



Implementing Article 12 of the United Nations Convention on the Rights of the Child in Child Protection Decision-Making: a Critical Analysis of the Challenges and Opportunities for Social Work

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ABSTRACT

One of the most frequently cited principles in the 1989 United Nations Convention on the Rights of the Child is Article 12. This article provides a critical analysis of the challenges that child protection social work faces when implementing Article 12 in social work decision-making whilst simultaneously keeping children safe. The article begins with an outline of the general reasons for involving children in decisions that affect them but argues that despite being beneficial, implementing Article 12 has proved to be problematic due to theoretical, practical and ethical challenges within social work which will be examined. The article continues by arguing that it is possible to overcome these obstacles using Lundy's model of conceptualising Article 12 as a real-world tool that offers practical solutions to help social work/ workers overcome rather than avoid the identified challenges. It is intended that these suggestions will help empower social work/ workers to discharge their legal obligation to enable children to be heard in decisions that affect them. The article concludes by arguing for a more empowering approach to children's involvement in social work decision-making with some reflections on the future of Article 12 within the social work paradigm.

KEYWORDS

Child's rights; participation; decision-making; child protection

Reasons Why Social Workers Should Involve Children in Decision-Making

There are three reasons—legal, conceptual and practical—why social workers should involve children in decision-making. Legally, the right of the child to express his or her views, and for those views to be taken into consideration, is one of the cornerstones of children's law (Fenton-Glynn, 2014), making it incumbent on states to ensure the child's voice is heard. Recognised in Article 12 of the United Nations Convention on the Rights of the Child, this is not only a fundamental right in itself, but is also influential in the interpretation and implementation of all other children's rights (United Nations Committee on the Rights of the Child, 2009), giving it a pervasive effect on the Convention as a whole (Sutherland, 2014). Specifically, Article 12 (1) creates a two-fold obligation on states: first that the child's wishes and opinions are ascertained; and second that they are

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taken into consideration having due regard for the age and maturity of the child. This means that every child has the right to be heard, regardless of their age or maturity (Thomas, 2007). Article 12 (2) requires that in judicial and administrative proceedings affecting the child, he or she must be given the opportunity to be heard.

Conceptually, the importance of children's rights to participate was signalled by the United Nations Committee on the Rights of the Child in 2006 when it stated:

The new and deeper meaning of [Article 12] is that it should establish a new social contract. One by which children are fully recognised as rights-holders who are not only entitled to receive protection but also have the right to participate in all matters affecting them. (United Nations Committee on the Rights of the Child, 2006, p. 2)

Adding to the concept of children as rights holders, Freeman (2007) has observed that Article 12 is significant not only for what it says, but because it recognises the child as a full human being with integrity and personality and the ability to participate freely in society and articulate a view. This conception of the child is supported by findings from neo-cognitive learning theory. This more current theory of cognitive development disputes the traditional Piagetian notion that children develop capacity in discrete and defined stages and are therefore unable to interact competently with the world around them until the latter stages of development. From a neo-cognitive learning theory perspective, however, capacity is seen as spanning a wide range of qualities—moral, social, cognitive, physical and emotional—that do not all develop according to a uniform pattern (Lansdown, 2005):

Children, like adults, will not acquire a consistent and overall level of capacity across all fields. Rather, their expressions of competence will vary according to the nature of the tasks involved, their personal experiences, expectations placed on them, social context and individual abilities. (Lansdown, 2005, p. 23)

Agreeing with this, the new sociology of childhood conceptualises children as active participants in society. In this way, children are no longer conceptualised as passive recipients of the teachings of adults but as actors who play an active role in their own development (James & Prout, 1997; Jenks, 1996; Qvortrup, Corsaro, & Honig, 2011) and thus have a right to participate in matters that affect them.

