

RIGHTS

INFORMATION FOR YOUNG PEOPLE WHO
ARE LOOKED AFTER AWAY FROM HOME

(SCOTLAND)



Scottish Children's Rights Officers Network



The Scottish
Government
Riaghaltas na h-Alba

ABOUT

YOUR

RIGHTS

This booklet gives you information about your rights whilst you are being looked after away from home.

There are lots of reasons why young people may not be able to live with their own family. It isn't possible to give you information about all the situations you may find yourself in or answer all your questions. However, there are contact details on page 31 of organisations that will give you further help or information.

In addition to this booklet, you should receive information about your current placement. We have an additional Rights booklet for young people in secure care.



CONTENTS

We have organised the information in this booklet around six key rights areas. These key areas are also contained within the National Care Standards, which have been set by the Scottish Government and the Care Inspectorate. The six key rights areas the standards are based on are: dignity, privacy, choice, safety, realising potential and equality and diversity.

We have expanded these headings a little to make sure we cover information that you might find useful:

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RIGHTS

You have the right to be looked after well, to feel safe and to have your say in decisions that are made about you. Adults are responsible for promoting and safeguarding your rights. If you feel the rights that you are entitled to are being denied, you can challenge this and get support to do so.

These rights must be respected at all times.

Your rights are written down in the law, for example The Children Scotland Act 1995, The Human Rights Act 1998, The Children & Young People's (Scotland) Act 2014 and in other documents such as; Government reports, National Care Standards and the policies and guidance written by your Council.

Everyone has rights and it is important to remember that you should respect other people's rights - such as the children and young people that you may live with and the adults responsible for your care.

United Nations Convention on the Rights of the Child

An important document for children and young people that has influenced all of these other documents is the United Nations Convention on the Rights of the Child (UNCRC), and the Government has promised to use this when planning and providing services for children. The key rights for children within the UNCRC come under three main areas:

PROTECTION RIGHTS » to be safe

PROVISION RIGHTS » to be well looked after

PARTICIPATION RIGHTS » to have your say and be listened to.

It is important to understand that all decisions must be made in **your best interests**.

Your rights should only be restricted in a legitimate way, and this must be balanced and fair.

This is called **proportionality**.

DIGNITY & RESPECT

You have the right to:

- » Be treated as an individual in your own right
- » Be treated with dignity and respect at all times
- » Have a wide range of social relationships
- » Be treated fairly in all matters
- » Not be embarrassed deliberately or made to feel foolish
- » Not be discriminated against on any grounds
- » Be free from bullying, exploitation and harassment
- » Be free from all forms of violence which undermines human dignity



EQUALITY & DIVERSITY

You have the right to:

- » Be free from bullying, harassment and discrimination of any kind
- » Have your race, colour, sex, sexual orientation, gender identity, language, political or other opinion, national, ethnic or social origin, property, disability, birth or other status considered in any decision where relevant
- » Have access to specialist services and support to maximise your participation, for example ramps, interpreting services, Braille
- » Keep your own name, identity, nationality and family relationships
- » Speak about any worries or complaints you have and to be helped to get things sorted
- » Get help and support to make a complaint



PRIVACY & CONFIDENTIALITY

You have the right to:

- » Have private time and space made available to you
- » Send and receive mail* unopened – unless there is good reason to believe that your mail contains items which are illegal or dangerous
- » Make and receive telephone calls* in private (how often you use the phone, and for how long, should be agreed with staff or carers and social workers)
- » Have a choice about sharing a room whenever possible
- » Be able to lock your door from the outside and get access to the key

*If there are any restrictions regarding your access to your mail and/or telephone calls you should know why and be included in this decision.



- » Have somewhere to store private things
- » Expect others to ask if they can come into your room
- » Information about room searches

Your room should only be searched if staff/carers and social workers are worried about your safety and have reasonable cause to suspect that there is something dangerous or harmful in your room. You have the right to be present and to know why a search is being required, and should be asked for your cooperation and consent beforehand. If you choose not to cooperate, a search may still take place to ensure the safety of everyone.

