the welfare and best interests of a child also applies where a child is included as a dependant on a stateless leave application. For children born in the UK to be considered stateless, evidence must be provided to show they, or their parents, have made a genuine attempt to register their birth with the relevant authorities but have been refused for reasons beyond their control. In *R (JM (Zimbabwe)) v SSHD (2018)*, the Court of Appeal confirmed that a child, born in the UK of a foreign national, who can under the law of the parent's nationality, obtain citizenship of that country by descent by registering their birth, can properly be regarded as admissible to that country, as set out at paragraph 403(c) of HC 395.

### **Nationality policy – reducing Statelessness**

Provisions for reducing statelessness within the UK nationality framework are set out at section 36 and Schedule 2 of the British Nationality Act 1981. Specifically, paragraphs 3 and 3A of Schedule 2 to the 1981 Act provides for a stateless child born in the UK or an overseas territory to be registered as a British citizen or British Overseas Territories Citizen (BOTC).

Under paragraph 3 and 3A of schedule 2, a person born in the UK or a British overseas territory (BOT) is entitled to register for citizenship if they meet the following criteria:

- They are and always have been stateless; and
- On the date of the application, they are aged under 22; and
- They were in the UK or a BOT at the beginning of the period of five years ending with the date of the application and the number of days of which they were absent from the UK/BOT does not exceed 450.
- They cannot reasonably acquire another nationality (only applicable to children aged between 5 and 17).

A person entitled to register shall be registered as a British citizen if, in the period of five years, the number of days wholly or partly spent by them in the UK exceeds that spent in the British Overseas Territories (otherwise, they will be registered as a BOTC).

### **Birth registrations**

Provisions for birth registration in England and Wales are set out in Part 1 of the Births and Deaths Registration Act 1953 (BDRA) - [Births and Deaths Registration](#)

[Act 1953 \(legislation.gov.uk\)](https://www.legislation.gov.uk) and apply to all births occurring in England and Wales. It is a legal requirement for a birth to be registered in the registration district where it occurs within 42 days, although it is possible for a birth to be registered after this time. Where the birth occurs through the NHS, a birth notification is issued to the registrar. The birth notification and registration are reconciled when the birth is registered which allows the registrar to identify any births that are not registered within 42 days. In these circumstances, the registrar will write to the mother of the child to remind her of her statutory duty to register the birth in an attempt to ensure that all births are registered.

Asylum seekers and failed asylum seekers in receipt of asylum support can obtain financial support with registering births where the child is born in the UK.

### **Fees exception (stateless persons, children)**

The Immigration and Nationality (Fees) Regulations 2018, provide a fee exception from paying the leave to remain and indefinite leave to remain fee for stateless persons, but stateless persons are required to pay the associated fee when making an application for British nationality, unless they qualify for another relevant waiver or exception.

The Immigration and Nationality (Fees) Regulations 2018 provide a fee waiver for child citizenship applications on the basis of affordability, and a fee exception for children who are looked after by a Local Authority. The aim of this policy is to ensure that the fee does not serve as a significant practical barrier to the acquisition of British citizenship for children who are eligible to apply, where the unaffordability of that fee can be demonstrated.

The Immigration and Nationality (Fees) Regulations 2018 provide an affordability based fee waiver for persons with an Article 8 (family and private life) right who are applying for limited leave to remain or entry clearance. The aim of this policy is to ensure that the fee does not serve as a significant practical barrier to the acquisition of limited leave remain for those with an Article 8 claim who are eligible to apply, where the unaffordability of that fee can be demonstrated.

The Immigration and Nationality (Fees) Regulations 2018 provide a limited leave to remain (LTR) and indefinite leave to remain (ILR) fee exception for children who are looked after by a Local Authority. The aim of this policy is to ensure that the fee does not serve as a significant practical barrier to the acquisition of ILR or LTR for cared for children within the UK.

### **Isle of Man**

It should be noted that during the reporting period, the Isle of Man did not accept refugees or asylum seekers.

As a result of the war in Ukraine in 2022, the Isle of Man has pathways open for Ukrainian refugees. Migrant Children, asylum seekers and refugees moving to the Isle of Man will have access to the 0-19 Public Health Nursing Service and Health Needs Assessment. A specific pathway exists within the Island health and social care system to provide Universal Plus (offered to families with children with specific issues) that offers a swift response when parents need specific expert help for example with post-natal depression, sleepless baby and weaning, sexual health, mental health concerns, long-term health issues and additional health needs.

***b: Please provide information on measures taken to: (i) child poverty (including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing etc.), (ii) combat discrimination and promote equal opportunities for children from particularly vulnerable groups such as ethnic minorities, Roma children, children with disabilities, and children in care, and (iii) states should also make clear the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.***

## Children in Need

Data and analysis through the Children in Need [review](#) found that school-aged Children in Need are more likely to live in income deprived families than is the case for all other children. However, the review found that children who have needed a social worker, either currently or previously, face additional barriers to education: through adversity and traumatic experiences; known safeguarding risks; and sometimes, a lack of parental advocate. There are also barriers shared with other disadvantaged groups but which are particularly acute for these children: a poor home learning environment; social, emotional and behavioural needs; and persistent absence. These experiences can have lasting consequences and may act as a barrier to education. They may make it difficult for children to achieve good outcomes, but this cannot be allowed to stop any child from realising their potential.

The UK Government is committed to ensuring that looked-after and previously looked-after children are supported to succeed in education and achieve positive outcomes.

Local authorities have a statutory duty to promote the educational achievement of the children they look after, wherever they are placed. Every LA must appoint a Virtual School Head (VSH), who will ensure all children in care get the support they need to succeed at school. This ensures that more focus is placed on children with a social worker to enhance engagement with education and to level up outcomes so that they can develop and progress throughout their time in education.

All maintained schools and academies must appoint a designated teacher for looked-after children. They act as a source of advice and expertise about the needs of looked-after children on the school's role. All looked-after children must have a personal education plan (PEP), setting out what their educational needs are and how they will be met.

The Pupil Premium Plus means all children in care attract an additional £2,410 per year. This is managed by the VSH who works with the child's education setting to use pupil premium funding to help meet the needs identified in their PEP.

Looked-after children have top priority in school admissions and should be placed in good or outstanding schools. Social workers should work with VSHs to secure education that best meets the needs of the child. VSHs can direct maintained schools to admit even when they are full and can ask the Secretary of State to direct academy schools to admit.

In order to help identify discrimination and promote equal opportunities, we recognise the absolute importance of protecting children's rights and children having their voices heard.

We are currently considering our response to the recommendations in the Independent Review of Children's Social Care in relation to advocacy ahead of publishing a detailed and ambitious implementation strategy early this year.

### **Anti-bullying and discrimination**

The UK Department for Education is providing over £2m of funding, between 10 August 2021 and 31 March 2023, to five anti-bullying organisations to support schools to tackle bullying. This includes projects targeting bullying of particular groups, such as those who are victims of hate related bullying and Homophobic, bi-phobic and transphobic (HBT) based bullying.

The Department for Education has provided over £3.5m of funding between September 2016 and March 2020, to four anti-bullying organisations to support schools to tackle bullying. These included projects targeting bullying of particular groups, such as those with Special Educational Needs and Disabilities (SEND) and those who are victims of hate related bullying, along with a project to report bullying online.

Public Health England has also published resources to support teachers to discuss the impact of bullying with students, which is available here: [Bullying and cyberbullying lesson plan pack | PHE School Zone](#)

Under the Equality Act 2010, schools must not discriminate against a pupil in a number of respects because of a characteristic protected by the Act.

The Department for Education has published guidance for schools on how to comply with their duties under the Equality Act 2010.

<https://www.gov.uk/government/publications/equality-act-2010-advice-for-schools>.

## **Gypsy, Roma and Traveller (GRT)**

Raising school standards is at the heart of our plan to level up across the country. Our ambitious reforms since 2010 are driving up standards.

A world-class education system that works for everyone is the surest way to ensure that all children and young people can reach their potential. We have high expectations for all pupils.

We do not design education policy to target certain groups of pupils based on ethnicity (like GRT), but instead are focused on improving outcomes for all children.

We know that the most significant factor affecting pupil attainment, which cuts across all ethnicities, is economic disadvantage. A great education for wealthier pupils is a great education for disadvantaged pupils, of all races and ethnicities and we will continue to push for equal access to an education of the highest standard for all pupils.

We do not fund schools based on ethnicity. Instead, we target funding directly based on underlying need using the additional needs factors in the National Funding Formula (NFF).

Pupils within ethnic groups that achieve below the national average will be targeted for additional funding through the **low prior attainment factor** of the NFF, which we have increased significantly in weighting through the national funding formula compared to the previous spend by local authorities.

Likewise, pupils within ethnic groups which have higher levels of **socio-economic deprivation** than others will attract additional funding for their schools through the deprivation factors.

## **Gypsy, Roma and Traveller (GRT) Education Pilot Areas**

We know that Covid-19 impacted the education of many children, including those from the GRT communities.

On 22 July 2021 DLUHC announced a £1m pilot to test GRT Education Areas in Bradford, Central Bedfordshire, Essex, Hillingdon and Surrey; and to Open Doors Education and Training to further support tutoring for over 100 GRT children.

The aim is to test locally targeted interventions which focus on improving attainment, reducing drop-out rates and improving the pathways to education and employment.



DLUHC has the overall policy lead on GRT across Government and we are working closely with officials there who will be sharing learning from the projects. The work also aligns with DfE's wider Education Recovery Programme.

The **£1m** investment is on top of **£400,000** DLUHC funding provided in 2020/21 for catch-up tutoring for GRT children.

Based on the results from the **£1m** pilot study DLUHC will share learning with DfE and consider whether to fund more local authority projects for GRT children and young people.

### **Vulnerable Children Unit**

The Outcome Delivery Plan includes an Equality Objective to:

*Support the most disadvantaged and vulnerable, including those with protected characteristics, to maximise opportunity and reduce dependency, supported by high-quality local services.*

### **Support for vulnerable families with food costs**

The UK Government has a series of measures in place to ensure those who need help with their food bills get the support they need:

For those who require extra support, the UK Government is providing an additional £1 billion of funding, to enable the extension of the Household Support Fund in England in the next financial year.

This is on top of what has already been provided since October 2021, bringing total funding to £2.5 billion.

In England this will be delivered through an extension to the Household Support Fund backed by £842 million, which local authorities use to help households with the cost of essentials.

It will be for the devolved administrations to decide how to allocate their additional funding.

The UK Government has ,

- boosted the value of Healthy Start vouchers by over a third since April 2021, from £3.10 to £4.25 a week.
- Provided £16 million for food charities to get food to those who are struggling;

Throughout the pandemic the UK Government also,

- Provided Over £470 million for free school meal vouchers while schools were asked to limit attendance;

- And will continue this support by funding a £24 million package for school breakfasts until July 2023, in addition to over £30m already invested to provide breakfasts to those in disadvantaged areas during term- time.

## **Scotland**

In September 2021 Scottish Government published the revised [National Guidance for Child Protection](#). The Guidance fully recognises the influence of structural factors, including poverty and housing on assessments of rights, needs and risk. It recognises that poverty is a mediating factor – amongst others – that increases the risk of interaction with the care and protection system. The Guidance underlines the importance of assessing the impact of all structural factors including poverty and poor housing as part of all care and protection planning. The intention is to further support more holistic approaches that reduce stressors in families and communities to help reduce the risk of harm to children.

Tackling Child Poverty is a national mission and the Scottish Government is using all the powers and resources available to support families as far as possible and tackle the underlying causes of inequality. The Scottish Government's first Tackling Child Poverty Delivery Plan includes action designed to influence the three key drivers of child poverty reduction: increasing income for work and earning; reducing household costs; and maximising income from social security and benefits in kind. The Plan identified six priority families as at highest risk of child poverty – lone parents, minority ethnic families, families with a disabled adult or child, families with young mothers aged under 25, families with a child under one, and larger families (3+ children). These groups were identified using available data but we know this does not cover all groups at higher risk of poverty.

Over the life of the first Child Poverty Delivery Plan all of the actions that we committed are either being delivered or are completed. As a result we have:

- Provided support to over 8,300 parents through [Fair Start Scotland](#), with nearly 3,000 job starts by parents, including around 1,200 job starts by lone parents, between April 2018 and March 2022;
- Provided support to nearly 2,900 parents, including over 1,800 lone parents, through [No One Left Behind](#) local employability services, including the [Parental Employment Support Fund](#), between April 2020 and December 2021;
- Applied [Fair Work First](#) conditionality to over £2.4 billion worth of public sector funding between April 2019 and March 2021, which includes nearly £620 million worth of contracts, promoting security of contracts and payment of the Real Living Wage;
- Increased the number of [real Living Wage](#) accredited employers by just over 1,800 since March 2018, with almost 25,000 employees seeing an increase in their wages as a result. This has helped to support a 5% point increase in the proportion of people earning the real Living Wage or more in Scotland, rising from 80.6% in 2018 to 85.6% in 2021;
- Almost doubled funded hours for Early Learning and Childcare from 600 hours in 2018 to 1,140 hours as of August 2021. If families paid for this themselves, it would cost them around £5,000 per eligible child per year.;

- Increased [School Clothing Grant](#) from the previous lowest level of £40 to at least £120 for every eligible primary school age child and £150 for every eligible secondary school age child from the current academic year which began in August 2021 with over 485,000 payments issued across 2018-21;
- Expanded universal Free School Meal provision to children in primaries 4 and 5, saving families around £400 per child, and delivered alternate Free School Meal provision during school holidays across 2020-22 for children from low income families and benefiting around 145,000 children from low income households;
- Introduced the Scottish Child Payment, issuing more than 1.2 million individual payments to more than 95,000 clients between 15 February 2021 and 31 March 2022 awarding £58.6 million to eligible families with a child under the age of 6;
- From December 2018, introduced and significantly increased the value of support available across the early years through our package of five family payments;
- Delivered over 650,000 Carer's Allowance Supplement payments between September 2018 and December 2021, totalling £188 million to around 126,000 carers, with carers continuously in receipt of this support receiving over £2,270 more than carers in the rest of the UK.

## Disabled People

Since 2012 the Scottish Government has provided Secretariat support to the independently chaired Disabled Children and Young People Advisory Group (DCYPAG). DCYPAG advises the Scottish Government on issues relevant to the development and implementation of policies which impact upon disabled children, young people and their families. Its membership aims to be representative of the children's disability sector, as well as organisations representing young disabled people and families of disabled children, and is drawn from a range of public and third sector organisations and individuals.

In our [Programme for Government 2021/22](#) we committed to introducing Scotland's first National Transitions to Adulthood Strategy in this Parliamentary Term to ensure there is a joined-up approach to supporting our disabled young people as they make the transition to adult life. In order to do this, we will ensure that the voices of disabled children and young people are clearly heard in this work.

## British Sign Language

The Scottish Government has a commitment to promote the use and understanding of British Sign Language (BSL) as a full and proper language across the Scottish public sector, and has a [BSL National Plan](#) in place for 2017-2023.<sup>52</sup> The Scottish

---

<sup>52</sup> [British Sign Language \(BSL\): National Plan 2017 to 2023 - gov.scot \(www.gov.scot\)](#)

Government's long-term ambitions in regards to BSL with children and young people are:

- Family Support, Early Learning and Childcare: 'the Getting it Right for Every Child (GIRFEC) approach will be fully embedded, with a D/deaf or Deafblind child and their family offered the right information and support at the right time to engage with BSL'; and
- School Education: 'Children and young people who use BSL will get the support they need at all stages of their learning, so that they can reach their full potential; parents who use BSL will have the same opportunities as other parents to be fully involved in their child's education; and more pupils will be able to learn BSL at school.

The [British Sign Language \(Scotland\) Act 2015](#) requires the Scottish Ministers and public bodies listed in the Act to publish, and consult on, a draft of their British Sign Language plan, and to take into account any representations received by them by virtue of such consultation. Scottish Ministers are also required to publish a progress report and the first Progress Report was published on 27 October 2021<sup>53</sup>.

### **Race Equality**

Between 2017 and 2021 the Scottish Government provided funding to 26 race equality organisations under the [Promoting Equality and Cohesion Fund \(PECF\)](#) to undertake activities to promote equality and tackle discrimination and prejudice. In addition, since October 2021, the Scottish Government Equality and Inclusion Division has provided funding to 14 race equality organisations, through the [Equality and Human Rights Fund](#), to deliver a range of activities and initiatives related to health and wellbeing, supporting access education, and raising awareness of anti-racism through a human rights lens. Some of these organisations are focused on working with minority ethnic children and young people.

We established the Race Equality and Anti-Racism in Education Programme (REAREP) in early 2021 with the overarching policy aim to develop and deliver an education system in Scotland that is fundamentally anti-racist. The actions of the REAREP should result in race literate as opposed to race evasive education staff; increased numbers of Black and minority ethnic educators in schools; a decolonised curriculum with race cognisant resources and teachers and staff who are better equipped to address and prevent racism in Scotland's schools. As a consequence these actions will help to combat discrimination and promote opportunities for minority ethnic children and young people.

