



Toward the development of a Participation Strategy for Children and Young People

National Guidance & Local Implementation

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The overall Child and Family Support programme of work has been supported by The Atlantic Philanthropies.

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CONTENTS

Introduction	1
Structure of document	2
Implementation of strategic outcomes	3
1. Participation by children and young people	4
1.1 Meaning of 'participation'	4
1.2 Reasons for involving children and young people in decision-making	8
1.3 Principles of participation	9
1.4 Rationale for participation strategy	10
2. Existing participation infrastructure and practices in the Child and Family Agency	11
2.1 Legal framework	12
2.2 Policy and National Standards	13
2.3 Participation structures and processes	14
2.4 Advocacy, complaints mechanisms and monitoring	16
2.5 Current practice	18
3. Overview of the supporting literature review	20
4. Implementation of the strategy	22
4.1 Anticipated strategic outcomes	23
References	24
Appendix	26

INTRODUCTION

A modern public service places the service user at the heart of decision-making, service planning and provision. Thus, it is the remit of Tusla – Child and Family Agency to engage with children, families and communities on the design and quality of services provided to them. To this end, the Agency is committed to developing a **Participation Strategy for Children and Young People** and the present document provides the background towards informing such a strategy. The aim is to ensure that every time a decision is taken that directly affects a child or young person (or children and young people collectively), their views are taken into consideration in the decision-making process.

The participation of children and young people is fundamental to a child-centred, rights-based approach¹ to working with children and young people. It is a requirement of the forthcoming *National Strategy on Children and Young People's Participation in Decision-making*, to be published by the Department of Children and Youth Affairs (DCYA), and the *National Children's Charter for Young People in Social Care Settings*, forthcoming from Tusla. In addition, it is a key recommendation in the recent reports documenting Ireland's failure to protect children experiencing abuse and neglect, and is one of the *National Standards for the Protection and Welfare of Children* by the Health Information and Quality Authority (HIQA).

As well as participation being a right and in keeping with national policy, there is evidence to suggest that when children and young people are meaningfully engaged in child protection interventions, it can lead to better outcomes, including better targeted services for children and their families and the empowerment of children and young people (Bell, 2002; La Valle *et al*, 2012).

¹ A rights-based approach is the application of human rights standards in practice. The right to participation is one of the underpinning principles of a rights-based approach and it also recognises the interdependence of all human rights, meaning the realisation of one right may depend on the realisation of others. Therefore, this strategy is part of a wider approach to the realisation of children's rights.

STRUCTURE OF DOCUMENT

This document is divided into four chapters:

1. Contextual information is provided outlining what the Child and Family Agency understands by participation and highlighting the known benefits of participation. It sets out the underpinning principles of participation that the Agency will adhere to and provides the rationale for the development of a strategy on the participation of children and young people.
2. Since this strategy is intended to build on what is already in place, an overview is provided of existing participation infrastructure and practice within the then HSE Children and Family Services, now the Child and Family Agency.
3. Drawing on the literature review², a brief overview is given of the known mechanisms or approaches used to embed a culture of participation successfully within an organisation.
4. Taking an evidence-informed, outcomes-focused approach and following a consultation phase, this document identifies a set of high-level strategic outcomes that will form the basis of the Agency's forthcoming Participation Strategy. These outcomes are sought by the Agency to implement the overarching strategic aim, which is that children and young people's views are taken into consideration every time a decision is taken that directly affects them. The Agency's actions required to achieve these strategic outcomes are outlined in the Appendix to this document.

² Redmond, S. and Kennan, D. (2013) *Embedding a Culture of Children and Young People's Participation in Decision Making: Literature Review*. Galway: UNESCO Child and Family Research Centre, National University of Ireland, Galway. Available on request.

IMPLEMENTATION OF STRATEGIC OUTCOMES

Putting in place the infrastructure required to meet the strategic outcomes is most centrally relevant to the management of Tusla – Child and Family Agency. However, the forthcoming strategy and the commitment to hearing the voice of children and young people is relevant to all staff of the Agency as well as the organisations and practitioners funded by the Agency to provide services to children, young people and their families. It is also of relevance to other partners, both statutory and non-statutory, who are not directly funded by the Child and Family Agency, but who have a central role in assisting the Agency to achieve positive outcomes for children, young people and their families. Therefore, this approach seeks to complement the existing momentum in relation to children’s collective participation generated through Children and Young People’s Services Committees (CYPSC) under the DCYA’s ‘Working Together for Children’ initiative.

This strategy development document is one component within a suite of work being undertaken on Prevention, Partnership and Family Support by the National Office within the Child and Family Agency. Additional components include:

- Guidance for the Implementation of an Area-based Approach to Prevention, Partnership, and Family Support;
- Investing in Families: Supporting parents to improve outcomes for children;
- 50 Key Messages to accompany Investing in Families: Supporting parents to improve outcomes for children;
- What Works in Family Support?
- Commissioning Guidance for Child and Family Agency;
- Report of the National Survey of Child and Family Agency-funded agencies providing services to all children and their families;
- Meitheal – A National Practice Model for all agencies working with children, young people and their families;
- Meitheal Toolkit.

All these documents are available at:

<http://www.tusla.ie/services/family-community-support/guidance-documents/>

The present document should also be read in conjunction with the forthcoming Child and Family Agency *Alternative Care Strategy*.

1.

