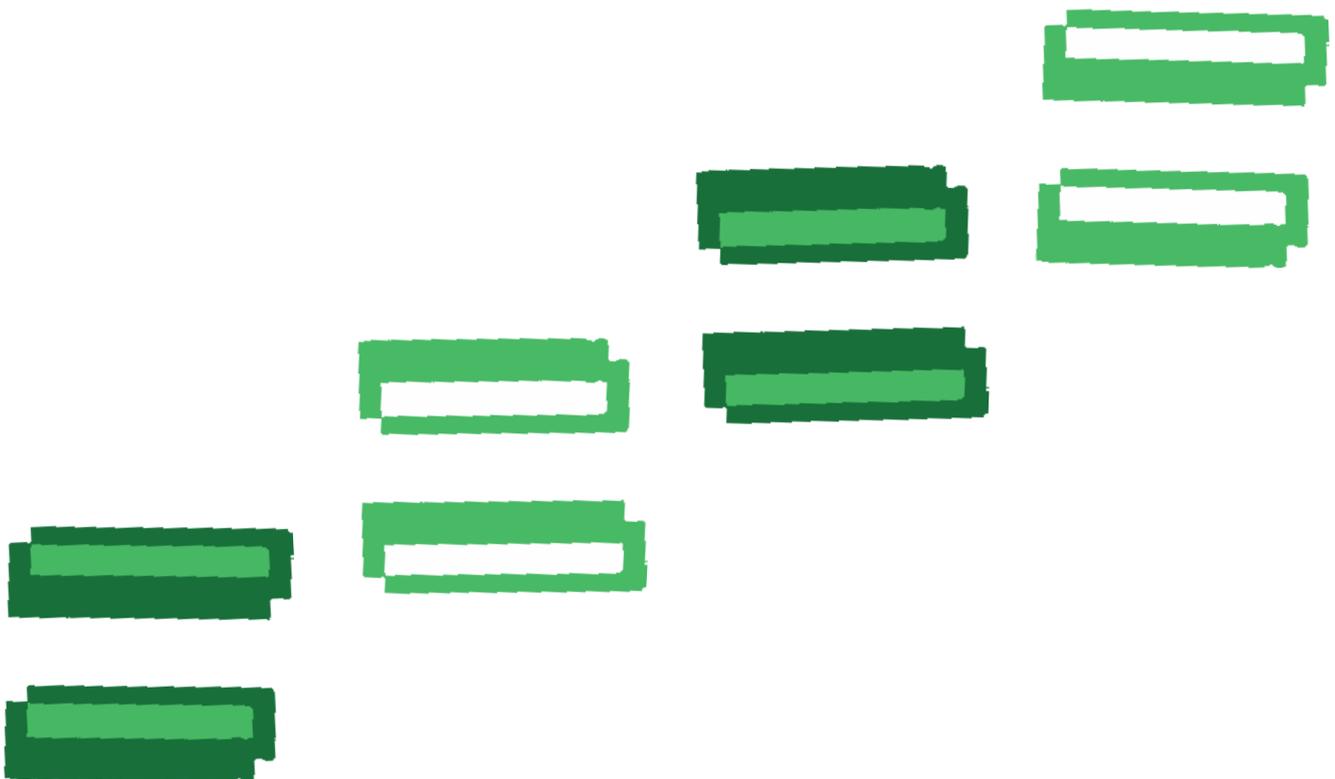


**Making the case: why children should be protected from age discrimination and how it can be done**

**Proposals for the Equality Bill**



## What we want from the Equality Bill

Young Equals calls on the UK Government to include the following protection for children in the Equality Bill:

- Protection for children from age discrimination in the provision of goods, facilities and services
- An integrated public sector equality duty that promotes the equal worth and human dignity of every person, including on grounds of their age. The duty must apply in relation to children in all public sector settings including schools and children's services
- A requirement for reasonable adjustments to be made to enable equal access to public transport and public buildings for babies and young children.

The contents of this briefing are based on the UK Government's proposals for the Equality Bill at the time of going to print.

Young Equals would like to thank the Children's Rights Alliance for England for coordinating the research and writing of this document.

## Children's Rights Alliance for England

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# Introduction

## The Equality Bill

The Equality Bill announced in last year's Queen's Speech will 'promote equality [and] fight discrimination'. This will include significant extension of protection against age discrimination. However, under the UK Government's current proposals this new protection will only be available to those aged 18 and above. In this paper we set out why failing to address age discrimination against children in this Bill would be a missed opportunity to address unfair treatment in a range of contexts affecting the daily lives of children of all ages.

Protection from discrimination is a fundamental human right. Not a single human rights treaty includes a minimum age requirement for protection from discrimination in the exercise of rights. As recently as October 2008, the UN Committee on the Rights of the Child urged the UK Government to use this Bill to address negative age discrimination against children.<sup>1</sup>

The UK Government has set itself the ambitious target of making this 'the best place in the world for children to grow up'.<sup>2</sup> However, by failing to recognise children's right to equal treatment on the grounds of age, we are lagging behind other developed nations such as Australia and Germany. The Government's vision for children in the UK cannot be achieved until this entitlement is recognised and realised.

## About this document

Here, for the first time we have gathered in one place the evidence that shows why children need protection against age discrimination. We also explain how it can be done, including why age discrimination protection does not mean children have to be treated the same as children of different ages or as adults and, in fact, will often require that they are not treated the same.

