



CHILDREN ORDER

The Children Order

**A Guide for Children and
Young People**

**Living Away From Home
Your Rights**

COG 5

CONTENTS

Page

- Introduction
- 1. In Care or Provided with Accommodation
- 2. Decision making
- 3. Seeing your Files
- 4. Keeping in touch with Family and Friends
- 5. Discipline
- 6. When is locking up allowed?
- 7. Going Home
- 8. Once you have left
- 9. Other Important Matters
- 10. Making Complaints when things go wrong
- 11. Living in Residential Care
- 12. Useful Addresses

INTRODUCTION

Did you know that social services must listen to what YOU have to say before they decide how to look after you? This is just one of a number of rights you have when you are being looked after by a Health and Social Services Trust (social services).

This makes things better for children and young people. This booklet tells you about your rights when you are being looked after by social services.

Look on the contents page for a list of what is in the booklet. You may not want to read it all at once. You may find it easier at first just to reach the parts you need to know about. You can always read the rest later.

We have tried to make the booklet as clear as we can. But the law can be difficult to understand. If there is anything that you are not sure about **DO ASK AN ADULT** you can trust to explain it to you. There is a list of other people who can help you on page .

1. IN CARE OR PROVIDED WITH ACCOMMODATION

You can be looked after by social services in two ways. There is being in care and being provided with accommodation. When social services are looking after you, you need to know which category applies to you as it affects your rights, and who can decide how you are looked after.

You are in care only if a court has made a care order because it thought you were at risk of harm. *'The Children and the Courts – A Guide for Children and Young People'* will tell you more about this.

Being provided with accommodation means that social services and your parents have agreed that you should live away from home for a time. If you are older and understand what this will mean for you, social services will ask you how you feel about it. They will ask if you are willing for this to happen.

If you are 16 or over, social services must provide you with accommodation, at your request, if they think that you are likely to be in serious danger without this help.

In Care

If you are in care (that is if the court has made a care order about you), social services share parental responsibility for you with your parents. This means that your parents and social services must decide together how you are looked after. But sometimes social services may feel that to keep you safe they have to decide by themselves and not ask your parents what they want. Ask your social worker if this applied to you.

Provided with accommodation – a voluntary arrangement

If social services are providing you with accommodation your parents will still have what the law calls parental responsibility for you. This means your parents, not social services, have the right to decide what happens to you. In looking after you social services are giving help to your parents. Your parents and social services must decide together how you are looked after. Social services must write down what they have agreed with your parents. They must give a copy of this to you.

Social services must always ask you what you think about the plans they have made for you. When you are older and understand what it all means social services have to let you take part in deciding what plans are made for you. If you are 16 or over you should be asked to sign a copy of what your parents and social services have agreed and written down but you do not have to do so if you do not want to.

2. DECISION MAKING

Your wishes and feelings

Social services must ask you how you feel about any plans they are making for you. *They must listen to what you say. They have to take what you want into account when they are deciding what to do.* As you get older and understand better what it will all mean, social services have to let you have more say in their plans for you if this is what you want. Social services may not agree with your suggestions if they think to do so would hurt you. If you don't want to have any say in the plans you don't have to. *Your social worker must explain to you how their plans for you will work.* He or she must tell you what else could be done instead.

Your social worker must give you time to say what you want to say in your own words. He or she must listen carefully to what you have to say and talk to you about anything you want. *Keep on asking if you don't understand something.*

Help

You may find it easier to say what you want if someone whom you trust and get on well with comes along to help you. Ask your social worker if you can bring someone along with you. You could take a member of your family, a teacher or a friend.

Other views

Social Services must also listen to what your parents and other people close to you think should happen. Social services must take into account your religion, racial origin, culture and language. This is very important if you are to live away from home.

Plans

Social services must make plans about your care. They must try to do this before you are moved from home. But sometimes they will not be able to if you have to be moved urgently for your protection. Then they have to do it as soon afterwards as they can. The plan is about how social services think you can best be looked after. This is not just at the beginning but throughout the time you are living away from home. It will cover things like seeing your family and friends and where you will be living. *It is very important for you to be able to say what you want to happen. You should tell social services about anything that matters a lot to you.*

Reviews

Social services must hold meetings to talk about how their plans for looking after you are working out. They have to think about whether these plans need to be changed. These meetings are called reviews. The first review must be held not later than two weeks after you first started to be looked after. The second review must be three months after that. Then reviews will be at least every six months.

