



Department  
for Exiting the  
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Anne Longfield OBE, Children's Commissioner for England  
Sally Holland, Comisiynydd Plant Cymru, Children's Commissioner for Wales  
Bruce Adamson, Children and Young People's Commissioner Scotland  
Koulla Yiasouma, Northern Ireland Commissioner for Children and Young People

18 March 2019

Dear Anne, Sally, Bruce and Koulla

Thank you for your letter of 19 February about child protection arrangements in the context of the UK's exit from the European Union.

Child safety is an important issue; protection from abuse and neglect is a fundamental right for all children and young people. Effective cooperation with European law enforcement and criminal justice partners is an important element in our efforts to tackle the horrific acts of those who seek to harm the most vulnerable in our society. The Government's commitment to this issue is not affected by our exit from the EU. You asked for clarity on a number of points, which I have sought to address below.

### **Co-operation on child protection and law enforcement**

The UK currently participates in around 40 EU tools and measures that support and enhance law enforcement and judicial cooperation between the UK and EU Member States. These tools work as a package to provide an integrated operational system to identify, pursue and prosecute criminals, including those who pose a threat to children.

Whilst our security relationship will change once we have left the EU, it is in our mutual interests to protect these operational capabilities. That is why, in the Political Declaration, we have agreed the framework for a comprehensive future security relationship with the EU that includes, for example, data-sharing arrangements for wanted and missing persons, and the exchange of criminal records.

The Withdrawal Agreement provides for a time-limited implementation period which, once ratified, will come into force on 29 March 2019. During this period the UK will continue to participate in all the law enforcement and criminal justice measures to which we currently have access and which help us continue to work with EU partners to tackle international child sexual exploitation and abuse.

In the event that we leave the EU without a deal, the mechanisms that we currently use to cooperate with EU Member States on law enforcement and criminal justice matters will cease to be available to us. Broadly speaking, this would mean making more use of alternative channels, including Interpol, Council of Europe Conventions and other forms of cooperation such as bilateral channels. Our contingency plans are largely tried and tested mechanisms, which we already use for cooperating with many non-EU countries, but they are not like-for-like replacements. We are therefore working closely with our operational partners, including the National Crime Agency (NCA) and the National Police Chief's Council (NPCC) to prepare to operate through these alternative channels thus ensuring we can continue to work together to protect children in the UK and the EU.

We will also continue to work with European partners through a number of existing initiatives and programmes such as the WePROTECT Global Alliance which brings together the influence, expertise and resources required to transform how online child sexual exploitation is dealt with worldwide.

Law enforcement cooperation with European and other international partners will also continue through the Virtual Global Taskforce, which brings together law enforcement agencies, non-government organisations and industry to protect children from online and other forms of transnational child sexual exploitation through innovative, collaborative global law enforcement strategies. Finally, our ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, known as the Lanzarote Convention, will ensure that we can take robust action through greater information sharing and cooperation with 43 other countries.

### **Co-operation on family law matters**

In the Political Declaration, the UK and EU have committed to explore options for a new agreement on family law cooperation and other related matters; this will enable us to agree clear rules with the EU for the future to decrease the risk of parallel proceedings and ensure the enforceability of judgements in family cases, including those relating to international parental child abduction.

In the unlikely event that we do not reach a deal with the EU, local authorities would use existing powers under the 1996 Hague Protection of Children Convention when dealing with cases connected to EU Member States. The UK is a contracting state in our own right to a number of Hague Conventions on family law, which cover many of the same areas as the *Brussels IIa* Regulation (and the Maintenance Regulation). In a 'no deal' scenario we would therefore repeal those EU rules and switch to the relevant Hague Conventions.

In international parental child abduction cases, our participation in the 1980 Hague Abduction Convention means that most of the measures we currently operate with EU countries will not change. However, in a 'no deal' scenario, we would repeal the child abduction override provisions in *Brussels IIa*. These rules, which in certain circumstances allow an order from a court of an EU Member State to override the order made by the court of another Member State not to return a child, are based on reciprocity and would no longer operate effectively if the UK left the EU without a deal.

Information about these issues is available on gov.uk, including a [Technical Notice](#) and a separate document on [Family law disputes involving the EU after Exit](#).

Further, detailed guidance is in preparation, but I would like to take this opportunity to assure you that the justice ministries in England and Wales, Scotland and Northern Ireland have engaged and continue to engage with their courts, family judiciary, court advisory services and administrative authorities on how best to deal with cross-border cases.

## **Criminal records and staff vetting**

There would be no impact on statutory requirements for pre-appointment checks if the UK leaves the EU without a deal. The Department for Education's statutory guidance, [Keeping Children Safe in Education](#), sets out various mandatory pre-appointment checks that schools and colleges in England must carry out to help determine an individual's suitability to work with children. In particular, the guidance states that where an individual has lived or worked outside the UK they must undergo the same checks as all other staff in schools or colleges and employers must make any further checks they think appropriate so that any relevant events that occurred outside the UK can be considered.

We are committed to continued close working with Ireland on the issue of child sexual exploitation following the UK's exit from the EU. We will continue to engage with Ireland bilaterally, at both a policy and law enforcement level, and through multilateral fora, such as the WePROTECT Global Alliance.

I hope this letter reassures you that arrangements are in place to ensure the protection of children as the UK leaves the EU.

I am copying this letter to the Rt. Hon Sajid Javid MP, Home Secretary, Rt. Hon Damian Hinds MP, Education Secretary and Rt. Hon David Gauke MP, Justice Secretary who have responsibility for the policies raised in this letter.

Yours sincerely,



**RT HON STEVE BARCLAY MP**  
**SECRETARY OF STATE FOR EXITING THE EUROPEAN UNION**

- cc. Rt Hon Nicola Sturgeon MSP, First Minister of Scotland  
Rt Hon Mark Drakeford AM, First Minister of Wales  
Rt Hon Sajid Javid MP, Home Secretary  
Rt Hon Damian Hinds MP, Education Secretary  
Rt Hon Karen Bradley MP, Secretary of State for Northern Ireland  
Michael Russell MSP, Cabinet Secretary for Government Business and Constitutional Relations  
Rt Hon Hilary Benn MP, Chair, Brexit Select Committee  
Rt Hon Yvette Cooper MP, Chair, Home Affairs Select Committee  
Rt Hon Robert Halfon MP, Chair, Education Select Committee  
Dr Andrew Murrison MP, Chair, NI Affairs Committee