A consistent and uniform approach to recording and monitoring incidents of bullying in schools was introduced in 2019. The Bullying and Equalities Module on SEEMiS, the schools management information system, was updated to reflect the new

---

<sup>53</sup> [1. Ministerial foreword - British Sign Language - national plan: progress report - gov.scot \(www.gov.scot\)](#)

approach. The list of characteristics that can be reported on within SEEMiS includes bullying based on race and religion. Local recording and monitoring helps organisations identify recurring patterns, thereby ensuring early intervention and appropriate support. The new national approach enables local authorities and schools to identify preventative and intervention actions at the authority or local level. Education Scotland will undertake an evaluation of the new approach by the end of 2022 to establish how successfully it has been embedded.

## **Isle of Man**

*Section 39 of the Education Act 2001*<sup>54</sup> addresses the provision of food and drink and states –

(1) The Department may provide or arrange for the provision of food and other refreshment for pupils in attendance at provided schools, maintained schools, special schools and colleges provided or maintained by the Department.

A parent or guardian may apply for free meals for pupils attending primary or secondary schools, or students who are 18 and under and in full time education at the University College Isle of Man (UCM), if the family is in receipt of any of the relevant benefits. These benefits (provided by IoM Government Treasury and are means tested) are:

- Employed Person's Allowance
- Income Based Jobseeker's Allowance
- Income Support.

The Department administers various educational endowment funds provided by benefactors which can in certain circumstances assist financially with education related matters for example, assistance towards the cost of school uniforms or assistance towards the cost of school trips. An application form is available on Gov.im and staff in schools may signpost the availability of this assistance to families they understand to be struggling financially.

Some schools maintain a hardship fund which at their discretion can be used to offer financial assistance for education related matters to those families that they understand to be struggling financially.

The Department has a duty under *Section 2* of the *Education Act 2001* to secure sufficient educational opportunities that are appropriate according to age, aptitude and

---

<sup>54</sup> [Education Act 2001 \(gov.im\)](#)

ability, for all pupils - this duty includes supporting those children and young people with special educational needs (SEN). However, Section 18 of the Education Act 2001 places an additional duty on the Department to take reasonable steps to identify children and young people who may have special educational needs, while Section 19 directs the Department to consider and specify the provision arrangements that should be made to meet those needs. The approach to be taken when assessing special educational needs is described in Schedule 4 of the Education Act 2001.

The educational assessments and provision arrangements made by schools on a day-to-day basis meet the needs of the vast majority of learners with SEN, without the need to call upon specialist assessments, interventions, or provision arrangements. This means that schools routinely monitor the progress of all pupils, and take steps to identify and assess special educational needs, calling upon specialist support from the Department as appropriate.

For a very small number of children and young people with more complex special educational needs, parents and schools are able to request support from the Department.

With regards to special educational needs, the Department works with schools and families to:

- Give advice, guidance and specialist support concerning special educational needs
- Undertake specialist assessments of special educational needs
- Strengthen links between schools, families and other agencies involved in meeting a child's special educational needs
- Make provision arrangements for children and young people with more complex special educational needs

The Department undertakes this work by maintaining a number of specialist services, including:

- Special provision centres
- Educational Psychology Service
- Pre-School Assessment Centre
- Education Support Centre
- Hearing Support Service
- Visual Impairment Support Service
- Bilingual Service

While the Department maintains these services, school SENCOs co-ordinate support arrangements between the child / family, the school's teaching staff, Services for

Children and any other agencies that might be involved. Access to maintained provision is therefore via schools making referrals to specialist services.

Parental advice and guidance is usually provided to parents by the head of the relevant specialist service area listed above - contact details for these service leads can be made available to parents at the point when a referral to the specialist service is made.

The Equality Act 2017<sup>55</sup> aims to create equal opportunities and fair access for people. The act protects those who possess a certain characteristic known as 'protected characteristics':

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

and protects an individual from discrimination by:

- employers
- businesses and organisations which provide goods or services like banks, shops, hotels and cafes
- hospitals, GPs and care homes
- someone a person rents or buys a property from like a local authority, private landlord or an estate agent
- schools, college or other education providers
- private clubs and associations with 25 or more members like golf clubs and children's activity clubs, such as scouts or guides
- transport services like taxis or
- public bodies like government departments and local authorities

The Public Sector Equality Duty creates a legal duty on public authorities, such as schools and post-16 institutions, to prevent discrimination, harassment or

---

<sup>55</sup> [Equality Act 2017 \(gov.im\)](#)

victimisation by considering the effect of their policies or decisions on people who are protected by the Act.

The *Education Act 2001*, in *section 2(2)*, requires the Department to afford for all pupils opportunities for education in view of their different ages, abilities and aptitudes.

In 2018, the Department circulated guidance to schools about Inclusion and Diversity, including hosting a meeting by an eminent speaker about LGBTQ+ pupils in education. This was undertaken as part of the statutory requirements under *Equality Act 2017* which place a clear expectation upon schools to promote equality for those with the protected characteristics of sexual orientation, gender reassignment, sex, race, disability, age and marriage or civil partnership. The *Equality Act 2017* also places an expectation upon all schools to foster good relations between those who share a protected characteristic, working pro-actively to prevent discrimination of all kinds.

'Essentials for Learning' (E4L) is the Department of Education, Sport and Culture's curriculum statement. It provides broad parameters for schools to develop flexible, exciting and memorable learning experiences and positive learning dispositions. One of the core principles which underpin learning in all DESC settings, is 'Pupil Voice' which values the rights of young people to have an opinion and for others to listen and take it seriously. It involves pupils engaging in meaningful learning dialogues within their educational settings.

Although outside of the reporting period, in July and August 2022, the Government piloted a Summer Holiday Activity and Food Programme as part of their commitment to protect low income families against rising living costs. Children in receipt of free school meals qualified for a free place on the programme which aimed, during the school summer holidays, to provide access to healthy eating, being active, partaking in enrichment activities supporting resilience, character and wellbeing, being safe and not socially isolated, increasing knowledge of wellbeing, health and nutrition and becoming more engaged with local services.

Access to healthcare is free of charge for ordinary residents and those arriving on the Island National Health Service (Overseas Visitors) 2011 (Amendment) Regulations 2020 where an individual is taking up permanent residency.

As a service we promote an inclusive environment where staff are trained in equality and diversity issues. We have children's rights officer who will work with children and young people to ensure that their voice is heard. We have a participation officer for looked after children that enables participation and inclusion in interviews, policy and procedure.



In combatting social exclusion, the Voices in Participation (VIP) project was established in 2009 and aims to enable children and young people in care to influence and have a voice in policies and procedures which impact their lives. This is achieved through various forums including council meetings, focus groups, independent projects and the representation of young people in a number of professionals meetings.

The project is open to children and young people aged 7-25 years with care experience.

- Having submitted responses to a number of Tynwald questions
- Becoming an integral member of the Corporate Parenting Group
- Delivering a public instillation at the Manx Museum which highlights the challenges and triumphs of being a child or young person in care
- Sitting as members of interview panels
- Speaking in various forums to improve understanding of looked after children's care experiences

***c: Please provide information on any measures adopted to protect and assist children in crisis situations and emergencies.***

The Government made a commitment in its 2019 Manifesto to commission a review of the care system, and in March 2021 the Josh MacAlister's Independent Review of Children's Social Care began its work. It looked at how children and their families interact with the care system and how it can be improved. The Review provided a final report in May 2022.

In response to the Review, the UK Government set out initial new measures to address the findings and better prevent and assist children in crisis situations and emergencies. Families most at risk will be supported to stay safely together, with a focus on early help, preventing them from reaching crisis point. Plans to reform the system include:

- setting up a National Implementation Board of sector experts and people with experience of leading transformational change, and with experience of the care system
- working with local authorities to boost efforts to recruit more foster carers, ensuring children have access to the right placements at the right time
- reframing and refocusing the support social workers receive in the early part of their careers, particularly to enhance their skills and knowledge in child protection
- joining up data from across the public sector to increase transparency – both between safeguarding partners and to the wider public, setting out more detail later this year
- developing a national children's social care framework, which will set direction for the system and point everyone to the best available evidence to support families and protect children.

As part of this, the UK Government revealed plans to set up a new National Implementation Board of sector experts and people with experience of leading transformational change and the care system. It will also boost efforts to recruit more foster carers, increase support for social workers including on leadership, recruitment and retention, improve data sharing, and implement a new evidence-based framework for all the professionals working in children's social care.

Local authorities will also receive funding for schemes that support vulnerable children to remain engaged in their education and strengthen links between social care and education. The 7 new areas receiving funding for family hubs will build on a successful network of centres that are already up and running and are making a transformative difference in the lives of parents who may not have an immediate support network. A further 5 areas will also receive part of a £12 million investment, in addition to the 75 areas that will receive part of a £302 million pot of funding.

Any unaccompanied child seeking asylum in the UK is entitled to full care and support akin to any domestic child in need of care under the Children's Act or relevant devolved administration legislation. This includes having a social worker and relevant accommodation. The Home Office budget provides significant support to local authorities in this area in addition to the funding already provided to local authorities to run children's services. Where immediate care within a local authority is not available unaccompanied children are temporarily accommodated and safeguarded by the Home Office on an emergency basis. For example, we have opened the [Homes for Ukraine scheme](#) for Ukrainian nationals and their immediate family members as well as the [Unaccompanied minors' scheme](#).

### **Scotland**

The [National Guidance for Child Protection in Scotland](#) contains information on 'Child protection in the context of disasters and public emergencies' which encompasses the prevention of and responses to abuse, neglect, exploitation, and violence against children in times of emergency, whether caused by natural or man-made disasters, conflicts, or other exceptional crises that threaten to overwhelm essential structures. The Guidance describes the relevance of child protection in such situations, the legal and organisational responses that may be required, and considerations around safeguarding of individual children and families.

There are a number of support services available to children experiencing a mental health crisis:

- [Childline](#) is a free and confidential 24/7 counselling service for anyone in the UK who is under 19. It is accessible by phone, email and online chat;
- [NHS 24 Mental Health Hub](#) is a 24/7 phone service available for anyone in need of urgent psychological or emotional support. It provides access to

assessment and has a direct referral pathway to the [Distress Brief Intervention programme](#); and

- [NHS 24 Breathing Space](#) offers phone and webchat support to people aged 16+. It is open in the evenings and weekends when family, friends or GPs may be unavailable.

## **Isle of Man**

There are no statutory powers that translate into a governance framework / pathway for accessing housing, however the Children's and Families service do deploy discretionary measures in emergency situations. This also includes the provision of food vouchers.

The Isle of Man Safeguarding Board was established under the Safeguarding Board Act 2018. The Board is a Partnership of the relevant departments and agencies and its purpose is to ensure they work effectively together to protect children and vulnerable adults from abuse and neglect. The legislation places statutory duties on the relevant safeguarding bodies to co-operate and the Independent Chair of the Board has the key role to hold those agencies to account for improvements in safeguarding practice.

The Safeguarding Board has a statutory objective and function to:

- co-ordinate the work done by the relevant agencies to promote the welfare and safety of children

and

- to ensure the effectiveness of the work done by each of those agencies in promoting the welfare of and safety of children

DESC is a relevant safeguarding body under the *Safeguarding Act 2018*<sup>56</sup> and therefore must have due regard to safeguard and promote the welfare of children and the need to safeguard and protect vulnerable adults.

---

<sup>56</sup> [Safeguarding Act 2018 \(gov.im\)](#)

All DESC staff are trained in the Safeguarding of Children at a level appropriate to their role.

In addition, Section 23 (Functions of Department in relation to children in danger or need) of the Children's and Young Persons Act 2001, contains the provisions for actions to be taken as appear to it to be appropriate to safeguard and promote the welfare of children who are suffering, or likely to suffer, significant harm.

***d: If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised. The Committee concludes that the situation in the United Kingdom is not in conformity with Article 17 of the 1961 Charter on the ground that:***

- **not all forms of corporal punishment are prohibited in all settings;**
- **the ages of criminal responsibility across the different entities of the UK are too low;**
- **pain inducing restraint techniques are used in Young Offender Institutions.**

### **Corporal punishment**

The Crown Prosecution Service guidance for prosecutors states 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 is available in fewer cases. The government also encourages the use of evidence-based parenting programmes. Many such programmes address the issue of managing children's behaviour and generally they promote positive parenting, which does not include the use of physical punishment.

### **Criminal Responsibility**

The UK believes that the existing age of criminal responsibility in England and Wales provides appropriate flexibility in dealing with children who commit serious offences, allowing for early intervention in a child's life, with the aim of preventing subsequent offending.

We believe that the age of 10 for England and Wales correctly reflects what is required of our justice system. It can be misleading to make simple comparisons between different countries because the youth justice and supporting social systems differ considerably.

We do not currently have any plans to change the age of criminal responsibility in England

## **Restraint Techniques**

The UK has acted on this. In line with the accepted recommendations made within the [Charlie Taylor Review](#) into pain inducing techniques we have removed these techniques from the revised Minimising and Managing Physical Restraint (MMPR) syllabus. These techniques will be taught within a separate syllabus of Emergency Intervention Techniques (EIT). The revised MMPR syllabus and EIT syllabus are currently being piloted at Wetherby Young Offender's Institute (YOI) which will be evaluated in early spring 2023.

In very limited circumstances, the use of approved pain-inducing restraint techniques may be required. A pain-inducing technique should not be used where a non-pain inducing alternative is possible and can safely and effectively achieve the same objective. The use of pain-inducing restraint techniques will only be lawful in the limited circumstances where it is necessary to protect a young person or others from an immediate risk of serious physical harm and where there is no other viable means of achieving this. The minimum necessary amount of force must be used. The use of such techniques (as with the use of any restraint technique) should always be necessary, reasonable, and proportionate in view of the risk of harm which is being addressed.

## **Scotland**

The Scottish Government has worked hard to keep children out of the criminal justice system. The number of young people going through the criminal justice system has reduced dramatically following a shift towards a preventative [Whole System Approach](#) (WSA) with early and effective intervention and diversion. Over the decade 2008-9 to 2019-20, there has been:

- an 84% reduction in the number of children and young people (12-17 years) prosecuted in Scotland's courts from 7,798 in 2008-09 to 1,218 in 2019-20;
- a 93% reduction in 16 and 17 year olds being sentenced to custody; and
- a 75% reduction in children referred to the children's reporter on offence grounds.

Addressing the causes of a child's behaviours can help them reintegrate, rehabilitate and desist. In turn, this approach can prevent the causing of further harm and minimise the number of future victims. In doing so, helping to improve outcomes for everyone in society.

The [Age of Criminal Responsibility \(Scotland\) Act 2019](#) increased the age of criminal responsibility in Scotland from 8 to 12 years of age, bringing it into line with the age of prosecution. Commencement of the Act was phased, with priority given to those provisions that had the most material impact on children, and the age of criminal responsibility was increased on 17 December 2021. Prior to that, however, the offence ground for referring a child to a children's hearing was removed on 29

November 2019, which means that a child has not been able to obtain a criminal conviction for behaviour that took place when they were under the age of 12 since that date. In addition, all disclosure provisions were commenced on 30 November 2020, meaning that behaviour from when a person was under 12 could no longer be automatically disclosed by the State, but only following independent review. The outcome of this is that behaviour from a young age will no longer automatically follow a person through to later life.

### **Use of restraint on under 18s**

In October 2020 we launched the [Secure Care Pathways and Standards](#), which were co-produced with children and young people with care experience. These Standards set out what support children should expect from professionals when in secure care. They reiterate that restraint should only be used when absolutely necessary to prevent harm, in the least restrictive way possible and for the shortest time.

The Scottish Prison Service (SPS) is working towards the implementation of a new physical interventions curriculum, replacing current techniques with a curriculum built on the use of non-pain inducing restraints. This work includes the development of a restraint reduction framework, developed to proactively reduce the need for physical interventions. An SPS Steering group leads this project, with initial implementation anticipated for late 2022 in the form of a pilot roll-out, which will include young people in custody.

## **Northern Ireland**

### **Criminal Responsibility**

The Minimum Age of Criminal Responsibility (MACR) remains at 10-years old in Northern Ireland.

A new Strategic Framework for Youth Justice, published in March 2022, contained a Ministerial commitment to hold a public consultation on the issue. A consultation, which sought views on raising MACR to 14, launched in October 2022 and ran for 12 weeks. The responses will now be analysed and published, and will be used to inform further debate once a Northern Ireland Executive is re-established.

### **Restraint techniques**

Pain inducing techniques are not used at the Juvenile Justice Centre, Woodlands, and any restraint may only be used as a last resort under the Juvenile Justice Centre (Northern Ireland) Rules 2008 Article 51.

Woodlands uses an accredited behaviour management technique called Minimising and Managing Physical Restraint (MMPR). The associated MMPR governance processes and use of Body Worn Video were introduced in Woodlands in April 2017.

This system is medically approved for use with children and is constantly under review. Woodlands seeks to minimise the use of force at all times, and protocols stress the use of de-escalation techniques at all times.

### **Isle of Man**

There are no forms of corporal punishment in care settings across the Isle of Man Government. Manx Care's Children and Families service commissions a private provider to operate Cronk Sollysh; the Islands secure children service. We can confirm that no pain inducing restraint techniques are deployed and the provider has in operation the requisite restraint and de-escalation policies.

