Facilitating participation of children and young people in care

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A significant challenge for children and young people in care (and for the agencies which supervise their care) is to find ways to 'have a say' in the decisions which affect their lives. The aim of this paper is to bring together the results of several recent Australian studies which have explored the views of children and young people in care and to see how well they fit with the views of the adult professionals responsible for their care. This research makes it clear that the practice still lags some way behind the rhetoric and that many children and young people in care are not satisfied with their level of involvement. The main pre-conditions for facilitating effective participation by children and young people are outlined.

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There are some promising signs that the importance of participation is beginning to be recognized for children and young people in care. Recent legislation in the ACT, New South Wales, Queensland and Tasmania includes principles of participation which require children and young people to be informed, consulted and involved in decisions that affect them under these Acts. Western Australia is currently reviewing the care legislation and is proposing to include a principle of participation. Two states have also progressed towards a charter of rights for children and young people in out-of-home care: South Australia has developed a charter although it is not legislatively based, and a yet to be proclaimed section of the NSW Act includes a provision for a charter. All states and territories now also have legislation requiring children and young people involved in care proceedings to be represented and informed about what is happening in court.

These provisions are consistent with and articulate Article 12 of the United Nations Convention on the Rights of the Child. According to Article 12, children and young people are entitled to participate in all decisions that affect them, with their views 'given due weight' according to their age and maturity. While this is an important and positive sign, it is also clear that a number of other conditions need to be met to facilitate effective participation by children and young people. The evidence from children and young people in care is that few feel that they can have a say in decisions that affect them, and that they need information, trusted advocates and appropriate opportunities and processes to become involved.

RECENT AUSTRALIAN RESEARCH ON PARTICIPATION OF CHILDREN AND YOUNG PEOPLE IN CARE

Several studies over the last few years have provided an Australian context and focus on the views of children and young people in care in New South Wales, especially in relation to their involvement in decision-making that affects them. The first, *Wards Leaving Care*, was a longitudinal study of approximately 45 young people aged 16 to 18 leaving care in New South Wales, Australia. It involved three interviews, one just before they left care and a further two interviews within 12 months of leaving care (Cashmore & Paxman, 1996).[1]

The second study, the *Having a Say* project sponsored by the NSW Child Protection Council, explored children's and young people's attitudes to and ideas about participation and compared these with the views of the workers and policy makers in the government and non-government agencies responsible for their care (Spall, Testro & Matchett, 1998). It involved individual interviews and focus groups with thirty-seven 10–17-year-olds, surveys of thirteen agencies, and focus groups with forty-two direct carers and agency workers.

The third study, *Voices of Children and Young People in Foster Care*, involved a representative sample of sixty-six 8–18-year-olds in foster care, using either individual interviews, pair interviews or focus groups, with the children and

[1] The government workers involved with these young people were also interviewed as part of this study. A report on the fourth round of interviews with these young people, now five years out of wardship, is currently being prepared.

young people choosing the way they preferred to participate. This study was part of an inquiry conducted by the New South Wales Community Services Commission (2000) into the provision and practice of 'substitute care' in New South Wales.

WHAT DO CHILDREN AND YOUNG PEOPLE THINK ABOUT PARTICIPATION?

While the attitudes of adults to the participation of children and young people have been analysed by a number of researchers and advocates for children (Flekkoy & Kaufman, 1997; Lansdown, 1995a), there has been relatively little attention to the views of children and young people themselves, or to the differences between them and those of adults. Clearly, the attitudes of adults who have the power to facilitate or hinder children's involvement are important, but so too are the attitudes of children and young people. They provide insight into ways to encourage participation and make it more effective; and an understanding of what children and young people expect and would like to happen may allay some of the concerns adults have about involving children and young people in the decision-making process. It is clear, for example, that children and young people in these studies wanted to know what was happening and to have a say. They recognised that other factors had to be taken into account, that others may be affected by the decision, and that what they want may not be possible. They could distinguish between 'having a say' and 'having their way'. Indeed, as Thomas and O'Kane (1999) found in relation to children's participation at review meetings, 'having a say' was at the top of their list of reasons for participating, and 'getting what I want' was at the bottom. When asked how they thought children would answer, however, a number of the adults – social workers – incorrectly anticipated children's responses by putting 'getting what I want' at the top of the list.

