

your
Rights!
your say



The United Nations Convention on the Rights of the Child

How children say the UK is doing

**Reported by
Dr Roger Morgan OBE
Children's Rights Director for England**

March 2014

Ofsted
raising standards
improving lives



Introduction

From 2001 until April 2014, the Children's Rights Director has been a statutory role with the duty to find out and report the views of children in care, getting help from social care services, living away from home in boarding schools, residential special schools or residential further education colleges, and care leavers. Other functions have included providing advice and assistance to individual children whose rights are being breached or are at risk of being breached, and providing advice on children's rights, especially to Ofsted and to government.

The Office of the Children's Rights Director has produced very many Children's Views reports over the years. Each of these gives the views of children themselves, without leaving out anything that I, professionals, the government, or adults generally might disagree with, and without adding adult comments or other research.

In preparation for the UN Review of the UK's compliance with the UNCRC, I have as Children's Rights Director for England consulted children within my statutory remit (children in care or receiving social care services, and children living away from home in residential education) on their experience in relation to key Articles of the UNCRC.

This report is published, and is being sent as my submission as Children's Rights Director for consideration in the coming review process to the UK government's Department for Education, the UK Foreign and Commonwealth Office and the United Nations.

I am grateful to my team at the Office of the Children's Rights Director for their immense hard work in carrying out this major consultation and analysing the data for this report, and to all the children and young people, and their staff who made it possible, for their completion of our survey and for giving their time, thoughts, experience and views.

A handwritten signature in black ink, appearing to read 'Roger Morgan', written in a cursive style.

Roger Morgan
Children's Rights Director for England

The consultation

Consultation comprised a survey of those children, together with a series of focus group discussions with children. All were under 18, within my remit, and in England.

We received 2,424 responses by children to the survey, to which are added the findings from 22 children with communication difficulties who filled in a symbol version of the survey, and the input of 89 children whom we met in six face to face discussion groups.

In addition, we received the views of 125 young adults just over 18 looking back on their recent childhoods from young adulthood. Their views, which are compared with those of children and young people under 18, are given at the end of the report.

A grand total of 2,660 children, young people and young adults therefore took part in this consultation on compliance of England with the United Nations Convention on the Rights of the Child.

We have stated in the text whether findings come from the main children's survey, focus groups, the symbol survey, or young adults.

Of those answering the main survey, 55% were boys and 45% were girls, the age range was five to seventeen, the middle ('median') age was 14, 52% were in care, 15% described themselves as having a disability, and 3% described themselves as refugees or asylum seekers. The 22 children and young people sending their views in symbol form were aged 12 to 18, with a median age of 16, and were mainly living in residential special schools.

Group differences reported from the survey are based on significant numbers of respondents, including 563 foster children and 549 children living in children's homes, 828 boarders in boarding schools, 160 children living in residential special schools, and 352 disabled children. Differences in responses between groups of children are reported here only where there were more than five percentage points between groups. Where no difference is reported here, there were none of five or more percentage points between boys and girls, between over and under 14s, between children in foster care and those in children's homes, between those in care and the overall finding, between those reporting having a disability and the overall finding, between those in residential special schools and the overall finding, or between those in boarding schools and the overall finding.

The focus group discussions were held with boarding pupils at six different boarding schools, which we had chosen at random. Each focus group was led by a member of the team at the Office of the Children's Rights Director, with another member of the team taking notes. From the total of 89 children took part in these focus groups, 33 were of preparatory school age, and 56 of senior school or college age.

Children's experience of receiving rights

Children told us in the survey whether they were getting each of the following 15 key rights, 'all the time', 'usually', 'rarely' or 'never'. Here is the list of rights in the order of children's answers, with the most received right first. The children's responses for each right have been converted into percentage compliance scores.

- 1. Every child has the right to have the education they need (at school, or college or from a tutor) (93.5%)**
- 2. You have the right to be healthy, and to get treatment if you need it (92.6%)**
- 3. Every child has the right to a decent standard of living (90.1%)**
- 4. You have the right to be kept safe from all sorts of harm (such as being injured, neglected, sexually abused, or treated violently) (89.7%)**
- 5. Children have the right to play and do fun activities (89.4%)**
- 6. You should be given the care you need (87.8%)**
- 7. You have the right to join in with other children and young people, as long as this isn't harming anyone (85.0%)**
- 8. You have the right to have your own opinions, and your own religion, as long as you aren't harming anyone else (82.8%)**
- 9. You have the right to your own privacy – for yourself, and for your letters or messages to other people (81.2%)**
- 10. You have the right to say what you really think, as long as this isn't harmful to other people (76.9%)**
- 11. If you are old enough to understand it, you have the right to give your views on anything that affects you (76.3%)**
- 12. Every decision should be made in your best interests (73.2%)**
- 13. You have the right not to have people attacking your reputation (72.1%)**
- 14. You have the right to find out things you want to know (71.6%)**
- 15. If you are old enough to understand, you have the right to have your views taken into account by people making decisions about you (70.6%)**

The 22 children and young people who gave their views through a symbol version of the survey scored the right to be helped to be healthy as the one best met for them, with the right for their views to make a difference to decisions about their lives scoring lowest. More told us their views were sought than told us they made a difference to decisions about their lives. Even so, the majority of the 22 stated that they were receiving each of the rights to have decisions made in their best interests, to be given the care they need, to be asked what they think, to join in fun activities, to have enough privacy, to be kept safe, to be helped to do things they wanted to do, to be kept healthy, and to have their views make a difference.

