

Your Rights



Your Rights

This section will provide you with information about your rights if you are currently, or have been looked after by a local authority²⁵.

It is the responsibility of the local authority²⁵ to make sure you are looked after while you are away from home.

You are most likely to know about Social Work Services³¹, although there are other local authority²⁵ services, which are also responsible for you, including Education Services.

The information in this section will hopefully be useful to you wherever you are living in Scotland as a child or young person seeking asylum. The section does not cover every situation you might find yourself in, and may not answer all the questions you may have about your rights or any concerns regarding these, but there are contact numbers in the **directory** section of the guide which might be useful for you.



If you become looked after and accommodated, you should receive a copy of Rights, Respect and Responsibilities from the Children's Right Service, which tells you more about your rights. If you are a child living with foster carers or if you are living in secure care, you should also receive written information.



The Children's Rights Service (Glasgow)

In Glasgow, the Children's Rights Service is available for any young person who is looked after by Glasgow City Council Social Work Services:

- > In a children/young people's unit or in a residential school;
- > In a secure unit or
- > With foster or community parents, or at home under an order from the Children's Panel.

The Service can:

- > Give you information on your rights and put you in touch with other people who can give you help and advice;
- > Help you to write a report or go with you to a review/children's hearing;
- > Let you know what you should be able to expect from Social Work Services³¹ and other people involved in your care;
- > Help you to complain about something you are unhappy with;
- > Make sure that what you have to say is being listened to;
- > Help you put forward your views on services for children and young people on what you think is okay and what needs changed and
- > Listen to you and take what you say seriously.

See the **Directory** at the back of this pack for contact details.



What does it mean if you are being looked after?

Being looked after means that for whatever reason you cannot live at home and that Social Work Services³¹ and other departments within the local authority²⁵ have responsibilities towards you. They will:

- > make sure that you are well cared for;
- > safeguard your welfare³⁴;
- > provide you with advice and assistance;
- > listen and take your views into account when planning for your future; and
- > take account of your religious and cultural needs.

You should have a choice and a say in the kind of place that is best for you to live. You should remember that your thoughts and feelings about living somewhere are very important.

It can take some time for you to find the right kind of place for you to live as there are often more people needing a placement than there are places.

Your Rights 01

Your rights are about what you can expect to receive or to happen. Your responsibilities are about what others can expect of you.



Foster parent(s) or residential care?



Living with foster parent(s)¹⁶ means living with a family or a supporting adult, and living in a residential unit²⁹ means living with a number of other children and young people, with staff supporting you. If you have views about this, tell your social worker³⁰ and let him/her know why you feel a particular way.

You have the right to ask to live in a place with any of your brothers and sisters who are also being looked after. They would also have a say about whether or not they want this, and where possible, Social Work Services³¹ must try and place brothers and sisters together. Wherever you live you should expect to be treated well.

Making yourself understood

If you do not understand and do not know what is being said in your meetings you can ask for an interpreter²² who speaks your language to be present.

Your right to have a say

You have the right to express your opinions - to say what you think and feel. Your views about being looked after and what you want are important and must be taken into account when any decision is being made about you and your future.

***See Glossary at back of guide for numbered word meanings**

All decisions affecting you should be made carefully and must be in your best interests. This does not mean that the people supporting you will always agree with what you want as they may not think this is the best for you. If you do not agree with any decision the reasons for it should be explained to you and you have the right to complain or appeal¹ against it.

It is really important that you say what you think at any meetings where decisions are being made about your care and your future. A lot of children and young people find it hard to talk at these meetings so if you need help to get ready for this you can ask someone. This could be a key worker²³ or someone independent whose job it is to help or represent children and young people. Before the meeting you should be asked who you want to be there. If you think there are going to be too many people at the meeting and you do not feel comfortable you can say so.

You should be given a copy of your social worker's³⁰ report and it is important that you read these reports before any meetings. If you would rather have the report explained or read out to you, you can ask someone supporting you to help you with this.

