

Article 39
(Registered charity, number 1166092)
Financial statements
for the year ended 31 March 2017

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Article 39
Trustees' annual report
for the year ended 31 March 2017

Full name Article 39

Organisation type Charitable incorporated organisation

Registered charity number 1166092

Principal address

114 Foxhall Road, Forest Fields, Nottingham, NG7 6LH

Trustees

Alexander Gask, Chair, from 09/04/15
Nicola Wyld, Treasurer, from 09/04/15
Catherine Brown, Secretary, from 09/04/15
Suraya Skelland, from 09/04/15

Independent examiner

John O'Brien, employee of Community Accounting Plus, 7 Mansfield Road, Nottingham, NG1 3FB.

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.

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.

(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;

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- (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(5) of the Charities Act 2011 to have regard to the Charity Commission's public benefit guidance when exercising their powers and duties.

Summary of the main activities undertaken for the public benefit

During this first financial year, we collaborated with scores of other organisations; our work was taken up by parliamentarians, the media and human rights bodies; and we attracted a wide range of pro bono support. With limited resources, we achieved significant public benefit.

Summary of the main achievements during the period

We successfully defended the rights of vulnerable children and care leavers

Article 39 was the first organisation to identify the severe and unprecedented threat to children's rights posed by the Children and Social Work Bill, which was introduced into parliament in May 2016. The legislation's exemption clauses sought to allow individual councils to opt-out of their children's social care statutory duties for up to six years, affecting children in care, care leavers, young disabled people, young carers and abused and neglected children supported at home.

The threat to the rights, welfare and protection of children and young people living in institutions was substantial.

We alerted key individuals and organisations and quickly saw the need for a co-ordinated campaign. At the end of September 2016, the *Together for Children* campaign was launched with its own website and information sheet for young people. We established a campaign co-ordinating group, whose other members were Liberty, Nagalro¹ and the National Association of Independent Reviewing Officers.²

By the time the Bill had completed its parliamentary passage, 53 organisations and over 160 individual experts were part of the campaign. A 38 Degrees online petition against the clauses, started by Article 39's Director, achieved more than 108,000 signatures.

Article 39 played a lead role in persuading Peers to defeat the clauses in November 2016. As anticipated, the clauses were reinstated when the legislation

¹ This is the membership organisation for guardians – highly experienced social workers appointed by the family court to represent the child's best interests during proceedings relating to divorce, parental separation, children in care and adoption.

² This is the membership organisation for independent reviewing officers – local authorities are required to appoint these highly experienced social workers to each child in care to ensure their rights are protected.

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reached the House of Commons Public Bill Committee, and the vote there followed party political lines. Most Government concessions at this stage were derived from an 'alternative amendment' drafted (reluctantly) by Article 39's Director.

With the help of a pro bono researcher, *Together for Children* published a synopsis of evidence sent to the Commons Committee showing only one of 47 submissions supported the Government. Article 39 undertook other very significant behind the scenes work which contributed to the major defeat of the clauses. In March 2017, in an exceptional move, the Education Secretary Justine Greening MP added her name to opposition amendments tabled to delete the clauses. The amendments were duly passed. When the legislation gained Royal Assent, at the end of April 2017, the exemption clauses had been removed completely.

Article 39 briefed parliamentarians at every stage of the Bill, and we were named in a number of debates. The official report written for Peers by the House of Lords Library contained more than half a page about Article 39's opposition to the clauses (no other organisation was cited). The BBC, the Guardian newspaper, Community Care, Children and Young People Now, Mumsnet and Politics also covered our work.

We challenged other legislative changes detrimental to children

Ministers tabled late amendments to the Children and Social Work Bill to enable children in care to be detained for welfare reasons in secure accommodation in Scotland. These changes were advocated purely on resource grounds – with a 21 per cent reduction in places in England over the past six years – and will increase the number of children sent hundreds of miles away from their families and communities. Article 39 led opposition to the changes, which very regrettably were passed in the Bill's final stages. Nevertheless, our work ensured the likely negative impact on very vulnerable children was debated in both Houses of Parliament.

We promoted and protected the rights of children in custody

G4S-run Medway secure training centre

In January 2016, BBC Panorama broadcast shocking footage of children apparently being physically and emotionally abused in G4S-run Medway secure training centre (a child prison). Article 39's Director had provided advice and information to the Panorama team over the preceding months (though we were unaware of the undercover reporter).

