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## Committee on Economic, Social and Cultural Rights

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Item 6(a) of the provisional agenda

**Consideration of reports: reports submitted by States parties  
in accordance with articles 16 and 17 of the Covenant**

### **List of issues in relation to the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland\***

**Addendum**

### **Replies of the United Kingdom of Great Britain and Northern Ireland to the list of issues**

[Date received: 4 April 2016]

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\* The present document is being issued without formal editing.



## Abbreviations

BME =	Black and Minority Ethnic
BOT =	British Overseas Territory <sup>1</sup>
CAT =	United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CD =	Crown Dependency <sup>2</sup>
CD2014 =	Core Document 2014 <sup>3</sup>
CESCR =	United Nations Committee on Economic, Social and Cultural Rights
COPFS =	Crown Office and Procurator Fiscal Service (Scotland)
CPS =	Crown Prosecution Service
CRC =	United Nations Convention on the Rights of the Child
CRPD =	United Nations Convention on the Rights of Persons with Disabilities
DWP =	Department for Work and Pensions
EA2010 =	Equality Act 2010
ECHR =	Council of Europe European Convention for the Protection of Human Rights and Fundamental Freedoms.
ECNI =	Equality Commission for Northern Ireland
ECtHR =	Council of Europe European Court of Human Rights
EEA =	European Economic Area
EHRC =	Equality and Human Rights Commission
ESC =	Council of Europe European Social Charter (1961)
EU =	European Union
FGM =	Female genital mutilation
GP =	General Practitioner (a doctor)
HM =	Her Majesty's
HRA =	Human Rights Act 1998
ICCPR =	United Nations International Covenant on Civil and Political Rights
ICESCR =	United Nations International Covenant on Economic, Social and Cultural Rights
ILO =	International Labour Organization
JCPC =	Judicial Committee of the Privy Council
LA =	Local Authorities

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<sup>1</sup> See pages 40-115 of the common core document (HRI/CORE/GBR/2014). The ICESCR has been extended to the following Territories: Bermuda; Cayman Islands; Falkland Islands; Gibraltar; Montserrat; Pitcairn, Henderson, Ducie and Oeno; St Helena, Ascension, Tristan da Cunha; Turks and Caicos Islands; Virgin Islands (commonly known as the British Virgin Islands).

<sup>2</sup> See pages 115-147 of the common core document (HRI/CORE/GBR/2014). The ICESCR has been extended to all the Crown Dependencies: Bailiwick of Guernsey; Bailiwick of Jersey; Isle of Man.

<sup>3</sup> HRI/CORE/GBR/2014.

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LGBTI =	Lesbian, Gay, Bisexual, Transgender and Intersex
LOI =	“List of Issues” from the Committee on Economic, Social and Cultural Rights <sup>4</sup>
NGO =	Non-governmental organisation
NHRI =	National Human Rights Institutions (in the UK, they include the: EHRC; SHRC; NIHRC)
NHS =	National Health Service
NIHRC =	Northern Ireland Human Rights Commission
NLW =	National Living Wage
NMW =	National Minimum Wage
OECD =	Organisation for Economic Cooperation and Development
ONS =	Office for National Statistics
PSED =	Public Sector Equality Duty
SG =	Scottish Government
SHRC =	Scottish Human Rights Commission
SNAP =	Scotland’s National Action Plan for Human Rights
UK =	United Kingdom (England, Northern Ireland, Scotland, Wales)
UKG =	UK Government
UN =	United Nations
UPR =	United Nations Universal Periodic Review
VAWG =	Violence Against Women and Girls
WG =	Welsh Government
WRA =	Welfare Reform Act 2012

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<sup>4</sup> [E/C.12/GBR/Q/6](#).

### **ICESCR incorporation in domestic legislation (para. 1 of the list of issues (E/C.12/GBR/Q/6))**

1. The UKG does not consider that the ICESCR contains a legal obligation to incorporate the Covenant in domestic law. The UKG considers that the UK's method of implementation, via appropriate legislation and administrative measures, ensures the fulfilment of the UK's obligations under the Covenant (the Committee itself recognised this approach in its General Comments 3 and 9). The periodic reports since 1976<sup>5</sup> set out the legislation and measures through which the UK, BOTs and CDs are progressively realising the rights contained in the ICESCR, bearing in mind available resources, per Article 2(1) of the Covenant. The CD2014<sup>6</sup> set out the general legal framework under which human rights are protected and discrimination addressed.

2. The UK is a party to various international treaties, like the ESC and ILO Conventions, protecting economic, social and cultural rights.<sup>7</sup> Some of these treaties were extended to the CDs and BOTs.<sup>8</sup>

3. Scotland. To mark the second anniversary of the launch of SNAP, an Innovation Forum was held to discuss how best to give effect to Scotland's international obligations, including the possibility of further incorporation of human rights treaties.

### **Bill of Rights (para. 1)**

4. The Bill of Rights will continue to protect fundamental human rights whilst restoring a more appropriate constitutional balance. Detailed proposals are in development. The UKG will fully consult on proposals before legislation is introduced and will provide resources to facilitate a thorough debate.

### **ICESCR case law (para. 1)**

5. Covenant rights have been invoked before domestic courts but the ICESCR has not been incorporated into domestic law so it is not directly enforceable in legal proceedings.

### **Business and human rights (para. 2)**

6. In 2013, the UKG published an action plan to implement the UN Guiding Principles on Business and Human Rights. Instruments, created or endorsed by the UK, that motivate different aspects of good corporate behaviour, include: the Bribery Act 2010; the Declaration on Fundamental Principles and Rights at Work, and the 8 core ILO Conventions ratified by the UK on labour standards; the OECD Guidelines for Multinational Enterprises; s.172(1)(d) Companies Act 2006 (director's duty to promote the success of the company having regard to the impact of the company's operations on the community and the environment); Reports on Payments to Governments Regulations 2014; the Voluntary Principles Initiative; and the export control obligations.

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<sup>5</sup> But for a more detailed breakdown of some of the key legislation, please also see the UK's reports under the ESC, available at <http://www.coe.int/en/web/turin-european-social-charter/national-reports>.

<sup>6</sup> See pages 36-37, 39-40 of the CD2014.

<sup>7</sup> See pages 34-35 of the CD2014.

<sup>8</sup> See pages 40-147 of the CD2014.

7. Scotland. The SNAP Better World Action Group has commissioned a national baseline assessment to underpin the development of an action plan. Scottish Enterprise is incorporating human rights into equality impact assessments on services to client companies. The Scottish Regulators Code of Practice underpins a duty on regulators to contribute to achieving sustainable economic growth.

### **Extension of the ICESCR to Anguilla (para. 3)**

8. The UKG is actively working in partnership with the Government of Anguilla to extend the ICESCR and ICCPR to this territory.

### **Welfare Reform Act (para. 4)**

9. Universal Credit aims to make the welfare system simpler by replacing six previous sources of support with a single monthly payment for those on a low income or out of work. Claimants are assigned a Work Coach throughout the life of their claim. The impact of Universal Credit is closely monitored by the UKG (statistics are available on the UKG's portal<sup>9</sup>). To support those who need it most, Universal Credit introduces Universal Support, delivered locally. Eleven trials have started in September 2014. The trials test: different arrangements for triaging household needs; sharing of data, skills and estates to create the right integrated local foundation to support more households into work; online budgeting tools for claimants who can help themselves; advice services offered by external organisations for those who need more support with, for example, getting a bank account or doing a monthly budget plan. Advice will be delivered through online, telephone and face-to-face channels by expert providers at a national and local level. For a minority of claimants, alternative payment arrangements may be required.

10. Scotland. The SG has invested £296 million (2013-14 to 2015-16) to protect children and low income households, including those in disadvantaged and marginalised groups. This includes, for example, £69 million since April 2013 for the Council Tax Reduction Scheme (plus up to £51 million budget provision made available from local government), protecting over 525,000 vulnerable households in Scotland from increased Council Tax liabilities.

11. Wales. The WG has prioritised specific mitigating actions which have supported 307,000 households through maintaining entitlement to council tax relief (at an annual cost of £22 million) in years 2014-15, 2015-16 and 2016-17, and is providing an additional 774 one-two bedroom homes for a one-off cost of £40 million from 2013 to 2016.

### **Non-discrimination framework (paras. 5-6)**

12. The CD2014 set out the general framework to combat discrimination.<sup>10</sup> Unless there are specific exceptions, the core provisions of the EA2010 apply equally to all protected characteristics. The Act includes a PSED on all public authorities when performing their public functions. The EHRC's "Is Britain Fairer?" report of October 2015 identified a number of areas in Great Britain where further improvements are recommended; we will reflect on those recommendations.

