Article

The Voice of the Child in Child Protection: Whose Voice?

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Abstract: Article 12 of the United Nations Convention on the Rights of the Child outlines the rights of children to express their views in decisions affecting their lives. There is further evidence to support the positive benefits for children who are afforded this right. However, evidence shows that despite legislative and policy frameworks to support this, repeated messages from inquiry reports highlight failures to do so. This paper draws upon research undertaken in Scotland but the findings of the study are relevant across the UK and beyond. Child protection documentation including reports and case conference minutes were analysed to assess to what extent the child's views were presented to, and considered in, decision making forums. In particular the study considers how the child's views and wishes are represented in writing, and highlights the ways which professionals filtered and interpreted the child's view rather than presented it in its pure form. Messages have emerged identifying a need for workers to be clear about the factors which influence their practice with children. These include the value they place on children's participation, the skills and confidence needed to engage children with complex needs and the impact of competing tensions. One example of such a tension is that between the needs of busy workers, and those of children who are potentially involved in a range of decision making processes.

Keywords: children's rights; participation; protection; adult processes; report writing; decision making

1. Introduction

This paper considers evidence collected as part of a wider service evaluation in one Scottish locality. This research looked at practices across the area and considered changes before, and after, a service was introduced to support children to participate in, and give their views at child protection

case conferences (hereafter "the support service"). In order to establish a baseline of activity in relation to the presence of children's views within their formal child protection meetings, social work case files and case conference minutes of children who had not accessed the support service were examined. The analysis of these documents provides the primary source of evidence for the discussion here. A separate review was undertaken of the support service itself.

This study has been set in the context of wider policy and legislative developments. The United Nations Convention (hereafter UN Convention) Article 12 states that "…parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child" [1]. Since the introduction of the Convention, policy and legislation to reflect this right have been developed across Europe, as countries which have ratified the Convention seek to reflect its intentions. For example, Norwegian child welfare legislation states "Children aged 7 or older and children younger than 7 who are able to form their own opinions always have the right to express their views" [2].

Interestingly there is potential for such statements to be open to interpretation. For example, the determination of an appropriate level of maturity, or whether a child is capable of forming their own opinion opens up the potential for debate and ultimately for these rights to be applied or denied depending on criteria set.

This paper examines practice within a Scottish context where the principles of the UN Convention [1] have been embedded throughout national policy and legislation. This includes the Children's Charter which sets out what children and young people can expect from people involved in their lives and includes the commitment that children will be listened to, involved and taken seriously [3]. Practice in Scotland is supported by a national multi-agency approach known as "Getting It Right for Every Child" (GIRFEC) [4]. This states that anyone providing support to children and their families should put the child at the centre and emphasises that "Children and young people should have their views listened to and they should be involved in decisions that affect them" ([5], p. 8).

In addition to the basic rights afforded to children within legislation, policy and guidance, there is an established body of evidence within the literature that supports children's participation for a range of reasons, including the additional information this can bring to the process, and the benefit for children and young people. A study published by the Children's Commissioner in England encouraged professionals to listen carefully to the child and highlighted that "the child's view of the family situation may provide a professional with different insight into the dynamics within the family" ([6], p. 9).

However, despite the imperatives to involve children, a recurring theme has been the difficulty in achieving a balance between the child's right to have a voice and a duty to protect children and young people. Sanders and Mace raise the issue of inappropriate exposure to information and responsibility [7]. However, they highlight the work of Schofield and Thoburn which suggests that "effective participation in child protection work can be an important part of the healing process" and can help to "counteract some of the powerlessness children may feel from having been abused" ([7], p. 93).

The dangers of not engaging children directly are well established. For example, the findings of the Laming report which considered the circumstances of Victoria Climbié's death determined that "the authorities charged with her care almost without exception failed to talk to Victoria directly but addressed their concerns to those responsible ultimately for killing her" ([8], p. 26). Where Victoria

was spoken to it was believed that she had been coached. The study by Sanders and Mace found that parents seemed to be the main source of information about the child's wishes and feelings [7].

