From protection to inclusion

IDENTIFYING THE CHALLENGES

CONTENTS

I. INTRODUCTION

The United Nations Convention on the Rights of the Child (CRC) affords every child the right to "a standard of living adequate for the child's physical, mental, spiritual, moral and social development" (art. 27) and requires that parents or those responsible for the child "secure, within their abilities and financial capabilities, the conditions of living necessary for the child's development". When, for whatever reason, parents find themselves unable to fulfil these obligations, states are responsible for ensuring such care in situations where children are "temporarily or permanently deprived of his or her family environment" (art.20). After assessing the situation, the children are provided with an alternative care solution until they can return to their family, either in a foster family or in a residential facility. When return to the family will not be possible, a permanent solution such as adoption may also be considered.

In addition to having experienced separation from their first parental figures, many of these children have faced other forms of early adversity, such as abuse, neglect or institutionalization. Such experiences may in turn have affected their development patterns on several levels, including emotion regulation skills, learning processes and the ability to make sense of their life experiences to arrive at a positive sense of themselves. Research has repeatedly shown that they have higher rates of school drop-out and school difficulties[1], feelings of isola-

[1] Dalen & Theie (2019); Denecheau, (2011); Ferguson & Wolkow (2012); Ozama & Hirata (2020); Morrow & Villodas (2018).

tion[2], exclusion by peers poor-quality friend relationships[3] and incidents of bullying[4]. For all children, school should be not only a place where they feel safe and included, but also a space that helps them develop resilience,which can help them to minimize the impact of adverse experiences and develop their full potential.

This report aims to identify and raise awareness about the specific challenges children face in school environments, so that those challenges can be appropriately addressed. To that end, the team of the Erasmus+ project "BRIGHTER FUTURE: Innovative tools for developing full potential after early adversity" has contrasted what it is known from research with the experiences of stakeholders: youth who were under state guardianship in their childhood, adoptive and foster families, social workers who work in the child protection system, NGOs that work with families and unaccompanied migrant children, and teachers.

[2] Clemens, Helm, Myers, Thomas & Tis (2017).

[3] Emond (2014) and Hastings (2012).

[4] Celeste (2011); Goldberg, Frost & Black (2018); Mazzone, Nocentini & Menesini (2018); Rao & Simkiss (2007); Tilbury, Creed, Buys, Osmond & Crawford (2014).

II. CHILDREN'S RIGHTS AND CHILD PROTECTION

Child protection policies for children living outside their family care vary from country to country, according to its values, social historical traits and available resources. For example, while the United Kingdom has very high rates of domestic adoption (more than 4,000 each year), in The Netherlands this protection measure is nearly anecdotical, with some 28 adoptions yearly, while supervision by a family guardian[5] is the most common measure of Dutch child protection. As stated at the UN Guidelines for the Alternative Care of Children[6] (2009), there is a broad consensus that, whenever a child does not have a family that can provide appropriate care, the following principles should guide the protection actions to be taken by the state:

1. **The best interests of the child** should be the primary consideration in all matters involving or affecting him or her. This principle

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[5] A family guardian is someone who gives advice about upbringing and makes agreements with parents about this. The parents remain responsible for the child themselves. They are obliged to cooperate with the advice and agreements of the family guardian. In a plan of action, the family guardian writes, among other things, how the parents themselves think they can solve the problems. And whether they need help from care providers. The parents make important decisions about the child together with the guardian. Parents and children are required to follow the guardian's instructions.

[6] These guidelines can be downloaded at https://www.unicef.org/protection/alternative_care_Guidelines-English(2).pdf.

is related to the concept of children being fully-fledged human beings, whose interests are important and should heard and respected. **Dialogue, negotiation and participation** should be priorities of common action on behalf of children.

2. **Removal of a child from the care of the family should be seen as a measure of last resort.** Whenever possible, it should be temporary and for the shortest possible duration, so that the child returns to parental care once the original causes of separation have been resolved or have disappeared. Poverty should never be the only justification for a child being placed into alternative care but should be addressed by providing appropriate support to the family. Unless there is a strong reason not to, all decisions concerning alternative care should focus on maintaining the child as close as possible to their habitual place of residence, in order to facilitate contact and potential reintegration with their family and to minimize disruption of their educational, cultural and social life.

3. **Large residential care facilities (institutions) should be progressively eliminated.** Since there is consistent evidence demonstrating that institutional care negatively affects child development, especially at early ages[7], states should prioritize other care solutions that can provide individualized and small-group care, whether temporary (such as foster families) or permanent (such as adoption).

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[7] See f.i. *The Risk of Harm to Young Children in Institutional Care* (Browne 2009) or Van IJzendoorn, Marinus et al. (2011).

