

ARTICLE 39

England & Wales · Charity number 1166092

Details

Status Registered

Legal form CIO

Registered 2016-03-16

Register [View on the Charity Commission register](#)

Contact

Address 4th Floor
18 St Cross Street
London
EC1N 8UN

Phone 07841020073

Email jodie.wickers@article39.org.uk

Website www.article39.org.uk

Activities

Objects: (1) THE RELIEF OF NEED, AND PROMOTION OF THE PROTECTION, OF CHILDREN LIVING IN INSTITUTIONAL SETTINGS IN ENGLAND THROUGH IN PARTICULAR BUT NOT EXCLUSIVELY:(A) THE PROVISION OF INFORMATION TO CHILDREN LIVING IN INSTITUTIONAL SETTINGS ABOUT LAW, POLICY AND PROFESSIONAL STANDARDS IN RESPECT OF THEIR CARE AND TREATMENT, AND THE WAYS IN WHICH THEY CAN RAISE CONCERNS AND CHALLENGE MISTREATMENT;(B) UNDERTAKING AND DISSEMINATING RESEARCH ON SAFEGUARDING AND CHILD PROTECTION MATTERS IN INSTITUTIONAL SETTINGS;(C) MONITORING CHILD PROTECTION CONCERNS AND PRACTICES IN CHILDREN'S INSTITUTIONAL SETTINGS;(D) PROVIDING TECHNICAL ADVICE TO GOVERNMENT AND OTHERS ON MATTERS RELATED TO THE SAFETY AND WELL-BEING OF CHILDREN LIVING IN INSTITUTIONAL SETTINGS;(E) COMMENTING ON PROPOSED LEGISLATION CONCERNED WITH THE NEEDS OF CHILDREN LIVING IN INSTITUTIONAL SETTINGS. (2) THE ADVANCEMENT OF THE HUMAN RIGHTS OF CHILDREN LIVING IN INSTITUTIONAL SETTINGS IN ENGLAND BY ALL OR ANY OF THE FOLLOWING MEANS:(A) RAISING AWARENESS OF THE MEANS BY WHICH CHILDREN MAY SEEK REDRESS FOR HUMAN RIGHTS ABUSES;(B) MONITORING HUMAN RIGHTS ABUSES IN CHILDREN'S INSTITUTIONAL SETTINGS;(C) UNDERTAKING AND DISSEMINATING RESEARCH INTO HUMAN RIGHTS IN CHILDREN'S INSTITUTIONAL SETTINGS;(D) PROVIDING TECHNICAL ADVICE TO GOVERNMENT AND OTHERS ON THE HUMAN RIGHTS OF CHILDREN LIVING IN INSTITUTIONAL SETTINGS;(E) COMMENTING ON PROPOSED LEGISLATION CONCERNED WITH THE HUMAN RIGHTS OF CHILDREN LIVING IN INSTITUTIONAL SETTINGS;(F) OBTAINING REDRESS FOR THE VICTIMS OF HUMAN RIGHTS ABUSES IN CHILDREN'S INSTITUTIONAL SETTINGS;(G) RAISING AWARENESS OF HUMAN RIGHTS ISSUES;(H) PROMOTING PUBLIC SUPPORT FOR HUMAN RIGHTS;(I) PROMOTING RESPECT FOR HUMAN RIGHTS AMONG INDIVIDUALS AND CORPORATIONS. (3) WHERE ANY HUMAN RIGHT IS TO BE ADVANCED BY MEANS OF LITIGATION, THIS WILL BE LIMITED TO ESTABLISHING THE PRIMACY OF RELEVANT LAWS WHICH EITHER FORM PART OF THE DOMESTIC LAW OF THE STATE CONCERNED (INCLUDING FOR THE AVOIDANCE OF DOUBT LEGAL PROCEEDINGS BEFORE ANY CONSTITUTIONAL COURT) OR ARE BINDING ON THAT LAW AND WHERE THE STATE CONCERNED HAS IMPLEMENTED THE RELEVANT TREATY OBLIGATIONS SO AS TO PROVIDE A COMPETENT DOMESTIC CONSTITUTIONAL COURT EMPOWERED TO DETERMINE THIS OR WHERE THERE IS AN INTERNATIONAL TRIBUNAL, THE LEGITIMACY OF WHICH HAS BEEN RECOGNISED BY THE STATE CONCERNED AND WHOSE DECISIONS AS A MATTER OF DOMESTIC LAW BIND THE DOMESTIC LAW OF THE STATE CONCERNED.(4) IN FURTHERANCE OF THESE OBJECTS BUT NOT OTHERWISE, THE TRUSTEES SHALL HAVE POWER TO ENGAGE IN POLITICAL ACTIVITY PROVIDED THAT THE TRUSTEES ARE SATISFIED THAT THE PROPOSED ACTIVITIES WILL FURTHER THE PURPOSES OF THE CHARITY TO AN EXTENT JUSTIFIED BY THE RESOURCES COMMITTED AND THE ACTIVITY IS NOT THE DOMINANT MEANS BY WHICH THE CHARITY CARRIED OUT ITS OBJECTS.(5) FOR THE PURPOSE OF THIS CLAUSE:"CHILDREN" MEANS ANY HUMAN BEING FROM BIRTH TO 18 YEARS."INSTITUTIONAL SETTING" MEANS AN ESTABLISHMENT THAT IS NOT A FAMILY HOME AND IN WHICH A CHILD HAS BEEN PLACED, OR IS BEING HELD, BY THEIR PARENTS OR THE AUTHORITIES FOR THE PURPOSES OF CARE, PROTECTION, EDUCATION, MEDICAL TREATMENT, TRAINING, DETENTION OR PUNISHMENT. THIS DOES NOT INCLUDE KINSHIP CARE, FOSTERING, ADOPTION OR ANY ARRANGEMENT IN WHICH A CHILD IS LIVING WITH A FAMILY MEMBER. "HUMAN RIGHTS" MEANS THE UNITED NATIONS (UN) UNIVERSAL DECLARATION OF HUMAN RIGHTS, THE UN CONVENTION ON THE RIGHTS OF THE CHILD AND OTHER RELEVANT UN CONVENTIONS AND DECLARATIONS, AND OTHER RELEVANT INTERNATIONAL AND REGIONAL HUMAN RIGHTS INSTRUMENTS AND DOMESTIC LEGISLATION.

Activities: Article 39 fights for the rights of children living in institutional settings in England. Our name comes from the part of the United Nations Convention on the Rights of the Child which entitles children who have suffered rights violations to recover in environments where their health, self-respect and dignity are nurtured.

Classification

- **How:** Provides Services, Provides Advocacy/advice/information, Sponsors Or Undertakes Research
- **What:** Education/training, The Advancement Of Health Or Saving Of Lives, Human Rights/religious Or Racial Harmony/equality Or Diversity
- **Who:** Children/young People

Geography

- Throughout England

Finances

Period end	Income	Expenditure	Assets	Employees
2025-03-31	£437,349	£326,134	-	-
2024-03-31	£238,173	£210,957	-	-
2023-03-31	£220,283	£212,671	-	-
2022-03-31	£180,389	£154,156	-	-
2021-03-31	£173,786	£131,917	-	-

Trustees

Name	Role	Appointed
SUSANNAH MARY WALKER BSocSci	Chair	2019-03-15
Anna Clare Savic		2023-12-12
Carole Littlechild		2023-06-27
Lynton James Roy Orrett		2021-09-07
MICHAEL CHARLES STEIN PROFESSOR		2022-07-04
Venetia PA Mayman		2023-09-21
Vivien Emily Parker		2023-09-21

ARTICLE 39

England & Wales - Charity number 1166092

Accounts

Charity registration number: 1166092

Article 39

Annual Report and Financial Statements

for the Year Ended 31 March 2025

Community Accounting Plus
Units 1 & 2 North West
41 Talbot Street
Nottingham
NG1 5GL

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Reference and Administrative Details

Trustees	Carole Littlechild Venetia Mayman Lynton Orrett Vivien Parker Anna Savic Professor Mike Stein Susannah Walker
Senior Management Team	Rebekah Pierre, Deputy Director, from 18/06/2024 Jezerca Tigani, Interim Director, from 09/12/2024 until 30/11/2025 Jodie Wickers, Executive Director, from 22/10/2025 Carolyne Willow, Director, until 03/01/2025
Charity Registration Number	1166092
Principal Office	4th Floor 18 St Cross Street London EC1N 8UN
Independent Examiner	Eva Stevens, employee of Community Accounting Plus Units 1 & 2 North West 41 Talbot Street Nottingham NG1 5GL

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Trustees' Report

The trustees present the annual report together with the financial statements of the charity for the year ended 31 March 2025.

Objectives and activities

Objects and aims

1. The relief of need, and promotion of the protection, of children living in institutional settings in England through in particular but not exclusively:
 - a. The provision of information to children living in institutional settings about law, policy and professional standards in respect of their care and treatment, and the ways in which they can raise concerns and challenge mistreatment;
 - b. Undertaking and disseminating research on safeguarding and child protection matters in institutional settings;
 - c. Monitoring child protection concerns and practices in children's institutional settings;
 - d. Providing technical advice to government and others on matters related to the safety and well-being of children living in institutional settings;
 - e. Commenting on proposed legislation concerned with the needs of children living in institutional settings.
2. The advancement of the human rights of children living in institutional settings in England by all or any of the following means:
 - a. Raising awareness of the means by which children may seek redress for human rights abuses;
 - b. Monitoring human rights abuses in children's institutional settings;
 - c. Undertaking and disseminating research into human rights in children's institutional settings;
 - d. Providing technical advice to government and others on the human rights of children living in institutional settings;
 - e. Commenting on proposed legislation concerned with the human rights of children living in institutional settings;
 - f. Obtaining redress for the victims of human rights abuses in children's institutional settings;
 - g. Raising awareness of human rights issues;
 - h. Promoting public support for human rights;
 - i. Promoting respect for human rights among individuals and corporations.

Public benefit

The trustees confirm that they have complied with the requirements of section 17 of the Charities Act 2011 to have due regard to the public benefit guidance published by the Charity Commission for England and Wales.

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Trustees' Report (continued)

Achievements and performance

This was Article 39's ninth year of funded activity. We are very grateful to all our funders and donors, to the many organisations and individuals, including children and young people, who worked with us throughout the year, and to IGC Family Law and Doughty Street Chambers for kindly providing free meeting space in London.

A huge thank you to the lawyers who have acted pro bono for us this year – Jesse Nicholls from Matrix Chambers, Ciara Bartlam from Garden Court Chambers North and Serena Fasso from Wilson Solicitors LLP for inquest work; and Alex Ruck Keene KC, Arianna Kelly and Eleanor Leydon of 39 Essex Chambers for our Court of Appeal intervention with the charity Mind. We are also very grateful to our expert speakers at this year's advocacy clinics and other events: Antonia Benfield, barrister at Doughty St Chambers; Nick Hobbs, Head of Legal at the Children and Young People's Commissioner for Scotland; Joe Godden, service manager at the National Youth Advocacy Service; Arianna Kelly, barrister at 39 Essex Chambers; Beatrice Longmore, Head of Advice and Advocacy at the Children's Commissioner for England; Silvia Nicolaou-Garcia, solicitor at Bindmans; Greta Nonni, youth casework manager at the South London Refugee Association; Wendy Roberts, independent reviewing officer; Mel Varey, solicitor at Access to Public Law; and Christen Williams, senior advocate.

This report concerns the period 01 April 2024 to 31 March 2025, though it includes significant developments just past this date.

We were delighted that Article 39's team expanded this year, with three new posts (two part-time) taking us to the equivalent of five full-time postholders from June 2024. Balancing this significant organisational development as a remote organisation, while continuing (and in some areas expanding) our external work aimed at promoting and protecting children's rights, proved very difficult at times. Against this backdrop, the Board of Trustees is especially grateful for the tremendous commitment and wide-ranging impact secured by the team across the year.

Our Founder Director started a six-month sabbatical in January 2025, to complete her barrister training, during which time she continued to assist the charity with its strategic litigation and other work. We welcomed a new Interim Director the previous month and later obtained some organisational development and policy support from external consultants to help us manage further organisational changes and challenges ahead.

In October 2024, our new Expert Panel of 15 young people aged 17 to 25 years had its first substantive meeting, providing the team with advice on setting strategic priorities, plans for a new media course for young people with experience of institutional settings and our upcoming review of the effectiveness of the Children Act 1989 complaints procedure. As well as offering advice on different aspects of our work, the goal is that being a member of the Expert Panel will help enhance the skills, knowledge and confidence of individual young people who may then be interested in putting themselves forward to join Article 39's Board of Trustees.

Terminology: there are different legal routes for children to be looked after by their local authorities in England. The most common is for the child to be the subject of a care order made by a family court. Children in these circumstances are legally 'in care'. Children who are accommodated by a local authority through a voluntary agreement between the local authority and their parent (or someone else with parental responsibility), or through an agreement between the child if they are aged 16 or 17 and the local authority, are not legally 'in care'. They fall under the collective legal description of being 'looked after' together with children who are in care and children who are remanded to custody. 'Children in care' is a term known and used widely to refer to all children looked after by local authorities, so we use that interchangeably with 'looked after children' in this report.

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Trustees' Report (continued)

We helped young people press for mental health law reform

In previous years, our Blooming Change group of young people with experience of mental health detention as children has influenced government guidance on the use of force in mental health units and provided views to the Department of Health and Social Care on the Draft Mental Health Bill. Anticipating a final Bill would be introduced into parliament this year, we designed and delivered training for Blooming Change members on the parliamentary passage of Public Bills.

After the Mental Health Bill was published, Blooming Change analysed its provisions and identified areas for improvement. We supported members to draft priority amendments, and they then worked together and individually to produce headline arguments and evidence for each of their proposals. Our Head of Children and Young People's Activism collated this into a briefing for Peers in the House of Lords, where the Bill began its parliamentary passage.

At the start of parliamentary scrutiny (Second Reading), in November 2024, Lord Crisp, former NHS Chief Executive and permanent secretary at the Department of Health, publicly acknowledged Blooming Change's briefing:

"We have had a lot of impressive briefings for this Bill. I will quote one of them, from Blooming Change. That was the one about children who had experience of the system. There were lots of issues about patient safety and quality of care. They talked about being injured during restraint, just being drugged and restrained and being scared all the time. There is a dreadful sentence there, which I will read out:

'Hospital makes you worse ... going into hospital with one problem and then leaving with trauma, new behaviours, new diagnoses, assaults, PTSD – it's awful'."

Days later, Blooming Change members had an extremely productive and lengthy meeting with civil servants leading on the Bill. They each received a signed letter from the government minister who introduced the Bill into the House of Lords, and the meeting was held in her office.

Over the following months, several Peers gave tremendous support for Blooming Change's priority areas - including stopping the placement of children on adult wards, ensuring therapeutic support is available for children in hospital, and introducing a new statutory mechanism for hearing patients' views. Then, in a fantastic development, one of Blooming Change's proposed new clauses - 'Ascertaining and learning from patients' experiences of hospital treatment' - was voted into the Bill on 31 March 2025 (209 votes to 143).

Moved by Earl Howe, Conservative Shadow Leader of the House of Lords, the Clause would require independent mental health advocacy services to contact patients - both children and adults - within 30 days of discharge to offer them the opportunity to reflect on their time in hospital. A report would then be agreed by the former patient and their advocate and submitted to the hospital with, critically, hospital managers having a duty to publish a report each year outlining feedback received from former patients and the action taken in response. On seeing their amendment voted into the Bill, Blooming Change members reacted with pride and passion:

"I'm honestly so happy that our voices are being heard... I genuinely for the longest time felt like I didn't matter, to anyone or anything, that the universe didn't need to hear my voice, that what I went through didn't matter... I'm glad I decided to use my experiences to fight for change and I'm so happy our words have made a difference."

"For so long our voices and experiences have been ignored, dismissed, devalued and denied... I know that this will send a powerful message that young people from all walks of life are here to make a difference; and that we are more than able to do that."

"Nobody has better knowledge of where the system is failing than those of us it has let down... Introducing a debriefing process that requires patient experiences to be collected, reported on, and used to implement improved practices will not only encourage accountability but help young people to heal by putting down some of the weight of the trauma they carry."

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Trustees' Report (continued)

In March 2025, alongside others with direct experience of mental health inpatient care, four Blooming Change members attended a roundtable in the Houses of Parliament organised by the Joint Committee on Human Rights. The invitation followed the written evidence that Blooming Change provided to the Committee. Its report was published in May 2025, and cites the experiences and concerns of Blooming Change, including around children being placed on adult wards and government plans to increase access to independent advocacy for detained patients but not for those receiving treatment on a voluntary (informal) basis. Blooming Change members warned the Committee that this would create a two-tier system of advocacy which does not reflect the reality that the experiences of children and young people in hospital supposedly by choice “*are just as challenging*”. We were delighted that the Committee recommended that all children, whether detained or not, should be entitled to opt out advocacy in mental health inpatient care. Very positively, the Committee also proposes an amendment to the Mental Health Bill to prohibit the placement of children on adult wards unless this is demonstrably in their best interests – one of Blooming Change’s priority Clauses. Reflecting on the lack of direct, personal experiences within the process of the Mental Health Bill, the Committee also shared that it was pleased to see the agreed amendment put forward by Earl Howe and Blooming Change, which championed patients’ voices and valued individual experiences. We were delighted that the Committee welcomed the amendment and recommended that it be retained as the Bill progresses through the House of Commons.

We were hugely disappointed that the debriefing Clause which Blooming Change had successfully championed was removed from the Mental Health Bill when it was reviewed in the House of Commons in June 2025. Pressing for the Clause’s removal, health minister Stephen Kinnock MP described as “overkill” the duty to offer debriefing to patients. He also said independent mental health advocacy services had told government they wouldn’t have capacity to implement this change. With support from independent mental health advocates within our Children and Young People’s Advocates Network, Blooming Change members vowed to keep working for this legal change as the Bill continues its passage through parliament.

The Health Services Safety Investigations Body (HSSIB) approached us this year asking if young people wished to share their views and experiences of mental health inpatient care, particularly the move from child to adult settings and services. We subsequently hosted a focus group bringing together the HSSIB and young people from Blooming Change.

Blooming Change members were delighted to be shortlisted for a Children and Young People Now award, in the category of youth volunteering and social action. They did not receive an award but, more regrettably due to how the awards ceremony was arranged, the evening was not an enjoyable experience. Following discussion with Blooming Change members attending the event, and with their agreement, these concerns were communicated in writing to the organisers.

We informed children and young people of their rights

Our rights4children website provides accessible information about children’s rights on topics which children and young people have told us are important to them. Information was accessed 51,000 times in 2024/25, down from nearly 62,000 last year. We are aware that AI overviews by search engines (beginning in the UK in autumn 2024) have had a significant impact on click-through rates, which may account for some or most of this decrease.

There were more than 32,000 separate users across the year. To protect privacy and make the user experience as easy as possible, Article 39 does not require user login or track the ages of those who use this resource, so we are unable to report on the different age groups using the site. However, its content and design remain tailored for children and young people.

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Trustees' Report (continued)

Our top three most widely read topics remained the same as previous years - restraint and use of force, leaving care and feeling safe. Very positively, a new topic 'Aged 16 or 17 and without a home', published in September 2024, became the fourth most used across the year. As part of a wider project in 2024/25 (see below), we produced this resource because of growing concern that local authorities are not complying with their duties to look after this group of very vulnerable children. Our rights4children resource on pocket money remained popular, being our fifth most used in 2024/25.

Unlike previous years, rights4children resources were more often accessed via a desktop computer (54% of users) than mobile phone (45% of users). The remainder read resources using Tablets such as iPads.

We received 30 online feedback forms (a significant reduction on last year's 74). Most 'really liked' (53%) or 'liked' (13%) the content they accessed. Seven didn't like the content, though one of these commented that "children don't need rights" and the others related to only two topics - restraint and independent reviewing officers (appointed to ensure local authorities fulfil their legal obligations towards looked after children). Negative associated statements appeared to give feedback on the subject matter itself rather than the resource, for example: "Stop restraining small children to abuse them that is not right what you are doing be kind and nice to them". Positive comments were more general, for instance:

"Nice for me to know my rights!"

"I'm in care and I really like the rights4children website because it explains everything I wanted to know."

"[This is] written in a very clear, easy to understand way and covers everything. Thank you."

We continued our seasonal 'rights nights' online sessions and John Kemmis children's rights training course and piloted a new course for young people on getting their voices heard through the media. Across the year, 56 children and young people aged 14 to 26 participated in different Article 39 events and opportunities. Feedback included:

"I really liked the layout of the session, and it felt really relaxed but still incredibly informative."

"Everyone was very friendly and listened to each other. It also makes me happy knowing so many people want to advocate for young people. I love learning new things."

We continued to demand care for every child in care

Article 39's #KeepCaringTo18 campaign was launched in 2020 to fight the last government's plan to prohibit placements which do not provide care for looked after children aged 15 and under, while permitting them for those aged 16 and 17.

Providers which provide accommodation and care mainly or wholly for children must, by law, register with Ofsted as a children's home and meet quality standards, including a care standard. If accommodation and support (rather than care) is provided, then this is 'supported accommodation'; due to the absence of care, our #KeepCaringTo18 campaign refers to this type of accommodation as 'care-less'.

