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Face to face: children and young people's right to participate in public decision-making

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Introduction

While all human beings have a right to freedom of expression, only children have the right to have their views given due weight. Article 12(1) of the United Nations Convention on the Rights of the Child (UNCRC) states that:

States 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.

The inclusion of this additional obligation in the UNCRC recognises that children often lack power and influence in the decisions that are made for them and that, as rights-holders, they are entitled to be heard and to help shape the decisions that impact on their lives (Freeman 2000; Lundy and Stalford 2013). The Committee on the Rights of the Child ('the Committee'; 2009) explains that Article 12 applies to both the decisions that affect individual children (such as decisions made about their personal healthcare and education) as well as groups of children (such as decisions made about local, national and international laws and policies related to criminal justice or social care systems). This chapter focuses on the latter – children's participation in public decision-making.

As a signatory to the UNCRC, the UK government is obligated to ensure that: children are given safe and inclusive opportunities to form and express their views, supported by information and guidance; children are facilitated to express themselves in a medium of their choice; participation is voluntary; and children's views are taken seriously and influence decisions as appropriate (Lundy 2007). However, in spite of the significant advances in relation to the implementation of Article 12 in the UK, participation is not always routine, nor is it always meaningful (e.g. Hill et al 2004; Tisdall and Davis 2004). Public consultations on local and national policies may provide space for children to engage with public decision-making. However, these processes are frequently not developed in ways that are accessible to children, and there is often little evidence of children's views influencing outcomes (Sinclair 2004; Stafford et al 2003). Beyond consultation, children and young people across the world engage with decision-makers in person by presenting at public conferences, giving evidence at committee hearings, meeting policy-makers and politicians directly and organising events to share their views or present research findings (Lansdown 2011). Methods for direct and indirect engagement between children, young people and public decision-makers are diverse and offer potentially different advantages and disadvantages for all those involved.

Direct contact between rights-holders and duty-bearers is only one of a number of ways in which children and young people's participation in public decision-making may occur.

However, it is a process that has been endorsed explicitly by the Committee (UN 2003, para 12), which has suggested that:

It is important that Governments develop a direct relationship with children, not simply one mediated through non-governmental organizations (NGOs) or human rights institutions. In the early years of the Convention, NGOs had played a notable role in pioneering participatory approaches with children, but it is in the interests of both Governments and children to have appropriate direct contact.

This chapter explores the experience of direct participation of children and young people in public decision-making from the perspective of adult duty-bearers, NGO staff members who facilitate it and young people themselves.¹ The chapter is based on evidence collected in two studies conducted in Northern Ireland, one of which explored barriers to government delivery for children and the other effective advocacy for children's rights. A core aspect of both studies was the experience and impact of children and young people's participation. Drawing on this empirical evidence, the chapter focuses on the value and impact of direct *face to face* meetings between children and adult duty-bearers. It begins by recounting the experiences of the different stakeholders before examining some of the challenges that emerge both for children and young people in being themselves and representing others in such processes (*being the face*) and adult duty-bearers who are navigating what for many is a unique form of public engagement (*keeping up face*). It concludes by reflecting on what is achieved through this particular form of engagement (*facing the issues*) and identifying ways in which the type of direct contact might be implemented in order to enhance its value in terms of rights-based participation.

Methods and methodology

The chapter draws on two studies: the first explored the key barriers to effective government delivery for children and young people more generally, and the second used children's rights-based research methods to explore young people's views of engaging with public decision-making. Children's and young people's participation is increasingly common in the UK (e.g. Tisdall et al 2006), and Northern Ireland's relatively small population and high proportion of policy-makers means most NGOs advocating for children's rights have experience facilitating face to face engagement. These conditions offered a valuable opportunity to explore public decision-making processes from the lens of duty-bearers, rights-holders and the NGOs that supported and facilitated this engagement. The studies engaged a diverse range of stakeholders across government departments and issues facing children and young people in Northern Ireland. The research focused primarily on young people's (aged 14-20) engagement with policy-makers, with some examples from adult respondents of engagement with children (aged 8-12). Our arguments in this chapter are therefore related to the conditions and potential for older children's direct participation in public decision-making. However, we suggest that the broad principles explored here provide insights into the challenges and opportunities for securing meaningful participation more generally.

¹ The term 'young people' is used in this chapter in reference to respondents (aged 14-25) involved in the *Advancing Children's Rights* research. These respondents discussed their experiences of participation in advocacy projects as children and young people (defined by the UNCRC as under 18). Duty-bearers discussed their experiences of children's and young people's participation, so both terms are used in reference to data from the *NICCY* study.

The first study, which was carried out for the Northern Ireland Commissioner for Children and Young People (NICCY) explored key structural barriers to government delivery for children and young people in Northern Ireland. NICCY's primary role, as defined in the *Commissioner for Children and Young People (Northern Ireland) Order 2003*, is to safeguard and promote the rights and best interests of children and young persons. This legislation (2003) also details NICCY's duties which include keeping under review the adequacy and effectiveness of law and practice relating to the rights and welfare of children and young persons, and providing advice to government in relation to the same. In the exercise of her functions, including research and investigations, the Commissioner is required to have regard to any relevant provisions of the CRC. The research (Byrne and Lundy 2011; Byrne and Lundy 2013) was carried out in 2011 and had three key strands. First, the project team developed a set of qualitative indicators specific to the implementation of the CRC in policy to provide an overall frame for the project. The second stage of the project consisted of a review of key government strategies, policies and action plans of relevance to children and young people in Northern Ireland, using the developed indicators as benchmarks. Finally, 16 semi-structured interviews were carried out with representatives from voluntary agencies, statutory agencies, government departments (including policy-makers) and politicians (Members of the Northern Ireland Assembly (MLAs)).

