

Response from the Office of the Children's Commissioner to the Government's child poverty strategy 2014–17

Summary

The Office of the Children's Commissioner's (OCC) primary function is to promote and protect children's rights. While some measures introduced by this Government seek to enhance children's rights, the current draft child poverty strategy has significant gaps that, if left unaddressed, will do little to halt, or even slow, the worrying increase in the numbers of children and young people living in poverty across England. This will mean Government will fail to meet its legal obligation under the Child Poverty Act and its commitment to the United Nations Convention on the Rights of the Child (UNCRC).

This response sets out where the draft strategy should be strengthened, namely in the need to:

- take full account of the wider Government policy context where fiscal decisions and economic policy undermine many positive measures like the pupil premium or aspects of childcare policy
- use of the UN Convention on the Rights of the Child as a framework to test whether the Government is meeting its international obligations regarding the impact of poverty on rights all children should enjoy
- take full account of the services and opportunities children and young people themselves say are important to them in their experience of poverty and their ability to lift themselves out of poverty.

This response is based on a significant body of evidence collected by the Office of the Children's Commissioner that includes direct participation with children and young people, expert economic and legal analysis and robust research carried out over the past four years.

About the Office of the Children's Commissioner

The Office of the Children's Commissioner (OCC) promotes and protects children's rights in accordance with the United Nations Convention on the Rights of the Child.

We do this by listening to what children and young people say about things that affect them and encouraging adults making decisions to take their views and interests into account.

We are a national public sector organisation led by the Children's Commissioner for England, Dr Maggie Atkinson whose post was established by the Children Act 2004 and amended by the Children and Families Act 2014.

In particular, we focus on the rights of children who are marginalised and vulnerable, especially those in or leaving care or living away from home, and those receiving social care services. We also provide advice, assistance and representation to these children.

Introduction

Since April 2014 the Office of the Children's Commissioner has been charged with the statutory functions of promoting and protecting children's rights as outlined in the United Nations Convention on the Rights of the Child (UNCRC).

Living in poverty has a substantial negative impact on a child's life and the enjoyment of their rights as outlined in the UNCRC. Article 26 states that '*every child has the right to benefit from social security*' and Article 27 states that '*every child has the right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development*'.

The other key rights applicable to this consultation include:

- Article 2: Non-discrimination
- Article 3: Best interests of the child
- Article 6: Every child has the right to life. Governments must do all they can to ensure children survive and grow up healthy
- Article 12: Every child in accordance with their age and stage of development has the right both to give their views on all matters affecting them and have their views taken seriously.

In addition, Article 4 states that the Government must take '*all appropriate legislative, administrative and other measures*' to ensure the realisation of rights is protected under the UNCRC. Therefore the State is accountable for the living standards, wellbeing and welfare of the children living within its jurisdiction.

The Convention recognises that parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

However, States Parties must take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

This response has been drafted with the Convention, States duties and relevant convention Articles in mind, and will, where possible, seek to identify how the strategy leads to the realisation of children's rights.

Background to our response

Our response is based on a range of work we have carried out in the area of child poverty including:

- *We want to help people see things our way: A rights-based analysis of disabled children's experience living in low income* (OCC, 2013a)
- *What we say we need: A report on the important items, opportunities and aspirations for children and young people* (OCC, 2013b)
- *Measuring Child Poverty: A consultation on better measures of child poverty* (OCC, 2013c)
- *A Child Rights Impact Assessment of Budget Decisions (including the 2013 Budget and the cumulative impact of tax-benefit reforms and reductions in spending on public services 2010–2015)* (OCC, 2013d)
- *Child Rights Impact Assessment of the Welfare Reform Bill* (OCC, 2013e)
- *Response to tackling child poverty and improving life chances: Consulting on a new approach* (OCC, 2011a)
- *Trying to get by: Consulting with children and young people on poverty* (OCC, 2011b)
- *The Home Front: Children's perspectives on family life* (Demos and OCC, 2011c)

These are available on our website at www.childrenscommissioner.gsi.gov.uk/publications

Consultation question: To what extent do you agree that the draft strategy achieves a good balance between tackling poverty now and tackling the drivers of intergenerational poverty?

We disagree that the policies outlined in the draft strategy will improve poverty now, and do not believe that it provides a comprehensive plan to address the drivers of intergenerational poverty.

Child poverty is increasing in the UK, and a wide range of knowledgeable researchers and high profile NGOs are clear that current policies are predicted to make the situation worse rather than better. The draft strategy does not acknowledge this, let alone suggest policies that will improve the situation.

The stated aim of the child poverty strategy is to outline how the Government intends to reduce child poverty and meet the target of eradicating child poverty by 2020 enshrined within the Child Poverty Act. Therefore the strategy should have a positive impact on the lives of the 3.6 million children who live in poverty in the UK. As we have one of the worst rates of child poverty in the industrialised world it is imperative that the Government has a clear route towards meeting its legal obligations to both reduce the numbers of children and young people in poverty now and ensure this reduction is sustained. We do not consider that this strategy achieves these aims.

