Promoting the participation of children and young people in care

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Abstract

Objective: There are particular reasons why it is important for children and young people in care to have some say in the decisions that are made about their lives. The aim of this paper is to outline these and to review the developments and the research concerning the participation of children in care in processes and decisions that affect them.

Method: This paper reviews the research literature from the UK, North America, Australia and New Zealand. It explores the perceptions of children and young people in care concerning the extent to which they have been able to participate in decisions that affect them, the reasons they want to do so, and what is required to make it effective.

Results: Children and young people in care clearly wish to have some say in the way decisions are made about their lives and generally do not believe that they have adequate appropriate opportunities to do so.

Conclusions: Genuine and effective participation depends on several conditions: opportunity and choice in ways to participate, access to relevant information, the availability of a trusted advocate, proper resourcing, and supportive policy and legislation. Feedback from children and young people is also required to indicate whether it is happening.

What does participation mean?

According to Article 12 of the United Nations (1989) Convention on the Rights of the Child, “children are entitled to participate in all decisions that affect them,” with their views “given due weight” according to their age and maturity. This is a critical article because it marks and

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demands a shift from a paternalistic approach to one where children are seen as stakeholders in decisions with a right to have some input rather than merely being the object of concern or the subject of the decision (Eekelaar, 1992). Participation does not mean having the right to make the decision or determine the outcome, but it does mean being listened to and having one’s views taken seriously and treated with respect. As Lansdown (1995a) stated:

It is a simple and self-evidently worthy principle which would, if taken seriously, have a revolutionary impact on the nature of adult-child relationships... Without it children are denied the most basic of principles—to be accepted as people in their own right. (p. 30)

For children and young people in care, in particular, participation has the potential to accord children recognition as well as protection. While there has been some progress in acknowledging the importance of “hearing children’s voices” in a range of areas, there are particular reasons why it is important for children in care. The purpose of this article is to outline these with a particular focus on what children and young people think about their own participation and to review the developments and the research. Do children and young people want to participate and why? What opportunities do they think they have to do so? What is required to make it effective?

Why is participation important for children and young people in care?

The way in which decisions are made in relation to children and young people in care is different in a number of ways from that for children living with their families without state intervention. Apart from any legislative requirements to consult children and young people, the reasons for involving them in decision-making that affects them are also arguably more cogent when those children and young people are in state care.

As Thomas and O’Kane (1999) point out, the number of adults, their relationship to their child, and the number and type of decisions being made are quite different for children in care than for other children. Whereas decisions for children living at home are generally made by one or two adults with whom the child is in daily contact, for children in care, decisions are often made by a number of adults (parents, carers, and workers from one or more agencies, judges, magistrates and lawyers). Some of these people may not have even met the child or understand what is important to them.

While it is important for children’s self-esteem and confidence to have their views respected and taken seriously (Melton, 1987), this is likely to be particularly important for children and young people who have been abused or neglected. This is because it may give them some sense of being active agents in relation to their own care rather than the powerless victims of the whims of adults (Weithorn, 1983). The feeling of being alienated from the process and merely an object of concern was well expressed by one young person:

This is my life. Why are you talking about me as if I don’t exist? (Cashmore, Dolby, & Brennan, 1994)

There is also some evidence that when children and young people in care have some choice about the placement, those placements tend to be more stable (Lindsay, 1995). This is probably
because planning and decision-making which take the children’s views into account are likely to be both more appropriate and more acceptable to the child. As the procedural justice literature shows, satisfaction with the outcome of a decision-making process is directly related to the feeling that one has had a ‘say’ in the process and has been heard (Lind & Tyler, 1988; Melton, 1983). Many children, like adults, feel resentful about having decisions imposed upon them, and children placed in out-of-home placements against their will may be so resistant as to cause the placement to break down (Aldgate & Statham, 2001). 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, Testro, & Matchett, 1998, p. 113)

A further reason why participation is important is that children learn by example and by practice. Participating in decision-making with support and guidance is a vital part of the socialization of children and young people to prepare them for future independence and autonomous decision-making (Melton, 1983). One of the problems facing young people leaving care is that they have often had little experience in decision-making, but are generally required to make the transition to independent living years before their counterparts who live with their families of origin. As Lindsay (1995) points out, the criticism by workers that “young people do not act responsibly ‘is quite perverse...’ if they continually deny them any real opportunities to do so through their involvement in decision-making.” Some young people are well aware of this contradiction; in the words of one young person: “… 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).

