



# The UN Convention on the Rights of the Child and Social Education

– children placed outside the home

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## **Barneøyne**

Barn.  
Jeg har sett i øynene dine.  
Slik er det  
jeg ennå tør synge.

Jeg har sett det uskyldige.  
Slik er det jeg tar dine hender  
og er ved å tro.

Din bjarte røst vil jeg kjenne  
risle gjennom min egen,  
sive ned i mørke  
som dagningen ned i en natt

Ved deg tør jeg ennå håpe.  
Over endeløs skam  
står begynnelsens hellige lys.  
Ennå en gang.

*Einar Skjæraasen*

## Introduction

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The UN Convention on the Rights of the Child is the children's constitution. In 2009 it celebrated its 20th anniversary and most countries have now ratified it. In 2010 and 2011 the UN's Child Committee had the State Parties sit for examination. The committee examined to which extent the State Parties have implemented the convention and controlled whether they fulfil its intentions. The committee has different demands to each country depending on the status of their work with the convention.

Most children in the Nordic countries have good possibilities of living a good and secure life as children. However, this doesn't mean that all children thrive and are happy. In all the Nordic countries there are children who grow up under tough circumstances. Boys and girls who face hardship and have many severe issues to deal with. Mistreatment, abuse, violation and neglect – behavioural problems and mental illness. Children who need special care and support.

In particular, the UN criticises vulnerable children's circumstances in the Nordic countries. The criticism is, for instance, aimed at the lowering of the age of criminal responsibility in Denmark where there are also unacceptable conditions for children in asylum centres and an unsystematic position on children's rights. On the Faroe Islands the convention has no or very little impact. There is a lack of statistics which show to which extent children's rights are ensured. Among other things, no one knows the extent of child poverty or sexual abuse on the Faroe Islands.

Greenland received praise for their reforms concerning children and youth as well as their cooperation with UNICEF. The praise, however, must be seen in the light of a social sector in deep crisis with too many children growing up under unacceptable conditions. The committee questions whether the psycho-social support of children and youth is adequate.

Norway is, among other things, criticised for the fact that children and youth are not adequately familiar with the contents of the convention. Children and youth at risk are not ensured the help and support they need. This goes for unaccompanied minor asylum seekers, children from a minority background and children exposed of violence and abuse. Norway is also criticised for the fact that the inclusion of children in decisions concerning

themselves is not fulfilling.

Like the other Nordic countries, both Sweden and Iceland have ratified the UN's child convention. But it is not incorporated into neither Swedish nor Icelandic law. The UN's Child Committee recommends Sweden to grant the convention status as Swedish law and include it in school education plans. In Iceland, children convicted of a crime can choose to serve their sentence in prison among adult prisoners or in a child treatment centre.

The Convention on the Rights of the Child does not only live in obscurity in most national legislations and administrations. Also, very few children are aware of its contents and the convention is therefore not of much importance to them. This, in particular, affects children and youth at risk. If the UN's child convention is to come out of obscurity, professionals working with and being responsible of children and youth must commit themselves to using the convention openly in their everyday practice.

Exposed children are children from families at risk, children and youth with tough backgrounds growing up in families with complex issues – children and youth whose development is in jeopardy. The child convention establishes the entitlement of all children to exercise certain rights: to develop, to be protected from any kind of harm or abuse and to be included in decisions, actions and developments happening at home, in school and society.

With this document, the Nordic Forum for Social Educators wish to ensure the child convention its legitimate role in social educational work. In the Nordic Forum for Social Educators we have a vision that the profession as a whole and the men and women working in the field will implement the convention and make use of its principles in their daily social educational work practice with vulnerable children and youth. To use the convention actively in the daily work implies a social political and ethical responsibility to render the situation of children and youth visible when their rights are violated.

The focus of this document is children and youth placed outside the home. Children and youth who face social problems and troublesome circumstances in their upbringing. The most vulnerable children, placed outside

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their homes and customary environment.

The message is that

- children's rights, as they are expressed in the UN Convention on the Rights of the Child, should be incorporated in all national legislations and administrations
- children placed outside the home must by law be ensured their rights during the placement
- all the Nordic countries should have a children's ombudsman who can monitor the implementation of the convention

- all professionals responsible of children and youth are obliged to comply with the convention and use it in their daily practice
- the educational institutions must ensure that the students know the rights of the child and gain the necessary competencies to fulfil these rights.

The document poses a range of questions that we hope you and your workplace will take time to discuss. We are sure the debate will strengthen and develop a stronger professionalism in the work with children and youth.

*The executive committee, 26th of October 2011*

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# 1. The child perspective and the perspective of the child

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*In this chapter, the view upon children and perspectives of children in the work with children are discussed. What is a good child life? How are marginalised children and youth viewed?*

## **The child perspective**

The development in the view on children has happened on the basis of ideological, theoretical and judicial changes that all have an impact on the social educational work with children and youth at risk.

The child perspective can be perceived in different ways and have a double meaning. The researcher, the social educator, and adults in general, seek to reflect a perspective they are not part of. While the child, who is part of this perspective, normally doesn't engage in portraying or reflecting it.

Thus, the child perspective can be seen as the adults' attempt to understand thoughts and feelings of the child which it may have about itself and its life.

Methodically this results in two challenges. First, the child is central, not only as a studied object but also as a subject – as an actor and expert of his or her own life. Second, the social educator, when trying to understand the child, must employ various interpretations and analyses of what the child says and does.

The perspective of the child deals with the child's own perceptions and ideas, its own stories.

**The child perspective is the adults' attempt to understand thoughts and feelings of the child which it may have about itself and its life.**

The way adults perceive, describe and interpret the child determines how we view and act in relation to the child. Perceptions related to science, and theories that give a static and pre-determined view of the child's development, give the child a passive role and may contribute to reducing the contact with the child. In contrast, viewing the child as an actor will grant the child an active role in his or her own development while also strengthening the rights of the child.

## **Theoretical positions**

The way we choose to perceive children and childhood depends upon which scientific standpoint we have and which tradition we relate to.

Many people claim (Corsaro 1997, Qvortrup 1994, Prout 2005) that the child and the child perspective have been absent or incomprehensive in many professions, scientific schools of thought and planning of society. The low priority of children in society can be understood from a perspective where childhood is seen as the first part of a transition. In this view, the adult world appreciates children and what they do from a perspective that sees children as preparing themselves to be adults. From this position the inherent values, experiences and childhood rights are under threat and children become a marginalised group of society. The child's own actions, in the act of play or through contributions at school, are not valued or accounted for as part of society's total operations.

## **Criticism of how psychology and sociology view children**

In developmental psychology, theories of maturing, needs and developmental stages have affected the perception of the child and are strongly influenced by Sigmund Freud, Erik H. Erikson and Jean Piaget. These theories are universal and portray the child as unfinished and immature.

Theoretical schools in psychology on child development have been based on two central models. One is biological and views the development as a natural maturing process. The other is founded upon how factors, such as pre-mature attachment to objects or unconscious defence mechanisms, in early childhood have great impact on a child's development. Both schools represent schools of thought where the child only to a limited extent contributes to its own development.

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Certain schools in traditional psychology theory lead to certain approaches in social educational practice. A diagnostic approach which focuses on unprocessed experiences during childhood has often been central and theories of psychology have only to a limited extent incorporated the inherent value of being a child.

In sociology, the most dominating idea has been that of socialisation. Two schools of thought have been leading in perceiving the child as a socialised being, or a product of society. One believes that a child's identity is shaped by various influences from society. The child is internalised and adapts to norms and demands of society in order to become an adult. The other school of thought sees socialisation as something that happens while the individual, through interaction, struggles to become part of a group.

The focus, in sociology, on the socialisation process has been influenced by the perception of the child as a passive object that adapts to society, social norms and environment.

These traditional theories do not embrace the fact that a child is also an active part, that children are independent individuals who in various ways contribute to their own development. When a social educator talks with children and youth and asks them to reflect upon their own lives she must think of each child as an active individual and participant.

The development of children can be seen as a process of interaction between the child and its environment. It's a two-way influence, from the environment to the child and from the child to its environment. Bronfenbrenner (1979) was one of the first child researchers to oppose earlier research on children which he thought was influenced by positivism and rendered children and childhood out of sight.

So, in accordance with their inherent personality and life experiences, children will actively take part in constructing their own environment and conditions of life by choosing and creating environments that are consistent with one another and match the child's personality and character.

This is clear in the children's choice of friends, leisure activities, hobbies and the decisions they make in

school. Schaffer (1999) claims:

*«In each case, children actively construct their own experiences by determining which kind of environment will give them the best chances of self-fulfilment. Thus, the environment is not an external matter influencing the child from the outside; it is an integrated part of the child's personality which, through the child's actions, becomes more and more integrated in the development process.» (1999:469)*

This means that children's social development is an active process where the child actively chooses what works and doesn't work. Children assess, interpret and construct both social and non-social aspects of their environment. This standpoint perceives the child as an active individual facing a fundamental development process, which encompasses a multidimensional system of influences, where it is the child's responsibility to construct a self-concept and seek influence in its own life.

The way the child handles this job and responsibility is based upon early experiences the child makes about what it requires to be with other people. Through the personal relation and strong emotional bonds between the child and the caregiver during the first year the child receives information and makes its own experiences about inter-personal relationships – for example whether it can trust other people, how it achieves comfort and avoids rejection.