Based on these conceptual suppositions, children's participation takes on a different developmental, practical and theoretical framework within the Convention (Bosisio, 2012). These suppositions translate into a mandated Convention requirement for all of the actors involved in child protection to consider children as able to make choices (Tisdall, Davis, & Gallagher, 2008), and as a consequence involve them when making decisions affecting them (Kilkelly & Donnelly, 2011). Sutherland (2014) adds to this stating that there is a sense that involving children is simply the right thing to do, because it represents recognition of, and respect for, the child's separate identity. This inference was recognised by the "Special Session on Children" in 2002, when it observed:

The energy and creativity of children must be nurtured so that they can actively take part in shaping their environment, their societies and the world they will inherit. (United Nations Convention on the Rights of the Child Twenty Seventh Special Session, 2002, p. 7)

This assertion is further supported in the Convention General Comment No. 7 when it stresses that:

The convention requires that children, including the very youngest children, be respected as persons in their own right. Young children should be recognised as active members of families, communities and societies, with their own concerns, interests, and points of view. (United Nations Committee on the Rights of the Child, 2005, p. 3)

The practical reasons for involving children in social work decision-making are summed up by Sinclair and Franklin (2000) and recognised by Lansdown (2011) in a UN guide. These reasons include the fact that involving children in decision-making contributes to their personal development; empowering and enhancing self-esteem and social skills. Involving children has the potential to improve decision-making processes and outcomes by ensuring decisions are more inclusive and responsive to explicit and stated need. Decisions made in this more enlightened manner thus have the potential to increase the efficacy of protective services. In principle, services can now be designed and evaluated based on a more tailored, informed, inclusive and democratic constituency. Service delivery therefore becomes more child centric based on what children state they need, as opposed to adult centric based on what adults think children need. As a further consequence of this type of involvement, accountability and transparency can improve with children given the right to hold decision-makers to account. Finally, involvement can also prepare children for civil society and teaches tolerance and respect for others.

Measuring Up: Do Social Workers Involve Children in Decision-Making?

In the United Kingdom there has been a general growth in the participatory narrative at all levels (Thomas, 2007). According to Sinclair (2004) the impetus for this growth emanates from a convergence of new ideas garnered from three perspectives: the consumer movement and demand for user involvement; the children's rights agenda, in particular Article 12; and a new social science paradigm which challenges the perception of children as incomplete adults. The growth of interest in this participatory narrative is replicated in social work policy and practice, fuelled by persistent failures to involve children meaningfully in decisions affecting them. This apparent failure was recognised in reports by the House of Commons Children, Schools and Families Select Committee (2009) and the Social Work Task Force (Department of Health/Department for Children, Schools and Families, 2009a and 2009b). These reports criticised social work/workers for failing to engage children meaningfully in decisions affecting them and a recommendation was added making it incumbent on social workers to focus their practice on listening to the voice of the child.

This recommendation was made following the publication of the Haringey Safeguarding Board report into the death of Peter Connolly (Haringey Local Safeguarding Children Board, 2009). In this report social workers were criticised for their failure to engage meaningfully with Peter and thus his personal voice was lost. Failing to listen to Peter resulted in a deeply flawed risk assessment, with tragic consequences for him (Haringey Local Safeguarding Children Board, 2009).

Following further child deaths, Professor Eileen Munro was appointed to carry out a review of the child protection system. In the review reports (Munro 2010, 2011a, 2011b) a common theme emerged suggesting social workers were still not consistently listening to the voice of the child and that this was a possible contributory factor in unsound assessments (Winter, 2011). Subsequent inquiries (for a detailed review, see Winter, 2010)

highlight similar themes, appearing to support Munro's argument. The reports cite infrequent social work visits to children, lack of personal relationships with children, lack of social work engagement, reliance on parental voice over children's voice and a failure to prioritise children's views in any meaningful fashion as recurrent themes in child protection. One review summed up the lack of involvement thus:

"The lack of any prescribed opportunities for [the] children to formally express their views, or actively participate within the assessment or decision making process," "or to have any independent access to external processes, represents a direct contradiction to the aspirations of safeguarding and human rights legislation and guidance". (Birmingham Safeguarding Children Board, 2010, p. 8)

Evidence also exists from children themselves that involvement is an unfamiliar concept. For example, in Ireland in 2010, the Office of the Minister for Children and Youth Affairs conducted a consultation process with 211 children living in the care of the state. The project was called Listen to Our Voices! Hearing Children and Young People Living in the Care of the State (McEvoy & Smith, 2011). One of the objectives of the consultation process was to explore existing mechanisms for children and young people to express their views. When asked about the mechanisms available to them to "express their views" or what allowed them to "have their voice heard", it was apparent that this notion was alien to many participants. They reported that they "are rarely asked for their views or feedback and that the current mechanisms in place to seek those views are not working for them" (2011, p. 2).

