

# SECURING CHILDREN'S RIGHTS



” A guide  
for professionals  
working  
in alternative care



Building a Europe for and with children

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SOS CHILDREN'S  
VILLAGES  
INTERNATIONAL

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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## French edition

Défendre les droits de l'enfant

The Council of Europe programme "Building a Europe for and with children" was set up to secure and promote children's human rights, and protect children from all forms of violence.

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## Preface

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**S**ecuring children's rights is a publication written in collaboration between SOS Children's Villages International and the Council of Europe. Building on the success of past collaborations which resulted in the publication of the **Discover your rights!** booklet, the Council of Europe and SOS Children's Villages International embarked on another ambitious project, to develop a guide to inform social care professionals of the rights of children in alternative care and, in doing so, to promote a child rights-based approach to their practice.

■ Three country consultations were undertaken, in Albania, Croatia and Estonia, with the specific purpose of hearing the real experiences and thoughts of social workers, young people with care experience, care workers, educators and social care managers, NGO managers, academics and representatives of UNICEF, the social ministries, and child ombudsmen of the day-to-day challenges of social care professionals and the assistance they need.

■ Altogether over 80 stakeholders were involved in the initial development of the booklet, with an additional 25 contributors involved in its review. In all, the completion of this guide owes much to a great many individual contributors and organisations.

## CONTRIBUTORS

Thanks in particular go to the author Ellie Keen and the project team: Ronan Mangan, Stéphanie Burel, Julia Kovalenko Djagileva, Leonard Guni, Kresimir Makvic, Alma Guma and Kélig Puyet. The youth consultants: Gazmend Lame and Željka Matiaë and professors Mike Stein and June Thorburn. From Albania: Enkelejda Lopari from Terre des Hommes; Gazmend Zita from the State Labour Inspectorate; Alket Jupi, Children's Ombudsman and Floriana Hima from UNICEF. From Estonia: the Ministry of Social Affairs, the Social Welfare Department, the Office of the Chancellor of Justice, the Children's Rights Department, Tallinn University, the Institute of Social Work, child protection specialist from the City of Tallinn, the Social Welfare and Health Care Department, the Welfare Department, child protection specialist from Lääne County, SOS Keila Youth Facility Leader, the NGOs EATL, ELNHÜ and Oma Pere, SEB Heategevusfond, and the Estonian Union for Child Welfare. From the European Social Network: Catherine Holland, Social Care Innovation Manager; Graham Orwen, Director of Children's Services; Botkyrka Sweden and Sandra Hagemeyer, Children's Services Cologne, Germany; Sandra Verhauwert, Local Public Centres for Social Welfare, Belgium; Alexis Jay, Chief Social Work Advisor to the Scottish Government; and Alfonso Lara Montero, Senior Policy and Research Officer European Social Network (ESN). From SOS Children's Villages International: Raluca Verweijen-Slamnescu, Magdalena Krenn, Alan Kikuchi White, Sylvie Delcroix, Barbara Sailer, Claudia Grasl, Arnoldi Wolfram Schneider, Jan Folda, Beata Kulig and Jasna Sofovic, as well as all the other social care professionals, children and young people who made a great contribution to this guide through their involvement.

**Securing children's rights** is not just another guide for social and care workers to read, instead it is a guide and toolkit which offers practical approaches to improve their practice. It seeks to demonstrate to care and social work professionals that using a child rights-based approach in their everyday work not only enhances the care experience for the child but also for the professionals' own work practice. It seeks to emphasise that the rights of children living in alternative care need to be at the centre of all care processes and that above all else their rights and their well-being need to be safeguarded and to be treated as sacrosanct.

## Introduction

*"Being respected and listened to creates a friendly atmosphere between us and social workers."*

Young person in alternative care, Albania

### ABOUT THE GUIDE

This guide is for people who work with children and young people in places of alternative care. It is intended to assist you in understanding and supporting the rights of children you work with. It should also help you in the important work you do.

Removal of a child from the care of the family should be seen as a measure of last resort and should be, whenever possible, temporary and for the shortest possible duration."

UN Guidelines for the Alternative Care of Children

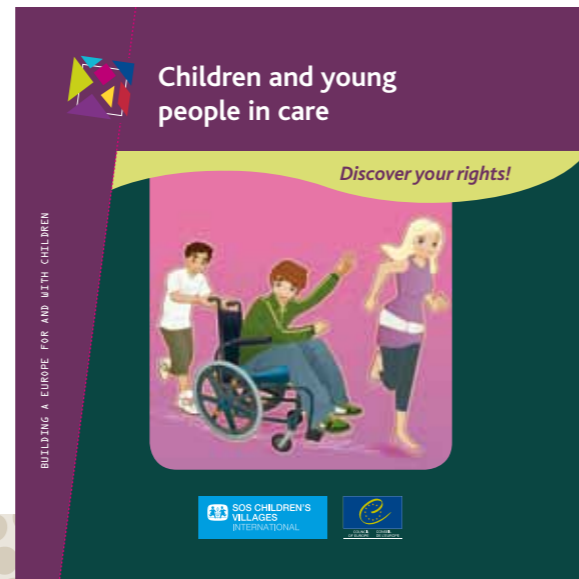
Experience from a number of different sectors and a number of different countries has shown that adopting a children's rights approach to alternative care for children offers a more fulfilling, less stressful and more promising environment for all. It is also recognised as being the "right" approach: children and young people have rights just like adults. They are entitled to expect these rights to be respected by the adults they come into contact with.

■ A human rights-based approach to working in alternative care for children is:

- ▶ more fulfilling, because relationships are built on trust and mutual respect. This is more rewarding both for you and for the children and young people with whom you work;
- ▶ less stressful, because problems are more easily identified and decisions are "owned" by those who need to carry them out, which means they are more likely to be adhered to;
- ▶ more promising, because it is more supportive of children and young people: it familiarises them with some of the challenges they will have to meet later in life and gives them strategies which they can use to meet these challenges.

” Thanks to my educator for everything – the best educator that I could have. Thank you for believing in me.”  
Young person in alternative care, Croatia

■ This guide accompanies **Discover your rights!** a booklet which informs children and young people of their rights and shows them what they mean in practice. You are strongly advised to look at both texts and to introduce the booklet to the children and young people with whom you work. This will show them that you are serious, and it will help to develop trust on both sides.



## THE CHALLENGES YOU FACE...

■ The work you carry out is of enormous value and great importance, both for children and for society as a whole. But society often fails to recognise the challenges you face, the responsibility which lies on your shoulders and the stressful nature of your work.

- ▶ You often have to deal with challenging behaviour from the people in your care.
- ▶ You are often faced with difficult decisions where the needs or rights of individuals conflict.
- ▶ You have to comply with a stream of regulations, policies and laws.

■ On top of all of that, it can be hard to balance your administrative duties with the need to work directly with the children in your care and the professional support that you require is often lacking.

## WHY YOU SHOULD READ THIS GUIDE

■ Children's rights do not create more work: they provide a different way of looking at the work you do.

■ The contents of this guide should provide you with an alternative perspective on the work you do, and some practical suggestions to use in your everyday work. They will not add to the list of tasks or the difficult challenges that inevitably accompany much of your everyday practice.



” We get good results when we work together! We see the results of our work!”  
Social worker in Croatia

## HOW TO USE THIS GUIDE

” It is the role of the state, through its competent authorities, to ensure the supervision of the safety, well-being and development of any child placed in alternative care.”  
UN Guidelines for the Alternative Care of Children

█ Ideally, the guide should be seen – and read – as a whole. It describes a general approach towards work with children and young people in alternative care, and you will gain a better understanding if you have an overall vision.

█ However, you may also decide to dip into the sections separately, as time allows. This is also possible, as each chapter can be understood without a full awareness of preceding sections. In particular, the three final chapters in the guide address the three main stages of the care-taking process. All can be read as stand-alone chapters, using any highlighted terms to refer to other parts of the guide.

- ▶ Chapter 1 provides some important background information on children's rights: it lays out some of the central ideas and some of the key principles. Understanding these principles will make it easier to apply the practical guidelines in chapters 3, 4 and 5.
- ▶ Chapter 2 looks in more detail at the four “guiding principles” behind children's rights: it is practical in nature, and provides a number of tasks and simple illustrations of what these principles mean for your work. The final checklist on page 24 will be helpful at any stage of the care process.

UNCRC Guiding principles
Participation
Non-discrimination
Life, survival, development
Best interests of the child

## THE IMPORTANCE OF THE FAMILY OF ORIGIN

█ Please note that this guide begins at the moment when the decision has been made to take a child into care and concludes at the point where the child is getting ready to leave. The guide does not address preventative work carried out before the child enters care, although the principles outlined in chapter 2 will also be relevant to this stage. Given the importance of keeping a child within the family if at all possible, the search for alternatives at this initial stage should have been exhaustive: all other options should have been considered and all relevant actors consulted. This will have included the child's family, any relevant professionals and, of course, the child.

█ The family of origin's role throughout the process is of great importance. As long as it does not jeopardise the protection of the child or hinder their development, continuous contact with the family should be maintained and they should be consulted whenever important decisions are being made.

█ Remember that most children in alternative care are not orphans, and most want their parents, other caring relatives and siblings to be involved. Looking after the child also means supporting the child's family of origin.

█ The guide will also help you to carry out the very tasks you entered the profession to accomplish! Respecting children's rights will give children a better experience while in care, and will equip them for a more independent life in the outside world.





## Chapter 1

# Children's rights, human rights

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### OUR RIGHTS

**T**his chapter introduces some of the key ideas and principles at the heart of children's rights. It should help you to see how and where more attention may be needed to make sure they are respected in your work.

■ Bear in mind that you too have rights! The work you do is already a highly important and valuable contribution towards protecting some of the most vulnerable members of society. In doing this work, your rights should also be protected.

■ You have taken on this important and responsible role in order to support, protect and assist those who have particular needs – mainly as a result of their age and vulnerability. You will be helped in that work if you can better identify those particular needs, and if you have strategies for addressing them.

■ Children's rights provide a useful shortlist of the issues you need to look out for, the areas where children are most likely to need further support or protection. Children's rights also provide a different focus for your work so that you can better offer the required support without imposing extra burdens on yourself. Indeed, you should find that many of the challenges you currently face will be transformed and the rewards will be great!

” We can only do our best in protecting children's dignity – we are all equal human beings who should be treated with respect.”

Social worker, Croatia



” There is no trust more sacred than the one the world holds with children. There is no duty more important than ensuring that their rights are respected, that their welfare is protected, that their lives are free from fear and want and that they can grow up in peace.”

Kofi Annan, former UN Secretary General

**Human rights** are guaranteed by the state. They provide protection for everyone.

**Children's rights** offer special protection and support to everyone under the age of 18.

**Protecting children's rights** is the responsibility of the state and of those who have responsibility for the child (including care workers).

” The child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.”

UN Declaration of the Rights of the Child

## FREQUENTLY ASKED QUESTIONS

### WHAT ARE CHILDREN'S RIGHTS?

Children's rights belong to everyone under the age of 18. They protect the rights of children and young people: they should be treated and respected as human beings, with full access to the human rights which all human beings possess. But children's rights also recognise that their vulnerability, arising from their young age and immaturity, demand that we pay particular attention to their need for special protection and care.