Differences of over 5 percentage points between groups of children in the main survey were:

- Although children in care did not differ significantly from children generally in the survey, amongst children in care foster children did report enjoying **the right to be kept safe from harm** more than did children in children's homes. 96% of foster children reported 'usually' or 'all the time' enjoying this right, compared with 91% of those in children's homes.
- For **the right to join in with other children and young people** as long as this isn't harming anyone, children in care did not differ significantly from children generally in the survey, but again foster children reported enjoying this right to a greater extent than did children in children's homes. 94% of foster children reported 'usually' or 'all the time' enjoying this right, compared with 89% of those in children's homes.
- Children in residential special schools, and disabled children, reported less enjoyment of **the right to have their own opinions and religion** than children generally in the survey. 83% of those in residential special schools and 81% of disabled children reported enjoying this right 'usually' or 'all the time', compared with 89% of children in the survey overall.
- Disabled children reported lower compliance than children in the survey generally on **the right to privacy**. 84% of disabled children reported enjoying this right 'usually' or 'all the time', compared with 89% for children overall.
- Children in residential special schools, and disabled children, reported less enjoyment of **the right to say what you really think** than did children generally in the survey. 76% of children in residential special schools, and 79% of disabled children, reported enjoying this right 'usually' or 'all the time', compared with 86% of children overall in the survey.
- Similarly, children in residential special schools, and disabled children, reported less enjoyment of **the right to give your views on anything that affects you**. 81% of those in residential special schools, and 80% of disabled children, reported enjoying this right 'usually' or 'all the time', compared with 86% of children generally in the survey.

- Children in residential special schools reported less enjoyment of **the right to have every decision about you made in your best interests** than children generally. 78% of those in residential special schools reported enjoying this right 'usually' or 'all the time', compared with 86% of children in the survey overall.
- Again, children in residential special schools reported less enjoyment of **the right not to have people attacking your reputation** than children generally. 74% of those in residential special schools reported enjoying this right 'usually' or 'all the time', compared with 79% of the children generally.
- Disabled children reported less enjoyment of **the right to find out things you want to know**. 77% of disabled children reported enjoying this right 'usually' or 'all the time', compared with 83% of children in the survey overall.
- Again, disabled children reported less enjoyment of **the right to have your views taken into account in decisions made about you**. 76% of disabled children reported enjoying this right 'usually' or 'all the time', compared with 82% for children in the survey overall.

Reasons for receiving or not receiving rights

In both the survey and discussion groups, we asked children for their reasons and examples for telling us that they did, or did not, receive particular rights under the Convention.

The right to education

The most frequent reasons given by 20 of the children who said they were usually or always receiving this right were:

- Low standard of education at the school
- Not able to get a place in a school or college
- Have been excluded from school
- Parents or carers do not take the child to school.

On direct statement from a child not in school was:

'Because I got kicked out of school when I was in the beginning of year 8, now I'm in the middle of year 10 and I only recently got given online tutoring. I really want to go back to school or even a pupil referral unit because I want to interact with other young people.'

The right to health

The most frequent reasons given by 1,137 of the children who said they were usually or always receiving this right were:

Receive the right medical care and treatment
Have regular medical checkups
I eat healthily.

Too few children gave reasons for not being given the right to health to allow analysis. The reasons that were given included not eating healthily, only visiting the doctor if seriously ill, not being happy with one's weight, not being believed when you say you are ill, and having something wrong that hasn't been diagnosed yet.

One of our discussion groups described situations where what a doctor had prescribed did not always get properly delivered to children by the staff looking after them. One example was where a doctor had prescribed medication to be taken by a child at bedtime, but this had then been given in the mornings because that fitted in with the availability of the staff member responsible for the child's welfare.

In one discussion group, children said that they were sometimes not believed if they said they felt ill in school or at night, because many children claimed to feel ill in order to get out of something they didn't want to do. This meant that you might not be believed when you really were ill.

Direct statements from children included:

'Whenever something is wrong with me I am taken to the doctors'

'Because we have a school nurse that cares'

'Matron is always reachable 24 hours a day and even through mobile'

'I am always taken to the opticians when needed'

'NHS looks after me for free'

'They are taking me to the dentist and the doctors and that is a good thing – sometimes I don't like it but it has to be done'

'I don't think the food is enough for us to be healthy'

'I go doctors only when I'm proper ill'

'I have asked for a doctor's appointment several times and I never get one'

'I have something wrong with me which the doctors have been unable to diagnose'

'I am not happy therefore I can't lose weight'

'The nurses at our school usually don't believe me when I genuinely do not feel well.'

The right to a decent standard of living

There were too few reasons given by children for not enjoying a decent standard of living to allow analysis.

Direct statements from children describing examples of not enjoying a decent standard of living included:

'I can't have a private life because of my mum'

'I live in a care home and the most exciting thing is a TV'

'There were maggots and flies all over my room, they had put a bag from the bin in my room'

'Just gone onto independence and do not feel this is enough for a young person to live on'

'Sometimes it is hard to improvise on the money my parents earn'

'The place I am in is dirty, full of mice, other people are in trouble with the police, rude'

'I would like to live in the countryside with horses, chickens, steam railways.'

The right to be kept safe

By far the most frequent reasons given by 795 of the children who said they were usually or always receiving this right was that adults kept them safe from harm at home and at school.

Children in state care reported being kept safe from harm by adults to the same extent as children in the survey generally.

Too few children gave reasons for not being kept safe from harm to allow analysis, but reasons that were given included being bullied, being hit, being threatened by family members, living in a high risk area, being abused in the past, and being restrained.

