

Clients' Rights Service

annual report on level of activity 2007/2008



Established in 1996 by Angus Council to promote the rights of children, young people and adults who have contact with Social Work and Health



SOCIAL WORK and HEALTH

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Angus Council's Clients' Rights Service

1. Introduction

This report covers the activities of the Clients' Rights Service [CRS or service] for the period 1 April 2007- 31 March 2008.

The CRS works in partnership with a variety of individuals and services within and outwith Angus Council to promote social inclusion, fairness and justice and ensures that the rights of those in contact with social work are upheld.

The CRS contributes to the debate about efficient, effective, economic, morally ethical and equitable social work interventions. Additionally it advocates for the rights of vulnerable individuals without discrimination, to be at the forefront of local policies and practices.

Angus Council continues to lead the way in promoting and protecting the rights of those who have contact with social work. Angus CRS remains unique in Scotland, twelve years on since it was introduced. Other areas only provide a Children's Rights Service.

In Angus it is the established practice to inform children aged 8 and over, who are in contact with social work and health services, about their rights, as enshrined in the United Nations Convention on the Rights of the Child [UNCRC]. This is coordinated by the CRS. This approach assists children, their carers and all parties committed to the protection of the rights of children, and it has been recognised locally, nationally and internationally.

The United Nations Convention on the Rights of the Child remains one of the most comprehensive internationally recognised contributors to children learning about their rights and is an essential safeguard for all children living at home and for those children who need to live away from home.

Ten years ago, Angus children who were experiencing some difficulties at home and at school produced a child friendly version of the UNCRC protocol. This reference aid was updated during the last twelve months, into audio-visual format. The Angus version of the UNCRC continues to be used in learning and training, by a variety of local public, independent, private and voluntary service providers.

Over the last twelve years the CRS has promoted awareness and understanding of the European Convention on Human Rights, a legal framework that has become easier to apply in practice, following the introduction of the Human Rights Act 1998.

More recently, the CRS has been raising awareness about the additional legal supports for the protection of adults' rights that came into effect in March 2007, with the introduction of the Adult Support and Protection (Scotland) Act 2007 [ASAP 2007].

2. Context in which the CRS operates

The Clients' Rights Service promotes the rights and responsibilities of children, young people and adults who receive services direct from social work or that social work has arranged.

The service respects the privacy of all those who contact it except where these individuals or others may be in danger. The service offers information, advice, representation, advocacy, counselling, and support to anyone who has contact with social work and who believes that their rights have been breached or ignored.

The CRS helps in different ways. For example, it supports and represents the views of individuals at social work and health meetings, ensuring that individuals' views are heard in any undertakings involving social work. The CRS gives advice and listens to individuals' concerns if they do not feel like talking to anyone else. Additionally, it supports individuals and families at social work statutory reviews and any other meetings. The CRS also supports children and parents to put their views forward whenever they may feel that they are not being heard and supports children and families at children's hearings. The CRS helps social work service users to make a complaint if that is what they want to do. The CRS also supports individuals who request to view their social work file and gives advice and information on rights issues to social work and other professionals.

Anyone can contact and expect to receive help from the CRS. The service is available to anyone who has had contact with social work, even if they already have a social worker, a care manager, a case manager or even if they no longer have contact with social work but feel that they want to talk with someone about something that may have happened when in contact with social work.

The CRS has knowledge and understanding of human growth and development, the functioning of family and communities, and the legislative and social policy context in which social work operates. This awareness enables the service to manage the complex situations that are often presented to it. The CRS responds to anyone without discriminating on the grounds of age, gender, disability, religious persuasion, sexual orientation, marital status, profession, income or other status.

2.1 **AIMS**

The aims of the CRS are:

- To promote the rights and responsibilities of all those who have contact with Angus Council Social Work and Health without discrimination.
- To promote the creation of a culture of rights within social work and any undertakings associated with social work.
- To support all developments associated with the protection of citizen's rights.

