

Children (Scotland) Act 1995

The Children (Scotland) Act centres on the needs of children and their families and defines both parental responsibilities and rights in relation to children. It sets out the duties and powers available to public authorities to support children and their families and to intervene when the child's welfare requires it.

The essential principles behind the Act are:

- each child has a right to be treated as an individual

- each child who can form a view on matters affecting him or her has the right to express those views if he or she so wishes

- parents should normally be responsible for the upbringing of their children and should share that responsibility

- each child has the right to protection from all forms of abuse, neglect or exploitation

- so far as is consistent with safeguarding and promoting the child's welfare, the public authority should promote the upbringing of children by their families

- any intervention by a public authority in the life of a child must be properly justified and should be supported by services from all relevant agencies working in collaboration.

In support of the principles three main themes run through the Act:

- the welfare of the child is the paramount consideration when his or her needs are considered by courts and children's hearings

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no court should make an Order relating to a child and no children's hearing should make a supervision requirement unless the court or hearing considers that to do so would be better for the child than making no Order or supervision requirement at all

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the child's views should be taken into account where major decisions are to be made about his or her future.