

Your rights to be heard when you are in contact with children's services – a guide for children and young people in England

This guide helps you know your rights to be heard and taken seriously if:

- ✓ A family court is making decisions about you
- ✓ You have a social worker
- ✓ You think you need a social worker
- ✓ You live in a children's home or with foster carers
- ✓ You are going to be, or have been, adopted
- ✓ You are in contact with a youth offending team
- ✓ You get help because you are disabled
- ✓ You get help because you are an asylum seeker.

General rights

- You should be treated with respect at all times
- You should be consulted and your views taken seriously whenever decisions are made about you
- You should not be treated unfairly because of your race, sex, any disabilities, your religion or beliefs, your sexual orientation or your transgender status.



Family courts

There are two different kinds of courts – those that deal with criminal matters and those that deal with other disputes or problems (called 'civil courts'). One type of civil court is the family court. Most families sort out disagreements without ever going to court. A family court may, however, help to make decisions where parents are unable to agree, or where there are concerns about a child's safety or well being.

- 1** If a family court is making a decision about who you should live with, or who you have contact with, it must always take into account your wishes and feelings. Sometimes a judge may ask to speak with you in his or her private office – called the judge's chambers. He or she will ask CAFCASS to help – short for Children and Family Court Advisory Support Service. The CAFCASS worker is called a children and family reporter or a children's guardian.
- 2** The CAFCASS worker writes a report that includes your views, and the views of your parents. The CAFCASS worker tells the court what he or she thinks should happen. This might be similar to your views, but it might be different. The CAFCASS worker will usually tell the court everything important you said. One way of trying to be sure that the court really understands your views is to have your own lawyer.

- 3** If a court is considering whether you should go into care or be adopted, a lawyer will always be appointed to represent your views. This is because these are very big decisions.
- 4** In other situations – for example if your parents are very angry at each other and your rights and views are being ignored – the court may decide you need your own lawyer. If you think you need a lawyer, tell your CAFCASS worker – it is always best to put your request in writing. You can challenge a court's decision not to give you a lawyer.
- 5** You can apply to a family court for an order relating to where you live and who you have contact with. Before anything is considered about your situation, the judge will decide whether or not you have enough understanding.

Social workers

Social workers can be in child protection teams, youth offending teams, leaving care teams and teams offering advice and support to young disabled people and young refugees and asylum seekers. If you are not sure whether the person visiting you is a social worker, ask!

- 1** Social workers must always try and take account of your wishes and feelings.

2 If you are unhappy at home, but do not have a social worker, you can contact your local children's services. They may decide to take action to protect you, even if you disagree. If you are aged 16 or 17 years, you have the right to ask to be looked after by children's services. They cannot refuse to help if there is no one suitable to look after you. If you are an unaccompanied asylum seeker you should receive the same kind of care and assistance as young people born in this country.

An asylum seeker is a person of any age who has had to leave his or her home country to find a safe place elsewhere.

Personal advisers

If you are in care, and aged between 16 and 21, you should have a personal adviser. He or she may also be called a leaving care worker. This person helps make sure you get everything you need as you enter adulthood. He or she should try and take your views into account at all times.

Checking how well you are doing

If children's services have taken on a lot of the responsibilities of your parents, then your care must be checked regularly.

1 A review of your care has four parts – gathering together everyone's views; holding a meeting; agreeing a care plan and doing all the things agreed in the plan. The point of the review is to make sure your care plan is being followed, and to make changes where these are needed.

2 Your social worker should try and find out your views before a review meeting takes place. The person who runs the review meeting is called an independent reviewing officer, or IRO for short. He or she should look carefully at whether you are getting everything you need. He or she must always focus on what is best for you and your life. The IRO should meet you before meetings and help you feel comfortable in putting across your views. You may

have views about who should or should not come to the meeting. There may be things you are happy to share with some people but not others. You might want something discussed that no-one else has thought of – such as seeing someone in your family, going on a school trip abroad, or taking up music or sports lessons. Tell the IRO what's on your mind.

3 You can request a review meeting to be arranged at any time. You can ask for someone to help you express your views – a children's rights officer or advocate for example.

4 If you are aged 16 or older, you should have a pathway plan. Your personal adviser should have involved you in agreeing this plan.

Improving children's services

The law says children and young people must be consulted when a local council is writing its general plan for children's services (called a 'Children and Young People's Plan'). The Government wants local councils to listen to the views and ideas of groups of children and young people. It has asked Ofsted to check that young people's groups are being listened to. In addition, the Government wants local councils to agree a pledge with local children and young people in care – a written promise of all the things that children and young people in a local area can expect when they are in care, or when they are leaving care. Ofsted will also check how well this promise is put into practice.

Making a complaint

You can make a complaint if you are unhappy about the help you are receiving from children's services. If you are being looked after, or you have left care, you have the right to help from an independent advocate when you are thinking about making a complaint, or after you have made a complaint. An independent advocate should know all about your rights and will help you get across your views.

For more information or support:

- Children's Legal Centre, freephone **0800 783 2187**; www.childrenslegalcentre.com/
- Children's Rights Alliance for England **You've got the Right** advice line, freephone **0800 32 88 759** between 3.30 and 5.30pm, Tuesday to Thursday; www.crae.org.uk/protecting/legal-advice.html
- National Youth Advocacy Service, freephone **0800 61 61 01**; www.nyas.net/
- Voice, freephone **0808 800 5792**; www.voicep.org/
- You can also get information about making complaints from your local council. The Local Government Ombudsman investigates complaints about councils, www.lgo.org.uk.

See our other guides on your right to be heard and taken seriously by:

- Health services
- Police and the courts
- Schools.

The Children's Rights Alliance for England and Participation Works are not responsible for any information or advice you receive from other organisations.

This guide was written by the Children Rights Alliance for England for Participation Works. All information was accurate as of August 2008. Legal references are included in the Participation Works summary of all four guides. Download all documents from www.participationworks.org.uk

The website of Children's Rights Officers and Advocates gives the contact details of children's rights officers and advocates working across England: www.croa.org.uk/membersbycounty

The Law Society's website gives the contact details of children's lawyers in England and Wales: www.lawsociety.org.uk/choosingandusing/findasolicitor.law



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