



Commentary: Child Protection Inquiries: Where are the Voices of Children and Young People?

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Parliamentary Inquiries into the adequacy of child protection services, as well as best practice care and service delivery in child protection, have been a dominant feature of contemporary Australia in recent times. The direct voices of children and young people in such inquiries are usually missing, despite them being at the very centre of the child protection system and a range of government policies. In this paper we reflect upon this issue and consider why these voices are absent and what factors and barriers limit their inclusion. A review of relevant literature and empirical data indicates that the structures, agendas and processes of such Inquiries are intrinsically adult-oriented endeavours in which the contributions and inclusion of children and young people are not easily accommodated. Through adopting a shift in perspective, orientation and practice, the voices and experiences of children and young people can be included in child protection Inquiries that have critical implications for the quality of their lives and their life chances. Such inclusions uphold the rights of children and young people and support the implementation of government policy in practice.

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A Select Committee on Child Protection in Tasmania has recently undertaken an inquiry into the adequacy of Tasmania's child protection services, following the prostitution of a 12-year-old child who was in the care of the state (Commissioner for Children, 2009; Select Committee on Child Protection, 2011). A preliminary report has been released and the final report and recommendations are due to be released in October 2011 (Select Committee on Child Protection, 2011). As with such parliamentary inquiries, terms of reference and parameters of the inquiry have been carefully drawn up, with a focus on key issues such as the adequacy of early identification, intervention and prevention strategies in child protection and the degree to which services are integrated in order to ensure 'best practice care and service delivery' in child protection (Select Committee on Child Protection, 2011, p. 1). Forty-eight written submissions were received by the committee and over one hundred interviews were conducted with key stakeholders around the state of Tasmania (Select Committee on Child Protection, 2011). Missing from these important consultative and deliberative processes, however, have been the

direct voices of stakeholders who are at the very centre of the child protection system: children and young people. Given that the intent of this, and similar parliamentary inquiries, has been to examine the current child protection system to ensure that it operates in the best interests of the vulnerable children and young people that it is set up to care for, it is logical to assume that the accounts and experiences of these key stakeholders would be of central interest and concern to the inquiry. We argue that it is important to stop and reflect on the questions of why the voices of such children and young people could be so noticeably absent in this forum, and what barriers and obstacles limit their inclusion? These questions are also particularly pertinent because the inclusion of young people's voices in decisions about service development and

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delivery is an imperative in government policy, as well as being supported by the Convention on the UN Rights of the Child (Cavet & Sloper, 2004; Office for Children 2011).

The Tasmanian inquiry, as with other such inquiries, has been established within a bureaucratic framework of written submissions and formal open and closed hearings that were, for the most part, conducted in Parliament House. As with other inquiries, the committee or panel that conducted the formalised hearings comprised formally attired politicians who may themselves have had very little direct contact with the child protection system or, indeed, with the young people who are affected by it. The structures, agendas and established processes of such inquiries therefore emanate from, and belong to, an inherently adult world in which the contributions of children and young people are not easily accommodated. Such structures and processes present a substantial barrier to the direct involvement and contributions of children and young people in care.

Having said this, it should be acknowledged that, among the contributors to the Tasmanian inquiry was the CREATE Foundation, a peak body that was established in Australia in 1993 to represent the voices of children and young people in out-of-home care, and to represent and advocate for them at national and state levels (CREATE Foundation, 2011a). Within the Tasmanian inquiry, however, the CREATE Foundation submission was not presented directly by CREATE members, but rather indirectly by the CEO of CREATE Foundation (CREATE Foundation, 2011b). Thus, while this foundation commendably aims to establish the needs of vulnerable children and young people, and collect their views about the services they experience that impact significantly on their lives, this nonetheless remains an adult representation of children and young people's perspectives. Further, these views are formulated and presented in order to meet time-limited protocols and requirements of such parliamentary inquiries and to operate effectively within this adult context. CREATE Foundation acknowledges these important issues in the introduction to its written submission to the Tasmanian inquiry:

The experience of children and young people in out-of-home care may often be filtered by adults involved in their lives: carers, case workers, parents and at times, lawyers. However, the children and young people themselves live the experience and have a great deal of wisdom and information about what they think and what they need while in care. (CREATE Foundation, 2011b, p. 2)

An essential question that one may ask is why governments set up structures and processes that alienate or exclude from participation those who are at the centre of the services it provides? It is well evidenced in the literature that the accounts and lived experiences of children and young people regarding the services they experience can contribute significantly and meaningfully to new

knowledge and, in so doing, can enhance service provision (Aubrey & Dahl, 2006; Cavet & Sloper, 2004; Osborne & Bromfield, 2007). Aldgate and Statham (2001, cited in Cavet & Sloper, 2004, p. 614) argue that:

[I]f children were allowed to design the nature of meetings, communication might improve considerably. If children had a hand in designing forms that record their lives as looked after children, we might see more changes in how best to safeguard them and promote their welfare.