There are no Young Offender institutions on the Isle of Man.

***e: The Committee asks that the next report provide information on the impact on children's rights of the United Kingdom's scheduled withdrawal from the European Union. This should include information on the impact of Brexit on the residency rights and rights to access Charter rights-related institutions and services of children who are both nationals of States Parties to the Charter and European Union nationals but not UK nationals.***

### **Impact of Brexit on residency rights**

The Withdrawal Agreement with the EU and the citizens' rights agreements reached with the other EEA countries and Switzerland ('the Agreements') enable all EU, other EEA and Swiss nationals lawfully residing in the UK by 31 December 2020 to remain by applying to the EU Settlement Scheme (EUSS). Their family members resident in the UK by the same date are also covered. The deadline for applications to the EUSS by those resident in the UK by 31 December 2020 was 30 June 2021, but late applications continue to be accepted where a person has reasonable grounds for the delay. Individuals in scope of the Agreements can be joined by close family members (spouses, civil and unmarried partners, dependent children and grandchildren, and dependent parents and grandparents) who live in a different country at any point in the future, if the relationship existed on 31 December 2020 and still exists when the person wishes to come to the UK (the UK-Swiss Citizens' Rights Agreement allows for individuals in scope of the Agreement to be joined by new spouses and partners until 31 December 2025). Any child born to an individual in scope is also protected by the Agreements if the individual has custody of the child.

EU, other EEA and Swiss citizens who are covered by the Agreements and have been living in the UK continuously and lawfully, in accordance with EU law for five years are

granted permanent residency (settled status) in the UK on application to the EUSS. Those who have not yet resided continuously and lawfully for five years in the UK who apply to the EUSS are granted temporary residency (pre-settled status) enabling them to stay until they have reached the five-year threshold, at which point they will have the right to apply for settled status. The Agreements enable restriction of rights if the individual is a serious or persistent criminal, or if they seek to abuse or defraud the system.

A child does not need the consent of their parent or guardian to make an application to the EUSS. However, where a child in the UK (who is under the age of 18) makes an application in their own right (such as where an application has not been made on their behalf by a parent or guardian) and which does not list a related application by a parent or guardian, there is a duty of care to carry out checks to ensure the safeguarding of that child. It would normally be expected that an adult with responsibility for a child under the age of 18 would act on their behalf in respect of administrative matters, such as an immigration application. Therefore, in accordance with our duty under section 55 of the [Borders, Citizenship and Immigration Act 2009](#) and in line with the statutory guidance “Every Child Matters”, additional checks must be undertaken on any application to the EUSS where a child under the age of 18 is applying without a parent or guardian to ensure that there are no obvious welfare concerns.

This applies even where a child has provided sufficient evidence to be granted settled status or pre-settled status based on their own UK residence (for example, they have provided school letters confirming attendance for five years). These checks do not affect eligibility for leave under the EUSS and, where, on the basis of the application, status can be granted in accordance with Appendix EU, it will be. The purpose of these checks is solely to establish whether a child applicant has appropriate living arrangements and to ensure their overall safety and welfare.

The UK's withdrawal from the EU does not change the position of Irish nationals in the UK, who are still able to access benefits under the common travel area arrangements.

### **Isle of Man**

With the end of free movement at 23:00 on 31 December 2020 as a result of Brexit, this has had an impact on the ability for EU, EEA and Swiss children to move to the Island for residency or study purposes.

Children previously resident under free movement before this date are able to apply for an EU Settlement Scheme status under the Island's EU Settlement Scheme, as well as children born after this date to parents who also hold a status under the EU Settlement Scheme. However, for children who are not eligible for a status under the



EU Settlement Scheme, Brexit has meant that EU, EEA and Swiss children now require a visa to move to the Island for the purpose of settlement or to study.

***f: The Committee asked to be kept informed of all developments regarding the:***

- i. the Welsh Government announced plans to remove the ‘reasonable chastisement’ defence. Legislation was intended between Sept 2018 and July 2019. If passed, this legislation would prohibit the physical punishment of children by parents and those acting in loco parentis within Wales and*
- ii. the Children (Equal Protection from Assault) (Scotland) Act 2019 adopted by the Scottish Parliament in October 2019 (outside the reference period). This removes the common law defence of “reasonable chastisement”.*

**Wales (for i)**

The Children (Abolition of Defence of Reasonable Punishment) (Wales) Act 2020 was passed on 20 March 2020 and came into force on 21 March 2022.

As a result, all physical punishment of children is illegal in Wales.

The Welsh Government carried out a comprehensive awareness raising and engagement campaign to ensure as many people as possible are aware of the law change. Awareness raising is continuing, alongside support for parents and monitoring of the impact of the legislation.

Now that the legislation is in force, Welsh Government, in conjunction with its partners, continues to support its implementation. This includes:

- continued awareness raising and engagement: we continue to invest in awareness raising and engagement, although at a reduced level compared to the run-up to commencement. Sustained awareness raising is still important to help deliver the policy objective of reduced incidence of physical punishment of children, and an increase in support for the principle that all physical punishment of children is unacceptable. We are tracking awareness levels through regular surveys, and reports are available at the following link (if links are allowed in the briefing sometimes they are not): [Public attitudes to physical punishment of children | GOV.WALES](#)
- Out of Court Parenting Support scheme: This scheme provides tailored parenting support, alongside an out of court disposal as an alternative to prosecution, and is designed to encourage and support parents in adopting positive parenting techniques, while making it absolutely clear to everyone

that the physical punishment of children is unacceptable in all circumstances. Police officers have discretion to offer this diversion from criminal justice, and the parenting support is provided by local authorities, and funded by Welsh Government.

- Evidence, data collection and monitoring: arrangements are in place to track awareness levels and attitudes towards physical punishment; and to collect and monitor data on the operation of the Out of Court Parenting Support scheme, and the impact on key partners including children's services, the police and Crown Prosecution Service.

Reports on the effect of the legislation will be laid before the Senedd as soon as practicable after three- and five-years following commencement.

### **Scotland (for ii)**

The [Children \(Equal Protection from Assault\) \(Scotland\) Act 2019](#) came fully into force on 7 November 2020. The purpose of the Act is to help bring to an end the physical punishment of children by parents and others caring for or in charge of children. The Act did not introduce a new offence but instead removed a common law defence of "reasonable chastisement". Removal of the defence of "reasonable chastisement" provides children with the same legal protection from assault as adults. As a consequence of the Act, all forms of physical punishment of children became against the law in Scotland.

The Act also requires the Scottish Ministers to take steps to raise public awareness and understanding about the effect of the removal of the defence. The Scottish Government established an Implementation Group for the Act<sup>57</sup> and a variety of resources to raise awareness and provide information about the Act can be found below:

- Information about the Act on mygovscot: [Smacking and children - mygov.scot](#)
- A dedicated page about the Act on Parent Club: [Guide to the new law about physically punishing a child | Parent Club](#)
- Promotional materials about the Act for parents and carers, and for children and young people: [Children \(Equal Protection from Assault\) \(Scotland\) Act 2019: promotional materials - gov.scot \(www.gov.scot\)](#)

---

<sup>57</sup> <https://www.gov.scot/groups/children-equal-protection-from-assault-scotland-act-implementation-group/>

- An easy read factsheet about the Act: [Children \(Equal Protection from Assault\) \(Scotland\) Act factsheet: easy read version - gov.scot \(www.gov.scot\)](http://www.gov.scot/Resource/0045/0045_0001.pdf)
- A framework for statutory bodies about the Act: [Children \(Equal Protection from Assault\) \(Scotland\) Bill: framework for statutory bodies - gov.scot \(www.gov.scot\)](http://www.gov.scot/Resource/0045/0045_0002.pdf)

***g: The Committee notes however that the report does not suggest that it would be impossible for the child to be taken into care solely on the basis of inadequate resources of the parents in England or Scotland. On that basis, it asks for further information on guarantees, (guidelines or case law) that a child cannot be taken into care solely on the grounds of the financial situation of the parents in England, Scotland or Northern Ireland.***

When considering whether to place a child into care, the child's welfare is the court's paramount consideration, whether the child is being cared for adequately and is not suffering significant harm or at risk of suffering significant harm.

The threshold for a child to be taken into the care of the local authority is set out in section 31 Children Act 1989, and requires that the child concerned is suffering, or is likely to suffer significant harm and that the harm, or likelihood of harm, is attributable to the care given to the child or likely to be given to the child if the order were not, and not being what would be reasonable to expect a parent to give, or because the child is beyond parental control.

This is a high threshold and the decision would be made by the court. The court would be required to have the child's welfare as the paramount consideration when making this kind of decision, as provided in section 1 Children Act 1989, which would include consideration of all the evidence of the child's case. The court would also be required to not make an order unless it considers that making the order would be better for the child than making no order at all.

## **Scotland**

Children are not taken into care solely on the grounds of inadequate resources. GIRFEC makes it clear that the child or young person and their family should be at the centre of all decision making, promoting choice, with full participation in decisions that affect them. In addition, practitioners should provide support for children, young people and families when they need it, until things get better, to help them to reach their full potential. Section 22 of the [Children \(Scotland\) Act 1995](#) requires local authorities to promote upbringing of children with their families.

In practice the main tool practitioners will use to assess the current circumstances in a child or young person's whole world is the [My World Triangle](#). In all cases,

information should be divided into strengths and challenges faced by a child or young person and family. Practitioners should consider all sides of the Triangle in relation to a child or young person. The information gathered, alongside any assessments undertaken, should determine the need for and right to extra support.

In addition, Children’s hearings will consider a wide spectrum of issues and prior to making a decision in the best interests of a child, and a panel must consider the grounds, any remit and any reports made available to them. While this may contain, in some limited cases, the financial circumstances of a family this would never be the sole determining factor leading to the removal of a child from their home.

***h: The Committee asks the next report to provide details of the number of children in the care of the state for all parts of the United Kingdom, as well as the number in foster care, residential care etc.***

## **England**

Statistical data for looked after Children can be found on [gov.uk here](https://www.gov.uk). The data is provided below:

		<b>Number</b>				<b>Percentage</b>			
		<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>
Gender	Total children	75,370	78,140	80,000	80,850	100%	100%	100%	100%
	Male	42,300	44,030	44,950	45,050	56%	56%	56%	56%
	Female	33,070	34,110	35,050	35,800	44%	44%	44%	44%
Age group	Total children	75,370	78,140	80,000	80,850	100%	100%	100%	100%
	Under 1 year	4,260	4,110	4,130	3,930	6%	5%	5%	5%
	1 to 4 years	9,780	10,460	10,800	11,670	13%	13%	14%	14%
	5 to 9 years	14,300	14,420	14,690	15,020	19%	18%	18%	19%
	10 to 15 years	29,730	30,770	31,360	31,330	39%	39%	39%	39%
	16 years and over	17,290	18,390	19,010	18,900	23%	24%	24%	23%
Category of need	Total children	75,370	78,140	80,000	80,850	100%	100%	100%	100%
	N1. Abuse or neglect	47,560	49,690	51,730	53,620	63%	64%	65%	66%
	N2. Child’s disability	2,270	2,260	2,170	2,080	3%	3%	3%	3%
	N3. Parental illness or disability	2,310	2,260	2,300	2,290	3%	3%	3%	3%
	N4. Family in acute stress	5,930	6,020	6,070	6,110	8%	8%	8%	8%
	N5. Family dysfunction	11,220	11,280	11,220	11,240	15%	14%	14%	14%

## European Social Charter UK 42<sup>nd</sup> Report

	Number				Percentage			
	2018	2019	2020	2021	2018	2019	2020	2021
N6. Socially unacceptable behaviour	1,100	1,090	1,060	1,000	1%	1%	1%	1%
N7. Low income	100	120	100	90	~	~	~	~
N8. Absent parenting	4,880	5,430	5,350	4,420	6%	7%	7%	5%
6. Total refused or information not yet available	260	310	340	560	~	~	~	1%
6a. Refused	20	30	30	50	~	~	~	~
6b. Information not yet obtained	230	280	310	510	~	~	~	1%
Total children	75,370	78,140	80,000	80,850	100%	100%	100%	100%
Care orders	55,330	58,370	61,350	63,530	73%	75%	77%	79%
Placement order granted	5,590	5,590	5,030	4,660	7%	7%	6%	6%
Legal status								
Voluntary agreements under S20 CA 1989	14,140	13,880	13,310	12,340	19%	18%	17%	15%
Detained for child protection	20	50	30	60	~	~	~	~
Youth justice legal statuses	290	250	280	270	~	~	~	~
Motherhood status								
All females aged 12 or over looked after at 31 March	16,300	16,960	17,470	17,750	100%	100%	100%	100%
All mothers aged 12 or over looked after at 31 March	290	270	260	230	2%	2%	1%	1%

## Scotland

[Children's Social Work Statistics 2020/21](#) shows that as at 31 July 2021, 13,255 children and young people (0-21 year olds) were looked after in Scotland. Of these, 11,969 were placed in the community which included placements at home with parents (2,859), with kinship carers (4,399), with foster carers provided by a local authority (3,160), with foster carers purchased by a local authority (1,307), with prospective adopters (156), and in other community settings (88). The other 1,286 of looked after children were placed in residential accommodation, which included placement in a local authority home (525), a voluntary home (96), residential school (323), secure care accommodation (38) and in other residential settings (304; the bulk of which are private/independent residential placements for young people with complex needs).

Children's Social Work Statistics 2017/18 shows that as at 31st July 2018, 14,554 children and young people (0-21 year olds) were looked after in Scotland. Of these, 13,042 were placed in the community which included placements; at home with

parents (3,789), with kinship carers (4,073), with foster carers (4,944; please note in 2017/18 there was no differentiation between purchased and provided by local authority), with prospective adopters (186), and in other community settings (50). The other 1,512 of looked after children were placed in residential accommodation, which included placement in a local authority home (599), a voluntary home (122), residential school (383), secure care accommodation (57) and in other residential settings (351; the bulk of which are private/independent residential placements for young people with complex needs.

## Wales

In Wales the published statistics on the number of children looked after are available on the StatsWales website [Children looked after \(gov.wales\)](https://gov.wales/children-looked-after)

At 31 March 2018 6,405 children were looked after by local authorities in Wales.  
 At 31 March 2019 6,855 children were looked after by local authorities in Wales.  
 At 31 March 2020 7,165 children were looked after by local authorities in Wales.  
 At 31 March 2021 7,245 children were looked after by local authorities in Wales.  
 At 31 March 2022 7,080 children were looked after by local authorities in Wales

### Placement type of children looked after in Wales

Please note the figures below are about children looked after by Welsh local authorities. Children looked after include those on care orders and other children provided with accommodation by their local authority. Some children are also looked after because the local authority provides accommodation for respite purposes - the figures in this table exclude these children.

Please note data has been rounded to the nearest 5 for disclosure reasons.

	Placed for adoption	Foster placements	Placements in residential settings	Placed with parents or other persons with parental responsibility	Living independently	Absent from placement or other	Total looked after children
At 31 March 2018	250	4,700	400	860	135	60	6,405

## European Social Charter UK 42<sup>nd</sup> Report

At 31 March 2019	235	4,850	475	1,075	130	90	6,855
At 31 March 2020	250	4,970	540	1,205	130	75	7,165
At 31 March 2021	245	5,050	535	1,200	<u>130</u>	<u>90</u>	7,245
At 31 March 2022	225	4,915	590	1,105	<u>170</u>	<u>80</u>	7,080

### Isle of Man

	2017	2018	2019	2020	2021
<b>Children placed in foster care</b>	64 (67%)	50 (57%)	49 (56%)	45 (51%)	36 (40%)
<b>Children placed with relative/friend</b>	1 (1%)	7 (9%)	12 (14%)	18 (19%)	16 (18%)
<b>Children subject to care order placed with parents</b>	4 (4%)	7 (9%)	3 (3)	4 (4%)	6 (7%)

***i: The Committee notes that many children's homes are run by private providers, and many foster families in England are recruited by private agencies. The Committee asks what mechanisms are in place to ensure appropriate care of adequate quality.***

### England

Ofsted is the regulator of children's social care in England under the Care Standards Act 2000 and subordinate legislation. Any person who carries on or manages a children's home or independent fostering agency must register with Ofsted otherwise

they are committing an offence. This applies to everyone who carries on or manages these types of provision regardless of whether they are an individual or a public or private organisation. The current legislative framework enables Ofsted regulate individual homes and individual agencies.

