

Submission of Evidence to the Joint Committee on Human Rights Inquiry: Human Rights of Children in the Social Care System in England

Drive Forward Foundation with Maleekah Burden-Kaizra (Lived Experience Expert)

“I entered care as a child, initially unaware of what was being taken from me. I thought it was just a change in where I would sleep. Over time, I realised I had lost something more fundamental: a blueprint for family.

Family teaches you how to love safely, build trust, and manage conflict without fear of punishment. In care, instability became the norm, and it was disorienting. You learn to survive inside the system, but no one prepares you for life outside of it. When the state — your corporate parent — fails repeatedly and without accountability, it reinforces feelings of insignificance and vulnerability. Unlike biological parents, the government cannot be taken to court for neglect, and there is no mechanism for a child to ‘leave’ the state’s care.

This submission draws on my personal experiences as a care-experienced adult, mother of two, and advocate for others with similar backgrounds, highlighting systemic failings and the need for legal and structural reform.” – Maleekah Burden-Kaizra

1 EXECUTIVE SUMMARY

Children and young people in England’s social care system continue to experience systemic human rights violations with lifelong consequences. The state, acting as corporate parent, is failing in its duty to protect, nurture, and prepare care-experienced young people for adulthood.

For care leavers aged 19–21, 39% are not in education, employment, or training (NEET) – nearly three times the national average (13%). By age 27, only 22% of care leavers are in employment, compared to 57% of peers. One in three becomes homeless within two years of leaving care, and almost a quarter of the prison population has experienced care. These outcomes reflect systemic breaches of rights under the **European Convention on Human Rights (ECHR)**, particularly:

- **Article 8** (right to private and family life): disrupted placements, cultural erasure, and instability.

- **Article 2, Protocol 1** (right to education): inconsistent, disrupted, or inadequate schooling.
- **Articles 2 & 3** (right to life; prohibition of inhuman treatment): failures in safeguarding, high suicide and self-harm prevalence, and neglect of trauma recovery.
- **Article 6** (right to a fair trial): lack of advocacy and meaningful participation in decisions.
- **Article 14** (prohibition of discrimination): persistent stigma and structural discrimination, unprotected in law.

The **Children Act 1989** does not impose explicit human rights obligations on local authorities, leaving young people without enforceable remedies. The **Human Rights Act 1998** binds public bodies in principle, but in practice children cannot effectively challenge systemic neglect. The **Equality Act 2010** fails to recognise *care experience* as a protected characteristic, leaving individuals vulnerable to stigma in education, employment, housing, and parenting.

FIVE KEY RECOMMENDATIONS:

1. Equality Act 2010 Reform:

- Add “care experience” as a protected characteristic under s.4 and Schedule 1 of the Equality Act 2010.
- Require employers, housing providers, and public services to make reasonable adjustments for care-experienced people.

This would align with protections for vulnerable groups in other jurisdictions and directly tackle systemic discrimination.

2. Children Act 1989 Reform: Amend the Children Act 1989 to impose explicit human rights duties on corporate parents, backed by enforceable remedies and human rights impact assessments.

- Embed explicit human rights duties for corporate parents.
- Require human rights impact assessments in care planning and decision-making.
- Provide legal remedies for systemic breaches.

3. Independent Advocacy and Enforcement:

- Establish statutory Children’s Rights Advocacy Services with enforcement powers, modelled on **Independent Mental Health Advocates (IMHAs)**.
- Guarantee every child in care access to advocacy when decisions are made about them.
- Annual reporting to Parliament on rights breaches and outcomes.

4. Corporate Parent Accountability:

- Introduce annual human rights audits of local authority practice and independent oversight.
- Create a statutory compensation mechanism for systemic failings.
- Establish legal consequences for breaches of corporate parenting duties.

5. National Statutory Care Leaver Offer (up to age 25): Guarantee minimum entitlements nationwide, co-designed with care-experienced young people, including:

- Free prescriptions and transport.
- Rent deposit guarantees and guarantor support.
- Access to leisure facilities.
- Over-25 rate of Universal Credit.
- University bursaries and accommodation support.
- Employment mentoring and advocacy.

