

NYAS DGD Submission for the UNCRC

Submitted to the *UNCRC*, 8th June 2021

Thank you for the opportunity to submit a report to the UN Committee on the Rights of the Child for the Committee's Day of General Discussion. We are writing on behalf of NYAS (National Youth Advocacy Service), a leading rights-based charity supporting and empowering care-experienced children and young people across England and Wales. We support over 10,000 children and young people every year and have worked extensively with both the UK and Welsh governments to promote children's rights and improve outcomes for and with care-experienced children and young people.

NYAS provides services such as rights-based advocacy, independent visiting, return interviewing for missing children, mentoring, children's homes regulation 44 visits, youth participation and mental health support.

We have created this submission in partnership with the care-experienced young people who we support, listening to their distinctive experiences and drawing out key themes, challenges and opportunities that will inform much of this report. A feelings-first approach has been taken in sharing their experiences, and every quote included is the words of a care-experienced young person. We have pinpointed five themes which this report will centre around: *Meaningful Engagement and Advocacy, Immigration and Documentation, Family Support, Outcomes and Potential and Living and Accommodation.*

Meaningful Engagement and Advocacy

"We have the right to demand change and we have the right to make change."

Article 12 of the UNCRC establishes the right of every child to freely express their view in all matters affecting them, and for their views to be given due weight. Despite this, care-experienced children and young people often feel that they are rarely given meaningful opportunities to share their views, wishes and feelings. Three quarters (75%) of NYAS Return Interviews found that a 'breakdown in communication' was the primary reason for a child going missing.

Those with caring responsibilities for young people should be proactive in engaging with them and building a relationship based on mutual respect and trust. They should always ask themselves, "Is this good enough for my child?". Empowering children and young people helps them to stay safe and supports them as they grow up and become more independent.

We strongly believe that there should be an opt-out offer of independent advocacy for all care-experienced children and young people. Advocacy empowers children and young people to make

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sure their voice is heard, while representing the views, wishes and feelings of children and young people to decision makers.



Advocacy also crucially informs children and young people of their rights. NYAS found that only 1 in 3 children and young people felt they knew what their rights were before being connected with our advocates, whereas 4 in 5 children felt they knew about their rights after receiving advocacy support.

Recommendations:

1. Decisions should not be made about the child, without the child. Their views, wishes and feelings must be taken into account wherever possible, in line with Article 12 of the UNCRRC.
2. There should be an opt-out offer of independent advocacy for all looked after children when entering care, and at key moments such as engaging with mental health services or leaving care.
3. Any offer of advocacy should be accessible and culturally sensitive to guarantee that any child or young person who needs it feels able to access it.
4. Looked after children and young people should be made fully aware of their rights and entitlements.
5. Every child should be entitled to an independent return interview, conducted by someone not employed by the local authority, following a missing episode.
6. No child should be forced to live 'out of area' unless it is in their best interests, and their wishes and feelings have been considered.

Immigration and Documentation

“Despite being in the UK since I was a child, my local authority did not complete the necessary documentation to make me a British Citizen. I only found this out when I applied to University and was almost prevented from being able to go”.

More than 5,000 unaccompanied asylum-seeking children currently live in England and Wales. At NYAS we believe that all asylum-seeking children deserve to feel safe and be supported in rebuilding their lives. Many have experienced traumatic events on their journey to the UK, including parental separation, sexual exploitation, or exposure to armed conflict. Over half (54%) of unaccompanied and separated children in the UK are thought to be suffering from PTSD, and almost one in three (30%) have been diagnosed with depression.

When asylum-seeking or unaccompanied children enter the care of the local authority, it is essential that they are fully supported and given the tools necessary to thrive. It is paramount that mental health and wellbeing support is available – and accessible in their first language.

Furthermore, local authorities should have a statutory duty to make sure a looked after child is documented. Following the UK's withdrawal from the European Union, the Children's Society found that just 39% of eligible children in care or young adults who have recently left care have had

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applications to remain in the country after Brexit made on their behalf. This could see thousands of children of EU citizens become ‘undocumented’ with no right to work, rent a home, or receive benefits. Many asylum-seeking or unaccompanied children also face this same barrier when leaving care.

Recommendations:

1. Unaccompanied asylum-seeking children are provided with clear summaries in their first language as to the mental health and wellbeing offer in their local authority and/or country, including how to access that support.
2. There should be clear guidance for Local Authorities and practitioners on the role of the Appropriate Adult in Age Assessments whilst ensuring that every unaccompanied asylum-seeking child has the right to an independent Appropriate Adult who has been trained for their role.
3. Every unaccompanied asylum-seeking child must have an active offer of independent advocacy so that their rights and entitlements are protected throughout their asylum journey.
4. Every child should be offered an independent return interview after a missing episode, conducted by someone independent of the police and local authority. Every unaccompanied asylum-seeking child must be given information about trafficking and exploitation in their own language.
5. Local authorities should work to make sure all asylum-seeking or unaccompanied children in their care are documented.
6. Social Workers and/or Local Authorities must apply to the EU settlement scheme (EUSS) on behalf of the eligible children and young people they care for before the 30th June deadline. Local authorities must commit to practically supporting or signposting care leavers to make their application.

Family Support

“They need to stop the threats that if you ask for help, they’ll take your child away. It penalises those that need some additional support and forces those struggling further down the rabbit hole where it is more likely that their child will be taken from them”.