The Children's Homes (England) Regulations 2015 sets out the requirements for appropriate care of adequate quality. This is based on the following principles:

- Children in residential child care should be loved, happy, healthy, safe from harm and able to develop, thrive and fulfil their potential.
- Residential child care should value and nurture each child as an individual with talents, strengths and capabilities that can develop over time.
- Residential child care should foster positive relationships, encouraging strong bonds between children and staff in the home on the basis of jointly undertaken activities, shared daily life, domestic and non-domestic routines and established boundaries of acceptable behaviour.
- Residential child care should be ambitious, nurturing children's school learning and outof-school learning and their ambitions for their future.
- Residential child care should be attentive to children's need, supporting emotional, mental and physical health needs, including repairing earlier damage to self-esteem and encouraging friendships.
- Residential child care should be outward facing, working with the wider system of professionals for each child, and with children's families and communities of origin to sustain links and understand past problems.
- Residential child care should have high expectations of staff as committed members of a team, as decision makers and as activity leaders. In support of this, children's homes should ensure all staff and managers are engaged in on-going learning about their role and the children and families they work with.
- Residential child care should provide a safe and stimulating environment in high-quality buildings, with spaces that support nurture and allow privacy as well as common spaces and spaces to be active

The Regulations set out standards ("the Quality Standards") that must be met by homes. The Quality Standards describe outcomes that each child must be supported to achieve while living in the children's home. Each contains an over-arching, aspirational, child-focused outcome statement, followed by a non-exhaustive set of underpinning, measurable requirements that homes must achieve in meeting each standard.

Providers and managers applying for registration must demonstrate to Ofsted that they are fit to provide what they are applying to register for and meet the relevant legal requirements. We assess fitness and whether providers meet the legal requirements by:

- scrutinising the information submitted with an application
- carrying out checks



- interviewing those connected with the registration
- visiting the proposed premises.

Registered providers and managers must continue to demonstrate their fitness to be registered throughout the time that they remain registered. We monitor their continued compliance and assess the quality of their provision through:

- inspection at regular intervals (at least once a year for children's homes, and every three years for fostering agencies)
- other visits, for example to follow up any concerns we receive about them
- repeating or carrying out additional checks where we receive information that brings their fitness into question
- reviewing regular reports sent to us by providers throughout the year, and assessing intelligence provided via a variety of sources.

Where our inspections suggests provision is inadequate, or where we find a provider has breached legislation, we have a range of powers we can take, including:

- making a recommendation for action or raising a statutory requirement
- serving compliance notices
- suspending a registration
- cancelling a registration.

***j: In its previous conclusion the Committee found that the age of criminal responsibility was too low and therefore, the situation was not in conformity with the Charter. The Committee asks to be kept informed of all developments in this respect.***

### **England**

Please see our response to question (d) above.

### **Scotland**

Please see Article 17, point d.

### **Wales**

The UK Government and the Welsh Government are continuing to discuss the age of criminal responsibility in Wales as part of ongoing joint work on the

recommendations from the independent Commission on Justice in Wales, chaired by Lord Thomas of Cwmgiedd.

### **Northern Ireland**

Please see our response to question (d) above.

### **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.

The Department of Home Affairs has given a previous commitment to consider the age of criminal responsibility, specifically that this would be considered as part of the wider reform of sentencing planned within the Sentencing Bill, which is included within the Government's Legislative Programme set out in the Island Plan.

In order to undertake the policy development required for a Sentencing Bill, that will itself cover wide ranging areas, it will be necessary for the Department to engage with key stakeholders across both government, and other impacted sectors such as legal representatives. Regarding thresholds for criminal responsibility, this will require direct engagement with the Department of Health and Social Care.

***k: The Committee recalls that children who are accused of committing a criminal offence may be remanded to local authority accommodation or if specific conditions are met to youth detention. The Committee recalls that the maximum length of detention on remand is 182 days but that this may be extended. The Committee asks whether there is an absolute maximum length of detention on remand. It also asks whether the situation is identical when a child is remanded to local authority accommodation.***

### **England**

Other than the most serious cases, children will be tried in the youth court where the custody time limit (CTL) is 56 days. 182 applies only in exceptional cases tried in the Crown Court.

There is no absolute maximum length of detention in remand for children or adults. However any extension beyond the statutory CTL can only be granted when the court is satisfied that there is good and sufficient cause to extend the CTL.

CTLs apply to any case in which bail is refused. CTLs in such cases are treated in the same way whether the child on remand is detained in custody or in some other accommodation at the direction of the local authority.

### **Scotland**

In Scotland where a court remands a child under the age of 16 they will be committed to the local authority to be detained in secure accommodation or in a suitable place of safety chosen by the authority. 16 and 17 year olds can also be placed in a young offenders institution. The maximum length of detention on remand in Scotland is 140 days.

The [Scottish Government's Programme for Government 2022/23](#) committed to: "Bring forward a Children's Care and Justice Bill to ensure that children who come into contact with the care and justice systems are treated with trauma-informed and age-appropriate support. This includes putting an end to placing under 18s in Young Offenders' Institutions." Legal reforms are also planned for the future Bail and Release from Custody Bill. This will emphasise more clearly that remand entailing a deprivation of liberty should be a last resort for all, including under 18s.

### **Wales**

In Wales, the Welsh Government (WG) has funded a pilot to provide a safe bed at the Rosedale Residential Home in Newport for children on remand, to better understand the complex needs of the children and young people involved and the potential level of support required.

A number of recommendations have been identified from the pilot, and these will be taken forward through a Secure Accommodation Project Board in Wales which will be established in December 2022, with the recommendations delivered by end of 2025.

The Minister for Social Justice welcomed the review of the use of custodial remand for Children published on 26 January by the Ministry of Justice. The report is available here: [Review of Custodial Remand for Children - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/114147/Review_of_Custodial_Remand_for_Children_-_GOV.UK_(www.gov.uk).pdf).

### **Northern Ireland**

The Criminal Justice Inspection Northern Ireland has recently completed a [review](#) entitled *The Operation of Bail and Remand in Northern Ireland* (January 2023). The Review recommended that Northern Ireland's Department of Justice (DoJ) commence a public consultation on a new Bail Act including measures proposed for children. The Report notes that the DoJ intends to include legislative reforms in a next Northern Ireland Assembly mandate as outlined in its Strategic Framework for Youth Justice<sup>21</sup>, published by the DoJ and Youth Justice Agency (YJA) in 2022. It reaffirmed the core principle that a child should only ever be placed in custody as a last resort but also recognised that the legislative presumption in favour of bail for children was not operating in practice for a number of children. There was a commitment to improve existing arrangements for bail and remand for children through amendments to primary legislation and to consider alternative community arrangements for place of safety admissions in partnership with the Department of Health.

***I: The Committee asks what measures have been taken to phase out young offender institutions and secure training centres and transfer children to local authority run secure children homes, or secure training schools. The Committee asks what additional measures have been taken to ensure that children in young offender institutions and secure training centres are adequately protected against abuse.***

### **Secure training schools**

Secure schools are a new type of accommodation for children sentenced or remanded to custody. They will be “schools with security” rather than “prisons with education”, and aim to reduce violence, self-harm, and the use of force; improve children's behaviour, health, and wellbeing; reduce reoffending; and enable more children to take part/progress in education and training. The UK Government expect the first pilot secure school - Oasis Restore, in Medway - to open in early 2024. We will explore options for a potential second school, whilst learning lessons from the first. Early scoping work for this is planned to take place in 2023.

In the meantime, we are dedicated to improving the life chances of children in custody by investing in staff, education, psychology services and mental health support by continuing to embed and roll out the framework of integrated care (SECURE STAIRS) to ensure children's care planning is tailored to meeting their needs. Furthermore, there are 138 new entrants who are studying towards their

Apprenticeship, provided by the Childcare Company. This Apprenticeship replaces the Unitas qualification. By 2023 all frontline staff in YOIs will have completed or be undertaking a child-focussed qualification.

### **Protection against abuse**

The Government continues to take comprehensive measures to eradicate all forms of abuse of children in the care of the state and we act promptly and firmly when abuse is suspected, reported or proven.

### New YCS Safeguarding Policy & Training

Following the review of safeguarding practice and procedures within the Youth Secure Estate, carried out by the HM Prisons and Probation Service's (HMPPS) Youth Custody Service (YCS), YCS are developing a new YCS Safeguarding Policy. In the interim, the YCS are assessing each site's individual Safeguarding Policy to gain further understanding of any changes needed in the short-term before the new estate-wide policy is in place, as we strive to improve safeguarding practices locally. We have strengthened training for all staff regarding safeguarding, so they understand their responsibilities.

### Relationships with Local Authorities

We continue to strengthen our relationship with key safeguarding partners, including Local Authorities in the regions where our sites are based. The 5 Young Offender Institutions (YOI) have dedicated social workers seconded into sites from local authorities, and we have reviewed the service level agreements, to strengthen external oversight and independent review.

### Independent Review Restraint Panel (IRRP)

Recommendation 11 of the [Independent Review of using PIT in the Youth Secure Estate](#), published in June 2020, stated that 'An Independent Restraint and Behaviour Panel (IRBP) [later renamed Independent Restraint Review Panel] should be established. The recommendation was accepted leading to the development of the IRRP, affording individuals with independent expertise and specific skill sets the ability to review restraints where pain has been used within sites. This panel reports

directly to Ministers with key senior leaders in the YCS, Youth Justice Board, HM Inspectorate of Prison (HMIP) and Ofsted routinely copied. This ensures rigour around the application of significant restraint across YOIs and the STC, where sites and the YCS are held independently to account and are challenged to demonstrate appropriate practice and demonstrate improvements where required.

Through this governance, sites have improved their post incident review/ de-brief processes to further support children and reduce the risk of child abuse occurring. The Minimising and Managing Physical Restraint (MMPR) Central Management Team (CMT) – with the help of YCS psychology colleagues - are working towards producing a guide for custody officers to follow when carrying out de-briefings.

### Advocacy Support

Children are also supported by advocates within sites, so they have professional support to raise any issues they face. Barnardo's deliver an advocacy service and children's rights for all children and young people placed into custody in YOIs and Secure Training Centres (STCs) in England and Wales. SCHs commission their own advocacy services. The Service known operationally as Barnardo's Your Rights Your Voice (YRYV) is designed to empower and support children and young people in resolving issues relating to their welfare, care, and treatment whilst in custody.

### Wales

Whilst the UK Government retains responsibility for justice and policing, including the provision of the Secure Estate for adults and children in Wales, all services relating to the wellbeing of children are the responsibility of Welsh Government. The Rights of Children and Young Person (Wales) Measure 2011 places a duty on Ministers to have due regard to the United Nations Convention on the Rights of the Child (UNCRC). All rights will be applied in particular Article 37.

The Youth Justice Board annual published statistics for 2020-21 identifies an 85% decrease in the number of Welsh young people in custody from year ending March 2011 to March 2021. From 109 to 17. The March 2021 figure of 17 is at an all-time low.

### Scotland

Continued from Article 17, point k

On 15 October 2016 the First Minister announced an independent “root and branch” review of care in Scotland which would look at the underpinning legislation, practices, culture and ethos and be driven by those who have experience of care. The Independent Care Review ran from February 2017 until 2020. Its conclusions are presented in [The Promise](#) report which tells Scotland what we must do to make sure its most vulnerable children feel loved and have the childhood they deserve.

In 2020, the Scottish Government made a promise to thousands of care experienced children and adults to [Keep The Promise](#) by 2030. In 2021, the Promise Scotland was established. Its purpose is to support people and organisations as they act to Keep The Promise. It does this through leading change projects to drive change across Scotland and supporting other organisations to make the changes they need to make to Keep The Promise. In March 2022, we published the Scottish Government’s Promise Implementation Plan that sets out how we will work across Government to Keep the Promise.

Key Commitments include:

- Supporting [The Promise Scotland](#) to scope a national lifelong advocacy service for care experienced people and their families;
- Whole Family Wellbeing Funding to support service redesign to drive prevention;
- End the placement of young people aged 16-17 in young offenders institutions; and
- Introduce a Care Experienced Grant for 16-25 year olds with care experience to help reduce some of the financial barriers that young people face in transition to adulthood.

The [Secure Care Pathway and Standards](#) were published in 2020. These standards provide a vision to drive forward the transformational change to improve the experiences and outcomes for all children who are experiencing extreme vulnerabilities, needs and risks and who are in or on the edges of secure care in Scotland. Work is ongoing to support local authorities and secure care providers to fully implement the standards to deliver a consistent approach.

The [Children’s Care and Justice Bill](#) follows Scotland’s Independent Care Review. The Promise, our ambition is for Scotland to be the best place to grow up where children are loved, safe and respected so that they can reach their full potential, narrates a vision for Scotland. The Promise told Scotland what it must do to make sure its most vulnerable children, especially those who come into contact with the care system, feel loved and have the childhood they deserve. The proposals being developed for the Bill represent important early elements of this commitment and are reflected in the Promise Implementation Plan published on 30 March 2022. They also assist broader strategic principles, as articulated in the [Youth Justice Vision](#) the [refreshed Vision and Priorities for Justice](#), [GIRFEC](#) and [UNCRC](#).

The Isle of Man does not have any youth offender institutions. There is one secure children's home that is able to meet the need of the islands young people. It is a facility that has an in house education provision.

The Island has just one secure care home which is used to house any child or young person who has not yet attained the age of 18 years, as is required by section 76 *Remand or committal of child or young person* of the Children and Young Persons Act 2001. The Minimum standards referenced in connection with article 17(i) contain specific provisions with regard to safeguarding of these children and young persons.

***m: The Committee asks what measures have been taken to abolish pain inducing restraint.***

Please see our response to question (d) above.

### **Northern Ireland**

Please see our response to question (d) above.

***n: The Committee notes that children may be held in solitary confinement and asks under what circumstance children may be placed in solitary confinement, and what is the maximum duration of solitary confinement.***

In line with recommendations made by HMIP in their 2020 thematic review of separation, we have developed and implemented a new policy framework on separation for secure settings in the Youth Secure Estate. This was published in April 2022 alongside a new system for gathering data and managing instances of separation.

The safety and wellbeing of children in custody is paramount and the Government is clear that children should not be separated from their peers for disciplinary reasons. Separation should only be used where it is necessary to manage the risk of harm to the child or others and where alternative approaches to manage that risk have been exhausted or are unsuitable. Regarding duration, our policy is clear that any instance where a child is separated from their peers is used must be subject to regular review and only be in place for as long as it is necessary to manage the risk to the child or others.

### **Scotland**

Solitary confinement is not practised in Scotland. Where a child is placed in the separation and reintegration unit it will be for the shortest possible time and with the fewest restrictions on activity possible. There are regular case conferences and individual care plans are put in place where necessary with the aims of ensuring the wellbeing of the child and reintegrating them as quickly as possible.



The use of separation is carried out only where the individual cannot be safely managed in another way. The wellbeing of children in segregation is monitored closely by senior Scottish Prison Service managers and independently inspected by His Majesty's Chief Inspector of Prisons for Scotland.

### **Northern Ireland**

Children are never kept in solitary confinement when in the care of Woodlands, although single separation may be used when it is in the best interests of the child or part of an overall behaviour management strategy.

Single separation may be used in the best interests of the child or to prevent or defuse any of the incidents specified under Juvenile Justice Centre Rules (NI) 2008 (i.e. injury harm to others or self, serious disorder). Single separation normally takes place in a child's bedroom unless that is impracticable and is for the shortest time possible.

Every incident of single separation is subject to senior management review, and justification and authorisation is discussed at a daily operational morning meeting. A detailed written record is kept on each occasion single separation is used to ensure it is appropriate, proportionate and justified and in accordance with Juvenile Justice Centre Rules (NI) 2008.

### **Isle of Man**

Cronk Sollysh is the Islands secure and is operated by a commissioned service provider St Christopher's. The facility is used as an overnight remand for individuals under the age of 18 who have been charged by the Isle of Man Constabulary and whom await to attend the next available Court, are on Remand from the Court awaiting sentencing; and for Welfare reasons require the secure service. There is no provision for solitary confinement in this facility.

### **Right to assistance**

***o: The Committee requests further information on the assistance given to unaccompanied children, in particular to protect them from exploitation and abuse and ensure that unaccompanied children do not go missing. It notes from other sources [ ECPAT Heading back to harm a study on trafficked and unaccompanied children going missing from care in the UK-EPACT UK and Missing People] that, from September 2014 to September 2015 (partly outside the reference period), 28% of trafficked children (167 children) in care and 13% of unaccompanied children (593 children) in care went missing at least once. Of these, 207 missing trafficked or unaccompanied children had not been found. However, the research estimated that the number was far higher.***

### **England**

Any instance of a child going missing while in our care is extremely concerning – and while this is a very small percentage of the number of children who arrive here alone, the UK government takes it very seriously and will work with the police and local authorities to urgently locate them and ensure they are safe.

The UK Government takes steps to ensure that every unaccompanied asylum-seeking child is found a placement with a local authority as soon as possible after their arrival. We are currently experiencing unprecedented numbers of unaccompanied asylum-seeking children arriving in the United Kingdom which means that we have needed to accommodate unaccompanied young people in hotels prior to their local authority placement.

The Government will only accommodate children in hotels where there is no other option. While they are there, support staff are on hand 24 hours a day to make sure they are cared for as we work around the clock to move them into long term care as soon as possible.

The Government has no power to hold children in hotels or any temporary accommodation if they wish to leave and we take all necessary steps to reduce the likelihood of a young person going missing. This includes accompanying children off site on activities and social excursions, or where specific vulnerabilities are identified – and monitoring their exit and return from hotels.

## **Scotland**

The Scottish Government has provided a total of £3.2 million in funding to the Scottish Guardianship Service (SGS) since 2010. The SGS, a joint partnership between the [Scottish Refugee Council](#) and [Aberlour Children's Charity](#), provides support to unaccompanied children arriving in Scotland who have been victims or are at risk of being trafficked. The service provides Guardians to help trafficked children in Scotland in their recovery and to navigate the complex legal and asylum processes.

