

Children at the centre of safety: challenging the false juxtaposition of protection and participation

Setting the scene: the principle of indivisible rights

In total, 30 years on from the adoption of the United Nation Convention on the Rights of the Child (United Nations, 1989), the indivisible and mutually reinforcing relationship between children's rights to both "protection" and participation is long-standing. Yet despite its longevity, the practical realisation of this relationship remains significantly under-explored.

Child participation is variously understood as having a say, being involved in decision making and achieving influence (through words and actions): within personal lives, communities, practice, research and policy. Children's rights to participation, enshrined in the 1989 United Nations Convention on the Rights of the Child (UNCRC), tend to be associated with children's right to have their views taken into account in matters that affect them (Article 12), the rights to freedom of expression (Article 13), freedom of thought, conscience and religion (Article 14), the right to associate with others (Article 15), the right to privacy (Article 16) and the right to access information (Article 17). Crucially Article 12 as one of the general principles of the UNCRC, should be considered in the interpretation and implementation of all other rights.

Meanwhile children's rights to protection are more often related to rights explicitly focused on children's physical and psychological safety. They are noted to draw attention to the special status of children due to their relative immaturity and associated dependency, vulnerability and potential defencelessness (Archard, 2004). Centrally this includes the three remaining general principles: children's rights to protection from discrimination (Article 2), upholding their best interests in decision making (Article 3) and their right to survival and development (Article 6). Further rights address more specific forms of maltreatment and neglect, including physical and mental violence (Article 19), harmful work (Article 32); sexual abuse (Article 34) and cruel or harmful punishment (Article 37).

Despite these perceived distinctions the UN Committee on the Rights of the Child helpfully draws attention to the interdependency of all children's rights. Crucially for this journal, they provide guidance on the implementation of Article 12 (General Comment Number 12) which includes the statement that:

Much of the violence perpetrated against children goes unchallenged both because certain forms of abusive behaviour are understood by children as accepted practices, and due to the lack of child-friendly reporting mechanisms [...] Thus, effective inclusion of children in protective measures requires that children be informed about their right to be heard and to grow up free from all forms of physical and psychological violence. (United Nations Committee on the Rights of the Child, 2009, Paragraph 120)

Furthermore General Comment 12 states that there can be no assessment of best interests without giving due weight to children's views.' Noting for example:

Whenever a decision is made to remove a child from her or his family because the child is a victim of abuse or neglect within his or her home, the view of the child must be taken into account in order to determine the best interests of the child. (Paragraph 53)

Despite this framework, multiple authors point to perceived tensions between these two sets of rights and the challenges in simultaneously prioritising them (Healy, 1998; Archard, 2004; Hinton, 2008; Healy and Darlington, 2009; Coppock and Phillips, 2013). Frustratingly few examples exist which seeks to more deeply explore or resolve these tensions. Instead several authors suggest

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that in reality a pragmatic approach is often adopted that has tended to prioritise children's protection rights above those of participation (Feinstein and O'Kane, 2008; Lefevre *et al.*, 2018). Both the unique power relationships pertinent to the socio-legal position of children (Archard, 2004) and cultural expressions of childhood and youth (Hart, 1992; Boyden and Ennew, 1997) lean in favour of paternalistic approaches that sideline children's perspectives while claiming to champion their needs for protection.

In an early response to the UNCRC Archard (2004) suggests the heart of this tension is rooted in two distinct ideological perspectives on childhood that informed the convention's creation: the paternalism of provision and protection rights defined by adults, which foreground specific vulnerabilities associated with childhood, alongside emancipatory concerns rooted in recognition of children's agency and potential influence.

The resulting false juxtaposition of participation and protection is all too familiar for us both. Throughout our own experiences working in participatory practice and research over the last 20 and 30 years, respectively, we have repeatedly encountered perceived child protection concerns used to explicitly and tacitly block or limit children's involvement in decision-making processes (spanning practice, policy and research settings). We have witnessed how this in turn has stymied children's opportunities to inform change, take part in social action and unlock potential benefits for themselves and others that flow from that. Outside of research the implications of this false juxtaposition are even starker – most obviously within the pages of serious case reviews and child protection inquiries which repeatedly note a failure to listen to children as critical in institutional failures to protect (Laming, 2003; Ayre and Preston-Shoot, 2010; Munro, 2011; Jay, 2014).