Remember you can prepare your own information for a meeting and you can ask someone to help you do this. If you are ever advised that you cannot attend a review or you are unhappy about decisions or plans, you can contact the Children's Rights Service or you can get free legal advice from the Scottish Child Law Centre.

See the **Directory** at the back of this pack for more information.



Your Rights 02

Some of your rights are written in the law - these are legal rights that you have.

Your meetings

There will be regular meetings while you are looked after. They may seem a bit nosy, embarrassing, frightening or boring, but they are an important way of making sure that everyone knows what is going on and what they are expected to do.

You will normally be invited to all the meetings and it is important for you to try to go so you can tell the people supporting you what you want to happen.

There are three main types of meetings:

1. Your Planning Meetings

When you move to a new place to live there will be a meeting to sort out what needs to happen straight away. These meetings should be held less than seven days before you move if possible. If this is not possible then the meetings should be held no later than three days after you move. It is useful to have a planning meeting so that most of the main people involved in supporting you can get together to talk about things.

2. Your Child Care Reviews

Child Care Reviews are meetings which look at your progress. All children who are looked after by Social Work Services³¹ receive regular Child Care Reviews.

***See Glossary at back of guide for numbered word meanings**

Your first review will be held six weeks after you have moved to a new place, then three months and then every six months.

Remember, you or your social worker³⁰ can ask to have an earlier review; you don't have to wait six months.

Child Care Reviews are held to discuss your care plan (see page 48) and the progress made with it and to plan for your future - this might mean the next few months or longer. Reviews are also held to make sure you are happy and that you are getting the care you need. Child Care Reviews are organised by your social worker³⁰ and will usually involve you, your social worker³⁰ and his/her Practice Team Leader and your residential worker and unit manager. Other people may also be asked to attend part of the meeting, such as your guidance teacher, your doctor and the Children's Rights Service. It is important that your views on who will attend are taken into account.

If you think you might get upset at your review you do not have to go. If you find it difficult to speak at reviews you can ask for help to write a report about yourself beforehand.



Remember, your views are very important and must be listened to by everyone at the review. You can ask someone supporting you to help you prepare for the meeting and work out what you want to say.



3. Case Conferences

A Case Conference is held if it is thought you have been harmed or are at risk of being harmed. This meeting can result in your name being put on the Child Protection Register⁸. A protection plan may also be written to help keep you safe. The police and your social worker³⁰ are usually at this meeting. You can attend your Case Conference if it is decided it is best to have you there and that it will not be too upsetting.

Important points about your meetings

Someone that you trust can support you at these meetings. This could be someone whose job it is to make sure children's and young people's views are heard, for example the Children's Rights Service or Who Cares? (Scotland). Remember that the people supporting you can arrange for an interpreter²² to be at all meetings with you.

All decisions that are made about you during a meeting will be written down and you will be given a copy of this. If you disagree with any decision you can ask for this to be written in your file¹⁵. You can also make a complaint about this and it will be investigated.

See the **Directory** at the back of this pack for more information on the organisations mentioned.



Your choices

You have the right to make choices about a lot of things. You should be given the information you need to help you choose what you want, and what is best for you.

This includes your views when decisions are being made about the best type of place for you to live.

If you are in a residential unit²⁹ you should have some say, along with the other children and young people, about how it looks; this includes the colours, decoration, furniture, etc.

This may not always be possible - for example if your accommodation is temporary.

You have the right to make choices about your clothes, how you spend your pocket money²⁶ and the activities you take part in. Your key worker²³ or the people supporting you have a responsibility to protect you and will speak to you about any actions they believe may be harmful. For example, if you stay out late or overnight without telling anyone that you are safe they will be very worried.

Your right to contact with the people important to you

You may have brothers or sisters who are also looked after and you should be encouraged to keep in contact with them. You may also know of a relative or family friend who is already living in Glasgow who you would like to have contact with. If you would like to contact them, your social worker³⁰ might be able to help with this.