What are some of the factors that need to be considered in ensuring that the contributions of children and young people are better included in processes that have critical implications for the quality of their lives and their ongoing life chances? A foundational challenge for government relates to the nature and limitations of the institutional and systemic frameworks within which it operates and that significantly constrain its capacity to be responsive and flexible, as for example by the requirements regarding set time frames and formal protocols of parliamentary inquiries. Ultimately, the first major challenge for government is in its initial orientation, planning and attitudes towards a parliamentary inquiry that is established to examine child protection matters and to demonstrate a commitment to position children and young people at the centre of the inquiry, thereby privileging their participation. This, in turn, would necessitate that such an inquiry step away from the usual safe methods and protocols that characterise its adult-driven endeavours and to explore mechanisms, right from the outset, for involving children and young people (Cavet & Sloper, 2004).

A key factor that works against children and young people having their say in meetings or forums is often the attitudes and practices of adults (Cavet & Sloper, 2004). Research in the area of participation indicates that we live in a society in which adults do not generally listen seriously to young people (New South Wales Commission for Children and Young People, 2004). Barriers that flow from this adult orientation can include a lack of awareness about the importance of listening to children who communicate in different ways; holding meetings in places that are not specifically 'child-friendly', such that children and young people do not feel comfortable and able to engage; holding meetings at times that children cannot attend or without consideration of whether children and young people have sufficient financial, transport or other resources to ensure their attendance; and having inappropriate procedures for children's inclusion, such as not providing appropriate refreshments at meetings. All of these factors have the potential to significantly affect children and young people's capacity to participate in formal processes that have intrinsic value to the quality of their lives (Cavet & Sloper, 2004).

A reading of the relevant literature indicates a range of strategies and practices that can promote the inclusion of

children and young people in service development and delivery (Cavet & Sloper, 2004; New South Wales Commission for Children and Young People, 2004). It is important to make clear what the purpose, objectives and parameters for decision-making are so that young people understand what to expect in such situations, and what degree of power-sharing is available. Practical tools can also assist children and young people to participate in decision-making, particularly for those who are vulnerable (Cavet & Sloper, 2004; New South Wales Commission for Children and Young People, 2004); and encouraging a support person to attend a meeting with children or young people can also increase their levels of participation. Another significant factor is that a listening culture among panel members is established, as well as flexibility to change the venue, agenda and the structure of meetings as required to accommodate inclusion of the child or young person. Most importantly, the need to provide feedback about the inquiry's outcomes and the changes in services that will occur as a result is a crucial aspect of the involvement of children and young people (New South Wales Commission for Children and Young People, 2004).

The involvement of children and young people in decisions regarding services is well supported in government policy. Recently, the Tasmanian Government released its 10-year plan for children and young people, entitled 'Our Children, Our Young People, Our Future 2011–2021' (Office for Children, 2011). A key strategic focus in this policy is to 'facilitate discussion across government and consult with children and young people to ensure that they are at the centre of policies and services' (Office for Children 2011, p. 13). Further, the policy promotes the importance of 'ensur[ing] that decision makers listen to the voices of children and young people and take action based on what they say' (Office for Children 2011, p. 7). It is clear, therefore, that the government has the intent to be inclusive of children and young people, to value the contributions that they can make to new knowledge, policies and practice and to ensure that democratic communities are created in which children and young people are free to participate. The extent to which this goes beyond rhetoric to reality is not so clear, however, and significant challenges will need to be overcome for this policy to be successfully implemented.

Finally, it should be acknowledged that engaging young people in these processes is not easy to accomplish. Developing mechanisms through which children and young people can contribute and participate requires a significant reorientation of processes and practices, coordination and resourcing such that the barriers to participation are

addressed. While challenging perhaps, this is certainly achievable. Meanwhile, the Tasmanian Parliamentary Inquiry is due to report its final recommendations in October 2011. This represents a critical opportunity to influence the quality and direction of child protection services in Tasmania. Whether it increases the autonomy of vulnerable children and young people to participate in the future, or merely strengthens the control by government and service providers over the lives of such children and young people remains to be seen.

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