Notwithstanding the quality of care, most children will get attached to one or more caregivers. Children, who have developed behaviour patterns that display a disorganised or disturbed attachment behaviour, because they are not used to positive reactions to their initiatives and attempts of contact, are not only passive victims. They take action and their attachment patterns are understandable and functional given their problematic life situation.

### **A child's development into an active and social participant in everyday life**

If you look at the child from an actor perspective, as an active participant in his or her own development process, it differs from perceiving the child's

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development as either biological or determined by external influences. Sommer puts it this way:

*«On the contrary, development happens in the interactive process between actors. In other words, the competent child's relation to its social environment is characterised by action. The necessary personal relations that development stems from will be built over time.» (1997:30)*

From this point of view we can claim that a child's development results from interacting with other people. This understanding of development is in opposition to the psychology theories that view the child as a passive receiver, and the socialisation theories that have adaption and shaping as their main ideas.

### Stability in care and upbringing are paramount to a normal development of personal character

Based upon research we can draw the conclusion that stability in care and upbringing are paramount to a normal development of personal character. Even in critical life situations it is unlikely that the child will suffer any harm as long as his or her environment is stable and certain routines are in place. Continuity and predictability can therefore be seen as a sort of protection and buffer when facing changes and instability.

Repeats and routines are not only characteristics of most children's family life but are also present in other arenas where children spend a greater part of the day, such as day-care and school. Development, social competencies and inclusion in society are built upon the child's everyday practice and its daily experiences.

### Continuity and predictability are a sort of protection and buffer when facing changes and instability

#### Recent views upon children and childhood

Many child researchers claim that a new paradigm, rooted in the 70s' growing political and scientific interest in children and childhood, has arisen. This development becomes clear when looking at the main issues at the time: children's rights and the UN's International Year of

the Child in 1979, but also a focus on the mistreatment of children and sexual abuse. In various professions it was discussed how one can understand and develop the concepts of child and childhood.

An important school of thought in this development is that childhood, and the social relations and cultures of children, must be studied as phenomena in their own right and not just as part of the adult world and way of perception. James and James (2001) say that the view on the child must be based on three premises: childhood is a social construction; children are, in themselves, worth studying as human beings; children are competent social actors.

The tendency, in the new paradigm of understanding children and childhood, is not focused on the history of childhood but primarily on today's society and the social life and activities that children perform and take part in. If social educators are to understand children as social actors they must see the child's activities as manifestations of different sides of the child. A child's development can be seen as both a collective and individual process where the child relates actively to his or her environment, everyday events and their interaction with other people.

Social educators must look into the child's active construction and reconstruction of its environment – rather than viewing the child's actions as adaptations to the environment. In this view, children are active creators of their own identity and thereby appear as independent subjects. Self-reflection and active participation are central characteristics of the competent child. Viewing the child as competent presumes the actor perspective.

The actor perspective, which claims that a child actively affects its environment, is different from the main idea which has dominated theories of sociology and psychology on children and childhood. Children were seen as passive participants in the adult world receiving inputs from adults. Studying and understanding how children behave in their environments, and interact in the various contexts they live in, requires a social educational practice that puts children as social actors in front.

This objective of social educational work requires a

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focus on children's attachment to their caregivers and close relations in everyday life as well as their contextual relations. From the actor perspective a child is perceived as an active subject interacting with its environment, affecting and being affected by others.

Childhood has been through many changes in post-modern society. Behind these changes are a range of factors such as individualisation, new arenas and improved children's rights. At the same time, the view on the child has been influenced by the actor perspective which views children as both participating and competent in their own development processes. Children are viewed as actors, with their own set of rights, who interact with their environment and actively take part in their own socialisation and shaping of identity.

The competencies a social educator must have, in order to understand a child's life and the world it lives in and reacts to, in accordance with its own interests, involve knowledge of children's rights, recognising children and youth as competent, and knowledge of how positive and sustained changes can take place.

Social education is based upon such competencies. Implicitly in social education is an ethical claim when interacting with children and youth. Relating to the child as a subject requires that you see the child's experiences and thoughts as the main base of the social educational work – when interacting with a world that is often based upon other perspectives.

## 2. Central articles of the UN Convention on the Rights of the Child – the function of social education and the role of social educators

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*In this chapter, central articles of the UN Convention on the Rights of the Child are introduced: protection, development, and inclusion, understood as principles and rights that social educators and placement homes must implement in the daily social educational practice*

The UN Convention on the Rights of the Child is the most ratified convention in the world. The State Parties have committed themselves to implementing the convention in their national legislations. A UN committee on the rights of the child follow the State Parties' execution of the convention. Every 5th year the State Parties must report to the committee which usually enquires additional information in order the shed light on the status of the implementation process.

### **The rights of the child**

The United Nation's Universal Declaration of Human Rights declares that children have the right to special care and support.

The UN Convention on the Rights of the Child gives all children in the entire world equal formal rights. This goes for all children under the age of 18 no matter where in the world they are from. Children must be respected as active and independent individuals with the right to protection, development and participation in society and decisions that affect their lives.

The convention is based upon the principle that what is *in the child's best interests* shall be the main priority in all decisions concerning the child. This principle is encompassed in legislation, public planning, and other general initiatives as well as concrete decisions and actions such as placing a child outside the home.

The convention also contains an absolute right of the child to express its views in all questions and matters affecting the child.

The State Parties commit themselves to ensure:

- Children's basic rights: food, health, accommodation
- Children's right to development: education, leisure, play, information
- Children's right to co-determination: influence, participation, freedom of speech
- Children's right to protection: from wars, exploitation and abuse

### **Children have the right to special care and support**

– the UN's Universal Declaration of Human Rights.

The *general principles* of the convention are that society shall ensure the best interests of the child in all actions concerning the child (Article 3). State Parties shall take appropriate measures to ensure that the child receives protection – including protection from all forms of discrimination (Article 2).

*The principle of non-discrimination means that the day-care centre, the school, preventive arrangements and placement homes are obliged to adapt to the child's needs, its individual character and the values the child brings from its life world.*

In Article 6 the State Parties recognize that every child has the inherent right to life and that the State Parties shall ensure to the maximum extent the survival and development of the child.

In Article 12 it is confirmed that State Parties shall (1) 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; (2) the views of the child must be given due weight in accordance with the 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 an appropriate body, in a manner consistent with the procedural rules or national law.

In the meaning of the convention the child is a fully fledged citizen of society and enjoys all *civil rights*. This is expressed through a series of articles about the child's right, from birth, to a name and a nationality and the child's right to preserve its identity (Article 7-8).

Children have the right to

- Express their feelings and points of views

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- Seek, receive and impart information
  - Choose and practice their beliefs and religion
  - Join associations or participate in peaceful assembly (Article 13-15)

The child must be protected from arbitrary or unlawful interference with his or her privacy, including correspondence. State parties shall ensure the child has access to information and material from a diversity of national and international sources (Article 16-17).

State Parties shall ensure that parents or legal guardians have the primary responsibility of the upbringing and development of the child. State Parties shall render appropriate assistance in the performance of the child-rearing responsibilities. The State Parties shall take all appropriate measures to protect the child from all forms of abuse committed by parents or others, to prevent all forms of abuse, and remedy the consequences when it has happened.

### **Children and youth at risk**

Despite these assurances there are children and youth who are not doing well and for whom life could be better. Children who live under poor social conditions, in disharmonic families or with mentally ill parents; parents who use drugs or alcohol or are involved in crime. Children and youth with bad and unsuccessful experiences from school.

This kind of upbringing increases the risk of these children and young people getting an adult life marked by isolation and loneliness, mental illness and anti-social behaviour. A life with drugs, alcohol and crime.

Many of these children need an early, timely and consistent intervention if they are to be prevented from falling through, living a life on the sideline. An early intervention which reduces the risk that the problems will grow and give the children a life marked by troubles, lack of education and unemployment.

There are children who do well despite living under poor social conditions. Children who have faith in their own capability, who manage to cope with the complications they meet. Still, having access to support from the surrounding social network is crucial; this can be from a

teacher, a sports coach, an uncle, a grandmother, the neighbours – a good friend.

Children's networks are of great importance, and to children and youth at risk they can be determinative of whether life takes one or the other path. Family counselling is an example of a preventive arrangement that includes the network and ensures the child receives support and back-up.

A lot is done to prevent that children and youth at risk mentally and socially develop in the wrong direction.

### **Preventive services**

In many ways, social educational work unfolds as preventive services in an otherwise normal life, as a supplement to an insufficient socialisation and qualification of the child or young person.

The preventive services are manifold and go from limiting an undesirable development to supporting a desirable development. Although the preventive services are often aimed at limiting undesirable developments of children and youth already at risk, both perspectives can be part of the social educational work.

The actual service can be investigative work in the milieu or providing support to children and families at risk. Here, the social educator works on changing the conditions that put the well-being and development of the child at risk. Either through supporting the parents in their role as caregivers or by offering the child a contact person who functions as a resource of support to the child.

Preventive services can also take place at the day-care centre or school. They can be in form of full-day school or take place after school. Taking part in leisure activities that give the children a feeling of success can also prevent many situations.

