

Article 39
(Registered charity, number 1166092)
Financial statements
for the year ended 31 March 2020

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Article 39
Trustees' annual report
for the year ended 31 March 2020

Full name Article 39

Organisation type Charitable incorporated organisation

Registered charity number 1166092

Principal address

1 Cranmer Street, Nottingham, NG3 4GH

Trustees

Phillip Noyes OBE, Chair

Nicola Wyld, Treasurer

Catherine Brown, Secretary

Susannah Walker

Suraya Skelland

Ella Dhillon

Peter Grove, from 30/06/20

Alexander Gask, Chair until 17/09/20

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 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.

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 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 violations of their rights to recover in environments where their health, self-respect and dignity are nurtured.

This was Article 39's fourth 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 2019 to 31 March 2020, though it includes significant developments just past this date.

Early in 2020, Article 39's staff team increased to three post holders (2.4 full-time equivalent).

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Summary of the main achievements during the period

We informed children of their rights

Our rights4children website contains accessible information about children's rights across 38 different topics, including 'feeling safe', 'visits from your social worker' and 'your right to complain'. Two new topics were added during the year – one on coronavirus and another explaining the role of independent reviewing officers. We also commissioned a new 'results' section, inviting users to tell us how the site impacts on children's rights. This was launched in November 2019 with two case studies.

The site was used more than 17,700 times in 2019/20, very slightly (2%) down on its first year (it was launched in June 2018, so we track visitors from that month rather than from the start of the financial year). Access was mostly through a desktop computer (59%) but there was also good usage on mobile phones (36%). We received 26 online feedback forms during the year, with all except one visitor 'really liking' (88%) or 'liking' (8%) the content. The remaining user was 'not sure'.

Article 39's Director was honoured to be invited to run workshops at the Care Experienced Conference at Liverpool Hope University in April 2019, focussing on positive care and challenging stigma and stereotyping. This was a unique event organised by a steering group of care experienced people, bringing together 141 care experienced delegates aged between 14 and 82 years. It was a fantastic conference whose two reports (a summary and research and academic group report) we believe should be the foundation of reforms to the care system. They are the basis for Article 39's own work in this area.

We promoted children and young people's right to be heard

In March 2020, Article 39 convened an open letter to the Children's Minister, Vicky Ford MP, urging her to publish an accessible version of a government consultation document on unregulated accommodation for children in care, so that care experienced children and young people could contribute their views and experiences. We also asked that the consultation period be extended in the light of COVID-19. The letter was signed by 91 organisations and individuals. The time-period was duly extended and Article 39 and others worked with the Department for Education to produce an accessible document for children and young people, which was published on our website and disseminated widely.

We successfully challenged the use of pain-inducing restraint on children

As reported last year, the Ministry of Justice (MoJ) established a review of pain-inducing restraint following our threat of litigation. Our legal challenge focused specifically on the authorisation of pain-inducing restraint during children's journeys to/from secure children's homes since these techniques are prohibited in the homes themselves. (We also challenged the lack of regulation during the escorting process – see below).

Our application for permission for a judicial review was stayed by the High Court in January 2019 pending the outcome of the MoJ review, which was to be led by Charlie Taylor (then Chair of the Youth Justice Board though undertaking this work in an independent capacity).

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We submitted to the Charlie Taylor review in May 2019 and worked with a variety of organisations across the year to keep up the pressure. Both the European Committee of Social Rights (March 2020) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (April 2020) made strong recommendations against the use of pain-inducing restraint, as did the British Medical Association (June 2019) and the Royal College of Paediatrics and Child Health (July 2019).

Article 39 is represented in this legal action (which started in 2017) by Mark Scott, Partner at Bhatt Murphy Solicitors, and Dan Squires QC and Tamara Jaber from Matrix Chambers. They corresponded with government lawyers across the year and the Charlie Taylor review was finally published in June 2020. This recommended that pain-inducing restraint be taken out of the core syllabus for child prisons and the escorting process, with such techniques only being taught and available for emergency self-defence scenarios. This was a major victory for Article 39 though our work is not yet done – we have to be sure this will be implemented as soon as possible and that the detail of the policy change will uphold children’s human rights and be a genuine break with the past.

In January 2020, we heard the disappointing news that the Information Commissioner supported the Ministry of Justice’s refusal to provide the recorded reasons for the 270 uses of pain-inducing restraint in child prisons in 2017/18. This followed a freedom of information request we made in May 2019. We appealed to a first-tier tribunal and ended the year awaiting a hearing date.

With others, we promoted a child-centred and humane approach to deprivation of liberty

Having launched a national campaign to end child imprisonment last year, we were delighted to publish ‘Principles and minimum expectations for children deprived of their liberty’ in April 2019. Drafted collaboratively with other children’s rights and child justice experts, this document sets out a framework for providing child-centred and welfare-based secure care. It has received nearly 2,500 website views to date, and is the framework for our end child imprisonment work.