If you feel your rights are being denied you can complain. You are entitled to support to do this, for example: Child Rights Officer, Advocate, Social Worker or Key Worker.

CHOICE & PARTICIPATION

You have the right to:

- » Be involved in drawing up your care plan. The care plan sets out what support is needed and the people with responsibility to make sure this happens
- » Have a say in the choice and kind of placement that is best for you
- » Have the chance to visit the placement beforehand (unless it is an emergency placement)
- » Have any move arranged on a planned basis
- » Make informed choices, recognising the rights of other people to do the same
- » Know about the range of choices available
- » Take part in all of the meetings which affect your care
- » Have a say in all decisions affecting your care (for example child protection case conferences, Reviews and Hearings)



- » Choose your own friends, visit friends and have friends visit you - within the limits agreed with staff, carers and social workers
- » Know about your rights in a way you can understand and have access to other information that is important to you
- » Have information about the Council's services for children and young people
- » Speak about any worries or complaints you have and to be helped to get things sorted
- » Make a complaint and to get help and support to do this. Social Work offices have leaflets explaining how you can make a complaint or you can ask your social worker, Children's Rights Officer or Who Cares? worker
- » You can also make a complaint to The Care Inspectorate or to the Ombudsman - see page 31 for their contact details

REVIEWS

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You have the right to:

- » Regular Review meetings. These are meetings to plan your care and to make sure that everyone is working together in your best interests to make the plan work for you
- » Be at the whole Review and take part in the Review – if you are under 12 this will be discussed with you to decide if it would be best for you to attend all or part of the Review
- » Have someone there to support you and help you to prepare for it – for example, a friend, relative, Children’s Rights Officer



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- » See the Review reports before the Review and have someone go over these with you if you want
- » Prepare your own report and talk at the Review – without your parents being there while you do this if you want
- » Say if you disagree with something said at your Review and have this written down
- » Challenge any recommendation made at the Review
- » Ask for a Review yourself and to have a Review at least every 6 months
- » Be consulted before a Review date is changed

CHILDREN'S HEARINGS

You have the right to:

- » Attend your Hearing
- » Prepare your own report for the Hearing, remember that the panel members and your parents/carers receive a copy
- » Have someone with you to help you and support you to make sure you feel more comfortable and are able to have your say. This could be, for example, a friend, relative, Children's Rights Officer, advocacy worker
- » You have the right to meet with panel members on your own, or with support of your choice
- » Expect reports to be shared with you, for example those written by your social worker
- » Make a complaint if you don't agree with the decisions of the Hearing
- » Complain if you are unhappy with the Hearing procedures



- » Tell the panel members straight away if you disagree with 'statement of grounds/grounds of referral' – the reason why you have been asked to come to the Hearing
- » Appeal against a decision of the Hearing
- » Request that any compulsory supervision requirement be suspended whilst you appeal
- » Request another Hearing after 3 months to have your circumstances looked at again
- » Request that a safeguarder is involved at your hearing
- » Receive additional information leaflets about going to a Children's Hearing and what to expect



A safeguarder can be appointed if it is felt that an independent opinion about your welfare is needed.

FILES

You have the right to:

- » Ask to see any personal information held about you, including your social work file and reports, and get a copy of the information
- » Be given an explanation of anything you don't understand
- » Ask for information that is wrong to be changed or removed
- » Get someone else to ask to get a copy of the files for you

Your parent could also ask for a copy of the information. If you are aged 12 or over you would need to agree to this. Even if you are under 12 years old, your parent might not be able to get a copy if you do not want them to. Ask your social worker or Children's Rights Officer about this.



The Council should:

- » Keep your personal information secure and confidential
- » Support you if you ask to see your personal information
- » Give you a copy of as much information as possible. They can hold back information about other people who do not agree to their names and information being given to you. They can also hold back information if they think it is likely to cause you serious harm

It can take up to 40 days to see your information. You have to make a request in writing (you can't just ask to see your file). You can ask your local Social Work office for a special form.