Preventive services are focused on current situations – children with special needs of care, treatment and education. A placement outside the home can therefore be aimed at preventing the situation from escalating and thereby, in itself, be an act of prevention.

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It can be extremely difficult to predict future situations and prevent problems from arising. Perhaps the best way to prevent problematic situations is not through intervention and support but by creating a society that can ensure all children the best possible development during the first years in life. It is commonly agreed that early intervention is paramount – rather than waiting until the problems can no longer be neglected.

This means that preventive social intervention is done best by ensuring that families have good living standards and that the day-care services are of high quality so the children can be given the best possible beginning in life.

Highly qualified health visitors are also part of society's general preventive social services which ensure the children get a good beginning in life.

**The State Parties recognize that every child has an inherent right to life and that the state to maximum extent shall ensure the survival and development of the child.**

When preventive arrangements have failed, either because intervention didn't work or came too late, or because the problems and conditions of life are so severe that the well-being and development of the child is in jeopardy, the state is obliged to take action and place the child in foster care or a placement home.

### **Children placed outside the home**

Placing children outside the home is a very drastic and dramatic act of intervention. The parents are responsible for the upbringing of their child, and the child is under their authority. The parents are responsible for providing the child care and security – which the child, according to the UN convention, is entitled to. It is the parents' responsibility to give the child the guidance most suitable for its skills and possibilities of development, and other countries must respect this (Article 5).

When the parents cannot manage or disregard this responsibility, the state can, in accordance with the best interests of the child, its wants and needs, intervene the parents' authority and place the child in foster care or a placement home. This often happens when the child has severe behavioural or social problems which the parents

cannot manage, or if the child lives with parents that do not provide sufficient care, who are ill or substance abusers.

**In all countries of the world there are children who live under particularly hard conditions and these children require special support**

– The declaration on social and judicial principles of the protection of the well-being of children.

When children are placed outside the home, the state is obliged to frequently review the condition of children placed in foster care or treatment centres (Article 25) and shall ensure that children who have been exposed to neglect, exploitation or abuse get the most suitable treatment so they can be reintegrated in society (Article 39).

Institutions, services and facilities responsible for the care or protection of children shall conform to the standards established by competent authorities, particularly in the areas of safety, health, in the number of staff and suitability of their training, as well as competent supervision (Article 3).

The child has the right to live with its parents unless this is considered irreconcilable with the well-being of the child. It has the right to maintain contact to both parents if it is separated from one or both. The State Party is obliged to re-establish contact if the separation results from any action initiated by that State Party (Article 9). This means the social educators must cooperate with the parents. They must listen to the parents and involve them as equal partners in the placement process.

Social educators who work in a foster home or as foster family have extended responsibility for the upbringing, education and care of the child or young person. They have a particular responsibility of ensuring the rights of the child during the placement and to help the child further in life.

Children have the right to be involved and heard. This is the essence of the UN Convention on the Rights of the Child.

The convention emphasises children's right to participate in the common institutions of society and be part of children's networks where they live. This is a prerequisite

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of the development and education of children.

This way, by participating, they learn how society is organised and how one can actively take part. Society must give children the opportunity to take part in its institutions, social organisations and structures.

This goes for all children, but children placed outside the home are particularly vulnerable. They live on the edge of society – kept away from central societal mechanisms and contexts. This is reality, whether it is because society finds it hard to socially adjust these children, or whether the children find it hard to adjust to the structure and organisation of society.

They are children and youth with glum experiences of participation – excluded and marginalised as they are. Children and youth in lack of care, who have felt threatened and looked down upon. Children and youth who find it hard to behave – in school and in relation to authorities and common rules. Children and youth often marked by mental illnesses.

They are children and youth who once, unconditionally, trusted other people. A trust that was not met, but exploited or abused. A trust that was met with a cold, annoyed or angry attitude. Children who were robbed the most precious of all: their spirit and opportunities in life.

Children and youth who need reliable adults who can provide the necessary care and be role models on how to be adults – something the children must learn as part of their development.

Still – consistent, authentic and reliable adults are not enough. Professionals with knowledge and expertise in rebuilding the child's self-confidence and self-esteem, its skills in setting limits, and skills in conflict resolution, are necessary. Professionals who can handle the children's fear and anger, who are not only capable of setting objectives for the treatment and choose the right methods, but who can also facilitate activities and learning processes that give the children an opportunity to re-conquer life.

The term «placed children» covers a group of very diverse children with individual characteristics, but common to all is that they have had and still live a life under hard and difficult circumstances. They have

special needs that require support and attention.

A foster home or social educational placement home must be an opportunity of development for the children and youth. A place where they can be with adults who welcome them and want to see them as other than just «maladjusted».

Above all, children and youth with tough conditions of life, mental illnesses, behavioural problems, substance abuse and learning problems, need positive experiences in creating relations and they need continuity and stability. They need social educators who can provide a safe and relatively conflict free environment, who in all manners act as grown-ups and show that they care about the children and support them to carry on with life.

The children need a place which can be a «breathing space» - a space free from all the agony of the world and the many failures. A place where the children's social problems and their backgrounds create meaningful relationships among them, where they feel they are not alone but have something in common with others.

## **The function of social education**

Whether the foster or placement home forms the physical setting of the child's private life, school and leisure activities, or the child goes to the local school and takes part in local leisure activities, social education is always aimed at the children and young people's participation and inclusion in society.

The child's problems are not alone the child's fault but must be seen in relation to the environment in which the child grew up. The social educator uses an understanding of what impact the problems have had on the child as the base for her work. When the social educator understands the child's behaviour, problems and needs as meaningful in the light of neglect, discrimination or other hardships, as a way in which the child tries to manage its options and possibilities, she can commence work by giving the child immediate support now and further through life.

Today the task is to ensure social inclusion. That is:

- Extend and differentiate the expectations of normality

- 
- Develop social diversity
  - Create social inclusion opportunities
  - Improve the life situation of children and youth at risk

This requires social educational competencies and processes which support that socially vulnerable children and youth have better circumstances in their lives and upbringing. Competencies and processes that contribute to:

- Creating networks
- Making differentiated networks possible
- Social inclusion and practice
- Social arenas
- Preventing marginalisation and segregation.

These responsibilities are consistent with the UN Convention on the Rights of the Child and require reflection from the social educators: a critical view upon the institutional order of life – routines, rules and behavioural patterns – as it sometimes may occur in the

placement homes.

It is a social educational task to implement the convention and incorporate its principles and standards into social educational practice. Social education is based upon ideas of humanity and democracy that support broadness – democratising, giving authority and autonomy. Values that correlate to the principles and standards of the child convention.

But social educators are not only obliged to use the convention in daily practice. When authorities fail to live up to the requirements of the convention, the ethical obligation is to render the consequences visible since children at risk in particular feel the impact of these consequences. Therefore, social educators have a special responsibility of pointing out when children's rights, in the masses of the big administrative grinder, are disregarded.

## 3. Facts about placed children and youth

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*In this chapter, the circumstances of life of placed children and youth, the conditions under which they grow up, as well as the reasons behind and duration of the placements and the help and support provided, are described*

### **Living conditions of children and youth**

The majority of children and youth living in the Nordic countries are doing very well. They live in prosperity, in well-functioning families with one or two parents who take good care of them. Parents who show them love and affection, who take an interest in their lives, well-being and development. They go to school or are taking a secondary education which everybody has free and equal access to. Smaller children are provided day-care according to their given age. There are plenty of opportunities of social and leisure activities among children and youth of the same age. Most children and youth are doing well mentally and physically, they develop and are happy.

Still, despite the widely extended welfare system and high living standards in the Nordic countries there are children and youth who are not doing well. In Denmark, through many years, surveys and research have shown that 15% of all children have various problems in many fields. The problems are so complex that the children are characterised as being vulnerable and marginalised, marked by conditions that make a regular upbringing complicated.

The children are described as «children at risk» and divided into a softer group of «children with special needs» and two more distinct groups – a group of «threatened children» and the core group of already identified «problem children». The last group was estimated to approximately 4% of children and youth of 10 – 18 years old.

### **Support services**

In all the Nordic countries there are different types of support for children and youth in difficult situations with the need of special help. The support is given in accordance with the needs of the individual family and child.

The support services are very different and vary from

support in the day-care or at school, over various services of counselling, to a more extensive family treatment and part-time placement with a foster family, for example two weekends a month.

For the children and youth with extended needs of support and/or a family unable to take care of them, placement outside the home is arranged. Placement outside the home is used as a support service in all the Nordic countries.

### **Reasons of placement outside the home**

A Danish overview of research concludes the following about the family background of placed children and youth:

- The families of placed children are demographically characterised by factors that make parenting more difficult and the children more vulnerable than usual. These include young parents, single parents, family conflicts, changing family settings, and the decease of parents.
- In socio-economic terms the families have a significantly higher representation in statistics on marginalisation and poverty. The parents are often so behind in the educational system that it will require great efforts to divert the social exclusion.
- A great part of the placed children's parents have psychiatric diagnoses which may reduce their parental resources.
- A higher degree of substance abuse in this group of parents also reduces their possibilities of taking care of their children and organising an acceptable daily life for them.
- A significantly greater part of the parents have been or are convicted to imprisonment which means absence of parents and a possible influence of antisocial norms of the children.
- A large part of parents of placed children have been placed outside the home during their childhood and have consequently fewer parental role models when they become parents themselves.

