

Introduction

- Child Poverty Action Group (CPAG) works on behalf of the more than one in four children in the UK growing up in poverty. It doesn't have to be like this. We use our understanding of what causes poverty and the impact it has on children's lives to campaign for policies that will prevent and solve poverty – for good. We provide training, advice and information to make sure hard-up families get the financial support they need. We also carry out high-profile legal work to establish and protect families' rights. Child Poverty Action Group is a charity registered in England and Wales (registration number 294841) and in Scotland (registration number SC039339). Just Fair works to realise a fairer and more just society by monitoring and advocating for economic and social rights in the UK. We ensure that law, policy, and practice comply with the UK's international and domestic human rights obligations. Just Fair is a charity registered in England and Wales (registration 1141484).
- CPAG is submitting evidence to this inquiry because it is working directly with children, young people and their parents in London on its 'Don't Zap the Zip' campaign, which aims to stop the UK Government from temporarily suspending free travel for 11-17 year-olds in London during the Covid-19 pandemic.
- Just Fair is submitting evidence which shows that the proposed suspension is in breach of the UK Government's international and domestic human rights obligations.
- For reference, this joint submission is supplemented with quotes from concerned children and parents who will be affected by the suspension (Annex 1).

Context

1. Children in London have been able to travel around the capital for free, or at a discounted rate, since 2006.ⁱ However, as part of its bailout of Transport for London, the UK Government plans to temporarily suspend free travel for under 18s (subject to limited exemptions), to protect public health and avoid overcrowding on buses.ⁱⁱ The suspension was initially due to be implemented in September 2020, however it was subsequently delayed to November 2020 and is now expected in spring 2021.ⁱⁱⁱ Despite the UK Government's proposal that certain children will remain eligible for free home to school travel, CPAG is very concerned about the impact of the suspension on low-income families in London and on Black and minority ethnic (BME) families in particular. Not only will it increase costs for them, it could also mean that children and young people are more restricted to their local area, less able to travel to school, college, work and healthcare appointments, and more likely to miss out on the many opportunities that London has to offer them. There is also a safety issue: parents may not want their children walking home from school, particularly in winter months when the days are shorter. The UK Government's Department for Transport is yet to complete an Equality Impact Assessment, which will consider whether there are further categories of children that should continue to receive free transport.
2. **Low-income families:** We are concerned that the suspension will hit the poorest Londoners the hardest. There are 2 million under 18s living in London and 39 per cent of all children in the capital (800,000 kids) are living in poverty, after you take housing costs into account.^{iv} According to the Mayor, around 30 per cent of children who currently travel to school by bus are eligible statutorily for free travel under the Education Act 1996.^v
3. **BME groups:** The suspension is likely to have a disproportionate impact on BME groups, which make up nearly 60 per cent of the under 18 population in London.^{vi}

Evidence of the potential impact of the suspension on families

4. Although the suspension is yet to be implemented, CPAG has strong evidence of the concern it is causing children and their parents. CPAG commissioned a YouGov survey of 1,000 London-based children aged 11-18 and their parents in August 2020, which found that:
5. **Leisure, play and culture:** 56 per cent of children said they would be able to go into central London to visit shops, museums and other attractions less often if they lost free travel. 45 per cent of children would be able to see friends and family less often if they lost free travel. 40 per cent of children would be able to go to after-school

activities less often if they lost free travel. 43 per cent would worry about missing out on after-school or leisure activities if they lost free travel. 62 per cent of parents would have to cut back on extra-curricular activities for their children. In light of this evidence, the suspension is contrary to the UN Convention on the Rights of the Child, and recommendations given by the UN Committee on the Rights of the Child,^{vii} according to which the UK Government should provide children, including children in marginalised and disadvantaged situations, with safe, accessible, and inclusive public transport to access spaces for play and socialisation.^{viii}

6. **Adequate standard of living:** 76 per cent of parents agree that the suspension would have a negative effect on their finances, and 54 per cent of parents would have to cut back on something if they had to pay for their children's travel. Of this 54 per cent, 71 per cent of parents said they would have to cut back on day-to-day living expenses, while 41 per cent of parents said they would have to cut back on food for their children. CPAG's research shows that the UK Government's decision is contrary to its duties under the UN Convention on the Rights of the Child to ensure every child enjoys an adequate standard of living.^{ix} In accordance with UN expert recommendations, the UK Government should make decisions which ensure children's best interests^x are prioritised in all policies affecting them, and that child poverty is eradicated, not increased.^{xi} The UK Government has not involved disadvantaged children in its decision to suspend free travel, despite this matter affecting their lives.^{xii}
7. **Non-discrimination and protected characteristics:** 88 per cent of children (including 91 per cent of children from all BME families and 87 per cent of children from all White families surveyed) had Zip Oyster photocard before the pandemic. 54 per cent of parents would have to cut back on something if they had to pay for their children's travel (including 68 per cent of all low-income parents and 58 per cent of all BME parents surveyed). 58 per cent of children (including 61 per cent of children from BME families) would worry about having trouble paying for travel fares if they lost free travel. These findings show that BME children, and their families, will be disproportionately affected by the suspension. Should the UK Government implement the suspension, this decision will be in breach of the UK Government's legal obligations to respect, protect, and fulfil social and economic rights without discrimination.^{xiii} In particular, the UK Government is prohibited from discriminating based on grounds of socio-economic status^{xiv} and race.^{xv} In addition, the decision is not in line with the Public Sector Equality Duty (PSED) under the Equality Act 2010, which requires active steps to be taken by the public body in order to consider issues of equality.^{xvi}
8. **Education:** 74 per cent of children used their Zip Oyster photocard to get to school or college, and 33 per cent would worry about feeling safe getting to school/college if they lost free travel. 47 per cent would worry about not being able to travel outside of their local area if they lost free travel. Given that a greater number of children from certain groups use free travel, the suspension is contrary to the human rights principle of non-retrogression, as it increases *de facto* discrimination and risks segregation of pupils based on their economic background,^{xvii} and is detrimental to the right to education (see Annex 1.3).
9. It is not clear how the suspension would be in line with the UK Government's obligations (under the CRC and ICESCR) to consider children's rights when making budgetary decisions, and use all available resources and spending to promote the economic, social, and cultural rights of the child.^{xviii} We believe that families have already suffered enough during the pandemic and it is not right to further restrict their access to education and training, food, social and out-of-school activities.