Although it consulted in 2020 on developing a legal definition of care and 84% of respondents supported this, the last government decided not to set out in law what day-to-day care for children in care consists of. The care standard for children's homes includes a duty to provide personalised care that meets the child's individual needs, and a requirement to treat each child with dignity and respect. Ofsted formerly issued guidance to providers (as an annex to its children's homes guidance) which signposted that 'support' as opposed to 'care' includes: staff regularly being away from the premises for significant periods of time; having the same arrangements for supervision, support, facilities and restrictions for children in care and adults living there (where properties are shared); children in care not having to ask for permission to stay away from the home overnight; children in care having full control of their finances (so having responsibility for their food, meals and clothing); and children in care being in charge of meeting all their health needs and taking their medication (though able to ask for help and advice). This guidance was withdrawn around the time the last government chose to regulate supported accommodation.

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Trustees' Report (continued)

Secondary legislation introduced in 2021 and 2023 cemented an age-based discriminatory approach to state parenting - that children aged 15 and under must always receive care where they live, whereas those aged 16 and 17 can manage without. This does not reflect ordinary family life. We remain bitterly disappointed that we lost our legal challenge in March 2022 against these regressive legal changes (as set out in our annual report for 2021/22).

We continued to make the case for care for every child in care across 2024/25. Key activities included:

- At the end of March 2024, we were approached by Katharine Bryson, a retired teacher with over 40 years' experience of working with children, concerned about the death of a very vulnerable teenager, Nonita Grabovskyte. An inquest was to be held to investigate the circumstances surrounding Nonita's death. We approached the charity INQUEST to ask if they would join us in holding her local authority parent and other agencies to account while challenging systemic failings both in the children's care system and adolescent mental health support. Ms Bryson had been an independent visitor - that is, a voluntary befriender -- for Nonita in the months before she was hit by a train and died in December 2023, just two weeks after her 18th birthday. Having agreed to work together, Article 39 and INQUEST obtained pro bono legal representation to make a novel application to be an 'interested person' in Nonita's inquest, meaning we could advocate for her throughout the process. That application succeeded in November 2024, largely because no-one from Nonita's family was to participate in the inquest. We understand that this is the first time a non-governmental organisation (NGO) without any prior contact or relationship with the deceased person has been granted interested person status in an inquest. We spent the remainder of 2024/25 preparing for Nonita's inquest, which was held in May 2025. The coroner was to find that Nonita died by suicide following a catalogue of serious failings by the local authority, which was her 'corporate parent', and an NHS mental health trust, and indicated he would be issuing a 'prevention of future deaths' report on the matter of planning for looked after children approaching adulthood.
- In May 2024, we published our analysis of Ofsted data on care-less accommodation for looked after children aged 16 and 17 which showed that 48% of registered provision to date is classified as 'sole occupancy' where children live on their own. Nearly 1 in 5 of the properties (17%) are for looked after children aged 16 and 17 living alongside adult strangers - an arrangement previously criticised by the Children's Commissioner for England in a report she published in 2020. Overall, each registered provider had an average of 11 properties.
- In June 2024, Article 39's Director and Annie Gibbs, the Founder and Chief Executive of Amour Destinée, co-ran a workshop on the #KeepCaringTo18 campaign at the British Association of Social Workers UK conference. A feature on the campaign was subsequently published in Professional Social Work magazine. Later in the year, Article 39's Director spoke at a national conference of supported accommodation and children's homes providers. There was significant challenge from some conference delegates about the #KeepCaringTo18 campaign's use of the language of 'care-less' accommodation. A message received weeks later confirmed the importance of this national campaign: "I wanted to extend my heartfelt thanks for your authentic and engaging presentation... It was truly impactful, and like many of the attendees, I left feeling deeply troubled by how we, as a society, are collectively failing care leavers, which I must admit was not a new feeling".
- Article 39's Director wrote to the then children's minister, Janet Daby MP, in September 2024 about the risks faced by looked after children aged 16 and 17 living in care-less accommodation, including the failure of the last government to prohibit corporal punishment in these settings. The minister's response largely repeated the previous administration's approach though stated the government's commitment "to ensuring that all children in care thrive and receive high quality support and care wherever they live". The minister said government does not believe "explicit prohibition" of corporal punishment in these settings is necessary since, "It is extremely unlikely a court would consider that the responsibility to discipline a young person was delegated to a supported accommodation provider or staff". Article 39 does not accept this claim given that so many teenagers who are the subject of a care order made by the Family Court are placed in these types of properties, and that every looked after child (irrespective of their legal status) must by law have a care plan setting out how they will be cared for on a day-to-day basis. Further, the regulations for supported (care-less) accommodation (which are much weaker than those relating to children's homes) contain provisions around behaviour management. We will continue to challenge this discriminatory approach to child protection (corporal punishment in foster care and children's homes is explicitly prohibited).

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Trustees' Report (continued)

- In November 2024, we published a timeline showing how law and government policy for 16- and 17-year-olds in care went backwards from 2019. This resource was written and produced by members of the #KeepCaringTo18 campaign steering group from Article 39, The Care Leavers' Association and the Together Trust.
- Also in November 2024, we made a freedom of information (FOI) request to the Department for Education (DfE) to seek clarity on the proportion of looked after children aged 16 and 17 who now live in care-less accommodation. Official statistics published that month failed to give clear information. An accompanying DfE note had also indicated that an unspecified number of providers (most care-less accommodation is run by profit-making companies) had not met Ofsted requirements by October 2023 and were therefore operating illegally. We finally received a complete answer in February 2025, which showed that at least 40% of 16- and 17-year-olds in care are now living in accommodation where they receive no care.
- A few months after the end of the financial year 2024/25, we were delighted that parliament's Education Committee's inquiry into children's social care concluded that all looked after children should receive care where they live. We had previously (in January 2024) submitted comprehensive evidence of the harms suffered by children in care-less accommodation.

We intervened in an important legal case to stop local authorities having the power to deprive children in care of their liberty

In February 2025, with the charity Mind we successfully intervened in a Court of Appeal case concerning the power of local authorities to deprive children in care of their liberty. The High Court had held that, in certain circumstances, local authorities do not require court authorisation for the confinement of children in their care (those who are the subject of a care order and for whom, therefore, the local authority has parental responsibility). This ruling would have had serious negative repercussions had it not been overturned in the Court of Appeal. We were given permission to intervene in October 2024 and focused our evidence and submissions on the vulnerabilities of children in care, the lack of suitable therapeutic homes for children with high levels of need, the risks of allowing local authorities to confine children without court authorisation, and the exercise of parental responsibility consistent with children's human rights. We subsequently dedicated our May 2025 legal digest to the Court of Appeal judgment. Across the year, we liaised with other NGOs and lawyers concerned about the deprivation of liberty of children through a forum co-ordinated by the Nuffield Family Justice Observatory.

We published research and resources to protect 16- and 17-year-olds without a home

Through our advice service and work with advocates, Article 39 has long been aware of situations where local authorities refuse to look after desperately vulnerable 16- and 17-year-olds, when it is not safe or possible for them to live at home. This is despite case law (most famously, the landmark 'Southwark judgment' in 2009) confirming that local authorities have clearly defined duties under the Children Act 1989 to look after children in these circumstances. Local authorities failing to fulfil their obligations towards homeless 16- and 17-year-olds not only endangers children in the here-and-now; their actions also deny young people vital leaving care entitlements into their mid-20s.

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Trustees' Report (continued)

Last year, we had sent every English local authority an FOI request seeking policy documents and materials showing how they approached assessing and meeting the needs of 16- and 17-year-olds without a home and parental care. This year, a sub-group of Article 39 trustees and Director (with combined social work experience exceeding 150 years) analysed the documents we received from 131 local authorities (86% response rate) and published the results alongside a new resource for teenagers (September 2024) and a comprehensive legal briefing for social workers (November 2024). Our research revealed that more than half (53%) of local authorities in England do not have published materials for 16- and 17-year-olds who are homeless, which is why we produced our resource for teenagers (used 1,912 times by the end of March 2025). Many of the policy documents for social workers we reviewed did not clearly communicate the legal duties of local authorities, which is why we produced a dedicated briefing for them (used 311 times from its publication to the end of March 2025).

Ofsted published related research in February 2025, which heard from young people that local authorities do not always provide them with information about their rights. Like Article 39, Ofsted stressed the importance of independent advocacy for children in these circumstances as well as age-appropriate information. Our Head of Children's Rights Advice Service joined the advisory panel for this Ofsted research part-way through 2024.

We successfully challenged the new government's stalling of national advocacy standards

Article 39 spent several years persuading the previous government to revise national standards for advocacy services for children and young people, culminating in a public consultation at the end of 2023. We continued to liaise with policy officials at the DfE and in May 2024, as part of our 'Change through Advocacy' week (see below), we published a guide for directors of children's services on children and young people's advocacy services. Then in November 2024, the government quietly announced – in an update on action in response to the systemic abuse of disabled children in three residential schools run by the Hesley Group in Doncaster – that it had stalled the introduction of the revised standards and guidance for financial reasons. We described this delay as “unforgivable” and wrote to the children's minister urging her to reconsider. In April 2025, we were delighted that the Home Office's progress report on government action on the Independent Inquiry into Child Sexual Abuse's (IICSA) concluding recommendations contained a clear commitment to introduce the standards in 2025.

We continued to oppose the use of pain-inducing techniques in child prisons

Last year we reported that government policy now (since February 2024) prohibits the use of pain-inducing techniques as a form of restraint in child prisons. From our inception, Article 39 had pressed for an outright ban – which was one of IICSA's concluding recommendations in October 2022. Although no longer part of standard restraint training, government policy states prison officers can apply pain-inducing techniques as a 'last resort'. We therefore sought descriptions of these so-called emergency techniques. The Ministry of Justice refused our request, which led us to complain to the Information Commissioner's Office in July 2024, whereby the information was finally provided to us in October 2024. Article 39 believes transparency is vital so long as these widely condemned techniques are authorised for use on children. On several occasions across the year, we became aware that the former government was seriously considering authorising the use of PAVA in child prisons – a chemical sprayed into a child's face causing severe pain and fear. We liaised with the Howard League for Penal Reform on how such a decision may be vigorously challenged. In April 2025, the then Justice Secretary authorised the use of PAVA spray in child prisons, and we therefore began the new (financial) year considering our role in opposing this.

Article 39

Trustees' Report (continued)

Our ON YOUR SIDE advice service helped stop many children's rights violations

Across the year, through our ON YOUR SIDE children's rights advice service we provided 175 tailored summaries of the law and government guidance for advocates working with individual children and young people. In addition, we provided information to 9 children and young people and 15 parents and carers who contacted us directly. We actively seek tangible feedback on the advice we provide. Here are some positive changes in the lives of individual children and young people we helped bring about through our advice service in 2024/25:

- A looked after child who had been told by their local authority that they would have to move shortly before Christmas 2024 was able to remain where they were settled. In this case, we supported the advocate to request a 'placement freeze' as part of a complaint, which then led to the local authority reversing its earlier decision.
- A teenage child who reported being sexually and physically abused at home but was deemed by their local authority to be safe there became a looked after child, following the intervention of their advocate. We provided the advocate with comprehensive information about both the local authority's duty to accommodate this child, and their rights once they became looked after.
- A disabled child in care was able to attend the secondary school of their choice after we gave their advocate information about their rights as a child with an education, health and care plan.
- A teenage child made a complaint because their local authority refused to look after them. We gave their advocate information to help them escalate the complaint, after which the local authority agreed to look after the child and the complaints investigation was no longer required (which was significant in and of itself as children should not have to go through an often lengthy and painful complaints process to access the services and support to which they are entitled).
- Information provided by our service helped a child and their advocate make a complaint to stop a forced move from a children's home to foster care. The child had previously lived with several different foster families and now felt secure in their children's home. Their complaint was upheld, and they no longer had to move. Interestingly, on this occasion a solicitor advised the advocate to contact Article 39 for help.
- A local authority's common (unlawful) practice of not appointing personal advisers to support looked after teenagers was successfully challenged by an advocate who obtained legal information from us.
- A highly vulnerable teenager became looked after by their local authority after we informed their advocate that parental consent is not required if the child is aged 16 or 17.
- A child had waited over a year for their social care records to be provided by their local authority, which was holding up legal proceedings. The advocate assisting the child told us they didn't need to use the information we gave them because the records were released after they told the local authority they were contacting Article 39.
- After living for several years in the same place, a young care leaver was told by their local authority they had to return to their home area. The young person's advocate used the legal information we gave them to successfully persuade the local authority to support them to remain living in the place they now call home.
- Legal proceedings were started by a local authority after information we provided to an advocate highlighted a child was probably being unlawfully deprived of their liberty in the absence of court authorisation.
- A local authority agreed to recognise a young care leaver as having full entitlements to advice, assistance and support after we gave their advocate information about the law.
- A child who had been sexually assaulted was offered therapeutic support, having previously been denied this, after we gave their advocate information.
- A very vulnerable young person's complaint was investigated and upheld after the local authority had initially refused to consider it, relying on a statutory deadline. We told their advocate about another legal provision which gives local authorities discretion to investigate complaints made outside of the main statutory timescales, and about statutory guidance which explicitly acknowledges the many reasons children and young people may not be able to complain until long after the events took place.
- A teenage child no longer faced the threat of being forced to leave care after we gave their advocate information about their local authority's legal obligations.

Article 39

Trustees' Report (continued)

- A university student was able to return home to their foster carers during holidays after we gave their advocate information about their rights.
- Restrictions on a looked after child's freedoms were substantially reduced after we gave their advocate information about their human rights. Prior to the advocate's intervention, the child had been subject to severe restrictions for over a year, including 3:1 supervision.
- A company providing accommodation agreed to amend its behaviour policy after information from our service helped the advocate successfully challenge the issuing of fines to children in care.
- A looked after child was able to stay in their children's home, and was no longer forced to move, after we gave their advocate information about their rights connected to relationships and feeling secure and settled.
- Legal information we gave to an advocate led to young people leaving custody with nowhere to live being provided with accommodation by their local authority.
- A looked after child received temporary tutoring at home, and then a college place, after we provided their advocate with information about their education rights, including alternative education provision.
- A looked after child's complaint was finally taken seriously by their local authority who agreed to find a new home where they could feel safe and wanted.
- After we gave information about the law to an advocate, a local authority agreed to backdate leaving care entitlements for a young person who was subsequently able to attend university.
- A looked after child had not seen their siblings, who were also in care, for several months. We gave their advocate legal information, and all three children now see each other regularly.

Of the 34 advocates who participated in our annual ON YOUR SIDE survey, 82% gave the service the highest rating of 5. Qualitative feedback included:

"You come across as caring and provide a very tailored and personal response. I think your service is fantastic!" "The quality of the information is exceptional and of a very high standard." "I'm so grateful for all the advice and support you give to advocates. My job would be so much harder without Article 39."

We became a core participant in module 8 of the UK Covid-19 Inquiry, focused on children and young people

Article 39 was granted core participant status for module 8 of the UK Covid-19 Inquiry at the end of July 2024, giving us a unique means of challenging the actions (and inactions) of government in respect of children living in institutional settings and care experienced children and young people before, during and immediately after the pandemic. We want the Inquiry to give particular attention to the wide-ranging deregulation in children's social care introduced through secondary legislation (successfully legally challenged by Article 39 at the time) and the normalisation of solitary confinement in child prisons.

We put the Inquiry in touch with individual children and young people who agreed, via their advocates, to participate in research on children and young people's experiences of the pandemic.

In April 2025, the Inquiry made a Rule 9 (mandatory) request for evidence from Article 39. Module 8 hearings took place across four weeks in autumn 2025 and included oral evidence from Article 39's founder and former Director. Next year's annual report (2025/26) will include an in-depth review of our work and impact on the Inquiry. Meanwhile, we want to express our huge appreciation of our formidable legal team: Oliver Studdert and Katie Wilkins from Irwin Mitchell, Mark Twomey KC from Coram Chambers, and Mary-Rachel McCabe from Doughty Street Chambers, together with Irwin Mitchell paralegals Cara Conlon, Emma Tuinema and Molly Robinson.

Article 39

Trustees' Report (continued)

We continued to press for the end of child imprisonment

We released our third 'End Child Imprisonment' publication in August 2024, a review of successive government pledges to reform child prisons showing overwhelming, protracted and often devastating failure. This comprehensive analysis of 10 major policy promises - including that children will be kept safe, that solitary confinement will not be used and minimum standards of education will be met - was undertaken by Article 39's Director, Dr Tim Bateman, Professor Barry Goldson and Dr Laura Janes. It was reported by, among others, the Guardian newspaper ('Justice review calls for end to child imprisonment in England'), Channel 4 News, LBC and Local Government Lawyer.

In October 2024, reflecting our own analysis, a blog written by the lead for children's inspection in His Majesty's Inspectorate of Prisons concluded, "In 2023-24, YOIs [young offender institutions] were less safe than ten years before and none of them provided children with a good standard of education". That same month, in response to the publication of a review of the use of solitary confinement in child prisons, the Youth Justice Board issued a statement which said: "The Youth Justice Board remains resolute in our belief that most current secure settings for children are not fit for purpose".

At the start of the year, Article 39's Director participated in two consultative events with the Ministry of Justice on its strategy for the children's secure estate, yet again pressing for a timetable for the closure of child prisons.

Our children's rights training and events remained popular and impactful

Overall, 998 advocates, others working with children and young people, and young people themselves, attended our courses and events in 2024/25. Of these, 291 participated in our inaugural 'Change through Advocacy' week of events held 13-17 May 2024. Our gratitude to expert external speakers, with their names, is set out at the beginning of this report.

We were honoured that former President of the Supreme Court Lady Brenda Hale delivered a keynote lecture at our online event to mark 35 years of the United Nations Convention on the Rights of the Child in November 2024.

We continued to deliver our five separate specialist training courses for advocates across the year and piloted and then delivered a brand-new course on the Human Rights Act 1998. All our courses are tailored to the concerns and challenges which children and young people take to their advocates, so learning can be applied immediately.

- *"This course is a must for all advocates, whether you are new to advocacy or seasoned, as it is detailed and the case studies cover a variety of scenarios"* - feedback on **'What's law got to do with it?'** course.
- *"Absolutely fantastic. I am excited to engage with all the other courses Article 39 has to offer as well as excited for my colleagues to access this course"* - feedback on **'Children Act 1989: back to basics'** course.
- *"I think every children and young people's advocate should attend this training for the insight that it provides into some of the practices within institutional settings, and how [advocates] can use independence [and] legislation to challenge and ensure a child's rights are met and upheld, and that they are protected from abuse"* - feedback on **'Protecting children's rights in institutional settings'** course.
- *"I think all advocates need to come on this course - not only does it increase knowledge, but it empowers us within our profession to continue fighting for our children's voices and rights"* - feedback on **'The Care Planning, Placement and Case Review (England) Regulations 2010: getting rights right'** course.

Article 39

Trustees' Report (continued)

- *“The quality and structure of my complaints have massively improved ... I have managed to secure apologies, including from very senior people, and financial remedies for young people, and inter-departmental investigations to address poor practice I brought to the local authority’s attention. I have also requested mandatory training for staff (as a ‘service improvement’ remedy, which I learned about in the course) on section 20 of the Children Act 1989 and on anti-discrimination reasonable adjustments for children and young people with autism”* - feedback on **‘Effective Children Act 1989 complaints: the essentials’** course.

- *“I plan to use my voice and speak up when I see a child or young person being treated in ways that breached their human rights”* - feedback on **‘Human Rights Act 1998 for advocates’** course.

As in previous years, Blooming Change’s course for independent mental health advocates elicited great feedback including:

“The young people were absolutely brilliant. Best training I’ve been to for a very, very long time.”

“This was so professionally presented and articulated. It is often so difficult to gain the balance when sharing personal experiences, but you guys totally nailed it. Fantastic. Thank you.”

“This was one of the best courses that I have attended that gives you a true insight of what young people have gone through. It has given me a better understanding of how to talk with a young person that is detained and a better awareness of things to look out for and question within the establishment.”

Our three advocacy clinics this year focused on the rights of 16- and 17-year-olds without a home and parental care (September 2024); the deprivation of liberty of children and young people (November 2024); and the rights and entitlements of unaccompanied asylum-seeking children (January 2025).

Our Children and Young People’s Advocates Network reached 580 members, from a wide range of national and local children’s rights and advocacy services across England. Our annual survey of Network members in 2024/25 elicited very positive feedback including:

“Article 39 is a fantastic resource run by amazing people and has a very important place. We’d feel lost without it!”

“The network provides a great community for advocates for children and young people to share experiences and knowledge, it has been incredibly helpful over the years, thank you!”

“Being an advocate can be a lonely place sometimes – knowing that there is the network and wonderful support that Article 39 gives, makes me feel that I’m not on my own!”

Our survey invited advocates to suggest three adjectives to describe the work of Article 39’s Children and Young People’s Advocates Network. The three words most frequently submitted were **supportive**, **informative** and **knowledgeable**.

We published nine children’s rights legal digests across the year, and a new law map on use of force in child prisons.

We gave expert advice on other children’s rights matters

In addition to the policy work outlined above, we gave written evidence to the following organisations and bodies across the year:

- Children’s Wellbeing and Schools Bill – evidence for the Public Bill Committee (January 2025)
- General comment on children’s access to justice – submission to the United Nations Committee on the Rights of the Child (September 2024)
- Limitation law in child sexual abuse cases – response to Ministry of Justice’s consultation (July 2024)
- Restraint, segregation and seclusion – response to Department of Health and Social Care’s consultation of changes to regulations relating to the Care Quality Commission (June 2024)

Article 39

Trustees' Report (continued)

We continued to attend the government's UNCRC (UN Convention on the Rights of the Child) Action Group and Ofsted's National Consultative Forum, and remained members of important coalitions, including the Alliance for Children in Care and Care Leavers, the Alliance for Youth Justice, the Children and Young People's Mental Health Coalition, the Participation Forum and the Refugee and Migrant Children's Consortium.

