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1. Safeguarding Children's Rights in Residential Childcare – Introduction

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The subject of this book is the implementation of children's rights in residential care, how participation and complaints processes were implemented in everyday life in the living groups, but also how children and young people were silenced, devalued and not listened to. This is why we will also report on children's and young people's experiences of victimization in this book. The latter in particular can act as a trigger and activate existing trauma. In the abstract of each chapter, we provide a trigger warning if victimization and/or violence is the topic of the contribution.

This book offers current insights into the discussions on safeguarding children's rights, especially the right to participation according to the United Nations' Convention on the Rights of the Child (UN CRC) in residential group care. The findings of the study "Participation in Residential Childcare" are presented and discussed against the backdrop of the international research discourse. Although the study was conducted in German residential care facilities, the results presented offer important insights for the national and international discourse, as current studies in various other countries reveal similar barriers and obstacles to the participation of children and adolescents in residential care, despite the very different welfare systems worldwide.

The presented study takes a special approach: it analyzes participation processes in the everyday lives of children and adolescents in residential groups. In doing so, this study fills a gap in the international professional discourse, which focuses primarily on participation in the context of decision-making in child protection and the process of out-of-home placement (Equit & Purtell, 2023a). Furthermore, the effects of complaint procedures in the residential groups are presented with respect to enabling and securing participation but also, when victimizations in the facilities occur, regarding child protection. Therefore, this book offers an innovative and theoretical conceptualization of complaint processes and their impact on children and young people in residential group care. The current professional discourse lacks approaches that explain the links between complaint processes, participation, and protection, although the UN CRC recommendations on ensuring participation place complaint procedures prominently (General Comment No. 12, 2009; General Comment No. 20, 2016). The offered findings seem to be relevant not only for complaint

procedures in residential care facilities but also for the conceptualization and use of complaint procedures outside the facilities (so-called ombudsman offices or advocacy services), and for complaint management – to secure children's rights in municipalities, for example.

In addition, the presented findings offer a variety of connections for important topics, such as the organizational influence on the implementation of participation as well as the prevention of victimization and re-traumatization in the respective facilities. The reconstructed complaint processes within residential living groups are examined in terms of their embeddedness in organizational working routines and hierarchies. Important "shifting points" in the guidance and shaping of the existing organizational culture within the residential groups are outlined and the role of relational social work is systematically presented. In addition, forms of victimization and silencing practices in residential groups are reflected upon, and insights are given into the views of children and adolescents coping with everyday life in residential groups during the COVID-19 pandemic. In a more general way, children's and adolescents' views on living in a residential group, and the demands of being placed in residential groups, are presented and discussed as well.

The book therefore offers numerous insights and findings for researchers, professionals, students of social work, care-experienced persons, and interested people. By scientific standards, the results of the study are illustrated by excerpts from group discussions and interviews with children, youth, professionals, and management staff. The book thus contributes to the research objective of implementing and securing participation in residential care but also to the views and knowledge of the children and adolescents interviewed. Their narratives were crucial to the findings presented, following the perspective of children and young people as moral equals to adults (Križ & Petersen, 2023), and they provide important knowledge about organizational problems and routines by which they are affected. The views and narratives of children and young people have been contrasted by the views and knowledge of professionals and management to examine similar and different perspectives on the described matters of everyday life in residential group care. Using these varying and sometimes very different views, it was possible to draw a detailed picture of the gap between the perspectives of the professionals and the children and young people, of shared routines and valuable experiences, as well as difficult practices and disguised problems in everyday life.

Reviews by care-experienced consultants

The volume introduced a review process by care-experienced consultants. The authors and editor are convinced that research should search for suitable formats in which care-experienced persons include their views and comments. The aim is

to establish the presentation of findings not only *about* children and adolescents but *with* them. In order to include the views and knowledge of children and young people who have experienced residential group care in the presentation of the research findings and to consider and acknowledge their views, all chapters of this book have been reviewed by people with care experience, except chapters two, five and eight, due to severe health problems of the care-experienced persons. The authors and the editor wish them a safe and easy recovery. The authors and editor are very grateful for the valuable views presented by care-experienced young people who invested their time and attention to provide feedback to the authors on their work. The comments and reviews were included in each reviewed chapter. Our special thanks go to Lukas Dreesbach, Mariana Gratz, Antonina Milinkovic, Ali Rahimi, and Sabrina Schwenke. They helped the authors and editor to gain a more nuanced view of the research conducted and the findings presented. Thank you so much!