Social services must ask you what you feel and think. The review gives you a chance to say how you want to be looked after. Although you do not have a right to go to your review meeting you will usually be able to go if social services think that you will understand what is going on. If you are not allowed to go to the review you should be told why not. You may be able to stay there for all of the meeting if that is what you want. Try to work out before the review what you want to say. You could ask someone to help you do this. You might want someone you like and trust to come to the review with you. That might make it easier for you to say what you want. Ask your social worker if you can do this.

Usually, social services will ask your parents to come to the review meeting. *If your parents being there would make you feel too frightened or upset to go, tell your social worker.* The person in charge of the review may say your parent(s) cannot come to the meeting. He or she may let them come to part of the meeting when you are not there.

Your social worker may tell you it would be best for you not to go to the review. If this happens talk with your social worker who should tell you why it is best for you not to go to the review. *Ask what other ways there are for you to say what you want.* You might want to write it down or you could perhaps make a tape or video recording. If you are still unhappy with what your social worker says you can make a complain (see page).

Other people like your foster carers, teacher, doctor or school nurse may also be asked to the meeting. Social services will invite them if they have something useful to say. Your social worker should always ask whether you want them to come.

3. SEEING YOUR FILES

Social work files

You have the right to see what is written on your social work file if social services think that you will understand what is written there when you see it. They will not let you see what was written by or about other people, unless these people agree. Social services will not let you see anything which they think will be harmful to you.

If you want to see your file tell your social worker. You can ask social services to put right anything on your file you think is wrong. If social services will not do this ask them to put what you say on your file as well.

Health files

If you are 16, you have had the right to see what has been written about you in your health records from 20th May 1994. Health records are those kept by doctors, dentists, nurses, opticians, child psychologists and psychotherapists. If you are under 16 you may be allowed to see your file if the health authority thinks that you will understand what is written there when you see it. At any age you have a right to see health information held on computer so long as the health authority is satisfied that you understand what it all means.

Education files

If you are 11 you have the right to see a school's record of your progress. If you are 16 you can ask to see other records which the school holds about you. A school will give you information if it has been supplied by a teacher at a school which you have attended or by an employee of an education and library board or by yourself or your parents. This only applies to records made after the 1st of September 1990. Schools are not required to show you information kept just for the teachers own use or given as a reference. They are also not required to show you information prepared for certain court proceedings or which could be harmful to you.

4. KEEPING IN TOUCH WITH FAMILY AND FRIENDS

Contact

Social services must keep you in touch with your parents, family and friends unless social services believe this will be harmful to you. This could be through overnight stays, visits, letters or telephone calls. The law calls this 'contact'. Social services may pay for you to go to see your family and friends or for them to visit you if you would not be able to see them otherwise.

*If you are frightened or unhappy about seeing your parents, or any other person, tell your social worker. Say why you feel this way. You should never be made to have contact with someone if you do not want to. If you feel that you are being made to do this you can go to court. You can ask the court to make an order stopping contact or you can ask your social worker to do this for you. (See '**The Children Order and The Courts – A Guide for Children and Young People**').*

In Care

If you are in care (see page 2) social services must let you keep in contact with your parents or carers unless they believe that this will be harmful to you. Your social worker will decide how and when this is to be done. They must always talk about it with you and your parents first.

Social services can stop you having contact with your parents if they think they have to do this to keep you safe. They must tell you in writing if they decide to do this. They can only do this for seven days. If they want to stop you from being in touch with your parents for longer than this they have to ask the court to agree.

You have the right to go to court if you want to stop contact. You can go to court if you do not like how and when social services let you see and hear from your family and friends. But you should first try to sort it out with social services. You can also ask the court to make an order to let you get in touch with your parents or anyone else you wish to see, telephone or write to. The booklet '**The Children Order and the Courts – A Guide for Young People**' tells you more about what happens when you go to court.

Provided with accommodation – a voluntary arrangement

If you are being provided with accommodation (see page) social services, your parents and you should all agree about contact before you leave home.

If you cannot all agree about contact you can go to court to ask for what you want. But first you have to ask the court to let you do this. To find out more

look in the booklet *'The Children Order and the Courts – A Guide for Young People'*.

Independent visitors

Social services may ask a person call an *independent visitor* to visit you if they think this would be good for you. Social services will do this if your parents or someone with parental responsibility for you have not visited you for a year or if they have not been in touch with you much. Being an independent visitor is not a paid job. An independent visitor does not work for social services.

An independent visitor will try to be like a friend to you and to help you. If you want, your visitor could come with you to reviews or other meetings (see page). Your visitor may also be able to talk to social services for you about anything that is worrying you. He or she could help you to make a complaint if you are unhappy about how you are being looked after (see page).