The estimated cost of a statutory Care Leaver Offer is approximately **£200m annually**. This represents **about 0.06% of welfare spend** and would reduce existing costs of homelessness, criminal justice, and unemployment support, while fulfilling the UK's human rights obligations.

The UK is falling behind its own and other nations. **Scotland** has extended care support to 26 and embedded UNCRC commitments; **Nordic countries** demonstrate comprehensive leaving-care support with better long-term outcomes. The UK must follow suit.

We call on the Committee to recommend urgent legislative reform, with government response to the protected characteristic recommendation within six months of the Committee's report publication. The evidence is clear, the solutions are achievable, and the time for action is now.

“The systemic disadvantages faced by care-experienced people are intersectional and enduring. If our lives are so complex that they require professionals with specialist training to engage with us, then the law must reflect that reality through stronger protections of our rights and targeted policy that meets the specific needs of care experienced people.

Making care experience a protected characteristic, standardising a national care offer, and dismantling silos between government departments are essential steps toward breaking the cycle of disadvantage.”

– Maleekah, Drive Forward Policy Forum Ambassador

This submission supports the Government's stated commitment to improving outcomes for vulnerable children and aligns with recent cross-party support for care leaver rights.

2 ABOUT DRIVE FORWARD FOUNDATION

Drive Forward Foundation is a charity dedicated to supporting care-experienced young people aged 16–26 in London into sustainable and fulfilling employment, education, and training. As we approach our 15th year anniversary, we have empowered close to 5,000 young people to take charge of their futures by building meaningful careers.

Our services are specifically designed to meet the unique needs of this group, offering personalised 1-2-1 support, intensive employability training, professional mentoring, and a bespoke counselling

service. Exclusively working with care-experienced young people, we enable them to gain the skills, confidence, and resilience needed to thrive in the workplace. Over the past decade, we've built a strong network of employer partners, offering exclusive training, work placements, and employment opportunities. Together, we are driving social mobility and creating more inclusive working environments that unlock the potential of care-experienced young people.

3 OUTCOMES FOR CARE LEAVERS

There are over 80,000 children in the care system and around 13,000 young people leave care each year¹. The state has a unique relationship with these young people as their *Corporate Parent*. However, children with care experience have significantly worse outcomes compared to their peers, indicating systematic human rights violations:

- For 19- to 21-year-old care leavers, almost two fifths (39 per cent) are not in education, employment or training. This is three times the 13 per cent of all other 19 to 21 year-olds².
- By the age of 27, only 22 per cent of care leavers are in employment, compared to 57 per cent of non-care leavers.³
- 50% of children in care meet the criteria for a mental health disorder compared to 20% of all children and young people aged 8-25⁴.
- 1 in 3 care leavers become homeless in the first 2 years after they leave care⁵.
- 24% of the adult prison population has previously been in care and nearly 1 in 10 Black children in care have served a custodial sentence before they are 18 – compared to less than 1% of children in the general population.⁶

4 HUMAN RIGHTS FAILURES: EVIDENCE FROM LIVED EXPERIENCE

- **Article 8 ECHR – Right to Family Life:** Placement instability, cultural erasure, and disrupted education undermine family life and private development.
- **Article 3 ECHR – Prohibition of Inhuman Treatment:** Institutional neglect, frequent moves, and inadequate support cause psychological harm.
- **Article 6 ECHR – Right to Fair Trial:** Children have limited ability to challenge care arrangements; absence of advocacy denies procedural fairness.

¹ Department for Education (Nov 2024) [Children looked after in England including adoptions, Reporting year 2024 - Explore education statistics - GOV.UK](#)

² Ibid <https://explore-education-statistics.service.gov.uk/find-statistics/children-looked-after-in-england-including-adoptions/2024>

³ Civitas (2023) [How many care leavers go to university?](#)

⁴ Ibid

⁵ Barnardo's (2024) [Care Leavers Reception Event booklet - FINAL.pdf](#)

⁶ Ibid

- **Article 14 ECHR – Prohibition of Discrimination:** Care-experienced people face systemic stigma without protection in law.
- **Article 2 ECHR – Right to Life:** High suicide and self-harm rates among care leavers show failures in safeguarding life.

