

ANGUS COUNCIL

EDUCATION COMMITTEE

7 MARCH 2000

RIGHTS AND RESPONSIBILITIES OF PUPILS AND PARENTS

REPORT BY THE DIRECTOR OF EDUCATION

ABSTRACT

This report suggests consultation with parents and pupils on the contents of a draft statement of rights and responsibilities. It remits further consideration of the outcomes of the consultation initially to the JCC (Teachers).

1 RECOMMENDATIONS

It is recommended that the Education Committee:

- i endorses in principle the enclosed draft statement (Appendix 1)
- ii authorises consultation on the contents of the statement with School Boards and other parental representatives
- iii encourages comment on the contents of the statement from children and young people - via pupil councils (or similar representative pupil bodies) in individual schools and via the Angus Youth Congress and the eight locally based Youth Councils
- iv remits to the JCC (Teachers) the task of considering responses to the above consultation exercises and of preparing a finalised statement based on that consideration
- v instructs me to report back to the Committee on the outcome of the above process in due course

2 BACKGROUND

- 2.1 A number of recent developments have rightly highlighted the rights of children, eg the UN Convention on the Rights of the Child (see Appendix 2), the Children (Scotland) Act 1995, etc; the current Education Bill which was presented to the Scottish Parliament on 19 January 2000 has as its first Clause a simple statement about the right of every child to school education. In supporting all these initiatives, this Council has been, and continues to be, a staunch supporter of children's rights.
- 2.2 In addition, parental rights have become more formally stated in recent times - eg by way of the Education (Scotland) Act 1980 and the right it gives to parents to choose a school, or by way of the Parents' Charter published in 1995. Angus Council also continues to be supportive of parental rights and in particular the right of parents to participate in meaningful partnerships with schools which their children attend.
- 2.3 The draft statement of shared vision (Education Committee 25 January 2000) encapsulates the above support; consultation on that draft statement is currently ongoing.

2.4 Along with rights should come responsibilities, and a number of key stakeholders have suggested in recent years that there would be merit in the Council adopting a brief statement of intent - summarising its expectations in terms of rights and responsibilities of both pupils and parents.

3 PROPOSALS

3.1 The enclosed statement should be seen as very much a preliminary draft of the type of statement which the Council might eventually wish to endorse; it has been prepared in order to enable a meaningful consultation exercise to take place:

- with parents (via School Boards and other parental representatives)
- with pupils (via individual Pupil Councils or equivalent school-based pupil representative bodies)
- with young people (via the Angus Youth Congress and the eight local Youth Councils)

3.2 Classroom teachers and promoted teachers are best placed to comment on the detailed terms of a statement of the type envisaged. In these circumstances, it is proposed that the JCC (Teachers) should be invited to consider the responses to the consultation exercise with a view to drafting a finalised statement for the Education Committee.

4 CONSULTATION

4.1 A draft version of this report has been considered by the JCC (Teachers).

4.2 In addition, and in accordance with the Standing Orders of the Council, the report has been the subject of consultation with the Chief Executive, the Director of Finance and the Director of Law & Administration.

Jim Anderson
Director of Education

No 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 any material extent in preparing the above report.

APPENDICES

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RIGHTS AND RESPONSIBILITIES - PUPILS AND PARENTS
CONSULTATIVE DRAFT

1 PUPILS

1.1 Pupils' Rights

Angus Council fully supports the UN Convention on the Rights of the Child (attached - Appendix 2). In particular, we are committed to the rights of each school aged child/young person to:

- receive a school education
- be treated with respect by staff and other pupils
- be given the opportunity to develop her/his personality, talents, mental and physical abilities to their fullest potential
- be fully consulted (in accordance with age and stage of development) on decisions regarding future learning (eg S2, S4 course choice)

1.2 Pupils' Responsibilities

In order to ensure that all pupils are given the opportunity to develop their full potential, it should be the responsibility of each individual pupil to:

- show respect to others (eg parents, teachers and other pupils)
- behave in accordance with the published school code of conduct
- attend school unless there is a good reason for absence
- be punctual in attendance at school and at individual classes
- take reasonable care of school buildings and school equipment
- co-operate with school staff in taking advantage of the educational provision on offer