2.2 STRUCTURE OF THE SERVICE AND WORKING ARRANGEMENTS

The CRS comprises of one Clients' Rights Officer [CRO], who is accountable to clients and to Angus Council through Social Work and Health line management. The CRS office is located within the Social Work and Health building of Angus Council, at Orchardbank, Forfar. The service's workload is based on individual casework and on additional tasks allocated and coordinated from the strategic planning section of social work and health. The CRS makes regular contributions that assist and enhance common understanding of the concept of rights within social work and health.

Every issue that is brought to the attention of the CRS is checked against a variety of authoritative sources, including:

- chief social work officer's directives
- departmental operational instructions and other policies of the Council
- local and national standards including the professional Code of Practice for Social Service Workers published by the Scottish Social Services Council [SSSC] which is used as the ethical basis for practice
- policies, circulars, guidance, regulations, legislation from the Scottish Parliament on devolved matters and from Westminster on reserved matters
- European and other international standards
- lawful, ethical and empirically successful, up to date and recognised human services practices

This report presents general data relating to the people in contact with the CRS over the last twelve months.

A fundamental aspect of the CRS is to identify whether individuals' concerns touch on rights issues and if so, whether these rights have been ignored or breached. Once these two elements are established, and in mutual agreement with the aggrieved individual(s) and/or their representatives, the service seeks to obtain redress. Often individuals who contact the CRS are supported by family members, friends, or by a wide range of professionals, as well as, on occasions, by other agencies that promote the rights agenda at local, regional and national level.

The CRS continues to be provided free of charge and remains available to anyone interested in raising the standard of services available to the people in Angus.

3. Referrals, Response Times and Other Standards

3.1 Number of Referrals

During the year 1 April 2007 to 31 March 2008 the CRS received and dealt with a total of **141** referrals, an increase of 8.5% referrals from the last year. 49 of these referrals were complaints. 47 were resolved at Stage 1 of the statutory complaints procedure with two complaints progressing onto Stage 2 of the same procedure.¹

1

141

Source: CRS - Information Management Systems 2007-08

3.2 Response Times

- **135** referrals were responded to within five working days.
- **51** of these required extended response times due to the complexity of the matters raised, the need for additional support to individuals and some of their families as well as the need for mediation and negotiations. These also met the stipulated 14 days standard response period.
- **6** referrals were responded to within 10 days, including **3** with the assistance of colleagues from the Joint Strategic Support Unit.

All responses fell within the standards set for the CRS in 2001. The standards relating to these response times are listed in the CRS information leaflet.

3.3 Other Standards

- The CRS monitors the rights and welfare of children and young people in secure care by maintaining a minimum of two contacts per month. A total of **39** contacts were made to three different secure units in Scotland.
- A total of **5** visits to Secure Units were made within the 21-day period outlined in the appeals process. Two overnight remands under Section 51. – (1) of the Criminal Procedures (Scotland) Act 1995 - Unruly Certificates [UC], were excluded. The issuing of Unruly Certificates increased by one from last year.
- The CRS visits every social work team regularly, to promote a culture of rights, and responds to referrals. During the reporting period, **27** visits to children's and adults' services were made from a possible **52** social work and health settings. **168** staff members participated in these sessions. Staff participating included social workers and community mental health nurses from all service areas including: fieldwork teams, community assessment and reviews services for children and adults, adults' and children's residential and day care facilities as well as from staff from welfare rights, training, contracts and financial assessment services.

4. Referrals by Age Group

Age Group	Number
0-12	45
13-16	26
17-21	5
22-35	4
36-45	6
46-55	8
56-65	8
66-75	3
76-85	3
86+	2
N/K	31
TOTAL	141

N/K = Age group not given or not relevant

Source: Clients' Rights Service Information Management Systems 2007-08

- 50% of all referrals were by or on behalf of children under 17 yrs. The same proportion as in 2006-2007
- Referrals by and on behalf of children aged 0-12 yrs increased by 15% from 2006-2007, continuing a trend of increased referrals from this age group
- The aggregate figure of referrals by and on behalf of clients in the age range 17-55 shows a significant reduction of 30% from last year's figures
- The aggregate figure of referrals by and on behalf of adults 56 yrs and over doubled this year

The age groupings are provided to give all service areas indicators that may assist them identify whether any changes in the numbers of referrals by age group, when compared with previous reporting periods, may be related to specific developments or changes in service provision. Further details that may inform any findings can be obtained within sections 7 and 13 of this report.