Given the range and prevalence of policy and legislation available to support the inclusion of children's views, it would appear on the surface that children's views are of central importance to child protection practice in Scotland. However, the findings of this study show that this is not always the case and indeed there are still lessons to be learned in current practice.

This is echoed across other studies over the last decade [7,9] and, in her review of child protection in England Professor Eileen Munro highlighted "Children and young people are a key source of information about their lives and the impact any problems are having on them in the specific culture and values of their family. It is therefore puzzling that the evidence shows that children are not being adequately included in child protection work" ([10], p. 25).

The debates involving children as active agents or passive recipients are well rehearsed [11,12]. The writer does not intend to repeat these discussions here, rather this paper starts from the position that child protection agencies in the UK have adopted the policy initiatives which afford children the rights outlined in policy and legislation, and examines the reality of this in practice.

While the level and nature of children's participation is still debated and developing, there will continue to be a need for adults and professionals to take a role in presenting the views and wishes of children. This paper in particular examines the use of reports and the presentation of children's views in writing to, and at, child protection case conferences in one locality. It seeks to establish the extent to which there is evidence to support the implementation of these polices and what messages could be drawn from the findings to support the continuing development of practice.

2. Method

In Scotland, where concerns exist about significant harm to a child, social work services convene a Child Protection Case Conference (CPCC) [13]. A core component of the Getting it right for every child approach described above is a single Child's Plan used by all agencies involved with the child [4]. Where this plan includes action to address the risk of significant harm, it is known as a Child Protection Plan. A plan of this nature would be considered by a CPCC whose function is to share information to identify risks and consider any actions necessary to reduce these risks [13]. The guidance specifically states that the views of the child, parents and carers should be considered. A key element of this research study was the examination of practice at these meetings.

As part of this process a number of file reviews were undertaken within the wider study, however for the purpose of this paper the writer will focus on file reviews 1 and 2 which examined the experiences of children subject to child protection case conference proceedings and looking in particular at case conference documentation. All file reviews were granted approval from the University Research and Ethics Committee.

File review 1 examined local authority social work files concerning children who were the subject of child protection case conferences prior to the commencement of the support service within the local area. One year later, file review 2 examined a different sample of files. Again, these children had not accessed the support service, but the researcher was looking to establish any change within the overall

culture and approach of agencies involved in child protection decision making. These files were sampled over a 4 month period (*i.e.*, 12–16 months after the support service had been introduced in the locality).

The file sample for reviews 1 and 2 were for children within the 7–16 years age range. Although not representative of all children subject to case conference in the time period, this criterion was chosen to broadly reflect the remit of the support service (8–16), and to reflect an age range where, on the whole, children and young people could be presumed to have a view. The selection criterion was given to the Lead Officer for Child Care and Protection in the area who was asked to select a sample from the numbers available. Within these parameters, a spread of age and gender were requested, and opportunities to reflect ethnicity were also created where possible. The sample was not, therefore, representative on any specific variable. See Table 1 for age range across file samples.

Table 1. Age range of children and young people considered within the two file reviews.

File Review 1	Age	File Review 2	Age
Child A	13	Child P	12
Child B	9	Child Q	13
Child C	9	Child R	11
Child D	12	Child S	14
Child E	7	Child T	11
Child F	10	Child U	12
Child G	13	Child V	13
Child H	Excluded from data	Child W	13
Child I	13	Child X	11
Child J	14	Child Y	10
Child K	10	Child Z	10

A data extraction tool was developed and used across all file reviews in the study. All available documents for each case conference meeting in the sample were read thoroughly and analysed to establish if, and where, the child's view featured in case conference reports and minutes, who had presented the view, and the quality of the information. See Appendix for outline of headings used within the data extraction tool.

There are acknowledged limitations when undertaking a file review. In some cases it was not possible to identify within the social work files all reports which were made available to the conference. However the researcher reviewed and analysed the full minute of each meeting across both file reviews. Whilst a minute is not always necessarily a full account of proceedings in this case it was agreed that at the time of the research these minutes were designed to be a verbatim account of each meeting.