We promoted human rights in the media and elsewhere

Article 39 staff were interviewed and quoted in the media on a wide range of children's rights matters and spoke at local and national children's rights events. In December 2024, we launched our new main website, designed to make our extensive range of resources easier to find and use. By the end of March 2025, the website had been used 22,065 times. Beyond introductory pages, resources accessed the most across this four-month period were Article 39's: overview of changes to law and policy relating to supported accommodation for looked after children and care leavers aged 16 and 17; analysis of the Children's Wellbeing and Schools Bill; and resource outlining children and young people's legal rights to advocacy in different circumstances and settings.

Financial review

Article 39 had an unrestricted reserves balance of £124,835 at the end of the year.

Policy on reserves

Article 39's target level of reserves is 3 months of running costs.

Structure, governance and management

Nature of governing document

The charity is operated under the rules of its foundation CIO constitution adopted 15/02/16 and registered as a CIO on 16/03/16.

Recruitment and appointment of trustees

Apart from the first charity trustees, every trustee must be appointed for a term of three years by a resolution passed at a properly convened meeting of the charity trustees. In selecting individuals for appointment as charity trustees, the charity trustees must have regard to the skills, knowledge and experience needed for the effective administration of the CIO.

The annual report was approved by the trustees of the charity on 2 December 2025 and signed on its behalf by:

.....
Susannah Walker
Trustee

Article 39

Statement of Trustees' Responsibilities

The trustees are responsible for preparing the trustees' report and the financial statements in accordance with the United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice) and applicable law and regulations.

The law applicable to charities requires the trustees to prepare financial statements for each financial year which give a true and fair view of the state of affairs of the charity and of the incoming resources and application of resources of the charity for that period. In preparing these financial statements, the trustees are required to:

- select suitable accounting policies and then apply them consistently;
- observe the methods and principles in the Charities SORP;
- make judgements and estimates that are reasonable and prudent;
- state whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements; and
- prepare the financial statements on the going concern basis unless it is inappropriate to presume that the charity will continue in business.

The trustees are responsible for keeping proper accounting records that disclose with reasonable accuracy at any time the financial position of the charity and enable them to ensure that the financial statements comply with the Charities Act 2011, the Charities (Accounts and Reports) Regulations 2008, and the provisions of the constitution. The trustees are also responsible for safeguarding the assets of the charity and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

The trustees are responsible for the maintenance and integrity of the corporate and financial information included on the charitable company's website. Legislation governing the preparation and dissemination of financial statements may differ from legislation in other jurisdictions.

Approved by the trustees of the charity on 2 December 2025 and signed on its behalf by:

.....
Susannah Walker
Trustee

Article 39

Independent Examiner's Report to the trustees of Article 39

Independent examiner's report to the trustees of Article 39

I report to the trustees on my examination of the accounts of Article 39 (the Charity) for the year ended 31 March 2025.

Responsibilities and basis of report

As the trustees of the charity you are responsible for the preparation of the accounts in accordance with the requirements of the Charities Act 2011 ('the Act').

I report in respect of my examination of the Charity's accounts carried out under section 145 of the 2011 Act and in carrying out my examination I have followed all the applicable directions given by the Charity Commission under section 145(5)(b) of the Act.

Independent examiner's statement

Since the Charity's gross income exceeded £250,000 your examiner must be a member of a body listed in section 145 of the 2011 Act. I confirm that I am qualified to undertake the examination because I am a member of the Chartered Institute of Public Finance and Accountancy (CIPFA), which is one of the listed bodies.

I have completed my examination. I confirm that no matters have come to my attention in connection with the examination giving me cause to believe that in any material respect:

1. accounting records were not kept in respect of the Charity as required by section 130 of the Act; or
2. the accounts do not accord with those records; or
3. the accounts do not comply with the accounting requirements concerning the form and content of accounts set out in the Charities (Accounts and Reports) Regulations 2008 other than any requirement that the accounts give a 'true and fair' view which is not a matter considered as part of an independent examination.

I have no concerns and have come across no other matters in connection with the examination to which attention should be drawn in this report in order to enable a proper understanding of the accounts to be reached.

.....
Eva Stevens, BSc, CPFA, employee of Community Accounting Plus
member of the Chartered Institute of Public Finance and Accountancy (CIPFA)

Units 1 & 2 North West
41 Talbot Street
Nottingham
NG1 5GL

2 December 2025

Article 39

Statement of Financial Activities for the Year Ended 31 March 2025

	Note	Unrestricted £	Restricted £	Total 2025 £	Total 2024 £
Income and Endowments from:					
Donations and legacies	2	88,377	-	88,377	70,267
Charitable activities	3	<u>1,295</u>	<u>347,677</u>	<u>348,972</u>	<u>167,906</u>
Total Income		<u>89,672</u>	<u>347,677</u>	<u>437,349</u>	<u>238,173</u>
Expenditure on:					
Charitable activities	5	<u>(77,038)</u>	<u>(249,096)</u>	<u>(326,134)</u>	<u>(214,027)</u>
Total Expenditure		<u>(77,038)</u>	<u>(249,096)</u>	<u>(326,134)</u>	<u>(214,027)</u>
Net movement in funds		12,634	98,581	111,215	24,146
Reconciliation of funds					
Total funds brought forward		<u>112,201</u>	<u>63,864</u>	<u>176,065</u>	<u>151,919</u>
Total funds carried forward	12	<u><u>124,835</u></u>	<u><u>162,445</u></u>	<u><u>287,280</u></u>	<u><u>176,065</u></u>

All of the charity's activities derive from continuing operations during the above two periods.

The funds breakdown for the period is shown in note 12.

Article 39

Statement of Financial Activities for the Year Ended 31 March 2025 (continued)

These are the figures for the previous accounting period and are included for comparative purposes

	Note	Unrestricted £	Restricted £	Total 2024 £
Income and Endowments from:				
Donations and legacies	2	70,267	-	70,267
Charitable activities	3	<u>4,165</u>	<u>163,741</u>	<u>167,906</u>
Total Income		<u>74,432</u>	<u>163,741</u>	<u>238,173</u>
Expenditure on:				
Charitable activities	5	<u>(95,554)</u>	<u>(118,473)</u>	<u>(214,027)</u>
Total Expenditure		<u>(95,554)</u>	<u>(118,473)</u>	<u>(214,027)</u>
Net movement in funds		(21,122)	45,268	24,146
Reconciliation of funds				
Total funds brought forward		<u>133,323</u>	<u>18,596</u>	<u>151,919</u>
Total funds carried forward	12	<u><u>112,201</u></u>	<u><u>63,864</u></u>	<u><u>176,065</u></u>

The notes on pages 20 to 27 form an integral part of these financial statements.

Article 39

(Registration number: 1166092) Balance Sheet as at 31 March 2025

	Note	2025 £	2024 £
Current assets			
Debtors	9	1,032	656
Cash at bank and in hand	10	<u>288,528</u>	<u>179,135</u>
		289,560	179,791
Creditors: Amounts falling due within one year	11	<u>(2,280)</u>	<u>(3,726)</u>
Net assets		<u>287,280</u>	<u>176,065</u>
Funds of the charity:			
Restricted income funds			
Restricted funds		162,445	63,864
Unrestricted income funds			
Unrestricted funds		<u>124,835</u>	<u>112,201</u>
Total funds	12	<u>287,280</u>	<u>176,065</u>

The financial statements on pages 17 to 27 were approved by the trustees, and authorised for issue on 2 December 2025 and signed on their behalf by:

.....
Anna Savic
Trustee

Article 39

Notes to the Financial Statements for the Year Ended 31 March 2025

1 Accounting policies

Statement of compliance

The financial statements have been prepared in accordance with the second edition of the Charities Statement of Recommended Practice issued in October 2019, the Financial Reporting Standard applicable in the United Kingdom and Republic of Ireland (FRS 102) and the Charities Act 2011.

Basis of preparation

Article 39 meets the definition of a public benefit entity under FRS 102. Assets and liabilities are initially recognised at historical cost or transaction value unless otherwise stated in the relevant accounting policy notes.

Exemption from preparing a cash flow statement

Under the exemption available to smaller charities the Board of Trustees has chosen not to include a Statement of Cash Flows within the financial statements.

Going concern

The financial statements have been prepared on a going concern basis.

The trustees assess whether the use of going concern is appropriate i.e. whether there are any material uncertainties related to events or conditions that may cast significant doubt on the ability of the charity to continue as a going concern. The trustees make this assessment in respect of a period of one year from the date of approval of the financial statements.

Income and endowments

Voluntary income including donations, gifts, legacies and grants that provide core funding or are of a general nature is recognised when the charity has entitlement to the income, it is probable that the income will be received and the amount can be measured with sufficient reliability.

Donations and legacies

Donations and legacies are recognised on a receivable basis when receipt is probable and the amount can be reliably measured.

Grants receivable

Grants are recognised when the charity has an entitlement to the funds and any conditions linked to the grants have been met. Where performance conditions are attached to the grant and are yet to be met, the income is recognised as a liability and included on the balance sheet as deferred income to be released.

Expenditure

All expenditure is recognised once there is a legal or constructive obligation to that expenditure, it is probable settlement is required and the amount can be measured reliably. All costs are allocated to the applicable expenditure heading that aggregates similar costs to that category. Where costs cannot be directly attributed to particular headings they have been allocated on a basis consistent with the use of resources, with central staff costs allocated on the basis of time spent, and depreciation charges allocated on the portion of the asset's use. Other support costs are allocated based on the spread of staff costs.

Article 39

Notes to the Financial Statements for the Year Ended 31 March 2025 (continued)

Charitable activities

Charitable expenditure comprises those costs incurred by the charity in the delivery of its activities and services for its beneficiaries. It includes both costs that can be allocated directly to such activities and those costs of an indirect nature necessary to support them.

Taxation

The charity is considered to pass the tests set out in Paragraph 1 Schedule 6 of the Finance Act 2010 and therefore it meets the definition of a charitable company for UK corporation tax purposes. Accordingly, the charity is potentially exempt from taxation in respect of income or capital gains received within categories covered by Chapter 3 Part 11 of the Corporation Tax Act 2010 or Section 256 of the Taxation of Chargeable Gains Act 1992, to the extent that such income or gains are applied exclusively to charitable purposes.

Trade debtors

Trade debtors are amounts due from customers for merchandise sold or services performed in the ordinary course of business.

Trade debtors are recognised initially at the transaction price. They are subsequently measured at amortised cost using the effective interest method, less provision for impairment. A provision for the impairment of debtors is established when there is objective evidence that the charity will not be able to collect all amounts due according to the original terms of the receivables.

Cash and cash equivalents

Cash and cash equivalents comprise cash on hand and call deposits, and other short-term highly liquid investments that are readily convertible to a known amount of cash and are subject to an insignificant risk of change in value.

Fund structure

Unrestricted income funds are general funds that are available for use at the trustees' discretion in furtherance of the objectives of the charity.

Restricted income funds are those donated for use in a particular area or for specific purposes, the use of which is restricted to that area or purpose.

Pensions and other post retirement obligations

The charity operates a defined contribution pension scheme which is a pension plan under which fixed contributions are paid into a pension fund and the charity has no legal or constructive obligation to pay further contributions even if the fund does not hold sufficient assets to pay all employees the benefits relating to employee service in the current and prior periods.

Contributions to defined contribution plans are recognised in the Statement of Financial Activities when they are due. If contribution payments exceed the contribution due for service, the excess is recognised as a prepayment.

Article 39

Notes to the Financial Statements for the Year Ended 31 March 2025 (continued)

2 Income from donations and legacies

	Unrestricted funds General £	Total 2025 £	Total 2024 £
Donations and legacies;			
Donations from companies, trusts and similar proceeds	-	-	11,107
Donations from individuals	3,377	3,377	9,160
Grants, including capital grants;			
Grants from other charities	85,000	85,000	50,000
	<u>88,377</u>	<u>88,377</u>	<u>70,267</u>

3 Income from charitable activities

	Unrestricted funds General £	Restricted funds £	Total 2025 £	Total 2024 £
Grants	-	343,137	343,137	154,561
Donations	-	4,540	4,540	-
Fees	1,295	-	1,295	13,345
	<u>1,295</u>	<u>347,677</u>	<u>348,972</u>	<u>167,906</u>

4 Grants and donations

	Unrestricted funds £	Restricted funds £	Total funds £
Big Give	-	4,540	4,540
The Bromley Trust	10,000	-	10,000
COF Admin	-	2,746	2,746
Esmee Fairburn Foundation	75,000	-	75,000
The Hadley Trust	-	40,000	40,000
The Legal Education Foundation	-	97,828	97,828
MariaMarina Foundation	-	40,000	40,000
National Lottery Community Fund	-	112,563	112,563
Paul Hamlyn Foundation	-	50,000	50,000
Sundry donations	3,377	-	3,377
	<u>88,377</u>	<u>347,677</u>	<u>436,054</u>

Article 39

Notes to the Financial Statements for the Year Ended 31 March 2025 (continued)

5 Expenditure on charitable activities

	Unrestricted General funds	Restricted funds	Total 2025	Total 2024
	£	£	£	£
Admin support	-	1,800	1,800	6,225
Associate staff	13,058	32,802	45,860	42,917
Bank charges	60	-	60	-
Children's engagement	126	6,556	6,682	6,822
Hospitality	5	-	5	-
Legal & professional	804	3,101	3,905	1,032
Insurance	358	300	658	66
IT	4,548	14,700	19,248	4,945
Payroll service & BACS fees	-	2,231	2,231	1,785
Printing & stationery	47	669	716	1,026
Recruitment	-	2,070	2,070	3,696
Salaries, NI & pensions	56,523	180,377	236,900	142,819
Staff travel & subsistence	749	2,078	2,827	691
Staff wellbeing	412	1,412	1,824	-
Telephone & postage	38	1,000	1,038	926
Training & subscriptions	60	-	60	505
Trustee expenses	-	-	-	311
Sundry expenses	250	-	250	261
	<u>77,038</u>	<u>249,096</u>	<u>326,134</u>	<u>214,027</u>

6 Staff costs

The aggregate payroll costs were as follows:

	2025 £	2024 £
Staff costs during the year were:		
Wages and salaries	205,955	126,614
Social security costs	17,473	8,760
Pension costs	13,472	7,445
	<u>236,900</u>	<u>142,819</u>

5 (2024 - 2) of the above employees participated in the Defined Contribution Pension Schemes.

Contributions to the employee pension schemes for the year totalled £13,472 (2024 - £7,445).

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Notes to the Financial Statements for the Year Ended 31 March 2025 (continued)

The number of employees whose emoluments fell within the following bands was:

	2025 No	2024 No
£70,001 - £80,000	<u>-</u>	<u>1</u>

The total employee benefits of the key management personnel of the charity were £108,168 (2024 - £72,975).

7 Independent examiner's fees

During the period, the fees payable (excluding VAT) to the charity's independent examiner Community Accounting Plus are analysed as follows:

	2025 £	2024 £
Independent examination	<u>670</u>	<u>450</u>

8 Taxation

The charity is a registered charity and is therefore exempt from corporation taxation.

9 Debtors

	2025 £	2024 £
Trade debtors	75	-
Prepayments	<u>957</u>	<u>656</u>
	<u>1,032</u>	<u>656</u>

10 Cash and cash equivalents

	2025 £	2024 £
Cash at bank	<u>288,528</u>	<u>179,135</u>

11 Creditors: amounts falling due within one year

	2025 £	2024 £
Other taxation and social security	839	3,186
Other creditors	637	-
Accruals	<u>804</u>	<u>540</u>
	<u>2,280</u>	<u>3,726</u>

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Notes to the Financial Statements for the Year Ended 31 March 2025 (continued)

12 Funds

	Balance at 1 April 2024 £	Incoming resources £	Resources expended £	Balance at 31 March 2025 £
Unrestricted funds				
<i>General</i>				
General unrestricted fund	112,201	89,672	(77,038)	124,835
Restricted funds				
Children and young people's advocacy community	49,965	112,564	(107,483)	55,046
Children's advocacy project	444	40,000	(40,444)	-
Double punishment child imprisonment (COVID-19)	5,000	-	-	5,000
Ending child imprisonment	201	-	-	201
Legal education (advocates)	570	142,367	(47,937)	95,000
Litigation fund (children in custody)	7,198	-	-	7,198
Mental health research & advocacy	486	50,000	(50,486)	-
UK Covid-19 Inquiry	-	2,746	(2,746)	-
Total restricted funds	<u>63,864</u>	<u>347,677</u>	<u>(249,096)</u>	<u>162,445</u>
Total funds	<u><u>176,065</u></u>	<u><u>437,349</u></u>	<u><u>(326,134)</u></u>	<u><u>287,280</u></u>

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Notes to the Financial Statements for the Year Ended 31 March 2025 (continued)

	Balance at 1 April 2023 £	Incoming resources £	Resources expended £	Balance at 31 March 2024 £
Unrestricted funds				
<i>General</i>				
General unrestricted fund	133,323	74,432	(95,554)	112,201
Restricted				
Children and young people's advocacy community	-	57,518	(7,553)	49,965
Children's advocacy project	749	25,000	(25,305)	444
Double punishment child imprisonment (COVID-19)	5,000	-	-	5,000
Ending child imprisonment	201	-	-	201
Legal education (advocates)	1,511	66,168	(67,109)	570
Litigation fund (children in custody)	7,198	-	-	7,198
Mental health research & advocacy	3,937	15,055	(18,506)	486
Total restricted funds	<u>18,596</u>	<u>163,741</u>	<u>(118,473)</u>	<u>63,864</u>
Total funds	<u><u>151,919</u></u>	<u><u>238,173</u></u>	<u><u>(214,027)</u></u>	<u><u>176,065</u></u>

13 Analysis of net assets between funds

	Unrestricted		2025
	General £	Restricted £	Total funds £
Current assets	127,115	162,445	289,560
Current liabilities	(2,280)	-	(2,280)
Total net assets	<u>124,835</u>	<u>162,445</u>	<u>287,280</u>
	Unrestricted		2024
	General £	Restricted £	Total funds £
Current assets	115,927	63,864	179,791
Current liabilities	(3,726)	-	(3,726)
Total net assets	<u>112,201</u>	<u>63,864</u>	<u>176,065</u>

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Notes to the Financial Statements for the Year Ended 31 March 2025 (continued)

14 Related party transactions

There were no related party transactions in the year.

15 Trustees remuneration and expenses

No trustees, nor any persons connected with them, have received any remuneration from the charity during the year.

ARTICLE 39

England & Wales - Charity number 1166092

Accounts

Article 39
(Registered charity, number 1166092)
Financial statements
for the year ended 31 March 2024

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Article 39
Trustees' annual report
for the year ended 31 March 2024

Full name Article 39

Organisation type Charitable incorporated organisation

Registered charity number 1166092

Principal address 1 Cranmer Street, Nottingham, NG3 4GH

Trustees

Susannah Walker, Chair

Lynton Orrett

Carole Littlechild, from 27/06/23

Venetia Mayman, from 21/09/23

Vivien Parker, from 21/09/23

Anna Savic, from 12/12/23, Treasurer, since 01/03/24

Mike Stein

Catherine Brown, until 01/03/24

Peter Grove, until 27/02/24

Suraya Skelland, until 23/01/24

Independent examiner

John O'Brien, employee of Community Accounting Plus, Units 1 & 2 North West, 41 Talbot Street, Nottingham, NG1 5GL

Governance and management

The charity is operated under the rules of its foundation CIO constitution adopted 15/02/16 and registered as a CIO on 16/03/16.

Apart from the first charity trustees, every trustee must be appointed for a term of three years by a resolution passed at a properly convened meeting of the charity trustees. In selecting individuals for appointment as charity trustees, the charity trustees must have regard to the skills, knowledge and experience needed for the effective administration of the CIO.

Objectives and activities

1. The relief of need, and promotion of the protection, of children living in institutional settings in England through in particular but not exclusively:
 - a. The provision of information to children living in institutional settings about law, policy and professional standards in respect of their care and treatment, and the ways in which they can raise concerns and challenge mistreatment;
 - b. Undertaking and disseminating research on safeguarding and child protection matters in institutional settings;
 - c. Monitoring child protection concerns and practices in children's institutional settings;
 - d. Providing technical advice to government and others on matters related to the safety and well-being of children living in institutional settings;
 - e. Commenting on proposed legislation concerned with the needs of children living in institutional settings.

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2. The advancement of the human rights of children living in institutional settings in England by all or any of the following means:
- a. Raising awareness of the means by which children may seek redress for human rights abuses;
 - b. Monitoring human rights abuses in children's institutional settings;
 - c. Undertaking and disseminating research into human rights in children's institutional settings;
 - d. Providing technical advice to government and others on the human rights of children living in institutional settings;
 - e. Commenting on proposed legislation concerned with the human rights of children living in institutional settings;
 - f. Obtaining redress for the victims of human rights abuses in children's institutional settings;
 - g. Raising awareness of human rights issues;
 - h. Promoting public support for human rights;
 - i. Promoting respect for human rights among individuals and corporations.