Direct statements from children included:

'School and home are all safe places'

'Staff always see if I am OK'

'My parents have bought me a phone in case of any emergencies so I can always contact them'

'I have never been the victim of the things outlined above and so I can draw the conclusion that I am being kept safe'

'All of the adults I know protect me from harm'

'I was nearly groomed but thanks to the careful watchful eye of my carers it got stopped before it started'

'My parents and teachers give me the information and support I need to be safe'

'Being put into care was to prevent me being harmed'

'Staff keep me safe from my uncle'

'Security patrols the school at night and we have rape alarms by our beds in the last year of school'

'When I try to hurt myself, staff use de-escalation techniques or can use physical intervention when necessary'

'People in my class bully me'

'I was at risk being placed into areas with such high crime rates and going to schools where it was very deprived so it was everyone for themselves'

'In the home I am in I am safe, but I am living in the roughest area ... young girls like me get abused and raped. So clearly anything could happen to me it's just waiting round the corner'

'My history – been sexually abused, injured, neglected. Now I'm fine – but who knows what future holds'.

The right to play

We asked those who said they were not usually or never receiving this right to give us their reasons. The most frequent reasons given by 34 of the children who said they were usually or always receiving this right were:

Lack of opportunity for particular activities
Not enough free time

Not enough money
Not being allowed to do the activities they want to do.

Discussing the costs of getting to and from activities, and how these could prevent children from taking part, one group asked why children who have not yet reached adult age should have to pay adult fares on public transport. *'We have the rights of a child but have to pay as an adult'*.

Direct statements from children included:

'Lots of exams and prep to do reduce the time for leisure activities'

'The manager likes to save money so we don't get offered activities'

'I'm a mother – I have to look after my baby'

'I don't get the money to do so'

'No, because I don't like my weight.'

The right to the care you need

The most frequent reasons given by the 1,399 of the children who said they were usually or always receiving this right were:

Being loved and well looked after
Having help and support
Getting health care when you are ill.

Among children in state care, children in foster care were more likely than those in children's homes to say that they were loved and well looked after, and children in children's homes were more likely than those in foster care to say they were given help and support.

The most frequent reasons given by 30 of the children who said they were rarely or never receiving this right were:

Not having your needs met
Not being treated properly
Not getting the right medical care.

Direct statements from children included:

'I feel I am being cared for well, my needs are being met and I'm happy'

'My parents, friends and teachers look out for me'

'I have food, clothes, education and love'

'People have been very supportive and caring in my times of crisis'

'I get the care I need to live a normal life but just not the life I want to live'

'In a care home they will give you the support, food, shelter you need, but they are not your real family and can't give you the love and care'.

The right to join in with others

We did not ask for examples of children joining in with other children, but the main reasons given by 7 of the children who said they were rarely or never receiving this right were:

Not being allowed to socialise freely with others
The child's choice not to join in things
Other children not including the child in their activities.

Direct statements from children included:

'Don't feel comfortable, like to keep myself to myself'

'At school, if I went up to a group of people when you are not part of their group they would tell you to go away'

'Because some of my friends are in care homes but within the same company and I am not allowed to mix with them and I feel like this is unfair'

'I get bullied a lot and I am afraid to talk to anyone'.

The right to opinions

The most frequent reasons given by 905 of the children who said they were usually or always receiving this right were:

Being able to follow one's religion, or not to follow a religion
Able to express oneself (though being careful what you are saying)
Feeling you are entitled to hold your own opinions.

The most frequent reasons given by 33 of the children who said they were rarely or never receiving this right were:

Lack of respect for a child's beliefs
Being made to take part in religious ceremonies

Not being listened to.

In discussion groups, many agreed that it is hard to be your own person when you are not in your own environment. You have to adjust. Sometimes you keep quiet because that is easier. It is also very difficult when someone makes an unpleasant comment such as a racist comment – we heard in discussion that some children felt that staff were often, rightly, concerned about the fact that something racist had been said, but tended to ignore the effects it might be having on particular children.

Direct statements from children included:

'Staff force me to go to church'

'I always have an opinion on pretty much everything and make sure they know about it'

'We have open discussions with each other about our views and opinions'

'The school is multicultural and takes in views of all religions and opinions. I know many different religions that are practised in my school'

'I can tell people what I think and they don't judge me or get angry at me'

'I don't follow any religion and no one has put me under pressure about it'

'When I say prayers every day'

'I would like to go to church but nobody has done anything.'

The right to privacy

We did not ask for reasons for saying the child experienced privacy. We asked for reasons from those who said they rarely or never received this right, and 89 children gave us their reasons. The most frequent answer by far was that adults either looked at or listened to their communications. In discussion groups, many gave examples of staff in schools and establishments opening post, though some said they had never experienced this.

Two discussion groups described how adults often look over a child's shoulder at what they are doing on a computer, and also how some adults fail to observe a child's privacy, by entering bedrooms and bathrooms in establishments when children are not fully dressed. We were also given an example of how in a class demonstration of new technology, a child's work was selected at random to display electronically to the whole class without the child agreeing to or knowing about it beforehand, which had been upsetting for the child concerned.

One group expressed concerns that their computers had webcams fixed to them, and they were not sure they were actually able to control these themselves, having experienced them coming on when they had not intended them to. They had been told they could put something over the webcam if they wanted privacy.

Some discussion groups told us that some children are very concerned at the lack of privacy in communal school changing rooms or showers.

Another concern about privacy that came from a discussion group was that staff sometimes tell other staff confidential things about a child, when the child does not think the other staff needed to know. They also said that staff often discuss confidential things about children in the hearing of other people, including other children.