PARTICIPATION BY CHILDREN AND YOUNG PEOPLE

1.1

MEANING OF 'PARTICIPATION'

For the purpose of this document, the term 'participation' means **the involvement of children and young people in decision-making on issues that affect their lives**. A child or young person's right to have their views heard in the decision-making process is enshrined in Article 12(1) of the United Nations Convention on the Rights of the Child (UN, 1989), ratified by Ireland in 1992. It provides that:

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

Lundy (2007) developed an important model for understanding Article 12, which is intended to focus decision-makers on all four elements of the provision (see *Figure 1*).

Figure 1: Lundy's Model of Participation (Lundy, 2007)



This model provides a way of conceptualising Article 12 of the UNCRC which is intended to focus educational decision-makers on the distinct, albeit interrelated, elements of the provision. The four elements have a rational chronological order:

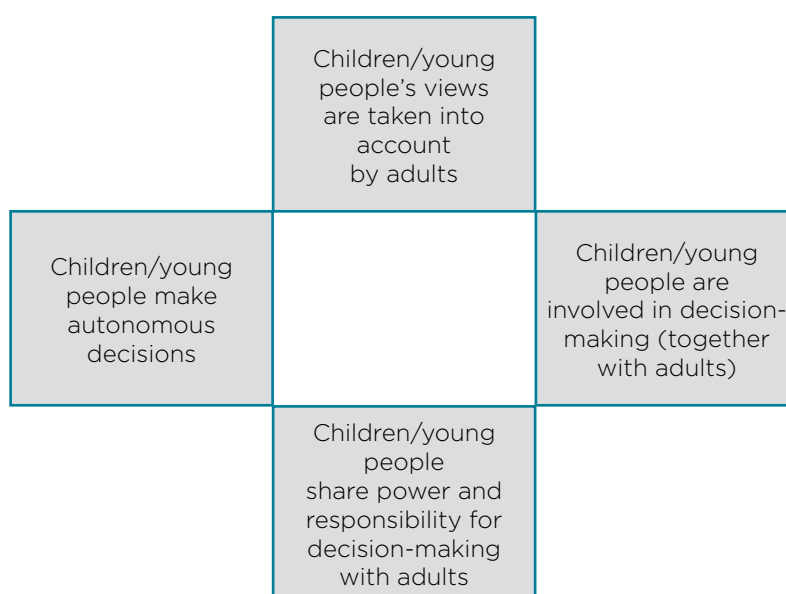
- **SPACE:** Children must be given safe, inclusive opportunities to form and express their view
- **VOICE:** Children must be facilitated to express their view
- **AUDIENCE:** The view must be listened to.
- **INFLUENCE:** The view must be acted upon, as appropriate.

Under Article 12, children and young people do not have the definitive say in the decision-making process, but their views should be given due weight in accordance with their age and maturity. As articulated by Lansdown (2010), adults retain responsibility for the outcome, while being informed and influenced by the views of the child or young person. However, the decision-maker must inform the child or young person of the outcome of the process and explain how their views were taken into consideration (UN Committee on the Rights of the Child, 2009).

The term 'participation' has evolved to encompass decision-making power beyond the scope of Article 12. The model by Kirby *et al* (2003) makes provision for children and young people to share power and responsibility for decision-making with adults (see *Figure 2*). According to Kirby

et al, no one form of participation outlined in the model is better than another. While, at a minimum, a child or young person's participation must meet the requirements of Article 12, determining whether they should have greater decision-making power is dependent on several factors, including the purpose of their involvement (Sinclair, 2004); their evolving capacities (Article 5 of the UN Convention on the Rights of the Child); what is in the best interests of the child or young person (Lundy and McEvoy, 2011); the preferences of the children and young people concerned and their available time (Shaw *et al*, 2011). It is important that practitioners are open and transparent about the level of participation they are applying in any particular situation.

Figure 2: A Model of the Level of Participation (Kirby *et al*, 2003)



A distinction has been made between children and young people's involvement in **personal decisions**, affecting them as individuals, and **public decisions** affecting children and young people as a group (Kirby *et al*, 2003; UN Committee on the Rights of the Child, 2009). Regarding personal decisions, and in the context of the delivery of children's services, a child or young person's views should be heard whenever decisions are being taken that directly affect their lives. For example, according to the UN Committee on the Rights of the Child (2011, Para.56), '*children's views must be invited and given due weight as a mandatory step at every point in a child protection process*'.

The involvement of children and young people in public decisions involves hearing their voice or the voice of a representative group of children or young people collectively. This would generally occur, for example, in service planning, design, development, delivery and evaluation.

Article 19 of the UN Convention on the Rights of the Child states that:

- 1 Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
- 2 Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

General Comment 13 by the UN Committee on the Rights of the Child (2011) interprets Article 19 and is very clear on the linkage between protection, prevention and participation. The Committee emphasises, in the strongest terms, that child protection must begin with proactive prevention and that a rights-based approach to child protection starts with prevention and builds children's capacity to protect themselves, enhances their understanding of their right to protection and promotes their participation. Therefore, in this context, participation is also understood as one means towards effective prevention of, and protection from, child abuse and neglect.

