

The Politics of Child Participation in Child Protection

Children and Young People's Voices in Law and Social Policy:
A Capacity Building Workshop
Macquarie University, November 20, 2019



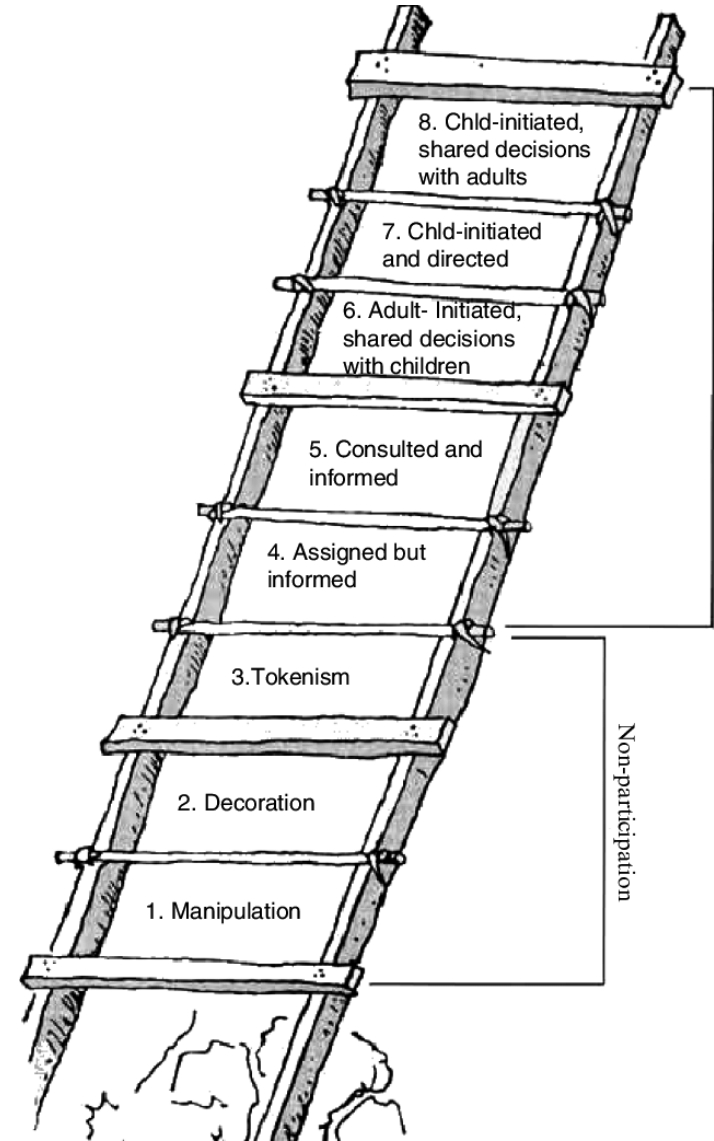
Children's right to participation in the UN CRC

Article 12

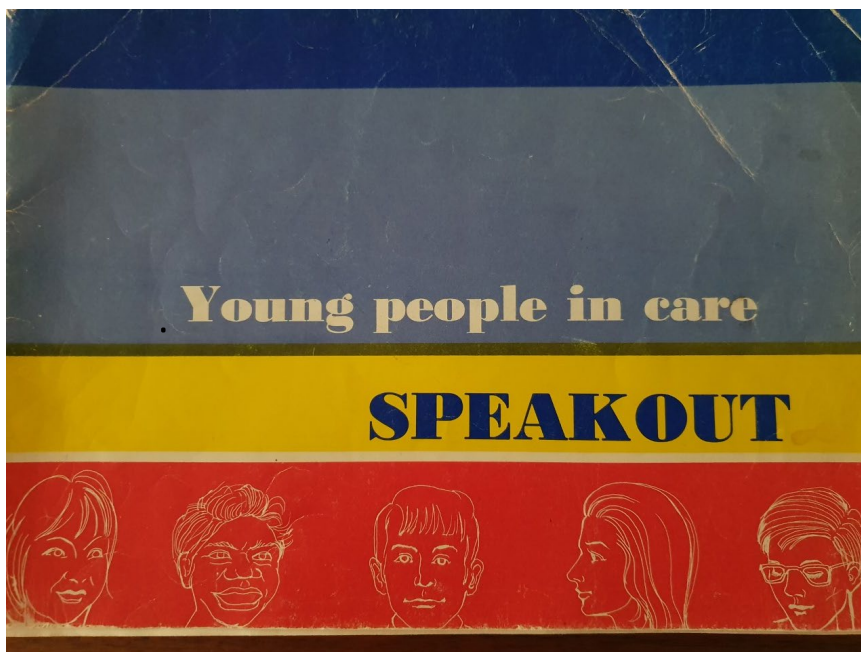
States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

