

Protection Without Participation Doesn't Work: Reflections on Our Contribution to the UN Committee on the Rights of the Child Based on the Voices of Children in Alternative Care*

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In September 2021, the United Nations Committee on the Rights of the Child invited children and young people to speak out about “particular areas of concern with regard to the unnecessary separation of children from their families and appropriate ways to respond to family and child separation in cases where it is unavoidable”. In the United Kingdom, ATD (All Together in Dignity) Fourth World consulted 26 children and young people who had been removed from their parents by social services. This paper presents the methods that made it possible for them to feel confident that their words would not be manipulated or taken out of context. The findings that can be drawn from these consultations show that, in situations where children's safety is perceived to be under threat, professionals frequently focus on protection to the detriment of attention to children's rights to adequate provision and participation. This has harmful effects on children's lives, and is in contravention of the Convention on the Rights of the Child which places an equal emphasis on all kinds of rights, with participation as a principle underlining the entire suite of rights. We need radical reform, which embraces the complex interactions between poverty, participation, and provision; clearly differentiates between poverty and neglect; and places meaningful participation as necessary at the centre of interventions. For children to feel ready to speak out about violations of their rights, our experience is that it's important for them to be part of peer groups where they can offer one another mutual support, and also where they can go beyond their individual circumstances to try to impact systemic injustices against other children like them.

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Introduction and Objectives

The work presented in this paper was undertaken in 2021 over eight months on behalf of ATD (All Together in Dignity) Fourth World. ATD's approach is to seek out people—adults, children, and families—who are stuck in the worst situations of poverty because we need them to lead the way in teaching society how to overcome poverty and exclusion.

Our approach to participation focuses on several key principles:

- beginning with people who face the greatest challenges in making their voices heard;
- working from people's strengths and aspirations, and in a context of human rights;

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- building on peer support where people who have lived experience of stigmatisation are often the best placed to support others whose experiences have been similar.

In this 2021 project, our goal was to offer children and young people who had been removed from their parents by social services the chance to contribute to a discussion organised by the United Nations Committee on the Rights of the Child about the rights of children in “alternative care”. The Committee highlighted “particular areas of concern with regard to the unnecessary separation of children from their families”.

While this project took place in the UK, it is important to note that in our work in Africa, Asia, and Central and South America, we see everywhere that poverty has a very negative impact on the right to family life. Parents and children are often separated because of the parents’ struggle to find decent work, or because of forces that push children to live on their own in the streets, and also sometimes because of international NGOs and orphanages that bring the mindset of social services in the global north to low-income countries.

In the UK, children and families living in poverty, especially those suffering from multiple disadvantages, are significantly more likely to face child protection interventions, care proceedings, and child removal than better-off families (Morris et al., 2018, pp. 364-372). Children in the UK’s most economically deprived communities are over 10 times more likely to enter the care system than those from the most affluent areas (McNicoll, 2017). Often this is because social workers confuse indicators of poverty with indicators of neglect. There is also a self-perpetuating aspect to these practices because having been removed from one’s parents as a child is currently considered a risk factor for becoming a neglectful parent in the future. This means that when a care-experienced young woman becomes pregnant, an assessment of her future parenting capacities will be carried out to determine if her child should be forcibly adopted away from her to prevent the risk of possible neglect in the future. Young women in these situations say they experience the harshness of these assessments as undermining their belief in their own capacity and their self-worth. One mother who was removed from her parents as a child protests:

The state says that I’m a less good parent because I was raised by the state, so they’re admitting that they did a bad job. On top of that, when they removed my daughter into foster care, they were then creating the same cycle for her, where they said she needed to be removed from me because of my past, and then they create the same past for her.¹

The goal of our consultations in 2021 was to create the conditions for young people and children who had been removed from their parents to tell us whatever was on their minds about this issue.

Method

Initially, we made broad invitations to both care-experienced individuals and groups representing care-experienced people. Four conversations over Zoom were held with about 25 of these people to give them information on how to contribute to the United Nations discussion and to offer support for group contributions. With those who were interested, consultations were held: one in-person in a Birmingham residential centre for care-leavers; and several via Zoom with teenagers located across the UK and also in Canada. In all cases, the care-experienced children and young people were given complete control over how their quotations would be presented and contextualised in the group contributions.

