

Guardian for Children and Young People

Guide to Good Practice

Participation of children and young people in decisions made about their care

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Office of the Guardian for Children and Young People

GPO Box 2281

Adelaide SA 5001

DX 115

Ph 08 8226 8570

Fax 08 8226 8577

gcp@saugov.sa.gov.au

www.gcp.sa.gov.au

Introduction

When adults talk about child and youth participation they often talk first about structures and process, skills and tools, problems and constraints. The Youth Advisors to the Office of the Guardian, in commenting on the draft guide, said, among other things, that relationships are really important. There is no other message more important than this one. Participation is possible, participation is fun, participation is developed from a positive relationship with the child or young person.

This guide to good practice is intended to encourage adults who are making decisions about children's and young people's care to work with them on those decisions. This is not just about children's rights, though that is clear, but about making good decisions. Good decisions are not absolute and we do not have perfect foresight so we will make mistakes. However good decisions are as much about the way we do it and the impressions we leave, as the decision itself.

In this guide youth participation is the active involvement of children and young people, in partnership with their case worker, in decision making that affects their lives. It means that the children and young people's views and ideas regarding their care and all life areas are regularly sought, discussed and documented, and that these views contribute to decisions made.

It is written for case workers who have the responsibility with others of making important decisions in the life of a child under guardianship of the Minister. Other adults involved with children and young people in care will find this useful too.

The purpose of the guide is to encourage participation and be clear about what this Office means by effective and meaningful participation.

In our work at the Office of the Guardian we have seen or heard of so many good examples of child and youth participation, some of which are included in this guide. There are many opportunities too to promote participation: in case management tools, supervision and performance appraisal, training forums, and in business planning.

There are constraints too. A case worker has to be supported to put it into practice. Child and youth participation can be daunting when the responsibility still sits with adults and adults are accustomed to making the decisions for children. There will be some decisions, like those made in the Youth Court, which are well outside of the case worker's control. And, as our Youth Advisors said, there is no 'one size fits all' and different skills and tools are needed for different abilities, ages and types of decisions. In the future we hope to help you with some of these tools.

The guide to good practice is a joint effort by the staff in the Office of the Guardian, the Youth Advisors and the participants of a roundtable discussion on this topic. Thank you to them all for their expert contribution and enthusiasm for child and youth participation.

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1 The importance of participation

We need real choices, we need time to think and we need people who are prepared to listen and help. – young person in care, United Kingdom¹

Research into the participation of children and young people in decision making highlights its importance in several respects. One is that having a say in decisions that affect one's life is vital for children and young people in care, whose lives are so heavily influenced in formal processes by numerous adults, some of whom do not know them. Another is that participation is seen as an expression of children and young people's citizenship rights. Two other reasons are that participation is considered to aid children and young people's personal development and that it can be a useful tool for improving social work provision, as children and young people have their own views and are the 'experts' when it comes to their own lives.

2 We support participation

Seriously, the most hardest thing is asking for help. - GCYP 2007

Legislation and policy support the participation of children and young people in the South Australian child protection system. The *Children's Protection Act 1993* (s. 4[d]) states that a child or young person's views must be considered when determining a child's best interests. The *Charter of Rights for Children and Young People in Care* tells children and young people, 'You have the right to understand and have a say in the decisions that affect you.' The Charter states that this means to 'be involved in what is decided about your life and your care.'

South Australia's *Standards of Alternative Care* says that children and young people 'are heard, supported to actively participate in decision-making and make choices in case planning.' Participation means 'inclusion' and that children and young people 'are involved in the decisions that affect them.' The desired outcome is that children and young people will be 'active participants in all related decision making.'

Families SA's *Guardianship and Alternative Care Manual* states, 'A participative case planning process ... is a fundamentally important part of effective case management.'

¹ Leeson, C 2007, 'My life in care: Experiences of non-participation in decision-making processes', *Child and Family Social Work*, vol. 12, p. 276.

3 Evidence of participation in practice

Yeah, some of them actually work with you but some of them just work against you. - GCYP 2008

Evidence suggests that practice falls short of these goals. In 2007-08 the Office of the Guardian audited 94 Annual Reviews of children and young people in care, or 6.6 per cent of all Reviews to be conducted. We found that only 25 per cent of children and young people participated directly in their Annual Review.² A majority of children and young people, 60 per cent, were represented by their carer or social worker. The voice of the child or young person was absent in 14 cases, or 15 per cent of Reviews audited. In another five cases there was not enough information to determine whether a child or young person had been involved in decisions relating to their case plan.³

Among children and young people who participated directly, only two reported receiving a lot of support from their social worker to prepare for the Review, such as being informed of the Review's purpose and who would attend, as well as being encouraged to express their opinions and concerns during the Review.