We sought to influence the general election manifestos of the two main political parties, and were pleased to see the Labour Party’s commitment to tackle the disproportionate number of children from black, Asian and minority ethnic communities in custody, as well as its pledge to review youth custody. The Conservative manifesto referred to the trialling of their secure schools, which very positively are to have the same legal framework as secure children’s homes (though they are also 16-19 academies and therefore cannot be run by local authorities – where the expertise for running secure children’s homes currently lies). In the run-up to the general election, 70 organisations and individuals were part of our Together for Children call to close child prisons.

We ended the year with the publication of the European Committee for the Prevention of Torture’s latest report on the UK (April 2020), to which Article 39 had contributed evidence. The Committee called for “a rethink of the way in which juvenile detention is delivered”.

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We secured government commitment to revise the national standards for children's advocacy, and worked with the Children's Commissioner and others to increase the accessibility and effectiveness of advocacy services for children and young people

In June 2019, we established a national expert advisory group of practising advocates to review the national standards issued by the government as statutory guidance in 2002. Written before children in other settings gained the right to advocacy, those 2002 standards only apply to children in care and care leavers. Across two national meetings and several sub-group meetings, we worked with the expert advisory group and colleagues in Coram Voice and the National Youth Advocacy Service (NYAS) to revise the standards so they apply to all settings and incorporate positive developments in advocacy, including around safeguarding and non-instructed advocacy. Our aim was to produce a credible framework document from which government can produce its own draft standards and consult with children and young people, advocates and other interested organisations and individuals. As a result of this work, we were delighted that the Children's Minister announced in March 2020 that the government will revise the national advocacy standards and regulations over the coming year. Critically, we also received confirmation that the consultation process would be accessible to children and young people.

Our Children and Young People's Advocates Network continued to grow with over 150 members by the end of the year, and a dedicated part-time post holder (with funding from The Legal Education Foundation). We successfully engaged members in national policy debates and consultations, including around mental health and unregulated accommodation for children in care. Information provided by us to advocates has led to tangible change for individual children, the most standout case being a child in care allowed to attend her grandmother's funeral after we provided her advocate with legal information and support.

We were thrilled that Sheffield Children in Care Council was able to judge the inaugural Stand Out Children's Advocacy Award, which was kindly sponsored by The Hadley Trust. The microphone trophy (as suggested by young people) was presented by Sue Kemmis, wife of the late John Kemmis, at the National Advocacy Awards in Birmingham in October 2019.

In January 2020, our Programme Manager (Advocacy Services) joined the steering group for Coram Voice's Always Heard service (government-funded national advocacy advice line and safety net).

We were delighted to launch a powerful new video in March 2020 – Always there for you – featuring six young people reflecting on what having an advocate meant to them. Article 39 is extremely grateful to Harjeet Chhokar for making the video for us. It stands as a lasting tribute to our dear friend and children's rights champion John Kemmis (1944-2018).

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We brought organisations together to review the use of unregulated accommodation, and launched a national campaign for care for all children in care

Hearing that the Department for Education was to consult on policy changes in respect of unregulated accommodation, we organised a national seminar in January 2020 with The Care Leavers' Association and the National Association of Independent Reviewing Officers. This was very well attended, and we were very pleased to have Kenny McGhee, from the Centre for Excellence for Looked After Children (CELACIS) in Scotland, and Professor Mike Stein, from the University of York, as guest speakers. A national campaign – Keep Caring To 18 – sprang from this event and aims to persuade government to ensure all looked after children actually receive day-to-day care. Current government proposals permit the absence of care for children aged 16 and 17 in supported accommodation.

We gave expert advice to government and others on protecting the rights of vulnerable children

In June 2019, our Director and the then Chief Executive of Become had a meeting with Nadhim Zahawi MP, who was then Children's Minister, to discuss the 'myth busting' guide which had been published by the Department for Education and then withdrawn following our legal action. (We reported on the guide last year – it contained a number of inaccuracies and its general approach was to minimise local authority statutory duties). The Minister committed to future consultation, including with affected children and young people, and also agreed to have biannual meetings with Article 39 and others from our Together for Children network.

We provided technical advice to the Department of Health and Social Care on the development of statutory guidance on new legislation to protect children and adults from abusive restraint in mental health units, with case studies drawn from members of our Children and Young People's Advocates Network. Our Director served on the expert advisory group for the Care Quality Commission's thematic review of restraint, seclusion and segregation.

Article 39 pressed for statutory guidance on keeping children safe in institutional settings when we gave evidence to the Independent Inquiry into Child Sexual Abuse (IICSA) in 2018/19. We warmly welcomed the inquiry's recommendation for safeguarding guidance relating to custodial settings, though we continue to believe a focus on all institutional settings is necessary. Since the custody-specific guidance is being progressed, Article 39's Director was pleased to have the opportunity to give advice to Ministry of Justice officials on what should be included.