File review 1 looked at 28 files in respect of 10 children, and file review 2 looked at 15 files in respect of 11 children, both included minutes and reports where available for initial and subsequent review case conferences.

To ensure consistency all file reviews followed the same format and each considered 3 key indicators of children's engagement and participation in the case conference process. These were whether the child or young person was in attendance (or a representative of the child present for the purpose of giving their view), whether the child or young person's report was available to conference

(or child's written production, e.g., picture), and whether the child or young person's direct view was evident within the conference (the definition of a direct view is discussed below).

The data extraction tool also allowed for the recording of unanticipated indicators of involvement should they emerge (for example, discussion within the conference regarding barriers to engaging the child); these will be considered in the findings and discussion section.

The gender balance for file review 1 was 40% male and 60% female, and for file review 2 the figures were 64% male and 36% female.

Definition of a View

Early into the research the writer identified that some of the data suggested that the child's view had been present at the conference, however, this was not congruent with what the writer considered to be a robust approach to securing and presenting the child's view. Therefore, in seeking to establish a definition for the research the idea of a "direct view" was utilised. For the purpose of the file reviews a direct view was one that had been prepared specifically by the child or young person for the meeting in question, with the child aware of the forum to which they are contributing and the purpose of their contribution.

A further definition was required in considering the format a child or young person could use to present their views. There was a clear expectation from the documentation that there was scope for the child to complete a report, however from the wider research project it became clear that there were a range of ways the child could present their views. Therefore, a broader definition of child's "report" was adopted to include a report, letter or picture from the child, which could be tabled at the conference or spoken about by the child or their representative.

3. Findings and Discussion

The research established that despite frameworks for the inclusion of the child's view there were multiple instances where meetings occurred without the views of the child present. Moreover, on closer examination of the practices where it appeared that the child's view was available, it was evident that there were a range of factors at play which combined to "filter" the view of children. Clear messages from practice can be drawn from these findings and recommendations made for child protection practice which have relevance both locally and internationally.

Differences emerged between the two samples that point to the possibility of an increase in the presence of the child's voice at their case conference meeting. Given the nature of the sample, firm conclusions cannot be drawn at this stage. However, it was interesting to note these and consider some of the possible reasons, but these findings indicate that further study is necessary.

3.1. Attendance

The findings of file review 1 show the percentage of conferences where the child was in full attendance was only 11%, with a further 3% attending for part of the time and a notable 86% of children and young people not at their conference.

The figures for file review 2 represented the picture one year later and these figures remained high with 93% non-attendance by children and young people. However, there were some differences in the data which may represent the beginning of a shift in culture. At one conference the minutes note the child had made the decision not to attend, suggesting that this had been discussed. On another occasion the minutes note that the young person had been offered the support service but declined, showing again that the issue of having their view presented had been discussed and brought to the attention of the conference.

3.2. Child's Report

Figures for file reviews 1 and 2 indicated virtually no change over the year in respect of a report or product (such as a letter or a drawing) specifically prepared by the child for their conference. File review 1 had none in this category. There were two references made to reports prepared by children for a different meeting (in this case a Looked After Child's Review), however, it was not clear if the views contained within these still represented an up to date view from the child. In file review 2 there was no specific report available from the child in all but one example. In the remaining instance a report was prepared specifically for that meeting and shared with the conference.

3.3. Child's Views

Between file review 1 and 2 there was an increase in the presence of the child's view at their conference, where the researcher could identify that the child's view had been present and available for consideration by conference participants.

File review 1 revealed that in 82% of cases there was no evidence of a child's view noted in the minute. Whereas in file review 2 there was evidence of the child's direct view informing the conference in 67% of meetings. This left a much reduced figure of 33% where no view was available compared to file review 1. Overall this represented a notable 49% increase in the availability of the child's view to inform the conference and although clearly still room for improvement, this was sufficient to show a positive trend.

The idea that children's views are only partially represented is not new [14]. The findings of the study indicate that this may still hold true today. Thomas [15] discusses what are described as basic flaws in participatory work with children and young people. Citing the work of Cleaver and Mosse he identifies the "adult reasons" and "adult agendas" involved. He goes on to highlight that participatory work with children tends to include "some kinds of children and exclude others." ([15], p. 203). Where the written word or report is used as a medium for conveying children's views and wishes, the agenda of the adult is potentially powerful. It must be considered that this may lead the adult to "filter" what the child expresses.

