



PlayAction Guide

CONSULTING CHILDREN

INTRODUCTION

The United Nations Convention on the Rights of the Child [UNCRC], adopted in 1989, sets out internationally-agreed standards concerning the needs of children and the responsibilities of individuals, communities and nations which care for them. The UNCRC also covers every other important aspect of a child's life, so no single Article can be viewed in isolation from others. Taking The Right to Play, at one extreme it is hardly possible for the child under assault from a sniper's weapon in a zone of 'ethnic cleansing' to enjoy that right - the rights to life and to protection from the ravages of war [not excluding the right not to suffer discrimination] impinge centrally upon that right.



THE RIGHT TO BE CONSULTED

One major issue concerning Play, and its importance to children, revolves around autonomy and the consequential issues of negotiation, communication, and decision-making. Underlying these issues is that of the subject of Article 12:

"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 age and maturity of the child.

"For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or appropriate body, in a manner consistent with the procedural rules of national law."

The implications of this Article are far-reaching indeed. Nations, like the UK, which signed up to the UNCRC, are expected to implement this at all levels of their society.

NON-CONSULTATION OVER CHILD CURFEWS AND LAWS

At the UK national level, given the serious implications of Sections 14 and 15 of the Crime & Disorder Act (Child Curfew powers for local authorities, to be decided by the political machinery of each council, and approved by the Home Secretary), it would seem that the UK Government ought to have ensured consultation of children about this legislative power. All the Act suggests is that the communities affected be consulted, but there is no specific direction to ensure the implementation of Article 12 by local councils. Nor did the UK Government actually consult children in any way about this power at the Bill's consultation stage. [The fact that no machinery exists for this process is a point to consider given that it is ten years since the UK signed up to the UNCRC.]

What makes this worse is that the UK Government has now extended this idea to young people under 16 years of age. There is no hint that the young people themselves will be consulted, either at the legislation stage nor a mandatory provision that local government should have to do so. This extension proposal comes not because the under-10's curfews have proven so successful. Indeed, not one council has used this provision. Fair Play must ask, why the extension to under-16's? There is also the issue as to whether this new law would run foul of Article 11 of the European Convention on Human Rights (Freedom of Association).

Similarly, the Government has not consulted children and young people over the Crime and Disorder Act 2003 whose provisions include powers for an authorised Police Officer to move on any gathering of 2 or more people if he 'reasonably' believes that the public has been intimidated, harassed, alarmed or distressed, or is likely to be; and also to remove to their homes, between 9pm and 6am, any person the officer believes is under 16 years of age. These are potentially draconian restrictions and curfews on children and young people and inevitably the situation will occur that complaints about children playing could lead to their being dispersed under the new law. Legal opinion is that the new law will almost certainly breach our obligations under the European Convention on Human Rights. Fair Play has also become alarmed about the use of Acceptable Behaviour Contracts without proper safeguards for children's rights, and in response to complaints about their playing outdoors. Fair Play has come across very serious issues associated with



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the use of ABCs.

MIXED LOCAL AUTHORITY PRACTICE

The experience of local authorities in consulting children is a very mixed one - evidence is scant, and there is perhaps a need to reflect and promote good practice more widely. But a case study based on a Fair Play member project may be useful. A mobile project whose sites included a well-used (by a wide age range) town centre play area with a paddling pool, and some poorly-maintained (dare one say it, neglected) equipment, in an area of under-provision of public space, faced the problem that the local authority wanted the space for a car park. They offered a space nearby one third of the area and restricted to under-12's. There was a considerable public protest - the area had a lot of sentimental significance in the town - and an action committee formed. One of the local play project's issues was consultation of children which the action group felt was best handled by the project as the group having most contact with the children using the site. The project sounded children out about their views and then discussed how best to take the issues forward so that as many children as possible would be able to make their views known. The local authority's response to questions about consultation was to point to an exhibition at the Town Hall outlining the plans, and enabling the children to choose on important aspects - "which colours do you want the swing seats?" but not, do you want to lose the old area?



The action group discovered a little-promoted provision of the UK's 1972 Local Government Act, the power of electors to call Parish Meetings and thence a Parish Poll, at public expense - this applies only in areas which are parished. [The action group went on to become a group which later called another poll, on whether the local authority ought to exist at all] Such polls are not binding, but they are a very potent means of putting an electorate's views to local politicians and officials.