You may like your independent visitor to be someone who has been in care or perhaps someone of the same religious or racial background as you. You may want to choose whether it will be a women or a man. Social services should always talk to you about what you want and listen to what you say. You can refuse to have an independent visitor if you understand what this means. You can also ask for your independent visitor to stop visiting you.

When you are being looked after by social services there are rules about discipline. If you are looked after in a children's home the rules about discipline are written in the law. If you are looked after by foster carers they have to agree not to use physical punishment – that means things like hitting or slapping you.

Children's homes

Each children's home has to have a written list of the kinds of discipline which can be used in the home. You have a right to see this list which is written on what is called a statement. The statement says what the home sets out to do for children. Every home has to have a statement. You have a right to see the other parts of the statement as well. If you want to see it ask the residential social worker or other member of staff to show it to you. The statement has to say who can use which types of discipline and when. It also has to say who in the home is allowed to say where and how they can be used.

You and the residential social workers should be honest with one another and show respect for one another. *The residential social workers should always let you know what is expected of you. They are there to look after you and to help you. Some types of discipline are allowed but you should not feel frightened or threatened, for example by being shouted at all the time. If you feel like this*

you should tell your residential or field worker or other adult you trust such as someone who visits you.

Some kinds of discipline are not allowed in children's home. You should not be disciplined or threatened to be disciplined in any of the ways listed below:

- Hit, slapped, pinched, squeezed, shaken, dealt with roughly or have things thrown at you. This also means not hitting you back when you have hit first.
- Stopped from having food or drink;
- Stopped from seeing your parents, family or friends. Stopped from getting or sending letters or from getting or making telephone calls;
- Stopped from getting in touch with your social worker, *guardian ad litem* or solicitor;
- Made to wear clothes that draw attention to yourself, things like punishment badges or pyjamas during the day time;
- stopped from having your usual medicines or from going to the doctor or dentist when you need to;
- Given any other form of medicines, such as drugs to keep you quiet, or given medical or dental treatment when you do not need it;
- Deliberately stopped from going to sleep;
- Being locked in a room;
- Made to pay a fine (unless it is a court fine) but up to tow thirds of your pocket money could be kept from you for the repair or replacement of property damaged or stolen by you.

Foster care

Social services have to make sure foster carers are suitable to look after other people's children. People can only be foster carers if they first agree with social services about how they will look after any children who come to stay with them. They agree to help the children to keep in touch with family and friends if this is right for the children. They also promise that they will not discipline or threaten to discipline any children in their care in any of the following ways:

- hitting, slapping, pinching, squeezing, shaking, dealing with roughly or throwing things at any children in their care. This also means not hitting you back if you hit first;
- stopping children from having food or drink;
- stopping children from getting in touch with their parents, family or friends.

What you can do

If you are in a children's home or foster care and are disciplined in any of the ways that are not allowed, tell your social worker. If you are not happy with what your social worker does about it you can complain (see page).

6. WHEN IS LOCKING UP ALLOWED?

Children under the age of 13 must never be locked up in secure units in children's homes unless special permission is first given by the Department of Health and Social Services. In all other cases, you must not be locked up unless social services think that:

- you have a history of running away, that you are likely to run away again and that you are likely to be at risk of serious harm; or
- if you are not locked up you are likely to hurt yourself or other people.

You can be locked up in a children's home for more than three days, or three days within a consecutive period of 28 days, unless a court makes an order saying those looking after you can do so. At court you will have a solicitor to speak on your behalf (see *'The Children Order and the Courts – A Guide for Children and Young People'*).

Reviews

If you are in a secure unit in a children's home your case will be looked into no later than one month after you were locked up. It will be looked at again every three months after that. One of the people looking into your case should be independent of social services. Checks will be made to find out whether you need to be locked up and whether any other place would be more suitable for you. Social services should ask you what you would like to happen. They should tell you what has been decided about your being locked up.

Independent Representatives

Secure units may have people called *Independent Representatives* who visit. These are not the same as Independent Visitors (see page 10). They make sure that you are being looked after as the law says you should. They will talk to you in private if you want and what you say will not be passed on to anyone else unless you agree. As your social worker or keyworker whether there is an Independent Representative in your secure unit. Ask how to get in touch with him or her.

7. GOING HOME

Generally the best place for children to live is with their families. If for a time children cannot live at home social services must do their best to help sort out any problems families are having. They do this so that, if possible, children can return home.

In Care

If you are in care (see page 2). Your parents cannot take you home unless social services agree. Social services should talk to you first and find out what you feel about it. If you want to go home and social services do not agree the court will have to decide whether you should still be in care. If you want to you can ask the court to end the care order.

