

# MEANINGS AND STRATEGIES OF CHILD PARTICIPATION IN RESIDENTIAL CARE CENTERS: A THEORETICAL REFLECTION

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## Abstract

This paper aims at offering a theoretical reflection on child participation's meanings and strategies in Residential Care Centers (hereafter RCC).

The United Nations 2030 Agenda for Sustainable Development intends on investing in children, viewing them as contributors to the construction of a more just, equitable, tolerant, open and socially inclusive world. The UN manifesto also emphasizes the need to strive for a nurturing environment in which children can fully realize their rights and capabilities [1]. Hence, it is vital to reflect on the meanings and strategies of child participation in alternative care settings [2] where children are more vulnerable by definition and often precluded from contributing to the decisions concerning their lives [3] [4], although mechanisms to ensure their participation have been implemented [5].

Ensuring children's participation, especially younger children's participation, in the child protection system is challenging for practitioners, as it requires balancing their institutional mandate as adults in charge of protecting the child (which entails dynamics of power and authority) with the need to competently foster the child's own participation as a key form of intervention against violence, also institutional violence [6] Goffman [7], and as a form of prevention of, and a strategy for coping with, adverse childhood experiences.

Hence, RCC practitioners require specific professional competence if they are to understand the meanings and value of child participation and encourage its practice, especially when dealing with younger children, in their educational relationship with the child.

Thus, there is a need to identify forms and strategies of participation, sustainable both for practitioners (taking into account their institutional mandate and the associated constraints) and for children (in light of their particular stage of development and their specific life stories).

The paper will present a reflection on the international policy framework on child participation, with a specific focus on participation in RCCs. At the heart of the paper a reflection on meanings, forms and strategies of child participation in RCCS.

Keywords: Child participation, residential care centers, violence against children, policies.

## 1 INTRODUCTION

The United Nations Convention on the rights of the Child –UNCRC– (1989) recognizes the importance of growing up in a family but, in certain exceptional cases, as stated in Article 20, it may be needed to resort to alternative care settings, amongst which residential care centers [8]:

- 1 *A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.*
- 2 *States Parties shall in accordance with their national laws ensure alternative care for such a child.*
- 3 *Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.*

The Council of Europe estimated that 1.5 million children in the Council of Europe live in alternative care settings, that should be supportive, protective and caring in order to help children develop their full potential. To this end, the Guidelines for the *Alternative Care of Children*, issued by the United Nations General Assembly under its resolution A/RES/64/142 (UN General Assembly, 2010), emphasize that it is crucially important to guarantee children's rights in alternative care settings.

Amongst these rights, children in residential care settings have the right to participate in decision-making processes concerning themselves and their living conditions [5].

However, this principle is difficult to put into practice. First of all, there is a concerning data gap – millions of children who live without parental care and protection are uncared for – that restricts the ability of decision-makers and duty-bearers to ensure these children are nurtured and empowered to participate in society [9], so the risk is leaving the more vulnerable children behind in the attempt of achieving the SDGs. Then, there are many challenges, that come from different levels, to participation in RCCS, as will be discussed in the following paragraphs.

## 2 CHILDREN'S PARTICIPATION: FIRST REFLECTIONS ON POLICY

The reflections on the meanings and strategies of child participation in RCCs will focus on policy level. Specifically the meanings of child participation will be explored through the analysis of the United Nations Convention on the Rights of the Child [8] and the United Nations 2030 Agenda for Sustainable Development [1]. Meanings and strategies of child participation in residential care centers will be discussed through the analysis of the Quality for Children Standards –Q4C– [10] and the Moving Forward: Implementing the “Guidelines for the Alternative Care of Children [11]. The contribution ends with pedagogical considerations on the issue.

### 2.1 Participation and policy

#### 2.1.1 What does child participation mean?

Child participation is at the heart of the main international policy documents on children and their rights. In this contribution we will focus on the United Nations Convention on the Rights of the Child and the UN 2030 Agenda for Sustainable development, trying to understand the meanings of the phenomenon.

The United Nations Convention on the Rights of the Child is the most significant milestone in the development of child policies and the foundation, specifically its article 12, on which much child participation theory, research and practice is now built, which reads as follows:

*1. 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.*

*2. For this purpose, 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, in a manner consistent with the procedural rules of national law.*

Article 12 does not mention participation as a right. Furthermore, literature underlines the ambiguous language used by the article, that emphasizes it is adults who frame the possibilities through which children can play their role in society by devoting or granting certain spaces to them [12], also in spite of adult's duty to protect children's well-being and best interest. To this end, literature offers more than 50 models of interpretation of the concept between 1969 and 2018 [13], [14] trying to understand what children are actually entitled to in terms of questioning whether praxis should go further than having children express their views in matters affecting them, and in terms of looking at how rights, equality and justice can be met through children's active participation in the everyday life of their communities, always keeping in mind their best interest [15].