1.2

REASONS FOR INVOLVING CHILDREN AND YOUNG PEOPLE IN DECISION-MAKING

There are a range of compelling reasons as to why children and young people should be involved in decision-making. First and foremost, it is a legal right of children and young people and in line with national policy and standards (see *Chapter 2 for existing legal, policy and participation infrastructure in Ireland*). Other compelling reasons widely accepted and previously collated are (HSE, 2008):

- **Improved services:** Consulting with children and young people and developing effective partnerships enables services to be improved and responsive to meeting challenging needs that children and young people can help define.
- **Improved decision-making:** Participation leads to more accurate, relevant, transparent decisions, which are better informed and more likely to be implemented and supported.
- **Promoting children's protection:** Participation is an important aid to protection as set out in Section 1.1. A recurring theme of successive State inquiries into child abuse has been the failure to listen to children and young people in order to protect them effectively. Children and young people's capacity to protect themselves may be enhanced when their participation is facilitated.
- **Enhancing children and young people's skills:** Participation helps in developing skills useful for debate, communication, negotiation, prioritisation, leadership and decision-making.
- **Enhancing democratic processes:** Representative democracy can be strengthened as children and young people, agencies and communities gain new opportunities to develop better services for children and young people.

1.3

PRINCIPLES OF PARTICIPATION

The following principles provide guidance to management and staff of the Child and Family Agency and to organisations delivering services for or on behalf of the Agency for the implementation of a participation strategy for children and young people. These principles are the agreed 'Principles for Participation' set out in the Council of Europe's Recommendation CM/Rec(2012)2 of the Committee of Ministers.

- There is no age limit on the right of the child or young person to express her or his views freely. All children and young people, including those of pre-school age, school age and those who have left full-time education, have a right to be heard in all matters affecting them, their views being given due weight in accordance with their age and maturity.
- The right of children and young people to participate applies without discrimination on any grounds such as race, ethnicity, colour, sex, language, religion, political or other opinion, national or social origin, property, disability, birth, sexual orientation or other status.
- Consideration needs to be given to the notion of the evolving capacities of children and young people. As children and young people acquire more capacities, adults should encourage them to enjoy, to an increasing degree, their right to influence matters affecting them.
- Particular efforts should be made to enable participation of children and young people with fewer opportunities, including those who are vulnerable or affected by discrimination, including multiple discrimination.
- Parents and carers have the primary responsibility for the upbringing and the development of the child and, as such, play a fundamental role in affirming and nurturing the child's right to participate, from birth onwards.
- In order to be able to participate meaningfully and genuinely, children and young people should be provided with all relevant information and offered adequate support for self-advocacy appropriate to their age and circumstances.
- If participation is to be effective, meaningful and sustainable, it needs to be understood as a process and not a one-off event and requires ongoing commitment in terms of time and resources.
- Children and young people who exercise their right to freely express their views must be protected from harm, including intimidation, reprisals, victimisation and violation of their right to privacy.
- Children and young people should always be fully informed of the scope of their participation, including the limitations on their involvement, the expected and actual outcomes of their participation and how their views were ultimately considered.
- In line with the General Comment on Article 12 of the UNCRC, all processes in which children and young people are heard should be transparent and informative, voluntary, respectful, relevant to children's lives, in child-friendly environments, inclusive (non-discriminatory), supported by training, safe and sensitive to risk, and accountable. Member States should integrate these requirements into all legislative and other measures for the implementation of this recommendation.

1.4

RATIONALE FOR PARTICIPATION STRATEGY

From the outset, the Child and Family Agency has expressed a commitment to the voice of children and young people. More recently, Section 9 of the Child and Family Agency Act 2013 requires that the Agency gives consideration to the views of children in planning and reviewing the provision of services and in the performance of its functions under the Child Care Act 1991, the Education (Welfare) Act 2000 and the Adoption Act 2010.

While there are policies and structures in place and pockets of good practice in service delivery enabling children and young people to have their voice heard, there is evidence that this approach to working with children and young people is not mainstreamed and the right of children or young people to participate in decisions affecting them is not uniformly respected (see Chapter 2).

To comply with national and international law, policy and standards, children and young people's participation cannot be an isolated activity or simply a matter of good practice at the discretion of the individual worker. It requires more than a robust provision in policy; it is also about managing a process of change across an organisation to ensure the implementation of national policy and standards.

In order for there to be meaningful and sustainable participation, this organisational change needs to occur at national, regional, local and individual levels to support and make participation *'the way we work around here'*. For this level of change to occur, it needs to be embedded in *'the organisation's prevailing attitudes, behaviours, norms, skills and procedures'* (Thompson, 1998, p. 108). This document is intended to contribute to how this can happen in practice.

2.

EXISTING PARTICIPATION INFRASTRUCTURE AND PRACTICES IN THE CHILD AND FAMILY AGENCY

This chapter is not intended to be an exhaustive review of participation-focused infrastructure and practice in child protection and family support services in Ireland or to provide comment on the effectiveness of existing measures. Instead, by means of documentary analysis, it provides an overview of existing laws, policies, structures and practice, which are indicative of how the voice of children and young people is currently heard in child protection and family support services. To develop and implement a Participation Strategy for Children and Young People, it is considered necessary to be mindful of existing activity in this area.

2.1

LEGAL FRAMEWORK

International law

In 1992, Ireland ratified the UN Convention on the Rights of the Child (UNCRC). As set out in Chapter 1, Article 12 of the Convention codified in international law the right of the child to have his or her views heard and given due weight in all matters affecting them.

Ireland, as a State Party, agreed to undertake all appropriate legislative, administrative and other measures to implement Article 12, Article 19 and all rights recognised in the Convention (Article 4).

The implementation of the UNCRC is currently monitored by the UN Committee on the Rights of the Child. On 24 September 2014, the Irish Government signed and ratified the Third Optional Protocol to the UNCRC. This enables children and their representatives to complain to the UN Committee on the Rights of the Child when their rights have been breached.