Provided with accommodation – a voluntary arrangement

If you are provided with accommodation (see page) your parents have the right to take you home at any time. Before social services started to look after you they should have talked with you and your parents about when you would go back home. You should all have talked about what would happen before you go home. Usually your parents will tell the social worker when they want to take you home. If you are 16 or over you can refuse to go home if you do not want to.

If you are under 16 and do not want to go home you should talk about this with your social worker. If your parents do not agree to your staying away, you may be able to ask the court to make an order saying that you can stay away. You can ask social services for advice on how to do this.

If your parents try to take you home unexpectedly in a way which puts you at risk of serious harm your social worker should ask the court to make an emergency protection order so that your parents cannot take you away.

Getting ready to leave care or accommodation

Social services must help you to get ready for the time when you are no longer looked after by them. They have to do this whether you are going home or going to live on your own. They should start to do this well before you are due to leave care. They should help you to feel good about yourself, to make friends and to get on well with your family. They have to help you to learn to look after yourself – to shop for food, to cook, to wash and iron clothes, to sew and to manage your money.

8. ONCE YOU HAVE LEFT

If you have left care or accommodation after reaching the age of 16, social services must help you until you are 21 if they think that you are in need and they can give you the help that you ask for.

Money

Social services do not have to give you money. They may do so where they need to do this to keep you safe and if you cannot get money elsewhere. They will provide information on other bodies that might be able to help.

Housing

Social services will know that the Housing Executive can do to help young people leaving care or accommodation. Social services can also get in touch with housing associations which may be able to give you somewhere to live.

Social services must provide you with accommodation if you are 16 or 17 and homeless or at risk of being made homeless and if they believe you are in serious danger. They do not have to provide you with housing. If you are between 16 and 21 social services may place you in a children's home which takes young people of 16 and over if this would keep you safe.

Education and employment

Social services might be able to help you to meet the costs of somewhere to live if you are carrying on with your education or training. They can also do this if you are looking for work. They might be able to give you money to buy books and other things you may need at college or work.

Groups for young people leaving care

Social services might help you set up groups to give help and support to all young people who have left care. You may wish to contact 'Voice of Young People in Care' (VOYPIC). You can find their phone number on page . You should ask social services what other groups there might be. You might like to form a group with other young people who have left care or accommodation or whom you have been accommodated with. Social services will be able to give you some ideas about how to do this.

Publicity

Social services must let people know what help they give to young people. They should also give you an easy to read guide for young people before you

leave care. If you move, tell social services your new address if you want them to carry on helping you.

9. OTHER IMPORTANT MATTERS

Being hurt or harmed

If you are hurt or harmed by anyone who looks after you tell an adult you can trust. This could be your social worker or your teacher or your doctor. Or you could get in touch with one of the organisations on page or go to the police. It may be very difficult to do this. But it is important that you do. It is important for your sake and for other children and young people who may be hurt or harmed by the same person. If you want help and support get in touch with one of the organisations listed on page . They will help you. They will listen to you. They want to hear what you want to say and they will look into it.

It is likely that a child protection conference will be held. This is so that a plan can be made for keeping you safe in the future. If you want to find out more about this look at the booklet *'Getting Help from Social Services – A Guide for Children and Young People'*. You can get it from social services, libraries and other places like doctor's surgeries. It explains what a child protection conference is. It tells you what happens at it and what your rights are.

What you say will be looked into very carefully. While this is happening, if you are with foster carers, you may be moved somewhere else to live. This could happen if the person you say abused you lives in their house and is not willing to leave. The person you say abused you may be a member of staff of the children's home where you live. If this is the case he or she will often not be allowed to keep on working there while things are being looked into.

If you are under 16, you may agree or say no if the doctor thinks you understand what having or not having the treatment will mean for you. If the doctor does not think you understand then it will be for your parents or social services to agree. If you want to know who is able to say yet or no to your having medical treatment, you should ask your social worker. At 16 you have the right to agree to or say no to all medical treatment. It is for you to decide.

Religion, names and living abroad

If you are in care, social services must not:

- Change your religion;
- Prevent you attending services and receiving religious education;
- Change your surname unless your parents have agreed to this in writing or if the court has said it is all right;

- Let you be taken abroad or more than one month unless your parents agree or the court say you can;
- make you live outside Northern Ireland for good unless the court agreed to this.

If you want to know more about this you should ask your social worker or other adult you trust such as someone who visits you.

10. MAKING COMPLAINTS WHEN THINGS GO WRONG

What you can do

If you are not happy about the way social services have treated you, you should tell them how you feel and try to sort things out with them. Ask them why they did what they did. As if they could do something else instead.

