

Participation in residential child care in Germany

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Introduction

This paper sets out to examine how participation is perceived and enacted in German residential child care. Residential child care varies considerably in Germany. Mostly, residential establishments consist of four or five units which cater for between six and eight young people of different ages and mixed sex. Care is normally provided in shifts by teams of four to five staff. Residential establishments, however, may consist of small groups based on a family-type structure (e.g. children's villages). Other residential units are integrated in 'normal' residential areas which are not directly linked to a larger facility. Yet others may be supported-living units for individuals (Freigang & Wolf, 2001). Residential establishments in Germany combine everyday life with educational and therapeutic services in order that they either seek to ensure the return of the child or young person to his or her own family, or prepare them for living in another family. They can also provide long-term care and prepare the young person for independent living. In legal terms, these three goals are equivalent. In actual practice, a speedy return to the family is the preferred choice, not least for cost reasons.

The main piece of legislation governing residential child care in Germany is the German Child and Youth Services Act (SGB VIII). The current SGB VIII is designed to encourage participation of children and young people. As it stands, however, the law does not specify the scope and form of participation. Thus, for example, there is no obligation to set up a centralised agency to deal with complaints. It is left mostly to the facilities themselves to find solutions to any problems. Accordingly, the issue of participation generally does not play an important role in the inspection and monitoring of residential care establishments, and typically considered of secondary importance in any inspection process.

The interest in participation by children and young people in residential care has grown in recent times. However, the professional debate on participation is at an early stage and only a small number of empirical studies have been undertaken. Nevertheless, researchers and professionals alike generally agree that as well as being a basic right of the child, participation is ultimately a key quality criterion in evaluating residential care. This paper summarises the results of three research studies and draws out recommendations for practice in this area.

Keywords: residential child care; Germany; participation

Three studies on participation in residential child care

This section provides an overview of the findings of three studies on child and youth participation in residential care in Germany. The three studies were as follows:

- 1) a quantitative survey of 402 German care facilities carried out in 2003/2004. The survey also touched upon other subjects apart from participation (Gragert et al., 2005).
- 2) a qualitative study carried out between 1999 and 2006, on participation by parents and their children in child care facilities. The study focused on how participation can be given more emphasis in the day-to-day care situation. The authors interviewed young people, parents and staff in different practitioner and management roles. They also attended meetings of a 'residential council', and organised workshops and educational events (Pluto 2007).
- 3) a qualitative study carried out in Bavaria in 2003 that investigated ten residential care facilities and processes of child and youth participation. The study did not just ask whether and how participation was practised but also investigated how those directly involved evaluated such participation processes and the criteria they used for evaluation. The authors carried out wide-ranging qualitative surveys of managers, staff and residents of all facilities participating in the study (Babic & Legenmayer, 2004).

Understanding the meaning of participation

The overview of research revealed that participation is understood to mean many different things, possibly due to the lack of precision in the Child and Youth Services Act and the many interpretations given to the term. Occasionally managers and staff are quite ready to consider participation to mean a comprehensive and fundamental right of children and young people, or to be an integral standard in their work. More often, however, they take participation to mean a reward for good behaviour or as a method to deal with requests or complaints. Staff members sometimes believe that participation of children and young people indicates a reversal of internal power structures. They begin to doubt their own role within the unit, believing that power rests with the children. Children and young people normally get their understanding of participation from their own experiences of being encouraged to participate. It was found that they generally have a clear idea about whether or not they are actually granted any substantial participatory rights.

Scope and areas of participation

Participation by young people in everyday decision-making processes of residential facilities is not yet a matter of everyday practice. The following table, taken from the study of 402 care facilities, illustrates that young people are still barred from participation in many of the areas. There appears to be no area of their lives where they can all participate. While a small number of establishments grant them participatory rights in decisions on employing new staff, others do not even allow

them any influence worth mentioning on designing the menu or on choosing leisure activities.

Table 1: Frequency of participation by children and young people

| <i>Activity</i> | <i>Does not apply</i> | <i>Never</i> | <i>Always</i> |
|---------------------------------|-----------------------|--------------|---------------|
| Choice of job training or place | 10% | <1% | 80% |
| Get a driver's licence | 24% | 2% | 68% |
| Contact with parents | 4% | <1% | 51% |
| Leisure activities | <1% | 0% | 48% |
| Food | 2% | 0% | 38% |
| Planning holidays | 10% | 20% | 27% |
| Arrangement of common rooms | 2% | 1% | 25% |
| Furnishing of room | 6% | 7% | 23% |
| TV | 6% | 3% | 18% |
| Keeping room neat | 5% | 3% | 12% |
| Leave periods | 8% | 7% | 7% |
| Night rest | 13% | 16% | 6% |
| Employment of new staff | 24% | 75% | 2% |

(Source: DJI Institutional Survey of 2004, Gragert et al., 2004).