## Age discrimination against older people is recognised...

Age discrimination is the less favourable treatment of an individual or group of individuals on the grounds of their actual or perceived age. The UK Government has accepted that such discrimination adversely affects older people and that this must be addressed through the Bill. In June 2008, the Minister for Women and Equality explained:

*Many people still seem to think that it is acceptable to discriminate against someone because they are older. It is not... People are not over the hill at 60, to be either refused insurance or discriminated against in health care. We will include in the Equality Bill duties on the public sector to eliminate age discrimination and promote equality for older people. We will take powers to outlaw age discrimination in the provision of goods and services.<sup>3</sup>*

## ...but age discrimination against children is not

This powerful statement is in marked contrast to the Minister's comments regarding children:

*The provisions will not cover people under 18. It is right to treat children and young people differently, for example through age limits on alcohol consumption, and there is little evidence of harmful age discrimination against young people.<sup>4</sup>*

This quote reveals two of the main grounds on which the UK Government bases its proposal to exclude children. The first is that because children sometimes have different requirements from adults and from children of other ages, they cannot be protected against unfair age discrimination. The second is that, in any event, there is 'little evidence of harmful age discrimination against young people'. In this briefing we address both these assertions and refute them as a basis for not legislating.

# Overview: why and how children should be protected from age discrimination

## Age discrimination protection in the provision of goods, facilities and services

### The Government's proposals

The UK Government proposes to extend age discrimination protection beyond the workplace, to cover the provision of goods, facilities and services. This will make it unlawful for providers of goods, facilities or services to treat a person seeking to use those services less favourably than would be usual in the case of a member of the public of a different age. The UK Government proposes to exclude children from this protection.

### Evidence of harmful age discrimination against children in the UK

Age discrimination against children is a neglected problem. It often goes unrecognised and is not taken seriously. The evidence we have gathered in this briefing demonstrates that children are far from immune to age discrimination and its ill effects. It comes from a wide variety of sources including statutory inspectorates, regulatory bodies and UK Government research, as well as testimony provided to the Children's Rights Alliance for England (CRAE) by children and their parents and carers, for the purposes of the Young Equals campaign.

The evidence reveals patterns of behaviour by private and public providers of goods, facilities and services, which can clearly be seen to discriminate against children on the grounds of their age, resulting in unfair and harmful treatment in a range of settings for children of all ages. There are parallels with older people's experience of age discrimination, as described here by Help the Aged:

*... while it's true that some of the starkest and most shocking examples of age discrimination come from the fields of health and social care the problem does not begin and end here. Age discrimination occurs everywhere. Discrimination is widespread in the provision of facilities and services... Examples of age discrimination pop up in every area of life. But even if health and social care were the only issues, it's clear that legislation would still be needed...<sup>5</sup>*

Here are some examples of the positive impact this Bill could have if children are included in protection against age discrimination in the provision of goods, facilities and services:

- Giving 16 and 17 year-olds equal access to social services and mental health services<sup>6,7</sup>
- Preventing shop keepers from installing mosquito devices that deter children of all ages from accessing their services<sup>8</sup>
- Ensuring that children making calls to ambulance services are taken seriously.<sup>9</sup>

## How age discrimination legislation will help solve the problem

Including children in the new age discrimination legislation would help prevent less favourable treatment occurring in the first instance, by raising awareness of good practice and creating a deterrent against unfair treatment. Where discrimination did still occur, children would have a means of redress.

It is sometimes argued that protecting children against age discrimination in the provision of goods, facilities and services would make service providers vulnerable to legal action and might discourage them from providing valuable age-specific services. It is also argued that making exceptions for age-specific services would be too cumbersome.

We believe such concerns can be overcome by clear and robust legislation and guidance, and public awareness-raising about the meaning of the new law. Existing anti-discrimination legislation creates numerous exceptions in the context of the provision of goods, facilities and services, including exceptions permitting positive discrimination (or targeted services).<sup>10</sup> Understanding of these exceptions and ensuring they are properly applied is promoted by clear and accessible guidance in codes of practice and other non-statutory guidance. The position would be no different in the context of age.

### In practice: Australia

The Australian Age Discrimination Act 2004 outlaws age discrimination in a range of areas beyond employment, including education, housing, goods, facilities and services. Children are explicitly included in this protection. The Act sets out general exemptions permitting positive discrimination on the grounds of age where there is a particular need that is justified and legitimate.<sup>11</sup> Other parts of the Act set out specific exemptions, for example, relating to education<sup>12</sup> and youth wages.<sup>13</sup>

Again, parallels arise with older people's experience of discrimination, as described here by the Chief Executive of Age Concern England in a Parliamentary evidence session:

*There is a risk that public bodies have a rather formulaic process of thinking about equality which might actually lead to harm if they do not appreciate that you can treat different age groups differently. You can provide them with different services, be that children or young adults as well as older people, as long as you are thinking about fair outcomes for each age group and the different sorts of services they need...<sup>14</sup>*

Measures to protect children against age discrimination can and must still recognise children's unique status and allow for the continuation of age-specific services. We are confident that a common-sense approach can be adopted to ensure that age discrimination protection is workable for children, with legal provisions and guidance in place that provide sufficient clarity to service providers.

Different treatment would be allowed where justifiable. This would include entrance to casinos and pubs and cinema classification; age-appropriate health care screening (such as hearing tests and vaccinations for infants); age-appropriate child protection and safeguarding services; concessionary fares on public transport; and differential pricing in access to leisure facilities.

### The Government's own evidence of age discrimination

The Department for Children, Schools and Families asked under-18 year-olds to state whether they have ever been treated unfairly because of their age, gender, disability, amount of money their family has, skin colour, religion or culture, the beliefs or behaviour of parents/carers, the child's own beliefs, language, sexual orientation or something else. Over 3,900 children and young people participated in the online survey: 43% reported that they had been treated unfairly because of their age. Three in 10 (29%) of the under-11s felt that they had experienced age discrimination, and nearly two-thirds of older teenagers (64%) reported this. Unfair treatment on the grounds of age was by far the single biggest example of discrimination.<sup>15</sup>

# Integrated public sector equality duty to fully include children

## The public sector equality duty

At present there are three separate public sector equality duties relating to gender, disability and race respectively. The purpose of the duties is to address institutional or structural discrimination, namely practices that have the effect of disadvantaging certain groups. They apply to address inequality experienced by persons of all ages but only where that experience can be identified by reference to race (for example, by young boys from certain ethnic minority communities in the criminal justice system), disability (for example, children experiencing mental ill health), or gender (for example, pregnant school girls).