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On the mental and physical well-being of placed children and youth the survey concludes:

- Placed children, already when they're born, are often in a worse state of physical health than others as they more often than others are born with perinatal diseases, deformity and chromosome anomalies.
- Placed children, more often than their peers of the same age living at home, suffer from a range of diagnosed physical diseases in, for example, their ears and eyes, digesting and breathing organs and their nerve system.
- Compared to children living at home, there is a greater part of placed children who have been given at least one psychiatric diagnosis.
- Placed children score significantly less on the SDQ scale (an international screening tool concerning children's mental well-being) than their peers of the same age. Controlled for socio-economic conditions some differences are reduced, but placed children still have more behavioural problems and problems with hyper activity.
- Risk behaviour characterises the daily life of many placed youths and this harms their mental and physical well-being. For instance, the risk of being hospitalised for attempt of suicide is 4-5 times bigger for placed and formerly placed youths than other young people.
- Death, as a consequence of violence or substance abuse, is also five times as frequent among placed children and youth as other children and youth.

Surveys from the other Nordic countries show the same type of problems as were conveyed in the Danish survey, regarding both the children and their families.

Domestic conflicts, parents using drugs and generally bad parental skills are some of the high-risk factors. But there are also children growing up in well-off families with two well-educated parents whose main focus is their own career. They don't have or take time for their children and compensate through money and material things. These are children and youth who experience both physical and mental insecurity. Children who grow up to be so difficult as teenagers that the parents want to place them outside the home to keep the family idyll, or because the parents can't cope with the challenge of their behaviour.

## **The extent of placements outside the home**

Comparing placements outside the home in the Nordic countries raises certain problems. There is, for instance, a difference in the children and youth that are encompassed by the various legislations, for example whether children and youth with disabilities are included. Also, children and youth with mental problems are not registered the same way among the Nordic countries.

A standard of reference among the Nordic countries is the number of children placed outside the home for every 1,000 children and youth. This shows a variation, among the Nordic countries and in years, in each country, of 5 – 10 placements for every 1,000 children and youth.

In all the Nordic countries, the majority of placements outside the home fall in the group of youths between 13 – 18 years. This group represent 50-60% of all placements.

## **Types of placements**

The legal foundation of placements outside the home is different among the Nordic countries though all the countries provide an option of immediate, temporary placement.

All the Nordic countries have rules about voluntary placements that are executed with the parents' consent. In relation to this type of placement solicitude conveyance of custody does not happen. So the children and youth cannot be transitioned back home, except in Iceland where there are specific rules about transition. In Denmark, a transition period of up to six months must be agreed, and in Denmark and Iceland this type of placement is used most frequently. 93% of the placements in Iceland and 89% of the placements in Denmark are carried out under the regulations of voluntary agreement. In Sweden, voluntary placements are used in 65% of the cases while Norway and Finland use this type of placement in respectively 41% and 30% of the cases. On the Faroe Islands the child welfare authorities undertake the duty of care-taking when the child is removed from home.

The option of forced placement is found in all the Nordic

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countries. In the situation of forced placement solicitude conveyance of custody will happen in practice as the daily responsibility of care-taking is handed over to the authorities and those who are going to take care of the child, i.e. the placement home or foster family.

In Norway they have their own regulations of placement of youth with severe behavioural problems where young people can be placed or withheld without their parents' consent.

In Denmark, full custody remains with the parents in all types of placements. In Iceland the child welfare authorities can decide that custody must be handed over. Generally, the responsibility of the daily care lies with both the placement facility and the parents.

Sweden and Iceland also use permanent placements with foster families. In Iceland, all foster family

placements begin as a test for a maximum of 6 months. In the Nordic countries, various types of foster care are the most used type of placement although the extent of this differs from country to country.

A comparing survey of the use of the different types of placements has been made. This shows that approximately 60% of placed youths in Finland and Denmark are in placement homes. While in Norway the share is 31% and in Sweden 26%. In Iceland just 23% of placed youths are in placement homes, while Greenland has 43% of placed youths in placement homes (Bengtsson, T.T. & T.B. Jacobsen 2009).

Other figures from Iceland show that the share of youths in placement homes is 31% and on the Faroe Islands the share is as low as 18% of all placed children and youth.

### The Nordic countries use many different kinds of placements for children and youth

In Finland they use foster families, foster family homes and placement with relatives. In terms of placement homes Finland operates with several different kinds: Foster homes, specialised foster homes, youth foster homes, family treatment homes and municipal foster homes. Small flats and individual homes are also used for placements.

In Greenland they use foster care, private foster care and foster care in Denmark. They also use placement homes, municipal placement homes and private placement homes.

On the Faroe Islands they use placements homes for children with social problems. They also use foster families for both temporary and permanent placements. Further, on the Faroe Islands it is possible to place the children and youth in placement homes, or a similar facility, in Denmark. Children under the age of 14 are usually not sent to Denmark. This only happens if the Faroe Islands cannot provide the needed service.

Iceland operates with the following kinds of placements: Foster families – permanent and provisional as well as supported foster families (up to 1 year), emergency placement homes, treatment and

diagnoses centres, treatment centres, long-time placement homes and placement facilities with rehabilitation programmes.

In Norway they operate with the following types of placements within foster families: Special alert homes, foster care, supported foster care, placement with relatives and supported placement with relatives. In terms of public placement homes children and youth can be placed in placement homes, rehabilitation centres, work and live-in coop centres, psychiatric treatment centres and small flats/lodging with follow-up services.

In Sweden they use the following types of foster care: foster care, emergency foster care and network care. Placements can also happen in public placement homes, private placement homes and secured placement homes.

In Denmark, placements in families can be with foster families, placement with relatives or municipal foster care. Further, placements can be in placement homes, secured placement homes, private placement homes, rented rooms, boarding schools or sailing-school projects.

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A comparison of placements in foster care and placement homes in Sweden, Norway and Denmark, which encompasses children of all ages, has been made. This shows that the placement practice for children under the age of 6 is very similar in Sweden and Denmark. More than 80% of these children are placed in foster care. Norway differs significantly by not having any children of this age group in placement homes. Concerning the 6 – 12 year olds Denmark stands out as 1/3 of placed children in this age group are in placement homes while this is less than 10% in both Norway and Sweden (Kirsten Holm Petersen, 2009).

### **The duration of placements**

Knowledge about the duration of placements outside the home is scarce. It is not possible to find data that make sense or can be compared among the countries.

In Denmark, an extensive survey following all children born in 1995, who have been placed outside the home, has been initiated. When these children become adults the survey will draw a picture of the placement pattern, both in regards to the number of shifts in placement and in regards to the duration of each placement and the entire placement for each child.

A new survey of placements in placement homes, in relation to the duration of the placement and the intensity of treatment during the placement, makes comparisons between Denmark and Sweden (KREVI – Mandag Morgen). This shows that placements in placement homes are longer in Denmark, while the price of short placements is higher in Sweden. This could mean that the intensity of treatment is higher in Sweden than in Denmark.

In Iceland, the average time of placement in a treatment home was 161 days in 2010, compared to 389 days in 2006.

### **The interests of the child and the parents**

Today, all the Nordic countries have ratified the UN Convention on the Rights of the Child and this is reflected in the social child welfare legislation in each country. The legislation in all six countries conveys that children

are entitled to a good life and that the executing authorities shall support the child and its parents in making this possible.

In accordance with the UN Convention on the Rights of the Child the Nordic legislations refer to the fact that all intervention must be in the best interests of the child. To a wide extent all the different national laws have the same descriptions of a good child life emphasising that children and youth, as much as possible, must be heard in their own cases. In all the countries young people become parties of their own case at the age of 15, in Finland already at the age of 12.

Despite those similarities the countries differ in how much forced intervention and conveyance of solicitude are used. This suggests, with regards to placements, that there are also differences in the assessment of which interventions are fundamentally in the best interests of the child.

The main question is whether the interests of the child, with regards to placement, are in accordance or opposition to the interests of the parents. One can argue that the conflict that arises, when the child's interests are not the same as the parents', is solved by using the option of placing the child outside the home. In all the Nordic countries, this is an option although there is no common agreement of the basic view on the relation between the interests of the child/ young person and the interests of the parents. If the parties' interests seem to be in accordance this means, put simply, that it is in the best interests of the child if the parents maintain as much responsibility and influence of the child's life during the placement as possible. If the interests of the child and the interests of the parents are viewed as fundamentally in conflict this roughly means that the parents must be denied parts of the responsibility and influence of the child's life during placement – in consideration of the best interests of the child.

In countries where forced placement without the parents' consent (assumption of solicitude) is an integrated part of the placement solutions the conflict between the interests of the child and the interests of the parents becomes very visible. This is the situation in Finland, Iceland, the Faroe Islands and Norway. In Norway, in relation to writing a new child welfare law in

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1993, they had an extended debate about the best interests of the child and how these were ensured in relation to the interests of the parents and society in general. The conclusion in Norway was that in order to ensure the best interests of the child neither authorities nor parents can transition children and youth, who have been placed outside the home for a longer period of time by forced placement with the parents' consent, back to their parents.

In Finland they use a similar arrangement. At longer placements there will always be an assumption of solicitude which means the parents cannot freely transition the child back home. Assumption of solicitude also means that parts of the responsibility of taking care of the child are undertaken by the authorities and the parents thereby miss both legal and practical influence of the child's life.