Anecdotal evidence supports the picture that emerges from our systemic monitoring. The Office of the Guardian conducted 24 investigations into individual matters in 2007-08, 16 of which concerned disputes about the participation of children and young people in decision-making about their care (alongside other issues).

While comprising a small sample of children and young people in care, these figures highlight the disparity between our commitment and what we achieve for children and young people in practice.

The Office of the Guardian has written this guide on meaningful and effective participation to stimulate discussion. It was written with assistance from many people, notably our Youth Advisors and the participants of a roundtable discussion. The guidelines will: assist in increasing participation of children and young people; be specific about what we consider to be effective and

² Eight attended Annual Reviews in person or via tele-conference while another 16 participated by survey using the Guardianship Annual Review, Appendix B – Child or Young Person Survey, available to all case workers on the *Guardianship Gateway* site.

³ Reasons for non-participation included relative carers not allowing independent contact between the child or young person and social worker, carers refusing to engage with Families SA and young people refusing to have contact with their allocated social workers

meaningful participation; and allow us to monitor progress with greater accuracy.⁴

This guide to good practice draws on information contained in the literature review on participation produced by the Office of the Guardian in November 2008 and readers are directed to that document for references.⁵

⁴ While there will be policy decisions that affect children and young people in care collectively, the guidelines in this paper pertain to the participation of individual children and young people in decisions made about their care rather than the participation in decision-making that affects children and young people collectively, such as public policy decisions, service delivery and development and service evaluation.

⁵ References used in these guidelines and not in the literature review are: Children and Young People's Unit, Learning to Listen: Core Principles for the Involvement of Children and Young People, prepared by PK Research Consultancy, Children and Young People's Unit, London. See <http://www.everychildmatters.gov.uk/_files/1F85704C1D67D71E30186FEBCEDED6D6.pdf>; Cocker, C and Allain, L 2008, Social work with looked after children, Learning Matters Ltd, Exeter; Hollis 1969, cited in Smith, C 1997, "Children's Rights: Have Carers Abandoned Values?" *Children & Society*, vol. 11, pp. 3-15; New Zealand Ministry of Social Development, *Involving Children: A guide to engaging children in decision-making*. See <<http://www.msd.govt.nz/documents/about-msd-and-our-work/publications-resources/archive/2003-involving-children.pdf>>

4 Guide to good practice

Yeah, because we weren't brought up like them you know, that's what they've got to understand. Well they don't understand like the way we work and not just the way they want us to work - you know like we're all different and stuff you know - and they've never sat down and like asked us sort of like 'what do you think would work?' They might ask us, but they never try it out. - GCYP 2008

4.1 Participation has a clear purpose

A written commitment to participation is not the same as having clear written guidance as to the objectives and intended outcomes of involving children and young people in decision making. The reasons for participation can include improving services, making more informed case planning decisions, developing policies or programs, social inclusion, fulfilling children and young people's rights and promoting children and young people's social development. These might differ according to organisational need and culture and staff will have their own views and beliefs about the purpose of participation. A written statement of purpose can reinforce organisational commitment and clarify:

- the goals for effective participation;
- what an organisation hopes to achieve through participation;
- how children and young people's views will be acted upon;
- how children and young people's participation will be evaluated.

Thomas

Thomas, 13, lived temporarily in Adelaide and his case worker was in the country. By his choice, Thomas participated in the annual review of his circumstances via tele-conference.

The social worker thanked Thomas for agreeing to talk with the panel and reminded him of a previous conversation they had had about annual reviews. His social worker then repeated what the annual review was about, introduced the panel members and said that he could say anything about his care that he wanted to. She also said that if he changed his mind about talking to the panel it was OK. Thomas said he remembered all of the information from the last time he talked with his social worker and he was OK to talk to the panel. Thomas told the panel his views and wishes about his placement, his contact with family and his connection with his regional community. The social worker and panel acknowledged the value in knowing Thomas' views and wishes and thanked him for his contribution. The district centre and alternative care agency are still searching for a suitable placement in his local community.