Sometimes it may not be in your best interest to have contact with a member of your family or a friend and someone supporting you will explain this decision.

See also page 37 for more information on how to find family members.

Your care plan

Every young person who is looked after should have a plan written down about where they are going to live and who needs to do what to make sure that they are properly looked after. This is called a “care plan”. It should include your hopes and plans for the future, and what everyone, including you, has to do to make sure that the plan works. You should be involved in helping to write your care plan and you should get a copy of this once it is written.

Your one-to-one time

You have a right to one-to-one time with anyone who is supporting you and should be given time to talk about anything that is worrying you. You should be given a time that is good for the both of you to meet and talk alone and the person supporting you should indicate how often you can do this.

You have the right to have a social worker³⁰ and to see them on a regular basis; how often this happens should be agreed between you and your social worker³⁰. You can ask to see your social worker³⁰ more often if you are having difficulties. You should always know when you are going to see your social worker³⁰ again.

What is a social worker?

A social worker³⁰ is a person trained to offer counselling, guidance, and assistance to families, children and young people. They are usually employed by the local authority²⁵.

Phone your social worker³⁰ if you need to talk to him/her between visits. This can be done from the place where you live. (You do not have to pay for this). It does not have to be because something's gone wrong. You might have good news you want to share or you might just want to talk.

If you live with foster parents¹⁶ you should have time on your own with them to talk about personal matters and to sort out anything that is important to you. If you are in a residential unit²⁹ you will have a key worker²³ and this person has a particular responsibility to work with you.

The people supporting you

See the chart at the back of this pack which shows all the people supporting you.



If you are going through a difficult time you can ask to spend extra time with your social worker³⁰ or key worker²³ but sometimes they may be busy so try to be understanding and patient until they can see you.

If you cannot talk to your social worker³⁰ or key worker²³ and if you feel this will never get better you can ask to change them. If you do not get on with your foster parent(s)¹⁶ and if you feel this will never get better you can ask to change where you live.

If you ask for a change of worker or place to live you will be expected to have given your relationship with the person a good try as it takes a while to get to know someone and to feel you can trust him/her.

If you are unhappy about the way you are treated while you are being looked after, you have the right to complain about this confidentially.

See the **Directory** at the back of this pack for more information about who can help you with this.



Your education

You have the right to receive education and you have a responsibility to attend school at least until you reach 16 years old. The people supporting you will be interested in how you are getting on at school and will help you with any problems you have at school.

If you have any learning support needs, for example if English is not your first language, Education Services¹² should provide you with extra support. If you need more time to learn the English language when you arrive, you should be able to attend a bilingual unit.

If the travelling time between the place you live and your school is too long, you might need to change schools. However there may be good reason why a particular school is chosen.

***See Glossary at back of guide for numbered word meanings**



Discuss this with your social worker³⁰ and make sure that your views are known before any decisions are made.

You do not have to leave school at 16. Talk about the options you have. These options include staying on at school, going to college, voluntary work, seeking training or employment (if your immigration status allows you to work).

Social Work Services³¹ and/or Education Services¹² have a responsibility to help you financially if you have been looked after and accommodated for a certain period before your 16th birthday.

Your health

Your health is very important and you have a right to the best possible services. You have the right to see a doctor about any health concerns that you have. Remember if you need help explaining this you can ask for support from someone you trust and you can ask for an interpreter²².

If you have become looked after and accommodated, a nurse from the Looked After and Accommodated Health Team should meet with you to talk about your health needs and to complete an assessment of your general health. If you require any advice, you can contact the nurse while you are being looked after and when you have left care.

You have the right to agree to or refuse medical treatment, at any age, so long as the doctor believes you are fully able to understand what is involved in the proposed treatment, or possible results, even if you are under 16. You do not need an adult to agree to treatment if the doctor believes you understand things well enough although it may be best to have a supporting adult with you to help you make informed choices.