In examining the written accounts of discussion and adult views given for the consideration at conference, a number of themes emerged. Interestingly despite the researcher's expectation, there was no indication in any of the minutes that age was a reason for views not being available.

On reviewing reports and verbal accounts within the two file reviews and in particular the report sections entitled "views and wishes of the child", it was not always clear whether what was presented was actually the child's view or not and in fact their view could be filtered in the following ways:

interpreted through someone else's viewpoint; what the person thinks the child would say; a view that was previously expressed by the child but may now be out of date, or not completed at all.

While the first three options above can have some validity, the writer would argue that it is not the place of the "views and wishes section" of a worker's report to convey these, furthermore they may not represent an accurate account of what the child may wish to convey to this particular meeting, on this particular day.

A study conducted in Norway by Vis, Holtan and Thomas considered factors which would influence social workers in attempting to give children an effective voice in decision making processes [9]. They examined social workers' inclination to value participation and highlight the possibility that some social workers will see participation as necessary and valuable while another view may be that it is not always in the best interests of the child or necessary. This can be reflected in this study where there were indications that workers may not place a high value on the involvement of the child. For example in one meeting the social work report stated that the child had not been asked for a view but there was no reason noted for this. In another file the social work report stated "it has not been possible to gain an up to date view from the child" although again no reason was given.

One of the key concepts emerging from the analysis, which gave some indication as to what may be determining factors in the presence (or otherwise) of the child's views in the discussion and decision-making, was the idea that it was "difficult". A further theme which emerged and is considered in this paper was the way in which reports were presented and the impact this could have on the presence of the child's voice.

3.4. Difficulty with the Process of Engaging with the Child

Within file review 1, a common theme was that for workers, there was some difficulty involved in the process of engaging with the child. Leeson argues that "we only allow the children we perceive as competent to be rights holders, entitled to have their view" ([16], p. 269). In 3 instances within file review 1 difficulty was associated with 'learning disability' as a factor in the child's circumstances. Sanders and Mace again draw upon the work of Schofield and Thoburn to remind us of the need for the maximisation of understanding through discussion rather than lack understanding used as a justification for exclusion of children and young people from difficult decisions [7]. The file review revealed comments such as "the child is difficult to build a relationship with …[s/he…] has a negative view of self". Communication issues were also cited as contributing to the overall theme, "the child finds it difficult to express emotions". There was, however, evidence within these cases of workers knowing the child and being able to interpret behaviour if the child was stressed or anxious.

It is relevant here to consider the skills involved in undertaking participatory work with children. In 2007, Luckock, Lefevre and Tanner researched teaching and assessment of social work students with regard to their communication skills with children and young people, noting that there is no guarantee that social work students will have been taught about or assessed in communication skills with children and young people [17]. In Scotland similar findings of an audit of qualifying social work programmes led to the development of a set of Key Capabilities in Child Care and Protection, which have effective communication as one of the four overarching areas of the framework [18]. Vis, Holtan and Thomas cite research by Vis who identified a feeling of insecurity in workers about communicating

with children [9]. There is a message here for workers to be honest about why they are not perhaps seeking the views of the child. If they are not secure in their own skills and abilities they have a responsibility to raise this in supervision rather than avoid the task or deny the child their rights.

Within the first file review, the issue of difficulty was evident in the meetings of around half the sample. For example, children were described as guarded, wary of professionals, "child does not trust people", and the child described as "closed and difficult to read". However, alongside these are comments about workers offering the opportunity to build relationships, to create opportunities to express views in a safe environment, identifying need for further work in this area and in some cases relationship building with workers is evident.

Within file review 2 however, the emerging picture within these key areas was different. This file review gave some indications of the emergence of the support service which had been offered and declined by one child. Only in one case was learning disability cited as a reason for the child not engaging.