The UK Government currently proposes to introduce a new, integrated public sector equality duty, which will replace the existing duties and add similar duties in relation to gender reassignment, sexual orientation, religion or belief and age. The new integrated duty will have three broad 'limbs', requiring relevant public authorities to:

- Eliminate unlawful discrimination and harassment
- Advance equality of opportunity
- Foster good relations between different groups.

The exclusion of children from age discrimination protection in the provision of goods, facilities and services would significantly weaken any protection from age discrimination they might otherwise gain from the age element of the integrated public sector duty. This is because the first limb of the duty would have no effect for them in relation to age discrimination.

Any benefit children might gain under the remaining two limbs of the new duty will be significantly curtailed if the UK Government excludes public bodies such as schools and children's services from its provisions.

## Why all children's services and schools should be included

It is now widely accepted that inequalities are formed and become entrenched in childhood. The Government has acknowledged that inequalities in childhood have a major impact on future life chances.<sup>16</sup> Children's services and schools have an established role in challenging inequalities. These services are uniquely placed to lead the public sector's drive towards promoting more positive attitudes towards children and young people, and improving relations between generations. Schools can contribute greatly towards developing intergenerational projects that foster greater tolerance, understanding and respect between old and young people.<sup>17, 18</sup>

An inclusive duty is particularly important as schools become increasingly important centres around which services for children and their families are collated and co-ordinated.<sup>19</sup> Excluding schools and any children's services from the age element of the public sector duty would be a missed opportunity to address an endemic problem across the UK. Exemptions of this kind would send a strong negative message and jeopardise the overall purpose of the duty.

Children want the professionals with whom they have contact to respect them and genuinely listen to their views and perspectives. At their best, children's services and educational establishments already place great emphasis on human dignity and equal worth, but in too many instances children continue to experience services that do not take account of their individual needs, rights and perspectives. A public sector age duty applied in education and children's services would ensure that the views and experiences of children are taken into account during the development of these services.

The new law would not require public bodies to treat all people of all ages in the same way. Public bodies such as local authorities will not be prevented from providing specific services for people of different ages.

# Reasonable adjustments to enable equal access to public buildings and public transport for babies and young children

## Unequal access

There is currently a lack of safe and comfortable seating for infants and young children and inadequate space for prams on public transport. Adults travelling with young children often experience problems getting on and off public transport and feel that they and their child are frequently treated less favourably than others.<sup>20,21</sup> There are also difficulties with access to, and use of, public buildings such as local authority leisure centres and town halls, including a lack of family-friendly changing facilities and toilets.<sup>22</sup>

There have been accessibility improvements as a result of legislation to tackle disability discrimination. However, further protection specifically for the benefit of babies and young children is required. The Government has so far announced no proposals to address these problems. Older people with such needs may well qualify as 'disabled' under the Disability Discrimination Act 1995 (DDA) and enjoy accessibility and reasonable adjustment rights under that legislation.

### In practice: Northern Ireland

Section 75 of the Northern Ireland Act 1998 requires public authorities to have 'due regard' to the need to promote equality of opportunity between people of different religious beliefs, political opinions, racial groups, ages, marital status or sexual orientation.<sup>23</sup> Children are included in all elements of the protection. Guidance has been developed for public authorities on consulting and involving children and ensuring that their views and experiences are taken into account when policies are developed.<sup>24</sup> A 10 year review of the impact of Section 75 found that increased attention was being paid to the 'inequality faced by young people accessing services and, in general, helped raise awareness of age as an equality issue'.<sup>25</sup>

However, although the usual development milestones in babies and young children will affect their ability to, for example, walk at certain ages, this will not qualify them for 'disabled' status under the DDA (a natural inability to walk at a certain age will not constitute an 'impairment' under the DDA and therefore will not amount to a disability).

### In practice: Germany

Local German laws require buildings to be accessible to 'people with small children'.<sup>26</sup>

The Equality Bill offers an excellent opportunity to place a positive duty on public transport providers to make reasonable adjustments to ensure the safety and comfort of very young passengers. A similar duty should be placed on public service providers to make reasonable adjustments to public buildings in order to ensure access for families with babies and children under the age of five. Protection against discrimination by association should be included, for the benefit of parents and carers accompanying children. We believe that these measures would gain widespread public support and would be consistent with the Government's commitment to family-friendly policies.

# Healthcare

*... services are inadequately coordinated in some areas, especially for older children...*  
**Joint Chief Inspectors, 2008**<sup>27</sup>

*One 16 to 18 year-old who had a psychiatric disorder commented on the inappropriateness of their placement in a ward with very young children. Falling into the gap in service provision between children's and adult mental health services (which, in some areas, end at 16 while adult services begin at 18) raises questions as to whether this young person received the care he or she needed...*  
**Children's Rights Alliance for England, 2008**<sup>28</sup>

## The evidence

Research reveals a pattern of behaviour under which older children, usually (but not solely) aged 16 and 17, receive less favourable treatment from health services than adults or younger children, either due to a complete lack of services or to a lack of age-appropriate service provision.

