

Children in Scotland

every child - every childhood

Equality Act 2010: Ending age discrimination in services, public functions and associations Consultation

Key messages from Children in Scotland

- Positive age discrimination (e.g. transportation discounts for older people and children) is fine; however, **discrimination against anyone based upon age is not acceptable.**
- **The ample evidence about age discrimination against under 18s is being ignored. It should be taken into account and lead to changing the Act, so that its age discrimination provisions also apply to children and young people.**

Discrimination *against* anyone based upon age is not acceptable

Human rights should not be subject to age limits.

The UK is a signatory to the **United Nations Convention on the Rights of the Child**, which requires States that are party to the Convention to “respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind”. Similarly, the UK, as a Council of Europe member, is signatory to the **European Convention on Human Rights**, which includes no minimum age requirement for human rights to begin or have meaning.

Despite this commitment, the UNCRC Committee’s 2008 *Concluding Observations* on the UK’s report outlines in full detail where the UK is failing to uphold children’s rights. These failings include age-based discrimination against children and young people. The rights of babies, children and young people are not in conflict with, or opposition to, those of other ages. The rights of young people and the rights of older people can be equally honoured and implemented simultaneously.

Often the need for age-specific services is shared. Reduced fares on public transport, leisure services catering to different needs and interests, and age-appropriate health and social care should all be designed and delivered with the age of users in mind in order to provide the best, most appropriate and effective service. Such age-appropriate, positive discrimination is both acceptable and necessary at both ends of the age spectrum.

Evidence of age discrimination against under 18s is being ignored

Age discrimination against those under 18 is well documented across the UK. Consultations carried out by each of the four nation's commissioners for children and young people reveal consistent messages not just about individual experiences, but also about the wider negative impacts upon a society that attributes less worth to those under 18.

The Children's Rights Allianceⁱ for England has done good work in this area, bringing and supporting test cases, providing information and advice, raising awareness of and conducting research on children's human rights and their access to these rights. The Young Equals Campaign, coordinated by the Alliance, was particularly active in campaigning for protection from age discrimination for children and young people in the original Equality Bill.

Government departments across the UK have also recognised the deficiencies and inconsistencies in services for those under 18 (most notably mental health services for teenagers), and made numerous recommendations for long-overdue improvements in public policy and professional practice.

The United Nations Committee on the Rights of the Child delivered detailed findings about where the UK is failing to protect children's rights and cited evidence of unacceptable discrimination.ⁱⁱ The Scottish Government response in its report for under 18s, 'Do the Right Thing' (2009), listed 21 priority areas on which the Scottish Government agreed to take action. This included promoting children's rights and raising awareness of the UNCRC.ⁱⁱⁱ

Discrimination against under 18s can be obvious and institutional, as well as subtle and individual. The examples outlined below are drawn from consultation and research carried out by: non-governmental agencies; devolved governments across the UK; and, by the UN Committee.

- Many young people are being prevented from gathering in public places by an electronic "Mosquito" device, which emits a high-pitched noise that can only be heard by, and is distressing to, babies, children and young people.
- Older children, often those aged 16 to 17 years, receive poorer treatment from health services. Frequently they are considered too old for children's services, but too young for adult care. Not enough age-appropriate services for teenagers and young adults are available. This situation has been most commonly noted in mental health services. but it is apparent in other areas such as cancer care, and in general practice. Guidance from the General Medical Council about children's rights and treatment by medical providers is an implicit acknowledgement of the problem.^{iv} A recent report by the Long-term Conditions Alliance Scotland on the experience of children and young people with disabilities and chronic illnesses (Seen and Not Heard)^v indicates many areas where services were inappropriate or insufficient, in comparison with other

groups in the population. This was particularly true when young people suffered from a condition much more prevalent in the adult population.

- In England, a recent study found that teenagers tend to receive less favourable support from child protection and safeguarding services than younger children.^{vi}
- There is an inadequate supply of appropriate accommodation and support for care leavers and young homeless people. Many such young people experience repeated episodes of homelessness. This increases their exposure to, and likelihood of involvement in, drug abuse and commercial sex. It also raises significantly their risk of long-term physical and mental health problems.
- Despite there being statutory provision in Scotland for young people to continue to be looked after by the local authority up until the age of eighteen, there is an 'expectation and culture' (SCCYP, Sweet 16? The Age of leaving Care in Scotland (2008))^{vii} that young people leave the care system at 16. Many feel inadequately prepared and that they are being 'pushed out'.
- Insufficient space and seating provision on public transport for babies and small children means young children and, by association, their parents or carers are treated less favourably than members of the public of other ages. Poor provision can be compounded by negative attitudes by staff.
- Shop signs restricting entry to no more than two school children stereotype and stigmatise under 18s.
- The minimum wage rate is lower for 16 and 17-year-olds compared with those over 18, irrespective of their knowledge, experience or ability.

We would be happy to answer questions about, or expand upon any of these points.

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Children in Scotland is the national umbrella agency for organisations and professionals working with and for children, young people and their families. It exists to identify and promote the interests of children and their families and to ensure that policies and services and other provisions are of the highest possible quality and are able to meet the needs of a diverse society. Children in Scotland represents more than 400 members, including 90% of Scottish local authorities, all major voluntary, statutory and private children's agencies, professional organisations, as well as many other smaller community groups and children's services. It is linked with similar agencies in other parts of the UK and Europe.

The work of Children in Scotland encompasses extensive information, policy, research and practice development programmes. The agency works closely with MSPs, the Scottish Government, local authorities and practitioners. It also services groups such as the Cross Party Parliamentary Group on Children and Young People (with YouthLink Scotland). In addition, Children in Scotland hosts Enquire - the national advice service for additional support for learning, and Resolve: ASL, Scotland's largest independent education mediation service.

ⁱ <http://www.crae.org.uk/protecting/age-discrimination.html>

ⁱⁱ United Nations Committee on the Rights of the Child :UK Concluding Observations 2008

<http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.GBR.CO.4.pdf> UN www.scotland.gov.uk/Publications/2009/01/27155153/0

ⁱⁱⁱ 'Do the Right Thing' (2009), The Scottish Government
[//www.scotland.gov.uk/Publications/2009/08/27133115/0](http://www.scotland.gov.uk/Publications/2009/08/27133115/0)

^{iv} http://www.gmc-uk.org/guidance/ethical_guidance/children_guidance_index.asp

^v http://www.ltcas.org.uk/documents/ltcas_finalbrochurelores.pdf

^{vi} [http://www.childrenssociety.org.uk/sites/default/files/tcs/research_docs/Safe guarding%20Young%20People%20-%20Responding%20to%20Young%20People%20aged%2011%20to%2017%20who%20are%20maltreated.pdf](http://www.childrenssociety.org.uk/sites/default/files/tcs/research_docs/Safe%20guarding%20Young%20People%20-%20Responding%20to%20Young%20People%20aged%2011%20to%2017%20who%20are%20maltreated.pdf)

^{vii} <http://www.sccyp.org.uk/publications/adults/policyandresearch>