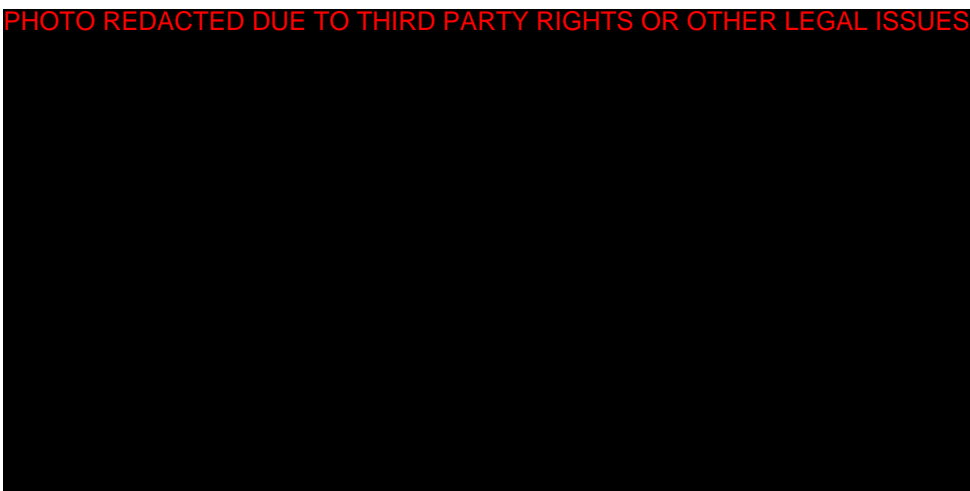
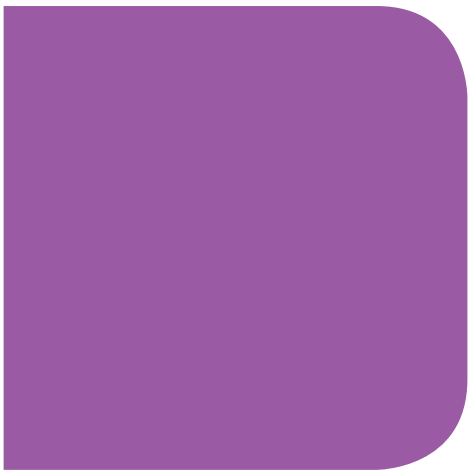
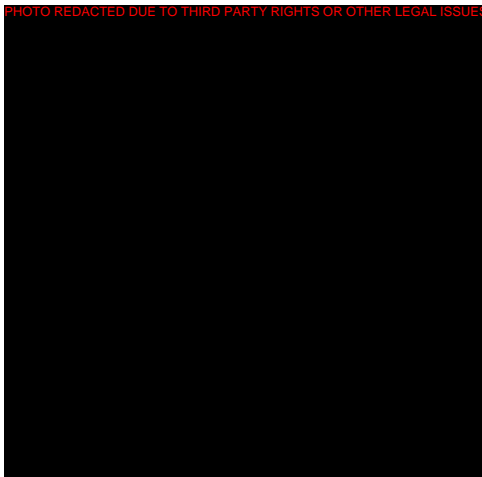


Children on care standards

Children's views on National Minimum Standards for children's social care

A report by the Children's Rights Director for England



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About the Children's Rights Director



Roger Morgan, Children's Rights Director for England

The law sets out my duties as Children's Rights Director for England.¹ One of my main jobs, with my team, is to ask children and young people for their views about how they are looked after when they are living away from home, or being helped by local councils' social care services. I then tell the Government, as well as Ofsted (which does inspections to check on how children and young people are being looked after and supported) what those children and young people think, and about any concerns they have about the care or support they are getting.

'Children's Views' reports of what children and young people have told me are published for everyone to read. You can find copies of all my Children's Views reports on our children's rights website www.rights4me.org.

The children and young people I ask for their views are those living away from home in England (in children's homes, boarding schools, residential special schools, residential further education colleges, foster care, adoption placements, or residential family centres), those who are getting help of any sort from the children's social care services of their local council, and care leavers.

As well as asking children for their views and publishing what they tell us, I and my team also give advice to Ofsted and the Government on children's rights and welfare. We have a duty to identify and raise issues we think are important about the rights and welfare of children living away from home or getting children's social care support. We do this both for individual children and for whole groups of children.

This report sets out the views and ideas of children and young people about what the standards (rules) for looking after children in social care settings should say in the future. The report gives their views, not mine. Their views are thoughtful and straight to the point. I believe it is vital that everyone involved in writing or agreeing the new rules knows what children themselves think. I hope that this report will help to put the children's views forward to those who need to take them into account.

A handwritten signature in black ink that reads "Roger Morgan".

¹ In Section 120 of the Education and Inspections Act 2006, and the Office for Standards in Education, Children's Services and Skills (Children's Rights Director) Regulations 2007.

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About this report

There are sets of rules (called National Minimum Standards) which say how children should be looked after in each main sort of social care service for children. There are standards for the different sorts of places where children might live away from their first home – such as children’s homes, foster care, residential special schools, boarding schools and further education colleges. The standards are decided by the Government. They are used by the people looking after the children, to know what the Government expects them to do and not to do. They are used by inspectors from Ofsted when they visit to check that children are being looked after properly. Children and parents can also look at them to see what should and shouldn’t be happening in places where children are being looked after.

When they published the first set of National Minimum Standards in 2002, the Government said that it would review them and produce a new set after about three years. The Government wrote its proposals for how the care of children should be changed and improved in its *White Paper Care matters: time for change*, which was published in 2007. The National Minimum Standards are now going to be revised and changed to fit in with the improvements that are set out in that White Paper.

To make sure that the new set of National Minimum Standards includes the things that children and young people themselves think are important, the Government asked us to find out what children think and write a report about it. This is that report.

We hold a children’s conference every year, as one of the ways we ask children for their views. In June 2007 we held our conference at Lightwater Valley Theme Park, near Ripon in Yorkshire. The subject of the conference was what children wanted to see in the new National Minimum Standards. At the conference, we asked children about the main issues the Government will be covering in the new standards. We gave the children cards with questions on, and asked them to fill in their answers. We agreed the questions on these cards with the Government officials who will be writing the new standards, as they will be using the views the children gave us. We asked children for their own ideas and views. We did not offer them our own ideas to choose from. What they wrote came from them.

There were seven question cards for children to fill in. One was filled in before the conference and handed in at the entrance. The others were given to children as they arrived, for them to fill in and hand in during the day. There was a ‘children’s rights base’ to hand in each of the cards, and children were given a thank you gift for each completed card they handed in. There was a prize draw at the end of the day for children who had filled in all their cards.