To what extent do children and young people in care feel they can participate?

A consistent finding from studies in Britain, North America, Australia, and New Zealand is that most children and young people think they have had limited opportunities to be involved in the way important decisions are made, such as where they live, and when and how often they see their parents. Some were not even well informed about why they had entered care (Gilligan, 2000). For example, in an American study, Johnson, Yoken, and Voss (1995) reported that about 40% of the children in foster care (with a median age of 12) were unclear why they were in care. Three recent studies in Australia and New Zealand also indicate that at least a quarter of the children and young people involved in each study did not understand why they were in care (Cashmore & Paxman, 1996; Community Services Commission, 2000; Smith, Gollop, & Taylor, 1998). This was more likely to be the case when children entered care when they were young and could not understand or remember the court proceedings. However, the fact that some young people aged 16–18 leaving care also did not know after years in care indicates a failure by workers to ensure that these young people understood their background (Cashmore & Paxman, 1996).

In relation to decisions about their placement and their contact with their families, it seems that many children and young people do not feel they have much of a say in what happens. In a large study of 1100 children in Illinois conducted over 4 years, Wilson and Conroy (1999)
found that less than one-third (29%) said that they had helped their caseworker to “decide what was going to happen to them after they left their family and were living somewhere else.” Similarly, the New South Wales Commission for Community Services (2000) study reported that 62% of children and young people said they had not been asked where they wanted to live, and in some cases not even told when and why they were changing placements. Only just over half (53%) said they had had a say in relation to contact with their family.

Several studies in the UK over the last decade or so have also confirmed that many children and young people in care have felt that they have had little or no say in decisions about their placements and about the extent to which they were able to have contact with their family members (Buchanan, 1995a; Fletcher, 1993; Lansdown, 1995a). For example, nearly all the 600 young people in the UK who responded to a survey by the Who Cares? Trust about their experience of care “felt there were areas of their lives where they needed more involvement” and “nearly half of those in foster care felt they had no say in daily decisions” (Fletcher, 1993; Lansdown, 1995a, p. 30). Three more recent studies have found that many children and young people were dissatisfied with both the amount of contact they had with their families and the way in which such decisions were made (Baldry & Kemmis, 1998; Munro, 2001; Shaw, 1998). A decade after the Children Act 1989 imposed duties on local authorities requiring them to assist and encourage the participation of the children and young people they “look after,” participative practice still appears to be far from the norm (Baldry & Kemmis, 1998; Morris, 2000; Shaw, 1998; Thomas & O’Kane, 1999; Utting, Baines, Stuart, Rowlands, & Vialva, 1998).

The most common formal processes in which decisions are made concerning children and young people in care are case conferences, review meetings and family group conferences. Increasingly, children and young people are expected to attend and participate in these meetings. Children’s and young people’s views about case conferences and review meetings indicate remarkable similarity across studies and jurisdictions. In various reports and research in the UK (Aldgate & Statham, 2001; Lupton, Barnard, & Swall-Yarrington, 1995; Munro, 2001; Thomas & O’Kane, 1999; Utting et al., 1998), and in several studies in Australia (Cashmore & Kiely, 2000; Commission for Community Services, 2000; Spall et al., 1998), children and young people expressed concerns about the intimidating, boring, and alienating nature of case conferences and similar processes. They said that there were often too many people they did not know, that they did not have access to the information that the adults had, and that they felt poorly prepared and inadequately supported. They were also concerned about the number of people who had access to confidential information about them. Horgan and Sinclair (1997, as cited in Gilligan, 2000, p. 50) concluded that attending review meetings for many young people was either a “boring irrelevance” or a “frustrating and disempowering experience.”