4.1 PLACEMENT INSTABILITY AND FAMILY LIFE (ARTICLE 8)

“Placement instability defined much of my life, with frequent moves across residential homes, foster placements, semi-independent settings, and respite care. Each change severed relationships, disrupted routines, and sent the message that attachments were temporary and conditional. Being moved far from my support network — from London to Kent — reduced sibling contact to just a few supervised hours per week and removed me from familiar communities.

Cultural identity was often overlooked. During Eid, I was sent to a neighbour’s home because my foster carer did not know how to celebrate it, and I was told not to speak Arabic. This eroded my sense of belonging.

Education suffered from constant moves. I was placed in temporary or unsuitable educational settings, including pupil referral units, and subjected to probation-style monitoring in mainstream schools, which was stigmatising. My academic potential was never recognised; I had to obtain my GCSEs as an adult. Even with later qualifications, my unconventional academic route still limits opportunities. Losing original certificates due to placement changes created further barriers to higher education, with costly replacements compounding the problem. Care leavers are often forced to choose between housing security and continuing education, a decision that disincentivises further study. Lack of childcare support, unaddressed neurodivergence, and the need to work alongside study all add to the challenge.

Employment was equally affected. Frequent moves made it hard to keep jobs, while semi-independent placements costing up to £600 per week pushes young people towards housing benefit instead of work. Stigma around care experience in the workplace demands constant self-justification and disclosure management, limiting career progression and professional networks.”

Legal context: These experiences represent alleged systemic breaches of **Article 8 ECHR (private and family life)**, **Protocol 1, Article 2 ECHR (right to education)**, and highlight failures under the **Children Act 1989 s22G** duty to promote educational achievement.

Throughout a young person’s journey in care, it is common for them to move placements multiple times, more than 1 in 5 children in care are moved more than 20 miles from home with some as far as 500 miles – often due to their not being suitable local provision⁷. The moves disrupt life in multiple ways, removing young people from their communities, including friendships, extra-curricular groups and schools - often during important periods in their education e.g. whilst studying for their GCSEs.

⁷ Become (2025) Gone Too Far Campaign - [Our #GoneTooFar campaign - Become](#)

As Maleekah's testimony demonstrates, this instability *"became the norm, and it was disorienting."* The loss of the fundamental *"blueprint for family"* that teaches *"how to love safely, build trust, and manage conflict"* represents a systematic breach of Article 8 rights.

Unfortunately, placement stability can remain insecure throughout early adulthood and 1 in 3 care leavers become homeless within two years of leaving care⁸. Stable housing serves as the cornerstone for mental well-being, employment stability, and access to essential support networks, playing a foundational role in establishing yourself as a young adult. Repeated disruption of someone's place of living should be considered a breach of Article 8 of the ECHR.

Policy Recommendation:

Create a statutory right to placement stability, with placement moves allowed only in exceptional circumstances and with the care-experienced person's consultation.

4.2 HEALTH AND WELLBEING (ARTICLES 2 & 3)

"Health and wellbeing were undermined by a lack of continuity in healthcare provision, with poor communication between providers during moves. Specialist therapy (DBT) recommended for me under a child protection plan was not available locally. Long waiting lists and unsuitable short-term interventions left needs unmet. Most support stops at 18, 21, or 25, despite the lifelong effects of trauma, and there is a shortage of trauma-informed mental health services tailored to care-experienced people."

Legal context: This illustrates alleged breaches of **Article 3 ECHR (inhuman or degrading treatment)** and **Article 2 (right to life)**, given high suicide/self-harm prevalence. While the UK has not incorporated the UNCRC into domestic law, it remains bound by its international obligations under **UNCRC Articles 24 and 39** on health and recovery from trauma.

4.2.1 Extended and strengthened statutory entitlements for Care Leavers

All young people who grew up in care must be able to access the support they need to thrive in early adulthood. To help address the inconsistency of support available to care leavers across the country, a new **National Statutory Care Leaver Offer** should be created in collaboration with care-experienced young people⁹; setting minimum standards of support that should be available to a young person irrespective of where they live, ensuring care leavers have their right to private life fulfilled as they transition into adulthood.

