



Participation in decision-making in out-of-home care in Australia: What do young people say?

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ABSTRACT

Drawing on qualitative research with 28 young people in Australia, this article explores children and young people's views and experiences of participation in decision-making while in out-of-home care. It initially examines the value of participation, before focusing on two key questions. First, do young people feel they had the opportunity to participate in decisions made about their lives during their time in out-of-home care? Second, on which issues do children and young people in care want to have a say?

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1. Introduction

Historically, the views of children were not considered relevant to the development of child welfare policies or the delivery of services. Policies and interventions, including those around out-of-home care and protection, responded to children as passive beneficiaries of services decided upon, designed and delivered by adult professionals. Over time, there has been a gradual but profound change in the value placed on children's views. During the past decade, governments have begun to recognise that children are stakeholders in the out-of-home care system. As a result, policies and procedures in a number of OECD countries have sought to create mechanisms for children's participation. In Australia, legislation and related policies developed over the past decade have identified children's right to participate in or be consulted on decisions that affect their lives. During the same period, several Australian studies have drawn attention to the structural obstacles to the participation of children in out-of-home care in both research and policy-making (see Bessell & Gal, 2009; Gilbertson & Barber, 2002; Mason, Urquhart, & Bolzan, 2003).

The well-being, care and protection of children and young people in out-of-home care present policy-makers and service providers with complex challenges. By definition, children who have been removed from their parents have experienced trauma, neglect or abuse, and sometimes all three. Internationally, recent studies suggest that once in out-of-home care children and young people face serious difficulties (Doyle, 2007), which are exacerbated by placement instability (Rubin, 2007). In Australia, children in care appear to fare worse on educational indicators (Barber, Delfabbro, & Cooper, 2000; Create Foundation, 2006; Delfabbro, Barber, & Benthams, 2002), are more vulnerable to mental health issues (Tarren-Sweeney & Hazell,

2006), and face a difficult transition to independent living (Cashmore & Paxman, 2006). While in care, children are likely to be worried and anxious (Fernandez, 2007), despite studies indicating that a significant proportion of children and young people are satisfied with their care arrangements (Fernandez, 2007; Gilbertson and Barber, 2002; O'Neill, 2004). Instability and regular changes in placement are features of out-of-home care (O'Neill, 2004). There are also indications that children and young people in the out-of-home care system are excluded from decisions made about their lives (Mason, Urquhart, & Bolzan, 2003; Tregeagle & Mason, 2008). It is this lack of participation in decision-making that is the focus here.

This article explores children and young people's views and experiences of participation. It initially examines the value of participation for children and young people in out-of-home care. I then draw on qualitative research with a small group of young people with recent experience of out-of-home care in Australia, primarily the Australian Capital Territory and New South Wales, to examine two questions. First, do these young people feel they had the opportunity to participate in decisions made about their lives during their time in out-of-home care? Second, on which issues did they want to have a say?

2. Defining participation

Children's participation is an imprecise and multi-dimensional concept (Sinclair, 2004). Various efforts have been made to develop typologies and theories of children's participation (Hart, 1997; Thomas, 2007). Hart (1997: 43–45) makes clear the distinction between consultation with children; genuinely involving children in decision-making; and creating space for children to take the initiative and then share decisions with adults as equals. McNeish (1999) has argued that it is necessary to consider not only the ways in which children and young people participate but the context in which

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participation occurs. In relation to children in out-of-home care, Vis and Thomas (2009) identify six levels of participation:

1. A child is consulted but does not understand;
2. A child is given information without an opportunity to express his/her views;
3. A child expresses his/her views but does not take part in decision-making;
4. A child takes part in decision making but not in any autonomous decisions;
5. A child makes autonomous decisions but does not define the problem;
6. A child defines the problem and makes the decision.

For Vis and Thomas (2009) participation occurs at level three or higher on the above scale, and requires that the child's participation has some affect on the actual decision taken. This definition is broadly in line with Article 12(1) of the UN Convention on the Rights of the Child, which states:

States 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.

Here, I use a three-dimensional definition of participation, whereby (i) a child or young person has sufficient and appropriate information to be able to take part in the decision-making process; (ii) a child or young person has the opportunity to express their views freely; and (iii) the child or young person's views affect the decision.