It is our belief that despite some notable progress (Welsby, 1996; Jamieson, 2009; Moore, 2017) until there is a more explicit articulation of the indivisibility of children's rights to participation, protection and provision, safety concerns will continue to "trump" participation rights. Evidence from national and international monitoring of children's participation rights suggests as much (Crowley and Larkins, 2018; Rosa *et al.*, 2019). Protection must not be considered distinct from participation: recognising the latter (information, expression and influence) as a necessary component of protection. However without practical examples of this relationship children's opportunities to participate can remain a non-essential "add on" – rather than part of the "glue" through which protective rights are upheld (Brodie, 2016).

Furthermore a consideration of social provision must also remain central in this debate – recognising both its relationship to keeping children safe and children's potential role in directing the allocation of resources. This is especially noteworthy given evidence that the focus on childhood competence and vulnerability – so often used to justify limitations on children's opportunities to participate – are themselves contextual and related to the resources and opportunities available to children (Hutchby and Moran-Ellis, 1998).

Moreover striking evidence of children's competence in assessing risk and outcomes in relation to child protection (Hershkowitz *et al.*, 2007; Rees *et al.*, 2010) highlights the potential (though as yet unexplored) role of children in directing decision making regarding social provision of resources that could promote their safety.

In order to adequately respect, protection and participation, with and for children and young people it is imperative to name and remove the barriers to these intersecting rights in both practice and policy within UK and globally. Whilst this journal draws on content from the UK, we hope the contributions throughout this journal will be relevant in global contexts – suggesting that in order for children's to access lives free from abuse, maltreatment and oppression, in which they can thrive in socially just societies, their participation rights must be held. This builds on the work of writers like van Bueren (1998) noting the relationship between participation and protection and their relationship to distributive justice, and Lansdown (2012) noting that children's protection from abuse is dependent on cultures (organisational, community or state based) which respect and amplify children's "voices" thus challenging cultures of silence and impunity in which abuse flourishes.

However, it is also vital to build on work that highlights the inadequacy of conceptualising child participation as limited to promoting individual children's "voice" and influence – what Wyness (2013) terms "discursive voice-based" participation (Imoh, 2012). Here there is value in looking to

writing and research from the majority world which more prominently foregrounds children as relational beings and highlights participation in “material practices” or action, as much as through voice. Abebe and Oforu-Kusi (2016), for example, draw attention to the ways in which children shape and are shaped by social processes through their engagement in everyday contexts. They note how children’s agency is an intergenerational and relational process where children materially contribute to and change circumstances for themselves, their families and communities. When considering children’s safety and protection these considerations are no less significant – both within institutional and everyday settings. For example, children may be involved in changing social circumstances to protect themselves and others through participating in drafting legislation (see for example Jamieson, 2009, explaining the development of the South Africa Children’s Act) and, in the face of spatial infrastructural inequalities (the lack of a water supply), female children may participate in protecting themselves and their families by carrying water (Phiri and Abebe, 2016). Such writing reminds us that removing the barriers to both protection and participation within the UK and globally, requires further recognition of the intersection of both children’s discursive and material participation, alongside their inter- and intra-generational agency within global and local economic and cultural structures.

Notwithstanding the UK-centric limitation of this special edition, the exploration and application of these ideas is apparent throughout the contributions to this journal. Their content captures a range of approaches and perspectives and research and practice with diverse groups of children and young people. This includes those known to have been subject to various forms of oppression or marginalisation: care experienced/‘looked after’ children (Diaz *et al.*), disabled children (Brady and Franklin), children subject to violence and abuse (Ackerley and Factor), LGBT + youth (Whittington) and broader cohorts of children accessed through mainstream schools and youth provision (Whittington; Hollis). The articles therefore provide steps forward in understanding the barriers and enables to participation and protection in a variety of intersecting experiences of childhood which may be encountered in both minority and majority worlds.

