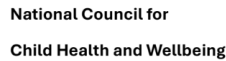




Disabled Living



Children's Wellbeing and Schools Bill

House of Lords Report Stage Briefing: Amendment to strengthen the consideration of children's rights in law- and policy-making (amendment 221)

Considering children's rights in decisions that may affect them is a simple yet impactful way to improve children's lives and opportunities, and a failure to do so can expose them to harm.

The Covid-19 pandemic provides a stark example. A recent **Covid-19 Inquiry report** found that child rights were overlooked in pandemic decision-making, leading to profound and avoidable damage to children's wellbeing. **It recommended that the UK Government place Child Rights Impact Assessments on a statutory footing** to address this glaring gap – a step that other nations in the UK and further afield have already taken with positive results.

We urge Peers to support amendment 221 tabled by Baroness Lister of Burtersett, which would introduce a statutory duty for Ministers to prepare and publish a child rights impact assessment (CRIA) on any proposed legislation, policy, budgetary or other strategic decision relating to children's wellbeing, social care or education.

Ultimately, we want to see the **full incorporation** of the United Nations Convention on the Rights of the Child into UK law, to transform the way in which children's rights are respected, protected and fulfilled and enable children to enforce their rights. Amendment 221 is a **first step** towards that ambition.

Key reasons to support our amendment

- (1) Implement a pressing Covid-19 inquiry recommendation:** enabling swift action on the Inquiry's recommendation to place Child Rights Impact Assessments (CRIAs) on a statutory footing.
- (2) Close the gap in child rights protections:** Children in England (and across the UK with respect to reserved matters) experience less protection of their rights than children in Scotland, Wales, Jersey and other nations, with the UK Government falling increasingly behind the curve in its approach.
- (3) A voluntary approach has failed children, with ineffective and inconsistent practice:** Although the Department for Education has developed a voluntary CRIA template, its use across government is highly patchy and inconsistent. There is no central oversight of the number or quality of CRIAs undertaken, nor whether children's views are considered. A legal duty would drive improved practice.
- (4) Prevent unintended consequences; support joined-up and mission-led policymaking:** Evaluations show that CRIAs are effective for ensuring that policy decisions consider implications for children and improve decision-making, as seen in Wales. CRIAs also facilitate proactive and joined-up policymaking, which would support the Government's mission-led ambitions.
- (5) Give children and young people a voice in decision-making:** As they have no formal political voice, mandatory procedures to consider children's rights and best interests in policy-making are especially crucial. The new National Youth Strategy recognises that "too many young people feel like their voice does not matter". This amendment supports the Government's ambitions to improve children and young people's participation in policymaking
- (6) Proportionate, easy to implement, meaningful in effect:** This amendment is modest, yet would engender real change for children. Experience from nations with mandatory CRIA shows that these can be easily embedded into existing policy-making processes and are a proportionate measure with a clear screening process to identify where a full CRIA is required.

1. Background

The UN Convention on the Rights of the Child (UNCRC)

In 1991, the UK ratified (agreed to implement) the UNCRC, which sets out children's fundamental rights, including the right to adequate living standards, education, the best possible health, and protection from harm. It also establishes four core principles that underpin every right, and are rights in themselves: non-discrimination, ensuring children's best interests are a primary consideration, the right to survival and development, and the right to express their views and have them taken seriously in matters that affect them. The UNCRC rights ensure that every child can have a good childhood and develop to their full potential. They are essential for children's wellbeing.

By ratifying the UNCRC, the UK agreed to 'undertake all appropriate legislative, administrative, and other measures' to implement it.¹ The UN Committee on the Rights of the Child (UN Committee) – the international body that holds governments accountable for implementing the UNCRC – has identified several key steps that governments should take to achieve this,² including directly incorporating the UNCRC into domestic law.³ They should also ensure that all domestic laws comply with the UNCRC, and assess the impact of proposed laws, policies and budgetary decisions on children's rights.⁴

Following its latest review of the UK's compliance in 2023, the UN Committee recommended the UK:

- strengthen its efforts to fully incorporate the UNCRC into national legislation; and
- develop 'mandatory child-rights impact assessment procedures for legislation and policies relevant to children' in parts of the UK where these are not yet in place.⁵

Child rights impact assessments (CRIA)

CRIAs are a key tool for delivering on duties to consider children's rights in law- and policymaking, applying a child rights lens when developing (or reviewing) laws and policies that may directly or indirectly affect children. Using the UNCRC as a framework, CRIAs enable systematic consideration of how children may be affected by policies and decisions – whether positively or negatively – so that any adverse impacts can be identified, avoided or mitigated. A CRIA also enables policymakers to identify and consider proactive measures that may lead to better implementation and realisation of children's rights. The UN Committee expects a CRIA process to be built into all levels of government and take place as early as possible in developing laws and policies.