The Scottish Government will implement the statutory Independent Child Trafficking Guardian (ICTG) service, to fulfil the duty on Scottish Ministers set out under Section 11 of the Human Trafficking and Exploitation (Scotland) Act 2015. The ICTG service will commence on 1 April 2023 and will replace the current non-statutory service provided by the Scottish Guardianship Service.

Independent Child Trafficking Guardians will provide ongoing practical help and support to refugee children and young people, including victims of trafficking, who arrive in Scotland alone. The Scottish Government provided £500,000 to local authorities 2021-22 to help with care of unaccompanied asylum seeking children arriving in Scotland.

The Scottish Government established two expert groups to exchange information on emerging issues in relation to Safeguarding, and Trafficking and Exploitation. The groups are attended by subject experts and partner agencies and support a multi-agency response to mitigate the risks of exploitation. The Safeguarding group is co-chaired with Police Scotland.

The Scottish Government is working closely with the UK Government, local authorities and other devolved governments on the administration of the extension to Homes for Ukraine scheme, which allows some children and young people to travel to the UK without their parent or legal guardian. Scotland has so far welcomed several minors into the country and continues to support local authorities assessing further cases.

The Scottish Government reviews and updates its Public Protection guidance to support operational partners involved in safeguarding of displaced persons from Ukraine and to ensure children and young people have the support they need once in Scotland.

The Scottish Government provided funding to Aberlour Child Care Trust to deliver the Ukrainian Children and Host Family Service, which has been operational since October. The service provides information, guidance and support for children, young people, accompanying adults, as well as hosts.

### **Wales**

In Wales, there is a range of different care and support available to unaccompanied asylum-seeking children, this support is provided by both the statutory sector and Third sector organisations. Local authority social services are required by the Social Services and Well-being (Wales) Act 2014 to act in the best interests of and have due regard to the rights of the children they serve. The Act brings into domestic law the United Nation Convention on the Rights of the Child (UNCRC) and Part 6 of the Act which provides for looked after and accommodated children, applies to unaccompanied asylum-seeking children. Wales treats these children as having the same rights and entitlements as looked after children who are born in Wales and the UK.

The Act contains clear provisions in respect of those providing functions under it, that ensure a child or young person's views, wishes and feelings are heard, and that their cultural, religious and linguistic needs are met. When unaccompanied asylum-seeking children leave care and become care leavers, they are entitled to support from a Personal Adviser up to the age of 25 (provided they are in education, training or employment). Unaccompanied asylum seeking children are also entitled to an advocate, a further right conferred by the Social Services and well-being (Wales) Act 2014 [Part 10 Code of Practice \(Advocacy\)](#).

In Wales, we have also had an [Independent Child Trafficking Guardianship \(ICTG\) service](#) operating nationally since 2017. This service is under a Home Office contract, but the Welsh Government is represented on the ICTG steering board. This service, which is run by Barnardo's, only supports trafficked children unlike the Scottish Guardianship Service, (which is transitioning to a Scottish ICTG service), which also provides support to unaccompanied asylum-seeking children.

Unaccompanied asylum-seeking children in Wales are also supported through the Welsh Government-funded Asylum Rights Programme (ARP), which includes funding for TGP Cymru's Young Asylum Seekers and Refugees Programme. They also have access to advocacy services under the Social Services and Well-being (Wales) Act 2014. Children and young people are entitled to advocacy from a statutory Independent Professional Advocate (IPA) when they become looked after or become the subject of child protection enquiries leading to an Initial Child Protection Conference. In addition, all children who have a care and support plan are entitled to access advocacy services, and their social worker will discuss this directly with them.

The [Wales Safeguarding Procedures](#) and [All Wales Practice Guides](#) also promote consistent evidence based safeguarding practice across agencies in Wales. This includes advice on considering the specific needs of unaccompanied asylum-seeking children in safeguarding them from abuse through exploitation.

The Welsh Government has also funded a series of focus groups carried out by the Wales Strategic Migration Partnership (WSMP) and Save the Children with asylum seeking children about their experiences of life in Wales. We also hear from TGP Cymru's asylum seeking children's Participation Group.

In addition, the Welsh Government have provided a range of advice and guidance for practitioners supporting unaccompanied asylum-seeking children and for unaccompanied asylum-seeking children themselves, all of which are intended to build the capacity of practitioners in supporting these children and young people and support the children and young people themselves in accessing their rights and entitlements.

### **Isle of Man**

Under section 4 of the Organised and International Crime Act 2010 trafficking in persons for the purposes of physical exploitation of those persons is an offence.

Physical exploitation of a person means any of the following —

- (a) the use of the person for sexual purposes;
- (b) the removal of a body part from the person, unless for the benefit (other than the financial, monetary, or equivalent, benefit) of the person;
- (c) the use of the person in forced labour or services, slavery or practice similar to slavery, or servitude.

Sexual purposes includes, in particular —

- a) the taking, or transmission, by any means, of an image of the person engaged in real or simulated sexual activities;
- b) the taking, or transmission, by any means, of images of the person's genitalia, anus, or breasts, for the purpose of obtaining, directly or indirectly, a material benefit for the person or any other person;
- c) the person's participation, for the purpose of obtaining, directly or indirectly, a material benefit for the person or any other person, in a performance or display, or other employment, that involves the exposure of the person's genitalia, anus or breasts.

In addition to the Organised and International Crime Act 2010, certain provisions of the UK's immigration Acts that have been extended to the IOM by Order in Council relate to trafficking for prostitution and trafficking people for exploitation, in particular section 145 of the Nationality, Immigration and Asylum Act 2002 and section 4 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004.

Additionally while procurement was an offence set out in the Island's Sexual Offences Act 1992 enhanced and far wider ranging provisions are included in the Sexual Offences and Obscene Publications Act 2021 in relation to causing or inciting a child to enter into a sexual activity, arranging for and facilitation of child sex offences, and importantly specific offences in relation to the sexual exploitation of children.

***p: The Committee requests further information on measures taken to find alternative to detention for asylum seeking families, to ensure that accommodation facilities for migrant children in an irregular situation, whether accompanied or unaccompanied, are appropriate and adequately monitored.***

Please see response to Article 17, point c including the information about the Afghan and Ukraine Resettlement schemes.

Asylum seeking families who would otherwise be destitute can obtain support under section 95 of the Immigration and Asylum Act 1999 ("the 1999 Act"). This is a comprehensive support package usually consisting of free, furnished accommodation (with utility bills and council tax paid) as well as a weekly cash allowance to meet other essential living needs, like food, toiletries, and other items. There is a statutory requirement under section 96 of the 1999 Act that such accommodation must appear to the Secretary of State to be "adequate for the needs of the supported person and his dependants (if any)". The Home Office has a robust set of accommodation contracts in place, backed up by an assurance regime including property inspections and other activities, to ensure the adequacy of asylum accommodation.

### **Isle of Man**

The Isle of Man does not operate any detention centres for asylum seeking families. Under section 42 of the Children and Young Persons Act there are emergency protection orders (applied for via a court of summary jurisdiction) where there is reasonable cause to believe that the child will suffer, or be likely to suffer, significant harm if they are not removed to accommodation provided on-behalf of Manx Care.

***q: As regards age assessments, the Committee recalls that, in line with other human rights bodies, it has found that the use of bone testing in order to assess the age of unaccompanied children is inappropriate and unreliable. The Committee asks whether the United Kingdom uses bone testing to assess age and, if so, in what situations the state does so. Should the State use such testing, the Committee asks what the potential consequences of such testing are (e.g., can the results of such a test serve as the sole basis for children being excluded from the child protection system?).***

### **England**

The UK does not use bone or dental testing to assess age, instead relying on social worker-led age assessments that must adhere to standards and principles that have been set out by UK courts in relevant case law, where an individual's age is in doubt.

Assessing someone's age is an inherently difficult task and there are clear safeguarding issues which arise if a child is inadvertently treated as an adult, and equally if an adult is wrongly accepted as a child and placed in accommodation with younger children to whom they could present a risk.

### **Scotland**

Bone testing to assess age is not practiced in Scotland. Age assessment practices in Scotland are in line with the GIRFEC national approach, and reflect the Scottish Government's commitment to incorporating the United Nations Convention on the Rights of the Child (UNCRC) into the law in Scotland to give children's rights the highest possible protection. Scotland has well established age assessment procedures underpinned by the Scottish Government's [Age Assessment: practice guidance](#). In Scotland, local authorities conduct age assessments guided by relevant case-law, the [National Guidance for Child Protection in Scotland 2021](#) and the [Inter-agency guidance on child trafficking](#).

### **Wales**

Irrespective of their reason for seeking sanctuary in Wales, children, young people, and adults are likely to have experienced adversity and traumatic events throughout their migration journey. To support the overarching assessment process for children and young people, Welsh Government has published an updated Age Assessment Toolkit in relation to the Social Services and Well-being (Wales) Act 2014 and age

assessment case law. Welsh Government's Unaccompanied Asylum-Seeking Children Age Assessment Toolkit is clear that young people should be treated as children first, migrant second and that the benefit of the doubt principle should be applied. This means that local authorities in Wales should accept young people as children (under 18), unless their appearance or general demeanor very strongly suggests they are over the age of 25.

### **Isle of Man**

Presently, the Isle of Man has no mechanism for the assessment of age.

***r: The Committee asks the next report to provide information on rates of child poverty as well as information on measures adopted to reduce child poverty; including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing etc. Information should also be provided on measures focused on combatting discrimination against and promoting equal opportunities for, children from particularly vulnerable groups such as ethnic minorities, Roma children, children with disabilities, and children in care.***

*States should also make clear the extent to which child participation is ensured in work directed towards combatting child poverty.*

The UK Government is committed to a sustainable, long-term approach to tackling poverty, including child poverty, and supporting people on lower incomes.

The latest available data shows that in 2020/21 there were 8.8 million people in absolute poverty before housing costs, including 2.3 million children. In 2021/22 there were 1.2 million fewer people in absolute poverty before housing costs than in 2009/10, including 200,000 fewer children, 500,000 fewer working age adults and 400,000 fewer pensioners.

To protect the most vulnerable the UK Government is increasing benefits in line with inflation from April 2023. This means that they will rise by September Consumer Prices Index (CPI) inflation – 10.1%. In addition, from April 2023, the UK Government will increase the benefit cap levels in line with inflation by 10.1.

To help people into work our [Plan for Jobs](#) is providing broad ranging support for all Jobseekers with our Sector Based Work Academy Programmes (SWAP), Job Entry Targeted Support and Restart scheme.

We are also extending the support Jobcentres provide to people in work and on low incomes. Through a staged roll-out, which started in April 2022, around 2.1 million low-paid benefit claimants will be eligible for support to progress into higher-paid work. To further support those in work, from April 2023 the UK Government will increase the National Living Wage by 9.7% to £10.42 representing an increase of over £1,600 to the annual earnings of a full-time worker on the National Living Wage.

The UK Government understands the pressures people are facing with the cost of living and that is why for 2022/23 we have provided a package of support of over £37bn of support. In addition, for 2023/24 the UK Government has announced a cost of living support package worth over £26bn.

Please also refer to Article 17 b for how the UK Government is helping vulnerable families with food costs .

## **Scotland**

The Scottish Government publishes annual [poverty and income inequality statistics](#) and set out within annual progress reports the most recent estimates of levels of child poverty in Scotland, including within the six priority family types, where data is available.

The latest statistical data on child poverty highlights that while child poverty levels remain considerably below the UK average, relative child poverty may be beginning to rise in Scotland and poverty levels remain higher than average for each of the six priority family types identified in the Child Poverty Delivery Plan. Current child poverty rates in Scotland, and the UK as a whole, are set out in the table below.

<b>MEASURE</b>	<b>2017-20 Scotlan d</b>	<b>2017-20 UK average</b>
Relative poverty	24%	30%
Absolute poverty	22%	26%
Combined low income & material deprivation*	10%**	-
Persistent poverty	16%	19%

\* UK-level material deprivation estimates After Housing Costs are not published anywhere

\*\* 2016-20

Information on measures taken to reduce child poverty in Scotland is detailed in the response to Article 16.o and 17.b. As noted in our response to Article 16.bb, prior to publication of our first Tackling Child Poverty Delivery Plan a wide ranging public consultation was conducted between November 2017 and February 2018 in line with the requirements of the [Child Poverty \(Scotland\) Act 2017](#).



In order to engage effectively and authentically with children, we commissioned the [Children's Parliament](#) to convene a number of discussion groups within schools, including those within Scottish Index of Multiple Deprivation (SIMD) 1 and 2 areas to ensure the voices of children with lived experience of poverty were included. For young people, we commissioned [Young Scot](#) to co-design and run an engagement session with young people. Efforts were made to ensure this was a diverse group and included a number of care-experienced young people. In addition, the [Prince's Trust](#) convened a group of young people to discuss key issues around child poverty. We also consulted with organisations representing children and young people, including [Children in Scotland](#), [Action for Children](#), and [Save the Children](#). Similar consultation and engagement took place to inform the second Tackling Child Poverty Delivery Plan which was published in March 2022.

## **Wales**

Households Below Average Income (HBAI) data for 2017-18 to 2019-20 showed that levels of child poverty in Wales remained stubbornly high at 31%. Of those children living in poverty, 71% live in a household where at least one person was working.

### **Tackling Child Poverty**

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 health, educational 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.

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 2019.

### **Working towards achieving our Child Poverty Objectives**

The Welsh Government's [Programme for Government](#) was published in June 2021 and updated following the co-operation agreement with Plaid Cymru. It reinforces the

Welsh Government's commitment to improve outcomes for low-income households and achieve its child poverty objectives.

- We are giving children in deprived areas the best start in life through support for expanding our flagship [Flying Start](#) programme and improving outcomes by investing in the learning environment of community schools which co-locate key services. We are also funding up to 1800 additional tutoring staff in our schools.
- We are improving the prospects of young people who have been so badly affected by the pandemic, giving everyone under 25 the offer of work, education, training, or self-employment through the [Young Persons Guarantee](#). We are also creating 125,000 all-age apprenticeships.
- We are tackling economic inequalities, using the new network of [Disabled People's Employment Champions](#) and are also implementing the commitments made in our [Race Equality Action Plan](#). We are committed to implement targets around Gender Budgeting and exploring legislation to address pay gaps based on gender, sexual orientation, ethnicity, disability, and other forms of discrimination.
- We are taking steps to prevent families breaking up by funding advocacy services for parents whose children are at risk of coming into care. We are also committed to providing additional specialist support for children with complex needs who may be on the edge of care. We are exploring radical reform of current services for children looked after and care leavers and taking steps to eliminate private profit from the care of children looked after. We are also piloting an approach to Basic Income for young people leaving care.
- We are supporting more parents into work through our commitment to fund childcare for more families where parents are in education and training and deliver a phased expansion of early years provision to include all 2 year olds, with a particular emphasis on strengthening Welsh medium provision.
- Working with social partners and others, we are striving to strengthen worker voice, promote fair work, and tackle modern slavery. Improving conditions at work and addressing labour exploitation is an important factor in addressing economic inequality and tackling in-work poverty.
- We are supporting families living in poverty to increase their household income through our continued support for the social wage. Our Programme for Government commits us to meeting the rise in demand for Free School Meals resulting from the pandemic and review the eligibility criteria. We are also rolling out our commitment to universal FF. We will seek to reform council tax to ensure a fairer system for all.
- Our commitment to put social partnership on a statutory footing through the Social Partnership and Public Procurement (Wales) Bill will support our efforts to build a strong and fair economy and labour market. We are also

strengthening our [Economic Contract](#) and will deliver the [Digital Strategy for Wales](#) and upgrade our digital and communications infrastructure.

### **Isle of Man**

The Department of Education, Sport & Culture (DESC) operates a Free School Meals (FSM) policy, providing FSM to eligible pupils who attend the Island's schools, including those aged 18 and under who attend the University College Isle of Man.

DESC aims to ensure that no child goes hungry over holiday periods as a result of the additional challenges impacting those on low incomes due to the impact of rise in fuel costs and rate of inflation. During COVID-19 lockdown periods when pupils eligible for FSM were not able to attend school, the vouchers were produced by Shoprite for use at their stores.

In July 2020 introduced the Summer Holiday Food Voucher Scheme (No.2) 2020 created under the Financial Provisions and Currency Act 2011 in order to extend the vouchers over the summer holidays to provide for the payment of a grant in the form of gift vouchers throughout the period from 27 July 2020 to 6 September 2020. This scheme expired on 6th September 2020.

In December 2021 DESC created the Christmas Holiday Food Voucher Scheme 2021 be created under the Financial Provisions and Currency Act 2011 in order to extend the vouchers over the Christmas holidays to provide for the payment of a grant in the form of 2 gift vouchers throughout the period from 20 December 2021 to 3 January 2022. This scheme expired on 3 January 2022.

The Department also worked closely with the Cabinet Office earlier this year in order to launch the Summer Holiday Activity and Food Programme, which offered a number of free holiday activity places and meals to students in receipt of free school meals. This pilot will now be reviewed and recommendations will be provided for any future schemes of this sort as a result.