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<sup>9</sup> <https://www.gov.uk/government/collections/universal-credit-statistics>.

<sup>10</sup> See pages 39-40 of the CD2014.

13. Scotland, Wales. Specific equality duties were introduced in Scotland and Wales respectively through the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, and the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011.
14. Bermuda. The Human Rights Tribunal deals with complaints about discrimination. Discriminatory actions can also be challenged under the Bermuda Constitution Order 1968, and, for those full time employed, under the Employment Act 2000.
15. Cayman Islands. The Cayman Islands Disability Policy 2014-2033 addresses equal access for disabled people. In 2014, the first ever National Conference on Women and Girls discussed the challenges that girls and women experienced in the Islands.
16. Falkland Islands. Section 16 Chapter I (Protection of Fundamental Rights and Freedoms of the Individual) Schedule of the Falkland Islands Constitution Order 2008 continues to provide protection from discrimination on any grounds.
17. Gibraltar. Section 14 Chapter I (Protection of Fundamental Rights and Freedoms) Annex 1 Gibraltar Constitution Order 2006 protects from discrimination. Further measures include: the Equal Opportunities Act 2006; Civil Partnership Act 2014.
18. Montserrat. Section 16 Constitution of Montserrat (Cap. 1.01) secures a person's right not to be treated in a discriminatory manner. Further measures include: the Race Relations Act (Cap. 4.03); Labour Code (Cap. 15.03) at Part 8.
19. Pitcairn. Section 23, Part 2 (Fundamental Rights and Freedoms of the Individual) of Schedule 2, Pitcairn Constitution Order 2010, expressly prohibits discrimination.
20. St Helena, Ascension, Tristan da Cunha. Sections 21 (for St Helena), 137 (for Ascension) and 203 (for Tristan da Cunha) of Part 2 (Fundamental Rights and Freedoms of the Individual) of the Schedule, St Helena, Ascension, Tristan da Cunha Constitution Order 2009 protect individuals against discrimination. On St Helena, there is specific legislation on equal pay.
21. Turks and Caicos Islands. Section 16, Part I (Fundamental Rights and Freedoms of the Individual) of Schedule 2, Turks and Caicos Islands Constitution Order 2011, protects from discrimination.
22. Virgin Islands. Chapter 2 (Fundamental Rights and Freedoms of the Individual) of The Virgin Islands Constitution Order 2007 contains anti-discrimination provisions.
23. Guernsey. The Human Rights (Bailiwick of Guernsey) Law 2000 and the Prevention of Discrimination (Enabling Provisions) (Bailiwick of Guernsey) Law 2004 provide a framework to combat discrimination. The equality and rights programme includes specific work streams, including on disability and ageing.
24. Isle of Man. It is unlawful to discriminate on the grounds of race. The Disability Discrimination Act 2006 is being progressively implemented. Under the Employment Act 2006, dismissal on the grounds of race, religion or sexual orientation would constitute unfair dismissal.
25. Jersey. The Discrimination (Jersey) Law 2013 prohibits certain kinds of discrimination. The States of Jersey set up the Community Relations Trust progressively to eliminate discrimination on any ground.

## Gender equality (paras. 7-8)

26. The number of women in work increased by 975,000 (there are 14.6 million women in work).<sup>11</sup> We exceeded the target of 25% of FTSE 100 directors being female, and there are now no all-male FTSE100 boards. Around 20% of all small and medium enterprises in the UK were majority women-led in 2014.<sup>12</sup> Women now start over half of all apprenticeships.<sup>13</sup> The number of women starting engineering and manufacturing technologies apprenticeships has increased threefold to 4,800 in the 2013/14 academic year. We implemented shared parental leave, and extended the right to request flexible working to all employees. Between the financial years 2013/14 and 2014/15, we increased the proportion of women making up new public appointments from 39% to 44%.<sup>14</sup>

27. The overall gender pay gap figure, based on median earnings, has fallen from 27.5% in 1997 to 19.2% in 2015. For full-time employees, the gender pay gap has narrowed to 9.4%. The gender pay gap remains virtually eliminated for women under 40 in full-time employment and has decreased for women over 40 in full-time employment. For part-time employees, the pay gap was -6.5% in April 2015,<sup>15</sup> meaning that on average, women earn slightly more than men. By implementing regulations under s.78 EA2010, the UKG aims to introduce requirements for employers in Britain with at least 250 employees to publish gender bonus gap data, an overall mean and median gender pay gap figure and a breakdown of gender distribution in salary quartiles for a workforce.

28. Scotland. The full-time gender pay gap decreased to 7.3% in 2015.<sup>16</sup> Listed public authorities with more than 20 employees are required to publish their gender pay gap every two years and an equal pay statement every four years. The SG introduced a new duty in 2016 requiring listed public authorities to publish the gender composition of their boards and produce a diversity succession plan to increase the diversity of their board. Additional activity includes the Partnership for Change — 50/50 by 2020 campaign, encouraging organisations from across Scotland's public, private and third sectors to commit to work towards 50/50 gender balance on their boards by 2020; and investment of over £600,000 in 2015-16 to tackle occupational segregation and encourage girls to consider a career in STEM (science, technology, engineering and maths).

29. Wales. The WG introduced robust duties to address pay and employment differences and specifically gender pay differences. In March 2014, WAVE (Women Adding Value to the Economy) project, supported by the WG, published their report on Working Patterns in Wales. The WAVE team has also developed a Gender Employment and Pay Analysis method which employers across Wales are being encouraged to use to identify where

<sup>11</sup> <http://www.ons.gov.uk/ons/rel/lms/labour-market-statistics/december-2015/index.html>.

<sup>12</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/414963/bis-15-151-small-business-survey-2014-sme-employers\\_v1.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414963/bis-15-151-small-business-survey-2014-sme-employers_v1.pdf) ;  
<https://www.gov.uk/government/statistics/business-population-estimates-2014>.

<sup>13</sup> <https://www.gov.uk/government/statistics/learner-participation-outcomes-and-level-of-highest-qualification-held>.

<sup>14</sup> [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/431369/Percentage\\_of\\_public\\_appointments\\_made\\_to\\_women\\_-\\_April\\_2013\\_to\\_March\\_2014-010615.csv/preview](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/431369/Percentage_of_public_appointments_made_to_women_-_April_2013_to_March_2014-010615.csv/preview);  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/467910/20151014\\_Percentage\\_of\\_New\\_Public\\_Appointments\\_made\\_to\\_Women\\_in\\_2014\\_2015.csv/preview](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/467910/20151014_Percentage_of_New_Public_Appointments_made_to_Women_in_2014_2015.csv/preview).

<sup>15</sup> [www.ons.gov.uk/ons/rel/ashes/annual-survey-of-hours-and-earnings/2015-provisional-results/stb-ashes.html#tab-Average-earnings](http://www.ons.gov.uk/ons/rel/ashes/annual-survey-of-hours-and-earnings/2015-provisional-results/stb-ashes.html#tab-Average-earnings) (p. 11).

<sup>16</sup> <http://www.gov.scot/Topics/Statistics/Browse/Labour-Market/AnalyticalPapers/ASHESGAnalysis> (Tables 4, 6).

gender pay gaps exist and also look at ways in which gendered patterns, and ways of working could be addressed. The WG also provides funding to support Chwarae Teg and their Agile Nation 2 project which will support 2,750 women and work with 400 employers to promote female career advancement and help reduce the gender pay-gap.

30. Bermuda. The Human Rights Act 1981 is the substantive legislation in place to combat discrimination in Bermuda. The Human Rights Commission can also deal with complaints of discrimination.

31. Cayman Islands. The Gender Equality Law 2011 promotes the principles of equal pay for work of equal value between women and men. The independent Gender Equality Tribunal hears discrimination complaints.

32. Falkland Islands. See the response to paragraphs 5-6 above. A report “State of the Falkland Islands Economy” was published in 2015 and identified a potential gap between men and women’s earnings; there are plans to review the Workers Protection Ordinance in 2016 to examine this further.

33. Gibraltar. The Equal Opportunities Act 2006 implements the principle of equal pay for men and women, and includes provisions concerning the protection of women, particularly as regards pregnancy and maternity.

34. Montserrat. Montserrat does not presently have a gender pay gap (in any event, the Labour Code ensures that there is equal pay for all on the island) or occupational segregation by gender.