Participation and voicing complaints in substitute care

Before going into detail about the study and the structure of the book, we provide a brief outline of why participation and complaint procedures have been given such important relevance in the study.

Children and young people who were placed in family-substitute care experienced multiple victimizations and difficult living circumstances (Dhakal et al., 2019; Edmond et al., 2002; Gusler et al., 2019; Huffhines et al., 2020). Out-of-home care seems to be an important and necessary solution for these children and youth to address the need for protection and support of their best interests. However, studies about trajectories with multiple care placements and exacerbated problems highlight that experienced victimizations and problematic situations can mutually reinforce each other (Dregan & Gulliford, 2012; Mascenare & Feist Ortmanns, 2021; Schleiffer, 2018; Tornow et al., 2012). This is also true for young people leaving care (Rome & Raskin, 2019). Multiple care placements disrupted bindings to caregivers, and a lack of information about important care decisions made on vulnerable young people, are challenges that question the quality and scope of the provided means and measures of child protection (Bell, 2002; Dregan & Gulliford, 2012; Mascenare & Feist Ortmanns, 2021; Schleiffer, 2018; Tornow et al., 2012). Especially children and young people with multiple problems like poly-victimizations, mental health issues, and high risk behavior bear the potential for multiple care placements and several dropouts in out-of-home care (Dregan & Gulliford, 2012; Leathers et al., 2019; Mascenare & Feist Ortmanns, 2021; Tornow et al., 2012). In addition, studies on the results of long-term substitute care point to worsened outcomes for children and youth (Knorth et al., 2008; Vinnerljung & Hjern, 2011). Therefore, out-of-home care is critically discussed and evaluated. Substitute care is a radical invention for children,

young people, and their families. Family-supporting provisions are discussed as an important aspect of preventing out-of-home placements (Font & Gershoff, 2020; Sindi, 2016; Wolff, 2020). In addition, out-of-home care provisions do not match all needs and requirements for safeguarding children and youth from maltreatment and abuse. Thus, safeguarding children's rights, especially the right to participation seems to be an important issue not only to secure the rights of young service users but also to improve the positive outcomes of out-of-home care provisions and legitimize this radical intervention.

The implementation of participation rights for children and youth at high risk is seen as a key facilitator to improve out-of-home care for this vulnerable group and to adapt out-of-home care provisions to the needs and requirements of children and youth. The experiences of co-determination and gaining agency have several positive outcomes for children and youth in out-of-home care, such as regaining a feeling of control in their life (Bessell, 2011; Leeson, 2007), garnering a sense of identity (Sindi & Strömpl, 2019), building resilience (van Bijleveld et al., 2015), increasing self-esteem (Albus et al., 2010; Burgund Isakov & Hrncnc, 2021) and acquiring a feeling of responsibility which prepares children and youth for making individual, responsible decisions in their lives (Skauge et al., 2021). In addition, participation is related to stronger commitments by agreements made in care (Balsells et al., 2017; van Bijleveld et al., 2015) and stronger effects of the care provisions (Albus et al., 2010; Barnes, 2012; van Bijleveld, 2015; Woolfson et al., 2009). Participation is also closely related to developing children's ability to communicate their needs, wishes, and feelings effectively (Brady et al., 2019; McCarthy, 2016). Participation seems to be a key facilitator for improving the outcomes of family-substituting care. Participation rights are fundamental human rights that must be safeguarded, especially for children and youth in out-of-home care (Committee on the Rights of the Child, 2009, 2016). Therefore, new studies stress protective factors and improvement in detail about the very diverse group of children and youth in out-of-home care (Pinheiro et al., 2022; Garcia-Molosa et al., 2019). However, the positive outcomes of participation in a context of child protection like substitute care are just as diverse as the manifold barriers that occur by implementing participation in these settings.