Children's rights include the right for young people to be treated with dignity and respect, the right to be free from discrimination, to have basic needs met – such as food, safety, health care, education – and the right to play an active role in society. These rights are laid out in the UN Convention on the Rights of the Child (hereafter, UNCRC) which has been accepted by every country in Europe and nearly every country in the world.

### WHY DO CHILDREN HAVE "SPECIAL" RIGHTS?

Children do not have special rights! They have the same human rights as every other human being – including you. But children, like some other groups, are recognised as being in need of special attention because of their age and vulnerability. They are a group that often find it difficult to fully access their rights.

” Children are not mini-persons with mini-rights, mini-feelings and mini-human dignity. They are vulnerable human beings with full rights which require more, not less, protection [than adults].”

Maud de Boer-Buquicchio, former Deputy Secretary General, Council of Europe (2002-2012)

### WHAT ABOUT CHILDREN IN ALTERNATIVE CARE?

If children in general are in need of special protection and support, then this is particularly true of children who have been removed from their family setting. There is evidence to show that the particular challenges associated with being taken from a familiar environment, often for the very best reasons, can continue to have an impact on young people throughout the course of their lives.

” All human beings are born free and equal in dignity and rights.”  
Universal Declaration of Human Rights

Children must have their basic needs provided for. They must never be deprived of food, water, health care, education, etc.

### WHAT ARE HUMAN RIGHTS?

Human rights are the rights that everyone in the world possesses simply because they are human. You too have human rights and it is important that your rights are not abused.

Human rights do not ensure an ideal standard of living but they set basic minimum standards for government policy and practice, both in terms of what they should not do – like allowing people to be treated in an inhuman or degrading way – and in terms of positive measures they should take, such as providing education or ensuring basic health care for all children.

### WHAT ABOUT RESPONSIBILITIES?

Human rights and children's rights set out certain basic minimum standards for which the government and its representatives hold ultimate responsibility. These minimum standards should be met no matter how someone has behaved.

- For example:
  - No-one should have to go without food or water because they have behaved badly.
  - No-one should ever be beaten or bullied – even if they have done the same to others.

Human rights and children's rights should never be taken away completely. They protect our most basic needs as human beings. But sometimes rights may need to be restricted – perhaps in order to protect others, or to protect society as a whole; sometimes in order to protect the individual from him or herself.

For example:

- ▶ A child's freedom may only be limited if the child is considered likely to put him or herself in danger by being allowed full liberty.
- ▶ A child's freedom of expression may be limited if he or she says things which are harmful to others.

Remember that the basic principle is that rights should NOT be restricted unless absolutely necessary!

### HOW CAN WE COMBINE CHILDREN'S RIGHTS WITH NATIONAL LAWS AND POLICIES?

Health and social care professionals have to comply with a huge number of national guidelines, policies and laws. Since your government has signed up to the UNCRC there should not be any conflict between these policies and laws and children's rights. Children's rights can be seen as more like "principles" which provide a framework for behaviour and affect the way you carry out your other obligations.

The principles are covered in chapter 2 of this guide.

Many of our human rights can be restricted or limited in order to protect the rights of others or the needs of society.

Using children's rights to guide your behaviour means looking at national policies and laws through the lens of children's rights.

### CONVENTION ON THE RIGHTS OF THE CHILD

The most important international document outlining children's rights is the UNCRC. These rights also apply to all children, including those in alternative care. A brief summary can be found below.

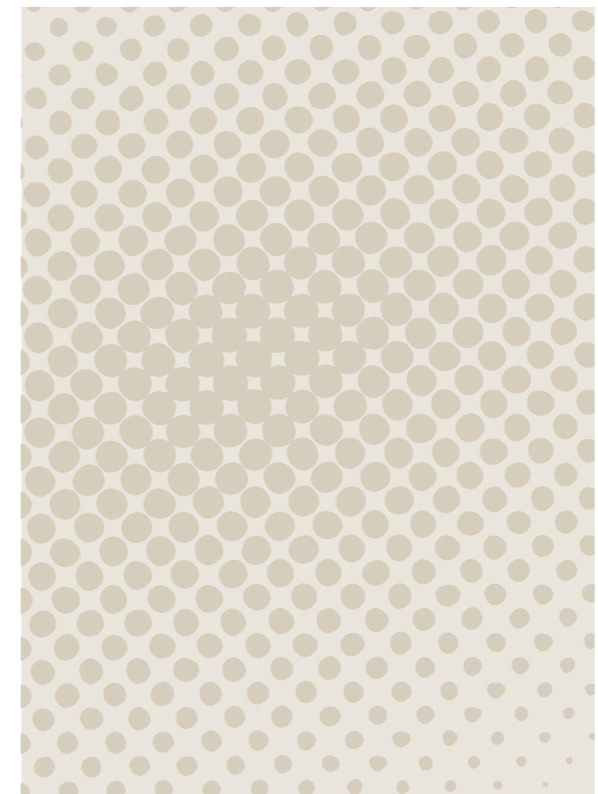
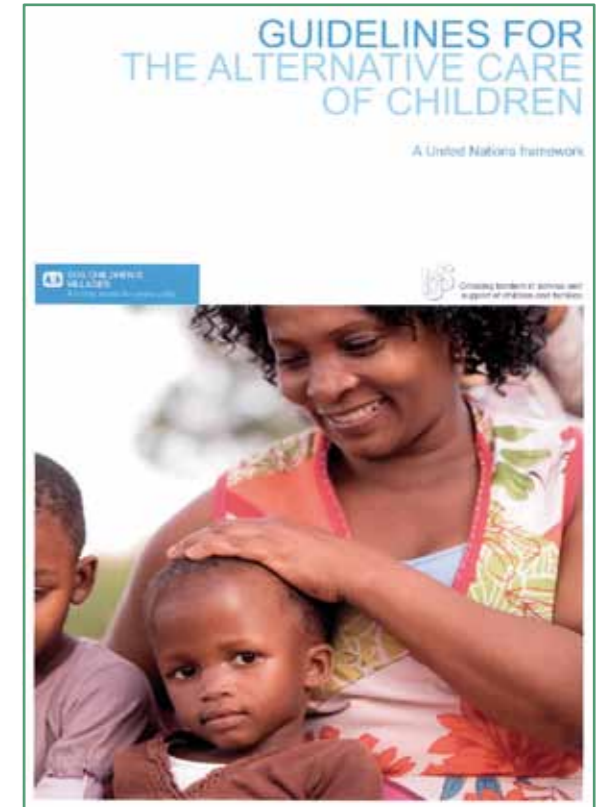
### WHAT RIGHTS DO CHILDREN HAVE?

<b>Survival rights</b>
These cover the most basic needs of life. They include the right to life, nutrition, healthcare, an adequate living standard and the right to shelter.
<b>Development rights</b>
These include the rights essential for the child's healthy development – such as the right to education, to play, access to information, religious freedom and the right to take part in cultural activities.
<b>Protection rights</b>
These rights ensure that the child will be protected from unsafe practices, abuse, exploitation, violence, war, or anything else which might put them in danger.
<b>Participation rights</b>
These rights ensure that children have a voice in the decisions that affect them and in their communities. Their views should be heard and taken into account, and they should be able to join with others and express their views freely.

### Other international documents

The United Nations and the Council of Europe in particular, and a number of non-governmental organisations, have recognised the need to draw up special standards for children living in alternative care, or where care is being considered. These standards recognise the very specific need that these young people have to be protected and supported.

Additional key information and links to standards can be found in the Appendices. Useful resources are available for raising awareness on children's rights in general as well as campaign materials specifically dedicated to important topics such as stopping sexual violence against children and ending corporal punishment against children in all domains.



## Chapter 2

# Guiding principles for your work

**T**he four guiding principles which run through every UNCRC article provide a simple way to integrate children's rights into your work. Use the quick checklist on page 24 to check whether decisions or actions you take are likely to respect the rights of the children and young people you are working with.

— The four principles are outlined in more detail below.

### PRINCIPLE 1: PARTICIPATION

**P**articipation is key to understanding children's rights. It should guide the way for ensuring that every right is protected and respected. This idea is clearly stated in the first part of Article 12 of the UNCRC.

#### CONVENTION ON THE RIGHTS OF THE CHILD

— Article 12.1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

” Every right spelled out in the Convention [on the Rights of the Child] is inherent to the human dignity and harmonious development of every child.”

UNICEF

— Participation of the child in decisions which affect them is a guiding principle of the UNCRC. Children are fully-fledged people and should always be consulted and listened to – and their views should be taken into account.

## GENUINE PARTICIPATION

It is easy to involve children in tokenistic ways: we ask their opinion and then ignore it! Real participation is a bit more complicated. It depends on both sides – adults and children – believing in each other and believing in the process.

All of this can take time and patience. From the child's side, he or she needs to feel that you are interested in their opinion and that you want to find a solution which builds on it. From your side, there needs to be a belief that the child's opinions really matter, a belief that they can lead to a better outcome for all. Communication between you and the child needs to be effective, honest and constructive. Establishing a relationship of trust is essential. Don't be put off if you encounter hiccups! The more you involve and trust the children and young people in your care, the greater the rewards will be for all of you.

### Inform

Children and young people need to be given all the information necessary to take part in the decision. You will need to make sure that the information is accessible to all children: the language should not be over-complicated and you should take into account different needs (such as provision in easyread or other languages).

### Discuss

Children need to be given time and space to think through and discuss the issues. For younger children, or those less able to participate and to discuss, you may need to provide facilitation.

### Listen

You – and they – need to be able to listen! They should be helped to listen to each other, and you must make sure you listen to any ideas they want to input into the process.

### Consider

If an adult is making the final decision, you need to make sure that the young people's ideas and preferences are given due weight. The fact that the ideas come from the young people is important and may sometimes weigh more heavily than whether or not you agree with their opinion.

### Feedback

This is particularly important when the final decision has been made by adults. Young people need to be informed how their ideas and wishes were considered, and if they were not accepted, why this was the case.

## REMEMBER!

- ▶ Children have the right to express their opinion on every matter which affects them.
- ▶ Children have this right as soon as they are capable of forming an opinion and expressing it in some way.
- ▶ The existence of this right means that adults have a duty to listen to children and young people: we must take their opinions into account.
- ▶ You don't necessarily have to do exactly as the child wishes. That may depend on the age and maturity of the child and on the particular decision. But you will need to explain to the child why you have decided not to follow his or her reasoning in any particular case.

Children may need to be empowered so that they feel they can express their opinion. They should understand that their opinion is valued, whatever it may be.

” If I had been listened to and not told I could not go on a football course I would have been more respectful and grateful.”

Young person in alternative care, Albania

” I was never consulted and did not have a say, which resulted in my leaving school when I wanted to stay.”

Young person in alternative care, Croatia

” I had no one I could discuss and exchange emotions, feelings and fears with, or who would react to decisions I did not agree with.”

Young person in alternative care, Croatia

Think about how you would feel in one of these cases. What effect would it have on the way you viewed the adults around you?



## PRINCIPLE 2: CHALLENGING DISCRIMINATION

■ The principle of non-discrimination – or equality – has two important aspects. Both are important in ensuring that children are, wherever possible, able to access the same rights, opportunities and privileges.