5. Distribution by Gender

Gender	Number
Female	53
Male	60
N/A	28
Total	141

N/A = Gender not disclosed or not relevant when referred to contact from Agencies

Source: CRS - Information Management Systems 2007-08

- The number of males of all ages who sought assistance from the CRS or on whose behalf contact was made with the service is the highest reported in twelve years
- The number of females shows a very slight reduction.

6. Sources of Referrals

Source	Number
Client	40
Relatives e.g. parents, grandparents, aunts, uncles, cousins, sons, daughters and siblings of both children and adults, including carers, friends and neighbours	34
Social Work staff e.g. managers, field workers in both children and adults' services including: residential care homes for adults and children, day centres and other social work and health provision including community mental health teams, intake team, community assessment and review services, welfare rights, and home care services	79
Other sections of the Council and partners e.g. foster carers, education services and housing services including units for people who are homeless and from tenancy support services	18
Other agencies e.g. NHS services for children, solicitors, C.A.B. Angus, Angus Carers Children's Hearing, Safeguarders, residential and secure accommodation services locally and nationally, Victim Support Angus, as well as other councils i.e. Dundee City, Aberdeenshire and Highland Councils	29
Total	200

Source: CRS - Information Management Systems 2007-08

- There were a total of 200 different sources of referral a reduction of 7% from last year
- The number of service users who themselves contacted the CRS remained relatively constant
- Referrals from relatives and friends increased by 36% from the previous year
- There was an increase of 24% in the number of referrals from professionals from within all service areas of social work and other Council services as well as from other agencies including NHS Tayside, secure accommodation, residential schools, residential and nursing care homes
- **504** electronic communications relating to clients' rights took place during the reporting period, including 15 incoming text messages from the public onto the dedicated mobile telephone facility.

7. Children - Reasons for Contact

Reasons	Number
<ul style="list-style-type: none"> • Quality of Care (69) • Protection (11) • Safety (3) 	83
<ul style="list-style-type: none"> • Customer Care (4) • Information issues (2) • Data Protection issues (1) 	7
<ul style="list-style-type: none"> • Views of the child (26) 	26
<ul style="list-style-type: none"> • Education rights (22) 	22
<ul style="list-style-type: none"> • Housing rights (3) 	3
<ul style="list-style-type: none"> • Health rights (6) 	6
Total	147

Source: CRS - Information Management Systems 2007-08

The issues raised by or on behalf of children have been divided into ten distinct areas that are directly linked to and supported by the United Nations Convention on the Rights of the Child and the Human Rights Act 1998.

- A total of **147** issues relating to children and young people's rights were brought to the attention of the CRS
- The views of children about their experiences of contact with social work as well as a variety of other services is conveyed to social work practitioners and their managers by the CRS in mutual agreement with the children. Children's wider perspective of their individual circumstances was also shared at school meetings, Looked After and Accommodated Children's [LAAC] reviews and children's hearings.
- Issues associated with reduced contact arrangements between siblings and families, separated for reasons of family break down, continue to be a source of discontent to families and the children concerned.

8. Location of Children at Time of Contact

Location	Number
Own home	22
Relatives homes	5
Foster Care	12
Residential care homes and residential schools	17
Secure accommodation services	9
Homeless and/or temporary accommodation	6
Total	71

Source: CRS - Information Management Systems 2007-08

- This year's figures show that **22** children who contacted the service were living at home and engaged with social work on a voluntary basis, or on home supervision requirements
- **38** referrals concerned the rights of children and young people in residential care homes, residential and secure schools and in foster care
- There was an increase of 16% in the overall number of children living away from home who or on whose behalf contact was made with the service. The majority of these children were on named placement orders
- There was also an increase in the number of children in temporary accommodation unable to access nursery care provision. Criteria for allocation of nursery places appear to include a family's permanent residence in an area.
- There was an increase in the number of children and families who moved areas, who were referred to the service seeking assistance with securing that the children remained at schools in the previous place of residence. These schools provide the main source of continuity to children who experience family disruption.