"WHY NOT OUR OWN POLL?"

When children learnt that there was to be a poll, they asked at the play project why they could not take part. This was duly explained and one of them asked "Why can't we have our own children's poll?" Hence an idea was born which the play project, with the children's input, developed. The questions were framed with reference to those on the adult poll (to ensure some points of contact between both polls), and to enable the wide age range of understanding to be included. There were careful discussions about ensuring children had access to all sides of the issue and to inform them about the exhibition.

The children's poll was called on the same day as the adult one - the mobile project proved an ideal polling station, on the site. The poll was promoted with the adult one in the local press. The hours were chosen to reflect the adult poll (afternoon/evening) and school time (after-school). No one knew what to expect - the Town Hall opened its doors and a steady stream came to register their votes. The children's poll was manned by project staff who had strict guidelines about briefing children. Their poll paper had simple questions on it which were choices - the project staff's role was to show them how to complete the form in private (not what to put down) and then how to record their vote.

"MASSIVE TURNOUT"

Over 400 children came to vote within 3 hours, many with their parents who had gone to vote at the Town Hall - one of the parents said "we want our children to see we care enough about this to vote, and then to be able to do the same if they want to". The result was heavily in favour of an option to retain the larger site and to invest in its improvement. On both polls. Predictably, the local authority rubbished the result of the children's poll claiming it was rigged or 'led' (without evidence) but then went on to rely on its own consultation about the colour of seats etc. The children, incidentally, had been made fully aware that the Council did not have to heed their views, so the result was even more remarkable, in terms of turnout and option chosen. [Of course, the Council got its way, but that is not the point - which was about proper consultation.]



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VIDEOING RESPONSE

The foregoing is one way which has been tried, on a large scale issue. However, there are many other mechanisms, which vary with circumstances, as to their appropriateness. Another tested idea - a group of skaters in their early-mid teens wanted a skate ramp. The local youth leader encouraged them to come in, found some space, and they touted round for some money and donated materials from local businesses to self-build. Their ways and those of the leader soon clashed - eventually some of them went to a local play project which still opened its facilities to them (including a skaters-only session on Sunday afternoons) and where they enjoyed long-term rapport.

Their claims were that the leader charged them 50p a session to skate on what they had built and funded by their own efforts, excluded them from the main centre facilities and yet charged the users of the centre 30p a session. They had also been told that the leader had approached a skate-facility operator in a nearby town to offer the ramp ... The club management had refused to meet a delegation of them to discuss their complaints. The play workers discussed the issues and what the skaters wanted, which was to get their views across. The play project provided a room where they could meet, and also use of a video camera to record all contributions. The meeting was opportunity for the issues to be rehearsed and discussed - and for debate on 'what next'. They appointed three of their number to view the tape and to draw up a list of points from this process which they could discuss to go to the club management.



The second meeting agreed the points proposed after discussion and a printed list of ten points was agreed and then sent: to the leader, the chairman of the management, and the county youth officer for the area, together with copies of the video tape. The project's role was to provide equipment, word-processing facility and advice, when asked, on who might be appropriate to receive the package. The result in this case was interesting: - *The leader*: the skaters had misunderstood the situation [it is clear enough they had not]

- *The management* [after meeting the delegation of three]: we affirm our belief in our leader and that everyone pays the same, whether they skate or use the centre in more traditional ways, and the ramp will not be sold

- *Youth officer* [in lead-up to the above management meeting]: very interesting package, I'll consult quickly and see what can be done. Of course the youth service listens.

GAIN CHILDREN'S CONFIDENCE

This example illustrates that a good play project can gain the confidence of children (and of the young people they become) to be entrusted with such processes simply by dint of the work undertaken with children, and that the request can be initiated by the children/young people themselves. The issue here is one of response. Another example - children borrowing video equipment from a play project to show (rather literally!) the problems of dog mess on their informal play areas and space. They used the tape to pass round one another to show to parents whom they wanted to take action - result, a dog bin on site from the local council.