This report contains the views children gave us, without adult views being added. It does not leave out views that the Government, Ofsted or the Children’s Rights Director might disagree with. It does not pick out just those views we might agree with. Our report is similar to a research report, though it comes from consulting people rather than a research project.

On questions where children could write their own ideas, we have said how many children answered the question, and how many gave each main answer. Where children wrote their reasons for giving particular answers, we have said in the report what some of the main reasons were, adding together the number of children who made a similar point, although of course they often used different words. We have also included quotes from individual children where these sum up what others said, or are good examples of what children told us. These are written exactly as the children wrote them – we have not changed or corrected them.

We have listed many of the top ideas from children. These top ideas are the ones that each came from 20 or more children and young people.

We are sending this report to the Government officials who are working on the new National Minimum Standards. We are also sending the report to Government ministers, to other key people in Parliament, to the key people in Ofsted, to each of the UK Children’s Commissioners, and to all children’s social care authorities in England.

‘I’m living in a happy home
and know I’m safe’

Summary of children’s proposals

Here is a summary of the main rules that children proposed to us for the new National Minimum Standards. We hope this summary will be particularly useful for the Government officials who will be writing the new rules. Each of these proposals would apply to all the settings children might live in, such as children’s homes, foster care, and boarding or residential schools and colleges.

- Children should know what the National Minimum Standards for their setting say, and have this explained to them in language that they understand.
- Children and young people should be treated fairly and with respect. There should be proper respect between children and everyone living and working with them.
- Staff and carers should do the practical side of looking after children in their care, and do everything that can be done to keep children safe from harm and growing up healthily.
- Care placements should be designed so that brothers and sisters can stay together.

Safeguarding

- Staff and carers should be responsible for keeping children safe, and keeping the places children are in as safe as possible.
- Staff and carers should help children to become responsible for keeping to safety rules.

Workforce issues

- Recognise that staff and carers are important in children’s lives. People working with children and young people must be the right people, properly recruited and checked.
- Where appropriate, involve children and young people in choosing staff and carers.
- Stability should be promoted as a key outcome for children and young people to achieve their potential. Consequently, changes of staff should be kept to a minimum.

Administrative requirements

- Children and young people should be asked before information about them is passed on, or told about it whenever it has to be passed on.
- Personal information about a child should only be passed on to those who need to know it.
- Staff should not talk about a child’s personal information in front of other people.

Complaints procedures

- Whenever children and young people have a problem that they cannot sort out in a placement, the social worker or children’s social care service that placed the child there should be told and should sort the problem out.
- If staff are not looking after children and young people properly appropriate action should be taken to deal with this. However, a child or young person should not be moved elsewhere without taking account of what they think should happen.

Privacy

- Staff and carers should respect children and young people’s privacy, by giving them appropriate space to be on their own and having to knock or ask permission before entering their bedrooms.
- Each child should have their own private bedroom, and also be allowed to get away from other people, in their bedroom or somewhere else, when they want to be alone.
- Children and young people should have enough space, facilities for their activities, buildings that are kept in a good state of repair and decoration, and be in good locations.

Children's rights

- Children should have a choice of ways to tell people their views and concerns about how they are looked after. There should be a mixture of groups where some children can represent other children, and meetings – including their own review meetings and meetings of all the children living in a home or school – that every child in the home or school can attend if they want.
- Children and young people in care should be able to give their views about where they live to their social worker.
- To ensure that children have access to the help they need, each child should have a key worker who regularly asks them what they need rather than leaving it to the child to raise the subject of getting help. Someone should be there for help or advice 24 hours a day.

Valuing diversity

- Placements should be selected so that they can provide for children's special needs.

Behaviour management

- Children and young people should have a clear sense of what the rules are. They should know how to undo things that they might have done wrong, and staff should discuss behaviour with children.
- Sanctions should not be prolonged. Children and young people need to know when an incident is over.
- Staff should not be allowed to swear at, shout at or belittle children and young people.
- Children should not be stopped from seeing their family as a punishment.
- There should be rewards for good behaviour.

The children who gave us their views

The children and young people who came to the conference were from homes, services, schools and colleges that we picked at random. We chose them at random so that we could get views that are as representative as possible.

In total, **433 children and young people gave us their views at the conference**. Not everyone answered every question, so in this report we have given the numbers who did answer each question.

Just over two thirds of the children (295 children) were living in children's homes; 50 were living in foster homes; 31 were living with their own birth families but getting support from children's social care services. Twenty-eight children were living in boarding schools, and 12 were in residential special schools. Seven were young parents living in residential family centres (which help and assess how young parents cope with looking after their own children). Three children were living with parents who were adopting them. One young person came from a further education college, one was living in their own flat or bedsit, and one was living with friends. Four children did not tell us where they were living.

The new National Minimum Standards will set out many rules that are the same for all the different settings where children are looked after. They will also need to include some rules that apply only to particular settings, such as children's homes, foster care or boarding schools. In this report, we have added up all views from children and young people who attended the conference, from all the different settings they lived in. We have checked whether children living in different settings gave very different answers to any of the questions, and where they did, we have said how their answers were different. Generally speaking, children from different settings gave very similar answers to most questions.

Overall, around six out of 10 of the children were boys, and four out of 10 were girls (the exact figures were 260 boys and 168 girls, out of the 428 children who answered this question). Out of the 425 children and young people who told us how old they were, the youngest was seven and the oldest was 21. The middle of the age range was 14.

Altogether, 431 children told us their ethnic background: 376 (87%) said they were white, 27 (6%) that they were of mixed ethnic background, 20 (5%) that they came from an Asian background, and five (1%) that they were black.

Knowing about the rules

We wanted to know whether the children at the conference already knew that there were rules about how services where they live should be run. We also wanted to know whether they thought it is a good idea to have rules, and whether children themselves need to know what the rules say. We put these questions on one of our conference question cards, and also asked children to give us their reasons for choosing the answers they gave.

Children overall thought it was important to have rules, and that children should know about them. Out of the 396 children who answered the question, 346 (87%) said they did know about the rules. Of the 423 children who answered the question about whether it is a good idea to have rules for how services should look after children, 380 (90%) said it is a good idea to have these rules. Almost as many (86% of the 420 who answered this part of the question) said they thought children themselves should know what the rules say.

Two hundred and sixty children gave us their reasons for saying that it is a good idea to have rules about how children should be looked after. The top four reasons were that **having rules helps to keep children safe** (136 children gave this reason), that having rules means that people know how they should behave (this came from 73 children), that having rules means having stability (29 children gave a reason like this), and that rules make things fairer for children (which came from 22 children).