Not surprisingly then, children and young people in care often do not feel that their views are valued, listened to, or taken seriously. When they were given a say in decisions concerning them and felt they were listened to, children and young people were, however, positive about this, even when their choices did not work out (Baldry & Kemmis, 1998; Smith et al., 1998; Spall et al., 1998). While they were keen to have a say in what happened to them, Spall et al. (1998) found that children and young people did not expect to “get their own way” in contrast to what some workers seem to believe. Thomas and O’Kane (1999) found, for example, that when workers were asked what reasons children would give for wanting to participate in review
meetings, a number of social workers incorrectly put “getting what I want” at the top of the list. Children, however, put “having a say” at the top of their list of reasons, and “getting what I want” at the bottom.

**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 (Treseder, 1995). These include:

- the opportunity and choice of ways to participate,
- access to relevant information,
- a trusted advocate or mentor,
- policy and legislation that require children and young people to be consulted and informed,
- ways to complain,
- ways for services to evaluate their performance and the way they encourage the involvement of children and young people.

**Opportunity and choice of ways to participate**

Perhaps the first pre-requisite for children’s and young people’s participation is that they have a choice of how they might do this, including a choice about being involved at all. As Kroll (1995) points out, sometimes, when very difficult decisions have to be made, children may prefer a responsible adult and someone they trust to make a decision without implicating them in the process. This does not mean, however, that they may not change their minds or wish to be involved later or in a different way.

The opportunity and choice about being involved also requires some honesty about the options and the extent to which their involvement is possible. Children and young people are likely to become disillusioned about participating if they believe that their involvement is pointless or merely tokenistic because there is no real choice or no other option available (Aldgate & Statham, 2001; Spall et al., 1998). When they were involved in decision-making processes, some young people were unhappy they were not given enough notice or time to think things through. In the words of one young person:

> 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. (Spall et al., 1998, p. 64)

In addition to their involvement in decisions that affect them at an individual level, children and young people also need to be involved at the broader or systemic level, especially in relation to the evaluation and review of services, policies, and procedures. Perhaps one of the most important achievements in the UK and Australia in this area has been the development of associations of children and young people in care (such as NAYPIC, the National Association of Young People in Care in the UK, and CREATE in Australia). These organizations are managed and controlled by young people who are or have been in care, in partnership with
adults who have specific skills and a commitment to the participation of children and young people.

The benefits include the opportunity for children and young people to own and run an organization which takes up their issues, fosters their skills, and allows workers and policymakers to hear directly the views of the children and young people themselves. This provides a learning experience for children and young people as well as for services and government. But it can also carry the danger of these children and young people being co-opted to provide a convenient means of consultation for agencies without having to do the work themselves of engaging and involving the children and young people in the care of their own agency.

**Access to information**

A second and important pre-requisite for effective participation is that children and young people know what is going on and what the process will be. What are the issues and the options? How are any decisions to be made? What can they do if they are unhappy with the outcome? Simply making the information available, however, does not necessarily make it accessible. Both the timing and the way it is presented need to take into account the child’s age and circumstances, what they may already know, and what they are able to comprehend. This is particularly critical when the information is sensitive or potentially distressing, especially when it is to be discussed in a wider forum such as a case review or case conference (Shaw, 1998).

While some adults take the view that children and young people should not be exposed to such information, Marshall (1997) proposed a presumptive principle that all relevant information should be passed onto children or young people when decisions affecting them are being made. This was based on comments by young people indicating that the distress and anger from being told that “there is information about you which is so awful that you are not allowed access to it” is more “damaging than knowing the information itself” (pp. 82–83). Similarly, young people leaving care expressed considerable anger and distress about the way that some information in their file had been blacked-out or pages “flipped past” because they were not allowed to see it. While these young people were told they could have access to their files, this was not their experience (Baldry & Kemmis, 1998; Fletcher, 1993). This was disturbing on two counts. First, what they imagined to be in those pages may well have been worse than the actuality (Cashmore & Paxman, 1996). Second, it left them feeling disillusioned and angry because of the lack of transparency and honesty of the process.