Direct statements from children included:

'They read all of my letters and they only give me privacy when I'm on the toilet or asleep'

'I am in secure and letters coming in have to be checked for tobacco and drugs because some people smuggle it in and for threatening letters. Also they check our letters for threatening behaviour'

'We are allowed to have our privacy to a certain extent but they open our letters and read them before they give them to us, which I feel is unfair'

'My mother checks my texts. However, I think she may be doing it to check whether I'm being safe'

'Being in care my life always was in the limelight. Felt like a goldfish in a bowl observed 24/7 so privacy was not of the essence'

'They continue to come into our rooms even if we warn them we are indecent.'

The right to say what you think

The most frequent reasons given by 872 of the children who said they were usually or always receiving this right were:

Can express yourself to adults and other children
Able to express things at meetings and in care reviews
Can express yourself at school.

The most frequent reasons given by 49 of the children who said they were rarely or never receiving this right were:

Not listened to when children say what they really think

Unable to say things that are seen as not polite
Too scared of the consequences to give an honest opinion.

In discussion groups we heard how adults and children often find it difficult to communicate effectively because of different languages between the generations. There needs to be more open discussion across child and adult generations to establish easier joint input to decisions that affect both.

Direct statements from children included:

'Can talk to anyone and we can say anything within reason'

'I'm always encouraged to speak openly and not hide my true feelings or thoughts'

'There's a lot of freedom of speech – but we have to think things through first'

'I speak my mind all the time and staff only question this if it isn't nice things being said'

'We are encouraged to voice our opinions, so long as we can back them up'

'On subjects where other people have had other opinions my opinion was not dismissed and it was thought about'

'My parents let me say anything but it can't be harmful'

'If I don't like something I say it'

'I have never felt that I could not say what I wanted to – the question is whether what I say will be listened to or not'

'Nobody ever listens'

'I have been scared to give my views in the past. All the professionals have such a close bond that you don't know who to trust'

'I don't feel able to do this much due to the amount of conflict it would have in my life. Everyone has different views on things and they all think they are right so I don't really like disagreeing with someone in case it upsets them.'

The right to give your views

The most frequent reasons given by 1,142 of the children who said they were usually or always receiving this right were:

Able to give views to parents and professionals and they listen

Able to give views through children's meetings
Being able to talk to adults who will listen.

Amongst children in state care, children in children's homes were more likely than foster children to say they gave their views at meetings, such as children's meetings at school or in the home, or when meeting with their key workers.

The most frequent reasons given by 48 of the children who said they were rarely or never receiving this right were:

Views are given but not listened to
Views are not asked for
The child does not feel comfortable giving their views.

The voting age was discussed in one of our discussion groups, with no general consensus reached. Some thought that it could be lowered somewhat from 18, but others thought 18 or even 21 was acceptable.

Direct statements from children included:

'I can express my opinion on anything and it gets taken into consideration'

'At school I am able to submit my opinions or suggestions for improving the environment freely and frequently. They are always taken into consideration'

'In fights, I am always allowed to give my side of the argument'

'The court suggested that I see my mum 4 times a year but I didn't want that. I spoke to Guardian and said I wanted it once a month and this has been agreed'

'You can, but whether it will change anything, well that's a different story'

'My social worker makes the decisions for me'

'Sometimes am scared to give my view because they don't consider my views as important.'

The right to decisions being made in your best interests

The most frequent reasons given by 1,396 of the children who said they were usually or always receiving this right were:

Being asked for your opinion and listened to
Having choices in education
Having choices of activities and social life.

The most frequent reasons given by 79 of the children who said they were rarely or never receiving this right were:

- Not being listened to
- Not having a say in placement decisions in state care
- Not having choices about daily activities
- Not being happy with the decisions that have been made.

One discussion group questioned how well children's interests and staff interests were balanced when decisions were made that affected both adults and children in a school or other establishment for children. Overall the group thought that decisions are more often made in staff rather than children's interest.

One of our discussion groups also thought that in most families, parents naturally had the final say on things, and it depended very much on the parents how much notice they actually took of the children's opinions when making family decisions.

Direct statements from children included:

'If it's not in my interest then it will not happen'

'People have always made my decisions but they never just go and make them for me without asking my opinion for example I made the decisions to go to different schools and countries'

'I am always given these rights. I have always been provided with everything for my best interests, such as education, healthy food, entertainment, morals'

'My social worker is trying to move me and I don't want to go'

'My voice doesn't get heard'.

The right of protection of your reputation

The most frequent reasons given by 557 of the children who said they were usually or always receiving this right were:

- Adults help and protect children
- There is no bullying, or bullying is dealt with well
- Personal information is kept personal unless there is a need to know.

The most frequent reasons given by 45 of the children who said they were rarely or never receiving this right were:

- Being bullied
- Rumours being spread about a child
- The child is judged for being in care.

Direct statements from children included:

'School policies stating that attacking people's reputation is not acceptable'

'Things from my past are held with staff and only spoken about to me or people that really need to know'

'I'm a teenager – there's always gossip'

'By my surrounding carers – but I'm already labelled in society as a kid in care system'

'My parents make sure I never do anything I'll regret'

'The teachers help me try and stop people undermining me'

'I just stand up for myself and what I believe is true'

'On an occasion when a young person accused me of something a member of staff helped prove it wasn't me'

'The teachers at school do not tell anyone that I am in foster care'

'I have recently gone to a new school and didn't want people to know I was in care so I asked my carers if they minded if I said that they were my step mum and dad, which they said was fine'

'As with any teenager I get bullied. I have been bullied very badly in the past and this has attacked my reputation. It does often happen but it's part of life'

'They make fun that I am in care'

'Talk about my sexuality in a derogatory manner on occasion'

'Professionals had always read my files and spoken to others before they met me, which meant they already had a judgement and made assumptions on me.'