Some examples of the reasons children and young people gave for having rules or standards are: 'makes me feel safe'; 'so everyone's treated equally'; 'so it doesn't end up in riots'; 'so they can understand risk and how to look after children'; 'so they know what is correct and incorrect instantly'; 'to know how to correctly do their job'; 'to stop dangerous things happening'.

Two hundred and fifty children told us why they thought children themselves should know what the rules or standards say. Just over half the children who answered this question gave reasons to do with **children and staff sticking by the rules better if everyone knows what they are**. It was clear from some of the reasons given that some children thought that any rules were more likely to be about what children should and shouldn't do, than about what staff should and shouldn't do.

Some reasons for children, as well as staff, to know the rules for how children should be looked after were: 'because then they know if staff or carers are doing wrong'; 'so I know how I'll get looked after'; 'so that if staff forget they can remind them'; 'so they can't trick us'; 'they know what limitations staff have'.

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What makes a place good or bad for children to live in?

On the card where the children wrote where they were living now (for example, in a children's home, in a foster home, or in a boarding school), we asked them to tell us two things they thought would make that sort of place a good place to live in, and then two things that would make that sort of place a bad one to live in. These questions were to find out the important things to cover in the new Government rules, to make sure that places where children are looked after are good places for them to live in.

Three hundred and sixty children listed the things that, for them, would make the sort of place they are living in now a good place to live. Between them, they listed 651 things. Three hundred and twenty-nine children listed things that, for them, would make the sort of place they are living in now a bad place to live. Between them they listed 569 things. We grouped these answers into the main things children said made places good or bad.

Things that make a home or school good to live in

- Nice people (carers/other young people) (207 children)
- Plenty of good things for children to do (128 children)
- Having your own space (124 children)
- Being near your friends and family (50 children)
- Being safe (33 children)
- Getting help and support (32 children)
- Good food (25 children)
- Being respected and treated fairly (25 children)

Over half the children who answered this question at the conference told us that **the people you live with make a place a good one to live in**. For children in a foster home, this usually meant how much you feel part of the family: 'a family atmosphere'; 'everyone living together as a family'; 'it's like home and living with dad'; 'to be part of the foster family'.

In a school or college, it might mean that you like the mix of different people living with you: 'because there are people from all over the world you meet lots of people'; 'meet different people with different backgrounds'. In any sort of placement, being with others in much the same position as yourself could be important: 'you are all in the same situation'.

Carers and staff are key people in making a place good for children to live in: 'the staff make it a nice place'; 'the staff are like family'; 'staff that cooperate with the young people'; 'I trust the people undoubtedly'; 'being loved and cared for'.

The atmosphere of a place – just how it feels to live in – also goes a long way to making it a good home or school: 'it's laid back'; 'it just feels good'; 'it's a friendly environment'; 'it's friendly and everyone knows each other'; 'nice to each other'; 'the atmosphere with kids'.

Activities to do also make a place good for children to live in. In their answers, children gave us many different examples of the sorts of activities that made their particular placement a good one. These included being able to use a computer, DVD, and video; using a trampoline; going fishing; going on holiday; playing football; and being involved with nature and wildlife.

Having plenty of space, and being able to make some of it your own, is also important to children. One simply summed it up as 'you get your own space'. Others gave us more specific examples, such as: 'we don't share bedrooms'; 'personalise your own room'; 'I have a big garden to play in'.

For children living away from their first home, it is important that they can still contact friends, family, and especially brothers and sisters. **A placement might be a good one because you could be placed there with a brother or sister** – one person said that where they are living now is good 'because I live with my sister'. The location of a children's home or foster home can be important if it makes it easier or harder to stay in touch with your friends and your birth family.

Feeling safe where you are living is important for many children. Examples of how children put this on their question cards are: 'I feel safe'; 'I'm living in a happy home and know I'm safe'. For some, **not being bullied** can be part of feeling safe: 'there is no aggression or bullying'.

Getting help or support could take many different forms. For some, it was a matter of generally being looked after well: ‘my carers look after me’. For others, it was important that you could get advice and support from staff whenever you needed it: ‘I can talk to the staff team’; ‘I can talk about my problems and get support’. Others told us that it was important to be able to get support by talking and **sharing problems with other children** and young people: ‘there is other children with the same problems’. Generally, in a good placement, it is important that there is ‘someone to talk to about worries/feelings’.

For some children, getting good **help with any special needs** they have because of a disability made a placement a good one: ‘it’s special for wheelchairs’. Others said learning to manage for yourself is important: ‘help build independence’.

Many mentioned **good food** as important, but usually alongside the other main reasons for somewhere being good to live in: ‘nice food, own bedroom and friendly staff’.

One person summed up what many had written about good places **treating children fairly and with respect**: ‘Great Respect’.

As well as the top things we have listed from children’s answers, there were two other things that more than 12 children told us were important in a good place to live. One was having enough money. The other was having good school teaching.

After setting out the things that children most often told us make somewhere a good place to live in, here are the top things that children told us would make a place a bad one for children to live in.

Things that make a home or school bad to live in

- Unkind or uncaring staff or young people (144 children)
- A bad building or bad area (134 children)
- Nothing to do (72 children)
- Being a long way from friends and family (55 children)
- Bullies (48 children)
- Arguments (38 children)
- Not being safe (35 children)
- The rules (23 children)

Not surprisingly, some of this list is what you would expect from reading the list of what makes somewhere good for children to live in. Living with people who you feel at home with and who help and support you makes a place a good one; having unkind or uncaring staff, carers or young people makes it a bad one. Having plenty to do makes somewhere good, having nothing to do makes it bad. Being near friends and family is usually a good thing, being a long way from them is usually a bad thing. Being safe is a good thing, and not being safe is a bad thing.

Here are some examples of how children described a place without good staff and with other young people you couldn’t get on with: ‘communication but in wrong ways’; ‘all the bad behaviour and criminal damage’; ‘theft’; ‘a lot of fighting’; ‘if children hurt you’; ‘bad attitude from staff and young peers’.

Some other comments about what would make a place bad were: ‘if staff didn’t listen or care for us’; ‘if staff don’t understand’; ‘worse would be if staff hit you’; ‘staff hitting children or sexual harassment’. Sometimes the problem in a home or school could be ‘lack of staff’. In a foster home it could be that ‘foster carers not care for you or look after you’.

The new item on this list is **the sort of building you are living in and the area around it**. Children had not said on their list of good things that the building or where it was were enough to make a place an especially good one for a child to live in. But they did tell us that a bad building or a bad area could spoil a place and make it a bad one to live in.