The second study, *Advancing Children's Rights in Ireland, North and South*, was a two-year strategic evaluation of a programme of work funded by the Atlantic Philanthropies in relation to children's rights advocacy. The research was conducted by parallel research teams at Queen's University Belfast and University College Cork in 2013-14. This chapter considers the research conducted with six non-governmental grantee organisations in Northern Ireland in 2013. Semi-structured interviews and focus groups were conducted with directors and staff of the six NGOs and with young people associated with four of these projects, including young people in care, young people in conflict with the law or with experience of the criminal justice system, and young people not in employment, education or training. NGOs involved in this research used a variety of methods to engage decision-makers in their advocacy work. For example, young people were involved in consultation processes, facilitated by NGO staff and external decision makers, and some acted as representatives on statutory advisory boards. Many young people involved with the research had attended conferences and events to present their views and experiences and those of their peers. One group had presented the findings of a youth-led research project to a public audience, politicians and government officials at local parliament. The chapter considers adults' and young people's perspectives on children and young people's participation in rights-based advocacy.

The latter study included young people as respondents, and as such, researchers worked with co-researchers to ensure that young people, who had experience of children's rights advocacy, informed the questions, methods and analysis used. Lundy and McEvoy (2012) argue that the key elements of UNCRC article 12 – enabling children to express their views and giving due weight to those views in all matters affecting them – should be extended beyond individual research participants to the research process generally. The way researchers view children and childhood has direct implications for how they conduct research (Kellett, Robinson and Burr 2004), and one way to use a children's rights-based approach to research is to involve children and young people as co-researchers. Lundy and McEvoy (2012, 129-30) note:

... when children are viewed as rights-holders they are not just recognized as able to

but also as entitled to be engaged in this process, with a concomitant duty on the adults working with them to ensure that their right to express their views and influence their own lives is respected.

The research team in the *Advancing Children's Rights* study established a Young Person's Advisory Group (YPAG; Lundy and McEvoy 2009) with an existing group of young people associated with an NGO that was not involved in the research cohort. YPAG members were invited to participate as co-researchers with particular expertise as young people involved with advocating for children's rights. Reflecting the membership of the group and their availability to attend the sessions, the YPAG consisted of seven young people (aged 18-20); six young women and one young man. All members had been involved in children's rights advocacy for three to four years. The YPAG advised the researchers on the content and order of the focus group structure to be used with young people. Meetings were arranged with the support of the group's participation worker, and they took place at the organisation's offices or other venues that met the young people's availability. When determining the location of the YPAG meetings, the researchers worked with the participation worker to ensure the venue would be comfortable and appropriate to allow the young people to express their views freely.

Face to Face

While the Committee has emphasised that participation must be "direct" (UN 2003), this does not mean that the contact has to be in person or indeed *in situ*. It does mean that the state actors are seeking children's views actively (as opposed to being the passive recipients of NGO lobbying). In the research for NICCY, duty-bearers identified a range of approaches to participation that they had considered to be useful, many of which had occurred remotely. In fact, in most cases, the contact with children and young people had been indirect. In such cases, significant value was placed on the expertise of others (usually NGOs) to conduct consultations on their behalf. A typical comment in this respect is as follows: "*We're not the experts in participation, they are.*" This response may reflect a common attitude among some adults that they do not have the skills to speak to young people and that it is best left to the experts. This view reflects research from many jurisdictions that a significant barrier to effective participation is adults' attitudes to children and young people as too difficult to consult meaningfully (e.g. Lansdown 2011).

The *Advancing Children's Rights* research involved young people whose participation in public-decision making was facilitated by NGOs. A common method of participation was consultation exercises with NGO staff, who then presented children's and young people's views via written consultation responses, meetings with government officials or oral evidence to parliamentary committees. Other methods of indirect engagement included creating and performing drama representations of research findings and preparing videos to communicate young people's views. One group explained that, typically, they discussed their experiences and views of an issue with a dedicated participation worker, whose role was to ensure these views informed the NGO's formal communication with decision-makers. Policy workers often considered *their* direct engagement with individuals or groups of children and young people as a more appropriate, and sometimes more meaningful, strategy for including children's and young people's views in decision-making processes:

... [youth group] would get involved in consultation events. So it's directly enabling those young people to have their voices heard on issues impacting on their lives. Not

only on their lives but also on the lives of other children and young people. (NGO representative)

Policy officers campaigning on behalf of children's rights felt their direct engagement with children and young people was critical to their capacity to advocate properly:

... we need to check things with them to see if we're getting it right and they're in some ways a validation mechanism that are necessary to make sure we have the true picture and we're presenting that true picture. (NGO representative)

I often think that I know what they think, and I know what they would say, but I'm always wrong about that. You do a consultation with [youth group] and it is an incredible eye-opener, and there are times that they say things to me that not only did I not think of but I couldn't have put it as well actually. (NGO representative)

Adults facilitating young people's participation often view "the involvement of children in adult forums as disempowering unless the way of operating is modified significantly" (Bessell 2009, 311). Traditional methods of engagement in public decision-making have been designed for adult participants, and these formats can marginalise children and young people further from decision-making through subtle or overt practices. NGO workers in this study explained that young people's direct attendance at meetings with duty-bearers was not always considered appropriate, strategic or in line with the best interests of the child as required by Article 3 of the UNCRC. Indirect engagement, such as NGOs representing young people's views in written consultation responses or in *their* professional engagement with decision-makers, was considered useful and important in many instances. Indeed, indirect participation may be the most appropriate rights-based method of including the views of children and young people who are not confident or interested in speaking publicly or with adults in positions of power. Without presuming that these challenges cannot be overcome, such groups may include very young children, children with mental health issues, children who speak non-majority languages or those with additional communication needs. When determining the value and appropriateness of children and young people's direct engagement, NGO representatives balanced logistical barriers, such as children and young people being in school or employment when government officials and politicians usually meet, the desire to advocate successfully for change and consideration of whether participation was in the best interests of the child or young person.