9. How did the CRS deal with the issues raised by or for children and young people?

Methods used	Number
Information, Advice and Support	56
Representation	28
Mediation and Negotiation	23
Counselling	16
Referred to other services e.g. Child Care Partnership, Care Commission, Press Complaints Authority, Police, Angus Licensing Board, GREC, Senior Managers Education and Housing Services	13
Advocacy	12
Resolved without the CRS	8
Current active work, of which 3 cases have required ongoing rights protection for 2 yrs	24
Total	180

Source: CRS - Information Management Systems 2007-08

- Information, advice, support, and representation were the most effective means used for dealing with the promotion and protection of children's and young people's rights.
- Counselling, mediation and negotiation were the second most effective means used for progressing issues and concerns.
- Where the rights of individuals had been ignored or infringed in a way that raised concern with the CRS, ongoing involvement became a means of supporting the protection of clients' rights.
- When clients feel confident that they no longer require the support of the CRS or there is no reason for contact to continue the CRS withdraws.

10. Participation and Practical help

- The CRS provided support to children and young people last year at **48** Looked After and Accommodated Children's [LAAC] reviews, Children's Hearings and Receptions Into Accommodation [RIA] meetings,
- In **27** instances the CRS supported children to make personal (written and oral) contributions to statutory processes such as LAAC reviews and Children's Hearings. As a result the outcomes and the way in which services were provided to children and their families were given closer consideration and in some instances changes were made.

11. Contribution to Safeguards

- Information packs were sent to every child living away from home, a total of **58**. The packs contained the United Nations Convention on the Rights of the Child posters with child friendly text, the Children's Charter, Scotland's Commissioner for Children and Young People's leaflets, the United Nations Children Education Fund's [UNICEF's] rights booklets, information on the role and contact details of the CRS, contact details regarding Who Cares? Scotland, Childline's contact card and, the statutory complaints procedure for social work and the access to personal social work records leaflets.
- **64** visits were made to children and young people living away from home in residential care homes for children, residential schools, secure accommodation services throughout Scotland and foster care placements.
- **40** information packs containing the United Nations Convention on the Rights of the Child, including **21** requests for information about children's right to education and human rights were sent out to parents, carers and to professionals during last year.
- **3** presentations were made to Angus carers about their rights from the perspective of the Carers (Recognition and Services) Act 1995 (c.12), the NHS Service and Community Care Act 1990, the Human Rights Act 1998 and the Adult Support and Protection (Scotland) Act 2007 [ASAP 2007] in partnership with the Angus Carers Centre. 17 carers attended.

12. Location of Adults at Time of Contact

Location	Number
Own home e.g. privately owned, council, voluntary, private tenancies including supported and sheltered accommodation and living alone or with family including: spouse, parents, and/or children	26
Precarious / Temporary Accommodation	7
Residential and Nursing Care Homes for Adults	5
Prison	1
Total	39

Source: CRS - Information Management Systems 2007-08

- This year's figures are once again consistent with those collected since 1996, in that the majority of adults, who sought assistance from the CRS, were living in their own homes.
- No contacts were made by, or on behalf of, people in hospitals, a pattern that has been consistent during the last five years.
- There was a noticeable increase in the number of referrals made by, or on behalf of adults in precarious accommodation, such as temporary tenancies as well as individuals unable to accept temporary accommodation due to the unsuitability of it with regards to the individuals disabilities or concerns relating to the level of drug and alcohol criminal activity in the areas offered.