CHILDREN'S REASONS FOR WANTING TO PARTICIPATE

The reasons children and young people give for wanting to participate in decision-making processes are similar to the benefits of participation outlined in the literature (Lansdown, 1995b; Treseder, 1995). The first is their right to know what is happening and to have a say in decisions that affect them – in the words of one young person in an earlier study: 'This is my life. Why are you talking about me as if I don't exist?' (Cashmore, Dolby, & Brennan, 1994).

Being treated as an equal stakeholder with views and information that are relevant to the decision may be particularly valuable for children and young people who have been abused or neglected in helping to overcome their belief that others, particularly adults, have control over what happens to them and are punitive rather than protective or supportive (Weithorn, 1983).

Many children and young people indicated that it is important for them to have some input into the process so that the decision is more likely to be one they can accept. They clearly indicated their resentment about having decisions imposed upon them and the problems this can cause. As one young person said,

> If you don't put your point across, then they make the decision, and if you don't like the decision, it just blows up in your face, and in their face too, and causes more trouble. It's better to have a say when it's needed.
> (Spall et al, 1998, p. 113)

These views are in line with procedural justice research findings which show that people tend to be more satisfied with the outcome of a decision-making process when they feel they have had a 'say' in it (Lind & Tyler, 1988; Melton, 1983).

Young people are also aware that they need to learn to make decisions and that they often have few opportunities to do so. The irony is that young people in care may have had little experience in making even small decisions, but on leaving care are expected to live independently several years before their counterparts who live with their families of origin. As one young person in the *Wards Leaving Care* study said:

> ... they try to rule my life without listening to me and tell me I have to do this and I have to do that, and then you turn 18, and I'm all on my own and I have to do it all by myself. (Cashmore & Paxman, 1996)

While children and young people in care in these studies clearly wanted the chance to have a say, many were also cynical and expressed doubts that this would happen or, if it did, that it would have any effect on the decision. They said, for example, that it is pointless to say what you want when there are no acceptable or available options ('There's no choice, so why ask?'), when past decisions have not been followed through ('It hasn't happened in the past, why would it now?') or when adults ridicule their views (Spall et al, 1998). These children and young people were clearly disillusioned, believing that their views had not been taken seriously and that the attempts at participation were merely tokenistic. These attitudes and experiences need to be addressed before children and young people will be willing to express their views and engage in the process again.

WHAT SAY DO THEY HAVE?

Not surprisingly given the disillusionment expressed by these children and young people, the common finding in all three studies was that most felt they had not been involved in important decisions such as where they would live, and when and how often they see their parents. About a quarter of the young people in the *Voices in Foster Care* study did not know why they had entered care. This figure is similar to the 21% of young people in the *Wards Leaving Care* study. For example:

- ... 'cos I was young and so many people lied to me.
- I remember no one *ever* talked about it. Since I've become independent, I've found out myself by asking my mother and Lisa [worker].

Similarly, few were involved in making decisions about where they would live or were told when and why they were changing placements. In the *Voices from Foster Care* study, for example, 62% of children and young people said they had <u>not</u> been asked where they wanted to live, and only just over half (53%) said they had had a say in relation to contact with their family. In the words of the young people from the three studies:

- Not much I could do. I was put there and I was there to stay.
- [What don't you get a say about?] Being returned home. My foster placement broke down and I *had* to come home even though it probably won't work out... I'm sick of placements breaking down even though I'm unhappy and it won't work out. (Community Services Commission, 2000, p. 85)
- They never actually sit down and ask me why, why I don't want to see him [father]. If they asked you how you felt about the situation, you'd be better off. Usually they just touch the surface of the topic. (Spall et al, 1998, p. 47)

Others, however, were given a say in the decision and were positive about this even when their choices did not work out:

- My sister and I wanted to be placed with our other sister (in foster care) so they let us go. It didn't work out but at least they tried. (Community Services Commission, 2000, p. 85)
- If I don't like it, I tell them and I'll have to say why. Then I won't have to go there. (Spall et al., 1998, p. 50)

WHAT IS REQUIRED FOR EFFECTIVE PARTICIPATION?

Genuine participation by children and young people in decisions and in processes that affect their lives depends on several conditions. These include:

- the opportunity and choice of ways to participate;
- access to information;
- the availability of trusted advocates;
- resourcing and supporting children's and young people's participation;
- the availability of appropriate processes and structures which allow children and young people to contribute to service and system development;
- accessible complaints handling processes.