2. What needs to change?

Ensure that children's rights are systematically considered in law- and policy-making

Amendment 221 would introduce a requirement on UK Ministers to conduct a CRIA of proposed laws, policies or decisions as they relate to children's wellbeing, social care or education. It would address a glaring gap in England (and across the UK for reserved matters), where more systematic consideration of children's rights is urgently needed.

It also proposes a three-yearly reporting duty requiring the Secretary of State to set out the steps taken to ensure that CRIAs are being carried out consistently across government, and to an acceptable standard.

¹ Article 4, UNCRC

² UN Committee on the Rights of the Child (2003) [General Comment No. 5: General measures of implementation of the Convention on the Rights of the Child](#).

³ For key points, see: Rights of the Child UK (2012) [Why incorporate? Making rights a reality for every child](#).

⁴ UN Committee on the Rights of the Child (2003) [General Comment No. 5](#), para 45.

⁵ UN Committee on the Rights of the Child (2023) [Concluding Observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland](#), paras 8(a) and (e).

Case study: Reflections from Wales⁶

The key tool for delivering the due regard duty in Wales is the Children's Rights Impact Assessment. This forms a central part of the Welsh Government's Children's Rights Scheme, which sets out practical arrangements for Ministers to comply with the duty.

It is completed before ministers make decisions and asks:

- Which UNCRC rights are engaged?
- What are the positive and negative impacts?
- How can harms be mitigated and benefits strengthened?

It draws on both quantitative and qualitative evidence — and crucially, on the voices of children themselves — with findings published to promote transparency.

The Welsh Government has developed a comprehensive support system: a detailed staff manual, a screening tool to determine when a CRIA is required, expert input from an external Children's Rights Advisory Group, and a Children's Rights Branch within Welsh Government to guide officials. Over 250 CRIAs have now been completed, spanning policy areas, ranging from education and social care to transport and climate change.

Research has confirmed that, where CRIA is properly applied, it results in closer attention to the UNCRC in policy and better outcomes that reflect children's rights. By identifying and addressing potential rights breaches early, CRIAs also help to **prevent complex and expensive litigation later, saving both time and public resources**. They are proactive and preventative — ensuring we get it right the first time for our child population.

What is also striking is how deeply the language of children's rights has now permeated parliamentary scrutiny and debate in Wales. This was most recently made evident in the Senedd debate on the Children's Commissioner for Wales Annual Report, where members from all parties spoke eloquently and with genuine commitment to realise children's rights in Wales.

3. Why is this change urgently needed?

(1) Implement a pressing Covid-19 Inquiry recommendation

Module 2 of the Covid-19 Inquiry on core political governance and decision-making⁷ identified significant failures to anticipate or mitigate harms to children; children's needs were not properly considered or understood, and children bore profound and avoidable harms from pandemic measures.

Children were severely impacted by the removal of essential structures from their lives, such as schools and early years settings, which “brought ordinary childhood to a halt” and harmed their development. These policy measures and lockdown in general also saw a foreseeable rise in abuse; from April to September 2020, there was a 31% rise in incidents of death or serious harm to children under one year in England compared with the same period in 2019.

UK Government officials acknowledged that children's needs were ignored, and the Inquiry report contrasts the deliberation given to a London lockdown with the comparatively hasty decision to close schools. The Inquiry concluded that undertaking CRIAs could have guided better outcomes, as in Wales and Scotland where certain age-based exemptions were applied to social distancing requirements.

⁶ Dr Rhian Croke, Children's Legal Centre Wales, [The Due Regard Duty to the UNCRC and CRIAs: Reflections from Wales](#), Presentation Transcript, UK Parliamentary Round Table Discussion - hosted by Children's Rights Alliance England (part of Just for Kids Law), NSPCC and UNICEF UK, November 2025. Dr Rhian Croke, Children's Legal Centre Wales, [Briefing: Rights of Children and Young Persons \(Wales\) Measure 2011](#), November 2025

⁷ UK Covid-19 Inquiry (20 November 2025) [Module 2, 2A, 2B, 2C Report – Core decision-making and political governance](#). For a summary, see: JFK/CRAE (2025) [Briefing: Children in the Covid-19 Inquiry Module 2 Report](#).