*...I get refused by child services and adult services because I'm 17...I've got to wait until I'm 18 to get proper services.*  
**17 year-old suffering from depression**<sup>29</sup>

This experience is not isolated; two recent joint reviews of safeguarding services have highlighted gaps in health services for older children. The 2005 report stated that 'young people aged 16–18 with a mental health condition or a chronic illness' received 'insufficient priority' by children's health and social care services.<sup>30</sup> Services for older children contrasted unfavourably with those for very young children in the 2008 report.<sup>31</sup>

The Social Exclusion Unit has found that 'age boundaries' between services have a particularly negative impact on children (especially those who are most disadvantaged). The report found 'little consistency or continuity' between services and few mental health services dealing with children aged 16 and above, so that 'some... find that at 17 they are having difficulty getting any mental health support at all'. Substance misuse services for older children are found to be 'under resourced and marginalised'.<sup>32</sup> These findings echo earlier research by the British Medical Association, which criticised a lack of mental health services for adolescents and poorly developed services for teenagers in need of treatment for smoking, drinking and drug addiction.<sup>33</sup>

*The children's ward wouldn't accept her because she was over age 16, the adult ward wouldn't accept her because she was under 18, and so we had hell-of-a-game trying to find a ward for her and in the end she ended up going on a geriatric ward for the night.*<sup>34</sup>

Research conducted by 11 MILLION, the Children's Commissioner for England, and Young Minds in 2007<sup>35</sup> and 2008<sup>36</sup> also highlights gaps in mental health provision for children aged 16 and 17. These include a scarcity of age-appropriate services, particularly emergency in-patient resources. Confusion as to who should take responsibility for the care of this age group was a common theme. These experiences were also noted in UK Government-commissioned research by the University of Durham in 2006 which found that as many as 19% of child and adolescent mental health services had a maximum age limit of 16.<sup>37</sup> The Royal College of Psychiatrists also reported in 2006 on the lack of specialist psychiatric services for adolescents.<sup>38</sup>

*...when I was in hospital... I was on the children's ward, which meant that I was on a bay with all four and two-year olds, which was absolute hell... nobody talks to you about how you're feeling or anything, and you just feel really isolated. And I think that needs to be addressed.*

**Teenager aged between 16 and 18 years**<sup>39</sup>

The Government has acknowledged that these problems exist, as demonstrated by Section 131A of the Mental Health Act 1983 which introduces a requirement for age-appropriate mental health in-patient services for under 18s.<sup>40</sup>

Whilst this is a welcome development as far as it goes, piecemeal legislation of this kind cannot provide the coherent protection against age discrimination that should be offered to children through the Equality Bill.

Problems of less favourable treatment are not confined to mental health provision. The Royal College of Paediatrics and Child Health reported in 2003 that dedicated services for older children within GP practices are 'rare'. The report also refers to a 2002 Royal College of Nursing national survey showing there were only 13 dedicated adolescent medicine wards (plus five dedicated adolescent oncology wards) and 16 units with limited facilities, usually attached to children's wards.<sup>41</sup>

Cancer treatment is another area where there is evidence of less favourable treatment, particularly in relation to older children. The Teenage Cancer Trust estimates that 50% of teenagers with cancer are not treated in age-appropriate facilities. Most hospitals do not have specialist teenage units, so teenagers are placed in either adult or paediatric wards. Whilst some children's hospitals treat children up to the age of 18, others only treat those up to the age of 16. Less favourable treatment on the grounds of age also extends beyond the hospital; once discharged, children aged 16–18 have often been unable to access community and palliative care facilities because children's support ends at 16 and adult support begins at 18.<sup>42</sup>

In a further example, UK Government guidance, published in 2006, concerning the transition from children's to adult health services, notes that young people with neurological disorders and disabilities 'are the least well served as there is often no service available to take over their care when they leave paediatrics'.<sup>43</sup>

Testimony received by CRAE indicates that children are not always taken seriously when seeking assistance from emergency services.

*We rang an ambulance, and we thought an ambulance was going to come, and then suddenly, because I sound like a child on the phone, so suddenly he said, how old is the person involved, and I said 14, and he said, well you have to get an adult to ring us up then...*

**12 year-old**<sup>44</sup>

### How full age discrimination protection for children would help solve the problem

The inadequacies identified above reveal complex patterns of unfair age discrimination against children seeking to access health services. This includes less favourable treatment of older children than that received by younger children and adults, as well as less favourable treatment received by children generally compared with adults.

The inclusion of age in the integrated public sector equality duty will help to alleviate these problems by requiring public authorities such as NHS Trusts to promote equal treatment amongst children and adults of all ages, including assessing the impact of their policies and practices on equal treatment.

Prohibiting age discrimination in the provision of goods, facilities and services would give much stronger protection for children than the integrated public sector equality duty alone. This would make it unlawful both to fail to provide health services on the grounds of a child's age, and to fail to provide children with age-appropriate services of the same quality as those provided to other members of the public. Health service providers would be able to provide age-specific services where this is justified.

# Child protection

*We heard particular criticism about the lack of provision for young people in local authority [homelessness] strategies which, given the fast rising rate of homeless acceptances amongst this group, appears to be a major oversight... Centrepoint said 'these strategies do not have to include youth homelessness... 43% [of 30 key local authorities] do not have a specific strategy for dealing with youth homelessness'.*

**The Children's Society, 2007**<sup>45</sup>

## The evidence

Research reveals a pattern of behaviour whereby older children are treated less favourably by safeguarding and child protection services than younger children. Such treatment is often grounded in invisible assumptions. For example, many teenagers report being refused help by children's services, apparently because social workers and their managers assume they are old enough to cope on their own.

Recent research carried out for the Department for Children, Schools and Families by the Open University bears out these reports. The research suggests that 'unspoken assumptions' are often made that older children have in some way brought abuse upon themselves, in contrast to perceptions and treatment of younger children experiencing the same treatment.<sup>46</sup>

*... the social services, generally speaking, only intervene in violent situations where it's a young child, whereas if it's a teenager they're not so bothered about getting the teenager out of that situation even though it's probably equally as harmful...*

**17 year-old**<sup>47</sup>

*That's why I think some people are harming themselves and then no one's helping them. That's why so many young people get killed or they kill themselves because not enough services are being there for them.*

**14 year-old**<sup>48</sup>

## How full age discrimination protection for children would help solve the problem

The inadequacies identified above reveal a pattern of less favourable treatment of older children than that received by younger children, in the provision of safeguarding and child protection services.