4. **Siblings** with existing bonds **should not be separated** by placements in alternative care unless there is a clear justification that separation is in the best interests of the children. In any case, it should be ensured that siblings can maintain contact with each other, unless this is against their wishes or interests.

Forms of Alternative Care

Despite small differences in terminology and content, we can group the different protection measures that European states apply for out-of-home care into three categories:

1. **Foster families**

    Children in foster families may live with relatives or with unrelated foster parents. In the event of the need for placement, states usually try to find carers in the extended family (aunts, uncles, grandparents, etc.). When this is not possible, they look for an alternative care solution, which can be a foster family with non-relative adults.

2. **Residential care**

    Since families are considered the optimal environment for the growth, well-being and protection of children, "the use of residential care should be limited to cases where such a setting is specifically appropriate, necessary and constructive for the individual child concerned", as stated in the UN Guidelines for the Alternative Care of Children[8]. Nevertheless, there are still many children

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[8] These Guidelines can be downloaded at https://digitallibrary.un.org/record/673583/files/A_RES_64_142-AR.pdf.

in the EU that live in such settings, although efforts are being made to promote deinstitutionalization, especially for younger children. Large institutions have been replaced in many countries by "family-like" small units in order to better meet the specific needs of the children[9]. Residential care can also refer to placement settings such as emergency shelters and supervised, independent living.

3. Adoption and permanent placements

When the return to the birth family is not feasible, the priority should be to find a permanent family placement within a reasonable period. In such a situation, adoption (through which children who will not be raised by their birth parents become full and permanent legal members of another family) may be considered the most suitable solution. In some countries, such as the United Kingdom, special guardianship is increasingly used as an alternative to adoption. Special guardians may be foster carers, but are usually people within the child's birth family or family network, such as grandparents, aunts and uncles, or family friends who take parental responsibility until the child becomes an adult.

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[9] The case of Italy is a good example. The law 149/2001 concerning the protection of the child of 2001 prescribed the closure of the so-called orphanages by 2006 and mandated to privilege family foster care or residential care in small units "family-like", with a maximum of 10 children. This process was accompanied by a diversification of the forms of foster care in order to better meet the specific needs of the child and the family of origin.

Children in Alternative Care in the EU

It is very difficult to find up-to-date statistics on children in alternative care inside the EU, probably because child protection measures are often implemented by regional or local authorities[10]. The Council of Europe estimates that 1.5 million children in its member States live in some form of alternative care and thousands of children in Europe join a new family each year through adoption, whether domestic or international. Therefore, if you are a teacher, you are likely to meet adopted children or children in alternative care several times during your professional life.

The following table show the figures of children in alternative care in Italy, the Netherlands, Spain and the United Kingdom:

	Children in family foster care	Rate every 1000 residents 0-17 y.o.	Children in residential care	Rate every 1000 residents 0-17 y.o.
Italy (2019)	14,012	1.4	12,603	1.3
Netherlands (2018)	13,285	3.9	10,435	3.08
Spain (2018)	19,545	2.3	21,283	2.6
UK (2019)	56,160	3.9	10,760	0.75

There are a variety of reasons why children become looked after. Some of the most common reasons include abuse, neglect or a parent's illness, disability or incarceration. Children could be unaccompanied asylum seekers, with no responsible adult to care for them. In some cases, the

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[10] For an estimation at a global level and the difficulties to gather statistical data on the subject, see: Desmond, Watt, Saha, Huang & Lu (2020) and Petrowski, Cappa, & Gross (2017).

child's parents have agreed to transfer custody to the state; for example, if they are too unwell to look after their child or if their child has a disability and needs respite care. Otherwise, authorities may have removed the child from their home to protect their integrity or best interest. In few cases, children enter the care system because they have had issues with law enforcement or because their parents or guardians are unable to change behaviour patterns that can create dangerous situations for the child (e.g. continually skipping school or repeatedly running away).

III. CHALLENGES IN SCHOOL INCLUSION

Children in residential care, foster families, unaccompanied migrant children and adopted children can experience significant difficulties when it comes to their education. It is worth noting that experiences and challenges vary for and within each of these groups of children and also from one child to another. Moreover, some of them perform extremely well at school, despite their difficult circumstances. However, there are some issues that, while not exclusive to them, are more prevalent or/and intense in these collectives than in the total population.

Without specific training, understanding the reactions and needs of these children may be difficult, which in turn may lead to mis-labeling and using inappropriate strategies. Some traditional educational strategies or well-intentioned comments that do not take into account the diversity of life experiences and personal circumstances may actually be discriminatory, exclusionary or insensitive. However, no matter what happened when they were younger, these children have the right to have their needs met and to develop their full potential.