The Committee on the Rights of the Child in 2009 with its General Comment no. 12 intervenes in the debate connecting article 12 of the UNCRC to the concept of participation [16]. Specifically, General Comment No. 12 reads as follows:

*3. [...] A widespread practice has emerged in recent years, which has been broadly conceptualized as “participation”, although this term itself does not appear in the text of article 12. This term has evolved and is now widely used to describe ongoing processes, which include information-sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are taken into account and shape the outcome of such processes.*

The Comment defines the process of participation in dialogical terms, in the sense that participation is defined by interdependence, acknowledgement and respect between adults and children. The comment also underlines the educational value that the participation process has and its ethical and

political impact. Despite the clarifications provided by the comment, there is no agreement on how to understand the concept, whose meanings depend on the social, cultural and political context in which they are experienced.

Child Participation is at the heart of the *United Nations 2030 Agenda for Sustainable Development*, which states that the aim of the UN's Sustainable Development Goals (SDGs) is to lay the grounds for the full participation of children in society. The Agenda emphasizes that striving to offer children a nurturing environment is crucial to the full realisation of their rights and capabilities..." [1]. Although the Agenda intends on investing on childhood, the Agenda is not addressed specifically to children. There is no risk of losing sight of children in the agenda [17] but to consider them all as 'vulnerable subjects' losing sight of their specific needs and of their best interest. Furthermore, it does not mention children without parental care, so in this case particularly vulnerable children that might be left behind. This last point brings us to the choice we made to focus on participation in alternative care settings, specifically residential care centers. In this light they can be considered as a field test or magnifying glass on how the progress in striving for the implementation of the goals is proceeding, to try and understand if more vulnerable children are being left behind or not, compromising sustainable development.

### 2.1.2 What does child participation in alternative care settings mean?

To explore this question we will refer specifically to the *UN Guidelines for the Alternative Care of Children –2010–* [2].

The primary basis for understanding the rights of children in care or at risk of separation from their family is the Convention on the Rights of the Child (UNCRC). As previously mentioned, the UNCRC in article 20 recognizes the importance of growing up in a family but in some cases, due for example to violence in the home, health needs, war, persecution, children are deprived of their family environment. In these cases the State must protect the children and ensure they receive appropriate alternative care.

Keeping in mind article 20 and the fact that one of the guiding principles of the Convention is the right for children to express their views freely in all matters affecting them (art. 12), the UNCRC does not describe in depth which measures should be taken concerning participation of children in residential care centers. For this reason, the *UN Guidelines for the Alternative Care of Children (2010)* have been created. These Guidelines provide authoritative guidance on the implementation of children's rights under the UNCRC. While they are not binding, the UN Guidelines do offer concrete guidance to improve both policy and practice and emphasize the responsibility of States for the regulatory framework of registration, authorization and monitoring of the care system.

When referring to participation of children in alternative care specific examples are made:

- The preparation, enforcement and evaluation of a protective measure should be carried out with respect to the child's peculiar needs, convictions and special wishes. The child can also ask for other important people to be consulted, at the discretion of the competent authority (par. 65)
- Considering cultural and religious practices regarding the provision of alternative care should be promoted and carried out in a participatory way, involving children as well (par. 75)
- Children should be free to decide whether or not to participate in religious services, religious education or counselling (par. 88)
- Children should participate in the construction of their life story book, which contributes to the development of their self-identity (par. 100)
- Children should be allowed to participate in the life of the local community to foster their social and life-skills in order to assume self-reliance and be full members of their community

Nonetheless, the document *Moving forward: implementing the 'Guidelines for the Alternative Care of Children* [11] clearly states that, particularly in residential care settings, it is critical to ensure that carers support children's right to participate in decisions that affect them.

This is easier said than done: child participation in residential care services faces many challenges. Residential care centers are part of the child protection system (CPS)<sup>1</sup>, that are required to prevent and respond to violence, abuse, neglect and exploitation, so it might be said that their institutional mandate poses an accent on protection. Furthermore, residential care services are institutional contexts in which the exercise of power and control is inevitable and determined by a given 'dispositive' as defined by Michael Foucault [6], which does not encourage giving power to the 'have nots'[18]. Participation of children is, then, challenging at an organizational level [19]; [20]; [21], given the dominant culture of risk management and protection, high caseloads, the burden of paper work, the lack of adequate staffing, which makes work modes procedure-driven and often child unfriendly; this is especially penalizing for children who, because of their adverse life experiences, have difficulty expressing their views and having their voices listened to [21]; [22]; [23]. Finally, challenges also come from practitioners, who are caught between their duty to protect and to guarantee participation rights [24]; [25]; [26]; [21].

### **3 STRATEGIES OF PARTICIPATION**

The tension between protection and participation, the institutional mandate of RCCs and the challenges participation faces makes it necessary to think of sustainable forms and strategies of participation both for children and practitioners. We will present two examples of institutional strategies that foster participation.

