

Children and Young People as Decision-makers: Encouraging Participation in Out-of-Home Care



BEST PRACTICES GUIDE

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CREATE acknowledges the Australian Aboriginal and Torres Strait Islander peoples of this nation. We acknowledge the traditional custodians of the lands on which our company is located and where we conduct our business. We pay our respects to ancestors and Elders, past, present, and emerging.

Best Practices Guide

Children and Young People as Decision-makers: Encouraging Participation in Out-of-Home Care

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About CREATE

CREATE Foundation (CREATE) is the national consumer body for children and young people with an out-of-home care experience. We represent the voices of over 45,000 children and young people currently in care, and those who have transitioned from care up to the age of 25.

Our vision is that all children and young people with a care experience reach their full potential.

Our mission is to create a better life for children and young people in care.

To do this we:

Connect children and young people to each other, CREATE and their community to

Empower children and young people to build self-confidence, self-esteem, and skills that enable them to have a voice and be heard to

Change the care system, in consultation with children and young people, through advocacy to improve policies, practices and services and increase community awareness.

We achieve our mission by facilitating a variety of programs and services for children and young people in care and developing policy and research to advocate for a better care system.

CREATE has extensive experience in working and consulting with children and young people in care and has previously undertaken significant consultation processes informing the development of major government policies. CREATE is committed to consulting with children and young people in care, in a way that enables them to have their voices heard, empowers them, and values their unique, individual experiences.

Introduction

Whether five or fifteen years of age, children and young people have the right to express their feelings in whatever capacity they can and to have those feelings duly acknowledged (United Nations, 1989). Yet, for vulnerable children and young people in out-of-home-care (OOHC), participation is more complex. Reluctance to speak up and get involved in making decisions is common because the motivation to participate often hinges on how safe and supported one feels in expressing their views to another person. Meaningful participation is often the combined result of having access to the right information; receiving encouragement from a trusted support person; being given time and space to speak out in an ongoing capacity; and receiving feedback or affirmation that one's views are actually shaping real-world outcomes (Bessell, 2011; McDowall, 2016).

Participation has a *rights-value* and is embedded in multiple United Nations agreements such as the Convention on the Rights of the Child [UNCRC], the Guidelines for the Alternative Care of Children, and the Declaration on the Rights of Indigenous Peoples [UNDRIP]. The right to participate in decision-making also appears in Australia's National Standards for Out-of-Home Care, state/territory Charter of Rights agreements, and in the Aboriginal and Torres Strait Islander Child Placement Principle [ATSICPP]. Key extracts from these rights-based frameworks can be found in Appendix 1.

Far too often though, children and young people report feeling ignored, misunderstood, voiceless, and hopeless. This Best Practices Guide is focused on what good child-centred participation and decision-making should look like. Participatory rights and participatory support for children and young people in the child welfare space should be child-centred and authentic, not tokenistic (Barnes, 2007; Bessell, 2011; SNAICC, 2013; Tisdall, 2015). Best practice involves collaboration and power-sharing; workers and young people coming together as "differently equal partners" (Bjerke, 2011 in McDowall, 2016, p. 87). Best practice involves seeing children and young people articulating, planning, and achieving their own goals and pursuing their dreams and aspirations without feeling handicapped by their care experience or manipulated by a statutory third party.

CREATE's position on Young People's Rights to Participation and Decision-making

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 to at times, not engage in decision-making.

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 young person 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, ensuring children and young people are adequately prepared for meetings, and adapting strategies for culture, capacity and developmental needs.
- Young people should be provided with feedback about decisions impacting them so they feel 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.

(CREATE, 2019a)

What children and young people tell us

“Empower the young person to drive their own journey.”

(Young Participant, ViA Conference, 2019b)

The voices and experiences of children and young people with a care experience inform CREATE's work. A reoccurring theme in our research is that children and young people are not heard because they are not able to meaningfully participate in decisions affecting their lives while in care and when transitioning out of care. CREATE's 2018 National Standards review noted that only 38% of young people attended care team meetings because they “felt they weren't listened to half the time” (McDowall, 2018, p. 15). The review also revealed that only 44% of young people reported having a case plan, and of these only 57% said they had actually helped make it (McDowall, 2018). One young person summed up their disappointing experience,

“they never really used my words. My case plan was pretty much just what they thought was best for me”

(Female, 17 years)

(McDowall, 2018, p. 20).

In 2019, CREATE's *Voices in Action (ViA)* conference brought together young people, carers, service professionals, and decision-makers to learn from each other and workshop key issues to improve the lives of children and young people with a care experience. The Advocacy in Action workshop on Participation and Decision-making sought the views of young people on how to create opportunities for children and young people in care to have a meaningful say in their own life. There was an overriding sense that participatory experiences for young people should be positive and strengths-based, with an emphasis on supporting the “*strengths and aspirations of young people*” and “*helping young people reach their potential*” (Young Participants, ViA Conference, 2019b).