Alongside more traditional articles in this special edition we were also keen to find ways of embedding young people’s perspectives on the connection between participation and protection. Mindful of our own privilege and power as editors this was an attempt to find ways of including younger, non-academic authors: aiming for young people’s presence in the journal to feature in more direct and less mediated forms. The result is two contributions from young researcher groups: UCan (based at the University of Central Lancashire) and YRAP (based at the University of Bedfordshire), whose work focuses on themes relating to both participation and protection. In both cases their authorial voices are introduced and framed by academic co-authors – highlighting our own difficulties in challenging traditional academic forms and extending the challenge for more radical children’s participation in future journals.

In the remaining sections of this editorial we provide an overview of the articles, drawing out their contributions to understanding of both barriers to children’s participation in contexts of highlighted concerns about safety; and conditions and strategies for overcoming these. We then draw together some implications for future practice and research.

Articles in this edition

In a review of existing literature concerning child participation in research about child protection, Killi and Moilanen highlight how conceptions of children’s vulnerability and risk are translated into practices resulting in an absence of their access to information and influence. Their paper evidences the pervasive nature of risk averse practices in research with children, particularly influenced by the role of ethics committees and the consequences of this for policy and practice where children’s influence remains absent from decision-making processes. They therefore set an agenda for future child protection research that is co-designed and co-led by child and academic researchers who are competent in navigating the potential for distress, reflective on their own practice and backed by adequate funding to maintain consistent relationships with children involved in the research. They note that to be inclusive, such research would also need to be backed by critical and informed discussions with parents, professionals and institutions to minimise the tendency for risk averse practice which deny children access to potentially beneficial participation in research activities.

This theme of risk averse practice is echoed in the article by Diaz *et al.* who describe research into social work practices relating to children's participation in "children in care reviews". The findings exemplify the gap between policy rhetoric and practice realities in relation to children's participation. While the authors note social workers shared nominal commitment to children's involvement in reviews they evidence confusion about what this means in practice. This context where professionals hold variable understanding and attitudes, coupled with limited resources, means decades on from the establishment of statutory duties to realise children's participation rights in these settings – and the development of innovative practice to support it (Welsby, 1996), provision for children to have a say in social work decisions that affects them remains wrongly conceived as optional practice. In contrast to a particular form of procedural protection which is recognised as a (statutory) duty, the article demonstrates child protection professionals continue to perceive the role of children in decision making as aspirational rather than fundamental.

However rather than criticising individual professionals or local authorities, it is important also to acknowledge the current organisational context in which the practices described in both this article and wider journal operate. Diaz *et al.*, again in line with Killi and Moilanen, draw further attention to the ways in which risk averse attitudes combine with embedded practices and structural contexts, limiting potential for new strategies to emerge that might enhance both participation and protection. By embedded practices we mean both interpersonal (e.g. the dynamics of agenda setting, information flows and relationships management within meetings) and organisational (e.g. the availability of time and consistent personnel which enable practitioners to build trusting relationships in which safety can flourish). Meanwhile structural contexts include the way in which the public sector remains constrained by austerity-minded economic and social policy alongside cultural assumptions about childhood and risk (Featherstone *et al.*, 2018).

The theme of trust surfaces again in the several articles in this journal – reflecting wider research which both identify trust as the basis for effective "safeguarding" relationships (Warrington, 2013) and note its dependence on rights respecting practice which recognise children's agency (Lefevre *et al.*, 2018; Hallett, 2016). In this volume, strategies that enable trust to be built are described by Brady and Franklin in settings linked to research, social work, education, health and care. Again the issue of resources (specifically professionals time) is identified as critical to enabling the relationships of trust through which safe and meaningful participatory processes flourish. Opportunities to hold and respond to the risks described are clearly dependent on this relational practice – ensuring the young researchers exploration and exposure of injustice is a shared experience that is manageable and motivational rather than disempowering or unduly distressing.