Legislation in Ireland

Section 9 of the Child and Family Agency Act 2013 places a statutory duty on Tusla - Child and Family Agency to give consideration to the views of the child in specified circumstances. These include when planning and reviewing the provision of services and when performing its functions under the Child Care Act 1991, the Education (Welfare) Act 2000 and the Adoption Act 2010.

In relation to children or young people in care, the Child Care Act 1991 makes provision for detailed regulations to govern the placement of children in residential care, in foster care and with relatives.³ These regulations require, in so far as is practicable, that a care plan be drawn up in consultation with the child and

their guardians with the intention to ensure that the needs of the child coming into care are clearly identified and met in a systematic and timely manner (HSE, 2009). They also provide that when the case of a child in care is reviewed, regard shall be given to the views of the child.

In relation to child care proceedings coming before the Courts, Section 25 of the Guardianship of Infants Act 1964 allows for the Court, where it thinks it appropriate and practicable and with regard to the age and understanding of the child, to take account of the child's wishes. Provision is made in the Child Care Act 1991 to appoint a *Guardian ad Litem* to present the views and wishes of the child, but this is at the discretion of the Judge.

Provision is also made in law, under the Children Act 2001, for the Courts to make an Order instructing the Child and Family Agency to convene a Family Welfare Conference. This is a family-led decision-making meeting involving family members and professionals, convened when decisions need to be made about the welfare, care or protection of a child/young person (HSE, 2009). Provision is also made in the Act for the Children (Family Welfare Conference) Regulations 2004; these require the coordinator of the Conference to consult with the child and his or her parents or guardian on the timing, location, attendance and procedures to be adopted during the meeting.

³ Child Care (Placement of Children in Residential Care) Regulations 1995; Child Care (Placement of Children in Foster Care) Regulations 1995; and Child Care (Placement of Children with Relatives) Regulations 1995. Available at: http://www.dcyd.gov.ie/docs/Regulations_and_National_Standards/2588.htm

2.2

POLICY AND NATIONAL STANDARDS

Giving children and young people a voice in matters that affect them is a core Government commitment, articulated in national policy across a number of key documents, including:

- *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People, 2014-2020* (DCYA, 2014) and the *National Strategy on Children and Young People's Participation in Decision-making* (DCYA, forthcoming).
- *National Children's Charter for Young People in Social Care Settings* (Child and Family Agency, forthcoming), in which participation is one of the key principles that services must adhere to.
- *Your Service, Your Say: National Strategy for Service User Involvement in the Irish Health Service, 2008-2013* (Department of Health and Children, and HSE, 2008).

In 2008, the HSE produced a paper on *Engaging children in planning, design, development, delivery and evaluation of health and social services*. This was followed by a short reference document in 2010, *Working with Children and Young People: A Quick Guide for Frontline Staff*.

National standards and guidance also form part of the framework from within which children and family services operate. The Health Information and Quality Authority (HIQA) has a statutory function to set standards on safety and quality. The National Standards for the Protection and Welfare of Children (HIQA, 2012), for example, require children to be listened to and their concerns and complaints to be responded to openly

and effectively (Standard 1.2). The national child protection and welfare guidelines, *Children First: National Guidance for the Protection and Welfare of Children* (DCYA, 2011a), are intended to support people to identify and report child abuse and neglect, and to support front-line practitioners to deal effectively with concerns. The *Child Protection and Welfare Practice Handbook* (HSE, 2011) is intended to complement the *Children First* national guidance as a practical reference text to support front-line practitioners. One of the key principles of best practice in child protection and welfare is the child's right to be heard and these national guidelines emphasise this right at every stage of the process.

The National Standards for Children's Residential Centres (Department of Health and Children, 2001) and the National Standards for Foster Care (Department of Health and Children, 2003) also refer to the need to uphold children's rights and to afford them privacy, dignity, and choice, with opportunities for consultation and a complaints procedure.

In addition, it is intended to enact legislation shortly, based on the Children First Bill 2014, so that people working with children will have a statutory duty to comply with the national guidance in *Children First*.

2.3

PARTICIPATION STRUCTURES AND PROCESSES

Currently within the Child and Family Agency, there are limited designated structures and processes to bring children and young people together for the purpose of participating in service planning, design, development, delivery and evaluation. Existing structures and processes are primarily focused on children and young people in care.

Teenagers and Children Talking in Care – TACTIC

In 2012, the Department of Children and Youth Affairs (DCYA) set up the ‘Voice of Children in Care’ Implementation Group in partnership with the HSE Children and Family Services. In 2013, the children and young people themselves took the decision to re-name the group TACTIC – meaning ‘Teenagers and Children Talking in Care’. The group was established to oversee implementation of the recommendations arising from an extensive consultation process with children and young people in the care of the State in 2011. Children and young people who were part of this consultation process were invited to be part of the group. They presented their work to the National Director of the HSE Children and Family Services and Area Managers in June 2013. To date, TACTIC’s work has included:

- identifying the recommendations arising from the consultation process most in need of immediate action;
- providing input into the Child and Family Agency’s *Alternative Care Practice Handbook* (2014);
- providing detailed feedback on the review process for care plans;

- providing feedback on guidance documents for staff on review meetings for care plans;
- developing a suite of forms for all age ranges to support and assist young people to contribute to the Child in Care review process; information booklets for children and young people of all age ranges entering foster care and residential care; and user-friendly versions of the National Standards for both foster care and residential care. These publications were launched in December 2014, along with the *Alternative Care Practice Handbook*.