Understanding their reactions, behaviors and needs

Like everybody else, these children have learnt how to act and have shaped their expectations and forms of relating from their earlier experiences. In addition to the separation from their families, many of them have suffered from other situations (neglect, prolonged institutionalization, mistreatment, abuse, etc.) that have affected the way they see the world and have conditioned their learning and development. No child is responsible for

having had this sort of experience, but carers and teachers *are* responsible for understanding their behaviours and needs so that they can respond appropriately. However, professionals do not always have the training to do so and may misinterpret children's behaviour, reading it as disruptive and deserving of sanction, instead of addressing the underlying needs. Without an understanding of what developmental and learning gaps children can have, they struggle to meet the expectations of adults, who often assume that children *won't* do things, rather than understanding that they *can't*. This lack of understanding can lead to the assumption that the problem is one of motivation, and attempts to use rewards and consequences to motivate the child into doing better. However, where children do not have particular skills, we cannot reward or punish them into displaying them. Neither can we neglect to teach them these skills, hoping that they will spontaneously develop them. Instead, we must go back and fill in the gaps in their development, giving them the input and explicitly teaching them the skills they are missing, and coaching them as they put these new skills into practice.

Children who have experienced early adversity may struggle in one or more of the following areas:

- **Sensory processing and/or self-regulation**

    Children who have experienced early deprivation such as institutional care, neglect and or abuse may struggle to organize and respond to information that comes in through the senses. They may be over-sensitive to sensory input, undersensitive, or both. Sensory processing issues can also affect balance and movement. When children are in situations that cause sensory overload, they can't self-regulate. Their emotions and behaviours go unchecked

and they are often labelled as "difficult" or "overreacting." By the same token, those who have not had a caring environment in early stages may find it difficult to understand and manage their emotions.

- **Change and transitions**

Most children don't like change and they struggle when moving house or starting a new school, but for some of these children even little changes (such as an unexpected change in their daily schedule) may be completely overwhelming. The same can happen with small transitions (e.g. moving from one task to another). They may show their discomfort by being more aggressive, regressing to old behaviour (thumb sucking, bedwetting), or complaining of physical symptoms (headaches, stomach aches).

- **Executive functioning**

Early adversity and trauma can lead to higher levels of stress, greater difficulty modulating and accurately appraising emotion, and compromised executive functioning. When executive functioning is underdeveloped, children may show dysregulated behaviours, defiance or their own coping behaviours that are once more interpreted as disruptive and sanctionable.

- **Chronic stress**

Learning how to cope with adversity is an important part of healthy child development. When we are threatened, our bodies activate a variety of physiological responses, including increases in heart rate, blood pressure, and stress hormones such as cortisol. When young children are protected by supportive relationships

with adults, they help children adapt, which mitigates the potentially damaging effects of abnormal levels of stress hormones. When strong, frequent, or prolonged adverse experiences such as repeated abuse are experienced without adult support, stress becomes toxic, as excessive cortisol disrupts developing brain circuits. If a child is exposed to toxic stress, particularly before age three, without the support of an attentive parent or caregiver, it can affect their ability to learn, cope with stress or build healthy relationships with peers and adults.

- **Learning delays or difficulties**

Through the first years of life, the brain undergoes its most rapid development. Those children who have been deprived of stable, caring environments may have missed out on acquiring key developmental tools and skills that they need to be able to achieve their age-related expectations, so that their chronological age does not correspond to their developmental age. Such outcomes can include speech and language difficulties or delays. When this goes unnoticed, they often become disengaged from the learning process at school and both they and their self-esteem suffer from not being able to perform along with the rest of their peers.

- **Difficulties with a new language**

Those entering the country past a certain age (such as unaccompanied refugee children and those adopted transnationally) may struggle to acquire the local language. They often seem to catch up in a short time, at least at an oral level. However, they may struggle with more abstract language, which may only become ev-

ident later on, as they learn to read and write and are confronted with more abstract content. With children arriving at an older age, it sometimes happens that schools find it difficult to offer the right level of education which leads either to too much pressure or, on the contrary, to demands below what they are capable of, which causes frustration on all sides.

- **Peer relationships**

Positive peer relationships require learning how to express one-self, how to take turns, and how to apply empathy when dealing with others. The acquisition of these skills may have been compromised in those children who have suffered social deprivation, a situation that is aggravated when there are difficulties of self-regulation and impulsivity. These underdeveloped skills can be amplified in unstructured environments such as breaks and lunchtimes, where children are expected to possess all of the age-related skills necessary to manage without focussed supervision. Poor social skills can lead to social rejection or exclusion, which may lead adolescents to become involved with deviant or risk-taking behaviours.