Nonetheless, it was apparent in our studies that, when it did occur, direct human engagement, where rights-holders encounter duty-bearers in face to face meetings, was one approach to non-mediated contact that was appreciated highly by young people and adults alike. Particularly for children and young people who were confident and/or well-supported by trusted adults, this created an opportunity to express their views directly to duty-bearers. Decision-makers who met with children directly spoke about the positive value of these types of encounters. For example, one public official said:

I mean it was complicated stuff, pure policy stuff but it wasn't like a game or an exercise that we did in a facilitated way, it was a proper meeting. I think there should be a little bit more of that done. (Government representative)

In particular, it was seen as way of getting to the crux of the issues:

In the past year for example I can think of conversations I've had with children and young people and they weren't like [consultation events]. They were proper business meetings where we sat down and talked very seriously about their situations and in those meetings I got to hear probably some of the most salient pieces of information about policy-making that I needed to... (Government representative)

Public engagement events were also seen by young people as useful opportunities to express their views directly to decision-makers:

I wasn't afraid to tell him what I thought and that was a good thing because when do I ever meet the Education Minister?! (Young person)

Some young people argued that decision-makers “*listened better because it was a young person saying it*” than they would to an adult representative. One young person explained that “*what struck [her] most*” about engaging directly with a decision-maker was that “*it was us being able to ask about decisions that were being made about us*”. The immediacy and opportunity for interaction were identified as positive consequences of direct meetings:

... to have the Education Minister there as well was brilliant and to get his immediate feedback – just the presentation and then he was on the spot... (Young person)

Graham and Fitzgerald (2010, 354) suggest the value of a dialogical approach is in “its productive potential”. Face to face engagement created an opportunity for young people to put pressure on decision-makers for a response. This was considered an unusual advantage compared to what many perceived as long delays and avoidance of their questions or concerns in other forms of engagement.

The adults' and young people's accounts were endorsed by staff in the NGOs that brought children and young people to meet officials or politicians. For instance, in their observations of the impact of direct meetings for the duty-bearers involved, they emphasised that it gave the government officials a different but realistic insight into what the issues were for children:

I think what they would say is it's a bit of a reality check to a large degree... these guys [civil servants] are so detached at times from the reality of a child's life. It gives them a new perspective. (NGO representative)

... it was a bit more reality of what a child's life is like... realising that three young people standing on a street corner does not equate to a riot... So I think it is about a different perspective. (NGO representative)

It wasn't just the different perspective, however. It was that hearing it this way seemed to result in a shift in understanding of the issues.

As soon as they hear it from young people, somehow it's different. (NGO representative)

The penny drops. This works. (NGO representative)

From an advocacy perspective, direct engagement was an opportunity to engage decision-makers' perceptions of the lived experiences of their policies. NGO staff believed that with children and young people in the room, duty-bearers seemed to understand the issues and significance in real terms in a way that did not occur through indirect methods.

Faceless no more?

A potential advantage of face to face meetings is the fact that they are more personal, both duty-bearers and rights-holders are no longer “faceless” entities. The children and young people involved in these meetings will be able to put a human face to the name or official position. As one young person noted, “*there was nothing he [government minister] could do to ignore you*” during a public event, especially “*if you were running that event*”. One of the perceived problems with large consultations, particularly online, is that there may be no sense that there is a real person at the end of the information collection process who will actually be listening. While there are ways of overcoming this remoteness, even online (Lundy and McEvoy 2009), the person to person contact addresses the perceived remoteness of the decision-maker from the rights-holder. As one young person pointed out:

This is a person making decisions about me every day of his life but I've never spoken to him. So I think that was what I liked the best, getting to speak to the people that are making the decisions because it never happens really.

From a psychological perspective there are various positive features about face to face meetings that are lost in forms of indirect contact. These include the fact that: they allow participants to engage in and observe verbal and non-verbal behaviour such as hand gestures and facial expressions that are not captured otherwise (e.g. Goffman 2005). These, along with the opportunity for humour and the chance to find out more about the individuals involved may build a sense of trust, and that connection may translate into a greater personal commitment beyond the meeting itself (e.g. Bos et al 2001).

Relationship-building is recognised as key to the effective participation of children in decision-making (Graham and Fitzgerald 2010). This was recognised by NGO staff members who emphasised the importance of building relationships over time:

Whereas if you can actually create a relationship... You know it's putting the public servants into a space where there's a physical space or metaphorical space where they're challenged to think differently and realise, 'Oh yeah, that's the impact we're having by doing this'.