Other key themes included the need for good communication, child-friendly language, and a culture of listening; flexibility to provide multiple options and avenues for young people; appropriate recruitment of staff and subsequent staff accountability; provision of adequate resource allocation to make time for participation in practice; workers acting as advocates—acknowledging child-rights and child-centred practice; and workers engaging with young people to build trusted relationships.

Building a strong relationship based on empathy, compassion, and respect is important for creating a safe environment for young people to speak up. It also helps practitioners “*understand... the lives and struggles*” of young people—an important insight to have when assisting young people with a care experience in decision-making (Young Participant, ViA Conference, 2019b).

The *Four T’s* were introduced by young participants to aid in this process: meet children and young people “*on their turf*” and “*in their time*,” build a trusted relationship or connection by acknowledging “*their tastes*”; and encourage them to share “*their tales*” in their own words (Young Participants, ViA Conference, 2019b). The power of child-centred participation was also voiced by a number of young participants as a way of countering adult decision-making, or, adults *speaking for* young people (ViA Conference, 2019b):

“Seek the views of young people.”

“Don’t think you are on a higher pedestal than us.”

“Stop putting ideas into young peoples’ heads about what they want.”

“Dedicate time to talk to young people and take on board what they are saying.”

“Speak their language [and] let them have a say.”

CREATE appreciates that the people who work with and care for children and young people in out-of-home care have a genuine interest in providing quality services and care. This Best Practices Guide has been informed by the voices from our conference workshop combined with other research to help you and your organisation develop child-friendly practices and service improvement processes.

What is the benefit of a child-centred culture of participation in the OOH space?

The inclusion of children and young people’s voices, ideas, and aspirations greatly enhance the organisation’s outcomes, improve the culture and morale of staff, and embed a dynamic and responsive practice across the organisation. Placing children and young people at the forefront of decision-making processes delivers multiple benefits to the children and young people in care and also to the organisations providing this care. Below are some of the benefits:

- Prepares young people for being independent decision-makers in the future.

- Improved service delivery. Informs a better system through direct input and feedback from young people.
- Better staff engagement and retention.
- Positive implications for Aboriginal and Torres Strait Islander young people both individually and culturally. Participation is viewed as a key tool for seeking redress, self-determination, reconnection, and cultural healing (SNAICC, 2013; 2017).
- Honours and respects children and young people as rights-bearers in line with international law and national standards.
- Provides emotional/psychological benefits of recognition, self-determination, dignity, and self-worth.
- Offers possibility for real organisational action and change based on what the young person wants.



Principles for Creating Child-Centred Participation

The following seven principles offer useful pathways to creating child-friendly participation in the OOHC space:

1. Recognise that young people's participation in decision-making (both within and beyond the OOHC sector) is underpinned by Child-Rights culture.

Best practice tips:

- Have an open discussion with children and young people and provide resources that inform them of their rights in a tangible way (i.e., access to age appropriate versions of the UN Convention on the Rights of the Child and OOHC Charter of Rights).
- Don't overwhelm children and young people with adult-loaded questions and adult-led processes. Rather, encourage young people to participate in decision-making by first allowing them to identify ideas, approaches, issues, and solutions in their own words.
- Include young people in formal judicial and legal proceedings.
- Workers should advocate for the rights of children and young people to be upheld, either through challenging policies that don't work or speaking up against instances where young people have been denied their right to participate (i.e., as a result of coercion, silencing, downplaying, or organisational incompetence).

2. Engage with children and young people and allocate time to develop meaningful, respectful, and trusted relationships.

Best practice tips:

- **Get to know them.** Build strong relationships and partnerships with young people.
- Respect children and young people wherever they are on their journey (pain, grief, loss, healing, and/or redress), and allow time and space for them to engage.
- Be transparent and honest with the young person.
- Practice empathy not just sympathy.
- Share the decision-making process and approach young people as equal partners or collaborators.
- Be guided by children and young people and let them set the pace and tone of the relationship.
- Create a safe environment for children and young people in care to connect with a trusted person.
- Make time to talk with young people regularly and take on board what they are saying.

3. Use strengths-based approaches to promote agency and opportunity for young people.

Best practice tips:

- Seek the views of young people, listen, and avoid *speaking for them*.
- Create and foster continued opportunities for children and young people to speak up (i.e., youth advisory groups [YAGs], forums, events, and consultations).
- Embed and encourage staff to use strengths-base practice that focuses on the individual strengths/interests/aspirations of the young person and celebrates milestones and achievements to help children and young people reach their potential.
- Encourage young people to be involved in their care plans, either contributing directly or providing feedback. Also, have young people's views reflected in their care plans.
- Invite the young person to have a support person/s at care team meetings so they feel comfortable to share their views.
- Respect boundaries and acknowledge that young people have the right to not participate.