During 2015, the Child and Family Agency is working to develop consultative frameworks at local, regional and national levels for children in care, which will absorb the work of the TACTIC group.

The Advisory Group

The Advisory Group (TAG) is a representative group of 8-10 young people over the age of 18 who have had experience of living in the care of the State. It is led by the Chief Executive Office of the Child and Family Agency and facilitated by representatives from Empowering People in Care (EPIC).

Members of the TAG Group are encouraged and supported to engage with the Child and Family Agency directly on the improvement of the care system and to provide input to care policy. TAG and three regional advisory groups constitute a formal mechanism by which young people can be facilitated and supported to engage directly on the reform and monitoring of care at two levels: (1) locally, with the management of Child and Family Agency Areas and (2) nationally, with senior policy-makers.

Comhairle na nÓg

Comhairle na nÓg is the official structure at local level for the participation of children and young people throughout the country in the development of policies and services. These youth councils have been established by the County and City Development Boards in accordance with the National Children's Strategy (2000) and are funded and overseen by the DCYA. In 2012, the DCYA published a roadmap for the development of direct links between Comhairle na nÓg and the Children and Young People's Services Committees (CYPSCs) to ensure that the CYPSCs have effective engagement with children and young people in the planning and delivery of services, including in the development of their local *Children and Young People Plan*. These committees work to improve the lives of children, young people and families at local and community level through integrated planning and improved service delivery. It is intended that the roll-out of CYPSCs will be extended in 2015.

2.4

ADVOCACY, COMPLAINTS MECHANISMS AND MONITORING

Advocacy

The Child and Family Agency strongly endorses the principle of advocacy support for all parents, young people and children involved with its services. To this end, all staff working directly with families advocate on their behalf on an ongoing basis. The Agency also part-funds EPIC (Empowering People in Care), which is a non-governmental organisation established to provide independent advocacy support for children and young people in the care of the State. Through the work of its team of National Advocacy Officers, EPIC seeks to promote the participation of young people in care, enable children and young people to have their views and concerns heard, positively affect policy and practice change, and seek to achieve better outcomes for young people in care and in aftercare. As part of this service, EPIC delivers a visiting advocacy service to high support units, special care units, children detention schools and other identified residential services to extend the service to particularly vulnerable young people in care (EPIC, 2013).

A number of other organisations are also involved in advocacy as part of their role. These include Barnardos, the ISPCC, the Children's Rights Alliance, the National Law Centre for Children and Young People, and the Ombudsman for Children's Office.

Complaints Mechanisms

Your Service, Your Say: The National Strategy for Service User Involvement in the Irish Health Service, 2008-2013 (Department of Health and Children, and HSE, 2008) sets the procedures on how to comment, compliment or complain about a service and outlines how the communication will be dealt with. It is applicable to all health and social care settings.

The Ombudsman for Children's Office (OCO) is an independent office with a remit to examine and investigate complaints against public bodies, including the Child and Family Agency. The Ombudsman is obliged by law to initiate an investigation on a wide range of grounds, including where an action taken has or may adversely affect the child (Section 8 of the Ombudsman for Children Act 2002; Section 41 of the Health Act 2007). Complaints can be made directly to the OCO by any child or young person under the age of 18 or by an adult on behalf of children and young people.

Children and young people as individual 'legal persons' can, of course, access the Court system. However, considerable procedural and practical obstacles make access to justice challenging for children and young people. As stated earlier, on 24th September 2014 the Irish Government signed and ratified the Third Optional Protocol to the UN Convention on the Rights of the Child, enabling children and their representatives to complain to the UN Committee on the Rights of the Child when their rights have been breached.

Monitoring

The Health Information and Quality Authority (HIQA) has a statutory mandate to monitor and inspect services provided by the Child and Family Agency (Section 41 of the Health Act 2007). HIQA has no explicit mandate to hear from children or young people directly. However, in the case of children or young people in residential care, the National Standards provide that the authorised person monitoring the residential centre should meet with the young person and '*enquire about their welfare and happiness*' (Department of Health and Children, 2001). In practice, the HIQA Inspectorate consults with children and young people during its inspections of residential and foster care, as is evident from certain reports which are informed by the views of children and young people (*see, for example*, HIQA, 2013).

2.5

CURRENT PRACTICE

Audit (2011) of participatory activity

There has been no extensive audit to date of participatory activity in the Child and Family Agency or formerly HSE Children and Family Services to determine current practice. However, the Department of Children and Youth Affairs commissioned an audit in 2011 to document activity enabling children and young people's participation in statutory and non-statutory organisations, which included the collection of data from 200 HSE personnel and from staff in HSE-funded organisations (DCYA, 2011b). The majority of respondents were from Local Health Offices (44.5%), followed by other HSE services (27.5%), HSE-funded services (17.5%) and hospital-based teams (9%). This audit provides the most up-to-date picture of what is happening in practice in the area of child and youth participation. Some of the key findings from the audit were as follows:

- In terms of levels of participation, just over one-third of the respondents (36.2%) were currently involving children and young people in decision-making and one-fifth (19.9%) had done so in the past.
- Involving children and young people in decisions that are made about them directly was the most common type of involvement, as reported by 60.8% of the 153 respondents. The second most common type of involvement was asking for their ideas when developing new policies and/or services (44.4%).
- Ongoing informal consultations and providing child and youth-friendly literature were the most common approaches to involving children and young people in decision-making.