Summary of the main activities undertaken for the public benefit

This was Article 39's eighth year of funded activity. We are very grateful to all of our funders and donors, and to the many organisations and individuals who worked with us throughout the year.

Our report concerns the period 01 April 2023 to 31 March 2024, though it includes significant developments just past this date.

Article 39's small team had the equivalent of nearly 3.5 full-time postholders across this period. Through a partnership with Bhatt Murphy Solicitors, funded by The Legal Education Foundation, we also hosted a Justice First Fellow two days a week until December 2023.

Public benefit statement

The Trustees confirm that they have complied with the duty in section 17 of the Charities Act 2011 to have due regard to the Charity Commission's general guidance on public benefit, 'Charities and Public Benefit'.

Summary of the main achievements during the period

We informed children of their rights

Our rights4children website provides accessible information about children's rights on topics which children and young people have told us are important to them. The site was used almost 62,000 times in 2023/24 (up from around 57,000 last year). Our top five most widely read topics remained the same as last year, though in a slightly different order: restraint and use of force (also used most last year); leaving care (third most popular last year); pocket money (second most popular last year); feeling safe (same placing as last year); and your right to complain (same placing as last year).

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Access to the website continued to be mostly through a mobile phone.

We received 74 online feedback forms (compared to 51 last year). The majority of visitors to the site 'really liked' (70%) or 'liked' (9%) the content they accessed. Two didn't like the content. Some children told us why they like the site – because they *"like it to learn"*, *"can find out about restraint"* and *"It helps us to know about our rights"*. An independent advocate working with children and young people wrote: *"This is really accessible and well written for young people, as an advocate I use these materials a lot and recommend them"*.

We launched our new seasonal 'rights nights' this year – an informal online space for children and young people to hear about their entitlements, and to share their ideas for making their rights stronger. We also continued delivering our John Kemma children's rights training course. Children and young people aged 7 to 20 told us:

"It is very friendly and you listen."

"The whole thing was very inclusive and everyone was respectful and listened."

"I liked meeting new people and learning new things about children rights."

We continued to demand care for every child in care

The former government persisted with its dangerous restructuring of the children's care system, whereby children in care aged 16 and 17 are given homes where they receive no day-to-day care and either live entirely alone or alongside care leavers of any age or with other adult strangers who have their own often very complex needs. Article 39 has co-ordinated a national campaign since 2020 against this highly regressive change in government policy, and we continued throughout 2023/24 to make the case for 16 and 17 year-olds in care to receive care where they live. Key activities included:

- In May 2023, our Director represented Article 39 at an information tribunal seeking disclosure of a report produced for the national Child Safeguarding Practice Review Panel about 48 incidents where children entered care after years of family abuse and neglect, and then died or suffered other serious harm. We were delighted that the tribunal ordered the Department for Education to release the document to us (judgment given in September 2023). The report revealed that 89 children in care had died or suffered serious harm over a two-year period (2018-20), and the largest cohort was aged 16-18 (43 children). It described local authorities being unable to find safe and suitable homes for children in care, and noted that *"Many of the children who are 16+ are placed in semi-independent unregulated provision as this is the only*

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available placement which however do not have residential staff and struggle to meet their needs and do not reduce risk taking behaviour". Despite this, and substantial other evidence of harms suffered by teenagers in these types of settings over many years, the new secondary legislation (in force from April 2023) omits any requirement for minimum qualifications for staff and managers and prior experience of working with children is not even mandated. The Times newspaper reported our tribunal win ('Child stabbings revealed in report that state tried to suppress', published 23 October 2023).

- When The Times newspaper reported on its own freedom of information research – finding that 50 children in care aged 16 and 17 had died while living in unregulated accommodation in the decade to 2021 – Article 39's Director was invited to write a comment piece for publication the next day ('End the scandal of vulnerable children getting no real care', published 8 August 2023).
- In September 2023, we made a major submission to Ofsted's consultation on its plans for weaker inspection arrangements for what is now called supported accommodation for children in care aged 16 and 17. We opposed Ofsted plans to inspect only a sample of supported accommodation 'properties' (former government ministers refused to rule out tents, caravans and boats as regulated 'homes' for this age group), and for inspections to take place on a three-yearly basis (children's homes are inspected at least annually, often twice a year). We also criticised Ofsted's proposal to give providers two working days' notice of even these selective inspections (children's homes' inspections are always unannounced).
- In October 2023, as part of National Care Leavers' Week, we published a profile of each member of our #KeepCaringTo18 campaign steering group, showing the breadth and depth of knowledge of the children's care system. Over half of steering group members were, at that time, care experienced.
- Also in October 2023, we published a detailed analysis of the legal and policy framework which shows the substantially weaker protections afforded to children in care aged 16 and 17 living in care-less accommodation. Through undertaking this review, we realised that the Conservative government had failed to prohibit corporal punishment in supported accommodation (corporal punishment has been banned in children's homes since 1990). Our Director wrote to the children's minister to ask that this be rectified urgently; this was refused on the basis that the government claimed staff in these settings are not acting in loco parentis – that is, there is no-one acting in place of parents for these children in care. Official statistics showed that on 31 March 2024 almost 9,000 children in care aged 16 and 17 (41% of this age group in care) live in these settings.

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- In January 2024, we made a submission to parliament's Education Committee which was undertaking an inquiry into children's social care. We told the Committee: *"Through use of secondary legislation and statutory guidance, tents, caravans and boats have, for the first time, become officially authorised as 'homes' for looked after children. Government policy now states 'mobile' and 'non-permanent' settings can be classed as a form of supported accommodation for children aged 16 and 17 in exceptional circumstances. This is a radical change to the children's care system that has not been made through primary legislation, which means there has been little, if any, parliamentary scrutiny. The Association of Directors of Children's Services has stated that, "for certain children and young people a short-term placement in a mobile setting is the right intervention to stabilise them during a crisis ... it may also be the only available option whilst the search for a longer term placement continues". In other words, children are housed in tents, caravans and boats not as a positive measure to meet their needs at a particular time, but as a stopgap in the absence of anywhere else for them to live"*.
- Also in January 2024, we submitted a freedom of information (FOI) request to the Department for Education for disaggregated data on the number of children who died or suffered serious harm while living in a variety of settings, including supported accommodation, in 2022/23. The data we obtained in March 2024 showed there had been serious incidents reported by local authorities relating to 10 children aged 16 or 17 living in semi-independent accommodation in 2022/23.
- Across the year, our Director wrote articles and gave statements about the needs and rights of teenagers in care to a variety of publications, including the Big Issue, Children and Young People Now, Guardian, Mirror and The Times.

Our campaigning led to the publication of draft revised national advocacy standards

Independent advocates work in a variety of health, social care and custodial settings to ensure children are listened to and receive information and support to protect their rights. Current standards for advocacy services were published in 2022. Having submitted a draft revised set of standards to the Department for Education in 2020, after working with an expert group of advocates, we facilitated dialogue between young people and government across the next three years on the changes they want to see in their advocacy services.

Very positively, in September 2023, the Department for Education launched a public consultation on draft revised standards which largely replicated the proposals we had made – incorporating young people's priorities and dealing with the common challenges they face in obtaining help from an advocate. We quickly published an accessible version of the government consultation document so that young people could contribute their views, and held a briefing session for young people and

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advocates. In November 2023, Article 39's Director was invited to join the Department for Education's Advocacy Expert Group. We then submitted a comprehensive response to the government consultation in December 2023.

In May 2024, as part of our first 'Change through advocacy' week, we published a guide for directors of children's services which sets out local authority legal duties to make provision for advocacy and communicates the importance of advocates through young people's own words. We are thrilled to hear that many local authorities are using this guide to reflect on current capacity and the degree to which they meet statutory requirements, as a basis for making changes locally.

Young people's views and experiences of mental health detention to influence law reform

In June 2023, after a competitive tender, Article 39 was commissioned by the Department of Health and Social Care to consult children and young people on the Draft Mental Health Bill. We were delighted that 13 young people (aged 17 to 25) joined our Young People's Advisory Team, all of whom were detained as children under the Mental Health Act 1983. We held three focus groups on different aspects of the Draft Mental Health Bill, and then worked with young people to agree the final 'In what world is this hospital care?' report which was published in December 2023. This is the foundation for all of our future work on mental health law reform, driven by our Blooming Change young people's group.

We received overwhelmingly positive feedback from the Young People's Advisory Team about their experiences of working on this project, for example:

"I felt like we all had a voice and all bounced off of each other. It felt like what I had to say was important and taken seriously and I've never felt like that before."

"I love how friendly everyone was and how everyone listened to each other's experiences without judgement. It was lovely being able to talk about difficult things in a safe space. Being able to use the painful past experiences to make change is an amazing achievement for everyone involved."

"I always felt listened to and I felt like [Article 39 staff] took me seriously and validated everything, they never tried to say "you're overreacting" or "but they were only trying to help" or anything along those lines which you sometimes get when talking about stuff like this. I felt listened to and respected."

"I loved the in-depth conversations and fluidity of the discussions; all of our rights and preferences were respected and it felt very safe."

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Other highlights across the year for Blooming Change were three members presenting at a national mental health charity in Manchester (April 2023) and the launch of a powerful animation depicting how it feels to be a child subject to mental health detention. This was produced by Digital Finch in collaboration with young people, and aims to encourage young people to join Blooming Change to help bring about change. Having piloted their unique ‘Do you get me?’ training course at the end of 2022, Blooming Change went on to deliver the course to independent mental health advocates in May 2023.

Nearly all who provided feedback said this was an excellent course, and they would definitely make changes to their work as a result of the course. Comments included:

“I would like to say a big thank you for this course and a massive thank you for sharing your experiences so I can provide [independent mental health advocates] with insight into what young people have to go through.”

“Amazing work from start to finish, thank you!”

“The training was invaluable and will definitely help me to advocate more thoroughly.”

We continued to press for the end of pain-inducing restraint in child prisons

In August 2023, the Ministry of Justice’s final amended policy on the use of force in child prisons was published, effective from February 2024, which prohibits the use of pain-inducing techniques as a form of restraint. Some of the wording replicated text from our previous correspondence with government ministers.

This major policy change was reported by the Guardian newspaper (‘Pain-inducing restraint to be banned in England and Wales children’s prisons’, 22 August 2023) and several other media outlets and was the culmination of sustained work by Article 39, including a judicial review application in 2018 which led to government establishing an independent review that reported in 2020. We are now monitoring the implementation of this new policy and awaiting the outcome of a complaint to the Information Commissioner’s Office following the Ministry of Justice’s refusal (in May 2024) to provide a brief description of the techniques which sit outside the main restraint holds but nevertheless involve the infliction of severe pain. Government has, however, disclosed other material in response to FOI requests from Article 39 – including data showing the disproportionate (past) use of pain-inducing techniques on disabled children in prison.

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We secured government assurances that child prisoners can access independent legal advice

In March 2024, the prisons inspectorate reported that prison officers had used force to strip-search 12 children in Wetherby young offender institution (YOI) in the previous year. In two incidents, male officers forcibly removed all of a girl's clothes – treatment inspectors said was “*simply not acceptable*”. Officers had deliberately inflicted pain on children as a form of restraint on nine occasions (all declared “*inappropriate*” by the national panel established to review the use of pain-inducing techniques after our legal action). Seven hours a day was the most any child spent out of their cell; some were locked in their cells for 23.5 hours a day. Article 39 wrote to ministers (copying in several child protection bodies) seeking assurances that children who may have been subject to unlawful treatment had been given access to independent legal advice. After writing a second time, we were informed in April 2024: “*Each child's legal representative will be added to their personal PIN so they are able to make contact with them via their phone in their room and also via the legal visit process*”.

We sought child protection data from Leeds City Council. This revealed that in the two years to 31 March 2024, the local authority was notified of 148 allegations against people who work with children held in Wetherby YOI. Four of these allegations concerned child sexual abuse, and 108 related to physical abuse. Leeds City Council had undertaken 12 formal child protection investigations (other local authorities may have conducted investigations in respect of children from their areas) and found that children had suffered significant harm in 11 cases (92% of the time). We liaised with the solicitor representing one of the girls who had had her clothes cut off during a strip search, and we continue to consider possible litigation to protect the rights of children detained in this and other prisons.

Strengthening advocacy practice

We launched our ON YOUR SIDE children's rights advice service in October 2022, building on an earlier email service for members of our Children and Young People's Advocates Network. Across the year, we received 155 requests from 47 advocacy services for legal information which could help advocates defend the rights of individual children and young people.

We maintain an ever-growing repository of the positive changes we have helped bring about through advising advocates of the legal rights of children and young people in a given situation. Some examples of what we are very proud to have helped bring about in 2023/24:

- A young person was able to remain with their foster carers until after their A-levels

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- A local authority was stopped from evicting a young care leaver from their home at age 18
- A child was given an independent visitor – someone completely separate from the local authority with whom they could build up a relationship and enjoy spending time with
- A child who was the subject of a care order retained their social worker when they were sent to custody
- A young care leaver was able to continue looking after their baby, when the local authority had previously indicated parent and child would be separated
- A child's complaint about their mistreatment in prison was fully upheld
- A young person was given financial compensation for the local authority's failure to promote their educational achievement
- A local authority was persuaded to fund legal advice and representation for a young care leaver
- An independent reviewing officer's view that a young person was not legally entitled to full leaving care support was successfully challenged
- A child's strong wish to move from their foster home was followed, and the foster carers were subsequently assessed and given training for their future care of children
- A disabled young person was able to keep all of their personal allowance
- A child in care was provided with a laptop for their school studies.

We gave extensive advice on children and young people using the Children Act 1989 complaints procedure, including a vital provision in the statutory guidance which presumes that a decision (including a decision to move a child to different accommodation) will be 'frozen' pending the investigation of a complaint. We also regularly alerted advocates to the need for urgent, independent legal advice and representation for children and young people.

We delivered five separate specialist training courses for advocates across the year, with almost 250 participants in total. This includes a course focused on lessons learned from public inquiries and other independent investigations into institutional child abuse which shines a spotlight on G4S-run Medway secure training centre (opened in 1998, forced to close in 2020 following a BBC Panorama undercover investigation). We held two advocacy clinics for advocates (95 participants across both events), focused on the statutory duties and powers of independent reviewing officers for looked after children, and the education rights of looked after children. We were very grateful to have an excellent line-up of expert guest speakers: Lorraine Cavanagh KC, barrister at St John's Buildings; Angela Jackman KC (Hon), solicitor at Irwin Mitchell; and Ollie Persey, barrister at Garden Court Chambers.

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Our Children and Young People's Advocates Network draws members from a wide range of national and local children's rights and advocacy services in England. By the end of March 2024, we had more than 500 members – a fantastic base from which to raise awareness of children and young people's legal rights, share best practice and techniques for bringing about change, and to stay connected to the concerns and challenges which children and young people face every day. Members are consistently extremely positive about the services we provide for them:

"Incredible, empowering and informative. Article 39 blow my mind, I always use your resources, work would be so much harder if you were not around."

"Thank you for such a helpful and informative course. Your work at Article 39 is amazing and as an advocate my first point of reference."

"I wanted to say thank you for all your support. The role of an advocate can be quite isolated at times and having your support and resources to back me up has made a big difference."

"Extremely useful precise learning and resources provided. Generous approach to answering questions, and absolutely essential knowledge gained for advocacy work."

"As always, Article 39 is exceptional and full of knowledge – you take complex matters and break them down so they can be understood."

We published 12 children's rights legal digests across the year. Disseminated to all Network members, the digest was used 220 times each month on average. Our most commonly used digest (accessed 435 times) related to a High Court judgment concerning a young adult whose local authority had unlawfully failed to look after him as a child (as it was required to do under section 20 Children Act 1989). We published three new law maps, addressing areas of law regularly raised by advocates during training and other events, and through our advice service: independent reviewing officers; personal advisers; and deprivation of liberty. Throughout the year, our web page containing eight law maps (including these three new ones) was accessed more than 1,600 times.

We gave expert advice on a number of other children's rights matters

In addition to the policy work outlined above, we gave written evidence to the following organisations and bodies across the year:

- Caring for children in the secure estate – Ministry of Justice (January 2024)
- Corporate parenting principles – All Party Parliamentary Group for Care Experienced Children and Adults (October 2023)

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- Working together to safeguard children (revisions to statutory guidance) – Department for Education (September 2023)
- Mandatory reporting of child sexual abuse – Home Office (August 2023)

We continued to attend the government’s UNCRC (UN Convention on the Rights of the Child) Action Group and Ofsted’s National Consultative Forum, and remained members of important coalitions, including the Alliance for Children in Care and Care Leavers, the Alliance for Youth Justice, the Children and Young People’s Mental Health Coalition, the Participation Forum and the Refugee and Migrant Children’s Consortium (RMCC).

We were pleased to be commissioned by the London Borough of Camden this year, to design and deliver a bespoke children’s rights course for its Early Intervention and Family Support Service. We received feedback from 20 of 39 participants, with 95% stating they expected learning from this course to help them in their work with children and their families. Feedback included:

“Trainers were brilliant, insightful and gave lots of chance for discussion.”

“[As a result of this course I will] use the rights of children, and legislation in this, to support ‘battles’ that I can have – with advocating for children, young people and families. Whether that is with education, police, health and so on. I feel empowered!”

We promoted human rights in the media and elsewhere

Article 39 staff were interviewed and quoted in the media on a wide range of children’s rights matters and spoke at a number of national events, including those organised by the British Association of Social Workers, Doughty Street Chambers and Garden Court Chambers. Our main website was used 68,000 times in 2023/24.

Last year we reported that we were honoured to be chosen by Rebekah Pierre, alongside the Together Trust, to receive proceeds from the ‘Free Loaves on Friday’ anthology of writings from care experienced children and adults which she edited. This was published in April 2024 with a fantastic launch event at the Foundling Museum in London hosted by author and broadcaster Lemn Sissay. Article 39’s Director spoke at the event with Together Trust’s director of policy and campaigns.

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The charity's policy on reserves

Article 39's target level of reserves is 3 months of running costs.

Signed on behalf of the charity's trustees:

Signed _____ Date _____
Susannah Walker, Trustee

**Independent examiner's report to the trustees of
Article 39
for the year ended 31 March 2024**

I report to the trustees on my examination of the accounts of Article 39 (the charity) for the year ended 31 March 2024.

Responsibilities and basis of report

As the trustees of the charity you are responsible for the preparation of the accounts in accordance with the requirements of the Charities Act 2011 ('the Act').

I report in respect of my examination of the charity's accounts carried out under section 145 of the 2011 Act and in carrying out my examination I have followed all the applicable Directions given by the Charity Commission under section 145(5)(b) of the Act.

Independent examiner's statement

I have completed my examination. I confirm that no matters have come to my attention in connection with the examination giving me cause to believe that in any material respect:

1. accounting records were not kept in respect of the charity as required by section 130 of the Act; or
2. the accounts do not accord with those records.

I have no concerns and have come across no other matters in connection with the examination to which attention should be drawn in this report in order to enable a proper understanding of the accounts to be reached.

Signed _____ Date _____

John O'Brien MSc, FCCA, FCIE
Employee of Community Accounting Plus

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Receipts & payments account
for the year ended 31 March 2024

2023			2024
Total		Unrestricted	Restricted
Funds		Funds	Funds
£	Note	£	£
	Receipts		
215830	Grants & donations	70267	154561
3823	Gift aid	-	-
630	Sales & fees	4165	9180
<u>220283</u>	Total receipts	<u>74432</u>	<u>163741</u>
	Payments		
-	Admin support	6225	-
15000	Associates fees	-	42917
2265	Children's engagement	1142	5680
7	Hospitality & publicity	-	-
492	Independent examination	492	-
569	Insurance	621	-
4879	IT & online surveys	5047	-
1859	Payroll service & BACS fees	1785	-
927	Printing & stationery	1026	-
458	Professional fees	-	-
-	Recruitment	-	3696
159881	Salaries, NI & pensions	74728	64906
404	Staff travel inc. associates	691	-
25000	Strategic litigation	-	-
845	Telephone & postage	926	-
85	Training & subscriptions	504	-
-	Trustees expenses	311	-
-	Sundry payments	260	-
-	Overheads recharged	(1274)	1274
<u>212671</u>	Total payments	<u>92484</u>	<u>118473</u>
7612	Net receipts/(payments)	(18052)	45268
<u>144307</u>	Cash funds at start of this period	<u>133323</u>	<u>18596</u>
<u>151919</u>	Cash funds at end of this period	<u>115271</u>	<u>63864</u>

Article 39
Statement of assets and liabilities
at 31 March 2024

2023		Note	2024
£	Cash assets		£
151919	Bank accounts		179135
<u>151919</u>			<u>179135</u>
Other monetary assets			
614	Prepayments	4	657
<u>614</u>			<u>657</u>
Liabilities			
(2053)	Creditors	5	(3726)
<u>(2053)</u>			<u>(3726)</u>

These financial statements are accepted on behalf of the charity by:

Signed _____ Dated _____
 Anna Savic, Trustee

Article 39
Notes to the accounts
for the year ended 31 March 2024

1. Receipts & payments accounts

Receipts and payments accounts contain a summary of money received and money spent during the period and a list of assets and liabilities at the end of the period. Usually, cash received and cash spent will include transactions through bank accounts and cash in hand.