- ▶ Non-relevant characteristics should never be a reason for treating a child differently. For example, the gender, sexual orientation or ethnic identity of a child should not result in different treatment – unless one of these characteristics is relevant to the particular decision. A girl should not be excluded from metalwork just because she is a girl; a child with learning disabilities should not be excluded from sports activities. Neither of these “differences” are likely to be relevant to these particular activities.
- ▶ Sometimes a child's needs or abilities may require different treatment in order that he or she can benefit from the same opportunities as other children. In such cases, non-discrimination means that these differences must be taken into account, often by supporting the child in a different way. Children with disabilities may need physical assistance, or assistance with reading or understanding; refugee or migrant children may need help with language; children with different religious beliefs, sexual orientation or cultural beliefs may need special protective measures to support their access to their basic minimum rights.

■ In general, where a child's circumstances are similar, treatment should be similar; and where circumstances are different, so should the treatment be. Avoid making judgements about what a child can or cannot do because of characteristics that you think are relevant, and use a case-by-case approach to prevent any child from becoming isolated because of his or her particular circumstances. Isolation based on discrimination and stigma would prevent them from accessing their rights alongside other children.

## PRINCIPLE 3: THE RIGHT TO LIFE, SURVIVAL, DEVELOPMENT

■ Children have the right to life and the right to develop both physically and mentally. They should be protected from external threats and dangers, for example, abuse, severe deprivation and illness. They should be provided with whatever is necessary for their healthy development and general well-being.

■ No child should ever be deprived of a service other children receive because of some characteristic which is not relevant to that decision.

” One child misbehaved. He was left without food for a day; his right to food was not respected.”  
Young person in alternative care, Albania

## PRINCIPLE 4: BEST INTERESTS OF THE CHILD

■ In all decisions affecting children, the best interests of the child have to be put first. You need to do whatever is best for the child's protection, development and well-being.

■ Of course, the child's own views on what is “best” are also very important.

- ▶ Those looking after the child's welfare may need help – from the child – in understanding why a proposed solution is not what the child wants.
- ▶ Social care professionals may need to try other methods of explaining or communicating with the child in order to reach a common solution.
- ▶ If the child appears to lack the capacity to understand his or her best interests, it may be necessary to override these interests – particularly if safety is a real concern.
- ▶ At the very least, the child needs to feel that he or she has been listened to and his or her views have been taken seriously.

” In all actions concerning children (...) the best interests of the child shall be a primary consideration.”

UNCRC, Article 3

## REMEMBER!

■ You cannot assess the child's best interests without taking their views into account!

■ You may not share the same view: argue your case. Make sure they understand that a different course of action may be necessary.

**GUIDING PRINCIPLES: A QUICK CHECKLIST OF DECISIONS AND ACTIONS**

<b>Principle 1 : Participation</b>	
Have you found out what the child wants, and taken her views and wishes into account ?	<b>Must do!</b>
<b>Principle 2 : Non-discrimination</b>	
Have you made any assumptions about the child based on non-relevant factors such as gender, religious belief, ethnic origin etc?	<b>Must not do!</b>
Have you taken into account any particular needs resulting from the child’s gender, religious belief, ethnic origin etc.?	<b>Must do!</b>
<b>Principle 3 : Protecting life, survival, development of the child</b>	
Are your actions likely to endanger the child’s life, survival or development?	<b>Must not do!</b>
If you fail to act, is it likely to endanger the child’s life, survival or development?	<b>Must not do!</b>
<b>Principle 4 : Best interests of the child</b>	
Is the final decision in the best interests of the child ?	<b>Must do!</b>
If the child does not agree, have you tried to explain why this action may be necessary?	<b>Must do!</b>

**REMEMBER ...**

- Children’s rights do not give children everything they want ! They cover basic needs.
- Children’s rights are supposed to ensure that minimum standards are met for children and young people.
- Children’s rights do not mean that adult’s rights – or other children’s rights – do not matter !
- The state and those looking after a child are responsible for ensuring that children’s rights are respected at all times.
- Whatever a child has done, she is still entitled to have the basic minimum standards respected.

Chapter 3

**From home to care**

**FOUR PROCESSES FOR ENTRY INTO CARE**

**The child will have four challenging processes to deal with before entering into care:**

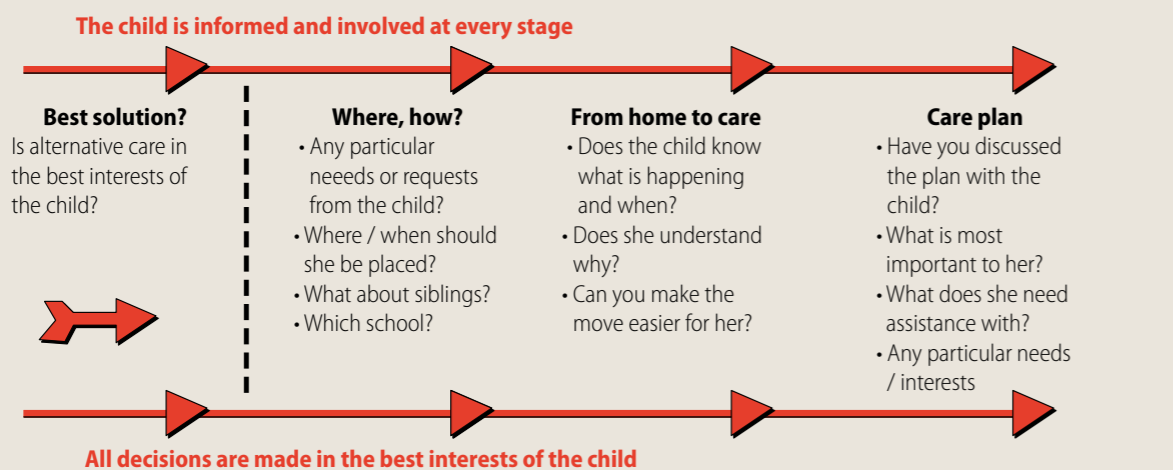
- ▶ The decision-making process: whether to take the child into alternative care.
- ▶ The selection process: identifying suitable care arrangements.
- ▶ The “mental” (emotional/psychological) transition: adjusting to the move from the family of origin to alternative care.
- ▶ The planning process: development of an individualised care plan.

The most important thing is to make sure that the child knows what is going on at each stage, and has a real opportunity to shape what happens next.

At the very least, you should check that the questions on the next diagram have been discussed with the child. The extent to which you can do this will depend on the age and maturity of the child.

” [children have] the right to be placed only to meet needs established as imperative on the basis of a multidisciplinary assessment, and to have the placement periodically reviewed; in such reviews, alternatives should be sought and the child’s view taken into account.”

Council of Europe Recommendation Rec(2005)5 of the Committee of Ministers to member states on the rights of children living in residential institutions



## A TIME OF UNCERTAINTY

■ The time leading up to a move to alternative care is likely to be a time full of questions, concerns and doubts for the child. The difficult decisions that have to be made at this stage will be ones that will have a huge impact on the child's further development.

■ This section looks at some of the important skills and methods you can make use of to ensure that the child's rights are respected throughout this process, and later on.

■ You will find that using these methods and skills will also help you, because people are happier with decisions they have been involved in making. This should lead to fewer problems once the child or young person enters care.

■ You should make sure that you:

- Involve the child and other members of the family throughout the process. That means giving them proper information in an understandable language, and allowing them time to discuss it.
- Listen to their questions and concerns, and make sure that they feel able to express these fully.
- Take into account their preferences and needs in coming to a final decision.
- Keep them informed about what is happening, and why things are happening this way.

## REMEMBER!

■ Let them know what you will do and how often you will be in contact. Never make promises you cannot keep!

## STAGE 1: THE DECISION TO TAKE THE CHILD INTO CARE

” States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine [...] that such separation is necessary for the best interests of the child.”  
UNCRC, Article 9

■ Taking a child into alternative care is a decision that should not be taken lightly. If there are other ways of supporting children in their family environment this should always be pursued, as long as it is what the child wants, and in his or her best interests.

” [The Decision] should be based on rigorous assessment, planning and review, through established structures and mechanisms, and carried out on a case-by-case basis by suitably qualified professionals in a multidisciplinary team, wherever possible.”  
UN Guidelines for the alternative care of children – Guideline 56

” The placement of a child should remain the exception and have as the primary objective the best interests of the child and his or her successful social integration or re-integration as soon as possible; the placement must guarantee full enjoyment of the child's fundamental rights.”  
Council of Europe Recommendation Rec(2005)5 of the Committee of Ministers to member states on the rights of children living in residential institutions



■ Do not assume that you know the answers without exploring other options! Removing a child from their family setting is a very serious decision.

- ▶ If alternative care seems imperative, do all that you can to explain to the child why the decision is being made.
- ▶ Reassure the child that the disruption will be as minimal as possible.
- ▶ Do all that you can to ensure the well-being and safety of the child.

## STAGE 2: A SUITABLE CARE ENVIRONMENT

■ If the decision that alternative care is genuinely in the best interests of the child and the only way of ensuring their well-being and development, you will need to explore the best options for placing the child and any siblings. Other relevant stakeholders will also need to be brought in: it is important to make sure that the new care environment is appropriate for the child, and the best possible option to meet the child's key needs.

■ The child and other members of the family should be kept informed about the process and any available options. Their views and preferences must be taken into account.

” Assessment should be carried out expeditiously, thoroughly and carefully. It should take into account the child's immediate safety and well-being, as well as his/her longer-term care and development, and should cover the child's personal and developmental characteristics, ethnic, cultural, linguistic and religious background, family and social environment, medical history and any special needs.“

UN Guidelines for the alternative care of children  
– Guideline 57

■ Give the child a copy of the template on page 18 of **Discover your rights!** So that he or she can think about what is important for them.

■ Inform, discuss, listen, consider, feedback.

■ The checklist on page 31 will help you to make sure you have found out what is most important to the child.

■ Use the checklist as a guide, not as a guarantee of success.

” When we were sent to the youth facility they did not consider our opinion about which facility to send us to. They did not think that brothers and sisters should stay together.“

Young person in alternative care, Croatia

## TALKING TO CHILDREN AND YOUNG PEOPLE

■ The child's involvement and participation in selecting a care environment is essential. They will need to feel comfortable with the final decision, and that their most important worries or wishes have been considered. At the very least, children need to understand the reasons behind any decisions taken on their behalf.

■ Involving children in the process means talking to them; and good talking means good listening.

- ▶ It is easy to talk to children and believe we have listened to their views, but genuine communication takes more effort. We need to get to know the child and earn his or her trust.
- ▶ Often this means talking about things the child wants to talk about first of all – even if that doesn't seem to be what is most important for the process. Sometimes it may mean changing the language, sharing our own experiences or emotions, a thought or a memory with the child.

■ Genuine participation of children and young people requires genuine communication.

■ Communication means...

- ▶ The child must understand what you are trying to say, or what you are trying to ask.
- ▶ The child is ready to answer your questions honestly – and trust you with the answers.
- ▶ You must be ready to listen to those answers and take them seriously.
- ▶ The child must believe that you really want to know what he or she thinks.

■ Remember when planning for a suitable care environment for a child, professionals should always try to ensure a permanent placement. Frequent changes in care settings are detrimental to the child's development and ability to form lasting and meaningful attachments with care givers.