- **Identity and belonging issues**

Permanently placed children (either in adoptive families or other forms of protection where ties with the family of origin are lost or diluted) can face a lifelong process of establishing their identity. For them, these processes have an extra layer of complexity. They need to work out who they are in relation to their birth family and their adoptive/foster family and may wrestle again and again with

the question "do I belong?" In trying to make sense of the loss of their birth families, some adopted and permanently placed children may conclude that there was something wrong with them, and may carry a negative message such as 'I am rubbish' as their core identity. For many adopted and permanently placed children, these questions about their identities are particularly important during adolescence, and may feel like a crisis to children and their families. Unaccompanied migrant children may also struggle with identity issues, as they do their best to "fit" in the host country where they do not always feel welcome.

The lack of background knowledge on risk-factors and their impact on school performance can add complexity to the picture. When issues such as prenatal toxic exposure or traumatic experiences are suspected or identified, getting an assessment by qualified professionals can be difficult, but it is the first step in designing an effective intervention.

Welcoming life trajectories diversity

Schools often assume that all children live in normative family environments and have had a secure and positive start in life they will be happy to share. This can lead to comments or activities which are insensitive with some students, such as the following:

- Being asked to bring baby pictures to school can be a painful experience for those that have no way to accomplish the task. This can be the case not only for adopted children or children in foster families or residential care, but also for children whose families, whether because of migration or other causes, do not have this

kind of pictures. Also, being asked to make a gift for mom or dad when there is no such a figure present in their life may be a source of stress and discomfort.

- Family trees, inquiring about your own genetic heritage or noninclusive start of school introductions, such as writing on "all about me", may also make those who have little or no information about their early years or whose early experiences were difficult feel uncomfortable and insecure.

- Finding the balance between avoiding taboo subjects and respecting the right to privacy is not always easy. The family situation of peers can raise questions out of curiosity. Other children often use nonsensical language (e.g. asking an adopted child about their "true mother") or delve into sensitive issues that the child may not feel comfortable sharing (and have the right not to). Moreover, teachers lacking knowledge or training may make impetuous judgements about issues such as people using drugs that can hurt those who see their family story reflected. Similarly, prevention activities on alcoholism or drug use are sometimes approached in an insensitive manner with respect to those children whose family history relates to these issues.

- While children struggle to evolve academically in a new environment, school professionals may have low expectations for children coming from different backgrounds. Referring them to "special education" or to education levels lower than what they are capable of can lead to frustration and hinder development of their full potential.

Schools are becoming aware of the need to work towards an inclusive education that considers diversity "the norm" and allows the inclusion of particular stories and characteristics from all different childhoods. However, it is still possible to detect some insensitive practices regarding ethnic and racial diversity, such as:

- Being asked to deliver a presentation about their country of origin in front of their classmates or asked to share memories of their families and their habits, without knowing their migration path or family history, can put the child in a very difficult situation. Some children may have no memories of their home country or birth families; others may have had a dramatic migratory journey and their relatives might be scattered in other places. Conflict situations, racial pursuits or natural disasters can be part of their life experience they'd rather not share in public .

- In some schools some cultural/ethnic groups do not interact with each other or exclude other children. In addition, negative beliefs and behaviours such as racism, discrimination, generalization, stereotypes and stigmatization are prominent among the educational experiences of children with non-dominant ethnic/racial backgrounds. It is well known that experiencing exclusion, racism or bullying has a negative impact on the identity formation and social, emotional and cognitive development.

III. CONCLUSION

Childhood should be an enjoyable time of opportunities to develop their talents and skills for all children. For looked-after children in particular, research, adoptive and foster parents, social workers, psychologists and other professionals agree that while the school years can be very tough for them, when their emotional needs are met, they often demonstrate an extraordinary capacity for resilience to overcome difficult experiences. Specialised training to enable the adults responsible for their upbringing and education to recognise their needs and respond to them appropriately is paramount. Without the necessary knowledge, we risk reproducing approaches that encourage exclusion and stigmatisation.

All students have the right to quality education that effectively meets their diverse needs in a way that is responsive, accepting, respectful and supportive. Knowledge is undoubtedly paramount, but broader change is also needed both in schools and at a social level. Children's differences are often spoken about as a problem rather than an opportunity for learning what rich variety exists in others' lives and how we can all be included, valued, respected, and welcomed for who we are in a naturally diverse world. By valuing the unique contributions that students of all backgrounds bring to the classroom, we will allow diverse groups to grow side by side, to the benefit of all.

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