13. Adults - Reasons for Contact

Reason	Number
<ul style="list-style-type: none"> Quality of Care (19) Protection and Safety issues (3) 	22
<ul style="list-style-type: none"> Customer Care (8) Information issues (12) Data Protection issues (1) 	21
<ul style="list-style-type: none"> Financial issues (2) 	2
<ul style="list-style-type: none"> Health rights (2) 	2
<ul style="list-style-type: none"> Housing rights (10) 	10
<ul style="list-style-type: none"> Other Issues (4) 	4
Total	61

Source: CRS - Information Management Systems 2007-08

- A total of **61** issues relating to adults' were brought to the attention of the CRS
- During the reporting period several adults in contact with social work and health engaged with the CRS and raised a variety of rights issues that affect them and/or people for whom they care by reason of age, disability and infirmity.
- The issues raised by or on behalf of adults have been divided into nine distinctive categories.
- The main concerns raised with the service were addressed in line with the structure and working arrangements of the service (see point 2.2). The legal and professional practice frameworks that promote and protect the rights and wellbeing of citizens assisted with the development of the above categories.

14. How did the CRS deal with the issues raised by adults?

Methods used	Number
Information, Advice and Support	35
Representation	26
Mediation and Negotiation	23
Counselling	12
Advocacy	3
Referred to Other Services e.g. Care Commission, Law Society of Scotland, Police, GREC, Senior Managers Housing Services, Equalities Officers, Public Services Ombudsman, Family Placement Team	8
Resolved without the CRS	3
Active work 2 yrs or more	1
Current active work, 2 of which have been for 2 yrs or more	8
Total	110

Source: CRS - Information Management Systems 2007-08

- There were 7 recognised means of dealing with the issues brought to the service.
- Information giving, advice and support were the most effective means used for dealing with the promotion and protection of adults' rights this year. Representation was the second most effective means used for progressing issues and concerns, closely followed by mediation and negotiation.
- When clients feel confident that they no longer require the support of the CRS or when there is no reason for contact to continue the CRS withdraws.
- Where the rights of individuals had been ignored or infringed in a way that raised serious concern with the CRS, ongoing involvement became a means of supporting the protection of clients' rights.
- At the time of preparing this report the CRS is actively involved with 8 issues relating to adults' rights.

15. Promoting a Culture of Rights

- The “Clients’ Rights Information Sharing Service” [CRISS] manual mailings service was replaced by an electronic information sharing system, last year. This change has proven to be an effective and economic service improvement. There were **8** different CRISS mailings sent covering **170** staff at all levels within the organisation.
- Information sharing focuses on understanding human rights in practice based on equal opportunities and anti-discriminatory practices. Information about the newly established UK based Disabilities and Human Rights Commission’s functions and developments was also widely circulated.
- An additional **55** “Human Rights Quick Guide and Compatibility Check List Records” were issued on request last year to existing and newly appointed staff from education, housing, voluntary sector and social work and health. Since these guides were updated last year, a total of **432** have been issued throughout the organisation.
- Electronic copies for racist incidents reporting continue to be made readily accessible to all social work and health staff. These forms are now part of the recording forms system for standard monitoring of the implementation of the Race Relations (Amendment) Act 2000.
- The service coordinated the participation of two Looked After and Accommodated young people in the UNCRC’s 18th birthday celebrations organised by Scotland’s Commissioner for Children and Young People and hosted by Scottish Ministers at the Scottish Parliament [Edinburgh, 20.11. 2007].

Over the past year the CRO attended or supported the following rights learning events. These enhance the rights knowledge locally, and also assist with the CRO’s Continuous Professional Development [CPD]:

- Grampian Race Equality Council Open Day [Aberdeen, 21.12.2007]
- Focus on Alcohol Angus: Stage Two Action Planning Event [Forfar, 10.12.2007]
- Welfare Rights Customer Care Forum [Arbroath, 19.11.2007]
- Supporting Integration ATLAS Partnership Final Conference [Glasgow, 22.10.2007]
- Chooselife ASIST two days training [Forfar, 6-7.12.2007]
- Changing Lives: Maximising Social Work Talents: Certificated training - analysing how social work services are delivered, ensuring that all services are person centred, focusing on the use of social work knowledge, understanding, values and skills and evidence based practice, in order to strike the balance between accountability and autonomy in professional practice [Edinburgh, 16.01.2008]
- Handle With Care: A report on the moving and handling of children and young people with disabilities researched by Scotland’s Commissioner for Children and Young People and launched by Scottish Ministers at the Scottish Parliament [Edinburgh, 27.02.2008].
- The CRS has been a member of the global Child Rights Information Network (CRIN) since 1996. This network disseminates information about the Convention on the Rights of the Child without frontiers. CRIN was founded in 1995.

