

VALTIOVARAINMINISTERIÖ



Avoim  
Hallinto

HANDBOOK

Open

Government

What can we do together to  
make our administrative system more  
open? – as decision-makers, office  
holders, civil servants

# Fact sheets for the Government

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# Legal background – Inclusion of children and young people

### UN Convention on the Rights of the Child

**Article 12.** The child has the right to express his or her views in all matters affecting him or her. The views of the child shall be given due weight in accordance with his or her age and maturity.

**Article 13.** The child shall have the right to seek, receive and impart information and ideas in order to freely express himself or herself, provided this does not violate the rights of others.

By expressing their views, children can bring important perspectives and experiences to the discussion of issues, and for this reasons their opinions should be taken into account in decision-making and policy planning and when drafting and evaluating laws and/or measures.

The child shall have the opportunity but not the obligation to express his or her view.

The UN Convention on the Rights of the Child obligates signatories to evaluate how the rights of children are being guaranteed.

### UN Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child, which concerns all children under the age of 18, has been transposed into Finnish law. Taking the views of children into account is one of the central principles of the Convention. The right of every child to be heard and to be taken seriously is one of the intrinsic values of the Convention.

### Constitution of Finland

The right of children to have a say is guaranteed under section 6 of the Constitution of Finland. Children shall be treated equally and as individuals and they shall be allowed to influence matters pertaining to themselves to a degree corresponding to their level of development.

### Youth Act

Section 24 of the Act states the following:

Section 26 of the Local Government Act (410/2015) lays down provisions on the opportunity for young people to participate in and exert an influence in a youth council or similar group representing young people's views.

In addition to the provisions laid down in this Act or elsewhere in law, the municipality and the State authority shall provide young people with the opportunity to participate in and exert an influence on the consideration of matters concerning local, regional and national youth work and policy, or they shall be consulted in the abovementioned issues by other means. Moreover, young people shall be consulted in matters pertaining to themselves.

According to section 3 of the Youth Act

*youth work* means supporting the growth, independence and involvement of young people in society

*youth policy* means improving the growth and living conditions of young people and enhancing interaction between generations.

Provisions on consulting children and young people and on their rights to have a say are mostly included in legislation relating specifically to children and young people (such as the Youth Act, the Child Welfare Act, the Basic Education Act and the Early Childhood Education Act) but, e.g., the Administrative Procedure Act (section 41) also provides for a right to have a say that belongs to everyone, including children, even where this is not expressly mentioned.

### Inclusion

- does not from the perspective of the UN Convention on the Rights of the Child and the Constitution of Finland simply mean asking children and young people for their views and recording them.
- It also means taking their views into account in decision-making and
- recording that such views have been taken into account in the grounds for the decision in question, for example, so that children and young people can see how their views have affected the decision – or why it has not been possible to act on their views.



## Methods of inclusion – Inclusion of groups

Different types of groups may be, for example:

- Youth councils
- Student council boards
- School classes, day care centre groups
- Local or regional meetings of children and young people
- Children's parliaments
- Youth centres
- Youth workshop activities
- Activity groups and clubs of children's and young people's organisations

The importance of children's and young people's own groups has grown both in face-to-face interaction and online. The inclusion of these groups often brings with it voices that may not otherwise be heard.

### **A variety of methods are required to ensure the inclusion of different groups.**

With regard to all forms of inclusion for groups, it is important to ensure that children receive guidance in not only the subject of the consultation but also in the decision-making process.

Group-based digital participation can be arranged alongside conventional inclusion methods or separately.

Examples include discussion platforms and more structured discussions. Various virtual worlds can also be built. It should be ensured that the discussion platforms are accessible to everyone.

# Methods of inclusion – Inclusion of individuals and families

In inclusion at the individual level, use can be made of typical environments of children and young people, such as children's day care centres, schools, other educational institutions, organisations or youth centres and workshops. Children and young people who could be otherwise difficult to reach can be consulted in reform schools, youth detention centres or family rehabilitation centres.

For individual inclusion to be successful, it may be necessary for several different parties to work together and form networks with each other and for use to be made of different professions and the professional expertise of volunteers.

Families are regularly included, for example, in community planning and early childhood education.

With regard to participation, the concept of family can be interpreted more broadly and include those adults who are important to a child even if they are not the child's custodians.

It should, however, be remembered that children have the right to participate independently and not just as members of a family.

For an inclusion process to be successful, it is essential to assess the experiences of children and young people both as individuals and as members of different groups and to recognise the importance of both.

With respect to inclusion, Finland has frequently relied on group and representative structures. Development of inclusion at an individual level still poses a challenge. During the past decade, however, various online tools such as otakantaa.fi and nuortenideat.fi. have been developed. Utilisation of various tools provided by social media is also useful in reaching out to young people and their families.

Consultation events are among the most typical means of consulting individuals. Children and young people participate only rarely in consultation events that are aimed at everyone. Attention needs to be paid to the atmosphere of consultation events, especially when dealing with children. Children must be made to feel that all opinions and thoughts are allowed and may be expressed, and that all opinions and thoughts are valued.