- Dedicated staff time was the most common type of resource allocated specifically to support children and young people's participation. However, a large proportion of the respondents who were currently involved in participatory work stated that they had no resources allocated to support children and young people's participation.
- According to the respondents, the least consulted groups of children and young people were children under the age of 12; children and young people in hospital; those currently or formerly in residential or foster care; lesbian, gay, bisexual and transgender (LGBT) young people; young offenders; children and young people with a physical or sensory disability or a learning difficulty; and young refugees and asylum-seekers.

Consultation (2010) with children in care system

While this 2011 audit surveyed staff, no study has broadly consulted children and young people in contact with the Child and Family Agency and its funded services about their perceived levels of involvement in decision-making. Findings from a consultation held by the OMCYA in 2010 with children and young people shed some light on practice in the care system at the time. Following the recommendation of the *Report of the Commission to Inquire into Child Abuse* (the 'Ryan Report' of 2009) to enable children in care to communicate without fear, the OMCYA launched a consultation process with children and young people with the purpose

of documenting their views on living in the care of the State. Between January and July 2010, 211 children and young people, aged 8-18+, took part in the consultation process, which consisted of 15 separate consultations in 6 venues around the country. Participants included children living in foster care and residential centres, children detained in St. Patrick's Institution and detention schools, children and young people in residential units because of a disability, separated children seeking asylum and young people who had recently left the care system.

One of the objectives of the consultation was to explore existing mechanisms for children and young people to express their views. The children and young people involved reported that they were rarely asked for their views or feedback, and mechanisms in place to seek their views were not working. For example, there was a general consensus among participants that there was a need for more consultations with young people on decisions being made about them. Overall, it was considered by the participants that the views of young people should be sought before any critical decisions were taken about their lives. Also, while a number of the children and young people involved in the consultation process, particularly those in foster care in Galway, felt that care plan reviews could be an opportunity for young people in care to have their voice heard, the vast majority of those involved in the consultation did not agree and were critical of the review process from this perspective. From their experience, the atmosphere was described as 'intimidating' and when issues were raised by the young people they did not feel listened to or taken seriously.

A number of recommendations emerged from this consultation and were published in *Listen to Our Voices! Hearing Children and Young People living in the Care of the State* (DCYA, 2011c). The recommendations are categorised into three areas: hearing the voice of young people in care; system of care for young people; and system of care practices. The 'Voice of Children in Care' Implementation Group (later renamed TACTIC, see Section 2.3) was established in 2012 in response to the first of these recommendations.

HIQA inspections

The HIQA inspection reports on the compliance of the then HSE's Children and Family Services with the *National Standards for the Protection and Welfare of Children* are an important source of information in terms of reporting current practice around whether a child's right to be heard is being respected. These National Standards require children to be listened to and their concerns and complaints to be responded to openly and effectively (Standard 1.2). While these reports shed light on practice in local areas, no analysis has been conducted of practice nationally to capture the broader picture of current participatory activity.

3.

OVERVIEW OF THE SUPPORTING LITERATURE REVIEW

The literature review conducted to inform this document on *Toward the development of a Participation Strategy for Children and Young People* sets out current thinking on what works in relation to embedding a culture of child and youth participation within an organisation. It further details relevant good practice methods when involving children and young people in decision-making and collates the known views of children and young people, in contact with children's services, on what mechanisms or structures they consider need to be in place to enable them to have their views heard.

Due to space restrictions, the whole literature review cannot be included here, but it is available on request from the UNESCO Child and Family Research Centre, National University of Ireland, Galway. *Reference:* Redmond, S. and Kennan, D. (2013) *Embedding a Culture of Children and Young People's Participation in Decision Making: Literature Review*. Included below are the main points taken from the literature on the subject.

In relation to what works in embedding a culture of participation, the literature review explores organisational change literature, including the challenges associated with changing a culture at a systemic and sustainable level. In addition, it investigates what models have been adopted in other jurisdictions when it comes to embedding a culture of participation and synthesises the various approaches supporting each step in the change process. It describes

three different approaches to transition that individuals experience (Kübler-Ross, 1969; Hopson and Adams, 1976; Bridges, 2003). One model in particular (Kirby *et al*, 2003) is cognisant of these transitions and has influenced the development of the Child and Family Agency's strategic outcomes planned for its forthcoming Participation Strategy for Children and Young People. This is the 'unfreeze, catalyse, internalise and institutionalise' approach. This model helps to prepare individuals within an organisation for the changes to come by adopting a phased approach and consolidating the changes once they are made. In essence, it includes the following components:

Unfreeze: This requires 'unfreezing' existing attitudes and ways of working. In order for this to happen, staff within the organisation need to believe that change is required and understand why it is necessary. This involves:

- highlighting the need to change.

Catalyse: This requires having people who will drive the process forward. These people help by communicating the message of what needs to change and building commitment for the change process. This involves:

- building senior management support;
- identifying champions of participation;
- defined governance;
- establishing a steering group;
- involving children early on;
- designating structures for participation.

Internalise: This requires ensuring that the change is sustainable and not short-lived. To this end, there is a need to ensure staff know what is happening, to build staff capacity, to resolve conflict and to celebrate success. This involves:

- informing stakeholders;
- building staff capacity through training and support;
- resolving conflict early on;
- celebrating and rewarding achievement;
- accessible complaint procedures;
- adequate resources;
- providing children and young people with information;
- engaging hard-to-reach children and young people.