[Source: Office of the Guardian]

4.2 There is an organisational commitment to participation

Participation becomes effective when the participation of children and young people is actively facilitated by policies, resources training and practice. An organisation's commitment is seen in a 'culture of participation' that includes:

- a long-term, institutionalised commitment to participation as a process;
- a clear sense of the need for participation;
- a view of participation as a right;
- a child-centred perspective based on the idea that adults do not speak for children and young people and that participation is a jointly negotiated process;
- support from management;
- an organisation doing what it takes to make participation work;
- resources committed to participation;
- practice and expertise across the organisation;
- internal information sharing and communications opportunities;
- staff training and support.

4.3 Children and young people can influence decisions

Participation means sharing power in decision making. The degree to which this occurs is not fixed but reflects an organisation's goals, its commitment to participation and adults' readiness to share power. The level of involvement and children and young people's ability to influence decisions needs to be clear to avoid confusion and tokenism.

Listening to children and young people is not enough. Their views should be taken into account. Taking views into account is not enough. Children and young people should be involved in the decision making process so that they can influence decisions. Participation is not the same as consultation, where adults seek and incorporate children's views but retain power over decision making.

For our purposes, meaningful participation means:

- participation is undertaken specifically to empower children and young people to influence decision making processes and decisions;
- children and young people make their own decision about whether and how they will participate, with adult support;
- adults support children and young people throughout the process, especially when working on contentious or challenging issues;

- adults support children and young people in ways that are culturally appropriate, such as, participating in ways that are respectful of communicating with elders or family members;
- children and young people can see that their views are taken seriously and that their participation makes a difference to their care;
- adults do not view children and young people's inexperience, age, language skills, maturity and ability to consider the implications of their choices as triggers for their exclusion from decision making but rather these are important considerations that are taken into account when working in partnership with children and young people.

4.4 Ongoing opportunities to participate

Meaningful participation is a process, not simply undertaking isolated participation activities or events. Participation should be consistent and focussed on long-term planning, rather than being short-term, reactive or directed toward some more than others, such as children and young people with higher needs.

Participation practice is about increasing opportunities for children and young people to make decisions. This means that existing formal processes for participation such as Annual Reviews, case conferences and transition planning are implemented consistently.

Other processes that facilitate participation should be identified. These include:

- access to complaints mechanisms;
- decisions about placements;
- having a choice about who their new worker would be;
- discussing unplanned changes;
- providing comment on reports written about them;
- development of cultural identity plans;
- residents' meetings in residential care settings;
- suggestion boxes;
- agreement on alternative care plans;
- surveys on particular issues;
- meetings about individual education plans.

Opportunities for participation in informal settings are identified and promoted. Judgments can be made too about other adults, such as carers and educators, who can facilitate or mediate for the child's participation. Opportunities might include:

- regular meetings with case workers;

- case workers or other adults spending time and engaging in conversation and observation;
- case workers using 'focussed dialogue' around specific issues;
- case workers or other adults engaging in joint activities with children and young people.

Melanie

Melanie, 15, wanted her younger sister placed with her in Aboriginal relative care. Her sister Yasmin, 6, had recently been placed under a guardianship of the Minister order to 18 years.

Melanie, along with her relative carer, was invited to a case meeting and supported to participate. Melanie's social worker invited Melanie to choose her seat at the table and sat next to her. The district centre supervisor invited all those present to introduce themselves to Melanie and explained what would be talked about in the meeting. Melanie was invited to provide her views. As agreed in advance, Melanie's advocate from the Office of the Guardian introduced what Melanie wanted and Melanie then answered questions. The meeting went on and Melanie asked questions when she could not follow the discussion. At the end of the meeting, Melanie was asked if she understood everything that was talked about in the meeting and if she wanted to ask any further questions. The supervisor said she would consult with the Principal Aboriginal Consultant about placing the girls together.

[Source: Office of the Guardian]

4.5 Children and young people have access to decision making

Children and young people can face structural barriers to participation such as late notice of meetings, inaccessible locations, inconvenient times and adult-oriented formats. They can be excluded due to language barriers or disability. Careful planning of decision making to facilitate participation is essential.

This means:

- scheduling meetings at times and in places that are accessible to children and young people, without disruption to school or to care routines;
- providing adequate notice in advance of meetings;
- children and young people receive assistance with transport to and from meetings;

- strategies exist to implement participation opportunities for children and young people in rural or remote communities and those who are homeless or transient;
- strategies to promote the participation of children and young people with disabilities, Aboriginal children and young people and children and young people from diverse linguistic and cultural backgrounds are identified and implemented.