35. St Helena, Ascension, Tristan da Cunha. On St Helena, in 2015, amendments to the Employment Rights Ordinance 2010 provided for equal pay for men and women. On Ascension, the Ascension Government does not differentiate in relation to work conditions or pay levels between men and women. On Tristan da Cunha, all jobs are advertised on the island and are open to all; work of equal value is paid at the same rate.

36. Turks and Caicos Islands. The Employment Ordinance 2004 provides for equal pay for men and women.

37. Virgin Islands. Following the introduction of the 2010 Labour Code, there is no perceived gender gap in employment.

38. Guernsey. The Sex Discrimination (Employment) (Guernsey) Ordinance, 2005 addresses gender discrimination in employment. See the latest figures on employment by sector and gender on the States of Guernsey’s portal.<sup>17</sup>

39. Isle of Man. Discrimination on the ground of sex in the area of employment rights has been prohibited under the Employment (Sex Discrimination) Act 2000.

40. Jersey. Under the Discrimination (Jersey) Law 2013, it is unlawful to discriminate against, harass or victimise any person on any of the protected grounds. The Law covers discrimination at work and sex discrimination in pay.

### **Tackling unemployment (para. 9)**

41. The UK unemployment rate for August to October 2015 was 5.2% of the economically active population. There were 1.71 million unemployed people.<sup>18</sup> The UKG has protected or increased spending on employment programmes for disabled people,

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<sup>17</sup> [www.gov.gg/population](http://www.gov.gg/population).

<sup>18</sup> <http://www.ons.gov.uk/ons/rel/lms/labour-market-statistics/december-2015/statistical-bulletin.html>.



including its Access to Work Programme (which provides support for individuals whose health/disability affects their work). Access to Work does not replace the duty an employer has under the EA2010 to make reasonable adjustments. In 2015, the UKG set a target to increase the level of BME employment by 20% by 2020; the UKG is developing policies to deliver that target. We are introducing a Youth Obligation for most 18-21 year olds on Universal Credit from April 2017 (this will include support on developing skills to move into work). Disaggregated data on employment is published by the ONS.<sup>19</sup>

42. Scotland. The SG published the first annual progress report on implementation of its youth employment strategy in December 2015. A Skills Development Scotland's Equalities Action Plan for Modern Apprenticeships in Scotland sets out actions to improve the participation of under-represented groups within the Modern Apprenticeship (MA) programme. In 2014-15, the SG Partnership Action for Continuing Employment initiative supported 12,161 individuals and 252 employers over 392 sites<sup>20</sup>; 72% of surveyed recipients obtained employment within six months.<sup>21</sup> One of the SG's main employability policies for disabled people focuses on the supported employment model, generally delivered by local authorities, which enables people to learn on the job with support from colleagues and a job coach. The SG publishes comprehensive employment data for Scotland annually.<sup>22</sup>

43. Wales. The Policy Statement on Skills for Wales reinforces the WG's aim to support individuals to improve their essential skills so that they are best placed to access work opportunities or progress while in employment. The WG has a range of programmes that aim to provide the skills and experience necessary to enable individuals in Wales to gain sustainable employment; examples of these programmes include Skills for Employment Wales, ReAct III and Jobs Growth Wales.

44. Cayman Islands. See the Cayman Islands Labour Force Survey Report (Spring 2015).<sup>23</sup>

45. Falkland Islands. There is essentially full employment.

46. Gibraltar. See Gibraltar's Employment Survey Reports.<sup>24</sup>

47. Pitcairn. There is no unemployment on Pitcairn.

48. St Helena, Ascension, Tristan da Cunha. On St Helena, see the Population Census 2008.<sup>25</sup> On Ascension, the population was 836 (of this 648 were in employment - 438 men, 210 females); the national background is recorded as follows: 429 St Helenian, 115 British, 60 American, and 55 "other".<sup>26</sup>

49. Virgin Islands. See the Employment Data 2010-2014.<sup>27</sup>

<sup>19</sup> <http://www.ons.gov.uk/ons/rel/lms/labour-market-statistics/december-2015/statistical-bulletin.html>.

<sup>20</sup> Source: Scottish Government.

<sup>21</sup> <http://www.gov.scot/Resource/0046/00460000.pdf>.

<sup>22</sup> <http://www.gov.scot/Publications/2015/05/3466>;

<http://www.gov.scot/Topics/Statistics/Browse/Labour-Market/Local-Authority-Tables>;

<http://www.ons.gov.uk/ons/rel/subnational-labour/regional-labour-market-statistics/december-2015/index.html>.

<sup>23</sup> [http://www.eso.ky/UserFiles/page\\_docs/files/uploads/cayman\\_islands\\_labour\\_force\\_survey\\_repor-4.pdf](http://www.eso.ky/UserFiles/page_docs/files/uploads/cayman_islands_labour_force_survey_repor-4.pdf).

<sup>24</sup> <http://www.gibraltar.gov.gi/new/downloads>.

<sup>25</sup> <http://www.sainthelena.gov.sh/wp-content/uploads/2013/01/Census-Report-2008.pdf> (p. 20).

<sup>26</sup> Source: Ascension Island Government.

<sup>27</sup> [http://www.bvi.gov.vg/sites/default/files/labour\\_force\\_employment\\_statistics\\_2010-2014.pdf](http://www.bvi.gov.vg/sites/default/files/labour_force_employment_statistics_2010-2014.pdf).

50. Guernsey. See the States of Guernsey's portal.<sup>28</sup>
51. Isle of Man. See the Isle of Man Government's portal.<sup>29</sup>
52. Jersey. See the States of Jersey's portal.<sup>30</sup>

### **National minimum wage (para. 10)**

53. The NMW is designed to protect low income workers and provide an incentive to work by ensuring that all workers receive at least the hourly minimum rates, published on the UKG's website,<sup>31</sup> based on the recommendations of the independent Low Pay Commission. On 1 April 2016, the UKG introduced a new mandatory NLW for workers aged 25 and above, initially set at £7.20; the independent Office for Budget Responsibility forecasts that the NLW will reach £9 by 2020.

54. Scotland. In June 2015, the SG became accredited as a Living Wage Employer and is funding the Poverty Alliance to administer the Scottish Living Wage Accreditation Initiative. There are over 440 Scotland-based Living Wage Accredited Employers.

### **Working conditions of migrant workers (para. 11)**

55. The Gangmasters Licensing Authority (GLA), established under the Gangmasters (Licensing) Act 2004 Act, protects workers from exploitation in agriculture, shellfish gathering and food and drink processing and packaging. The GLA operates a licensing scheme for those acting as a "gangmaster". The licensing standards<sup>32</sup> set out the conditions that businesses must meet to get a GLA licence. The standards are legal requirements to protect workers from poor treatment and exploitation. Anyone who operates without a GLA licence commits a criminal offence. At 26 January 2016, 240 licences have been revoked for breaches of the licensing standards<sup>33</sup>; at 6 May 2015, there have been 98 convictions.<sup>34</sup>

56. Specific data on the impact (including prosecutions) and awareness-raising initiatives of anti-slavery measures across the UK is contained in the latest "Report of the inter-departmental ministerial group on modern slavery"<sup>35</sup> of October 2015.

### **Occupational health services (para. 12)**

57. Great Britain has a comprehensive system of workplace health and safety law, largely based on the Health and Safety at Work etc. Act 1974. The system is underpinned by targeted guidance for duty-holders and is enforced by independent inspectors. This system has delivered one of the lowest rates of occupational fatalities; injuries and ill health

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<sup>28</sup> [www.gov.gg/population](http://www.gov.gg/population).

<sup>29</sup> <https://www.gov.im/categories/working-in-the-isle-of-man/unemployment/>.

<sup>30</sup> <https://www.gov.je/Government/JerseyWorld/StatisticsUnit/FactsFigures/Pages/JerseyFiguresBooklet.aspx> (p. 18).

<sup>31</sup> <https://www.gov.uk/national-minimum-wage-rates>.

<sup>32</sup> <http://www.gla.gov.uk/Guidance/Information-on-Licensing/Licensing-Standards/>.

<sup>33</sup> <http://www.gla.gov.uk/Our-Impact/Revocations/>.

<sup>34</sup> <http://www.gla.gov.uk/Our-Impact/Convictions/>.

<sup>35</sup> <https://www.gov.uk/government/publications/report-of-the-inter-departmental-ministerial-group-on-modern-slavery-2015> (p. 17).

in Europe.<sup>36</sup> The Health and Safety Executive, for Great Britain, and the Health and Safety Executive for Northern Ireland, are the principal authorities for health and safety at work.