Institutionalise: To institutionalise participation in an organisation, it is necessary to integrate participation into all aspects of work policies and procedures, so that participation becomes scalable and the way the organisation operates. This involves:

- reflecting and evaluation;
- participation-proofing existing policies and procedures;
- setting standards.

4.

IMPLEMENTATION OF THIS STRATEGY

The overarching aim of the forthcoming Child and Family Agency Participation Strategy for Children and Young People is to ensure that every time a decision is taken that directly affects a child (or children and young people collectively), their views are taken into consideration in the decision-making process. This document has outlined what the Child and Family Agency understands by ‘participation’ and sets out the underpinning principles of participation that the Agency will seek to adhere to. It provides the rationale for the development of the strategy and an overview of existing participation infrastructure and practice in the Agency.

Informed by this overview, the accompanying literature review and the consultation phase with key identified personnel⁴, the following are the key strategic outcomes identified that the Child and Family Agency will work towards achieving in order to embed within the Agency a culture of children and young people’s participation in decision-making.

⁴ The individuals consulted and their positions at the time of the consultation were: Francis Chance, Assistant Director of Children’s Services, Barnardos; Jennifer Gargan, Director of EPIC; Anne O’Donnell, Head of Communications and Citizen Participation, DCYA; Ellen O’Malley Dunlop, Chief Executive, Dublin Rape Crisis Centre; Maria Corbett, Acting Chief Executive, Children’s Rights Alliance; Caroline Cullen, National Specialist for Workforce Development, HSE Children and Family Services; Siobhan Mugan, National Specialist for Alternative Care, HSE Children and Family Services; Linda Creamer, Acting National Specialist for Child Protection, HSE Children and Family Services; Greg Price, Director of Advocacy, HSE; and Barry Murray, Area Manager, HSE Children and Family Services.

4.1

ANTICIPATED STRATEGIC OUTCOMES

1. 'Champions' drive the participation agenda of the Child and Family Agency.
2. Staff capacity to hear and include the views of children and young people is enhanced through training and support.
3. Participation-proofing of all existing policies, guidelines and procedures of the Child and Family Agency to ensure that every time a decision is taken that directly affects a child or young person, individually or collectively, their views are taken into consideration in the decision-making process.
4. Existing individual and collective participation structures are sustained and additional ones established to facilitate the views of children and young people being heard.
5. All organisations and practitioners funded by the Child and Family Agency adhere to the participation principles in the strategy.
6. Ongoing monitoring, reviewing and evaluation support the development of participation practice.

The actions required by the Child and Family Agency to achieve these strategic outcomes are outlined in the Appendix to this document. The approach is part of a wider approach to change management across the Agency. It explicitly documents the benefits sought and ensures progress towards these benefits is measurable and is monitored. This is consistent with the monitoring and evaluation approach outlined in the Agency's *Commissioning Strategy* and the *Parenting Support Strategy*.

REFERENCES

- Bell, M. (2002) 'Promoting children's rights through the use of relationship', *Child and Family Social Work*, Vol. 7, No. 1, pp. 1-11.
- Bridges, W. (2003) *Managing Transitions: Making the most of change*. Boston, MA: Da Capo Press.
- Child and Family Agency (2014) *Alternative Care Practice Handbook*. Dublin: Tusla – Child and Family Agency.
- Council of Europe (2012) *Principles for Participation. Recommendation CM/Rec(2012)2 of the Committee of Ministers*. Strasbourg: Council of Europe.
- DCYA (2011a) *Children First: National Guidance for the Protection and Welfare of Children*, Department of Children and Youth Affairs. Dublin: Government Publications. Available at: <http://www.dcy.gov.ie/documents/Publications/ChildrenFirst.pdf>
- DCYA (2011b) *An Audit of Children and Young People's Participation in Decision Making*. Dublin: Department of Children and Youth Affairs. Available at: http://www.dcy.gov.ie/documents/publications/childrenandyp_DecisionMaking.pdf
- DCYA (2011c) *Listen to Our Voices! Hearing Children and Young People living in the care of the State*. Dublin: Department of Children and Youth Affairs. Available at: http://www.dcy.gov.ie/documents/publications/LTOV_report_LR.pdf
- DCYA (2012) *Working Together for Children: Toolkit for the Development of Children's Services Committees* (2nd edition), Department of Children and Youth Affairs. Dublin: Government Publications. Available at: www.dcy.gov.ie
- DCYA (2014) *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People, 2014-2020*, Department of Children and Youth Affairs. Dublin: Government Publications. Available at: www.dcy.gov.ie
- Department of Health and Children (2001) *National Standards for Children's Residential Centres*. Dublin: Government Publications.
- Department of Health and Children (2003) *National Standards for Foster Care*. Dublin: Government Publications.
- Department of Health and Children, and HSE (2008) *Your Service, Your Say: National Strategy for Service User Involvement in the Irish Health Service, 2008-2013*. Dublin: Department of Health and Children.
- EPIC (2013) *EPIC Strategic Plan, 2013-2015*. Dublin: Empowering Children in Care. Available at: <http://www.epiconline.ie/strategic-plan-2013---2015.html>
- HIQA (2012) *National Standards for the Protection and Welfare of Children*. Dublin: Health Information and Quality Authority. Available at: www.hiqa.ie/system/files/Child-Protection-Welfare-Standards.pdf
- HIQA (2013) *Inspection of a Children's High Support Unit in the HSE Dublin North East*, Inspection Report ID Number: 643. Dublin: Health Information and Quality Authority. Available at: www.hiqa.ie/system/files/inspectionreports/643.pdf
- Hopson, B. and Adams, J. (1976) 'Towards An Understanding of Transition: Defining some Boundaries of Transition Dynamics'. In: J. Adams, J. Hayes and B. Hopson (eds.), *Transition - Understanding and Managing Personal Change*. New Jersey: Allanheld, Osmun & Co.
- HSE (2008) *HSE Policy on Engaging Children in planning, design, development, delivery and evaluation of services*. Dublin: Health Service Executive. Available at: http://www.hse.ie/eng/services/publications/pp/Primary_Care_CommunityCare/enagage_policy.pdf