It is often difficult for small children to put their wishes and objectives into words. Their families and people who work with them often have information about their needs. However, consulting children through their families should not mean taking away the possibility of children to express their views themselves.

Cooperation between different authorities can be useful in family inclusion. It is important to notice and analyse the kinds of families that respond and the kinds of families that do not. For example, only some families can be reached through municipal or private child care.



## nuortenideat.fi

### Nuortenideat.fi website service

Nuortenideat.fi is a service enabling all young people in Finland to exercise influence. The national website Nuortenideat.fi is part of the Ministry of Justice's online democracy services. Young people and well as actors in the youth sector (e.g. municipalities, organisations and schools) have been involved in the development work. The service can be used by young people and bodies working with them. The Nuortenideat.fi website provides a low threshold for users to have a say and express their opinions on how to develop organisations' activities.

### Objectives of the service:

To support interaction and cooperation between young people, the municipality, educational institutions, organisations or other operators.  
To highlight the opinions of young people, discuss them and take them into account in decision-making.  
To offer young people an accessible and equal opportunity to speak, ask and be heard.  
To offer young people the opportunity to follow the consideration of issues and decisions made regarding them.

# Levels of inclusion of children and young people

Children can be consulted and included in decision-making processes on many different levels. When planning inclusion, it is important to consider the roles that will be offered to children and young people.

The real inclusion of children and young people will be realised when they have genuine opportunities to affect outcomes.



7. Activities start from the ideas of children and young people, they decide, implement and assess them themselves
6. Children and young people are involved in decision-making and consider how decisions should be implemented
5. Children and young people share power and responsibility in decision-making processes
4. Children and young people are involved in decision-making
3. Views of children and young people are into account
2. Children and young people are encouraged to express their opinions
1. Children and young people are listened to

Opinions are taken into account, but power is not shared	Collaborative planning
<ul style="list-style-type: none"> <li>• Children and young people are informed of the matter</li> <li>• Opinions of children and young people are asked</li> </ul>	<ul style="list-style-type: none"> <li>• Children and young people participate in planning and decision-making</li> <li>• Collaborative planning that takes into account the ideas of both parties</li> <li>• Planning that originates with children and young people</li> </ul>

## Different needs of participants

There is no minimum age for inclusion. Children and young people should be able to participate in the manner required by their age and maturity.

Hands-on practices and interaction are especially important in the inclusion of young children. People differ and inclusion must take into account the individual, language and cultural needs of each child and young person as well as accessibility\*.

Every child has the right to express his or her opinions and views. Inclusion should be possible also for those children and young people who do not communicate through speech or who do not speak Finnish or Swedish.

Children with disabilities, multicultural children and children who belong to sexual and gender minorities are especially vulnerable to discrimination. Special attention should be paid to their possibilities to participate.

Some children and young people can be reached most easily through a day care centre or school. In other cases, cooperation with various organisations or other leisure actors is the most effective way of getting close to day-to-day situations of children and young people. Often, cooperation between different actors holds a key role in ensuring accessibility.

\*see [www.esteeton.fi](http://www.esteeton.fi)

- A message about the opportunity to participate targeted at different groups such as schools, day care centres, youth services, organisations and families.
- Actively express the wish that children and young people from different backgrounds attend the event.
- Ensure that children understand and are able to participate in whatever language is easiest and possible for them.
- When you use online tools in participation, make sure that they can also be read with the screen readers used by many people with chronic illnesses and disabilities.
- When you organise events, ensure the physical accessibility of the facilities, lighting and assess the need for interpretation and assistants.
- If questions are asked relating to the family or home of a child or young person during participation, take into account the diversity of families.



**What?** The evaluation of effects on children is a process for evaluating the impacts of decisions on the rights of children in advance. It is a tool for preparing decisions that concern children. These decisions can relate to legislation, budget, policy programmes or actions plans. The effects to be evaluated can be both direct and indirect.

**Why?** Evaluating effects on children enables comparisons to be drawn between alternatives and the best solution to be found. By evaluating the effects of decisions before they are implemented, provision can also be made for any negative consequences in advance. Such evaluations make decision-making processes more open, transparent and inclusive.

**When?** The effects of a decision must be evaluated whenever the decision concerns all children or a large percentage of children, the decision has considerable implications either in the short term or in the long term, or the decision concerns a relatively small but vulnerable group of people. If the decision might also affect other age groups, its effects on children must be evaluated as part of the general impact assessment.

**Who?** The parties involved in the evaluation process include those responsible for drawing up proposals, experts, decision-makers and those who may be affected by the decision. This means that if a decision concerns children and young people, children and young people must also be consulted.

**How?** The evaluation process can be either long and comprehensive or short and concise.

Quick evaluations can be carried out in situations where there is already sufficient information available. Quick evaluations can also be used to establish whether a conventional, more comprehensive evaluation is necessary.

More comprehensive evaluations are needed in the case of decisions that can have wide-ranging or significant implications on the rights of children or if the matter is contentious or the objectives diverse.





