



THE WORK OF THE OFFICE OF THE CHILDREN'S RIGHTS DIRECTOR



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Children's Rights Director for England, UK

*The Rights of Children in Residential Care
Stockholm, November 2006*



*The Children's Rights Director:
Personal Statutory functions ...*

*Consults Children –
Publishes their Views*

*Advises on Children's Rights –
Individuals – Inspectorate - Government*

Follows up Individual Cases

*For children and young people living away from
home or supported by local children's social
care services*



Our children's website

www.rights4me.org



Sources of Children's Rights in England:

*United Nations Convention on the Rights of
the Child*

Human Rights Act

Key provisions in Acts relating to children

*Regulations and National Minimum
Standards*

Advice of Children's Rights Director



CONSULTATION DUTIES

UK Children Act 1989 –

ascertain and give due consideration to the [individual]
child's wishes and **FEELINGS**, subject to [age] and
understanding

United Nations Convention on the Rights of the Child –

Any child who is **capable** of forming his or her own
views shall be afforded the right to express those views
freely in all matters affecting them. The views of the
child shall be given due weight in accordance with the
age and **maturity** of the child.



**IT IS AN OFFENCE FOR THOSE RUNNING
CHILDREN'S HOMES NOT TO CONSULT
RESIDENT CHILDREN REGULARLY ON:**

The quality of the Home

The future development of the Home



Legal Duties of a New Inspectorate

A new inspectorate ("OfSTED") takes responsibility for inspecting all children's services (except health and justice) in England from April 2007

Its legal duties will include:

- Encourage & report on user focus of services
- Respond to needs of children
- Have regard to need to safeguard and promote the rights and welfare of children
- Have regard to the views of children / parents / employers about services
- Have regard to levels of satisfaction with services of children / parents / employers
- Act in proportion to risks



Inspectors asking children

- We need to ask children **directly** for their input
- Assessing how services consult and respond to children's views is important but different
- Children say different things to inspectors than to staff
- We know from children:

The perceived purpose of questions changes what they say

They are sensitive to what will become known to their staff – and to the possible consequences

They are aware of "staff filtering" of information

And of overriding adult professional perceptions

They want us to hear all sides and make our own judgements



Principles for Inspectors Consulting Children

- Ask children's views in an age appropriate way
- Consider by understanding not age
- Choice and range of ways of giving views
- Check how providers ask and use children's views
- Voluntary on the part of the child – must feel safe speaking
- **Take what children say as seriously as what adults say**
- Children's views are evidence
- Children should be able to know the Standards
- Keep individual views confidential but pass on concerns of harm
- Aggregate views in reports and make accessible to children



Involvement of Children in Inspection

- Surveys at beginning of inspection
- Discussion groups: random and special groups
- Individual case tracking
- Open access to inspectors
- Electronic messaging
- Simultaneous groups
- Simultaneous individual discussions
- Web based surveys and comparison with norms – the "TELLUS" survey
- *The question of children on inspection teams*

Quick Input

Corroborated children's input ...

- Two inspectors – two randomly selected children's groups
- Seek children's ratings on set criteria not previously declared
- Compare and focus on extremes & contrasts



On Inspection

What should I say to you?

Should I tell you some complaints?

Must I help us to pass the inspection?

Can I ask you to sort a problem I've got here?

Must I answer your questions like in court?



On Inspection

Ask what children think important here, then check on those things yourself

When you check on things, spend more time with children, less on paperwork and buildings

Be careful not to let staff work out which one of us said what – they're better at it than you think, and we get blamed!

Tell us the results of your inspection

You need to be able to make things change if they need to change



On Inspection

They camouflage things when inspectors are coming

So visit suddenly !



On Inspection

- Nearly three quarters agree with recommendations
- Over four in ten say Inspectors improved things
- Half report improvement on one or more recommendations
- Nearly a quarter report things getting worse on one or more recommendations
- Inspectors must visit again to follow up changes that must happen



HOW THE CHILDREN'S RIGHTS DIRECTOR CONSULTS CHILDREN

- **Random Invitations**
- **Multiple Consultations**
- **Hearing the Quiet Child**
- **Choice of Methods for the Child**
- **Seeking Opportunities to Influence Policy**



CONSULTATION METHODS

- Question Card Surveys
- Consultation Groups
- Including Government Officials
- Establishment Visits
- Events at Child-Friendly Venues
- National Children's Conferences
- Mobile Phone Texting Panel
- Secure Web Surveys – By Invitation



Top Messages from English Children in care...



Treat me as an individual, not part of a mass called children

Take what a child says as seriously as what an adult says

I want a say in decisions – depending on my understanding, not my age

Even if I don't understand enough to decide, ask me and take account of how I feel



AM I MAKING THIS DECISION?

1. You've no preference – I decide
2. I decide – but I know what you want me to say
3. I can say no to what you want, then that's it
4. If I want to stop you, I've got to argue reasons
5. I can object and that will make a difference
6. You'll only listen if I can convince you
7. I can object, but what difference will that make?
8. You'll decide your way unless something major
9. You've already decided whatever anyone says
10. I don't know how this gets decided

There's no decision about me: its "policy for all"



TAKING MY VIEWS INTO DECISIONS *Views from children now in UK law...*

Understanding not age

Once it's properly explained - do I understand:

1. ...The question?
2. ...The main reasons behind it?
3. ...What the alternatives are?
4. ...What will happen if I decide one way?
5. ...What will happen if I decide the other way?
6. Can I weigh things up for myself?
7. Can I say what I want for myself?
8. Can I keep to the same view, not keep changing it?