Annex 1

1. *"I will be the one that will be affected as I do a lot of travelling due to being a young ambassador for a charity. This will affect me and my family because each time I have to travel for events and places to go with my friends it will be a kind of strain on financial issues and the money will mount up to a lot of money."*
2. *"My family and I are living off Universal Credit and my single mother really can't afford to top up my oyster for £15 a week. She already has to top up her oyster weekly for her own commutes to work via train. This will cost an extra £60 a month, excluding the trips I have to take for appointments and shopping (we don't have a car), which will majorly impact my single mum's finances. We do not have any savings whatsoever and having to pay for oyster top-ups will be a major inconvenience and cause added stress for my mum. This pandemic has caused enough financial problems for our family seeing as my mum didn't gain any money for being furloughed from her workplace - we've been living solely off Universal Credit."*
3. *"I take it to travel to my school, I have asthma and sometimes I like to go a half an hour to the big park. I need the oyster because my family can't afford buses. I've used my Oyster card every day and without it, it would mean a horrid price, or to get to my place of education tired and unmotivated."*
4. *"I work in a Primary school and have to be on the premises by 8am, so in the morning I could try and get my daughter to school early - adding to congestion on an already busy route. After school I cannot get there to collect her. It is a long way to walk and the roads are too narrow and unsafe to consider riding a bike. Having to pay for my daughter to travel in the conditions she will be subjected to is unacceptable and unfair. The whole situation fills me with horror."*
5. *"My daughter is about to start secondary school in September. When we applied for her secondary place school children were entitled to a free bus pass. We selected the school based on what was best for her including her route to school. I cannot afford to pay for her bus pass as we are on benefits. I also have an autistic child and no means to pay for private transport. My daughter is one of the many disadvantaged children who will struggle to get to school."*
6. *"I am a single mother of 3. My children are aged 13, 10 and 9. I honestly will not be able to travel as I do as the cost of a trip to visit my mother would cost roughly £15. This would impact on day trips out in the summer holidays. As it is I am struggling with the cost of having the children at home due to the coronavirus. The cost of electricity, heating have gone up for people during this time. Cost of food is high even with the support of free school vouchers. I'm concerned as it will have a great impact in families who are already struggling to raise their children and it always seems to be the poorest."*

References

ⁱ <https://www.londoncouncils.gov.uk/download/file/fid/26681>

ⁱⁱ Letter from Grant Shapps MP to Sadiq Khan, 3 June 2020.

ⁱⁱⁱ On 1 October 2020, a public statement was made by Transport for London Commissioner Andy Byford that the suspension of free travel for under 18s in London will not be able to be implemented until the spring 2021, instead of being brought in after the October half term holiday.

^{iv} Households Below Average Income, Statistics on the number and percentage of people living in low-income households for financial years 1994/95 to 2018/19, Department for Work and Pensions, 2020.

^v Letter from the Mayor of London to Grant Shapps, 28 May 2020.

^{vi} <https://data.london.gov.uk/dataset/ethnic-group-population-projections>.

^{vii} CRC concluding observations 2016, paragraph 75.

^{viii} CRC Article 31.

^{ix} CRC Article 27.

^x CRC Article 3; CRC concluding observations 2016, paragraph 27.

^{xi} CRC concluding observations 2016, paragraph 71.

^{xii} CRC Article 3 and Article 12; concluding observations 2016, paragraph 31.

^{xiii} The UK has voluntarily agreed to the legal obligation to prohibit or condemn direct and indirect forms of discrimination. These obligations are in the following international human rights agreements: the Convention on the Elimination of All Forms of

Discrimination against Women (Article 1), the International Covenant on Economic, Social and Cultural Rights (Article 2(2)), the Convention on the Rights of Persons with Disabilities (Article 2) and the International Covenant on Civil and Political Rights (Article 4(1)). The principle of non-discrimination is also in regional human rights law such as the European Convention on Human Rights (Article 14), and domestic human rights law such as the Equality Act 2010.

^{xiv} Economic, Social and Cultural Rights, General Comment No. 20: Non-discrimination, 2 July 2009.

^{xv} Equality Act 2010.

^{xvi} Equality Act 2010.

^{xvii} ICESCR Article 13; ICESCR concluding observations 2016, paragraph 64.

^{xviii} CRC Article 4; CRC concluding observations 2016, paragraph 13; ICESCR Article 2 and Article 11; ICESCR concluding observations 2016, paragraph 19.