16. Contributing to a Rights Agenda

The CRS contributes to local developments with the aim of mainstreaming the concept of rights especially within social work and health. The following list is an example of the level of this type of work over the last twelve months:

- Care Commission Inspection of Fostering Services Interview [Forfar 17.08.07]
- Member of Scotland' Children's Rights Officers Group [SCROG] Representing Angus Council
- Member of the Scottish Government Children's Rights Division Working Group on compatibility of the Human Rights Act 1998 with the United Nations Convention on the Rights of the Child. [Meets 3-4 times a year]. Representing Angus Council. (Research work carried out as part of the CPD requirements of the SSSC)
- Representative social work officer, in the multi-agency Race Relations (Amendment) Act 2000 [RR (A) Act 2000] policy making partnership that advises the Racist Incidents Multi Agency Panel for Angus (RIMAP). A review of the RIMAP partnership policy advising structure has been in progress since spring 2007. The appointed lead monitoring and reviewing agency for the three Tayside local authorities is Tayside Police
- BASW member of the Scottish Government working group drafting the Codes of Practice for the Adult Support and Protection (Scotland) Act 2007. [Meets 3 times a year]. (Research work carried out as part of the CPD requirements of the SSSC)
- 3 hours of interpretation services provided for a vulnerable adult with housing support services and victim support
- Annual review and update of publicity and information materials for the CRS
- Written contribution to the Review of Social Work and Health for Children in Angus [Forfar, 13.04.2007]
- Written contribution to the Corporate Sponsorship short life working group, through contracts services [12.07.2007]
- Written contribution to the Council's support to ADSW evidence submission to the House of Commons Joint Committee on Human Rights regarding the human rights of adults with learning disabilities, through planning services [12.07.2007]
- Contribution to the Gender Equality Scheme for Angus [Forfar, 01.05.2007]
- Contribution to 4 effective Harassment Officer contacts with employees and managers, the last to be provided by the service. [2007]
- Written contribution to BASWs response to the SSSC consultation on complaints about registrants [16.02.2008]
- Training on the UNCRC delivered to residential care staff at Oakbank Residential School [Aberdeen, 29.01.2008]
- Rights focused presentations to county wide Angus Carers groups with the participation of 17 carers [Arbroath, Kirriemuir, 14-25.01.2008]

17. Summary

- Angus Council remains the only authority in Scotland that makes available to people in contact with social work and health and without discrimination, a service dedicated to protecting their rights.
- **30%** increase in referrals from relatives, friends and other professionals.
- Referrals in respect to children under 12 years increased by **15%**
- Referrals in respect to adults aged 56 years and over increased by **100%**
- The CRS dealt with a variety of rights issues often in complex circumstances and of a highly sensitive nature. Members of the public raised issues not only linked to social work and health undertakings, but also relating to other Council services and other local public services.
- A variety of effective methods were used by the CRS to seek resolution to the volume, nature and variety of issues brought to its attention. Those who felt their rights were being infringed or ignored, were satisfied with the service provided and also the outcomes.

For further information on the work of the

Clients' Rights Service

Please write to:

Angus Council Social Work and Health

St Margaret's House

Orchardbank Business Park

Orchard Loan

FORFAR DD8 1WS

Angus, Scotland

Or

Contact the Clients' Rights Officer on:

01307 474848

Or

07801 912 850 (Mobile)

Or

E-mail: HodgkinsonMMDR@angus.gov.uk

You can get this booklet in large print, in Braille or on audio tape by phoning us on 01307 474151.

We can provide this information in other languages if you need it.