


<p>The Children's Trust</p> <p>Children's Equality & Human Rights</p> <p>Policy & Procedures</p>	 <p>The Children's Trust For children with brain injury</p>
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1. Introduction

The children and young people (CYP) who access The Children's Trust are amongst the most vulnerable in society - their developmental and acquired neurological-based difficulties result in needs across social, physical, emotional, cognitive, and spiritual/identity domains ('SPECS' needs). The staff who provide their nursing, care, therapy, and education need to pay particular attention and effort to ensure they prioritise equal opportunities and inclusivity for our CYP. They should be treated with respect, asked for their views, listened to and be involved in decisions about how they are supported in rehabilitation, habitation and how they are cared for more widely.

2. Embracing Diversity

The Children's Trust celebrates the richness and diversity of childhood, including the different strengths derived from ability, age, culture, ethnicity, sexuality, and gender, whilst respecting each child's uniqueness and personally assessed needs. Training opportunities at the Trust aim to develop employees' knowledge, skills, and the ability to challenge positively any potential discrimination pertaining to the particular needs of these CYP. The SPECS framework facilitates staff in exploring the individual needs of CYP and their families and how to manage challenging conversations.

Personalised care plans should be read by staff working with CYP to enable the child to access all available opportunities and reduce any chance of discrimination. Programmes are developed to meet the child's assessed needs, wishes and feelings and consider each CYP's individuality.

2.1 Cultural and Religious needs

- When possible, information for the care and management of a child with a specific religion, will be obtained in preparation for that CYP's admission.
- The Key Worker/Named Nurse must record in the CYP's care plan an account of any cultural and/or religious needs that the CYP may have as part of their daily routine and care, working in partnership with the family to develop any relevant guidelines.
- All cultures and religions should be respected by staff as being of equal value.
- Staff should support any cultural or religious observances that are important to the CYP and their family e.g., visiting their nearest place of worship if possible.
- Staff should take responsibility for learning about the range of cultural and/or religious needs and support a CYP to be proud of their cultural heritage e.g. raise in supervision, seek advice from relevant individuals/organisations and also have open dialogue with the family to learn from them.
- Be aware that not all CYP and their families will feel strongly about their culture and/or religion.
- For some CYP the need for acceptance by their peer group may be more important than the open acceptance of their culture and/or religion. Staff sensitivity will enable CYP to explore issues around their own religion when and if they choose to

2.2 Positive Touch

Staff at The Children's Trust are encouraged to develop trusting relationships must be aware of their professional boundaries or the limitations of their job role. There will need to be sensitivity around cultural and religious differences in the appropriateness of physical touch. More guidance around the use of physical contact can be found in the Positive Touch policy.

2.3 Sexuality and Brain Injury

Staff should be aware that expressing sexuality is a normative and healthy part of human development. Societal perspectives may stigmatise those with cognitive and physical disabilities in this regard. More guidance can be found with the Sexual Education Policy.

Each CYP has the right to education and counselling about sex and relationships, and emotional and sexual health support in a form that is relevant for the individual within their cultural, religious context and personal beliefs.

CYP with brain injuries may display disinhibited behaviour, potentially of a sexual nature or perceived to be so. Understanding all forms of behaviour as communication is important to see how we can support the CYP's underlying need and continue to respect their individuality.

Each CYP has the right to be protected both from actual abuse and the unwanted attentions of other people – be they carers, other CYP or visitors. For more information see the Safeguarding Children Policy.

3. Legislation Concerning Children's Rights

- United Nations Convention on the Rights of the Child 1989 [ratified by the UK in 1991]
- The Children Act (1989)
- The Human Rights Act (1998)
- Equality Act (2010)

3.1 The UN Convention on the Rights of the Child

The UNCRC is the most widely ratified human rights treaty. There are four General Principles underpinning the UNCRC:

1. The right to life, survival and development
2. Non-discrimination
3. The right to be heard
4. The best interests of the child ([UN Convention on the Rights of the Child - UNICEF UK](#))

3.2 Principles of a Child Rights-Based Approach

At its core is the concept of human **Dignity** – the principle that each child is a unique person with intrinsic worth who should be respected and valued in all circumstances. Rights are **Interdependent**, so the fulfilment of one right often depends on the fulfilment of other rights; and they are **Indivisible**, so each child enjoys all rights enshrined in the UNCRC, whatever their circumstances. As duty bearers, The Children's Trust needs to be **Transparent and Accountable** to CYP. Having dependable, open and accountable relationships and dialogue

between local government, communities, families and CYP is essential in the collective goal of securing children's rights.

3.3 The Children Act (1989), The Human Rights Act (1998) and Equality Act (2010)

The Children's Trust aims to operate within all current legislation regarding equal opportunities and discrimination. It meets the duty of care required by the Equality Act (2010) by promoting equality of opportunity for all CYP, families, visitors, staff and volunteers irrespective of race, ethnicity, culture, national origin, religion or belief, age, gender or gender identity, disability or sexual orientation.

