

## Supporting safe and meaningful child participation in BIP

The following actions will help caseworkers to support safe and meaningful child participation in BIP:

**Provide information:** the BIP should not be an extractive exercise, but rather a cooperative effort.

- Children should always be informed about the purpose, timeframes and procedures for interviews and actions related to BIP. Children should also be invited, encouraged and supported to share their own views and to ask questions.
- Information provided to children should be presented in an age- appropriate and accessible format.<sup>1</sup> Children may have diverse communication needs and preferences, depending on age, disability and other factors. Consult the child and their caregivers (if appropriate) to understand the preferred means of communication.
- When communicating with children with disabilities – particularly children with visual, hearing or intellectual disabilities – identify the most appropriate way to communicate with them. Such children may need additional supports, such as sign language interpretation, communication boards or the presence of a support person, where appropriate<sup>2</sup>.
- Communicate with clarity and in a child friendly manner, avoiding technical terms and phrases. Regularly check that the child understood what was said. Similarly, it is important that the caseworker checks with the child that they understood what the child stated.

**Be aware:** the BIP is a procedure for individual children, and caseworkers should be alert to how a child's age, gender, ability or diversity factors may influence their participation.

- Social norms (for instance gender roles and gender identity) and perceptions about children with disabilities are likely to influence how children express themselves, for example when talking about issues and experiences that were painful, sensitive or considered embarrassing.
- Check that the caseworker's and interpreter's gender is appropriate and that the child, where possible, has a choice with regards to the gender of their caseworker/interpreter.

**Be empowering:** Children should feel like active participants in BIP, with the right to express their views, and with their own responsibilities as well as rights within the process.

- Explain children's rights in a manner they can understand, including their responsibility to tell the truth, their right to withdraw consent/assent, their right to access information that concerns them and their right to participate in the process.
- Encourage and support children to explore and suggest options for follow-up and potential solutions that they themselves consider appropriate. Caseworkers should also explain the actions that they consider appropriate, and seek the child's views on the proposed action.
- Use child-friendly interviewing techniques which allow children to express themselves. Using drawing, family-trees, timelines and daily activities can help children to feel comfortable and to express their needs, capacities and views in their own words.

**Take time – but not too much:** While urgent responses to a protection issue should not be delayed, some complex cases will require additional time to gain a child's trust, or for them to understand their options prior to jointly identifying the most appropriate follow-up.

- Ask children about their preferences for duration and frequency of actions, including interviews. Explain the reasons why when it is not possible to implement their preferences.
- If you have limited time, or you cannot respect the timeframes originally set, explain the reasons for this to the child.

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<sup>1</sup> The *Convention on the Rights of Persons with Disabilities* explicitly notes that information provided to children with disabilities must be provided in a format that is accessible and appropriate.

<sup>2</sup> For more information on protection and programming for children with disabilities, please see UNHCR, *Child protection Issue Brief: Children with Disabilities*, April 2015, available at: <https://www.refworld.org/docid/55cc4a564.html>

**Be sensitive:** Children at risk have often lived through traumatic events, and the decisions related to BIP can in some circumstances be upsetting.

- When conveying a message about a decision or outcome that is not that hoped for by the child or family, preparation is needed to respond to potential distress. The caseworker must assess the likely reaction of the child, and be able to respond with psychosocial support and counselling when necessary. For example, a decision regarding the separation of a child from their parents will be a distressing experience for the child and parents. It is therefore necessary to explain such decisions with appropriate sensitivity, care and empathy.
- Identify an interpreter with the appropriate gender, and discuss the case prior to meeting with the child/child's family.
- Certain decisions which was not what was hoped for by the child's family may result in the family/caregiver blaming the child for the negative outcome (for example a BID process through which the entire family was hoping to be resettled). Caseworkers must carefully explain the reasons for the decision, and where necessary subsequently conduct follow-up / monitoring visits to check on the child.

**Involve parents and caregivers:** Care must be given to ensure that parents and caregivers maintain responsibility for the child's protection, wellbeing and development, in accordance with their obligations, and in line with the best interests of the child.

- It is important to consult/obtain permission of parents or caregivers before engaging the child.
- Caseworkers should explain that building the child's own strengths and capacities is not aimed at undermining the role of the parents. Promoting children's meaningful participation should positively involve the child's parents or caregivers.

**Be professional:**

- Ensure that staff and interpreters are trained in communication skills and are experienced in working with children (see competencies, see section 3.4.3).
- Ensure that caseworkers review information already available on the child before interacting with them. This would prevent the same questions being asked multiple times and give prior consideration to sensitive elements that may influence what questions should or should not be asked.
- A flexible attitude to age, taking account of relevant cultural and developmental factors is required. Children as young as eight can make good, well-informed decisions about serious matters affecting their lives.
- While article 12 of the CRC does not define "maturity" it implies the child's ability to comprehend and assess the implications of various options. For instance, the child may only have limited knowledge and understanding when it comes to a decision on resettlement to a distant country.
- Traumatized children, like adults, may have difficulties in expressing themselves, acquiring knowledge and solving problems. It is recommended to involve experts if necessary.
- In cases of family reunification, any reluctance on the part of the child or her or his family to be reunited must be carefully assessed. Reasons may include painful memories of the separation which are difficult to overcome, feelings of anger at being abandoned by the family, or fear of having to live with persons with whom the child is not familiar (particularly in cases where one of the parents remarried). Where possible, obstacles should be addressed through social services, family mediation<sup>3</sup> and counselling, rather than simply relying on the child's preference.
- The views expressed by the child may wholly or partly be the result of manipulation by others, in which cases efforts should be made to determine the real views of the child.
- The exercise of the right to be heard is also linked to the right to receive information in a manner that can be understood by the child (taking into consideration the child's age, and any physical or intellectual challenges to receiving/comprehending information). In order for the child to share their views, it is important to ensure that they are informed of the process, issues and options relating to their situation/case.

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<sup>3</sup> Family mediation requires specific knowledge and skills on the part of the caseworker. It can be a stressful and highly emotional process for the members of the family and the children. Where family mediation is required, case managers must assign a case worker with training in family strengthening, social work and mediation. Where skilled caseworkers are not available, efforts must be made to identify a trained staff member from within the national social services or child protection system to provide such support.