2. Grants & donations

	Unrestricted £	Restricted £	Total £
Anonymous donors	-	20875	20875
The Bromley Trust	10000	-	10000
Esmee Fairburn Foundation	40000	-	40000
The Hadley Trust	-	25000	25000
The Legal Education Foundation	-	51168	51168
The Legal Education Foundation (JFF)	11107	-	11107
National Lottery Community Fund	-	57518	57518
Sundry donations	9160	-	9160
	<u>70267</u>	<u>154561</u>	<u>224828</u>

3. Funds analysis

	Opening balance £	Receipts £	(Payments) £	Closing balance £
Restricted funds				
Children's advocacy project	749	25000	(25305)	444
Children & young people's advocacy community	-	57518	(7553)	49965
Double punishment child imprisonment	5000	-	-	5000
Ending child imprisonment	201	-	-	201
Legal education (advocates)	1511	66168	(67109)	570
Litigation fund (children in custody)	7198	-	-	7198
Mental health research & advocacy	3937	15055	(18506)	486
	<u>18596</u>	<u>163741</u>	<u>(118473)</u>	<u>63864</u>

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4. Prepayments

	£
Insurance	555
IT & online surveys	102
	<u>657</u>

5. Creditors

	£
Independent examination	540
Salaries, NI & pensions	3186
	<u>3726</u>

6. Trustees' remuneration

During this period, a total of £311 was reimbursed to three trustee for expenses incurred.

7. Related party transactions

There were no related party transactions in this period.

8. Glossary of terms

Creditors: These are amounts owed by the charity, but not paid during the accounting period.

Prepayments: These are services that the charity has paid for in advance, but not used during the accounting period.

Restricted funds: These are funds given to the charity, subject to specific restrictions set by the donor, but still within the general objects of the charity.

ARTICLE 39

England & Wales - Charity number 1166092

Accounts

Article 39
(Registered charity, number 1166092)
Financial statements
for the year ended 31 March 2023

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Article 39
Trustees' annual report
for the year ended 31 March 2023

Full name Article 39

Organisation type Charitable incorporated organisation

Registered charity number 1166092

Principal address

1 Cranmer Street, Nottingham, NG3 4GH

Trustees

Susannah Walker, Chair

Peter Grove, Treasurer

Catherine Brown, Secretary

Suraya Skelland

Lynton Orrett

Mike Stein

Carole Littlewood, from 27/06/23

Vivien Parker, from 21/09/23

Ella Dhillon, until 16/09/23

Independent examiner

John O'Brien, employee of Community Accounting Plus, Units 1 & 2 North West, 41 Talbot Street, Nottingham, NG1 5GL

Governance and management

The charity is operated under the rules of its foundation CIO constitution adopted 15/02/16 and registered as a CIO on 16/03/16.

Apart from the first charity trustees, every trustee must be appointed for a term of three years by a resolution passed at a properly convened meeting of the charity trustees. In selecting individuals for appointment as charity trustees, the charity trustees must have regard to the skills, knowledge and experience needed for the effective administration of the CIO.

Objectives and activities

(1) The relief of need, and promotion of the protection, of children living in institutional settings in England through in particular but not exclusively:

(a) The provision of information to children living in institutional settings about law, policy and professional standards in respect of their care and treatment, and the ways in which they can raise concerns and challenge mistreatment;

(b) Undertaking and disseminating research on safeguarding and child protection matters in institutional settings;

(c) Monitoring child protection concerns and practices in children's institutional settings;

(d) Providing technical advice to government and others on matters related to the safety and well-being of children living in institutional settings;

(e) Commenting on proposed legislation concerned with the needs of children living in institutional settings.

Article 39

(2) The advancement of the human rights of children living in institutional settings in England by all or any of the following means:

- (a) Raising awareness of the means by which children may seek redress for human rights abuses;
- (b) Monitoring human rights abuses in children's institutional settings;
- (c) Undertaking and disseminating research into human rights in children's institutional settings;
- (d) Providing technical advice to government and others on the human rights of children living in institutional settings;
- (e) Commenting on proposed legislation concerned with the human rights of children living in institutional settings;
- (f) Obtaining redress for the victims of human rights abuses in children's institutional settings;
- (g) Raising awareness of human rights issues;
- (h) Promoting public support for human rights;
- (i) Promoting respect for human rights among individuals and corporations.

Summary of the main activities undertaken for the public benefit

This was Article 39's seventh year of funded activity. We are very grateful to all of our funders and donors, and to the many organisations and individuals who worked with us throughout the year.

Our report concerns the period 01 April 2022 to 31 March 2023, though it includes significant developments just past this date.

Article 39 had four members of staff for the majority of this period, equivalent to nearly 3.5 full-time post-holders. Through a partnership with Bhatt Murphy Solicitors, funded by The Legal Education Foundation, we also hosted a Justice First Fellow two days a week.

Public benefit statement

The Trustees confirm that they have complied with the duty in section 17 of the Charities Act 2011 to have due regard to the Charity Commission's general guidance on public benefit, 'Charities and Public Benefit'.

Summary of the main achievements during the period

We informed children of their rights

Our rights4children website provides accessible information about children's rights on topics which children and young people have told us are important to them. The site was used nearly 57,000 times in 2022/23. Our top five most widely read topics remained the same as last year: restraint and use of force; pocket money; leaving care; feeling safe; and your right to complain.

Access to the website continued to be mostly through a mobile phone. We received 51 online feedback forms (compared to 43 last year). The majority of visitors to the site 'really liked' (63%) or 'liked' (18%) the content they accessed. Eight didn't like the content; on three occasions this was due to them wanting to change their

Article 39

religion, and another visitor expressed dislike of restraint. We received some lovely written comments, including:

“It will help me because I feel like I know what to do in a certain situation.”

“... if I ever feel upset or feel something is unfair I can come to this site and find more about it.”

“This is helpful [it] made me stronger.”

We continued to demand care for every child in care

Last year, we reported on our legal challenge to secondary legislation which we maintain discriminates against children in care aged 16 and 17. The secondary legislation, in force from September 2021, provides a list of placements for children in care aged 15 and under which lawfully fall within ‘other arrangements’ in the Children Act 1989. Other arrangements are used by local authorities when they do not consider placement with a child’s family, foster care or a children’s home to be the most suitable form of accommodation for a child. The effect of the 2021 secondary legislation is to ban the use of unregulated accommodation for children in care aged 15 and under, but not for those aged 16 and 17. All forms of accommodation listed in the secondary legislation as potentially suitable for children in care aged 15 and under provide care where children live, and consistent adult supervision and protection.

We were bitterly disappointed that the High Court found that the Department for Education had not acted irrationally in introducing this age-based secondary legislation, and that there was no breach of the public sector equality duty in the Equality Act 2010. Further, we had argued that the consultation process which led to the secondary legislation was unfair, particularly because ministers were not briefed about the views and perspectives of the 160+ young people who had participated in the consultation (the academics commissioned by government to analyse the consultation responses were not asked to review those specifically from young people). A summary document was prepared by civil servants of young people’s views and perspectives, as expressed through the consultation, but this was not shared with the Secretary of State before he took the decision to introduce the secondary legislation. The High Court found the process to be lawful. The Children’s Minister at the time confirmed to the court that “if he had read that material [summarising young people’s views] before the 2021 Regulations were made, it would have made no difference to the decision to make those Regulations as enacted” (paragraph 129 of the High Court’s judgment).

Very regrettably, our application for the Court of Appeal to hear our case was dismissed, and we spent the remainder of the year focusing our efforts on trying to persuade the government to guarantee that all children in care receive care where they live – to at least the age of 18. This included submitting a comprehensive response to the Department for Education’s consultation on what is now called supported accommodation for looked after children and care leavers aged 16 and 17 (formerly known as unregulated accommodation). Through freedom of information requests and work with parliamentarians, we established that at least 34 children in

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care aged 16 and 17 had died in supported accommodation over the preceding six years.

Although the MacAlister review of children's social care's endorsement of government policy was cited by counsel for the Department for Education during the High Court hearing in February 2022, we were very pleased that the review's final report some three months later changed position, and positively urged care for every child in care. However, the review said this should be implemented from 2025, which we believe is far too long to wait for this fundamental protection. Article 39 and other organisations running the #KeepCaringTo18 campaign wrote to the then Education Secretary Nadhim Zahawi in June 2022, urging him to guarantee care to every child in care as a matter of urgency. We did not receive a response from the Minister.

Our work around monitoring and exposing the child protection risks of what we call 'care-less' accommodation for children in care aged 16 and 17 saw us pursuing disclosure of a report produced by the Child Safeguarding Practice Review Panel, into 48 incidents where children entered care after many years of parental abuse and neglect and then died or suffered serious harm while in care. At the end of April 2022, we wrote to the Chair of the Child Safeguarding Practice Review Panel alongside 29 other organisations asking her to publish the report to help inform legal and policy developments around the care and protection of children in care. The Chair refused to do this, and Article 39 subsequently pursued a freedom of information (FOI) challenge to the Department for Education's similar resistance to publish the report. We ended the year preparing to attend an FOI tribunal to make the case for transparency being vital to child protection. The tribunal took place in May 2023.

In January 2023, as part of the #KeepCaringTo18 campaign, we published unique research into what care means to 16 and 17 year-olds. We were thrilled that 355 teenagers took part in our online survey, 58 of whom were care experienced. The research revealed that 97% of 16 and 17 year-olds believe that it is necessary for children their age to:

- Have someone regularly around to chat and to show an interest in them.
- Have someone who shows/tells them that they are loved.
- Have someone to deal with emergencies connected to electricity, gas, Internet connection, and/or security (break-ins).

Of those children (n=58) who were in the care of local authorities, or had been in care in the past:

- 98% stated that it is necessary for 16 and 17 year-olds to have someone regularly around to chat and to show an interest in them.
- 95% stated that it is necessary for 16 and 17 year-olds to have someone who can protect them if they are ever in danger (at home or somewhere else).
- 93% stated that it is necessary for 16 and 17 year-olds to have someone who shows/tells them that they are loved.
- 93% stated that it is necessary for 16 and 17 year-olds to have someone to give advice about growing up and relationships.

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Our Director appeared in a Channel 4 News feature in March 2023 which examined the risks inherent in the use of unregulated supported accommodation for care leavers. The aunt of Lance Scott Walker, who was stabbed to death in 2016 by another young care leaver, Idris Hassan, also aged 18, appealed for supported accommodation to be regulated for all care leavers. In January 2023, the coroner who conducted the inquest into Lance's death found a multitude of serious failures by the local authorities responsible for housing both young people in unregulated supported accommodation run by a private company, and by the NHS trust responsible for Idris's mental health care and treatment (he had formerly been sectioned under the Mental Health Act 1983). Lance's aunt, Patricia O'Neill, told Channel 4 News that Idris, "was let down. No-one looked after him, no-one cared for him, no-one made sure he had his medication, and he should never, ever, have been placed in unregulated accommodation with young boys".

We made a novel application to the High Court's Family Division for wardship for unaccompanied children missing from a Home Office-run hotel

As we outlined in last year's annual report, the Home Office has been housing unaccompanied children in hotels outside of the children's care system since July 2021. The Children Act 1989 provides that local authorities are responsible for looking after children in their area who are without parental care. We threatened legal action in autumn 2021 and entered protracted correspondence with government, in an effort to understand what was happening to children and when the hotel policy would be brought to an end. Then, in January 2023, after the Observer newspaper reported that children had been abducted from a hotel in Brighton and Hove, we commenced wardship proceedings in the family court. We are not aware of any other charity taking such action before – all parties agreed it was a novel application. Although the proceedings were directed at the Home Office, the Department for Education and Cafcass also joined as parties.

After two separate hearings in the Family Division of the High Court in March and April, we received judgment in June 2023. Our wardship application was refused on the grounds that children fall under the responsibility of local authorities, and should be cared for and protected by them. Counsel for Article 39 in the second (substantive) hearing assured the court that this was our position too, but local authorities, the Home Office and the Department for Education had hitherto acted as if children were in 'legal limbo'. This was the first set of legal proceedings seeking to protect this highly vulnerable group of children from being housed in Home Office-run hotels, and the first judicial confirmation that unaccompanied children are entitled to equal protection under the Children Act 1989. This important legal action was made possible through support from the Good Law Project. We were delighted when, later in 2023, the High Court found the Home Office and Kent County Council had acted unlawfully in housing children outside the children's care system, in judicial review proceedings brought by ECPAT UK and Brighton and Hove City Council.

We successfully advocated for stronger protections for children in mental health inpatient units

Drawing on the work of our Blooming Change group of children and young people who were detained as children under the Mental Health Act 1983, we successfully influenced the recommendations of the parliamentary committee scrutinising the

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Draft Mental Health Bill. Through our written and oral evidence, we urged action against children being placed in adult wards, new rights to help from an independent advocate, and health care to be available in children's home areas (to address the scandal of very poorly children being sent many miles from home). The Committee subsequently, in January 2023, made recommendations across all these areas of concern. This year, we also supported three children and young people to report to child protection agencies and the Care Quality Commission allegations of serious mistreatment in a mental health inpatient unit. After our correspondence, an unplanned inspection was undertaken and the unit declared unsafe for children.

We sought to persuade the Equality and Human Rights Commission to intervene to protect the rights of children detained in G4S-run Oakhill secure training centre

We continued to share information with the Equality and Human Rights Commission in anticipation of it using its legal powers to protect children detained in Oakhill secure training centre – following serious whistleblower allegations brought to us in September 2021 and March 2022. As reported last year, after we wrote to child protection agencies and others, the prisons inspectorate conducted an unannounced inspection which led to the G4S-run child prison being subject to an 'urgent notification' – the highest level of intervention available to the Chief Inspector of Prisons.

We obtained copies of the annual reports of the child prison advocacy service (run by Barnardo's under contract with the Youth Custody Service), to review the concerns children had been raising with their advocates. In December 2022, we wrote to the then Justice Secretary Damian Hinds expressing alarm that no children were interviewed as part of the safeguarding review established in response to the urgent notification, and we pressed again for an independent statutory inquiry. The Minister's response set out a number of measures that had been put in place to ensure children are properly protected and are able to make complaints should they wish to. We ended the year committed to continued monitoring of this child prison, particularly focusing on children's use of complaints procedures and the work of the local safeguarding children partnership. Across this period, Article 39's Director had a number of meetings with senior managers in the Youth Custody Service to share concerns and to offer advice on policy developments.

We influenced the Independent Inquiry into Child Sexual Abuse

We were delighted that the Independent Inquiry into Child Sexual Abuse's final report (October 2022) included the prohibition of pain-inducing restraint among its 20 recommendations. Article 39 had strongly advocated this through our oral and written evidence to the public inquiry.

We continued to press for the closure of child prisons

In June 2022, we held a symposium on the children's social care review and ending child imprisonment. With other non-governmental organisations, we have been seeking to influence future general election manifesto commitments around child imprisonment and youth justice.

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We provided tailored legal information to advocates, and launched our new ON YOUR SIDE children's rights advice service

At the end of October 2022, we relaunched our children's rights advice service, which is now called ON YOUR SIDE. Across the year, we answered 95 individual requests for legal information from advocates assisting children and young people in a variety of circumstances. We continued to receive very positive feedback from advocates using this unique service:

"Thanks so much for this detailed information, it has been incredibly helpful. I am meeting with the corporate governance team tomorrow and feel much more confident having this information available to me."

"Fantastic, really helpful – thanks so much, I wish of course I had contacted you sooner."

"This is really, really helpful. Thank you so much for taking the time to respond ... in such depth and detail."

"This information is amazing and so very helpful for the young person. I am very grateful to you and your organisation."

It is always very motivating to receive tangible information from advocates at a later date, telling us how, after using our advice service, they used the law and statutory guidance to help individual children. In 2023/24 we will consult those who use our advice service to find a way of sharing this very positive impact while protecting the privacy of children and young people.

Our training and events helped bring about change for children and young people

We trained 233 advocates on different aspects of the law and children's rights protection, and piloted two advocacy clinics which brought together advocates and legal experts from Doughty Street Chambers, Garden Court Chambers, Monckton Chambers and Irwin Mitchell to enhance knowledge of the law (attended by 97 advocates in total). All of our training and events are delivered online.

We receive a steady stream of feedback from advocates informing us of the practical changes in children's lives they've helped to secure, together with changes in their own advocacy practice, as a result of attending our courses and events.

*An amazing course which has really opened my eyes to a more targeted way of defending / supporting children's rights, or anybody's rights also. It was interesting and enjoyable. [The trainer] was absolutely brilliant, thank you! – **feedback on our 'What's law got to do with it?' main course***

*It is a powerful, hard-hitting course. It's delivered in a clear and gentle way considering the content. I believe everyone should attend, not just advocates – **feedback on our 'Protecting children's rights in institutional settings' course***

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*Excellent as always. The information which is shared enables me to be a much more effective advocate. Being able to cite legislation usually brings about a good outcome for the children and young people – **feedback on our ‘What’s law got to do with it?’ refresher course***

*As always I learn so much when I come on courses run by Article 39, it’s broken down into language I can understand and then use – **feedback on our new ‘Children Act 1989: back to basics’ course***

We continued delivering our John Kemmis children’s rights training course to children and young people: four courses across the year to members of three different children in care councils and young people involved with the Anna Freud Centre (children’s mental health charity). A fifth course did not go well, and we made some important changes after receiving very helpful feedback from young people.

We keep numbers for each session low so we can have good interaction, and can adapt the content as we go along. Nineteen children and young people took part overall in the four courses, aged between 11 and 24 years. We love the feedback we have received, including:

“This was an awesome course to be part of.”

“I liked how the adults were not bothered or annoyed at the fact that people were asking a lot of questions and wanted to read things out.”

“I would say that it’s very important to know what rights you have so you know when to use them in real life.”

“I really enjoyed the session and wouldn’t change anything.”

“[This course] will not only help you it may help you to save others and give them advice.”

“I enjoyed the group discussions and learning so much new information.”

“Thank you. You make me feel like everybody else.”

We piloted our new course, ‘Your right to complain’, for care experienced children and young people, which was designed and delivered by our Justice First Fellow. We ended the year looking forward to making this one of our regular courses for children and young people, and will develop a companion course for advocates next year.

Our Blooming Change group helped increase young people’s confidence and skills

This was the second year of our *Blooming Change* group – children and young people coming together to press for change in mental health inpatient units. Everyone in the group has experienced being detained as a child under the Mental Health Act 1983. Formerly called the Expert Group on Mental Health, young people came up with this new name because it both celebrates positive developments in

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individual lives and signals the urgency of wider, structural and attitudinal changes. One of the highlights of the year was the development of training for independent mental health advocates (IMHAs). The group designed and delivered a pilot course in December 2022 to four IMHAs, and then ran their first official course in May 2023 to nine IMHAs. Feedback was extremely positive:

"The best training session I have attended in the whole of my advocacy journey. Informative, person-centred and reflective."

"The best way to say thank you is by becoming better advocates. I will be putting everything I've learnt into practice."

"I'm currently supporting a very poorly young person who is struggling to speak. Going forward, as well as fighting for their rights, I am also going to spend time trying to build a relationship and get to know them before life on the unit."

"I would like to see this course rolled out to every mental health unit and every advocacy service in the country."

What Blooming Change members say about their group...

"During meetings I feel great, I feel calm and confident and feel like I can actually say what I want to say without feeling like I'm going to be judged or anything like that."

"Before my confidence was at a 5, and now it is at a 10. 100%. Definitely."

"My confidence and my passion for what I do is growing. Learning about children's rights and stuff – that is something that I can take with me in my professional career."

"In the past, I've gone to groups and it's been a bit formal and almost like there's a hierarchy. Whereas in Blooming Change, it's like everyone is equal and everyone is on the same playing field. There's nothing right and there's nothing wrong to say, and it's just really relaxed and comfortable."

"The groups I've been to [before] say they want change but it's like it comes with conditions. You can't actually say what you want because they don't want to be seen as too radical. Whereas I feel like Blooming Change actually takes on board everything and we really are trying to change things rather than saying we are but only doing half the effort."

We promoted children and young people's right to high quality advocacy services

As well as our direct work with advocates, we co-ordinate the Advocates4U campaign to strengthen children and young people's advocacy services across England. The campaign name was chosen by Heather and Megan, two members of Sheffield Children in Care Council.

Following the publication of the MacAlister review of children's social care, we briefed children, young people and their advocates on the changes recommended for

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advocacy services for children in care. We held a second series of online workshops with young people and advocates, attracting 30 participants in total (40 young people and advocates were involved in our Phase I discussions last year). A final plenary event will be arranged once the government publishes its consultation on a revised set of advocacy standards and guidance. Article 39's Director was invited to join the Department for Education's advocacy expert group, which held its inaugural meeting at the end of November 2022.

We were thrilled to launch our first 'Change through advocacy' magazine this year. Produced in partnership with children, young people and advocates, this new annual publication celebrates and champions the power and influence of independent advocacy. The magazine was launched at an online event with 45 guests, including from government and Ofsted. We received wonderful feedback from those who joined us:

"Creative, engaging, empowering presentations and magazine – should be circulated to all children's services and beyond."

"The creativity, strength and insight of all the children and young people who have contributed is off the scale. In my opinion, you guys should be running the country."

"I'm so grateful to all the young people and advocates here tonight for all you've taught me. I'm so in awe and impressed by all of you."

"This is amazing, thank you so much for putting this together and sharing it. I have learnt so much today about how young people feel about advocacy, which I wouldn't have otherwise known about. Thank you!"

Our Children and Young People's Advocates Network continued to grow

We welcomed another 100+ new members to our Children and Young People's Advocates Network during the year. By the start of April 2023, membership stood at 450+ advocates from 71 different advocacy organisations/providers. We are pleased to receive applications from a growing number of community-based organisations supporting unaccompanied children.