The inclusion of age in the integrated public sector equality duty will help to alleviate these problems by requiring social services to promote equal treatment of older children in comparison with younger children and adults of all ages, including assessing the impact of their policies and practices on equal treatment. The inclusion of schools and children's services is also crucial to require those institutions to promote equality and good relations amongst different age groups in communities.

Prohibiting age discrimination in the provision of goods, facilities and services would give much stronger protection for children than the integrated public sector equality duty alone. This would make it unlawful for social service providers and housing providers to discriminate against older children seeking to use those services by failing to provide older children with age-appropriate services of the same quality as would be usual in the case of a member of the public of a different age. Social service and housing providers would be able to provide age-specific services where this is justified.

Although it is already unlawful for providers to discriminate on grounds of age under duties provided by the Children Acts 1989 and 2004 (provision should be based on need rather than age), a general measure which provided protection from age discrimination would reveal and tackle institutional and often hidden discrimination, and provide protection for all children rather than relying on individuals to challenge the system.

In 2007, The Children's Society carried out a review of police and local authority responses to young runaways (32 out of 37 police forces and 76 out of 150 local authorities participated). The charity found that some local authorities had 'unwritten policies of refusing any [social services] accommodation for 13 to 15 year-olds'. Thresholds were so high for teenagers accessing child protection services that in some areas only a risk to life led to action.<sup>49</sup>

Nearly a quarter of youth offending team areas inspected between 2005 and 2008 were criticised for the lack of safe accommodation for vulnerable and homeless children under 18. This issue relates specifically to children aged 16 and 17 who are deemed intentionally homeless or not receiving support from children's social care services.<sup>50</sup> The problems are compounded by confusion among many housing providers who wrongly believe they cannot offer tenancies to 16 and 17 year-olds, as reported by Shelter in 2007.<sup>51</sup>

Research carried out by the University of Warwick with the Universities of Sheffield and Southampton into child death review processes found evidence of less favourable treatment of older children in learning lessons from unexpected child deaths. Agencies had given more attention to younger children's deaths. The researchers conclude, 'Very little thought appeared to have been given to the issues around reviewing deaths of older adolescents.'<sup>52</sup>

# Access to justice

*Young people are extremely concerned about reporting crimes to the police. This concern is exacerbated by how young people are treated by the police.*

**Metropolitan Police Authority, 2008**<sup>53</sup>

*Young people mostly perceived contact with police as evidence of discrimination associated with, for example, their age, where they live, their family or previous offending. Young people were generally dissatisfied with their treatment by police, pointing to abuse of power and 'unnecessary aggression and humiliation'.*

**UK Government, 2007**<sup>54</sup>

*... there is little systematic consideration by Youth Offending Teams and probation services of the specific needs of children as victims [of crime].*

**Joint Chief Inspectors, 2008**<sup>55</sup>

## Children as victims and witnesses of crime: the evidence

The vast majority of child victims of violence or other mistreatment do not contact social services or the police, even when they have been subject to serious sexual or physical assault. The Home Office surveyed young people in 2006 and found that only 11% of assaults of 10–15 year-olds resulting in injury are reported to the police, compared with 33% of assaults of 16–25 year-olds. For assaults without injury the rate of police notification fell to 3% and 26% respectively.<sup>56</sup>

Young people do not expect the police to take them seriously. Research published by the Joseph Rowntree Foundation, exploring children's views and experiences of living with domestic violence, parental substance misuse or parental health problems, found that children often criticised the police. Despite children calling them for help, the police often did not listen to children or speak directly to them.<sup>57</sup>

Sir Ronnie Flanagan's 2008 review of policing in England and Wales included a public consultation about attitudes towards the police. It found, 'The young and those from lower SES [socio-economic status] groups tend to distrust the police and see them as heavy-handed.'<sup>58</sup>

A report by the Scottish Government asked children what they would change about the police. Children listed a number of things, including that the police should not judge them on how they speak and dress, that they should be better at believing what young people say, and that they should respond to calls from children more quickly and stop treating children 'as if the call is unimportant'.<sup>59</sup>

*Because if you told the police something that happened to you they will either laugh at you or they won't really care.*<sup>60</sup>

Police user satisfaction surveys on policing and community safety exclude under-16s, in line with Home Office guidance which stipulates: 'In all cases exclude victims under the age of 16.'<sup>61</sup> The British Crime Survey has until this year excluded under-16s (it continues to exclude under-10s).

Young people are the least likely of all age groups to know of the existence of the Independent Police Complaints Commission (IPCC). The British Market Research Bureau carried out a survey for the IPCC between October and December 2007 to measure public satisfaction with the complaints system. The study raised key messages relating to four subgroups living in England and Wales: those from an Asian background, Black people, 15–24 year-olds and people from lower socio-economic groups. Young people had the lowest awareness of any subgroup about the IPCC, and were the least inclined of all age groups to complain about the police.<sup>62</sup>

### **How full age discrimination protection for children would help solve the problem**

The inadequacies identified above reveal a pattern of less favourable treatment of child witnesses and victims of crime than is received by adults, in the provision of law enforcement services.

Including age in the integrated public sector equality duty will help to address this by requiring public authorities, such as the police, Crown Prosecution Service and local authorities, to promote equal treatment of young people in comparison with other members of the public of all ages in the provision of law enforcement services, including assessing the impact of their policies and practices on equal treatment. The inclusion of schools and children's services is also crucial to require those institutions to promote equality and good relations amongst different age groups in communities.

