

Putting children and young people first.



CHILDREN'S RIGHTS POLICY

1.11.06

Final Version

INTRODUCTION

CAFCASS is committed to developing its services to children, young people and their families in accordance with the requirements of domestic legislation and international human rights conventions. Legislation and conventions central to the work of CAFCASS include -

- The Children Act 1989
- Section 12 (1) (a) of the Criminal Justice and Court Services Act 2000
- The Adoption and Children Act 2002
- The Children and Adoption Act 2006
- The Convention for the Protection of Human Rights and Fundamental Freedoms 1950 (ECHR) which came into force in 1958 and was incorporated into our domestic legislation by the Human Rights Act 1998 implemented in October 2000.
- The United Nations Convention on the Rights of the Child (UNCRC) now ratified by all but two countries in the world.
- The European Convention on the Exercise of Children's Rights 1996.

Taken together, Children's Rights conventions and legislation represent an important international consensus on what has to be done to safeguard and promote the best interests of children and young people. For CAFCASS, this means we aim to secure the best possible outcomes from our interventions, for each individual child or young person referred to us.

CAFCASS' core responsibility is to represent the interests of children and young people in a range of family court proceedings. The functions set out in the Criminal Justice and Court Services Act 2000 are to safeguard and promote the welfare of children and make provision for children to be represented in such proceedings whilst providing advice, information and support to them.

Central to this ethos of the service is also Article 12 of the UNCRC¹ that has been identified as one of the guiding principles of the convention. Article 12 focuses on consultation and participation. It gives children, who are capable of forming their own views, the right to express their views freely in all matters affecting them. For this purpose, the child shall be provided with the opportunity to be heard in any judicial or administrative process affecting them. Historically the voices of children have often been too weak to be heard, often with disastrous consequences.

Articles 14 and 17 give children and young people the right to hold their own opinions and to access information. Article 3 states that parties should ensure that the child is afforded

¹ The UNCRC was ratified by the UK in 1991 but is not part of English law as such.

such protection and care as is necessary for his or her wellbeing, taking into account the rights and duties of parents and those with parental responsibility.

CAFCASS is committed to promoting the principles of the UNCRC and providing the highest standard of information, consultation, support and representation to the children and young people who use our services.

We aim to support, empower and safeguard children and their interests through the framework of 'Every Child Matters'. We are working proactively to facilitate the participation of children and young people in service development and we seek to achieve a culture of continuous improvement by incorporating the principles of respect for children's rights, participation and consultation into our organisational planning and thinking.

CAFCASS POLICY AIM

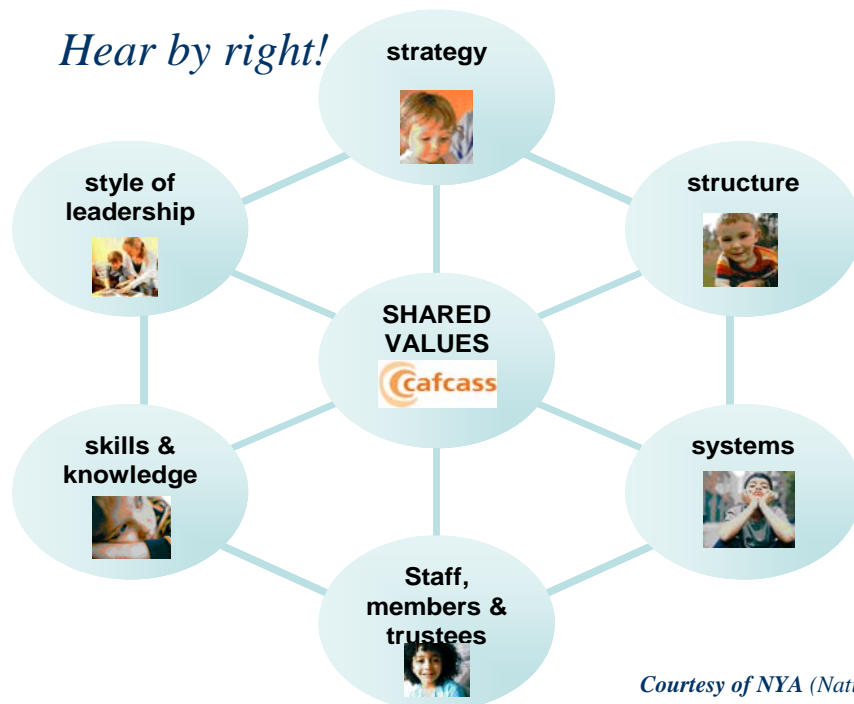
- **To actively promote the rights of children and young people referred to us.**
- **To promote and embed a culture of listening to children and valuing their contribution as citizens.**
- **To be directly accountable to children and young people for the services we provide to them.**
- **To give due regard to the child or young person's need for their own legal representation.**
- **To ensure the service we provide to children and young people complies with diversity legislation and national practice standards.**
- **To make sure the voice of the child is heard loud and clear in all family court proceedings, so that the needs wishes and feelings of individual children are understood as early in the process as possible.**
- **To become a child centred organisation, which focuses its interventions on improving outcomes for children and young people in family proceedings, and works with others to promote and contribute to better outcomes for all children and their families.**