### **Trade union rights (para. 13)**

58. The Employment Relations Act 1999 (Blacklists) Regulations 2010 make it illegal, subject to certain exemptions, to compile, use, sell or supply “prohibited lists” (a blacklist). Individuals who believe they are being excluded from employment, or are treated less favourably because of a blacklist, should seek redress in the county courts in England and Wales, or Court of Session in Scotland. Other rights under the Regulations can be enforced in employment tribunals.

59. The Trade Union Bill is currently in its parliamentary proceedings.<sup>37</sup> The UKG is satisfied that the provisions of the Bill are entirely compatible with the ICESCR. The Trade Union and Labour Relations (Consolidation) Act 1992 prevents discrimination against trade union members in recruitment (s.137) and dismissal of employees (s.152) or workers (ss.145A, 145B, 146) for reasons relating to trade union membership. As there is nothing in the UK legislation that prevents workers joining unions, workers have the right to do so and any clause in an employment contract stating otherwise would be unenforceable in the UK.

60. Scotland. New regulations that take effect from April 2016 will make it a legal requirement that businesses which have been found by a court or tribunal to have blacklisted are excluded from bidding for public contracts.

### **Social assistance schemes (para. 14)**

61. The UK has a range of means-tested, tax-funded cash benefits; in most cases, claimants must be habitually resident in the UK to qualify. Examples include: maintenance income; income-based jobseeker’s allowance; income-related employment and support allowance; income support; working tax credit; and housing benefit.

62. Refugees have access to these benefits and so do certain other non-nationals if they are lawfully in the UK and their immigration status allows it. Asylum seekers who are destitute are provided with accommodation and a basic living allowance. They also receive free medical care and their children have access to the state education system. Failed asylum seekers are provided with similar support if they are temporarily prevented from leaving the UK. Other irregular migrants may receive support from local authorities in limited circumstances, most usually where that is necessary to safeguard the welfare of their children.

63. Scotland. The Scottish Welfare Fund acts as a safety net for those most in need by providing Crisis and Community Care Grants to vulnerable people on low incomes. The SG has spent around £81 million (April 2013 to September 2015) on providing Community Care Grants and Crisis Grants, through the Scottish Welfare Fund, to over 177,000 households in Scotland, including around 59,000 families with children.<sup>38</sup>

<sup>36</sup> <http://www.hse.gov.uk/statistics/european/index.htm>.

<sup>37</sup> Explanatory Notes (version 15/07/2015): <http://www.publications.parliament.uk/pa/bills/cbill/2015-2016/0058/en/16058en01.htm>; Bill (version 11/11/2015): [http://www.publications.parliament.uk/pa/bills/lbill/2015-2016/0074/lbill\\_2015-20160074\\_en\\_1.htm](http://www.publications.parliament.uk/pa/bills/lbill/2015-2016/0074/lbill_2015-20160074_en_1.htm).

<sup>38</sup> Source: Scottish Government.

### **Welfare Reform and Work Bill (para. 15)**

64. The reforms in the Bill should be considered with wider policies such as our commitment to introducing the National Living Wage, extending childcare for working parents and increases to the Personal Tax Allowance. The proportion of spending received by households in each quintile of the income distribution has remained similar since 2010-11: half of all spending on welfare and public services is still going to the poorest 40% of households in 2019-2020.<sup>39</sup> The UKG set out its assessment of the impacts of the policies in the Bill in July 2015.<sup>40</sup> Ministers have stated under s.19(1)(a) HRA that the provisions in the Bill are compatible with the ECHR.

### **Childcare services (para. 16)**

65. England. All 3-4 years old children are entitled to 15 hours a week of free early education, worth £2,500 per child to parents. In addition, the 40% most disadvantaged 2 years old are also entitled to 15 hours a week of free early education, also worth £2,500 a year per child to parents. From September 2017, we are introducing 30 hours of free childcare a week for the working parents of 3-4 years old, worth around a further £2,500 a year per child — on top of the existing early education entitlement — with early implementation of the entitlement in some areas from September 2016.

66. Scotland. The Children and Young People (Scotland) Act 2014 increased the amount of funded early learning and childcare to 600 hours per year for all 3-4 years old. This has been extended to over a quarter of 2 years old, including those with a parent in receipt of out of work benefits or on low income; and those who are looked after, the subject of a kinship care order, or with a parent appointed guardian. The Act places a statutory duty on local authorities to consult with representative groups of local parents on patterns of hours.

67. Wales. Local authorities are under a statutory duty to undertake a Childcare Sufficiency Assessment. All 3-4 years old are entitled to a minimum of 10 hours of free, Foundation Phase early education per week, for 38 weeks in each year. The Out of School Childcare grant provides local authorities £2.3m per year to address gaps identified in their Childcare Sufficiency Assessments. All 2-3 years old in Flying Start areas are also eligible for 12½ hours of free childcare per week and at least 15 sessions of provision for the family during the school holidays.

### **Combating domestic and gender-based violence (para. 17)**

68. The volumes of VAWG crimes prosecuted rose from 90,516 in 2013-14 to 107,104 in 2014-15, and the volume of those convicted rose from 67,380 in 2013-14 to 78,773 in 2014-15; a detailed breakdown of the offences and related statistics for England and Wales is available on the CPS' portal.<sup>41</sup> A new domestic abuse offence captures controlling or coercive behaviour; we rolled out Domestic Violence Protection Orders and the Domestic Violence Disclosure Scheme nationally, criminalised forced marriage, the possession of realistic depictions of rape and revenge pornography, introduced new stalking laws, strengthened the law on FGM (see the response to paragraph 18), and introduced new civil

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<sup>39</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/479726/SRAS\\_2015\\_distributional\\_analysis\\_final\\_25112015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/479726/SRAS_2015_distributional_analysis_final_25112015.pdf).

<sup>40</sup> <http://services.parliament.uk/bills/2015-16/welfare-reform-and-work/documents.html>.

<sup>41</sup> [http://www.cps.gov.uk/publications/docs/cps\\_vawg\\_report\\_2015\\_amended\\_september\\_2015\\_v2.pdf](http://www.cps.gov.uk/publications/docs/cps_vawg_report_2015_amended_september_2015_v2.pdf).

orders to manage sex offenders. £40m was provided over the previous spending review period (£10m per annum) for VAWG services. The UKG will provide £80 million of dedicated funding over this spending review period (to 2020). Civil legal aid is available for those seeking protection from domestic violence — such as in order to apply for a non-molestation order, occupation order, forced marriage protection order or female genital mutilation protection order. Civil legal aid is also available for private family law matters, such as child arrangement orders between separating couples, where there is objective evidence of domestic violence or child abuse.

69. Scotland. Legal aid is available to victims of domestic and gender-based violence seeking protection through civil actions, where they meet the statutory eligibility criteria. The SG has provided £215,000, through the Scottish Legal Aid Board, to support the Scottish Women’s Rights Centre, which offers free legal information and advice to women who have experienced gender-based violence, including a national helpline. A range of offences can be used to prosecute incidents of domestic abuse. In the financial year 2013-14, proceedings were initiated against 13,590 people in Scottish courts for an offence with a domestic abuse marker and resulted in 11,072 convictions.<sup>42</sup> The penalties for people convicted of an offence with a domestic abuse marker included custodial sentences (13%), community sentences (28%), financial penalties (27%) and other sentences (32%), which were mostly made up of admonishments.<sup>43</sup> The Victims and Witnesses (Scotland) Act 2014 introduces measures, which are being progressively implemented, to improve support for victims and witnesses. In December 2015, the SG published a consultation seeking views on a draft specific offence criminalising domestic abuse.

70. Wales. The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 places duties on the Welsh Ministers, County and County Borough Councils (“Local Authorities”), and Local Health Boards to prepare and publish strategies aimed at ending violence against women, gender-based violence, domestic abuse and sexual violence. The Act also: enables the Welsh Ministers to issue guidance to relevant authorities on how they should exercise their functions with a view to contributing to ending VAWG; enables the Welsh Ministers to require Local Authorities to publish information about how the Local Authority’s education functions are being exercised to promote the purpose of the Act; contains provision for the appointment of a National Adviser. The WG has committed over £5 million to projects which will support the main aims of the Act. Live Fear Free is a WG funded Helpline for those suffering with domestic abuse, sexual violence and other forms of violence against women. The accompanying website is an important resource which provides advice and information on available support.