Prohibiting age discrimination in the provision of goods, facilities and services would give much stronger protection for children, making it unlawful for the police and other law enforcement agencies to discriminate against children on the grounds of their age. Age-specific services could still be provided where this is justified.

### **Children accessing legal services: the evidence**

There is a lack of age-appropriate legal service provision for young people. Youth Access cites UK Government data which shows that young people (under 25 years) are the least likely to seek legal advice relating to housing and homelessness and only 0.4% of advisers in private practice law firms target services to young people.<sup>63</sup>

### **How full age discrimination protection for children would help solve the problem**

The inadequacies identified above reveal a pattern of less favourable treatment of children in need of legal services, compared with adults.

Including age in the integrated public sector equality duty will help to address this problem by requiring public authorities such as the Legal Services Commission to promote equal treatment of young people in comparison with other members of the public of all ages in the provision of legal services, including assessing the impact of their policies and practices on equal treatment.

Prohibiting age discrimination in the provision of goods, facilities and services would give much stronger protection for children by making it unlawful for legal service providers to discriminate against children by failing to provide age-appropriate services. Age-specific services could still be provided where this is justified.

# Public leisure facilities

## The evidence

We have found widespread evidence of children being unfairly refused entry to public services such as libraries, leisure centres, museums and art galleries. This includes restricted access and membership to council-run sports facilities, age restrictions on council-run allotments, inaccessibility of libraries to many young people, and a failure by local councils to consult children and young people about the use of green space.

Electronic ‘mosquito’ devices are being used across the country to stop teenagers from congregating in public places. They work by emitting a high-pitched noise only heard by young people. Liberty has found the device is being used in every region of England except the north east.<sup>64</sup> It affects all children and young people in an area and the noise can also be heard by babies and young children who may not be able to alert carers to their distress (this applies to some young disabled people too).

11 MILLION, the Children’s Commissioner for England, has reported high volumes of correspondence from children and young people explaining the discriminatory effects of the mosquito on their participation in community life and expressing concern about the effect of the device in creating a negative image of children in society generally.<sup>65</sup> In its recent Concluding Observations on the UK, the UN Committee on the Rights of the Child raised concern about the use of mosquito devices given that they may violate the rights of children to freedom of movement and peaceful assembly.<sup>66</sup>

The press reported another example of discriminatory treatment of teenagers in a public space, when a group of teenagers was denied access to the Lowry Gallery in Liverpool. The receptionist at the gallery refused to let the group in and they were eventually ‘ushered’ out of the building by a security guard. While the group were being asked to leave the gallery, a man with two small children was allowed in. He commented:

*Basically they were local lads coming in to look at the pictures on Sunday afternoon because they were bored stiff and they were denied access to a facility in Salford which we’ve been told is open to everyone. It’s an absolute disgrace.<sup>67</sup>*

Evidence and enquiries received by CRAE make clear this is not an isolated experience:

*The fact that few teens go to museums is too often blamed on young people not wanting to go. In fact some museums state in the back of there [sic] guide booklets that unaccompanied under 16 or 18s are not permitted. Yet others seem to suddenly ‘remember’ they have this policy when young people approach the door. They may not display a no entry notice but they are playing the policy equivalent of the youth noise, and young people can read the unwelcoming subtext and know when there [sic] not wanted...<sup>68</sup>*

*My local council have just made an allotment rule that requires children under the age of 16 to be accompanied by an adult at all times. There are tenants who’s [sic] children go to the allotment on their own to collect eggs and even to cultivate the plot. These children will now be prohibited from doing this. Are the council able to discriminate against children in this manner?<sup>69</sup>*

In 2001, young researchers from Investing in Children Durham found that children receive less favourable treatment when trying to access public leisure centres, including exclusions at certain times of the day, bans on teenagers and inconsistent pricing.<sup>70,71</sup>

Research suggests that local council planners do not take into account the needs of children of all ages when considering use of public space. The Public Accounts Committee has warned that two-thirds of local authorities are failing to consider the needs of children and teenagers when planning green spaces.<sup>72</sup>

*... we got our skate park knocked down because the people living around the area where [sic] complaining that we made to [sic] much noise which was a lie. we only spoke and skated, and quite a few people actually said the reason they where [sic] annoyed because there were teenagers hanging out in one place... they wouldn't care if we were on the street, just not near them because we were young...*

**Young person**<sup>73</sup>

The Chartered Institute of Library and Information Professionals 2007 report, concerning best practice in engaging children and young people in library services, said that a 'more liberal and enlightened approach to policies and procedures, especially joining procedures and the payment of fines and charges for damage is necessary' and recommended that 'accessible locations and adequate opening hours should be offered to children and young people'.<sup>74</sup>

### How full age discrimination protection for children would help solve the problem

The above examples provide clear evidence that children are treated less favourably than adults when seeking to access public leisure facilities.

The inclusion of age in the integrated public sector equality duty will help to address this problem by requiring public service providers to promote equal treatment of children in comparison with adults of all ages, including assessing the impact of their policies and practices on equal treatment. The inclusion of schools and children's services is also crucial to require those institutions to promote equality and good relations amongst different age groups in communities.

Prohibiting age discrimination in the provision of goods, facilities and services would give much stronger protection for children, making it unlawful for public service providers to discriminate against children seeking to use those services by excluding them from those services or restricting their access to those services without justification. Age-specific services could still be provided where this is justified.

# Shops and restaurants

*In some shops it was customary for children to have to leave their school bags at the door before they were even allowed to enter. We were told that some shop assistants even asked children and young people to empty their pockets and bags before leaving to prove that they had not shoplifted. Others would not allow children and young people to enter unless accompanied by an adult.*

**Children's Rights Alliance for England, 2008**<sup>75</sup>

## The evidence

We have found evidence that it is common practice for children to be unfairly refused access to shops.