Also see Appendix 1

THE IMPLEMENTATION OF A CHILD CENTRED SERVICE IN CAFCASS

This policy has been informed by several consultations, some of which have included young people. They have let us know about the key issues that must be taken into consideration in developing child-centred practice. This is summed up through the model developed by the National Youth Agency, which is a shared values framework.

This shared values framework will be demonstrated in all policies, strategies and professional practice within CAFCASS, based on the principle of 'start with the child and stay with the child'.



To make the rights of children and young people an integral part of our organisation we will:

- Increase our understanding of the needs of the children and young people that we work with in order to enable us to continuously improve the quality of our work.
- Promote good practice in keeping with the responsibilities CAFCASS has to consult with all children with whom we have an involvement.
- Strike the right balance between listening to children and young people but at the same time not allowing adults to overlook or abstain from their own responsibility in relation to these same children.
- Enable children and young people to express their views about our services and if

necessary be supported by an Independent Advocate, should they wish to complain.

- Facilitate and promote children and young people's involvement, and to provide opportunities for children to contribute to the development of CAFCASS both in terms of national and local policy, as well as in specific court proceedings in which they are involved.
- Develop knowledge learning and development opportunities that promote practice models that are child centred and based on research evidence.
- Ensure that all organisational policy and practice is compliant with Article 12 of the UN Convention on the Rights of the Child and contributes to the outcomes envisaged in 'Every Child Matters' especially as every day matters for a child in proceedings.
- Recognise that children and young people are diverse and communicate in different ways. We will be open to diverse means of communications be it through other first languages than English, play, art, drama, media or computer assisted software.
- Work in partnership with child centred organisations to promote better outcomes for children e.g. Alliance for Child Centred Care, Family Justice Council, ADCS.
- Work as members of local safeguarding boards to promote the voice of the child, and work within our own organisation to promote the provision of better information to children and young people about the service and their right to express their views.
- Quality-assure our practice outcomes in relation to child protection, children's rights, children's participation and children's provision through the use of supervision, appraisal, user feedback, and inspection reports. (**CAFCASS Business Plan 2005 – 2007** and **Delivering Quality Services for Children - Our Performance Framework – Guidance on Use of Competences**)
- Develop practice guidance through feedback mechanisms, e.g. Viewpoint, in order to refine and enhance our practice in relation to how children should be involved throughout the court process.
- Understand and support the values held by children and young people we work with in relation to family life.
- Make sure the values held by children and young people are reflected in needs wishes and feelings statements.
- Appreciate any conflicting values between child, family, community and those in authority and the reasons why.

REVIEWING AND MONITORING ARRANGEMENTS

- Compliance with this policy will be reviewed biannually and promoted by the Children's Rights Director and Team with the active support of the Children's Rights Champions and regional Children's Rights Groups. All staff have a responsibility for the effective implementation of this policy.
- A progress report will be produced biannually for the CAFCASS Extended CDG and Board.
- Regional champions will report on regional work plans to Regional Directors and the Children's Rights Director on progress in embedding child centred practice locally.
- The CAFCASS Young People's Board and the CAFCASS/FJC Young People's Forum has been set up to offer their views and inform and influence future practice and policy development. The Children's Rights Director will make sure their views are presented to the CAFCASS Board and Extended CDG at regular intervals.
- An annual e-bulletin will be sent to partner agencies on pilot initiatives, progress and policy implementation.

1.11.07

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This final version has been produced following consultation within CAFCASS and with external partners. We had over 20 responses back from external partners.

APPENDIX 1

Children's Rights Policy Aims