- HSE (2009) *HSE Child Welfare and Protection Social Work Departments Business Processes: Report of the NCCIS Business Processes Standardisation Process*. Dublin: Health Service Executive.
- HSE (2010) *Working with Children and Young People: A Quick Guide for Frontline Staff*. Dublin: Health Service Executive. Available at: <http://www.hse.ie/eng/services/yourhealthservice/SUI/Library/Guides/www.pdf>
- HSE (2011) *Child Protection and Welfare Practice Handbook*. Dublin: Health Service Executive.
- Kirby, P., Lanyon, C., Cronin K. and Sinclair, R. (2003) *Building a Culture of Participation: Involving children and young people in policy, service planning, delivery and evaluation*, Research Report. Nottingham: Department for Education and Skills.
- Kübler-Ross, E. (1969) *On Death and Dying*. London: Routledge.
- Lansdown, G. (2010) 'The Realisation of Children's Participation Rights'. In: B. Percy-Smith and N. Thomas (eds.), *A Handbook of Children and Young People's Participation*. Oxon: Routledge.
- La Valle, I., Payne, L. and Jelcic, H. (2012) *The Voice of the Child in the Child Protection System*, Research Summary 7. London: National Children's Bureau Research Centre.
- Lundy, L. (2007) 'Voice is not enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child', *British Educational Research Journal*, Vol. 33, No. 6, pp. 927-42.
- Lundy, L. and McEvoy, L. (2011) 'Working with Children as Co-Researchers: An Approach informed by the United Nations Convention on the Rights of the Child', *Early Education and Development*, Vol. 22, No. 5, pp. 714-36.
- OMCYA (2009) *Implementation Plan from the Report of the Commission to Inquire into Child Abuse, 2009*, Office of the Minister for Children and Youth Affairs. Dublin: Government Publications. Available at: http://www.dcy.gov.ie/documents/publications/Implementation_Plan_from_Ryan_Commission_Report.pdf
- Shaw, C., Brady, L.-M. and Davey, C. (2011) *Guidelines for Research with Children and Young People*. London: National Children's Bureau Research Centre.
- Sinclair, R. (2004) 'Participation in practice: Making it meaningful, effective and sustainable', *Children & Society*, Vol. 18, No. 2, pp. 106-18.
- Thompson, J. (1998) 'Participatory Approaches in Government Bureaucracies: Facilitating Institutional Change'. In: J. Blackburn and J. Holland (eds.), *Who changes? Institutionalizing participation in development*. London: Intermediate Technology Publication Ltd.
- UN (1989) *United Nations Convention on the Rights of the Child*. Geneva: Office of the High Commissioner for Human Rights. Available at: <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>
- UN Committee on the Rights of the Child (2009) *General Comment No. 12: The right of the child to be heard* (Article 12). Geneva: UN Committee on the Rights of the Child.
- UN Committee on the Rights of the Child (2011) *General Comment No. 13: The right of the child to freedom from all forms of violence* (Article 19). Geneva: UN Committee on the Rights of the Child.

APPENDIX

Tusla – Child and Family Agency will implement a *Participation Strategy for Children and Young People* to ensure that children and young people (individually and collectively) participate in the design, development, delivery and evaluation of all services delivered and commissioned by the Agency. In particular, the Agency will undertake the following key priority actions:

- National capacity to drive improvements in participation practice across the Child and Family Agency and partner agencies will be enhanced.
- Links will be created with the DCYA Participation Hub.
- Capacity to hear and include the views of children and young people will be enhanced through a comprehensive approach to training and support.
- The importance of child and youth participation will be emphasised in the job descriptions of all staff.
- Individual structures and practice in participation will be enhanced through ensuring that the views of children are meaningfully taken into consideration in all Meitheal assessments, child protection/welfare assessments, case conference reports, Court applications and care plan meetings, unless there is a specific reason as to why this is not appropriate and if so, this reason is recorded.
- Collective structures for participation will be developed, enhanced and supported at the local, national and regional level so that all children and young people who are service users of the Agency can influence service development, design and delivery.
- Equivalent national, regional and area-based arrangements will be established for all children and young people who are service users of the Agency.
- The Agency's website (www.tusla.ie) will feature a section for young people.
- Specific resources will be developed, e.g. a Feedback and Complaints Policy and a National Children's Charter.
- Ongoing feedback will be sought from children and young people receiving services from the Agency, to inform practice and service improvements.
- New policies and strategies of the Agency will be reviewed to ensure that they include opportunities for participation.
- All organisations funded by the Agency will be required to commit to arrangements that incorporate participation of children and young people as a standard to be met.
- A self-evaluation tool will be developed in child and youth participation to determine areas for improvement in participation practice.

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