



Anyone listening?

Evidence of children and young people's participation in England

Tom Burke

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Introduction

In 1991, the UK Government ratified the UN Convention on the Rights of the Child (UNCRC). This human rights treaty guarantees to all children and young people¹ the right to express their views freely in all matters affecting them and for these views to be given due weight in accordance with the child's age and maturity (Article 12).

In the autumn of 2009, NCB and the Children's Rights Alliance for England were commissioned by the Office of the Children's Commissioner to examine children's participation in decision-making in England. The overarching aim of the study was to provide an up-to-date insight into the levels and ways in which children are currently involved in decision-making, in order to inform the National Participation Forum in developing a National Participation Strategy for England from 2010 onwards.

The study was split into five distinct parts, which have been written up as individual reports,² in addition to an overarching summary document, visit <http://www.participationworks.org.uk/npf/publications>. The reports cover:

- a review of policy and research on where children influence those matters that affect them and how their involvement in decision-making has changed since 2004
- an online survey of senior managers with responsibility for participation, examining the levels and ways in which organisations in England currently involve children in decision-making and the barriers that limit children's participation in decision-making processes³
- an online survey into the levels and ways in which front-line participation workers involve children in the development, delivery and evaluation of policies and services, and into the participation workers' training and support⁴

1 A child or young person is defined as a person under 18 in this report, unless otherwise stated.

2 These reports can be downloaded from www.participationworks.org.uk/npf

3 A total of 231 questionnaires were completed by senior managers, of whom 81 per cent worked in the statutory sector and 18 per cent in the voluntary and community sector.

4 A total of 280 questionnaires were completed by front-line participation workers, of whom 80 per cent worked in the statutory sector and 20 per cent in the voluntary sector.

- focus groups with children examining the extent to which children feel they have a voice and influence in matters affecting them and how this varies by setting and level of decision-making⁵
- a nationally representative survey of 1001 children aged 7–17 years in England looking at the participation of children in decision-making processes more generally.⁶

A children and young people's version of the overarching summary document has also been produced.

What do we mean by participation?

Article 12 of the UNCRC grants a child who is capable of forming a view the right to express that view freely in all matters affecting him or her; and that these views be given due weight in accordance with the age and maturity of the child. Other rights in the UNCRC – for example, to access information, freedom of association and expression, and respect for the child's evolving capacity – actively support the implementation of Article 12 (Burke 2010).

The UN Committee on the Rights of the Child's (2009) General Comment on the child's right to be heard considers the meaning of participation:

A widespread practice has emerged in recent years, which has been broadly conceptualised 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.

Whilst 'participation' is the most common term used for the process of listening to and engaging with children, the exact definition remains contested (Lansdown 2009). There is no one fixed meaning or definition that has universal agreement.

Participation Works has adapted Treseder's (1997) definition of participation, which is used in this review:

Participation is a process where someone influences decisions about their lives and this leads to change.

We are interested not just in whether children can freely express themselves, but also in whether this expression has influence on a decision and brings about change. The exact change which is brought about will vary on the context but may relate to both process (how children are treated) and outcome (the end result of a decision). It may be a change in law or policy, how a service is delivered or in the values, attitudes and behaviours of adults or children.

5 A total of 86 children aged 3–20 years old, living across England, took part in 12 focus groups. These included children who were highly involved in decision-making (for example in school councils, local youth forums, etc.) and children who often struggle to be heard or influence decision-making (including very young children, asylum seeking children and children in care). The format of the interview was adapted for children with disabilities and very young children.

6 This survey was undertaken by ICM.

About this review

This review

This document is an overview of available evidence concerning children and young people being heard and influencing matters affecting them. The review principally examines *where* participation occurs; where evidence is available, it also considers impact. It includes an analysis of key reports (research, policy and available practice/grey literature) to see how children's involvement in participation has changed since 2004; and the shape of the participation 'map' in England as of 2010.

Other systematic literature reviews have tended to detail the process, outcome and impact of participation; whilst academic special issues and edited collections have explored theoretical and practice issues or been mainly focused on adult participation.⁷ This review aims to complement rather than replicate other reviews on the status of participation in England: its primary focus is looking at exactly where children are (or are not) being heard. Furthermore, the review gives a brief overview of significant changes in law and policy since 2004. For further details on the legal and policy framework for participation, see Burke (2010) or visit www.participationworks.org.uk

This publication charts developments in participation since 2004. This date was chosen primarily for two reasons. First, this evidence review sits alongside new quantitative data on participation in England. It seeks to update the picture since the last national mapping of participation in the statutory and voluntary sector was undertaken (Oldfield and Fowler 2004). Second, the Children Act 2004 and the Every Child Matters agenda have brought considerable structural changes to children and youth services. Much of the evidence published prior to 2004 would not have taken account of these changes (see page 13) and would tell us little about where children and young people have influence today.

There are many new initiatives and opportunities for participation opening up to children and young people on a regular basis. All effort has been made to ensure the information is accurate as of publication (June 2010). However, as a new UK government took office on 11 May, references to government policy prior to this date may not reflect the current position. All legislation, regulations and statutory guidance referred to in this document reflect the current legal position unless indicated otherwise.

⁷ See for example: Halsey and others (2006), Youth Citizenship Commission (2009a) and Brodie and others (2009). There have also been academic special issues which review changes in participation: *Children and Society* (2004) 18, 2; *Adoption and Fostering* (2005) 29 1; Percy-Smith and Thomas (2009).

Structure of the evidence

This review begins with an overview of the national context for participation: legislation; responsibilities within and across government; and macro-strategies and structures for participation that run across different sectors and settings. It then looks at general evidence and the perception of children's participation, before analysing participation from the perspective of the child in particular contexts – from family life through to participation in public services. Specific emphasis is given to services that only a minority of children may have contact with, but which can have a dramatic effect on their life. It concludes by examining wider community and national decision-making.

Each section opens with an overview of the context of participation for that group of children and that setting. This includes significant laws and policies affecting participation, with footnotes giving details of statutory provisions or explanations of key policies and institutions. Where appropriate and possible, we have also included information on the number of children and young people in contact with particular services. We then look at evidence of children's involvement in strategic service provision or collective mechanisms for involvement, or both, before turning to their experiences of participation in individual decision-making.

Collating and representing the evidence

The review has focused on evidence published since 2004. Information was initially collated from a search of available evidence from the 'ChildData' database and from information held within the Children's Rights Alliance for England, NCB and the Office of the Children's Commissioner. Members of the National Participation Forum were also invited to submit evidence.

Every effort was made to ensure that this overview presents an accurate picture of available evidence of children and young people's participation in England. However, this does not purport to be a comprehensive or systematic review of all published literature in this area. Furthermore, inherent in such work is the selection and interpretation of evidence. All references are given to assist referral to the original source for further details. This report focuses on England only. On the few occasions where evidence is only available on a UK-wide basis, this has been indicated in the text.

All available evidence has been included and some sections may therefore be contradictory. We have not attempted to weigh evidence other than prioritising children and young people's own experiences or perceptions over those of parents and practitioners. Given the wide range of issues covered, where possible we have tended to focus on summarising existing literature reviews and other overviews of previous work. This has been indicated in the text.

None of the evidence included has been systematically assessed for quality or ethics by CRAE or Participation Works. However, wherever possible, we have included contextual factors and a brief summary of the numbers of children and young people involved in the research, denoted by (n=). We have not included one-off anecdotal reports or individual case studies, preferring wider, more representative studies. In some instances where only evidence from very small studies of a few children is available, these have been included because they offer a deeper, more qualitative understanding of children's experiences. The numbers of children involved in these studies has been included.

This review only collates published data that is widely available. Whilst there may be a range of relevant participation (past and present) initiatives and activities in the individual settings described, we have only included information from evaluated projects and programmes.

Key findings

- Since 2004, there have been substantial improvements in the legal and policy framework for participation. These have been focused in specific areas (for example, in education, community and democratic decision-making); as well as in collective decision-making and group consultation (for example, in health, community decision-making and the police service). Alongside this, there have been new resources and institutions to support participation.
- There has been progress, since 2004, in the number of children and young people who feel they influence matters affecting their lives. However, many children and young people continue to be denied opportunities to influence matters affecting their lives.
- Day-to-day decisions within the family stand out as the only area where a significant majority of children feel they are heard and influence decisions.
- Available evidence suggests that children and young people want to be more involved in matters affecting them. They value participation in decision-making highly.
- Many children experience a lack of information or awareness of decision-making processes (for example, when parents are separating or divorcing, and in the asylum and immigration process).
- There is a stark lack of evidence of children's participation in some areas (such as asylum and immigration services, child protection and the juvenile justice system). Here, participation is stifled by adult-centred decision-making processes.
- In the most personal and significant decisions affecting children, the evidence suggests that children's views are often not sought or have very little impact. Areas of concern include: individual healthcare; private law proceedings; placement moves for children in care; child protection investigations; asylum applications; and criminal justice decision-making.

- There is little evidence on the personal characteristics of children and young people who have opportunities to participate or whether their ability to influence matters affecting them differs according to their personal characteristics. The evidence that is available does suggest that younger children have less involvement in decision-making than teenagers and that, generally speaking, disabled children are less involved than their non-disabled peers. There is a lack of data on experiences by ethnicity.
- Official data-collection often overlooks children and young people's experiences. Regular national surveys – about healthcare, the quality of public services, and civic engagement – exclude children and young people's perspectives. There are a range of public bodies which have responsibility for public participation and engagement. However, many do not publish data on their engagement with children and young people specifically.

Context: The growth of participation law, policy and institutions

Children and young people's participation has become a growing force in public policy, particularly after the ratification of the UNCRC in 1989 and the Children Act 1989. National initiatives aimed at strengthening accountability to service users, such as the Citizens Charter launched in 1991, often included spin-off initiatives affecting children and young people. Throughout the 1990s, professional practice and training was becoming increasingly focused on listening to the views and experiences of children and young people, as was local government (CYPI 2001, 2002; Willow 1997). Children and young people-led organisations, such as the British Youth Council and the UK Youth Parliament, have pushed for further opportunities to be heard (Carnegie UK Trust 2008).

Significant increases in public expenditure on children and young people, particularly following the Social Exclusion Unit report on young people and social exclusion (SEU 2000), have often promoted their participation.

Children's services and the Every Child Matters agenda

The murder of Victoria Climbié and the subsequent Lord Laming Inquiry (2003) led to the Every Child Matters Green Paper (HMT 2003) and then the Children Act 2004.

Every Child Matters outcomes:

- being healthy
- staying safe
- enjoying and achieving
- making a positive contribution
- economic well-being.

Described as a 'sea change' in child and youth policy (Gentleman 2009), the 2004 Act set five outcomes that services for children and young people should cooperate to achieve.⁸ These include the outcome that all children should 'make a positive contribution'. The initial detailed outcome framework included

⁸ Sections 10 and 11, Children Act 2004. In 2006, the framework was extended to ensure that schools had a duty to promote the well-being of children, expressed in terms of the five outcomes. See: Section 21(5)(a), Education Act 2002 *as inserted by the* Education and Inspections Act 2006.

measuring the percentage of children in secondary schools participating in the election of school council members and mock general elections (DfES 2005a). The five outcomes were underpinned by a wide range of organisational reforms that intended to bring about a greater focus on early intervention, universal service provision, 'joined up working' and service integration (Kirton 2009). Whilst the agenda has faced some criticism, including for not sufficiently championing participation,⁹ the five outcomes have permeated most services and policies affecting children in England. They have become the framework that professionals and practitioners recognise and are increasingly committed to (Baker 2009, Knowles 2009). The most recent iteration of the outcome framework, issued by the then DCSF, did not include measures directly related to children and young people's participation in decision-making (DCSF 2008i).

The Children Act 2004 also created new statutory Lead Members for children's services and Directors of Children's Services (DCS). Statutory guidance on the role requires lead members to regularly consult children and young people; and stresses the need for participation at a local level (DCSF 2009a). The 2004 Act replaced non-statutory Area Child Protection Committees with inter-agency Local Safeguarding Children's Boards (LSCBs). The Boards should raise awareness of the need to safeguard children and young people, including through listening to children.¹⁰

The 2004 Act required local authorities to produce a Children and Young People's Plan (CYPP) – the overarching strategic plan for improving the lives of children and young people in their area.¹¹ Regulations require the local authority to consult children, *as they consider appropriate*, in the preparation of the plan.¹² Ofsted (2006a) found that, whilst local authorities appear committed to consulting with children, young people and families, 'engaging with younger children and some hard-to-reach groups continues to be a challenge' and 'consultation with children and young people rarely captures their aspirations for service improvement – and this has come as a surprise to providers – although their relative priorities are often revealed'. An analysis of all of the 2006 plans showed that, whilst consultation may take place, the level, depth and quality of the engagement can vary considerably (Lord and others 2006). A review of 75 plans, published in 2008, found that children and young people had been consulted in the preparation of every single plan (NfER 2008).

During 2009, Parliament legislated for new Children's Trust Boards in every local authority and these now have the duty to produce the CYPP.¹³ Statutory guidance stresses the need for children to be consulted in the work of the Board and for a children and young people's version of the CYPP to be produced (DCSF 2010a). When preparing, reviewing or revising a plan, the

9 For criticisms on participation see Williams (2004). See also: JCHR (2004), Archard (2009) and CRAE (2008: 3).

10 Regulation 5(1)(b), Local Safeguarding Children Boards Regulations 2006; see also DCSF (2010j: 93).

11 Section 17, Children Act 2004 but subsequently replaced (see note 14).

12 This requirement was first introduced in Regulations issued in 2005. The requirement remains and is now found in Regulation 7(1)(c), The Children's Trust Board (Children and Young People's Plan) (England) Regulations 2010.

13 Section 17 and 17A, Children Act 2004 *as inserted by* Section 194, Apprenticeships, Skills, Children and Learning Act 2009. This provision came into force on 1 April 2010.

Children's Trust Boards must have regard to the importance of acting, so far as possible, in a way that is compatible with the UNCRC.¹⁴

Strategic vision for participation

In 2007, the then DCSF issued its *Children's Plan* – its strategic vision for children, youth and family policy. The plan was developed after significant consultation with children, young people and families. Whilst the plan makes some reference to service providers involving young people in planning services (for example, in relation to play), the only substantive statement on participation is in relation to preventing extremism:

Increased political awareness is a normal part of growing up and we should encourage young people to express their views. But young people need to understand that the use of violence in any context, including to further a cause, whether it is the rights of animals or particular political or ideological views, is criminal.
(DCSF 2007a: 137)

Annex B matches the Children's Plan to the UNCRC. In relation to the general principles of the Convention, which include Article 12, the Plan states: 'these are the very basics of the entire Children's Plan, together with the policies and initiatives set out within it'. There is no explicit reference to listening to children in the two-year-on progress report (DCSF 2010b).

National responsibility for participation policy

By Autumn 2003, the Children and Young People's Unit (which itself was only established in 2001) was disbanded and the (then) Department for Education and Skills took lead responsibility for all children's policy. The department had responsibility for overseeing the Learning to Listen initiative,¹⁵ where each government department was expected to develop and deliver a national action plan for involving children and young people in its work.

In 2005, the then DfES established a Children and Youth Board to give advice on children and youth issues. An evaluation of the Board, published in 2006, highlighted its positive impact in raising awareness of participation and the importance of listening to children, though stressed the difficulty of a small group being able to influence government policy (Neary and Drake 2006).

Following changes to the machinery of government in 2007, a new Department for Children, Schools and Families (DCSF) was created. A Youth Taskforce was established to lead on youth policy and implementation of the 10-year youth strategy (HMT and DCSF 2007), including youth empowerment (see

¹⁴ Regulation 5(1), The Children's Trust Board (Children and Young People's Plan) (England) Regulations 2010.

¹⁵ In 2001, the Children and Young People's Unit launched *Learning to Listen: Core principles for the involvement of children and young people* (CYP Unit 2001). The principles had a focus on enabling children to influence individual decisions, local services and national policies. Due in part to the principles, in January 2002 a team of children formally advised the Cabinet committee for the first time (cited in CRAE 2002: 27).

page 35). In May 2010, the Department for Education took over the functions of DCSF.

The Children and Young Persons Act 2008 placed a duty on the Secretary of State to promote the well-being of children in England.¹⁶ 'Well-being' is described in terms of the five Every Child Matters outcomes, including making a 'positive contribution'. In introducing the duty, the then government stated that it intended to 'lock in' reforms which bring together education and wider children's well-being and to 'recognise the need to look more closely at the holistic needs of children and the wide range of matters affecting a child's life, happiness and prospects other than just his or her education'.¹⁷

The Department for Education (formed in May 2010) now has responsibility for children and young people's participation and the UNCRC.

In 2009, the Youth Citizenship Commission criticised a patchwork of responsibilities for citizenship across government and called for policy to be 'more focused, connected and transparent' (Youth Citizenship Commission 2009c: 37). Responding to the report, the government of the time appointed the first Minister for Young Citizens and Youth Engagement in November 2009. The post was established, to lead the response to the Youth Citizenship Commission; to seek ways to help increase young people's participation in their local communities as well as in local and national politics; and to develop citizenship among disadvantaged groups of young people and promote active citizenship through volunteering and community engagement. The Minister issued the government's response to the Commission's report (Cabinet Office 2010). There is no Minister for Young Citizens and Youth Engagement in the current Government (June 2010).

Institutions driving participation

A number of new statutory bodies with a focus on participation have emerged over the past five years. The Children Act 2004 established the post of Children's Commissioner for England, with Professor Sir Al-Aynsley Green appointed the first incumbent in March 2005.¹⁸ The statutory function of the post is to promote the 'views and interests' of children and young people in England.¹⁹ In doing so, the Commissioner must have regard to the UNCRC.²⁰ In March 2010, Dr Maggie Atkinson became the second Children's Commissioner for England.

The Equality and Human Rights Commission, established by the Equality Act 2006, must promote awareness, understanding and protection of human rights.²¹ These duties include the UNCRC (Makkan 2008). The Commission

¹⁶ Section 7, Children and Young Persons Act 2008.

¹⁷ Comments by Lord Adonis, speaking in House of Lords Committee debates on the Children and Young Persons Act 2008. *House of Lords Hansard*, 18 Feb 2008: Column 16. Note that this sits alongside the duty to promote the education of people in England (Section 10, Education Act 1996).

¹⁸ Note, that between 2006 and 2010 the office of the Children's Commissioner was branded as 11 MILLION.

¹⁹ Section 2(1), Children Act 2004.

²⁰ Section 2(11), Children Act 2004.

²¹ Section 9(1), Equality Act 2006.

has funded a wide range of activities with young people and promoted children's participation, for example in its Human Rights Inquiry (EHRC 2009).

The Education and Inspections Act 2006 reformed the inspections of schools and children's services. The Office for Standards in Education, Children's Services and Skills (Ofsted) became responsible for inspecting all schools, child carers, children's services, residential homes, family centres, youth services and Cafcass in April 2007. The inspection framework for children's services includes specific provisions relating to participation and, since September 2005, the law has required school inspectors to have regard to the views of registered pupils at the school.²²

International monitoring of children's right to be heard

The UN Committee on the Rights of the Child's (2008) concluding observations on implementation of the UNCRC in the UK included a number of recommendations relating to participation. The Committee of 18 independent experts expressed concern at 'the general climate of intolerance and negative public attitudes towards children, especially adolescents' and the fact that this may often be the underlying cause of further infringements of their rights.