SAFETY & PROTECTION

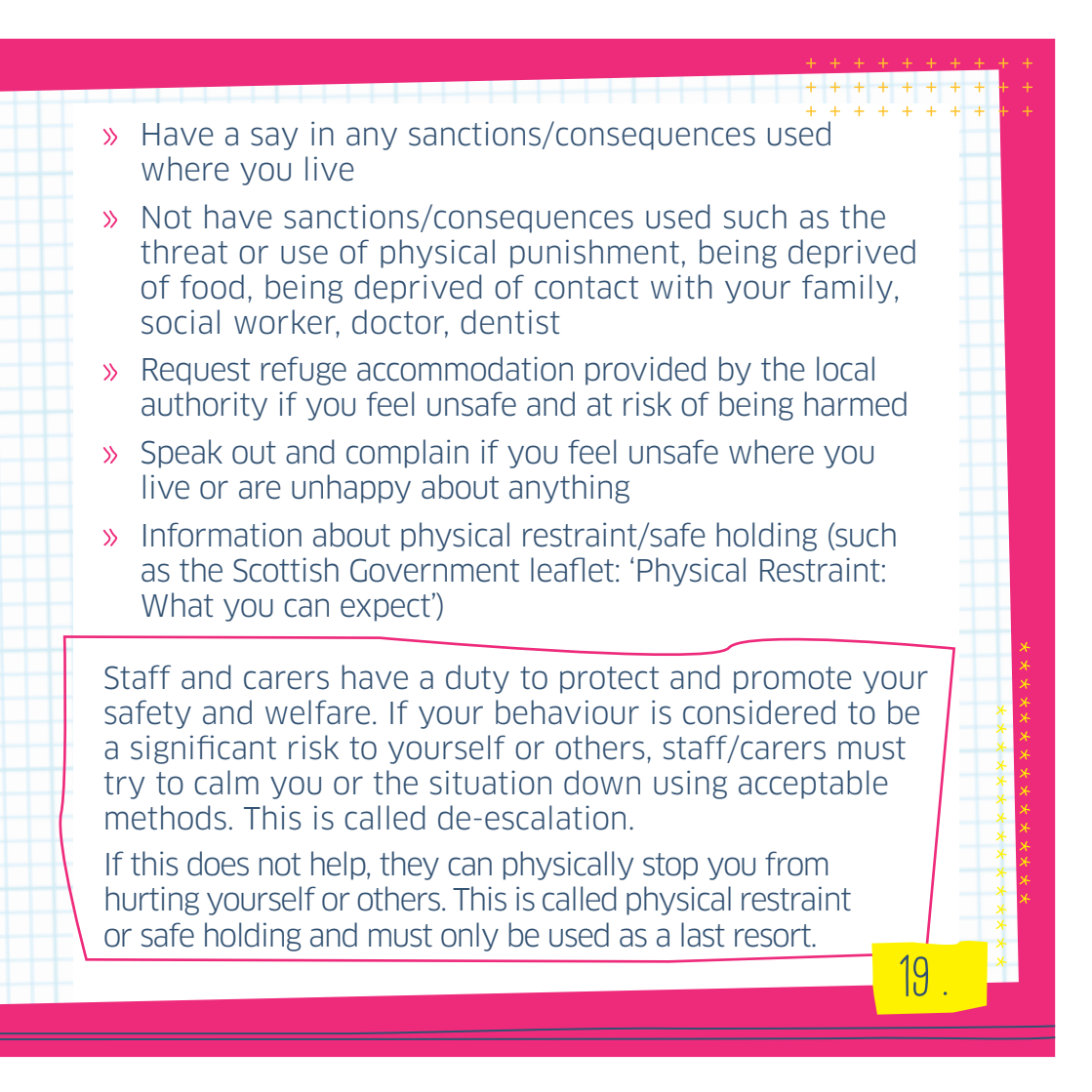
FEELING SAFE

You have the right to:

- » Feel safe and secure where you live and in all aspects of your life, including health and well-being
- » Enjoy safety but not be over protected
- » Be protected from all forms of physical, emotional or mental violence, injury, abuse or neglect – including bullying, discrimination and racial violence

Your Council has Child Protection Procedures and guidance which must be followed to ensure your safety and the safety of all young people. For more information, speak to your social worker, Children's Rights Officer or advocacy worker.



