

Contents lists available at [ScienceDirect](https://www.sciencedirect.com)

Child Abuse & Neglect

journal homepage: www.elsevier.com/locate/chiabuneg

Meaningful participation for children in the Dutch child protection system: A critical analysis of relevant provisions in policy documents



Helen Bouma*, Mónica López López, Erik J. Knorth, Hans Grietens

Department of Special Needs Education and Youth Care, University of Groningen, The Netherlands

ARTICLE INFO

Keywords:

Participation
Child protection
Social policy
Policy documents
The Netherlands
Children's rights

ABSTRACT

Policymakers are increasingly focusing on the participation of children in the child protection system (CPS). However, research shows that actual practice still needs to be improved. Embedding children's participation in legislation and policy documents is one important prerequisite for achieving meaningful participation in child protection practice. In this study, the participation of children in the Dutch CPS under the new Youth Act 2015 is critically analyzed. National legislation and policy documents were studied using a model of "meaningful participation" based on article 12 of the UNCRC. Results show that the idea of children's participation is deeply embedded in the current Dutch CPS. However, Dutch policy documents do not fully cover the three dimensions of what is considered to be meaningful participation for children: informing, hearing, and involving. Furthermore, children's participation differs among the organizations included in the child protection chain. A clear overall policy concerning the participation of children in the Dutch CPS is lacking. The conclusions of this critical analysis of policy documents and the framework of meaningful participation presented may provide a basis for the embedding of meaningful participation for children in child protection systems of other countries.

1. Introduction

In this article, the key policy documents relevant for the current Dutch child protection system will be analyzed to explore the question of whether and how the participation of children is embedded in this. Worldwide, there is growing recognition of the importance of the participation of children in the child protection system (Cossar, Brandon, & Jordan, 2014; Healy & Darlington, 2009; Van Bijleveld, Dedding, & Bunders-Aelen, 2014).

First and foremost, this attention is being driven by the increasing recognition of children's rights: Article 12 of the United Nations Convention on the Rights of the Child (UNCRC) states that every child has the right to be heard and that opportunities should be provided for children to express their views. The right to participate as formulated in article 12 of the UNCRC is a right for *all* children (0–18 years old); in accordance to article 2 of the Convention, states should respect and ensure that each child has the right to participate in matters affecting children, irrespectively race, color, sex, language, religion, political or other opinion, national ethnic or social origin, property, disability, birth or other status. States are obliged to ensure the implementation of this right for children experiencing difficulties in making their views heard; the participatory right of children is not bounded by the age of the child and

* Corresponding author at: Department of Special Needs Education and Youth Care, Faculty of Behavioural and Social Sciences, University of Groningen, Grote Rozenstraat 38, 9712 TJ Groningen, The Netherlands.

E-mail addresses: Helen.bouma@rug.nl (H. Bouma), M.lopez.lopez@rug.nl (M. López López), E.j.knorth@rug.nl (E.J. Knorth), H.grietens@rug.nl (H. Grietens).

<https://doi.org/10.1016/j.chiabu.2018.02.016>

Received 23 June 2017

Available online 20 March 2018

0145-2134/ © 2018 The Authors. Published by Elsevier Ltd. This is an open access article under the CC BY-NC-ND license

(<http://creativecommons.org/licenses/by-nc-nd/4.0/>).

also children with disabilities, migrant children or other children who do not speak the majority language should be enabled to participate. Therefore, the General Comment discourages the use of age limits in legislation or practice and emphasizes the importance to respect non-verbal forms of communication and any modes of communication for children with disabilities. States should presume that children have the capacity to form their own views and have to enable them to express their views (Committee on the Rights of the Child (CRC, 2009). In relation to this, Heimer and Palme (2016) underline the importance of seeing children as ‘beings’ and competent actors instead of ‘becomings’. Second, participation is seen as a prerequisite for fulfilling other children’s rights. According to the Committee on the Rights of the Child (2009), for example, it is only possible to act in the best interests of the child and to protect children against violence when children are involved in the decisions that concern them. Finally, several studies have reported on the advantages of children’s participation. Vis, Strandbu, Holtan, and Thomas (2011) reviewed major health and social work data bases on publications in the period 1999–2009 aiming to get insight in the relationship between participation in child protection decision-making and children’s health. They found that when children are able to participate, there are positive effects on their mental well-being and sense of safety, overall, which contribute to the success of the interventions. Cashmore (2002) reviewed the research literature of the United Kingdom, North America, Australia and New-Zealand to explore children’s perceptions on their participation in decision-making. She showed that participation of children during the decision-making process involving their out-of-home placement contributed to the acceptance of placement decisions and to the stability of placements. Furthermore, she maintained that participation of children in child protection was an important learning experience for them, since it prepared them for their transition to adulthood. Kriz and Roundtree-Swain (2017) found similar results in their qualitative interview study with eight young adults who had been involved in the child protection system. Besides this, the young adults in this study address that children are capable to make rational and informed decisions about their lives, that participation of children can lead to better and positive outcomes and that participation of children can ensure that the child protection system becomes aware of and responds to the differences between children.