” Permanency for the child should be secured without undue delay through reintegration in his/her nuclear or extended family or, if this is not possible, in an alternative stable family setting or [...] in stable and appropriate residential care.“

UN Guidelines for the alternative care of children  
– Guideline 59

Look at the statements below. Is this kind of "communication" familiar?

Do you need help at school?

What are you worried about in your new home?

What do you like doing best?

Fine: I'll make the decisions.

What does it matter to you?

Don't know.

Don't care.

Nothing really.

There are ways for you to alter communication so the child knows that you do care and that the answers matter to you. It is important to show the child that you care about what they think, and that you want to help.

Ask questions in another way! Find out whether another language is more appropriate, use different words, drawings, and stories. If the child doesn't want to answer, take time to gain their trust, talk about yourself, tell them how you react when things go wrong.

### CHECKLIST: FINDING THE BEST ENVIRONMENT FOR THE CHILD

#### Ask the child:

- Whether he or she has any particular wishes or needs.
- What worries him or her most about the move?
- Is it important that he or she stays in the same neighbourhood or attends the same school?
- If there are siblings, should they be accommodated together? What do they want?
- What do other members of the family want – and how can they help?

#### Ask yourself:

- Who else have you talked to?
- Are you certain the child has understood you? Ask him or her to tell you what he or she understands.
- Are you certain he or she has told you what's important? Tell the child you will do everything you can to accommodate their wishes.
- What is in his or her best interests? Does the child agree with your assessment? Can you talk through any misunderstandings?

### STAGE 3: EASING THE MOVE

The transfer of a child into alternative care should be carried out with the utmost sensitivity and in a child-friendly manner, in particular involving specially trained and, in principle, non-uniformed personnel.”  
UN Guidelines for the alternative care of children – Guideline 79

### SOME WORDS OF WISDOM FROM SOCIAL WORKERS IN CROATIA:

- There are very few children who cannot communicate: they react well to good treatment and relationships. They are eager to communicate and build a relationship based on trust.”
- Even if you already know the decision you might make, it's still important to ask the question to create trust. You need to establish emotional stability.”

” If we want children to be on our side, we need to work that way: we need to be trustworthy.”

Once the decision has been made to move the child, there will be a difficult period of transition: children will almost certainly have many questions, doubts, and concerns. They may disagree with the final decision you have made.

- It will help both you and the child if you have developed a good relationship. If they feel that you are open with them and believe you can be trusted, they will be more likely to speak openly with you.
- As soon as you are clear yourself, make sure that you tell the child exactly what to expect. If things are still undecided, let the child know – and give them an idea of when decisions are likely to be made.
- It is very important that the child knows what to expect from you, particularly as far as future contact is concerned.
- Encourage the child to express any strong desires or voice any concerns: let them know that it is never too late to build these into the decision-making process!
- Give the child confidence that you will remain in touch – even if they are likely to be moved away from your locality. Make sure they know how to contact you, and encourage them to do so whenever they wish.
- Make a list of the things that you need to talk about, and think about the different stories you could tell or methods you could use in case communication becomes difficult.

### GAINING TRUST

It can be difficult for a child to open up to someone “outside”, and hard to develop the trust that is needed in order for a child to begin communicating their true wishes feelings and needs. You may need to try out different methods to see which the child responds to best.

Trust also involves guarding the privacy of the child. If the child informs you of something private which you believe needs to be shared with other professionals, then explain this to the child and reassure her or him that only those who need to know will be informed.

” [The child or young person has] the right to privacy, including access to a person they trust and a competent body for confidential advice on their rights. ”

Council of Europe Recommendation Rec(2005)5 of the Committee of Ministers to member states on the rights of children living in residential institutions

Trust can take time to develop – but is worth the effort.

**HOW WISHES/NEEDS CAN BE COMMUNICATED**

**CHANGE THE ENVIRONMENT**

**TELL A STORY**

“Do you know, when I was at school I used to dread the science lessons. They made me so nervous I often got a stomach ache before the lesson. I didn't like the teacher and he didn't like me. We always wound each other up.

What made me feel better was going to the music room when those lessons were over and drumming out all my anger! I don't know what I would have done if I couldn't do my drumming.

Do you have anything that helps you when you're feeling upset or angry? Is there something you'd like to try out if you had the chance?”

**DRAW A PICTURE**

Do you have any particular **WISHES** or **NEEDS**?

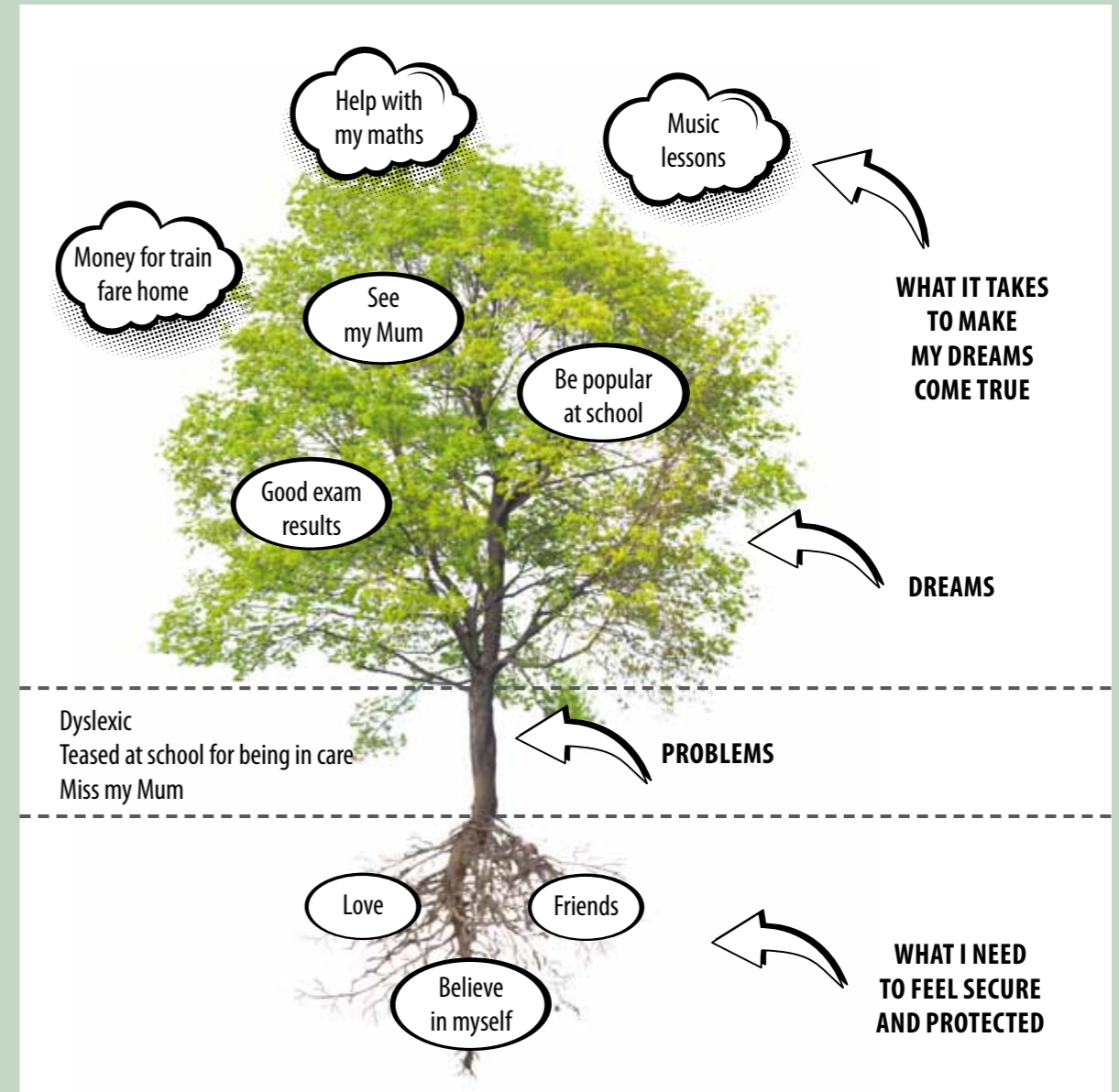
#### STAGE 4: THE CARE PLAN

■ A good care plan should be a "living document"! The child's needs will change throughout the time she or he is with you, and the plan should change accordingly. You could use a diagram such as the one opposite to explore the areas where the child wants support, protection or assistance.

■ Involving other child professionals in drawing up a care plan and adopting a multidisciplinary approach is also beneficial, both for the child and for you! It is very important that you undertake a regular "care plan review" – at least every three months.

” An individual care plan should be drawn up which is based on both the development of the child's capacities and abilities and respect for his or her autonomy, as well as on maintaining contacts with the outside world and preparation for living outside the institution in the future.”

Council of Europe Recommendation Rec(2005)5 of the Committee of Ministers to member states on the rights of children living in residential institutions





## MAKE SURE YOUR PROCESS PLAN INCLUDES:

- Discussion with the child.
- Discussion with members of the family, teachers, others who know the child.

■ At the end, ask them if they agree with the strategy you are proposing, or if anything needs adding or modifying.

## MAKE SURE YOU INCLUDE IN THE PLAN:

### Security and protection goals

- Any particular threats or causes for concern? How these will be monitored and addressed?

### Development goals

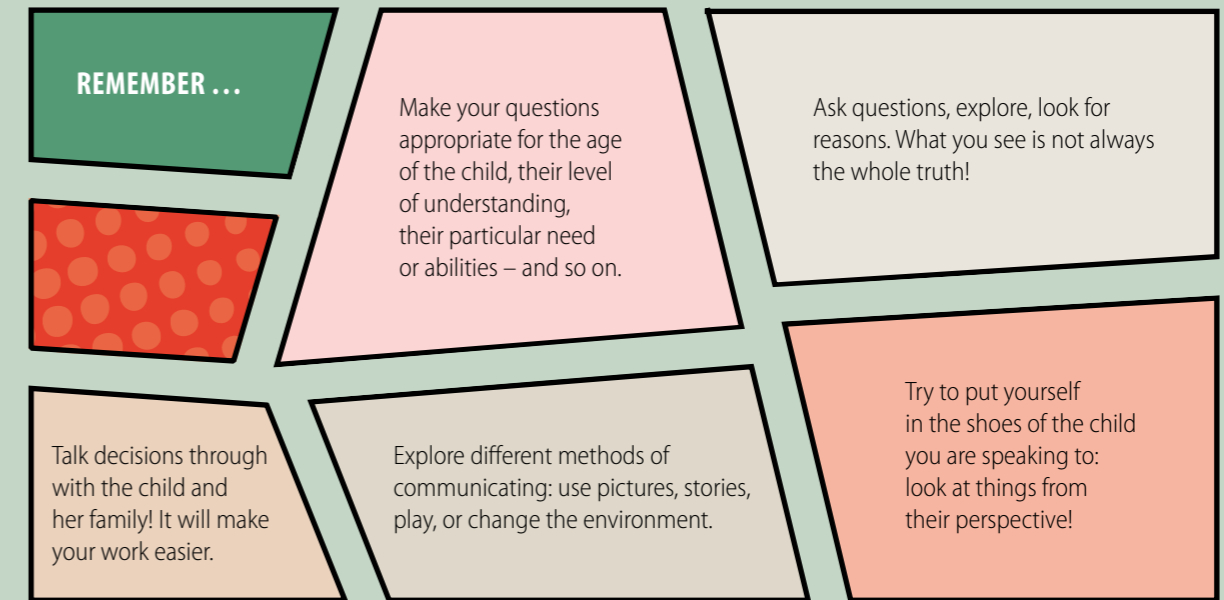
- Strengths and abilities to be developed, and how this will be achieved.
- Things the child finds difficult, including academic, social and psychological difficulties. How these will be addressed?