# Evaluation process

### Process:

1. Identify the need for an evaluation and the subject.
2. Describe the background and objectives and the grounds and consequences of proposed alternatives.
3. Collect all relevant information about the subject. Assess whether additional information is needed.
4. It is always worth utilising existing research information on the lives and experiences of children [THL's Sotkanet](#) and [kouluterveyskysely](#). In addition, children and young people concerned can be consulted directly if/when earlier research papers and studies do not provide sufficient information.
5. Analyse and compare the effects of different alternatives on the well-being and rights of children and groups of children.
6. Compile a summary of the likely effects of the different alternatives.
7. Draw up recommendations for decision-makers, if necessary.
8. Publish at least the outcome of the evaluation and the grounds. Also notify the parties whom you consulted in the process. Determine how the effects of the decision will be monitored.
9. Once the decision has been implemented, monitor and evaluated its effects.

### Collection of information

- Focuses on the initial stage of the process
- Information accumulates during the process

### Impacts

- Direct and indirect impacts
- Positive and negative impacts
- May vary with different groups of children
- The issue may involve competing goals or perspectives

### Perspectives on impact assessment

- Health
- Safety
- Growth and development
- Relationships
- Housing and transport
- Smoothness of everyday life
- Rest, play and leisure
- Opportunities for participation
- Equality and non-discrimination
- Diversity

**Recommendations for decision-makers can,** in addition to recommending which decision should be taken, involve

- collection of more material,
- preservation of the current status,
- provision for negative effects,
- amendment of the original proposal.



## Respect

- Respect childhood and adolescence.
- Inclusion should always provide the experience that children are taken seriously.

## Not only in writing

- Different kinds of children and young people should be consulted in different ways. Not everyone has the courage or ability to express themselves verbally.
- Hands-on or art-based methods of consultation can be effective in bringing out children's views.

## Learn from others

- Development of inclusion is a learning process.
- Acquire knowledge from the experiences of others and tell people about your own experiences.

## Clear language

- Clear and understandable language is essential when dealing with children.
- Visualisation, e.g. illustrations, comics and videos make it easier to get the message across.
- Plain language serves the needs of children with an immigrant background and children with disabilities, but can also be useful for other age groups.
- Children and young people cannot be expected to be familiar with administrative jargon or practices. These should be avoided in communication or at least explained thoroughly.





## Consulting children and young people

### Timeliness and communication of the inclusion process

It is important to disseminate information about the impacts of inclusion so that children and young people are aware of the influence that they have.

The inclusion of children and young people should be documented and it should be ensured that they have the opportunity to familiarise themselves with the results of inclusion. The impacts of inclusion should be presented in a clear, tangible and understandable form.

It is a good idea to survey the experiences of children regarding their experiences of inclusion and the effectiveness of this from time to time. Systematic evaluations of inclusion can be used to develop inclusion processes so as to eliminate any experiences of failure.

Information about the inclusion of children and young people should be disseminated not just to the target group but also to the adult population. This allows the needs and views of different groups to be made known across the population and can help to increase understanding.

When drawing up decisions and planning the process, attention should be given to determining at which stage of the process children should be involved. Attention also needs to be given to the effectiveness of inclusion, i.e. how the outcome of inclusion should be used, and a provisional interaction plan should be drawn up.

Inclusion may be once-off or continuous. The latter approach gives children more opportunities to take part in different ways and at different times.

Inclusion should be timed so as to ensure that it can have an impact.

1. *Planning*  
Inclusion can provide information about experiences that can be used as a basis for planning, as well as potentially flagging up issues that have not yet been identified.
2. *Evaluation of alternatives.* Inclusion can provide information on the basis of which the effects of different alternatives can be evaluated.
3. *Implementation.*  
At the implementation stage, inclusion can be useful in providing information to support the implementation process.
4. *Impact assessment.*  
Arranging services and the decision-making process so as to give children more opportunities to participate in the evaluation of their effects can reinforce the national identity of children and help tailor services and decisions to the needs of the target group.





Several different perspectives can be taken into account when evaluating the quality of inclusion. A shared horizontal theme in all evaluations must be to establish whether children and young people feel that they have been included in the process, which can only be determined by asking them.

1. Inclusion processes should make children and young people feel more involved.
2. All information collected in inclusion will be presented in a clear format and incorporated into the body of data used as a basis for decision-making.
3. It is a good idea to invite children and young people to express their views whenever a theme is being discussed in different instances.
4. The impact of inclusion on decision-making processes will be evaluated and promoted systematically.
5. All the parties who were involved will be informed of the effectiveness observed.
6. Inclusion processes not only give organisations topical information but also information about methods. Organisational learning should be shared with other organisations that arrange inclusion in order to achieve collective learning.
7. Structural factors also affect the quality of inclusion, such as how prepared different organisations are for organising regular and comprehensive consultations with individuals, groups and collectives alike.
8. Inclusion processes can also be organised in collaboration with children and young people.