In Iceland, the system of placement also supports the view that there are opposing interests between the placed child and its parents. This is conveyed through a system where already at the commencement of a placement the authorities will assess whether a permanent placement is needed. In any case, a placement always begins as a test which must be concluded from between 3 months and at maximum a year after the commencement of the placement.

According to Danish law a placement, by decision in the municipal child and youth committee, can be extended up to six months if consent of voluntary placement is withdrawn either by the parents or the child/ young person. This option is, however, rarely used. It is nevertheless worth noting that in Denmark there seems to be a development away from viewing the interests of the child and the interests of the parents as generally in accordance with one another and, to a larger extent, viewing them as opposite. This is conveyed by the Child Reform legislation, effectuated in 2011, which included a number of law amendments with the purpose of ensuring a higher degree of continuity and stability for children and youth placed outside the home.

On the same note as the Danish legislation, social law in Sweden weighs the principle of voluntary agreements highly and emphasises the value of voluntary placements based on cooperation. At voluntary

placements the need of support of the child and the parents, and their wish to receive this support, are fundamental. In the framework of the social law it is regarded as being in the best interests of the child that all intervention, including placement, is voluntary and based upon self-determination.

### **Parents' rights and visitation during placement**

In the Nordic countries, parents can never lose custody of their child when the child is placed outside the home. But the parents' right and duty to take care of the child and make decisions for child are different – and so the rules of contact between the parents and the placed child vary from country to country.

In Norway, when the child welfare authorities undertake the daily care of the child (by placement in a home or with a foster family) against the parents' will, the parents still keep the parental responsibility. This means they have the authority in religious questions, choice of school, and so forth, until the child is 15 years old. Principally, the parents have the right to contact but the frequency of contact is determined by the authorities.

When the child is voluntary placed (in agreement between the child welfare authorities and the parents) in a placement home or foster family, the parents hand over the daily care of the child but keep the parental responsibility. Legally, there must be an agreement between the placement facility and the parents about how the parental responsibility (initially the contact between child and parents) is divided between them. In practice the child welfare authorities will give advice and enter agreements but they cannot enforce a certain arrangement.

In Denmark, decisions concerning the child, also on a daily basis, will always be based on agreement with the parents, even when the placement is without the parents' consent. This legal condition can sometimes cause problems for the placed child and the placement facility.

In regards to visitation there has been a change in Danish legislation where the parents' right to contact

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has been replaced with the child's right to contact with its parents, family and network. By replacing the parents' right with the child's right, the child's needs and wants are considered above the parents' wish of contact and visitation. This means the child must be heard and included in decisions on visitation, and the decisions must be in accordance with the interests of the child. Further there is a new rule saying the placement facility

shall be heard before any decision about visitation is made.

An important societal and legal arrangement in all the Nordic countries is the fact that the authorities are obliged to supervise any facility, placement home or foster family. The supervision is organised differently in each country.

## 4. Children's participation and hearing

*In this chapter, the Nordic rules and guidelines on children's participation and hearing are presented along with the children's possibilities of participation and hearing in daily life at the placement homes: how are their possibilities of participation and negotiation, the interaction between educators and children, and among the children themselves?*

### Children must be included and heard

Children must be included and heard in all decisions affecting their lives. The UN Convention on the Rights of the Child describes the right of the child to express its views in all matters. Children have the right to co-determination – to influence and participate and freely express their views.

In all the Nordic countries these rights are incorporated in the social laws. On the Faroe Islands, for example, the law ensures that all parties are heard when a case is presented before the child welfare authorities. The child enjoys a so called party status. Children who are placed outside the home shall be heard. Children at the age of 12 are heard and children at the age of 15 are included in decisions concerning themselves. Children at the age of 15 take part in meetings about their situation and decisions affecting their lives and children at the age of 12-15 are heard by a person from the child welfare authorities.

In Iceland, children must be heard when they turn 12

and when they turn 15 they become parties of the case. Before a child's case is reviewed, the child welfare authorities decide whether the child gets a «spokesperson». This is usually the case in decisions about placement outside the home. Both children and parents can get financial support to cover legal aid if they want to complain about the decisions.

In Norway, children below the age of 15, or children without the rights of a party, have the right to a spokesperson who can present their opinion before the decisions-makers.

One thing is the written word and spirit of the law – another thing is actual practice. The children are not aware of their rights, although this differs from country to country. In Denmark about 40% of the children know a lot or some about their rights and just 9% say they know a lot about the child convention, while in Finland 69% know that they have special rights. This difference among the Nordic countries is due to the fact that in Finland the children are taught the child convention in school.

### Rules in Danish legislation

#### Hearing

All children must be heard in all decisions of intervention under the social law.

#### Interviews with children

There must be two annual interviews with placed children and youth. The interview shall take place at the placement facility, preferably without the presence of neither staff from the placement home nor the foster family.

#### Party of the case

From the age of 15 children and youth are parties of their own case. This means they must approve of all decisions. Children over the age of 15 have the right to legal aid.

#### Complaints

Children of the age of 12 have access to complain about decisions that can be appealed.

The rules of complaints state that children from the age of 12 have access to filing complaints over preventive arrangements and placements, home transitions and the period of home transitions, choice of placement facility, visitation and contact.

Some types of complaints have a delaying effect and the ruling cannot be effectuated before the complaint has been processed: complaints over choice of placement facility, change of placement, continued placement as precautionary measure, rulings on home transitions and home transition periods.

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Many surveys show that children are not involved and heard. In Denmark, the appeal agency has examined how the child or young person is involved before decisions concerning themselves are made – for example about placement outside the home. The survey shows that only in 63% of the cases the municipalities have involved the child or young person adequately.

In 62% of the cases the municipalities do not comply fully to the rules. They do not follow the legal demand of performing an examination of the child's situation including its mental and physical state of health. Often an action plan has not been prepared before the municipality makes a decision and the municipality does not obtain approval from all relevant parties of the case.

A survey from Iceland about children's participation in the decision-making process of placement cases shows that the children and youth often have not signed their own case although this is required according to law.

### **The child's rights and protection during placement**

While children's rights concerning authorities' decisions are included in the legislation in the Nordic countries their rights during placement is less regulated. For example, the only rule in both Danish and Icelandic legislation, which deals with the child's well-being and legal rights, is a rule that states that there must be interviews twice a year with the child.

Norway's Child Protection Law differs from the other countries by giving the child positive rights during placement in a public placement facility. The child has the right to personal integrity, to move freely inside and outside the facility and receive visits. The child also has the right to use of telephone and medical treatment.

Notwithstanding that Norway alone grants the child legal rights during placement, all the Nordic countries have a legal protection of the child against abuse of power during placement. The protection is embedded in rules which state that use of power through coercion, retention and restraint is not allowed. The rules also state that impounding personal belongings and ransacking of personal rooms are not allowed.

It is characteristic of the rules that they only concern children in placement homes and not children in foster families, which is the most widely used type of placement in all the Nordic countries.

### **The children's ombudsman**

In Norway, Sweden, Finland and Iceland a children's ombudsman has been appointed. In Denmark there is a child committee. The task of these bodies is to create awareness and knowledge of children's rights and be the children's mouthpiece in the public debate.

The children's ombudsman in Sweden, Finland and Iceland and the child committee in Denmark are similar in the kind of tasks they carry out. These include following children's rights and well-being, influencing decision-makers from the perspective of the child, establishing contact in child and youth communities and convey their opinions, informing and communicating about relevant child issues and guarding the UN Convention on the Rights of the Child.

In Norway the children's ombudsman has an extended role. Children and youth can contact the children's ombudsman directly and present their case. The ombudsman will assess each case and give advice. In cases of a more principle nature the ombudsman can make recommendations.

A children's ombudsman does not necessarily give children more rights. But the UN Child Committee pointed out for Denmark that children would be better off if they had a specific body for children to which children can complain if they feel maltreated.

The public authorities are obliged to be transparent and clear in their expectations defined through the legislation, rules and guidelines for the public administration and services. The child convention is an important and governing foundation for the prevailing legislation, rules and guidelines.

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### The children's ombudsman in Sweden – purpose, organization and work methods

The Children's Ombudsman is a state agency whose core task is to guard children's rights and interests according to the UN Convention on the Rights of the Child, the child convention.

The agency monitors how the child convention is complied with in society and is carried out in practice in the municipalities, the parliament/regions and public authorities. The Children's Ombudsman can prepare bills to the government with changes to the Swedish legislation.

An important task for the Children's Ombudsman is to take part in the public debate and influence the view of decision-makers and the public in general in matters concerning the rights and interests of children and youth.

The Children's Ombudsman does not exercise inspectorate of other agencies but has the legal authority to call on parties for reflection. According to

the law the Children's Ombudsman does not have the authority to intervene in specific cases but is obliged to report when there is knowledge of a child who is not doing well.

The Children's Ombudsman has frequent contact with children and youth in order to collect knowledge and information about their circumstances and what they think about current issues. The contact is established at school visits and through associations and carried out through letters and phone conversations. There are also expert council meetings, with children and youth, related to the Children's Ombudsman for a longer or shorter period of time.

Every year, the Children's Ombudsman produces a report to the government. It describes the authorities' work through the year and contains situation analyses and recommendations of improvements for children and youth.

