

DUNDEE CITY COUNCIL

REPORT TO: SOCIAL WORK AND HEALTH COMMITTEE - 23RD AUGUST 2010

REPORT ON: THE CHILDREN'S RIGHTS SERVICE ANNUAL REPORT

REPORT BY: DIRECTOR OF SOCIAL WORK

REPORT NO: 354-2010

1.0 PURPOSE OF THE REPORT

1.1 To inform members of the work undertaken by the Children's Rights Officer for Children and Young People Looked After by Dundee City Council, for the year 2009/2010.

2.0 RECOMMENDATIONS

2.1 It is recommended that the Social Work and Health Committee:-

Note and approve the annual report on the work of the Children's Rights Officer for the period 1 April 2009 to 31 March 2010.

3.0 FINANCIAL IMPLICATIONS

3.1 None.

4.0 MAIN TEXT

4.1 Background

4.1.1 The Children's Rights Service reached its 20th year on 1 December 2009. During this period the service has matured and developed as an advice, information and advocacy service for children and young people looked after by the Council. The service is also available to those professionals and adults with responsibility for their welfare and offers training in the area of children's rights.

4.1.2 The concept of children's rights is universally accepted as a crucial factor in the creation, development and delivery of services to families, children and young people. The United Nations Convention on the Rights of the Child, the principles of which have been adopted by Dundee City Council, is a key source for all national policy development relating to children and young people. However, children and young people are not a litigious group and violation of their convention rights are still commonplace.

4.1.3 The Children's Rights Service has a positive reputation throughout Scotland and Dundee City Council has a right to be proud of having had the foresight to appoint the second Children's Rights Officer in the UK and the first in Scotland. Children's Rights Officers now exist in many Councils in Scotland. The Children's Rights Officer is a member of national groups, including representing Scottish children's rights officers on the Scottish Alliance for Children's Rights

4.2 **Update**

- 4.2.1 The information covers a period from 1 April 2009 to 31 March 2010. When making comparisons between the activity covered in this report and that of the previous report, this timeframe should be borne in mind.
- 4.2.2 Throughout the past 2 years, the Children's Rights Officer has continued to make a significant contribution to the work of the Social Work Department. This has been achieved through membership of appropriate strategic planning groups, facilitating consultation with young people, contributing to staff, volunteer, carer and Social Work student training events. The Children's Rights Officer has also expanded the Advice and Information service to all Council departments providing services for children looked after.
- 4.2.3 An update of service information in leaflet form has been completed. Leaflets are now available to service users outlining their rights and responsibilities in various contexts. This information is also available on a website. www.dundee.gov.uk/childrensrights
- 4.2.4 The Children's Rights Officer has established close links with the new Scottish Commissioner for Children Young People, Tam Baillie. This will ensure children and young people in Dundee have the opportunity to contribute to the work of the Commissioner's Office. Membership of strategic groups allows the Children's Rights Officer to contribute a Children's Rights perspective to policy development ensuring policies are congruent with the United Nations Convention on the Rights of the Child. In the last inspection of Child Protection services, the Children's Rights Service was noted as a key strength in Dundee's overall service provision.
- 4.2.5 A key aim of the Children's Rights Service is to promote a culture of rights among those adults who provide services to children and young people who are looked after and/or accommodated. To this end, the Children's Rights Officer has delivered training to social work students, residential child care staff, foster carers and staff from voluntary organisations.
- 4.2.6 A breakdown of the data for referrals to the Children's Rights Service during the past 2 years can be found in the appendices attached to this report.

4.3 **Service Users**

- 4.3.1 Those young people who are looked after at home or looked after and accommodated in foster care or residential settings, both within the city and outwith, are eligible to use the Children's Rights Service. This includes children with disabilities.
- 4.3.2 Children and young people in the 12-16 years age bracket represent the predominant age-group who contact the Children's Rights Service. Contact is maintained with those young people who are placed away from Dundee and have agreed to remain in contact with the Children's Rights Officer. The service is also available to those people who have, in the past, been looked after by the local authority. Contact is made specifically with young people who are placed in secure accommodation, within a short-time of their initial placement.