What children and young people in care have to say about these requirements and their own experience provides some insight into the ways in which they can be more effectively involved in processes that affect them on an individual and broader systems basis.

Opportunity and choice of ways to participate

First and foremost, children and young people need to have some choice about whether or not they wish to participate and, if so, how that might happen. Although it is clear that children and young people generally wish to be involved, sometimes when very difficult decisions have to be made, they may prefer a responsible, trusted adult 'who hears what they have to say, but is also able to make decisions' (Kroll, 1995, p. 89) to act on their behalf. This does not mean, however, that they may not change their minds or wish to be involved later or in a different way.

The evidence from children and young people in care is that few feel that they can have a say in decisions that affect them, and that they need information, trusted advocates and appropriate opportunities and processes to become involved.

One of the problems children and young people often experience is that adults determine when and how they can be involved and whether or not their involvement was useful. But, as the findings of the *Having a Say* project indicated, what adults consider to be useful approaches may not be seen in the same way by children and young people. While adults thought they were providing appropriate opportunities for children and young people to express their views, the children and young people often did not agree.

One explanation for this discrepancy was that the adults were focusing on structures and formal processes such as meetings and case conferences, whereas the children and young people quite clearly preferred informal processes and having a relationship with a trusted advocate or mentor. Children's and young people's views about case conferences show remarkable similarity across studies and jurisdictions. In the *Having a Say* and the *Voices of Children and Young People* projects in NSW, and in various reports and research in the UK (Utting et al, 1998; Thomas & O'Kane, 1999), children and young people consistently said that case conferences are often intimidating and ineffective because there are too many people there, because they did not have access to the information that the adults had, and because they did not know what to expect and felt unsupported. What they would have liked was to:

- have some choice over whether they attended;
- be consulted about who else attended;
- have a chance for discussion beforehand and know what to expect;
- have some follow through on decisions.

Simply expecting children to fit into an adult-oriented forum without preparation and support does not work. A variety of different approaches are needed. In different circumstances, children and young people may wish to speak for themselves (self-advocacy or active participation), have someone else there to support them (supported participation) or have someone else speak on their behalf (facilitated or advocated participation) (CREATE, 2000). As CREATE, the national and state-based advocacy group for children and young people in care in Australia, points out in its recent report:

> There is no simple prescription for enhancing participation. To impose uniformity or to simply rely on one model is counter-productive because children and young people are not all the same. The participatory process is one that continually evolves and changes to meet the needs of individual children and young people as they receive a service... Children and young people may move between the different ways of participating, even within the same process, dependent on circumstances (CREATE, 2000, p. 7).

Access to appropriate information

Before they can participate effectively, children and young people need access to information that tells them what they can expect from the process and that gives them feedback about the outcome.

A common complaint from children and young people is that they are not told what is going on, how and why decisions are made, what options and services are available to them, and what they can do about it if they are unhappy with a decision.

- They don't explain the reason they say 'no'.
- Tell me what they can do for me. I have no idea what the Department does, what services it provides. (Cashmore & Paxman, 1996)

Accessible information requires more than simply making it available. The timing and presentation need to take into account the child's age, circumstances and what they may already know. Ideally, it should also be in a format that is interesting and attractive to them and that takes into account their ability to read, their cultural and linguistic background, and their access to technology (videos, the internet, etc) and to an advocate.

The timing and presentation are particularly critical when the information is sensitive or potentially distressing. While some adults argue that children and young people should not be exposed to such information, young people's comments indicate their distress and distrust when information is withheld or when they inadvertently discover what has been withheld from them. After consulting both young people and professionals on this issue, Marshall (1997) proposed a general principle that all relevant information should be passed on to children or young people involved in the decision. This was based on comments by young people about how 'distressing and damaging' it is...

> ... to be told that there is information about you which is so awful that you are not allowed access to it. Fear and uncertainty in this situation can be worse for the young person than knowing the information itself (ibid pp. 82-83).

Similarly, some young people in the *Wards Leaving Care* study expressed considerable anger and distress about the way information in their file had been 'blacked out' or pages 'flipped past' to prevent them having access to it.

It is also clear from their comments that children and young people appreciate adults being honest with them about the options and about the constraints on those options, especially where there are limited resources and therefore limited choices, or even no real choice. They preferred the truth to the pretence that there was some choice.

