

NORTH LANARKSHIRE COUNCIL

REPORT

To: Social Work Committee Operations & Services	Subject: The United Nations Convention on the Rights of the Child
From: Jim Dickie, Director of Social Work	
Date: 24th March, 1997	
Ref: SP/HS	
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1.0 Purpose of Report

The purpose of this report is:

- To inform Committee of the content of the United Nations Convention on the Rights of the Child
- To recommend formal adoption of the Convention by North Lanarkshire Council.

2.0 Background

The United Kingdom government ratified the United Nations Convention on the Rights of the Child in December, 1991 making a commitment to all children and young people under the age of eighteen years, which is binding under international law. The Convention provides the social work department and the local authority as a whole with a tool for examining and evaluating legislation, policy and practice in every aspect of children's and young peoples' lives. Local authorities are one of the primary providers of services for young people and have a key role to play in ensuring the principles and standards embodied in the Convention are made a reality for children and young people.

There are 54 articles in the Convention. The following sections outline some of the main provisions.

3.0 Core Section3.1 Article 2

The principle of non discrimination and the fact that the state has an obligation to protect children from any form of discrimination. This principle is underlined in the equal opportunities policy of North Lanarkshire Council.

3.2 Article 3

The best interests of the child and the obligation of the state to provide adequate care to the child when parents and others fail to do so.

This principle is embodied within the Children (Scotland) Act, 1995 and North Lanarkshire Council Social Work Department will be operating within this legislative framework from 1st April, 1997.

3.3 Article 4

The obligation to translate the rights in the Convention into reality by taking appropriate legislative, administrative and other measures to implement the rights recognised in the Convention.

3.4 Article 5

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. Again these responsibilities are recognised by North Lanarkshire Council within the framework of the Children (Scotland) Act, 1995.

3.5 Article 9

The child's right to live with his/her parents unless this is deemed incompatible with his/her best interests, and the right to maintain contact with both parents if separated from one or both. This is enshrined in policy currently operated within North Lanarkshire.

3.6 Article 12

The child's right to express opinion and to have that opinion taken into account in any matter or procedure affecting the child. This right is embodied within the Children (Scotland) Act, 1995 which will be implemented from 1st April, 1997.

3.7 Article 18

This recognises parental responsibilities and the principle that both parents have joint primary responsibility for bringing up their children and that the state should support them in this task. This reflects the current family support strategy operating within North Lanarkshire Council Social Work Department.

3.8 Article 19

The state's obligation to protect children from all forms of maltreatment perpetrated by parents and others responsible for their care and to undertake preventive and intervention programmes in this regard. Current child protection procedures and guidance is in place which reflects this article.

3.9 Article 21

Adoption is recognised and allowed only where it is carried out in the best interests of the child with all necessary safeguards for a given child and authorisation by competent authorities. North Lanarkshire Council Social Work Department works within these principles.

3.10 Article 23

The right of children with disability 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.

The Children (Scotland) Act, 1995 makes special provision for children with disability and who have been affected by disability and North Lanarkshire Council will operate within these principles.

3.11 Article 25

The periodic review of placements of children who have been placed by the state for reasons of care protection or treatment. North Lanarkshire Council Social Work Department is to implement for 1st April, 1997 a new review procedure which reflects the regulations governing this area.

3.12 Article 34

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

3.13 Article 40

The administration of juvenile justice which recognises the rights of children alleged or having committed an offence to benefit from the due process of law. The principle addressed in the article is that recourse to judicial proceedings and institutional placements should be avoided wherever possible and appropriate.

These principles are embodied within the Children's Hearing system and the social work department care strategy which aims to divert young people from institutional care.

4.0 Financial Implications

Some of the principles are already enshrined in the new legislation about to come into effect on 1st April, 1997 and some moniés have already been allocated from central government for this purpose (£317,000), although this is only one third of the monies requested.

Other aspects are already incorporated into policy and procedures and are being implemented as good practice within North Lanarkshire.

5.0 Legal Implications

As previously indicated the Children (Scotland) act, 1995, parts II, III and IV of which are due to be implemented on 1st April, 1997, will deal with particular aspects of the Convention, including the emphasis on minimum intervention, the need to listen to the views of the child and the fact that the best interests of the child are of paramount consideration.

6.0 Personnel Implications

There are no direct staffing implications arising from this report.

7.0 Policy Implications

The United Nations Convention provides a framework within which policies and strategies of the Council which affect children could be considered.

The Children's Services Plan, due to be published by 1st April, 1998, could also use this as a framework.

8.0 Conclusions

The United Nations Convention provides a framework for the development of child care policies, procedures and strategies. It reinforces the basic principles of the United Nations and re-affirms the fact that children, because of their vulnerability, need special care and protection and places a special emphasis on the primary caring and protection responsibility of the family, the need for legal and other forms of protection for the child, the importance of respect for the cultural values of the child's community and the vital role of international co-operation in achieving the realisation of children's rights.

9.0 Recommendations

It is recommended that -

Committee formally adopts the United Nations Convention on the Rights of the Child in all its aspects and seeks to promote its implementation.



Jim Dickie,
Director of Social Work.