4.4 **Advice and Information Service**

- 4.4.1 The advice and information service is available to both children and young people who are looked after and those adults with responsibility for their welfare. Requests for this service range from enquiries regarding procedures, to requests for advice and information on complex children's human rights issues. Requests

also came from Teachers, Youth workers, Children's Panel members, Nurses, Elected members and others with an interest in children's human rights.

4.5 **Advocacy and Representation**

4.5.1 Under Article 12 United Nations Convention on the Rights of the Child, children and young people have a basic human right to express their views and have those views taken into account, in matters affecting their lives. Like all rights, this can be an empty concept unless young people are informed of the right and empowered to exercise it. The Children's Rights Service provides advice and assistance to children and young people, to enable them to express their views in meetings, at looked after children reviews, children's hearings and in other processes. Support is also offered to negotiate concerns with social work staff, other Council employees, and staff in other agencies.

4.5.2 An important principle in advocacy is independence. The Children's Rights Officer works in partnership with the Young Person's Worker from Who Cares? Scotland to provide the **Children's Rights and Independent Advocacy Service**. Who Cares? Scotland Offers organisational independence when supporting children and young people through advocacy, while the Children's Rights Officer is independent of operational duties. Working together with Who Cares? Scotland offers children and young people choice in who they approach for support. The Who Cares? Worker has taken on the bulk of advocacy for young people looked after and accommodated in Dundee. The Children's Rights Officer is responsible for providing advocacy to children and young people affected by disability and those who are placed out-with Dundee.

4.5.3 Over the past two years, the historically high demand for advocacy has been maintained. There has been a slight increase for requests to support young people in formal processes such as at looked after child reviews and children's hearings. Attendance at reviews and hearings is recorded separately to requests from advocacy, as these place a significant demand on the Children's Rights Officer's time, given the preparation time required as well as the time needed for attendance at meetings. The predominant issue that emerged during the period covered in this report has been family contact. The pressure on council resources has led to a significant number of children and young people being accommodated in external placements. This presents a logistical challenge for social work staff who have to arrange family contact over a considerable geographical area. Sibling contact was a contentious issue for some young people who had been assessed as being best placed apart from siblings. In these situations, it is often difficult to balance the rights of individual children while taking account of the best interests of all concerned. The Children's Rights Officer supported a number of young people in this situation.

4.6 **Complaints Service**

4.6.1 An important duty of the Children's Rights Officer is to ensure those complaints and concerns raised by young people, are given proper consideration by responsible officers. The role of the Children's Rights Officer is to advise and support young people to voice their complaints and offer assistance throughout the process to resolution. Most complaints are resolved through mediation and negotiation with concerned parties, without the need for formal processes.

4.6.2 The number of formal complaints supported by the service fell drastically from twenty to five, over the last two years. This may, in part, be explained by the willingness of children and young people to resolve issues without the need for formal processes and there is some evidence to support this. The Children's Rights Officer will endeavour to support all young people to ensure that the complaints process is fair and just.

4.7 **Secure Accommodation**

4.7.1 When a child or young person is made the subject of a secure order, the Children's Rights Officer is notified. Contact is made within two working days of notification and regular visits are arranged with the agreement of the young person. The removal of a child's liberty, for any reason, is a serious matter. Given the complexity of the rights issues in relation to the removal of a child's liberty, it is essential that young people have access to advocacy and support throughout the process. The Children's Rights Officer ensures that young people understand their rights in relation to their circumstances and gives advice and assistance when it is requested. Staff are made aware of the Children's Rights Officer's powers and the range of assistance offered by the service.

4.7.2 Of the 23 individual admissions to secure accommodation over the past two years, 12 were female and 11 males. One young man was sent to prison even though he was only 15 years old. The Children's Rights Officer supported this young person while in custody. Young women were twice as likely to request support than the young men and they accounted for a significant number of the referrals to the Children's Rights Service. In Scotland, Dundee is second only to Glasgow in the number of children and young people placed from the City in secure accommodation. Proportionately more girls are placed in secure accommodation from Dundee than any other local authority in Scotland (most recent figures 2008). The Children's Rights Officer will be conducting an audit of all cases where young people are placed in secure accommodation. It is hoped that the findings of this audit may shed some light on the issue of local use of secure care and contribute to a wider debate about the management of the risk taking behaviour of young people.