This précis of participatory activity in social work might lead one to conclude that the profession is perhaps out of touch with the general ethos of the Convention and the principle of Article 12 in particular. However, as a vibrant counter to this, clear and incontrovertible evidence exists to suggest that this generally disconsolate assessment of social work's relationship with Article 12 is not entirely generalisable. Good practice examples exist throughout the literature as agencies put effective participatory systems in place and professionals develop the skills that enable them to advance more participatory relationships with children and young people.

For example, Schofield and Thoburn (1996) in their research found practice evidence of positive engagement with children and suggest that involving children successfully in decision-making led to positive outcomes for the child. They found that the key to success was the development of a trusting relationship with a dependable skilled social worker who actively seeks out the child's view, giving examples of positive practice in this area. Thomas (2002), Bell (2002), Cashmore (2002) and Halvorsen (2009), researching children's involvement in decision-making practices in social work, cite examples where children were involved in decision-making and that this involvement increased children's commitment to those decisions, maximising success. This appears to support the research findings of Vis, Holtan, and Thomas (2012), who examined the practice of involving looked-after children in decisions about their health care and concluded that involving children had a demonstrable impact on their health.

Also, in a systematic review of the participation literature in child protection, VanBijleveld, Dedding, and Bunders-Aelen (2015) found research evidence of good participatory practice in social work decision-making. For example they cite the work of Wolfsen, Hefernan, Paul, and Brown (2010), who examined the involvement of children in decision-making and argue that involving children in child protection decisions helped children feel

connected and committed to the decisions; that involvement increased self-esteem and helped children feel mastery and control over their lives. Additionally, research by McLeod (2007) found evidence of good child participation activity in social work and concludes that by taking children's views, wishes and feelings into account, interventions were more responsive and therefore more effective.

The simultaneous existence of these two contrary positions in social work, however, hints at a possible ambivalence within the profession towards child participation (Lynch & Burns, 2012). It also appears to suggest that applying Article 12 to decision-making in social work is both contested and challenges social work greatly (Sheehan, Rhodes, & Stanley, 2012).

Why Do Social Workers Find Implementing Article 12 Challenging?

According to VanBijleveld et al. (2015) there are organisational, structural and systems difficulties that make implementing Article 12 challenging for social work/workers. VanBijleveld et al. argue that these challenges can be delineated further into three main areas, arguing that there are challenges for:

1. managers
2. children, and
3. organisations.

In relation to the managers, VanBijleveld et al. (2015) agree with Barnes (2012) who argues that child protection is already multifarious and perplexing work in and of itself. Managers and workers are legally bound to act in the best interest of children, and to safeguard children and simultaneously listen to the child, liaise with families and other interested parties (Benbenishty et al., 2015). This complexity is characterised by a number of potential inherent challenges. To begin with, social workers and managers need to determine what is in the best interests in a context where different stakeholders have their own conflicting interests, rights and needs (Pinkney, 2011). In addition Article 12 states that the views of the child should be taken into account according to age and maturity but gives no guidance on who assesses the maturity of the child and what criteria to use (Archard & Skivenes, 2009a).

There is also a potential tension between the immediate interest of the child (safeguarding) and their long-term interest (Sanders & Mace, 2006). Additionally, in child protection cases there is often a culture and prevailing ethos that problems are adult centric, involving children only at the edges (Vis, Strandbu, Holtran, & Thomas, 2011). Solutions to problems are therefore worked out with adults primarily (Winter, 2009). Participation can be even more difficult when social workers deal with involuntary clients, have limited options and resources and where there is a lack of consensus about what is in the best interest of the child (Smith, 2007). Often in these cases decisions are taken without consulting children (Gallagher, Smith, Hardy, & Wilkinson, 2012).

For some children in the child protection system, inherent challenges with Article 12 potentially arise from the fact that these children's lives are already complex and multi-layered, making participation testing (Donnelly, 2010). To begin with, unlike their contemporaries, children in care have a variety of powerful, potentially uninvolved adults

(judges, social workers, psychologists, etc.) making decisions without ever having to refer to the child (Cashmore, 2002). Compounding this, children in care may have grown up with insecure attachments, poor role models and pre-occupied critical adults. This conceivably places the child at a disadvantage from their contemporaries when it comes to making informed balanced choices (Bell, 2002). Finally, there is evidence to suggest that children receiving social work services, afraid to voice their opinion lest they cede control of their lives to distant professionals, withdraw from decision-making processes; and whilst staying quiet is a form of communication, in practice it can result in children remaining voiceless (Sanders & Mace, 2006).