### **Combating child and forced marriage and female genital mutilation (para. 18)**

71. In 2015,<sup>44</sup> the Forced Marriage Unit gave advice or support related to a possible forced marriage in 1,220 cases, 80% of cases involved female victims and 20% involved male victims. Forced marriage was made a criminal offence (via the Anti-Social Behaviour, Crime and Policing Act 2014) and the first successful prosecution under the new offence

<sup>42</sup> Source: Scottish Government.

<sup>43</sup> Source: Scottish Government.

<sup>44</sup> <https://www.gov.uk/guidance/forced-marriage#statistics-on-forced-marriage-collected-by-fmu>.

took place in 2015. In 2014-15,<sup>45</sup> there were 46 prosecutions for forced marriage under other offences; the volume of forced marriage referrals from the police to the CPS rose to 82,48 (58.5% of these referrals) were charged. Additional measures include: around 100 awareness-raising events a year across the UK; £150,000 on the Domestic Programme Fund aimed at prevention and support; a short film aimed at deterring potential forced marriage perpetrators; forced marriage e-learning for professionals.

72. In 2015, the law on FGM was strengthened (via ss.70-75 Serious Crime Act 2015) to break down previous barriers to prosecution. We have: extended the reach of the law to cover habitual (as well as permanent) UK residents; provided life-long anonymity for victims of alleged offences of FGM; introduced a new offence of failing to protect a girl from risk of FGM. We have also introduced: a mandatory duty for regulated health and social care professionals and teachers to report to the police known cases of FGM in under 18s; and FGM Protection Orders which came into effect in July 2015 (initial statistics<sup>46</sup> show that, to September 2015, there were 28 applications and 18 orders made). We developed FGM multi-agency practice guidelines, which we will be making statutory, to increase awareness of FGM and improve compliance, and also raised awareness via a dedicated FGM Unit.

73. Scotland. The Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 introduced the Forced Marriage Protection Order. In September 2014, the SG made forcing a person into marriage a criminal offence; updated all relevant guidance for statutory and third sector bodies; developed and published a range of printed and on-line awareness raising materials; and funded multi-agency training for practitioners. The SG funds a range of third sector organisations in Scotland who provide support and advice on addressing forced marriage and has commissioned independent research to inform future thinking on tackling the issue. FGM has been unlawful in Scotland since 1985 (via the Prohibition of Female Circumcision Act 1985). The Prohibition of Female Genital Mutilation (Scotland) Act 2005 gave those offences extraterritorial effect. In May 2015, the law was extended to habitual (as well as permanent) UK residents. From 1 April 2013 to 31 March 2015, there were 31 referrals, and from 1 April 2015 to September 2015 there were 16 referrals to Police Scotland relating to concerns that girls were at risk of having FGM performed on them; they were fully investigated and no criminality was found.<sup>47</sup> Additional measures include: a DVD, information leaflets for practitioners, and a standardised training package and risk assessment tool. Letters from the Chief Medical Officer/Chief Nursing Officer were sent to Health Boards in 2014 and 2015, explaining that they should record all types of FGM, and reminding health professionals in Scotland of the resources available. An FGM statement has been circulated widely among stakeholders to raise awareness of FGM. The SG funds and works closely with third sector organisations which support those at risk of, or who are survivors of, FGM.

74. Wales. The Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 covers honour based violence, forced marriage and FGM. The Wales Strategic FGM Leadership Group and a separate Honour based Violence and Forced Marriage Leadership Group include organisations from the voluntary sector, health, education and police with the aim to provide strategic direction. The WG's National Training Framework will introduce a standard training across the Welsh public service on FGM, honour based violence and forced marriage. The WG is working with NHS Wales and developed a FGM Care Pathway to ensure consistency of physical and psychological care. The WG funded

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<sup>45</sup> [http://www.cps.gov.uk/publications/docs/cps\\_vawg\\_report\\_2015\\_amended\\_september\\_2015\\_v2.pdf](http://www.cps.gov.uk/publications/docs/cps_vawg_report_2015_amended_september_2015_v2.pdf) (p. 71).

<sup>46</sup> <https://www.gov.uk/government/statistics/family-court-statistics-quarterly-july-to-september-2015>.

<sup>47</sup> Source: Scottish Government.



Bawso (a support services provider) and NSPCC (National Society for the Prevention of Cruelty to Children) Cymru/Wales to work on an innovative youth participation project to raise awareness of FGM.

### **Combating human trafficking (paras. 19-20)**

75. The Modern Slavery Act 2015 consolidates slavery and human trafficking offences into one Act, with a maximum life sentence; provides for Slavery and Trafficking Reparation Orders, Slavery and Trafficking Prevention Orders and Slavery and Trafficking Risk Orders; places the Independent Anti-Slavery Commissioner on a statutory footing; contains a statutory defence for victims which strengthens protections against inappropriate prosecution of victims of slavery and trafficking for crimes committed as part of their exploitation; and introduces a supply chains provision requiring companies with a turnover of £36 million or more to publish an annual slavery and human trafficking statement.

76. Specific data on the impact (including prosecutions) and awareness-raising initiatives of anti-human trafficking measures (including in relation to human trafficking for sexual exploitation) from across the UK is contained in the latest “Report of the inter-departmental ministerial group on modern slavery”<sup>48</sup> of October 2015.

77. Scotland. The Human Trafficking and Exploitation (Scotland) Act 2015: consolidates criminal law against traffickers; enhances support for victims; requires relevant bodies to work with the SG towards a statutory Scottish Anti Trafficking Strategy; contains a duty on Scottish Ministers to ensure that guardians are available for all children who reasonably appear to have been trafficked or to be vulnerable to being trafficked, where no one in the UK holds parental rights and responsibilities in relation to such a child. The SG supports victims mainly through: Migrant Help; and the Trafficking Awareness Raising Alliance.

78. Wales. The WG has appointed an Anti-Slavery co-ordinator and established the Wales Anti-Slavery Leadership Group. The Anti-Slavery Co-ordinator has engaged with key agencies to determine the scale, types and location of slavery in Wales.

79. Bermuda. Section 5 Transnational Organized Crime Act 2013 prohibits human trafficking. Specific offences include: s.187 Criminal Code Act 1907 (offence for exercising control over a woman for the purposes of prostitution); ss.321 -322 Criminal Code (offence for the deprivation of liberty and intimidation).

80. Cayman Islands. The Trafficking in Persons (Prevention and Suppression) Law 2007 covers human trafficking. The Immigration Law (2015 Revision) criminalises human smuggling. A web-based introductory training module on combating human trafficking is being developed.

81. Gibraltar. Sections 191A to 191C Crimes Act 2011, ss.2, 258 and 259 Criminal Procedure and Evidence Act 2011 and the Victims of Human Trafficking Regulations 2013 are aimed at combating human trafficking.

82. Montserrat. Part 16 Penal Code (Cap. 4.02) makes smuggling and trafficking in people, criminal offences. People charged with such offences are liable upon conviction to imprisonment for twenty years, a fine of \$500,000.00 or both.

<sup>48</sup> <https://www.gov.uk/government/publications/report-of-the-inter-departmental-ministerial-group-on-modern-slavery-2015>.

83. St Helena, Ascension, Tristan da Cunha. On St Helena, a new electronic visa system is being procured, and the Overseas Territories Regional Crime Intelligence System is being implemented; immigration staff have had training to recognise trafficked persons.

84. Guernsey. There are various criminal offences (like abduction of under-age girls in the Bailiwick or abroad) that may be used to prosecute on human trafficking. Some customary law offences enable the prosecution of those responsible for human trafficking.

85. Isle of Man. Provisions on combating trafficking of persons for exploitation or prostitution have been extended to the Isle of Man by the Immigration (Isle of Man) Order 2008. There are offences of people smuggling and trafficking in persons in the Organised and International Crime Act 2010.

86. Jersey. The Crime (Transnational Organized Crime) (Jersey) Law 2008 includes people trafficking offences.

### **Combating poverty (para. 21)**

87. The UKG does not have one recognised definition, or measure, of poverty which applies to every stage of someone's life. Our focus is on ensuring we have measures which drive the right approaches to tackling the root causes of poverty. The UKG's evidence review on child poverty in 2014 demonstrates that parental unemployment is the key root cause of child poverty and that educational attainment is the biggest single factor in ensuring that poor children do not end up as poor adults. We are therefore reforming welfare and making sure work always pays. We are increasing the Personal Allowance (the threshold above which income tax is paid), allowing families to keep more of what they earn. Universal Credit, our investment in childcare, and in future, the National Living Wage will all play an important part in tackling poverty in working-age, while we continue to protect pensioners who are often on fixed incomes, and the triple locked Basic State Pension protects security in later life. The UKG's Households Below Average Income (HBAI) statistics<sup>49</sup> cover how measures of low income (and material deprivation) are calculated, as well as figures on the number and proportion of individuals (including children) living in households affected.