4.8 **Disability Service**

4.8.1 The Children's Rights Service offers an advice, information and advocacy service to children and young people who are affected by disabilities. The service is also open to those adults with responsibility for their welfare. The Children's Rights Officer now acts as advocate for 5 individuals on a long-term basis. Access to specialist services and the response time are the primary concerns of children with, and families affected by disabilities. More than any other group, these children and young people need agencies to work effectively together. The Children's Rights Officer plays a central role in ensuring the child or young person's voice is heard in this context.

5.0 **POLICY IMPLICATIONS**

This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. The major issues are:

5.1 The Children's Rights Officer has a specific role in providing the most vulnerable children and young people in Dundee with access to knowledge, information and support, which empowers and enables them to participate meaningfully in decisions affecting their lives. This creates opportunities to improve the quality of their lives in many social contexts.

5.2 In accordance with Article 2 of the United Nations Convention on the Rights of the Child, this report promotes the status of children and young people of all abilities who are looked after by the Council, to give them parity with other service users and safeguard them from discrimination. The work of the Children's Rights Officer also promotes their participatory rights, creating equality of opportunity for active citizenship to a group acknowledged as having diminished life-opportunities.

5.3 An Equality Impact Assessment has been carried out and will be made available on the Council Website <http://www.dundee.gov.uk/equanddiv/equipact/>.

6.0 CONSULTATION

The Chief Executive, Depute Chief Executive (Support Services), Assistant Chief Executive and Director of Finance have been consulted in the preparation of this report.

7.0 BACKGROUND PAPERS

Equality Impact Assessment.

Alan G Baird
Director of Social Work

12th August 2010

COMPARABLE FIGURES

Table 1 - Support through Advocacy	2008-09	2009-10
Requests to Children's Rights Officer for advocacy service.	281	260
Requests for support to attend LAC Review.	33	30
Requests for support to attend Children's Hearings.	33	37

Table 2 - Complaints	2008-09	2009-10
Complaints assisted by the Children's Rights Officer.	20	5

Table 3 - Secure Accommodation	2008-09		2009-10	
Referrals from young people in Secure Accommodation.	Female	Male	Female	Male
<i>* Please note these figures relate to individual referrals and not individual young people.</i>	48*	35*	56*	29*

Table 4 - Children with Disabilities	2008-09	2009-10
Referrals relating to Children and Young People with Disabilities.	47	40

REFERRAL DATA 2009-2010

TOTAL NUMBER OF REFERRALS 380

REFERRALS BY GENDER		
MALE	FEMALE	N/A
178	194	8

380

REFERRAL SOURCE	
YOUNG PERSON	287
SOCIAL WORKER	45
RELATIVE	15
CARER	8
RESIDENTIAL WORKER	7
TEACHER	4
SERVICE MANAGER	3
REVIEW OFFICER	3
TRAINING REQUESTS	8

380

REFERRAL BY AGE	
0-5	9
6-10	19
11	30
12	31
13	90
14	120
15	53
16	13
17	1
18+	6
N/A	8

380

REFERRAL TYPE	
ADVOCACY	260
DISABILITY ISSUES	40
HEARING	37
LAC REVIEW	30
COMPLAINT	5
TRAINING	8

380

REFERRAL DATA 2008-2009

TOTAL NUMBER OF REFERRALS 413

REFERRALS BY GENDER		
MALE	FEMALE	N/A
161	244	8

413

REFERRAL SOURCE	
YOUNG PERSON	305
SOCIAL WORKER	57
RELATIVE	22
CARER	6
RESIDENTIAL WORKER	4
TEACHER	2
HEALTH	2
REVIEW OFFICER	7
TRAINING	8

413

REFERRALS BY AGE	
0-5	8
6-10	18
11	20
12	52
13	45
14	114
15	88
16	48
17	4
18+	8
N/A	8

413

REFERRAL TYPE	
ADVOCACY	281
DISABILITY ISSUES	40
CHILDREN'S HEARING	37
LAC REVIEW	33
COMPLAINT	12
TRAINING	8

413