The Committee welcomed progress on participation, particularly duties on local authorities to have regard to the views of young children when planning childcare services; the requirement on inspectors to consult children during the inspection of schools and other institutional settings; and the involvement of children in the development of school behaviour policies.

However, the Committee noted that participation of children in all aspects of their education is inadequate, since children have very few consultation rights in school, in particular they have no right to appeal their exclusion or to appeal the decisions of a special educational needs tribunal. It also expressed significant concerns that disabled children lack opportunities for participation.

Among its recommendations to the UK Government were to:

- promote, facilitate and implement, in legislation as well as in practice, within the family, schools, and the community as well as in institutions and in administrative and judicial proceedings, the principle of respect for the views of the child
- support forums for children's participation, such as the United Kingdom Youth Parliament, Funky Dragon in Wales and Scotland's Youth Parliament
- continue to collaborate with civil society organisations to increase opportunities for children's meaningful participation, including in the media
- strengthen children's participation in all matters of school, classroom and learning that affect them

²² Section 7(f), Education Act 2005.

- ensure that children who are able to express their views have the right to appeal against their exclusion as well as the right, in particular for those in alternative care, to appeal to special educational needs tribunals.

In 2010, the then DCSF issued a document drawing together many legislative provisions, case law and policy that is relevant to the UNCRC, including articles of the Convention relating to children and young people's participation (DCSF 2010m).

General

- A large proportion of children and young people do not feel heard in decision-making affecting them and they do not always feel valued or respected by wider society.
- Many adults feel that children's views are given greater prominence today than ever before. Despite this, adults believe that children's ideas and opinions are not valued highly enough.

Children's perceptions of being heard and their status in society

The Office of the Children's Commissioner conducted a nationally representative poll of children aged 11–16 years old (n=2129) in 2006 (ahead of many of the policy and law reforms outlined in the remainder of this document). The survey found that 50 per cent of children believed that they did not have enough say in decisions affecting them, for example in public services and local and national decision-making. A total of 18 per cent believed they did have enough say, whilst 27 per cent said they didn't know (Children's Commissioner 2006).

The same sample also reported negative perceptions within wider society. When asked whether adults gave them enough respect and understanding, just 22 per cent either strongly agreed or tended to agree. A much larger 44 per cent tended to disagree or strongly disagree; and 22 per cent neither agreed nor disagreed.

The Scout Association and nfpSynergy (2007) conducted a nationally representative poll of children aged 13–18 (n=1004) and found that just over half agreed, 'a bit' or 'a lot', that they have a lot of control over the things that happen in their life. The feeling of control appeared to increase with age: 74 per cent of 17–18-year-olds compared with 62 per cent of 13–14-year-olds said they had a lot of control. Social background was also a significant factor, with a higher proportion of young people from higher social classes feeling more in control than those from lower social classes.

Adult perceptions of children being heard

Some research has looked at adult perceptions of participation (Madge 2006: 82). When asked whether the views of young people are taken into account

'more, less or about the same' nowadays as compared with when they were young, over two-thirds of adults (n=507) said that children were consulted more today. Only 13 per cent said that young people's views are taken into account less now than in the past; and 18 per cent said things had not changed much.

Whilst noting this progress, over half of the group believed that children's ideas and opinions are not valued highly enough. This view was strongest amongst parents. The majority of adults believe that they can learn a lot from children, and this was especially true of women and adults from social classes A, B and C1.

Family life

- Children want to be involved in decisions in their home and family life.
- The majority of children feel their voices are heard by their parents and within their families. This is particularly true of younger children.
- There is little evidence of children and young people being involved in designing or delivering family support or childcare services.
- During separation and divorce, children often report not being kept informed of developments. This can be a barrier to them forming or expressing an opinion.
- Few children are involved in Children Act private law proceedings, with many legal and practical barriers stifling their involvement.

Context

The past two decades have seen significant changes in the structure of families in Britain (Hunt 2009, Cabinet Office and DCSF 2008) and, alongside this, a growth in specific 'family policy' (James 2009). The previous Government said it continued the focus of the Children Act 1989, with the interests of children coming first (Home Office 1998, DCSF 2010c), and this saw increasing State intervention to support families to achieve this goal (Cabinet Office 2007, DfES 2006a, DCSF 2010b).

Whilst in Scotland there is a legal duty on parents to consult children about major decisions affecting them,²³ there is no comparable duty in English law. Where the relationship between children and parents has been tested in the courts, the judiciary has recognised the importance of children's participation and their evolving capacity for autonomous decision-making. A judge in a case concerning young people's access to confidential sex advice noted in 2006 that:²⁴

²³ Section 6(1), Children (Scotland) Act 1995 requires parents to have regard as far as practicable to the views of children, taking account the child's age and maturity. This provision is often criticised for the inclusion of an age – 12 years – at which children are deemed to be able to form a view.

²⁴ R (Axon) v. Secretary of State for Health and the Family Planning Association [2006] EWHC 37 (admin), [2006] 2 FLR 206, at [79]. For further commentary see Fortin (2009: 96).

The right of young people to make decisions about their own lives by themselves at the expense of the views of their parents has now become an increasingly important and accepted feature of family life.

The majority of available research focuses on legalistic divorce and care proceedings, with far less focusing on children's experiences of decision-making *within* the family.

What is known about participation in this context

The areas of family life in which participation is happening, are those of family support and childcare services; family life itself; separation and divorce; private law proceedings; and media reporting in family court proceedings.

Family support and childcare services

There has been significant growth in services aimed at supporting parents and families (James 2009). Duties have been placed on local authorities to provide information about the services, support and advice available to help parents support their children up to their 20th birthday.²⁵ The previous government aimed to have a children's centre in every community (over 3500 in total) by 2010 and this is now underpinned by legislation.²⁶

The development of these services has included a strong steer for the active involvement of parents. For example, local authorities must seek to involve parents and prospective parents in childcare services²⁷ and ensure that any children's centre has an advisory board that includes representatives of parents.²⁸ Non-statutory guidance on the provision of services to families stresses the need for participation and engagement (DCSF 2010d). Importantly, there are some duties to consult children in the provision of these services: local authorities must have regard to information about the views of young children as is available to them and appears relevant to delivery of these functions.²⁹

Whilst there is significant evidence of best practice in engaging with young children (Clark and others 2003), there is little information available as to how children and young people have been involved in developing family and childcare services.

Family life itself

Two reviews of evidence of children's participation in family life (Madge 2006: 52–3, Madge and Wilmott 2007: 12) have found some common themes.

²⁵ Section 12, Childcare Act 2006. See also DCSF (2008a).

²⁶ Sections 5A and 5E, Childcare Act 2006, *as inserted by* Section 198, Apprenticeships, Skills, Children and Learning Act 2009.

²⁷ Sections 3(4)(a), Childcare Act 2006.

²⁸ Sections 5C, Childcare Act 2006, *as inserted by* Section 198, Apprenticeships, Skills, Children and Learning Act 2009.

²⁹ Section 3(5), Childcare Act 2006.

- Children want to be involved in making decisions, to be informed about what is going on, and to take part in family life. Whilst children want to be involved in family matters, they do not necessarily want to make decisions themselves or in isolation.
- Studies show that children's roles in family decision-making are part of a complex and dynamic process that varies according to family structure and the quality of parent-child relationships.
- Children decide many things for themselves from a young age.
- Some evidence suggests that children are happy with their level of participation in family decision-making and personal autonomy.
- Older teenagers have greater autonomy and independence than younger children. Teenagers have more influence and independence to choose their bedtime and personal appearance. However, both younger and older children feel it is legitimate for parents to have greater influence over what time they are allowed out, finances and schoolwork. This changes over time; varies by family; and is fuelled by bargaining and trade-offs between children and parents.

These findings were also reflected in a series of focus group discussions with 8- to 11-year-olds (Butler and others 2005). Whilst the children wanted to have a say in family decision-making, they did not necessarily expect (or want) to make the decisions themselves. They did, however, want more of a say over issues that directly affected them, such as bedtimes, bath times, playtimes, etc.

Similar results emerged from a series of surveys of children's views and experiences.

- A 2006 web-based survey of children and young people under 18 (n=4060) found that over 80 per cent reported that their parents/carers took their views into account always or most of the time. Just 3 per cent stated that parents 'never' took their views into account. There was some age variance, with younger children feeling far more listened to at home than teenagers; and under-12s far more likely than 16- and 17-year-olds to agree that their parents 'always' take their views into account (Willow and others 2007).
- A similar 2008 online survey (n=139) of children aged under 18 (but predominantly completed by teenagers) found that 84 per cent of children thought it was important to be involved in family decision-making; and a further 64 per cent felt that their views were 'always' or 'most of the time' listened to by their parents or carers. However, the decisions that children were involved in were mainly everyday decisions, such as what food to eat or which TV shows to watch. They were least likely to be involved in discussions about major family purchases (such as buying a car) or their religion (Davey 2008: 29).
- A 2006 nationally representative survey of children aged 7-16 years (n=1944) found that just under half of all children felt their viewpoint was listened to and considered most of the time. Primary children were likely to believe this most strongly but there was little difference by gender or ethnicity (Madge 2006: 82).

A key message from published research is differences between what parents think their children believe and the views that children express themselves. Parents tend to underestimate their influence on their children; and children often feel themselves to be more independent and ready to take on responsibilities than their parents think they are (Madge and Willmott 2007: 13).

The Children Society's *Good Childhood Inquiry* collated evidence from over 5000 children and young people with BBC Children's television show *Newsround*. Children said that they thought it was important to be respected by adults, to be listened to and to have their views taken into account. Children and young people believed a happy family is one in which there is good, open and supportive communication. They liked being able to talk to their family about both minor and significant issues and said the family is an important outlet in which to express their inner worries (Pople 2008).

Typical quotes from children included:

[What makes a happy family?]

*talk to your children like an adult with respect
(10-year-old boy)*

[What makes a good parent?]

*I think a good parent is someone who lets you speak your mind. Who doesn't just tell you to shut up just because they're older than you. Someone to help you with homework, someone who doesn't mock you or tell you that you're too young to understand.
(13-year-old girl)*

Separation and divorce

Two reviews of evidence of children and parents' experiences of separation and divorce found that communication is the key factor in whether and how children are included in decisions following family breakdown (Maclean 2004, Mooney and others 2009). Both studies show that it is rare for children and young people to be informed about their parents' separation, even though they want to be kept informed. Not knowing leads to distress and confusion when parents leave suddenly and without explanation. This lack of communication means that children do not understand the process and are therefore unable to form a clear view on what they would like to happen next.

Researchers have stressed the importance of ensuring that children are given clear information about what is happening and that parents listen sensitively to what children have to say about decisions that affect them. There is some evidence that children who felt that they understood the process, had been consulted and had their wishes taken into account fared 'better' following a divorce (cited in Mooney and others 2009: 14).

Researchers recommend that formal interventions to support children following parental separation or divorce must be child-centred and available to all on the basis of need. However, even with this in place, many children turn to informal support from friends and family rather than approach professionals.

Private law proceedings³⁰

Where the court is responding to disputes *between parents* about with whom children should live or have contact with (known as private law proceedings), children have few legal rights to participate. Their situation is very different from that of children involved in public law proceedings – when a court is considering whether, for example, a child should be made the subject of a care or supervision or adoption order. Then, children are always party to the proceedings. They have their own legal representation; and a children's guardian is appointed by the court to consider what is in the child's best interests.

Children caught up in disputes between parents are not normally party to the legal proceedings, which tend to focus on seeking agreement between the adult parties. There was hope in 2002 that this situation would improve, following a change in the law, that is, when Section 8 proceedings were added to the list of circumstances in which children may be represented by their own solicitor.³¹ However, the previous government did not introduce the court rules needed to implement this provision. A consultation on children's separate representation in private law cases (DCA 2006a) was severely criticised (Martin 2006, Fortin 2007) and the provision has been left languishing (Timms 2009; Fortin 2009: 256–261).

Under the present system, the court may direct that a child be separately represented if the Cafcass officer recommends it³² and if the court is satisfied that 'it is in the best interests of any child'.³³ Alternatively, children themselves can instruct their own solicitor to represent them in court as a party to their parents' legal dispute; but a solicitor will not accept the instructions unless they are convinced that the child has sufficient understanding to take part in adult litigation. Sometimes, a child may feel sufficiently unhappy about life at home that they decide to go to court themselves to get a court ruling on their position (Fortin 2009: 264–270) Before getting as far as that, they will have to obtain leave of the court to make an application for a Section 8 order: if the child has sufficient understanding, the court may grant the child leave to do so.³⁴ However, anecdotal evidence suggests that this is a complex and therefore rare occurrence (Timms and others 2007: 60).

In practice, many children go unrepresented in their parents' disputes, in which case the court may not know how they feel about the possible outcome. A court may request (but is not obliged to see) a welfare report, which includes

30 Private law cases are those brought by private individuals generally in connection with divorce or the parents' separation.

31 Orders that can be made under Section 8 of the Children Act 1989 are: a residence order, contact order, prohibited steps order and a specific issues order. Section 122 of the Adoption and Children Act 2002 inserted Section 8 Orders into the list of proceedings where a child may be represented by their own solicitor (amendment to Section 41 of Children Act 1989).

32 Rule 4.11B(6), Family Proceedings Rules 1991. See also Cafcass (2006).

33 Rule 9.5(1), Family Proceedings Rules 1991 (as amended). In these cases a children's guardian would instruct a solicitor, although a child with sufficient understanding should be able to instruct a solicitor themselves.

34 Section 10, Children Act 1989. See also Fortin (2009: 133–137).

information about the child's wishes and feelings.³⁵ Evidence from a range of inspectorate reports shows that family court advisors often decide that the child is too young to be consulted; or skew their reports to include what appears to be what the child says but which instead reflects *their* beliefs – so does not report, let alone press for, the ascertainable wishes and feelings of the child concerned (Fortin 2009: 255).

Timms and others (2007) conducted a survey of 141 young people aged 11–18 years old, who had been interviewed by a Cafcass family court advisor preparing a welfare report, during a six-month period. From this sample, three-quarters of respondents felt they could 'have a say'; and just over half (55 per cent) felt that 'having a say' had made a difference. However, 45 per cent felt that they had either not expressed a view (through choice or omission) or that their view had not affected the outcome. An 11-year-old commented:

They talked to me. However, this did not seem to make any useful difference.

Neither the age nor the gender of the respondent appeared to affect whether the young person felt they could 'have a say'. However, there was a clear gender difference between those who felt their views had made a difference to the outcome and those who didn't – 48 per cent of boys thinking it had, compared to just 27 per cent of girls. This was particularly apparent among younger boys.

Similarly, respondents aged 13 and younger were more positive than those aged 14 or older that voicing their opinions and wishes had made a difference to the decisions made (38 per cent as compared with 28 per cent).

The study also explored children's experiences of going to court for private proceedings. This found that 93 per cent had not attended court and that, of these, the majority (60 per cent) did not want to do so. However, 40 per cent (n=50) indicated that they would have liked to attend: of these, 24 would have liked to have gone to court and a further 26 said they would have liked to have gone to court and specifically seen the judge.

Media reporting in family court proceedings

There have been a series of proposals to allow media access to family court proceedings, for both private and public law proceedings (DCA 2006b, Ministry of Justice 2007). In April 2009, new rules allowed the press to attend proceedings. Further reforms are anticipated – with the implementation of the Children, Schools and Families Act 2010 – which allow for further media reporting.³⁶ The Office of the Children's Commissioner has published the findings of a consultation with children and young people (n=51) aged between 9 and 23 years old. Of these young people, 90 per cent had had previous experience of proceedings.

³⁵ This is usually requested from a Cafcass Family Court Adviser and often known as a Section 7 report (after s.7 CA1989) or a 'Cafcass report'.

³⁶ Part 2, Children, Schools and Families Act 2010.

The study (Brophy 2010) found that almost all children and young people were opposed to the decision to allow reporters into family courts. In terms of expressing their views, almost all children and young people interviewed (96 per cent) said that once children are told a reporter might be in court they will be unwilling or less willing to talk to a clinician about ill-treatment or disputes about their care, or about their wishes and feelings.³⁷ Of all the children and young people, 90 per cent said that being told a reporter might be able to read the doctor's report would also affect children's willingness to talk to a doctor; and 96 per cent of children were clear that if reporters were to be admitted to court, they should be consulted first. Children should have the opportunity to give their views 'in private', so they can be expressed freely.

³⁷ Clinicians such as paediatricians, child and adolescent psychiatrists and psychologists may all be requested by courts or parties to provide evidence about the child.

Education

- There are high numbers of school councils and student voice/ democracy initiatives in schools. These have been increasing over the past five years.
- Despite this progress, a significant minority of children do not feel involved in school decision-making.
- Legal barriers prevent involvement in some individual decision-making in education.
- Most children who are excluded from school do not feel listened to during the exclusion process.

Context

The past decade has seen significant developments in children and young people's participation in school. Key drivers have been the introduction of citizenship education, a growing acceptance of the rights of children to express themselves and of their ability to affect positive change (Flutter and Rudduck 2004). A series of legislative reforms have led to a 'reasonable degree of overall progress' to increased autonomy and participation of children in schools, albeit from a low point (Harris 2009).

The Education Act 2002 requires local authorities and schools to have regard to any guidance given by the Secretary of State (in relation to England) about consultation with pupils in connection with the taking of decisions that affect them.³⁸ The guidance was initially published in 2004 (DfES).

However, evidence suggested that the guidance was not being systematically implemented. A Freedom of Information survey carried out by CRAE in 2006 showed that, of 99 English LEAs, less than 45 per cent had taken any action to inform school staff of the pupil participation guidance (most of it minimal); less than 20 per cent had run any training on it; and only 10 per cent had informed

³⁸ Section 176, Education Act 2002.

pupils of the guidance.³⁹ Many LEAs did not know which guidance was being referred to in the Freedom of Information survey; despite the full title being stated clearly in the questions, and an answer to a Parliamentary question confirming that 'printed copies of the guidance were sent [by national government] to all schools and local authorities'.⁴⁰

In 2005 the then Department for Education and Skills committed to revising the guidance to ensure 'stronger encouragement for school councils' (DfES 2005b: 71); this was published in June 2008 (DCSF 2008b).

Following lobbying from Participation Works partners and others; continuing criticism by the UN Committee on the Rights of the Child (2008); and growing concern by the then government over the lack of progress in considering children's views in school, the Education and Skills Act 2008 introduced a new duty on school governing bodies of maintained schools to invite and consider the views of pupils about matters prescribed in regulations. In doing so, they must have regard to the age and understanding of the pupils who expressed the views.⁴¹

As of June 2010, the new duty has not been brought into force, because government must first issue regulations to specify the topics that a school must consult children on. The then DCSF had consulted on the draft regulations in spring 2010 (DCSF 2010e). Former Ministers promised the regulations would be complemented by a further set of revised guidance.

What is known about participation in this context

The areas of education in which participation is happening are those of children's views and experiences of school life; teachers' views; school inspection and follow-up; school governing bodies; religious worship; sex and relationship education; and school exclusions.

Children's views and experiences of school life

Evidence suggests that, whilst more children are heard in matters affecting them in school than ever before, not all children are given opportunities to participate in decision-making about their education.

³⁹ Children's Rights Alliance for England's Freedom of Information survey of English LEAs, 2006. All 152 English LEAs were sent questions under the Freedom of Information Act 2000 asking about the number of schools in their LEA with a copy of the *Working Together* guidance, and steps they had taken to inform and train staff and pupils. This research is unpublished but available from CRAE.

⁴⁰ House of Commons, 11 May 2006, Column 445W, answer to Parliamentary question.