For organisations working with vulnerable children in capricious and often unpredictable worlds, enormous challenges exist. Governments, fuelled by an antagonistic media, take the simplistic view that all risks are predictable and therefore manageable. This has resulted in high levels of organisational, professional and personal anxiety, in unrealistic expectations and in political concerns about the quality of child protection practice (Howarth, 2011). With the focus on risk management and protection, the opportunity for participation diminishes, with adults anxious not to make mistakes taking unilateral and sometimes unrepresentative decisions (Weatherall & Duffy, 2008). There is also a general lack of awareness about the rights of children, preventing organisations and individuals working in a participatory manner (Kilkelly, Kilpatrick, & Lundy, 2005).

Krappman (2010) characterises the aforementioned challenges offered by Article 12 as a series of questions—questions that when applied specifically to social work decision-making prove difficult for practitioners to answer, giving an indication of the precise legal, conceptual and practical challenges that social workers struggle with daily. These questions are as follows:

- What does the expression “to be heard” actually mean?
- Do the clauses “capable of forming an own view” or “according to age and maturity” exclude children from the communication of their views?
- Is the right to be heard a right to decide or a right to influence a decision?
- Does the right of the child that his or her views are given due weight constrain the rights of parents to decide on the care and education of their children?
- Is the right of the child to be heard an individual right or a right of children as a collective?
- Can a right of the child to be heard be a universal right in view of the many cultural definitions of the child and its role in family and society?

The Committee did try and respond to these potential challenges in its pre-emptive General Comment No. 12 (United Nations Committee on the Rights of the Child, 2009) describing possible solutions to the issues raised by individual states. Despite this clarification, however, social work—faced with the colossal task of finding practical answers to these seemingly intractable challenges—continues to struggle to enact Article 12 consistently. This continued struggle might lead one to conclude that social work’s difficulties with Article 12 arise from a more fundamental theoretical struggle that social work has with Article 12. If so, it is worth hypothesising briefly about these difficulties in an attempt to stimulate debate and provide reflective momentum that might assist social workers become more engaged with Article 12.

One possible hypothesis is based on the theoretical and practical difficulties linked to difference (Bessell & Gal, 2009). For some in social work, because children do not fit the traditional liberal theory of rights that assumes independent, rational individuals capable of making choices (Ezer, 2004), they struggle with children being involved in decision-making (Tisdall et al., 2008). As a result of this deficit archetype based on difference, children tend to be granted protection in social work which excludes them from decisions, deprives them of their autonomy, assumes incompetence and emphasises dependence on adults.

A second hypothesis is based on Pierre Bourdieu's concept of habitus. In *The Logic of Practice*, Bourdieu (1992) discusses the process of habitual subordination through which children can be excluded from the prevailing and powerful social narrative. As a result of being continually undermined and excluded, children learn to stay quiet and adults learn to give less weight to their opinions if voiced. In child protection decision-making, this cycle has the potential to perpetuate itself until the voice of the child is drowned out.

On balance, therefore, despite evidence of good practice examples in the literature, the evidence appears to confirm Munro's (2010, 2011a, 2011b) assertion that social work struggles to effectively and universally involve children in decision-making and that there may be practical as well as theoretical reasons for this. Nevertheless, despite the inherent challenges of enacting Article 12, it is vital that social work finds a way of moving forward consistently and systematically, avoiding possible practice inertia in this area and resolving any remaining practical and theoretical hang-ups it may have in relation to Article 12. One way of doing this might be to follow a model for implementation already used successfully by other professional groups struggling with similar issues. This model (Figure 1), developed by Lundy (2007), has the potential for successfully resolving the practical, legal and theoretical challenges that have bedevilled social work/workers, empowering them to fulfil their legal duties under Article 12.

Applying Lundy's (2007) Model to Social Work Decision-Making

When Wolfsen et al. (2010) asked children what could be done to improve the system of making decisions, they suggested a range of ideas including having more direct involvement, that outcomes should be carried out, that there should be increased representation and that there should be more appropriate systems of communicating outcomes. Whilst helpful, this and similar findings outlined elsewhere in the literature (e.g., Gallagher et al., 2012; Kilkelly, 2006) have only had a partial impact on improving the participatory landscape in social work. Given the urgency of successfully enacting Article 12, outlined in the Concluding Observations of the United Nations Convention on the Rights of the Child (2008) to the United Kingdom and Northern Ireland, it is imperative that social work overcomes any remaining obstacles to enacting Article 12 and finds a way of complying fully with its legal obligations to listen to the voice of the child.