One of the key people who co-designed our consultations was Francesca Crozier-Roche, a youth and community practitioner and an expert by experience in social care. She says that her own childhood experiences

¹ Interview of “parent A” by D. Skelton, 14 January 2021.

in state care were so traumatic that it was not until after turning 30 that she felt ready to speak about the ways her rights were violated. She adds:

Quite a few of the young people I work with all have a common denominator about their own identity: all the secrecy about their past. No one's being honest with them and they grow up with massive trust issues. I want to carry their voices into this conversation. (ATD Fourth World, 2021a)

Her words were echoed by a teenager during our consultation who said: "Taking us out of our communities harms everyone. [...] This takes away our trust and our hope." (ATD Fourth World, 2021b, p. 7).

Some of this secrecy about children's past is by order of the family court judge; some of it is connected to the stigmatisation and shaming connected to social service interventions; some of it stems from a lack of continuity in the care of a child and from obstacles to communication between their extended birth families and their foster carers or adoptive parents. Knowing how challenging it would be to build trust with young people in these situations, Francesca worked with a 19-year-old young man who had himself recently aged out of state care in Birmingham. Together, they developed a set of cards with key words written on them for teenagers to use about their own personal life journeys through the care system.

In Scotland, two other teenagers, who had felt very isolated when their sister was removed from their home by social services, decided that they were better placed than adults to invite other teens to speak out. These sisters, Kaydence and Aurelia Drayak (who were 16 and 15 during our consultation) founded an organisation called Teen Advocacy to offer support to young offenders, young carers, teens with disabilities, "and those experiencing complicated family dynamics or divorce". Together they organised consultations of 22 care-experienced children, aged 9 to 18. Fifteen of these children also live in Scotland, while the other seven are First Nations youth in Manitoba, Canada.

Following the finalisation of the written contributions in June 2021, all participants were invited to meet one another in person in September. This session ended up as a hybrid, with several participants using Zoom to talk to those who attended an in-person residential. The children and young adults began by deciding among themselves the main issues they wanted to highlight for the UN. Next, they were joined by a member of the UN Committee on the Rights of the Child who was interested in learning from them to prepare the UN discussion. The following week, three of those who had contributed to these group contributions were invited to address the UN conference directly. At present, follow-up dialogues between the young people and the UN Committee are continuing.

Results

Our project highlighted the importance of centring the perspective of children and families in how poverty is understood by social workers, to avoid the unnecessary removal of children which causes lasting trauma to all involved parties. Children, young people, and parents all reported trauma caused by the interventions designed to protect them. Some said:

Sometimes it feels like adults just don't get children's rights. [...] For some of us, being in care was where we were abused—not home with our families. (ATD Fourth World, 2021b, p. 3)

Being placed in alternative care has torn our families apart and ruined relationships. We want you to listen to our families too—they want what is best for us. (ATD Fourth World, 2021b, p. 7)

In most cases, this trauma related to unaligned perceptions of what constituted risk, and how risks were balanced against each other in coming to decisions about children's living arrangements. For instance, Tiegan, a

19-year-old in North Yorkshire, had experience with social care, which began the moment she was born because her mother was incarcerated at the time. Based on her experiences and also on the experiences of her younger sisters who remain in care today, Tiegian is frustrated by the lack of support her parents received from social workers. She says:

When my sister got taken into care, one of the issues they had against my mum was that she was sleeping on the sofa and they said, "That isn't a proper bed", but who's defining a sofa as not a proper bed? [...] There also wasn't any support for my father or anyone reaching out to him saying, "What you've just been through was hellish. Here's our support and understanding". Professionals stress weaknesses. Even things I would count as strengths, social workers saw as weaknesses for some reason. (ATD Fourth World, 2021a)

Children and young people described harms both in relation to the absence of information about their lives, and the provision of information in a manner that was not appropriate to their needs and preferences. A group of 19 and 20-year-olds living in supported accommodation in the West Midlands said that growing up in care had made it hard for them to develop a sense of who they were because they lacked information about their family background and also because: "We needed to please so many people, and different people wanted different things from us" (ATD Fourth World, 2021a).

One teenager was very frustrated that she was not allowed to see her mother even though her brother and sister, who were also in care, were allowed to. She said:

My mum ended up passing away in 2019. For so long the court told me I wasn't allowed to see her. Now I actually can't see her. They try and shelter you from a lot, but they don't actually realise, they're sheltering you from *you* at the end of the day. (ATD Fourth World, 2021a)

Another young person was frustrated about social workers who had withheld information about her family from her until she was 20. "I only found out about all this crap on my twentieth birthday, near enough. I'd rather have been told sooner, rather than having to deal with it now." (ATD Fourth World, 2021a).

A young man felt that plans made for him were designed only to tick the social workers' boxes. He said: "I'd said I didn't want to do karate and I got completely ignored. It got to the point where I'd walk around the same area for an hour, so I could skip karate. Forcing children is ruining their identity." (ATD Fourth World, 2021a).

