

The Children Act 1989

Principles of the Act

- Children are generally best looked after within families.
- Parents and guardians retain parental responsibility and work in partnership with the local authority.
- No court order is to be made unless it is better than making no order at all.
- The child's welfare is the court's paramount consideration.
- The local authority cannot acquire parental responsibility without a court order.
- The concept of parental responsibility has replaced that of parental rights.
- Children may be treated as parties separate from their parents in legal proceedings.
- Local authorities are charged with duties to identify children in need and to safeguard and promote their welfare.
- Certain duties are conferred upon local authorities to provide services for children and their families.
- A checklist of factors must be considered by the courts before reaching decisions.
- Delay in declaring questions concerning children is likely to prejudice their welfare.

Duties and powers

- Identify children in need, safeguard and promote their welfare within their families where consistent.
- Provide a range of services at the appropriate level.
- Consult child, parent, those with parental responsibility and others whom the agency considers relevant when making decisions about the child.
- Take the child's race, religion, culture and language into consideration when making decisions about children being looked after.
- Set up procedures for representation and complaints and publish their existence.
- Use orders under Parts IV (care and supervision) and V (child assessment, emergency protection orders and police protection) if child is suffering or likely to suffer significant harm.

Principles and practice guide

- Children, young people and their parents should be considered as individuals with particular needs and potential.
- A child's age, sex, health, personality, race, culture and life experiences are all relevant to any consideration of needs and vulnerability, and have to be taken into account when planning or providing help.

- There are unique advantages for children in experiencing normal family life in their own birth family, and every effort should be made to preserve the child's home and family links.
- The development of a working partnership with parents is usually the most effective route to providing supplementary or substitute care for their children.
- The wishes of the child should be taken into account. Children should be consulted and kept informed.
- Decisions made in court should be responsive to the needs of the child, promote their welfare and reached without undue delay.
- Where children are placed away from home, there must be adequate supervision that ensures the highest quality substitute parenting, with good standards of care and safety.
- Parents' contact with children should be maintained wherever possible.

Equality

- Attitudes towards the family – the influence of institutional, societal, and personal belief and experience on assessment and planning.
- Skills and knowledge available to consult accurately with the child, relatives and others.
- Ability to take into account the factors of race, culture, language and religion.
- Ability to understand the effect of disability on the whole family. Parents should be helped to raise the children themselves.
- Openness to working in partnership, developing a combination of anti-discriminatory policies, commitment to guaranteed resource provision and support to enable staff to work with confidence.

The Children Act 2004

This Act provides a legislative 'spine' for the wider strategy for improving children's lives. It covers the universal services to which every child has access, as well as targeted services for those children with additional needs.

The overall aim of the Children Act 2004 is to encourage integrated planning, commissioning and delivery of services. Further aims are improving multi-disciplinary working, removing duplication, increasing accountability and improving the co-ordination of individual and joint inspections in local authorities. The legislation is enabling rather than prescriptive, and provides local authorities with flexibility in the way they implement their provisions.