

RIGHTS

INFORMATION FOR YOUNG PEOPLE WHO
ARE LOOKED AFTER IN SECURE CARE

(SCOTLAND)



Scottish Children's Rights
Officer's 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 in secure care.

The information in this booklet is in addition to “**Rights, Information For Young People Who Are Looked After Away From Home (Scotland)**”.

Reminder for you:

The contents in the Rights Information For Young People Who Are Looked After Away From Home (Scotland) are:

- » Dignity and Respect
- » Equality and Diversity
- » Privacy and Confidentiality
- » Choice and Participation
- » Safety and Protection
- » Realising Potential



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It is important that you are aware of how your rights may affect you on a day-to-day basis while you are looked after in secure care.

We have organised the information in this booklet around seven key areas young people in secure care have asked about:

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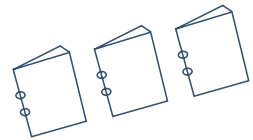


Young people are placed in secure care for different reasons. Although your freedom is restricted, you still have many other rights and it is important for you to have information on these while you are in secure care. When you are in secure care you will be with other young people.

You must be kept safe from harm and protected against violence. You must be given proper care from the secure care team who are looking after you.

Secure care offers a safe, secure and controlled environment for your care when you have been placed by the Court or a Children's Hearing.

When you are in secure care you will access a range of educational, health, and behavioural programmes as well as support to prepare for your return back into the community.



Information that you should receive while you are looked after in secure care should include details of services you can contact to ensure your rights are being respected. This booklet has a range of useful contacts.

You will be given advice and information directly from the care team at the secure service about what to expect during your stay in secure care. This will include routines on times for meals; getting up and going to bed; education; visits; phone calls; rules; sanctions/ consequences.

You have a 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.

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You can ask for support with this from the secure care team where you are accommodated, your Social Worker, your Children’s Rights Officer or from an advocacy worker.

Your rights must be respected at all times.

Your rights are written down in law within the following documents, The Children Scotland Act 1995, The Human Rights Act 1998, The Children and 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.

The United Nations Convention on the Rights of the Child (UNCRC) is an important document for children and young people; it provides details of all your rights. You have many different rights, for example:

- » your best interests must always come first
- » you have the right to life, survival and development
- » your views must be considered and taken into account in all matters affecting you.

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 to be listened to.**

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

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Your rights should only be restricted in a legitimate way, and this must be balanced and fair. This is called **proportionality**.

All young people placed in secure care have the right to express their views and to be listened to. You should be offered support to prepare and present your views. You have a right to express your views at meetings, care planning meetings; hearing and reviews and to have your views listened to. Your views should be taken into account when decisions are made about you.

You can ask for support with this from the secure care team where you are accommodated, your Social Worker, your Children's Rights Officer or from an advocacy worker.



1. CONTACT



While you are in secure care your secure care team and Social Worker will speak to you about your contact with family and the people who are important to you.

There are different types of contact that you may be able to have; these are letter contact; telephone contact and face-to-face contact.

Any contact you have must be agreed by your Social Worker. Sometimes contact is supervised; you will be given reason(s) for this. There will be times when you are not able to have contact with your family or people who are important to you as there may be reasons this is not in your best interest or safe for you or the people you wish to have contact with. You will be given reasons for this. Contact will be discussed at your care planning meetings; you can raise any issues you have at any time with your care team, Social Worker, Children's Rights Officer or an advocacy worker.



2. MOBILITY

When you are in secure care your mobility will be restricted. There may be opportunities for you to have time out of the secure care service to link to other services and the community.

Mobility will be discussed at care planning meetings. A risk assessment will be carried out and decisions will be made on an individual basis.

You can ask for support at any time from your care team, Social Worker, Children's Rights Officer or an advocacy worker.

3. PERSONAL AND ROOM SEARCHES

The care team have a duty to protect and promote the safety and welfare of children and young people. This duty may extend to searches of children and young people and/or their rooms if staff have reasonable cause to suspect that something harmful is being hidden.

- » Searches should not be conducted on a routine basis.
- » You have the right to know why staff are carrying out the search.
- » You must be asked for your consent to a personal search (where you are asked to remove your clothing) and this should be recorded.
- » If consent is withheld staff may call the police to carry out the search.
- » You must be asked for your consent to a room search and this should be recorded. Your consent is not required if staff believe that something harmful is being concealed.



3. PERSONAL AND ROOM SEARCHES CONTINUED

- » You should always know if staff have searched your room.
- » Any search that is carried out should be done sensitively and not intentionally embarrass or humiliate you.
- » Your individual circumstances must be taken into account in deciding who conducts the search, and staff of the same sex as you should carry this out.
- » You have the right to expect staff to be properly trained to carry out searches.

If you want to discuss the search, you should be given the opportunity to talk about this.

You can ask for support with this from the secure care team where you are accommodated, your Social Worker, Children's Rights Officer or an advocacy worker.

You have the right to complain if you think the search should not have taken place, or if you are unhappy with any aspect of the search.

4. SINGLE SEPARATION

Care staff have a duty to protect the safety of all young people and they may decide that young people require to be isolated from the group when their behaviour presents a serious risk of harm to themselves or others. This is sometimes called single separation, isolation or segregation. The secure placement that you are in will have rules they have to follow about this.

- » You must only be separated from the group to prevent serious risk or harm to yourself or others.
- » When you are separated, you should be warm, comfortable and have access to toilet facilities and food.
- » You should not be deprived of clothing whilst separated. Certain items may be removed, however, if you are considered to be at risk of self harm.
- » You should be monitored by staff at least every 15 minutes while you are separated and the overall time you are there should not normally be more than three hours in any 24-hour period.