- Continually check-in with young people and review and update where they are at. Young people also have the right to change their minds; views change and evolve and young people do not have static personalities. Therefore, decisions should never be set in stone and staff should respond in a flexible manner.
- Use a range of media strategies to gain the voice of young people (i.e., surveys, Facebook, or Twitter).
- Seek a diversity of viewpoints from young people; don't over-consult the same young people when a variety of care experiences can be sought.

4. Create culturally safe spaces and mechanisms to encourage connection and participation.

Best practice tips:

- Create culturally safe spaces and mechanisms to encourage connection and participation.
- Ensure these spaces and mechanisms honour the Aboriginal and Torres Strait Islander Child Placement Principles (ATSICPP).
- Develop and implement cultural training for staff.
- Employ staff who identify as Aboriginal and Torres Strait Islander.
- Enable young people to be involved in the process of choosing which services they wish to use; not being forced to one or the other.
- Build positive relationships with the young person's community of living but also where they come from as this can often be different and they may identify with both. Support young people and their extended networks where there is a desire from the young person to connect or reconnect with family/kin/community/language. Where connection has been lost, ensure thorough *cultural mapping* and information gathering of kin and family takes place with the young person's permission and involvement.
- Provide children and young people access to accurate and credible information in order to help them identify with and make decisions based on culture and community.
- Provide individual, cultural support to empower a child or young person to participate in decision-making, such as an appropriate independent child advocate or community organisation representative (SNAICC, 2017).

- Adopt a holistic approach to participation and decision-making that considers all of the elements that may be important to Aboriginal and Torres Strait Islander children and young people—mind, body, spirit, country, lore, language, history, and the world around them.

5. Keep channels of communication open and use inclusive, respectful, and child-friendly language.

Best practice tips:

- Ask children and young people what they want.
- Ask, listen, hear, and then respond; don't assume.
- Give children and young people the space and time they need to speak.
- Explain clearly to children and young people the reasons for, and expectations regarding, the decisions being
- Use language that is positive and avoid adversarial and defensive tones.
- Be open and transparent with information sharing, and keep young people informed regularly throughout all phases of decision-making.
- Develop and share information in a way that is appropriate for the individual (i.e., developmentally, culturally, and with considered regard for learning and communication needs and disabilities).
- Incorporate the young person's language verbatim into care plans and other key documents regarding their care.
- Communicate directly, either in-person or via up-to-date and user-friendly media platforms.



6. Invest in recruiting, training, and supporting quality staff to ensure that the right people are in the job.

Best practice tips:

- Ensure workers are trained correctly and have a good understanding of young people and the care system.
- Provide adequate resources for staff (access, time, funding, extra training, materials, and opportunities to collaborate with other professionals or community representatives).
- Include young people with a care experience in the staff training process.
- Support staff to be innovative and creative in finding new ways to engage young people.
- Encourage staff to take responsibility for their own learning; to regularly update skills, and keep up-to-date with sector policies, research, and events.
- Recruit staff who want to be frontline allies for children and young people, and who possess both emotional maturity and genuine interest and passion in the sector.

7. Establish a working culture driven by professional integrity—be flexible, responsive, transparent, and accountable!

Best practice tips:

- Invite feedback from children and young people to improve service delivery (*are goals being achieved; what are the barriers to best practice; and, how can participation be made more inclusive?*)
- Keep young people informed of decisions and meetings through a user-friendly feedback mechanism.
- Respond to children within a reasonable timeframe.

- Provide young people the opportunity to access to an independent advocate.
- Be flexible and willing to negotiate and compromise (power-sharing).
- Be open and transparent.
- Follow up on complaints processes and feedback information and updates to the children and young people involved.
- Encourage staff to report instances where young people have had their right to participate or speak up ignored or denied.
- Undertake professional self-evaluation (*am I doing what I say, am I walking the talk?*)



Conclusion

Children and young people do not simply want to be asked how they feel about adult-centric concepts and decisions related to their own care experience. They want to be the “*drivers of their own journey*,” or at the very least, able to “*speak their language*” and “*have a say*” about decisions affecting them. Participation is a human right recognised nationally and internationally as an individual’s right to express their views and affect decisions that impact their lives. It is not age-dependent and it has no expiry date. For many individuals, meaningful participation boosts self-esteem and confidence, leading to an increased sense of self-worth, dignity, and overall wellbeing. Collectively, participation may also be a platform for self-determination.