Going beyond notions of trust however, Brady and Franklin's work also offers an example of more radical collaborative decision-making processes with children in the safeguarding arena; applied co-led research exploring disabled children's involvement in Education Health and Care Plans (EHCPs). Disabled children and young people are here positioned as co-researchers - part of the academic/youth researcher collective "RIP Stars" – co-leading the work that identifies, analyses and challenges these shortcomings. As in the article by Diaz *et al.*, their findings show that similar processes to those encountered in looked after children's review meetings are at play in EHCP: children's perspectives and rights present in guidance and policy while marginalised in practice, and children's view sometimes sought without available resources to respond to them. Here disabled children and young people are encountering the dual attitudinal barriers of discrimination based on conceptions of both disability and childhood/youth. Significantly this article also foregrounds strategies for enabling participatory practice which promotes protection rather than protectionism. In doing so it suggests ways of countering the silencing and marginalisation of disabled children strongly associated with their additional vulnerability to violence and abuse (Franklin *et al.*, 2015; Taylor *et al.*, 2015). While risks to the young researchers are present and acknowledged here (namely in relation to the difficult feelings of frustration, upset and anger evoked by reflecting on experiences of marginalisation from decision making) these are noted to be something the young researchers do not wish to be "protected from". Rather, as Freire (1973) highlighted, opportunities to reflect on and learn from personal experiences and to connect these to structural conditions such as discriminatory attitudes or austerity policies are integral to challenging (and protecting children from) arguably greater risks of a long term lack of social justice.

The contribution co-authored by a second group of young researchers and colleague academics (UCan) reinforces this point, and demonstrates the capacity of experienced young researchers to reflect on and minimise risk when recounting their own experience. As Killi and Moilanen point out, co-led research with children and young people needs to be conducted by researchers competent in navigating the potential for distress. The UCan contribution highlights that this competence is not age dependent. Competence to navigate and define risk is related to opportunities to access information and reflect on experiences.

In addition to emphasising the competence of young researchers to navigate risks during participatory activities, the UCan contribution draws attention to the benefits of participatory practice in promoting protection for children when they are outside of participatory group settings. UCan argue that participation supports protection by promoting inclusion in social life, providing information and enhancing young people's communication skills. But, they stress, participatory activity also makes safeguarding a community endeavour rather than an individualised responsibility. By gathering and sharing evidence about the consequences of discriminatory and abusive attitudes and practices, young people promote safety for themselves and their peers.

Articles by Hollis and Whittington also contribute to the theme of the importance of access to information to enable informed and safe decision making. Reflecting on a non-participatory evaluation of a schools-based safeguarding programme Hollis describes how researchers who critically reflect on their practice can develop multi-method and creative approaches to facilitate young children's decision making about participation. However she also highlights the need to involve children in developing accessible information, without which consent to participation is not informed.

Although Hollis' argument for co-designed information is developed through reflections on safeguarding research, her argument for co-designed information is equally relevant in other safeguarding settings. But children are not the only people who need accessible and relevant information, and Hollis also makes a strong case for policy makers and service deliverers needing information about children's views and experiences so that adult professional's decision making about safeguarding services can be evidence based. Similarly, academics would benefit from information about successful strategies for responding to disclosures during research activities, and this again would promote safe participatory practice. As Killi and Moilanen previously note, reflecting on our practice – together with children and young people – would enable us to improve it.

The article by Whittington goes some way towards responding to these identified needs by reflecting on practice activities within a Participatory Action Research (PAR). Like Hollis, Whittington's article describes how to support young participants to make meaningful decisions about participation in the research itself and to give (or withhold) consent through sensitive discussions. However, like Brady and Franklin, Whittington describes a PAR process in which young people are afforded a range of opportunities to inform and steer a research agenda focused on safeguarding and also the research process itself. While the article focuses on the methodological issues it is framed by the context of debates around relationship and sex education (the focus of the research) highlighting how some adults' desires to "protect" children and young people from access to information, denies them knowledge that is protective. This provides a really practical exploration of how young people's participation in discussions and opportunities to influence policy are often undermined by adults acting as gatekeepers to those opportunities – be those parents, ethical reviewers or professionals. The article describes the practice realities of negotiating these processes – with young people and institutions and the dilemmas involved. It speaks again to the importance of managing rather than avoiding risk and above all recognising young people's rights and capacities to access the information and opportunities for critical reflection that help keep them safe.