⁴¹ Section 29B, Education Act 2002 as inserted by Section 157, Education and Skills Act 2008.

The national Tellus4 survey⁴² (n=250,000) asked children and young people in (school) Years 6, 8 and 10 whether their ideas about their school were listened to when they had given them to the school council or through other similar mechanisms (Chamberlain and others 2010). This major survey found that:

- a third of children and young people (33 per cent) were generally positive, indicating that their views were listened to 'a lot' or 'a little'
- just over a third (34 per cent) indicated that their views were not listened to either 'very much' or 'at all'
- almost a further quarter (23 per cent) reported that they had not given their ideas.

Tellus4 found that younger children were less likely to have given their views but, conversely, they were more likely to feel their views were listened to, with over half the children in Year 6 feeling that their views were listened to 'a lot' (20 per cent) or 'a little' (32 per cent), compared with just a third of children and young people overall. Only one in five young people in Year 10 felt that their views were listened to 'a lot' (4 per cent) or 'a little' (16 per cent).

Other studies

The findings are consistent with other studies.

The national Tellus3 survey (n=148,988) asked children in Years 8 and 10 a slightly different question: whether they felt children and young people's views were listened to in the running of their school. Of the children, 12 per cent said a great deal and 47 per cent said a fair amount; 27 per cent said not very much and 7 per cent stated that they were not listened to at all (Ofsted 2008).

The Citizenship Education Longitudinal Study⁴³ found a notable increase in students' perceptions of school democracy between 2004 and 2006. This has levelled off between 2006 and 2008. Its 2008 survey of students in Years 8, 10 and 12 (n=6446) found that students are only moderately positive about the

42 The Tellus4 survey was undertaken online by 253,755 children and young people in Years 6, 8 and 10 in 3699 primary, secondary and special schools and Pupil Referral Units. The survey was completed by a representative sample of 40 primary schools, 20 secondary schools, four special schools and two Pupil Referral Units selected from across each of the 152 English local authorities. Participating schools were asked to include a randomly selected class (one class of Year 6, two classes of Year 8 and two classes of Year 10 pupils). The survey responses were weighted by gender (male/female), year group (Y6, Y8, and Y10) and deprivation using the Income Deprivation Affecting Children Index (high/low). Note that data was collected between 5 October and 20 November 2009. See: Chamberlain and others (2010: 8).

43 The CELS study is led by the National Foundation for Educational Research. It was established in 2004 and monitors implementation of citizenship education. It is a cross-sectional survey that is carried out every two years to gather data from students in Years 8, 10 and 12, as well as from the leaders and teaching staff in their schools or colleges. In alternate years, a longitudinal cohort of students is being followed from Year 7 through to Year 13, with data also being collected from the leaders and teachers in their schools.

extent to which they have opportunities to have a say in their schools: 13 per cent of students report having been represented by their peers on the student council; and 45 per cent participated in electing student council members. While many students feel there are at least some opportunities for engagement with decision-making, just under half feel there are 'quite a bit' or 'a lot' of such opportunities. Year 10 students (aged 14–15) were found to be the *least* positive about the potential for participation in decision-making, echoing findings from the 2005 Fifth annual report of the study (Keating and others 2009, see also: Cleaver and others 2005).

A separate 2008 nationally representative survey of secondary school children (n=2417) found high rates of school councils, with 85 per cent going to a school with a school council. However, 9 per cent of children did not know if their school had a school council. A majority of children agreed or strongly agreed that all schools should have a school council (55 per cent), with just 6 per cent disagreeing or strongly disagreeing. For those who disagreed, many thought that they would make no difference or were a waste of time. Of those who went to a school with a school council, 43 per cent helped to choose year representatives; 20 per cent chose school council representatives; and 15 per cent had spoken to their representative. More generally, 43 per cent of pupils stated that their school involves pupils in decisions about school policies and equipment; and 28 per cent said they were asked to complete surveys or talk in groups about school issues. Seven per cent said they were involved in helping to choose teachers. And 23 per cent did not know how the school engages pupils in the running of their school (Whitty and Wisby 2008).

A 2006 web-based survey of children and young people under 18 (n=4060) found that more than half the respondents felt their teachers or lecturers took account of their views always, or most of the time. However, one in ten felt that their views were 'never' taken into account. Children under 12 years old were four times more likely than older children to believe that teachers 'always' take their views into account (Willow and others 2007).

Teachers' views

A survey of teachers (n=999) in both the maintained and independent sector in England found the existence of school councils to be high, with 98 per cent of teachers in secondary schools and 92 per cent of primary teachers in England working in a school with a school council. A majority of teachers backed statutory school councils. They gave a range of positive benefits of school councils, including developing pupils' social and emotional skills; improved behaviour; and improved teaching and learning. Strikingly, 100 per cent of the secondary teachers believed that their school council had improved behaviour; and 51 per cent of secondary teachers and 42 per cent of primary teachers in England agreed that children should interview candidates for teaching posts. However, support for the pupil voice did not come from across the board, with headteachers and deputy headteachers much more likely to say that pupils should not be involved in the staff selection process.

Evidence collated for the Cambridge Primary Review found that, where schools work towards creating a culture which thrives on the mutual respect of those within it, pupils become active participants and develop a sense of belonging, rather than viewing school simply as a place they attend each day. Whilst this was a profound change for many schools, there is clear apprehension from staff about issues of control and of the perception by some that their professionalism is being eroded (Robinson and Fielding 2007).

Evidence of the impact of participation

In 2006, the Carnegie Young People Initiative completed a meta-study to search for evidence of the impact of student participation in schools and colleges (Davies and others 2006). Seventy-five studies, mainly from the UK but also internationally, were scrutinised. The study found that, as a result of student participation, better teacher–student relationships emerged; behaviour was improved; and pupils felt greater ownership of schools.

School inspection and follow-up

In September 2005, Ofsted introduced a new framework for inspection with the expectation that schools will systematically seek the views of young people, including on matters to do with the quality of teaching and learning (Ofsted 2005). The latest edition of the framework makes clear that during the inspection:

inspectors talk with pupils including those from different groups and those holding representative responsibilities, for example as members of the school council. In addition, they gather the views of pupils during the inspection via a pupils' questionnaire.
(Ofsted 2009a: 14)

Focus groups with children conducted in 2006 found that, of those who had experienced a school inspection, many felt disenfranchised and alienated by inspection. They expressed views that schools would tidy up or remove 'bad' children during the inspection and that pupils themselves could not speak to Ofsted (Willow and others 2007: 31).

More recent guidance states that the judgements that inspectors will report on when inspecting schools includes 'the extent to which pupils contribute to the school and wider community' (Ofsted 2010: 23). Guidance states that inspectors should look at:

- the quality of the work of the school council or other arrangements that enable pupils to contribute to, and influence, decisions made about life in school and the wider community
- how well pupils participate in activities, such as surveys and discussions, that encourage them to express their views and ideas about the school and their wider community
- the extent to which pupils are involved in working with teachers and other staff in planning and making decisions about their learning and well-being.

Following the writing of the inspection report, Ofsted expects schools to ensure that all pupils are made aware of the findings of the inspection; and the organisation provides a brief letter to pupils as an appendix to the report. This is addressed to the pupils and is aimed at the older pupils in the school (Ofsted 2009a). A review by Ofsted showed that, whilst the majority of children saw the letter, few schools engaged children in drafting the post-inspection development plans and there was little engagement with school councils (Ofsted 2006b).

School governing bodies

Regulations allow for school governors to appoint 'associate members' of a committee of a school governing body. Associate members can be under 18 and there is no lower age limit. Whilst not a governor, they can be a member of any committee of the governing body and can hold office for four years, with reappointment possible.⁴⁴ There is little evidence on the numbers of children on school governing bodies and their experiences. Research from a one-off project has suggested that inclusion of pupil governors brought significant benefits, including more effective decision-making by the governing body (Hannam 2004).

Religious worship

Following legal reform in 2006, a sixth-form pupil attending a maintained school is able to withdraw from collective worship.⁴⁵ In the case of a non-sixth form pupil, a parent may request that the pupil be excused but the child has no legal right to request or to refuse being excused.⁴⁶ The Joint Committee on Human Rights has called for a child of sufficient maturity, intelligence and understanding to have the right to withdraw from religious education and religious worship (JCHR 2008).

Sex and relationships education

Currently a parent can withdraw their child from non-biological aspects of sex and relationships education (SRE) in schools up to the age of 19.⁴⁷ Following an independent review of SRE (Expert Steering Group 2008), the previous government proposed to lower this to 15 years old.⁴⁸ However, this legislation was not passed.

Recent qualitative research with parents found that most did not feel there should be any parental right to withdraw children and young people from SRE – but if an age for compulsory SRE was set, the beginning of Key Stage 3 (first year of secondary school, pupils aged 11–12) seemed appropriate to most (DCSF 2009b). A poll of 1661 parents found similar results, with 20 per cent backing removal of this right and 33 per cent stating that it should be reduced to 11 years old (Populous 2009). In 2008, over 100 NGOs in a submission to the UN Committee on the Rights of the Child called for the parental right of removal to be withdrawn altogether (CRAE 2008).

⁴⁴ Regulation 11, School Governance (Constitution) (England) Regulations (2003).

⁴⁵ Section 71, School Standards and Framework Act 1998 as amended by Section 55, Education and Inspections Act 2006.

⁴⁶ Sections 70 and 71, School Standards and Framework Act 1998.

⁴⁷ Section 405, Education Act 1996.

⁴⁸ The change was proposed in Clause 14 of the Children, Schools and Families Bill 2010. However, cross-party consensus was not found on limiting the right of parental withdrawal so the then Government removed the measure from the Bill in its final stages through Parliament.

School exclusions

Currently, children and young people who face exclusion cannot themselves lodge an appeal. Their parents (or those with parental responsibility) must choose whether to make an appeal. In summer 2009, the then DCSF consulted on giving children over the age of 16 the right to appeal exclusions (DCSF 2009c). The then government had, however, rejected the overwhelming majority of responses which called for children under 16 to have the right to appeal exclusions; and backtracked on its intention to lower the age at which children and young people can appeal, to 16 (DCSF 2010f).

The little available evidence on school exclusion suggests that few children fully participate in the exclusion process. Research published in 2005, based on interviews with 40 children and young people aged 11 to 16 who had been excluded within the previous 18 months to two years, concluded that participation was variable and that 'any involvement that did take place tended to be sporadic rather than systematic' (Taylor 2005: 41).

Changes were made to guidance in 2008 to allow children to be invited and encouraged to give their perspective at all stages of the exclusion process, where appropriate, taking into account their age and understanding. This includes giving their side of events to the school before the decision to exclude. They should be allowed and encouraged to attend the exclusion hearing and to speak for themselves, if they wish (DCSF 2008c).

Despite these reforms, a recent study of 44 children's experiences published by the Children's Commissioner reported similar results to the 2005 research. The report explains that: 'Listening to a child's side of the story prior to a permanent exclusion seemed to be more the exception than the rule in the experiences of the children we spoke to.' (Davey 2009). Children's quotes that are indicative of this are as follows.

It was like, you're excluded. They didn't even give me a reason why they excluded me. They called my mum and said we have permanently excluded me and that was it.

Interviewer: What was the exclusions procedure like in your school? Did they tell you all the information?

Child: No.

Interviewer: Did you understand what was going on; did they explain 'this is what's happening'?

Child: No. It went out in a letter, and then I had to go home.

Play and youth services

- Play is an inherently participatory activity where children lead and express themselves.
- There is little evidence of children shaping strategic decisions affecting play and youth provision.
- Specific initiatives like Positive Activities for Young People, and the Youth Opportunity and Youth Capital Funds, have helped young people to direct youth provision.
- There is little evidence showing whether children and young people influence decision-making about local leisure facilities.

Context

Children and young people's access to play and youth services has been strengthened by increased investment over the past decade. Estimates by the National Youth Agency show that average spending on youth services for 13–19-year-olds rose from £100 per head in 2005–06 to £119 per head in 2007–08 (NYA 2005, 2009). Three in five children and young people (60 per cent) participate in group activities, such as sports, arts or a youth group led by an adult (Chamberlain and others 2010: 55).

In 2007, a new 10-year strategy for positive activities for young people (HMT and DCSF 2007) was published, specifically including a chapter on empowering young people. The strategy committed the then government to extending the Youth Opportunity and Youth Capital Funds; to develop a National Body for Youth leadership;⁴⁹ and establish *myplace*, a scheme to build new youth facilities where children and young people's participation is built in and must be demonstrated in funding bids. The target was set for young people to control 5 per cent of youth budgets by 2010–11, rising to 25 per cent of youth budgets by 2018. There has also been more emphasis on developing opportunities for young people to gain leadership skills, with important policy papers such as *Young People: Leading Change* (DCSF 2008d).

⁴⁹ The consortium was subsequently launched as *The Youth of Today* (www.theyouthoftoday.org).

These movements have been supported by a new duty on local authorities to provide access to positive activities for young people.⁵⁰ The legislation specifies that the local authority must ascertain and take account of young people's views on current provision, the need for new activities and facilities, as well as barriers to access (DCSF 2008e). A three-year-on progress report on the strategy reaffirmed the then government's commitment to empowerment and summarises action to date (DCSF 2010g).

Play services have been similarly prioritised. The first national play strategy (DCSF 2008f) was backed by £235 million for local play facilities. The strategy stresses the need for play to be seen in the wider context of building child-friendly communities, which build on children and young people's desire for their own views to be reflected in local decisions about how their neighbourhoods are designed and developed. Statutory guidance to local authorities stresses the need for play spaces and provision to be developed in partnership with children, young people and the wider community (DCSF 2010h).

What is known about participation in this context

The areas of play and youth services in which participation is happening are those of play services; positive activities for young people; and Youth Opportunity and Youth Capital Funds.

Play services

Play is an inherently participative activity whereby children direct, create and express themselves in their own manner. It is *their* play. They make decisions as to how they want to play and they decide what is fun. This is reflected in accepted policy definitions of play (Play England 2009):

Play is what children and young people do when they follow their own ideas and interests, in their own way and for their own reasons.

[...]

The essence of play is that it arises from children's innate need to express themselves, to explore, learn about and make sense of their world. Its benefits for children derive from them making their own choices, following their own instincts. At play, children have a certain freedom and autonomy from adult direction. This freedom – to choose, to explore, to associate, to create, to move around, to challenge themselves and others – is an important part of their lives now; and vital to their development.

Many of the known benefits of play – such as developing a sense of well-being, developing appropriate emotional responses, improving children's interpersonal skills and improving physical health – are (at least in part) due to the freedom and evolving autonomy inherent in play (DCSF 2008f, Santer and others 2007, Rogers and others 2009). This does not, however, discount that children's play can be structured and supported by adults (Play England 2009).

⁵⁰ Section 507B, Education Act 1996 as inserted by Section 6, Education and Inspection Act 2006.

It is perhaps unsurprising that play is highly valued by children – in children's and young people's own accounts of their lives, and in their views on what would improve their lives, play and informal recreation consistently rank at or near the top of the list, often higher than more material issues (Lester and Russell 2008). A study involving young children (aged 4 and 5) showed that they greatly valued the importance of playing with and meeting other children. They thought it was particularly important to direct and choose to play themselves rather than because others have given it some importance or told them it was important. Indeed, when the adults tried to direct the interest of children, the authors observed that the action was less likely to be sustained (cited in Rogers and others 2009: 46).

In preparing the first ever play strategy, the previous government received responses from 9409 children, 12 per cent of whom were disabled children. It found that most children were keen to be involved in creating new play areas by choosing the apparatus and facilities, helping to build them and deciding on the best location. Adult respondents believed that involving children would help to engender a sense of ownership which would ensure that play areas were well kept and well used (DCSF 2008g: 17). In rolling out new funding for play, the then DCSF required local authorities to ensure that children, parents and local communities were involved throughout the capital programme and that play spaces met local need. Supporting and funding community-led projects is a specific condition of grants to local authorities (DCSF 2008g: 24). The 2007 Children's Plan had committed to 'strong participation of children, families and communities in the design of new [play] spaces' (DCSF 2007a: 29).

Positive activities for young people

The duty to provide positive activities for young people arose – in part – from learning from the Positive Activities for Young People programme (PAYP). This was a targeted programme, aimed at those young people aged 8–19 years most at risk of social exclusion, committing crime or being a victim of crime. Approximately 290,000 young people participated in PAYP between 2003 and 2006, of which 85 per cent met the 'at risk' criteria set for the programme, and 39 per cent received key worker support. The programme's evaluation found that many of the participants benefited from gaining new personal development skills, showed a greater likelihood to volunteer and to engage in civic activities (such as running an anti-bullying campaign) (CRG Research 2008).

Youth Opportunity and Youth Capital Funds

The Youth Matters Green Paper (DfES 2005c) led to the Youth Opportunity Fund (YOF) and the Youth Capital Fund (YCF). The overall aim of the Funds is to improve the provision of positive activities for young people, by giving young people the power to decide how this funding should be spent in their area. YOF allows young people to bid for money to develop and provide activities; whereas the YCF allows them to influence capital investment, such as buildings and equipment. Young people make the applications themselves and a local panel of young people make decisions on whether applications should receive funding. Between 2006 and 2011, £220m was given to groups of young people to distribute through YOF/YCF. By the end of March 2009, 2.5 million young people had been involved in, or benefited from, the use of the funds (DCSF 2010i).

Evaluation of the Funds (Golden and others 2008, O'Donnell and others 2007) found that participation in the decision-making panel had led to positive outcomes for panel members including developing personally, socially and gaining skills in team-working and decision-making. These young people felt more empowered and, in some cases, they became involved in other positive activities. They showed improved attitudes towards learning. As their experience of being a panel member increased, young people were said to have been increasingly efficient and confident in scrutinising applications. Panel members valued the responsibility and authority that they held; they felt listened to and respected; and they believed that they had been able to make a difference for young people.

A wider range of activities became available for the young people involved in projects supported by the YOF/YCF, albeit sometimes in specific areas. The Funds were catalysts for the involvement of more and new providers as well as for improvements in the quality of provision (as assessed by whether facilities and activities were up to date and provided young people with what they wanted).

The way the Funds were implemented showed local authorities that giving decision-making power to young people is an effective and worthwhile approach for allocating community funding. As a consequence, some local authorities are now considering extending this approach to other areas.

Health services

- There is some involvement of children in strategic decision-making in health, but this appears to be patchy and evidence is poor.
- Children and young people think it would be helpful to use Patients Advice and Liaison Services but rarely know about them or how to access them.
- Surveys suggest about two-thirds of children feel involved in decisions about their personal healthcare and treatment. However, health professionals can struggle to communicate effectively with children and young people, causing them further anxiety and stress when they are ill.

Context

The past few years has seen considerable and consistent reform to the structures and opportunities for patient and public involvement in healthcare (Hogg 2009, Vincent-Jones and Mullen 2009). Three key drivers have been highlighted (Anderson and Fellen 2009: 44):

- a growing government and civil service appetite for involving citizens in service design and decision-making exercises, such as the Patient's Charter for England and the subsequent Children's Charter (DH 1996), and the National Service Framework for Children, Young People and Maternity Services (DH 2004a)
- a greater focus on prevention and behavioural change in the health sector, with local organisations viewing enhanced engagement as a means of encouraging behavioural change and healthy living – for example, see the White Paper *Our Health, Our Care, Our Say* (DH 2006a) and wider reforms (DH 2006b)
- a series of widely publicised incidents and calls for greater accountability, which required NHS administrators to restore public trust in the health service and its governance (see Kennedy Inquiry 2001, DH 2003a, DH 2004b).