88. Scotland. Statistics on poverty and income inequality in Scotland are available on the SG's website.<sup>50</sup> The SG is taking a long term approach to tackling the drivers of poverty and inequality, as articulated in the 2015 Programme for Government and the revised Child Poverty Strategy for Scotland 2014-17. The SG is investing £329 million in childcare; the Education Maintenance Allowance has been protected; and the collective investment of over £274 million (with partners) in the Early Years Change Fund includes more targeted support for vulnerable parents. The SG is also spending £104 million in 2015-16 to mitigate the effects of welfare reform. This includes the: Scottish Welfare Fund; "spare room subsidy removal" support; Council Tax Reduction Scheme; and other welfare reform mitigation activity, including for advice services. The £90 million provided to local authorities (2013-16) to support those affected by the spare room subsidy removal in Scotland will help up to 72,000 households, 80% of which contain a disabled adult and around 11,000 with one or more children.<sup>51</sup>

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<sup>49</sup> <https://www.gov.uk/government/collections/households-below-average-income-hbai--2>.

<sup>50</sup> <http://www.gov.scot/Publications/2015/06/7453>.

<sup>51</sup> <http://www.gov.scot/Topics/Built-Environment/Housing/supply-demand/chma/Benefitchanges/underoccupancyenalty>.



89. Wales. The data for Wales for the period 2011/12 to 2013/14<sup>52</sup> show 31% of children, 22% of working age adults and 16% of pensioners were living in poverty in Wales. The percentage of working age adults living in poverty has decreased to 22%, while the percentage of pensioners living in poverty has increased to 16%. The WG is investing over £323 million in tackling poverty programmes in 2015/16. In 2014/15, Communities First supported more than 3,500 people into employment and over 11,000 children to improve their academic performance. The revised Child Poverty Strategy, which was launched in March 2015, sets out the preventative approach the WG is taking to tackling child poverty, focusing on reducing the number of children living in workless households and increasing the skills of parents and young people to enable them to secure well paid employment.
90. Bermuda. Bermuda uses a Low Income Threshold instead of a “poverty line”. The latest statistics on low income thresholds are available on the Government of Bermuda’s portal.<sup>53</sup>
91. Cayman Islands. The most recent poverty incidence was estimated based on the 2007 Survey of Living Conditions. A food basket was compiled based on caloric requirements recommended by the Caribbean Nutrition Institute.
92. Falkland Islands. In 2014, the Falkland Islands Government produced a report on “A Living Wage for the Falkland Islands” which looked at the cost of living.
93. Gibraltar. There is no specific measure for determining the poverty line. The threshold sum used in determining entitlement to social assistance is £40.50 per week.
94. Montserrat. Despite the absence of a defined poverty line, the need for social assistance has been recognized and the response to this has been to provide benefits on a means-tested basis.
95. St Helena, Ascension, Tristan da Cunha. On St Helena, the poverty line is set by the cost of basket of goods and services which provide for a nutritional intake in line with World Health Organisation’s recommendations.
96. Turks and Caicos Islands. The General Poverty Line (GPL) is approximately \$18.20 per day or \$6,650 per annum. The GPL’s calculation involves adding a component for non-food expenditure to the household indigence line.
97. Virgin Islands. The poverty line is generally calculated to between 50%-70% of the median income of the country.
98. Guernsey. The States of Guernsey uses the OECD standard definition of relative poverty which measures those living in a household with an equivalised income. See the latest figures on relative poverty on the States of Guernsey’s portal.<sup>54</sup>
99. Isle of Man. The Isle of Man Government has not adopted any formal measures of poverty. Alleviation of poverty in the Isle of Man is effected through the Island’s means-tested social security benefits which provide a minimum income guarantee, according to circumstances.

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<sup>52</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/437246/households-below-average-income-1994-95-to-2013-14.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/437246/households-below-average-income-1994-95-to-2013-14.pdf).

<sup>53</sup> [www.govsubportal.com/images/Cabinet\\_Office/Dept\\_of\\_Statistics/Docs/Publications/low\\_income\\_thresholds\\_a\\_study\\_of\\_bermuda\\_households\\_in\\_need\\_0.pdf](http://www.govsubportal.com/images/Cabinet_Office/Dept_of_Statistics/Docs/Publications/low_income_thresholds_a_study_of_bermuda_households_in_need_0.pdf).

<sup>54</sup> <http://www.gov.gg/ff>.

100. Jersey. See the Jersey Household Income Distribution Report 2014/15<sup>55</sup> which provides equivalised data on the proportion of households in Jersey with income lower than 60% and 50% of median income.

### **Access to adequate and affordable food (para. 22)**

101. The UKG works to promote open transparent global markets and a competitive domestic market; this helps producers and retailers offer the best prices to consumers. The UKG is committed to an all-out assault on poverty. Work is the best way out of poverty, and with a stronger economy we now have record numbers in work.<sup>56</sup> We will continue to strengthen our economy and create jobs, and we will also give people opportunities at every stage of life. This includes 30 hours of free childcare for working parents from September 2017, the Pupil Premium, and a pay rise for low earners through the National Living Wage. We are taking action to help families with their food costs and have healthier diets, for example through the Healthy Start scheme and free school meals. Our welfare system provides a strong safety net for those who need extra support.

102. Scotland. The SG's Emergency Food Action Plan is providing £1 million (2014-15 and 2015-16) to support 26 emergency food aid projects in 17 local authority areas to respond to immediate demands and help to address the underlying causes of food poverty. Actions range from increasing food provision to promoting healthy eating, benefits and other advice, and in some cases linking food providers across a local area. Between 1 April 2015 and 31 December 2015, FareShare distributed over 790 tonnes of good quality surplus food from the food industry to over 300 local community groups across the country.

### **Social and affordable housing, and security of tenure (para. 23)**

103. England. Between 2013-14 and 2014-2015, the overall net additions to housing stock increased by 25%<sup>57</sup>; housing starts (that is, the number of houses being built) are at their highest annual level since 2007.<sup>58</sup> The recent Spending Review doubles the housing budget to more than £20 billion over the next five years. Included in this is £8 billion to deliver over 400,000 affordable homes. Nearly 270,000 households have already been helped to purchase a home through UKG backed schemes including Help to Buy and Right to Buy. The number of non-decent council homes has fallen to 106,000 in 2015. Recent figures from the English Housing Survey show that, in 2014-15, the average length of a private tenancy in England was four years. In 2013-14 (the latest year for which data are available), 78% of tenants ended their tenancy agreement because they wanted to move, 8% by mutual agreement with their landlord, and 8% because they had been asked to leave by their landlord or agent. Only 2% moved because of rent increases. The UKG is promoting longer tenancies through a model tenancy with bodies representing landlords, tenants, letting agents, mortgage lenders, and local authorities. Under the Protection from Eviction Act 1977, tenants are protected from harassment by landlords. Overall priority for social housing is given those in identified housing need: who are homeless or owed a duty under the homelessness legislation; who are living in overcrowded or unsatisfactory housing; who

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<sup>55</sup> <https://www.gov.je/Government/Pages/StatesReports.aspx?ReportID=1726> (p. 15).

<sup>56</sup> <http://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/bulletins/uklabourmarket/march2016/pdf>.

<sup>57</sup> [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/475832/Net\\_Supply\\_of\\_Housing\\_England\\_2014-15.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/475832/Net_Supply_of_Housing_England_2014-15.pdf).

<sup>58</sup> <https://www.gov.uk/government/statistical-data-sets/live-tables-on-house-building> (Table 244).

have medical or welfare needs; or who need to move to avoid hardship to themselves or others.