Trusted advocate or mentor

In each of the three studies, what many children and young people wanted was an adult they could trust, who knew how to relate to them, and who could see things from their point of view. At the individual level, the message was clear. As one young person said:

> Listen to me. Throw away the book and ask me how I want to live and be treated, what my problems and wishes are. (Spall et al., 1998)

In particular, they wanted a 'genuine and personal relationship' with a worker or someone who 'cares about you, listens' and 'actually knows who you are'.

- Don't see me like work. Build a relationship with me. Care about how you feel.
- Good listeners, just don't jump to find solutions. They have to be fun to be with – a mild friendship, not a personal best friend, come to you because they want to say hello, instead of when something is wrong. (Community Services Commission, 2000, p. 55)

Building a trusting relationship, however, requires time and the skill to relate to children and young people, especially when their trust has been abused in the past, either by abusive or neglectful parenting or by a system which has failed to take their needs and wishes into account. It also takes time for regular contact and for following through on promises to ensure some consistency and continuity.

Unfortunately, availability and accessibility, regular contact and continuity are often lacking in the relationships between children and young people in care and the adult professionals in their lives. Their common complaint is that their worker is rarely available when they call, is slow to return their calls, and is often replaced when they change placements or residence or when the worker moves to another position or leaves the agency. The number of government workers for the young people in the *Wards Leaving Care* study ranged from 1 to 10, averaging at about 4. In both this study and the *Voices in Foster Care* study, some children and young people did not know who their worker was or even if they had one.

- At the beginning of my foster care, the only reason they came around was to tell me they'd changed DOs [District Officers/workers] on me. That's what it seemed like anyway. (Cashmore & Paxman, 1996, p. 65)
- No idea, because they just come and go. They leave on you. They quit and go to someone else. I don't know why. (Community Services Commission, 2000, p. 59)

Another aspect of time and availability that children and young people commented on was the willingness to allow them time to think about their own position and form a view. Their comments suggest that this did not usually happen:

- Usually it's left to the last minute when you have to make a decision really quickly and you get really disappointed with yourself if you make the wrong decision.
- The emphasis is on when *they* are ready – it should be based more on when *we* are ready (original emphasis).

Resourcing and supporting children's and young people's participation

While participation is as much about attitude and a way of working as it is about resources, some types of participation require support by a specific allocation of resources. This may include, for example, paying travel expenses or paying young people as peer researchers. It may also include assisting children and young people to develop the skills to participate effectively. This does not necessarily mean adults 'giving' them training, but

it may mean providing support, perhaps as part of a supportive network of trusted adults. It may also mean resourcing peer groups and consumer advocacy organizations to provide that support and training.

It is important to note, however, that many methods of participation require little or no additional resources. Indeed, over the medium to long term, involving children and young people may save resources as less time and money may be needed to manage destructive behaviours (O'Brien, 1997).

Involving children and young people in developing and assessing participation strategies

Children and young people also need to be involved at the broader or systemic level, especially in the evaluation and review of services, policies and procedures. Perhaps one of the most important achievements in Australia in this regard has been the development of CREATE (formerly the Australian Association of Young People in Care). CREATE is managed and controlled by young people who are or have been in care, in partnership with adults who have specific skills that the organization needs. CREATE now receives funding from the relevant government departments in each state as well as from private businesses, and is involved in the major policy developments in the care system in each state and territory in Australia.

The advantages of such an organization include the opportunity for children and young people to own and run an organization which takes up their issues without having to worry about balancing service and worker needs with their own. It also provides an opportunity for government and non-government workers and policy makers to hear directly from children and young people themselves.

One difficulty that CREATE has had to confront was the expectation that they would be represented at every conference and on every committee to do with children and young people in care. Not only was this particularly resource intensive for CREATE, but it also did not encourage the development of good practice by services. It became easier for them to 'use' a relatively small pool of children and young people than to look for ways to represent the views of the broad range of children and young people in care. To overcome this, CREATE has supported and trained a group of young people to assist and put the onus on services to engage the children and young people they care for rather than allowing them to take the softer option of consulting CREATE. The advantage for the young people involved was that they gained community development skills while CREATE developed a pool of skilled young people, and the services were able to engage in better practice and meet the needs of children and young people they care for rather than going through another organization.