As the earlier discussion describes, there was a much smaller number of conferences in file review 2 where there was no evidence of the child's view at all. Consequently, while there was still a sense in some cases that it was "difficult" to engage the views of the child, this was much reduced in comparison, being discussed on only three occasions. In these examples, children were described as "sensitive and does not share" or withdrawn and reluctant to speak.

3.5. Reports

In attempting to identify the child's view within file review 1, a further issue was noted relating to the reports which are prepared for, and made available to conference participants. In current practice in Scotland, reports can be used for a dual purpose, for example a report prepared for a children's hearing can also be used to inform a case conference. In undertaking file review 1 it was not always possible to identify from the file which report had actually been tabled at the child protection case conference. In some cases reports were clearly identified as dual purpose and in others this was unclear. It is possible that there is an unintended outcome here. Perhaps in an attempt to ease the workload of busy workers and avoid repetition, there has been a situation created where these needs have overtaken the need to be able to identify a direct view from the child.

In another instance, the report had been written in respect of a sibling and the child whose file was being reviewed was identified as part of the household. As such there was limited information about the child himself.

In Scotland there is a system of Children's Hearings which is responsible for deciding if a child is in need of compulsory measures of supervision. The Scottish Children's Reporter's Administration (SCRA) is the body which investigate referrals and decides whether or not a child or young person needs to be referred to a children's hearing [19]. Within the file reviews a question was raised for the researcher when one report talked about the child's awareness of a referral being made to the Children's Reporter but the child protection case conference was not mentioned. This left it unclear if this report was originally prepared for a children's hearing, and raised a question as to whether the views contained were up to date or still relevant.

There was an expectation, on the part of the researcher, that the child's views and wishes would be readily identifiable within the social worker's report, given that there was a section in the agreed pro

forma identified specifically for this purpose. The file review showed mixed use of this section. In some cases the section was explicit—for example, one child had clearly been asked and stated a view, in this case that he missed his parents and wanted to return home. In another example, the social worker had noted that the child struggled with articulation of views, and the worker made an observation of the child's behaviour and gave an interpretation of this.

Other examples were less clear; in one instance the section contained a statement about a previously expressed view about unhappiness at home. Another contained observations of the child's apparent feelings and views but was very brief and there was no indication of the child being asked directly. In some instances there were no views contained within this section of the report.

This echoes the earlier findings of Sanders and Mace. Having undertaken analysis of child protection case conference minutes and reports in Wales, they sought to identify how the child or young person's views, wishes and feelings were represented in case conferences [7]. They found a "remarkable lack of clarity as to whether the views, wishes and feelings mentioned were actually those of the child or whether they were an adult's assumption or judgement of what they thought the young person's view was" ([7], p. 101).

They noted a more positive outcome in the examination of social workers reports where they could identify "much more in the way of children's wishes and feelings than conference minutes" ([7], p. 102).

In file review 2 the researcher identified one particularly excellent example of a social worker's report which was based on a pro forma which allowed it to be used for a range of meetings. In this instance it was clearly marked with which meetings it was for and the dates of these. The report was very full and helpful and there was a very clear sense of who the child was. The child had read and signed the report at the end which was unusual. There was a clear sense that in this instance, this meeting had the view that the child had wished to convey to *this* particular meeting, on *this* particular day.

File review 2 contained samples of siblings and the files were read from the perspective of each child. There were two examples of children in the age range where their reports were written from the perspective of an unborn sibling. While there were some observations drawn in respect of both children's presentation, there was no evidence of their view being sought.

Again there was an expectation on the part of the writer that the views and wishes section of the social workers' report would contain these. There are a number of observations to make about this section from file review 2. There were some very good examples of this section of the report where the child's views were discussed and examples were given to support their views. Others, although this section was filled out, were very brief, for example, "child is happy with relative and enjoying contact." There was a repeated issue for siblings where reports relating to different members of the family contained the same information, or in another instance the report for one child contained the views of another child. One had completed this section in respect of the unborn child although the report was for the older child in the family.