A building might be bad to live in if it was ‘cold and scruffy’, if it had been neglected and ‘needs repairs’, or if it was simply ‘not homely’. Children had told us that having your own space is important, and some buildings were bad to live in because they didn’t give you this: ‘if it was too crowded’; ‘sharing a room’.

Poor areas to live usually had little to do locally: ‘there was nothing to do’, or there were too few shops (‘not many shops to go to in the village’) or a need for transport to get anywhere for activities.

How carers should look after children

The National Minimum Standards are the rules for how staff and carers should look after children, so we asked children at the conference to tell us what they thought staff and carers should and shouldn't do. We also asked them what the rules should say about making sure that only the right people become staff or carers.

The 249 children who answered the question about what they want staff or carers to do told us 444 things.

What children want staff or carers to do

- Look after their basic needs (173 children)
- Keep them safe and happy (91 children)
- Help, support and advise them (45 children)
- Listen to children (35 children)
- Treat them with respect and as equals (23 children)
- Love them (23 children)

Answers to this question from smaller numbers of children included having fun with children (this came from 17 children), trusting children (this came from 10 children), spending time with children (from nine children), and setting boundaries and involving children in decisions (each of these came from seven children).

Children living in different sorts of places (like children's homes, foster homes or in schools) mostly agreed on the things that staff or carers should do, although they didn't always put them in exactly the same order. There was one difference though. Children living with foster carers told us that after the answers that came from children in all settings (looking after children's basic needs, keeping children safe and happy, and giving children help, support and advice) they wanted their carers to trust them and give them freedom, and to spend a lot of time with them. We had 72 answers from 44 foster children to this question.

These quotes tell us exactly what some of the children want from their staff or carers:

- 'be kind and gentle'
- 'be understanding'
- 'a shoulder to cry on'
- 'a lot of time to give'
- 'be like a parent'
- 'provide a normal family atmosphere'
- 'treat them like they're your own'
- 'be there through everything for them – listen'
- 'make me feel safe'
- 'be with me and know where I am all the time'
- 'make sure the child's needs are met'
- 'make sure they are settled'
- 'ensure they are healthy and safe – not bullied'
- 'feed them healthy food'
- 'help them with their homework'
- 'give choices and respect'
- 'give them advice and listen to any problems they have'
- 'give them equal opportunity as any other child'
- 'help them to develop independence'

We also asked what staff or carers looking after children should not do. The 246 children who answered this question told us 374 things they thought staff or carers should never do.

What children say staff and carers looking after them should never do

- Hit them (88 children)
- Treat them badly/without respect (71 children)
- Abuse them (65 children)
- Shout or swear at them (63 children)
- Ignore or neglect them (38 children)
- Bully or threaten them (35 children)
- Fail to care for them (31 children)

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Eighteen children said that staff or carers should not treat children differently or unfairly from each other, 13 said that staff and carers should not starve children, and seven told us that staff and carers should not drink, smoke or take drugs while they are looking after children.

Again, there was a lot of agreement on this question between children from different settings. Children from children's homes and children in foster care put exactly the same answers at the top of their list of things that people looking after them shouldn't do, but in a slightly different order. There were some small differences in the list given by children from other settings. None of the 27 children from boarding schools who answered this question wrote about staff failing to care for them. None of the 16 children living with their birth families who answered this question put bullying or threatening children on the list, and two wrote that people looking after children shouldn't starve them. The top item on the list from 8 children from residential special schools was that staff or carers should never abuse children, shout at them or swear at them.

Here are examples of what children told us the rules should make sure staff or carers looking after children should not do:

- 'act oblivious to our feelings'
- 'be a bad influence'
- 'be in it for the money'
- 'favouritism'
- 'invade your privacy'
- 'laugh in the young person's face'
- 'let them go into dangerous places'
- 'lose temper with me easily'
- 'not let you see your parents'
- 'not look after them , and set no role model'
- 'push their beliefs onto the young person'
- 'take away their right to be a child'
- 'withhold food/medication/drink as a punishment'
- 'should not deprive them in any way'
- 'should not hold information from a child'
- 'shouldn't hurt us'
- 'tell people my business'
- 'throw something at me'
- 'treat them like dirt'

Keeping control of children

The National Minimum Standards need to set out rules about how staff or carers looking after children should make sure children behave well – and what they should do, and should not do, if children don't behave well. This is a tricky area, and we wanted to know what children themselves thought the rules should say.

Altogether, 230 children wrote 372 proposals about what staff and carers should be allowed to do to make sure that children and young people 'behave OK'.

What staff and carers should be allowed to do to make sure children behave

- Set rules for children (114 children)
- Discuss behaviour with children (76 children)
- Use particular sanctions (39 children)
- Use only appropriate discipline (30 children)
- Tell them off (27 children)
- Spend time with children (23 children)

Children suggested a mixture of ways of controlling children, while also helping, advising and supporting them. Two comments summed up what many said: **'measure of control'** and **'respect their needs'**. There were some further thoughts about **setting clear rules** for children to keep to: 'explain rules and sanctions'; 'have rules which we all agree to'; 'make sure no bullying goes on'.

Children also saw staff and carers **discussing behaviour** with them as a very important way of keeping control, which should be included in the new standards. Examples of proposals about this were: 'discuss stuff with us'; 'give more 121 time so they can talk'; 'guide them'; 'tell them what is right and wrong'.

Children wrote many examples of the sort of **sanction or punishment** that they thought the standards should say are reasonable: 'send them to their room'; 'miss a treat'; 'stop activities'; 'take telly out of bedroom if I misbehave'. The idea of grounding a child to stay on the premises rather than go out was suggested by 16 children. 'Time out' away from the others for a while was suggested by eight children.

There were many suggestions about the right way to discipline children. Some told us that setting rules and expecting children to keep to them was not just about giving out punishments if rules were broken; it could also be about **rewards for keeping to rules or improving behaviour**: ‘set a target and if they achieve the target they get a treat’; ‘give incentives for good behaviour’. **Calming children down** could be important: ‘calm down room’.

Thirteen children told us that sometimes **physical restraint** could be needed: ‘they are allowed to restrain if needed’. Sanctions or punishments should not be extreme: ‘give non-violent punishment’. It is important to children that they are allowed to **undo things they might have done wrong**: ‘give them the opportunity to put things right’. Children also commented that it is important they are helped to improve their behaviour: ‘get the children the right kind of help’.

We checked to see if children from different settings gave very different answers. The message was very clear. No matter where the children were living and being looked after, they told us the standards should say that **the two most important things staff and carers should be allowed to do to make sure children behave well are set clear rules and discuss behaviour with the children**.