Such an offer could include but is not limited to:

- Free prescriptions and bus travel

⁸ Barnardo's (2024) [Care Leavers Reception Event booklet - FINAL.pdf](#)

⁹ Barnardo's (2025) Children's Wellbeing and Schools Bill Policy Briefing [CWSB - second reading briefing HoL.pdf](#)

- Help with rent deposits and guarantors
- Access to leisure facilities
- For those in need of welfare support - eligibility for the over 25 rate of Universal Credit (recognising that unlike many other young people, they will not have access to a ‘bank of mum and dad’)
- Greater support for care leavers who go to university

Policy Recommendation:

Create a National Statutory Care Leaver Offer of support for care-experienced young people up to the age of 25 which upholds and supports their right to a private life alongside creating the conditions for a stable transition into adulthood.

4.3 THE PROTECTION AGAINST DISCRIMINATION IN THE ENJOYMENT OF CONVENTION RIGHTS, ARTICLE 14 ECHR.

“Placement instability is not just about where you live — it shapes every part of life, limiting health, wellbeing, education, and employment, while entrenching stigma and disadvantage long into adulthood.”

– Maleekah, Drive Forward Policy Forum Ambassador

“The term 'care leaver' often has negative connotations attached to it. Care leavers can be viewed and categorised by society as individuals who are either criminals, troubled, living an unstable life, or unable to obtain a qualification or a career. Though this isn't the case for most care leavers, this is the stereotype we must battle. Care leavers already face many barriers in their lives when it comes to employment and educational opportunities, which can be exacerbated by the 'care leaver' status. Not having care leaver status as a protected characteristic leaves us open to discrimination without any legal protection from the government.

The government has asked for our trust in handing them the title of Corporate Parents, yet a parent would never leave their child open to discrimination from the world. A parent would actively seek a way to end this discrimination. It's time for the government to step up for its corporate children”

– Noura, Drive Forward Policy Forum Ambassador

Legal context: These testimonies evidence alleged structural discrimination. Current law offers no protection against stigma on the basis of care experience. The **Equality Act 2010** should be amended to add care experience as a protected characteristic.

Despite their resilience, care-experienced people are confronted with significant barriers that impact them throughout their lives. They face discrimination and stigma across housing, health, education, employment, and the criminal justice system, which often results in significantly worse outcomes compared to their non-care-experienced peers¹⁰. This stigma and discrimination can be

¹⁰ Local Government Association (accessed 2025) [Care Leavers Protected Characteristic Motion | Local Government Association](#)

explicit, often accompanied by assumptions about the likely characteristics of children and adults who have care experience. They can also be implicit and are evidenced in the way care experience is discussed in schools, workplaces, and the media¹¹. At its worst, this can lead to care-experienced people being refused employment, failing to succeed in education, or facing unfair judgements about their ability to parent when they have children and families of their own.

4.4 PARENTING DISCRIMINATION (ARTICLE 14)

“When I gave birth to my first child, I was placed on a pre-birth assessment and a child protection plan for a year — solely because I was care-experienced, despite no safeguarding concerns. This was ‘standard protocol’ according to the local authority. It caused immense stress during pregnancy and undermined my confidence as a new mother.

The scrutiny I faced was condescending and excessive. Health visitors, doctors, and social workers often treated me as if they were waiting for me to fail. At times, this bias resulted in inappropriate medical scrutiny — for example, when my son’s Mongolian blue spot (a common birthmark for children of dual heritage) prompted repeated examinations despite clear documentation in his health records.

In family courts, the fact that a parent is care-experienced is sometimes used as grounds for intervention, even though it does not meet the legal threshold for removal. Unlike peers who have not been in care, we have extensive personal files that can be accessed and used against us — a structural injustice that perpetuates intergenerational cycles of care.”

Legal context: This reflects breaches of **Article 14 ECHR** (discrimination) and failure to meet the proportionality test in family interventions. It perpetuates intergenerational cycles of disadvantage.

4.5 CRIMINALISATION (ARTICLES 8 & 14)

“I was nearly placed in a secure unit after being reported ‘missing’ — in one instance for returning just five minutes late for curfew. Such inflexible systems criminalise children unnecessarily, creating DBS records that become barriers to both employment and education.”