We published 12 children's rights legal digests across the year. Disseminated to all Network members, the digest was used 240 times each month on average. The landmark judgments series was especially popular, with over 1,000 uses of the two separate issues dedicated to the 'Southwark judgment' (concerning local authority duties to children aged 16 and 17 estranged from their parents) and the 'D judgment' (concerning the deprivation of liberty of children aged 16 and 17). Our six new law maps were very well received by advocates, covering common challenges children and young people take to their advocates, including: maintaining relationships with their sisters and brothers and other loved ones; wanting to see more of their social worker; and understanding the role of their independent reviewing officer.

We gave expert advice on a number of other children's rights matters

In addition to the policy work outlined above, we gave written evidence to the following organisations and bodies across the year:

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- Bill of Rights – Parliament’s Joint Committee on Human Rights;
- Consultation on proposed changes to the Mental Capacity Act 2005 Code of Practice and implementation of the Liberty Protection Safeguards – Department of Health and Social Care;
- Rapid review into data on mental health units – Department of Health and Social Care.

We published our policy position on profit-making in the children’s social care system and submitted this as evidence to the Welsh Government’s consultation on eliminating profit from the care of children looked after.

We continued to attend the government’s UNCRC (UN Convention on the Rights of the Child) Action Group and remained members of other important coalitions, including the Alliance for Children in Care and Care Leavers, the Alliance for Youth Justice, the Children and Young People’s Mental Health Coalition, the Participation Forum and the Refugee and Migrant Children’s Consortium (RMCC).

We promoted human rights in the media and elsewhere

Article 39 staff were interviewed and quoted in the media on a wide range of children’s rights matters and spoke at a number of national events, including a Doughty Street Chambers webinar on the rights of unaccompanied asylum seeking children in the UK, and a CoramBAAF panel event about the future of the care system. Our main website was used more than 73,000 times in 2022.

Our Director wrote chapters for a book on the future of children’s services (published by Policy Press in July 2023), and a child protection handbook (to be published by Elsevier in 2024).

Article 39 was honoured to be chosen by Rebekah Pierre, alongside the Together Trust, to receive proceeds from the book she is editing called ‘Free Loaves on Friday’. To be published in 2024, this powerful publication brings together the writings of nearly 100 care experienced people reflecting on different aspects of their childhood in care, and its aftermath. Article 39 and the Together Trust have collaborated with children and young people on an A-Z of Allyship section, and jointly written the opening chapter of the book.

Respect and gratitude to two special friends

Article 39 lost two dear friends this year, both of whom shared a lifetime commitment to securing rights and justice for children and young people.

Ian Dickson was a formidable children’s rights champion and speaker of truth about all things related to the children’s care system. We will be forever grateful for Ian’s unwavering support and the wisdom he magnanimously shared from his seven decades of personal and professional experience. One of Ian’s final words of advice about the care system was delivered through his social media account in December 2022, a week before he died. He told us there are “So many brilliant people still working in care settings alongside the cowboys. Know the difference”.

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Eric Allison's first experience of incarceration was at the age of 14 when he was imprisoned for stealing a bubble gum machine. He spent the majority of his adult life imprisoned, for crimes of fraud and robbery, then became the Guardian newspaper's prisons correspondent from 2003 to when he died in November 2022. Article 39's Director worked with Eric throughout this period, exposing the harms and scandals of child imprisonment, particularly around the abusive use of restraint and the unchecked power of companies such as G4S and Serco.

Article 39 Director's tribute to Eric Allison, published in Guardian newspaper, November 2022

Eric was someone I loved and trusted. I came out of court once upset and angry that the Ministry of Justice had portrayed reforms around the use of restraint on children as the voluntary actions of a caring government rather than the result of the appalling deaths of two boys Gareth Myatt and Adam Rickwood. It was a phone call to Eric that set me back on track. He listened as I recounted what had gone on, expressed his sorrow, then there was a pause before he offered: "Well, you know what they say: don't get mad get even." Eric's body of work is the epitome of how to skilfully transform rage into effective action.

The charity's policy on reserves

Article 39's target level of reserves is 3 months of running costs.

Signed on behalf of the charity's trustees:

Signed _____ Date _____
Susannah Walker, Trustee

**Independent examiner's report to the trustees of
Article 39
for the year ended 31 March 2023**

I report to the trustees on my examination of the accounts of Article 39 (the charity) for the year ended 31 March 2023.

Responsibilities and basis of report

As the trustees of the charity you are responsible for the preparation of the accounts in accordance with the requirements of the Charities Act 2011 ('the Act').

I report in respect of my examination of the charity's accounts carried out under section 145 of the 2011 Act and in carrying out my examination I have followed all the applicable Directions given by the Charity Commission under section 145(5)(b) of the Act.

Independent examiner's statement

I have completed my examination. I confirm that no matters have come to my attention in connection with the examination giving me cause to believe that in any material respect:

1. accounting records were not kept in respect of the charity as required by section 130 of the Act; or
2. the accounts do not accord with those records.

I have no concerns and have come across no other matters in connection with the examination to which attention should be drawn in this report in order to enable a proper understanding of the accounts to be reached.

Signed _____ Date _____

John O'Brien MSc, FCCA, FCIE
Employee of Community Accounting Plus

Article 39
Receipts & payments account
for the year ended 31 March 2023

2022			Unrestricted	Restricted	2023
Total		Note	Funds	Funds	Total
Funds			£	£	Funds
£					£
	Receipts				
175189	Grants & donations	2	106272	109558	215830
-	Gift Aid		3823	-	3823
5200	Sales & fees		630	-	630
<u>180389</u>	Total receipts		<u>110725</u>	<u>109558</u>	<u>220283</u>
	Payments				
2100	Associates fees		15000	-	15000
362	Campaign activities		-	-	-
1235	Children's engagement		-	2265	2265
47	Hospitality & publicity		7	-	7
480	Independent examination		394	98	492
536	Insurance		455	114	569
3790	IT & online surveys		3659	1220	4879
1503	Payroll service & BACS fees		1487	372	1859
810	Printing & stationery		741	186	927
-	Professional fees		93	365	458
1311	Recruitment		-	-	-
118196	Salaries, NI & pensions		43251	116630	159881
579	Staff travel inc. associates		404	-	404
22361	Strategic litigation		2100	22900	25000
707	Telephone & postage		720	125	845
139	Training & subscriptions		85	-	85
<u>154156</u>	Total payments		<u>68396</u>	<u>144275</u>	<u>212671</u>
26233	Net receipts/(payments)		42329	(34717)	7612
118074	Cash funds at start of this period		89105	55202	144307
-	Transfers between funds		1889	(1889)	-
<u>144307</u>	Cash funds at end of this period		<u>133323</u>	<u>18596</u>	<u>151919</u>

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Statement of assets and liabilities
at 31 March 2023

<i>2022</i>		<i>2023</i>
£		£
<u>144307</u>	Cash assets	
<u>144307</u>	Bank accounts	<u>151919</u>
		<u>151919</u>
	Other monetary assets	
<u>585</u>	Prepayments	4 <u>614</u>
<u>585</u>		<u>614</u>
	Liabilities	
<u>(3181)</u>	Creditors	5 <u>(2053)</u>
<u>(3181)</u>		<u>(2053)</u>

These financial statements are accepted on behalf of the charity by:

Signed _____ Dated _____
Peter Grove, Trustee

Article 39
Notes to the accounts
for the year ended 31 March 2023

1. Receipts & payments accounts

Receipts and payments accounts contain a summary of money received and money spent during the period and a list of assets and liabilities at the end of the period. Usually, cash received and cash spent will include transactions through bank accounts and cash in hand.

2. Grants & donations

	Unrestricted £	Restricted £	Total £
BBC Children in Need	-	10456	10456
Esmee Fairbairn Foundation	48000	-	48000
The Bromley Trust	10000	-	10000
The Hadley Trust	-	20000	20000
The Legal Education Foundation	6233	39648	45881
Anonymous donor	-	34125	34125
Sundry grants & donations	42039	5329	47368
	<u>106272</u>	<u>109558</u>	<u>215830</u>

3. Funds analysis

	Opening balance £	Receipts £	(Payments) £	Transfers £	Closing balance £
Restricted funds					
Children's advocacy project	626	20000	(19877)	-	749
Double punishment child imprisonment	5000	-	-	-	5000
Ending child imprisonment	201	-	-	-	201
Legal education (advocates)	19329	50668	(66597)	(1889)	1511
Litigation fund (children in care)	7571	5329	(12900)	-	-
Litigation fund (children in custody)	7198	-	-	-	7198
Litigation fund (unaccompanied children)	10000	-	(10000)	-	-
Mental health research & advocacy	5277	33561	(34901)	-	3937
	<u>55202</u>	<u>109558</u>	<u>(144275)</u>	<u>(1889)</u>	<u>18596</u>
Unrestricted funds					
General fund	89105	110725	(68396)	1889	133323
	<u>89105</u>	<u>110725</u>	<u>(68396)</u>	<u>1889</u>	<u>133323</u>

The transfer from the Legal education (advocates) fund to the General fund is for the indirect running costs of the fund.

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4. Prepayments

	£
Insurance	512
IT & online surveys	102
	<u>614</u>

5. Creditors

	£
Independent examination	492
Salaries, NI & pensions	1554
Payroll service & BACS fees	7
	<u>2053</u>

6. Trustees' remuneration

Trustees received no expenses, remuneration or benefits in this period.

7. Related party transactions

There were no related party transactions during the period

8. Glossary of terms

Creditors: These are amounts owed by the charity, but not paid during the accounting period.

Prepayments: These are services that the charity has paid for in advance, but not used during the accounting period.

Restricted funds: These are funds given to the charity, subject to specific restrictions set by the donor, but still within the general objects of the charity.

ARTICLE 39

England & Wales - Charity number 1166092

Accounts

Article 39
(Registered charity, number 1166092)
Financial statements
for the year ended 31 March 2022

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Article 39
Trustees' annual report
for the year ended 31 March 2022

Full name Article 39

Organisation type Charitable incorporated organisation

Registered charity number 1166092

Principal address

1 Cranmer Street, Nottingham, NG3 4GH

Trustees

Susannah Walker, Chair

Peter Grove, Treasurer

Catherine Brown, Secretary

Ella Dhillon

Suraya Skelland

Lynton Orrett

Mike Stein, from 04/07/22

Independent examiner

John O'Brien, employee of Community Accounting Plus, Units 1 & 2 North West, 41 Talbot Street, Nottingham, NG1 5GL

Governance and management

The charity is operated under the rules of its foundation CIO constitution adopted 15/02/16 and registered as a CIO on 16/03/16.

Apart from the first charity trustees, every trustee must be appointed for a term of three years by a resolution passed at a properly convened meeting of the charity trustees. In selecting individuals for appointment as charity trustees, the charity trustees must have regard to the skills, knowledge and experience needed for the effective administration of the CIO.

Objectives and activities

(1) The relief of need, and promotion of the protection, of children living in institutional settings in England through in particular but not exclusively:

(a) The provision of information to children living in institutional settings about law, policy and professional standards in respect of their care and treatment, and the ways in which they can raise concerns and challenge mistreatment;

(b) Undertaking and disseminating research on safeguarding and child protection matters in institutional settings;

(c) Monitoring child protection concerns and practices in children's institutional settings;

(d) Providing technical advice to government and others on matters related to the safety and well-being of children living in institutional settings;

(e) Commenting on proposed legislation concerned with the needs of children living in institutional settings.

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- (2) The advancement of the human rights of children living in institutional settings in England by all or any of the following means:
- (a) Raising awareness of the means by which children may seek redress for human rights abuses;
 - (b) Monitoring human rights abuses in children's institutional settings;
 - (c) Undertaking and disseminating research into human rights in children's institutional settings;
 - (d) Providing technical advice to government and others on the human rights of children living in institutional settings;
 - (e) Commenting on proposed legislation concerned with the human rights of children living in institutional settings;
 - (f) Obtaining redress for the victims of human rights abuses in children's institutional settings;
 - (g) Raising awareness of human rights issues;
 - (h) Promoting public support for human rights;
 - (i) Promoting respect for human rights among individuals and corporations.

Summary of the main activities undertaken for the public benefit

Article 39 fights for the rights of children living in state and privately-run institutions (children's homes, boarding and residential schools, mental health inpatient units, prisons and immigration detention) in England.

We take our name from Article 39 of the United Nations Convention on the Rights of the Child, which grants every child who has been abused or suffered other rights violations the right to recover in environments where their health, self-respect and dignity are nurtured.

This was Article 39's sixth year of funded activity. We are very grateful to all of our funders and to the many organisations and individuals who worked with us throughout the year.

Our report concerns the period 01 April 2021 to 31 March 2022, though it includes significant developments just past this date.

Article 39 had three members of staff for the majority of this period, equivalent to two full-time post holders. In January 2022, we welcomed our first Justice First Fellow (trainee solicitor) – through a partnership with Bhatt Murphy Solicitors funded by The Legal Education Foundation.

Public benefit statement

The Trustees confirm that they have complied with the duty in section 17 of the Charities Act 2011 to have due regard to the Charity Commission's general guidance on public benefit, 'Charities and Public Benefit'.

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Summary of the main achievements during the period

We informed children of their rights

Our rights4children website provides accessible information about children's rights on topics which children and young people have told us are important to them. The site was used 48,511 times in the year to June 2022, which is an increase of over 35% on last year.¹ Our top five most widely read topics were: restraint and use of force; feeling safe; pocket money; leaving care; and your right to complain.

Access to the website was mostly through a mobile phone (53%), which is a change from last year when desktop computers were the most common way of using the resource. We received 43 online feedback forms (compared to 19 last year). The majority of visitors 'really liked' (91%) or 'liked' (5%) the content they accessed. Only two indicated they didn't like the content, and both times this related to the section on rules and punishment.

We challenged the discriminatory treatment of older children in care

The Children Act 1989 sets out the different types of placements in which children in care may live, starting with their parents and families, then foster care, children's homes and 'other arrangements'. Over the past decade or so, there has been a substantial increase in the use of 'other arrangements', mostly shared housing, flats, bedsits and hostels which are not registered or inspected by Ofsted. Any establishment which provides care and accommodation must register with Ofsted and follow the nine statutory quality children's homes standards. 'Other arrangements' properties are able to bypass the children's homes standards by not providing care to children who live there.

There is growing evidence of children suffering serious harm in these types of settings – 29 children aged 16 and 17 died in 'supported accommodation' in the five years to March 2021, and the Children's Commissioner for England found heightened risk of sexual and criminal exploitation and examples of serious neglect, with children not having suitable bedding, cooking utensils and being afraid to leave their rooms. The Children's Commissioner's 2020 report also highlighted that children were frequently housed in properties alongside adults who had recently left prison and/or had significant mental health and addiction problems.

In February 2021, the government laid a statutory instrument before Parliament which prescribes that 'other arrangements' in the Children Act 1989 for children in care aged 15 and under must always be regulated settings where children receive care. The then Secretary of State for Education, Gavin Williamson, in a foreword to the Department for Education's consultation response, stated: "I cannot imagine a circumstance in which a child under the age of 16 should be placed in a setting that does not provide care".

Article 39 considered the legislation to be discriminatory, and feared that it would lead to even more older children being pushed into 'care-less' settings from the age

¹ The site was launched in June 2018, so we track visitors from that month rather than from the start of each financial year.

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of 16. With other charities, we had already established the #KeepCaringTo18 campaign to try and persuade the government to ensure that every child in care receives care where they live up to at least 18 – as happens in the vast majority of families. Official data showed that children from black, Asian and minority ethnic communities were disproportionately housed in unregulated, care-less properties, and that boys were far more likely than girls to be in these settings.

With the government pressing on with legislation that, for the first time, distinguishes placement decision-making on the basis of age, we considered we had no other choice but to launch a legal challenge. We therefore applied to the High Court for a judicial review in May 2021, and our case was heard the following February.

Three young people with experience of living in unregulated accommodation as children in care provided witness statements in support of our case, together with a foster carer and the charities Mind, the Refugee and Migrant Children's Consortium and the Together Trust. In the High Court hearing itself, the government cited support for its plans from the Josh MacAlister care review.

We were bitterly disappointed to lose in the High Court (judgment handed down in mid-March 2022), and ended the year preparing for an appeal application to the Court of Appeal. This vital legal challenge has only been possible through the tremendous generosity of hundreds of concerned members of the public who have donated to our CrowdJustice appeal.

Separate to the legal action, the #KeepCaringTo18 campaign secured over 10,700 signatures to its online petition (convened by the Together Trust), and these were delivered to the door of 10 Downing Street in February 2021 by a brilliant delegation of care experienced adults. On the night before the discriminatory secondary legislation came into force, in September 2021, Article 39's Director appeared in an extended BBC Newsnight feature on the potential impact on older children. Article 39 had elicited data from the Department for Education showing that 14 older children had died in unregulated accommodation between April 2018 and September 2020; the Department for Education informed BBC Newsnight that more than half of these children had taken their own lives.

We were pleased to see our campaigning and litigation described in a House of Commons Library research briefing (November 2021) on the use of out of area, unregulated and unregistered accommodation for children in care. A few months later, in February 2022, an Early Day Motion was tabled in Parliament supporting the campaign and Article 39.

A child prison run by G4S was subject to an 'urgent notification' following our actions

At the end of September 2021, we were contacted by a whistle-blower with serious allegations of child abuse and breach of safeguarding statutory guidance in Oakhill secure training centre, which is run by G4S under a contract with the UK Government. We wrote to the director of children's services in the local authority

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responsible for investigating abuse allegations, copying our letter to Ofsted's Chief Inspector and the Chief Inspector of Prisons, and to the Chair of the Child Safeguarding Practice Review Panel (the statutory body for child safeguarding in England).

Three weeks after we first communicated the serious allegations, Ofsted and Her Majesty's Inspectorate of Prisons issued an urgent notification on Oakhill secure training centre, which is the most serious measure available to them. The unannounced inspection they had undertaken in response to our letter confirmed three aspects of the allegations brought to us by the whistle-blower: that unlawful force had been used on children; that child protection concerns were not being referred to the local authority as statutory safeguarding guidance requires; and that children had access to 'adult channels' on their televisions (our correspondence had alleged officer corruption). We therefore wrote to the Secretary of State for Justice requesting that the government establish an independent statutory inquiry consistent with their obligations under article 3 of the European Convention on Human Rights/the Human Rights Act. We also asked for a letter to be passed to children informing them of their right to seek independent legal advice; and we made a similar request to G4S's director of Oakhill secure training centre. G4S responded that it was a government decision whether or not to pass information from Article 39 to children.

In December 2021, the government communicated that there were arrangements in place for children to be informed of their rights. The government minister with responsibility for youth justice additionally stated that she would give further consideration to our request for a statutory inquiry.

Following further correspondence, including after a second whistle-blower came to us with separate concerns, we received a reply in March 2022, indicating that the government would not establish an inquiry. Further, our request was declined for sight of provisions within G4S's contract relating to how findings of child abuse and human rights breaches would impact the public finance initiative (PFI) arrangement, which we understand is in place to 2029.

We ended the year by briefing the Equality and Human Rights Commission on our concerns for children's safety and well-being with a view to this statutory body using its powers to protect children. We also made a number of freedom of information requests, including for the Barnardo's children's rights and advocacy services annual reports for the past three years, to elicit whether the serious concerns brought to us had been previously raised by children.

We secured (temporary) changes to legislation allowing local authorities to run new secure 16 to 19 Academies

We were delighted that Peers voted to allow local authorities to run secure 16 to 19 Academies, a new type of secure children's home which will also operate as an academy, in January 2022 – after being briefed by us in partnership with the National Association for Youth Justice (NAYJ).

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Formerly known as secure schools, these new establishments will be registered with Ofsted as secure children's homes and they will have to comply with children's homes quality standards. They are intended to replace child prisons, which the government committed to phase out in 2016. However, when the government looked for an organisation to run the first secure school, it barred local authorities from the tendering process. This was later criticised by the Local Government Association when it gave evidence to a parliamentary inquiry.

The amendment to the Police, Crime, Sentencing and Courts Bill was passed following a division in the House of Lords, with 193 Peers voting for it and 168 against.

Article 39 and NAYJ had warned Peers that the exclusion of local authorities from running this new type of secure children's home risked repeating serious mistakes of the past, when private providers were contracted to operate secure training centres despite having no prior experience of looking after vulnerable children. We urged Peers to support the amendment to avoid another generation of children suffering great harm.

The very positive change to the legislation was short-lived, however, as when the Bill reached the House of Commons at the end of February 2022, the government successfully voted for the amendment to be deleted. Before the vote, the minister insisted "there is no legal bar" to local authorities entering into a contract with government to run these new institutions, though did not explain why local authorities had been stopped from applying to run the first one.

We will continue to monitor the development of these new institutions, and maintain that it was a grave mistake for the government to select the site of former G4S-run Medway secure training centre, closed following a BBC Panorama programme exposing serious child abuse, for its first experimental 'secure school' (due to open in 2024).

We challenged the weakening of legal protections in child prisons

With the Howard League for Penal Reform, we sought evidence from government to justify its plan to have a three month gap between lifting COVID-19 restrictions in secure training centres and young offender institutions (where the majority of detained children are held). We had previously written jointly to the Secretary of State for Justice setting out, among other matters, that the explanatory memorandum accompanying its secondary legislation was unlawful in permitting highly vulnerable children to be kept in solitary confinement. We were therefore very relieved in January 2022 to find that further secondary legislation had been introduced reinstating children's legal protections.