Educational endowments to provide financial assistance towards the cost of school uniforms to those families who were struggling with the cost of uniform before the students returned to school. Those families experiencing hardship, can apply for financial assistance towards the cost of school uniform by completing the online form on the DESC website. This support was put in place after receiving feedback from parents who were struggling to meet the cost.

Many of our schools have a pre-loved uniform selection that families can access by contacting the school directly. A number of schools also run uniform swap shops and the Department have asked all Head Teachers to arrange these where possible.

The Department also allocates budget to each school for a Hardship Fund. Head Teacher's will use this fund appropriately when they deem that a family or student may require support for the likes of uniform, resources and extra-curricular activities or trips.

For families with younger children, the Department recently increased the value of the Pre-School Credit to reflect child care fee increases. Rising costs are simply in response, amongst other factors, to the recent minimum wage increase and the general rising costs of heating and electricity amongst other things. Childcare costs

are a significant draw on a parent's salary. We hope that this will help working parents with the burden of childcare costs.

Outside of school hours our Youth Service run a wide range of clubs, currently offering over 60 sessions every week at a small cost of £1. Kensington Arts run by our Culture Division also offers activities for young people aged between 8 and 21 to support and develop creative expression. Running during school term times, young people can take part in a variety of projects covering art, music, theatre, dance, creative writing, media and backstage skills at the cost of £2 per session. As the youth arm of the Sport and Culture Division Youth service and Kensington Arts' offer accessible recreational and creative opportunities to young people outside of the school environment.

## Article 19 - The right of migrant workers and their families to protection and assistance

### Paragraph 1 - Assistance and information on migration

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or **conformity pending receipt of information**, please reply to the questions raised.

***a: The Committee asks the next report for an up-to-date description on the developments in the migration trends.***

The United Kingdom publishes immigration statistics on a quarterly basis and provides a summary of trends relating to total people coming to the United Kingdom as well as further information on those coming to work and study, those coming to join family and those coming for protection.

There were an estimated 30.2 million passenger arrivals in 2021 (including returning UK residents), around a quarter (23%) less than the previous year, due to the travel restrictions imposed as a result of the COVID-19 pandemic.

There were 1,311,731 visas granted in 2021, 59% less than 2019 as a result of the global pandemic, but 36% higher than 2020. Of the visas granted in the latest 12 months, 33% were for study, 31% were to visit, 18% were to work, 3% were for family, and 14% for other reasons.

There were 15,600 applications for the BN(O) route in Q4 of 2021, with 14,471 out of country applications, and 1,100 in country applications. There have been a total of 103,900 applications for the BN(O) route in 2021 since its introduction on 31st January.

More details can be found on GOV.UK [here](#).

### **Isle of Man**

The number of entry clearance visas granted by the Isle of Man per year are as follows:

2019 – 827

2020 – 379

2021 – 613

2022 – 1110

These figures reflect the total number of visas issued that permit non-British and non-Irish nationals to travel to the Isle of Man on either a temporary or permanent basis.

The figures highlight that there was a predictable drop in entry clearance visas issued in 2020, due to COVID-19 pandemic lockdowns and travel restrictions. The number of entry clearance visas then pick-up in 2021, however there were still ‘circuit breaker’ lockdowns in the Island in early 2021, which may help to explain why figures did not recover completely back to pre-pandemic levels for that year. The year 2022 has seen a significant jump in entry clearance visa applications, at nearly double the total numbers seen for the whole of 2021. The 2022 figures are as of 19 October 2022, and so the total figures for the year 2022 are expected to exceed this figure.

***b: The Committee asks that the next report provide up-to-date information on any new or continued policy initiatives specifically policy and legal frameworks relating to migration matters for the reporting period 01/01/18 to 13/12/21.***

The points-based system (PBS) was introduced in 2021 following the EU referendum and end of free movement on 31 December 2020. It means anyone coming to the UK for work or study, or are joining family members in scope of the Withdrawal Agreements/ Citizens Rights Agreement, (see below) must meet a specific set of requirements for which they will score points. Visas are then awarded to those who gain enough points.

Through the PBS we have already delivered a range of key work and study routes:

- **Skilled Worker route** - allows employers to recruit people with a job offer in an eligible skilled occupation from a Home Office-approved sponsor, to work in the UK in a specific job.
- **Innovator route** - allows those seeking to establish a business in the UK based on an innovative, viable and scalable business idea (which they have generated or significantly contributed to).

- **Health and Care visa** - allows medical professionals to come to or stay in the UK to work in an eligible job with the NHS, an NHS supplier or in adult social care.
- **Student route** - provides more streamlined pathways for students and ensures the UK remains competitive in a changing global education market.
- **Graduate route** - provides international students with the opportunity to stay in the UK to work or look for work after they graduate.

The following routes are particularly targeted at the top end of the labour market:

- **Global Talent route** - allows those aged 18 or over in the field of science, engineering, humanities, medicine, digital technology or arts and culture who can demonstrate exceptional talent or exceptional promise.
- **Global Business Mobility route** - provides a consolidated, simplified and expanded offer for overseas businesses who need to temporarily send employees to the UK for a specific purpose.
- **High Potential Individual route** - provides a short-term work visa for graduates or postgraduates from the Top 50 non-UK academic institutions.
- **Scale-up route** - supports the UK's fastest growing businesses through access to highly sought-after talented individuals, who can help businesses to grow.

## EU Settlement Scheme

The EU Settlement Scheme (EUSS) enables EU, other EEA and Swiss citizens ('EEA citizens') resident in the UK by the end of the transition period at 11pm on 31 December 2020, and their family members, to obtain immigration status in the UK.

The EUSS implements the UK's citizens' rights obligations as to residence status under the Withdrawal Agreement with the EU and the citizens' rights agreements reached with the other EEA countries and Switzerland ('the Agreements').

The EUSS opened on 30 March 2019 (following a public beta testing phase between 21 January and 29 March 2019). The application process is free and largely online (with paper applications available or required in certain circumstances).

The EUSS is more generous than the Agreements require: it does not test whether applicants were residing lawfully (i.e. exercising EU Treaty rights as a worker, a self-

sufficient person, etc) before the end of the transition period. It also caters for groups outside the scope of the Agreements<sup>58</sup>.

The deadline for applications from those resident in the UK by 31 December 2020 was 30 June 2021, or unless late applicants have reasonable grounds<sup>59</sup>. This deadline does not apply to family members arriving on or after 1 April 2021 who are subject to a rolling three-month post arrival deadline, as per the Agreements. Applicants who meet the EUSS requirements and have continuous UK residence of five years are granted settled status (permanent residency under the Agreements). Those with less than five years are generally<sup>60</sup> granted pre-settled status (temporary residence rights under the Agreements) for five years. After five years' continuous residence they can apply for settled status.

As of 30 June 2022, nearly 6.7 million (6,699,200) applications had been made to the scheme, with over 5.9 million (5,909,800) grants of status issued. Statistics on the EU Settlement Scheme are available on GOV.UK: <https://www.gov.uk/government/collections/eu-settlement-scheme-statistics>

### **Hong Kong BN(O) route**

On 31 January 2021, the UK launched a bespoke immigration route for British National (Overseas) (BN(O)) status holders and their eligible family members. The route reflects the UK's historic and moral commitment to those people of Hong Kong who chose to retain their ties to the UK by taking up BN(O) status before Hong Kong's handover to China in 1997. BN(O) status is a form of British nationality created for people from Hong Kong so they could retain ties to the UK after Hong Kong's handover to China.

Under the route, those with BN(O) status and their eligible family members can apply to come to the UK to live, study and work in virtually any capacity, on a pathway to citizenship. After five years in the UK, BN(O) status holders and their family members will be able to apply for settlement, followed by citizenship after a further twelve months.

The key legislation underpinning the Hong Kong BN(O) route is Appendix Hong Kong British National (Overseas) of the Immigration Rules.

---

<sup>58</sup> This includes Zambrano carers; the family members of qualifying British citizens returning to the UK from the EEA or Switzerland; the family members of certain dual British-EEA citizens; and the family members of Persons of Northern Ireland, where they are British or British-Irish citizens. In addition, Ibrahim and Teixeira cases (the child of a former EEA citizen worker in the UK where the child is in education in the UK, and their primary carer) are able to qualify for settled status, whereas the Withdrawal Agreement only entitles them to a temporary right to reside.

<sup>59</sup> [EU Settlement Scheme: information for late applicants - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/collections/eu-settlement-scheme-statistics)

<sup>60</sup> In some limited circumstances, it is possible to qualify for settled status with less than five years' continuous residence.



## Isle of Man

There have been a number of significant changes in immigration policy and legislation relating to migration matters during this period as follows:

- **April 2018:** a replacement Work visa route was introduced. This saw the replacement of the previous Tier 2 and Tier 2 Intra-Company Transfer visas with the Island's bespoke Worker Migrant and Worker (ICT) Migrant visas. The main change to the visa route include employers no longer having to become registered sponsors in order to employ migrants holding these visa types – although mandatory employment checks are still carried out in relation to each visa application. The Island also introduced its own set of Standard Occupational Classification codes (SOC codes), which set out the various employments that applicants for this visa can undertake. The SOC codes are kept under continual review by the Island's Department for Enterprise, and are changed and updated regularly to suit the Island's labour demands.
- **April 2020:** A replacement Entrepreneur visa route was introduced. This saw the replacement of the previous Tier 1 (Entrepreneur) visa with the Island's bespoke Business Migrant visa, comprising of 2 sub-route: Innovators and Start-ups. This new route closely followed the way the UK's equivalent Business Migrant routes were set-up, with the key difference being that the Island's Department for Enterprise now have ownership of assessing applicant's business plans, as opposed to immigration officers.
- **1 January 2021:** Free movement of EU, EEA and Swiss nationals and relevant family members in the Isle of Man ceased at 23:00 on 31 December 2020 in line with the UK's Withdrawal Agreement. These persons now require immigration permission to travel to, work, study and live in the Isle of Man on the same terms as they are required to if they travel to the UK. The Island implemented its own bespoke EU Settlement Scheme on equivalent terms to that of the UK, which allowed relevant nationals who were previously resident in the Island under free movement provisions to apply for an immigration status, which is required in order to lawfully remain in the Island beyond the 6 month Grace Period, which ended 30 June 2020. As of 30 June 2022, the Island has granted 3,249 EU Settlement Scheme statuses.
- **February 2022:** A new sub-route of the Worker Migrant visa was added – the Worker (Seasonal) Migrant. This new route permits non-British and non-Irish citizens to move to the Island temporarily for up to 9 months to undertake a temporary job role. The Island's Department for Enterprise works closely with the Island's employers in order to understand current labour needs, which are reflected as eligible jobs that applicants applying for this visa may undertake. Key differences from the standard Worker Migrant route include, applicants not having to hold a minimum level of English language skills, there is no requirement for a resident labour market test to be carried out. The visa is only

granted for 9 months, however holders may switch into other Isle of Man visa categories in-country should they wish to remain beyond this.

- **February 2022:** Island closes its Tier 1 (Investor) visa to new applications, those already holding this visa may continue to apply under this route until settlement. The Island closed this route in line with the UK's closure of their equivalent Tier 1 (Investor) route on 17 February 2022, owing to evidence of abuse of this route.
- **May 2022:** A Ukraine Scheme immigration route was added to the Island's Immigration Rules as a result of the conflict in Ukraine. The Island's Ukraine Scheme largely mirrors the UK's equivalent Ukraine Scheme route, and comprises of 3 sub-routes – the Ukraine Family Scheme, Ukraine Sponsorship Scheme and Ukraine Extension Scheme. The Island operates its own Isle of Man Homes for Ukraine Scheme, which acts as the regulatory body for Isle of Man residents who wish to host eligible Ukrainian nationals and their family members.

These extend beyond the reporting period to reflect developments in the immigration context.

***c: The Committee asks that the next report provide up-to-date information on the ongoing measures and their noted or expected outcomes, as well as on any further actions envisaged.***

The UK has identified social media as a key enabler for Organised Immigration Crime (OIC). Intelligence collection and investigative action indicate that these channels are used both to publicise people smuggling services and facilitate encrypted communication throughout a migrant's journey. Advertisements on platforms target vulnerable migrants at or near point of origin selling false or stolen documents, and facilitation packages to enter the UK, including across the Channel.

It follows that social media is one of the key areas where the UK's OIC Taskforce looks to identify and disrupt the smugglers' business model. We gather intelligence from a range of sources to understand better how OCGs disseminate information, and law enforcement flag OIC related content to social media companies for removal action.

We have a positive working relationship with social media companies and many of the major social media companies have taken welcome action to protect user safety online. However, there is clearly more that can be done. The UK Government continues to work with social media companies to review their policies, ensure they are consistently enforced, and they are transparent when working with law enforcement. The National Crime Agency and social media

companies concluded a ministerially endorsed voluntary Action Plan in late 2021, to enhance joint activity to tackle content advertising illegal OIC services on online platforms, including content relating to small boat crossings.

### **Isle of Man**

The Island's Immigration Services doesn't have bespoke measures per se on proactively combatting propaganda, as this isn't an issue widely experienced in the Island in this area.

The Island's Immigration Service operates public counters, email and phone lines and encourage individuals to contact the service directly where there are any queries.

Should specific instances of misunderstanding or misinformation be circulated in media, then Isle of Man Government public communications are normally made aware and appropriate action taken, be it a statement in our local Parliament, information posted on government webpages or even public sessions organised and delivered by immigration officers.

## Paragraph 2 – Departure, journey and reception

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was **deferred** or conformity pending receipt of information, please reply to the questions raised.

***a: This provision obliges States to adopt special measures for the benefit of migrant workers, beyond those which are provided for nationals, to facilitate their departure, journey and reception. The Committee asks the next report to provide information on the impact of Brexit and any assistance offered to migrant workers.***

### **England and Wales**

The Government does not play an active role in the recruitment, arrival, reception and departure of migrant workers other than through managing the border.

The responsibility for the welfare of migrant workers rests with employers, the Government provides a number of statutory guidelines to ensure the welfare of all workers. These are available through the Health and Safety Executive's [website](#).

The UK government operates the Shortage Occupation List as a feature of the existing Tier 2 work migration route. It lists occupations where employers face a shortage of suitable labour and where it is sensible to fill those shortages with migrant workers. The occupations on the list are given some special dispensations within the immigration rules designed to make it easier for employers to access migrant labour to fill vacancies in those areas of identified shortage through the post-Brexit Points-Based Immigration System.

The Government periodically commissions the Migration Advisory Committee (MAC) to recommend which occupations should be placed on the SOL. Ultimately it is for the Government to decide which occupations are selected.

### **Scotland**

The Scottish Government has committed, through the National [Strategy for Economic Transformation \(NSET\)](#), to develop a focused Talent Attraction programme to attract key skills and talent from the rest of the UK. This will align with Scotland's identified key sector strengths and new market and cluster building opportunities and provide a joined-up "landing zone" for targeted employees and their families supported through our commitment to create a Migration Service for Scotland.

Brought together, the Talent Attraction programme and Migration Service for Scotland will improve Scotland's ability to attract and recruit workers from outside of Scotland with the skills that our economy will need in the future, and support international workers in the migration and relocation process.

### **Isle of Man**

The Island established its own EU Settlement Scheme, which mirrored the UK's EU Settlement Scheme. The EU Settlement Scheme allows these nationals to apply for an immigration permission in order to remain in the Isle of Man.

In line with the UK, a Grace Period of 6 months from this date and ended on 30 June 2021, by which point all nationals previously resident under free movement provisions must have applied for an immigration permission to be considered lawfully resident. Late applications are accepted where there are reasonable grounds as to why the individual missed this deadline, and some family members are still able to join their EU, EEA or Swiss citizen family in the Island in some scenarios. As of 30 June 2022 the Island has granted 3,249 statuses under the EU Settlement Scheme.

Public guidance for applicants to the Island's EU Settlement Scheme is available on the Island's government immigration webpages: [Isle of Man Government - EU Settlement Scheme](#). The Island's Immigration Service also operates public counters, email and phone lines which customers are encouraged to use if they have questions.

Public seminars run by immigration officers were also conducted in the lead up to 31 December 2020 and during the Grace Period to inform employers of what these changes meant for them in terms of continuing to employ these nationals, as well as for the nationals themselves. Several bespoke seminars with specific employers and even nationality groups were hosted by immigration officers.

EU, EEA and Swiss citizens not resident before 31 December 2020 must apply for an immigration permission (aside from if they are simply visiting) prior to travelling to the Island, should they wish to come here to work, study or settle.

### **Services during the journey**

***b: The Committee notes that the report does not indicate any large scale recruitment of migrant workers in the reference period. It asks how the information, including statistics, on such possible recruitment is collected.***

### **England and Wales**

The Home Office regularly publishes national statistics on entry clearance visas granted for work and Certificates of Sponsorship (CoS) used in the [Immigration](#)

[statistics quarterly release](#). Background on the data, including information on the data source, data quality and limitations of the data are provided in the accompanying [User Guide to: Immigration Statistics](#).