■ Where does the child want the focus to lie?

### Equality goals

- Any additional support the child needs because of language, culture, health, disability or any other factors. Ask the child if they want anything in particular to be noted.

■ Make a note of when the plan is next to be reviewed – unless something significant changes.



## Chapter 4

# Care-taking phase

### BASED ON CHILDREN'S RIGHTS

#### WHAT IS A CHILDREN'S RIGHTS APPROACH?

■ A children's rights approach looks both at the process and the end goal – it looks where you are going, and how you get there.

- ▶ A children's rights approach makes sure that all children's rights are properly respected and protected.
- ▶ It ensures that the guiding principles in the UNCRC are applied.

■ You can find a list of key children's rights in the chart on page 16: What rights do children have? A list of the guiding principles can be found in the chart on page 24: A quick checklist of decisions and actions.

■ This chapter looks at what a child rights-based approach means in practice for some areas where questions or difficulties may arise.

■ If in doubt, try a simple, brief test:

- ▶ Put yourself in their shoes!
- ▶ How would you like to be treated if you were a child in alternative care?
- ▶ What do children's rights mean to you?

■ This is what children and young people think...

#### Respect

"Respect children and young people as people not as a product you have to produce"

#### Protection

"Children have a weaker position in society, and child rights offer them some protection. But they offer them protection only if they ... have somebody who can support them when the rights are violated"

#### Equality

"Child rights are rights which, when used allow children to be equal to grown-ups"

#### Listening

"Listen to children and young people and only after that take action"

” The social worker has a responsibility to listen to the child; it is their job to listen, respect and help the child.”

Social worker, Croatia

## RESPECT: A PERSON NOT A PRODUCT

Some people “naturally” engender respect – perhaps because they are hard-working, considerate, good at sport or academic studies, or for some other reason. With others the process is slower, because their strengths are often hidden below the surface.

All children and young people need to be treated with respect and dignity, and all have the right to respect because this is an essential part of feeling valued as a human being. Without respect, children develop low self-esteem, and often become aggressive or non-communicative. They may isolate themselves in order to protect themselves.

” The best part of my job is the sense of achievement when I have helped a child or young person overcome a problem.”

Social worker, Croatia

What are your feelings – and how do you react – if you believe your skills or personality are not respected by others?

If we do not show respect ...

- ▶ We cannot protect children from themselves or others.
- ▶ We cannot help them to develop and fulfil their potential.
- ▶ We cannot expect them to participate in an active or responsible way.
- ▶ We cannot expect to be respected!

A child who does not feel respected is a child who feels alone in the world, different from others and unloved. The child is likely to prove more difficult to deal with than other children and is unlikely to show her or his true value to society.

We are not looking after children's best interests if we do not believe in them, encourage them where they are strongest, support and praise their efforts, build on small improvements and show them they are valued and respected.

Some advice from social workers:

” A 3-year-old child was difficult to control and started biting other children. She wasn't able to communicate, and we thought this might be the problem. We helped her to verbalise her feelings and very soon the biting stopped.”

” If children can't express themselves using words, I use drawings to help them talk about their feelings.”

” It's important to value children and young people, to build their confidence. I try to stress what they are good at and then go into the problems. Praise is important. Too much criticism is not effective.”

” A girl had attempted suicide. I asked her to write down what made her cry whenever it happened, so she started writing a diary. She gave it to her social worker to read because she trusted her. She liked writing a diary and wrote about her emotions, even recalling difficult times when she was very young.”



## WHAT THIS MEANS FOR YOUR WORK

Remember that the children you are working with are likely to have very low self-esteem. **Devote time to showing them** that in their place of care **they are valued and respected.**

**Communicate and build relationships with children.** The best way to find a child's strengths and help her to flourish is to believe in her.

**Look below the surface.** Try to see why the child might be behaving in a particular way, where her interests lie, what brings out the best in her.

**Praise the small improvements.** Show the child that you can see the effort she has made and the strength it has required to start behaving in a different way.

**Do not demand too much at once.** Build her confidence by agreeing achievable tasks with the child which you both know she can accomplish.

If the child 'fails' or feels she has failed, **find something positive in her efforts.** Explore together the reasons why she did not achieve as much as she wanted – and set a lower target to restore her confidence.

**Remember that you should always respect a child.** Children are finding their way in a difficult world – and the children you work with have had a more difficult experience than many others. They are almost certain to be insecure and to find it difficult to trust adults.

**Believe in them, and do not 'write off' anyone.**

## EQUALITY

■ The human rights idea of equality does not mean that everyone is the same. No two children are the same; no two adults are the same, and adults are certainly not the same as children!

■ A human rights, or children's rights, understanding of equality is really about non-discrimination.

- ▶ It tells us that people should not be at a disadvantage because of characteristics that are not relevant to the case (for example, sex, ethnic or racial origin, religion or belief, disability, sexual orientation, gender identity).
- ▶ It tells us that every child is above all an individual. Whatever a child's particular characteristics, preferences or abilities are, they should still have equal rights and equal opportunities.

■ Equality, or non-discrimination, is one of the guiding principles of the UNCRC.

” [Governments] shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.”  
UNCRC, Article 2

## WHAT THIS MEANS FOR YOUR WORK

### NON-DISCRIMINATION

■ Non-discrimination means that we should not make assumptions about children on the basis of skin colour, physical disability, ethnic background, religious belief, gender, family background, language ability, circle of friends, past history ... or for any other reason!

■ No assumptions!

” Ivan has a learning disability. He won't be able to use a computer on his own – and he won't be interested anyway.”

- ▶ Respecting the principle of non-discrimination means we should not treat children differently because of something we have assumed about them.

■ No making decisions based on our assumptions!

” Jasna is from a traveller family. Her family has probably moved on by now. There's no point in trying to contact them!”

- ▶ Non-discrimination means that when a child or young person requires a specific and therefore different form of support in order to satisfy his or her needs or in order to give him or her the same possibilities and opportunities as other children or young people, we should do whatever is possible to offer that support.

■ Provide additional support and care for children or young people who have particular needs!

” Afshan's a refugee from Afghanistan. She doesn't understand much Russian so we'll provide her with some language support so she can keep up in class.”

■ Remember, very often the relationship between the social care professional and the child is unequal, which is why it is important to ensure that we respect the child's and young person's rights throughout the care process. Inequality of status should never lead to absolute inequality.

■ Can you think of any cases where you have made similar assumptions? Think about your beliefs relating to:

- Refugees and internally displaced people.
- Non-native language speakers.
- Learning disabled children.
- Children with particular religious beliefs.
- The needs or choices of girls or boys.
- Cultural or ethnic identity.
- Gender and sexual orientation.

### CHALLENGING DISCRIMINATION

” Anya has a physical disability so she won't want to take part in our sports activities. She can do some drawing while the sports lessons are happening.”

■ What if...

” This term it's swimming... and Anya's disability doesn't mean she can't swim! Perhaps it's one physical activity she's good at.”

■ Do not make assumptions about what (disabled) children can or cannot do!

” Anya wants to be with the other children and doesn't like being treated differently. Perhaps there's some way she could be involved – for example, she could act as referee in a football match.”

■ Try to involve children who appear to be “different” – even if that means creating different roles.

” Anya doesn't like drawing and would prefer to read a book or practice a musical instrument.”

■ If a different activity is essential, ASK the child what he or she would like to do.

” Anya would like to be able to take some form of physical exercise, and is perfectly capable of doing so. Perhaps there are other disabled children in the community and you could help to organise ‘paralympics’ sporting activities”.

■ Remember that every child needs your support, and is entitled to it.

### LISTENING TO CHILDREN: COMMENTS FROM YOUNG PEOPLE IN ALTERNATIVE CARE

#### Hearing and listening are different

” I had some complaints but nobody listened or took my complaint seriously.”

” I wanted to work and suggested a job I would be able to do. They did not take my suggestion seriously and found me a job that I did not have skills to do. My suggestion and opinion were not taken into consideration.”

” There were times when I shared an opinion or idea and I was refused without being given any explanation.”

■ Have you ever felt that you are talking to someone and the message is not getting through?

■ Listening effectively to children and young people is essential both in order to address their needs, hopes and fears, and to allow them to participate in a genuine way. A child will lose interest in participation – and the word will have little meaning – if she or he feels her or his views are not being heard or taken into account.

■ Listening is not always easy! It requires concentration, involves far more than the ears, and needs an open mind, sensitivity to underlying feelings, needs or messages – and patience. The next two pages illustrate some of the many ways we can fail to “hear” a child. You may also want to look at page 54 (Leaving care) which looks at how we can go beyond listening to children, and start to take their views seriously! Both of these are essential for genuine participation.

■ Look at the next set of examples showing ways of not listening.







” [the following specific rights of children living in residential institutions should be recognised:] the right to maintain regular contact with the child's family and other significant people; such contact may be restricted or excluded only where necessary in the best interest of the child.”

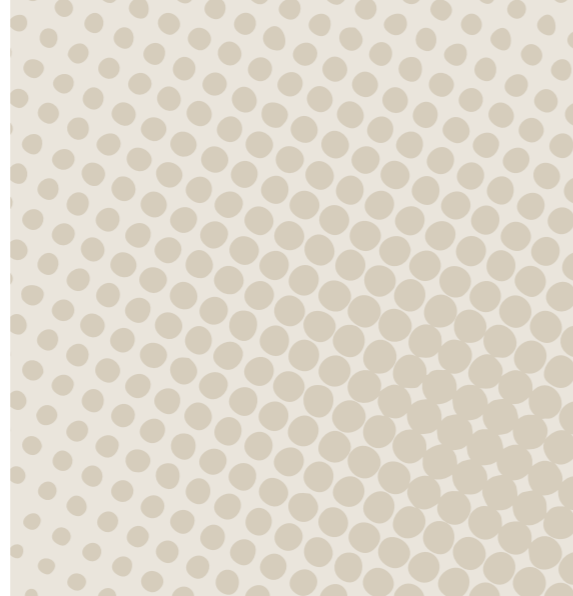
Council of Europe Recommendation Rec(2005)5 of the Committee of Ministers to member states on the rights of children living in residential institutions

## PROTECTION AND SUPPORT

” What if a social worker said that they make decisions on your behalf because they are afraid that you will make a serious mistake?”

## WHAT YOUNG PEOPLE SAY

- “Adults think they are always right. This affects children's confidence in their own decisions. They should build our confidence instead.”
- “Trust is an issue: we should be trusted to make decisions for ourselves.”
- “We learn from our mistakes!”



■ Protecting the child is one of the most important tasks of those responsible for their care – and it is perhaps the only justification for removing a child from a family setting. But ensuring a child's protection once in care can often involve difficult decisions because of the potential conflict with other fundamental rights.

■ In particular, the need to ensure the child's safety and survival may sometimes conflict with the need to involve them in decisions which affect them and to take their views into account. The traditional approach perhaps gives priority to the adult's perception of safety and survival. Where there is a real risk to the child, a children's rights approach would take the same view. Acting in the best interests of the child is the heart of the matter!