We threatened legal action against the Home Office for accommodating unaccompanied children outside the care system

In summer 2021, we were contacted with alarming information about the treatment of unaccompanied children who had made treacherous journeys on flimsy boats across the Channel. The Children Act 1989 is clear that children without parents or carers are the responsibility of local authorities, yet the Home Office (with the agreement of

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the Department for Education) had contracted with hotel owners along the South East coast to house these highly vulnerable children outside of the care system. All of the legal safeguards for children in care are unavailable to children placed in hotels by central government – such as medical assessments, standards around their day-to-day care and well-being, including in relation to their education; social worker visits; scrutiny by an independent reviewing officer; and access to information and assistance from independent advocates.

Kent County Council had publicly declared it was unable to look after any more unaccompanied children, and other local authorities had similarly informed government they did not have capacity to care for and protect children entering the UK this way (we are not aware of any local authority having effectively closed its doors to any other group of children who need to be looked after).

We joined forces with over 65 charities in a joint letter (convened by Children England) to the Secretary of State for Education opposing these arrangements in July 2021. We then proceeded to obtain legal advice on the lawfulness of the actions of the Home Office and the Department for Education. We sent a pre-action protocol letter to government lawyers in September 2021 seeking detailed information about children in the hotels, and the arrangements in place to look after and protect them. We worked with parliamentarians to elicit further information, and continued correspondence with government lawyers for the remainder of the year. Our Director was interviewed on BBC Radio 4's Today programme during which she called for adequate government funding for the children's care system.

We helped ensure children's accounts of restraint appeared in hospital guidance for the first time

The Department of Health and Social Care published statutory guidance on the Mental Health Units (Use of Force) Act 2018 in December 2021, and we were delighted to see the inclusion of many first-hand accounts submitted from members of our 'Blooming Change' group. Lots of other content proposed by Article 39 also appears in the guidance. Our suggestions were drafted to ensure children's specific needs and rights are understood, that children are able to express their wishes and feelings and that appropriate safeguards are in place, including that parents are notified when a child is subject to seclusion or segregation.

Other actions to promote the rights of children in mental health inpatient care

Our new expert group on mental health (now called 'Blooming Change'), whose members are young people who were detained under the Mental Health Act 1983 as children, had its first meeting in July 2021 and has become an extremely supportive and productive group – planning a new training course for independent mental health advocates and promotional events for children and young people on changes to the law on use of force. Members also made their own submission to the Commission on Young Lives around mental health support in the community and within hospital.

Sophie joined Blooming Change aged 17, having experienced long periods of detention in mental health units. She says she has stayed with the group "because I get to be with like-minded people who want to see the same changes happen and

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who have the same opinions. But even if we don't have the same opinion sometimes, we still really respect each other."

Sophie highlights a discussion about children being detained in settings with adults (girls on the same wards as much older men) as an example of where Article 39 staff took her experiences seriously. She says: "Like we were talking about children being in the same mental health unit as adults, and [name of staff member] said "wow, I didn't realise it was still happening", and so it's good that children and their experiences are respectfully listened to so that change can happen".

When asked to reflect on whether her confidence has grown since joining the group, Sophie replied: "Definitely. I'm much more confident about speaking about what I've gone through to other people because now I'm unapologetic when I share my experiences and I don't feel like I'm hurting people's feelings about telling the truth". The word she would use to describe how she feels being a part of the group is "empowered". Sophie adds: "I would say my knowledge has grown around the law and my rights when it comes to being in a mental health unit. I'd also say I've built up my listening skills".

Having been in mental health units located many miles from her family, home and community, and being out of school for many years, Sophie felt very isolated. She says this is why Blooming Change is so important to her: "I am connected to people who know what I'm talking about and who know what I'm feeling".

Having pressed for the extension of a statutory right to advocacy to all child patients in mental health units, including through oral and written evidence to Parliament's Health and Social Care Committee, in September 2021 we made a submission to the Treasury's Spending Review on this matter alone. We explained:

"Access to advocacy is a key part of ensuring that all children are heard and their rights are respected. The statutory right to advocacy exists for many of the most vulnerable children and young people who are at heightened risk of not being heard or suffering rights violations, including abuse while they are living away from home in institutional settings. Advocates not only help address problems but also work with other professionals and practitioners and service providers to promote a culture where children's wishes, feelings and rights are understood, heard, respected and upheld in practice".

We were delighted that the Draft Mental Health Bill, published in June 2022, contains provisions to extend the right to advocacy to 'informal' child (and adult) patients and committed to working with our Blooming Change members and charities in 2022/23 to ensure that children's rights are properly protected throughout the Bill.

We helped independent advocates in their work with children and young people

Almost 350 independent advocates and others in independent safeguarding roles attended our two core training courses ('What's law got to do with it?' and 'Protecting children's rights in institutional settings') and other online events across the year.

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We are very grateful to guest speakers at our national events this year:

- Delma Hughes, founder director of Siblings Together, and Janet Cormack, Legal Policy Manager, from Clan Childlaw in Scotland, who attended the launch of our guide on children maintaining important relationships;
- Sharron Chappell, Assistant Ombudsman, and Verna Kennedy and Olwyn Frost, from the Local Government and Social Care Ombudsman, together with advocates Allison Ross-John and Mike Bould, who attended the launch of our guide on the Children Act 1989 representations (including complaints) procedure;
- Martha speaking about the power of being heard as a child, and Dr Mike Lindsay, the UK's first children's rights officer, who reflected on the importance of championing children's rights, at the launch of our guide on children's right to be heard.

We welcomed around 20 children and young people to these events, and look forward to even more joining next year following the recruitment of our first dedicated Children and Young People's Activism Lead.

We consistently receive highly positive feedback on our training courses, with 100% of participants stating they'd recommend our training to others and 97% confirming that their learning would influence their work with and for children and young people. Over a quarter of those attending our courses this past year have subsequently sent us case studies showing how they used their learning.

Selection of feedback from our training courses for independent advocates

"It's the most informative and useful training that I've completed."

"I feel more confident with including law to support young people. The scenarios used were a great example of some of the challenges faced by advocates and the discussion in groups helped with a stronger approach."

"The standard of my complaints has improved massively. They are so much more powerful now that they say what the law says, as well as what the child wants/wishes. I've even started using case law in my complaints – have never done this before."

"The course was brilliant and I think regular refreshers are hugely beneficial."

"When I visit young people (especially in institutional settings) I will be more observant and enquiring in my approach. I will be more insistent in ensuring I speak to the young person alone and in a private/safe place."

"I think that all independent advocates, service managers, IROs and others should be required to attend this (or an equivalent) course. I am concerned and disappointed that I can be an advocate of 5+ years standing, without having attended such a course. I suspect that a refresher would also be extremely beneficial for many longstanding practitioners within the field."

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“Excellent and left me feeling invigorated.”

“Powerful, informative and inspiring/motivational.”

Our new ‘advocacy help’ service

This year we established a new ‘advocacy help’ email service for members of our Children and Young People’s Advocates Network. Advocates seeking information about the law and statutory guidance to help amplify children and young people’s wishes and feelings are able to contact us with their request and we will bring together all the most relevant material within a target of 10 working days, though more quickly when necessary.

We provided this specialist help to advocates on 57 separate occasions, covering a wide range of matters including: young people’s right to complain about their treatment in care (and the statutory process); a child with an Education and Health Care Plan made to change school against their wishes; the legal position when a care leaver has no-one to act as their guarantor for privately-rented accommodation; a child in care not being allowed to attend a family member’s funeral; what happens when a local authority does not adhere to contact arrangements for brothers and sisters in care; young people’s access to savings accounts set up when they were in care; the law around children changing their surnames; the law around deprivation of liberty; children in care wanting sleepovers without their friends having to have police checks; support available to children who are the subject of special guardianship orders; children who are homeless who have the right to be looked after by their local authority; a young person being pressured to leave their foster home before they are ready; and what children can do to challenge problems with their social workers.

We welcomed more than 100 new members to our Children and Young People’s Advocates Network during the year. By the start of April 2022, membership stood at 350+ advocates from all over England.

Our children’s rights legal digest, published and disseminated to all Network members, was used on average 240 times each month. The landmark judgments series was especially popular, with over 1,000 uses of the issues dedicated to the ‘Southwark judgment’ (concerning local authority duties to homeless children aged 16 and 17) and to the ‘D judgment’ (concerning the deprivation of liberty of children aged 16 and 17).

We promoted children and young people’s right to high quality advocacy services

As well as our direct work with advocates, we co-ordinate the Advocates4U campaign to strengthen children and young people’s advocacy services across England. The campaign name was chosen by Heather and Megan, two members of Sheffield Children in Care Council.

Across the year, we convened several online workshops to consider how advocacy services could be funded and run to ensure every child and young person has prompt and easy access to an effective, locally based and well-supported advocate whenever they need information and help to defend their rights on any matter of

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concern to them. With the campaign strategy group, we drafted a discussion paper looking at different options for improving children and young people's access to high quality advocacy services and were delighted that 40 young people and advocates joined the discussions.

Advocacy and the importance of listening to and understanding children and young people's wishes and feelings was central to our comprehensive submission to the Josh MacAlister care review. Three of our 52 recommendations specifically related to children and young people's access to advocacy.

Between January and March 2022, we piloted our new John Kemmis children's rights training course for children and young people. The course is in two parts – an introduction to children's rights and then an overview of the role and importance of advocates in helping children and young people to be heard and defend their rights.

We researched allegations against adults working in institutional settings

We submitted a freedom of information request to every local authority in England to elicit data on the number of allegations against adults working with children in a variety of settings. This replicated similar research we undertook in 2017. Data provided by 64 local authorities revealed there had been 6,106 allegations against adults working in children's institutional settings between 2018 and 2021, an average of 32 allegations per year per local authority. We made four headline recommendations for significantly improving local authorities' child protection responses when children live in institutional settings. As with 2017, the process exposed widespread inadequate data collection across local authorities, which is vital for recognising themes and trends in abuse allegations against individual members of staff and particular establishments. Our report, 'Abuse in children's institutional settings: How much is known?', was published in December 2021.

We gave expert advice on a number of other children's rights matters

We gave written evidence to the following organisations and bodies across the year:

- Human Rights Act Reform: A Modern Bill of Rights – Ministry of Justice
- Children's rights and alternative care – United Nations Committee on the Rights of the Child
- Inquiry on children's homes – House of Commons Education Select Committee
- Frequency of Ofsted inspections of children's homes – Department for Education
- Consultation on the use of force in child prisons – Youth Custody Service (part of Ministry of Justice)
- Managing separation in the children and young people secure estate (draft policy) – Youth Custody Service (part of Ministry of Justice)
- Cross-border placements of children and young people into residential care in Scotland: policy position paper – Scottish government
- Behaviour management strategies, in-school units, and managed moves – Department for Education

Article 39

We continued to attend the government's UNCRC (UN Convention on the Rights of the Child) Action Group and remained members of other important coalitions, including the Alliance for Children in Care and Care Leavers, the Alliance for Youth Justice, the Participation Forum and the Refugee and Migrant Children's Consortium (RMCC). We co-ordinated RMCC parliamentary briefings on the age assessment of unaccompanied children during the passage of the Nationality and Borders Act 2022.

We promoted human rights in the media and elsewhere

Article 39 staff were interviewed and quoted in the media on a wide range of children's rights matters and spoke at a number of national events. Our main website was used more than 72,075 times across the year, and we had articles published in *The Guardian*, *Byline Times*, *Children and Young People Now*, and on the website of the human rights journalism charity EachOther and the British Institute of Human Rights.

The charity's policy on reserves

Article 39's target level of reserves is 3 months of running costs.

Signed on behalf of the charity's trustees:

Signed _____ Date _____
Susannah Walker, Trustee

**Independent examiner's report to the trustees of
Article 39
for the year ended 31 March 2022**

I report to the trustees on my examination of the accounts of Article 39 (the charity) for the year ended 31 March 2022.

Responsibilities and basis of report

As the trustees of the charity you are responsible for the preparation of the accounts in accordance with the requirements of the Charities Act 2011 ('the Act').

I report in respect of my examination of the charity's accounts carried out under section 145 of the 2011 Act and in carrying out my examination I have followed all the applicable Directions given by the Charity Commission under section 145(5)(b) of the Act.

Independent examiner's statement

I have completed my examination. I confirm that no matters have come to my attention in connection with the examination giving me cause to believe that in any material respect:

1. accounting records were not kept in respect of the charity as required by section 130 of the Act; or
2. the accounts do not accord with those records.

I have no concerns and have come across no other matters in connection with the examination to which attention should be drawn in this report in order to enable a proper understanding of the accounts to be reached.

Signed _____ Date _____

John O'Brien MSc, FCCA, FCIE
Employee of Community Accounting Plus

Article 39
Statement of assets and liabilities
at 31 March 2022

2021			2022
£		Note	£
118074	Cash assets		
<u>118074</u>	Bank accounts		144307
			<u>144307</u>
	Other monetary assets		
125	Debtors - Fees		-
410	Prepayments	4	<u>585</u>
<u>535</u>			<u>585</u>
	Liabilities		
<u>(3912)</u>	Creditors	5	<u>(3181)</u>
<u>(3912)</u>			<u>(3181)</u>

These financial statements are accepted on behalf of the charity by:

Signed _____ Dated _____
Peter Grove, Trustee

Article 39
Notes to the accounts
for the year ended 31 March 2022

1. Receipts & payments accounts

Receipts and payments accounts contain a summary of money received and money spent during the period and a list of assets and liabilities at the end of the period. Usually, cash received and cash spent will include transactions through bank accounts and cash in hand.

2. Grants & donations

	Unrestricted £	Restricted £	Total £
BBC Children in Need	-	9788	9788
Esmee Fairbairn Foundation	40000	-	40000
Lawyers Against Poverty	-	10000	10000
The Bromley Trust	15000	-	15000
The Hadley Trust	-	20000	20000
The Legal Education Foundation	-	7000	7000
Anonymous donor	-	20000	20000
Sundry grants & donations	11182	42219	53401
	66182	109007	175189

3. Funds analysis

	Opening balance £	Receipts £	(Payments) £	Closing balance £
Restricted funds				
Children's advocacy project	38	20000	(19412)	626
Double punishment child imprisonment (COVID-19)	27200	-	(22200)	5000
Ending child imprisonment	201	-	-	201
Legal education (advocates)	16044	34128	(30843)	19329
Litigation fund (children in care)	14487	15091	(22007)	7571
Litigation fund (children in custody)	7552	-	(354)	7198
Litigation fund (unaccompanied children)	-	10000	-	10000
Mental health research & advocacy	5016	29788	(29527)	5277
	70538	109007	(124343)	55202
Unrestricted funds				
General fund	47536	71382	(29813)	89105
	47536	71382	(29813)	89105

Article 39

4. Prepayments

	£
Insurance	483
IT & online surveys	102
	<u>585</u>

5. Creditors

	£
Independent examination	492
Salaries, NI & pensions	2682
Payroll service & BACS fees	7
	<u>3181</u>

6. Trustees' remuneration

Trustees received no expenses, remuneration or benefits in this period.

7. Related party transactions

There were no related party transactions during the period

8. Glossary of terms

Creditors: These are amounts owed by the charity, but not paid during the accounting period.

Debtors: These are amounts owed to the charity, but not received in the accounting period.

Prepayments: These are services that the charity has paid for in advance, but not used during the accounting period.

Restricted funds: These are funds given to the charity, subject to specific restrictions set by the donor, but still within the general objects of the charity.

ARTICLE 39

England & Wales - Charity number 1166092

Accounts

Article 39
(Registered charity, number 1166092)
Financial statements
for the year ended 31 March 2021

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Article 39
Trustees' annual report
for the year ended 31 March 2021

Full name Article 39

Organisation type Charitable incorporated organisation

Registered charity number 1166092

Principal address

1 Cranmer Street, Nottingham, NG3 4GH

Trustees

Susannah Walker, Chair

Peter Grove, Treasurer

Catherine Brown, Secretary

Suraya Skelland

Ella Dhillon

Lynton Orrett, from 07/09/21

Phillip Noyes OBE, Chair until 12/03/21

Nicola Wyld, Treasurer, until 31/03/21

Independent examiner

John O'Brien, employee of Community Accounting Plus, Units 1 & 2 North West, 41 Talbot Street, Nottingham, NG1 5GL

Governance and management

The charity is operated under the rules of its foundation CIO constitution adopted 15/02/16 and registered as a CIO on 16/03/16.

Apart from the first charity trustees, every trustee must be appointed for a term of three years by a resolution passed at a properly convened meeting of the charity trustees. In selecting individuals for appointment as charity trustees, the charity trustees must have regard to the skills, knowledge and experience needed for the effective administration of the CIO.

Objectives and activities

(1) The relief of need, and promotion of the protection, of children living in institutional settings in England through in particular but not exclusively:

(a) The provision of information to children living in institutional settings about law, policy and professional standards in respect of their care and treatment, and the ways in which they can raise concerns and challenge mistreatment;

(b) Undertaking and disseminating research on safeguarding and child protection matters in institutional settings;

(c) Monitoring child protection concerns and practices in children's institutional settings;

(d) Providing technical advice to government and others on matters related to the safety and well-being of children living in institutional settings;

(e) Commenting on proposed legislation concerned with the needs of children living in institutional settings.

Article 39

- (2) The advancement of the human rights of children living in institutional settings in England by all or any of the following means:
- (a) Raising awareness of the means by which children may seek redress for human rights abuses;
 - (b) Monitoring human rights abuses in children's institutional settings;
 - (c) Undertaking and disseminating research into human rights in children's institutional settings;
 - (d) Providing technical advice to government and others on the human rights of children living in institutional settings;
 - (e) Commenting on proposed legislation concerned with the human rights of children living in institutional settings;
 - (f) Obtaining redress for the victims of human rights abuses in children's institutional settings;
 - (g) Raising awareness of human rights issues;
 - (h) Promoting public support for human rights;
 - (i) Promoting respect for human rights among individuals and corporations.

Summary of the main activities undertaken for the public benefit

Article 39 fights for the rights of children living in state and privately-run institutions (children's homes, boarding and residential schools, mental health inpatient units, prisons and immigration detention) in England.

We take our name from Article 39 of the United Nations Convention on the Rights of the Child, which grants every child who has been abused or suffered other rights violations the right to recover in environments where their health, self-respect and dignity are nurtured.

This was Article 39's fifth year of funded activity. We are very grateful to all of our funders and to the many organisations and individuals who worked with us throughout the year.

Our report concerns the period 01 April 2020 to 31 March 2021, though it includes significant developments just past this date.

Article 39 had three members of staff (2.4 full-time equivalent) throughout this 12-month period.

Public benefit statement

The Trustees confirm that they have complied with the duty in section 17 of the Charities Act 2011 to have due regard to the Charity Commission's general guidance on public benefit, 'Charities and Public Benefit'.

Article 39

Summary of the main achievements during the period

We informed children of their rights

Our rights4children website provides accessible information about children's rights on topics which children and young people have told us are important to them. The site was used 35,741 times in 2020/21, which is more than double last year.¹ Our most popular topics were: restraint and use of force; feeling safe; and leaving care.

Access to the website was mostly through a desktop computer (55%) but there was also good usage on mobile phones (42%). We received 19 online feedback forms during the year (compared to 26 last year). The majority of visitors 'really liked' (58%) or 'liked' (21%) the content they accessed.

We successfully defended the rights of children in care

In a landmark judgment handed down by the Court of Appeal in November 2020, the Education Secretary was found to have acted unlawfully in failing to consult the Children's Commissioner for England and other children's rights organisations before making "substantial and wide-ranging" changes to legal protections for England's 78,000 children in care.

Article 39 launched the legal challenge after the government removed and watered down 65 safeguards for children in care in England, through The Adoption and Children (Coronavirus) (Amendment) Regulations 2020. Parliament was given no time to debate the changes; the Regulations were introduced on 23 April and came into force the very next day.

The safeguards lost or diluted by the Regulations included timescales for social worker visits to children in care, six-monthly reviews of children's welfare, independent scrutiny of children's homes and senior officer oversight of adoption decision-making for babies and children. The protections in place for disabled children having short breaks and children in care sent many miles away from home were also affected. After starting to review children's legislation in February, officials in the Department for Education, including the Chief Social Worker for Children and Families, had private email, telephone and face-to-face exchanges with a number of local authorities, adoption agencies, private providers and local government bodies during March and April. The views of children and young people in care, or organisations representing their rights, views and interests, were not sought. The statutory body for children's rights, the Children's Commissioner for England, was informed of the changes to children's legal protections in mid-April, after they had been signed off by Ministers.

Giving the leading judgment, Lord Justice Baker, with whom Lord Justice Henderson and Lord Justice Underhill agreed, found: *"It was manifestly in the interests of the vulnerable children who would be most affected by the proposed amendments that those agencies and organisations representing the rights and interests of children in care should be consulted"*.

¹ The site was launched in June 2018, so we track visitors from that month rather than from the start of each financial year.

Article 39

The judges granted a declaration “that the Secretary of State acted unlawfully by failing to consult the Children’s Commissioner and other bodies representing the rights of children in care before introducing the [legal changes]”.