Your Rights 03

You have the right to be treated with respect and you have the responsibility to respect the rights of others.



Looking after yourself

You have the right to good physical care and this includes:

- > living in a comfortable and safe place;
- > having products which support your cultural and religious needs e.g. food that you like and hair products which help you feel good about yourself; and
- > being given the choice about what you wear and buying your own clothes.

Your responsibilities are:

- > to take care of property, furniture and your own belongings. If you damage property it affects others and you will be expected to pay for the cost of any damage you have deliberately caused; and
- > when you get money for clothes you cannot expect to get the most expensive - you have to learn to budget⁴ for all the things you need and not spend all your money on one thing.

Your safety

You have the right to feel safe while you are being looked after.

You also have a responsibility to respect the rights of others to feel safe and you should not threaten or hurt others.

If you do hurt or threaten another person, or this happens to you, someone supporting you should intervene.

If someone's behaviour is threatening it might be necessary to discuss moving you to different accommodation.

***See Glossary at back of guide for numbered word meanings**

Call ChildLine 0800 1111

No one has the right to hurt or threaten to hurt you. If you are being bullied try to speak to an adult you trust or you could phone the ChildLine Tel 0800 1111. This is a free telephone number for children who want to talk to somebody in confidence about any problems they are having. Sometimes just talking about the situation helps but ChildLine will also be able to give you advice on what to do.

Your privacy and confidentiality

You have the right to privacy. You should be able to make and receive phone calls in private. There will be calls you can make which will be paid for by Social Work Services³¹, to people who are important to you, for example your legal representative²⁴ or your social worker³⁰. There are some phone calls you will have to pay for yourself. You also have the right to send and receive private mail. Your letters must not be opened and read or censored⁷.

However, if the people supporting you believe you have received mail or a phone call that may be harmful they have the duty to protect you. This may limit your privacy and involve them breaking your confidentiality⁹.

KEEP OUT



© 2011 The Children's Commissioner for England

Personal information about you should not be given to others who do not need to know. This includes other children and young people living in the same place as you. The people supporting you may need to be given information so that they are aware of a difficulty that you have been experiencing.

In residential units, foster placements and supported accommodation³² you should be able to have your own bedroom and be given a key to lock your door from the outside. Where this is not possible you should have a wardrobe or bedside cabinet you can lock and keep your personal belongings safe.

Someone supporting you may need to come into your bedroom, without your permission, if they believe your health or safety is in danger. You should respect the privacy of others and not go into someone's bedroom unless asked.

Your Rights 04

You should not be discriminated against because of your country of origin, sex, religion, race, sexuality, or because you are disabled or for any other reason.

Accessing your personal information and records

You have the right to receive information about things which affect you and to be told about all things which affect you. You also have the right to have all information written in a way you understand.

If you are over 16 you have the legal right to ask to see your file¹⁵. Your social worker³⁰ should help you with this request.

***See Glossary at back of guide for numbered word meanings**

You can see your file¹⁵ if you are under 16, although it's usually best if someone goes through the file¹⁵ with you. You have the right to have any points you disagree with noted in your file.



You will not be allowed to see information that is about other people or has been given by other people unless they agree.

If someone else supporting you, other than your social worker³⁰ asks to see your file you should be asked for your views about this.

Moving on

Young people may think that the local authority²⁵ does not have to look after them when they are 16 years old but the local authority²⁵ must provide support to you if you are still under the age of 18 years old. At the age of 15 your social worker³⁰ or someone supporting you should speak to you about a 'Pathway Plan'.

A Pathway Plan includes discussing where you should live when you are no longer looked after and the types of support you may need. Different people who are supporting you may be involved in your assessment and plan, such as a careers adviser⁵, key worker²³ and social worker³⁰. It is important that your views are taken into account as much as possible when planning your future. If you would like to find out more about the Pathway Plan you can speak to anyone supporting you.