Considerable differences in how German residential establishments handle participation can be seen when two of the items in the above table are compared: 'choice of job training place' and 'employment of new staff.' Young people should expect participation both when it comes to choosing their job training place and in the employment of new staff, since both matters have a direct impact on their life situation. The residential establishment, however, sees the two situations differently. Eighty per cent of the establishments allow children and youth to participate in the choice of job training place. This is not particularly surprising because job choice is separate from the day-to-day issues confronting establishments.

Involving young people in the employment of new staff, on the other hand, is not seen as standard practice for most establishments. They do not grant participatory rights in decision-making regarding staff recruitment. Possible explanations for this emerged from the findings of the two qualitative studies. Interviews with staff revealed that they fear that young people might exploit the selection process to gain short-term direct and personal advantage. Interviews with young people, however, painted a different picture. Provided they see a genuine chance to be involved in staff selection, young people did not define their criteria in terms of gaining personal advantage. Rather, they looked at the expected continuity and quality of relationships. Another reason why staff do not grant participatory rights to children and young people is that they themselves feel powerless. Quite often, the staff themselves are not able to express opinions about who will be their future colleagues.

Types of participation

The quality of a residential establishment in terms of its opportunities for participation is also measured by the types of complaints procedures which are in place. The table below shows the results of the survey of 402 care facilities:

Table 2: Opportunities for children and young people to express criticism and suggest improvements (multiple responses)

| <i>Type of opportunity</i> | <i>Total</i> |
|------------------------------------|--------------|
| Discussion with staff | 98% |
| One-to-one discussion with manager | 85% |
| Meetings at unit or group level | 75% |
| Complaints box | 22% |
| Elected representatives | 20% |
| Other | 11% |

(Source: DJI Institutional Survey of 2004, Gragert et al., 2004).

This table shows opportunities open to young people to complain and submit suggestions. Not surprisingly, residential establishments most frequently identify discussion with staff and with the management. Three out of four establishments offer young people an opportunity to voice criticism at residential assemblies and group meetings. More formal methods, such as elected representatives or complaints boxes are less frequent. In some establishments, children and young people are referred solely to staff and cannot draw on any procedure to use in case of conflicts or complaints. Qualitative findings on participation also showed that formalised types of participation tend to be viewed with some scepticism on the part of residential staff and managers. Staff reason that formalised participation does not suit the situation of young people who are cared for in a setting that is as close as possible to a family structure, and could thus be counterproductive. They concentrate on arranging help tailored as much as possible to individual needs. This often ignores the fact that residential care, being by its very nature a formalised type of care or education, depends on formalised procedures that reflect its character and thus offer a good chance of success.

Evaluation of opportunities for participation

One of the most important (although in the final analysis not really surprising) insights of this overview is that the perception of participation may vary considerably between professional staff on the one hand and children and young people on the other. Accordingly, there are considerable contradictions in how staff or young people evaluated participatory processes.

In the two qualitative studies, children and young people frequently evaluated their participatory opportunities (both formal and informal) as being much worse than did the management and staff of an establishment. Generally, there was a high degree of agreement between young people and staff in their descriptions of the facts and processes within a given establishment. The management and staff, however, evaluated the opportunities for participation more highly than the young people, giving insufficient attention to the views of the children and youth.

One example of this would be the meetings between the staff and the residents within a residential group, such as are regularly held by most (but certainly not all)

establishments and which are intended to offer participation to children and young people. The timing of such meetings usually depends on staff preferences. Residents have little influence on their agenda, which is often notified only at the meeting itself, so that children and young people cannot properly prepare. It is also notable that the discussion often revolves around subjects of no appeal to the young people themselves, but is used by the staff to pursue pedagogical goals. As a result, such meetings are often not actually in line with the interests of children and young people and are thus unpopular among them, as well as among staff. Only in rare cases are they used to provide a pleasant group experience in a relaxed atmosphere for all parties involved.

To the extent that such meetings are subject to rules, staff are not always governed by them to the same extent as children and young people. The rules themselves are rarely set up in consultation with the young people. While attendance is mandatory for children and youth, this does not apply to staff, and when staff members interrupt children they are almost never reproached. Actual participation rarely goes beyond an opportunity to express a wish, which is then usually decided on solely by the staff. Decisions left to the residents are usually limited to a choice between specified alternatives. The two groups do not differ significantly in their descriptions of such meetings. But while the management and staff typically fail to see anything wrong about such meetings and thus do not perceive any need for change, the children and young people are not particularly satisfied with them, for reasons that are quite understandable.