After those two top rules, children living in children’s homes were more in favour than the children overall about staff needing to spend time with children. Nearly one in three of the 125 children from children’s homes answering this question told us this, compared with one in 10 of all the children. They included staff being allowed to use physical restraint higher up their list than children generally did. One in 10 of the 125 children from children’s homes answering this question said this, compared with one in 16 of all the children.

Forty-two foster children answered this question. After the top two rules that came from children in all settings, foster children were more in favour of the idea of carers being allowed to ‘ground’ children (make them stay in rather than go out) as a sanction, and of telling authorities such as the police or social services if the child’s behaviour deserved this.

We also asked children the other side of the same question: what they thought the new standards should say staff and carers should not be allowed to do to make sure children and young people behave well.

The 225 children who answered this question gave us a total of 381 proposals on this.

What staff and carers should not be allowed to do to make sure children behave

- Hit or be violent to children (151 children)
- Shout or swear (74 children)
- Bully children – including making them do things they are scared of (38 children)
- Hurt children (31 children)
- Lock children up (30 children)

Not being allowed to hit children is clearly a major issue for the new standards. What children said can be summed up by the person who wrote: ‘hit them – big no no!’. Very many children also want the new standards to **ban staff and carers from shouting and swearing** – they should not ‘call them names and swear at them’. They should also not do things which went with swearing and shouting at someone, such as ‘get right up into a young person’s face’.

Two of the other things children wrote that staff and carers should be stopped from doing were **belittling children** (15 children wrote something about this), and children wrote that staff and carers should **not be allowed to stop children from seeing their families** (‘stop seeing Mum’).

Some children also wrote more generally about how staff should avoid getting their control of children badly wrong. Examples are that staff should not ‘misbehave themselves’, they should not ‘give punishment that would affect the health’, and that in controlling children they should ‘keep the confidence up and not drag them down’.

Given that some children had told us that staff and carers should be allowed to use rewards and sometimes physical restraint, it is important to note that four children said that they thought restraint should not be allowed to control children’s behaviour.² Thirteen wrote that they thought bribes should not be allowed as a way of getting children to behave well.

Children in different settings put what staff should not be allowed to do in a different order, but there were no major differences in the things they proposed.

² The existing rules say that children can only be physically restrained if that is the only way to avoid someone getting seriously injured, or to avoid serious damage to property, or to stop overall loss of control in a school. Restraint should not be used solely to get children to do what they are told.

Making sure staff are the right sort of people to do the job

On one of our question cards, we asked children to suggest two rules that would make sure that the staff chosen to look after children were the right sort of people for the job. The 175 children who answered this question wrote a total of 427 suggestions for rules.

How to make sure staff are the right people for the job

- Do police checks (96 children)
- Make sure they have training and experience (83 children)
- Make sure they are kind and caring (73 children)
- Make sure they want to help children (67 children)
- Make sure they understand children (36 children)
- Involve children in selecting staff (24 children)

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Other suggestions, which came from fewer than 20 children each, included inspectors checking on how staff do once they are in the job (put forward by 14 children), making sure that new staff are in good health (from 10 children), listening to what children say about the staff they need, and making sure that staff have no history of violence (each of these came from six children).

We checked whether children from different places gave different answers to this question. There were only two major differences. One was that seven out of the 42 foster children who answered the question said that training and inspection should be among the ways of making sure that carers are the right people to look after children. The other difference was that none of the eight children from residential special schools who answered this question mentioned police checks.

Examples of what children said about **police checks** are: 'always fully vet someone'; 'no history of violence – bar childhood convictions'; 'not to be in trouble with the police'. On **training and experience of staff**, most views were summed up by the person who wrote 'lots of experience'. Some had more particular sorts of experience in mind, such as the person who wrote 'should have children themselves'.

There were many different points about **choosing staff** who are kind and caring, who genuinely want to help children, and who understand children. Some examples are: 'good with children'; 'good communication and listening skills'; 'they have patience'; 'not bullying'. The proposal that children should be involved in recruiting their staff was summed up by the person who wrote 'children have a say in who cares for them'.

Some children wrote additional points about who they thought should and should not be allowed to work with them. These sometimes only came from one or two children, but they raise some important issues. Examples are: 'non-smokers'; 'not take drugs'; 'to understand our disability'.

The rules there are now

We wanted to find out what children thought about the rules there are now. Rather than ask people to read long books of rules, we simply asked children to tell us about any rules they knew about which they thought were really helpful, and any that they thought were a real problem for children and young people.

First we asked about helpful rules – the rules for staff and carers to keep to, and also any rules for children and young people to keep to. Not all these rules, especially the ones for children and young people to keep to, are written in the National Minimum Standards, but we believe it is important that the people writing the new standards know what sorts of rules children and young people think are good and bad.

Here are the rules for staff and carers that children rated as the top five most helpful rules from children’s point of view.

Really helpful rules for staff and carers

- Staff, carers and children should respect each other (63 children)
- Do or supervise practical things (like cooking and cleaning) (58 children)
- Make reasonable rules for the children (such as rules about what time to come home and bedtimes) (43 children)
- Keep to health and safety rules (31 children)
- Keep children safe (29 children)

From this list, we can see that children see the most helpful rules for staff and carers as the ones that make sure of three things: that there is **proper respect between children and everyone living and working with them**, that the **staff and carers must do the practical side of looking after children in their care**, and that **everything that can be done is done to keep children safe from harm and growing up healthily**.

There were a few small differences in this list between children living in different settings. Children living in foster homes gave us much the same list as those in children’s homes, except that they put health and safety rules lower down their list. Children living with their own birth families put keeping children safe higher up their list, and practical things lower down the list. Children in boarding schools put people respecting each other at the top of their list, with keeping children safe much lower down, and children in residential special schools put respect and safety top of their list. These differences only came from very small numbers of children, though, and generally this list gives the rules rated the most important by children from different settings.

As well as the rules that made the list, there were some others worth mentioning because they raise different issues that the people writing the new rules may need to think about. Eighteen children suggested that staff should always have to **reward children for good behaviour**. Twelve children said that staff or carers should have to **knock or ask permission before walking into a child’s bedroom**. Eight children told us that it is important that **staff themselves keep to the rules of the home or school**.