You may find it hard to do this by yourself. Your family or friends may be able to help you. There is a list on page 27 of this booklet of people who will be able to help you.

How to make a complaint

Social services must have a way to let children make a complaint if things go wrong. This is often called a *Representations or Complaints Procedure*. All children have the right to use it. You are likely to need help to do this. Social services should tell you who can help you or you could ask for help from your parents or one of the people listed on page 27 of this booklet.

Some of the things you can complain about:

- The way in which you are or have been looked after by your foster carers or children's home staff;
- The decisions your social worker made about you;
- The way you have been treated.

Finding out how to complain

Social services must tell people in writing about their complaints procedure. They must say how it works, who can use it and when. You should be able to get leaflets about it in libraries and other places, like a doctor's surgery. The leaflets should be easy for children to understand. If you live in a children's home you must be given a leaflet about how to complain. The leaflet must have on it the telephone number of someone you can get in touch with if you have problems. This person must have nothing to do with the home. Social services will help you to use the procedure if you wish and will let you know you can help you outside social services.

How it works

Social services must look carefully into complaints. They must do this together with an independent person. This means someone who has nothing to do with social services.

This is how it works:

- You tell social services you want to complain. You do not have to do it in writing. The social services will write down your complaint for you. They will then ask you if they have accurately recorded what you want to say.
- Social services must look into your complaint with the independent person. Social services staff and/or the independent person may want to ask you questions. This is so they can be clear what you are not happy about. Social services have to let you know within 4 weeks what they are going to do about your complaint.
- If you are not happy with what they decide to do tell social services, in writing, within 4 weeks that you want your complaint to be heard by a panel. A panel is made up of three people. One of the people on the panel must be independent. That means they must have nothing to do with social services.
- The panel must meet within 4 weeks to talk about your complaint. You can write down what you want to say and give it to the panel. You can also speak to them at the meeting. You have the right to have someone else there to speak for you if you wish.
- The panel must say what they think should happen within one day of the meeting and tell you.
- Social services should tell you what they have decided not later than 4 weeks after the panel meeting. They must also tell you why they decided what they did.

Further action

If you still feel unhappy about how you were treated you may be able to go to court or you can make a complaint to the Commissioner for Complaints whom you may know as the Ombudsman (see page).

Social services should be able to give you the name of a solicitor or you could get in touch with people at one of the addresses on page and ask them to help you.

If you live in a children's home you must be given a leaflet which gives the telephone number of someone you can get in touch with if you have problems. This person will not be connected with the home.

11. LIVING IN RESIDENTIAL CARE

All children's homes

All children's homes should be visited once a month by someone who is responsible for running the home. But it cannot be someone who works there. This is so that someone from outside goes to see for themselves how things really are in the home. They then have to write a report about what they find. Nobody should know they are coming so that things cannot be covered up. The staff of the home should always let you talk in private with the visitor if you want to.

Voluntary and private children's homes

Someone from social services must visit you in a children's home run by a voluntary organisation or a private children's home within one day if they have been told that you may not be being properly looked after or may not be being kept safe. If you are unhappy about how you are treated in a children's home you should get in touch with social services.

During the visit you must be seen alone except for the rare time where the visitor thinks that this is not necessary. Social services must read all the home's records about you. Social services can take you away from the children's home if they do not think that you are being properly looked after. If social services are not satisfied with how you are being looked after but think that you should stay there for the time being they must visit you again within four weeks.

The Department of Health and Social Services can check up on any children's home or foster home at any time. Someone from the Department can see the children and see how they are being treated. They can look at the way in which the home is being run.

12. USEFUL ADDRESSES

People who can help you

Childline

Freepost 1111 London N1 0BR
Freephone Helpline 0800 1111

NSPCC Child Protection Line

Freephone 0800 800 500

Voice of young people in care (YOYPIC)

Telephone 01232 244888

Citizen's Advice Bureau

You can find out where your local one is
in the telephone directory

Other People

The Ombudsman

Freephone 0800 669933
Freepost, The Ombudsman,
Belfast BT1 6BR

More about the Children Order

Three other general guides on the
Children Order have been produced
for children and young people:

The Children Order and You – A Guide for Young People (COG2)

This leaflet explains what the
Children Order is about.

The Children Order & The Courts – A Guide for Children and Young People (COG3)

This booklet explains your rights,
what courts can do and about the
way the courts hear cases.

Getting help from Social Services – A Guide for Children and Young People (COG4)

This booklet explains what help
children can get from social
services and how to go about
getting it.

These guides are available from
social services.

Notes
