Promoting the human rights of children and young people The 'Investing in Children' experience

As long as children and young people remain politically voiceless and powerless, there will be little change to their status in society. **Liam Cairns** and **Maria Brannen** reflect upon their experiences of attempting to promote an alternative discourse within which children and young people are seen as active citizens, who are knowledgeable about their world and able to play a full part in decision-making processes that affect them. They draw upon case studies from a project called 'Investing in Children' to illustrate promising developments as well as some of the obstacles in their path.

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Background

Children and young people occupy an ambiguous position within society. They are seen as innocent and vulnerable and in need of adult care and attention, and at the same time dangerous and unpredictable and in need of adult control and discipline. They are simultaneously regarded as the focus of adult aspirations for the future, to be nourished and protected, and as a threat to the current order, to be feared and suppressed (Jenks, 1996; Brown, 1998). A review of the literature would suggest that this ambiguity has existed, certainly in western societies, for centuries. A number of commentators have proposed that this is becoming more pronounced. For example, Brown (1998) argues that children are 'constructed through policy not as citizens, but as increasingly repressive modes of governance'(p 116). Part of the argument advanced in this paper is that as long as children and young people remain politically voiceless and powerless, there will be little change to their status in society.

We would further argue that the dominant discourse on childhood is not generally benign and based upon common sense, as it is often presented, but exposes children to the risk of a peculiar vulnerability, with disastrous and in some cases lethal consequences for some children and young people. The history of child welfare services is littered with examples where our refusal to acknowledge the ability of children and young people to speak for themselves has left them at the mercy of unscrupulous or uncaring adults. While the Children Act 1989 may have introduced a legislative requirement that children must be heard in judicial proceedings, it has had little or no effect on the politically voiceless position of children in society, and it is here that the vulnerability lies.

In this paper we reflect upon our experience of attempting to promote an alternative discourse within which children and young people are seen as active citizens, who are knowledgeable about their world and able to play a full part in decision-making processes that affect them. We draw upon some brief case studies from a project called 'Investing in Children' to illustrate some promising developments and also some of the obstacles in our path.

Introduction to Investing in Children

Investing in Children is a multi-agency partnership concerned with the human rights of children and young people. It was created in County Durham in the mid-1990s and established as a project in 1997. Its creators were motivated by a commitment to counteract the damaging and negative stereotypes of children and young people being promoted in the media, particularly after the James Bulger case. Goldson (2001) refers to 'a burgeoning sense of adult anxiety in relation to childhood' at this time, which resulted in children being 'conceptualised as both the *cause* and the *product* of wider social disorder and moral malaise' (pp 37–38).

A group of chief officers of key local government and health agencies were concerned to challenge this development by promoting an alternative view of children and young people as citizens and positive contributors to their community. They agreed that this alternative view would be grounded in the values of the UN Convention on the Rights of the Child. Muscroft (1999) describes the overall vision of the Convention thus:

> *Children are seen as full human beings, right-holders who can play an active part in the enjoyment of their rights. They are not – as they have often been presented in the past – mere dependants, the property of their parents. They are not people who only become full human beings when they become adults. They are in need of protection but also have strengths. Every child is seen as important, no matter what its abilities, origins or gender. Their views and opinions are significant. They are not to be seen merely as victims, workers, young offenders, pupils or consumers, but as complex and fully rounded individuals.* (p 16)

The purpose of Investing in Children was to explore and address some of the issues thrown up by the adoption of these principles and values. It was recognised that the realisation of the vision of the UN Convention on the Rights of the Child, as described by Muscroft above, would require a radical change in the way we think about children, and in the way in which children and young people are treated, particularly by the key institutions concerned with them. The work of Investing in Children has concentrated upon creating opportunities for children and young people to contribute to debate about the way these institutions perform.

The project assumes that children and young people have the wisdom and competence to be able to contribute to public policy debate. Investing in Children seeks to create opportunities for children and young people to assert their right to have a say in decisions that affect them. Furthermore, it is concerned to ensure that their voices are heard, that having a say is not an end in itself, and that making an effective contribution to dialogue needs to be understood as part of a political process leading to change.