G4S had managed the child prison since it opened in 1998. The documentary elicited huge public concern and the then Justice Secretary established an Improvement Board to investigate and help improve the safety and care of children.

Besides young people who had been in custody, Article 39's Director was the only individual in a non-statutory role to be interviewed by the Medway Improvement Board. Its report was published in May 2016 and two months later the institution was transferred from G4S management to the prison service.

We alerted the European Committee for the Prevention of Torture and Inhuman and Degrading Treatment to the abuse revelations, and wrote to the Chair of the Medway Safeguarding Children Board urging him to establish a serious case review. These are statutory reviews of child deaths and incidents of serious harm where agencies have failed to work together to safeguard children.

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Article 39 argued a serious case review was necessary because allegations of mistreatment stretch back to at least 2003, and many organisations appear to have failed vulnerable children.

There has never been a serious case review into the systemic mistreatment of children in penal settings. We were delighted to hear in February 2017 that such a review has been established.

Serious injuries and breathing concerns during restraint

After repeat freedom of information (FOI) requests from Article 39, the Government announced in May 2016 that it would consider the routine publication of serious injuries and warning signs data. This is the information collected centrally on incidents of prison restraint which lead to children being unable to breathe or losing consciousness and/or suffering fractures or other serious injuries. This had hitherto been kept secret. The week before the Ministerial announcement, shocking data obtained by Article 39 was published in the Guardian newspaper. Several other newspapers subsequently covered the story, including The Times, The Sun and the Daily Telegraph.

Our work achieved significant impact in January 2017, when information on serious injuries and warnings signs was included in the Government's annual youth justice statistics for the first time. Transparency will help keep children safe.

Medical assessment of restraint techniques

We obtained the independent medical advice given to Ministers on the safety of restraint techniques approved for use with children in custody, children escorted to custody and children taken on aircraft for deportation. This showed that 28 of 66 scenarios had been assessed as having a 2/5 likelihood of causing catastrophic harm to children (officially defined as "death or permanent severe disability affecting everyday life"). The Guardian newspaper published the information at the end of 2016 and a question was asked in Parliament. In response, the Government said it would consider annually releasing the medical risk assessment with other restraint review information.

Article 39 continues to press for the removal of techniques which deliberately cause pain to children, and urges the immediate discontinuation of methods which have been independently medically assessed as carrying a risk of causing catastrophic harm to children.

Restraint and secure escorts

Early in 2016 we wrote to the Ministry of Justice about escort custody officers being authorised and trained to use restraint techniques which deliberately cause children pain. The officers concerned take children (who can be as young as 10 years) to/from locked children's homes. Statutory guidance has prohibited the deliberate infliction of pain as a form of restraint within these homes since 2011. We obtained a legal opinion on the feasibility of legally challenging the policy, and will be pursuing this in 2017/18.

Meeting the mental health needs of children in care and care leavers

Article 39 is a member of the Alliance for Children in Care and Care Leavers. We were pleased to be able to contribute to the Alliance's successful lobbying during the

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passage of the Children and Social Work Act 2017, which led to the promotion of children's mental health being part of new corporate parenting principles.

We pushed for information on privatising children's services

Article 39 believes the abuse of children at G4S-run Medway secure training centre raises critical questions about the safeguarding risks arising from profit-making companies running children's services. BBC Panorama's programme on Medway secure training centre (see above) contained footage of officers discussing fraudulent reporting of violent incidents, apparently motivated by the company seeking to avoid financial penalties.

We helped to force the publication of a LaingBuisson report on the marketisation of children's services in December 2016. The Department for Education had repeatedly refused to publish the report, which it had commissioned two years previously. We complained to the Information Commissioner and the report was eventually published. The controversy over its calls for wholesale privatisation helped defeat the exemption clauses in the Children and Social Work Bill outlined above.

We monitored children's rights in institutional settings

Article 39 submitted evidence on the rights of children in institutional settings to parliament's Joint Committee on Human Rights' inquiry into the UK's record on children's rights.

We were pleased that the UN Committee on the Rights of the Child's concluding observations on the UK, published in June 2016, contained several recommendations relating to the rights of children in institutional settings, including specific actions urged by Article 39 in our submission.

We raised awareness of children's rights in institutional settings

Over the past 12 months, Article 39's Director had 11 opinion pieces and one book review published (Children and Young People Now, Community Care, Guardian, openDemocracy, Monitor3, Mumsnet, Politics and the International Journal of Children's Rights). She made presentations at events organised by: the National Association of Independent Reviewing Officers; the Public Law Project; Stop G4S Sheffield and Yorkshire; and the University of Northampton.