The impact of human contact may be amplified by the fact that young people are communicating their problems to other humans who have taken on some sort of official responsibility for addressing them. The emotional impact can be increased when the young people have experienced significant life challenges. It is one thing to read that a certain percentage of children in state institutions have been abused and another to hear a child give a direct account of how the system has failed them. This point was made regularly by the NGOs working for children and young people. Their observations included the following:

I know when you sit in a room with a group of people, and they talk about locking up kids. But then when you start talking about the child down the road, and what he or she has experienced in their life, you will hear those adults who two minutes earlier

were saying 'lock them up because they put a bit of graffiti on my gate-post' will say 'God love them. Is it any wonder that they ended up the way they did?' You know, they didn't have this, they never had shoes on their feet- You know all those sorts of things. So that's what we have to do- is to humanize. To help them see the child, not the issues. (NGO representative)

And these people went back into the department, and the human bit of them like 'I am a mother, and I couldn't have this for my son'. (NGO representative)

NGO staff routinely spoke about the “humanizing” effect of direct contact. It is therefore interesting that, when asked why direct contact was valuable, neither adult duty-bearers nor children identified the psychological impact of meeting and conversing *per se*. While the motivations or perceived benefits were different, the value attributed to direct interaction was readily apparent. However, this is not to suggest that it is entirely unproblematic and that direct meetings are effective and/ or appropriate always. Issues arise for both rights-holders and duty-bearers, and these are explored below.

Being the Face

Many young people involved in the study felt their role in public decision-making was to *be the face* of children and young people, either in general or of a particular group such as young people in care or in conflict with the law. By sharing their experiences, or representing those of their peers, young people felt that they were exposing adults in positions of power to the effect of their policy-making. One young woman explained that as a representative on a regional advisory group, she and others informed decision-making by responding from their lived experiences:

Because we have such a wide experience here... we would know what the situation that they have there so we would be able to have a view on it and how to put it forward in the best way, instead of like, going to a 12 year old and going 'Right, come on, tell us what the problems are'.

Young people considered sharing experiences, such as what it was like “*when you were arrested by cops... about how you were in gaol or foster homes... what it was like for you as you were growing up in children's homes*”, as an opportunity to explain to adults the effects of their decisions. Often, young people participated by expressing their own views and experiences of the criminal justice system, education, living in care or as a young person not in employment, education or training. Sometimes groups conducted formal or informal surveys with other young people to represent a wider group within their communities or regionally. One young person explained that it was precisely because their group experienced relative privilege and security that they were motivated to campaign for changes for those with more barriers to expressing their views:

... everybody here has – appears to have a very good education and they're able to talk about issues. But the reason we're here is because there are people that can't, and we're meant to be here to like represent – we're young people but we don't exactly know what situation they're in, but because we're young we should be able to try and empathise with how they'd feel... we're here to sort of work for the people that don't have the facilities to do it for themselves, because if everybody knew how to do it then we wouldn't be here.

Whether young people were contributing perspectives from their own experiences or those of other young people in a similar situation, many explained their role engaging with decision-makers as “*to try and help make changes*” within a system.

Many young people were motivated to participate in public decision-making processes because they had felt disempowered as an individual to change their own personal circumstances. For example, some young people who had left the care system felt that those living in care currently would have less power and opportunity to make a change in their own situations:

... all the wee kiddies that are in the care system now, poor wee souls, need help. So we're helping them...

Most young people believed police officers, judges or social workers were less likely to listen to a single child's or young person's concerns. At an individual level, they described experiences of power imbalances that made it too difficult for a young person to affect change in his/her personal circumstances in the care system, in conflict with the law or as a person not in employment, education or training. One young person described the different power dynamic he felt when speaking to a judge as a representative of his and other young people's experiences in court compared to standing before a court as an individual:

See when I was talking to the judge [representing young people's views about how judges should engage young people in court], you could tell he was taking it into consideration. Obviously he doesn't think about it when he's in court like, but when you were mentioning to him, he was thinking about it, do you know what I mean?

By *being the face* of young people in these situations, those involved in public decision-making often felt they could make a difference for others, but this was not guaranteed. Despite feeling his views were listened to more effectively during a direct meeting, this young person still felt that the judge would be unlikely to take these views into consideration when he returned to court. His statement revealed the longstanding effect of feeling discounted and ignored by adult decision-makers, which many young people were working to overcome through their involvement in public decision-making processes.

Although young people articulated many advantages to representing their views and others' in *face to face* situations with decision-makers, direct engagement exposed participants to a variety of challenges and additional vulnerabilities. Challenges included being unfamiliar with the language and format of meetings, feeling that they did not have the proper clothing and feeling unprepared for difficult questions. For example:

YP 1: Remember that [conference]? That was fucking nerve-racking. We had to stand up in front of, like, 300 people –

YP 2: And we had to stand and answer all these questions.

I felt like people were judging me the way I looked because they were all like very smart... because they were all dressed like really smart. We were told we could just come dressed as like whatever way we wanted to dress and then they were all... I felt

as if somebody was looking at me because I'd worn tracksuit bottoms and really and I was like, 'Oh God'.

Young people's commitment to "making a change" by sharing their views and experiences with decision-makers meant most were willing to face these challenges. However, pressures were confronted often with support from NGOs. Staff members helped to prepare young people for the types of questions that would be asked in public meetings, for example at parliamentary committee hearings, or sent supportive messages when a young person was attending a public event as a young delegate:

... she [participation worker] texted me on both of the days that I was in it to make sure that I had arrived okay and like texted me at the end to see how it went... even though she wasn't there she was just making sure that I was okay in that day. (Young person)

Sometimes support was described as encouragement from a particular youth worker who respected their capacities and interests as young people or offered logistical advice and support to participate. Other times, the ethos of an organisation and multiple opportunities to gain confidence in safe environments helped children and young people to prepare for public engagement. This institutional support made young people feel respected, listened to and encouraged to share their views. This was seen by many as critical to their initial and on-going engagement with decision-makers (*see also* Shier et al 2014).

Being respected and taken seriously

Perspectives on preferred methods for engagement differed among those involved in the research, yet the strong desire to be taken seriously and listened to by adults when they shared their views and experiences was consistent throughout. In direct meetings with decision-makers, young people felt that they were able to tell immediately whether adults were taking them seriously. Physical and social indicators of being listened to, such as when adults kept eye contact, asked relevant follow up questions and subsequently took action (or explained why action was not possible at that time), were identified by young people as vital in the process of engagement:

I don't know, he just seemed like a – he maintained eye contact, know what I mean? And he always, he seemed like he was listening.

Some young people felt it was more difficult to know whether their views were being considered when they participated in larger public events:

Wherever we were speaking [at conferences] they would sit up and they'd listen, but it's whether they were takin' anything in, I don't know.

They show their face but you don't know whether they're actually listening.

Some respondents reflected on experiences presenting at conferences, and they felt their views were only taken seriously when attendees asked questions or approached them afterward. When this occurred, young people felt they had made an impact on the adults' understanding of their situation:

I knew they'd listened to what I was saying because they were asking me questions...

Adults' engagement in *face to face* conversations with young people who had presented provided an opportunity for young people to assess whether their views were being taken seriously. Equally, there was significant resentment and criticism of those who, some young people believed, did not take the time to acknowledge their contribution:

... there's maybe only one or two people from each group that come up and speak to us... just saying, like, 'Well, if we were to do this, how would you feel about that?' and maybe we'd turn around and say, 'Yes, that might work', or, 'No, that won't work for us for such and such a reason'. That's when I really felt as if it was important, but not all the time. Half the time it was just, 'Right, in and out, see you later'. Done. 'Thanks for your time'.

These perceptions revealed the challenges associated with larger public engagement events for adults, specifically the importance of respectful engagement and demonstrating to young people who put themselves forward to participate that their views have been taken seriously.

Without follow-up action on the part of the decision-makers, however, young people described becoming frustrated and cynical about further *face to face* engagement. Although they felt the immediate response of adults was a crucial indicator of whether they were being respected and taken seriously, many felt that the outcome of their participation was as important as the process. For those young people who had been involved in advocacy projects for many years, the most important indicator of meaningful participation was whether the decision-makers had taken action. Many young people had worked to overcome barriers to public engagement, by building confidence and gaining experience expressing their views in front of audiences or in adult-centred situations. As such, they were disappointed when they felt decision-makers had not acted in response:

It got boring, being asked the same questions over and over again.

Monotonous, repeating your answer, and repetitive.

Why should anyone ask you that so often?

Many felt decision-makers' actions following their meetings revealed how seriously young people's views were considered. Since young people's motivation to engage in public decision-making was based on a desire to "make a change" or "make a difference", it is important to ensure that their direct engagement is with an adult who has the authority to make this change possible. Who this person is will depend on the issue under review, but an important lesson from young people's reflections on their engagement is the cynicism that can develop when they are asked to repeat their experiences to multiple adults or do not feel that the person with whom they are sharing their experiences will affect change as a result.

Keeping the Face

The requirement for public consultation in public decision making has brought with it particular responsibilities for duty-bearers as the move from *faceless* policy-making to *face to face* engagement, and ultimately to *keeping face* takes hold. Whilst direct contact between duty-bearers and rights-holders generally has been commended for promoting civic

engagement, enhancing the legitimacy of government decisions and for its potential to contribute to more effective policy outcomes (e.g. Michels and De Graaf 2010), this is not a streamlined or problem free process. The obligation to consult was acknowledged by duty-bearers in the NICCY study as one that is now “*routine and by law*”, yet its practical outworking brings with it a range of challenges for those upon whom the obligation to engage falls. The resultant need for a wide ranging skills-set in order to facilitate face to face engagement can at times be to the detriment of children and young people as policy-makers get to grips with new forms of governance. For example:

In my experience we understand consultation and the need to consult, [but] I think we've missed consultation with children and young people's groups and have factored them in a secondary manner. (Government representative)

It was clear from the studies that whilst this still lagged behind levels of adult engagement, engaging directly with children and young people was something that had been gaining increasing momentum. However, what was deemed to be ‘appropriate’ engagement was something that was clearly evolving as the complexities, challenges and shortcomings of *keeping face* became apparent:

We have done two or three major public consultations on my areas whilst I've been working here. With the first one we did... we produced a full public consultation on that and we had a big document for the public to digest and gave twelve weeks for the public to respond on it. We didn't produce a children and young people's version. We held sessions and actively sought young people's views but we didn't produce a children and young people's version, which was an omission. We did do that in subsequent consultations of a slightly smaller scale but we did learn the lesson to produce children's versions of the documents. We learned from that and got it better the next time. (Government representative)

The benefits of initial *face to face* interaction were widely espoused by all duty-bearers in the NICCY study, yet focus was also beginning to shift to more comprehensive ways of *keeping face* through, for example, producing child friendly materials to accompany and/or supplement direct contact. This was not always perfect, with NGOs noting that “*you can critique those, whether they were as useful as they could have been*”. The need to build the capacity and skills of young people to participate in policy-making processes is acknowledged (see Tisdall 2008; Tisdall, Davis and Gallagher 2008), not least given the knowledge capital that duty-bearers often bring with them to policy processes. Duty-bearers highlighted how, in engaging with children and young people, they had to take account of a range of factors:

I think it's making sure you know how to engage, which is why I would use the professionals. There are of course all the child protection issues and so on to make sure as one has to be careful in the participation of young people that you're not abusing it by putting too much of a burden on the same young people all the time. Making sure you have got the hard to reach young people... it's very important to remember to go back to the children and young people and tell them if things are being changed and if not, why not.

Duty-bearers suggested that this was not necessarily something they had the required skills to do, or could do on their own, and discussed how they had to draw on a range of support

mechanisms in their attempt to take children and young people's experiences into account in policy processes. Policy-makers highlighted, for example, the services of the Participation Network, a government-funded, NGO-managed project that supports government departments, local government and public bodies to engage with children and young people. The role of NICCY was also highlighted as an important source of support. Thus the extent to which duty-bearers possess, or perceive themselves as possessing, the relevant skills, can be a key challenge in the process of *keeping face*.

It is not uncommon for broad rules of participation to be laid down in guidance relating to the requirement for public engagement; for example, the length of time a policy consultation period should last, whom duty-bearers should consult with, and so on (e.g. Cabinet Office, 2008; Cabinet Office, 2013). Similarly, the Equality Commission for Northern Ireland (2008) produced guidance for public authorities on consulting and involving children and young people, called 'Let's talk, let's listen', which set out examples of best practice and practical solutions to engaging with children and young people. Other rules may be 'assumed'; that is, they are not explicitly set out but nevertheless become taken for granted or widely accepted as 'the way to do things'. Such rules can make the act of *keeping face* problematic in the context of children and young people, particularly when they are not recognised as such. For example one NGO noted:

[Government department] were doing a consultation... and they wanted young people to engage with them and they'd set up a meeting for... I think it was for four o'clock on a particular day in the spring... And I wrote back to them in an email and said, 'Look, that's not really practical for us because a lot of them are only getting out of schools at that stage and we have to get them together and get them out to you. Would you mind having them in a bit later?'... And I think that attitude is very widespread you know, and adults don't want to be inconvenienced by having to meet young people in the evening or...' (NGO representative)

Other concerns were raised with respect to the length of consultation periods and the implications this had for face to face engagement. At times, children and young people's views were not sought until close to a deadline for consultation, which raised issues on the extent to which direct engagement in this context could be understood as meaningful. On other occasions, not enough time had been factored in to allow for capacity building with children and young people prior to direct engagement taking place.

The extent to which the views of children and young people were given due weight in subsequent policies, as a direct result of any engagement, was unclear. Duty-bearers recognised that this was a difficult process and that face to face engagement did not always result in any change or follow up. While there was a general perception that children's views were helpful, duty-bearers had difficulty eliciting examples of concrete impact:

In my area policy development has only gone so far, so to credit the views of children and young people delivering any impact might be difficult, but no particular perspective has won out... I have difficulty there but it's not to say that the views of children and young people haven't informed policy development, far from it, it's been hugely helpful. (Government representative)

There were a number of reasons provided by duty-bearers for the apparent lack of substantive impact, most of which were beyond the control of the duty-bearer who had engaged directly

with children and young people. The ability to translate views into policy actions could be compounded by the complexity of the political system and ongoing policy debates. For example:

[NICCY] produced the report on Transfer 2010² that reported children's perspectives on it in a very useful manner and they concluded that it really represented a need for the politicians to sort it out. Now that hasn't yet happened. I don't think that represents a denial of the usefulness of the NICCY report any more than it represents anyone else's desire for the situation to be sorted out.... In that particular instance it did enable the minister to address for instance that she did try and broker some sort of compromises. So the report was very consciously listened to by our department. (Government representative)

The stumbling block here was the different viewpoints on academic selection between the main political parties in Northern Ireland. As such, politics and other external factors can be the primary determinants of policy and need to be considered when assessing the ability of a duty bearer to *keep face*.

Other relevant structural factors which impinged upon the outcomes of direct contact included the number of government departments involved in a particular policy or strategy. In cases where responsibility for policy implementation fell across a number of departments, it was particularly difficult to ascertain whether or not, and, if so, to what extent, children and young people's views informed subsequent practices:

Well because so many departments feed into the action plan, a summary was drawn up and passed out to all the different departments, so I can't really say how other departments have taken [children and young people's views] on board.

Duty-bearers acknowledged that on some occasions “*the Government will say ‘sorry, you know this is the policy of the Government’, and will decide to set aside arguments put forward in consultation*”. Thus, whilst *face to face* engagement has become increasingly common, the longer term process of *keeping face* can be complicated by a range of pertinent issues, some of which are intrinsic to the process of direct interaction, whilst others reflect the external structural and cultural complexities of the society in which children and young people live.

Facing the Issues

The Committee on the Rights of the Child (2009, para 134) articulates nine “basic requirements for the implementation of the right of the child to be heard” in its general comment on Article 12. Participative processes must be: transparent and informative; voluntary; respectful; relevant; child-friendly; inclusive; supported by training; safe and sensitive to risk; and accountable. Face to face engagement does not occur in isolation from other participative processes, and many of the Committee's requirements inform broader conditions that contribute to rights-based participation. Experiences and perspectives of direct participation discussed in this chapter provide a lens through which these requirements can be examined. Based on these findings, the following is a summary of the specific challenges and

² This was a consultation on Northern Ireland's controversial academic selection policy for children who are transferring to secondary education at age 11-12 (also known as the ‘eleven plus’ because of the age at which it takes place).

opportunities for duty-bearers when seeking to meet these requirements through *face to face* engagement:

Transparent and informative: Face to face engagement must include the ‘right’ people (both children, young people and decision-makers) in the room, and policy-makers should ensure that the person who engages directly with children and young people has the scope either to make decisions based on the views and perspectives they hear from this engagement or that they are capable of explaining clearly to the children and young people how their involvement is likely to affect change. Children and young people were frustrated and disappointed by sharing their views and experiences with adults who were unable to take action and, conversely, enthusiastic about meeting those who were responsible for making decisions that affect them. The Committee recommends that children should be told at the outset of a process of engagement what influence they can make and subsequently what influence they have in fact had (CRC, 2009). Adults, including as NGO staff members, facilitating young people’s direct engagement with decision-makers should be clear also about the expected outcome of the children and young people’s involvement to inform them of the scope of their potential influence.

