

## CREATE's Position

CREATE advocates for children and young people in care to be supported in exercising their right to be meaningfully and genuinely engaged in decision-making processes. This right is enshrined in the United Nations *Convention on the Rights of the Child* (1989), Article 12.1. It also is promoted through the *National Standards for Children and Young People in Out-of-Home Care* and in each state and territory's *Charter of Rights*. All child protection workers and carers should be committed to encouraging and facilitating children and young people to participate in decisions by adopting a child-centred approach in obtaining young people's views.

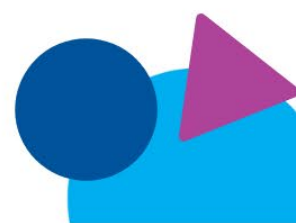
For participation to be meaningful, young people must be able to influence outcomes and have their opinions taken seriously. Young people's choices must be treated with respect, including the choice at times to not engage in decision making.

## Evidence

- National Standards 2 and 4 for Out-of-Home care relate to Participation in Out-of-Home care (FaHCSIA, 2011).
- Recent research by CREATE has found only 67.5% of children and young people in care feel they could have a say "reasonably often" and 15.7% reported they rarely or never had a say (McDowall, 2018).
- Being involved in case planning processes is one means through which young people can have a say about decisions. However, CREATE found that only 43.6% of young people know about their plan, with less than two-thirds of these reporting they were involved in developing it (McDowall, 2018).
- Research identifies that the formal decision making processes in child protection can be intimidating and alienating for young people, especially if they lack information and feel unsupported by adults attending the meetings, who may be strangers to the young people (Cashmore, 2002).
- Meaningful participation has several benefits, such as increased self-esteem and agency, particularly important for young people who have experienced trauma, abuse and neglect, as well as improved communication and problem solving skills (Cashmore, 2002).
- The participation of young people also contributes to improved service development, as services can then be shaped to respond to the needs of the service consumers (Testro, 2006).
- Several barriers to participation have been identified in research:
  - As identified by McDowall (2013), a significant barrier to young people participating in decision-making, above age, placement type and gender, is young people feeling unheard and that their views are not being considered.
  - Young people also cite not being provided with information or appropriate explanations to make a decision (Southwell & Fraser, 2010), as well as not being comfortable speaking to a caseworker about their needs as a result of high worker turnover and lacking a trusting relationship (McDowall, 2016, 2018; Strolin-Goltzman, Kollar, & Trinkle, 2010).
- Caseworkers cite difficulties in balancing the concerns about the child's best interest versus giving weight to the young person's wishes, particularly where safety issues may apply (Kris & Skivenes, 2017). For example, caseworkers may not encourage young people to attend important meetings due to concern of heated discussions between adults upsetting the young person (Healy & Darlington, 2009).
- As argued by McDowall (2016), it is important to ensure that participation is not tokenistic, and that the degree of participation reflects what is appropriate for the task. Genuine participation requires caseworkers not only understanding the importance of participation, but upholding principles of respecting young people and providing necessary opportunities and support to facilitate young people being involved in decision making (McDowall, 2016).

## Actions

Every state and territory has a *Charter of Rights for*



*Children and Young People in Out-of-Home Care.* These promote the rights of young people having a say and being listened to. CREATE calls on federal, state, and territory ministers, together with the child protection sector, to take action and ensure these rights are upheld.

CREATE advocates that:

- State and territory governments consider means of involving and engaging young people in the case planning process, such as through technologies (e.g. phone applications) or through developing engaging and accessible child and youth friendly formats and tools for case planning.
- Training is provided to caseworkers on the importance of participation, and strategies to engage young people in meaningful ways. Examples include providing an informal space for discussions, utilising active listening skills, and ensuring children and young people are adequately prepared for meetings, adapting strategies for culture, capacity and developmental needs.
- Young people should be provided with feedback about decisions impacting them so that they feel that their views have been considered.
- Sufficient resourcing be made available per state and territory to address caseworker recruitment, turnover, and ongoing facilitation and training to assist caseworkers to build trusting relationships with children and young people.
- The implementation of nationally consistent powers for independent child commissioners and guardians to act as advocates who ensure the voices of children and young people are heard in all decision-making processes, and to provide community visitors to visit all out-of-home care placements.
- Children and young people are able to meaningfully be involved in all decisions impacting their lives, and, where possible, extending to involvement in service review, program development, policy implementation, and staff selection.

## References

- Cashmore, J. (2002). Promoting the participation of children and young people in care. *Child Abuse and Neglect*, 26, 837-847.
- Department of Families, Housing, Community Services, and Indigenous Affairs (FaHCSIA). (2011). An outline of National Standards for out-of-home care. Canberra: Commonwealth of Australia.
- Healy, K., & Darlington, Y. (2009). Service user participation in diverse child protection contexts: Principles for practice. *Child & Family Social Work*, 14, 420-430.
- Kriz, K., & Skivenes, M. (2017). Child welfare workers' perceptions of children's participation: A comparative study of England, Norway and the USA (California). *Child & Family Social Work*, 22, 11-22.
- McDowall, J. J. (2013). Participation of children and young people in decisions-making in out-of-home care in Australia. *Developing practice*, 36 (Spring), 41-51.
- McDowall, J. J. (2016). Are we listening? The need to facilitate participating in decision-making by children and young people in out-of-home care. *Developing practice*, 44 (April), 48-93.
- McDowall, J. J. (2018). *Out-of-home care in Australia: Children and young people's views after five years of National Standards*. Sydney: CREATE Foundation.
- Southwell, J., & Fraser, E. (2010). Young people's satisfaction with residential care: Identifying strengths and weaknesses in service delivery. *Child Welfare*, 89 (2), 209-228.
- Strolin-Goltzman, J., Kollar, S., & Trinkle, J. (2010). Listening to the voices of children in foster care: youths speak out about child welfare workforce turnover and selection. *Social Work*, 55 (1), 47-53.
- Testro, P. (2006). *Listening, hearing and acting: Approaches to the participation of children and young people in decision making- a review of literature*. Brisbane, Queensland: Queensland Government Department of Child Safety.
- United Nations. (1989). *The United Nations convention on the rights of the child*. London: doi: 10.1093/tropej/fmp024