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- » Have a say in any sanctions/consequences used where you live
 - » Not have sanctions/consequences used such as the threat or use of physical punishment, being deprived of food, being deprived of contact with your family, social worker, doctor, dentist
 - » Request refuge accommodation provided by the local authority if you feel unsafe and at risk of being harmed
 - » Speak out and complain if you feel unsafe where you live or are unhappy about anything
 - » Information about physical restraint/safe holding (such as the Scottish Government leaflet: 'Physical Restraint: What you can expect')

Staff and carers have a duty to protect and promote your safety and welfare. If your behaviour is considered to be a significant risk to yourself or others, staff/carers must try to calm you or the situation down using acceptable methods. This is called de-escalation.

If this does not help, they can physically stop you from hurting yourself or others. This is called physical restraint or safe holding and must only be used as a last resort.

You have the right to:

- » Information about how your behaviour will be managed if it is considered to be a risk to yourself or others

Your liberty should only be restricted by a legitimate authority - for example a Children's Hearing or court.

Staff and carers have to assess the risk involved in any behaviour or activity in order to keep you safe. This could mean having an agreed behaviour or crisis management plan as part of your overall care plan. You should be involved in drawing this up.

For information about room searches see page 8 under 'Privacy and Confidentiality'.

REALISING POTENTIAL



BE ALL YOU CAN BE

You have the right to:

- » Have the opportunity to achieve all you can
- » Have the opportunity to make full use of the resources available to you
- » Have the opportunity to make the most of your life

This section is about your care, health, education and throughcare and aftercare.



TO BE WELL CARED FOR

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You have the right to:

- » **A care plan** setting out details of what you need to make sure you are safe, healthy and well cared for, and who is responsible for achieving these plans
- » Have a say in all decisions made in your best interests
- » Have your parents involved in your care whenever possible if you are not living with them
- » Keep contact with all members of your family – unless this is not in your best interests or you choose not to
- » Keep contact with other people who are important to you (previous staff and carers, befrienders, friends, teachers etc)
- » Remain with brothers and sisters whenever possible if you're being looked after by the Council in foster, kinship or residential care



- » Be well looked after in a comfortable home
- » Have play and leisure activities
- » Have a good choice of food such as fruit and juice available
- » Expect adults caring for you to work together to help you and to consider what is best for you
- » Have agreed regular and private time with your key worker, social worker, carer
- » Know about the rules and sanctions/consequences where you live, for these to be fair, and to have a say in any sanctions/consequences used where you live
- » Allowances for group activities, clothing, travelling expenses, for contact visits, birthdays, holidays, Christmas, festival occasions and pocket money. This is affected by your own income if you are working or receiving money.

GOOD HEALTH

Being healthy is about more than not being ill. There are different areas of your health that are important to look after – physical health, mental health, emotional health, social health, sexual health and spiritual health. For information speak to your key worker, social worker or carer.

You have the right to:

- » Have information about health issues and support to access all available healthcare services relating to all of the different areas of your health. This includes specialist health nurses and mental health services for young people looked after away from home
- » Enjoy a good and varied healthy diet and have any special or cultural needs provided for
- » Live in a smoke-free environment



- » Learn how to look after yourself and your health
- » Support to help you feel confident and comfortable with who you are
- » Make positive choices and not feel pressured into doing anything that you don't want to do
- » See your doctor or other health worker in confidence - even if treatment is not provided
- » Agree to or refuse any surgical, medical or dental treatment. If you are under 16, this is also the case if medical staff think you are able to understand what is involved in the treatment and any possible results
- » Counselling and support services