Legislative and regulatory changes have also had a powerful effect. Since 2001, all health bodies in the UK have been required to consult and involve

patients in service planning and operation.⁵¹ As of October 2008, additional duties were placed on Primary Care Trusts and Strategic Health Authorities to include relevant communities in assessing commissioning decisions.⁵² This extended patient and public engagement, from the service delivery arena to strategic decision-making. The child health strategy also expects 'to see the systematic involvement of young people and their parents in [health] service development' (DH and DCSF 2009).

The move towards the central role of commissioning services, rather than necessarily providing services, has included a requirement for participation. Commissioners should focus on those whose voices are not often heard, including children and young people (DH 2007).

Children and young people are heavy users of healthcare services. At any one time 11 per cent of children will have had a recent acute illness and 17 per cent of children have a longstanding illness (NHS 2010).⁵³ Ten per cent of all GP consultations are with children aged 14 and under (cited in NCB 2010: 15); and in the year up to end of March 2009, just under 12 per cent (n=1.9 million) of finished hospital consultant episodes were with children aged 14 and under (NHS 2009).⁵⁴

What is known about participation in this context

The areas of health services in which participation is happening are those of strategic decision-making; Patient Advice and Liaison Services (PALS); individual decision-making in healthcare; individual decision-making for children with long-term health conditions; and mental health services.

Strategic decision-making

A thorough review of children's participation in healthcare in England found that 'the involvement of children is patchy and requires further development' (Franklin and Sloper 2005: 19). An analysis of the literature that concentrated on children's competency to participate in healthcare decisions found little, but increasing, evidence of the successful participation of children within their own healthcare. However, there is no evidence to suggest that this is widespread practice and some children, such as those with disabilities, are not being consistently involved.

The last published review of all health authorities and NHS Trusts in England reported that local NHS Trusts follow policy documents on user involvement but do not specifically identify young people as service users (Lightfoot and Sloper 2002). The researchers concluded that this led to children and young people's specific needs being missed.

51 Section 242, National Health Service Act 2006. This was originally enacted as Section 11, Health and Social Care Act 2001.

52 Sections 17A and 24A, National Health Service Act 2006.

53 These statistics related to 0–15-year-olds.

54 Hospital Episode Statistics records describe episodes (periods) of continuous admitted patient care under the same consultant. In cases where responsibility for a patient's care is transferred to a second, or subsequent, consultant, there will be two or more HES records relating to the patient's stay in hospital.

The main mechanism for collective decision-making in health locally is now through Local Involvement Networks (LINks). These are networks of local people and organisations, supported by an independent organisation (funded by government through local authorities), holding commissioners and providers of health and social care services to account. LINks covers any health or social care service that is funded by the taxpayer. Whilst children and young people may be members of LINks, the powers of entry for LINks into children's social services are severely restricted.⁵⁵ There has been no systematic evidence on implementation of LINks in relation to children and young people.

The National Association of Patient Participation estimates that 41 per cent of general practices in England now have a Patient Participation Group. Emerging in the early 1970s, these are groups – of volunteer patients, the practice manager, and one or more of the GPs from the practice – who meet regularly to discuss the services on offer, and how improvements can be made. The groups are non-statutory (NAPP 2010). There was no evidence of children and young people's active engagement in these forums.

There have been some studies on participation in specific aspects of the health service. For example, a study of Drug Action Teams found wide variation in practice: 85 per cent of the teams reported working with service users but only 48 per cent involved them directly in commissioning services. Data on the proportion of these which were under 18 was not available. Whilst user groups had generally been set up, it was difficult to identify changes to the organisation and delivery of services resulting from user involvement (Patterson and others 2009).

A recent self-selecting survey of CAMHS services (n=84) found that two-thirds of services had a participation strategy, and local level involvement in decision-making that was well-established, predominantly through service user forums. Children and young people are increasingly involved in strategic decision-making. Many organisations involve young people in staff recruitment and selection, and in training front-line workers. However, very few services have specific budgets to support participation, therefore the work feels 'constantly under threat and vulnerable'. This is exacerbated by short-term funding for staff. Young people aged 12 and over were most likely to be involved in participation activities (Nagra 2010).

These findings contrast with a systematic review of published evidence of children and young people's participation in CAMHS, which found that individual interviews, questionnaires and focus groups were the most popular methods. The authors note that none of the projects could show what demonstrable change had been brought about as a result of the participation of children and young people (Worrall-Davies and Marino-Francis 2008).

A similar review of literature of children in care and other vulnerable groups' experiences of mental health services found that children strongly valued participation and wanted to be included in decisions about their healthcare. However, they could also find talking difficult. Use of non-verbal forms of participation was effective. The review also found that the personal qualities, skills and attitudes of staff was absolutely key to effective participation and, in turn, had a positive effect on therapeutic responsiveness (Davies and Wright 2008).

⁵⁵ The Local Involvement Networks Regulations 2008.

Evidence of the impact of participation

A 2007 review echoed this (Daykin and others), finding a lack of good quality evidence on what makes successful patient and public involvement (PPI). However, the review found some common messages.

- PPI can lead to clear benefits for staff, service users and the wider organisation, such as new or improved services or better staff and patient/public influences.
- Professional attitudes and organisational resistance can be a major barrier to effective participation.
- Structures and resources have a large influence on the impact of participation – too few resources can limit what can be achieved and place additional stress on staff. There is a difficult tension between policy expectations and current resource allocations.
- Some organisations can manipulate participation initiatives so children and young people (and adults) don't get any influence in practice.

This echoes a systematic review of literature surrounding patient and public involvements (Crawford and others 2002) which found that, whilst patients have contributed to the planning and development of services, the effects of this on the quality and effectiveness of services are unknown.

Patient Advice and Liaison Services (PALS)

Proposed in the NHS Plan 2000 (DH 2000), and active in all PCTs by 2002, PALS are services which inform, advise and support patients in making complaints and in participating in wider service developments. Unlike other elements of patient and public involvement, PALS does not have a statutory basis. The Department of Health has issued core national standards for PALS and an accompanying evaluation framework (DH 2003b) which requires PALS to 'actively seek the views of service users, carers and the public to ensure effective services'. Additional guidance on delivering PALS in prisons, young offender institutions, secure training centres and secure children's homes has been developed and includes specific information on user involvement (DH 2009).

A 2003 national survey of all PALS in NHS Trusts and Primary Care Trusts in England found that they had little explicit provision for children and young people. Staff were unlikely to have received training on working with children and young people and were felt to be more positive about the PALS' ability to respond to the concerns of older people and parents than they did about children. There were also concerns about the funding required to promote the service, and how PALS might meet any increased demand from under-18s (Heaton and Sloper 2003).

A more recent review of children, young people and parents' access to and use of PALS (Heaton and others 2008) found that children and young people were low users of PALS, but they believed the service was potentially useful. Researchers concluded that PALS have not been designed and developed in ways that are fully inclusive of children, young people and parents. Based on their views and experiences, and the suggestions of PALS staff, the authors

recommend that access to and use of the service needs to be improved with increased awareness-raising of PALS; more and better training for PALS staff on dealing with young people and their issues; and links developed between PALS and other organisations working with young people and parents. A consultation with children aged 11–17 found that children and young people wanted to be involved in PALS and thought that it was a valuable service (Pobi 2007).

A national evaluation of PALS found that the services were clearly meeting an expressed need among service users with sustained year-on-year increases in the number of enquiries. However, many were struggling to meet demand. There were too few PALS workers and poor information systems. Researchers concluded that the lack of a statutory basis for PALS meant that they were vulnerable to organisational change and new management priorities. Effective PALS were those associated with organisations with a sustained history of patient and public involvement (Evans and others 2008).

Individual decision-making in healthcare

The landmark Gillick case in 1986 established a fundamental legal principle that, as children grow and mature and acquire understanding of the consequences of their decisions, they should have increased autonomy in decision-making, particularly relating to their healthcare.⁵⁶ Whilst later cases have established that children may not refuse treatment, the basic principle of respect for evolving capacity remains (see: Fortin 2009: 147–63, Bainham 2006: 245–359, DH 2001, OPG 2007 and also Freeman 2001). Individuals aged 16 and over do not need to demonstrate Gillick competence: they are assumed to be capable of consenting to medical treatment.⁵⁷

There is little evidence of children's experiences of individual participation in healthcare or their health decisions. Every year the NHS Patient Survey Programme – which covers Acute Trusts, Primary Care Trusts, Mental Health and Ambulance Trusts – is commissioned by the Care Quality Commission. In addition, other surveys have focused on the National Service Frameworks for diabetes, coronary heart disease, stroke and cancer. Many of these surveys ask about patients' experiences of being heard and of influencing their healthcare. But they only ask individuals over the age of 16.

In 2004, the then Healthcare Commission (precursor to the Care Quality Commission) undertook a one-off study with patients aged 29 weeks to 17 years old (n=62,277). The survey targeted those who had been treated as inpatients or day cases, in any part of the trust including adult wards, but not maternity or psychiatric patients. Parents completed the questionnaire on behalf of younger children (Healthcare Commission 2004). The review found 'considerable room for improvement' in patient participation. Key results included the following.

⁵⁶ Gillick v West Norfolk and Wisbech AHA [1986] AC 112. This principle has been reviewed by the courts and was endorsed again in 2006. See: Axon, R (on the application of) v Secretary of State for Health [2006] EWHC 37 (Admin).

⁵⁷ Section 8, Family Law Reform Act 1969; however note that a 16- and 17-year-old who refuses treatment may still receive treatment with the consent of their parents or the Courts. See: Bowen (2007).

- Just under a third of parents said they were not involved as much as they wanted to be in decisions about their child's care and treatment. Forty-seven per cent of young patients said that they were not involved in decisions as much as they wanted to be during their hospital stay. Of the young patients who completed the questionnaire themselves, a greater proportion said that they were definitely involved in decisions as much as they wanted to be, than did those for whom a parent or guardian was completing the questionnaire on their behalf.
- The majority of respondents (73 per cent) reported that doctors definitely gave parents information about their care and treatment in a way they could understand, and 23 per cent reported having this information to some extent. The responses about information from nurses were similar. Lower proportions of young patients received information about their care and treatment in a way they could understand.
- Fifty-seven per cent of young patients reported that doctors definitely gave them information, and a further 33 per cent had this information from doctors to some extent. Of the young patients, 64 per cent had this information from nurses, and a further 29 per cent had this information to some extent.
- More than two-fifths of patients said that all or most of the doctors who treated them knew about their condition; the proportion was similar for nurses.

The Department of Health commissions a similar survey of patients' experiences of GPs' surgeries. However, again this does not capture the experiences of children and young people and only seeks the views and experiences of individuals over the age of 18. There are clear benefits in involving younger patients in primary care services; and their engagement is a condition of the *General Medical Services Contract* (Chambers 2005: 16).

A 2006 web-based survey (n=4060) of under-18s found that the majority of children (71 per cent) believed they were listened to always or most of the time by doctors, dentists or health workers. Just 7 per cent believed they were never listened to. Of all the professional groups presented to children, health workers were those who were most likely to pay attention to their views. There was no difference between those who described themselves as having special needs or disability from the rest of the sample (Willow and others 2007).

This is reflected in similar findings from a national child-led children's rights investigation. In a web-based survey (n=147), three-quarters of children and young people under 18 felt respected by doctors, dentists and other health professionals. Focus groups found that many children played an active role in their healthcare, with health professionals asking children and young people directly what was 'wrong' with them (Davey 2008). However, children also raised a number of concerns about being heard and influencing health decisions. A major issue was that health professionals do not always speak directly to children or explain the illness or treatment plans to children. This caused children to feel anxious and stressed. This problem has been raised in other studies (see overview in Madge and others 2005: 57); and the Healthcare Commission survey of younger patients found that double the number of children and young people, compared to parents, experienced doctors and nurses talking in front of them as if they were not there (Healthcare

Commission 2004). Children taking part in the children's rights investigation focus groups also expressed unhappiness at not being asked to give consent for a procedure to be carried out on them or not being told about their illness in a way that they could understand.

Whilst there is a lack of national evidence of whether children are heard by GPs, it is clear that children value being heard. An in-depth study of five children's experiences of short-term illnesses found that, whilst children were upset by their illness, they placed a high value on professionals speaking to them directly, being listened to and given information (Forsner and others 2005).

A 2007 Healthcare Commission review of children's experiences of hospitals found 'generally poor' engagement of children in decision-making. The Inspectorate was particularly concerned with the inadequacy of training in communicating with children. This was especially poor in outpatients' departments and among surgical and anaesthetist staff (Healthcare Commission 2007: 28). This is despite an earlier review finding many specific health-related training packages about effective communication with children, including participatory practice (Callahan and others 2005).

Individual decision-making for children with long-term health conditions

Research into children with long-term health conditions has highlighted their different and unique experiences of participating in individual healthcare decisions. In a study of whether young children can take an active part in managing their own diabetes care, Sutcliffe and others (2004) spoke to 24 children (aged 3 to 12) with type 1 diabetes, alongside parents. Whilst children were appreciative of the knowledge and care of specialist staff, they believed that non-specialist staff underestimated their knowledge of diabetes and did not recognise them as partners in managing the condition. Evidence from the same sample showed that children constantly deal with decisions about consent and compliance with or resistance to, prescribed treatment (Alderson and others 2006).

Mental health services

The Mental Health Act 2007 made significant changes to the delivery of mental health services. This was followed by an independent review of child and adolescent mental health services, which made a series of recommendations for reform (Davidson 2008).

The Mental Health Act 2007 confirmed that patients aged 16 or 17 years old have the capacity to consent to informal admission to a mental health setting and their decision cannot be overridden by a person with parental responsibility. It also removed the common law rule that a person with parental responsibility could give consent to treatment to a psychiatric hospital for treatment notwithstanding the child's refusal of consent.⁵⁸ However, leading commentators have queried how these provisions will interact with the Mental Capacity Act 2005, and whether parents can consent to treatment for a 16- and

⁵⁸ Section 131(2)–(5), Mental Health Act 1983 as *inserted by* Section 43, Mental Health Act 2007.

17-year-old who lacks capacity. This is likely to require consideration by the courts (Bowen 2007: 68, 162–3, 167–77).

The 2007 Act also introduced new rights to access an Independent Mental Health Advocate (IMHA) for individuals liable to be detained in hospital, subject to guardianship or supervised community treatment.⁵⁹ IMHAs are specialist advocates trained to work within the framework of mental health legislation. Children and young people have equal rights to access an IMHA; and individuals under 18 have additional rights to see an IMHA where electro-convulsive therapy is being proposed (NIMHE 2009: 94).⁶⁰ This new provision came into force in April 2009. Guidance on commissioning of advocacy services states that patients should be involved in this process (NIMHE 2008).

The CAMHS review found that nationally ‘neither children and young people who have experienced mental health problems nor their parents or carers have a “voice”’. It called for government to ensure that there was a national organisation to represent the views of children and young people and influence mental health policy (Davidson 2008: 33). Whilst this recommendation was not followed up by the then government (DCSF and DH 2010), a new National Advisory Council for children's mental health and psychological well-being has been formed – which in turn has a participation sub-group that is attempting to drive forward children's influence on service reform (National Advisory Council for children's mental health and psychological wellbeing 2010).

Whilst many working in CAMHS may have a generally positive attitude towards increased children's participation, a literature review found that this is often qualified by an ambivalence among clinicians about giving up their own authority and autonomy. Some also have concerns that sharing information about side effects of anti-psychotic medication, and even decision-making with children and young people using mental health services, may reduce adherence to medication. Similarly, a drive towards standardisation of care through clinical guidelines can limit the opportunities for participation (Day 2007: 4–5). Evidence also suggests that CAMHS professionals struggle to balance the views of children and young people accessing their services with the views of parents of children using the service (Worrall-Davies 2008: 17) or likely to listen to the views of the parents whilst neglecting to listen to the child (Davies and Wright 2008: 26).

59 Section 130A, Mental Health Act (1983). See also: The Mental Health Act 1983 (Independent Mental Health Advocates) (England) Regulations 2008.

60 Note, however, that a guardianship only applies to 16- and 17-year-olds. Supervised Community Treatment is made through provision of a Community Treatment Order, which can apply to an individual of any age.

Disabled children

- Disabled children are keen to be heard in matters affecting them.
- Practitioners can lack the skills, time and commitment to communicate with disabled children.
- Disabled children with the most complex needs may struggle the most to be heard.
- Self-directed support increases the opportunity for disabled children to be in control of their care. However, take-up remains low and cultural opposition among professionals is strong.

Context

The past five years has seen significant reforms and investment in services for disabled people, much of it the result of decades of campaigning by disabled-rights activists and disabled people's organisations (Oliver 2009). Substantial challenges remain – disabilism is rife (Gillinson and others 2006); and disabled children and young people lack equal opportunities and equitable life chances (DCSF 2008h). The UK Government has ratified the Convention on the Rights of Persons with Disabilities, which grants new rights to disabled people including the right to access communication aides.⁶¹ The Disability Equality Duty came into force in December 2006 and placed public authorities under a duty to promote participation of disabled people (including children) in public life.⁶²

Aiming Higher for Disabled People placed strong emphasis on participation, stating that:

⁶¹ Article 7, UN Convention on the Rights of Persons with Disabilities.

⁶² Section 3, Disability Discrimination Act 2005 *inserts new* Section 49A(1)(f), Disability Discrimination Act 1995. Note that the previous government intended for this duty to be replaced by the new Public Sector Equality Duty (Section 149, Equality Act 2010), which states that public authorities must encourage persons who share a relevant protected characteristic (such as disabled people) to participate in public life. The Act makes specific provision for public authorities to take account of disabled persons' disabilities. Previous ministers had stated that this new duty would commence in April 2011.

Engagement of disabled children and young people in shaping services at a local level results in the provision of more appropriate services, and can help services work more efficiently and effectively, allowing for more flexible and tailored provision.
(HMT and DfES 2007)

The strategy has had significant investment and spurred many new policies directed at improving the life-chances of disabled children and their families. However, participation has not always been core to the programme: with performance measures having been focused on parental experiences rather than the views of children themselves (CRAE 2009).

Evidence strongly suggests that disabled children want to be engaged in matters affecting them; to have a real choice in decisions; and to be increasingly independent and autonomous (Cavet and Sloper 2004, Lewis and others 2006, Lewis and others 2007). Disabled children see 'communication' as fundamental. They want to be involved in choices about what to wear, how and where they spend their time, planning for the future, and choice about their care and treatment. Children (and their parents) stressed the need for those who work with disabled children to have the skills and knowledge to communicate directly with the child (Sloper and others 2009).⁶³

What is known about participation in this context

The areas of services for disabled children in which participation is happening are those of individual and strategic decision-making; and self-directed support.

Individual and strategic decision-making

A literature review into published evidence of disabled children's participation in decisions about their lives and service development found that, with the right environment and support, disabled children can meaningfully influence decision-making. Indeed, involving children and young people in decisions (both individual and strategic) can result in better outcomes for them as the services they access become more responsive to their actual needs (Cavet and Sloper 2004).

However, despite these positives, the review highlighted that disabled children are less likely to be involved than their non-disabled peers; that good practice is not widespread; and that significant deficiencies remain. Problematic areas include access to communication aides; access to participation for disabled children with complex disabilities, such as 'ventilator dependent' young people or those with multiple disabilities; and lack of progress in some settings, such as residential schools. The authors recommend an inclusive approach to participation, better training for staff and more advocacy services.