The age-span of the children who have worked or currently work with us ranges from three-year-olds to adults in their early twenties. The background and experiences of the children and young people cover a broad spectrum, including those with disabilities, travellers and young people with learning difficulties. We work with children and young people who access universal services, as well as those who use more specialised services, such as the looked after system, child and adolescent mental health services, and alternatives to mainstream education. At any given time, there are between 300 and 500 children and young people working with the project (Williamson, 2003, p 26).

Creating opportunities for children and young people to speak for themselves is fairly straightforward. We have always found it relatively easy to engage with a wide variety. However, ensuring that their contribution is effective is much more difficult. In his evaluation of Investing in Children, Williamson (2003) put it like this:

> . . . *it has been much easier to help young people articulate their experience into a sound understanding of how public services work and could be improved than it has been to effect and sustain changes in those services and in the attitudes that inform them.* (p 7)

Through a process of trial and error over the last eight years, a model of practice has emerged that has a number of important threads running through it. We do not suggest that this is the only way, or the best way to promote the human rights of children and young people. But we believe that it is coherent, and at least asks the right questions, even if it does not always provide the right answers.

The Investing in Children practice model: characteristics and underlying principles

Investing in Children:

- is a *universal* project, concerned with the human rights of all children and young people. We see children as children first. By this we mean that for our purposes they are not defined by particular characteristics (eg looked after, disabled, young offender, etc).

- believes that children and young people are *knowledgeable* about their lives and are therefore well placed to contribute to debates that are about them.

- believes that it is for children and young people themselves to determine both what they want to say and how they want to say it – it is not a question of *training* them to play by the adult rules. The project sees its role as *supporting* children and young people as they develop their capacity to be participants in political processes.

- is based upon the concept of *participative democracy* – everyone has a right to take part – rather than *representative democracy,* where some children and young people are identified (often selected by adults) as representatives of other children and young people.

Integration of the children's rights officer into Investing in Children

Alongside the development of Investing in Children, Durham County Council Social Services Department also employed a children's rights officer (CRO) with a more traditional and specific role in promoting the rights of children and young people looked after or in need. In 2003 the CRO post became part of the Investing in Children project, and we believe that this move broadened the scope of the role and, in so doing, created new opportunities for the CRO to support children and young people in need.

There are limitations in the traditional CRO's role (Cairns, 2001). Given the well-publicised and tragic failures of the care system to secure good outcomes for children in public care, it is entirely understandable that attention should be paid to this area of public service. However, because it was only children in the looked after system, by and large, who received the services of CROs and advocates, in many authorities the concept of children's rights has tended to become associated exclusively with children in care.

There are, as far as we know, no CROs employed by education departments (whether this will change with the creation of new, integrated children's services remains to be seen). The Children's Legal Centre set up an Education Legal Advocacy Unit in 1997, but it operates within the south-east of England (although it will provide advice to people involved in disputes outside this area). Other than this, we are unaware of any other advocacy services for children and young people unhappy with their treatment at school. The right of children to complain about their treatment in care is clear and the subject of detailed policy and procedures in all local authorities (although the effectiveness of such policy and procedures may be arguable). Within the education system, it is unclear whether there is any recognition of the right of children and young people themselves to complain. This right would appear to rest with parents.

The school council is often held up as an alternative mechanism through which the voice of children and young people can be heard in schools. Children and young people in County Durham are largely unconvinced that this is a useful or effective vehicle to influence school policy (although there are some honourable exceptions – Davies *et al*, 2001). A similar scepticism is reported in more extensive research specific to this question (Alderson, 2000; Wyse, 2001).

Another difficulty with the traditional focus of the CRO's attention upon the looked after system is that it has tended to place the emphasis upon the looked after status of the children and young people, rather than their status as children. It is our experience that this is often picked up and echoed by the young people themselves.