**Trusted advocate or mentor**

While adults tend to focus on structures and formal processes such as meetings and case conferences, children and young people have often expressed their preference for informal processes and for a personal relationship with a trusted advocate or mentor (Spall et al., 1998; Utting et al., 1998). In a number of studies, children and young people have said they want a “genuine and personal relationship” with a worker or someone who “cares about you, listens” and “actually knows who you are,” someone who “doesn’t think they know what’s best, just by reading the file” (Cashmore & Paxman, 1996; Gilligan, 2000; Munro, 2001; Utting et al., 1998, para 7.11).
Building a trusting relationship, however, takes time, especially with children and young people whose 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 takes regular contact, consistency and continuity, and following through on promises, aspects often missing for children and young people in care. A common complaint is that workers change too often, are rarely available when they call, are slow to return calls, and do not follow through on requests and promises (Aldgate & Statham, 2001; Baldry & Kemmis, 1998; Cashmore & Paxman, 1996; Munro, 2001; Wilson & Conroy, 1999).

Policy and legislative requirements

A promising sign of increasing acceptance of the principle of children’s participation is the appearance in legislation and policy guidelines of the requirement that children and young people should be able to express their views on matters that affect them and have those views taken seriously when decisions are made. These requirements are expressions, in various forms, of Article 12 of the UN Convention on the Rights of the Child and provide an important and necessary, but not sufficient condition, for children's and young people's participation.

Many jurisdictions now include requirements that children and young people have the right to be represented in any court proceedings that affect their care and accommodation following state intervention. This may include the use of lawyers, guardians ad litem or court appointed special advocates who may represent the child’s best interests. This does not, however, necessarily guarantee that the child’s views will be heard (Cashmore & Bussey, 1994).

Increasingly, provision is also being made to entitle children and young people to participate in decisions that are made outside the court process and via administrative processes. In the Scandinavian countries, this is very broad-ranging, extending to decision-making by parents as well as other custodians. For example, the Finnish Child Custody and Rights of Access Act 1983 (cited in Lansdown, 1995b) stated that:

Before a custodian makes a decision on a matter relating to the person of a child he shall, where possible, discuss the matter with the child taking into account the child’s age and maturity and the nature of the matter. In making the decision the custodian shall give due consideration to the child’s feelings, opinions and wishes. (Lansdown, 1995b, p. 22)

In England and Wales, the Children Act 1989 incorporated principles requiring participation by children and young people but this was restricted to public law matters where there are concerns about the parents’ capacity to exercise parental responsibility (Department of Health, 1989–91). The participation provisions in the Children Act 1989 requires local authorities and courts to take into account the wishes and feelings of children and young people when making decisions concerning their welfare, to provide them with information and legal representation, and to establish complaints procedures for “looked after” children.

Other jurisdictions (France, New Zealand, and various states and provinces in Australia and Canada, respectively) have since introduced legislation for children and young people in need and in care with similar provisions. Recent legislation in Australia, such as the New South Wales Children and Young Persons (Care and Protection) Act 1998, includes a clear principle of participation (s.10) which specifies the duty of the relevant agencies to provide children
and young people with adequate and appropriate information, the opportunity to express their views and to respond to a decision, and any assistance necessary to help them express their views. It also requires the development of a Charter of Rights for children in care.

It is clear from the UK experience, however, that the inclusion of requirements for children’s and young people’s participation in legislation will not make participation happen, even when it is accompanied by guidelines and codes of practice (Buchanan, 1995a, 1995b; Williamson & Butler, 1995). A change in practice requires a change in attitudes, and skill development on the part of the adults involved (Aldgate & Statham, 2001; Lansdown, 1995b).

Ways to complain

Children and young people in care also need to know how to complain at either the service level or to an appropriate external independent complaints body. A number of public inquiries investigating the abuse of children in care in the UK, Canada, and Australia have repeatedly underlined the importance of ensuring that children and young people in care are able to complain (Lansdown, 1995b; Utting et al., 1998).