Lundy's (2007) model proposes the fact that the successful implementation of Article 12 requires consideration of the implications of four separate factors which will be considered in turn as follows:

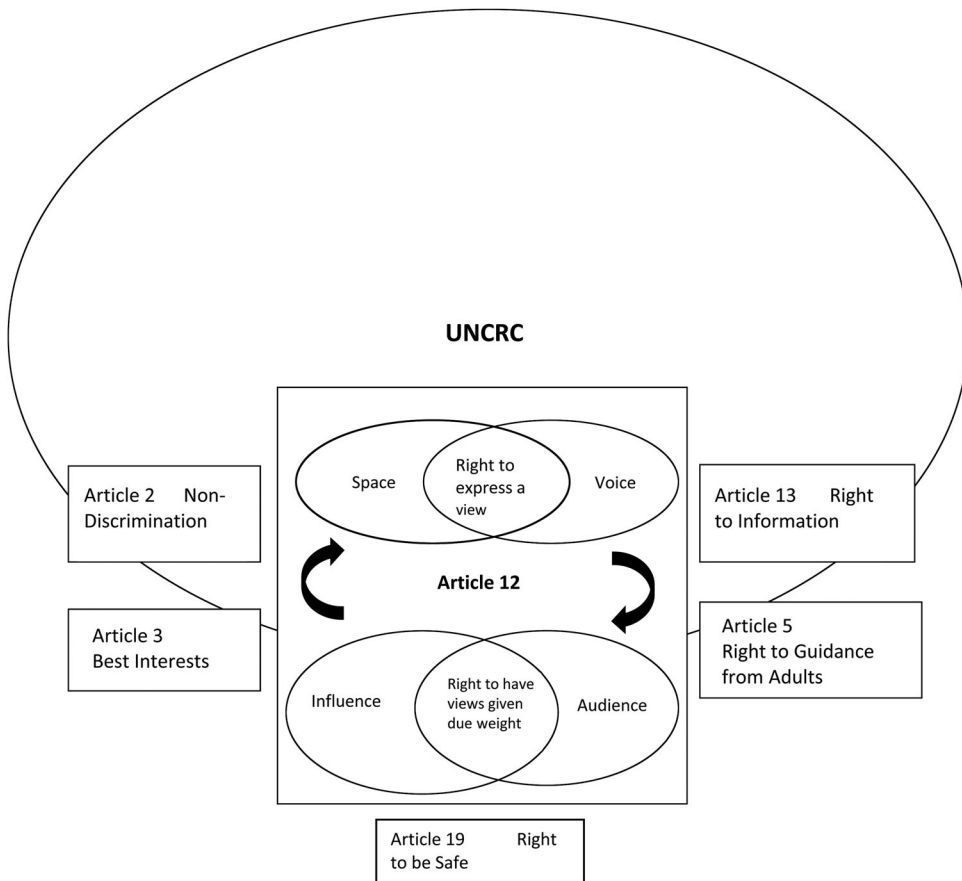


Figure 1. Conceptualising Article 12.

Note: UNCRC = United Nations Convention on the Rights of the Child.

- Space: children must be given the opportunity to express their views.
- Voice: children must be facilitated to express their views.
- Audience: the view must be listened to.
- Influence: the view must be acted on, as appropriate.

Lundy argues that the model reflects the fact that these elements are interrelated but have an explicit chronology. Also Lundy argues that Article 12 can only be fully understood when it is considered in the light of other relevant Convention provisions, in particular Article 2 (non-discrimination), Article 3 (best interests), Article 5 (right to guidance), Article 13 (right to seek, receive and impart information) and Article 19 (protection from abuse).

Space in Social Work Decision-Making

A prerequisite for the meaningful engagement of children in social work decision-making is the creation of an opportunity for involvement. Children must be given an appropriate space to express their views and these views must be proactively sought. In Child

Protection Case Conferences, for example, children need to be asked more routinely which matters they would like to have a say in. Too often children are told what areas they can and cannot have a say in, defeating the purpose of participation. The space must also be safe for children to express their view without fear of rebuke. Taking the example of the Case Conference again, children must feel that this is a safe space for them to talk openly without fearing they might suffer negatively either from pernicious adults or in relation to future service provision.