The poor outcomes experienced by children and young people in the looked after system are assumed to be a consequence of their looked after status. By and large, the analysis not only ignores their status as *children* but also fails to try and make connections with other children and young people in the population. Poor educational achievements of looked after children are somehow seen as a consequence of them growing up in public care. Attention is focused upon the technicalities of the care system. Little consideration is given to the possibility that the poor educational outcomes of children in care, along with poor educational outcomes for other groups, might be a manifestation of a wider problem – the general failure to acknowledge and respect the rights of all children. If, as has been argued already, the education system is broadly indifferent to the concept of children's rights (Jeffs, 1995; Alderson, 2000; Prout, 2000), it is not surprising that those children who are most resilient and best resourced gain greatest benefit, and those who are most vulnerable struggle to survive.

Integrating the CRO post into the Investing in Children project, with its *universal* framework, has opened up opportunities for a wider debate about the human rights of *all* children.

Investing in Children case studies

1. The Investing in Children transport group

One of the earliest Investing in Children projects was the transport group. Having identified the public transport system as unsatisfactory and unsympathetic to the needs of young people, the group set about campaigning for change. (For a fuller version of this case study, see Cairns *et al*, 2003.)

The group, aged between 14 and 16 years, from different parts of the county and from a variety of different backgrounds, were brought together through Investing in Children because during the process of contributing their ideas to County Durham's Children's Services Plan they had all identified the transport system as particularly problematic.

Initially, the group saw the issue to be quite straightforward. A meeting with the key transport decision-makers would provide them with an opportunity to explain how the system was letting them down, and this would inevitably lead to the necessary improvements. The meeting was duly arranged but far from listening to what the young people had to say, the adults used the time to explain and justify the status quo, and to assert their superior knowledge and expertise. They were experts and they made it clear that they had no need of advice from the young people.

Despite this setback, the young people remained committed. They concluded from the meeting that the adults had used their expert knowledge as a source of power. In response, the young people decided to become knowledgeable themselves. Over the next 12 months, the group researched public transport: they wrote to every local authority in England and Wales, asking for details of their transport policies; they visited three other authorities and travelled to the Netherlands to look at alternative transport arrangements. Finally, they produced a report, *Fares Fair,* in which they argued that the transport system in Durham was environmentally unsustainable because it encouraged over-reliance on private cars and was socially unjust because it discriminated against less-affluent families.

A second meeting was arranged, and this time the transport experts were unable to dismiss the young people quite so easily. As a consequence, a new concessionary fare scheme, the Investing in Children Travel Card, was introduced.

The major difference between the two meetings was the improved capacity of the young people to act effectively in the political debate. This was what made the difference between having a say, which happened at the first meeting, and being listened to and achieving change, the outcome of the second meeting.

This example now informs most of Investing in Children's work. Much of our effort now goes into supporting groups of young people as they seek to engage effectively in political dialogue and influence specific issues that affect them.

2. The Listening to Children reference group

When the CRO post was transferred to Investing in Children*,* one of the early initiatives was an attempt to construct a *strategic* approach to the social services (now social care and health) approach to listening to children. The Department had an impressive array of projects in this area, many of them funded through Quality Protects, but they did not form an overall strategy.

With the wholehearted support of the Department's management team, a strategic framework was created, based upon the principles of Investing in Children and a Listening to Children strategy group was formed. A crucial component of this group was the Listening to Children reference group of young people, supported by the CRO.

Some members of this group are users of the Department's services, ie they are or have been looked after or are or have been recipients of other social services for children and young people. But importantly, and because of her location within Investing in Children, the CRO has also been able to draw in other young people, with different experiences of using universal services for children and young people.

The reference group set its own agenda, and its contribution to the debate has both influenced the way in which the Listening to Children strategy has developed, and has led to some interesting challenges about other service areas. The following three examples illustrate this.

The Max card Using Quality Protects funds, social services had established the Max card, a concession scheme whereby looked after children and young people were able to access sports and leisure facilities at reduced prices. The reference group looked at this programme and found it wanting in a number of ways.

Firstly, it was not well advertised. This resulted in many of the young people who were entitled to use the card being unaware of its existence. But it also meant that not all of the leisure service providers were aware of the scheme, which created potential embarrassment for young people presenting the card. This led to the second area of concern. The reference group knew of some young people who felt that the Max card reinforced the stigma of being looked after by drawing attention to the holder's care status unnecessarily. Finally, the group asked if the scheme was the best use of resources. Looked after children and young people already have an allowance for accessing sport and leisure. The group took the view that many children and young people in need, who did not qualify, were much more likely to benefit.