When he turned 18, he felt abruptly cut adrift:

Four weeks is all I got to find a job. My carer just went: "You're leaving in four weeks". Since I left, I haven't received one text from her to say, "Are you ok?" No more nothing. That's why I'm afraid to text her. (ATD Fourth World, 2021a)

"Participation" in the processes of alternative care was experienced as often tokenistic at best and frequently as actively harmful, indicating that the systems of participation are vital and require rebuilding from the ground up. Young people said that social workers aren't able to give them the support they need because they are too focused on the process. Ironically, some meetings and procedures that were designed in the name of children's participation are experienced by children as unhelpful and problematic. They say:

Every eight months we're supposed to go to an interview. We'd have to go to a room with a massive table. There was like four grown-ups, and me, the only child in the room. If you did something wrong throughout the year, it was like we were put on call. [...] You've got someone who sees me once a year sitting there, and you've got my carer, my social worker, their link worker, and I'm just supposed to sit there and tell everyone how I feel. The meetings are organised in a way that makes us stand out and gets us bullied, because people notice the difference. Teachers will come in and be like, "Oh, can I

just pull her out of class?" Everyone would ask me why. You know that all you're going to have to go back into class, and explain to everyone where you were, or make up a lie. It's just like, why?

The way they hold meetings is like we're criminals. It was like going to court every year, having everyone stare at you like: "We heard that this had occurred, do you want to explain further?" And you've got 4 or 5 people's eyes staring at you even though this already got sorted and dealt with at the time.

The language social workers use about us is not OK for us. Every year, they have the same questions like, "how does the child play with others?" and "does the child do things independently?" even when the "child" is 17 or 18!

Procedures to "listen to us" are tokenistic and insulting. You're in the hot seat and everyone's staring at you, and everyone's going to read out everything about you. It's the same thing all the time. It's not like: "Now you're older, let's talk about something different". Instead it's the same things I told you when I was 11 years old, when I was 15, it's the exact same, you asked me the same generic questions that you asked everyone. Like, what do you expect from me? Does it even matter what I say at this point? Like I could say anything, and you're just going to smile and say, "Okay, that's great." (ATD Fourth World, 2021b)

Conclusions and Implications

In situations where children's safety is perceived to be under threat, professionals frequently focus on protection to the detriment of attention to children's rights to adequate provision and participation. This has harmful effects on children's lives, and is in contravention of the Convention on the Rights of the Child which places an equal emphasis on all kinds of rights, with participation as a principle underlining the entire suite of rights. We need radical reform, which embraces the complex interactions between poverty, participation, and provision; clearly differentiates between poverty and neglect; and places meaningful participation as necessary at the centre of interventions.

For children to feel ready to speak out about violations of their rights, our experience is that it's important for them to be part of peer groups where they can offer one another mutual support, and also where they can go beyond their individual circumstances to try to impact systemic injustices against other children like them.

To conclude, the last word belongs to Kaydence. She and her younger sister contacted several organisations that purport to work with or represent children—to no avail because the organisations would not get involved. Kaydence told the UN:

Time and again we heard, "We're too busy". Young people and their families need to not be held back from having a say because the people getting paid to work with them are "too busy". We don't get paid and our whole life is on the line. Don't sit cozy in your office getting money to say "too busy!" Which is also why we want to see more support services designed by young people and their families to help them overcome the problems they face together. Because we aren't too busy. We want to have good, happy lives with our family and we know we are an important part of the solution! (ATD Fourth World, 2021c)

References

- ATD Fourth World. (2021a). Our rights, our say. Retrieved from <https://atd-uk.org/2021/07/28/our-rights-our-say-children-and-young-people-speak-out/>
- ATD Fourth World. (2021b). Submission by ATD Fourth World to the United Nations Committee on the rights of the child for the 2021 day of general discussion on children's rights and alternative care (p. 7). Retrieved from <https://atd-uk.org/wp-content/uploads/2021/07/2021-06-CareExperience-FiveContributions.pdf>
- ATD Fourth World. (2021c). Care-experienced children: "We are an important part of the solution". Retrieved from <https://atd-uk.org/2021/09/16/care-experienced-children-we-are-an-important-part-of-the-solution/>
- McNicoll, A. (28 February 2017). Children in poorest areas more likely to enter care. Community Care. Retrieved from <https://www.communitycare.co.uk/2017/02/28/children-poorest-areas-likely-enter-care-finds-study/>
- Morris, K., Mason, W., Bywaters, P., Featherstone, B., Daniel, B., Brady, G., ... Webb, C. (2018). Social work, poverty, and child welfare interventions. *Child & Family Social Work*, 23(3), 364-372.