File review 2 was able to consider the implementation of new GIRFEC [5] based documentation which includes a section with very specific requirements in relation to the involvement of children and families and in particular the child's views of the plan in place. However on 3 occasions this was not filled out at all; on another occasion, the child's view is noted as "not discussed", and one merely states that "child has been spoken to about the plan and is aware of the concerns", these statements are not in accordance with the spirit of these sections of the report. It should be noted that there were some

excellent examples but difficulties also persisted with reports and in the absence of a child at their meeting, or the child's report, worker's reports are key sources of evidence.

4. Conclusions and Messages for Practice

For a variety of reasons there will continue to be a need for the written presentation and recording of children's views by others and in the context of child protection, the use of reports to capture and convey children's wishes for inclusion at decision making forums is on-going. This necessitates that for this to be fit for purpose there is a need to ensure all views are represented and information is conveyed accurately. The findings of this research concur with the findings of previous messages which indicate that despite policy frameworks and research to support practice, this is an area which continues to need to be developed and enhanced. While this study has shown only tentative indication of change, it has more importantly provided messages to support the development of engagement with children in their protection processes.

McLeod asked the question in 2010 "are we listening yet?" [20] and according to these findings there is a sense that we are beginning to. However as long as children's voices continue to be conveyed through a third party the potential for filtering will exist and for the meaning to be altered.

There were a number of themes arising from this study which lead to pertinent questions for those practitioners responsible for representing the views of children. We have seen throughout this paper the evidence to suggest that there is a varied approach to participation. Anyone tasked with securing and presenting the views of children should be able to reflect on their own position in relation to children's rights, and in particular the right to have their views heard in decisions making. This opens up the potential for honesty about the value one places on children's participation and identifying potential barriers to presenting the child's views accurately, or at all. Practitioners will encounter challenges, for example where they are perhaps concerned that the view the child is expressing may not be their own, or they do not believe the child. However this offers opportunities to consider why the child may be communicating in this way, which would not exist if the child is not asked. Additionally the child's view is one part of the picture and will be considered alongside the other views within protection meetings.

Children and young people involved in protection processes will have experienced, or be at risk of, significant harm and as such can present a range of often complex needs. This was evidenced in the views expressed that workers found children difficult to engage and communicate with. Here the responsibility lies with professionals to ensure that they are confident in, and have the appropriate skills to respond to the needs of individual children. An acknowledgement that the identified worker may not be the most appropriate person, or have the necessary skills, opens the way for someone who can communicate with the child to be involved. Alternatively for the worker to identify a training need in order to respond effectively.

The systems surrounding the child are also complex and competing factors such as demanding workloads and timescales will have an impact on the process. Adults tasked with making decisions about the safety and protection of children have a duty to consider a number of views, including those of professionals, the child and their family. Alongside this run a number of parallel systems and in Scotland a child can be the subject of child protection case conferences, Children's Hearings and

additional meetings if for example they are looked after away from home. Attempts to streamline these and reduce unnecessary work are legitimate, but again there is a message about the potential to lose sight of the voice of the child. When preparing reports and presenting a child's views in written form workers should be sure that they are accurate. For example, that the view is current and from this particular child (rather than a sibling). One suggestion from the professional responsible for leading the support service in the wider study was to specify that at all times the written views of children should be articulated in the first person.

Ultimately, if we are committed to the voice of the child then we need to hold to the view that we can accurately represent "this particular child, on this particular day, for this particular meeting."

Acknowledgements

Abbreviations

UN Convention: United Nations Convention on the Rights of the Child;
GIRFEC: Getting it right for every child;
SCRA: Scottish Children's Reporters Administration;
CPCC: Child protection case conference.

Appendix

Summary of headings used in data extraction tool:

- Case Information: case code, initial/review CPCC, CPCC recommendation and outcome, age, gender, ethnicity;
- Information about the view: participant expressing view, e.g., child, social worker, which document contained this view, was expressed view written or verbal, brief detail of what was said;
- Outcome: child's views supported (yes/no/partially), reasons for agreeing and/or disagreeing with child, was the child's view debated, balance of child's needs and wants;
- Additional comments and observations.

Conflicts of Interest

The author declares no conflict of interest.

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