The module 2 report calls on the UK Government to “introduce legislation to place child rights impact assessments on a statutory footing.” Amendment 221 would enable swift action on this recommendation, ensuring children are never again overlooked in major policy decisions that affect their lives.

(2) Close the gap in child rights protections

The UK Government is falling behind other nations in how it considers children’s rights in law- and policy-making. As a result, children living in England – and across the UK with respect to reserved matters – experience less protection for their rights than children in neighbouring nations.

Other nations have adopted statutory measures to ensure that child rights are never an afterthought in decision-making. In Wales, Ministers have a statutory duty to have due regard to the UNCRC when exercising their functions.⁸ In Jersey, specified duty-bearers must to consider children’s rights in developing relevant laws, policies and practices,⁹ and Scotland has directly incorporated the UNCRC, making it unlawful for public authorities to act incompatibly with incorporated rights.¹⁰ As part of their measures to embed child rights, Wales,¹¹ Scotland¹² and Jersey¹³ have all adopted legal measures or statutory arrangements requiring CRIAs to be conducted by certain duty-bearers.

Some degree of UNCRC incorporation has also taken place in many other countries, with full incorporation achieved in Iceland, Norway, Sweden and Mexico.¹⁴

By contrast, in England – and on reserved matters across the UK – there are no statutory duties to consider children’s UNCRC rights. And while the Department for Education (DfE) has (with support from civil society organisations) adopted a CRIA template and UNCRC training pack, this is not a statutory requirement and use of the CRIA template across Government is patchy.

(3) A voluntary approach has failed children, with ineffective and inconsistent practice

The UK Government’s current non-statutory approach is ineffective, placing children’s rights at risk. Despite DfE’s voluntary CRIA template being in place since 2018, very few CRIA have been conducted, practice is highly inconsistent, and CRIAs are often not conducted on key decisions affecting children.

A parliamentary roundtable event in November 2025 highlighted numerous examples of where children had been let down or overlooked in England (and on reserved matters across the UK), including in decisions on social security, mental health, play, immigration, criminal justice, and Covid-19. Below is an instance where use of a CRIA could have significantly improved policymaking for children, highlighting the consequences of failing to systematically assess the impact of decisions on children’s rights and well-being.

Transitioning from youth to adult custody

In November 2022, the Ministry of Justice changed its policy, keeping more 18-year-olds in the children’s estate due to capacity issues in adult prisons. From November 2022 to July 2023, the number of over 18s in the children’s estate rose from 49 to 173 (a 253% increase), while the number of children only changed from 429 to 443 (3%).¹⁵

This policy decision was purely based on capacity failures in the adult estate, not the best interests of children and young people. This has had significant implications for the children’s secure estate, the children and young adults held there, and those that support them. The UNCRC is clear that the best interests of the child must be a top priority in all decisions affecting children and that children deprived

⁸ The [Rights of Children and Young Persons \(Wales\) Measure 2011](#).

⁹ The [Children \(Convention Rights\) \(Jersey\) Law 2022](#).

¹⁰ The [United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\) Act 2024](#).

¹¹ The 2011 Measure requires Ministers to publish a ‘Children’s Scheme’. This requires CRIA of policy proposals.

¹² UNCRC (Incorporation) (Scotland) Act 2024, s17. A CRIA process was first introduced in Scotland in 2015.

¹³ The Children (Convention Rights) (Jersey) Law 2022 requires specified duty-bearers to complete a CRIA.

¹⁴ Kilkelly, U., Lundy, L., & Byrne, B. (Eds.) (2021). *Incorporating the UNCRC into National Law*. Intersentia.

¹⁵ Alliance for Youth Justice (2025) [Adultifying Youth Custody: Learning lessons on transition to adulthood from the use of youth custody for young adults](#)

of their liberty should not be held with adults (Articles 3 and 37). Changing the transition date due to adult prison capacity issues contravened these rights. The policy was reversed in October 2024, with the youth justice minister acknowledging the need to reduce the number of over-18s to be able to “focus on the specific needs and vulnerabilities that children present.”