The Max card is now being reviewed and the group is exploring the possibility of a universal card that will provide all children and young people with cheaper access to sport and leisure facilities.

The Drive project Similar questions were asked about another Quality Protects scheme, the Drive project. This was set up to provide driving lessons for looked after young people. Again, the reference group found that the scheme was not well advertised and that not everyone who might have benefited was aware of it.

The group had other reservations. As part of the scheme, before young people were able to access lessons, they first had to attend a one-day road safety event, provided by the police. For some, this was a major disincentive, and the reference group took the view that this effectively discriminated against looked after young people, as other young people in the community were not required to attend such a session.

The reference group also took a dim view of the contract arrangements, which meant that lessons were provided by a national rather than a local driving school. Furthermore, instructors were encouraged to provide written reports on the progress of their students.

The Drive scheme is still being reviewed, but the requirement to attend the road safety session has been dropped, and young people and their carers now have discretion to make contracts with local driving schools. Written reports are no longer expected.

Review of advocacy services The third example illustrates the ability of the reference group to look outwards. Following its involvement in a review of advocacy arrangements provided under the Children Act 1989, members of the group began to ask questions about the support available to children and young people who wished to complain about services other than health and social care. Along with young people from other Investing in Children groups, they are now engaged in discussions with the county council's legal officer about the possibility of extending advocacy to young people who wished to complain about any council service they have received.

3. The 730+ project

In 2001, a paediatrician working in the south of Durham approached Investing in Children and asked for assistance in developing dialogue with the young people who attended his diabetic clinic. After a series of exploratory meetings between the hospital staff and Investing in Children, a group of the young people on the diabetic clinic's list was identified. The young people were approached by the hospital and asked if they wanted to hear about Investing in Children. Those who agreed were sent a letter from Investing in Children, inviting them to come and talk about a potential project.

A meeting was held at the hospital. Young people and their parents listened as we explained the purpose of the proposed project and what it might entail. We discussed the possibility of a group of young people doing research to find out the best way of providing a particular service. We explained that this might involve finding out what other children and young people think and how things are done elsewhere. The group would then present their findings and negotiate for change to take place.

Investing in Children provided the following resources for the group:

- a named worker (a freelance consultant employed by Investing in Children) who worked for the research team. She was available to talk about ideas, to help organise transport, etc. and generally to support the group;
- a budget, to pay expenses such as travelling;
- a budget to cover an allowance for time given up by the young people;
- access to the offices of Investing in Children.

The project also tried to be respectful of the fact that children and young people have full and busy lives, and acknowledged that participating in the project would compete with other important activities.

A group of five young people agreed to work on the project. They called themselves the 730+ group because 730 is the minimum number of injections a diabetic has to make in a year. During the summer they spent time interviewing other users of the diabetic clinic and gradually they began to develop an agenda of issues for exploration. Some of these centred upon the physical arrangements of the clinic (the hospital was about to move into new premises and it was a good time to be suggesting changes in the physical environment) and others were concerned about the support and information available, particularly to newly-diagnosed patients.

Towards the end of 2001, they felt that they had learned as much as they could within the local system and began to explore the possibility of looking at diabetic clinics in other parts of the country, for comparison purposes. At this point, the paediatrician intervened with the suggestion that Sweden was leading the world in diabetic services and would therefore be the best place to go in search of new ideas.

In May 2002, the group spent three days in Uddevalla in Sweden, talking to young people who attended the diabetic clinic run by Dr Ragnar Hanas, an internationally renowned expert in the field. They also spent time with Ragnar himself and his nursing team. Their report, which they published in September 2002, is an astonishingly comprehensive and well-considered account of their research, in which they compare the pros and cons of the various practices in the two countries (see Davy *et al*, 2002).