Article 19 gives children the right to be protected from abuse so social workers need to ensure that children are not harmed if they express a view. This might require the increased use of an advocate, mentor or a trusted person that can elicit the views of the child in a way that does not threaten the child's safety. This point is well made by Pona and Hounsell (2012) who, having evaluated The Children's Society's advocacy service, found that "Independent advocates provide a crucial role in enabling children and young people in the looked after system to communicate their wishes and feelings and to play an active role in decision-making about key aspects of their lives" and that "Advocacy services support local authorities to effectively meet their duties as corporate parents to children in care by improving both children's experience of the care system and their outcomes as well as delivering financial savings" (p. 3).

Children's views on their lives must be consistently seen as an integral part of protection assessments and not just an addendum to reports. Children's voices must be heard as an important narrative. This requires social workers to be trained in child-friendly communication techniques, something that does not routinely happen. The physical space is also vital. Often, meetings are held in offices that are intimidating, oppressive and threatening (Cashmore, 2002). This supports Bourdieu's (1992) observations that the very physical space we arrange, the words we use, the way the furniture is organised and the customs we adhere to inhibit parity and increase subordination. Meetings must be held in child-friendly environments and it would be an idea to ask the child where this might be.

Voice in Social Work Decision-Making

Article 12 gives children the right to express their views. The only stipulated restriction on the right is that it is afforded to a child "who is capable of forming his or her own views". Unfortunately, as in other professions, this restriction can get condensed to the concept of "capacity" based on the notion of "age and maturity". Regrettably for some, this potentially unhelpful qualification within Article 12 is seen subjectively and the age at which some social workers feel it appropriate to listen to the voice of the child gets unnaturally inflated. If social workers are to make progress in this area, it might be preferable if they understood that this right is not dependent upon the child's capacity to express a mature view but only on their ability to form a view, mature or not.

Coming to terms with this new more dynamic and flexible understanding of "age", "capacity" and "ability" will require social workers, wedded to restrictive legalistic and technocratic definitions of age, to engage more fully with the participation debate (Evans, 2009). It will also require those social workers to engage more reflectively with the debates currently being held within the new sociology of childhood (for some examples of these debates, see James & Prout, 1997; Jenks 1996; Qvortrup et al., 2011). These and other works (e.g., Alderson, Hawthorne, & Killen, 2005) introduce the possibility that

even pre-verbal infants are capable of expressing their views if only we took the time to develop the appropriate communication skills such as play, puppet shows, videos and drawing, which simultaneously accords with Article 13—the right to impart information.

Audience in Social Work Decision-Making

Article 12 requires children's views to be given "due weight". Implicit in this is the fact that children have the right to have their views listened to, not just heard. Some of the themes in the social work participation literature, however, point to the fact that children often feel they have limited opportunities to participate, do not feel their views are central to the decision-making process and do not feel their views are valued or acted upon (Bell, 2002; Munro, 2001). In addition, research suggests that some children are only allowed to influence trivial decisions but are excluded from other more major ones and that their views are not taken as seriously as the professionals present (Bessell, 2011).

Social workers therefore need to become better at active listening (Ruch, 2014), develop more imaginative ways of communicating (Lundy & McEvoy, 2012) and ensure that all children have access to policy-makers or individuals within social services with a responsibility to listen. This requires training (Winter, 2010) and it would be useful for the Northern Ireland Social Care Council, as the regulator of social work education and training, to consider making this training a compulsory requirement on the social work degree course with refresher modules to be taken once in professional practice. This would also require social workers:

to show patience and creativity by adapting their expectations to a young child's interests, level of understanding and preferred ways of communicating. (United Nations Committee on the Rights of the Child, 2005, p. 7)

Taking education's lead (see, e.g., Lansdown, Jimerson, & Shahroozi, 2014), social services could continue to more systematically develop children's committees that have formal access to senior managers with ultimate responsibility for making decisions that affect children's lives so that their views are formally heard.