The active involvement of disabled children in multi-agency services remains underdeveloped. Whilst many professionals wanted to spend more time communicating with children, the lack of funding limited the time they could

⁶³ Note, this study looked at the views of children with autistic spectrum disorders, complex health needs, degenerative conditions and children who do not use speech to communicate for physical or neurological reasons.

spend with individuals (Watson and others 2006). Similarly, teachers working with disabled children are often surprised by the abilities of children and young people with a wide range of disabilities and special educational needs, perhaps illustrating low expectations (Lewis and others 2007).

Self-directed support

Disabled people entitled to social care assistance have been given increasing freedom to direct this support. Generally known as 'self-directed support', it gives individuals the opportunity to decide how to spend available money to achieve what is important to them. It focuses on outcomes and giving people more choice and control over their support arrangements (Carr 2010). It marks a shift from services being a gift to children to an entitlement that meets their human rights (Crosby 2010). Aiming Higher for Disabled Children committed the previous government to increasing the capacity of families with disabled children to have more control over social care support.

This form of support is primarily provided through 'personal budgets'. This is the amount of money that a local authority decides is necessary in order to meet an individual's needs. The individual can either then receive this support by their local authority directly, through a direct payment which they then manage or through a combination of the two.

Direct payments were the result of a long-running campaign by the British Council of Organisations of Disabled People (Independent Living Institute 1996). Initially introduced for adults in 1997,⁶⁴ legal reforms in 2000 extended direct payments to carers aged 16 years and older, parents with responsibility for disabled children, and disabled young people aged 16 and 17.⁶⁵ Local authorities have been required to offer direct payments since April 2003 (for an overview see Glasby and Littlechild 2009).⁶⁶

Before making any decision about providing direct payments, the council must ascertain and give due consideration to the child's wishes and feelings.⁶⁷ If the 16- and 17-year-old would like to receive a direct payment but their parents disagree, the decision will depend on the assessment by the local authority of the young person's ability to manage the payment.⁶⁸ If the child is unhappy with the decision, they can complain using the normal local authority complaints process (Scope/CDC nd).

⁶⁴ Community Care (Direct Payments) Act 1996.

⁶⁵ Section 7, Carers and Disabled Children Act 2000 inserted new Section 17A, Children Act 1989. This was subsequently repealed and replaced by a new Section 17A in the Health and Social Care Act 2001.

⁶⁶ Further reforms in 2008 (Section 146, Health and Social Care Act 2008 makes various amendments to Section 57 of the Health and Social Care Act 2001) allowed for direct payment to be made to a person who can receive and manage the payment on behalf of an individual aged 18 or above who lacks capacity (in the meaning of Section 2, Mental Capacity Act 2005). However, these reforms do not extend to people with parental responsibility for a disabled child, disabled people with parental responsibility for a child, or disabled children aged 16 or 17.

⁶⁷ Section 17(4A), Children Act 1989.

⁶⁸ In doing so, they should have regard to guidance on dealing with conflict between disabled children and their parents. See DH (1991: 13–15).

Implementation of direct payments for children and their families has been slow. A review in 2004 found that, whilst some children's services departments were making progress in giving control to disabled children and their parents, there remained 'a significant change to [be made to] the philosophy and underlying ethos of children's services'. The review also found that many local authorities were struggling to finance direct payments (Carlin and Lenehan 2006: 121). A national survey of the use of direct payments (Davey and others 2007) revealed similar findings, with the take-up of direct payments by disabled children generally low but growing. The growth was seen to be due to the increase in the numbers of older disabled children transitioning to adult services. The most recent figures available show that there was a 73 per cent increase in the expenditure on direct payments, from £11 million to £19 million between 2004/05 and 2005/06. At March 2006, there were 600 disabled children aged 16 or 17 and 4200 carers of disabled children using Direct Payments (CSCI 2008: 16).

The drive for individuals to have greater control of their own care has led to the rolling out of 'individual budgets'. Individual budgets differ from personal budgets in that they cover a multitude of funding streams besides social care funding. Evaluations of pilots of individual budgets for adults show that individuals managing an individual budget were more likely to feel in control of their daily lives; and that younger physically impaired people particularly reported receiving higher quality care and were more satisfied (Glendinning and others 2008). In response, in 2009, the then DCSF launched a pilot project with a small number of local authorities and primary care trust partners to pilot individual budgets for families with disabled children. A literature review and scoping report found that, whilst there is little evidence of demand for individual budgets, there are high levels of unmet support needs generally. Furthermore, research suggests that positive outcomes experienced by users of individual budgets would encourage more take-up (Prabhakar and others 2008).

Child protection services

- Children do not feel involved in either strategic decisions about child protection or individual decision-making following abuse or neglect.
- There is little evidence of children's participation in child protection conferences or reviews; and variable evidence that their wishes and feelings are ascertained, recorded or have an impact on decisions affecting them.

Context

Reforms to child protection services over the past decade have been heavily influenced by the murder of Victoria Climbié. A public inquiry conducted by Lord Laming set in train reforms to children's services (see page 13). The Victoria Climbié Inquiry found a lack of any focus on ensuring that Victoria herself was listened to. Four of the Inquiry's recommendations relate to strengthening the child's voice in the safeguarding process (Lord Laming 2003).

Legal changes, drafted by CRAE and introduced in the Children Act 2004, now require local authorities to ascertain and give due consideration to a child's wishes and feelings (having regard to the child's age and understanding) when undertaking child protection enquiries and when making decisions about what services they need to use to overcome abuse or neglect.⁶⁹ The police have a long-standing duty to ascertain the wishes and feelings of children during the child protection process (see page 73).

Following the murder of 'Baby Peter' and subsequent public outcry, in 2009 Lord Laming undertook another review evaluating practice since the Victoria Climbié Inquiry and the barriers to keeping children safe (Lord Laming 2009). The review makes little comment on the status of participation in the child protection process and there are no recommendations relating specifically to participation. However, the revised *Working Together to Safeguard Children* – the key government guidance on safeguarding and child protection – has a much increased focus on listening to the views of children and young people in the child protection process, following detailed advice from CRAE (DCSF 2010j).

⁶⁹ Sections 17(4A) and 47(5A), Children Act 1989 *inserted by* Section 53, Children Act 2004.

In the year ending 31 March 2009, there were 547,000 referrals to children's social care services. Of these, 120,600 led to a core assessment; and a subsequent 34,100 children became subject to a Child Protection Plan. This represents 31 children per 10,000 of the population aged under 18 in England (DCSF 2009d). However, it is almost certain that this is an inaccurate reflection of the number of children being abused or neglected (Cawson and others 2000). There were 123,800 under-18s officially classed as 'children in need' due to abuse or neglect in England as at 31 March 2009 (DCSF 2009e).

What is known about participation in this context

The areas of child protection services in which participation is happening are those of strategic decision-making; child protection investigations; and Serious Case Reviews.

Strategic decision-making

There is little evidence of participation in strategic decision-making related to child protection. A review of Local Safeguarding Children Boards (LSCBs) found little evidence of the engagement or otherwise of parents, carers or children.⁷⁰ Interviews with LSCB staff revealed that many find it difficult to engage children and young people in any meaningful way. Whilst there are one-off examples (such as a conference chaired by young people for senior staff on participation), there was no evidence presented of systematic involvement. Many LSCBs requested practical guidance on involving children better (DfES 2007a). This echoes an earlier study that explored the use and effectiveness of statutory guidance relating to safeguarding children in prostitution. Here, researchers found that just 40 per cent of Area Child Protection Committees (ACPCs) involved children in their strategic decision-making when reviewing local protocols (Swann and Balding 2002). The interim report on the national evaluation of LSCBs included no information on children's involvement (France and others 2009).

Young people have led their own campaigns and attempted to steer strategic debates on child protection issues, such as the National Youth Campaign on Sexual Exploitation which was supported by The Children's Society and ECPAT. Staff and young people found that exploring these issues with young people who had been directly affected by them was at times a difficult process, but by no means impossible. Young people with experience of prostitution reported feeling empowered by their involvement and, through participation, built their self-esteem whilst also helping agencies and policy makers develop more effective strategies on youth prostitution (Brown 2006).

Involving service users has become a growing element of social work training. However, the emphasis has been on parental and adult involvement rather than child involvement; with training providers suggesting that barriers remain which prevent the participation of children and young people in the development and delivery of social work training (Waterson and Morris 2005).

⁷⁰ Local Safeguarding Children Boards (LSCBs) were established by Section 13, Children Act 2004 following concerns about the effectiveness of Area Child Protection Committees. LSCBs are local inter-agency bodies which should coordinate and ensure effectiveness of local agencies in safeguarding children. The Boards were established in April 2006.

Child protection investigations

Sanders and Mace (2006) reviewed available evidence of, and policy supporting, children's participation in child protection. They found that children and young people are generally marginalised in the process and that children's views are only partially represented and are interpreted according to adult perspectives.⁷¹ Where participation in the child protection process does occur, it is usually in the later stages of an investigation. The role of an adult which the child or young person trusts is critical.

In a review of 185 child protection conference minutes, Sanders and Mace found that children attended less than 4 per cent of the conferences. The minutes show that, in 41 per cent of the conferences, details of the children's wishes and feelings were given by a relative or professional. However, the authors suggest that this is likely to be an exaggeration of actual practice. Many minutes lack detail as to the child's wishes and feelings and they are unclear as to whether they are genuinely the child's views or a professional's version of the child's views.

The Children's Commissioner for England collated the views of 15 young people aged between 10 and 16 years who had been subject to a care or supervision order, and three young people in a young offender institution, to inform the Lord Laming (2009) review on child protection services (Children's Commissioner 2009a).⁷² The results paint a grim picture – all 15 participants said children's social care services do not always act in their best interests. This was felt to be most strongly reflected through their social workers' attitudes and behaviours. All 15 young people felt that they were not being fully listened to, respected or trusted, and that there was a lack of empathy from their social worker and an absence of real dialogue. This caused frustration and disappointment.

Nine young people in this sample knew that they had displayed challenging behaviour towards their social workers; however, they still wanted to feel included and to be taken seriously if they had matters of concern. Furthermore, five of the older young people, aged 14-plus, felt annoyed that young people appear not to be taken seriously and believed and that carers value adults' opinions over young people's:

My sister has a baby and I know full well that she can't take care of it properly as she's on heroin. He's not being looked after, he's got bruises and I want to protect him. I've told social services, they won't listen to me, as I'm a kid and she's an adult, but I know he's not OK. Does it have to get extreme before they notice?
(Girl 16)

A review of GPs' involvement in safeguarding suggested that more work is needed to improve communication with children and children's involvement in

⁷¹ Note, this review was primarily focused on Wales but included a lot of evidence from England. Child protection systems and structures are broadly similar between the two countries.

⁷² The young people been placed in the care of a designated local authority or probation officer by the courts under powers in Section 31, Children Act 1989. One young person had been accommodated under Section 20 of the Act.

decisions. The study reviewed working practice in a shire and a London area, and found just a few examples from interviews where GPs or other professionals were confident about working with children (Tompsett and others 2009).

Research with experienced child protection social workers in England and Norway (n=53) found high levels of support for participation and of children and young people being involved from the earliest stage. However, there were significant differences between why they supported participation. Whilst half of the Norwegian sample backed participation as a right, only a quarter of English social workers gave similar reasons. Whilst there was support for participation, many workers gave little attention to the importance of developing and discerning the child's voice and there was very little evidence that workers saw the child's views as making any real difference to decisions. The focus is often on 'hearing' views that confirm the social worker's beliefs and perspectives (Archard and Skivenes 2009).

Serious case reviews⁷³

Research into 40 serious case reviews, between 2001 and 2003 (Rose and Barnes 2008: 39), found poor practice in the production of chronologies of the child's life history and contact with agencies; with many chronologies not adequately recording the child's wishes and feelings. The report calls for Local Safeguarding Children Boards to check whether their constituent agencies record information about the child's wishes and feelings *as a matter of course* in their records.

Similar research, covering 2003–2005 by researchers at the University of East Anglia, involved the analysis of 161 serious case reviews. This found that, too often, social workers do not focus on the child but on their relationship with adults (Brandon and others 2008). Analysis of reviews conducted between 2005–07 found a similar pattern, with the researchers stating that children and young people's perspectives and experiences continue to be missing from the review and that this was 'even more prominent in the current set of reviews than in our previous study of reviews from 2003–05' (Brandon and others 2009: 40).

The research contains harrowing accounts of the abuse and neglect that children have suffered and examples of serious case reviews that found no record of the child's wishes and feelings:

There is no information that the children were spoken with. Sibling 1 had just turned 16 and sibling 2 was 14 years old and both were fully able to discuss issues of physical chastisement within the family. The accounts from the older children would have been able to inform a decision about speaking with the younger siblings who at age five years and four years would also have been able to express if they were being hit around the head in answer to direct questions.

Extract from a Serious Case Review overview (cited in Rose and Barnes 2008: 17)

73 Following the unexpected death of a child where abuse or neglect is suspected or where a child has sustained a potentially life-threatening injury through abuse or neglect, the local authority must commission a serious case review to identify lessons learned by the agencies involved with the family (DCSF 2010j).

A recurrent issue is the virtually complete failure to seek, far less establish, the wishes and feelings of each child of the household ... [the mother] effectively prevented any direct individual contact with the children, even when this was belatedly attempted by the social worker.

Extract from a Serious Case Review overview (cited in Brandon and others 2008: 98)

During both police and children's social care enquiries into the allegations it appears that the children were either not seen or spoken to in any detail and no direct work was undertaken during children's social care involvement.

Extract from a Serious Case Review overview (cited in Brandon and others 2009: 40)

There were lost opportunities to speak to the young person about his perceptions and feelings; therefore there is little understanding of the 'child's world'. The core assessment was not shared with (x), nor were his views sought; he was of an age and understanding to have the core assessment discussed with him directly.

Extract from a Serious Case Review overview (cited in Brandon and others 2009: 40)

Services for children in care

- Over half of children in care think that they are not fully involved in matters affecting them.
- The Care Matters agenda has increased opportunities for involvement in strategic decision-making with the rolling out of Children in Care Councils.
- Participation in public law proceedings vary, with the majority of children and young people not involved in matters affecting them.
- Entry into care, placement moves and statutory reviews are all areas where children do not feel heard and would like a greater say.

Context

The legal framework of duties on local authorities to listen to the wishes and feelings of children in care was established in 1975 and is a cornerstone of the Children Act 1989.⁷⁴ Over the years this has been extended to apply to children subject to child protection enquiries, 'children in need'⁷⁵ and children affected by private law proceedings (see page 25).⁷⁶ For children in care, their participation rights are engaged in their entry to care; in their experience of being in care; and in their exit from care.

Following on from the Quality Protects programme (1998–2004) – which had the child's views and experiences at its centre – the Care Matters initiative has established a series of reforms to the legal and policy context for children in care. This has included some strengthening of the role of the Independent

⁷⁴ Section 12, Children Act 1948 (replaced by Section 59, Children Act 1975) came into force on 1 January 1976. The duty was subsequently repealed and replaced by Section 18(1), Child Care Act 1980. This was later repealed and replaced by Section 22(4) and (5), Children Act 1989, which remains in force to date.

⁷⁵ Section 53, Children Act 2004.

⁷⁶ Section 122, Adoption and Children Act 2002.

Reviewing Officer;⁷⁷ and a significant revision of care planning and review regulations and guidance (DCSF 2010k). The previous government had also planned to review relevant national minimum standards for adoption, fostering and children's homes (DCSF 2009f); and regulations and guidance relating to care leavers (DCSF 2009g), which include provisions on consultation and participation.

There were 60,900 children in care as at 31 March 2009. This represents 55 children in every 10,000 of the population aged under 18 in England. Of this, 73 per cent live with foster carers and 10 per cent live in children's homes, hostels and secure units (DCSF 2009h).

What is known about participation in this context

The areas of services for children in care in which participation is happening are those of strategic decision-making; individual decision-making in entry into care; individual decision-making in public law proceedings; participation when in care; statutory reviews and placement moves; fostering; and advocacy for children in care.

Strategic decision-making

The Care Matters White Paper urged each local authority to write a pledge for children in their care. This pledge should include details about a Children in Care Council (CiCC) – a forum for children in care in their area (DCSF 2007b). Whilst the previous government resisted calls from Participation Works partners and others to place these councils on a statutory footing, Ministers committed to include them in statutory guidance to local authorities.⁷⁸ No such guidance has yet been issued. However, practice guidance has been developed by leading children's rights organisations (NYAS/NCERC 2008).

The Office of the Children's Rights Director held a conference for members of CiCCs. In a survey of attendees (OCD 2009a), the Director found that two-thirds of CiCC members believe that the opinions of the Council make 'some' or 'a lot of' difference to what happens for children in care in their areas. Only 13 per cent of children said that they made no difference (n=108).

The Children's Rights Director has also conducted a survey of CiCC members (n=285). This found that the majority of CiCCs have been focused on setting themselves up and developing the pledge. Many have been looking at available support to children in care and a minority have looked at policy issues such as sleepovers and pocket money. Children were listening to the wider

77 An Independent Reviewing Officer is a statutory role (Section 25B(1), Children Act 1989 as inserted by Section 10(1), Children and Young Persons Act 2008) with the function of monitoring the performance by the local authority of their functions in relation to a child in care. The IRO must chair the child's statutory reviews and must ensure that the child's current wishes and feelings have been established and taken into account, where appropriate. See also Regulation 46, Care Planning, Placement and Case Review (England) Regulations 2010 and the new statutory IRO Handbook (DCSF 2010l).

78 Lord Adonis, *House of Lords Hansard* Column GC392, 14 Jan 2008, *Children and Young Persons Bill Committee Stage*.

care population – through websites, social workers or care workers, and by email and letter.

Individual decision-making in entry into care

Findings from focus groups for a national child-led human rights investigation (Davey 2008: 16) found that some children experience no consultation or even explanation before entry into care. This was particularly so for children removed from their family home in an emergency situation. Examples of children's experiences include:

I can remember the day I went into care ... I can remember them coming to the school and taking me straight to social services and I wasn't told anything. I can just remember that ...

*Obviously, when you're in care, you know you're in care but at first you don't. You're thinking, why am I here? But, no, they don't explain ... They don't explain you're in this situation because of this, that and the other.
(Child in care)*

Child 1: The police just put us in a car and I went to [unclear] for three days and then I moved to Sandra's. Sandra's is the only place I've been and I've been in foster care for two years.

Child 2: That's what happened to me as well, because they think that my mum couldn't look after four or five children and they came to my primary school and they just took us away, me and my sister.

Individual decision-making in public law proceedings

During public law proceedings, a child automatically has 'party' status. This means that they will be represented in court with the assistance of a solicitor, supported by a children's guardian. The guardian provides an independent assessment of what is in the best interests of a child. Whilst they have a duty to speak with children and represent their wishes and feelings to the court, their focus is to safeguard the child's welfare and make recommendations on this basis.⁷⁹ Where the guardian's assessment and recommendations differ from the child's, the child may be allowed to instruct his (or her) own solicitor providing the solicitor and guardian consider him to have sufficient understanding to be able to do so (Fortin 2009: 177). This decision is usually taken by the guardian and solicitor together but, where consensus cannot be reached, it is up to the court to decide.

