



The voice of the child internationally

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Social trends and policy over time in the UK



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| Belief Systems   | Family Support/ child protection | Family Support, basic and often uninformed child protection systems. | The assessment culture beginning in earnest, leading to less emphasis on help and direct work but more knowledge about abuse. | Re-balancing social work to provide a combination of assessments, early help and focussed evidence-based interventions. |
| | Adoption Support | Adoption still a 'clean break, 'year zero' child care placement option. Little emphasis on identity. | A policy infrastructure for adoption is assembled – identity, assessment, matching, and post-adoption support. | Post adoption support now a duty on local authorities. Adopted children attract the pupil premium. Adoption understood as a lifelong issue of some description for all involved. |
| | Children giving evidence | Presumption that giving evidence would not be in the child's best interests. | Recognition that any child can give evidence unless it is harmful to do so and that the court will determine this. | Young children can give crucial evidence in criminal and family courts, with special arrangements mandatory to be considered. |
| | | 1970 | 1980/2000 | 2018 |
| | Timeline   | | | |

An international overview



- ▶ The concept of childhood as a distinct legal status is relatively new historically speaking, even in the UK.
- ▶ More countries are legislating to stop child slavery, child labour and child exploitation and to promote children's rights, though slavery and exploitation remain rife in many countries and between many countries.
- ▶ More countries are developing child protection and family placement services e.g., Kazakhstan, Iraq, China, British Overseas Territories.
- ▶ The issues in family courts internationally are converging just as the politics are diverging.
- ▶ In the UK, we assume that the legal and welfare systems of all other countries, with exceptions, are as good as ours.
- ▶ In all countries, law and policy are lagging behind social trends and the way people today live their lives.

Ireland: model of child participation (Lundy, 2007)

- ▶ Developed through working directly with young children in education;
- ▶ Applies in court hearings;
- ▶ Aims to underpin the decision making process for policy makers, but applies to any decision making process that engages Article 12 of the UNCRC rights;
- ▶ Included in Ireland's *National Strategy on Children and Young People's Participation in Decision-Making 2015-2023*.



Space

HOW: Provide a safe and inclusive space for children to express their views

- Have children's views been actively sought?
- Was there a safe space in which children can express themselves freely?
- Have steps been taken to ensure that all children can take part?

Voice

HOW: Provide appropriate information and facilitate the expression of children's views

- Have children been given the information they need to form a view?
- Do children know that they do not have to take part?
- Have children been given a range of options as to how they might choose to express themselves?

Audience

HOW: Ensure that children's views are communicated to someone with the responsibility to listen

- Is there a process for communicating children's views?
- Do children know who their views are being communicated to?
- Does that person/body have the power to make decisions?

Influence

HOW: Ensure that children's views are taken seriously and acted upon, where appropriate

- Were the children's views considered by those with the power to effect change?
- Are there procedures in place that ensure that the children's views have been taken seriously?
- Have the children and young people been provided with feedback explaining the reasons for decisions taken?



Laura's story



- ❖ I came to the UK with my mum and sister in 2015. My dad said we had been kidnapped and started court proceedings, but really we were escaping domestic abuse.
- ❖ I found it distressing not to know what was happening in the court hearings. I would ring my mum in between lessons at school, for an update.
- ❖ At first the court didn't believe that I wanted to be in the UK, with mum. There were lots of appeals and hearings and the future was so uncertain. The summer holidays were the worst – we had plane tickets booked, and cancelled, five times. I thought every day might be my last in the UK. My life was just endless meetings with different professionals.
- ❖ I met with the judge before the final hearing in 2017. The judge listened to me, and the final decision in court was that we could stay in the UK. I think every child should have the chance to tell their wishes and feelings.



Current issues in the UK

- ▶ Diverting applicants in private law cases through strengthening out of court pathways and services;
- ▶ Disrupting the cycle of repeat removals of new babies from birth mothers in public law cases through intensive support programmes;
- ▶ Evening out regional performance variations and levelling up to the best (private and public law);
- ▶ Developing digital alternatives such as online courts;
- ▶ Making the issues facing children public health issues, not just issues of immediate service delivery;
- ▶ Continuing with a long-term policy objective of zero abuse, neglect, harm or violence to children and adults – a 100 year goal on behalf of the children born today, 50% of whom will live to be 100.



'Voice of the child' dilemmas in all jurisdictions

- ▶ Specialist or lay 'judgers'?
- ▶ Lawyers, social workers or psychologists to best represent children?
- ▶ Parental narratives, child impact or both?
- ▶ Courtrooms or round tables?



Echocardiographers and social workers

- ▶ Paediatric echocardiographers make repeated short films of a child's heart from numerous angles before a precise diagnosis of what, if anything, is going wrong is possible – a child's emotional world can be even more complicated.