Children and young people in residential childcare reported that they have limited or no opportunities to explain their views concerning their placement in family-substitute care (Balsells et al., 2017; ten Brummelaar et al., 2018; Toros, 2021). Children and young people often experience non-participation or tokenistic participation in care plan conferences[1] where important decisions about

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1   At the beginning of a placement outside the family in Germany, a so-called 'care plan' is drawn up with all parties involved (child/adolescent, legal guardians, professionals, employees of the youth welfare office). In this care plan, goals and measures are agreed upon and the course of the care is planned. In regular, halfyearly care plan conferences, the extent to which goals have been achieved and whether care measures need to be

their ongoing care are made (Messmer & Hitzler, 2011; ten Brummelaar et al., 2018; Toros, 2021). Children and young people in out-of-home care are often excluded, or even uninformed, regarding decisions about their medication(s) (ten Brummelaar et al., 2018). Their health outcomes and health insurance are worse compared to peers growing up in families (Vinnerljung & Hjern, 2018). Children and adolescents in residential care often reported being excluded from having a say in matters of daily life (Balsells et al., 2017; ten Brummelaar et al., 2018; Cossar et al., 2014) as well as being excluded from having a say in matters such as contact with family members or extending their stay in the children's home (Equit, 2023; McCarthy, 2016; Toros, 2021). The participation of children and young people in decision-making as well as in issues of everyday life in out-of-home care is limited or not available (Equit & Purtell, 2023b; Kriz & Petersen, 2023; ten Brummelar et al., 2018; Toros, 2021, 2020).

The focus of international research on the participation of children and young people at high risk is on decision-making in child protection provisions and on participation processes. Little attention is paid to participation in the daily lives of children and young people in substitute care (Equit & Purtell, 2023a) as well as on the impact of complaint procedures, which are suggested to be provided in order to secure the participation rights of children and adolescents, especially in out-of-home care (UN-Committee, 2009). The few existing studies about complaints and complaint procedures in out-of-home care point to the fact that "complaints by children in care are managed at the lowest possible level" (Diaz, 2019, p. 463).

Aims and methodology of the study

Therefore, the presented study aims to analyze participation *and* complaint processes in residential group care. It was examined if and to what extent complaint procedures prevent the victimization of children and youth by using the complaint procedures that are implemented in Germany in the respective facilities (e.g., group evenings, letter boxes for written complaints, home councils, etc.). Therefore, the organizational cultures of residential groups were examined in order to clarify the role of hierarchies and the power dynamics between peers, staff, and management. Victimizations and silencing practices were analyzed when narrated by interviewees. In addition, strains and strategies to cope with the COVID-19 pandemic were reconstructed because the project was conducted during the COVID-19 pandemic crisis in Europe.

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extended or changed is reviewed. Care plans are regulated by law in Section 36 of the Children and Youth Services act (SGB VIII).

collaboration with research assistants Antonia Finckh and Julia Ganterer, and with Elisabeth Thomas analyzing the impact of the COVID-19 pandemic on children and young people in the respective living groups. The study[2] looked at 27 residential groups of 17 different child welfare stakeholders in four federal states. The sampling criteria were an urban-rural comparison, the different concepts of the facilities, and the examination of facilities in eastern and western Germany. 233 children and young people aged 6–21, both with and without a family history of migration, were interviewed. Additionally, 168 professionals (including 27 senior managers) aged 23–77 were questioned. The sample is very broad for a qualitative study. This was aimed at and fulfilled by criteria-led sampling in order to capture the variance of the very different residential facilities in Germany. The group discussions and interviews were analyzed using the documentary method (Bohnsack et al., 2019). The entire sample and the research methods used, as well as the data protection policies, are presented in detail in chapter two and briefly in each of these sections of this book.

Content of the book

Each chapter of the book begins with a brief summary of the thematic focus, which is presented on the basis of the study and against the background of the current state of research. In addition, each chapter contains a section on the objectives and methodological design of the study. This gives readers who only want to read a specific chapter a good overview of the entire study.

Chapter Two, written by Claudia Equit, Antonia Finckh, and Elisabeth Thomas, presents the key results of the study. It introduces the aims of the study that are discussed against the backdrop of gaps and results of the professional discourse. It furthermore provides insight into the methodology of the study and highlights important findings of the overall project.

