

CHAPTER 5: The principles of children's law

The welfare principle

J. Herring, 'The welfare principle and the children act: presumably it's about welfare?' (2014) *Journal of Social Welfare and Family Law* 36(1): 14. This interesting article explores the presumptions applied to the welfare principle by the courts.

R. Taylor, 'Putting children first? Children's interests as a primary consideration in public law' (2016) *CFLQ* 28(1): 45. Taylor explores the breadth of the duty to put children first in judicial decision making.

S. Jivraj and D. Herman "'It is difficult for a white judge to understand": orientalism, racialisation, and Christianity in English child welfare cases' (2009) *CFLQ* 21(3): 283. This article analyses particular cases to discover how judges understand non-Christianness when applying the welfare principles.

M. Woolf, 'Coming of age?—The principle of "the best interests of the child"' (2003) 2 *EHRLR* 205. This article contrasts the approaches of the ECtHR and the English courts in decisions about the best interests of the child.

Ferguson, L. (2013). Not merely rights for children but children's rights: The theory gap and the assumption of the importance of children's rights. *The International Journal of Children's Rights*, 21(2), 177–208. This is a fascinating account of whether children possess *children's* rights.

Informed consent

Cave, E. (2014). Goodbye Gillick? Identifying and resolving problems with the concept of child competence. *Legal Studies*, 34(01), 103–122.

The involvement of both parents

F. Kaganas, 'A presumption that involving both parents is best: deciphering law's messages' (2013) *CFLQ* 25(3): 270. This article suggests that the provision in the Children and Families Act which requires courts to consider the involvement of both parents is part of a 'moral crusade' to uphold the importance of particular notions of the father and his role in the family.

Safeguarding or child protection

B. Featherstone, S. White and K. Morris (2014) *Reimagining Child Protection: Towards humane social work with families* Bristol: Policy Press. This influential book establishes arguments for a reform of the safeguarding system for children.

Children's rights

There is a host of information available on children's rights.

You can access a variety of websites giving you access to the text of the UN Convention on the Rights of the Child, for instance www.unicef.org/crc or the vibrant and punchy website of the Children's Rights Alliance for England www.crae.org.uk.

The Howard League for Penal Reform

You may be interested in the other work on behalf of children in custody undertaken by the Howard League for Penal Reform, which took the case against the government that formed the case study featured in this chapter. They have produced reports on girls in prison, the use of anti-social behaviour orders against children, and deaths of children in custody. Their website www.howardleague.org provides a range of useful information.

Safeguarding system

The Munro Review of Child Protection includes three primary reports plus a progress report. These and other helpful material can be found at www.education.gov.uk/munroreview.

The Wood Report on Local Safeguarding Children Boards is available on www.gov.uk/government/uploads/system/uploads/attachment_data/file/526329/Alan_Wood_review.pdf