We were unsuccessful in applying for core participant status in IICSA's investigation into effective child protection leadership but were pleased to be invited to submit written evidence. Our Director's witness statement to this particular investigation was submitted at the beginning of May 2020.

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We pressed for restraint to be regulated during children's journeys to/from secure training centres and secure children's homes

We were delighted that Charlie Taylor recommended that pain-inducing restraint techniques be prohibited during the escorting process (see above). The government accepted this recommendation. However, it did not accept Taylor's recommendation that restraint for good order and discipline be prohibited during the escorting process, which was also part of our judicial review application. We will therefore press on with seeking this safeguard.

We promoted respect for human rights

In the run-up to the general election 2019, we co-ordinated the 'Together for Children 30 General Election Pledges', supported by around 80 organisations and individual child welfare experts. We achieved a prominent letter in The Times newspaper on the 30th anniversary of the UN adopting the Convention on the Rights of the Child (20 November).

We promoted children's human rights in the media (print, broadcast and social media) throughout the year. Article 39's Director spoke at several national conferences, and our charity was represented on a number of coalitions and working groups – including the Alliance for Children in Care and Care Leavers, the Care Quality Commission's Expert Advisory Group for its thematic review of restraint, seclusion and segregation, the Interdisciplinary Alliance for Children, Ofsted's National Consultative Forum, the Refugee and Migrant Children's Consortium, the Standing Committee for Youth Justice and the Department for Education's UNCRC Advisory Group. Article 39's Director also serves on the Sounding Board for Children England's ChildFair State Inquiry.

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 _____
Phillip Noyes OBE, Trustee

**Independent examiner's report to the trustees of
Article 39
for the year ended 31 March 2020**

I report to the trustees on my examination of the accounts of Article 39 (the charity) for the year ended 31 March 2020.

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 2020

2019			2020
Total		Unrestricted	Restricted
Funds		Funds	Funds
£	Note	£	£
			Total
			Funds
			£
	Receipts		
88348	Grants & donations	2	50330
-	Strategic litigation refund		86124
88348	Total receipts	2196	136454
		-	2196
		52526	86124
			138650
	Payments		
1706	Associates fees	-	-
207	Children's engagement	-	1532
372	Hospitality & publicity	4	14
300	Independent examination	384	96
441	Insurance	368	92
5992	IT & online surveys	2489	1030
1147	Payroll service & BACS fees	668	167
774	Printing & stationery	657	201
120	Professional fees	-	-
850	Recruitment	-	1250
62750	Salaries, NI & pensions	46725	36179
3599	Staff travel inc. Associates	1984	1256
2196	Strategic litigation	-	-
263	Telephone & postage	131	270
210	Training & subscriptions	-	20
101	Trustees' expenses	170	43
81028	Total payments	53580	42150
7320	Net receipts/(payments)	(1054)	43974
25965	Cash funds at start of this period	17935	15350
33285	Cash funds at end of this period	16881	59324
			76205

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Statement of assets and liabilities
at 31 March 2020

<i>2019</i>			<i>2020</i>
£	Cash assets	Note	£
33285	Bank accounts		76205
<u>33285</u>			<u>76205</u>
	Other monetary assets		
2196	Debtors - Strategic litigation		-
-	Debtors - Donations		63
458	Prepayments - Insurance		414
<u>2654</u>			<u>477</u>
	Liabilities		
<u>(3366)</u>	Creditors	4	<u>(4553)</u>
<u>(3366)</u>			<u>(4553)</u>

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

Signed _____ Dated _____
 Nicola Wyld, Trustee

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Notes to the accounts
for the year ended 31 March 2020

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	-	9674	9674
Esmee Fairbairn Foundation	40000	-	40000
The Bromley Trust	10000	-	10000
The Hadley Trust	-	20700	20700
The Legal Education Foundation	-	21000	21000
Anonymous donor	-	34750	34750
Sundry grants & donations	330	-	330
	50330	86124	136454

3. Funds analysis

	Opening balance £	Receipts (Payments) £		Closing balance £
Restricted funds				
Ending Child Imprisonment	201	-	-	201
Children's Advocacy Project	284	16700	(16401)	583
Litigation fund	7552	-	-	7552
Mental Health research & advocacy	7313	44424	(17751)	33986
Legal Education (advocates)	-	25000	(7998)	17002
	15350	86124	(42150)	59324
Unrestricted funds				
General fund	17935	50330	(51384)	16881
	17935	50330	(51384)	16881

The Mental Health research & advocacy fund was previously called the Assistant Director fund.

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4. Creditors

	£
Independent examination	480
Salaries, NI & pensions	3905
Payroll service & BACS fees	59
Professional fees	109
	<u>4553</u>

5. Trustees' remuneration

During this period, a total of £213 was reimbursed to Ella Dhillon for travel expenses incurred.

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.