The article by Ackerley and Factor similarly responds to the needs identified by Hollis, and by Killi and Moilanen, for participatory practice to be conducted by well-informed researchers. Ackerley and Factor represents a relatively novel contribution to literature on children's participation, at least within the UK as they hint at an as yet underexplored alignment between participatory and trauma informed principles of practice. The article describes dialogical practice with young

“experts by experience” addressing police responses to child sexual exploitation – a dynamic process of constantly negotiating protective and participatory rights. In this example a unique opportunity for managed dialogue, between police professionals and young people, is presented as both an individual and collective response to trauma, and a process in which the potential for re-traumatisation remains a “live” concern. Here participatory processes hold both protective potential and psychological risk. Balancing these clearly requires skill and the authors remind us that while encouraging further uptake of participatory approaches we must be careful not to underplay the skills that participation workers need – particularly when navigating situations where participants vulnerabilities may be significant or conflict likely.

Relatedly the role of dialogue and the “group” is also explored here – demonstrating another recurring theme (Whittington; Brady and Franklin; YRAP – all this volume). Interestingly within this debate groups – so often seen as fundamental to participatory practice seeking to influence social change – are also often cited as a sites of risk for particular individuals or groups of children and young people (see for example Warrington and Brodie, 2017). Undeniably group work is unpredictable, involves potential conflict and dramatically shifts the balance of power – yet tied up in these dynamic qualities are transformative, protective and democratising potential – as evidenced here. Key considerations again relate to commitment and resources: namely staff time and skill alongside organisational support through which to anticipate, manage and respond to risk, whether potential or actual.

The final contribution in this journal comes from members of another group of young research advisors and academic co-authors (YRAP) whose work is focused on supporting research addressing sexual violence experienced by young people. As individuals with direct experience of being considered “too vulnerable” to participate in individual and collective decision making their contribution seeks to name tangible protective benefits of participatory practice. They challenge notions that such benefits are obscure or hard to discern – citing experiences of care, enhanced confidence and self-efficacy, solidarity and politicisation derived from their experiences of participatory group work. Echoing themes identified by Ackerley and Factor their contributions also suggest the as yet under-explored potential of participatory work in addressing trauma with children and young people – and the intersections with therapeutic approaches. Similarly their contribution further reiterates the role of young people in assessing risk as highlighted by several articles.

Implications

From the articles drawn together for this special edition we can see that there are risks associated with both participatory practice and its absence. When children are not provided with opportunities to express their views, to talk about their experiences or to access relevant information, their participatory rights are denied. This is a process of silencing which is oppressive in and of itself, which allows abuse to flourish and which prevents change in decision making, structural conditions of inequality and exposure to harm. When “risk” is used as the key rationale for excluding particular individual or groups of children and young people from certain decision-making processes the absence of these (potentially more challenging) perspectives means research policy and practice is ill-informed. When risks are assessed by juxtaposing participation and protection, dominant conceptions of childhood vulnerability, alongside issue specific concerns, are used to justify practices which we believe are themselves risky.

None of this is to deny the potential for risk, as with any social context, particularly where children have already been exposed to harm. But, an alternative approach to managing and navigating these risks is needed. A first step would be to name and identify any risks which are anticipated, and to question whether these relate to participating children and young people, practitioners and institutions, or for progress towards long term social justice. The risks which tend to be named currently are framed as risks to children, for example through exposure to distress in group-based discussions or exposure to publicity when they advocate for themselves. Behind these there is a climate of risk aversion, particularly in social care settings, where negative media attention has led to the growth of risk-avoidant and blaming institutional cultures (Parton, 2014). The questions arising are: why are children and young people denied opportunities to participate? What sorts of risks are being avoided (risks of conflict or raised expectations, risks to reputations or psychological risks)? And who or what is being protected by avoiding this risk

(organisations; the status quo; professions; individual professionals or children and young people)? And finally, why are the risks of young people not taking part in decision making so rarely considered? We suggest the answer lies in part in the failure to recognise children as actual citizens, with rights to receive and influence the distribution of social resources (Larkins, 2014).