### The responsibility of social educators

Social educators are important guarantors that children and youth can enjoy their rights. The child convention is a governing foundation for the practice of social educators and it is a prerequisite that social educators, and others who work with children and youth at risk, know the child convention well.

For social educators the child convention means that the support must be organised based on concrete assessment of the individual child's needs. Each child's current situation must be part of the assessment and the child's perspective must be included in the daily life and activities of the placement facility.

In terms of ethics and social policy, social educators are responsible of ensuring that the child convention is complied with in their own practice and they are obliged to pointing out when the state does not live up to the convention or when the child is not involved and heard in its own case.

### Experiences of the children and youth

In 2006 Norway accomplished a survey (Gjerustad and Gatun) which involved 436 children from the age of 13 and up living in a total of 144 public placement homes. A clear majority of the children knew why they were placed and felt safe at the placement home. They trusted one or more of the staff working there and got help to accomplish school work or leisure activities. The main impression was that only few of the children felt the home was a confined space. A great majority said they had several friends both in and outside the home.

However, about half of them didn't know how long they were going to stay there and just 1/3 knew of the plan for the stay. A little less than half of them said they had been informed of their rights while living at the home. The issue of guarding the children's rights is, according to this survey, a challenge with regards to making the rights an integrated part of everyday life at the placement homes. In Norway, there is a newly accomplished survey with more than 800 children placed outside the home who have been asked how they experience the

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help and support they receive. 7 out of 10 children are well at their foster family or placement facility. But there are many extensive points for improvement. For example, about children in placement homes the survey shows:

- Appr. 4 % (in foster care) and 15 % in placement homes feel they are not doing well
- Appr. 30 % do not feel safe
- Appr. 40 % feel the staff does not have time for them and more than 50 % are not told what is written about them in reports and other documents
- Appr. 40 % feel they are not part of making decisions on important matters in their lives
- A number of children are not in school
- 53 % trust the staff and 58% feel the staff trust them

Reference: Barne-, ungdoms- og familiedirektoratet, Rambøll, March 2011

Surveys in Denmark show that youth who have lived in placement homes emphasise that the social educators

they developed the best relations to were those who got involved, who were confronting, challenging and taking action when necessary. Social educators, who were not afraid of having discussions and willing to stand up as who they were.

Children and youth placed outside the home need – like all other kids – close and continuous contact with adults. Adults who listen and see them. Who take them seriously. Who are accessible and easy to talk to. Who contribute to creating enduring, secure and developing relations. This requires social educators who continue to take a sincere interest in these children and who accept that it may take a while to build good contact relations with children and youth who suffer from pains of life.

Vulnerable children and youth need – like other kids – friendships and at least one good friend they have a special relation to. They need friends they can do leisure activities with. This requires social educational support

### Example from the Faroe Islands

#### Daily life in the placement homes

In the placement homes each child has two contact persons. The contact persons are responsible of making action plans and writing recommendations that are forwarded to the child welfare authorities.

The contact persons are responsible of all practical matters concerning the child and must ensure frequent contact to the parents and family network, school, child welfare authorities and other public bodies.

There are contact hours on a frequent basis with the child where it is ensured that the child can present his or her wishes, expectations and hopes. The child can at any time speak with other adults in the placement home but there is a maintained practice that certain things are shared only with the contact person.

The children are involved in deciding which sports or leisure activities they want to attend. The staff supports the child in holding on to his or her wants and going through with them.

There is house meeting once a week where daily matters such as bullying, language, feelings, and other

subjects the children and youth feel are relevant for them, are discussed. At the house meeting a food plan is agreed. The children can influence the food plan but it is ultimately the staff's responsibility to ensure that the children eat healthily.

There are activities in daily life which the children can influence. For example weekly sports activities where the children can decide which activities they want to take part in.

The children and youth get allowances they can decide over themselves, with support from the staff.

As a main rule, the children and youth enjoy self-determination in matters of a private nature. However, the manager of the placement home can deny a child or youth to leave the place.

It is not legal to punish children and youth during their placement – and use of coercion is also not legal. Coercion can in specific cases be used when it is to protect the child/youth or other children and youth. Use of coercion must be reported to the child welfare authorities.

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which contribute to creating developing learning environments and friendships that do not expose the children to new problematic situations, for example alcohol, marijuana, violence etc.

In this support the social interaction between the children is of great importance. Danish studies show that the children's collectives of meaning establish the framework of their behaviour and development. Children living in a placement home are in a special situation: The other kids are not their siblings, but the presence of these kids is given. The children have not been involved in deciding who they want to live with. This, of course, is the case in many public care centres: day-care centres and schools, but the difference is that for placed children and youth the co-existence with other children and youth is a substitute to domestic family life. Thus, the participation and hearing of children is also about being part of something and belonging to a network. Placed children share something special and relate to one

another as a group. Common events that the group can refer to are important elements of creating meaning and companionship. A common group feeling and friendships occur. The children are loyal and show respect. They help each other and show affection for one another.

Children placed in foster care are in a different situation. They are a foreign kid in a small family which they are going to be part of. They become foster brother or sister of the children in the family. An extra brother or sister, who must find his or her place among the group of siblings and their relations. This requires a lot from the foster parents who on one hand must ensure that the foster child gets the necessary care and affection and on the other hand must not «forget» the needs of their own children – to the advantage of the perhaps more demanding foster child. They must, simultaneously, be able to take care of the foster child, be attentive to their own children's situation and handle the inter-relations between themselves and the foster child.

## 5. A better everyday life

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*In this chapter we discuss the everyday life at the placement homes and similar facilities as they develop their own institutional life with routines, rules and behavioural patterns which emerge and with time can limit the options of the children and youth living there. There are examples of how a culture that corresponds to the needs and rights of the children and youth can be developed*

### **Close to family life**

There are many types of placement homes and they all share in common that they are living-places for vulnerable, threatened and threatening children and youth with parents that for one reason or other cannot take care of them. The circadian rhythm in these places simulates the daily rhythm of a family. The children are woken up, sent off to school, welcomed home after school, leisure activities are arranged, visits at the doctor and dentist must be planned, shopping done, and meals and bedtimes kept.

**State Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.**

– Article 31, UN's Convention on the Rights of the Child

But everyday life in a placement home is also different from life in a family. Life in a placement home takes place within a group of other children and youth that is usually bigger than a regular group of siblings.

There is supper for all the children at the same time. Or, if the children and youth live with a foster family they must share the attention with the family's own children. It is the reality of the foster child to live with two families. When the routines of everyday life have become standard, daily life can easily become institutionalised.

In a placement home the children are surrounded by many adults to whom the home is a workplace with staff meetings, schedules, coordination, treatment plans and discussions with co-workers. The work in the home is organised around action and treatment plans and certain rules and routines: work schedules, contact person arrangements, reports and documentation.

The foster family is at work in their own home and the whole family is available for the foster child. The care-giving is as much as possible an integrated part of the regular family life.

When the home becomes a workplace for the staff there is a risk that life in the home becomes institutionalised.

### **Intense, social environment**

For children placed with the objective of treatment it can be hard work when everyday life becomes so focused on their psycho-social problems. They are constantly under observation and analysis. A Ph.D. from the Danish Welfare Research Centre about daily life at two Danish treatment homes describes how the children and staff have daily negotiations about the children's problems and the treatment of them. Most of what the children do is interpreted – also the more common things such as baking a cake or playing a game. The children's personality is constantly in focus. The result is a very intense social environment that requires a lot of energy from the children to live in. They are in many ways very much at work when living in a treatment home. They work with themselves and their place among the other children and adults.

From an everyday life perspective it is also important that they learn practical skills such as cooking and cleaning and they must become familiar with shops, banks, workplaces etc.

### **The child's problems**

It is easy to describe placed children as marked by chaos and instability in the care they receive and the norms they learn, as children and youth with psycho-social difficulties, developmental impairments and behavioural problems. Categorizing can be helpful when the aim is to understand how the child's difficulties in life have influenced the child's life story. It can be suitable when special attention and help is needed.

At the same time, the special attention devoted to the child's problems can often result in social educational support that focuses on what is «wrong» with the child and how the child can be supported – and thus, what

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the child is not able to do and how it can be treated.

Categorising can lead to suppressing individuality and uniqueness. It will often limit the expectations of the child and curb creativity and the establishment of a developmental space for the children. Categorising the children and youth may lead to institutionalised lives.

### **Developmental space**

Children and youth placed outside the home are kids like all other kids. They have different needs and developmental opportunities depending on their individual skills and interests and the collectives and communities they've had access to.

**The State Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.**

– Article 31, UN's Convention on the Rights of the Child

Children and youth living in placement homes are not only passive victims of difficult life circumstances. They are children and youth who take action and develop behaviours they think are functional and apt or at least the best option in a problematic life situation.

The actual situation which the child or youth is in, and the way they try to manage their various options and opportunities, must be understood as meaningful in the light of betrayal and breach of trust. By diverting focus from the behaviour of the child or young person towards the developmental conditions, the professionals can work on creating developmental space for the placed children and youth. That is, planning learning processes and finding ways with the children and youth which will help them and their network to carry on in life.