Following the publication of the report, the group has been involved in extensive dialogue with the medical team at the hospital, and as a consequence, many of its suggestions have been acted upon. Among the changes that have taken place are:

- *The physical environment* The old diabetic clinic was run down and described as 'dark and dingy'. There were no facilities in the waiting area, which was shared with adults awaiting blood tests. The new clinic is in a large, airy space with facilities and age-appropriate games, etc so that the inevitable waiting time is more tolerable. The space is exclusively for young people.

- *Support systems* One of the features of the Swedish system was the effort put in to creating and maintaining a support network among diabetics. The paediatrician has agreed to ask all the young people who attend the clinic if they would like to be involved in supporting other young people with diabetes. From the positive responses, he will assist the development of a network.

- *Knowledge and communication* The research team was particularly impressed by a reference book written by Ragnar, covering all aspects of diabetes. Copies of this will now be given to all newly diagnosed diabetics. In addition a new magazine, *go 4 it*, written specifically for young diabetics, will shortly be available.

Perhaps the most interesting, and certainly the most challenging result of the group's research has been around the issue of insulin pumps. With very few exceptions, British diabetics manage their condition by injecting themselves with insulin. However, in Sweden almost 20 per cent of diabetics (and 40 per cent of adolescent diabetics in Uddevalla) use an insulin pump. This is permanently attached to the user and produces a constant supply of insulin. The pump is seen to be a particularly effective tool in the management of diabetes for some adolescents, when hormones can cause insulin levels to vary widely.

However, at that time, the insulin pump was not widely available in the UK. This was partly to do with cost – the initial outlay on a pump was estimated at £2,000 – and an infrastructure of training and support needed to be developed before it could be offered as a feasible treatment method here.

At a meeting with local health managers to discuss its findings, the research team made an impassioned plea for the provision of insulin pumps to those young people who would benefit from them. They argued that their research showed that the initial cost would be offset by future savings to the health service. These would accrue as a consequence of the enhanced ability of diabetics to manage their condition, stay healthy and so place less strain upon health services generally. They also expressed disappointment that, until their visit to Sweden, they had been unaware of the technology and therefore effectively excluded from any debate about its use in the UK.

It was a powerful presentation, assisted by three young people from Sweden who had travelled over to support their case and provide testimony to the benefits of insulin pumps.

The most powerful aspect of the research team's report was its indignation that they, and their parents, had been kept in the dark about the potential benefits of insulin pumps. The report's argument was not that young people with diabetes in County Durham should be fitted forthwith with insulin pumps, but that they should know about and have the option of being fitted with insulin pumps. This in itself is a powerful validation of the Investing in Children approach.

As a result, a number of the Primary Care Trusts in Durham have now made arrangements to ensure that pumps and the support system to go with them will be made available to young people who will benefit from them.

This case study demonstrates most clearly the potential benefits to be gained when genuine dialogue is achieved. Over a period of almost two years, with sustained enthusiasm and participation, the Investing in Children research team developed capacity to make a significant contribution to the dialogue about the treatment of diabetes in the UK. The research report and analysis were welcomed by the health community and changes occurred as a result.

True dialogue requires participants to recognise not only the validity of other contributions but also the value of their own input. Perhaps the most significant development over the 24 months was the group's growing confidence and belief in what they were doing. There was a developing *consciousness* both of the injustice of a system that was apparently unwilling to provide them with relevant information or take their views seriously and of their *right* to be heard. Reflecting on this process, two members of another Investing in Children research team, described their 'growing political awareness' and stated confidently:

> *We have been able to show quite clearly that we have a contribution to make to the debate, and that our ideas are worth listening to.* (Benga *et al*, 2001, p 11)

There are two important parts to this process. Furlong and Carmel (1997) suggest that:

> *For political action to occur, people have to develop an awareness that a group to which they belong is being illegitimately disadvantaged*. (p 104)

The developing of consciousness began with the realisation that the position of the adults was not entirely reasonable. Members of the group had previously simply accepted the inevitability of a system in which their views were rarely sought and their opinions ignored. But in discussion they began critically to explore both the reasons why they had been excluded from debate about the treatment of their condition and the general status of the adults as 'knowing best', and found both positions wanting.