Chapters Three, Four, and Five, written by Claudia Equit, discuss Participation, Complaints, and Power Dynamics for children in Residential Care. Chapter Three, "*This is your home, that's what it's supposed to be: Participation in Residential Childcare",* presents the processes of co-determination in the daily lives of children and adolescents in residential group care and how participation rights can be safeguarded. Research findings highlight under which conditions children and adolescents have a say in their daily lives. Based on the research results, a typology is presented that locates participation in everyday life against the background of existing organizational idiocultures within the facilities. The importance of daily life in residential groups for children and young people is illustrated by excerpts from group discussions with young people. The results of

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2   The presented sample includes group discussions and expert interviews before and during the COVID-19 pandemic.

the study indicate that participation in daily life is crucial, especially in terms of feeling at home and building trusting relationships. The results of the study reveal that the special idioculture of the residential group shapes the opportunities for co-determination in daily life. Having a say in daily life also has an important impact on the decision-making in care processes. Therefore, the study presents three main types of idiocultures in residential groups (participatory, routinized, and opposed type), and their influence on participation for children and young people. The chapter includes comments and statements provided by Antonina Milinkovic about her experiences in residential care related to the findings.

Chapter Four, *"... but the professionals decide everything" – Complaint Procedures and Processes in Residential Care,* presents findings about different complaint processes of children and young people in living groups shaped by the different idiocultures. In addition, a theoretical conceptualization of complaint procedures to secure participation rights is provided. In the conclusion, the results are discussed with regard to the implementation of the United Nations Convention on the Rights of the Child, and the international professional discourse. It is highlighted that the implementation of children's rights by concepts such as complaint procedures in out-of-home care can be conceptualized as a kind of politics of social service providers since it is not formal participation and complaint procedures but the idiocultures with their discretionary spaces in the residential groups that decide whether young residents can make experiences of participation or not. However, if the policy and the fulfillment of children's rights are only tied to the implementation of formal concepts, children and adolescents have a much harder time reporting violations of children's rights because these are seen as "implemented" in the facilities according to formal criteria. The work of institutions that try to implement participation for children and adolescents elaborately also remains obscured and invisible to a certain extent if only the existence of a formal concept is evaluated. The chapter includes comments and statements provided by Antonina Milinkovic about her experiences in residential care related to the findings.

Chapter Five, *Organizational Power Dynamics in Residential Care as Key Drivers for Safeguarding Children,* describes reconstructed organizational power dynamics and hierarchies with respect to safeguarding participatory rights and residential group care that facilitate or hinder participatory processes. Different forms of power dynamics between children, adolescents, and staff members, and senior management will be presented and illustrated by examples from group discussions with young residents and professionals. In conclusion, the interconnectedness of organizational power dynamics with clientization processes, and the enaction of generational orders, are highlighted. Depending on the idioculture and the interwoven power dynamics, children's and youth's needs and problems are interpreted and addressed by staff members in very different ways. The respective idiocultures, and the interwoven power dynamics, can have an important influence on client identification and the care process.

Children and adolescents have to adapt to their respective power dynamics and attributions as a client. And they have different potentials and abilities to fit into the existing, very different idiocultures of the residential groups.

Chapter Six, *The Impact of the COVID-19 Pandemic on the Daily Lives of Young People in Residential Group Care,* written by Elisabeth Thomas, focuses on the impact and challenges of the COVID-19 pandemic in residential group care. It first analyzes how the effects of the pandemic are discussed in other fields through the metaphors of *the magnifying glass effect* and the *catalyst*. The group discussions with young people that were collected during the pandemic were additionally analyzed for this chapter using the method of qualitative content analysis (according to Mayring, 2016). The results of this evaluation reconstruct existing problems, challenges, and effects of the pandemic; at the organizational level in terms of idiocultures, on the one hand, and at the individual level in terms of the subjective experiences of the young people, on the other. Accordingly, the results are based on the young people's narratives and allow for further considerations, including where the pandemic has acted as a *magnifying glass* or *catalyst* and what conclusions can be drawn. This chapter was reviewed by Ali Rahimi, who gave important feedback and advice from a care-leaver's perspective.