The right to know things

The most frequent reasons given by 972 of the children who said they were usually or always receiving this right were:

Children can ask parents, professionals or friends

Can find out on the internet

Children in state care are able to find out information about their family.

The most frequent reasons given by 89 of the children who said they were rarely or never receiving this right were:

Questions are ignored or not answered
Children in state care not being able to find out information about their family
Children in state care not having enough family contact
Children not being told what is being recorded about themselves.

In discussion groups, children were concerned that there can be a fine line between confidentiality and the right to know things, especially where other people are concerned. Some had been unable to find out about an illness of a brother or sister, which they thought was keeping things too confidential. Others were clear that sometimes people may be curious about something that had happened to another child, or to a member of staff, but it would break that person's confidentiality if others were told. Children could worry about the reason for a child or adult, particularly one who had been looking after them, suddenly leaving their school or home without any explanation being given.

Direct statements from children included:

'If I want or need to know anything all I need to do is ask the staff'

'I just ask people who have the answer'

'Look on the internet or ask someone who knows'

'Depending on whether deemed appropriate, I am able to know all I wish to'

'When I want to know something I usually get an answer, even if it isn't one I want'

'My social worker explains things to me'

'I wanted to know what my entitlements for when I left care and I was mainly told them all'

'When it is right for me to know , I will ask and be answered'

'I don't always get a full answer, just what they want to tell me'

'Usually people don't have the answers I need, so they say they will ask someone else and it never gets sorted'

'Sometimes staff at my care home don't always let me see stuff that is about me, saying that it is private. This sometimes worries me.'

The right to have your views taken into account

The most frequent reasons given by 882 of the children who said they were usually or always receiving this right were:

- Being consulted and listened to
- Having choices in education
- Making a difference through children's meetings.

Girls were more likely than boys to say their views were taken into account in making choices about their education. Children in state care were less likely than other children to say their views were taken into account in making choices about their education.

The most frequent reasons given by 84 of the children who said they were rarely or never receiving this right were:

- Adults think they are right and do not listen to children's views
- Views of children in state care not being taken into account about family contact
- School doesn't listen to children's views
- Decisions are usually made for the child.

One of our discussion groups advised that there are children's meetings such as school councils or food committees in many schools, but although these give children the chance to have a say, they do not very often have much influence. Other groups said much the same about systems such as suggestions boxes, which often did not lead to action when they were used, and you could not chase up your concerns or suggestions if you wished to remain anonymous, which was often the point of such systems.

In other discussions, children expressed their view that children do not always know what is best for themselves, and so do sometimes need advice and decisions from adults who have their best interests in mind.

One discussion group raised the point that children are often told not to 'answer back' to adults, especially if they are being told off or corrected, yet this can prevent them from saying anything in their defence, or from giving an explanation, of something they have done or which has happened. It can also make it difficult for a child to give their views to authority figures even when they ask them for their views.

Direct statements from children included:

'Yes, definitely they listen to what I have to say before any decisions get made for me'

'When I explained that I needed time away from the children's home, this was immediately arranged'

'We ate at my favourite restaurant instead of a different one'

'I asked to see my mum more but social services didn't listen'

'Sometimes you bring up issues and instead of them taking them into account they just try to defend themselves'

'Having to play rugby even if I don't want to'

'Political matters affect us and even when we can understand them we have no say'

'My parents rarely take into account my views'

Separation from parents

44% of the children in the main survey were not being brought up by their own parents. It is important to emphasise that we were surveying children within the statutory remit of the Children's Rights Director, which comprises children in state care, or receiving children's social care services, or living in boarding or residential schools or colleges – this was not a survey of the general UK or England child population.

Of 1,044 children not being brought up by their parents who responded to the question, 66% thought the separation was in their best interests, and 19% that it was against their best interests.

93% of those not being brought up by their own parents knew their birth parents.

91% of all children responding to the survey were able to keep in touch with their parents.

86% of children in care in the survey were able to keep in touch with their parents.

The 100 children who were not able to keep in touch with their parents gave the following main reasons for this:

Contact not being permitted by their social worker or care plan (this was most frequently given as a reason by those aged over 14)

Not knowing where their birth family is

Their family does not want contact with them

They do not want contact with their family.

Differences of over 5 percentage points between groups of children in relation to separation from parents were:

- Foster children were more likely than other children separated from their birth parents to say that the separation was in their own best interests.
- Disabled children separated from their own parents were more likely than other children separated from their parents to say that the separation was in their own best interests.
- Children in children's homes were more likely than other children who had been separated from their birth parents to say that the separation was *not* in their own best interests.

Examples of some direct statements from children were:

'My safety is at risk if I have contact with my family'

'We were taken from them and now they can't be found'

'They are not interested in contacting me or knowing anything that is going on in my life'

'No-one stops me from speaking to my family, I choose not to speak to them'.

Children being asked for their views

Children in the survey reported their views being most sought by their school or college (94% reporting being asked for their views there), followed by their family (71%), then by a hobby organisation they are a member of (27%).

10% of children in the survey reported being asked for their views by the government.

17% reported being asked for their views by their local council.

12% reported their views being asked for by their local hospital.

Differences of over 5 percentage points between groups of children in how far they reported their views being asked were:

- Children under 14 were more likely than young people over 14 to say they were asked for their views and ideas by their families
- Foster children were more likely than those in children's homes to be asked their views and ideas by hobby organisations
- Children in children's homes were more likely than foster children to be asked their views and ideas by the local hospital

- Children living in residential special schools were less likely than others to be asked for their views and ideas by the local council, by a hobby organisation, by the local hospital, or by their families
- Children in care were more likely than others to be asked for their views and ideas by the local council
- Disabled children were more likely than others to be asked for their views and ideas by the local hospital.

