

# Children's Legislation

## The Basics



Children are protected under many different pieces of legislation and the law is often complex and confusing to understand. To give an overview and some basic information below are many (but not limited to) different pieces of legislation and their main principles for children.

### 1. Children Act 1989

- Paramountcy Principle: The child's welfare is the court's paramount consideration in any decision.
- No Delay: Cases should be handled without unnecessary delay.
- Parental Responsibility: Defines parental rights and duties towards the child.
- Welfare Checklist: Courts consider a range of factors, such as the child's wishes, needs, and the effect of any change of circumstances, to determine the child's best interests.
- Child Protection: Establishes the legal framework for child protection in England and Wales, including care and supervision orders.

### 2. Children Act 2004

- Integration of Services: Promotes cooperation between agencies to improve child welfare.
- Local Safeguarding Children Boards (LSCBs): Establishes the requirement for LSCBs to ensure that agencies work together to protect children.

### 3. Children and Families Act 2014

- Support for Families: Emphasizes supporting families to provide better outcomes for children, including the reform of the adoption process and special educational needs provision.
- Family Justice: Introduces a 26-week time limit for completing care and supervision proceedings to reduce delays in decision-making.
- Parental Involvement: Promotes the involvement of both parents in a child's life after separation, where it is safe and in the child's best interests.

### 4. Adoption and Children Act 2002

- Child-Centred Adoption: The welfare of the child is the court's paramount consideration in adoption cases.
- Adoption Process: Provides the legal framework for adoption in England and Wales, ensuring that adoption decisions are made in the best interest of the child.
- Contact: Addresses post-adoption contact between the child and birth relatives.

### 5. Education Act 2002

- Safeguarding in Schools: Places a duty on schools to safeguard and promote the welfare of children.
- Duty to Report: Requires schools and local authorities to report cases of suspected abuse to appropriate agencies.



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## The Basics Continued...

### 6. Children and Social Work Act 2017

- Corporate Parenting Principles: Local authorities must act in the best interests of children in their care.
- Care Leavers: Enhances support for care leavers, including the provision of a personal adviser up to the age of 25.
- Child Safeguarding: Strengthens arrangements for local child safeguarding partnerships.

### 7. Family Law Act 1996

- Non-Molestation Orders: Provides protection from domestic violence, including orders to protect children.
- Occupation Orders: Allows the court to decide who can live in the family home, particularly where children are involved.

### 8. Children (Leaving Care) Act 2000

- Support for Care Leavers: Ensures that young people leaving care are provided with the necessary support, including accommodation and personal advisers, to transition to independent living.

### 9. The Care Act 2014

- Adult Safeguarding: While primarily focused on adult care, the Act also impacts young people transitioning from children's services to adult services, ensuring continuity of care.

### 10. Protection of Children Act 1999

- Safeguarding: Introduces the framework for checking individuals working with children, including the creation of a list of individuals considered unsuitable to work with children.

### 11. Working Together to Safeguard Children 2023 (Statutory Guidance)

- Responsibility: Safeguarding is EVERYBODY'S responsibility.
- Interagency Collaboration: Sets out the duties of local authorities, schools, and other agencies in working together to safeguard children.
- Child-Centred Approach: Emphasises placing the child's needs at the centre of safeguarding efforts.

### 12. The Children and Young Persons Act 2008

- Improvement of Care Standards: Enhances the care system for looked-after children, focusing on improving care standards and outcomes for children in care.

### 13. Human Rights Act 1998

- Human rights are fundamental rights and freedoms that belong to every person in the world, from birth until death. These rights are based on principles of dignity, equality, and mutual respect, which are shared across cultures, religions, and philosophies.