■ But in many cases, the balancing of various very important rights can be a delicate matter and the “solution” is not always obvious.

## BALANCING SAFETY WITH THE VIEWS OF THE CHILD

### A SOCIAL WORKER SPEAKS

” A girl aged 16 had a relationship with a 36 year-old-man. Everyone tried to convince her that this was not good for her, but nothing could be done. The best solution was to try to maintain a relationship with her.

The girl is now 19 and is not with the man any more. She is very careful about her own health: maintaining the relationship was a lesson for her in how to avoid the risk of pregnancy.

We have to maintain a relationship with the child at all costs, even if we do not always agree with her choices. Children have to be made responsible and we should adapt our support according to the age and maturity of the child.”

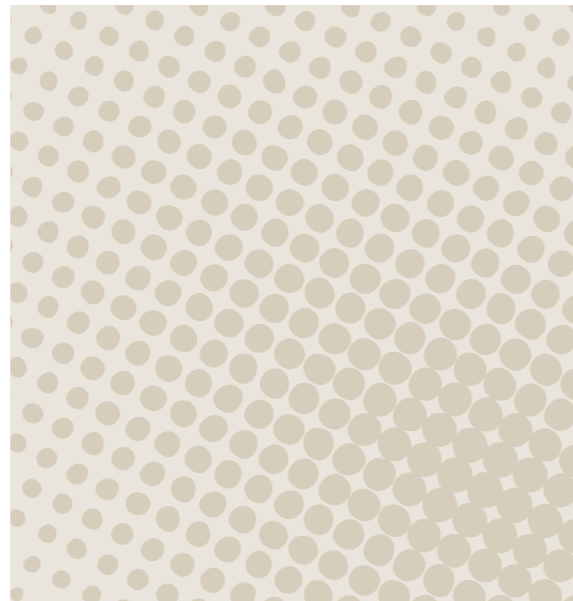
- Sometimes the child may actually have a better view of the dangers or risks involved in a particular decision: the child's decision may actually be the right one.
- Where the potential danger is not too great, or where the risk of danger is not too high, the need for children and young people to take responsibility for the risk – and for the consequences of their actions – may be more important than trying to control them. Much will depend on the age and maturity of the child, but all children need to learn about making mistakes, and need to learn how to recover from them. You can help them to do this.
- Forcing a child or young person to do something they not want to do may result in them going against your “order”, but secretly, and without your support. That can create additional risks.
- Going against the child or young person's wishes or ignoring their views may lead them to stop trusting you – and that may have serious consequences for the child's safety and development in other areas.

## WHAT THIS MEANS FOR YOUR WORK

- Try to approach such decisions with an open mind: listen properly to the child and make your decision only after you have heard their views.
- Talk through any difficult decisions with the child and make them aware of the possible dangers. If the dangers are real, the child is more likely to agree with your decision, or at least to go along with it.
- Involve others, where appropriate, so that different perspectives are brought to bear on the decision and so that other people are ready to support the child if necessary. The child's own family, teachers, or other adults that the child trusts may be helpful for certain decision-making processes.
- If you cannot prevent a child from taking action which you believe is not wise, make your opinion known, but let them know that you will support them anyway. Make sure that you do provide such support, particularly if things go wrong.
- If you really believe it is necessary to override the views of the child in order to protect their best interests, try to explain why you are doing this. An explanation of your actions will help to maintain a trusting relationship between you and the child.

## REMEMBER!

Developing resilience and positive outcomes for children and young people living in alternative care involves a combination of factors. A significant protective factor that plays a crucial role in developing resilience and positive outcomes is the importance of their having a good quality personal relationship with at least one adult during the care phase.



## Chapter 5

# Leaving care

## THE FOUR MAIN CATEGORIES OF RIGHTS

- **Survival rights:** The child or young person should have his or her basic health and nutritional needs met.
- **Development rights:** The education and care received by the child should provide a basic grounding in key areas and enable the development of his or her own particular skills.
- **Protection rights:** The child should be protected from violence and abuse throughout the time in care.
- **Participatory rights:** The child should be accustomed to being consulted and given responsibility: he or she should be confident that his or her opinion and input are valid and valuable.
- An approach which has treated the child or young person as an individual, which has been respectful and has responded to his or her particular hopes, needs and abilities should result in a degree of physical and psychological security which will be of great assistance in later life.

## PLANNING THE PROCESS

- Preparing young people for leaving care and entering the adult world is something which should begin almost from the moment a child is taken into care. Leaving care can be a worrying prospect for young people and the time leading up to it can be full of questions and anxieties. They are likely to want reassurance and clarity on issues such as where they will live, whether or not they will have support and whether they will still have contact with their carer or social worker.
- A child rights approach throughout the care process provides an effective basis for adult life if it is done properly.

## PARTICULAR NEEDS AT THE LEAVING CARE PHASE

■ As a young person approaches the point of leaving care, they should be increasingly encouraged to make their own decisions and take responsibility for their actions. Support from those who have provided care should not diminish, but it may change in nature. Despite the fact that the young person is still a "child", they will still need guidance and will need to be sure that it is possible to turn to those who are trusted, even when there is a greater degree of independence.

” Special efforts should be made to allocate to each child, whenever possible, a specialized person who can facilitate his/her independence when leaving care.”  
UN Guidelines for the alternative care of children – Guideline 132

## A CHECKLIST OF INFORMATION AND ACTION

■ In the time leading up to the young person's transition from the care system, it will be useful to sit down with them and work through the list below. He or she needs to feel confident about each point. You may also wish to give them a copy of the template for an after-care plan on page 30 of **Discover your rights!**

” I am worried about leaving. On the other hand, I look forward to being able to make my own decisions”  
Care leaver, Finland

## THINGS TO WORK THROUGH...

- ▶ Make sure the young person knows what he or she is going to do next.
- ▶ Make sure they have a safe place to live.
- ▶ Make sure they know what they are entitled to after leaving care.
- ▶ Make sure they have the necessary information to access these entitlements.
- ▶ Make sure they have the basic skills necessary for an independent life – such as knowing how to cook, how to budget, how to fill out forms, how to deal with utilities companies.
- ▶ Make sure they know who they can contact if they are in need of assistance or guidance after leaving care, and that they have these contact details.
- ▶ Make sure they know that they can contact you!
- ▶ Make sure they know that they do not lose their rights on leaving care: even after they reach the age of 18, they still have human rights.

■ Make sure they have access to education and information on employment.

## DEVELOPING A LEAVING CARE PLAN – KEY POINTS

■ When developing a leaving care plan there are some key elements that you will need to keep in mind. Keeping these elements to the fore not only helps you focus your work with the young person, but also ensures that he or she is prepared for an independent life. The review of the leaving care plan should take place at regular intervals and reflect the needs of the young person.

■ A child leaving care should be entitled to an assessment of his or her needs and appropriate after-care support in accordance with the aim of ensuring the reintegration of the child in the family and society (see Council of Europe Recommendation Rec(2005)5 of the Committee of Ministers to member states on the rights of children living in residential institutions).

## PARTICIPATION

■ Ensuring that the young person is involved in all stages of the leaving care process is an essential part of its success. Young people need to know what is happening and be actively involved at all times. Giving the young person ownership of the leaving care plan is its key to success. Participation must always be meaningful, genuine, youth-friendly and age appropriate. Young people leaving care should always be treated by all care professionals as experts in assessing their own needs and experts on their own reality.

## HOUSING

■ Securing safe, well-maintained and affordable housing is an important part of the leaving care phase. Housing should be sought according to the needs of the young person: for example, is it near his or her school, family and friends? Is it in a safe area? Has the property been inspected for structural damage? Does it have a safe supply of basic amenities like heating, water, electricity or gas?

## EDUCATION

■ Education is an important stepping stone to achieving independence. Ensuring that a young person has the opportunity to participate fully in education is important to their future development and independent living. You need to talk with young people about their future aspirations and what support they will need to reach their goals. To avoid young people dropping out of school you should try and identify as early as possible any learning or social problems and provide a range of services to prevent them from leaving education. Young people who have left education or training should always be supported if they decide to return.

## EMPLOYMENT

■ Though it is not your responsibility to find a young person employment you should support them in every way possible. As part of this process you can ensure that they can write a CV or accompany them to employment agencies or job interviews.



### DEVELOPING GOOD INDEPENDENT LIVING SKILLS

Developing good independent living skills is paramount to sustaining a successful transition from care. Young people should feel comfortable in making their own decisions. These skills should be taught from the outset of a child's arrival into care, as the success of a young persons' transition from care depends on these skills!

Independent living skills are connected to the leaving care plan and both should be assessed at the same time. Independence might not be achievable for every young person right away. It is essential that we do not set up a young person to fail by giving them unattainable or unrealistic targets. Sourcing supportive semi-independent placements might be the best option for a young person, until they are able to live completely independently.



### HEALTH AND WELL-BEING

Leaving care can be an exciting time as well as an anxious time for young people. You need to ensure that they feel safe to confide in you and to inform you of any worries that they may have. It is of vital importance that you treat the concerns of a young person with the utmost respect and privacy. Issues pertaining to a young person's health and well-being should always be included in their plan.

### INFORMATION

Young people leaving care need to have all the information on the services available in their locality, such as housing, health, social security, etc. Young people should be aware of their social rights and be able to access services that will ensure that their social rights are upheld.

You can use the checklist below as a quick reference guide to ensure that the leaving care plan is practical, realistic and participatory.

### CHECKLIST – KEY COMPONENTS OF THE LEAVING CARE PLAN

Checklist – Key components of the Leaving Care Plan	
<b>Practical</b>	Does the leaving care plan have a practical element and does it highlight the necessity of undertaking practical tasks which are important for an independent life?
<b>Participatory</b>	Is the young person involved in every aspect of the plan? Is she an equal partner in the planning process?
<b>Achievable</b>	Are the objectives of the plan achievable for the young person and does she have the necessary support to reach her goals?
<b>Empowering</b>	Does the plan work to the strengths of the young person and empower her to address her weaknesses?
<b>Sustainable</b>	Does the plan offer the young person a clear pathway to sustaining an independent life?

■ This checklist is not exhaustive, but should include:

### Housing

- Knowing their rights as a tenant.
- Knowing and understanding their tenancy contract.
- Knowing who to contact for housing assistance.

### Budgeting skills in dealing with

- Household bills (weekly shopping, paying amenities bills etc.).
- Rent (flat, house, or house share).
- Transport costs (going to and from school or work, etc.).

### Education

- Support in going to and from school or college.
- Knowing their school tutor and having confidence in approaching them if there is a problem.
- Developing an achievable education plan to ensure that the young person remains in education.

### Employment

- Assistance in writing CVs and making job applications.
- Knowing their rights as employees.
- Assistance in attending interviews, job centres and employment agencies.

### Health and well-being

- Knowing the contact details for their dentist and doctor.
- Having access to a person they can trust, in whom to confide if anxious, worried or upset.
- If on medication, ensuring that the young person is able to self-administer medication and obtain prescriptions.

■ The young person needs to be assisted at the start to maintain his or her accommodation. Key elements of this include amongst others, ensuring that they are aware of their rights as a tenant, ensuring that they have the practical knowledge to maintain a house, such as when and where to pay bills, etc.