Legal context: This reflects alleged breaches of **Article 8 ECHR** (unjustified interference with private life) and **Article 14 (discrimination)**, given care-experienced young people’s disproportionate criminalisation. It also contravenes **UNCRC Article 37** (protection from arbitrary detention) as well as Article 40 (fair treatment of children accused of offences).

Policy Recommendation:

Following the recommendation from the Independent Review of Children's Social Care (2022). Care Experience should become a Protected Characteristic under the Equality Act 2010.

¹¹Care experience as a protected characteristic in the UK – Youth & Policy

5 LEGAL AND POLICY FRAMEWORK

Children Act 1989: lacks explicit human rights obligations. Section 22 of the Act sets out general duties, but these are framed as policy guidance rather than enforceable rights. Amendments should impose duties and remedies.

Equality Act 2010: must add care experience to s.4 protected characteristics.

Human Rights Act 1998: insufficient implementation in care practice.

Complaints mechanisms: Local Authority procedures, Ombudsman, Ofsted complaints are slow, intimidating, or ineffective. Judicial review is inaccessible. Although s.26A of the Children Act 1989 provides advocacy for complaints, it is narrow and reactive. A statutory advocacy service with proactive legal powers, modelled on IMHAs, is needed to secure participation and enforcement.

6 POLICY RECOMMENDATIONS

1. Equality Act 2010 Reform

- a. Add “care experience” as a protected characteristic under s.4 and Schedule 1.
- b. Require employers and services to make reasonable adjustments.

2. Children Act 1989 Reform

- a. Embed explicit human rights duties for corporate parents.
- b. Require human rights impact assessments in decision-making.
- c. Introduce legal remedies for rights breaches.

3. Independent Advocacy and Enforcement

- a. Establish Children’s Rights Advocacy Services with statutory enforcement powers, modelled on IMHAs.
- b. Annual reporting to Parliament.

4. Corporate Parent Accountability

- a. Annual human rights audits.
- b. Compensation schemes for systemic failings.
- c. Legal consequences for breaches.

5. National Statutory Care Leaver Offer

Minimum entitlements for all care leavers up to age 25, including:

- a. Free prescriptions and transport.
- b. Rent deposit guarantees.
- c. Access to leisure facilities.
- d. Over-25 rate of Universal Credit.
- e. University support packages.

f. Employment mentoring and advocacy.

Estimated cost: £200m annually (\approx £4,400 per care leaver per year \times 45,000 aged 18–25). This represents \sim 0.06% of welfare spending. The investment would be offset by reduced costs in homelessness (£2.3bn annually), unemployment support (£2.2bn annually), and the prison system (£6.8bn annually), while strengthening the UK's compliance with its human rights obligations.

Implementation Timeline:

- Year 1: Legislative amendments (Children Act 1989, Equality Act 2010)
- Year 2: Pilot National Statutory Care Leaver Offer in 3 regions
- Year 3: National rollout of Statutory Care Leaver Offer
- Ongoing: Independent advocacy service establishment

6.1.1 International Examples

The UK is falling behind comparable jurisdictions including Scotland and Nordic countries in care leaver support. Scotland's extended support to 26 and Nordic comprehensive models demonstrate what's possible with political will and adequate investment.

- **Scotland:** UNCRC incorporation, extended support to 26, stronger corporate parent duties.
- **Nordic countries:** Holistic leaving-care support linked to better long-term outcomes.
- **ECHR Case Law:** X v. UK – positive state obligations to protect children in care.

7 CONCLUSION

The Joint Committee has the opportunity to recommend transformative change that fulfills the UK's human rights commitments to its most vulnerable children. Care-experienced young people cannot wait another generation for their rights to be recognised in law.

We specifically request the Committee to:

1. Recommend urgent legislative reform of the Children Act 1989 and Equality Act 2010
2. Call for a government response on protected characteristic status within 6 months
3. Request annual progress reports on care leaver outcomes
4. Ensure care-experienced voices are central to any resulting policy development

The evidence is clear, the solutions are ready, and the time for action is now.

Drive Forward Foundation welcomes the opportunity to provide oral evidence or additional written submissions to support the Committee's inquiry.

Contact:

Juno Schwarz, Director of Policy – juno@driveforwardfoundation.org

Will Kerridge, Advocacy & Policy Manager - will@driveforwardfoundation.org