A review of children's participation in public law proceedings (Winter 2006) concluded that:

⁷⁹ See: Section 41(2)(b), Children Act 1989 and Rule, 411A(4) the Family Proceedings Rules 1991.

the research indicated that, despite much progress, the voices of looked-after children in public law proceedings remain constrained, if not, in some instances, silent, and that children's involvement in decisions made about them (and thereby their participation rights) have not been fully recognised or implemented.

Specific findings from the review include the following.

- Children have varying experiences of receiving information about the public law proceedings. Many children do not receive information about the different roles of solicitors and children's guardians; their right to attend court; the outcome of continuing hearings; and their right to access reports, including the guardian's report.
- Many children who are assigned a guardian, report that they felt the guardian was there for them and appreciated the timing of interviews. However, some children hardly ever saw or never saw their solicitor. They neither attended court nor met the judge making decisions about them.
- The ways in which the wishes and feelings of children are reported to the court can vary significantly – some guardians report the views verbatim; whilst others focus on whether the ascertainable wishes and feelings are congruent with the child's best interests. Research suggests many guardians focus exclusively on their perception of the child's welfare and do not communicate or consider the child's wishes and feelings.
- Children have consistently stated that they would like to attend court but were not asked if they would like to attend and, subsequently, did not attend. Indeed, some members of the judiciary discourage children's attendance.
- Solicitors play a major role in determining whether children may have separate representation. However, they have varying experience of working with children and often rely on their own 'feel', which can reflect popular misconceptions.

Participation when in care

Since 2008, the Office of the Children's Rights Director (OCD) has undertaken an annual monitoring report on children's views about, and experiences of, their care (OCD 2008a; 2009b). The 2009 survey engaged children and young people (n=1177) aged 5–23 and found that 50 per cent were usually or always asked their opinions on things that matter to them. This is down from 55 per cent in 2008. The survey found that 16 per cent said their opinions were not usually, or never, asked. There were no significant differences between boys and girls, disabled children and others, or over- and under-14s in how often their opinions were asked. Children and young people in foster care or children's homes were the most likely to be asked their opinions; and those living in boarding schools were the least likely to be asked. Just under half (48 per cent) of the children and young people said their opinions usually or always made a difference to decisions about their lives; while 18 per cent said their opinions didn't usually or ever make a difference (n=171). Children in foster care and care leavers thought their opinions made most difference to decisions about their lives; and children supported at home by social care services thought their opinions made the least difference. These

reports feed into an annual ministerial 'stocktaking' of Care Matters reforms and the state of the wider care system (DCSF 2009i), which the Secretary of State summarises in a letter to children (DCSF 2009j).

Qualitative research with four children in care found that there were considerable challenges in involving them in decision-making. The researcher found that many of the children described feeling a sense of 'overwhelming helplessness' at not being involved in decision-making. Their experience of corporate parenting was impersonal and system-orientated rather than child-centred. Whilst they all valued quality staff, attempts to communicate their feelings were often met by a lack of understanding from key adults (Leeson 2007).

Statutory reviews and placement moves

A key element of the care system is the regular review of the child's care. The requirements are set out in regulations first issued in 1991. Following various legislative changes in the Children and Young Person Act 2008, new regulations will come into force on 1 April 2011.⁸⁰

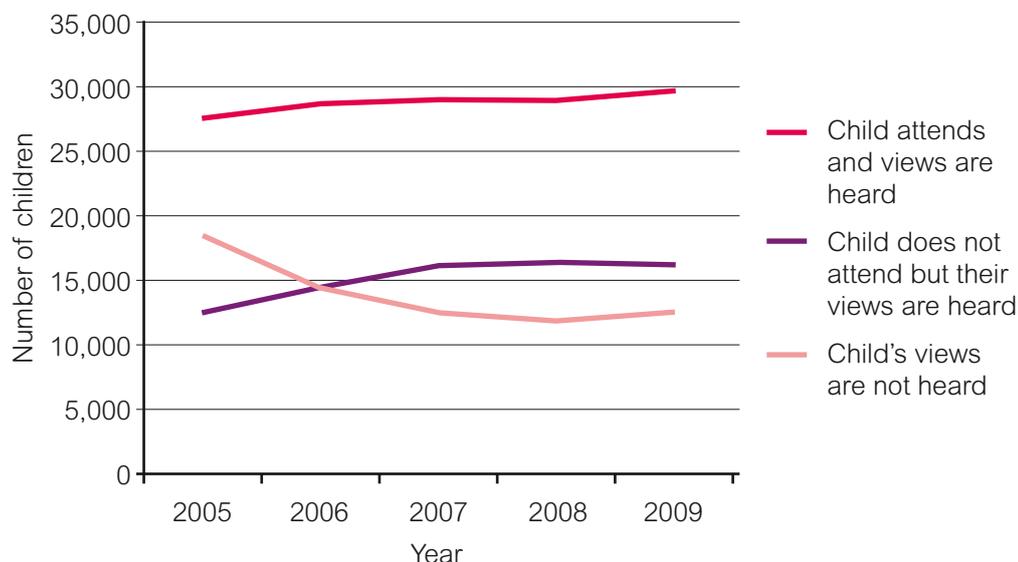


Figure 1: Children's experience of being heard in reviews

Local authorities report significant improvements in the number of children and young people whose wishes and feelings are heard during the statutory review process. Figure 1 indicates that, since 2005, the number of children attending reviews and expressing their views, and the number of children not attending reviews but whose views were expressed, has been steadily rising (this latter point is not necessarily positive). Similarly, the number of children who either do not attend or whose views are not heard has been falling, except for a small

⁸⁰ Care Planning, Placement and Case Review (England) Regulations 2010 (to commence April 2011).

rise in 2009.⁸¹ The statistics also show a steady rise according to age in the number of children who attend and whose views are heard (see Figure 2). However, the percentage of children whose views are not heard falls as children get older. Local authorities are not required to record how the wishes and feelings of children aged under 4 are considered in reviews.⁸²

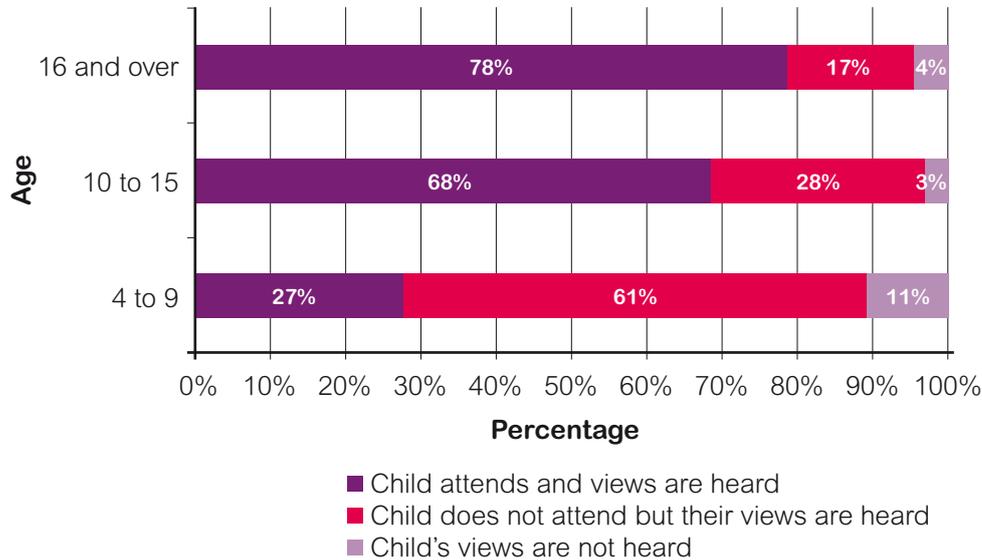


Figure 2: Children's participation by age as of 31 March 2009

DCSF funded focus groups with children and young people under 18 in 2006 and 2007 (Willow and others 2007). These groups found that some children in care have such a negative experience of the review system that it leads them to mistrust any consultation or involvement. A typical comment from a young

81 Note, Figure 1 summarises information from DCSF (2009h). These figures only represent the number of looked after children – looked after at 31 March who were required to have a review during the year – by method of participation at the last review.

- *Child attends and their views are heard:* this includes where a child physically attends and speaks for him or herself; a child physically attends and an advocate speaks on his or her behalf; a child attends and conveys his or her view symbolically (non-verbally).
- *Child does not attend but their views are heard:* this includes where a child does not attend physically but briefs an advocate to speak for him or her; a child does not attend but conveys his or her feelings to the review by a facilitative medium.
- *Child's views are not heard:* this includes where a child does not attend nor are his or her views conveyed to the review; a child physically attends but does not speak for him or herself, does not convey his or her view symbolically (non-verbally) and does not ask an advocate to speak for him or her; a child is aged under 4 at the time of the review so is not required to participate.

Note that these figures exclude those children where information is not available. This has fallen from 1100 in 2005 to 520 children in 2009.

82 Note, Figure 2 summarises information from DCSF (2009h). These figures only represent the number of looked after children – looked after at 31 March aged over 4 years old who were required to have a review during the year – by method of participation at the last review and by age. Definitions are the same as in note 81.

person was that 'when you sit on a review panel and, whatever they say to you, they put everyone else first, and you last, so it makes you [feel] like an idiot'.

Children said they did not know who would be attending their review. Children and young people were particularly perturbed to arrive and find teachers attending when they could not see the relevance of this, for example, 'My head of house came and that was like really embarrassing for me, because, yeah, she's not going to tell anyone, she probably won't, but it's still my private business and I don't feel comfortable with her knowing it'. Another queried, 'unless you got some problem or in school or you got some learning difficulties or anything, why do those teachers need to be there?'

These findings are similar to findings from a national child-led human rights investigation (Davey 2009: 17). A majority of children in care said that they were not asked for their views on where they would be living and they were not included in the making of decisions about who they would be living with.

I basically got put in that home without me knowing. I got picked up from a home and they said, right, you're moving. It's this home, so I didn't know; so it was, like, all right. So you get there and you're a bit shy, you don't know what it's like, you haven't been told anything about it. I think you should be told what it's like.

(Child affected by violence, abuse, neglect or mistreatment)

And then halfway down the motorway I didn't know where I was going and they told me I was going into a new home. I got there, didn't know what it was like. It was, like, you don't know if it's just going to be a rubbish home because I've been in 18 different placements.

(Child affected by violence, abuse, neglect or mistreatment)

Evidence from the Office of the Children's Rights Director's consultation on placements and reviews found that children often felt that their views and wishes were not central to these decisions. Whilst children are clear that they may need to change placements, they believe strongly that this should be because it is right for them. They did not want to have to justify their feelings. They called for different ways to express themselves, usually by speaking and talking. They wanted to be better informed of the final decision, the reasons for the decision and who made the final decision (OCD 2006). Research with social workers found that, even if they do discuss with children their views on placement moves, they had limited resources to change the move based on the views expressed by the children (McLeod 2007: 284).

There is some evidence of children in care being involved in the development of Personal Education Plans (PEPs). The Children's Commissioner for England (Children's Commissioner 2009a) collated the views of 15 young people aged between 10 and 16 years who were in care. Of these, nine had been to, or were going to, their PEP meetings at school.⁸³

⁸³ Some of the others were not attending school either, through being excluded (three young people) or in prison (three young people).

The research also asked these children about statutory reviews of their care. Five young people appeared not to know about these meetings. The 10 young people who had attended their care reviews or PEP meetings seemed to have mixed feelings about them. On the one hand, they knew the meetings offered them a chance to make changes to their care plan. On the other hand, eight out of 10 did not feel confident about expressing themselves in the meetings. The children and young people also felt that the meetings were too formal and they felt excluded from them. Four of the older respondents were not confident that adults would make the changes they had suggested, as they did not believe they were interested in the young person:

I let them do the talking and just reply to what they say.
(Boy, 11)

The meetings are really boring, they're just blah, blah and bye, bye. You get a talk, say what you're doing, sit there and listen to them blabber. They're talking between each other and you're waiting to talk, it feels like forever.
(Boy, 11)

She's too full of herself and doesn't seem to like listening, in my review meeting she just sat there twiddling her hair.
(Girl, 15)

It's my reviewing officer who makes decisions, so I can ignore my social worker in the meetings.
(Boy, 14)

Over half of this small sample (nine out of 15 children and young people) spontaneously mentioned that they were not adequately listened to when it came to matters about being in contact with and seeing their families.

A study with 11 children and their social workers on the experience of participation in care planning review meetings found that their participation is often constrained by a lack of resources, lack of choice and availability in placements, and a shortage of time for social workers to interact with children (McLeod 2007).

Fostering

In a review of evidence about fostering, Sinclair (2005) found that where young people felt that they had been consulted on the fostering placement, they were rated as being more successful placements. The opposite was also true – where young people had been given a placement which was not thought by them to be satisfactory they were more likely to fail, at least over the first year of the placement. 'Failed' placements were much more likely where there had been no choice of placement: a situation more likely when the placement was 'an emergency'. Sinclair highlights that, despite difficulties of interpretation, the researchers who produced these findings found that, on balance, there was a link between lack of consultation and placement breakdown. In short, consultation early on was associated with better placement outcomes.

Sinclair highlights evidence that children can find fostering placements very stressful and they often follow a very difficult time for them. Within placements, they generally have little participation in decisions. Parents of children entering a fostering placement rarely spoke to children about the forthcoming move. Some evidence suggests that the most positive experiences of participation were in short-term placements. However, there was still a gap between the level of involvement that children felt and described and the perceptions of social workers of children's involvement. Researchers considered that, in reality, children often had little choice over whether they remained with their family or not.

Advocacy for children in care

An advocate is an independent individual who ensures that the views and perspectives of children and young people are expressed (Boylan and Dalrymple 2009: 8). Advocates can demystify the process; inform the child of his or her rights; increase the child's understanding as to the consequences of their view; help children to express themselves; and support local resolutions through processes of arbitration and conciliation.

Over the course of the past two decades, 'children's advocacy has moved from the periphery to centre stage in the field of children's social care' (Oliver 2006: 137). There is now a statutory requirement for children in care to have the right to an independent advocate when making complaints and representations.⁸⁴ 'Representations' has a wider meaning: it includes support in helping them put forward a view for a change to be made in the service they receive rather than merely making a complaint (DfES 2003). Statutory guidance states that every child has the right to be supported by an advocate when attending; and the Independent Reviewing Officer has specific responsibilities to assist them in accessing one (DCSF 2010i: 15).

The Office of the Children's Rights Director's survey of Children in Care Council members (OCD 2009a) asked how easy it is for children and young people in their area to access an advocate to help them make a complaint (n=271). It found that 71 per cent of children and young people thought it was either fairly easy or very easy for children to contact an advocate. But 11 per cent believed that it was difficult or very difficult to access an advocate.

In a special report on advocacy, the Children's Rights Director asked children in care (n=138) about their awareness and experience of advocacy (OCD 2008b). Seven out of 10 children said they had been helped by someone speaking out on their behalf – a third of these helpers were advocates and two-thirds were other people. Since 2002, all children and young people in or leaving care have had the right to an advocate to make a complaint or representation to their corporate parent. However, only just over half of the group had heard of advocacy, and were able to describe the sort of help an advocate might give to a child. Many children reported that they would not know how to access an advocate. A clear majority of children stressed that advocacy should be independent, mainly because the advocate would not be involved with the issue, would be less judgemental and it would be more

⁸⁴ Section 26A, Children Act 1989 *inserted by* Section 119 Adoption and Children Act 2002.

private. However, some believed that having an advocate working within the organisation would be helpful for some issues.

Children who had used advocacy services rated them very positively for listening to them; putting over their point of view; getting others to listen to them; and respecting children's privacy. However, half of these children said that advocates put their own opinions forward rather than just keeping to the child's views. Nine out of 10 children said their advocates had either made a difference, or had sometimes made a difference.

Services for children seeking asylum

- There is little evidence of participation of asylum seeking and refugee children in matters affecting them.
- The immigration and asylum application process was often difficult and stressful for children and young people, often inhibiting their participation and ability to express themselves.
- There have been developments in the use of children's forums in immigration detention centres.

Context

The long-standing differences in aims and protection afforded to children in the Children Act 1989 and immigration legislation (Dennis 2007) has widened over recent years (Giner 2007). However, the removal in 2009 of the reservation to the UN Convention on the Rights of the Child in relation to immigration could be significant if accompanied by wider policy reforms. A duty has been placed on the Secretary of State to ensure that functions relating to immigration, asylum or nationality are discharged having regard to the need to safeguard and promote the welfare of children who are in the United Kingdom.⁸⁵ Statutory guidance explains the duty (UKBA and DCSF 2009), including duties of managers to ensure that children and young people are listened to appropriately and that all staff understand the importance of listening to children and young people. The guidance requires the UK Borders Agency (UKBA) to have a senior member of staff (the 'Children's Champion'), reporting to the chief executive of the UKBA, who is responsible for promoting the duty to safeguard and promote the welfare of children throughout the agency; offering advice and support to UKBA staff in issues relating to children; and identifying and escalating areas of concern.

These recent changes follow broader reforms to immigration and asylum processes over the past five years, with successive and increasingly restrictive immigration legislation creating changes in the treatment of, and support available to, asylum seeking and refugee children (Dennis 2007). Introduction

⁸⁵ Section 55, Borders, Citizenship and Immigration Act 2009.

of the New Asylum Model⁸⁶ has led to separate procedures being used for different children and young people entering the UK according to when they arrived (Phelan and Gillespie 2009).

The number of asylum seeking and refugee children in the UK is debated. A 2008 review by Barnardo's suggested that, since 2002, more than 40,000 children have arrived or been born in the UK into asylum-seeking families. However, due to backlogs in administering claims for asylum, there could be over 100,000 in total. The number of new claims has been consistently falling for a number of years (Reacroft 2008).

There is little specific published evidence of asylum seeking and refugee (ASR) children and young people's participation in decision-making relating to their immigration status.

What is known about participation in this context

The areas of services for children seeking asylum in which participation is happening are those of strategic decision-making; individual decision-making; and detention centres.

Strategic decision-making

We were unable to find significant published evidence of children and young people influencing strategic decision-making of the asylum and immigration system. The Office of the Children's Champion has used children's views and experiences in events and training with immigration staff (particularly arrest teams).⁸⁷

Individual decision-making

A literature review examining evidence of children and young people's experience of seeking asylum in the UK and access to support services (Hek 2005) found that many have a very poor experience. This inevitably limits the opportunities for, and impact of, participation. The review found the following.

- Young people said that arrival in the UK was scary, chaotic and they received little or no support.
- Children and young people have varying levels of knowledge regarding their immigration status; and the majority of young people say this is a major concern.
- Young people find the process intimidating and unpleasant; and there is little sense of general good practice in relation to working with children being adhered to in this area.

⁸⁶ New asylum model is the one used for processing asylum applications. The previous government claimed that it would aim to introduce a faster, streamlined immigration and asylum process. It was introduced as part of the five-year strategy for immigration and asylum (Home Office 2005). As of 5 March 2007, all new asylum seekers are processed within the model.

⁸⁷ Personal communication to the Children's Rights Alliance for England from the Office of the Children's Commissioner.

- Significant delays in processing applications frustrated the young people and caused extreme anxiety.
- Those who had experienced legal support reported mixed experiences – whilst most believed their solicitor was reasonably competent, some felt that there was little communication and support available, that solicitors changed without them being told, and that interpreters were often not good enough.

Studies often state that young refugees have been consulted, or that professionals have been consulted about the views of the young people they work with, but there are very few studies where the direct words of young refugees are reported.

