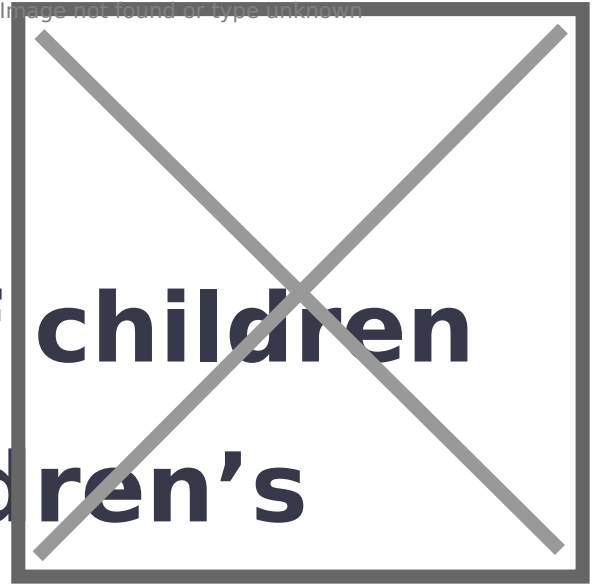


# The rights of children living in children's homes

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Go to <http://content.socialcare.wales/resources-guidance/improving-care-and-support/children-who-are-looked-after/the-rights-of-children-living-in-childrens-homes> for the latest version.

Find out more about how you can support children living in children's homes to access their rights

## Universal children's rights

All children living in Wales have rights under the [United Nations Convention on the Rights of the Child \(UNCRC\)](#), which sets expectations for governments to meet children's basic needs, protect them and help them reach their full potential.

In 2011 Wales became the first country in the UK to make the UNCRC part of its domestic law: [Rights of Children and Young Persons \(Wales\) Measure 2011](#)

When working with children under [The Social Services and Well-being \(Wales\) Act](#) (the Act) you must have "due regard" to the UNCRC. There are four articles in the UNCRC, known as the 'General Principles', which help interpret all the other articles and are fundamental in realising all the other rights in the UNCRC:

1. non-discrimination (article 2)
2. best interest of the child (article 3)
3. right to life survival and development (article 6)
4. right to be heard (article 12).

It is important to familiarise yourself with the UNCRC.

The Children's Commissioner for Wales website has a [poster about the UNCRC](#).

When working with disabled children, you must also have "due regard" to the [United Nations Convention on the Rights of Persons with Disabilities \(UNCRPD\)](#).

# Children's rights when living in residential child care

It's your responsibility to make sure children and young people in your care are aware of their rights and know how and where to get support to access them. Your home should have a proactive policy about using children's rights in your day-to-day work. These include children's rights:

- to be treated with respect, care and kindness
- to have their say about decisions made about them
- to be involved in the planning and preparation of their care and future life
- to have information shared in a way they can understand
- to have a say in the way the home is run, such as being involved in deciding the menu, discussing rules, and have children's meetings
- to be informed about local and national advocacy services and how to contact an advocate to support them have their say
- to be supported to have relationships with family and friends (as agreed in their care plan)
- to receive education or training and be supported to attend school or training
- to have opportunities to socialise and pursue interests such as music lessons, sports activities, art or drama groups
- to have regular health checks including dental, eye care and access to a GP, Looked After Children's Nurse or specialist health support
- to be supported to develop age-appropriate life skills including self-care, cooking, washing their own clothes, shopping, managing money
- to have a plan for leaving care with the right support.

Many of these rights are covered in [Part 6 Code of Practice \(Looked After and Accommodated Children\) for the Act](#).

We've produced [training material about the key messages for looked after and accommodated children under the Act](#).

Your organisation should have a policy covering children's rights to pocket money, clothing and so on, and how they might have to pay 'reparations' out of their pocket money for deliberately damaging things in the home.

These rights are covered in [The Regulated Services \(Service Providers and Responsible Individuals\) \(Wales\) Regulations 2017, Part 28](#).

## **Children's right to play in residential child care**

Every child has the right to play, whether they're at home, living in residential care or in school, as guaranteed by [Article 31 of the UNCRC](#):

play...is a fundamental and vital dimension of the pleasure of childhood, as well as an essential component of physical, social, cognitive, emotional and spiritual development.

It's your duty to make sure the children you support have the space, time and company of others to play.

As well as play being a right, all children have a need to play and most will play anywhere at any time unless they are very tired, ill, hungry, hot, cold, anxious or afraid, particularly where there are other children around. Some children need the support of others to be able to make the most of their play.