The statistics on entry clearance visas are sourced from two immigration case working systems: the Home Office Proviso-Central Referencing System (CRS) visa casework system and Atlas. The information is gathered for the purpose of processing entry clearance visa applications to the UK.

The statistics on Certificates of Sponsorship (CoS) used are extracted from the Home Office's Sponsorship Management system (SMS). The data derived from SMS are administrative information used by UK sponsors to allocate certificates.

The latest Home Office visa data show that there were 961,332 work visas granted to main applicants in the year ending September 2022, an 82% increase compared to 2019 (527,615), the latest pre-pandemic period. The Home Office can provide more visas in sectors where businesses rely on seasonal workers, such as the horticulture industry.

## **Scotland**

Please see above response to Article 19, point a.

## **Isle of Man**

Statistics on volumes of certain types of visas (such as migrant workers) are drawn from internal case working systems used to process immigration applications. Statistics on these numbers provided by the Immigration Service will only reflect the numbers of persons that require visas in order to work, which during the reference period (1 January 2014 – 31 December 2017) did not include British or Irish citizens or EU, EEA and Swiss nationals and their family members who had extended free movement rights.

Statistics for this period drawn from worker type visa applications therefore would only capture nationals not falling within those nationalities.

***c: It also asks what requirements for ensuring medical insurance, safety and social conditions are imposed on employers, shall such recruitment occur, and whether there is any mechanism for monitoring and dealing with complaints, if needed.***

### **Requirements for ensuring medical insurance, safety and social conditions are imposed on employers**

The UK strongly advises individuals to have appropriate sickness insurance. Almost all migrants arriving in the UK for periods longer than six months are required to pay the Immigration Health Surcharge, which covers their healthcare needs in the UK.

Employers are required to follow occupational safety and health (OSH) legislation and ensure that working environments are safe for all their employees, including migrant workers.

### **Mechanisms for monitoring and dealing with complaints**

All individuals have the right to raise complaints about healthcare received from the National Health Service. Complaints can be raised directly with providers or individuals may contact the Patient Advice and Liaison Service if they need assistance in raising complaints. Independent statutory bodies (for example Healthwatch England in England) are empowered to monitor complaints and compel action.

Our OSH agency, the Health and Safety Executive (HSE), monitors compliance for employers ensuring that they consider health and safety at work for all their employees, including migrant workers. HSE conducts compliance and enforcement checks on businesses to make sure that they are compliant.

### **Post-Brexit measures and medical assistance**

The NHS is a residency-based system. This means that people who do not live here on a lawful, settled basis must contribute to the cost of their care. The NHS is free at the point of use for patients ordinarily resident in the UK, and some other groups.

Most temporary migrants living or arriving in the UK with permission will receive healthcare, broadly on the same basis as ordinary residents as they will have paid the Immigration Health Surcharge (“IHS”) with their visa application (when coming to the UK for 6 months or more). Once their visa has been granted, the IHS covers all healthcare for the duration of their visa, including for pre-existing conditions, other than assisted conception services which remain chargeable.

Overseas visitors who do not pay the IHS will never be denied access to services, however they may be chargeable upfront for those services unless another exemption from charge category exists. Where that treatment is considered urgent or immediately necessary by a medical professional it will never be withheld or delayed pending upfront payment, however charges may apply retrospectively.

Accident and emergency treatment and GP appointments are free to all regardless of residence status, although individuals may be required to pay for services which the ordinarily resident population are expected to pay for, such as prescription charges.

Broadly speaking, NHS charging has remained the same with the exception that EU nationals (and their family members and dependents) not covered by the Withdrawal Agreement are no longer exempt from charge, and therefore may be chargeable for treatment where an exemption does not exist, unless they have paid the IHS as part of their visa or are capable of being considered ordinarily resident.

For those covered by the Withdrawal Agreement, the Home Office introduced the EU Settlement Scheme which enabled a person with limited leave to remain (pre-settled status) to be considered ordinarily resident, and therefore exempt from charge for relevant services. This includes protection from being charged for the period of an application, whereas other nationals continue to be chargeable during visa application periods until the point they are granted leave to remain/enter, or an exemption applies.

### **Scotland**

Seasonal migrant workers in the agricultural and horticultural sector in Scotland have their minimum conditions of service set by the Scottish Agricultural Wages Board (SAWB). The SAWB as an executive Non-Departmental Public Body was established under the [Agricultural Wages \(Scotland\) Act 1949](#) and is empowered by law to make orders fixing minimum wage rates, holiday entitlement and certain other conditions of service for agricultural workers in Scotland.

The [Agricultural Wages \(Scotland\) Order](#) is enforced by Scottish Government Officials with investigations of any potential breaches of conditions within the order carried out by Agricultural Wages Inspectors and reported to the Agricultural Wages Enforcement Team (AWET). Where appropriate, the AWET will act on behalf of Scottish Ministers and invite the employer to remedy the position. If an acceptable solution cannot be agreed, then the matter may have to be referred to an Employment Tribunal for settlement.



There are approximately 120 control inspections carried out per annum in agricultural or horticultural businesses that employ workers covered by the Agricultural Wages (Scotland) Order.

The Scottish Government has also funded the establishment of a Worker Support Centre which offers vital advice and urgent practical support to seasonal horticultural workers in Scotland on the Seasonal Workers Visa in Scotland including those of Ukrainian nationality as a result of the ongoing conflict. This new service, is focused on providing information and support through support workers, a project advisor and legal team. The Worker Support Centre follows models used around the world to offer temporary migrant workers advice and support which can help prevent workers ending up in situations of human trafficking. The service will seek to empower workers to consider ways to address issues affecting their wellbeing at work and ultimately to help develop worker leadership skills to educate and support other workers.

Employment is a reserved area. Health and safety in the workforce is also a reserved area, although the Scottish Government supports this area through its devolved healthcare powers, namely in the provision of medical services and providing advice to employers. In this devolved healthcare role we have a responsibility to provide guidance and medical intervention to support those who are most vulnerable.

Employers must follow health and safety regulations which are monitored and enforced by the Health and Safety Executive (HSE). HSE retain investigative powers and provide guidance to employers. Complaints can be made to the HSE, Local Authorities and recognised trade unions.

### **Isle of Man**

There are no immigration requirements placed on employers of migrant workers to any of these effects, with the exception of some Tier 5 temporary employment routes, which require that employers have an employer's liability insurance for at least £5 million.

In these cases, employers are required to hold a sponsor licence to hire these migrant workers, which must be renewed every 4 years, at which point evidence of continuing compliance with conditions such as this must be re-evidenced

### Paragraph 3 – Co-operation between social services of emigration and immigration states

***a: confirm that the local authority social services are charged with assessing the migrant workers' welfare needs and explain whether they have established the necessary cooperation with the most important emigration and immigration countries. In particular, what services are involved and what is the form and nature of contacts and information exchanges?***

Migrant workers who have an issue with unpaid wages, employee benefits and/or any other employment related issues have the same rights as permanent residents of the UK.

There is a range of different sources of advice to help migrant workers' access support. These are available through both public and third-sector sources, including GOV.UK and Citizens' Advice. Local authorities can offer support to migrant workers and their family members, particularly those who might be at risk of destitution. The UK Central Government does not regularly monitor this area as it is a devolved matter for local authorities.

#### **Scotland**

Please see response to Article 19, Paragraph 1.

The Scottish Government is committed to supporting refugees, asylum seekers and Scotland's communities through the pioneering and collaborative approach of the [New Scots refugee integration strategy 2018-2022](#). The strategy is led in partnership by the Scottish Government, the Convention of Scottish Local Authorities (COSLA) and the Scottish Refugee Council.

The Scottish Government sees integration as a two-way process that involves positive change in both the individuals and the host communities, and which leads to cohesive, multi-cultural communities. The New Scots strategy includes a framework of actions across seven themes of integration:

- needs of Asylum Seekers;
- employability and welfare rights;
- housing;
- education;
- language;
- health and wellbeing; and

- communities, culture and social connections.

Delivery of the strategy is being enhanced through the New Scots Refugee Integration Delivery Project funded by the EU's Asylum, Migration and Integration Fund up to December 2022. The project includes a £2.8 million grant fund which is enabling over 50 projects to spread documented good practices and to support innovation in Scotland under the objectives of the strategy, including promoting employability, education, health and social and cultural connections for refugees.

### **Isle of Man**

There are no welfare responsibilities placed on Isle of Man for migrant workers by virtue of extended immigration legislation. There are general duties that exist for all IOM Government Services, such as reporting safeguarding concerns, but these follow general Government commitments and are not specific to just migrant workers.

***b: explain in detail whether measures were adopted at the national level to support the local authorities in their tasks and to promote relevant cooperation between social services.***

Local authorities can offer support to migrant workers and their family members, particularly those who might be at risk of destitution. The UK Central Government does not regularly monitor this area as it is a devolved matter for local authorities.

### **Scotland**

Please see above response to point a

### **Isle of Man**

There have been no measures adopted for immigration purposes regarding social welfare of migrant workers between local Government Services.

Data sharing gateways are in place under extended immigration legislation, namely sections 20 and 21 of the Immigration and Asylum Act 1999 that provide for other Government Departments to share information they hold in relation to individuals with the Island's Immigration Service, where that information would be of use for

immigration services. There are however no agreements in place which compel or place a duty on other Government Departments to share this information.

***c: provide explanations on any measures adopted or envisaged to address the potential impact of Brexit on migrant workers in the UK and in other EU Member States, including as regards the resettlement scheme.***

The UK does not consider the EU Settlement Scheme as a migrant worker scheme. It is a scheme designed to ensure EU citizens resident in the United Kingdom before the end of the transition period (31 December 2020) can evidence their leave to remain in the UK.

### **Scotland**

Please see response to Article 19, Paragraph 1 and Article 19, paragraph 2, point a

### **Isle of Man**

The Island established its own EU Settlement Scheme, which mirrored the UK's EU Settlement Scheme. The EU Settlement Scheme allows these nationals to apply for an immigration permission in order to remain in the Isle of Man.

## Paragraph 4 - Equality regarding employment, right to organise and accommodation

***a: The Committee asks the next report to provide information on practical measures taken to implement the legislative framework in the UK, in particular on any awareness-raising or targeted support programmes***

The Equality Advisory Support Service (EASS) is a Government-managed equality and human rights helpline, run under contract. It offers free advice to individuals who think they may be the victim of discrimination. The EASS handles between 35 and 40,000 customer contacts a year, and has a high Google profile, ranking top for any search under "Equality Advisory", "Equality Support" or "Equality Service".

The Government does not run awareness-raising programmes on the law itself. However, numerous campaigns are run on issues which link to provisions and protections in the Equality Act 2010 - for example, the Home Office's "Enough" campaign launched in March 2022 on ways to intervene and address harassment; or the NHS England National Menopause Care Improvement Programme. The EHRC also runs periodic awareness-raising and/or support programmes, for example its 2016 Power To The Bump campaign combatting pregnancy and maternity discrimination, or its more recent programmes to fund legal action against disability and race discrimination.

### **Isle of Man**

The Isle of Man's Equality Act 2017 has been promoted by Government online and via social media. However there have been no campaigns specifically targeted towards migrants relating to their rights under the Act.

### **Monitoring and Judicial review**

*a) The report provides extensive information, in particular on the Equality and Human Rights Commission and its statutory duties and powers. These include, in particular, a general duty to work towards the development in society in which equality and rights are embedded, to promote awareness and understanding of the Equality Acts, as well as enforcing the legislation, give advice and guidance, power to issue Codes of Practice (statutory guidance) which must be taken into account by courts and tribunals in relevant cases, power to conduct an inquiry into the public sector duties, as well as 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, 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).*

*In the Isle of Man, the 2017 Act establishes the Employment and Equality Tribunal as the forum for all employment complaints, including concerning discrimination. The Committee asks the next report to provide information on the impact of Brexit in this context.*

## **Isle of Man**

In the Isle of Man, Brexit has had limited impact on employment rights and complaints regarding discrimination as employment rights are not derived from EU law.

***b: The Committee notes from the MIPEX 2015 report, that migrants in the UK enjoy some of the strongest and most comprehensive protections against discrimination in Europe. The 2010 Equality Act makes the law more coherent and easy to use, with the aim to 'rationalise, simplify and harmonise existing equality law into a consistent, coherent and easy to understand manner.' Yet, the Committee further notes that cuts to funding and monitoring are undermining the UK's traditional international strengths on anti-discrimination equality. 2012 saw cuts made to mandatory equality impact assessments and to 50% of the equality body's budget. The Committee asks the next report to comment on these observations and to explain whether these cuts reduced the capacity of equality actors and public sector to promote access to justice and equal treatment in practice targeted towards migrant workers.***

The legislation on the public sector equality duty has not been changed since 2010: the reference here is to changing guidance on the style of equality assessments made. No further reductions in the EHRC's powers have been made since 2012. The EHRC has retained its 2021/22 budget of £17.1m into 2022/23, and has recently been re-accredited an "A" status National Human Rights Institution at the UN. The EHRC's responsibilities on migrant workers relate to enforce of the Equality Act 2010 (in practice, discrimination in employment or the provision of services, probably on grounds of race) and its powers in relation to the Human Rights Act. In November 2021 the EHRC launched a 2-year £0.25m Race Legal Support Fund, to "tackle race discrimination and help victims seek justice". This followed a recommendation for EHRC to be funded in this area by the independent Commission on Race and Ethnic Disparities, subsequently endorsed by the Government in Inclusive Britain (2022).

## **Isle of Man**

The Equality Act 2017 came into full operation on 1 January 2020.

The change in the law provides equality of opportunity and makes it unlawful to discriminate, harass or victimise a person when providing goods, services or public functions, in education, in employment or as a member of an association on the basis of a person's:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation.

A Statutory Code of Practice on Employment was issued under section 157 of the Equality Act 2017 and applies the provisions of the Equality Act 2017 from 1 January 2020<sup>61</sup>.

***c: The Committee asks for updated information on judicial review available in the UK for all aspects covered by Article 19§4***

There been no change in the UK's position with respect to judicial reviews available in the UK for all aspects covered by Article 19.4. Employment tribunals still remain open as an avenue for employment rights, the right to organise under free association or the right to accommodation. Public bodies can still have the lawfulness of their decisions examined in the courts.

---

<sup>61</sup> <https://www.gov.im/media/1367731/finaleqa2017employmentcode.pdf>

## Paragraph 5 – Equality regarding taxes and contributions

***a: If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.***

Nil. response required.

## Paragraph 6 - Family reunion

***a: If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised. The Committee concludes that the situation in the United Kingdom is not in conformity with Article 19§6 of the 1961 Charter on the grounds that:***

- **family members of a migrant worker are not granted an independent right to remain after exercising their right to family reunion;**
- **it has not been established that the language requirements imposed on the family members of migrant workers are not likely to hinder family reunion.**

Family members of migrant workers are provided with the right to remain in the United Kingdom for as long as the worker has this right to remain. There is no restriction on their own right to work and children under 16 are provided with access to education.

There are no language requirements for family members joining migrant workers. There is only a language requirement at the point a person wishes to remain in the United Kingdom for an indefinite period.

Further information on the family reunification rules are provided in the UK's response to (b) below.

±

***b: The Committee notes from the Migration Integration Policy Index 2015 (MIPEX) report on the UK that hardly any non-EU and UK citizens can exceptionally be reunited with their dependent adult children or, since 2012, dependent parents/grandparents. The Committee strongly requests that the comprehensive information on the scope of the family reunion is provided in the next report.***



Comprehensive information the UK visa system including information about family visas can be found [here](#). :

### **Isle of Man**

There are a number of routes that adult children and parents/grandparents of non-EU or UK citizens can join nationals in the Isle of Man, and these are roughly on the same terms as in the UK.

Typically there needs to be evidence of either financial or medical dependency on the individual that they will be joining in the Isle of Man, however other exceptional circumstances can be considered.

A formal route for applications relating to Article 8 of the European Convention on Human Rights (right to respect for private and family life) was formally introduced to the Island's Immigration Rules on 18 November 2012 which mirrored the UK's introduced to their rules earlier that year. Appendix FM provides for adult dependents (both adult children and parents/grandparents) to apply for a visa based on a dependent relationship to a person settled in the Isle of Man (including non-British citizens).

Other routes which provide scope for dependent adult children and parents/grandparents to apply for a visa based on a relationship to a non-British visa holder in the Island include the EU Settlement Scheme, dependents of Worker Migrants and Business Migrants, the Hong Kong BN(O) route.

In exceptional circumstances where the rules otherwise do not provide for a visa to be granted in a specific scenario, the Minister for the Cabinet Office has equivalent discretion to the UK Secretary of State's power to grant leave outside the rules, which could be used in these circumstances.

### **Conditions governing family reunion**

***c: The Committee understands that the social benefits could be thus taken into account towards the calculation of the available income and asks the next report to confirm that this is the case. It notes from the MIPEX report that potential sponsors face "the highest and tightest income requirement in the developed world" with the requirement of £18,600 per year for spouse/partner, £22,400 including one child and extra £2,400 per additional child. The Committee found previously these amounts not to be in conformity with the Charter. It asks what are the thresholds after the amendment of the Immigration Rules***

In February 2017, the Supreme Court upheld the lawfulness of the minimum income requirement under the family Immigration Rules. The Court found the minimum income requirement is not a breach of the right to respect for private and family life under Article 8 of the European Convention on Human Rights and is not discriminatory. The Supreme Court endorsed our approach in setting an income requirement for family migration which prevents burdens on the taxpayer and ensures migrant families can integrate into our communities. The Supreme Court agreed this strikes a fair balance between the interests of those wishing to sponsor a partner to settle in the UK and of the community in general.