The strategy focuses on individual and family characteristics which suggest that the cause of poverty is solely the result of individual or family characteristics. A more robust approach would include structural characteristics which make it harder for people to move out of poverty. For example the supply and quality of jobs and/or the levels, availability and accessibility of benefits have a profound impact on the levels of child poverty and longer term social mobility.

In addition, while referenced, neither the evidence review nor strategy take full account of the impact of the institutional framework (e.g. the educational system), the culture of society or the impact of the cap on welfare spending and reductions in local authority spending on prevention services. The disproportionate impact of these measures on families with children – and especially single parent families, families with at least one disabled member and some ethnic minority groups – is highlighted in the OCC's *Child Rights Impact Assessment of Budget Decisions* (2013d).

In our view there has been insufficient consideration of these policies, structural issues, and impact assessments (like those undertaken by the OCC) in developing this strategy.

Children's rights: The basis of our response

Child poverty is a children's rights issue. Article 27 of the UNCRC states:

States Parties recognise the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

The UN Committee on the Rights of the Child has consistently stated that living in poverty is a denial of children's right to an adequate standard of living. Furthermore, a lack of money and resources undermines the realisation of many other rights outlined in the UNCRC, including (but not limited to) the right to:

- a full and rounded education (Articles 28 and 29)
- accessing good healthcare and growing up healthy (Articles 6, 23, 24, 25)
- the right to be kept safe from harm (Article 19).

The current strategy makes no reference to how it will ensure the realisation of children's rights or government's duties to implement the UNCRC. Neither is it clear how the strategy will lead to a realisation of children's rights.

Article 2 of the UNCRC relates to non-discrimination and states that '*the convention applies equally to all children*'. Yet, whilst the strategy notes that children from different backgrounds, for example disabled children and those from specific ethnic groups, are more likely to live in poverty, it states no specific targeted policy responses to address this.

We want to help people see things our way: A rights-based analysis of disabled children's experience living in low income (2013a) and *What's going to happen tomorrow? Unaccompanied children refused asylum* (2014a) highlight the specific issues faced by two groups disproportionately affected by poverty. We recommend that the Government make specific provision within the strategy for addressing the disproportionate impact poverty has on these groups of children and young people.

Children and young people also have a right to be listened to and have their views taken seriously (Article 12). We welcome the work undertaken to listen to the views of children and young people and the specific work we were able to undertake with the Child Poverty Unit (CPU) to ensure children and young people were able to give their views.

However, it is not clear how children and young people's views have influenced the development of this strategy or how they have been taken into account. We would expect the Government to state what impact children and young people's experience and views have played in the development of the strategy and how its implementation will be reviewed by children and young people.

General Comment 4: General Measures of Implementation of the Convention on the Rights of the Child introduces the concept of progressive realisation and notes

that States need to be able to demonstrate that they have implemented, to the maximum extent of their available resources, measures to promote and protect children's rights including the right not to live in poverty. We would encourage the Government to consider how it manages fiscal arrangements in order to ensure that it is able to meet its child poverty reduction targets.

OCC's *Child Rights Impact Assessment of Budget Decisions* (2013d) noted above suggests that Government could do more to demonstrate that they are seeking the realisation to '*the maximum extent possible*' and we expect the Treasury to publish greater detail about the impact of fiscal measure on children, young people and their families.

The Child poverty measure: Our advice

We would like to see Government reaffirm its commitment to the current statutory household income based measures and supplement them with measures that reflect access to services and opportunities that impact on children and young people's experience of poverty and social mobility.

As outlined in our response to the Government's measuring child poverty consultation (OCC, 2013c), we are in favour of a multidimensional framework which embeds the preeminence of income as a measurement of poverty, but also reflects the breath, depth and severity of child poverty through child-centered measurements of access to key services, resources and opportunities.

Regard to the recommendations of the Social Mobility and Child Poverty Commission (SMCPC)

When preparing a UK strategy, the Secretary of State must have regard to advice provided by the SMCPC. We believe that insufficient regard has been paid to certain elements of the Commission's first report. We echo many of the SMCPC recommendations and would expect to see a detailed step-by-step plan for how the Government's plan will meet the 2020 statutory targets.

Consultation question: Considering the current fiscal climate, what is your view of the actions set out in the draft strategy?

Early years and childcare

We welcome the increasing number of poor children getting quality pre-school education with 15 hours free for all three and four year olds and for two year olds from low-income families and the potential positive impact this will have on children's outcomes depends upon the provision of the highest quality services to low income families.

Children's centres play a key role in preparing children for school and the omission of the part they can play in tackling poverty and supporting families living in poverty is significant and needs to be addressed.

Given that this strategy will do too little to reduce child poverty, mitigating the consequences of poverty by providing universal local services that support children

in the early years is particularly important. Unfortunately the opposite is happening in many areas, as outlined below. A commitment to universal services that support children in the early years is a critical and cost-effective investment for local authorities and these services should be protected. We would look to the Government's Strategy to reinforce this message.