ADULTS NEED LISTENING SKILLS

From this, the role of the adult as enabler and advocate arises for discussion. This need not be a play project's workers - such people, however, perhaps ought to have the listening skills required for such a role as a consequence of the demands of their work. But youth workers, community workers, elected councillors, community activists, and others can take on this role. It's worth noting that arts projects and facilities can serve children's needs of expression very effectively.

WIDE RANGE OF ISSUES CAN BE CONSULTED UPON

The issue of consultation affects not only play facilities and leisure matters. The UNCRC Article 12 provides for consultation on an unspecified range of issues, and that it be appropriate to the child's level of understanding. So, this will include many crucial issues of national, regional and local government and community. A few (only) suggest themselves:

the child curfew issue

imposition of e.g. 'no ball game' rules on local green areas (usually after a minority complaint)

local plan consultations about planning policy - e.g. provision of open space, play areas etc

the length of the academic day and the loss of play time in and beyond school hours

the homework burden



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the state of playgrounds

the need for traffic calming and home zones

the location, activities and hours of youth and children's facilities - and threats to these due to cuts

play in the neighbourhood when complaints come from neighbours

and much, much else

THE AGE QUESTION

Are children too young at a certain age to be asked their views, or to be expected to put them forward without prompting? Any parent encountering a self-willed child (which of them aren't) will have the answer. One may then ask why so many institutions, including those which are there 'for' children find this difficult to answer? The debate may more properly revolve around the relative levels of children's understanding, and, inevitably, of what notice/credence should be attached to their views?

In every respect, in terms of good practice as it relates to children's development, it is acknowledged that the earlier adult society attempts to demonstrate to children the value of responsible and articulate expression of opinion, the better not just for the child as it grows to adulthood to take 'a citizen's role' but also for the whole of a democratic society.

It is interesting perhaps to observe that the general consensus amongst e.g. schools, local authorities etc is that 'youth' needs to be consulted but there is far less recognition, or consideration even, of the possibility of consulting younger children. There are a variety of types of Youth Council in operation around the country, mostly based on one or more schools (which does beg some questions about those excluded from education who may be the young people the community might most need to consult. There is also the perennial question of whether school-based machinery can divorce itself from hierarchical and directive practices inherent in the education system?) Can this concern for youth consultation be due to adult perception of 'youth' being viewed as potential 'Trouble', or in need of 'diversion' and 'civic education' rather than the value of consultation in its own right? Of course, any good playworker will understand that, if young people are going to be 'Trouble', quite often the roots were laid down when younger. Whatever the merits of this debate, children's councils are not promoted - this Fact Sheet does not advocate or oppose them, but points out the lack of any parallel initiatives.

ADULT MODEL MECHANISMS MAY NOT BE APPROPRIATE

It may be that such adult-modelled mechanisms may not be appropriate to the age and understanding of many children. The question then becomes as to what are appropriate means. Only a few have been mentioned, and there are probably as many ways as there are situations requiring consultation of children. The challenge for those working with children and who wish to help them get their views across to those who need to hear them is to find ways acceptable to children and which also will be heeded (but not necessarily agreed) by those who need to understand the importance of such consultation.



THE INPUT OF PLAY

The current debate about 'social exclusion' may benefit from an input from the direction of children's play. Through play, children constantly experience the necessity to consult, be consulted and to take issues forward within their own circles. From the perspective of play, the promise may be about fostering 'inclusion' at an early age. The central role of the principles of Article 12 must rise to the surface of this debate. There is a national Article 12 organisation whose aims are to promote children's and young people's right to expression and to be consulted. It is an organisation run by them, and it is working to fulfil its aims across the country. **Details from: Article 12, 8 Wakley Street, London EC1V 7QE, Tel: 020 7843 6026, Fax: 020 278 9512, web site: <http://www.article12.uk.com>** It is important that there is networking and communication around this issue, and Fair Play for Children invites expressions of interest from play workers, youth workers, councillors, MP's, community workers and many others whose interests and work reaches or affect children and young people, especially access to their neighbourhoods, the quality of life, the built environment etc. **Contact: Fair Play, Freepost, Bognor Regis PO21 1YZ, Tel: 0845-330-7635, e-mail: fairplay@arunet.co.uk, web site: www.arunet.co.uk/fairplay/ [all Guides also on this site]**