The Supreme Court asked us to look at how, in cases involving exceptional circumstances, we assess all the financial support available to the family. The Statement of Changes in Immigration Rules HC 290, which came into effect on 10 August 2017, gives effect to the Court's findings, in circumstances where refusal of the application could otherwise breach ECHR Article 8, other credible and reliable sources of income, financial support or funds available to the couple may be taken into account under the minimum income requirement.

Paragraph 21A of Appendix FM-SE, inserted by HC 290, sets out objective criteria by which decision makers will in such cases assess the genuineness, credibility and reliability of other sources of income, financial support or funds. Each case will be considered on its merits, in the light of all the information and evidence provided by the applicant.

### **Isle of Man**

These figures relate to the financial thresholds present within Appendix FM to the Immigration Rules, which set out the private and family life Immigration Routes. There have been no changes to these financial thresholds within the Island's Immigration Rules, and these figures therefore remain current.

***d: Furthermore, the MIPEX report provides that sponsors must*** able to pay the developed world's highest fees (£956) to reunite with their family. The Committee asks the next report to clarify what fees are applicable for a family reunion and whether those lacking means can receive necessary support.

The Home Office publishes a full list of application fees and estimated unit costs on Gov.UK. Full details can be found via the following link:

<https://www.gov.uk/government/publications/visa-regulations-revised-table/home-office-immigration-and-nationality-fees-6-april-2022>

A fee waiver is available to qualifying applicants both inside the UK and overseas. For those seeking to extend their stay in the UK a fee waiver will apply to those who cannot afford the fee, are destitute, at risk of destitution; or where there are welfare concerns for a child of a parent in receipt of a low income. Eligible applicants overseas are those making certain specified human rights applications where to require payment of the fee before deciding the application would be incompatible with a person's rights under Article 8 of the European Convention on Human Rights. A fee waiver will be granted if the applicant and sponsor demonstrate they cannot afford the fee or that their income is not sufficient to meet their child's needs.

In addition to the provision of fee waivers, the Home Office recognises the need to assist some of the more vulnerable members of our society and the rules provide for exceptions to the need to pay application fees in a number of specific circumstances, for example, in relation to refugees and persons deriving rights under European law, and wider government policy (such as the protection of spouses from domestic abuse and the protection of vulnerable children).

### **Isle of Man**

The fee for an entry clearance visa to the Isle of Man is set and collected solely by the United Kingdom. Typically set these to match equivalent UK entry clearance visas.

The current Isle of Man entry clearance visa fee for applications relating to joining a family member in the Island (as set by the UK) are as follows:

The UK Secretary of State may, pursuant to paragraph 6 of Schedule 9 to the UK's Immigration and Nationality (Fees) Regulations 2018 may waive or reduce an application fee on a discretionary basis.

<b>Description of entry clearance visa</b>	<b>Fee</b>
Fee for a dependent application not specified below	£531
Fee for an applicant under a Ukraine Scheme immigration route	Free of charge
Fee for an applicant under the Hong Kong British National (Overseas) route immigration route	£250 or £180 if the period of grant will be for under five years
Fee for entry clearance under Appendix ECAA Extension of Stay	Free of charge

Fee for an application for entry clearance under the EU Settlement Scheme or for an EU Settlement Scheme Family Permit	Free of charge
Dependents of a Worker Migrant or Worker (ICT) Migrant	£625
Dependents of a Worker Migrant who is eligible for a Health and Care visa fee reduction	£247
Dependent of an Innovator	£1,036
Dependent of a Start-up	£378
Application for entry clearance as a parent, grandparent or other dependant relative of a person present and settled in the Isle of Man under Appendix FM to the Isle of Man immigration rules	£3,250
Application for entry clearance as the dependant of a Tier 1 (Exceptional Talent) Migrant.	£623
Application for entry clearance as the dependant of a Tier 1 (Entrepreneur) Migrant.	£1,036
Application for entry clearance as the dependant of a Tier 1 (Graduate Entrepreneur) Migrant.	£378
Application for entry clearance as the dependant of a Tier 1 (Post-Study Work) Migrant.	£619
Application for entry clearance as the dependant of a Tier 1 (General) Migrant.	£1,036

- a) *The Committee asks the next report to provide information on the impact of Brexit on the right to a family reunion for migrant workers*

The points-based system (PBS) was introduced in 2021 following the EU referendum and end of free movement on 31 December 2020. It means anyone coming to the UK for work or study must meet a specific set of requirements for which they will score points. Visas are then awarded to those who gain enough points.

In line with the provisions in the Agreements, family members of EU, EFTA and Swiss citizens resident by 31 December 2020 can apply to the EU Settlement Scheme. The scheme also enables EU, other EEA and Swiss citizens to be joined at any point in the future by close family members (spouses, civil and unmarried partners, dependent children and grandchildren, and dependent parents and grandparents) who live in a different country at any point in the future, if the relationship existed on 31 December 2020 and still exists when the person wishes to come to the UK (the UK-Swiss Citizens' Rights Agreement allows for individuals in scope of the agreement to be joined by new spouses and partners under free movement rules for five years after the specified date of 31 December 2020). Any child born to an individual in scope is also protected by the Agreements if the individual has custody of the child. The Agreements also protect the rights of those citizens who reside in one state and work in another ('frontier workers').

Workers and self-employed persons, including frontier workers, covered by the Agreements are guaranteed broadly the same rights as they enjoyed before the UK left the EU (where these entitlements derived from UK membership of the EU)<sup>62</sup>. They have a right to not be discriminated against due to nationality, and the right to equal treatment with host state nationals. For example, equal treatment in respect of the right to pursue economic activity, the right to employment assistance, conditions of employment, the right to tax and social advantages, collective rights, access to housing and the right for their children to receive an education.

Further information on the rules for family members under the EU Settlement Scheme can be found on GOV.UK, under [Immigration Rules](#): Appendix EU and Appendix EU (Family Permit).

### **Isle of Man**

Following Brexit, free movement provisions in the Island ended at 23:00 on 31 December 2020, meaning that EU, EEA and Swiss nationals not resident in the Island by this date must apply for an immigration permission to move to the Island to work.

Migrant workers coming from EU or EEA countries or Switzerland must now hold a worker visa of some kind prior to their travel here. There are currently 4 types of worker visa available to the Isle of Man: Worker Migrant (costs £625), Worker (Intra-Company Transfer) Migrant (costs £625), Worker (Seasonal) Migrant (costs £259) and Tier 5 (Temporary Worker) Migrants (costs £259).

Dependents may only join or accompany holders of a Worker Migrant or Worker (ICT) Migrant visas in the Isle of Man, and their visa will cost the same as the main applicant's visa. Worker (Seasonal) Migrant and Tier 5 (Temporary Worker) Migrant visas are designed to be temporary, and dependents cannot join holders of these visas in the Island as a dependent, although family members may apply in their own right to come to the Island in some cases (i.e. not as a dependent).

### Paragraph 7 - Equality regarding legal proceedings

***a: If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was***

---

<sup>62</sup> [Explainer for part 2 \(citizens' rights\) of the agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union \(publishing.service.gov.uk\)](#) Paragraph 21

***deferred or conformity pending receipt of information, please reply to the questions raised.***

Nil. response required

## Paragraph 8 - Guarantees concerning deportation

***a: The Committee asks the next report to provide exhaustive information on the Immigration Act 2014 and subsequent Acts, in particular, to confirm explicitly that:***

- **deportation may be ordered under the amended legal framework only in case of substantive threat to national security, public interest or morality and/or conviction for serious criminal offence;**
- **deportation may not be ordered for risk to public health nor for dependence on social assistance;**
- **family members of a migrant worker are liable to be expelled following a migrant worker's deportation.**

### **Immigration Act 2014**

The Immigration Act 2014 introduced changes to the removals and appeals system, making it easier and quicker to remove those with no right to be in the UK. It addressed the abuse of Article 8 of the European Convention on Human Rights – the right to respect for family and private life and prevented illegal immigrants accessing and abusing public services or the labour market.

Section 19 of the 2014 Act amended Part 5 of the Nationality, Immigration and Asylum Act 2002. Sections 117A to 117D in Part 5A of the Nationality, Immigration and Asylum Act 2002 sets out the approach a court or tribunal is required to take when considering whether deportation would breach Article 8 ECHR. Part 5A was inserted by section 19 of the Immigration Act 2014 which came into force on 28 July 2014. In Part 5A:

- section 117A sets out how the Article 8 provisions are to be applied
- sections 117B-117C set out Parliament's view of the public interest question of whether an interference with a person's right to respect for private and family life is justified under Article 8(2). Section 117B outlines the public interest considerations applicable to Article 8 claims made by any foreign nationals, including foreign criminals. Section 117C outlines additional public interest considerations which apply to Article 8 claims made by foreign criminals.
- section 117D sets out the interpretation of sections 117A to 117C

The Immigration Rules were amended on 28 July 2014. Paragraph A362 sets out that any Article 8 claim considered on or after this date, regardless of when the deportation order was made, must be considered under the amended rules.

Paragraph 398 of the Immigration Rules sets out the criminality thresholds. An Article 8 claim from a foreign criminal who has not been sentenced to at least 4 years' imprisonment will succeed if the requirements of an exception to deportation are met. The exceptions to deportation on the basis of family life are set out at paragraph 399 of the Immigration Rules, and the exception on the basis of private life is at paragraph 399A.

An Article 8 claim from a foreign criminal who has been sentenced to at least 4 years' imprisonment will only succeed where there are very compelling circumstances over and above the circumstances described in the exceptions to deportation at paragraphs 399 and 399A.

Paragraphs 399B and 399C set out the provisions for granting leave to remain where an Article 8 claim succeeds (see the section on granting leave). There is no provision to grant leave on the basis of Article 8 to a foreign criminal outside the Immigration Rules unless the foreign criminal is an EEA national or deportation is pursued solely on the basis of an overseas conviction.

The Article 8 framework set out above determines how a foreign national offender's right to a private and family life should be weighed against the public interest in their deportation. This framework has been approved as Article 8 compliant both by the UK and European courts through various legal challenges, and examples are given below. Guidance, internal instructions and training are regularly reviewed and, where necessary, amended to take into account relevant caselaw where this affects the implementation of the Article 8 framework.

### **Specific questions**

**Deportation may be ordered under the amended legal framework only in case of substantive threat to national security, public interest or morality and/or conviction for serious criminal offence;**

Any foreign national who is convicted of a crime and given a prison sentence is considered for deportation at the earliest opportunity. Under the UK Borders Act 2007, a deportation order must be made where a foreign national has been convicted of an offence and received a custodial sentence of at least 12 months. This is subject to several exceptions, including where to do so would breach a person's ECHR rights or the UK's obligations under the Refugee Convention. Those

with a sentence below 12 months are deported where it is conducive to the public good under the Immigration Act 1971.

European Economic Area (EEA) and Swiss citizens, and their family members, who are protected by the EU Withdrawal Agreement Act 2020 are considered for deportation on public policy, public security or public health grounds where it concerns conduct (including any criminal convictions relating to it) committed on or before 23:00 GMT on 31 December 2020.

**Deportation may not be ordered for risk to public health nor for dependence on social assistance;**

Deportation is not made on grounds of public health or on grounds of dependence on social assistance.

Family members of a migrant worker are liable to be expelled following a migrant worker's deportation.

Section 3(5)(b) of the Immigration Act 1971 allows the deportation of family members of a person who is or has been ordered to be deported.

**Deportation may be ordered under the amended legal framework only in case of substantive threat to national security, public interest or morality and/or conviction for serious criminal offence;**

The UK operates a robust and fair immigration system which aims to attract the best talent from around the world. Under the UK Borders Act 2007, a deportation order must be made where a foreign national has been convicted of an offence and received a custodial sentence of at least 12 months. This is subject to several exceptions, including where to do so would breach a person's ECHR rights or the UK's obligations under the Refugee Convention. Those with a sentence below 12 months may only be deported where it is conducive to the public interest under the Immigration Act 1971.

European Economic Area (EEA) and Swiss citizens, and their family members, who are protected by the EU Withdrawal Agreement Act 2020 are considered for deportation on public interest, public security or public health grounds where it concerns conduct (including any criminal convictions relating to it) committed on or before 23:00 GMT on 31 December 2020.

**Family members of a migrant worker are liable to be expelled following a migrant worker's deportation.**

- Section 3(5)(b) of the Immigration Act 1971 allows the deportation of family members of a person who is or has been ordered to be deported but generally we would not exercise this power. If a family member's stay in the UK is



predicated on the stay of someone who has been deported, then generally we would expect that family member to leave the UK.

### **Isle of Man**

No deportation, removal or other immigration enforcement powers have been extended to the Isle of Man by Order in Council from the Immigration Act 2014 or later Immigration Acts of Parliament.

The Island does retain similar powers under previous enactments, with one key exception – being that section 32 of the UK Borders Act 2007 (automatic deportation) has not been extended to the Island.

The Island maintains equivalent tests in line with the UK in terms of where enforcement action such as deportation may be ordered. The Island's Immigration Officers in cases of potential deportation follow UK Home Office guidance in terms of conducting these tests, but generally, the bar is set at where the individual's presence is not conducive to the public good.

This usually means that an individual meets minimum levels of criminality including where the individual has received a custodial sentence of 12 months or more for a single offence, where they have been convicted of an offence (here or overseas) that has caused serious harm or where they are a persistent offender. We would follow UK Home Office guidance in assessing these criteria.

Other cases that may result in deportation include where it would be in the interest of national security, involvement in a sham marriage or where a court has ordered this.

The above is not exhaustive and section 3(5) of the Immigration Act 1971 provides discretion for deportation where the Minister for the Cabinet Office considers that the individual's removal would be conducive to the public good, however this discretion may not be exercised were it to breach relevant Articles of the various withdrawal agreements following Brexit.

Family members of migrant workers are liable to be removed in line with the migrant worker, should they be deported.

### ***b: The Committee also asks the next report to provide information on the impact of Brexit in this respect***

The UK has passed legislation to preserve the rights of persons protected by the European Union Withdrawal Agreement, the European Economic Area European Free Trade Association Separation Agreement or the Swiss Citizens' Rights Agreement, or by the United Kingdom's implementation of these Agreements.

The Immigration (European Economic Area) Regulations 2016 have been saved by the following legislation:

- the Citizens' Rights (Restrictions of Rights of Entry and Residence) (EU Exit) Regulations 2020;
- the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020;
- the Citizens' Rights (Frontier Workers) (EU Exit) Regulations 2020;
- the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020.

### **Isle of Man**

Under Free Movement provisions, a different test to the 'conducive to public good' test was applied to nationals that fell under these provisions. In Free Movement cases, removal could only be pursued if justified on grounds of public policy, public security or public health ("the EEA test"), with considerations of these grounds being set out in the Island's Immigration (European Economic Area) Regulations 2019.

The EEA test continues to be the test applied to those nationals who were resident before 23:00 on 31 December 2020 i.e. for those nationals who previously were resident under Free Movement provisions. In these cases the EEA test is applied where considering an individual's removal as opposed to the 'conducive to public good' test that is applied to all other nationals or those relevant nationals not resident by 23:00 on 31 December 2020.

### Paragraph 9 - Transfer of earnings and savings

***a: In the previous conclusion (Conclusions 2015) the Committee referred to its Statement of Interpretation on Article 19§9 (Conclusions 2011), affirming that the right to transfer earnings and savings includes the right to transfer movable property of migrant workers. It asked whether there were any restrictions in this respect. As the report does not reply on the matter, the Committee recalls its question***

The UK Government offers a Transfer of Residence relief, which allows relief from UK import duties on personal belongings and household goods, when a person is transferring their normal place of residence to the UK. To benefit from this relief, claimants should first get approval from HM Revenue and Customs to claim the relief. They must meet the conditions of the relief including:

- that the individual must have been normally resident outside the UK for at least 12 consecutive months prior to the date the UK becomes their new normal place of residence
- for goods brought under the relief, the individual must have possessed those goods for at least 6 months prior to the date they stop being normally resident outside the UK
- that the goods moving under the relief should have the same intended use in the UK as they would have if they were used outside the UK.

Certain conditions of the relief can be waived in exceptional circumstances, which should be evidenced at the time of application. Goods can be imported in multiple consignments, but all goods must be imported within 12 months of the date the UK became the claimant's normal place of residence. Any goods brought under Transfer of Residence relief cannot be lent, used as security, hired out or transferred within 12 months of the date the goods were imported, without the approval of HMRC. Further information about this relief can be found at [gov.uk](https://www.gov.uk).

### **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.

### Paragraph 10 - Equal treatment for the self-employed

***a: If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.***

Nil. response required because assessment of this provision is dependent on the assessments against Articles 19.2, 19.3, 19.6, 19.8 and 19.9. Please see the response to those articles for the relevant information.