



# Association of **Lawyers for Children**

Promoting justice for children and young people

**Consultation response:  
Growing Up In The Online World**

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**Response of the Association of Lawyers for Children**

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**The Association of Lawyers for Children** (hereafter “ALC”) is a national association of lawyers working in the field of children law. It has over 1,300 members, mainly solicitors and family law barristers who represent children, parents and other adult parties, or local authorities. Other legal practitioners and academics are also members. Its Executive Committee members are drawn from a wide range of experienced practitioners from both sides of the legal profession practising in different areas of the country. Several leading members are specialists with over 20 years’ experience in children law, including local government legal services. Many have written books and articles and lectured about aspects of children law and hold judicial office. The ALC exists to promote access to and equality of justice for children and young people within the legal system in England and Wales in the following ways:

- i. lobbying in favour of establishing properly funded legal mechanisms to enable all children and young people to have access to justice.
- ii. lobbying against the diminution of such mechanisms.
- iii. campaigning and advocating on against any form of discrimination which may affect children within the family justice system
- iv. providing high quality legal training, focusing on the needs of lawyers and non-lawyers concerned with cases relating to the rights, welfare, health and development of children.
- v. providing a forum for the exchange of information and views on the development of the law in relation to children and young people.
- vi. being a reference point for members of the profession, governmental organisations and pressure groups interested in children law and practice; and
- vii. funding or co-funding research where we perceive gaps in knowledge or evidence relating to changes in policy and practice in children proceedings.

The ALC is a stakeholder in respect of all government consultations pertaining to law and practice in the field of children law and welcomes this opportunity to provide its views in respect of this consultation.

## **Introduction**

The Association of Lawyers for Children (ALC) is grateful for the opportunity to respond to this consultation. The ALC recognises that the consultation forms part of a wide ranging conversation including parents and educators, in particular. We recognise the variety of views held by parents and the challenges to safeguard children when internet access is a prerequisite for everyday life. However, our members represent children and families in family court cases where risks around phone use and online activity are significant concerns. These issues are well known to the family court, to social work professionals and those working with young people at a grass roots level. They do not feature sufficiently in the consultation document. Accordingly, we make some general observations with a view to raising these issues rather than responding to the individual consultation questions.

In this short, focused response we invite the wider consideration of the particular risks of online harm including child sexual exploitation and child criminal exploitation; and the particular vulnerabilities of children who are care experienced. We further raise the privacy needs of children who have been subject to family court proceedings, with particular reference to adoption.

The ALC executive regularly contributes to working groups on a wide range of family justice issues. The ALC would be willing to meet with the Department to share our experience. It is essential that the needs of some of our most vulnerable young people are not overlooked when developing strategy.

## **General Observations**

The consultation is concerned with preparing children for a digital future. Online engagement and the growth of AI carries both opportunities and risks for children. There is an urgent need to tackle misogyny online and ensure there is effective coordination with the wider Violence Against Women and Girls strategy.

Our members note the experiences of social workers working with teenagers and how increased online communication impacts upon relationships and, in particular, young people's abilities to communicate and form their own partnerships. Communication skills remain a vital part of the human experience and any government strategy will need to consider how this skill is supported in a world where there is increased reliance upon AI and chat bots.

## **Vulnerability and Exploitation**

Our members work with children and young people – including those who are:

- Experiencing intractable disputes between their parents;
- Living with alternative family carers or members of their kinship group; and
- Living in foster care or accommodated in residential accommodation or bespoke placements in their own interests.

In many of these cases, parental responsibility is shared with a local authority – the corporate parent. The young person may otherwise be the subject of court proceedings or be in placements where the court has authorised a deprivation of their liberty (some in secure accommodation). In some cases, the issues will be identified and addressed in the Court of Protection from the age

of 16.

In most of those cases, these children will have suffered significant harm – physical, emotional or sexual or by means of chronic neglect. Some of them will have a disability – including learning difficulties or a learning disability or experience significant aspects of neurodiversity. The long term impact of Adverse Childhood Experiences is well documented. These young people require supportive, stable environments and, in many cases, therapeutic input, to overcome early trauma and to build resilience. They are particularly vulnerable to exploitation and online harms.

The ALC notes that the consultation document fails to make reference to the children described above – save for one reference to kinship carers (at the beginning of Chapter 5) and some tangential references to safeguarding. There is no explicit reference to child protection in the consultation document.

Further, there is no reference to corporate parenting, for that cohort of children where parental responsibility is shared by a local authority. As of 31 March 2025, 81,770 children were ‘looked after’ by local authorities in England, meaning they were provided with accommodation for more than 24 hours or subject to care or placement orders<sup>1</sup>.