2 PARENTS

2.1 Parents' Rights

Angus Council fully supports the statutory rights of parents. We are committed to the rights of all parents of a school pupil to:

- be provided with appropriate information on the education being provided for their children
- be given every reasonable opportunity to discuss that provision with their children's teachers
- be treated as partners in the educational process - partners with a distinct and critically important role

- be fully consulted on any decisions regarding future learning (eg S2, S4 course choice)

2.2 Parents' Responsibilities

2.2.1 It is the duty of every parent to ensure that their children attend school, unless there is a good reason for absence. In particular, it is hoped that parents will not take family holidays during term time.

2.2.2 The Council wants to work with parents, and hopes that parents will:

- take an active interest in their children's education
- support their children by discussing their progress - eg through speaking about homework, listening to children talking about their learning, showing supportive interest in children's progress reports from schools, etc
- encourage their children in practical ways to get to school on time, and take appropriate parental responsibility for the safety of their children to and from school
- contribute to the development and review of the school code of conduct, and support both their children and school staff in their efforts to secure conformance with the code of conduct
- support school staff in their efforts to deal fairly with all children
- try to support children as objectively as possible (children do not always perceive events in the same way as adults, and parents can help children to see things - for example - from the teacher's point of view)

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UN CONVENTION ON THE RIGHTS OF THE CHILD - UNOFFICIAL SUMMARY

Article 1 - Definition of a Child

All persons under 18, unless by law majority is attained at an early age.

Article 2 - Non-discrimination

The principle that all rights apply to all children without exception and the State's obligation to protect children from any form of discrimination. The State must not violate any right, and must take positive action to promote them all.

Article 3 - Best Interests of the Child

All actions concerning the child should take full account of his or her best interests. The State is to provide adequate care when parents or others responsible fail to do so.

Article 4 - Implementation of Rights

The State's obligation to translate the rights in the Convention into reality.

Article 5 - Parental Guidance and the Child's Evolving Capacities

The State's duty to respect the rights and responsibilities of parents and the wider family to provide guidance appropriate to the child's evolving capacities.

Article 6 - Survival and Development

The inherent right to life, and the State's obligation to ensure the child's survival and development.

Article 7 - Name and Nationality

The right to have a name from birth and to be granted a nationality.

Article 8 - Preservation of Identity

The State's obligation to protect and, if necessary, re-establish the basic aspects of a child's identity (name, nationality and family ties).

Article 9 - Separation from Parents

The child's right to live with his/her parents unless this is deemed incompatible with his/her best interests; the right to maintain contact with both parents if separated from one or both; the duties of States in cases where such separation results from State action.

Article 10 - Family Reunification

The right of children and their parents to leave any country and to enter their own in order to be reunited or to maintain the child-parent relationship.

Article 11 - Illicit Transfer and Non-Return

The State's obligation to try to prevent and remedy the kidnapping or retention of children abroad by a parent or third party.

Article 12 - The Child's Opinion

The child's right to express an opinion and to have that opinion taken into account in any matter or procedure affecting the child.

Article 13 - Freedom of Expression

The child's right to obtain and make known information, and to express his or her views, unless this would violate the rights and others.

Article 14 - Freedom of Thought, Conscience and Religion

The child's right to freedom of thought, conscience and religion, subject to appropriate parental guidance and national law.

Article 15 - Freedom of Association

The right of children to meet with others and to join or set up associations, unless the fact of doing so violates the rights of others.

Article 16 - Protection of Privacy

The right to protection from interference with privacy, family, home and correspondence, and from libel/slander.

Article 17 - Access to Appropriate Information

The role of the media in disseminating information to children that is consistent with moral well-being and knowledge and understanding among peoples, and respects the child's cultural background. The State is to take measures to encourage this and to protect children from harmful materials.

Article 18 - Parental Responsibilities

The principle that both parents have joint primary responsibility for bringing up their children, and that the State should support them in this task.

Article 19 - Protection from Abuse and Neglect

The State's obligation to protect children from all forms of maltreatment perpetrated by parents or others responsible for their care, and to undertake preventive and treatment programmes in this regard.