Where children's views make a difference

Being asked views, and views then making a difference, were two very different issues. Children's views were most taken into account at home (where 87% said their views made a difference), followed by school or college (74%), then by other children or young people (54%).

42% reported their views making a difference when doctors or nurses made decisions about them.

762 children had been the subject of a decision made by a court. 29% reported that the court had taken their views 'a lot' into account, 34% that the court had taken their views 'a bit' into account, and 37% that the court had not taken their views into account at all.

Differences of over 5 percentage points between groups of children in relation to their views making a difference were:

- Boys more often than girls reported their views making a big difference in clubs or activities they attended, and with other children and young people
- Children under 14 were more likely than young people over 14 to report their views as making a big difference at home
- Among children in care, foster children were more likely than children in children's homes to say their views made a big difference at school or college, and in clubs or activities they attended
- Foster children were more likely than children in children's homes to say that their views made a big difference when social care services made decisions about them
- Children in children's homes were more likely than foster children to say their views made a big difference with other children and young people

- Children in care but living with their families at home were less likely than other children generally in the survey to say their views made a big difference at school or college, or in clubs or activities they attended
- Children in care at home were less likely than other children in care to say that their views made a big difference when social care services made decisions about them
- Children in residential special schools were more likely than other children in the survey to say that their views made a big difference at school or college
- Boarders in boarding schools were more likely than other children in the survey to say that their views made a big difference when doctors or nurses made decisions about them
- Disabled children were more likely than other children to say that their views made a big difference at school or college, and when doctors or nurses made decisions about them
- Young people aged 14 and over were less likely than children under 14 to report their views being taken into account by a court that had made a decision about them. 27% of over 14s said the court had taken their views 'a lot' into account, compared with 32% of under 14s. 40% of over 14s said the court had not taken their views into account at all, compared with 34% of children under 14.

The right to a nationality

In relation to the right to a nationality, we asked children if they had a passport, and if they did not, whether they were clear which country they would be able to apply to for a passport.

81% in the survey reported having a passport, and 93% of those without a passport stated that they knew which country any future passport should say they were from.

Differences of over 5 percentage points between groups of children regarding the right to nationality were:

- Girls were more likely than boys to have a passport
- Boarders in boarding schools were more likely than others to have a passport
- Children in residential special schools were less likely than others to have a passport
- Children in care were less likely than others to have a passport. 71% of children in care had a passport, compared with 81% of children in the survey generally

- Disabled children were less likely than others to have a passport. 73% of disabled children had a passport, compared with 81% of children in the survey generally
- Of 23 children in the entire survey who did not have a passport and would not know which country they might be able to get a passport from, 20 were in care.

Overall however, children in care were less likely than other children to hold a passport, but had much the same level of knowledge as other children about which country they might be able to get a passport from, and therefore about their nationality.

The right to one's own culture, religion and language

20% in the survey described themselves as having a different race, country, language, religion or culture to most other children around them.

It is important to note that children were not asked whether they lived in a diverse or multicultural setting, but whether they regarded themselves as different in one or more of these factors *compared with most other children around them* - that is, whether they felt themselves to be in a minority group.

Of those in the survey who described themselves as having a different race, country, language, religion or culture to most children around them, 63% reported being from a different country, 61% being of a different race, 49% of a different culture, 43% reported mostly speaking a different language, and 39% being of a different religion.

Differences of more than 5 percentage points between groups of children were:

- More over 14s than under 14s described themselves as having a different country, language or culture to most other children around them
- Children in care were less likely than children overall in the survey to report having a different race, country, language, religion or culture to most other children around them. 13% of children in care reported such a difference, compared with 20% of children generally in the survey
- Boarders in boarding schools were more likely than children overall in the survey to report having a different race, country, language, religion or culture to most other children around them. 31% of boarders reported such a difference
- Girls were more likely than boys to report having a different country, language or culture than most others around them, while boys were more likely than girls to report being of a different race or having a different religion
- Among children in care, foster children were more likely than children in children's homes to report having a different country or language, and children

in children's homes were more likely than foster children to report having a different race or religion.

Out of the 466 children who described themselves as having a different race, country, language, religion or culture to most other children around them, 23% reported having difficulty keeping to their own language, 20% difficulty in keeping to their own culture, and 15% difficulty keeping to their own religion.

There was only one difference of more than 5 percentage points between groups in having these difficulties:

- Boarders in boarding schools were more likely than children generally in the survey to report finding it difficult to keep to a different language, culture or religion at school.

The most frequent reasons given by 118 of the children who said they were receiving their right to keep their own culture, religion and language were:

The child's culture, religion and language are accepted by others
Able to speak with others in own first language
Adults support the child in keeping to their culture, religion or language.

The most frequent reason given by children who said they were not receiving this right was simply that other people did not accept their different culture, religion or language. One of our discussion groups told us when there is a group of children who speak a different language to the others, there is always a difficulty in deciding whether it is OK for them to speak their own language together when other people cannot understand what they are saying. Sometimes other children think doing this is being rude.

Direct statements from children included:

'I participate in our festivals with my family, even though practically none of my friends are from my country'

'The staff give me Halal food and take me to different communities'

'My religion is being accepted by everyone around me, and my race, and no one judges me in a bad way'

'Nobody discriminates me based on my culture, in fact they are more curious about it'

'At school I am prohibited to pray and follow my religion'

'It is difficult to have a different culture in English society'

'I cannot eat the food that I wish and the festivals I do have in my country are not celebrated as extensively as I wish'

I live in a boarding house so everyone is different but accepting'.