### RECOMMENDATIONS FROM YOUNG PEOPLE LIVING INDEPENDENTLY

■ Young people need to be:

- supported by experts and staff in a positive and encouraging manner;
- educated, encouraged and supported to remain in education;
- provided with know-how about surviving in the real world;
- provided with a safe house;
- aware of their rights;
- helped in getting a job or a traineeship;
- listened to, supported and reassured.

## Appendix 1

# Glossary of Terms

### Alternative care

■ This is care provided for children and young people who are without parental care. Alternative care is an arrangement agreed upon or ordered by an administrative or judicial authority. The term "alternative care" means that even when living without parental care, a child should still be in a "home", which could be a foster home, residential home or other type of arrangement that will provide a child with stability, safety and support.

### Best interests of the child

■ Adults should do what is best for children. They should make decisions that will have the greatest positive impact on the development of children and young people. Importance should be paid to ensure the participation of children and young people.

### Caregivers

■ These are adults who provide care for children and young people. A caregiver can be a biological parent or in the case of alternative care, a specially-trained adult whose work is supervised and supported by other care professionals. During the period of alternative care, a child's caregiver should be changed as little as possible.

### Care-planning team

■ This includes the social worker, members of the family of origin, caregivers from alternative care and other professional adults involved in making decisions about the formal care of a child or a young person. This team should work together with the child and the young person in care regarding all care decisions.

### Care plan

■ This plan is about how Social Service providers can best look after children and young people and make sure that everyone who has a responsibility for their welfare knows what they have to do in order to make their plan work.

### Care review

■ This is a periodic review of the individual care plan. The child or young person, the caregiver and other professionals meet to discuss choices and options, such as the possibility of reintegration into the family of origin, the need for change in the current care arrangement, the choice of schools and so forth.

### Child

■ A child is defined as any person under the age of 18. Children aged 12 and above may prefer to be called "adolescents" or "young people". The United Nations identifies young people as being between the ages of 15 and 24.

### Child welfare services

■ These are local state organisations in charge of children in alternative care. They make sure that every child in need of alternative care has a suitable care setting, where they can benefit from comfortable and safe living conditions. They run periodic checks to verify that these conditions are being respected. Child welfare services want the best for children and young people in care. They decide when children can return to their families of origin.

### Children without parental care

■ These are children who for any reason do not live with their parents.

### Children's rights

■ These are the **human rights of children** with particular attention to the rights of special protection and care afforded to minors, including their right to association with both **parents, human identity** as well as the basic needs for food, universal state-paid education, health care and criminal laws appropriate for the age and development of the child, equal protection of the child's **civil rights**, and freedom from **discrimination** on the basis of the child's **race, gender, sexual orientation, gender identity, national origin, religion, disability, color, ethnicity**, or other characteristics. Interpretations of children's rights range from allowing children the capacity for autonomous action to the enforcement of children being physically, mentally and emotionally free from **abuse**, though what constitutes "abuse" is a matter of debate. Other definitions include the rights to care and nurturing.

### Convention

■ A convention is a legally binding agreement between countries. Conventions are sometimes called treaties, covenants or international agreements.

### Council of Europe

■ The Council of Europe is an international organisation founded in 1949, which now has 47 member states. Its role is to promote human rights, democracy and the rule of law. It establishes common democratic principles based on the European Convention on Human Rights and other conventions and recommendations on the protection of persons, which of course include Europe's 150 million children.

### Family of origin

■ A child's family, referring to parents, siblings, grandparents and other relatives.

### Family-based care

■ Alternative care provided in a family environment. In Europe, the most common forms of family based care are:

- ▶ **Kinship care** – an arrangement whereby a child lives in the extended family or with family friends with whom a close relationship was established previously.
- ▶ **Foster care** – an arrangement whereby a child is placed by a competent authority in a family other than the family of origin. Foster families are selected on the basis of their qualifications and are under supervision to ensure that they provide the best care possible.

### Human rights

■ The rights that all people have, including children, simply because they are human beings, regardless of their ability, citizenship, ethnicity, gender, language, nationality, race, or sexual orientation.

### Handbook for the implementation of the UN Guidelines for Children Living in Alternative Care

■ The publication Moving Forward: Implementing the 'Guidelines for the Alternative Care of Children' provides practical guidance on using the Guidelines to inspire reform of social welfare and alternative care systems. It highlights implications for policy-making, and provides links to what is already being effectively done on the ground. Above all, the handbook provides insight and encouragement to all professionals on what can feasibly be done in resource constrained contexts.

### Individual Care Plan

■ This plan is devised by both the child in care and the care team working together. It is tailored to meet a child's specific needs, and takes into account his or her individual abilities and aspirations. The plan designates who is responsible for the emotional, cognitive, physical and social development of the child and is periodically assessed in a process called care review.

### Leaving care

■ The process of helping young people make a smooth transition from care to independent living. This includes education, training, and learning life skills during care, and “after-care services” to help young people once they become independent. These could include: counseling, training in independent living skills after leaving care, community resources, college tuition waivers and different forms of financial assistance.

### Leaving Care Plan

■ A leaving care plan will include ways in which young people can be supported through after-care services to deal with any issues that may arise when leaving care. This is designed to reduce the stress involved in leaving care and learning to live independently.

### Multi-disciplinary Team

■ Multidisciplinary teams consist of staff from several different professional backgrounds who have different areas of expertise. These teams are able to respond to clients who require the help of more than one kind of professional. Multidisciplinary teams are often discussed in the same context as joint working, interagency work and partnership working.

### Ombudsperson

■ The ombudsperson (sometimes called an ombudsman/woman) is a person appointed by governments to ensure that human rights are respected by state and private organisations and individual persons. If there is no specifically appointed ombudsperson for children, the ombudsperson must have good knowledge of children's rights. When children or young people complain about violations of their rights, it is the job of the ombudsperson to initiate an investigation and propose solutions. In some countries, there is a special ombudsperson for children and young people. Children's ombudspersons in Europe have formed the European Network of Ombudspersons for Children: <http://crin.org/enoc/members/index.asp>

### Placement

■ The term “placement”, considered in a broad sense, is to be defined as “the situation in which a child is placed day and night outside his or her family environment”, in a large or small institution, an SOS Children's Village, a residential unit, a foster family, etc. The term “placement setting” covers all types of placement.

### Quality care standards

■ These are standards that guarantee an adequate level of care. Quality care standards must be in place in all care arrangements and be complied with during the delivery of all aspects of care: admissions, the planning process, after-care, child protection procedures and so forth. Quality4Children (Q4C) Standards are one example of quality care standards: [www.quality4children.info](http://www.quality4children.info)

### Residential care

■ This is a non-family-based form of alternative care, where care is provided in smaller or larger group settings by paid professionals working in shifts. When a care facility hosts a large number of children, which can be as high as 300, this is called institutional care. The conditions and quality of care generated by this model make it difficult for children to exercise their rights. Many countries in Europe are replacing their institutions with family-based care models in a process known as “de-institutionalisation”.

### SOS Children's Villages

■ This is a family-based care model, where a child who has lost parental care can grow up in a caring family environment. The SOS caregiver leads the SOS family and is directly responsible for the care and development of the child.

### United Nations Convention on the Rights of the Child

■ This is an internationally agreed set of standards and obligations to protect and promote the rights of all people under the age of 18. These rights are intended to ensure that children grow up under the best conditions possible – develop and learn in a safe environment, have access to good health care and participate fully in family, cultural and social life.

### UN Guidelines for Children Living in Alternative Care

■ The Guidelines for the Alternative Care of Children, 2009, have become an important tool for decision makers and service providers in the child care sector to address the special vulnerabilities of children deprived of their family. They mark a fundamental policy shift indicating to States that, as a first priority, they should invest in strengthening the capacity of families as well as in mechanisms to prevent separation.

### Young people leaving care (care leavers)

■ This refers to young people who leave care because they have reached the age when they are no longer entitled to special protection and assistance within the care system.



## Appendix 2

# Learn More and Get Involved

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**T**he Council of Europe programme “**Building a Europe for and with children**” was set up to promote children’s human rights and to protect children from all forms of violence. The team in charge of the programme deals with such matters as violence in the home and at school, human rights education, children and the Internet, and children and the justice system. The specific rights and needs of children without parental care are taken into account, in particular in the context of access to education, social, health and legal services, and the right to participate. Visit the website [www.coe.int/children](http://www.coe.int/children) for more information on conventions, meetings and publications.

■ **SOS Children’s Villages** is a non-governmental and non-denominational, child-focused organisation that provides direct services in the areas of care, education and health for children at risk of losing parental care, or who have lost parental care. The organisation also builds the capacity of the children’s caregivers, their families and communities to provide adequate care. SOS Children’s Villages also advocates for the rights of children without parental care. Founded in 1949, its operations, which cover 130 countries, are guided by the spirit of the UNCRC. [www.sos-childrensvillages.org](http://www.sos-childrensvillages.org)

■ The **Quality4Children (Q4C) Standards** are a collection of 18 quality care standards for alternative child care in Europe. The process of developing the Q4C Standards was based on “storytelling”, a highly participative research method, which involved nearly 500 people from 32 countries, including children, young people, families of origin, caregivers, social workers and other stakeholders. The Quality4Children Standards were launched in June 2007 at the European Parliament by the three initiating organisations: SOS Children’s Villages, International Foster Care Organisation (IFCO) and the Fédération Internationale des Communautés Éducatives (FICE). Since then, these three organisations have promoted the implementation of the standards in national policies and care practice. Children and young people, as well as their caregivers, are encouraged to know and use the Q4C Standards in their care settings. [www.quality4children.info](http://www.quality4children.info)

■ The **European Social Network (ESN)** is a not-for-profit organisation and independent network for local public social services in Europe. **ESN brings together people who design, manage and deliver social services in public authorities across Europe. ESN supports the development of effective social policy and social care practice through the exchange of knowledge and experience.** ESN is a network of Member organisations which are associations of directors of social services; regions, provinces, counties and municipalities; funding and regulatory agencies, universities, research and development bodies working closely with public authorities in the development of social services.

<http://www.esn-eu.org>

■ **UN Guidelines for the Alternative Care of Children.** In 2009 the UN General Assembly adopted the Guidelines for the Alternative Care of Children. These Guidelines provide critical advice on the implementation of child rights for children without, or at risk of losing, parental care. The Guidelines were founded on two basic principles of "necessity" and "suitability": essentially that no child be placed in alternative care when work to strengthen the family would have been a more appropriate solution, but, that when necessity was clear the choices made regarding the care provided for children be suitable on a case-by-case basis. In order to deliver on this promise of case-by-case suitability the Guidelines make clear that a suitably diverse range of care options is required, e.g. family-based, family-like, small group homes etc. guaranteeing the rights of the child, quality care standards and individualised care and attention irrespective of how those options are defined at the national level.

■ These principles, and a broader understanding of the Guidelines, are expanded in the **Moving Forward** handbook. This publication was designed specifically to promote the implementation of the Guidelines in policy and practice. Moving Forward highlights some 40 promising practices from across the globe that responds to many issues set out in the Guidelines. The handbook expands on the principles of necessity and suitability and, in particular gives a clear call to ensure professional, participatory decision-making processes underpinned by a commitment to tailored social work responses guided by case-by-case determination of the best interests of children.