Be better at asking our views and feelings – and feed back what you did with them

Let me contact my social worker easily whenever I think I need to

Give me my social worker's mobile phone number

My social worker should see me alone, outside the home

Let me have a choice about who is my social worker



Train staff to help us cope with pressure, reduce bullying, stop small things leading to violence, and do restraint without hurting us

Include in my care plan how to calm me down without restraint

If I run away, give me the chance to tell someone independent why, and sort it out if I ran away from a problem

Tell me my rights and what the standards say



Treat our worries confidentially – don't chat and joke about them. You're worse at this than you think.

Children have a right not to be bullied.



Keep in touch, check on us, and deal with problems if we are placed a long way away

Do care planning well – and make sure we know what's in our care plans

Let us discuss possible complaints before we make them – then respond fast, don't just write a report - eventually

Make my education relevant to my future



Give us advocates

Don't brand me with the mistakes of my past

Give me space and the right to be alone when I want

Check everyone is happy about any pet animals in the home



Keep telling me what's happening – even if nothing is happening

Protect us from internet and mobile phone risks – but let us use them

Give me lots of information on new placements – such as photos

Make it illegal to discriminate against people in care or care leavers



Give us activities to keep us out of trouble

Tell us about abuse and dangers – even if it scares us

Give us opportunities to earn respect and trust

Professionals should not be told more than they need to know about me

We need to be able to contact a counsellor without going through staff first



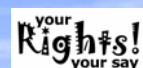
Be clear about your rules about touching a child or being alone with a child

Be fair – between children, and between children and adults

Find out risky places and times and take action to make them safer for us

What you're entitled to shouldn't depend on who your care worker is

Keep reviewing arrangements for our contact with our families, brothers and sisters



Children's Homes compared with Fostering...

Children's Homes offer you being with other children going through the same as you – without family living

Foster homes offer you individual attention – with family living



PLACEMENTS, DECISIONS & REVIEWS

- Changes to my life happen suddenly without warning
- Decisions where you had no say can still be right
- Sometimes it takes ages to carry out a decision
- Some decisions don't stay made
- Sometimes you don't know what you want
- Changing schools spoils education
- It can be right not to be with siblings or near home
- Arguments are the usual reason for placements ending
- Review meetings are difficult with all the people there



When you place us somewhere:

- Have a **RANGE** of places so there's a choice
- Give me a **CHOICE** of at least two places
- Have a **BACKUP** in case the first doesn't work out



**DON'T BRING ME BACK FROM MY PLACEMENT
BECAUSE YOU'RE SHORT OF MONEY OR YOU'VE
CHANGED YOUR POLICY**

**ONCE YOU'VE PUT ME THERE, LET ME STAY UNTIL IT'S IN
MY BEST INTERESTS TO COME BACK**

**TAKE MY WISHES AND FEELINGS PROPERLY INTO
ACCOUNT**

*A placement
is a commitment for as long as I need it*



Let me decide when I'm ready to leave care,
don't send me out at a particular age –
prepare me and help me with money, support,
accommodation and getting a job

UK Government is proposing:

**personal veto on leaving care before 18
option of foster care until 21**

Care leavers should have safe accommodation



Best things about leaving care:

- Getting you own flat
- Being responsible for yourself – making your own rules
- Not having people interfering
- Your views finally count
- Being able to stay out late / have friends to stay
- Not having to wear clothes other people want you to
- Not having to ask permission to go places
- Leaving care staff are good
- Going back home (if you do)
- Choosing whether or not to see your family again



Worrying things about leaving care:

- Loneliness and away from friends
- Not being able to cope
- Not being able to get help when needed
- Not having enough money to get by
- Cleaning up after yourself
- Leaving care before you are ready
- Having nowhere to come back to
- Being placed somewhere which has risks
- Becoming homeless
- Not settling and keeping moving around
- Risk of losing your own child



Rights of Care Leavers in England

- ***Assessment of your needs***
- ***A leaving care plan or pathway plan***
- ***A personal adviser***
- ***A place to live***
- ***Financial support***
- ***To maintain relationships***
- ***Involvement in decisions***
- ***To have a say if not happy about something***
- ***To see your files***
- ***To know about services you can use***



Children's Input to Current Inspection Policy Debate

Proposed 'proportional inspection' means poor services have more inspections, good services fewer inspections

Children agree with more inspection for poor services, but want frequency for good services maintained

Their reasons:

- ***inspectors may have misread a poor service as good***
- ***services can change rapidly from good to poor***
- ***principle of ensuring regular input of children's views***
- ***inspections may be helping keep a good service good***

Currently being considered by Government Ministers for decision



Message from a Care Leaver

***"I want to be free of my past,
better than my present,
and always ambitious for my future.
The only thing that can help me get there
is funding and my own will power"***