The right not to work for long hours or in a dangerous job

15% of all the children in the survey reported having a job of some sort. 58% of those were paid for their work, 70% of them had chosen their jobs for themselves, 28% described their work as voluntary work, and 18% were doing jobs that formed part of their own school or college work. 76% were happy to carry on doing their current jobs.

Of those who answered questions about their jobs, 15% described their job as 'sometimes dangerous' (just under 2% of the total number of children in the survey).

6% (under 1% of all in the survey) said their job keeps them working too many hours.

Differences of more than 5 percentage points in relation to work were:

- 10% of under 14s and 18% of those aged 14 and over in the survey reported having a spare time job of some sort
- Over 14s were more likely than under 14s to be paid for their spare time work
- Over 14s were more likely than under 14s to do voluntary work in their spare time
- Over 14s were more likely than under 14s to have chosen their spare time work for themselves
- Boys were more likely than girls to report being paid for their spare time work
- Girls were more likely than boys to report doing voluntary work in their spare time
- Children in care were less likely than other children to be paid for spare time work they did, and more likely than other children to be doing voluntary work
- Only 3% of those with spare time jobs said they were doing work they didn't want to do, and these were more likely to be boys than girls.

Help to keep clear of illegal drugs

73% of those in the survey reported being helped to keep themselves clear of illegal drugs.

There was only one difference of over 5 percentage points between groups of children in the survey regarding help to keep clear of illegal drugs:

- Disabled children were less likely than children generally to report being helped to keep themselves clear of illegal drugs. 68% of disabled children reported getting such help, compared with 73% of children generally in the survey.

Drug awareness training was by far the most frequent type of help being received by 705 of the children who said they were being helped to keep clear of illegal drugs.

The right not to be punished in a cruel way

81% stated in the survey that they had not been punished in a cruel way. 12% reported that they had been punished in a way they considered cruel. The Office of the Children's Rights Director follows up issues of concern affecting some individual children after surveys of this type.

From the 12% who reported that they had been punished in a way they considered cruel, we received 117 examples. Of these examples, 33 (28% of the examples) described the child being abused in the past. Many children in the care system described cruel treatment before they came into care. Some described cruel treatment in other countries before they arrived in the UK.

Four other main types of example were given. One was where a punishment was in the child's view far greater than their offence deserved. Another was where an entire group of children was given a punishment because of something one child, or a few but not all those in the group, had done wrong. A third was where the punishment was unfair and often the child had not been able to give their side of events before punishment was given. The fourth was where the child was smacked for something they had done wrong.

An example given in one discussion group of how one child doing something wrong could lead to a whole group of children being punished was of a child misusing YouTube and this service then being blocked for all children – even though some were then actually asked to use it to research something for their studies.

About the question of cruel punishment one child said *'this is actually subjective – what I think is cruel might not be what you think is cruel'*.

There was only one difference over 5 percentage points between groups relating to punishment children considered cruel:

- Children in care did not report cruel punishments more than children generally in the survey, but amongst children in care, those in children's homes were more likely to report this than children in foster care.

Physical restraint

19% in the survey reported being physically held or restrained to stop them doing something dangerous or damaging things.

Restraint was reported more by boys than girls, by those aged 13 and under than by those aged 14 plus, by disabled children more than others, and by children in children's homes and residential special schools than by children living in other settings.

Of those reporting being held or restrained, 70% said this had been done to stop them hurting someone else, 66% to stop them damaging things, and 62% to stop them hurting themselves. These are each legitimate reasons in the UK for use of restraint in appropriate circumstances.

7% of those reporting being restrained said this had been to make them do something they hadn't wanted to do, and 6% that they had been restrained as a punishment. These are not legitimate reasons for use of restraint in the UK.

Disability

352 children in the main survey reported themselves to have a disability. 90% of these children reported that they were helped usually or all the time to enjoy a full and active life (72% reported being helped 'all the time' and a further 18% 'usually').

The great majority of the 22 children who gave us their views through symbol responses also said that they were getting help to do the things they wanted to do.

Overall, disabled children were less likely than children generally to report freedom to hold their own opinions and religion, being free to say what they really think or to express their views on things that affect them, having their views taken into account in decisions made about them, being helped to keep clear of illegal drugs, and being able to find out things they wanted to know, and disabled children reported lower privacy than children generally. They were less likely than other children to hold a passport. Disabled children were more likely than others to report that their views made a difference at school or college, to be asked for their views at the local hospital, and that their views made a big difference to decisions about them made by doctors and nurses.

Of the 147 disabled children who gave us examples of how they had been given the right to help for a full and active life, the most frequent examples given were:

- Being able to take part in activities, clubs or sports
- Getting help from staff or family
- Being able to have and enjoy personal hobbies and pastimes.

Direct statements from disabled children included:

'I have autism but I still have the same rights and chances as everyone else my age'

'Both my carers and school do the best they can to meet my needs'

'I have access to activities I like and enjoy. If there is something I would like to do people help me to take part'

'People don't understand my situation'

'Because in school I am never free to be on my own around the school grounds'

'I do not get the mental help I need'

Children in state care

Comparing the two main groups of children in state care in the survey, those living in children's homes and those living with foster parents, children in children's homes were more likely than foster children to report being of a different race or religion to most children around them, to have heard of the UNCRC, to report having their views make a difference among other children and young people, being asked for their views at the local hospital, having experienced physical restraint, and having experienced punishments they thought were cruel.