A review of children's own experiences of the asylum process confirmed these findings (Nandy 2007). Children struggle to be heard by their legal representatives because there are government-imposed limits on how much time lawyers can spend with clients; and solicitors allocated to children and young people often change. More recent changes to the asylum system mean that all children have a case owner who is responsible for their case from start to finish – this is a positive change as it ensures children can get to know the official. However, children meet these case owners just 10 days after arrival, when many are still stressed by the journey to the UK.⁸⁸ They then need to submit details of why they are seeking asylum, which many children struggle to understand or to know what to say.⁸⁹ The asylum process in the UK is adversarial rather than inquisitorial in nature, which means it is very hard for children to effectively participate in it.

A review of 212 unaccompanied asylum-seeking children's assessments found that 68 per cent of assessments were 'less than adequate'; with 32 per cent being adequate or better. Young people believed that the focus of the assessments had been the procedure; and 'seldom extended beyond basic eligibility screening' (Wade 2009: 52) to cover their broader wishes and feelings. The review found that young people felt that they had few options available to them and therefore had to 'fight' for the little support they received.

Evidence suggests that children can struggle to participate in the age assessment process. Many children describe feeling bewildered and sometimes intimidated by the way in which their age is disputed as a result of a cursory visual assessment, often conducted through a glass screen or from a distance. Many children find the decision to dispute their age and the subsequent process of age assessment highly distressing. Children's experiences of the process of age assessment reflect variations in the quality and method of age assessment; and the overall attitude taken towards a child because their age is disputed (Crawley 2007).

⁸⁸ Known as the First Reporting Event.

⁸⁹ Statement of Evidence Form.

Detention centres

The Children's Commissioner for England has statutory duties to children on non-devolved matters, including immigration. Since the establishment of the post in 2005, the current and previous commissioner have taken a strong interest in children held in immigration detention centres.

In the first announced visit to Yarl's Wood detention centre in 2005, the then Commissioner recommended that there should be:

Regular consultations ... with children about the conditions and regime within Yarl's Wood. Such consultations could take place through the creation of a children's forum, which should meet several times a week. This would also enable staff to gain a greater understanding of how children experience their time in detention, and to make necessary changes to the regime.

(Children's Commissioner 2005: 12)

A report into a further visit by the Children's Commissioner in 2009 found that these forums had been created. They are convened fortnightly by the teachers in the upper and lower schools at Yarl's Wood. They are designed to obtain children's views on detention, the regime, and the events surrounding their detention. The minutes of the forums are distributed to the relevant departments within Yarl's Wood for comment; this includes UKBA when the matters raised relate to arrest, escort or immigration issues (Children's Commissioner 2009b). Whilst noting this progress, the Commissioner called for:

Effective procedures ... in order to progress issues raised through children's forums, for example improving facilities and the food provided.

(Children's Commissioner 2009b: 33)

A further review in 2010 found that the forums were continuing to be a useful channel for comment on facilities and services and they provided valuable feedback to SERCO (the company operating Yarl's Wood) and UKBA. The Commissioner called for improvements in how the action points of forum meetings are recorded, and better links between the forums and complaints and regulation mechanisms, including the Local Safeguarding Children Board (Children's Commissioner 2010: 12). The Commissioner noted that there was no quality assurance of the forums' performance, and no external or independent scrutiny. He recommended these be put in place alongside training and support for staff running the forums.

The Commissioner also highlighted the need for both children and their parents to feel able to complain about the circumstances of their detention, particularly urging an age-appropriate complaints system for children (a new complaints system was introduced by UKBA in 2009).

Staff at Yarl's Wood report giving children a child-friendly acknowledgement and response to any complaint they make. Appeals against the outcome of individual complaints can be made to the Prison and Probation Ombudsman, who will re-investigate. Furthermore, the UKBA Independent Chief Inspector reviews complaints processes; and the Independent Monitoring Board scrutinises complaints.

The Commissioner found that new children's complaint forms are, indeed, more user-friendly, appearing to be quite accessible and located in accessible and safe places for children to obtain them (for example, in the youth club, school and corridors). The complaints system for children appeared to be quite separate from the formal 'DCF9' system for adults. Staff reported that children's complaints were collected by a youth worker and processed by SERCO rather than by UKBA's contract monitor. The then Commissioner called for evidence that children's complaints were being forwarded to the UKBA central complaints unit; for children to have easy access to an independent advocate to assist them in making a complaint; and for it to be clearly spelled out in the children's complaint literature that complaints are handled separately from case owners and that complaining will not affect a child's immigration case. The Commissioner also recommended the establishment of a Complaints Review Panel; and a link between the children's complaints system and Bedfordshire's Local Safeguarding Children's Board (Children's Commissioner 2010: 28).

Police services

- There is a marked lack of evidence of children and young people's participation in strategic decision-making by the police or in community safety initiatives.
- There has been a growing amount of interest in children and young people's relationship with the police; and their policy commitment to participation. This has yet to be translated into evidence of participation and change.

Context

Changes in police behaviour, increased central government targets and falling public satisfaction have led to increasing concerns about police accountability to the public (Muir and Lodge 2008). The previous government-backed Flanagan Review (Home Office 2008a), a report on engaging communities in crime (Casey 2008) and the Home Affairs Select Committee (2008) have all examined local accountability.

The Green Paper, *From the Neighbourhood to the National: Policing our communities together*, introduced a national policing pledge with a commitment that the police should arrange 'regular public meetings to agree your priorities, at least once a month, giving you a chance to meet your local team with other members of your community' (Home Office 2008b).

Evidence suggests that the public highly value consultation and want to be involved in decisions about policing (Ipsos MORI 2008). Engagement with the community is a key factor in increasing the public's confidence in the police (Rix and others 2009).

What is known about participation in this context

The areas of the police services in which participation is happening are those of the police authorities; Crime and Disorder Reduction Partnerships; the police force; individual decision-making and contact with police; and complaints about the police.

Police authorities

Police authorities⁹⁰ have come under increasing suspicion and criticism for a lack of local accountability and engagement with the public (Muir and Lodge 2008, Loveday and McClory 2007). Evidence suggests that this is compounded by very low awareness of police authorities and their role (Millen 2006, Ipsos MORI 2008). Statutory duties to consult local people and to have regard to their views have therefore been strengthened;⁹¹ and a new inspection regime will specifically cover police authority engagement, including with minority groups (HMI Constabulary/Audit Commission 2009).

The Children Act 2004 placed police authorities and the chief officer of police under duties to cooperate to improve the well-being of children in their area and to have arrangements to safeguard and promote the well-being of children and young people.⁹² Implementation of these duties should include the authority listening and responding to the views of children and young people (DfES 2007b). The Association of Police Authorities recommends that the views, needs and expectations of children and young people should be considered in all police authority decision-making processes (APA 2007: 11).

There is no recent national evidence of whether, or how well, police authorities are engaging with the public. The last review in 2003 found low public awareness and mixed evidence of engagement (Home Office 2003). There was no specific evidence of engagement with children and young people.

Crime and Disorder Reduction Partnerships

Every local area has a Crime and Disorder Reduction Partnership (CRDP).⁹³ They have a range of duties to obtain the views of local people, hold public meetings and listen to representative bodies (Home Office 2007a).⁹⁴ New guidance reasserts the need for community engagement and notes that:

Crime, anti-social behaviour and substance misuse impacts on some members of the community more than others. [CRDPs must] take steps to engage with those groups whose views are often under-represented (Home Office 2007b)

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- ⁹⁰ Police Authorities are independent public bodies, comprised of councillors and members of the community who have a responsibility to ensure the effectiveness of the police service in that area. They hold the Chief Officer of Police accountable for the effectiveness of their force; and set the local strategic priorities and the budget of the force. Police authorities have a range of general duties to consult and engage with the local community (APA 2008).
- ⁹¹ Police Act 1996, Section 6(2)(aa), *inserted by* Section (1)(1), Policing and Crime Act 2009.
- ⁹² Sections 10 and 11, Children Act 2004.
- ⁹³ Established by Section 1D(2), Crime and Disorder Act 1998. The members of the partnership are the police force, police authorities, local authorities, fire and rescue authorities, and the primary care trusts. They must cooperate together to devise a strategy for the reduction of crime and disorder in the area (including anti-social and other behaviour adversely affecting the local environment) and for combating the misuse of drugs, alcohol and other substances in the area (Crime and Disorder Act 1998, Section 6(1), *as amended by* Police and Justice Act 2006, Section 22).
- ⁹⁴ Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007.

However, there is no ongoing or central evaluation of the effectiveness of the work of CRDPs and how, or if, they are fulfilling these duties with the public and/or specifically with children and young people.

A 2006 review of the implementation of the Crime and Disorder Act 1998 (which established CRDPs) found that CRDPs have a 'strong tradition of involving their communities in community safety initiatives' but committed the then government to take further action to 'ensure that CDRPs consult and engage with their communities on a regular and ongoing basis' (Home Office 2006).

The police force

The Association of Chief Police Officers (ACPO) has published a strategy for children and young people that has a strong emphasis on consultation and engagement. It encourages the participation of children and young people in decision-making that affects them, and urges police forces to take account of their views in determining policing and police practice (ACPO 2008).

Individual decision-making and contact with police

The police have specific duties to ascertain the wishes and feelings of children taken into police protection.⁹⁵ A child who has been arrested should be informed of their rights to have a solicitor; and an 'appropriate adult' should generally be present at the interview.⁹⁶ We were unable to identify evidence of children's experience of police custody.

More generally, a self-selecting web-based survey of children in 2008 found that just 10 per cent believed that the police treated them fairly and reasonably. Focus groups with children showed that, whilst a minority of children wanted to see more police on the streets, the majority believed there was an antagonistic relationship between the police and young people in their area. Treatment by the police depended on the reason for their contact and whether the child had a history of conflict with the law. Black and minority ethnic children and young people particularly commented on being stopped and searched by the police. Those who had been in conflict with the law criticised the police for being heavy-handed and violent towards children and young people (Davey 2008).

Complaints about the police

In 2004, the Children's Legal Centre undertook a review of children's views of complaints for the Independent Police Complaints Commission.⁹⁷ It found that children and young people did not know about their legal right to complain. The

⁹⁵ Section 46(3)(d), Children Act 1989.

⁹⁶ Section 58, Police and Criminal Evidence Act 1984; see also: (Home Office 2008c).

⁹⁷ The Independent Police Complaints Commission role is to increase public confidence in the police complaint process. The IPCC also investigates the most serious complaints and allegations of misconduct against the police in England and Wales. In April 2006, the IPCC's remit was extended to include serious complaints relating to staff at the Serious Organised Crime Agency (SOCA) and Her Majesty's Revenue and Customs (HMRC). In February 2008, it was further extended to include staff from the UK Border Agency (UKBA).

review recommended greater education and materials for children and young people on their right to complain; and reforms to how complaints are recorded so as to track how many young people complain (Hamilton and Sherwood 2006). Draft revised statutory guidance (IPCC 2009) made suggestions for further reform to the complaints system, including increased access by children and young people. However, these were criticised for being too timid (Liberty 2009).

Criminal justice system

- There is very little available evidence of young people's participation in decision-making in the juvenile justice system. Available evidence suggests that it is significantly underdeveloped and children have little say in matters affecting them.
- Youth offending teams vary considerably in their approach to participation; where it does occur, it often does not make an impact on service provision.
- Young witnesses have had limited influence on the strategic direction of services.
- Individual assessments often do not include children and young people's own perspectives and these may not affect pre-sentence reports.
- Whilst there has been investment in support for young witnesses, poor practice remains prevalent. Young witnesses are often not given support to be heard and many do not have a say about how they give their evidence. Many have a negative experience of answering questions.
- Experiences of being respected and being able to participate in decision-making varies across custodial settings. Evidence suggests that this is deteriorating. Black and minority ethnic young people are less likely to be heard.

Context

The past five years has seen the introduction of the so-called 'scaled approach' to ensure that interventions are tailored to the individual, based on an assessment of their risks and needs. New legislation has changed the statutory purposes of sentencing, introducing punishment for the first time and watering down provisions for the court to have regard to the welfare of the child.⁹⁸ Sentencing has also been reformed with the introduction of the Youth

⁹⁸ Section 142A, Criminal Justice Act 2003 as inserted by Section 9, Criminal Justice and Immigration Act 2008.

Rehabilitation Order replacing a range of other community sentences.⁹⁹ The Youth Justice Board have published new national standards for youth justice service providers (YJB 2009) which oblige them to involve young people in the design and review of individual programmes; and within the wider prevention services and interventions being delivered.

People in contact with the criminal justice system have generally been excluded from changes in public services that emphasise participation and empowerment, despite advocates noting that 'their views can benefit society as a whole, and are as important to the design and delivery of their service as patients' views are to the NHS' (Johnson 2008: 14). Whilst some have questioned the compatibility of the child's right to be heard and the aims and practice of the juvenile justice system in the UK, there is growing commitment to participation among practitioners (NACRO and Howard League for Penal Reform 2009). A recent review of participation in the juvenile justice system (Hart and Thompson 2009) found little evidence of policy that enables children and young people's participation in either strategic or individual decision-making.

Whilst the number of children and young people breaking the law remains stable (Wilson and Paterson 2006), public perceptions of child crime remain inaccurate (Farrington-Douglas with Durante 2009). During September 2009 (latest available figures), there were 2556 children (under-18s) in custody – a decrease of 378 from the same point the previous year. There were 2165 children held in young offender institutions, 224 in secure training centres and 167 in secure children's homes (Ministry of Justice 2009).

What is known about participation in this context

The areas of the criminal justice system in which participation is happening are those of the Local Criminal Justice Boards; Youth Offending Teams (YOTs); strategic decision-making – victim support; Youth Inclusion and Support Panels (YISPs); assessment and intervention for children in conflict with the law; court appearances for children in conflict with the law; services for young witnesses; custody and the prison regime; and access to advocacy when in custody.

Local Criminal Justice Board

Local Criminal Justice Boards (LCJBs) were established in 2003 as partnerships responsible for securing improvements within the local criminal

⁹⁹ The Youth Rehabilitation Order (YRO) is a generic community sentence for young offenders and combines a number of sentences into one generic sentence. It is the standard community sentence used for the majority of children and young people who offend. It came into effect on 30 November 2009. The YRO replaces the: Action Plan Order; Curfew Order; Supervision Order; Supervision Order and conditions; Community Punishment Order; Community Punishment and Rehabilitation Order; Attendance Centre Order; Drug Treatment and Testing Order; Exclusion Order; Community Rehabilitation Order; Community Rehabilitation Order and conditions.

justice system.¹⁰⁰ Research into the effectiveness of the Boards found no evidence of how they engage the public and children and young people specifically, if at all (Singer 2008).

Youth Offending Teams (YOTs)

Since 2000, every local authority in England and Wales has a Youth Offending Team (YOT). They are statutory multi-agency teams made up of representatives from the police, probation service, social services, health, education, drugs and alcohol misuse, and housing officers.¹⁰¹

From 2010, YOTs may now produce their strategic plan in line with their own local business planning processes and timescales without any prescribed templates or timeframes. The Youth Justice Board believes that this will encourage positive integration with the local Children and Young People's Plan (which does include duties to consult children and young people¹⁰²).

YOTs now self-assess their performance in key capacity areas, including 'victim and public confidence'. This includes the extent to which they have the capacity to seek feedback from service users about the quality of services; how this feedback has informed service development; and how YOTs engage with local communities to improve public confidence in the criminal justice system (YJB 2010a). Further guidance outlines measures to assess compliance (YJB 2010b). There is no national data on how well YOTs self-assess on these scores.

The most recent annual report of the joint inspectorates of YOTs states clearly that they expect children and young people to be consulted about improvements in services and to see that their suggestions make a difference. They note that there are some areas of good practice, with an emerging culture of participation. However, there was no clear strategy for the development of consultation with service users and no plans to seek the views of children and young people from Black and minority ethnic groups. Where feedback was sought from children and young people, it was not collated and subsequently used to improve practice; nor are the findings fed back to the children and young people (HM Inspectorate of Probation 2007: 82).

100 There are 42 local criminal justice boards (LCJBs) across England and Wales. LCJB membership comprises representatives from the Court Service, the Crown Prosecution Service, the police, the prison service, the National Probation Service and Youth Offending Teams (YOTs). Each LCJB has a 'liaison' circuit judge who acts as a link with the judiciary. The key objectives of the Local Criminal Justice Boards include reassuring the public and boosting confidence – especially that of victims and witnesses – in the criminal justice system, by reducing the fear of crime and the adverse effects of being a victim of crime. They are responsible for the key local partnerships responsible for securing improvement against a set of centrally agreed crime and criminal justice performance targets.

101 Established by Section 37, Crime and Disorder Act 1998.

102 Regulation 7(c), The Children's Trust Board (Children and Young People's Plan) (England) Regulations 2010.

Strategic decision-making – victim support

There is some evidence of children and young people being consulted in the development of victim support services, often through voluntary sector organisations such as Victim Support. However, many children and young people can struggle to recognise that their experience was a 'crime' and therefore do not self-identify as 'victims' (Dunn 2007).

Young victims of crime receive additional statutory protection to be heard within the criminal justice system through the statutory Code of Practice for Victims of Crime (CJS 2006) and the recently appointed Commissioner for Victims.¹⁰³

Youth Inclusion and Support Panels

Youth Inclusion and Support Panels (YISPs) are made up of a number of representatives of different agencies (for example, police, schools, health and social services). The panel considers children aged 8–13 at risk of offending and recommends a programme of support for them and their family, called an individual support plan (ISP). Where the panel think it is appropriate, the young person and their parents or carers attend the panel themselves.¹⁰⁴

An evaluation of YISPs (Walker and others 2007) found that often children and young people were aware that they had been referred to the YISP because they had been 'naughty' in some way, but most had little idea what to expect. YISP staff acknowledged that parents and children were not always given accurate information about what YISPs could offer. Some children were hesitant to engage as they were worried that they might be taken away from their families. Involving the local community in the development, delivery and operation of YISPs was described as a 'challenge'; and whilst the YJB expected that children, young people and their parents would be included in panel meetings, in practice most had not invited families to them.

Assessment and intervention for children in conflict with the law

Hart and Thompson (2009) found that some young people expect to be involved in their own assessment and intervention planning. Whilst there is an expectation that young people should be supported to complete the 'What do YOU think?' form which assesses risks to reoffending, the researchers highlight evidence that these self-assessment forms are completed in less than two-thirds of cases and that, even when completed, they may not affect the youth justice practitioners' own perceptions or pre-sentence report.

In interviews with eight young people who had contact with the juvenile justice system, the researchers found that all had completed a 'What do YOU think?' form but they had not seen it since and had no idea what happened as a result. This suggests that the form was used (at best) in assessment but not for ongoing recording of young people's views.

¹⁰³ Sections 32 and 48, Domestic Violence, Crime and Victims Act 2004 as amended by Section 142, Coroners and Justice Act 2009.

¹⁰⁴ Youth Inclusion and Support Panels aim to prevent anti-social behaviour and offending by 8–13-year-olds who are considered to be at high risk of offending. They work to provide a package of support for children and their families.

The joint inspectors of YOTs concluded that 'Unfortunately, we rarely saw [the What do YOU think? form] used well in the overall assessment process. In our experience, children and young people are often very good at understanding themselves and can make a considerable contribution to their own supervision.' They also note that the form was not used as part of the assessment process in custody (HM Inspectorate of Probation 2007). More recently, the first round of the new inspection programme concluded that 'the quality of assessments, including the child or young person's own assessment of their behaviour, were judged to be not sufficient in a third of cases' (HM Inspectorate of Probation 2009: 24).