Parliamentary Questions have confirmed that there is no central oversight of the number or quality of CRIAs undertaken across government, nor whether or to what extent children’s views are considered.¹⁶

When questioned about CRIAs, departments often point to compliance with the Public Sector Equality Duty.¹⁷ While useful, Equality Impact Assessments (EIAs) are not a substitute for CRIAs: the Equality Act 2010 only gives adults (over 18s) full legal protection from unlawful age discrimination,¹⁸ and EIAs do not require consideration of children’s best interests, or an assessment of impacts on the wide range of specific UNCRC rights. The Module 2 Covid-19 Inquiry report makes clear that equalities duties were not sufficient to ensure meaningful consideration of children’s rights during the pandemic.

(4) Prevent unintended consequences; support joined-up and mission-led policymaking

Evaluations consistently show that CRIAs are effective for ensuring that policy decisions consider implications for children and improve decision-making.¹⁹ For example, an evaluation of the Rights of the Child and Young Persons (Wales) Measure 2011 concluded that its “primary impact ... has been to embed the Convention as a framework for policy development in Wales, including through the introduction of CRIA” and it has “strengthened Ministerial accountability for the way in which Convention rights are taken into account in policy decision-making.”²⁰

Evidence also shows that considering the impact on children when developing policies that may affect them – whether directly or indirectly – can prevent unintended consequences and ensure coherence with other measures.²¹ CRIAs therefore help to achieve a joined-up government approach to policy-making and could support implementation of the Government’s missions.

(5) Give children and young people a voice in decision-making

Children and young people are largely excluded from policy decision-making processes. Notwithstanding plans to lower the voting age to 16, the vast majority of children will still have no right to vote, and they are often reliant on adults to raise their concerns in various forums.

The UK Government’s National Youth Strategy recognises that “too many young people feel like their voice does not matter” and notes that the UK has the lowest average overall life satisfaction among 15-year-olds compared with 26 countries in Europe. It states that “Involving young people in decisions that affect them is not just fair, it makes those decisions better”.²²

Introducing mandatory CRIAs would ensure that decision-makers cannot overlook the needs of children and young people. It would also provide a platform to directly consider children’s views, in line with children’s UNCRC right to be heard,²³ and support the Government’s ambitions to improve the participation of children and young people in policymaking.

(6) Proportionate, easy to implement, meaningful in effect

¹⁶ [Written answer to PQ, 7 April 2025](#), [written answer to PQ, 14 April 2025](#) [accessed: 20/05/2025].

¹⁷ For example: and [written answer to PQ, 24 April 2025](#) [accessed: 20/05/2025].

¹⁸ The Children’s Rights Alliance for England [Making the Most of the Equality Act 2010](#) [accessed: 29/05/2025]

¹⁹ Hoffman, S. and O’Neill, S. (2018) [The impact of Legal Integration of the UNCRC in Wales](#); UNICEF UK (2017) [CRIA: A review of comparative practice across the UK](#); Hoffman, S. (2015) [Evaluation of the Welsh Government’s CRIA procedure under the Children’s Rights Scheme pursuant to the Rights of Children and Young Persons \(Wales\) Measure 2011](#); Backbier et al. (2019) [A Children’s Rights Approach: recommendations to the Scottish Government on refining CRWIA](#)s.

²⁰ Hoffman, S. and O’Neill, S. (2018) [The impact of Legal Integration of the UNCRC in Wales](#), p9

²¹ Children’s Charities Coalition (2023) [Children at the Table: A roadmap for putting children at the heart of the next Government](#), p23 [accessed: 08/01/26]

²² DCMS (10 December 2025) [Youth Matters: Your National Youth Strategy](#) [accessed: 13/01/2026].

²³ Article 12 of the UNCRC

Amendment 221 is modest yet would engender real change for children.

Experience from nations with mandatory CRIA shows that these can be easily embedded into existing policy-making processes and are a proportionate measure with a clear screening process to identify where a full CRIA is required, as shown by the above case study from Wales.

CRIA screening stage:

A comparative 2017 study from UNICEF UK looking at practice on CRIAs across the UK,²⁴ found that most CRIA processes include a screening or initial assessment stage:

“It is impractical to assess every policy, activity and decision. Therefore, a screening or filtering process is common to most impact assessment procedures. Screening the policy or measure acts as a preliminary check to help determine whether a full or more in-depth CRIA is required and provide a record of the basis for that decision and the decision itself, often signed off by someone in a senior position.”