Foster children were more likely than children in children's homes to report high levels of being kept safe from harm, being able to join in with other children and young people, having a different country or language to most children around them, finding their views made a difference to decisions about them at school or college, being asked for their views by hobby or activity organisations and finding that their views made a difference there and finding that their views made a difference to decisions made about them by social care services, and to regard the UK as doing well in ensuring that children receive their rights.

Knowledge of the UNCRC

31% in the main survey had heard of the UN Convention on the Rights of the Child before completing our survey. 54% said they had never heard of it, and 15% were not sure.

Differences over 5 percentage points in knowledge of the Convention were:

- Young people over 14 were more likely than under 14s to have heard of the UNCRC. 34% of over 14s had heard of it, compared with 26% of those under 14.

- Overall, children in care were neither more nor less likely than children generally to have heard of the UNCRC, but among children in care, those in children's homes were more likely to have heard of it than those in foster care. 37% of those in children's homes had heard of the UNCRC, compared with 24% of foster children.

How the UK is doing on children's rights

74% of those in the survey thought that the UK is 'good' or 'very good' at making sure children are given their rights.

20% thought the UK is 'just OK'.

6% thought the UK is 'bad' or 'very bad' at making sure children are given their rights.

60% thought the UK is getting better at making sure children are given their rights, 31% weren't sure, and 10% thought the UK is getting worse at making sure children are given their rights.

Differences of more than 5 percentage points in how different groups thought the UK is doing on children's rights were:

- Children under 14 were more likely than those over 14 to rate the UK as being 'good' or 'very good' at making sure children are given their rights. 78% of under 14s rated the UK this way, compared with 71% of those aged 14 and over
- Children in care were less likely than other children to rate the UK as being 'good' or 'very good' at making sure children are given their rights. 69% of children in care rated the UK as good or very good, compared with 74% of children generally
- Among children in care, foster children were more likely than those in children's homes to rate the UK as being 'good' or 'very good' at making sure children are given their rights
- Boarders in boarding schools were more likely than children in general to rate the UK as being 'good' or 'very good' at making sure children have their rights, and to rate the UK as improving in making sure children are given their rights.
- Children in residential special schools were less likely than children generally to say that the UK is getting better at making sure children are given their rights
- Boarders in boarding schools were more likely than children generally to say that the UK is getting better at making sure children are given their rights
- Boys were more likely than girls to rate the UK as improving in making sure children are given their rights

- Children under 14 were more likely than young people aged 14 and over to rate the UK as improving in making sure children are given their rights.

We asked children to tell us if there was anything else they thought could be done to make sure all more children were given all their rights in the UK. This question was answered by 507 children. The top three answers were:

Children should be listened to more
Do more to make sure children know what their rights are
Improve services for children looked after by the state.

Direct statements from children included:

'Just make sure that children are treated fairly'

'You need to talk to children and listen to them'

'Courts and social workers should listen to the kids'

'I think the government are trying to make life better for people and it is working'

'The question I never seem to understand is that for many of us, the reason that we are in care isn't our personal fault. So why should we be made to feel punished?'

'You need to promote it more as most children don't know their rights'

'I need education about my rights'

'There could be a child club where children give all their ideas to the government'

'I feel that children should be spoken to a lot more and actually listened to about how they feel what is happening to them, as one decision can change our lives forever'

'The government should be more connected with children rather than just adults.'

The young adult view of rights under the Convention

In addition to the responses we received from children and young people, 125 young adults, aged 18 and over, sent us their experiences of children's rights. They looked

back at how far they had the rights they were entitled to when they were children, and they told us about how far they had some of those rights now they were young adults.

Of those aged 18 plus, 42% were still in care, 39% were still boarders in boarding schools, and 19% had recently left care.

Roughly as many young adults as under 18s knew of the UN Convention on the Rights of the Child. The young adults and under 18s were close in how well they thought the UK was doing in making sure that children received their rights. But the young adults were less likely than children and younger people to think the UK is getting better at giving children their rights. 50% of the 18 plus group thought the UK is getting better at giving children their rights, compared with 60% of those under 18.

Compared with those under 18 completing the survey, those aged 18 plus were more likely to be of a different race, language, country, religion or culture to most others around them. Under 18s and over 18s were just as likely to have a passport.

The young adults and under 18s reported similar experiences of having their rights to privacy and in being able to find out things they wanted to know. But there were six rights where from their survey responses, the young adults' experience had been significantly different from those aged under 18 (counting scores five or more percentage points apart as a 'significant' difference). The differences were:

- Young adults were less likely to report being healthy and getting treatment they needed (scoring 85% on this right, compared with 93% for under 18s)
- Young adults were less likely to report that they now enjoyed the right not to have anyone attacking their reputation (scoring 65% on this right, compared with 72% for under 18s)
- Young adults were less likely to say they now enjoyed the right to have their own opinions and religion (scoring 76% on this right, compared with 83% for under 18s)
- Young adults were less likely to report having had the education they needed (scoring 88% on this right, compared with 81% for under 18s)
- Young adults were less likely than under 18s to say they now had a decent standard of living (scoring 84% on this right, compared with 90% for under 18s)
- Young adults were less likely to feel they now had the right to say what they really think (scoring 72% for this right, compared with 77% for under 18s).

Overall therefore, from this survey young adults aged 18 plus feel that they did not have quite such a good education as those under 18 feel they have been getting, they feel that their general standard of living and support from health services is not quite so good as under 18s believe they have, they are not quite as safe from other people

attacking their reputations, and they report not feeling as able as under 18s do to hold and express their own opinions.