There was a growing belief that these positions could be challenged. The 730+ group sustained a high level of activity for over two years in researching and creating their report. Its belief in the possibility of achieving change was fundamental to the group's sustainability. Members of the 730+group have joined other Investing in Children groups campaigning on other issues.

This case also shows that, although Investing in Children is a *universal* project, its practice model is applicable to the exploration of issues for particular special interest groups.

Conclusions

Investing in Children's experience in Durham suggests that all of the young people with whom we have worked have experienced discrimination on the basis of age. From policies banning all young people from public leisure centres from 7pm, to buses refusing to stop to collect young passengers, from the arbitrary authority and discipline of school regimes to the restrictions on the number of young people allowed in some shops, the discrimination is so pervasive as to affect all children and young people. The extent and effect of this varies according to circumstances, and those who are already disadvantaged by other factors, such as poverty or disability, suffer greater oppression than those who are better resourced.

Investing in Children has been relatively successful in engaging a large number of children and young people from a wide range of different backgrounds in a process that has enabled them to make a contribution to political debate. In the case studies, we have looked at research as a valuable tool in developing the capacity of children and young people to make a significant contribution to dialogue and so influence decisions that affect them. However, it has to be said that much of the work of Investing in Children, including the CRO's contribution, can only be judged to be partially successful. This is because, although some change was achieved in the examples cited, the work of many of the other campaigning and research groups has been without political effect. By this we mean that the changes that they sought to achieve, whether in improvements to school dinners or better access to community resources, have failed to materialise. This is not to argue, simplistically, that what young people want they should get, but a reflection on the fact that we do not always succeed in asserting the right of children and young people to engage in a process of political dialogue.

As Williamson (2003) states in his evaluation:

> *Investing in Children is a successful, innovative project that has pioneered a model of active citizenship that engages young people and from which they gain a*

> *great deal. The work of Investing in Children has been a catalyst for change in many areas of service provision for young people. The working methods of the project have been largely consistent with the principles of engagement and social inclusion on which it is built.* (p 5)

However, he goes on to comment:

> *Many of the changes identified in the research projects from young people are of a kind that require a change in attitudes or in mind sets.* (p 29)

It is no great surprise that children and young people are not always successful in changing attitudes and, given the power imbalance inherent in the situation, if adults are not prepared to listen or be persuaded, it becomes very difficult for the young people to achieve their objectives.

Much of the last seven years could be seen as a process in which young people have experimented with different ways of becoming active participants in dialogue. As noted above, the models that have begun to emerge, and that must be seen as at a very early stage of development, are loosely based upon the concept of *participative* rather than *representative* democracy. In the most part, we have been involved in supporting and resourcing children and young people to make contributions in their own right to issues which they see to be important, and in ways with which they are comfortable. We have largely avoided a structural approach, where young people are required to demonstrate their representative credentials and act as spokespersons for a wider group, for instance by joining youth forums or school councils. In general, with a few honourable exceptions, such structural approaches tend to promote participation as an end rather than a means to an end.

However, structural approaches do mirror adult democratic models and when the legitimacy of the contribution of young people becomes contested, especially when their contribution is challenging the status quo, there is a tendency to give preference to those approaches which are by and large more predictable and less challenging. The participative approach promoted by Investing in Children tends to be seen as more anarchic and less biddable. As Williamson (2003) puts it:

> *A consultative, representative model of how to involve young people in decision-making does not lead to situations where mainstream institutions or their managers feel challenged to change what they do or how they work. Investing in Children almost invariably will challenge them for it brings into the open perspectives that might otherwise remain in the shadows, expressed as grumbling and dissatisfaction rather than as something to be openly debated and changed.* (p 16)

This complicates the issue of achieving *effective* participation in political dialogue, but to an extent this seems to us to be more a reflection on the limited scope for active citizenship provided by the representative democratic institutions in broader society. Thus the participative approach can be seen to be challenging not only to the dominant discourse on childhood, but also to traditional approaches to political processes generally. As Prout (2003) suggests:

> *Too often children are expected to fit into adult ways of participating when what is needed is institutional and organisational change that encourages and facilitates children's voices.* (p 32)

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