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Here is a list of examples of rules there are already which children told us are helpful:

- ‘don’t swear at kids’
- ‘include young people’
- ‘keep house clean’
- ‘keep in touch with me if I’ve left care’
- ‘keeping my personal details confidential’
- ‘no bullying, drinking, mattress checks’
- ‘no fighting, being abusive’
- ‘no unsafe adults’
- ‘not allowed to hit or swear’
- ‘not to shout and get angry over something small’
- ‘privacy’
- ‘staff have to be at work on time’
- ‘to be helpful’
- ‘training in child protection’
- ‘treat foster children like their birth children’
- ‘trust us and we’ll trust you’

One young person summed up the views of many about what happens if the rules don’t make sure there is respect amongst children, carers and staff: ‘without respect, there’ll be so much trouble’.

Here are the rules for children and young people to keep to that those at our conference told us were especially helpful.

Really helpful rules for children and young people

- Keep safe from harm (67 children)
- Respect each other (45 children)
- Help to keep your own room and other places clean and tidy (37 children)
- Behave well (35 children)

The most helpful rules for children to keep to are very like the most helpful rules for staff and carers to keep to. The most helpful children’s rules are about **staying safe, respecting other people, and doing practical things that need doing.** Each of these also came up on the most helpful list of rules for staff and carers. The one extra rule for children themselves was the one about behaving well.

Other rules for children included **getting themselves to school** (which came from 17 children), **not bullying** other children (from 16 children), **not going into each others’ rooms** (also from 16 children), and **not fighting** (written by 13 children).

Here is a list of examples of rules for children and young people to keep to that children told us are helpful where they live:

- ‘always wear a seatbelt in the car and always wear a helmet on the bike’
- ‘always listen to staff’
- ‘don’t be selfish’
- ‘give each other space’
- ‘have to be home at 9pm if I go out’
- ‘no tolerance of bullying’
- ‘no vandalism’
- ‘don’t steal food from the fridge’
- ‘reward system’
- ‘you are not allowed out of the unit without telling a member of staff’.

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Children saw some sorts of rules as a problem rather than a help. Here are the top three types of rules that children saw as a problem for them.

Problem rules

- Rules about times for getting home, going to bed and getting up (40 children)
- Rules about being supervised by staff 24/7 (35 children)
- General 'house rules' for the home (29 children)

Children thought **the worst types of rules were those that made them get home, go to bed, or get up earlier than they wanted to**, and rules that **made them feel watched over all the time**: 'it reminds me I'm in care'.

Examples of **general house rules** that children told us are a problem are: 'certain items you're not allowed in your room eg deodorant sprays'; 'locking all the doors all the time'; 'no elbows on the table'; 'no food in living room'; 'not allowed pets'; 'my mates aren't allowed to stop'. Rules about tidying up were not popular either.

Some children found **rules which are there because of being in care** with others were a problem: 'have to ask social worker if I can do certain things'; 'not leaving me on my own with friends'; 'consent forms'; 'not letting me have my own time'; 'not many cuddles'. An example from a child with a disability was 'only two wheelchairs can be clamped in the minibus'.

Two other reasons for disliking some rules were **finding it hard to remember the rule** (which came from 19 children), and **rules that were different from the rules there would be if you were living at home with your family** (this came from 18 children).

Two rules given to us as a problem by 10 children each were staff always having to cook them healthy food, and staff having to keep children's cigarettes away from them.

Rules suggested by children

We invited children and young people to tell us (and the Government) what rules they wanted in the new set of standards to make sure they are looked after properly. These are their proposals – we didn't make any suggestions.

The rules children want the Government to make

- Look after children with both support and discipline (113 children)
- Make sure each child is safe and feels safe (92 children)
- Make sure there is respect and a friendly atmosphere (59)
- Have enough money for activities (including computers) (50 children)
- Listen to children and young people (38 children)
- Give children and young people enough freedom (33 children)
- Recruit and train staff properly (29 children)
- Help children get good education and skills (29 children)
- Involve children in planning for their care and future (20 children)

Other proposals, each from fewer than 20 children, included a **ban on fighting or swearing** (which came from 18 children), **privacy** for each child (from 14 children), and having **enough staff or carers who don't change** (from 12 children).

'they should be treated kind but strict'

Here are some quotes from children about the new rules they proposed:

- ‘all carers should be kind at all times’
- ‘they are police checked’
- ‘check to make sure they are good people and won’t hurt children’
- ‘all staff to be fully trained’
- ‘all yp have the right to an education’
- ‘all health issues to be addressed’
- ‘all yp should have structures and boundaries’
- ‘always do things that suit the person’s needs’
- ‘they should be treated kind but strict’
- ‘inhibit dangerous areas’
- ‘do not use corporal punishment’
- ‘even though I am disabled I like to be listened to and have a say in my life’
- ‘have help to develop my skills’
- ‘healthy and safe place to live’
- ‘let us have friends round when we want’
- ‘if the children have been beaten and hurt from their parent make sure they are not going through that again’
- ‘listen to yp if they say they are unhappy in their placement’
- ‘lose their job if they don’t look after you’
- ‘young people’s say in meetings’
- ‘making own choices’
- ‘encouragement’
- ‘should be allowed to do everything other kids do’
- ‘taking us to dentist, doctors and hospital’
- ‘the right to voice opinion’
- ‘no drinking, no drugs, no bullying’
- ‘no sexual harassment’
- ‘staff spend time with the young people’
- ‘make sure social workers visit regularly to make sure looked after’.

Some children told us about **things they thought the rules should make children themselves do to make sure they are looked after well**: ‘no treating carers unfairly’; ‘talk to staff with respect and they will you’.

Because the new National Minimum Standards will have some rules that are just for a particular sort of setting (such as children’s homes, or foster care, or boarding schools), we also asked children to tell us any extra rules they thought there should be, especially for the sort of setting they were living in.

Here are the top rules children proposed for each sort of setting where we thought enough children had answered the question (proposals were made by 62 children in children’s homes, 23 children in boarding schools, and 11 children in foster care).

Extra rules for children’s homes

- More pocket money (18 children)
- Show respect between children and between children and adults in the home (15 children)
- More staff to support the children in the home (11 children)

Extra rules for boarding schools

- More staff to look after boarders (7 children)
- Listen more to boarders (6 children)
- Show respect between boarders and between boarders and staff (5 children)

Extra rules for foster care

- Listen more to children (5 children)
- Respect between children and between children and adults (4 children)

Keeping children safe

Rules to keep children safe came top of the list of helpful rules from children at our conference. We asked children for more details about this. Here are the top rules children told us should be made to keep them safe from harm.