## Appendix 3

# Useful Links

### COUNCIL OF EUROPE

Council of Europe Recommendation Rec(2005)5 on the Rights of Children Living in Residential Institutions

■ [www.coe.int/children](http://www.coe.int/children)  
(select "children in care"; available in several languages)

Council of Europe work on children in institutions

■ [www.coe.int/familypolicy](http://www.coe.int/familypolicy)  
(select "children in residential institutions")

Council of Europe Recommendations on children (child-friendly services; participation of children and young people; etc.)

■ [www.coe.int/t/dg3/children/KeyLegalTexts/CMRec\\_en.asp](http://www.coe.int/t/dg3/children/KeyLegalTexts/CMRec_en.asp)

Council of Europe programme "Building a Europe for and with children"

■ [www.coe.int/children](http://www.coe.int/children)

Council of Europe publication "Rights of Children at Risk and in Care"

■ <http://book.coe.int/>  
(type title; also in french)

Council of Europe and SOS Children's Villages international Discover Your Rights!

■ <http://www.coe.int/children>  
(select "children in care"; available in several languages)



## UNITED NATIONS

### United Nations Convention on the Rights of the Child

■ Full text of the convention:  
[www2.ohchr.org/english/law/crc.htm](http://www2.ohchr.org/english/law/crc.htm)

■ Child friendly version:  
[www.unicef.org/voy/media/rights\\_leaflet.pdf](http://www.unicef.org/voy/media/rights_leaflet.pdf)

■ Check for the UNCRC in your own language at:  
[www.unicef.org/voy/explore/rights/explore\\_2781.html](http://www.unicef.org/voy/explore/rights/explore_2781.html)

### Unicef: United Nations Children's Fund

■ [www.unicef.org](http://www.unicef.org)

### Voices of Youth

■ [www.unicef.org/voy/explore/rights/explore\\_155.html](http://www.unicef.org/voy/explore/rights/explore_155.html)

■ [www.unicef.org/protection/files/Parental\\_Care.pdf](http://www.unicef.org/protection/files/Parental_Care.pdf)

### UN Guidelines on the Alternative Care of Children

■ [www.crin.org/docs/DRAFT\\_UN\\_Guidelines.pdf](http://www.crin.org/docs/DRAFT_UN_Guidelines.pdf)

### Moving Forward: Implementing the Guidelines for the Alternative Care of Children

■ [http://www.unicef.org/ceecis/UN\\_Handbook\\_\(English\)\\_FINAL\\_22\\_02\\_13.pdf](http://www.unicef.org/ceecis/UN_Handbook_(English)_FINAL_22_02_13.pdf)

## SOS CHILDREN'S VILLAGES INTERNATIONAL

### SOS Children's Villages

■ [www.sos-childrensvillages.org](http://www.sos-childrensvillages.org)

### Ageing out of Care

■ <http://www.york.ac.uk/inst/spru/pubs/pdf/ageing.pdf>

### 'I Matter' Campaign

■ <http://www.sos-childrensvillages.org/what-we-do/child-care/quality-in-care/advocating-quality-care/imatter>

### 'I Matter' Briefing papers

■ <http://www.sos-childrensvillages.org/getmedia/4db9fb60-81a8-4822-91f2-389c1454db93/091015-Briefing-Paper-web.pdf?ext=.pdf>

■ <http://www.sos-childrensvillages.org/getmedia/a682ba24-bb0d-4031-a20a-ed23955d9d14/1005-Briefing-Paper-2-EN.pdf?ext=.pdf>

■ <http://www.sos-childrensvillages.org/getmedia/c11d211e-8dd1-4953-8369-8297adbdc6c3/1106-BriefingPaper3-EN.pdf?ext=.pdf>

■ <http://www.sos-childrensvillages.org/getmedia/46ce2409-48e3-4216-bd6b-4c729576d436/BriefingPaper4-WEB.pdf?ext=.pdf>

■ <http://www.sos-childrensvillages.org/getmedia/1d310514-d9c6-48af-a9d0-1c4e77777d0c/BriefingPaper5-WEB.pdf?ext=.pdf>

### Peer Research

■ <http://resources.leavingcare.org/uploads/4930033912d6945c6145340f3d6056bb.pdf>

■ <http://www.sos-childrensvillages.org/what-we-do/child-care/quality-in-care/leaving-care-good-practice>

### 'Care for Me' Campaign

■ <http://www.sos-childrensvillages.org/what-we-do/child-care/quality-in-care/advocating-quality-care/care-for-me>

## OTHERS

### Quality4Children Standards (Q4C)

■ [www.quality4children.info](http://www.quality4children.info)

■ 26 language versions:  
[www.quality4children.info/content/cms/id,89,nodeid,31,\\_country,at,\\_language,en.html](http://www.quality4children.info/content/cms/id,89,nodeid,31,_country,at,_language,en.html)

### Power4Youth

■ [www.power4youth.eu](http://www.power4youth.eu)

### European Network of Ombudspersons for Children

■ <http://crin.org/enoc/members/index.asp>

### European Social Network

■ Vulnerable Youth in Transition Report - <http://www.esn-eu.org/raw.php?page=files&id=340>

■ Mental Health Working Group Report - <http://www.esn-eu.org/raw.php?page=files&id=39>

■ Breaking the Cycle of Disadvantage (report on children and families social services) - <http://www.esn-eu.org/raw.php?page=files&id=43>

■ Developing Community Care Report - <http://www.esn-eu.org/raw.php?page=files&id=34>

■ Family and Parenting Support Services Survey Report - <http://www.esn-eu.org/raw.php?page=files&id=417>

■ Children's Services: Combating Poverty, Promoting wellbeing Report - <http://www.esn-eu.org/raw.php?page=files&id=240>

### International Foster Care Organisation (IFCO)

■ [www.ifco.info/](http://www.ifco.info/)

### International Federation of Social Workers

■ <http://ifsw.org/>

### International Federation of the Educational Communities (FICE)

■ [www.fice-inter.org/](http://www.fice-inter.org/)

### ChildOnEurope: European Network of National Observatories on Childhood

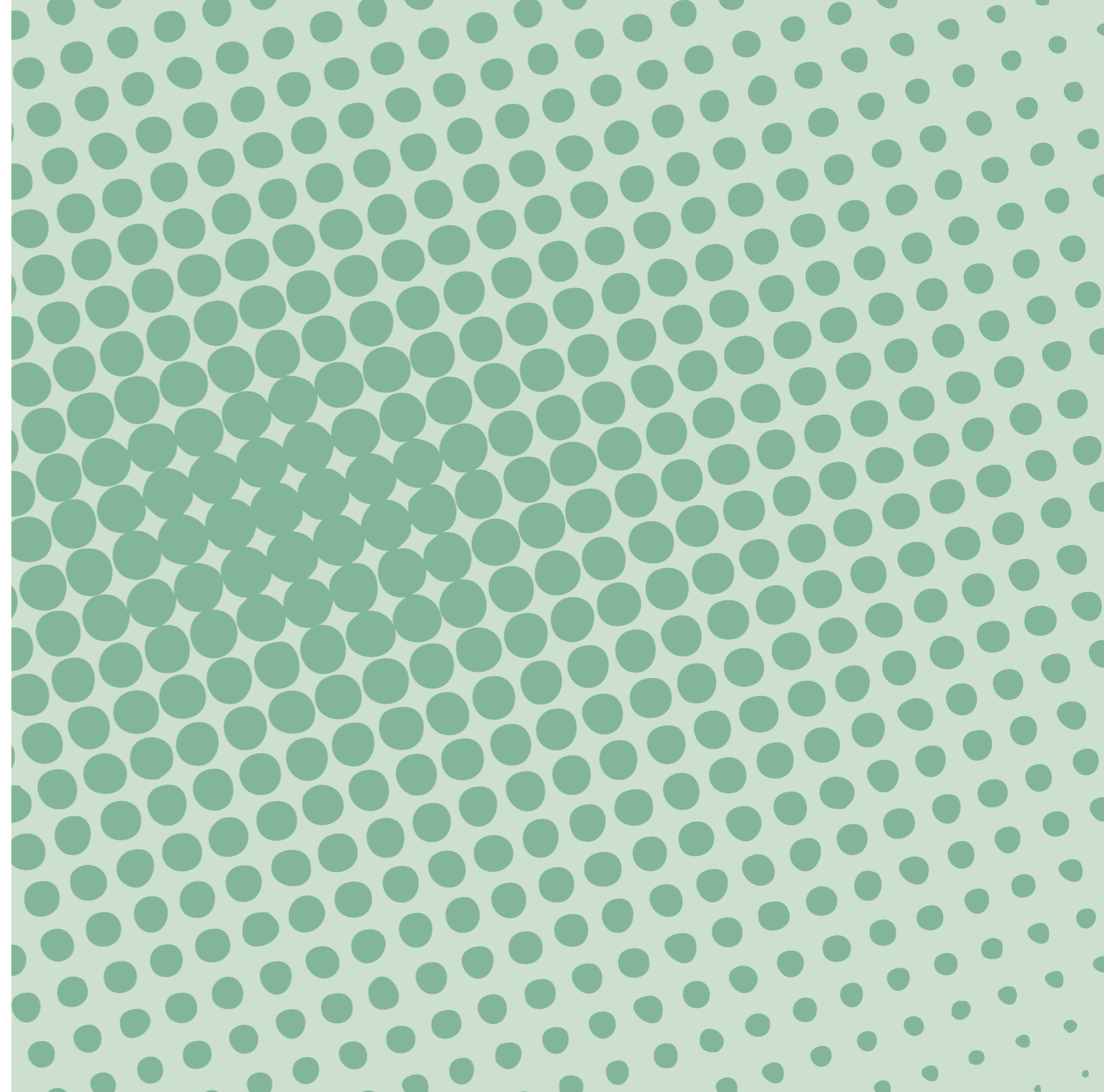
■ [www.childoneurope.org](http://www.childoneurope.org)

### CRIN: Child's Rights Information Network

■ [www.crin.org](http://www.crin.org)

### Better Care Network

■ <http://crin.org/bcn/>





This text is an informative guide addressed to social care professionals working with children and young people in alternative care. Designed to complement the booklet "*Children and young people in care: Discover your rights!*", this Guide offers practical approaches to social care professionals in their everyday work. It introduces children's rights as human rights, based on the defining United Nations and Council of Europe as well as the Quality4Children standards, and it provides useful insights into methods and tools available.

Professionals can use this guide throughout the process of working with children, from the moment when the decision has been made to take a child into care until the point where the child is getting ready to leave. Professionals can choose whether to randomly dip into the various sections, read it cover-to-cover, or use it as a useful tool in holding discussions with children, in conjunction with the *Discover your rights!* booklet. Often illustrated through stories and graphics, this guide contains examples of topics and conversations that have been offered by social care professionals, children and young people, ombudspersons and NGOs, with the express aim of helping others to apply a child rights-based approach in practice.

*Securing Children's Rights – A guide for professionals working in alternative care* can be downloaded from [www.coe.int/children](http://www.coe.int/children), the website of the Council of Europe's child rights programme, "Building a Europe for and with children".

PREMS 153713

**[www.coe.int](http://www.coe.int)**

The Council of Europe is the continent's leading human rights organisation. It includes 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE