

## PARTICIPATION POLICY AND PRACTICE ADVICE

<p>Title: <b>Participation Policy and Practice Advice</b></p> <p><b>Version 2.0 –25 March 2019</b></p>	<p>Approved by: <b>Leanne McLean</b> Commissioner for Children and Young People</p> <p>Date: <b>25 March 2019</b></p>
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### Why do we need this Policy?

The Participation Policy and Practice Advice provides overarching policy and practice guidance on how the Commissioner for Children and Young People (the Commissioner) and all staff within the Commissioner’s Office (CCYP staff) engage with children and young people to promote their participation generally in the work of the Commissioner, and in their community and culture more broadly.<sup>1</sup> It should be read in conjunction with other policies set out at page 6/7.

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<sup>1</sup> The development of this policy has been informed by work done in other jurisdictions. We acknowledge in particular work by the WA Commissioner for Children and Young People, the NSW Advocate for Children and Young People, and the Scotland Commissioner for Children and Young People.



## Policy Statement

The Commissioner and CCYP staff regularly engage with children and young people through activities and events designed to promote their effective and meaningful participation in decision making and to empower them to express opinions and views on matters that may affect their lives.

The Commissioner has a responsibility to advocate for all children and young people in Tasmania and is required to have special regard for the interests and needs of children and young people who are vulnerable or disadvantaged for any reason. The Commissioner seeks guidance and advice from children and young people, parents and carers, community and cultural leaders and those who work with children and young people from a diverse range of backgrounds, to ensure children and young people can fully participate in engagement activities.

## Who does this Policy apply to?

The Commissioner and CCYP staff are responsible for implementing the Participation Policy and Practice Advice (this policy) dependent on their level of involvement with children and young people.

All partner organisations, agencies, consultants or individuals (whether paid or unpaid) who seek out or facilitate the participation of children and young people on behalf of the Commissioner are required to adhere to this policy.

## What responsibilities does the Commissioner have with respect to the participation of children and young people?

Section 8(1) of the *Commissioner for Children and Young People Act 2016* outlines the Commissioner's general functions which include:

*8(1)(e) promoting and empowering the participation of children and young people in the making of decisions, or the expressing of opinions on matters, that may affect their lives; and*

*8(1)(g) encouraging and promoting the establishment by organisations of appropriate and accessible mechanisms for the participation of children and young people in matters that may affect them.*

In performing the Commissioner's functions, the Commissioner must have regard to the *United Nations Convention on the Rights of the Child* (the Convention). One of the four guiding principles of the Convention is that children have the right to express their views and to be heard in all matters affecting them and for adults to give their views due weight in accordance with the child's age and maturity.<sup>2</sup> This principle is described in Article 12 of the Convention. Article 13 also relates to participation.

**Article 12:** *Every child has the right to have a say in all matters affecting them, and to have their views taken seriously.*

**Article 13:** *Every child must be free to say what they think and to seek and receive all kinds of information, as long as it is within the law.<sup>3</sup>*

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<sup>2</sup> UNICEF, *FACT SHEET: The right to participation*, Available: <http://www.unicef.org/crc/files/Right-to-Participation.pdf>

<sup>3</sup> UNICEF UK, *Our Rights*



The UN Committee on the Rights of the Child's (2009) General Comment on the child's right to be heard considers the meaning of participation:<sup>4</sup>

*A widespread practice has emerged in recent years, which has been broadly conceptualised as 'participation', although this term itself does not appear in the text of Article 12. This term has evolved and is now widely used to describe ongoing processes, which include information-sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are taken into account and shape the outcome of such processes.*

## Why seek the participation of children and young people?

Children and young people's participation is important as it assists the Commissioner to effectively advocate for all Tasmanian children and young people, and promote their wellbeing. By hearing and being responsive to children and young people's views, the Commissioner will:

- Gain a better understanding of the issues that concern children and young people and what is important to them. This knowledge will assist the Commissioner to be a genuine voice for children and young people.
- Understand the diversity of views, needs and circumstances of children and young people in Tasmania.
- Ensure that advocacy for better policies, laws, programs and services will more effectively reflect the needs of children and young people.
- Gather knowledge, skills and understanding to share with government and non-government organisations.
- Ensure that methods for engaging with children and young people are informed by and are adaptive to children and young people's needs.

## Guiding Principles

There are a number of guiding principles which underpin all of the work the Commissioner does in relation to the participation of children and young people. These guiding principles are:

- **Respect** – All children and young people are treated with respect and dignity.
- **Non-Discrimination** – All children and young people have an equal chance to participate regardless of their age, race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, socio-economic, disability, birth or other status.
- **Privacy and confidentiality** – Children and young people have a right to express their views freely and be satisfied that their rights to privacy and confidentiality are respected (within the limits to confidentiality outlined in the Consent Policy).

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<sup>4</sup> UN Committee on the Rights of the Child (2009) General Comment Number 12: The child's right to be heard



- **Best interests of the child** – The best interests of the child or young person are considered in all of the work of the Commissioner, including when children and young people participate directly in the work of the Commissioner.
- **Informed consent** – Informed consent to participate is sought in accordance with the Consent Policy.
- **Encouragement** – Children and young people are encouraged to participate and the Commissioner places importance on hearing the views of children and young people about issues that affect them.
- **Purpose** – Children and young people’s participation is at all times purposeful. Children and young people know the purpose, objectives and parameters around which the Commissioner is seeking their involvement, and relevant information is available to them in accessible formats.
- **Safe and supporting environment** – Children and young people experience a safe and supportive environment and are responded to appropriately if they show signs of distress or disclose harm or abuse.
- **Taking their views seriously** – The views of children and young people are respected and taken into account. The Commissioner will act on their suggestions, follow up on commitments, and provide feedback on how their contributions have been used and/or have influenced decision making.
- **Continual improvement** – Children and young people are asked to provide feedback to the Commissioner to ensure continual improvement of participation processes.

## Practice Advice

### How does the Commissioner work with children and young people?

The Commissioner and CCYP staff will employ a range of practice principles and strategies to facilitate children and young people’s participation. These practice principles and strategies include:

- **Child-friendly arrangements** – The Commissioner and CCYP staff seek to meet with children and young people wherever they are and/or arrange child and young person friendly meeting times, venues and formats.
- **Child-friendly information** – The Commissioner and CCYP staff use child and young person friendly language and provide information in a variety of formats (e.g. verbal, visual and audio).
- **Child-friendly engagement** – The Commissioner and CCYP staff use creative and flexible participation techniques, choosing methods that take into account the age, developmental stage, maturity, learning styles and other needs of children and young people. Wherever possible, children and young people are involved in planning and conducting activities, with relevant training and support being provided if required.



- **Equity of engagement** – The Commissioner and CCYP staff seek to remove barriers to participation and ensure that engagement activities are flexible enough to respond to the unique needs, circumstances and abilities of children and young people.
- **Proactive preparation** – The Commissioner and CCYP staff provide child and young people friendly background information such as information sheets, agendas and minutes of previous meetings to support children and young people prepare for meetings and activities.
- **Opportunity for children and young people to facilitate their own engagement** – The Commissioner and CCYP staff encourage children or young people to be chairs or co-chairs/facilitators or co-facilitators of meetings or activities when appropriate.
- **Facilitation of positive experiences** – The Commissioner and CCYP staff seek to ensure children and young people find the experience rewarding and are acknowledged for their participation.
- **Confirmation** – The Commissioner and CCYP staff greet children and young people by name, pay attention to them when they are speaking, and acknowledge and respect their contribution. The Commissioner and CCYP staff make every effort to involve children and young people in discussion and decision-making by providing alternatives to speaking in front of a group.
- **Child-centred space** – Participation is encouraged through the creation of an environment centred on children, and their needs and wellbeing. To allow free discussion and avoid potential or perceived influence, adult observers are discouraged. Where adults do attend engagement activities or meetings with children and young people, the Commissioner and CCYP staff will ensure that they have a specific role.
- **Child-affirming complaints processes** – The Commissioner and CCYP staff ensure that children and young people understand how they can give feedback or make a complaint; feedback from children and young people after participation activities is taken seriously and responded to promptly.

## How does the Commissioner ensure that the views of all children and young people are heard?

The Commissioner has regard for the interests and needs of all Tasmanian children and young people, and has special regard for those who may be vulnerable or disadvantaged for any reason.

To fulfil this commitment, the Commissioner may seek guidance and advice from advocacy groups, community and cultural leaders, parents, carers and people experienced in working with children and young people from a diverse range of backgrounds.

We aim to develop sustainable, culturally sensitive and respectful relationships with:

- Aboriginal and Torres Strait Islander Communities in Tasmania;
- Culturally and linguistically diverse (CALD), new immigrant, refugee and other communities of relevance;



- LGBTI (lesbian, gay, bisexual, trans or intersex) communities;<sup>5</sup>
- People with disability; and
- Organisations that provide services for, or engage with, children and young people, or are comprised of children and young people themselves.

In this way, we ensure that we engage and involve children and young people in ways that:

- are culturally appropriate, respectful of cultural rights, values, expectations, practices and protocols;
- consider the diversity and uniqueness of a community or group – avoiding a “one size fits all” approach;
- protect and promote children and young people’s best interests;
- empower, support and encourage children and young people to participate meaningfully; and
- seek their advice and feedback on how they would like to participate.

## Practice Resources

Hart’s Ladder and Shier’s Pathways to Participation are two models that can be useful to examine the level of participation of children and young people. Both models can assist in defining what the aims for participation of children and young people are for a particular activity, and evaluating whether this level of participation was met. The Commissioner will not necessarily use all of the participation techniques described by these models. The most appropriate technique and methods for the purpose will be chosen in every instance, taking account for available resourcing.

### [Hart’s Ladder](#)

Hart’s Ladder provides an easy way to evaluate the quality of children and young people’s participation in any activity and can help to identify and change non-participation practices.

### [Shier’s Pathway to Participation](#)

Shier’s Pathways to Participation model is useful in assessing organisational readiness and commitment to children and young people’s participation beyond individual projects.

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<sup>5</sup> The Commissioner understands there are a range of terms and definitions that people use to define their gender or sexuality. We use the broad term LGBTI to inclusively refer to all people who are lesbian, gay, bisexual, trans and intersex, as well as to represent other members of the community who use different terms to describe their diverse sexuality and/or gender.



See also:

[Save the Children's Practice Standards in Children's Participation \(2005\)](#)

[New South Wales Advocate for Children and Young People resources](#)

[Lundy's Model of Participation and Voice Model Checklist](#)

[Every Child's Right to be Heard: A resource guide on the UN Committee on the Rights of the Child General Comment No.12.](#)

Involving Children in Decision Making – A Quick, Practical Guide: [Guide](#) and [Activities](#)

### **Related Policies:**

CCYP Consent Policy

CCYP Child Safe Policy

CCYP Complaints Management Policy

CCYP Images of Children and Young People Policy

CCYP Transporting Children Policy

CCYP Code of Conduct (to be developed)

CCYP Ethical Consultation Policy and Procedure

### **Information and Feedback**

The Commissioner is committed to ensuring continual improvement of processes for children and young people's participation.

If you have any questions or feedback about this policy please contact:

Commissioner for Children and Young People  
Level 1/119 Macquarie Street, Hobart, Tasmania 7000  
Telephone: (03) 6166 1366  
Email: [childcomm@childcomm.tas.gov.au](mailto:childcomm@childcomm.tas.gov.au)