104. Scotland. The SG is providing local authorities with £90 million between 2013 and 2016 for mitigation of the removal of the spare room subsidy, through Discretionary Housing Payments. The SG's Affordable Housing Supply Programme (AHSP) target for 2011-16 is to deliver 30,000 affordable homes, backed with funding of over £1.7 billion. The majority of the 30,000 target is for social rent, based on the principle that rents should be affordable for tenants in low paid employment without recourse to benefits. By the end of October 2015, 30,133 affordable homes had been delivered, including 20,400 for social rent and, within that, 5,292 council homes.<sup>59</sup> All Low-cost Initiative for First Time Buyers schemes provide priority access to social renters, serving members of the Armed Forces, veterans who have left in the past two years and widows, widowers or partners of service personnel who have been killed in action within the past two years, as long as the applicants meet the scheme's eligibility criteria. Council and housing association tenants generally have a Scottish secure tenancy, which is for life or for as long as the tenant wants it, and can only be ended by the tenant giving up the tenancy, or through a court process. The Private Housing (Tenancies) (Scotland) Bill was introduced in October 2015 and improves security of tenure for tenants in the private rented sector; it introduces the new Private Residential Tenancy, which is a modern open-ended tenancy where landlords cannot evict a tenant simply because their tenancy agreement has reached its end date.

105. Wales. At 31 March 2015, there were a total of 231,990 social housing dwellings of which 88,200 were of local authorities and 143,790 of registered social landlords.<sup>60</sup> During 2014-2015,<sup>61</sup> local authorities reported that 2,218 additional affordable housing units had been delivered; of these 1,971 (89%) were delivered by registered social landlords; a further 53 were delivered by local authorities and 194 by other providers which could include the private sector or English registered social landlords in Wales.<sup>62</sup> A new registration and licensing scheme "Rent Smart Wales" came into force in November 2015 to raise management standards in the private rented sector by requiring all landlords to register and any landlord or agent who lets or manages property to be licensed. The Renting Homes (Wales) Act 2015 will, with a limited number of exceptions, replace all current tenancies and licences with just two types of occupation contract: secure contract; standard contract. To help landlords comply with this requirement, the WG will provide free model contracts. A minimum six-month occupation period will be maintained by the Act and landlords will have to ensure the property is fit for human habitation. The Act will also help protect people from being evicted simply for complaining about the condition of a property.

### **Tackling homelessness (para. 24)**

106. England. Certain categories of household, such as families with children, pregnant women and households that include someone who is vulnerable, for example because of old age, or physical or mental disability or at risk of domestic abuse, are deemed in law to be in priority need and must be accommodated by their local authority. Statutory homelessness

<sup>59</sup> <http://www.gov.scot/Topics/Statistics/Browse/Housing-Regeneration/HSfS/NewBuild/AHSPtables>;  
<http://www.gov.scot/Publications/2015/12/3681/6>.

<sup>60</sup> <https://statswales.wales.gov.uk/Catalogue/Housing/Social-Housing-Stock-and-Rents/totalsocialhousingstock-by-area-providertype>.

<sup>61</sup> <https://statswales.wales.gov.uk/Catalogue/Housing/Social-Housing-Stock-and-Rents/totalsocialhousingstock-by-area-providertype>.

<sup>62</sup> <https://statswales.wales.gov.uk/Catalogue/Housing/Affordable-Housing/Provision/additionalaffordablehousingprovision-by-provider-year>.

statistics and rough sleeping statistics are available on the UKG's portal.<sup>63</sup> The UKG invested: over £500m<sup>64</sup> since 2010 enabling local authorities to help prevent 935,800 households from becoming homeless; £2.3m in the Gold Standard scheme to support local authorities to deliver a "gold standard" homelessness prevention service. The UKG announced in December 2015 a package of measures that includes maintaining and protecting homelessness prevention funding for local authorities, through the provisional local government finance settlement totalling £315m by 2019/20 and increasing central government funding for homelessness programmes to £139m over the Spending Review period.

107. Scotland. Annual statistics on homelessness in Scotland for 2014-15 were published in June 2015<sup>65</sup> and quarterly statistics for July-September 2015 were published on 12 January 2016.<sup>66</sup> In Scotland, all those assessed as being homeless are legally entitled to temporary accommodation and all those assessed by local authorities as being homeless unintentionally are entitled to settled accommodation and possibly also to housing support to sustain tenancies where this need is identified by local authorities. The Homelessness Prevention and Strategy Group is the key cross sector strategic homelessness policy group in Scotland. This group is now focussing on addressing the improvement of outcomes for those with the most complex needs that may not have benefitted from recent progress in addressing homelessness in Scotland. Delivery of the legal duty on homelessness and the provision of services to achieve this, including shelters and hostels, is the responsibility of the 32 local authorities in Scotland. Local needs will be reflected in each individual Local Housing Strategy.

108. Wales. Statistics on homelessness in Wales are available on the WG's website.<sup>67</sup> The Housing (Wales) Act 2014 introduced duties upon Local Authorities to help prevent and relieve homelessness for all eligible persons regardless of their family composition or personal circumstances. A revised code of guidance was produced. The WG is providing over £1 million to provide night shelters and other services for people who are sleeping rough. We are also funding independent housing advice services in every area of Wales to help people at risk of homelessness including those threatened with illegal eviction. In 2015/16, the Supporting People programme provides £124.4m of funding to help vulnerable people across the whole of Wales avoid homelessness and maintain their independence.

### **Accommodation for gypsies and travellers (para. 25)**

109. England. From 2011 to 2015, the UKG spent £42million through the Traveller Pitch Funding programme to deliver 499 new pitches and 386 refurbished pitches in England. Funding for new traveller pitches in England is now provided through the Affordable Homes Programme. The results of the July 2015 traveller caravan count were published in November 2015.<sup>68</sup> Through its Planning Policy for Traveller Sites, the UKG expects local authorities in England to identify a five-year supply of suitable sites for travellers to meet objectively assessed local need. Where local authorities and the police do need to take

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<sup>63</sup> <https://www.gov.uk/government/collections/homelessness-statistics>.

<sup>64</sup> Source: Department for Communities and Local Government.

<sup>65</sup> <http://www.gov.scot/Resource/0048/00480524.pdf>.

<sup>66</sup> <http://www.gov.scot/Topics/Statistics/Browse/Housing-Regeneration/RefTables/HomelessJultoSep2015>.

<sup>67</sup> <https://statswales.wales.gov.uk/v/BLu3>.

<sup>68</sup> <https://www.gov.uk/government/statistics/traveller-caravan-count-july-2015>.

enforcement action against an unauthorised site, they must do so in line with their obligations under the equalities and human rights legislation.

110. Scotland. Local authorities have a legal responsibility to identify the accommodation needs of those in their area, including Gypsy/Travellers, and to consider in their Local Housing Strategies how best to meet those needs. The SG's role is to set a robust framework and promote good practice. In 2014, the SG published revised guidance for housing need and demand assessments and for Local Housing Strategies, which contains a section on the accommodation needs of Gypsy/Travellers. The SG has also published minimum quality standards for Gypsy/Traveller sites and core rights and responsibilities for site tenants.

111. Wales. The Housing (Wales) Act 2014 introduces duties upon local authorities to ensure authorised Gypsy and Traveller sites are provided to meet the needs identified in Gypsy and Traveller Accommodation Assessments. The WG published new guidance on Managing Unauthorised Camping in December 2013 and continues to work with local authorities to ensure the guidance is implemented. A new system of monitoring encampments and compliance with guidance is being introduced to support this.

### **Tackling inequalities in access to healthcare services (para. 26)**

112. England. The NHS remains a universal service, based on need, not ability to pay. The Health and Social Care Act 2012 introduced health inequalities legal duties which require regard to be given to the need to reduce health inequalities. There is currently limited data on inequalities in access to health care following April 2013. The impact of the Act on reducing inequalities will become clearer as further data is made available. The Inclusion Health programme has sought to build evidence on the health needs of particularly vulnerable groups (such as homeless people, vulnerable migrants, Gypsies/Travellers, and sex workers), and improve access to services for these groups. The NHS Equality and Delivery System (EDS) helps NHS organisations to consider equality issues at local level across the nine protected characteristics under the EA2010. The EDS has been evaluated in November 2012.<sup>69</sup> The Department of Health's latest report on its compliance with the PSED, including equality analysis, is available on the UKG's portal.<sup>70</sup>

113. Scotland. The delivery of flexible access to healthcare services to all is a priority for the SG. A national standard has been introduced to ensure 48-hour access, or advance booking, to a GP; Health Boards are expected to design and put in place service models that best reflect local circumstances. Non-EEA migrant workers and international students are exempt from NHS charges for hospital treatment in Scotland. GPs have a certain amount of discretion in taking registration decisions. The SG is working with NHS Boards and local authorities to prepare a healthcare framework for the arrival of Syrian refugees.