Rules to keep children safe

- Have reasonable safety rules children must follow (60 children)
- Provide enough supervision of children at all times (44 children)
- Have good safety standards where the children are living (29)
- Have good carers (27 children)

This list is a mixture of **staff being responsible for keeping children safe, children being responsible for keeping to safety rules, and keeping the places children are in as safe as possible**. Examples of what staff should do were: ‘carers should know where a person is at all times’; ‘good supervision’. There were some clear safety measures children thought they should follow themselves: ‘keep to the rules and don’t mess around the house’; ‘listen to my carers and teachers and not talking to strangers’; ‘looking both ways when crossing road’. We were also given examples of how the places children live in could be kept safe: ‘always keep fire doors closed’; ‘lock up knives and cleaning stuff’; ‘phone so I can be contacted and can phone anyone else for help’.

We knew from our earlier consultations with children that feeling safe is just as important as actually being safe. So we asked children at the conference what rules might make children feel, as well as be, safer. Top of the list, from 93 children out of the 253 who answered this question, was **having more people around (staff, friends, family) to make children feel safer**.

Next, from 70 children, came **making the building they live in more secure**, with things like more locks and properly shutting windows. Thirty-nine children told us that **children feel safer with people they know are good carers**: ‘if the staff are good and look after me’. Eighteen children said they would feel safer if there were **more police and more CCTV cameras** around where they live.

Children also told us about the **biggest dangers they need to be kept safe from**. Top of this list came **traffic accidents** (from 98 children): ‘the busy road at the end of our road’. We compared what children in different age groups said about the danger from traffic accidents, and found that this was the top danger according to every age group under 18. Next came **gangs and street violence**, which came from 81 children. We have heard this as a growing fear from children in another of our recent consultations too. The next two dangers were **drugs, cigarettes and alcohol** (from 58 children) and **bullying** (from 35 children). Some children fear getting bullied because they are in care: ‘village bullies who know who looked after children are’.

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Bullying

Since children have told us many times how important it is to keep bullying down, we asked those at our conference what rules should be included in the new National Minimum Standards against bullying. Out of 270 children who answered this question, 74 children (27 % of the 270) told us they get bullied sometimes or a lot (68% said they never get bullied, 5% that they hardly ever get bullied). Bullying was more of a problem for children who were living in a home or school, and happened less to foster children. Out of the 45 foster children who answered the question, seven (16%) said they were bullied sometimes (none said they were bullied a lot).

Here are the top anti-bullying rules proposed by children at the conference.

Rules against bullying

- Be able to tell someone about bullying (95 children)
- Every place to have strong anti-bullying policy (57 children)
- Punish bullies (39 children)
- Have enough staff or carers around to prevent bullying (27 children)
- Move bullies elsewhere (from 22 children)
- Listen to children and young people (20 children)

Some told us that bullying will never disappear, however good people are at dealing with it ('I think bullying can't be stopped'), but that there must always be rules, which are kept to, to try to keep it as low as possible. Two children warned us how serious bullying can be for a very few: 'being bullied might cause death so what they need is someone to talk to'; 'people kill themselves because of bullying'.

Being able to tell someone about bullying also means that staff or carers know how to work out what is happening and to help or advise without making things worse. It also means understanding that retaliating against bullies is not straightforward either – one person told us that a victim of bullying needs the 'ability to retaliate without fear of being penalized for physical/emotional abuse returned'. Telling an adult needs to get the right result: 'tell an adult (I did it stopped)'.

³ *Children on bullying*, to be published in January 2008.

Buildings to live in

There is a lot in the National Minimum Standards at the moment about buildings for children to live in – especially about children's homes and schools. To help the Government decide which rules about buildings children would want kept or added in, we asked those at our conference what they thought were the best and worst things about the building they were living in, and what changes would make that building better for children.

Best things about buildings for children to live in

- Having own bedroom and furnishings (100 children)
- Plenty of space (71 children)
- Facilities for children's activities (82 children)
- Feels safe and homely (58 children)
- Newly decorated (22 children)
- Clean and tidy (21 children)

Worst things about buildings for children to live in

- Building is old and has things wrong with it (59 children)
- Bullying or problems with other people living in the building or nearby (45 children)
- Too small with not enough facilities (41 children)
- Poor location (34 children)
- Sharing or very small bedroom or bathroom (30 children)

From these two lists, it is clear that the things about buildings that the new National Minimum Standards need to cover are: **children having their own rooms, enough space, facilities for children's activities, buildings being kept in a good state of repair and decoration, and being well located.**

How a building feels is important. Some comments about good buildings were: ‘have my own space’; ‘it is warm and safe and happy’; ‘smells nice’; ‘the house is homely. Feel safe and secure’. On the other hand, some comments about poor buildings were: ‘don’t like the colour of my room’; ‘dog hair everywhere’; ‘funny smell’; ‘it’s old; it smells weird’; ‘no privacy’; ‘it gets damaged’; ‘spiders’; ‘not enough space’; ‘too hot’; ‘toilet messy/insects’.

Where the building is matters too. Here are some quotes about the **location** of buildings: ‘activities too far away’; ‘no park near’; ‘limited public transport’; ‘it’s in the middle of nowhere’; ‘in the country side – too far out’; ‘in the countryside – very quiet’; ‘my friends being further away’; ‘neighbours complaining because we are in care’. But a location near a shopping centre was liked.

It also matters **how the children and staff or carers living together get on with each other**, and however good the building is, things like the mix of people and whether there is bullying can make the difference between a good or a bad place to live. It is important that the building has ‘got some alright people in’.

It is important to report, though, that many children told us the buildings they lived in had no worst things about them at all. Fifty-nine children wrote the word ‘nothing’ after our question asking for any worst things about their buildings.

Children gave us three main proposals for making buildings even better. Top, from 84 children, was **adding facilities for more activities** for children. Some proposed a separate games room, others more outdoor play and activity space, while others suggested facilities for computer games. Second, from 72 children, came **refurbishing, redecorating or cleaning** to make the building feel more homely. Third, from 56 children, was **making more space** by an extension or better garden.

One final word on buildings is about CCTV cameras. These are sometimes used in buildings people live in, and some children at our conference had said that cameras might make children feel safer. When we asked children at the conference about anything that shouldn’t be allowed in buildings children live in, without making any suggestions, only two children wrote that cameras should not be allowed in buildings children live in.

Privacy

Whenever we ask children about what rights they should have, the right to privacy comes high on the list. So at the conference, we asked children to tell us any rules they thought should go in the National Minimum Standards about privacy.

Rules about privacy

- Children should each have their own bedroom (66 children)
- Staff and other children should always knock and wait to be asked in before they enter a child’s bedroom (66 children)
- Locks on all bedroom doors (54 children)
- Let children be on their own when they want to be (33 children)

These rules are very clear that **children want their own private bedroom, and also to be allowed to get away from other people, in their bedroom or somewhere else, when they want to be alone**. Children wrote about how important it is that each child has their own room: ‘Children have to be alone sometimes’; ‘get time alone in my room’; ‘allowed to have privacy’; ‘time out by yourself’; ‘so they can think about things’; ‘your bedroom is your space’.

