

## SOCIAL SERVICES INSPECTORATE PRACTICE GUIDELINES ON:

### CHILDREN'S CONSULTATION

#### Background

The Social Services Inspectorate are aware of health board's, and other providers of children's residential services, commitment to listening to young people<sup>1</sup>; and there are good examples of efforts to put this into practice. Young people's involvement has been promoted through house meetings, case reviews and the production of children's booklets. However, notwithstanding some examples of good practice, health boards have indicated that they would welcome guidelines on how they might consult young people's views.

#### Why consult young people?

There are many good reasons for involving young people.

- 1) Consulting young people's views promotes their individual worth, and emphasises that each have claims, feelings and opinions separate from parents or other care-givers.
- 2) Experience from practice, inspection and research indicates that the participation and involvement of young people means that child care staff, social workers and managers are more likely to get it right. It should be remembered that those on the receiving end can often provide a unique and valuable perspective about the care system, and if it is to be effective, then young people's knowledge and experience are resources that we can ill afford to waste. *"Many care experienced young people are experts on the care system and by listening to them many improvements could be made for both the professionals and the care system in general".*<sup>2</sup>
- 3) Young people have a right to be consulted on matters concerning their care and protection, as part of the health boards' general duty<sup>3</sup> to **give due consideration to the wishes of the child**. This is strengthened by Article 12 of the United Nations on the Rights of the Child, 1989, which confers rights upon young people to be heard, particularly in relation to any judicial or administrative decisions affecting them.
- 4) Health boards, as public bodies, will want to ensure that their processes for reaching decisions and exercising judgements are "reasonable". In order to ensure this an act, decision or judgement must be informed by all matters it would be reasonable to take account of, including the views of any persons likely to be affected.

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<sup>1</sup> The term "young people" is used throughout to generically denote children, young people and young adults.

<sup>2</sup> Irish Association of Young People in Care, 2001

<sup>3</sup> (Section 3 (2) (ii) of the Child Care Act 1991)

- 5) Young people learn through experience. The more opportunities young people have to exercise rights and responsibilities through involvement in decision-making, the more likely they are to develop as responsible citizens.
- 6) Excluding a young person may enhance their sense of isolation, low self-worth and feelings of being little more than; “... *someone else’s object of concern*”<sup>4</sup>
- 7) Consulting young people is a genuine aspect of providing them with safe care. It is significant that major public inquiries, concerned with abuse in care, have each identified giving young people a voice as a key recommendation. “*Children without defined (and exercisable) rights are, by that very fact, vulnerable*”<sup>5</sup>

### **Which young people should be consulted?**

The requirement to take account of a young person’s ascertainable wishes and feelings is not dependent upon some arbitrarily contrived age limit or considerations of whether it is convenient to do so. Article 12 of the United Nations Convention on the Rights of the Child, 1989 states that; “... *any child, capable of forming a view or opinion, has the right to express those views freely in all matters affecting the child*”. Any qualification regarding age and maturity relates only to the weight that should be given to each young person’s views.

Some young people may have special difficulties in giving their views and be dependent upon help to be able to do so. Health boards, and other providers of children’s residential services, will wish to provide such necessary support for ensuring that young people have access to equal opportunities for giving their views.

### **Involvement in care planning and reviews**

Young people participating in care planning and review processes experience different qualities of involvement, ranging from excellent examples of their views being taken seriously to being effectively excluded from the decision-making process. Some young people are permitted to attend reviews for only short periods of time towards the end, and then only to hear the outcome. Often our failure to involve young people properly arises from a common misconception that telling someone what has already been decided is somehow synonymous with consulting their views. There is a fundamental distinction between informing somebody about a decision and seeking their opinions so as to inform it. This distinction impacts significantly upon the quality and genuineness of involvement.

### **Involvement in “house meetings”**

The purpose of house meetings is to give young people a say in the running of the centre. The service benefits from receiving valid contributions about improvements that could be made. Examples from good practice indicate that young people are typically involved in setting the agenda for house meetings, and have regular opportunities for chairing and taking the minutes. House meetings should provide a forum capable of

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<sup>4</sup> Butler-Sloss, Cleveland Inquiry Report, 1987.

<sup>5</sup> Freeman, M. D. A., (1985) ‘The Rights and Wrongs of Children’, Frances Pinter, London

achieving change in the way a centre is managed and how young people are treated within it. Good practice respects the integrity of house meetings as being something that gives young people their time, their space and their opportunity to have a say.

By contrast, the worst examples of house meetings are characterised by being dominated by staff issues. Children's residential centres should try to avoid using house meetings as a forum for raising matters of discipline or reiterating the rules of the house.

### **Children's booklets**

Health boards, and other providers of children's residential services, should produce booklets for young people in care, which provide detailed information about what life in the centre involves, what being in care is like and what young people in care are entitled to expect. Best practice involves young people in their production and includes a statement of children's rights. These are encouraging developments.

Careful consideration needs to be given to the relationship between rights and responsibilities. The two are not inextricably bound and some rights can be exercised without any corresponding responsibility having to be met. Advising young people about their responsibilities is to be encouraged. However, in doing so, there is a need to avoid wrongfully implying that irresponsible actions inevitably result in a consequential loss of rights.

### **Are these the limits of what young people can participate in?**

Evidence from practice indicates that young people's views can be consulted on a wide range of matters. Currently, there are young people in care who are regularly asked about holiday arrangements, activities and the décor and furnishings of a centre, especially their own bedrooms.

Through many of the surveys carried out, research findings and inspection reports young people have said that they want more involvement in a range of decision-making that affects what happens in their lives, and some say as to the form that involvement might take. Some examples reveal that young people have been involved in;

- a) Running local, regional and national youth in-care organisations (such as the Irish Association of Young People in Care).
- b) Lobbying and campaigning for improvements to the care system.
- c) Acting as consultants on the development of policy and practice guidelines.
- d) Advising on service developments (e.g. complaints systems, children's rights advocacy, leaving care and aftercare etc.)
- e) Drafting and advising on pieces of child care legislation.
- f) Editing a national magazine for young people in care.
- g) Selection of care workers and other staff.

- h) Supporting inspection and monitoring processes.
- i) Conducting surveys on young people's views and children's rights audits.
- j) Participating in conferences and training events.

Not all young people can be involved in each of these activities. Those that are may require considerable support from adults dedicated to giving them an effective voice. However, these examples illustrate the potential for young people to be included in far more areas than conventional practice assumes.

### **What are the pre-requisites to good consultation with young people?**

Evidence from good practice and research shows that in order for young people to benefit from the experience of being involved and consulted they need;

- adequate information, appropriate to their age, with which to prepare and form opinions.
- opportunities to express their views and explore options open to them.
- regular and continuous opportunities for involvement.
- their views positively encouraged, listened to, considered with respect and seriousness; and to see how these can inform decisions and outcomes.
- consideration of payment whenever they are engaged to participate in a formal piece of work.
- to be told how their views will be considered.
- to know the outcome of any decision and, if that decision is contrary to the child's wishes, an explanation of the reasons.
- effective and accessible avenues of complaint, backed up by access to independent and competent services of advocacy.
- opportunities to influence the setting of agendas, by including items of interest to them.
- respect for the confidentiality of any personal experiences that they might choose to share.