*I walk into a shop and security guards follow me around. I'm not allowed to have my hood up or hands in my pockets without someone coming up and asking me questions.*

**16 year-old**<sup>76</sup>

In 2008, the *Wimbledon Guardian* reported that the headteacher of Wimbledon College had urged families to boycott local town centre shops where their children have been banned. He wrote to all parents expressing concern that:

*...many of our pupils feel they are being unjustly treated simply because they wear a school uniform...this alienation and, at its worst, criminalisation of our young people is, in my view, neither good nor just...*

The headteacher said that staff often spoke to young people in an aggressive way, and on one occasion had banned a child even when accompanied by a parent. The local Police Chief Superintendent said ‘We all have a responsibility to address this issue. But what the shops decide to do is a matter for them.’<sup>77</sup>

*Also, like, when you go shopping and stuff, they really treat you like, a person’s always behind you, a security guard or something. They always think that you’re going to nick something, or something like that.*

**16–18 year-old**<sup>78</sup>

A report by the Scottish Executive on how to make Scotland a better place for children, asked children how they felt adults perceived them. Respondents said that children were often seen as ‘trouble in shops’ and were often ‘followed by security guards’.<sup>79</sup>

*If the Prime Minister lived my life for a week, he would find that he is constantly victimised just for being a young person. He would find that instead of walking in to a shopping centre, proud to be a world leader, he would instead be frowned upon by the world as a trouble maker and potential shop lifter. He would find that instead of being able to go where he wants, when he wants, that he is restricted by signs saying ‘no more than one child at any time’. At this point he’d think to himself, if that sign said ‘no more than one gay at any time’ or ‘no more than one old person at any time’, that it would be against the law.*

**17 year-old**<sup>80</sup>

Evidence from children also highlights discrimination in restaurants:

*... often in restaurants because we are in school uniform or look young we are asked to pay before we can eat.*

**16 year-old**<sup>81</sup>

## How full age discrimination protection for children would help solve the problem

These examples make it clear that children are treated less favourably than adults when accessing shops and restaurants.

Prohibiting age discrimination in the provision of goods, facilities and services would make it unlawful for shop and restaurant owners to discriminate against children by failing to provide them with services of the same quality as would be normal in the case of a member of the public of a different age. Age-specific services could still be provided where justified.

# Public transport – older children

*Many young people have difficulties getting to the opportunities or services they want to access. Those who are reliant on public transport, particularly those who are disadvantaged or from rural areas, are often... prohibited by its high costs.*

**Department for Children, Schools and Families, 2007**<sup>82</sup>

*Kent County Youth Council were told of young people who had stood in the rain waiting for a late bus, but were then not allowed on the bus because they would make the seats wet! They had a large number of complaints... and the negative attitude of the bus drivers towards young people frequently came up.*

**UK Youth Parliament, 2008**<sup>83</sup>

*While the evidence suggests that some operators and providers were developing initiatives and attempting to improve services for young people, there were other operators and providers who were doing very little...*

**Department for Transport, 2006**<sup>84</sup>

## The evidence

The evidence we have gathered illustrates that children are regularly refused access to buses and treated less favourably by bus drivers (including refusal to accept proof of concessionary fares). Arrangements for concessionary travel for children are inconsistent across the country, so that for some children it is very difficult to access public transport.

The Department for Transport has reported children experiencing problems with bus drivers 'failing to stop to pick people up and rudeness'. A major issue identified by teenagers was the difficulty in getting bus drivers to accept their bus passes (as proof that they could get concessionary fares). The report also noted that the age at which children have to pay adult fares varies hugely across the country.<sup>85</sup> A recent report exploring the human rights concerns of children in England found that children believed that bus drivers behaved negatively towards them and treated them with disrespect. A common experience was drivers shutting the doors as children tried to board.<sup>86</sup>

*My eldest son has problems on public transport. He looks a normal 14 year old boy. We have had to colour photocopy his passport as evidence of his age for the bus drivers. (One in particular recently told my son he was to pay adult prices and charged him an extra 2 or 3 stops!) His school bus pass is not evidence enough that he is in full time education.*

**Parent**<sup>87</sup>

Research by the UK Youth Parliament highlights considerable differences in arrangements for concessionary fares for children across the country. Whilst some local authorities and transport providers are developing initiatives to support subsidised bus travel (such as Freedom passes for 11–15 year-olds in Kent), there are other areas where travel costs are still too high for many children.<sup>88</sup> Lacking an independent source of income, children need concessionary fares to enable equal access to public transport services. One consequence of unaffordable public transport is inequalities in children being able to access other public services, such as youth centres, libraries and sports facilities.

*We were waiting for the bus to come after we had been ice skating, the bus drove straight past us and it was empty!*

**Group of 12 and 13 year-olds**<sup>89</sup>

The Department for Children, Schools and Families' Aiming High strategy (a 10-year strategy for positive activities) noted the challenges faced by children in accessing public transport and the, often prohibitive, costs of bus fares in some areas.<sup>90</sup>

*...public transport is atrocious. It costs £3.50 to travel 10 minutes (once you are 16) on the train or bus to the nearest town. I think it's unfair that 16–18 year-olds are charged adults fares [sic], especially as they are often at school/college and have little money... It's ridiculous! I think child fares [sic] should be allowed until the age of 18, when you are officially an adult.*

**Young person**<sup>91</sup>

*If you go on a bus it's like they have absolutely no time for you and they just really don't want to hear from you, and an adult is treated much better... especially old age pensioners all seem to get a lot of respect from bus drivers, but young people don't. They have no time for them.*

**15 year-old**<sup>92</sup>

## How full age discrimination protection for children would help solve the problem

The above examples make it clear that children are treated less favourably than adults in the provision of public transport services. This includes the failure by some service providers to meet children's age-specific requirements by ensuring that appropriate concessionary fares are available, allowing children equal access to their services.