Discussion

When it comes to young people's participation in the residential care system, we have found a wide range of variation in practice in Germany. This is generally not the result of technical considerations, but typically the consequence of differences in staff commitment to participation, both across different establishments and within individual establishments. Whether or not children and young people are granted the right to reasonable participation in their residential care setting, the scope of such participation is mostly a matter of luck and chance. This is unhelpful for all concerned, not least because the experience of some establishments has shown that participation can be implemented successfully, i.e. in a form that is perceived to be positive by all parties involved.

Positive forms of participation appear to be dependent on the management and staff of a given residential establishment and it is essential that:

- they are convinced that it is right and important for children and young people to enjoy participatory rights.
- they themselves enjoy sufficient opportunities for decision-making and are ready to let others join in. Therefore participation needs to be guaranteed and practised at all levels of a residential establishment. It appears to be no mere chance that the two establishments that had the greatest success in implementing participation by young people, according to Babic & Legenmayer (2004), enjoy an unusual degree of autonomy vis-à-vis their organisation.

- they have been able to create a trust-based relationship with their young people. As a logical consequence, participation can be a suitable indicator of the quality of residential care.
- they have a clear understanding of participation. Participation needs to be more than offering children and young people an opportunity to express wishes without any obligations on the part of management to actually meet those wishes; because this ultimately leads to the idea that good participation means fulfilling as many of the wishes of children and young people as possible. Firstly, this pushes them into a more or less passive consumer status that undermines rather than fosters their independence, and secondly, all parties will quickly reach their limits, which can cause major dissatisfaction and, thus, massive conflict. What is more, participation of this type quickly becomes a disciplinary tool, i.e. 'participation' is granted to children and young people not as a fundamental right but only as a reward for good behaviour.
- they examine their own expert knowledge to this end and reflect such uncertainties as arise from the demand for participation. This includes training, opportunities for reflection, and dealing with one's own ideas and fears as a staff member.
- they actively support participation processes, carefully prepare themselves and the children and young people for participation and show tolerance for errors - participation can be learned and is both a goal and a crucial criterion for designing this learning process. Accordingly, careful planning must go into the introduction of participatory structures, for example, through training given to staff and residents. It is necessary to constantly familiarise new members with the ongoing situation, not least because of the changing resident population of children and young people.

Opportunities for participation that work and that are positively received appear to be conditional upon participation processes that:

- are developed jointly by all parties involved. What an establishment can be asked or expected to do is often difficult to determine from outside. For this reason alone, it is sensible to take into account the opinions of as many relevant groups as possible (at the least those of management, staff and residents) in developing and introducing participation opportunities. It appears to be impracticable to determine the shape and scope of participation without consulting all those concerned. Our experience shows that participatory structures and their decisions receive much better acceptance rates when all parties are involved.
- provide opportunities that can be relied on by, and are transparent to, all parties involved (including staff who tend to fear that participation could be turned against them, for example when children and young people complain). That is why participation requires formalisation in our view. Our research demonstrates that without secure participatory structures to support development, the content remains ineffective and withers (if it develops at

all). Structures without content are dead edifices. Accordingly, it is necessary to develop both equally.

- do not push children and young people into a passive consumer position. Where participation only leaves room for children and young people to express wishes without any binding regulatory structure for compliance, or to choose from among predefined alternatives without giving them an opportunity to contribute either before or after, they are typically pushed into a position of passive consumers. At worst, they may refuse to join such processes of fictitious participation. Yet later they may be reproached for their passivity and their refusal may be seen as evidence that further efforts at encouraging participation are unnecessary because they are not taking advantage of that which is already on offer. Excessive and unrealistic wishes expressed by children and young people in this connection are often, in our opinion, a form of resistance against being patronised. They express distrust and may well confirm children and young people in their views that adults cannot be trusted or that the commitment requested from them is not worth the effort.
- are designed to tolerate errors and that allow quick and concrete success in areas that are important for children and young people. Management and staff like to emphasise that children and young people should 'get the feeling' that they are being taken seriously. Participation opportunities are chiefly seen to be an exercise where residents are to learn 'to express their wishes properly.' Staff may think that it is not absolutely necessary for such efforts to have concrete consequences. Ironically, it is exactly this idea that confirms children and young people in their belief that they are not taken seriously. When they perceive participation opportunities to be ineffective or to refer to irrelevant matters, children and young people may become disenchanted. It should also be noted that the children and young people surveyed by us were quite aware of their own limits with regard to their participatory capacities. In no case did they feel all-powerful. In contrast, staff members frequently accepted that young people could well be given greater participatory rights in shaping everyday life at the establishment than they enjoyed at the time of the survey.

Conclusion

This overview of research provides some important messages about participation in residential care. Residential care establishment and staff would gain much by letting go of their fears about participatory opportunities for the young people in their care. Similarly, organisations should learn that their own staff and managers are perhaps best placed to understand their own workplaces. Such expertise should be acknowledged and used in participatory relationships.

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