Not only would this modest amendment enable systematic consideration of children’s rights so that harms and unintended consequences can be avoided or mitigated, as the Covid-19 Inquiry concluded, but a CRIA duty on Ministers could also help to build a child rights culture, enhancing knowledge and understanding of the UNCRC across Government and the wider public. Research has highlighted how legally embedding the UNCRC can create a culture of respect for child rights across society.²⁵ One analysis of experiences across a range of countries concludes that where the UNCRC “has formal standing in the domestic system, it becomes an influential touchstone at national level for law and policy makers, for advocates and those who work with and for children.”²⁶

As stated by Finn, a (now former) member of UNICEF UK’s Youth Advisory Board, in a written contribution to a parliamentary event late last year, “a Children’s Rights Impact Assessment can be used as a vital tool to hold decision-makers accountable for upholding the rights of the child.”

We call on Peers to support Amendment 221 placing a duty on UK Ministers to conduct child rights impact assessments of proposed laws, policies or decisions as they relate to children’s wellbeing, social care or education.

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²⁴ UNICEF UK (2017) [Child Rights Impact Assessment: A review of comparative practice across the UK](#)

²⁵ Hoffman, S. and Stern, R (2020) [Incorporation of the UNCRC in National Law](#). The International Journal of Children’s Rights, Volume: 28, Issue: 1, Pages: 133-156, p11 and Rights of the Child UK, [Why Incorporate? Making rights a reality for every child](#), p 9 and 13.

²⁶ Kilkelly, U. (2019) [The UN convention on the rights of the child: incremental and transformative approaches to legal implementation](#), The International Journal of Human Rights, 23:3, 323-337, p332

Annex 1: Full text of amendment

Amendment on Child rights impact assessment

Member's explanatory statement

This amendment will introduce a statutory requirement for Ministers – and thereby government departments – to routinely prepare and make publicly available a children's rights assessment of the impact and/or expected impact of any proposed legislation, policy, budgetary decision or other strategic decision as they relate to children's wellbeing, social care or education, and to periodically report on the steps taken to ensure that such reports fully consider all relevant articles of the UN Convention on the Rights of the Child and are carried out consistently across government.

Insert the following new Clause—

“Child rights impact assessment

- (1) A Minister of the Crown must prepare and publish a child rights impact assessment in relation to any legislative provision, policy decision, budgetary decision, or other decision of a strategic nature that has or will have a direct or indirect impact on children's wellbeing, social care or education.
- (2) The purpose of a child rights impact assessment is to secure better or further effect of the rights set out in the United Nations Convention on the Rights of the Child (UNCRC).
- (3) A child rights impact assessment must include consideration of the views, wishes and feelings of children and young people affected by the decision, insofar as the Minister is able to ascertain those views.
- (4) A child rights impact assessment should be undertaken on all relevant legislation, policy and budget development which will have a direct or indirect impact on children's wellbeing, social care or education at the earliest possible opportunity and prior to making final decisions.
- (5) As soon as is practicable after the end of each three-year period, the Secretary of State must publish (in such a manner as they deem appropriate) a report on the steps taken to ensure that child rights impact assessments undertaken fully consider all relevant articles of the UN Convention on the Rights of the Child and are carried out consistently for any legislative provision, policy decision, budgetary decision, or other decision of a strategic nature that has or will have a direct or indirect impact on children's wellbeing, social care or education.
- (6) A report published under subsection (5) must include—
- (a) an assessment of how CRIAs have contributed to securing better or further effect of the rights set out in the UNCRC in relation to children's wellbeing, social care and education;
 - (b) steps taken to promote understanding and awareness of CRIAs across government departments
 - (c) Guidance and training provided to government departments to support the production child rights impact assessments.
- (5) The UNCRC includes the rights and obligations set out in—
- (a) the United Nations Convention on the Rights of the Child Part 1;
 - (b) Articles 1 to 6(1), 6(3) and 7 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;
 - (c) Articles 1 to 10 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;
 - (d) any other Optional Protocols to the UNCRC that the United Kingdom may in future ratify.

(6) The UNCRC rights and obligations for the purposes of this Act are subject to any reservations, objections or interpretative declarations by the United Kingdom as may be in force at the time.

(7) The UNCRC rights and obligations for the purposes of this Act should be interpreted in the light of General Comments prepared by the UN Committee on the Rights of the Child under rule 77 of its procedure and Concluding Observations made by the UN Committee on the Rights of the Child in response to a United Kingdom report under Article 45 paragraph (d) of the Convention.”