



## **Working with children and families**

*The children's legal centre*

### **Stan Tucker**

The Children's Legal Centre was started in 1981 - Carolyn Hamilton, the director, talks about its work.

### **Carolyn Hamilton**

We're a group of lawyers, and people from other disciplines, who spend their time trying to particularly encourage others to accept notions of children's rights in the way that they work. The centre has a varied work load. We run a national legal advice line for five hours a day, and that covers all issues relating to children, anything legal or policy or practice. We get about five and a half thousand calls a year coming in. We get huge numbers of calls on education issues, about twelve hundred and fifty a year, and that covers special educational needs, exclusions, lots on bullying. Quite a number on local education authority duties, almost anything and everything that you can think of.

### **Stan Tucker**

The Children's Legal Centre will represent parents in a variety of situations.

### **Carolyn Hamilton**

We will help parents who want either to have their child assessed for special education needs, or who would like to dispute the assessment that's made by the local educational authority. We have a free representation unit, an education legal advocacy unit, staffed by two lawyers, and we accompany parents to meetings. We help them draft papers that they submit to the local education authority, and if necessary we will represent them in the special educational needs tribunal. To begin with, we found that we were going to more and more tribunal cases actually fighting cases in tribunals. But as we've become better known, and we tend to operate only in the south-east of England, we don't find ourselves in the tribunal nearly as much. We seem to be able now to negotiate a settlement before the case actually reaches the tribunal, which we think is much better for the child, much better for the relationship between the parents and the LEA, and the parents and the school. In quite a number of those cases, the parents would have been more and more upset with the school, and I think, in a considerable number they would in the end have taken the child out of school. I think for them, they would have educated the child at home, because their level of distress at the way the school is treating the child simply becomes unbearable for them. And the anxiety level goes too high, the school and the parents then begin to fall out over the issue, and there's really great unhappiness all round. What we try and do, always, is to take a best interest of the child approach. And in fact, if we felt that the parent wasn't acting in the child's best interests, we would say to the parent, and that we could no longer represent them. We try to encourage the school and the local authority, to see this case from the child's point of view, and really concentrate on providing that child with what is needed, and I think we've been fairly successful in that.

### **Stan Tucker**

Carolyn talks about one aspect of her work which is particularly common.

### **Carolyn Hamilton**

Bullying is a real matter of concern to us, we get a great number of calls about bullying, and in fact so many that we've produced *Bullying: a Guide to the Law*, to help parents know what they can do when their child is bullied. We suggest, for instance, that when the child is the subject of bullying, the parent should go and see the class teacher, and talk to them informally about the issue, and encourage the teacher to take some form of action, and where this

doesn't succeed how to make a formal complaint to the head teacher, or to the governing body. We also get a fair number of calls on teacher bullying. That's something that on the whole is not accepted by schools, and again we try and advise parents, how to deal with the issue of teacher bullying, without again falling out with the school, or putting themselves in a difficult position. We've found that quite a number of children were being withdrawn from school, because they had suffered bullying, but rather than tackle the issue with the school in an effective manner, parents were simply pulling the child out, or the child would just refuse to go any more. I think what parents need to know is how they can get the teacher to really pay attention to the fact that the child is being bullied.

**Stan Tucker**

How does Carolyn characterise the problems faced by children in local authority care?

**Carolyn Hamilton**

I think one of the main problems for children is powerlessness, in the face of the local authority exercising their powers and duties. They really have very little say, in what happens to them. There is a duty to consult children, about where they're going to live, where they're going to go to school, but an awful lot of that is affected by the circumstances, that these children find themselves in. I think one of the great sadness's of the children act is that it hasn't really made the situation much better for children who are looked after by the local authority. And my belief is that we need to pay a lot more attention to providing children with more resources and better facilities.

**Stan Tucker**

Next Carolyn summarised why children's rights are so important.

**Carolyn Hamilton**

First, they're absolutely essential to ensure that children get equal opportunities in our society, and have their life chances preserved. I think it's also very important in a democratic society, that we encourage children to become full participating members of that society, and they need to learn how to do that. Children's rights prepare them for their role as a citizen in an adult society. We can't expect children to make a transition from having no rights at all, under the age of eighteen, to suddenly having all these rights and being expected to exercise them responsibly. So it's also a process of learning, how to live in a democratic society. I think adults need to encourage children to play their role in society. When we go into schools and talk to children about children's rights, the teachers always say to us, 'Well of course you will talk about responsibility as well won't you? Can't have rights without responsibilities.' Rights come in different forms. When you look at the UN convention on the rights of the child, rights are generally categorised into three sorts of rights. There are protection rights, like the right to be protected from abuse, there are provision rights, like the right to an education, or the right to a reasonable standard of living, and then there are participation rights. The right to be heard, the right to take part. I think very young children have protection rights, they certainly have some form of provision rights, they might not yet be able to exercise their participation rights, but as children begin to get older, and begin to mature, the rights they have, and the way those rights are exercised, obviously begins to change.

Education is still the really big issue. We're very concerned about the way teachers and schools treat children. We're also extremely concerned at the very high level of exclusions and disciplinary actions taken against children. I think in a society like ours, children who don't get a good education, have a very much reduced chance of prosperity in the future. Schools are really not accountable for the way that they treat children. Very few cases are taken to court. There's no body to which children can complain if they don't like the way that they're treated. I think if one is really going to implement children's rights, we're going to have to look very hard at the way schools operate, and how children could be more equal partners in the process of education.

**Stan Tucker**

Carolyn talks about how she would like to see society's attitude to children change.

**Carolyn Hamilton**

I think if there was one thing that I could change, it would be the way we perceive children. Our perception of children, sometimes as little angels, sometimes as demons. I think demonising and idealising causes us enormous conflict and inconsistency in the way that we deal with children. What I'd like to see is us treating children as holders of rights, as citizens in a democratic society, and not as people either to be put on a pedestal or to be punished.