

Social Work Online Team Training (SWOTT) toolkit

Human Rights Practice and the Mental Capacity Act

LEARNING OBJECT 2:

CASE STUDY 2: RACHEL

This case study is based on the real case of *Manchester City Council v P (Refusal of Restrictions on Mobile Phone) (Rev1) [2023] EWHC 133 (Fam) (27 January 2023)* available at: <https://www.bailii.org/ew/cases/EWHC/Fam/2023/133.html>

Rachel was 16. She was the subject of a Care Order, and securely accommodated in circumstances which amount to a deprivation of her liberty.

“She is described by her Children’s Guardian as a funny, likeable, and kind young person with skills in creative arts, including making TikTok videos, and a love of animals.”

However,

“Between June 2020 and June 2021, P was missing from home on multiple occasions. P also threatened to harm her mother and her brother with a knife and engaged in repeated acts of self harm, including attempts to take her own life. When missing, the local authority considers that P has placed herself at risk of child sexual exploitation (CSE) and involvement in organised criminal gangs... P’s acts of self harm had been extensive, including overdoses, swallowing various items, including liquids, cutting herself, burning herself with aerosol cans, banging her head against hard objects/windows, taking herself to motorway bridges and ligature attempts.”

As part of its care plan, the local authority wished for restrictions on social media use, specifically:

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| a. P is to not have her mobile phone, tablet or laptop from the hours of 22:00 - 08:00 the following morning. The mobile phone and any other devices where she may contact her peers is to be charged by staff and kept in the office overnight. | f. If P takes video recordings of staff, staff have permission to go on P’s phone and delete the video. |
| b. P to not be given access to use the house phone. If P wishes to speak to her parents, they are to contact her on her mobile. | g. Staff to not provide P a top-up, P is to use Wi-Fi only so placement staff have control over P accessing social media. |
| c. P to be supervised when making calls to friends and her peers, this will be recorded, logged, and shared with the social worker. | h. Placement staff may use apps to monitor P’s online safety. |
| d. Wi-Fi is to be turned off to restrict P’s social media when there are worries around her behaviour. | i. P to not be able to take her mobile phone to the bathroom, she must hand her phone over to placement staff. |
| e. P’s phone to be taken away by placement staff if they feel that P’s behaviours are escalating. | j. P is to allow the placement staff to check her mobile telephone and / or any other internet enabled device that she may have the use of and any issues of concern are to be recorded logged and reported to the social worker.” |

Questions:

- Consider what you might decide if you were the social worker who had to restrict Rachel’s social media use in a right-based way. Which restrictions do you think might be justified, and why?



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