3. Why does participation matter?

Given the raft of problems that confront children and young people in out-of-home care, one may ask why participation in decision-making should be a priority or even why it matters at all. Participation is important in three respects. First, participation has intrinsic value; second, it is of instrumental value; and third, it is central to promoting the human rights of children and young people. In each of these respects, participation has import for children and young people generally. In each, participation is of particular importance for children and young people in out-of-home care, given that the decisions shaping their lives and well-being are made by strangers and through bureaucratic processes.

The intrinsic value of participation lays not in measurable outcomes for children in care, such as educational performance, substance abuse, conflict with the law or teenage pregnancy, which are often the focus of research and policy. Rather, the intrinsic value lies in the significance of participation for children and young people in terms of dignity and self-worth (see Cashmore, 2002; Melton, 1987). The clear message coming from the young people who participated in this study is that the opportunity to express one's views, and for those views to inform decisions made about one's life, has a value in and of itself.

Children's participation in decision-making can also be supported in terms of its instrumental value in facilitating more responsive policy and better outcomes for individual children and, potentially, communities (see Cashmore, 2002; Chawla, 2002). Finally, since the adoption of the UN Convention on the Rights of the Child 20 years ago, participation in decisions that affect their lives has been increasingly framed as a right to which all children are entitled. The right to express one's views on matters affecting one's life is encoded in Article 12 of the Convention and the right to participation has been identified as one of the cornerstones of children's rights. Increasingly, policy in Australia, and elsewhere, has drawn on the principles of the Convention and has presented participation as a right. Given this

significant policy development, it is crucial to understand how children and young people experience (and want to experience) participation.

In recent years, there has been a shift among state and territory governments in Australia towards recognising the right to participation in policies relating to child protection and out-of-home care. Australia's first National Framework for Child Protection, launched in 2009, explicitly recognises children and young people's right to participate in decisions affecting them. While it is too early to analyse the implementation of the National Framework, there has been little in the way of evaluation or scholarly analysis of the extent to which earlier state-based policies and systems have been implemented. One of the few existing studies (Tregeagle & Mason, 2008), which focuses on case management systems rather than policies, concludes that new approaches have opened up opportunities for greater participation, but do not appear to have reached 'intended levels of power sharing'. Elsewhere, studies have identified the difficulties of translating policy around participation into practice (Bessell, 2009). As Badham points out in relation to the United Kingdom, there remains a 'gap between the high tide of rhetoric of participation and the low tide on effective delivery of improved services for those most socially excluded' (2004: 153). Several studies of children's participation generally indicate that children's participation is often tokenistic or occurs within existing age-based power hierarchies, sometimes leaving children feeling frustrated and excluded. While meaningful participation can be argued to have significant value, policies and practices that promise participation but fail to deliver may be damaging. One young man participating in this study put it succinctly:

'If this stuff isn't enforced, if we can't say look these are our rights what are you going to do about it, if we can't have our say, then it ain't worth jack shit.'

As policy initiatives that entitle children and young people in out-of-home care to participate in decisions made about their lives gain ground in Australia – and elsewhere around the world – it is timely to ask what young people have to say about participation.

4. Methodology

This article draws on research undertaken in 2007–2008 with 28 young people (19 young women, 9 young men) with experience of out-of-home care. The research is part of a broader, on-going study with children and young people on their views and experiences of participation. The larger study explicitly included young people with experience of out-of-home care based on the hypothesis that the right to have a say on decisions that affect one's life is especially acute for this group. Due to the difficulties of accessing children currently in care (Gilbertson & Barber, 2002), the young people who participated in this study had left the system, most within twelve months to three years prior to the study, and are now living independently. Almost half of the participants had been involved in earlier commissioned research that I had undertaken, and expressed an interest in being involved in other research that they felt gave them an opportunity to express their views on a wider range of issues. The remaining participants were contacted initially through community-based organisations that support children in care or through informal networks.

This study does not claim to be representative of the experiences of all children and young people in care, but does provide important insights into young people's experiences. While the findings cannot be generalised, they raise important issues for both consideration and further investigation. The methodology used drew on principles of rights-based research, whereby respect for the views, preferences and dignity of participants is central. Prior to the research commencing and at the outset of each session participants were informed of the

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