The inclusion of age in the integrated public sector equality duty will help to address this problem by requiring local authority public transport departments to promote equal treatment of children in comparison with adults of all ages, including assessing the impact of their policies and practices on equal treatment.

Prohibiting age discrimination in the provision of goods, facilities and services would give much stronger protection for children by making it unlawful for public transport service providers to discriminate against children seeking to use those services by failing to provide them with services of the same quality. Public transport service providers would still be able to provide age-specific services where this is justified.

# Access to public transport and facilities – babies and young children

## The evidence

The evidence we have gathered shows that there is a widespread lack of appropriate seating for babies and young children on public transport and a lack of appropriate space for prams. Parents and carers with prams are regularly treated rudely and aggressively and refused access to buses. They also experience difficulties when trying to access and use public buildings, where there is often a lack of appropriate facilities, including nappy changing rooms.

Cardiff County Council's Children and Young People's Scrutiny Committee carried out a detailed inquiry into how 'family friendly' the city is. A team of researchers surveyed 400 families and visited the city centre with electronic babies<sup>93</sup> to find out how accessible shops and services were for families. The researchers experienced 'considerable problems in finding stores or buildings with baby changing facilities... buggy access into and around shops, restaurants and other buildings was also very difficult and in some places impossible'.<sup>94</sup>

Research by the then Equal Opportunities Commission concluded that the designs of buses 'take insufficient consideration of the difficulties experienced by women who are encumbered by accompanying children'. It recommended that a balance is sought between providing adequate seating capacity and providing enough space for shopping bags, pushchairs, wheelchairs and mobility scooters.<sup>95</sup>

In June 2008, Lothian Buses in Edinburgh asked its drivers to refuse access to anyone attempting to travel with an unfoldable pram or travel system. Parents and carers are now required to use only lightweight, foldable buggies which can be stowed at short notice. Such buggies are not suitable for young babies, and therefore infants and their parents or carers are explicitly excluded from the public transport system. Despite a request from Edinburgh City Council that 'Lothian Buses re-visits this policy with a view to relaxing it', the company has said that it will only change its stance if it is made to do so by 'Parliament or a higher authority'.<sup>96</sup>

*I am really appalled over the discrimination towards people with babies in prams who use Arriva buses in St Helens. One such act of discrimination, by a jobsworth bus driver, jeopardised the safety of my grandson. My daughter had her son in his buggy, he was fast asleep, she boarded the 34 bus in Newton High Street, a young man at the bus stop helped her onto the bus... The bus driver said: 'get that buggy folded.' The young man said the baby was asleep. There was room on the bus for the buggy and the bus was empty, apart from two or three passengers. However he insisted, saying it wasn't his problem the baby was asleep, my daughter had to put the baby on a seat whilst she attempted to put the buggy down. The driver drove off, oblivious to the safety of the baby who almost rolled off the seat, only saved by the quick actions of a young woman who got on the bus with my daughter...'<sup>97</sup>*

*This situation [the Lothian Buses policy] has left many parents and carers of babies and young children feeling bullied and discriminated against, just as wheelchair users have felt in the past... We believe that access for all is a fundamental principle; that discrimination cannot be tolerated; and that babies are not an exception to the rule...<sup>98</sup>*

A survey carried out by Transport 2000 (now Campaign for Better Transport) and Mother and Baby magazine found that parents in the UK are put off using public transport by poor access, inconsiderate staff and lack of suitable facilities. 72% of the 500 mothers surveyed thought public transport was difficult for mothers and babies to use; 60% found bus drivers unhelpful; only nine out of 25 train operators offered nappy changing facilities on board all their trains and only 12% of respondents had a fully buggy-accessible train or Underground station nearby.<sup>99</sup>

*The public transport system in this country is not mum-friendly. We need buses, trains and trams that welcome mothers and babies, whereas at the moment they seem to shun them. Clearly parents are facing a stark choice: struggle with public transport that is hostile to them, take the car and add to traffic congestion, or simply stay at home...<sup>100</sup>*

## How full age discrimination protection for children and a requirement for 'reasonable adjustments' would help solve the problem

These examples make clear that babies and young children, and by association their parents and carers, are treated less favourably when accessing public transport and other facilities than members of the public of other ages.

The age element of the new integrated public sector equality duty should help to address this problem by requiring local authority public transport departments to promote equal treatment of babies and young children, including assessing the impact of their policies and practices on equal treatment.

Prohibiting age discrimination in the provision of goods, facilities and services would also assist by making it unlawful for public transport service providers to discriminate against babies and young children. It should be made clear in the legislation that protection includes those associated with babies and young children. Age-specific services could still be provided where this is justified.

The introduction of a requirement to make reasonable adjustments to enable equal access for babies and young children to these services and facilities, along the same lines as current requirements under disability discrimination legislation, would provide significant further benefit.



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*Where, after all, do universal human rights begin?  
In small places, close to home... Such are the  
places where every man, woman, and child seeks  
equal justice, equal opportunity, equal dignity  
without discrimination.*

**Eleanor Roosevelt, 1958**

**Young Equals** is a group of charities and children who are campaigning to stop age discrimination. The campaign group is coordinated by the Children's Rights Alliance for England. Members of the steering group include the British Youth Council, The Children's Society, Families Need Fathers, Liberty, National Children's Bureau, the National Youth Agency, Save the Children UK, Youth Access.

11 MILLION, the Children's Commissioner for England, and the Equality and Human Rights Commission have observer status.

To sign up to support the Young Equals campaign visit

**[www.crae.org.uk](http://www.crae.org.uk)**

For more information e-mail

**[equality@crae.org.uk](mailto:equality@crae.org.uk)**

or call 020 7278 8222 extension 25

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