4. SINGLE SEPARATION CONTINUED

- » Staff should support you and help you to rejoin the group as soon as the situation is safe.
- » Your Social Worker must be informed if you are separated.

You should be given the opportunity to discuss the period of separation with staff and/or another adult you trust and to have your views recorded after the event when you feel able to discuss it (this is sometimes called a life space interview).

You have the right to raise any concerns or to make a complaint (See page 17) if you think the separation shouldn't have happened, or if you are not happy with any aspect of the separation.

You can expect all periods of separation to be recorded. These are also monitored by the Care Inspectorate to make sure they are carried out within guidance for staff and to protect your safety and/or the safety of others.

You can ask for support with this from the secure care team where you are accommodated, your Social Worker, Children's Rights Officer or an advocacy worker.

5. PHYSICAL RESTRAINT/SAFE HOLDING

Care staff have a duty to protect and promote the safety and welfare of young people. Where your behaviour is considered to be a significant risk to yourself or others, staff will try to calm you or the situation down using acceptable methods (this is called de-escalation). As a last resort, they may use physical restraint/safe hold.

If physical restraint/safe holding is used, your rights include the following:

- » You have a right to know that the unit will use an agreed method of managing challenging behaviour and physical restraint/safe holding.
- » Staff will be fully trained in this method of managing challenging behaviour and in the use of physical restraint/safe holding.
- » Staff members should use restraint/safe holding only when methods of de-escalation have been exhausted and there continues to be significant risk of harm to you or others.

- » You should not be deliberately hurt. If, however, you sustain an injury, you should have access to medical assistance where needed/requested. Any injuries should be recorded.
- » It can be upsetting for both young people and staff where a restraint has had to take place. You have a right to be treated with respect and dignity and to have your safety protected when being restrained. The safety of staff and other young people is also important.
- » You can expect to be supported after any restraint and should be given the opportunity to discuss it when you feel able - this is sometimes called a life space interview.
- » You have the right to make a complaint if you think the restraint was not carried out properly or you think it should not have happened, see next section (page 17).

5. PHYSICAL RESTRAINT/SAFE HOLDING CONTINUED

- » You can expect all restraints to be recorded. This record should include your account of the incident/restraint. The records are also checked and monitored by the Care Inspectorate. You can ask to see these records.

Care Inspectorate

The Care Inspectorate makes sure people receive high-quality care and ensures that services promote and protect your rights. The Care Inspectorate is involved in inspecting care services and may ask you for your views about your care while you are in secure care.

Your Social Worker should be notified of any restraint and the circumstances and may discuss with you the need to inform others for example your parent(s) or carer(s).

You can ask for support with this from the secure care team where you are accommodated, your Social Worker, Children's Rights Officer or an advocacy worker.

6. MAKING A COMPLAINT

If you are unhappy with any aspect of your care you have the right to make a complaint.

For your information:

Sometimes young people want to complain when they have been hurt or harmed, but this is dealt with under separate child protection procedures which your Social Worker will tell you about.

Your rights within the complaints procedure include the following:

You should be told about the secure service's own complaints procedure and also about the other ways that you can make your complaint outside of the secure accommodation, these include:

- » Council's Complaints Procedure
- » Care Inspectorate Complaints Procedure
- » Public Services Ombudsman

6. MAKING A COMPLAINT CONTINUED

You should have access to complaints forms and to someone of your choice to help you with your complaint.

You have a right to complain and should not be discouraged from doing so. If you are treated differently as a result of making a complaint then you can complain about this also.

You can ask for support with this from the secure care team where you are accommodated, your Social Worker, Children's Rights Officer or an advocacy worker.

You can expect that your complaint will remain confidential until you decide you wish it to be investigated - this is not the case if it is a child protection issue.

You should be made aware of how your complaint will be investigated, when you should expect to get a reply, and about what you can do if you are unhappy with the reply - this can include asking for the decision to be reviewed again by a Senior Manager or making an appeal against the decision.

Your complaint should be investigated by someone who is not involved in the complaint itself.

If you are unhappy about the outcome of your complaint you can ask for details about making an appeal.

All complaints are recorded and monitored to check that the complaints procedure is working properly for you and other children and young people, and that any changes and improvements are made when they need to be.

Your Social Worker should be notified of your complaint, and may discuss with you the need to inform others, for example a parent(s) or carer(s).

6. MAKING A COMPLAINT CONTINUED

You must be provided with relevant contact details of your council's complaints department and the people who can help you make a complaint.

You should be able to make private phone calls to contact these services.

You can add your local council's contact details below:

Contact details:

This page has been left blank for you to add contacts in your local area such as your local Council Services; Advocacy Service; Social Work; Standby/Emergency Duty Team/Out of Hours Service or any other numbers that are important to you.

Contact details:

UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

Article 2 of UNCRC: 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 3 of UNCRC: If a decision is being made by any organisation about your well-being, then your interests must be considered when making the final decision.

What is best for YOU is what matters.

Article 12 of UNCRC: You have the right to speak up and have your opinions listened to and taken seriously by adults on things that affect you.

NOTES



NOTES

USEFUL CONTACTS

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

ChildLine
0800 1111

CI@n Childlaw
0333 200 2436

ENQUIRE (information
on additional support for
learning)
0345 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)
111

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
0141 248 9799

Scottish Throughcare and
Aftercare Forum
0141 357 4124

The Care Inspectorate
0345 600 9527

Who Cares? Scotland
0141 226 4441



**The Scottish
Government**
Riaghaltas na h-Alba

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