Voluntary: Face to face engagement must take into consideration the many and multiple forms of potential coercion children and young people might feel when asked to express their views with public decision-makers. Due to the strategic advantages of direct engagement for adults seeking policy change, the need to ensure involvement is voluntary and informed is particularly important. Practically, children and young people should be assured that they would be able to opt out of the engagement at any stage of their involvement with no adverse consequences to them or their families. For example, young people in this study managed their direct engagement by remaining silent or leaving the room when they were uncomfortable, and these forms of resistance to the pressures they perceived in that situation must be supported. The challenges associated with ensuring participation is voluntary will vary according to the individual circumstances of the child, including his or her evolving capacities, and he or she has the right to adult guidance in making an informed decision about whether to be involved (CRC art 5).

Respectful: Face to face engagement must acknowledge the full potential and entitlement of children and young people to contribute to decision-making processes as individuals and/or representatives of a wider group. Children and young people discussed feeling acutely aware of adults’ perception of them in direct engagement, which either enhanced or diminished their interest in further participation. Conditions should be put in place to ensure that all individuals feel their views and contributions have been acknowledged, valued and taken seriously by others in the room. Decision-makers engaged in such processes should be aware of the significance young people place on acknowledgement of their contributions and follow up actions. During *face to face* engagement, it is possible to demonstrate this respect through simple conversational indicators such as eye contact, relevant questions or follow up comments. Provided that these conditions are met, face to face engagement creates opportunities to “humanize” the relationship between rights-holders and duty-bearers.

Relevant: Face to face engagement must acknowledge the time children and young people commit to engaging with decision-makers by seeking children and young people’s views on issues that are relevant to their lives. Space and time should be created for children and young people’s views to be expressed fully, and decision-makers involved should be willing to listen to the issues that children and young people raise as important from their perspectives.

This does not preclude seeking views on issues children and young people may not identify as relevant themselves, but conditions should be set in place to inform and offer meaningful opportunities to children and young people to engage with issues they feel are important. Provided that these conditions are met, face to face engagement creates opportunities for children and young people to discuss issues that matter to them and highlight additional concerns or interests that decision-makers may not have identified as important.

Child-friendly: Face to face engagement must employ appropriate methods in settings and circumstances that ensure the child is able, and supported, to freely express his or her views. Practical steps duty-bearers can take can include presenting themselves in a less formal manner, such as wearing casual clothing rather than suits and ties, sitting with children and young people rather than standing in front of a group, and using language that is familiar to the children and young people involved. Further, decision-makers should be prepared to engage with children and young people at a time that fits appropriately into their lives and circumstances, such as after school or weekends, and for a duration that is appropriate for the individuals involved. The conditions needed to meet this requirement will vary depending on the children or young people involved and should therefore reflect the ages, ability, circumstances and interests of those involved.

Inclusive: Face to face engagement must be in accordance with the Convention's principle of non-discrimination (Art 2), which requires that duty-bearers monitor participation in a disaggregated manner and develop appropriate methods of outreach and communication with children, young people and their parents. When read alongside the Committee's other requirements, this requirement may present prohibitive challenges to duty-bearers as they begin to develop systems for face to face engagement. Decision-makers should therefore ensure inclusive participation through other available methods, such as surveys or indirect consultation, until they are able to engage meaningfully with all children and young people.

Supported by training: Face to face engagement must recognise the individual support and training needs of each child and young person who engages directly with public decision-makers. Given the traditional marginalisation of children and young people in adult decision-making processes, duty-bearers should ensure all children and young people have access to appropriate support before, during and after their engagement. In these studies, NGO groups developed longer-term relationships with children and young people, which helped build their confidence and supported the potential for direct engagement. Each child and young person will have varying levels of confidence and capacity to engage directly with decision-makers, but if conditions are in place to meet the other basic requirements for participation, this requirement should not be too burdensome to satisfy.

Safe and sensitive to risk: Face to face engagement must not place the child in risk of any form of harm, including exposure to violence, exploitation. Given the direct engagement between adults in positions of power and the participating child or young person, specific consideration of child protection measures will need to be in place to ensure this requirement is met. These conditions will vary according to individual circumstances.

Accountable: Face to face engagement must ensure duty-bearers are in a position to follow up on issues raised by children and young people in these situations, which may enhance accountability of participative processes. It is important to recognise that policy-makers experience constraints, including wider political agendas and procedural barriers, in their capacity to make decisions, and these constraints should be properly acknowledged and

communicated throughout the process of engagement. However, the potential for accountability to children and young people may be strengthened when personal connections and relationships are established, provided decision-makers agree to take action in response.

Conclusion

Children's and young people's participation is critical to the realisation of their rights. A plethora of methods are employed by policy-makers, NGOs facilitating such engagement and children and young people themselves to ensure their views are included in public decision-making. The studies discussed here suggest that *face to face* engagement between rights-holders and duty-bearers holds a distinctive place among participative methods. From an advocacy perspective, young people and NGOs argued that decision-makers were more likely to listen to, and to act on the basis of, children's and young people's views when communicated directly. For policy-makers, hearing views directly from children and young people brought a human element to the decisions they were taking. Young people felt they were able to assess better whether they were being respected and their views were being taken seriously when they engaged in face to face interactions. Drawing on studies conducted with a range of stakeholders in Northern Ireland, this chapter argues that *face to face* engagement can be a particularly useful form of ensuring children and young people have the opportunity to express their views and that those views are given due weight.

