

Report No 418/96**ANGUS COUNCIL****SOCIAL WORK COMMITTEE 28 MAY 1996****EDUCATION COMMITTEE 28 MAY 1996****REPORT BY THE DIRECTOR OF SOCIAL WORK
AND THE DIRECTOR OF EDUCATION****UN CONVENTION ON THE RIGHTS OF THE CHILD****ABSTRACT**

This report informs the members of the status and the contents of the UN Convention on the Rights of the Child and its relationship to the Children (Scotland) Act 1995.

It also recommends that the Committees consider the most reasonable implementation of the Convention within the context of the implementation programme for the Children (Scotland) Act, 1995 and that the report should be referred to the Policy and Resources Committee for their information and consideration.

1. RECOMMENDATIONS

It is recommended that the Social Work and Education Committees:-

- i. note the status and the contents of the Convention on the Rights of the Child and its relationship to the Children (Scotland) Act 1995;
- ii. promote the principles and articles of the Convention by seeking to use it to guide policy and practice developments;
- iii. consider the most reasonable implementation of the Convention within the context of the implementation programme for the Children (Scotland) Act 1995, and taking account of the resources available to the Council;
- iv. consider arranging a seminar on the UN Convention on the Rights of the Child in the context of the Children (Scotland) Act, 1995 to inform all members and officers of the details of the Convention;
- v. refer this report, and the accompanying documents to the Policy and Resources Committee for their information and consideration.

2 INTRODUCTION

The UK Government ratified the UN Convention on the Rights of the Child, subject to a number of reservations, on 16th December 1991. While the ratification of the Convention does not make it directly applicable in Scotland or, indeed, in any other part of the UK, it is expected that every attempt will be made to follow the principles contained in the Convention.

For example, where more than one interpretation could be attached to any piece of legislation, then the legislation should be interpreted in such a way as to comply with the principles contained in the Convention. However, where Scots law is clear on any particular point, the fact that it is in breach of the Convention will not diminish the validity of Scots law.

It is important to note that the new Children (Scotland) Act 1995, which will be fully in force by April, 1997, affects the way Local Authorities (not simply the Social Work and Education Departments of those Authorities) make decisions which will affect children, takes on board many of the principles contained in the Convention and on many occasions quotes directly from it. This demonstrates the importance placed on the implementation of the UN Convention by the government.

The Children's Rights Office, a project of the Children's Rights Development Unit (which is funded by the Government), proposes to maintain a public register of bodies which have adopted the Convention. They hope to use the register, and a linked reporting procedure to promote and disseminate positive examples of policies and strategies developed by the Local Authorities which seek to achieve effective implementation of the Convention.

4 IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD

Both the Social Work and the Education Department have already utilised some of the provisions of the Convention to inform their work with children and young people.

The Social Work Department has utilised the principles of the Convention to inform policy development, the planning of services and its direct work with children and young people. The framework for the delivery of children services, which is outlined in the Department's Service Plan, is underpinned by the principles of the Convention.

The participation principle is incorporated in all aspects of social work activities involving children and young people. Children's views are sought in respect of decisions affecting them e.g. in the planning and

review process, in reports to Children's Hearings, in planning for foster and residential placements, and following placements in foster care.

A recent research study of services for children aged 8-12, "Just Kids - Developing Support Services for Children Eight to Twelve Year Old" which was undertaken by an external researcher (refer to Social Work Committee Report no 212/96) has the Convention as its point of reference.

The establishment of the post of a Client's Rights Officer within the Social Work Department gives further emphasis to the fundamental principles of non discrimination, best interests of the child and the participation of children and young people in decisions affecting their lives.

The Education Department through its range of services to children and young people is committed to:

- ensuring that all young people receive the highest possible quality of educational provision, irrespective of creed, durability, race or gender;
- working in close partnership with parents of children with special educational needs to ensure a high quality of appropriate provision;
- promoting multi-cultural and anti-racist education in all schools;
- ensuring that existing guidelines on equal opportunities are being fully implemented;
- promoting a wide range of partnerships including partnerships with young people; home and school; the Education Department and other departments and agencies.

These principles accord well with the principles of the Convention.

Another important example of the Council's commitment to the participation of children at a high level, is the proposed "Forum for Children and Young People in Care and Their families". This is a coming together of children, young people and parents, elected members and chief officers from the Departments of Education, Social Work, Housing and Police. Membership of the Forum also includes the Chairperson of the Children's Panel, the Clients Rights Officer and a representative from 'Who Cares'? (Scotland).

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The Convention contains 54 articles which state children's rights in all aspects of their lives. These articles deal with children's rights to education, health services, social security, decent standard of living, safe environment, and play and leisure facilities. The Convention may usefully be viewed as a mechanism to audit Local Authority policies and practices, to establish if, and in what way, they effect children and young people in Angus. In turn, this will aid policy development for the benefit of young service users. It is important therefore that the Council takes a corporate view on the implementation of the Convention, so that it can inform the policies of every service department which has a direct or indirect effect on the lives of children.

5 FINANCIAL IMPLICATIONS

The financial implications arising from of this report are those which will be involved with the implementation of the Children (Scotland) Act 1995. These cannot at present be quantified but will be kept under review in the consultation process relating to the implementation of the Act and the additional resources provided by the Scottish Office.

6 CONSULTATION

The Chief Executive, the Director of Law and Administration, and the Director of Finance have been consulted in the preparation of this report.

7 CONCLUSION

This report informs the members of the status and contents of the UN Convention on the Rights of the Child and its relationship to the Children (Scotland) Act 1995 and the way the Convention has been applied in the development of policy and practice within the Social and Education Departments. The Convention and the Children (Scotland) Act 1995, which will be fully implemented on 1st April, 1997 apply to local authorities as a corporate body, while the lead responsibility for the implementation of the 1995 Act rests with the Social Work Department.

It is important that the Council takes a corporate view on the most reasonable implementation of the Convention within the context of the implementation programme for the 1995 Act. The agreements of the Committee is sought to arranging a seminar to inform members and officers of the details of the Convention, and that this report, and the accompanying documents should be referred to the Policy and Resources Committee for their information and consideration.

BACKGROUND PAPERS

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act, 1973 (other than any containing confidential or exempt information) were relied on to a material extent in preparing the above report.

(1) Basic Principles of the Conventions

(2) UN Convention on the Rights of the Child.

(3) 'Formal Adoption of the UN Convention on the rights of the Child'. A letter to the Chief Executive (September 1995) from the Children's Rights Officer.

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