Lucas

Lucas, 6, lived with a relative carer. His younger brother Matt, 2, lived in foster care. The brothers had not had regular contact. At the annual review Lucas attended with his carer and chose not to directly participate in the meeting. He played with the district centre's toys in the room. Lucas' carer showed the panel a school book in which Lucas had drawn a picture of him and his younger brother, with the words 'I wish my brother could live with me.'

Lucas' social worker, who was new to this case, said he was concerned that the brothers were not having regular contact and that the familial connections for Matt did not appear to be supported. The social worker's views were that the district centre needed to advocate more strongly for the children to have regular contact, or ideally be placed together in relative care. Lucas' wishes were clear. His carer said that she wanted Matt also placed in her care. The panel supported Lucas' views, and those of his carer and social worker and recommended that the social worker pursue this promptly with the district centre responsible for Matt.

[Source: Office of the Guardian]

4.6 Children and young people are supported to participate

Some barriers to effective participation are subtle. Children and young people might defer to adults authority in decision making and not expect to participate. Children and young people might hesitate to participate due to a lack of confidence and experience in communicating their views, or because they have limited trust in adults. Children may need additional assistance to participate because of the impact of trauma and neglect, high anxiety and pervasive feelings of powerlessness.

Participation is effective when children and young people receive assistance to participate in unfamiliar settings, can develop their understanding of participation and why it is important, can identify how they would like to participate and can build participation skills. Children and young people can be supported in a variety of ways. The appendix to this guide provides practical ideas to support their participation.

4.7 Participation is child-centred

Adults, however unconsciously, can impose barriers to participation. Beliefs about children and young people's competence, cultural perceptions of children and young people as 'vulnerable,' a reluctance to relinquish power to children and young people, or views about appropriate social work practice are all possible barriers to participation. Participation becomes more meaningful when:

- being heard in decisions about one's life is acknowledged as a right, not a 'gift' from adults for which children and young people should be grateful;
- adults understand and believe in the importance of participation and want to learn from children and young people;
- adults begin from the position of each child or young person, working to ascertain his or her capability and desire to participate, rather than from generalised views about children and young people as a group, adherence to specific practice perspectives, or views that the social worker is the 'expert' rather than a child or young person.

The Youth Advisors reminded us that 'even the same person can have different needs and will have to make a lot of different choices.' This tells us there is no single goal in participation but expectations will change according to the type of decision, the developmental age of the child and what else is going on at the time for the child. For example, children who can express a view should be able to influence placement decisions. Decisions about family access, where they are not determined by the Court and where it is safe, should be negotiated and perhaps in the control of children and young people. Children and young people should always be consulted and informed about family care meetings or other family conferences, and invited to be present if possible and safe. In the development of cultural identity plans the children can help identify elders and kin they most relate to, possibly with the help of an Aboriginal consultant. As time goes by, decisions should be re-visited too, even if only to explain again the reasons for a decision and answer questions.

4.8 Participation is based on established, trusting relationships

Participation is more likely to be meaningful when there are dependable relationships with trusted adults. Effective practice relies upon:

- a relationship approach of compassion and caring based on acceptance, confidentiality and belief in the innate worth of the child or young person;
- adults' willingness to be challenged and to work in partnership;
- case workers' consistent contact and commitment to an ongoing relationship with children and young people;

- a clear understanding between children and young people and adults in relation to expectations of participation;
- discretion and trust when seeking the views of children and young people who have experienced neglect, abuse, placement instability or multiple changes in worker.

Jonas

Jonas, 17, has lived in Australia for two years. He arrived here from Uganda as an unaccompanied refugee minor. His foster care arrangement didn't work out and Jonas now lives independently. When his new social worker first met him she needed to know how best to talk to Jonas, considering his cultural background. She said, "Help me out here please Jonas. I'm learning. Conversations will stay between us mostly but I need to know it's inappropriate for me to discuss any matters with you, such as behaviours, money, relationships. Should a male or an Auntie speak to you about these things?"

Recently he got in to a fight in the city on his way home from school. When the school heard about it Jonas was suspended for three days. The school notified the social worker but couldn't reach Jonas. Jonas was shocked and angry when he turned up at school to be told he was to return home as a consequence for the fight – a fight he didn't start.