114. Wales. The "Travelling to Better Health" guidance assists healthcare practitioners in working effectively with Gypsies/Travellers. The guidance is supported by a number of outcome measures for health boards. The WG will also be working with health boards to assist with standardising existing ethnicity monitoring arrangements.

<sup>69</sup> <https://www.england.nhs.uk/wp-content/uploads/2013/08/8-eds-eval-fnl-rpt291012.pdf>.

<sup>70</sup> <https://www.gov.uk/government/publications/dh-public-sector-equality-duty-compliance-2015>.

### **Mental health services (para. 27)**

115. England. We invested over £120m to introduce waiting times standards for mental health services from April 2015. We invested over £400million in the Improving Access to Psychological Therapies programme. A decision to detain someone under the Mental Health Act 1983 should be taken as a last resort, but may be necessary in the interests of the health or safety of a patient or others. Statutory guidance and reference guidance on the Mental Health Act 1983 are published on the UKG's portal.<sup>71</sup>

116. Scotland. The SG has established waiting times targets for access to psychological therapies and access to child and adolescent mental health services (CAMHS), and invested £16.3 million over the last six years to increase the number of psychologists working in specialist CAMHS. Detention in hospital and involuntary medical treatment are authorised in restricted circumstances under the Mental Health (Care and Treatment) (Scotland) Act 2003, and the Adults with Incapacity (Scotland) Act 2000. Both Acts contain strong safeguards to protect the rights of those detained. The SG is consulting on recommendations arising from the Scottish Law Commission's review of the 2000 Act on compliance with Article 5 ECHR.

117. Wales. Welsh Health Boards and Trusts are required to provide appropriate health services, including mental health services, for all. The Healthcare Inspectorate Wales carries out inspections of these services. The Mental Health (Wales) Measure 2010 is an additional legal framework distinctive to Wales by which we will continue to improve mental health delivery. The legislation has 4 parts: ensuring more mental health services are available within primary care; individuals in receipt of specialist care to have a prescribed care plan; a legal right to ask for a reassessment for 3 years after discharge and in-patients with mental health needs to have support from an independent mental health advocate if wanted.

118. Bermuda. The Psychiatric Mid-Atlantic Wellness Institute provides inpatient and outpatient psychiatric care for the population with accessibility 24 hours/day; subsidised care is available to those uninsured or unable to pay.

119. Cayman Islands. The Mental Health Commission is working with the Pan American Health Organisation to develop a mental health policy.

120. Gibraltar. Mental health care is open to all social insurance contributors; emergency treatment is available to all.

121. Montserrat. Mental health assessments are conducted on patients who are referred to the Ministry of Health. Children and young people with mental health issues are seen by the educational psychologist.

122. Pitcairn. Everyone has access to the doctor on Pitcairn, and telemedicine has been used for those wishing to access mental health services.

123. St Helena, Ascension, Tristan da Cunha. On St Helena, the mental health service is provided by a full-time community psychiatric nurse, with distance support from a psychiatrist and psychologist. On Ascension, serious mental health issues are treated off island through private or NHS treatment in the UK. On Tristan da Cunha, there is a psychiatrist from South Africa who visits the island and assesses those with psychiatric illness.

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<sup>71</sup> <https://www.gov.uk/government/publications/code-of-practice-mental-health-act-1983>;  
<https://www.gov.uk/government/publications/mental-health-act-1983-reference-guide>.



124. Turks and Caicos Islands. Psychiatric, psychological, and substance abuse services are available through community outreach interventions at the seven health clinics, three mental health offices, and periodically at the two privately run hospitals.

125. Virgin Islands. The Mental Health Act 2014 mandates the availability and the accessibility of mental health services to all residents. A Mental Health Policy 2015 highlights the priority areas of national focus.

126. Guernsey. The Mental Health (Bailiwick of Guernsey) Law 2010 ensures that those with mental health problems receive the most appropriate treatment. A new and modern Mental Health and Wellbeing Centre was opened in 2015.

127. Isle of Man. The Strategic Plan for Mental Health and Wellbeing 2015-2020 sets out the strategic vision for the Island's vital mental health services.

128. Jersey. A new mental health law and capacity and self-determination law have been drafted to update the legal provisions made in respect of mental health and capacity, reflecting the legislation in force in England and Wales.

### **Abortion legislation in Northern Ireland (para. 28)**

129. An update on this issue will be provided at the examination.

### **Accessibility of sexual and reproductive health services (para. 28)**

130. England. A range of sexual and reproductive health services are freely available in sexual health clinics, GP practices and pharmacies. Local authorities are required to provide confidential and open access contraceptive, and advice and treatment for sexually transmitted infections, for everyone in their area.

### **Access to primary and secondary education (para. 29)**

131. See the UK's 5th periodic report under the CRC.<sup>72</sup>

132. All children have equal access to both primary and secondary education. Ofsted (Office for Standards in Education, Children's Services and Skills), the national body for school inspections, regularly assesses the quality of provision in schools and how well they are meeting pupils' needs, especially from vulnerable groups. Local authorities and Regional Schools Commissioners provide further oversight of school provision. Through the pupil premium, schools receive significant additional funding — worth £2.5 billion this year alone — to help support pupils from financially deprived family backgrounds.

133. Scotland. Under the Education (Scotland) Act 1980, local authorities have a duty to make adequate and efficient provision of school education for all children residing in their local area. The Education (Additional Support for Learning) (Scotland) Act 2004 places a duty on local authorities to meet the additional support needs of pupils for whose education they are responsible. The SG has an education-specific equality outcome and reported progress towards this outcome in 2015. The SG has a Scottish Traveller Education Review Group, which is developing guidance to support the inclusion of more young Travellers in education.

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<sup>72</sup> [CRC/C/GBR/5](#).

134. Wales. All children have equal access to both primary and secondary education. There is a statutory duty placed on local authorities by the Education Act 1996 to provide education to all children resident in their area. There is also a statutory duty on parents to ensure their children attend school. We have produced guidance and made available tools for schools to support vulnerable children and young people, including refugees. The WG supports minority ethnic and Gypsy, Roma and Traveller learners through grant funding within the Education Improvement Grant, which supports all learners. Investment has supported the development of Ethnic Minority Achievement Services in all local authorities.

### **Access to higher education (para. 30)**

135. England. All publicly funded providers of higher education can currently charge students tuition fees up to £9,000 a year for a full time course; students can however take out loans (via “Student Finance England”) for their tuition fees and pay them back once they are working and earning above the repayment threshold of £21,000 a year. This year the UKG increased the loans for living cost support available to eligible students from the lowest income families by up to a maximum of £8,200, with more for those studying in London. Analysis shows that participation in higher education is at record rates for young people, including disadvantaged groups.<sup>73</sup>

136. Scotland. The SG pays tuition fees for eligible full-time Scottish domiciled and EU students studying for their first undergraduate degree at Scottish higher education institutions. These students are also eligible to access free funded university places. Bursaries and student loans are available to ensure that Scottish-domiciled university students are able to support themselves. A minimum income guarantee provides living-cost support (through a mixture of bursaries and loans) of up to £7,625 to students from the poorest households.

137. Wales. The non-means tested tuition fee grant encourages participation and ensures that Welsh students are protected from increasing levels of debt.

### **Irish language (para. 31)**

138. An update on this issue will be provided at the examination.

### **Science (para. 32)**

139. In November 2015, the UKG announced that the UK’s ring-fenced science budget will be maintained in real terms to 2020. The UKG’s dedication to science is further reflected by, for example: the new Global Challenges Research Fund and the Newton fund (working with partner countries to strengthen capacity in science and innovation); work to increase open access to publically funded research and establishing the Open Data Institute to encourage innovation using open data; membership of major international projects and initiatives such as CERN, the European Space Agency and the Square Kilometre Array radio telescope.

140. Scotland. SG funding, allocated through the Scottish Funding Council (SFC), accounts for one third of university research income, with a further quarter secured through competitive funding via the UK Research Councils through the dual funding system. The

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<sup>73</sup> <https://www.ucas.com/sites/default/files/eoc-report-2015.pdf>.



SG is investing £282 million (2015-16) through SFC. Scottish universities have extensive partnerships and collaborations within Scotland (through Research Pools), throughout the UK (UK Catapult Programme) and internationally (the first Max Planck International Partnership in the UK). Fostering a culture of innovation and research and development is central to the SG's 2015-16 Programme for Government and Scotland's Economic Strategy; for example, investment of up to £120 million (2013-19) in a programme of Innovation Centres to support collaboration between universities and businesses.

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