#### **3.1 Quality for Children Standards –Q4C– (2011)**

Developed by the International Foster Care Organisation (IFC), SOS Children's Villages International and the Fédération Internationale de Communautés Educatives (FICE) and committed to the UNCRC, the Quality for Children standards aim at providing sustainable and effective improvement for the situation of children out of home care [10]. The standards aim at informing, guiding and influencing parties involved in out of home childcare, meaning: children and young adults who are about to live or are living in out-of-home care, biological families whose child/children is/are about to live or is/are living in out-of-home care, caregivers, care organisation managers, social workers, child protection services' staff, childhood/youth researchers, non-governmental organisations working in the areas of childhood and youth development, representatives of public authorities at all levels, etc. by sharing 'good practices' and making tools available to improve conditions for children and young people living in alternative care, and to ensure that their rights are fulfilled.

The vision is that children without parental care have the chance to shape their future in order to become self-reliant, self-sufficient and participating members of society, through living in a supportive, protective and caring environment, which promotes their full potential.

In this project, the value of Participation implies that people directly concerned by alternative childcare have been actively involved, including children and young adults who have experiences in alternative care, families of origin, caregivers and social workers.

In addition, one of the categories identified in the stories – The research objective of Q4C was to collect stories of good practice in the 32 participating countries, analyse them and subsequently develop this information into quality standards – is the principle of participation, connected to communication. In fact, appropriate and transparent communication during the alternative care process, developed in being listened to and one's opinions being taken into consideration, have been underlined in the narrations of the participants to the research.

#### **3.2 Moving Forward: Implementing the “Guidelines for the Alternative Care of Children**

They were developed by the Centre of Excellence for Looked after Children In Scotland (CELCIS), in association the International Social Service (ISS), the OAK Foundation, SOS Children's Villages International, UNICEF and supported by ATD Fourth World, Better Care Network, Family for Every Child, NGO Group for the CRC, Red Latinoamericana de Acogimiento Familiar (RELAF), Save The

<sup>1</sup> Child protection system refers to: Certain formal and informal structures, functions and capacities that have been assembled to prevent and respond to violence, abuse, neglect and exploitation of children. (UNICEF/UNHCR/Save the Children/World Vision, 2013, p. 3)

Children and USAID for the American People, and are committed to the UN Guidelines for the Alternative Care of Children (2010) [11]. This document makes strong connections between national policy, direct practice and the Guidelines themselves and implies the core message in the Guidelines – that children must never be placed in alternative care unnecessarily, and where alternative care must be provided, it should be appropriate to each child's specific needs, circumstances and best interests. For what concerns participation in decisions the drafters of the document recognise that too often children are placed in alternative care without fully understanding the reasons why or without being given a chance to express their opinions, contrary to art. 12 of the UNCRC. Therefore, the drafters state that there should be consultation with children over all decisions relating to the care setting. This is included in the general principles of the guidelines (6,7) but also in specific points (e.g. 40, 57, 67). This is a key component of the individualised, case-by-case theme promoted in the Guidelines regarding decision making in alternative care. The best interest of the child is in fact strongly connected to participation as if the child's preferences and concerns are not taken into account it can't be authentic.

#### 4 CONCLUSIONS

The main result of the contribution is the presence of a gap between what is declared in policy documents, despite the ambiguities, and the real lived experience of children. The institutional mandate and the challenges that derive from the organisational level, from the adverse lived experiences of children and the role of the practitioners make it difficult to promote a sustainable form of participation for both children, taking into account the delicacy of their situation and the fact that they are most often disempowered because of their experiences, and practitioners who are called to protect children and promote their engagement, often without adequate training [2]. The institutional strategies that have been presented aim at providing orientation to all those practitioners and stakeholders that work in the protection system and face the mentioned complex situation in their every-day work with children.

From a pedagogical perspective the authors suggest, by drawing on the analysed strategies and the mentioned literature, considering the tension between protection and participation, particularly visible within the residential care centers, from a different perspective. It is important to reframe the understanding of risk for it to include not only potential harms to physical well-being (of the child and others) but also the psychological, social and political harms that come from the children's lack of recognition as participants in their community (beginning in RCCs), and from the arrest of their development as social and political actors [27]. This is not automatic but requires training and support to ensure practitioners have the knowledge and skills to provide the best possible quality of care and to [2].

Furthermore, participation can be fostered by making the protection process understandable for children by making the child aware of the ongoing educational and care process. The UNCRC itself, in fact, advocates the need for minors to be enabled to participate in the decision-making processes that concerns them, while at the same time taking into account their effective ability to comprehend these processes. This last point is linked to the fact that participation also needs to be meaningful for the child, so relevant to their lives by, in this way, creating realistic, so sustainable practices, strategies of participation. This will allow the child to re-think of him/herself and shape his/her own path and not just be a victim who is obliged to passively accept other people's choices, thus laying the ground for greater participation in the decision-making process. Residential care services are a space and time in which children can regain possession of their subjectivity by dwelling on the telling of their story [28]

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