Chapter Seven, *Participation and Complaint Processes in Residential Group Care – What Do Young People Think About It?* written by Antonia Finckh, focuses on the perspectives of the young people themselves regarding participation and complaints. It is demonstrated that the opportunities for participation, and of having complaints heard, are not equally accessible to all young individuals in residential groups. Whether young people can profit from participatory offers in residential childcare depends on the amount to which their orientation and habitualized scripts on everyday life match with the idioculture of the specific group to which they are assigned. These results will be discussed and contextualized not only in light of the current state of research but also within the theoretical framework of the project's understanding of organizational culture as idiocultures, which can be more or less independent from the formal goals of the organization (Brodkin, 2012; Fine, 1996; Klatetzki, 1996). This chapter was reviewed by Sabrina Schwenke who provided the opening statement and gave meaningful feedback regarding the relatability of the presented case studies against the background of her own experiences in residential care.

Chapter Eight, *Relationship and Participation – Relational Social Work in Residential Group Care,* written by Claudia Equit, examines the relationships and relational social work of professionals in different residential group care facilities. The presented results highlight the connections between organizational idiocultures in the living groups – which were investigated in the project – and the respective relationships described from the perspective of the professionals, as well as from the perspective of the children and adolescents. It is shown that relational social work takes on a special significance in participatory idiocultures

of residential living groups. Finally, the potentials and limitations of the study of relational social work in residential groups and safeguarding the participation rights of children and youth are discussed against the background of the outlined state of research at the beginning of the chapter.

The ninth chapter, *No Voice – No Choice? Practices of Silencing in Residential Childcare*, written by Julia Ganterer, looks at the phenomena of voice and the practice of silence with regard to children's rights, the United Nations Convention on the Rights of the Child (UN CRC), and childhood research. The research findings of the project show that voicing and silencing are explicit gaps for violence and power dynamics in residential care. The article begins with a brief historical overview of children's rights and the UN CRC in order to understand participation in the context of children's rights and child protection in residential childcare. The research is then contextualized with regard to current debates on childhood research and its position on Article 12 of the UN CRC. Concepts of violence and the social functions and forms of silence are also discussed. This is followed by a presentation of the research project and the documentation of selected research findings, including the analysis of complex practices of silence in the context of violence in residential childcare. The paper concludes with a summary of the question: What do we know about practices of speaking and silence in the context of violence and power dynamics in residential childcare? This chapter was reviewed by Antonia Milinkovic. Antonia gave important feedback and advice from a care-leaver's perspective.

Chapter Ten, *Silencing and Victimisation in Residential Care – Key Results from the Study*, is seen as a complement to chapter nine and focuses on violence and the active and passive practices of silence in residential childcare. The author, Julia Ganterer, begins by pointing out that the phenomenon of violence and practices of silence were not explicit objects of research but emerged through the process of analysis. An epistemological consideration of practices of silence and the (bodily) experience of victimization and violence is therefore only possible in a fragmentary form, which is presented based on selected case studies using a sequence-analytical approach and a bodily-phenomenological orientation. Applying a perspective of phenomenological pedagogy allows experimental readings of the material, which show possible connections between bodily experiences of abuse of power and violence as well as practices of silence among children, adolescents, and professionals in residential care. The active and passive practices of silence presented in the chapter clearly show that children, youth, and professionals are restricted in their participation and complaints by practices of silence and concealment. Lukas Dreesbach reviewed Chapter Ten and gave important feedback and advice from a care-leaver's perspective.

The *Conclusions* (Chapter Eleven) present further insights and consequences based on the study. First, the topic of participation and visibility is reflected upon. Children and adolescents in out-of-home care were not visible in the societal discourses in Germany during the COVID-19 pandemic, although they

were very much affected by strict rules and restrictions, especially in residential care. The situation and experience of young residents is hardly discussed in professional and social discourse in Germany (Chapter Six). Second, the topic of organized participation is discussed in detail. The results of the study highlight that participation in adult-led organizations entails certain preconditions and limitations for children and adolescents. The preconditions and limitations based on the findings of the study are highlighted in Chapter Eleven regarding participation practices, implemented complaint procedures, hegemonic orders, and relational social work within the facilities. The viewpoints of young residents are also highlighted concerning their adaption to the given idioculture in the living groups. Chapter Eleven stresses that children and young people in care know the crucial problems and challenges and the potential of the care organizations they live in. Therefore, including care-experienced persons in creating scientific knowledge and generating guidelines for practitioners is essential. The Chapter concludes with some critical reflections on the implementation of children's rights as recommended in the UN CRC based on the complaint procedures for children and youth in out-of-home care.

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