Participation of children in child protection practice, however, still needs improvement. A literature review by Van Bijleveld, Dedding, and Bunders-Aelen (2015) on children’s and social workers’ perspectives regarding children’s participation within child protection shows that most children experience limited to no opportunity when it comes to participating in decision-making processes influencing their lives. Studies on participation of children who experienced violence describe that there are challenges on various levels. On the *child level*, factors such as prior negative experiences with participation as well as the self-esteem and self-confidence of the child affected by experiences of violence tend to influence any current participation (Horwath, Kalyva, & Spyru, 2012; Van Bijleveld et al., 2014). On the *group level*, children need a safe and supportive environment in order to participate (Horwath et al., 2012). Furthermore, *professionals* play a crucial role in promoting participation of vulnerable groups. On this level, relevant factors creating better or worse conditions for participation are knowledge, skills, values, and experiences, such as knowledge about how to provide opportunities to allow children to participate and skills to work with children (Horwath et al., 2012; Kriz & Roundtree-Swain, 2017). On a *macro level*, laws, policy concerning children’s participation and rights, along with commitment by senior managers and policymakers to implement that policy, are needed in order to guarantee children’s participation (Horwath et al., 2012; Van Bijleveld et al., 2014). These should include guidelines that give professionals concrete tools to engage children and to avoid participation becoming dependent on personal choices (Morris, Brandon, & Tudor, 2013). Research shows, however, that there is a lack of clear and concrete guidelines, and that the participation of children is rarely discussed in the workplace. As a result, professionals do not always include children; participation often does depend on the professional’s personal choice (Archard & Skivenes, 2009; Kriz & Roundtree-Swain, 2017; Morris et al., 2013; Ten Brummelaar et al., 2016; Van Bijleveld et al., 2014). Furthermore, a lack of resources, such as lack of time, change of social workers, and lack of skills to work with children, is a factor that negatively influences the participation of children in child protection (Archard & Skivenes, 2009; Kriz & Roundtree-Swain, 2017; Kriz & Skivenes, 2015; Pöllki, Vornanen, Pursiainen, & Riikonen, 2012; Van Bijleveld et al., 2015).

With regard to the legislation and policy framework involving children’s participation in child protection, the Netherlands is an interesting case. In 2015, a major change was introduced in the Dutch youth care system with the implementation of the Youth Act, which promotes the use, restoration, and strengthening of the problem-solving skills and responsibilities of parents, children, and their social environment, with the aim of preventing care-dependency (“from care to participation”). Professionals are expected to talk “with” instead of “about” parents and children, and to consider them as the agents of their own lives (*Memorie van Toelichting bij de Jeugdwet* [Explanatory Memorandum to the Youth Act], 2013). Despite this shift in policy, the Dutch Child Ombudsman reported that children were not informed well enough and not heard in the decisions and legal procedures that concerned them (*Kinderombudsman*, 2016). In 2016, the Dutch government backed a motion that the consultation and participation of children in child protection investigations needed to be improved (*Tweede Kamer der Staten-Generaal* [House of Representatives of the States-General], 2016).

1.1. Aim of the study

The participation of children in child protection is considered to be important for them and can influence the outcomes of care. Embedding this in legislation and policy is the first building block for the meaningful participation of children in child protection

Download English Version:

<https://daneshyari.com/en/article/6832065>

Download Persian Version:

<https://daneshyari.com/article/6832065>

[Daneshyari.com](https://daneshyari.com)