Children benefit most when they are in charge of their play. When children choose what to play, who to play with, and how to organise their play, they have more fun. Children also develop and learn in all sorts of ways while

playing:

- climbing helps children build upper body strength, coordination, balance, confidence and self-esteem
- joking, chatting and making up games with other children helps them develop their communication skills
- running and playing chase helps children get fitter
- walking or running along the tops of walls helps children develop concentration and balance
- jumping off steps, riding a bike, or skipping with a rope helps children develop coordination and confidence in what their bodies can do
- playing make believe develops children's imagination and creativity. It can help them make sense of difficult things in their life, too
- playing gives children the chance to let off steam and have fun.

Most children will play without adult help, even in the most barren space. But a [rich play environment](#) will benefit them the most; a space full of choices and opportunities to invent and extend their own play.

[Play Wales](#) has resources to help you support children to play and we've listed these at the bottom of the page.

## **What age can children do certain things?**

The following is a brief list of what children are allowed to do once they're a certain age. However, you must always follow your organisation's policies: a child you're caring for may be legally allowed to drink alcohol with a meal at 16 but this might be against your home's policies.

## **At 12**

- you can view, rent or buy a 12 rated film.

## **At 13**

- you can start to work part-time (there are many restrictions on how many hours and during which hours).

## **At 14**

- you can order soft drinks from a bar.

## **At 15**

- you can view, rent or buy a 15 rated film
- you can apply to join the Army (15 years seven months) and the Royal Navy and Royal Air Force (15 years nine months) with parental consent
- you can be held in a remand centre
- you can be sent to a youth offenders institute for up to two years.

## **At 16**

- you can get a National Insurance Number
- can apply for legal aid
- can apply for your own passport
- can choose to leave compulsory education (in Wales you can leave on the last Friday in June if you've already turned 16 or will turn 16 during the summer holidays. In England you have to stay in some kind of education or training until you're 18)

- start full-time work as long as you've completed compulsory education
- can be legally married or in a civil partnership with parental consent
- [can give consent for sexual activity with other people over 16](#)
- can play the National Lottery
- can drink beer, wine or cider with a meal in a restaurant, as long as you're with someone who is over 18.

## **At 17**

- you can take a driving test and start driving most vehicles, including a car or motorbike
- can give blood
- can be interviewed by the Police without an adult accompanying you
- can be sent to prison.

## **At 18**

- you can vote in local and general elections and referendums
- if you're adopted, you can see your original birth certificate
- can open your own bank account
- can buy alcohol
- can smoke or vape
- can leave home without the consent of a parent or guardian
- can legally marry or be in a civil partnership without parental consent
- can buy fireworks
- can drive a medium-sized goods vehicle
- can join the armed forces without parental consent
- can view, rent or buy a 18 rated film
- can be sent to jail from a magistrate's court
- can get a tattoo.

There are exceptions to some of the age limits above and some of the definitions can be complicated, for instance the [hours and times you're allowed to work when you're between 13 and 16 years old](#). Find out more about [what you are legally allowed to do at certain ages](#).

## **How Independent Professional Advocates can support children to understand and have their rights heard**

Advocacy is about speaking up for children and young people, empowering them to make sure their rights are respected and their views, wishes and feelings are heard at all times.

The children you care for have a right to be offered an independent advocate and to be informed of the advocacy services available.

As a residential child care worker, you'll advocate for the young people you support every day. But independent advocacy can help them express views from a different perspective to you because the advocates aren't involved in providing care and support.

The role of advocacy is covered in the [Part 10 Code of Practice \(Advocacy\) for the Act](#)

The Welsh Government also has [Advocacy standards and outcomes framework for children and young people](#)

[MEIC Cymru](#) is a helpline and website for children and young people up to the age of 25 which provides information, advice and signposting, including to local



advocacy services.

Advocacy providers in Wales include:

[TGP Cymru](#)

[The National Youth Advocacy Service \(NYAS\)](#)

Although they don't provide Independent Advocacy Services, [Voices from Care Cymru](#) is a national, independent organisation dedicated to upholding the rights and welfare of care experienced children and young people

[Children's Commissioner for Wales](#) has an investigation and advice service for children and young people.

## **Useful resources**

[Our work to support children who are looked after](#)

[Our chosen or 'curated' research about the number who are looked after](#)

You should pay attention to Wales's [Children and Young People's National Participation Standards](#) in your work.

You can find out more about children's rights from the [Children's Commissioner for Wales](#). The role of the Children's Commissioner is to ensure that children rights are protected in all areas, but particularly the rights of children who are looked after.

[Recent developments in children's social care law and policy relating to Wales](#)

[What is play and why is it important?](#)

[Looked After Children and the Natural Environment](#)

[Older children play too](#)

[Building resilience - the importance of playing](#)

[Play deprivation: impact, consequences and the potential of playwork](#)

[Creating accessible play spaces](#)

[Resources for playing - providing loose parts to support children's play](#)

[Playing, striving, thriving - addressing Adverse Childhood Experiences through play](#)

## **We want your feedback**

Help us to improve the Residential child care worker resource by telling us what you think about it in our short [four question survey](#).