EDUCATION

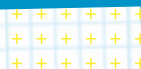
You have the right to:

- » A suitable education for your needs including religious education and opportunities to develop your personality, talents, mental and physical abilities
- » Any additional services you need to help with your education and to help you to overcome anything that might be getting in the way of your learning (this might mean that a support plan is specially designed for you)
- » Be helped and encouraged with your education, for example, support, private space and time for you to do your homework
- » Attend your current school if it is within reasonable travelling distance and you do not have to go to a residential school



- » Information about your rights and support if you are suspended or excluded from school
- » Claim financial support such as educational maintenance allowance, bursaries and clothing grants

If you feel your rights are being denied you can complain. You are entitled to do this, for example: Child Rights Officer, Advocate, Social Worker or Key Worker.



THROUGH-CARE AND AFTER-CARE

In 2014 the Children and Young People (Scotland) Act was passed. This means that there are different rights for young people staying and leaving care from April 2015 (see page 29).

Up to April 2015

If you are 16 before April 2015, these rights apply to you:

- » Remain in care until you are 18 unless this is not in your best interests
- » Be prepared for the time when you leave care - you will be involved in drawing up your Pathway views, assessment and plan
- » Leave your placement by agreement and not feel pressurised into moving on at age 16 or before you are ready
- » Expect guidance and assistance from your local council (if you need it) until your 19th birthday if you were looked after by them at your school leaving age. The council has responsibility to financially support you until age 18. You can request that assistance continues until your 21st birthday (or beyond if you are in full-time education)



The Children and Young People (Scotland) Act 2014

From April 2015

You have the right to:

- » Remain in care until you are 21 unless this is not in your best interests
- » Expect guidance and assistance from your local council (if you need it) until your 21st birthday if you were looked after by them at 16. The council has responsibility to financially support you until age 21. You can request that assistance continues until your 26th birthday
- » If you leave care on your 16th birthday you will be eligible for aftercare immediately
- » Leave your placement by agreement and expect the 'provision of continuing care' if you are 16 and over and cease to be looked after



You have the right to:

- » Be helped to prepare for moving on
- » Keep contact with staff and carers
- » Appropriate accommodation for your needs - this should not be unsuitable bed and breakfast or hostel accommodation, and you should not have to become homeless to access accommodation
- » Information about the complaints and appeals procedure if you are unhappy with any decision



USEFUL CONTACTS

Centre for Excellence for
Looked After Children in
Scotland (CELCIS)
0141 444 8500

ChildLine
0800 1111

CI@n Childlaw
0131 475 2567
075 275 66682

ENQUIRE (information
on additional support for
learning)
0845 123 2303

Ethnic Minority Law
Centre
0141 204 2888
0131 229 2038

LGBT Youth Scotland
0141 552 7425
0131 555 3940
01387 255058

Information
Commissioner's Office
(ICO)
0303 123 1113

National Health Service
[NHS] Inform Helpline (for
GPs & Dentists in your area)
0800 22 44 88

NHS 24 (will advise about
more specific health
issues)
08454 242424

NSPCC National Child
Protection Helpline
0808 800 5000

Respectme (Scotland's
Anti-bullying Service)
0844 800 8600

Scottish Child Law Centre
0800 328 8970

Scottish Children's
Reporter's Administration
0300 200 1555

Scottish Commissioner
for Children and Young
People [SCCYP]
0800 0191179

Scottish Human Rights
Commission
0131 240 2989

Scottish Public Services
Ombudsman
0800 377 7330

Scottish Refugee Council
Helpline **0800 085 6087**
Office **0141 248 9799**

Scottish Throughcare and
Aftercare Forum
0141 357 4124

The Care Inspectorate
0845 600 9527

Who Cares? Scotland
0141 226 4441

All children and young people have rights regardless of race, colour, sex, language, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

Article 2, United Nations Convention on the Rights of the Child (UNCRC)



The Scottish
Government
Riaghaltas na h-Alba

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