Social Work Services³¹ can give you financial, practical and emotional support and assistance.

If you are being looked after when you have reached school leaving age, Social Work Services³¹ may help you until your 21st birthday. If you were no longer looked after when you reached school leaving age Social Work Services³¹ may still offer you some help.

When you reach school leaving age you will be expected to take more responsibility for yourself and to be more involved in your own care. This will include continuing with your education or trying to get a job or training, learning to cook your own meals and doing your own washing.

If you behave in a responsible way you will be given more freedom and treated in a more adult way. You will always be expected to respect the rights of others.

Once you start working you will be expected to pay towards your living expenses. When you are ready to move on from your accommodation, this should be planned and you will be given support to find a suitable place to live. You can keep in contact with your residential unit²⁹ once you have moved on.





Rules for the place that you live

Ground rules are set so that you know what other people expect of you. These rules apply to everyone including the people supporting you and should be written down and given to you. Anywhere that you live will have ground rules and you can ask someone to explain them to you.

Generally there will be rules about:

- > treating others with respect, which includes not hitting anyone or swearing/using abusive language;
- > a time for coming home at night;
- > bedtimes;
- > a time for getting up in the mornings;
- > attending school;
- > alcohol or drugs: you will not be allowed to have or use them;
- > smoking: Social Work Services³¹ has a responsibility to discourage young people from smoking and to provide a smoke-free atmosphere for non-smokers. The government in Scotland, the Scottish Executive, has banned smoking in all public places;
- > not damaging property or furniture and treating other people's belongings with respect; and
- > housework: helping to do the dishes or keeping your bedroom tidy.

If there are any rules you think are unfair you should say what you think by speaking to someone supporting you. Wherever you live you can talk about this at the residents' meeting.

All children and young people should have some say in the ground rules. If you do not follow the ground rules you can expect a fair response and restrictions may be placed on your activities.

Breaking the rules

The people supporting you are guided by Social Work Services³¹ as to what things they are allowed, or not, to do if you break the rules. They will always discuss this with you first.



Things that are allowed:

- > a worker may have to be with you when you spend your pocket money²⁶;
- > your pocket money²⁶ may be withheld until a later date;
- > you can also be asked to pay for any damage to property. If this happens a lot you will have to pay off the money you owe over time;
- > you may be given jobs or tasks to do;
- > you may not be able to stay up later at the weekend;
- > you might not be allowed to go on a trip or special treat.

Your Rights 05

It's not all serious stuff though - you have the right to enjoy yourself as well! You should be encouraged to see your friends, take up hobbies¹⁸, do things you're interested in, take part in activities and learn new things. You should not be expected to behave as an adult would and allowances should be made for making mistakes.

***See Glossary at back of guide for numbered word meanings**

Things that are not allowed:

- > the people supporting you are not allowed to hurt you or threaten to hurt you;
- > you must not have all your pocket money²⁶ fined/withheld - you must always be given half of your pocket money²⁶ in any week;
- > you must not be locked in a room (unless you are in secure accommodation);
- > you must not be deprived of any meal or be given a different meal as a punishment;
- > The people supporting you must not tell other young people not to talk to you and they must not refuse to talk to you as a punishment. (This is not the same as someone asking you to be quiet or saying they won't talk to you until you stop swearing at them);
- > you must not be made a fool of by the people supporting you;
- > you should never be punished for running away by having to wear your night clothes during the day; and
- > your shoes should not be taken away from you unless you are using them to hurt someone.

If you have broken the rules where you live and you get restrictions, then the people supporting you must write this down. This is a way to make sure those children and young people are treated fairly. Social Work Services³¹ check records to make sure restrictions are fair.

If you agree with the restriction then your behaviour afterwards could mean that this is reduced or does not last so long.

If you disagree with any restriction then you have a right to complain.

Your Rights 06

You have a responsibility to behave within the law and to realise that if you do not then you risk certain consequences.