The school counsellor assisted Jonas to make the call to his social worker in Refugee Services. The social worker explained about suspension and school rules and the counsellor reinforced this after the call. Over the next three days the social worker prepared Jonas for what was to come next. Knowing that having things done to him made him feel angry, she talked with him about dealing with decisions that are made by others. She also discussed other ways of resolving conflict. With his permission she then explained what would be talked about at the re-entry to school meeting, what the school would want to know and helped him prepare what he would say. She wrote the key points down. She went to the meeting to support him. With Jonas' OK, a male cultural advisor who had supported him previously in school, also participated. Jonas spoke well and without further assistance. He is doing well at school.

[Source: Refugee Services, Families SA]

4.9 Participation can be evaluated

Participation is a right of citizenship that does not need to be justified. However, evaluation is vital to learning how participation is meaningful for adults and for children and young people and for demonstrating agencies' commitment to participation. We can learn whether participation is meaningful and effective through:

- establishing performance criteria and benchmarks;

- developing feedback and evaluation mechanisms. This includes getting and giving feedback to children and explaining the effect of their participation;
- documenting participation in case notes;
- involving children and young people in evaluation and reviews in ways that are controlled by them;
- gathering and presenting empirical evidence about:
 - *outcomes* - that children and young people participate and how they influence decision making;
 - *benefits* - mapping the relationship between participation and stated goals such as improved client support and case planning, increased participatory practice, social inclusion and personal development.
- reflecting on successes and areas for improvement;
- introducing change where needed.

Appendix

Support to children and young people to participate

Participation is effective when children and young people receive assistance to participate in unfamiliar settings, can develop their understanding of participation and why it is important, can identify how they would like to participate and can build participation skills. Children and young people can be supported in a variety of ways.

Information and skills

- what participation is and why it is important;
- information about the agency's decision-making processes;
- help with understanding their rights, understanding the boundaries of their involvement and in managing their expectations of participation;
- identify training opportunities in skills such as communications.

Preparation

- children and young people understand the purpose of a meeting, who else will be involved and their roles, what kinds of decisions will be made and the range of choices open to them;
- children and young people can indicate whether and how they would like to participate, can nominate their preferred meeting location and time;
- children and young people can visit the meeting place ahead of the meeting;
- children and young people inform the agenda;
- children and young people have technical or professional terms explained to them;
- children and young people receive information about their case plan or circumstances ahead of meetings and support where information is contentious or potentially distressing. This can be reinforced by providing them with written information about the decisions to be made in language they will understand.

Child- and youth-friendly meetings

- meetings are timed to include sufficient breaks;
- children and young people know the other attendees and understand the format;
- ice-breakers and other activities to lessen formality are used;

- food and drinks are provided that are appropriate for children and young people;
- meetings are structured for feedback, questions and opinions;
- children and young people understand what is being discussed and what it means for them;
- professionals' efforts, as well as children and young people's situation or behaviours, are the subject of meetings.

Effective communications

- plain language is used and jargon avoided. This is not as easy as it seems and case workers need practice at this;
- adults avoid communications that reinforce power inequalities (leading questions, interrupting or correcting children and young people, offering false choices or speaking about children and young people as though they were not present);
- children and young people have access to alternative forms of communication such as graphics, art or music;
- resources to facilitate the communications of children aged between five and 11 years are in place;
- workers can identify and facilitate the communication methods children and young people with disabilities use;
- translators are available for children and young people whose primary language is not English;
- culturally diverse communications methods are welcomed;
- strategies are in place to respond to silences, avoidance of some topics, changes of subject, a change of mind about speaking or other instances where the process does not proceed according to adult expectations;
- options to return to subjects children and young people do wish to discuss in a group setting at another time or setting are identified.

Support

- children and young people receive one-to-one support and / or mentoring to enhance their participation;
- children are supported to communicate views on contentious issues such as relationships with family, carers or workers;
- support is available should a child or young person leave a meeting to ensure that he or she does not have to be alone;
- children and young people have access to independent advocacy services;

- cultural representation and support is available for Aboriginal children and young people and those from diverse cultural backgrounds;

Feedback

- children and young people receive a record of outcomes and information about how their views influenced the outcomes. A copy is placed on their files;
- children and young people can discuss decisions and outcomes, including their opinions and feelings;
- children's views and feedback are documented on their files.