When creating space for development, four parameters are important:

- The child must have an active life; be engaged in its own life and surroundings.
- The child must have good social relations; live and develop among other people.
- The child must have a positive self-image; see itself

as capable, useful and valuable, satisfied with his or her contributions in daily life.

- The child must have a fundamental feeling of happiness; a life with many experiences, security and a satisfactory daily life.

This requires an everyday life where the social educational support diverts its focus away from the children's problems and risk behaviour and turns it toward their conditions of development and the placement homes' function as developmental spaces.

### **Closed homes**

When life goes on excluded from community it easily becomes an institutionalised life. The placement homes have often been criticised of being closed institutions with their own way of life. Institutions that have developed their own views about the best interests of the child. Places where a greater part of the child's daily life happens in the placement home; where the placed children and youth only to a very limited extent are part of the local community of their peers.

This does not necessarily correspond to actual life. Attending the local school and taking part in local leisure activities are obvious examples of the placement homes not being isolated units. The children and youth do not experience the placement homes as closed institutions and most of them have friends both in and outside the home. But they take part in fewer leisure activities than foster kids and kids in general.

It is obviously important that the children and youth feel they have good relations to their surroundings. The children must have the opportunity to spontaneously leave the home to go shopping, go for walks in the area, visit friends and have friends over. This kind of contact with life outside the home is in itself significant to their rehabilitation.

It isn't always staff that keep the children at the home, or the fact that there are always other friends at hand. Placement is a protection of the child who may experience the stay as a breathing space, free from the agony of the outside world. Even more so, there is reason to gradually support the child in making a life for itself outside the home.

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## Norms and rules

Like other institutional settings a placement home has a set of norms and rules in relation to certain tasks and functions. There is a social structure aimed at regulating the behaviour of the placed children and youth and the staff, the cooperation between the staff members and the relations to the surrounding community. The placement home differs from the family as an institution by not having the intimacy of a domestic home. In a private home you can do what you want without being monitored or having to deal with externally imposed rules.

Of course, one can always question whether a private home always fulfil these expectations of freedom, but it is nevertheless what the children and youth often want, and what the social educators try to provide – a homeliness. This shows in the way the placement home is decorated and through the atmosphere of the place.

The placement home can be a house or a flat in a residential area. Private rooms for the children with a shared kitchen and living-room. Life in the placement home ideally feels like everyday family life with a scent of coffee, candle lights, flowers on the table and freshly made bread. This is conveyed through the personal care for the child: helping with the homework, putting on clothes and the personal hygiene, having cosy-time after dinner and reading bedtime stories.

One can always question whether this is a true picture of today's family life. For some of the placed children, at least, it is not. The family life that placed children have experienced is often not similar to regular family life and it has, as is the case, been disqualified by society. Some of the children may not be able to cope with all the care and concern they are shown, they just want a place with a table, a bed and a chair.

It is nevertheless the pedagogical line of thought that the children will get new opportunities and role models when they experience and feel that they belong somewhere, when they feel at home and part of a community and feel they have a safe place as a base for life. But despite the efforts, everyday life in placement homes will always be an institutionalised way of life.

Staff come and go, new children arrive and others are sent home. The placement homes have their own rule

systems. Rules can give the children a clearer and more realistic idea of what is expected from them. They have the opportunity to test themselves. But if the rules are based upon institutional life and do not correspond to life outside the placement home they are of no use.

Rules can be strict and reduce freedom of action, or give a green light to do what you want within defined limits. Rules can be fixed or up for daily negotiation – absolute or relative. They can be understood and administered differently – tightly or with flexibility. Rules can be respected and followed or broken and creating conflict. When many children are together in the same space, and time, it can be hard to adjust rules and norms to the needs of each child. When many social educators are replaced daily – as they come and go from work – it can be hard to administer rules uniformly.

The house rules and norms of a placement home must create social structures which give the children a positive self-image, security, rights and responsibility. Rules that do not meet the needs of the children will always lead to an institutionalised way of life.

Social educators must, together with the children, plan learning processes that support the personal development of each child and give the children the opportunity to engage in society and feel part of it.

## Use of coercion

In regular family life parents set limits according to their own beliefs and assessment of what is in the best interests of their children. The parents' possibilities of setting limits against the will of the child, even when it implies elements of coercion (forcing them to finish dinner, picking them up from town, ransacking their room etc.), are judicially and ethically rooted. The parents are responsible of the child. This is different in a placement home where the parents' methods cannot be used the same way.

Setting a limit for what is seen as coercion is hard. In our view, all actions that go against the will of the child can be perceived as coercion in the light of the child convention's articles on the personal freedom and integrity of the child.

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On the other hand, the staff are responsible of the children and youth. This means that the social educator in various contexts must make decisions about the child's life and do things the child disagrees with. It is therefore important to have a professional room for action and be able to make individual assessments in cooperation with other involved persons.

Potential use of coercion with the aim of educating, by the social educator or the placement home, must always be subject to reflection and control and the children and youth must always be actively part of the evaluation of these unequal events.

There are different rules at different levels that govern this area in the Nordic countries, but the social educator will always have a responsibility of bringing the issue of coercion on the agenda. This implies important professional and ethical discussions about how the work of the social educator is to advance the care and development of the children and youth.

### **Special consideration**

The social educational task is on one hand to prevent social exclusion, on the other hand to support already marginalised and excluded children and help them return to the collective of society. The aim is to ensure the children and young people's participation and integration in society life.

Like other children, they must have the opportunity to take part in daily and recreational activities – on the premises of the placement home or outside. They must have access to organised local leisure activities at specific times during the week. They must be free to relax and be by themselves or with other children in their free time doing homework or playing computer games. They must also have the opportunity to be engaged with staff that have time to talk with them. They must be able to be with friends listening to music, watching television, hanging out in the mall or the park. Younger children may need to just be kids and play.

Placement homes must be organised so the placed children can make their own decisions in personal matters and spend time with others as they please as long as this is

appropriate for the child's age and maturity, the aim of the placement and the placement home's overall responsibility, including the responsibility of the child's security and safety. Each child must have the right to move freely in and outside the premises of the placement home recognising the limits set by assessed needs for safety and well-being.

Law on Child Welfare Services, Norway

Big or small, the children need to engage with the surrounding world in order to identify with and understand the society they grow up in. They must learn how to make friends and stay in touch with peers, the community and the family network by being included in meaningful and identity forging collectives.

All children need this, but placed children perhaps need it even more. Living in a placement home you may easily be isolated from others, while others may easily make judgements about you. In general, placed children are less engaged in recreational activities than other children and their experiences are often negative. They need help and support to overcome the barriers they fear or meet.

The placement homes – being enclosed units or part of the local community – are a specialised service. A service viewed as a prerequisite for the child's reintegration into the society from which they have been rejected. An institutionalised life is the condition for placed children who have no other place to live. The event of being placed plays a significant role in the children's lives and leaves emotional scars. Those facts require special attention.

Everyday life is set within the frames of the institutionalised life at the placement homes. An institutionalised life that for a longer or shorter period of time is a replacement or supplement to regular family life. A habitat for development and maturing with the same opportunities as other children. When the children are placed as part of a treatment and rehabilitation process their problems and background are in focus. A prerequisite for the success of the placement is that everyday life makes life in general more manageable. The children must be able to cope with everyday life and everyday life must be liable. Ideally, it is an everyday life characterised by joy, happiness and imagination.

## 6. Themes – dilemmas and challenges

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*This last chapter is a concluding discussion of the convention set between ideals and conditions of reality. What can the social educator do, which dilemmas and restrictions does she face? The chapter ends with a range of questions to be discussed at the workplaces*

The message in this paper is that the UN Convention on the Rights of the Child must have greater impact and move out of obscurity. To a greater extent it must be actively incorporated into the legislation and public administration of the Nordic countries. It is not enough that children's rights are part of the law in the Nordic countries in relation to decisions by authorities. For example, children placed outside the home should be granted positive rights during the placement, as is done in Norway.

All the Nordic countries should have a children's ombudsman. An ombudsman who can direct attention towards and create knowledge of children's rights and be their spokesperson in the public debate. Someone who is also assigned to monitor that the convention is complied with, someone whom children and young people can complain to.

This will contribute to ensuring the children's rights but does not exempt the social educator and workplace from speaking up in advocacy of the child. This obligation can bring the social educator or foster family in opposition to the competent authorities. Therefore it should be part of the legislation that the authorities are obliged to hear both the social educator and the foster family in the child's case.

Anyone who learns of misconduct and maltreatment of children and youth is obliged to report to the social authorities. Social educators, like other professionals, have an extended obligation to report. This obligation comes from the convention's requirement that state parties shall protect children from all kinds of maltreatment committed by parents or others.

*But how does the social educator and other professionals act when society – the state and social authorities – fail?* In all the Nordic countries there are different types of complaint agencies where citizens can complain over authority rulings – for example in child cases. And there are different rules about the hearing of social educators.

Concerning the possibility of social educators and other

professionals of speaking up when conditions are out of line, without the risk of losing their job or jeopardising future employment, things are different. Public workers can like everyone else express their views freely and take part in the public debate with their acquired knowledge and views. But many who have spoken out have experienced a negative impact in their employment which causes others to refrain from doing the same.

Social educators and other professionals must be ensured better options of speaking out. Professional organisations have a special role in speaking out about the conditions at the workplaces.