Influence in Social Work Decision-Making

State parties are required to ensure that children's views are given due weight in accordance with their age and capacity. Unfortunately for some children in care, the point at which they are deemed to have capacity is subjectively dependent on social workers' interpretations of these concepts. This in turn is affected by the fact that some social workers, in response to criticism for failing to protect children, may have become over protective, bureaucratic and restrictive in their interpretation of who has the capacity to express a view. In addition, some social workers are less likely to involve a child in the decision-making processes if the case content is classified as one of abuse for fear of distressing the child (Healy & Darlington, 2009). Also, some professionals consider that adults are best placed to make decisions for vulnerable children that are in their best interests, potentially lessening children's influence further (Pinkney, 2011). Additional research by Barnes (2012) seems to support this, adding that some in social work emphasise the need to protect children and their immaturity, lowering children's influence further.

Moreover, in their research Archard and Skiveness (2009b) suggest that children's influence in child protection is further diminished by the fact that social workers sometimes doubt the authenticity of the child's voice for fear that they may have been unduly influenced by the adults in their lives.

To counterbalance these negative caricatures, social workers need to interpret Article 12 in a more generous child-centred manner and not settle for tokenistic gestures. In Lundy's (2007) model, support for this empowering interpretation can be found in Article 5, which requires adults to provide guidance to children in line with their evolving capacities, and in Article 3, which requires adults to act in the best interest of the child. This requires a genuine attempt by social work to understand models of participation (e.g., Hart, 1992) in an effort to apply Article 12 more systematically and become truly wedded to participation as a concept. This deeper understanding and application of Article 12 may also help moderate the effects of an over-protectionist workforce, helping transcend criticisms of the Convention (for a critique of these criticisms, see Freeman, 2000). Practice improvements in this area include demonstrating how children's views are heard, outlining why decisions are made and how decisions are influenced by the child's views. At policy level, policies should be more routinely scrutinised for compliance with Article 12, monitoring mechanisms sewn in to ensure conformity and impact assessments carried out periodically.

Future Considerations for Social Work

Seeing children as vulnerable and not always capable of forming a coherent view will lead social workers to keep making decisions on their behalf (Munro, 2001). Practice based on protection will ultimately diminish the child's legal right to participation (Barnes 2012). As a result of some procedural barriers, skills deficit and possible conceptual muddle in social work, children are consulted and informed of decisions but often their view does not make an actual difference (VanBijleveld et al., 2015). This has the potential to develop interventions that are less successful, severely undermining a wider child's rights concern for the protection of children from abuse (Article 19) and acting in the child's best interest (Article 3).

Children want to be listened to consistently and their lived experience should affect the outcomes of decisions. It is up to social work policy-makers and those with ultimate authority for making decisions to ensure that the right culture exists to maximise opportunities for involvement and that individual social workers embrace a child's rights narrative. This will require organisations to reconfigure their image of children as vulnerable, immature, easily distressed, irresponsible and in need of protection. It will also require social workers themselves to become less protectionist, more empowering and have faith that the evolving capacities of children are a positive opportunity for growth, self-reliance and involvement. This will only happen if and when the Convention's aims and ethos are taken seriously by all in social work and, perhaps more importantly, its philosophy is embraced culturally, socially and economically by society as a whole. Lundy's (2007) model seems an apt vehicle for helping make this a consistent reality, ensuring we continue to build on the good practice examples which exist and that participation becomes the norm.

However, the road ahead will continue to prove challenging and children aspiring to grow up in a country where their rights are taken seriously will be disappointed by the

findings contained within the UK's Joint Committee on Human Rights (2015) report. This report, whilst acknowledging improvements, comments that:

the momentum for spreading good practice and awareness throughout government concerning the Convention-and to encourage departments to take the articles of the Convention seriously-seems to have lessened ... there does not seem to have been any attempt made to gauge how well the commitment was being fulfilled or to monitor the extent to which the Convention was being taken substantively into account by government departments. (Joint Committee on Human Rights, 2015, p. 11)

Conclusion

This article has given a critical analysis of the challenges and opportunities facing social work in its attempt to fulfil its legal obligation to enact Article 12 of the Convention. The article outlines the benefits of involving children but argues that, despite being beneficial, implementing Article 12 in social work has proved challenging. Reasons why this is so have been outlined and Lundy's model of conceptualising Article 12 has been offered as a real-world tool for helping overcome these challenges. The article, however, concludes that major challenges still exist not only for social work but for society as a whole in its attempt to take children's rights seriously.

Notes on Contributor

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