- Debates have tended to move away from questions about whether children have a right to participate to constructing analytical models for children's participation.

Hart, R. (1992) *Children's Participation: From Tokenism to Citizenship*, Florence: UNICEF Innocenti Research Centre



Children's right to participation in the Child Protection systems



- First formal attempt - 'Who Cares' conference English National Children's Bureau in 1975.
- A similar initiative in Australia - 'Young People in Care Speakout' conference - NSW Association of Child Caring Agencies (1980).
- Section 10, of the Children and Young Persons (Care and Protection) Act 1998 outlines the participation principle, as it applies to the NSW child protection system.
- Given there is a rights basis for participation, that a legislative framework exists and there is willingness, why are there barriers to implementing participation?

A Staged Approach

Child Protection Stage/Function	Participation 'Type'
Protective Assessment and Investigation: Directed at families whose children have experienced abuse and neglect	Relational Participation
Ongoing support: Preventative and supportive interventions to strengthen and support families at-risk	Advocacy coalition building
Policy, practice and service design/improvement	Deliberative Democracy

Relational Participation

Most relevant at the level of individual practice.

- Relies on the qualities of the workers engaging with children. For example:
 - developing mutual trust and respect
 - listening, learning, understanding, responding and being open
 - taking action and providing feedback on outcomes
 - reducing the power imbalance between adults and children
 - informal and formal support for children and young people
 - providing appropriate choices.
- Example: case planning meetings
 - Children prioritise that it is an opportunity to say what they want and to feel they are being taken seriously.
 - Workers prioritise information gathering and developing solutions to the problems identified by the worker.

Advocacy coalition building

Most relevant at the level of service allocation and functioning.

- Brings together a range of resources that can support children and their families.
- Participation involves building coalitions amongst stakeholders who advocate for the needs of the child within the context of their care requirements.
- Effectiveness determined by the degree to which resources held in one part of the network (services) are used to meet the needs of other parts of the network (children and families). Indicators:
 - information sharing
 - accountability of decision-makers
 - meeting substantive agreed outcomes
- Examples include:
 - Family-group conferences
 - Individual advocates for children

Deliberative Democracy

Most relevant at the level of policy and service design.

- Policies developed through a process of democratic deliberation involving all interested parties. Policy makers have the role of ‘deliberative practitioners’, who facilitate dialogue.
- Role of peak representative bodies critical, but must maintain **legitimacy**:
 - Ensure they represent the views and interests of those whom they claim to represent, through consultation, research and advocacy.
 - Expertise based on ‘lived experience’ of children and young people involved in child protection processes .
- Examples include:
 - Specific consultation strategies such as large-scale events, advisory groups, network groups, parallel structures and dedicated committee places
 - Involvement of independent statutory bodies and other peak groups
 - Co-production in human services

Conclusion

Participation at the level of:

- Individual relationships between children and adults, that involves specific relational qualities.
- Coalition building amongst children, families, organizational actors and other stakeholders, to ensure resource transfer between different parts of system.
- Deliberative communication at a policy level, to inform service development and policy change.

- Rationality and rationale for participation varies at each level.
- Children's perspectives are one voice within a range of interests. Increasing competition among interests where more abstract decisions involved, in particular decisions over service resource allocations and political decisions.