This was a huge victory for children’s rights, which should help other groups defend their right to be consulted before government and other public authorities make significant changes to law and policy. We were delighted to hear in January 2021 that our case had been successfully used by Just for Kids Law charity to ensure children remanded to custody could not be locked up for longer periods without judicial scrutiny (a change that had also been introduced through secondary legislation).

Our legal action would not have been possible without hundreds of very kind donations raised through a CrowdJustice appeal. The funds from this will be kept for future children’s rights strategic litigation.

In addition to legal action, which was expedited because of the gravity of the case, over 60 organisations and several hundred care experienced people, social workers and others were part of a national campaign to scrap the secondary legislation which took away children’s safeguards. The #ScrapSI445 campaign² was led by a steering group which included representatives from Article 39, The Care Leavers Association, Children England, Centre for Outcomes of Care, Children’s Rights Alliance for England, National Centre for Excellence in Residential Child Care, Nagalro, National Youth Advocacy Service and UNISON.

We secured extensive media coverage of the campaign and the litigation, including in *The Times*, *The Guardian*, *The Observer*, *The Independent*, *The Mirror*, *Private Eye*, *Huffington Post*, *Municipal Journal*, *Community Care* and *Children and Young People Now*. The campaign also made great use of social media, especially around the court hearings and a vote in the House of Commons.

We influenced government guidance on the use of force in mental health hospitals, and raised awareness of children and young people’s views and experiences

We gave detailed advice to the Department of Health and Social Care ahead of its consultation on statutory guidance on the Mental Health Units (Use of Force) Act 2018, in order to ensure children’s specific needs and rights are sufficiently represented in the document. We also collated case studies which show the positive impact of children being respected and listened to, including through having help from an independent mental health advocate. Article 39 had worked on the 2018 legislation as it passed through Parliament, managing to secure important protections for children – relating to training, recording and parents being notified of use of force. On the second anniversary of the Act gaining Royal Assent (in November 2020), our Head of Policy and Advocacy wrote a piece for *Children and Young People Now* magazine urging the government to speed up its implementation.

² So-called because the regulations bringing in the changes were the 445th statutory instrument in 2020.

Article 39

Our report on the concerns which children and young people take to their independent mental health advocates – called ‘*A safe space? The rights of children in mental health inpatient care*’ – was published on Children’s Rights Day (20 November). This is part of a new project which aims to ensure that children and young people’s views and experiences of mental health hospitals influence the development of law, policy and practice. Among the report’s findings are that children are being kept in hospital for too long, often many miles from home, and in environments not conducive to their needs and rights as children. Staggering numbers are still being placed on adult wards and are subject to harmful restraint, seclusion and segregation. Informal patients receive fewer legal protections and a child’s right to have help from an advocate when they make a complaint about their care or treatment appears to be frequently ignored. We also published a statistics briefing on children in mental health hospitals, which presents key information such as how long children stay in hospital, the number of applications to mental health tribunals and the use of different types of restraint on children.

Other work to promote and protect the rights of children in mental health hospitals during the year included making submissions on reforming the Mental Health Act to Parliament’s Joint Committee on Human Rights and the Department of Health and Social Care. We were pleased to join the Children and Young People’s Mental Health Coalition, and to work collaboratively with those leading on mental health policy within the Children’s Commissioner’s office.

We launched two new training courses for independent advocates, ran online events and produced a variety of legal guides and materials to protect the rights of children

We launched two new training courses for advocates in October 2020 – one focused on using the law in children and young people’s advocacy, and the other on protecting children’s rights in institutional settings. Both are delivered by Zoom across two half-days.

Independent advocates are employed to ensure children and young people’s wishes and feelings are known and understood, that they are respected and heard, and their rights protected. By the end of March 2021, 126 advocates had attended our two new training courses. Course evaluations show that 100% of participants would recommend our training to others; 100% rated the overall quality of our courses as either ‘excellent’ or ‘good’; and 96% said they expected learning from our training to influence their practice. We also collated more detailed case studies on the impact of our training, and include two examples of these below.

I was asked to write a complaint and instead of just putting in how the person felt about the situation I added in how the council said they would deal with situations in their own policies. This had the desired outcome but I felt it was probably the best complaint I’d ever written because I was able to back it up with facts and not just feelings.

What's law got to do with it? training course

Article 39

I have been visiting a care home for a couple of years and had been shown into a private room to see the children which didn't have a handle on the inside of the door. But this time when I went and was shown in the room once I had finished I asked the staff why the room didn't have a handle on the inside. They told me that previously the room had been used as a 'seclusion' room and I asked if the room was still used for this purpose and they said it wasn't. I reported this to the social worker saying I felt the room should have a handle and she said she would enquire on her next visit. Although I never felt the children were in danger, and they had never mentioned anything to me, I realised how blinkered I was when visiting children in a residential setting and I now open my eyes more. Last time I visited the room it had a handle on the inside.

Protecting children's rights in institutional settings training course

We were extremely grateful to Karon Monaghan QC (Matrix Chambers) and Nick O'Brien (Coram Chambers) who delivered excellent online lectures to advocates on the Equality Act 2010 and the Children Act 1989 respectively. We held several other online events throughout the year, bringing advocates together for peer support and learning. This included a seminar on the EU Settlement Scheme, in partnership with the Migrant Children's Project (Coram Children's Legal Centre), to help ensure child EU citizens (including those in care) received timely assistance to remain living in the UK.

Our specialist materials for advocates this year started with an overview of the different types of law which advocates can use to protect the rights of children. We then produced guides on the Children Act 1989 and the Equality Act 2010, and a detailed handout on key learning from inquiries and investigations into institutional abuse for our 'Protecting children's rights in institutional settings' training course. We published a legal digest each month, focused on a specific legal judgment or decision affecting children's rights, and a quarterly newsletter containing legal and policy updates as well as interviews with advocates working in different settings.

We ended the year with over 260 members in our Children and Young People's Advocates Network, spanning all English regions and a range of specialisms including children's social care, mental health, custody and education.

"This is a fantastic forum for advocates to share ideas, get support and receive up-to-date information regarding legislative changes and what this means for our children and young people."

"The network provides opportunities to meet other advocates with a variety of specialisms to discuss and share information about different themes, issues, trends and experiences within practice. It's especially helpful and positive for advocates who work on their own - just fantastic!"

Article 39

We promoted children and young people's right to high quality advocacy services

As well as our direct work with advocates, we co-ordinate the Advocates4U campaign to strengthen children and young people's advocacy services across England. The campaign name was chosen by Heather and Megan, two members of Sheffield Children in Care Council.

Following the Children's Minister's announcement in March 2020 that the government would undertake a public consultation on a revised set of national standards for advocacy services and accompanying regulations, we were delighted to help civil servants have online discussions with 27 children and young people who have had experience of advocacy, to help inform their work. The discussions went extremely well and we were very pleased that the Children's Minister sent a thank you letter to every child and young person.

To mark the first anniversary of the Children's Commissioner for England's latest review of advocacy services, in June 2020 we published a progress report setting out the actions that have been taken to date in response to each of the Commissioner's recommendations. We were pleased the Children's Commissioner, Anne Longfield, provided a foreword for the progress report which we hope will help encourage more action by central and local government and organisations who run advocacy services. During the year, we also brought young people and advocates together to discuss how funding and governance arrangements for advocacy services may be changed to increase effectiveness and independence.

We protected children from abusive restraint, pushed for greater transparency over the use of pain-inducing restraint, and worked with others to press for the closure of child prisons

As reported in last year's annual report, Charlie Taylor's review of the use of pain-inducing restraint on remanded and sentenced children was published in June 2020. This review was established by the government after we initiated legal proceedings to challenge the Ministry of Justice's authorisation of the use of pain-inducing restraint on children during their journeys to and from secure children's homes. We argued that this was discriminatory and breached children's right to protection from inhuman and degrading treatment since such restraint is banned within the establishments themselves. In August 2020, we received the excellent news that the Ministry of Justice had withdrawn its authorisation of pain-inducing restraint by escort custody officers taking children to and from secure children's homes – one of Charlie Taylor's 15 recommendations.

Charlie Taylor further recommended that escort staff be prohibited from using restraint to make children follow orders (for 'good order and discipline'). This was also part of our legal action against the Ministry of Justice. In April 2021, we learned that the contract for escorting services provided by GEOAmev and Serco now states that restraint "must never be used as a punishment or to simply obtain compliance with staff instructions". This applies to all children who are remanded or sentenced to custody. Having this specified in a statutory instrument would have given children far greater protection. However, the impact of this litigation (our application for judicial review was stayed in January 2019) far exceeded our initial goals: as well as the

Article 39

changes above, the Ministry of Justice accepted Charlie Taylor's recommendation that pain-inducing restraint be taken out of the core syllabus for child prisons, with such techniques only being taught and available for emergency self-defence scenarios.

We are extremely grateful to our legal team for helping us achieve this breakthrough protection for children – Mark Scott, Partner at Bhatt Murphy Solicitors, and Dan Squires QC and Tamara Jaber from Matrix Chambers. Successive governments had repeatedly refused to ban the use of pain-inducing restraint after the appalling death of 14 year-old Adam Rickwood. Adam was unlawfully restrained in a Serco-run child prison in August 2004, and inflicted with the so-called 'nose distraction' – a karate-like chop to the nose. His nose bled for nearly an hour and officers ignored his request to go to hospital. Adam hanged himself that evening and before doing so left behind two notes – one setting out his funeral wishes, and the other giving his account of the 'restraint'. Adam explained: "I asked them why they hit me in the nose and jumped on me. They said it was because I wouldn't go in my room so I said what gives them the right to hit a 14-year-old child in the nose and they said it was restraint".

In tandem with the legal action above, we made freedom of information requests to probe the officially recorded reasons for use of pain-inducing restraint on children. In December 2020, our Director represented Article 39 at an information tribunal following the Ministry of Justice's refusal to release information showing the recorded reasons why children had been inflicted with pain-inducing techniques in prisons in 2017/18. The Information Commissioner supported this refusal after Ministry of Justice officials told her it could take 85 hours to retrieve such information. We argued that this contradicted the Ministry of Justice's child safeguarding policy which states that the use of pain-inducing restraint is reviewed centrally. Moreover, careful review of the use of these extreme techniques – deliberately designed to cause children severe pain – would be necessary to protect children from human rights breaches. It was disappointing that the information tribunal decided in the Ministry of Justice's favour – because of its insistence that it does not hold the information centrally. However, the tribunal judge acknowledged in his decision the importance of our challenge: "the implementation of the policy to avoid future tragic incidents to children in custody is at the core of the charity's aims". We will continue to push for transparency as we monitor the Ministry of Justice's implementation of Charlie Taylor's recommendations.

We suggested extensive amendments to the Ministry of Justice's draft revised policy on the use of force (November 2020), and shared the views and experiences of a young person who had been abusively restrained in prison himself and had also witnessed another young person being assaulted by prison officers.

In December 2020, as part of our End Child Imprisonment campaign, Article 39, the Alliance for Youth Justice³, the Centre for Crime and Justice Studies, Child Rights International Network, INQUEST and the National Association for Youth Justice published a joint document setting out why child prisons in England must close, and

³ Formerly the Standing Committee for Youth Justice.

Article 39

how this can be achieved. On the day of publication, we were pleased to read an article in *The Spectator* magazine written by the Chief Inspector of Prisons which contained very similar arguments to our own. Following its agreement in December 2016 to phase out young offender institutions and secure training centres, the joint document urges the government to publish its plans for closing down child prisons. We were therefore delighted when, a couple of months later, the House of Commons Justice Committee recommended the government publish a timetable for the closure of child prisons.

We defended the rights of teenagers in care

Last year, we brought organisations together to consider how children in care living in unregulated accommodation could be protected, cared for and supported. With other charities, we launched the #KeepCaringTo18 campaign, which has been very busy throughout the year.

The Department for Education held a consultation on its plan to stop councils putting children in care who are aged 15 or younger in non-care settings. As reported last year, we co-ordinated a joint letter (with 73 signatories) to the Children's Minister to ask that the timescale for this be extended given the pandemic and the importance of care experienced children and young people being able to contribute their views. The deadline was then extended from April to June 2020.

We submitted a very detailed response ourselves, which included the views and experiences of children and young people seeking help from independent advocacy services. In addition, we co-ordinated a comprehensive submission from the Refugee and Migrant Children's Consortium which included the views and experiences of 21 children and young people. We also facilitated an online consultation session with 10 young people who had lived in unregulated accommodation as children. This was observed by a civil servant, and a verbatim record of young people's views and experiences was sent to the Department for Education.

In February 2021, the Department for Education announced the outcome of its consultation. Despite huge concerns about the care and safety of 16 and 17 year-olds, Ministers decided to press on with only introducing legal protection for those aged 15 and younger. A statutory instrument was laid in February, which came into force in September 2021, guaranteeing that children in care aged 15 and younger always live in care settings.

We made a freedom of information request to obtain all of the responses to the consultation. After a two-week delay, the Department for Education released the responses and, with help from a volunteer, we reviewed the documents (over 400 responses in all including from young people) to try and understand how the government had come to the decision it had. We were alarmed to discover that the academics commissioned by the Department for Education to analyse the responses were not asked to review the views and experiences of the 165+ young people who had contributed to the consultation. We then sought legal advice and ended the year preparing for litigation to challenge the discriminatory changes.

Article 39

In autumn 2020, we became increasingly concerned about the Home Office keeping unaccompanied children in short-term holding facilities beyond 24 hours (the maximum period set out in law). Children arriving in the UK, by boat or lorry, without family members to care for them are meant to be looked after by local authorities under the Children Act 1989. We sought information and had meetings with the Home Office alongside other concerned organisations.

We sought an independent review of the care system

Having committed to a review of the care system in its 2019 general election manifesto, in January 2021 the government announced it was establishing a wholesale review of children's social care and this would be led by the Chief Executive of the fast-track social work training organisation Frontline, Josh MacAlister. We co-ordinated a joint letter of concern to the Education Secretary, which was signed by 35 organisations and over 250 individuals with substantial experience of children's social care. This raised serious questions about the independence of the chair and his lack of experience in children's social care, the wide scope of the review and the speed at which it was to be carried out. We asked that any changes to the Children Act 1989 be considered by the Law Commission, the statutory body for legal reform. We received a response from the Children's Minister the following month, which did not answer our concerns. We ended the year discussing the possibility of a number of networks and coalitions working together to try and ensure the review uses the United Nations Convention on the Rights of the Child (UNCRC) as its framework. This rights-based approach was integral to Scotland's care review, 2017-2020, whose final report explained: "The UNCRC should be the bedrock upon which all legislation is based to ensure that children's rights are upheld as a matter of course".

We gave expert advice on a number of other children's rights matters

We gave written evidence to the following organisations and bodies across the year:

- Children's Rights Alliance for England – civil society evidence to the UN Committee on the Rights of the Child ahead of its next periodic review of the UK;
- Department for Education – consultation on revised standards for boarding and residential special schools;
- Ministry of Justice – consultation on the Criminal Injuries Compensation Scheme;
- Independent Human Rights Act Review Panel – review of the Human Rights Act 1998;
- Independent Review of Administrative Law Panel – review of judicial review;
- Independent Inquiry into Child Sexual Abuse – final investigation which focused on effective child protection leadership (senior witnesses from the NSPCC and The Children's Society were asked about key parts of Article 39 Director's witness statement when they gave oral evidence in December 2020);

Article 39

- House of Commons Education Select Committee – inquiry on education and children’s services during COVID-19; and its hearing with the government’s preferred candidate for the next Children’s Commissioner for England (2021-27);
- Parliament’s Joint Committee on Human Rights – inquiry on the human rights implications of the government’s response to COVID-19; and its inquiry into the review of the Human Rights Act 1998.

Our Director was a member of the Care Quality Commission’s advisory group on closed cultures, our Head of Policy and Advocacy was a member of the government’s UNCRC Action Group and we remained members of other important coalitions, including the Alliance for Children in Care and Care Leavers, the Alliance for Youth Justice, the Participation Forum and the Refugee and Migrant Children’s Consortium.

We promoted human rights in the media and elsewhere

Article 39 staff were interviewed and quoted in the media on a wide range of children’s rights matters and spoke at a number of national events. Articles and book reviews were written for a variety of publications including the *International Journal of Children’s Rights*, *The Guardian* newspaper, the *Big Issue*, Nagalro’s *Seen and Heard* journal and a collective online magazine *Social Work 2020 & Covid-19*. Our main website was used more than 116,000 times in 2020.

The charity’s policy on reserves

Article 39’s target level of reserves is 3 months of running costs.

Signed on behalf of the charity’s trustees:

Signed _____ Date _____
Susannah Walker, Trustee

**Independent examiner's report to the trustees of
Article 39
for the year ended 31 March 2021**

I report to the trustees on my examination of the accounts of Article 39 (the charity) for the year ended 31 March 2021.

Responsibilities and basis of report

As the trustees of the charity you are responsible for the preparation of the accounts in accordance with the requirements of the Charities Act 2011 ('the Act').

I report in respect of my examination of the charity's accounts carried out under section 145 of the 2011 Act and in carrying out my examination I have followed all the applicable Directions given by the Charity Commission under section 145(5)(b) of the Act.

Independent examiner's statement

I have completed my examination. I confirm that no matters have come to my attention in connection with the examination giving me cause to believe that in any material respect:

1. accounting records were not kept in respect of the charity as required by section 130 of the Act; or
2. the accounts do not accord with those records.

I have no concerns and have come across no other matters in connection with the examination to which attention should be drawn in this report in order to enable a proper understanding of the accounts to be reached.

Signed _____ Date _____

John O'Brien MSc, FCCA, FCIE
Employee of Community Accounting Plus

Article 39
Receipts & payments account
for the year ended 31 March 2021

2020			2021
Total		Unrestricted	Restricted
Funds		Funds	Funds
£	Note	£	£
	Receipts		
136454	Grants & donations	2 71699	102062
2196	Strategic litigation refund	-	-
-	Sales & fees	25	25
<u>138650</u>	Total receipts	<u>71724</u>	<u>102062</u>
	Payments		
1532	Children's engagement	-	220
18	Hospitality & publicity	-	-
480	Independent examination	384	96
460	Insurance	365	91
3519	IT & online surveys	-	2986
835	Payroll service & BACS fees	608	152
858	Printing & stationery	426	192
-	Professional fees	-	389
1250	Recruitment	-	-
82904	Salaries, NI & pensions	38936	86078
3240	Staff travel inc. associates	109	-
401	Telephone & postage	213	464
20	Training & subscriptions	28	180
213	Trustees' expenses	-	-
<u>95730</u>	Total payments	<u>41069</u>	<u>90848</u>
42920	Net receipts/(payments)	30655	11214
33285	Cash funds at start of this period	16881	59324
<u>76205</u>	Cash funds at end of this period	<u>47536</u>	<u>70538</u>
		<u>118074</u>	

Article 39
Statement of assets and liabilities
at 31 March 2021

2020		2021
£		£
76205	Cash assets	
<u>76205</u>	Bank accounts	118074
		<u>118074</u>
	Other monetary assets	
-	Debtors - Fees	125
63	Debtors - Donations	-
414	Prepayments - Insurance	410
<u>477</u>		<u>535</u>
	Liabilities	
<u>(4553)</u>	Creditors	4 (3912)
<u>(4553)</u>		<u>(3912)</u>

These financial statements are accepted on behalf of the charity by:

Signed _____ Dated _____
Peter Grove, Trustee

Article 39
Notes to the accounts
for the year ended 31 March 2021

1. Receipts & payments accounts

Receipts and payments accounts contain a summary of money received and money spent during the period and a list of assets and liabilities at the end of the period. Usually, cash received and cash spent will include transactions through bank accounts and cash in hand.

2. Grants & donations

	Unrestricted £	Restricted £	Total £
Esmee Fairbairn Foundation	60000	-	60000
The Baring Foundation	-	30825	30825
The Bromley Trust	10000	-	10000
The Hadley Trust	-	20000	20000
The Legal Education Foundation	-	28000	28000
Anonymous donor	-	8750	8750
Sundry grants & donations	1699	14487	16186
	<u>71699</u>	<u>102062</u>	<u>173761</u>

3. Funds analysis

	Opening balance £	Receipts (Payments)		Closing balance £
	£	£	£	£
Restricted funds				
Ending child imprisonment	201	-	-	201
Children's advocacy project	583	20000	(20545)	38
Litigation fund (children in custody)	7552	-	-	7552
Mental health research & advocacy	33986	8750	(37720)	5016
Legal education (advocates)	17002	28000	(28958)	16044
Litigation fund (children in care)	-	14487	-	14487
Double punishment child imprisonment (COVID-19)	-	30825	(3625)	27200
	<u>59324</u>	<u>102062</u>	<u>(90848)</u>	<u>70538</u>
Unrestricted funds				
General fund	16881	71724	(41069)	47536
	<u>16881</u>	<u>71724</u>	<u>(41069)</u>	<u>47536</u>

Article 39

4. Creditors

	£
Independent examination	480
Salaries, NI & pensions	3372
Payroll service & BACS fees	60
	<u>3912</u>

5. Trustees' remuneration

Trustees received no expenses, remuneration or benefits in this period.

6. Related party transactions

There were no related party transactions during the period

7. Glossary of terms

Creditors: These are amounts owed by the charity, but not paid during the accounting period.

Debtors: These are amounts owed to the charity, but not received in the accounting period.

Prepayments: These are services that the charity has paid for in advance, but not used during the accounting period.

Restricted funds: These are funds given to the charity, subject to specific restrictions set by the donor, but still within the general objects of the charity.