Families of CYP who use The Children's Trust will be fully supported and each family's individual situation respected. The Trust embraces a culture of working in partnership with the whole family whenever possible, using interpreters, when necessary, to create an understanding of the customs, beliefs and preferences which are implicit in a multi-cultural society.

Every effort will be made to work in partnership with parents/carers. Any limitations are those allowed by The Children Act (1989) such as where there are irreconcilable differences and /or parental involvement will adversely affect the welfare of the CYP.

CYP with brain injuries are at risk of others judging their competency to make relevant choices in their daily lives. Part of growing up and development is supporting CYP gradually to make more decisions for themselves as they approach adulthood. The responsibility of The Children's Trust is to help CYP make informed decisions as far they are able within the limits of their capacity.

This is particularly relevant for those 16 and over. The Mental Capacity and Deprivation of Liberty Policy references the Mental Capacity Act (2007) which provides a statutory framework to empower and protect vulnerable people over 16 years who are unable to make all, or some decisions for themselves. It explains who can take decisions, in which situations and how they should go about it. More guidance can be found in Mental Capacity Act, Best Interests and Deprivation of Liberty Safeguards Policy.

4. Regulations

This policy aims to meet the 4 general principles underpinning the UNCRC, The Children Act (1989), The Human Rights Act (1998) and Equality Act (2010) and the regulatory requirements of the Care Standards Act (2000) within the Children's Homes Regulations (2014) and the Quality Standards for Children's Homes Regulations (2015).

4.1 Equal Opportunities for Children and Inclusive Practice

Staff aim to nurture and develop each CYP's potential and meaningful participation. CYP and their families or advocates are encouraged to be involved in the five levels of participation as outlined in Pathways to Participation (2001):

- Level 1 Children are listened to.
- Level 2 Children are supported to express themselves.

- Level 3 Children's views are taken into account.
- Level 4 Children are involved in the decision-making process.
- Level 5 Children share power and responsibility in the decision-making.

Staff are supported to reflect on the barriers to participation which made include:

- Attitudes and unconscious biases.
- Personal experiences that can shape our opinions and actions.
- Pressure on time and resources.
- Lack of confidence and/or skills.
- Communication and language differences.
- Family and multi-disciplinary team dynamics.
- The need for adults to feel a sense of control.

These issues can be discussed at supervision sessions, Performance & Development Reviews, and House and Therapy meetings. Staff will be assisted to identify their training needs and relevant support.

5. Anti-discriminatory practice

The organisation seeks to challenge prejudice and discrimination against CYP, their families, staff, and people working on their behalf, because of colour, disability, ethnicity, gender, gender identity, health, race, religion, sexual orientation or social class. The Trust aims to develop a culture of openness that can nurture confidence in our CYPF that their individuality will be respected, and issues challenged professionally, and any concerns addressed safely.

5.1 Consent

Staff will aim to promote the CYP's medical, nursing care, therapy, psychosocial, education and safety needs, without discrimination. Paramount to all equal opportunities and anti-discriminatory practice is the CYP's agreement to any interventions which range from minor daily activities such as permission to move the CYP in their wheelchair, to greater decisions, such as transition planning to their next placement. Consent to interventions and an explanation of Gillick Competence is covered in detail in the Consent Policy.

Under typical circumstances a CYP's parents and family will represent their CYP's wishes.

Staff aim to create a positive working relationship with each CYP's family system so that they can work in the CYP's best interests. The Children's Trust requests the placing Local Authority to source independent advocacy services for all CYP living residentially at the Trust. This is particularly relevant for young people approaching transition and those who do not have actively involved parents/carers who are able to advocate for them.

5.2 Complaints

CYP and families have the right to complain and express their concerns about our services. Our Children's Guide provides details of their right to complain to the Children's

Commissioner and can be accessed via the loop.

<http://theloop/Interact/Pages/Content/Document.aspx?id=9629>.

5.3 Confidentiality

Confidentiality is a vital element of respecting right, equality and diversity. These are covered extensively in the CS004 Confidentiality Policy.

Related Policies and Procedures

The following policies and procedures stated below support the effective application of this SOP:

- Complaints Policy and Procedures 2023
- Child Protection and Safeguarding Policy 2023
- Confidentiality 2016
- Consent Policy 2021
- Policy and Procedure for Record Keeping in Children's Records 2021
- Admissions, Discharge and Transitions Policy and SOP 2023
- Incident Reporting and Investigation including Duty of Candour Policy Review August 2023
- School child protection and Safeguarding Procedure (SOP) (School Only) 2023
- Outing Policy and SOP 2023
- Guidelines for End-of-Life care at The Children's Trust 2022
- Visitors Policy 2023
- Advocacy Policy 2020
- Child and Young People Guide 2023
- Staff Handbook 2023
- Supervision Guidelines 2020
- Relationship and Sex Education Policy 2023
- Positive Touch Policy 2023