Restraint

The people supporting you will physically stop you from hurting yourself or others. This is called 'restraint'. Restraint should only be used to protect your safety or the safety of others. If you need to be restrained then you will be held but not hurt.

The people supporting you should be trained in how to restrain you safely. If you have been restrained then a form should be filled in to say why. You should then get the opportunity to talk about this afterwards and everyone involved should have their views recorded on a form. People may also speak about you being "held safely".

If you have been restrained and disagree with how the restraint happened or feel it was not carried out properly, you can speak to someone about this.

“

I had a tough moment when I came here first of all because of this I was alone and also didn't understand the language. When I had people who care about me, I started to get used to them and then I felt better. - Ali

”

*See Glossary at back of guide for numbered word meanings

Your right to complain

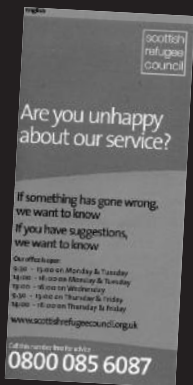
You have the right to complain about ANY service you are receiving.

If you have a problem about the way you are being looked after, you have the right to complain about this and everyone has a responsibility to take your complaint seriously.

You should first talk about this to the people supporting you. They will try and sort it out or put you in touch with someone who can help.

If it is too difficult to contact, or to talk to any of the people supporting you, or if you have talked to someone and your problem has not been resolved you can contact other services listed in the Directory in this pack.

Complaints forms should be freely available to all children and young people who are looked after - ask your residential worker for a form. Don't worry, if you cannot get a form, or if you don't like writing things down, you can make your complaint by phone, see information about Glasgow City Council Complaints section in the **Directory**.



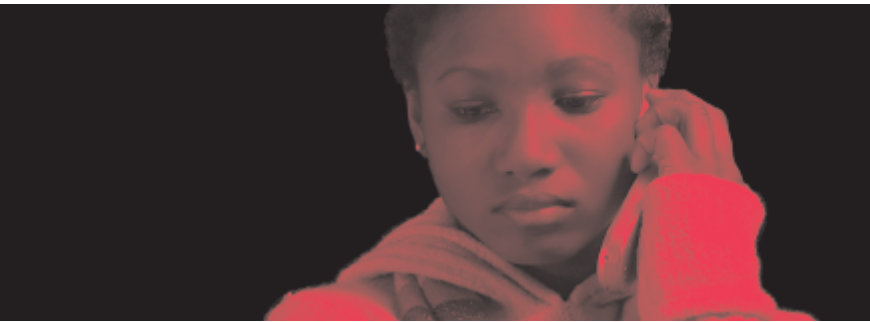
“

Glasgow is such a nice place to live. Scottish people are so friendly, nice and easy to discuss things with. Now I'm feeling happy and more comfortable living in Glasgow. - Miriam

”

Contacting Social Work Services in the evening and at weekends

Remember if you need to contact your Social Worker³⁰ outside office hours you can phone the standby team. This is the Social Work Services³¹ Team who will answer your phone call in the evening and at weekends when your local Social Work Services³¹ office is closed. See the Directory for contact details. You can call a social worker³⁰ on standby by phoning the **Freephone number 0800 811 505 (Glasgow)**.



Important things to remember about making a complaint

You have the right to complain in confidence, to have your complaint taken seriously, and to get a response to your complaint.

If you are not happy with the response that you get about your complaint or with the way that your complaint has been dealt with, you have a right to ask for this to be looked at again (the complaints form will tell you more about this or you can contact Children's Rights Service, see the **Directory** for details).

All complaints should be investigated by someone who is not involved in the situation that you have complained about.

When you make a complaint you should never feel that you are being bullied for complaining. If you think you are you can make another complaint about this.

If you tell someone supporting you information that could mean you or other children or young people are at risk of harm, then this will be investigated differently. You will be given the opportunity to speak about this and given an explanation about what will happen next. The information that you give will be kept as private as possible and you will always be kept informed about what is happening.