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

Alexander Gask, Trustee

Date

7/11/17

³ The magazine of the Association of Members of Independent Monitoring Boards. Members visit and monitor the treatment of adult and child prisoners.

**Independent examiner's report to the trustees of
Article 39
for the year ended 31 March 2017**

I report on the accounts of the charity, which are set out on pages ⁸ ~~8~~ to ¹¹ ~~8~~. *John O'Brien*

Respective responsibilities of trustees and examiner

The charity's trustees are responsible for the preparation of the accounts. The charity's trustees consider that an audit is not required for this year under section 144(2) of the Charities Act 2011 (the 2011 Act) and that an independent examination is needed.

It is my responsibility to:

- examine the accounts under section 145 of the 2011 Act;
- follow the procedures laid down in the general directions given by the Charity Commissioners under section 145(5)(b) of the 2011 Act; and
- state whether particular matters have come to my attention.

Basis of independent examiner's report

My examination was carried out in accordance with the general directions given by the Charity Commission. An examination includes a review of the accounting records kept by the charity and a comparison of the accounts presented with those records. It also includes consideration of any unusual items or disclosures in the accounts, and seeking explanations from you as trustees concerning any such matters. The procedures undertaken do not provide all the evidence that would be required in an audit, and consequently no opinion is given as to whether the accounts present a 'true and fair view' and the report is limited to those matters set out in the statement below.

Independent examiner's statement

In connection with my examination, no matter has come to my attention:

1. which gives me reasonable cause to believe that in any material respect the requirements:
 - to keep accounting records in accordance with section 130 of the 2011 Act; and
 - to prepare accounts which accord with the accounting records and comply with the accounting requirements of the 2011 Act

have not been met; or

2. to which, in my opinion, attention should be drawn in order to enable a proper understanding of the accounts to be reached.

Signed *John O'Brien* Date *10/4/17*
John O'Brien MSc, FCCA, FCIE
Employee of Community Accounting Plus

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Receipts & payments account
for the year ended 31 March 2017

		Unrestricted Funds	Restricted Funds	2017 Total Funds
	Note	£	£	£
Receipts				
Grants & donations	2	510	24500	25010
Bank interest		1	-	1
Total receipts		511	24500	25011
Payments				
Insurance		-	267	267
IT		17	-	17
Payroll service & BACS Fees		-	436	436
Printing & stationery		-	268	268
Staff travel		-	965	965
Telephone & postage		-	214	214
Volunteer expenses		-	41	41
Salaries & NI		-	12288	12288
Total payments		17	14479	14496
Net receipts/(payments)		494	10021	10515
Cash funds at start of this period		-	-	-
Cash funds at end of this period		494	10021	10515

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Statement of assets and liabilities
at 31 March 2017

	Note	2017 £
Cash assets		
Bank accounts		10515
		<u>10515</u>
 Other monetary assets		
Debtors	4	919
Prepayments (Insurance)		245
		<u>1164</u>
 Assets retained for the charity's own use		
General equipment.		
 Liabilities		
Creditors	5	(606)
		<u>(606)</u>

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

Signed Nicola Wyld Dated 9.11.2017
 Nicola Wyld, Trustee

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Notes to the accounts
for the year ended 31 March 2017

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 £
The Little Charity	-	12000	12000
The Roddick Foundation	-	12500	12500
Sundry grants & donations	510	-	510
	<u>510</u>	<u>24500</u>	<u>25010</u>

3. Funds analysis

	Opening balance £	Receipts (Payments) £		Closing balance £
Restricted funds				
The Roddick Foundation	-	12500	(7241)	5259
The Little Charity	-	12000	(7238)	4762
	<u>-</u>	<u>24500</u>	<u>(14479)</u>	<u>10021</u>
Unrestricted funds				
General fund	-	511	(17)	494
	<u>-</u>	<u>511</u>	<u>(17)</u>	<u>494</u>

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4. Debtors & prepayments

	£
Fees	750
Misc income	169
Insurance (prepayment)	245
	<u>1164</u>

5. Creditors

	£
Salaries & NI (HMRC)	189
Payroll service & BACS Fees	57
Staff travel	60
Independent examination	300
	<u>606</u>

6. Trustees' remuneration

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

7. Previous period comparison

The previous period's figures have not been included for comparison because this is the charity's first accounting period.

8. Glossary of terms

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

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

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

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