Good quality, flexible, accessible and affordable early year's education and childcare has the power to improve life chances and social mobility for parents, children and families. However, access to this type of childcare is one of the biggest barriers to parents accessing work. Childcare use is not a simple issue of preference – the *ability* to pay is a key determinant of access to an appropriate service.

Yet even where parents may be able to afford childcare, there remain considerable gaps provision, particularly for disabled children, older children, out-of-school and holiday options and childcare for those working atypical hours, with a pressing need to expand the overall number of places. The strategy should address these supply side issues.

Issues important to children and young people

Children and young people tell us that certain services are important in alleviating the impact of poverty. These services include:

- housing and living environment
- health
- education, learning and employment
- access to leisure and other opportunities
- support and advice.

Housing

Children and young people talked about the importance of access to good quality housing and what makes a good quality home life. However, housing costs constitute the most important and direct impact on family poverty. The number of people in housing-cost induced poverty (those who are not poor before housing costs) has increased. Low rents are therefore an important part of child poverty reduction. We would like to see a greater commitment to building more affordable and social housing, in both the public and private rental markets.

In addition, children and young people talk about the action need to eradicate the issues of poor neighbourhoods and estate. A good neighbourhood provides support for children and families near their home as well and affordable and social housing.

The state of a child's home – in terms of fitness for habitation and size, stability, and location – affects their physical and mental health, education, relationships, and safety. Homeless children are three to four times more likely to have mental health problems, two to three times more likely to be absent from school, and are likely to have lower academic achievement which does not correlate with the child's tested ability.

Bed and breakfast (B&B) accommodation is recognised as unsuitable for homeless children. Despite it being against the law for councils to keep homeless families or

pregnant women in B&Bs for more than six weeks, children and their families are still being placed in these settings and the strategy should make it clear that this is both unacceptable and how it can be avoided.

Health

Children and young people tell us that access to good quality health and health information is important. However the current child poverty strategy focuses on adult disability and ill health. This is symptomatic of many aspects of the strategy that adopt adult centred measures when child centred ones are required and available.

The UK performs particularly poorly in terms of many child health outcomes, and has large health inequalities. The strategy makes no mention of improving health outcomes for children living in poverty or reducing health inequalities for children and young people.

Other fundamental omissions from the child poverty strategy include lack of reference to:

- a) The public health outcomes framework and the indicator relating to children in poverty
- b) The Health Premium outlined in the NHS White Paper (2012)
- c) The health visitor implementation programme and its role in alleviating the impact of child poverty.

Education and learning

Education is important to children and young people living in poverty. Children and young people have consistently told us that education is key to accessing good employment opportunities and that poverty has a profound impact on their attainment.

This is confirmed by data that demonstrates how children living in poverty continue to underperform against peers who are not living in poverty.

Extra funding invested through the pupil premium and pupil premium plus is therefore very welcome and we await the evaluation of its impact on outcomes and attainment in order to know whether further support and actions are required.

Access to leisure and recreation

Reducing transport costs for low-income families through free home to school transport, limiting rail fare increases and introducing more flexible tickets, and keeping the price of petrol down through freezing fuel duty since 2011 are welcomed steps in enabling children and young people the mobility to access opportunities available to those with access to private transport.

These opportunities include access leisure and recreational activities – something that children and young people say is very important and has a big impact on their lives and aspirations.

Support and advice

The strategy needs to recognise the value of support and advice services. These are seen as key ways of helping children and young people achieve their hopes and dreams. In addition, support and advice services need to take account of the unique needs of those disproportionately living in poverty including disabled children and young people, those in care and care leavers.

Consultation question: At a local level, what works well in tackling child poverty now?

We note that it is the poorest areas that are hit hardest by current austerity measures and children's services that are disproportionately affected, with early years budgets facing significant cuts (Taylor-Robinson et al, 2013). The draft strategy does not set out recommendations that will reverse these changes. We are particularly concerned about the inequitable distribution of local authority budget cuts and how this is affecting children.

Recommendations

- We would like the strategy to explicitly outline how it fulfils the Government's duties within the UNCRC and in particular, how it achieves Article 27, including meeting the needs of children and families who are disproportionately affected by poverty. We would urge in particular, that the Government spells out where children and young people were listened to in the creation of this strategy.
- The Government should adopt a child rights-based approach in the development of any new multi-dimensional measure and to its child poverty strategy. This would ensure that any supplementary, non-income based measures are child-centred, focused on services and support which are important to children and young people, designed in their best interests and provide them with meaningful participation in development, implementation and evaluation.
- Additional resources should be used to address the considerable gaps in service provision and consistency, especially where services have a proven effect on reducing child poverty. We would expect focus on childcare provision, particularly for disabled children.
- Greater provision should be made for addressing the issues that lead to some groups of children and young people being at greater risk of living in poverty than others. We expect the strategy to include explicit plans to address high levels of poverty amongst disabled children and young people, asylum seeking children and young people, children and young people in or leaving care, and from some ethnic groups and communities.
- The child poverty strategy should place greater emphasis on ensuring children and young people receive the right advice and support at key periods of their lives including during their early years (0–5), transition primary to

secondary school and from secondary school to further education and training, careers, university or other destinations.

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