To enable inclusive and child-centred decision making, children and young people must be given opportunities to be heard and included. A young person’s firsthand lived experience positions them as a key player at the decision-making table. Respectful collaboration and partnership between young people and practitioners is vital. Children and young people should be supported to speak during informal and formal conversations; contribute to care plans and transition from care plans; take part in care team meetings, events, advisory groups, consultations, and proceedings; and inform legal, administrative, and policy decisions.

Importantly, young people not only have the capability to influence their own individual outcomes, but their feedback can also to help shape a better system overall. Therefore, investing in child-centred participation creates mutually beneficial (and meaningful) outcomes for both young people and practitioners in this space.

The key challenge lies in how well the institutional framework surrounding the child protection sector can balance third party protection of vulnerable, young service users with the individual rights of those same service users. This Best Practices Guide invites all child welfare professionals to step up to the challenge and implement innovative and inclusive strategies to bring young voices into decision-making processes. Non-participation is not good enough!





Rights-based mechanisms

Relevant rights-based mechanisms for best practice

United Nations Convention on the Rights of the Child
[unicef.org/child-rights-convention](https://www.unicef.org/child-rights-convention)

United Nations Guidelines for the Alternative Care of Children
[unicef.org/protection/alternative_care_Guidelines-English.pdf](https://www.unicef.org/protection/alternative_care_Guidelines-English.pdf)

United Nations Declaration on the Rights of Indigenous Peoples
[un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html](https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html)

Aboriginal and Torres Strait Islander Child Placement Principle
[snaicc.org.au/wp-content/uploads/2017/07/Understanding_applying_ATSICCP.pdf](https://www.snaicc.org.au/wp-content/uploads/2017/07/Understanding_applying_ATSICCP.pdf)

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Appendices

Appendix 1. Rights-based Participation Frameworks for Children and Young People in Out-of-Home Care

| | |
|---|---|
| <p>United Nations Convention on the Rights of the Child [Article 12]</p> <p>1. 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.</p> <p>2. The child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body.</p> | <p>Australian National Standards for Out-of-Home Care [Standard 2]</p> <p>Children and young people in care should participate in decisions that have an impact on their lives. Children and young people are to be provided with objective advice, able to ask for help, have their concerns heard and given information about, and access to, review mechanisms.</p> |
| <p>Aboriginal and Torres Strait Islander Child Placement Principle [Participation Element 5]</p> <p>Aboriginal and Torres Strait Islander children have the opportunity to participate in decisions that affect them in line with their capacity, age and maturity and receive culturally appropriate support to do so.</p> | <p>United Nations Guidelines for the Alternative Care of Children [Provision 104b]</p> <p>The child has access to legal and other representation where necessary, consulting with the child so that the child's views are taken into account by decision-making authorities, and advising and keeping the child informed of his/her rights.</p> |

Participation Principles: key messages from children and young people with a care experience.

CREATE appreciates that the people who work with and care for children and young people in out-of-home care have a genuine interest in providing quality services and care. This poster and accompanying Best Practices Guide has been informed by the voices from our 2019 Voices in Action (VIA) conference workshop combined with other research to help you and your organisation develop child-friendly practices and service improvement processes. The following seven principles offer useful pathways to creating child-friendly participation in out-of-home care:

1. Recognise that young people's participation in decision-making (both within and beyond the OOHC sector) is underpinned by Child-Rights culture.
2. Engage with children and young people and allocate time to develop meaningful, respectful, and trusted relationships.
3. Use strengths-based approaches to promote agency and opportunity for young people.
4. Create culturally safe spaces and mechanisms to encourage connection and participation.
5. Keep channels of communication open and use inclusive, respectful, and child-friendly language.
6. Invest in recruiting, training, and supporting quality staff to ensure that the right people are in the job.
7. Establish a working culture driven by professional integrity—be flexible, responsive, transparent, and accountable!

Key Messages from
Young People at the
2019 ViA Conference


"Empower the
young person to
drive their own
journey."

"Less tension
when people
are yarning."

"Have empathy,
develop connections,
and dedicate time to
talk to young people
without distractions."

"Hear more
about the
strengths and
aspirations of
young people."

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“Every person is an independent rights bearer— children and adults ... Don’t just think adults have big thoughts, kids have big thoughts too ... One set of rights is not more important than the other [rather] there needs to be a balance ... Children and young people’s participation is not uniformly valued across the sector and [sometimes it is] actively disregarded ... The system needs to uniformly recognise and value the rights of all children and young people. [This involves] more than just asking children and young people what they think about what adults have to say.”

(Jodie Griffiths-Cook, ACT Children and Young People Commissioner, NAPCAN Child Protection Week Participation Webinar, 2020)



CREATE has developed the below resource to highlight the key messages of this guide. Please head to create.org.au to download this resource.