There is a delicate balance to be struck. Our members represent young people directly who value their devices as a means to remain in contact with family members or peer networks. This can be a vital link for a young person placed by a local authority out of area (due to a lack of local, suitable residential units) and feeling cut off from family who, due to the geography, are restricted to infrequent in-person visits. Telephone and online communication in these circumstances may be an important source of emotional support, which facilitates the young person to settle and engage with services. However, that communication may bring with it the risk of placement destabilisation if the family do not engage appropriately or they seek to undermine the carers or locate an accommodated child. The consultation document does not anticipate this tension or how the corporate parent can manage it.

A common issue is the vulnerability of these young people – and especially as to child criminal exploitation, child sexual exploitation and trafficking (frequently incidences of extra-familial harm). Their circumstances will be very individual but issues concerning access to the internet, mobile smartphones and computers are very prevalent.

Issues regularly raised in family court proceedings include the following:

- Vulnerable children livestreaming or otherwise publishing threats or sexually explicit material or being the subject of the same;
- Compulsive gaming – to the extent that it impacts their ability to function socially;
- Impacted sleep (night time use of social media by children and young people and/or gaming);
- Impacted play;
- Disrupted social networks – whether in or out of school.

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<sup>1</sup> <https://researchbriefings.files.parliament.uk/documents/POST-PN-0760/POST-PN-0760.pdf>

The fact that these are practical day-to-day concerns within the child protection system is illustrated by the judgment of Mr Justice Macdonald in *Manchester City Council v P (Refusal of Restrictions on Mobile Phone) (Rev1)* [2023] EWHC 133 (Fam) (27 January 2023).

The most stark examples, however, concern exploitation and both criminal and sexual harm. Increasingly, our members report harm via platforms thought to be ‘safe’ or ‘child friendly’, such as children being sent sexualised messages – and potentially groomed - by adult strangers via Roblox.

ALC members frequently act in cases where a young person is at risk of exploitation by ‘county lines’ criminal enterprises. Children may be lured in, contacted and controlled via social media and message-based apps such as Snapchat. This is challenging for adults, including child protection professionals such as social workers or key workers, to monitor or manage. Our members have experience of communication via messaging apps leading to absconding and local-authority provided placement breakdowns. A young person may share their location thereby – at times, unwittingly - facilitating the criminal exploiter to provide transport, enabling and encouraging the child to leave the placement. It is extremely difficult to break such links, particularly where a child has been threatened by criminal gangs or does not realise they are being exploited.

With regard to the above issues alone, it is very disappointing that phone and social media companies are not working actively with government and regulators to develop safer devices and systems specifically for children and young people.

### **Privacy**

The implications of the fact that a child’s digital age of consent is 13, pursuant to Article 8 of the UK GDPR, are more wide-ranging than contemplated by the consultation. This is not confined to the processing of children’s data. There needs to be full consideration of the impact upon children’s privacy, development and wellbeing. There is a need for careful regulation of social media companies to mitigate harms to young people, given the known risks around addiction and the implications for attention spans of compulsive design.

The cultural norms for young people tend towards living lives online and sharing images and personal information. People now have unprecedented access to information about each other. The longer term consequences of sharing such data in terms of privacy, work prospects and family life have yet to be fully realised. Whether a young person is competent to give informed consent to share their data, at age 13, will vary from child to child.

The harm to young people from the sharing of sexualised images is the subject of ongoing research, most particularly by the Children’s Commissioner<sup>2</sup>. The risks include feeling shame, humiliation and criminalisation.

The confidentiality of Family Court proceedings is particularly important for young people. The publication of information about proceedings, whether by the parents or via news reporting, may risk identifying a child, including through jigsaw identification given the prevalence of other information available online, such as through social media posts. This may place children at risk of bullying and intimidation, exacerbating psychological distress to

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<sup>2</sup> <https://www.childrenscommissioner.gov.uk/resource/sex-is-kind-of-broken-now-children-and-pornography/>

children who have already suffered adverse life experiences.

Our members have particular experience of children's placements, including adoptive placements, being disrupted due to unauthorised contact from birth families to young people via social media. The prevalence of social media posts, together with advances in AI image generation and reverse-image searching, make it ever easier to locate a child who has been removed from their family on welfare grounds. These children are especially vulnerable and may be at risk if contact leads to absconding and placement breakdown. We respectfully suggest there is a need for guidance and, potentially, regulation, to protect children from communication from adults which is not in their interest.

Any scheme devised as a result of the consultation responses ought to provide safeguards for the challenges for the cohorts of children to which we have referred. Should the expertise of the ALC's members be of assistance the ALC is willing to consult further.