The convention on the rights of the child is a challenge to social educational practice that demands a lot from the professional practitioners, the social educators. But it also requires a lot from the framework of practice. We have emphasised Article 3 of the convention which states that state parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform to the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

This is a challenge to the policy of public authorities, political and administrative decision-makers. It makes them responsible of ensuring that the right conditions are in place.

### **Children's right to development – school, leisure, play and information**

In the global knowledge economy where countries compete on competencies it is more than ever necessary that all children and youth get the best schooling and education. The fight to win the race on competencies will create winners and losers among children and youth unless we create educational systems that can prepare everyone to take part in society.

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In this race it is often children and youth who are not doing well, who go through difficult times, the maladjusted, who face the risk of losing. The day-care, the school, the preventive arrangements and the placement homes must be viewed as pieces of a greater whole and all be part of including learning environments. Environments, where learning is understood as participation and where the local communities are the children's life and learning spaces. This calls for interaction and cooperation between the professionals, the volunteers and civil society.

In this development social educators play a central role. The responsibility of the placed child is divided among several different people but the social educator has a natural responsibility for the child's life as a whole during the placement. The child's right to schooling, leisure activities, and seeing friends, can only be ensured through cross-professional cooperation.

In this cooperation all parties are obliged to ask themselves and one another whether there are institutional mechanisms in their practice that hinder the realisation of the child's right to schooling, leisure, play and information. However, this doesn't exempt the staff at the day-care, the school, the preventive arrangements or the placement home to take a look at how they each – as social systems – perhaps contribute to creating institutional exclusion mechanisms.

### Discussion

What are the barriers of cross-professional cooperation outside the traditional settings – with the volunteer and charity organisations and civil society – and how can the barriers be broken down?

How can we organise our services and support so that all children – adjusted and maladjusted – can be prepared to take part in educational and society life?

### **The placement home is obliged to adjust to the child, its individual character and the values it brings from its life world**

The child has the right to be who he or she is. At the same time, like other children, placed children need help and support to structure and plan daily life. They need

practical support or training in order to accomplish daily activities. This is the core of social educational work – the daily practice. An everyday life where children and social educators interact and cooperate and where each has different roles and tasks while also being dependent of one another. An everyday life where the children as participants must be included and heard. An everyday life that requires room for privacy and visits by friends and family. Time for activities within and outside the premises of the placement home.

Social educators at placement homes must continually ask themselves and one another whether their social educational practice lives up to the UN Convention on the Rights of the Child.

### Discussion

Is the UN's Child Convention openly used in daily practice? Are the children aware and informed of their rights? How does the placement home support the children and youth in exercising their rights?

Are the children heard, do they have the opportunity to express their feelings and views? Are the children included in decisions affecting their own lives? Are they free to express their views and do they have access to information? How is the children's right to privacy ensured in everyday life at the placement home?

### **The social educational support and practice must respect the child and young person's dignity and integrity – protect and offer the child special care and support**

Social educators do not just «spend time» with the children they work for and with, children whose conditions in life, and the way these are managed, make their lives complicated. Children and youth who have developed behavioural patterns that to them seem appropriate but often bring them in conflict with their surroundings. The social educator must manage accurately planned pedagogical objectives and action plans determined by the competent authorities. It is focused work that requires a conscious and professionally founded social educational practice. Social education must find its objectives and tasks and the social educator must find his or her role in the

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dilemma between giving the children as much freedom as possible while preserving the need for social educational management and planning of daily activities.

### Discussion

Where is the limit between the child's right to privacy and the protection of the child – the responsibility of its development and behaviour?

How do social educators get their legitimacy when placed youth want to smoke marijuana or stay up past midnight?

Do social educators often search cover in institutionalised rules about what you are allowed and not allowed to do at the placement home?

### **Children placed outside the home have the right to maintain contact to both parents**

There is broad consensus that a successful placement requires that professionals listen to and include the parents as equal partners – without compromising the well-being of the child.

Undeniably this may lead to a range of conflicts and dilemmas. During the placement social educators are responsible of the daily care of the child but must exercise this in a way that maintains the parent's responsibility and right to be parents. How does the social educator ensure the preservation of the child's rights in this division of responsibility?

If the school asks for a certain decision and cannot get hold of the parents should they ask the social educator or foster family instead? Who decides whether the child is allowed to have tattoos and piercings?

It is the social educator's job to work with the child's relation to its parents while ensuring the child does not suffer any abuse. But what if the child actively expresses not wanting to see its parents? How do you clarify the relation to the parents and create something that works for the future? And the questions go the other way too – what if the child says it doesn't want to be with its contact person? How are the children included in choosing their contact person?

When these questions have been answered the social educator and foster family should also ask themselves whether their practice has mechanisms that hinder contact between the child and its parents. Is the support organised so there is room for the child's network? Are the parents listened to and included as equal partners?

### Discussion

How can the responsibility of the parents and the child's best interests be considered and fulfilled, while preventing that the former makes the latter impossible, in a way that ensures maintained contact?

### **All children and youth have the right to a good child life**

Children's case must be spoken for and their rights and needs must be presented. This is a job for social educators and their organisations. Children who are placed outside the home must have the same opportunities of personal development and health like other children – a regular childhood.

A lot can be done to make the physical settings and the placement centre homely. The circadian rhythm and daily activities can be close to life in a family. But it is not customary to live in a placement home surrounded by many other kids, or to live in a foster family. It is unusual.

Children's right to development, co-determination and protection cannot be solved alone on a general societal level. It must be solved through the interaction with each person. In this interaction social educators play a central role. A role that raises many questions.

A formerly placed person – placed in the beginning of the 1960s – who has managed to settle into society and become of something, despite hard times with experiences of abuse in a children's home, said in an interview when visiting the place 50 years later: «Do you know what I feel I have missed in life? I missed my childhood.»

Children placed outside the home experience their upbringing under special conditions with the public authorities in charge, the foster family or placement

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home as responsible for the upbringing and without their parents in everyday life. We believe that when these children and youth grow up they should be able to say: «You know what, I have had an unusual but good childhood.»

### Discussion

How does it impact the social educator to be suspended between the relational responsibility toward the child and the legal obligation toward the contracting authority?

How can professional assessment be exercised in this space?

How can an upbringing under special conditions be consistent with a customary childhood – and become an unusual but good childhood?



During the course of this paper we have raised questions for discussion among social educators and at the workplaces. Discussions that most likely will develop a stronger professionalism.

The discussion can be instigated by the following questions:

1. Discuss the child's right to protection, development and co-determination:
  - How do you and your colleagues understand these rights?
  - How are these rights visible in the social educational practice of you and your colleagues?
  - Find concrete examples from the social educational practice and discuss how a certain action, decision or situation exemplifies a given priority of the principles.
2. Choose articles in the UN Convention on the Rights of the Child that are relevant to you and your workplace and discuss how they can be realised on a societal and administrative level and in the interaction between you and the child. Discuss in this regard the role and responsibility of the social educator.

3. Use your own ideas of what makes a home and discuss:

- How are the physical settings at the workplace in relation to respecting that it is the children's home?
- How is the language and communication about work processes and routines in terms of respecting that your workplace is replacing the home and family life of the children living there?
- How can the placement home become homely? What helps and what hinders a homely atmosphere?

4. Discuss you and your colleagues' understanding of the concepts of participation and inclusion:

- How can the child and youth's participation and inclusion be strengthened through social educational practice?
- What roles and competencies should social educators have in order to ensure participation and inclusion?

5. Discuss how you and your colleagues can re-think social educational practice and ways of organising work so that the child convention is used in the daily work:

- What do you intend to do here and now?
- How will you organise the work in the long run?

6. Discuss how the social educational work can be organised so it becomes possible for you and your colleagues to comply with the intentions and requirements of the UN Convention on the Rights of the Child:

- What can be done within the current framework?
- What does it require in terms of a different framework and new resources?

7. Discuss below questions from a professional-ethical perspective:

- Discuss situations and events that have been difficult for you or violated your sense of ethics in relation to the child's rights and integrity
- Discuss situations and actions you have been part of where you have felt it was difficult or felt a dilemma in relation to your own norms and standards:
  - How did you deal with these challenges?
  - How do you and your colleagues define coercion in everyday life in the interaction with the child?
  - Is the limit of what you and your colleagues define as coercion ever discussed or negotiated? Should it be discussed or negotiated?
- Have your actions before, during and after the use of

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coercion been discussed? In which way is the child or young person included in this discussion?

- Discuss whether you and your colleagues experience being individually responsible of the social educational work and support and the therapy which is determined by the placement home?

## **Discussion**

### *Communication*

How is the communication between the children and the social educators, what things and subjects influence the daily communication? Does the communication happen in a way so the children understand the contents of it and can take part? Do the children take part in regular meetings where they talk about their situation and are informed of what is going to happen in the future? Do you think the children feel that the social educators cooperate in order to help them?

### *Participation*

Do the children take part in deciding and influencing important matters that concern their lives and situation? Do the children take part in deciding when they need help? Do the children take part in deciding rules and routines at the placement home?

### *Accessibility and support*

Are the social educators accessible and do they provide support for the children in various ways? Do the social educators support the children in getting a better relationship with their family? Do the social educators help the children in following school, make new friends and engaging in recreational activities? Do the social educators help the children to contact the municipal social worker ensuring she does a good job?

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