One striking example of participation undertaken by the NSW branch of CREATE (then called the State Network of Young People In Care (SNYPIC)) was its involvement in the review of the NSW child welfare legislation. SNYPIC was represented and worked closely with other stake-holders on the working party which recommended a range of changes to the Children (Care and Protection) Act 1987, including the inclusion of the participation principle. As part of this work, SNYPIC facilitated consultations with a number of children and young people beyond its own membership in collaboration with a community legal centre. The combination of SNYPIC's skills in engaging children and young people using drama and art, and the legal centre's legal and analytical skills, contributed to the success of this collaboration.[2]

Accessible complaints bodies or processes

When children and young people are unhappy about the way they are treated in care, they need to be able to complain either to the agency involved or to an appropriate external independent complaints body. In all three studies outlined in this paper, it is clear that many children and young people were not confident that their concerns and complaints would be taken seriously. While they generally knew that they could make a complaint, they often did not know how to complain or exactly what they could complain about. As the Community Services Commission (2000) report indicated:

> For the vast majority of children and young people, a trusting personal relationship with a worker who is familiar, accessible and supportive was the critical factor in being able to raise concerns or complaints (p. 107).

Without the support and encouragement of someone they knew and trusted, few young people were willing to use formal complaints mechanisms, even if they knew about them. They were scared that they would not be listened to or believed, and they feared repercussions for speaking out. In the words of some of the young people:

- A big talk about it. That's as far as it went. It didn't solve the problem. It got back to the person I complained about and that was worse. (Cashmore & Paxman, 1996, p.47)
- Some really serious things I would keep to myself for a long while – to see if I can work it out first, because you might get into trouble or they'll think it's your fault. (Community Services Commission, 2000, p. 106)

EVALUATING PERFORMANCE AND PARTICIPATORY APPROACHES

Finally, it is important that individuals and agencies have some means of assessing their performance and can ask themselves: Are we doing a good job of involving children and young people?

One approach is to ask children and young people leaving a service how well they were treated and to what extent they were able to be involved in decision-making processes that affected them. Finkelhor (1993) pointed out, for example, that short-term hotel guests are asked to comment on the service they receive but children in care are rarely given an opportunity to comment on the care they receive, although the consequences of poor care are longer term and much more serious (Cashmore, Dolby & Brennan, 1994, p. 152).

[2] CREATE's report on developing a participation strategy to assist the implementation of the NSW Children and Young Persons (Care and Protection) Act 1998 is available at http://www.community.nsw.gov.au/enact/ENACT.HTM

Another tool for individuals and agencies to use in evaluating their performance is a checklist of good practice and areas for improvement. For example, the following questions are adapted from Cashmore, Dolby and Brennan (1994):

- What opportunities does the agency/organization provide to encourage children and young people to express their views about the services they receive and decisions that affect them (either personally or via an advocate)?
  eg, How are children involved in decisions about the choice of carer?
  eg, What choice, if any, do children and young people have about their worker or change of worker if they change placements?
  eg, How are children and young people involved in decisions concerning contact with their parents and siblings and other people who are important in their lives?
- Have children and young people been asked whether they find these opportunities to be useful, appropriate and non-intimidating?
- Do children and young people think the information they are given is appropriate, relevant, and comprehensible?
- Does the agency have clear written records of the views and wishes of children in all major decisions?
- Are children and young people informed when information about them is to be shared with others?
- Do children and young people have access to their files? Under what conditions?
- Is there a charter of rights for children and young people in care? Was it developed with the involvement of children and young people?
- Does the agency/organization have mechanisms to ensure that its policies, procedures and practices match its standards and the charter of rights?
- Are children and young people consulted or involved in the development of policies and procedures in relation to their care? Do they think they are?
- What training and supervision are workers given to encourage their commitment to and skills in involving children and young people in decisions and processes that affect them?
- What support and resources does the agency provide for children and young people to assist their involvement and participation?

For individual workers, some questions about individual practice might include:

- Do I impose my own expectations on the children and young people to steer them in a direction I think will achieve the best outcome?
- Do I sometimes withhold information out of fear of the possible consequences rather than telling children and young people the truth and helping them to deal with the issues it raises?
- Am I building a network of support around children and young people rather than allowing them to rely on only a few people?

While the process of answering these questions will hopefully challenge practice, it may also prove useful to compare the adults' responses with those of the children and young people in their care. It is likely that this will confront workers with a contested view of the opportunities they provide for the participation of children and young people in care, as the *Having A Say* project found. □

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