Distinctive features of *face to face* engagement include the opportunity for dialogue and conversation between rights-holders and duty-bearers. For adult duty-bearers the main advantages appeared to be the opportunity to get to focus on the issues by conversing with those affected. Those who interacted directly with children and young people felt they understood the lived experience of their decisions more fully. For young people it was the sense that they were being taken seriously and that change might be more likely to occur. Young people described considerable institutional support provided by NGOs with whom they worked in order to build the confidence to engage directly with decision-makers. With proper support to participate, however, young people appreciated the rare opportunity to share their experiences with and to ask direct questions of adults who made decisions that affected them. For the former, the key advantage was getting to the heart of the issue while, for the latter, it was getting to the source of the solution. We argue these distinctive features present particular challenges and opportunities within the context of four key requirements for implementation of the right to be heard: that participation must be transparent and informative, respectful, relevant and accountable.

We suggest that the Committee's basic requirements for participation, discussed above, are not all equally relevant to every participative process, nor are they equally relevant across groups of children and young people, time or issues to be considered. We argue that these requirements matter differently in different situations and that some matter more during *face to face* participation – when rights-holders and duty-bearers are in a room together. This involves the “humanizing” element of face to face engagement described by adults, children and young people. As Graham and Fitzgerald (2010, 354) note, dialogue has “*productive potential*” to build understanding between participants in conversations about what matters to those involved. They argue that participation includes both “*the child's capacity to participate and the adult's capacity to acknowledge, reassess and reposition existing understandings such that the conversation opens up a new space for transformation and change*” (ibid, 355). Unlike written consultation responses, where topics and questions are often driven by policy-makers' concerns, *face to face* engagement may provide more

flexibility for children and young people to focus on what matters to them. Such engagements offer an opportunity for children and young people to learn more about processes, and constraints, of decision-making. Conversely, when adults do not listen, are dismissive of children and young people's views, use inaccessible language or do not engage responsively with relevant questions or follow-up actions, these experiences are likely to frustrate or dishearten participants. NGOs in both studies emphasised the significance of building relationships with duty-bearers and noted that when policy-makers met individuals and groups of children and young people about whom they were responsible for making decisions, they were more likely to follow up with meaningful actions in response to the views expressed during these direct interactions.

This is not to say that direct participation is straightforward or without challenges. Respondents in these studies focused primarily on the value of "*proper business meetings*", where young people had the opportunity to share their experiences with policy-makers. Although this format was appropriate for many of the young people we interviewed, such situations are not always appropriate or possible – for example, additional considerations and support would be needed to engage very young children or children with additional needs in such meetings. Moreover, when children and young people felt they had not been treated respectfully, or that their views had not been taken seriously, this reinforced feelings of powerlessness and marginalisation. In one example, young people who did not speak the language a minister was using felt excluded from the discussion and frustrated by what they felt was a dismissal of their perspectives. It will not be appropriate for children and young people to be asked to participate directly when decision-makers are not in a position to ensure that their engagement will be transparent, respectful, relevant and accountable. Indirect methods of including children and young people's views in public decision-making may be most appropriate in these circumstances, especially to comply with governments' obligations to respect the principle of non-discrimination and ensure that the best interests of the child are a primary consideration. However, the obligation is on duty-bearers to ensure that *all* children and young people are encouraged to express their views freely and that those views are given due weight. Given the advantages of *face to face* engagement, duty-bearers should work to expand and improve opportunities for direct participation.

Simultaneously, these studies demonstrated that meaningful, effective *face to face* engagement does not demand extensive capacity-building of either rights-holders or duty-bearers. Those involved in this research represented diverse groups, including classically 'hard to reach' or marginalised young people. Young people acknowledged, along with NGO staff, the often-extensive processes of building confidence to speak publicly. They also expressed a deeply-felt sense of the support they gained from working with NGOs who treated them with respect. However, when they articulated priorities for meaningful participation in public decision-making, these were that processes should be respectful and that their views should be taken seriously by decision-makers. The simplicity of these basic elements of meaningful participation suggest policy-makers' concerns about "letting the experts do it" are misplaced. Young people, even those with complex needs and from marginalised backgrounds, refuted the idea that exceptional methods were necessary for direct engagement. Decision-makers suggested that they gained the most from hearing directly from children and young people who were willing to share their experiences – often of quite difficult circumstances – or help them understand how others felt. Although decision-makers may require training, education or support about how to ensure the conditions of engagement satisfy the Committee's basic requirements, especially until these conditions become routine, we suggest that at times, they could draw on an existing set of respectful

interpersonal skills. Both young people's priorities and policy-makers' perceptions of when participation was most effective demonstrated the centrality of human dignity to participative processes. Face to face participation requires, as a baseline, a commitment to respect the inherent dignity of all those involved. This demands reasonable support and conditions in place for children and young people to express their views fully, safely and freely (Lundy 2007) and for adults' engagement to be transparent, respectful, relevant and accountable. We argue that, in most instances, there is no need to over-complicate such engagement. Indeed, to do so may mitigate the very advantages brought about by the "humanizing" effect of having children, young people and decision-makers in the same room discussing issues of mutual concern or interest, albeit from different perspectives. Face to face contact can be a uniquely powerful means for decision-makers to confront (in the truest sense of the word) the issues faced by children and young people.

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