‘your bedroom
is your space’

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Confidentiality

We know from our earlier consultations that children want information about themselves kept confidential, and that they think staff are not always good at keeping personal information about children properly confidential.

Here are the three top rules about confidentiality which were proposed for the new National Minimum Standards:

Rules about confidentiality

- Keep children's files locked away (99 children)
- Keep information about children confidential from anyone who doesn't need to know it (51 children)
- Keep offices locked when there is confidential information there (25 children)

As well as these, three other rules were proposed by more than 10 children each. One was that **children should be asked before information about them is passed on, or told about it whenever it has to be passed on** (this came from 18 children): 'don't tell people who don't need to know'. Another, from 15 children, was that **staff should not talk about a child's personal information in a public place in front of other people**: 'do not speak about private information'. The third, from 11 children, was that staff and carers should properly follow what the Data Protection Act says about keeping people's information safe.

'do not speak about private information'

Complaints

Children have told us in other consultations that they find complaints procedures hard to understand, and hard to use. Children at our conference proposed four main rules about complaints for the new National Minimum Standards.

These suggestions from children give very practical ways of making complaints systems easier to follow: 'complaints form I can understand'; 'get a booklet so it's easier to say'; 'more helplines'; 'put the complaints forms in an easy place'; 'pens near the complaints forms'; 'speak to social worker on our own'; 'suggestions and complaints box'. Some other quotes showed how some children wanted the complaints system to work for them: 'if you do complain then needs to be taken seriously'; 'when you complain other young people shouldn't read the complaint'; and when you see what is going to happen to your complaint, 'then be allowed to change your opinion'.

Rules about complaints

- Have a complaints form to use (64 children)
- Have staff to help you make a complaint (30 children)
- Have a complaints system that children find easy to follow (25 children)
- Always have access to a telephone with details of who to call with a complaint (23 children)

Giving children a say in decisions

Another message children have given us on most of our consultations is that children should be given a real say in decisions that are made that affect their lives. Three main rules were proposed for the National Minimum Standards.

Rules for giving children a say

- Set up groups in which children can have a say in important decisions about how the service is run (61 children)
- Involve children in important decisions and listen to what they say (57 children)
- Have meetings all children can attend (33 children)

The children wrote about needing **a mixture of groups where some children could represent other children, and meetings (including your own review meetings and meetings of all the children living in a home or school) that every child can attend** to give their views. A few children also suggested that the rules should include using **forms and questionnaires** for children to write their views if they want to, and being more **able to give your views about where you live to your social worker**.

Quotes from individual children give us the detail behind these proposals:

‘group of students represent the rest’

‘let everyone have a say’

‘have 1 – 1 session’

‘reviews every three months’

‘make sure that what children and young people have said is recorded’

‘people willing to listen’

‘tell them to not be afraid to say what they feel’

‘young person meetings also, we have one to one time with an adult’

‘weekly residents meeting’.

Helping children

We asked children whether there should be any special rules in the new National Minimum Standards about getting children help for any problems they have. Here are the top three proposals.

Rules on helping children

- Each child to have a key or link worker to help them (93 children)
- Staff and carers must ask each child what help they need (36 children)
- A dedicated person a child can contact for help 24 hours a day (31 children)

These rules add up to a very clear message. To get each child the help they need means **a key worker advising each child, regularly asking them what they need rather than leaving it to the child to raise the subject of getting help, and someone being there for each child 24 hours a day**. This would mean ‘always somebody around’, ‘always give help when asked’ and ‘always somebody to talk to’, with staff who ‘make sure they ask instead of not saying anything’ so that children are ‘not to be scared to ask’. ‘Staff need to check often’, and for children who have a social worker, ‘social workers visit often and talk to you’.

What if a child is not being looked after properly?

When we asked the children what they thought should happen if a child or young person isn't being looked after properly, the proposal which was made most often was that **the child should be moved somewhere else**, where they might be better looked after. This came from 72 children. The next most common proposal (this one from 47 children) was that the **social worker or social services department that had placed the child there should be told and should sort the problem out**. The third proposal, from 42 children, was that **action should be taken against any staff who were not looking after the child properly**. Three children thought the home or school should be shut down. One child proposed that an inspector should be told.

One child gave us a warning – that **if adults think a child is not being looked after properly, it is still important to find out and take into account what the child thinks should happen about it**. If moving a child is being considered, 'when the child requests they should be moved, but if they're happy who cares'.

Children in special groups

Finally, we asked whether there were any special groups of children who might need to have special rules about them in the new National Minimum Standards. Three main groups were suggested: **children with disabilities** (suggested by 92 children), **children with special needs** (from 36 children), and **children who need extra help from staff, teachers or carers** (this came from 25 children). There were many other suggestions, including very young children, children with behaviour problems, and children who bully other children: 'kids who don't fit in'; 'children from other countries'; 'children that don't speak'; 'children that put themselves at risk'; 'children who struggle with things a lot'; 'people that can't express their feelings'; 'people that have no family'; and 'shy people, people who look down on themselves'.

There was a disagreement here though. Thirty-nine children wrote that there should not be any special rules for particular groups, but that there should be the same rules for every child. Some comments about this were: 'that they treat us all the same'; 'everyone should be allowed to do the same thing'; 'staff should treat everyone equal'. We could see one young person's thoughts on this changing as they wrote about whether any particular group needed special rules about how they should be looked after: 'Disabled. In fact all children. They are all special'.

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Last words

When we asked children on our conference day to tell us the rights that the new National Minimum Standards should make sure every child gets, **the top two rights were the right to be kept safe, and the right to have a say in decisions about the child's life.**

The last words in this report go to the child in care who wrote that the new National Minimum Standards should ...

‘put children in care first as we have missed enough’.

And to the young person who wrote that the rules should make sure that each child has the right to ...

‘keep safe, be listened to, be treated fairly’.

The Children's Rights Director

Dr Roger Morgan OBE, Children's Rights Director
Dr Mike Lindsay, Head of Advice
Jayne Noble, Head of Consultation
Lilian Clay, Project Officer – Web and Information Systems
Alison Roscoe, Project Officer – Consultation
Eleni Georgiou, Project Support Officer
Belinda Panetta, PA to Children's Rights Director

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Alexandra House
33 Kingsway
London WC2B 6SE
T 08456 404040
www.rights4me.org

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