Unfortunately, these inquiries and the research have shown that many children and young people either did not know whom to complain to or were not confident that their concerns and complaints would be taken seriously. They preferred to ask a trusted adult to act as an advocate on their behalf rather than use formal complaints procedures (Munro, 2001). 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 (Community Services Commission, 2000; Utting et al., 1998). The main reasons were that they were scared that they would not be listened to or believed, and feared repercussions for speaking out. In the words of one 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)

Ways to evaluate performance and participatory processes

Finally, it is important that individual workers and agencies have some means of assessing their performance in involving children and young people. This includes using standards and asking children and young people whether they are satisfied with their participation.

One way to do this 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 routinely have the opportunity to give feedback on their short-term accommodation whereas this is not the case for children in care although the consequences of poor service and care are longer term and more costly in human terms (Cashmore et al., 1994, p. 152).

Another evaluative tool that individuals and agencies can use is a series of questions which provide a checklist for good practice and some possible areas for improvement. Davies and Dotchin (1995), for example, outlined a quite sophisticated six-stage process they developed to assess children’s and young people’s views about the quality of the service they expected
and received from the National Society for the Prevention of Cruelty to Children (NSPCC) in the UK. Significantly, they noted that the “children’s perceptions as users and recipients of the service” were influenced by “different considerations” than those of the professional service providers. This is consistent with Spall et al.’s (1998) observation that adults may think they are providing appropriate opportunities for children and young people to express their views but the children and young people often do not think they are (Davies & Dotchin, 1995; Spall et al., 1998). It also points to the importance of using participation as a means of improving the quality of the service and assessing whether participation is working for the children and young people involved.

Conclusion

It is clear that children and young people in care generally wish to be more involved than they usually are in the way decisions are made about them—especially where they live and how often they see family members. They are not seeking self-determination or to control the decision-making; they do, however, want to be informed and involved in the process. They want to “have a say” rather than “their own way.” They are also more interested in informal processes based on personal relationships with workers and carers they know and trust than in formal processes such as case conferences and reviews. From the point of view of children and young people then, being able to talk with someone they trust, being informed about the options and the issues, and having some choice and opportunity to say what they want provide the most effective means of allowing them to have a say in decisions that affect their lives. For agencies and organizations, the key ingredients are skilled and resourceful staff prepared to listen to and encourage the participation of children and young people, proper resourcing, supportive policy and legislation, and some means of evaluating their performance. In addition, feedback from children and young people is required to indicate whether it is happening.

References


CREATE Foundation formerly Australian Association of Young People in Care, established in 1993, www.create.net.au


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**Résumé**

**Objectif:** Il existe des raisons particulières qui expliquent l’importance de permettre aux enfants et aux jeunes gens de participer à la prise de décisions qui les affecteront. Le but de cet article est de souligner ces raisons et de passer en revue les développements et les recherches sur la participation des enfants qui sont sous la tutelle publique aux processus et aux décisions qui les affectent.

**Méthode:** Cet article passe en revue les rapports de recherches effectuées au Royaume uni, en Amérique du nord, en Australie et en Nouvelle-Zélande. Il explore les perceptions des enfants qui sont sous la tutelle publique à savoir la mesure dans laquelle ils ont pu participer aux décisions qui les affectent, pourquoi ils ont voulu participer et ce qu’il faut pour assurer que ce processus soit efficace.

**Résultats:** Les enfants et les jeunes gens qui sont placés en foyer ou dans des institutions souhaitent vivement pouvoir participer aux décisions qui sont prises par rapport à leur destin, et en général, ils sont satisfaits des occasions qu’on leur fournit pour le faire.

**Conclusions:** Pour que la participation des enfants et des jeunes gens soit véritable et efficace, il faut satisfaire certaines conditions: leur fournir des occasions et des choix qui faciliteront leur participation, leur fournir des informations pertinentes, leur assurer la présence d’un défenseur de leurs droits en qui ils ont confiance, leur donner les ressources nécessaires et assurer des politiques et des lois qui appuient ce processus. Il faut ensuite vérifier auprès des enfants et des jeunes s’ils ont vraiment eu l’occasion de participer.