CHILDREN AND YOUNG PEOPLE’S PARTICIPATION IN THE CHILD PROTECTION PROCESS

1. POLICY STATEMENT ON PARTICIPATION

It is the policy of Warwickshire Safeguarding Children Board that children and young people should participate in any child protection process in which they are involved. The Local Authority has a duty to ascertain, as far as is practicable, the wishes and feelings of children and young people, and to give due consideration to them, having regard to the child or young person’s age and understanding and the Local Authority’s responsibility to act in the best interests of the child.

Childrens Services is committed to a policy of protecting children from “significant harm” by a process that causes least distress and damage to the children involved.

2. DEFINITION OF PARTICIPATION

Participation means that the child or young person is aware of, informed about and encouraged to communicate something about each child protection process that pertains to them and that could result in significant life changes being decided on their behalf.

Participation can mean personal contributions at any stage of the process, including Conferences, and could take the form of letters, drawings, telephone contact or having their views being represented by others. This can include the child or young person’s attendance at any meeting concerning them, whether directly contributing or not.

3. REASONS FOR PARTICIPATION

a) To achieve more effective protection for young people.

b) To assist in achieving better and more open working relationships with families and young people.

c) To fulfill the young person’s right to be involved in and comment upon major decision-making in their lives.

d) To participate, even partly, in decision-making meetings may provide young people with a sense of involvement and of taking control in their own lives.
e) To be in keeping with the requirements and philosophy of the Children Act and Article 12 of the UN Convention on the Rights of the Child: 
“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 them. For this purpose, the child shall, in particular, be provided the opportunity to be heard in any judicial or administrative proceedings affecting the child, either directly or through a representative”.

When a young person wishes to attend a Child Protection Conference and this is assessed to be an appropriate form of participation, the following policy and guidelines should be referred to.

4. POLICY STATEMENT ON CHILDREN OR YOUNG PEOPLE WHO WISH TO ATTEND A CONFERENCE

It is the policy of Warwickshire Safeguarding Children Board that, wherever possible, children or young people wishing to attend a Conference should be enabled to do so.

It is recognised that Conferences are a formal setting where there is a wide disparity of power between young people and adults and that young people who wish to attend should be given extra support beyond that of the investigating Social Worker. We believe that this support should be in the form of an independent advocate to prepare and support the young person during the actual Conference process and the facilitation of their contribution to the meeting.

It is recognised that, as for adults attending Conferences, the young person may not be allowed to attend throughout the meeting and that reasons for their exclusion should be explained by the advocate both in preparation for the meeting and during the process of the meeting.

5. GUIDELINES FOR PARTICIPATION IN CHILD PROTECTION CONFERENCES

At the point of convening a Child Protection Conference, discussion will take place between the Independent Reviewing Service Duty Officer and Children’s Team Social Worker in order to clarify:

a) how the young person’s views have been elicited throughout the child protection process thus far;

b) what form their participation will take in the Conference process in light of their age, understanding and expressed wishes;

c) if the young person’s attendance at the Conference is considered to be an appropriate form of participation, a clear plan of attendance will be
agreed between the Social Worker and Duty Officer which considered
the following issues

- confirm that advocacy service will be contacted by the Social
  Worker

- agreement about the form of participation planned with the young
  person, i.e.
  - by providing written information
  - advocate speaks on behalf of young person
  - child speaks directly to Conference
  - child is supported to provide taped comments to Conference

- consideration will need to be given to any ongoing civil or criminal
  proceedings and the implications for rules of evidence, etc;

- for legal and practical reasons, permission for children to attend
  conferences should be sought from their parents;

- consideration will need to be given to parental participation and any
  conflicts of interest which may impact on the young person’s
  participation;

- where there is a conflict of interest, the attendance of adults with
  parental responsibility will take precedence over that of the child. The
  child’s involvement will preferably not be curtailed by parental
  veto, however, and the type of involvement chosen may solve this
  problem in some cases;

- consideration will need to be given as to whether or not a closed
  section will be required and how this will be explained to the young
  person;

- any special needs arising from language, culture, disabilities;

- that the venue is booked allowing sufficient time for pre-conference
  discussions between Chair and young person as well as parents;

- consideration should be given to the impact on the child of the
  formality of the Conference environment and any that appropriate
  adjustments made;

- confirm that Social Worker will provide all appropriate paperwork
  and information required to the young person and advocate.

Any disputes will be resolved at Operations Manager or Service Manager
level.
6. ROLE OF SOCIAL WORKERS
   a) assessing and explaining how they have reached the decision about the form of the child’s participation;
   b) making contact with the Conference advocate in sufficient time prior to Conference;
   c) providing all required paperwork and information in sufficient time to allow adequate preparation;
   d) negotiating with parents about their participation and how this may impact on the young person’s involvement.

7. ROLE OF THE CONFERENCE ADVOCATES
   a) ensuring that all appropriate information has been supplied;
   b) ensuring the young person understands that information;
   c) helping them explore how they wish their views to be expressed and/or represented;
   d) exploring their concerns and anxieties;
   e) offering a view to the Chair prior to Conference about whether the setting is suitable for that young person’s planned form of participation;
   f) debriefing the young person after the meeting;
   g) discussing with the young person their rights to be heard but that their view will be one of many.

8. CONFERENCE ADVOCATE TASKS
   a) The Conference Advocate will spend sufficient time with the young person to become fully acquainted with their views and their preferred method of participation.
   b) Gain sufficient knowledge from the Conference documentation to be able to assist and facilitate the young person to enact effectively their method of participation.
   c) Assist in the preparation of young people as outlined in this policy’s section on preparation (2.4) and in consultation with the Chairperson prior to Conference.
Present a young person’s point of view as expressed and permitted by them in speech, written, drawn or other form, whether the young person chooses to be present or not.

Assist and encourage the young person, if present, to express their views directly to Conference members in their chosen way.

Advise and facilitate the understanding of the young person concerning Conference procedure, verbal or written content, or process as necessary.

9. THE ROLE OF THE CHAIRPERSON

Where a Chairperson becomes aware that a young person wishes to attend a Conference, in consultation with the Social Worker concerned, they will ensure other attendees are advised.

Chairs will consult with the Social Worker and the young person and/or the Conference advocate where young people have asked to attend, about any proposed plan of attendance and to reiterate to the young person that their views will be clearly heard. However, these will be considered alongside other views in reaching any decision.

Chairs will consult with parents, if attending, in order to positively facilitate the proposed plan for the young person’s attendance.

Chairs will deliver an opening statement which will advise Conference of the need for attendees to be mindful of their responsibilities in avoiding questioning the young person in a manner which would subject them to evidential enquiry or to hear, read or give new evidential facts.

Chairpersons are responsible for facilitating introductions for young people, ensuring that language is appropriate and managing the process in a way that is not oppressive to the young person.

The Chair will be available following Conference to further advise the young person and/or their advocate of the outcomes of the Conference if they so wish.