In addition, the risks arising from an absence of children and young people's participation may be harder to identify and quantify. Many will be long term and direct causality may be hard to trace (although serious case reviews in the UK are starting to highlight this). Only by looking at the potential positive impact of participatory practice – on children, families, communities, services and policy – can we make tangible the potential risk arising from absence of participation. Just as children's vulnerability and competency is noted to be contextually specific – dependent on the allocation of resources – so too can risk be managed and reduced with the right resources. This highlights the role of professional commitment and understanding of inclusive participation which must underpin this work and the need to recognise children as able assessors of risk, and therefore part of risk management processes.

To move forward there is need to come to terms with the fact that adult instincts to protect children can often be silencing, to acknowledge this and talk honestly about it where it happens. As participatory practitioners we both know of moments when we ourselves have followed these instincts. The task is therefore for practitioners and institutions to ask ourselves difficult questions – are there times when protective silencing is justifiable? Who gets to decide? How do we determine what's in a child's best interests when the consequences of participating or not participating are often based on speculation? There is no single answer to these questions as they are context specific but, as growing opportunities for children to name the violence they experience has shown, a shift away from silencing is protective.

Once risks are named and critically assessed, the evidence collated in this special edition suggests that collectively we do have the knowledge which could mitigate risks if adequate resourcing is available. The relevant resources in this context are long term financial decision making and funding strategies which enable trusting relationships to be built, and adequate time to be allocated. With time and relationships, existing strategies for protective participatory practices could be shared and further critical reflection on how to deepen these would be facilitated. Group-based critical dialogue, when facilitated with an understanding of the power dynamics within groups, can offer immediate benefit. It provides participants with opportunities to reduce self-blame associated with many forms of oppression and vulnerability – recognising "it's not just me" and to pursue structural change, linking the personal to the political. Group-based critical dialogue also provides participants with opportunities offer and receive care and access to both physical and psychological safety – as so eloquently highlighted within the YRAP contribution. This counters existing gaps in literature making the case for the life-saving potential and properties of participatory practice.

A second problem that arises from juxtaposing participation and protection arises from a conception of participation as voice, rather than influence. In this special edition, Kiili and Moilanen suggest that child protection research uncritically reproduces an understanding of children's participation as a formal and institutional process. Similarly Diaz *et al.* demonstrate how practitioners are confused about what participation actually means. In contrast, Brady and Franklin promote a rights-based understanding of participation, which connects to the use of Freire by other authors. The evidence how children learning about rights to participation and protection, alongside broader theoretical frameworks enhances children and young people's capacity to challenge existing policy and provision. It suggests how one measure of the effectiveness of participatory practice in promoting protection might be to track the extent to which children's views about their personal and collective wishes are translated into changes in practice and policy. If children and young people's wishes are not translated into practice, explicit and accessible information about why is required, enabling scrutiny of professional and institutional decisions.

To promote the conditions in which protective participatory practice is possible, the lines between participation, research and activism need to be blurred. Stronger action-orientation practice focused on social justice would provide greater potential to achieve the changes that children and

young people seek, and to understand the conditions that are limiting these changes. At the same time, caution and critical awareness are also needed as reviews of co-production and child participation have shown that neo-liberal participatory practice can be a means of responsabilising service users of any age (Beresford, 2008; Needham and Carr, 2009; Kili and Larkins, 2018) – placing greater emphasis on individual’s responsibility to care for themselves and denying them the social resources (or control over these) that would enable them to direct social action. Further, current financial “austerity” measures and shifting working environments in which child protection services shuffle between being outsourced and then brought back into local authorities are limiting opportunities for professionals to dedicate the time needed to develop continuity of relationships and to be able to share and learn from each other’s examples of effective protective participatory practice.

The task of bringing about change through participatory practices that promote personal and social protection of children is necessarily intergenerational. It requires changes in adult attitudes about children, risks and priorities. It requires collaboration between and within generational groups, to understand how progress towards social justice can be achieved. It also requires political challenge to dominant ideologies that lead to decision making based on neo-liberal market principles rather than on evidence. Many of the children, young people and adults participating in the research and environments described in the articles within this volume are already engaged in trying to achieve these changes. We hope that this edition will provide readers with some inspiration for how further changes might be achieved.

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