Article 20 - Protection of Children without Families

The State's obligation to provide special protection for children deprived of their family environment and to ensure that appropriate alternative family care or institutional placement is made available to them, taking into account the child's cultural background.

Article 21 - Adoption

In countries where adoption is recognised and/or allowed, it shall only be carried out in the best interest of the child, with all necessary safeguards for a given child and authorisation by the competent authorities.

Article 22 - Refugee Children

Special protection to be granted to children who are refugees or seeking refugee status, and the State's obligation to co-operate with competent organisations providing such protection and assistance.

Article 23 - Handicapped Children

The right of handicapped children to special care, education and training designed to help them to achieve greatest possible self-reliance and to lead a full and active life in society.

Article 24 - Health and Health Services

The right to the highest level of health and medical services, with special emphasis on primary and preventive health care, public health education and the diminution of infant mortality. The State's obligation to work towards the abolition of harmful traditional practices. Emphasis is laid on the need for international co-operation to ensure this right.

Article 25 - Periodic Review of Placement

The right of children placed by the State for reasons of care, protection or treatment to have all aspects of that placement evaluated regularly.

Article 26 - Social Security

The right of children to benefit from social security.

Article 27 - Standard of Living

The right of children to benefit from an adequate standard of living, the primary responsibility of parents to provide this, and the State's duty to ensure that this responsibility is first fulfillable and then fulfilled, where necessary through the recovery of maintenance.

Article 28 - Education

The child's right to education, and the State's duty to ensure that primary education at least is made free and compulsory. Administration of school discipline is to reflect the child's human dignity. Emphasis is laid on the need for international co-operation to ensure this right.

Article 29 - Aims of Education

The State's recognition that education should be directed at developing the child's personality and talents, preparing the child for active life as an adult, fostering respect for basic human rights and developing respect for the child's own cultural and national values and those of others.

Article 30 - Children of Minorities or Indigenous Peoples

The right of children of minority communities and indigenous peoples to enjoy their own culture and to practice their own religion and language.

Article 31 - Leisure, Recreation and Cultural Activities

The right of children to leisure, play and participation in cultural and artistic activities.

Article 32 - Child Labour

The State's obligation to protect children from engaging in work that constitutes a threat to their health, education or development, to set minimum ages for employment, and to regulate conditions of employment.

Article 33 - Drug Abuse

The child's right to protection from the use of narcotic and psychotropic drugs and from being involved in their production or distribution.

Article 34 - Sexual Exploitation

The child's right to protection from sexual exploitation and abuse, including prostitution and involvement in pornography.

Article 35 - Sale, Trafficking and Abduction

The State's obligation to make every effort to prevent the sale, trafficking and abduction of children.

Article 36 - Other Forms of Exploitation

The child's right to protection from all other forms of exploitation not covered in articles 32, 33, 34 and 35.

Article 37 - Torture and Deprivation of Liberty

The prohibition of torture, cruel treatment or punishment, capital punishment, life imprisonment, and unlawful arrest or deprivation of liberty. The principles of appropriate treatment, separation from detained adults, contact with family and access to legal and other assistance.

Article 38 - Armed Conflicts

The obligation of States to respect and ensure respect for humanitarian law as it applies to children. The principle that no child under 15 take a direct part in hostilities or be recruited into the armed forces, and that all children affected by armed conflict benefit from protection and care.

Article 39 - Rehabilitative Care

The State's obligation to ensure that child victims of armed conflicts, torture, neglect, maltreatment or exploitation receive appropriate treatment for their recovery and social re-integration.

Article 40 - Administration of Juvenile Justice

The right of children alleged or recognised as having committed an offence to respect for their human rights and, in particular, to benefit from all aspects of the due process of law, including legal or other assistance in preparing and presenting their defence. The principle that recourse to judicial proceedings and institutional placements should be avoided wherever possible and appropriate.

Article 41 - Respect for Existing Standards

The principle that, if any standards set in national law or other applicable international instruments are higher than those of this Convention, it is the higher standard that applies.

JAA/CJ
February 2000