It has been estimated that up to 300,000 children are cared for full-time by a relative, friend, or other person previously connected with the child. These carers often take up caring responsibilities in response to a crisis or emergency.

It can be extremely challenging taking on caring responsibilities in response to an emergency or crisis, and the carer needs tailored support to be able to thrive in this role. In particularly challenging or complex cases, access to temporary respite can make sure that carers are able to continue to give the best possible care.

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Early intervention is essential in preventing the breakdown of family relationships. When faced with traumatic events – such as bereavement – holistic care can provide much needed support to the guardians who need it most. Waiting until these issues escalate is not in the best interests of the child or young person and can cause them to enter the care of the local authority as a last resort when earlier interventions could have prevented reaching that stage. Compassionate and consistent support must be readily available.

Recommendations:

1. Wherever possible, siblings should be kept together unless it is in their best interests, or in line with their views, wishes and feelings, to separate them.
2. Government should create programmes which provide specialist training for foster and kinship carers to give carers the tools they need to support children and young people who have experienced trauma.
3. Independent advocacy services empower children and young people to be listened to and taken seriously. There should be an opt-out offer of independent advocacy for all looked after children when entering care, and at key moments in their lives, that is monitored by Government to ensure consistent application.
4. An active offer of advocacy must be made available to young people when entering or transitioning from Child and Adolescent Mental Health Services (CAMHS).
5. Significant investment is urgently required to support young people to transition from CAMHS. Every care-experienced young person's Personal Adviser should prioritise support for the young person's mental health and well-being as a key performance indicator.

Outcomes and Potential

“We should be encouraged to actually do what we want in life – not just be put on benefits. Don't write us off”.

Care-experienced children and young people often face more limited opportunities than their peers. Research estimates that only 12% of care leavers go on to study at university and that 39% of care-experienced 19-21-year-olds are not in employment, education or training compared with 12% of their peers. In reference to criminal justice, over half of the children currently in youth custody are care-experienced despite making up less than 1% of all children.

Local authorities have a legal responsibility to act in the best interests of those in their care, empowering their voices and promoting high aspirations so that all children and young people can reach their full potential. A good parent goes to great lengths to make sure their child not only survives but thrives when entering adulthood. It is crucial that the same approach is taken for looked after children.

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When considering the future prospects of care-experienced children and young people, it is essential that we meaningfully engage with them to explore their wishes and ambitions for the future. There is no one-size-fits-all approach. Encouraging looked after children to dream big, and understand the steps needed to get there, enables them to see a future for themselves outside of the care system. A future that they can move towards independently. No child or young person should be restricted in their aspirations.

Recommendations:

1. Young people should be encouraged to explore what they want to do and achieve in life. Barriers to succeed in education and employment should be overcome through tailored support for care-experienced children and young people who need it.
2. Every opportunity must be taken to address and minimise the impact of traumatic experiences on the mental health and wellbeing of care-experienced children and young people. Services and support must be trauma-informed, with appropriate mental health treatment and intervention being readily available and accessible.
3. Government must ensure that the mental health and well-being of children and young people continues to be a stated priority; investing in services, building educational resilience and ensuring appropriate training for everyone who cares, volunteers, or works with them.

Living and Accommodation

“At what age does care stop? Being prepared to live alone, without any support from your family, isn’t just about being able to cook and clean. We need to be physically, mentally and emotionally prepared for living independently.”

Corporate parents have a duty to act in the best interests of children when deciding where they should live. They deserve to feel safe and supported in their accommodation where those involved in their care act proactively to ensure their needs are met. Regardless of whether a young person is being cared for, living semi-independently or independently, they still deserve to be treated like a young person. This is even more important when you consider that one third of care-experienced young people become homeless in the first two years after leaving care.

All children in the care of the local authority must be safe and protected within their accommodation. However, disappointingly, there has been a steep increase in unregulated placements in England. Over the course of a year, 1 in 8 children in care will spend some time in an unregulated placement. That’s a total of 12,800 children. Despite a partial ban by the UK Government in 2021, thousands of 16- and 17-year olds will still be forced to reside in unregulated accommodation. This means it is not subject to the same regulatory system that seeks to guarantee the safety and wellbeing of other children living in care. This is made even more concerning given that the number of times children and young people have gone missing from unregulated semi-independent accommodation has doubled over a three-year period.

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Another question frequently asked by care leavers we work with is “at what age does care stop?”. Entering adulthood can be an extremely stressful and isolating experience – especially if there are no family relationships or support network to lean on. Children’s Services must mitigate the ‘cliff-edge’ of imposed independence, and instead work in collaboration with young people to make sure they are fully prepared for semi-independent or independent living. This is not just about being able to cook or gain employment, but also about being mentally, physically, and emotionally prepared for adulthood.

Recommendations:

1. Any young person under the age of 18 is still a child and deserves to be treated as such. No child should be forced to live in unregulated accommodation, and it is essential that this is banned for **all** children in care.
2. Care-experienced children and young people must be meaningfully consulted to directly shape accommodation regulation and standards.
3. A multi-agency review should be undertaken any time a care-experienced young person presents to a local authority as homeless or at risk of homelessness. Local authorities must commit to protecting care leavers from homelessness.
4. Accommodation providers must be accountable and subjected to independent regulation by Regulation 44 visitors and Ofsted inspectors.

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