

Alternative Care

16th September 2020

Rights & Alternative Care

- ▶ All children and young people are entitled to the full complement of rights under the UNCRC, including the right to health, education, play, and an adequate standard of living
- ▶ The 4 general principles help to interpret the UNCRC, and these are:
 1. Non-discrimination (article 2)
 2. Best interest of the child (article 3)
 3. Right to life survival and development (article 6)
 4. Right to be heard (article 12)
- ▶ Children in care should be able to access their rights on an equal basis; their best interests should inform decisions about their care; their development should be fully supported and they should be involved in decisions which affect them

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- ▶ Article 9 of the UNCRC requires that a child should only be separated from their parents if it is in the best interests of the child.
- ▶ Article 20 of the UNCRC says that children and young people have the right to special protection and help if they can't live with their family. In many cases, this will involve going into care.
- ▶ The state must ensure that alternative care is provided, which can include foster placement, adoption or if necessary placement in suitable institutions for the care of children.
- ▶ There should be independent checks to make sure that their rights are respected, especially if they are disabled or a refugee.
- ▶ The opinions of children and young people in care should be listened to and taken seriously. They must have the freedom to do things they want to do and be able to grow up safely and happily.
- ▶ Article 20 also says children and young people are entitled to special help if they are homeless, have run away from home or if have left the country that they are from.

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- ▶ Article 25 states that children who are being looked after for the care, protection or treatment of his or her physical or mental health, have the right to periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement
- ▶ Article 39 also places a duty on the state to take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect or abuse
- ▶ The Guidelines for the Alternative Care of Children were endorsed by the United Nations General Assembly on the 20th of November 2009 in honor of the 20th anniversary of the UN Convention on the Rights of the Child (CRC) with the aim of further supporting the implementation of the CRC, the Universal Declaration of Human Rights, and other regional child rights instruments.

Key Issues

- ▶ The Independent Jersey Care Inquiry found that the Government of Jersey had been a 'neglectful and indifferent corporate parent.' It found that children in care, and people who cared for them had been unable to speak out and be heard
- ▶ The Inquiry found that there has been 'little consideration given to the experience of children in the system' and highlighted a 'failure to value children in the care system, listen to them, ensure they are nurtured and give them adequate opportunities to flourish'.
- ▶ There can be a fear amongst professionals of speaking up about issues. The Care Inquiry referenced the 'fear factor and lack of trust', which can be compounded by working in a smaller community

Key Issues

- ▶ Educational outcomes for care experienced young people were described by Ofsted in December 2019 as “woeful... for children in care at all key stages”
- ▶ 42% of children excluded are care experienced, and school attendance is disproportionately lower for care experienced children and young people
- ▶ Ofsted went on to say that “these very poor outcomes show a lack of care or aspiration from their corporate parents.”
- ▶ Language used is also important, e.g being called a ‘client’ has made young people feel dehumanised

Key Issues

- ▶ High turnover of staff in social work, loss of relationships and often children and young people do not have much notice. This can also interrupt or delay care planning
- ▶ Lack of support in transitions – a focus on ‘becoming independent’ without enough support, navigating complex processes
- ▶ Some children and young people are cared for off island, making connection to families and friends difficult to maintain
- ▶ The Children Law does not ensure a child who is separated from their parent(s) is able to maintain contact with their family, friends and acquaintances.
- ▶ Lack of therapeutic care that is trauma informed; access to mental health support is inconsistent

Discussion Questions

- ▶ Do these issues mirror what you're hearing?
- ▶ Are there other issues that you are aware of?
- ▶ Have you noticed any emerging patterns recently?
- ▶ Do you have any data or reports you could signpost us to?