Court appearances for children in conflict with the law

Young people's participation in court appearances is a complicated matter that varies considerably on the age and capacity of the child and the nature of the prosecution. Children can be tried in Crown Courts for serious offences and sent to that court with an adult co-defendant.¹⁰⁵ Practice directions introduced in 2007 attempted to ameliorate the situation by relaxing rules to allow judges to remove gowns.¹⁰⁶

Hart and Thompson (2009) highlight evidence that the quality of pre-sentence reports (which influence judges' sentencing decisions) are variable, often failing to include children and young people's perspectives. Less than half of the young people were provided with a copy of the pre-sentence report.

Services for young witnesses

The ability to give evidence in criminal proceedings is determined by competency not age.¹⁰⁷ Approximately 29,000 children in the UK are required to give evidence in court each year (NSPCC 2008: 11). Young witnesses are eligible for special measures, such as giving video evidence,¹⁰⁸ and being offered support through the experience to help them be heard.

The first national study of young witnesses found that, whilst there had been significant improvements in policies to support young witnesses, there is a 'significant gap between the visions of policy and the reality of many children's experiences. The picture therefore remains disappointing' (Plotnikoff and Wolfson 2009: 153). The study, based on interviews with young witnesses (n=182) and their parents (n=172) from England, Wales and Northern Ireland, found the following.

- Some 16 per cent of parents did not recall anyone discussing their child's needs and wishes with them.¹⁰⁹
- Half of all children had a familiarisation visit to the court before trial and, of these, 76 (84 per cent) said it helped them feel more confident or helped

¹⁰⁵ Sections 90, 91 and 100, Powers of Criminal Courts (Sentencing) Act 2000.

¹⁰⁶ 21 December 2007, Practice Direction (Court Dress) (No. 4).

¹⁰⁷ Section 53(1), Youth Justice and Criminal Evidence Act 1999.

¹⁰⁸ Sections 16(1)(a), and 21(1)(3), Youth Justice and Criminal Evidence Act 1999.

¹⁰⁹ This relates to interviews with 27 parents. However, of these, 11 of the young witnesses were aged 16 or over – so it is possible that their needs and wishes were discussed directly with them.

them know what to expect at trial. However, 27 (30 per cent) did not see a courtroom or a live link room before giving evidence.

- Eighty children had neither a familiarisation visit nor a pre-trial contact with a supporter. Parents of 78 of these children said that 30 (38 per cent) were not offered either service. Yet, those who did see a supporter said this contact made it possible to go to court.
- Of 172 young people who gave evidence:
 - 141 (82 per cent) were content with arrangements for them to give evidence (that is, in person, over video link, behind a screen, etc.) and 26 (15 per cent) did not give evidence the way they wanted
 - 49 (28 per cent) described defence advocates as polite but 84 (49 per cent) described them as sarcastic, rude, aggressive or cross. Eighty-five (49 per cent) did not understand some questions and this was a problem across all age groups. A total of 111 (65 per cent) reported one or more problems of comprehension, complexity, pace of questions that were too fast or having answers talked over. And 100 (58 per cent) said the other side's lawyer tried to make them say something they did not mean or they tried to put words in their mouth
 - 60 (35 per cent) described their school or college as supportive but 33 (19 per cent) thought their school had been unsupportive
 - 56 (33 per cent) felt confident or another positive or neutral feeling when answering questions. While 114 (66 per cent) expressed negative feelings including feeling upset, scared, shaky, sick, intimidated, annoyed, angry, tired, frustrated, under pressure and having fast heartbeats
 - 86 (50 per cent) identified gaining something good or positive from having been a witness.
- Supporters and parents who observed children giving evidence, identified that the children's needs were not well accommodated at trial. Neither parents nor supporters rated the needs of the majority of children as having been met 'very well' at trial.

Custody and the prison regime

Children in custody have few legal rights to participate in decision-making whilst they are locked up. In secure training centres (STCs), children have some rights to be consulted about contact with their family, to make a complaint and to refuse a haircut.¹¹⁰ In young offender institutions (YOIs) they can appeal the removal of privileges, refuse a haircut and have some rights to make representations when charged with an offence against discipline.¹¹¹

The Prisons Inspectorate and the Youth Justice Board conduct an annual survey of children in YOIs. The latest report collected the views of 1110

¹¹⁰ Secure Training Centre Rules 1998 (as amended).

¹¹¹ The Young Offender Institution Rules 2000 (as amended).

children and young people from 18 establishments (Tye 2009). Key findings relating to participation (where respondents answered positively) are reproduced in Table 1. Shaded boxes show where the situation has deteriorated since the last survey.

Table 1: Findings of the Prisons Inspectorate and YJB's annual survey of children in YOIs that relate to participation

	Male		Female ¹¹²	
	Total 2008–09	Total 2006–08	Total 2008–09	Total 2006–08
Did you receive written information about what would happen to you before you arrived?	23	24	16	14
Have you talked to an advocate since you have been here (an outside person to help you with the authorities)?	38	30	60	71
Do you know how to make a complaint?	76	84	98	89
Is it easy to make a complaint?	40	43	36	54
Do you feel complaints are sorted out fairly?	15	17	26	28
Have you ever been made to or encouraged to withdraw a complaint?	10	9	18	9
Do most staff treat you with respect?	72	76	71	82
If you were being victimised by another young person or a member of staff would you be able to tell anyone about it?	60	63	71	75
If you did tell a member of staff that you were being victimised do you think it would be taken seriously?	37	40	39	61
Have you had a say in what will happen to you when you are released?	44	42	40	44

Note, all figures are in per cent

These figures, however, hide some clear disparities in experience. In many instances, young people from Black and minority ethnic communities have less positive experiences. There are also large variations by institution.

- Whilst 76 per cent of white male respondents said that staff, in general, treated them with respect, this was true for only 63 per cent of Black and minority ethnic respondents.
- Knowing how to make a complaint varied considerably amongst young men in different institutions, ranging from 94 per cent to just 45 per cent.
- Although more Black and minority ethnic young men said they knew how to make a complaint, only 11 per cent felt that complaints were dealt with

¹¹² Note – there is a much smaller female sample in this survey, and of this, a small number are Black or minority ethnic.

fairly, compared to 17 per cent of white male respondents. This could be related to the significantly higher proportion of Black and minority ethnic young men who said that they were encouraged to withdraw a complaint (reported by 13 per cent of Black and minority ethnic young men compared with 9 per cent of their white counterparts).

- Responses about whether they felt they would be taken seriously by staff if they reported victimisation varied from 25 per cent to 53 per cent by institution.
- Young women's confidence that their complaints would be treated fairly ranged from 50 per cent to 0 per cent.

Access to advocacy when in custody

Voice and the National Youth Advocacy Service (NYAS) have been providing independent advocacy for children in custody since 2004. Use of advocacy varies, but has been steadily increasing (see above) – up from a quarter of boys and around a third of girls in 2004–06. However, information released under a Freedom of Information request shows that advocacy must take place at the same time as children and young people's free time for association, and that the time available to see an advocate was very small (cited in CRAE 2008: 47). The consolidated annual report of NYAS and Voice in 2005 stated that there is restricted access by an advocate to young people, which places:

a severe limitation on the extent and effectiveness of the advocacy service. The quality of contact [that] advocates can have may be very restricted when it is only possible to talk to young people through the grill on the cell door.

(cited in Howard League for Penal Reform 2008: 5)

Community and democratic participation

- The majority of young people do not feel involved in local decision-making.
- Many children and young people would like to be involved in community decision-making.
- There is a growing number and range of local youth participation initiatives (forums, parliaments, and so on), often led by local authority youth services. Members and young people can be sceptical of the impact and effectiveness of these in representing young people and bringing about change.

Context

The past five years has seen an acceleration in the growth of opportunities for participation in community decision-making (McHugh and Pervin 2005, Prendergrast 2008, Carnegie UK Trust 2008). The language of participation in community decision-making has changed alongside these shifts. 'Best value' has been superseded by the 'duty to involve' that requires all local authorities (and various other public bodies) to inform, consult or involve in some other way local people in the delivery of all their functions.¹¹³ There are many statutory provisions which now support participation, including powers for local authorities to promote well-being,¹¹⁴ to respond to petitions,¹¹⁵ to promote democracy¹¹⁶ and to consult on local strategies.¹¹⁷

113 Section 3A, Local Government Act 1999 *as inserted by* Section 137, Local Government and Public Involvement in Health Act 2007. See also duties under Section 23, Local Democracy, Economic Development and Construction Act 2009.

114 Section 2(1), Local Government Act 2000.

115 Section 11, Local Democracy, Economic Development and Construction Act 2009.

116 Section 1, Local Democracy, Economic Development and Construction Act 2009 (not yet commenced).

117 Section 4(1), Local Government Act 2000 as amended by Section 7(1), Sustainable Communities Act 2007.

Reforms to stimulate participation have gone alongside a broader shift in the role of local authorities – from service providers to ‘place shapers’; and a growth in ‘partnership working’ (Lowndes and Sullivan 2004, Bound 2007).

Whilst these two sets of reforms have brought about structural changes, new initiatives and duties, the exponential rise in participatory opportunities in recent years has been accompanied neither by an improvement in people's sense of connection to formal politics nor in the degree to which people feel empowered to influence decisions (Prendergrast 2008). Whilst some of these laws and policies have been inclusive of children and young people, often their engagement has been a separate policy agenda located within child and youth services (Demos 2009). However, it has been difficult to translate the policy leavers into effective practice (Carnegie UK Trust 2008: 31).

What is known about participation in this context

The areas of the community and democratic participation in which participation is happening are those of community decision-making; and youth participation initiatives.

Community decision-making

The majority of children and young people do not feel that their views are listened to in decisions about their local area. The national Tellus3 survey (Ofsted 2008) of pupils in Years 8 and 10 (n=148,988) found that over half (57 per cent) felt that children and young people's views were not very well listened to in their local area. Just 4 per cent felt that children and young people's views were listened to ‘a great deal’; 22 per cent said ‘a fair amount’; and 17 per cent ‘don't know’.

The national Tellus4 survey (conducted in 2009 but published in 2010) did not repeat this question. However, it did ask young people (n=156,096) in Years 8 and 10 (aged approximately 12–13 and 15–16) in England whether they have been asked to give their ideas about things that are important to them in the last year (Chamberlain and others 2010). It found that 19 per cent had completed a questionnaire; and 9 per cent had given their views by telephone, text or online. Just 3 per cent had been to a meeting outside school about making things better in their local area; and 4 per cent had given their ideas to a youth council or youth parliament (n=6244). Over 50 per cent either did not know or had not given their ideas (n=78,048).¹¹⁸

Such findings are reflected in other recent evidence. The Youth Citizenship Commission (2009b) conducted quantitative research with a nationally representative sample of 11–25-year-olds (n=1100). This found that 46 per cent strongly disagree that they feel they can influence local decision-making. Just 17 per cent feel they can influence decisions that are made locally. These findings compare starkly with adults' experiences and views: the most recent Citizenship Survey of individuals over 16 (DCLG 2009a) found that in April–June 2009, 35 per cent felt they could influence decisions in their local area.

¹¹⁸ Note, this survey also found that 15 per cent had given ideas to their school council. See page 20 of this report.

The Youth Citizenship Commission research found an enthusiasm to get involved. In a nationally representative survey of 11–25-year-olds (n=1100), 50 per cent strongly or slightly agree that they would like to be able to influence how decisions are made locally. However, this enthusiasm was tempered by a cynicism of what difference it would make. The research found a picture of a generation where many feel disengaged from local decision-making. Just over one in three (38 per cent) believe that a feeling of 'total disempowerment' puts them off further local or political engagement. The researchers concluded that, overall, it seems probable that young people care strongly about their local area. They are more likely to get involved *if* they see an opportunity to make a difference. A key barrier to overcome is a perception amongst young people that they cannot make a difference on their own and that nothing ever happens anyway (Youth Citizenship Commission 2009b).

A nationally representative survey of children and young people aged 14–25 across the UK (n=3994) asked children to rate out of 10 how much of a say they have over decisions made by the local council. Only 5 per cent said they had lots of say (scored 7+); 27 per cent said they had some say (score between 4 and 6); and 48 per cent said they had little or no say (scored 3 or below). Nine per cent did not know (Citizenship Foundation 2009).

The Scout Association and nfpSynergy (2007) conducted a nationally representative poll of children (n=1004) aged 13–18 and found that those who were members of sports and youth clubs were more likely to have good relationships with adults in their area, to feel they are part of the local community and to believe they can make a useful difference in their community.

A self-selecting survey of higher level local authorities found that methods used for participation in local decision-making are predominantly surveys, focus groups and conferences (Soetan 2009: 14).

Youth participation initiatives

A review of Joint Areas Reviews of local authority youth work provision from 2005–2008 found that the most effective youth services have responded well to the increasing national focus on promoting active citizenship and involving young people more closely in tackling local issues. Inspectors found many instances where participation in youth forums and campaign groups had given young people a good understanding of their rights and responsibilities and enabled them to take action for their own and others' benefit. The community-based nature of much youth work offered considerable opportunities for young people to develop an understanding of social and political affairs by taking part in such activities as voluntary work or community action projects. In this way, they acquired confidence and the skills of leadership and organisation which they could apply to other contexts, such as being advocates for their peers or helping to improve local provision (Ofsted 2009b).

In 2009, the previous government supported a Youth Citizenship Commission (2009c) to undertake a review of current mechanisms for young people's engagement and mechanisms for involvement in local decision-making and political engagement, especially those with government support. The review noted that there had been a growth in specific local youth participation initiatives but that they would be more effective if they were part of a coherent

strategy and called on the government to take a more coordinated approach to youth-focused initiatives.

Local Youth Councils are fora for young people in a local area to discuss and advocate for change on matters affecting them. Size, remit and independence can vary considerably. There is a much longer history of local youth councils and many are established bodies (Willow 1997). A self-selecting survey of higher level local authorities in England (n=61) found that 80 per cent had a local youth council (Soetan 2009: 11). There are 503 local youth councils in England.¹¹⁹ Forthcoming research by the British Youth Council (f.c.) of 145 local youth councils across the UK found that most youth councils have 15 members aged between 11 and 19. The survey found high levels of Black and minority ethnic young people involved in the councils. The majority of youth councils have a budget of £10,000 and the majority of respondents have paid staff, working 10 hours, supporting the work of the youth council. The survey found integration with other youth participation structures: with just under half of respondents (49 per cent) having members of the youth parliament combined within the youth council. The main challenges facing youth councils include a lack of resources; significant concerns about forthcoming cuts to budgets; challenges in raising their profile with decision-makers; and keeping young people engaged in the work of the council.

A 2009 review of youth participation literature and focus groups with members of a youth forum found that many groups are founded on being representative but they lack mechanisms for accountability and feedback. Indeed, representative groups can emphasise divisions amongst young people: between those who feel able to participate and the majority who feel excluded (Cockburn and Cleaver 2009: 27). Qualitative research into the work of youth councils and participation projects in two inner-city areas found that there are a significant range of young people-led and participation projects. Many are giving young people new skills and opportunities to be advocates for themselves, to educate their peers and to influence decision-making. However, 'the rhetoric of empowering young people and young people's experiences of how their views and action are valued are at variance'. The researcher found that often young people are outsiders from decision-making and that support for youth projects was variable and involved short-term funding. Changing the culture of participation in agencies and local areas would take a very long time (Milbourne 2007).

The UK Youth Parliament (UKYP) was established in 2000 and brings together elected representatives aged 11–18 to represent the views of young people across the UK. Each local authority receives a maximum number of MYPs, depending on the size of its youth population. Over 90 per cent of local authorities participate in UKYP, with many supporting a 'Deputy MYP' and a 'Cabinet' of young people who work with the elected representative(s). In the 2008 elections, 559,855 young people voted to elect their MYPs. Leeds LEA had a 61 per cent turnout for the UK Youth Parliament elections – higher than the average adult turnout for recent general and local elections (UKYP 2009).

There has been a more recent growth in young mayors. Public affairs consultancy, The Campaigns Company, designed the first Young Mayor election in Middlesbrough in 2002. Young people elect an individual young

¹¹⁹ Figures from personal communication to Children's Rights Alliance for England from the British Youth Council.

person to be young mayor – usually for a year. There are currently 12 young mayors and a Young Mayors Network (YMN 2010). In 2009, the Department for Communities and Local Government (DCLG) allocated £2 million to support the development of 20 new young mayors' schemes (DCLG 2009b). In some areas, turnout in elections for young mayors has been higher than in local elections, reaching 49 per cent in Lewisham and 43 per cent in Newham (cited in Soetan 2009: 8).

A nationally representative survey of children and young people aged 14–25 across the UK (n=3994) revealed, for the first time, evidence of children's participation in, and views about, local youth participation initiatives such as youth councils, parliaments and young mayor's programmes (Citizenship Foundation 2009). The survey found the following.

- Young people are most likely to believe that UKYP and local youth councils make a positive contribution to society (44 per cent). Whilst a significant number believed their effect was neutral (35 per cent), just 6 per cent believed they made a negative contribution. Young men were slightly more likely to rate their impact as negative or neutral.
- Nearly a third of young people (27 per cent) have been, or would consider being, members of a youth parliament or local youth council. However, this was not the case for the majority of young people (61 per cent). Many more have been, or would be, involved in a charity or pressure group (41 per cent). Those most knowledgeable about politics were least likely to consider involvement in these groups, especially youth parliaments and councils.
- Young people were cynical about why people get involved. They thought that the main reasons people get involved in youth councils and parliaments is because they want to 'look good on UCAS forms or a CV', because they are interested in a career in politics or in political issues.¹²⁰ Just a quarter believe they get involved to have an impact on the community. In contrast, young people feel the main reasons their peers get involved in campaigning organisations (such as those tackling climate change, poverty or war) were that they want to have an impact on the community (46 per cent).
- A majority of young people (65 per cent) did not think that young mayors would have much of an impact over the way young people are treated in an area. Just 27 per cent thought that there would be a great deal or a fair amount of benefit to having a young mayor in their area. Young men were most likely to be sceptical about the benefits and expected impact of the scheme.

Focus groups with 25 young people involved in youth participation initiatives found that many believed that youth participation initiatives are not as inclusive as they could be. They identified young people who were excluded from youth participation initiatives: these included those not in education, employment or training and those for whom English is an additional language. Disabled children and those living in rural areas were also thought to miss out on these

¹²⁰ UCAS is the Universities and Colleges Admissions Service. A UCAS Form is the application form that the vast majority of young people use to apply to attend university.

opportunities. Participants criticised the dearth of information available about getting involved in local decision-making. A lack of confidence in the longevity of participation initiatives, due to uncertain funding and fears of tokenism, are key barriers to engagement (Soetan 2009).

Research with local authority councillors and adults who support local youth councils found that there was a strong tendency for youth councils to be kept apolitical, with adults keen for party politics to be excluded from discussions. The research found that children were seen as political actors 'in-waiting', who were learning about lobbying rather than necessarily being direct participants in democratic decision-making. Furthermore, councillors and adult advisors to youth councils often found hostile views amongst other adults who do not have regular contact with these forums. The young people's confidence was often constructed as precocity and as being unusual for most young people (Wyness 2009).

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The National Participation Forum invites you to join us in this journey. If having read this research you are thinking about what needs to happen to enable our youngest citizens to have their voices heard in delivering a better society for us all, post your ideas and thoughts on **www.participationworks.org.uk**

We will post constructive commentary and ideas for other readers to see. Sharing ideas can lead to sharing action, saving effort and increasing impact.

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