

Parental Responsibilities and the Best Interests of Vulnerable Children in the United Kingdom

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Abstract

The purpose of this article is to examine British conceptions of parental responsibilities. When it comes to parents carrying out their duties, the analysis is centered on what is best for the most vulnerable children. To ascertain the degree of protection that vulnerable children receive from their parents or other caregivers who are legally permitted to do so, the article draws attention to potential inadequacies in the discharge of duties towards this group of kids, who clearly require more protection. This essay's goal is to investigate the issue of parental responsibilities from a legal and policy perspective in order to identify the shortcomings of parents as well as the constraints of the existing legal and policy frameworks.

Key Words: Parental Responsibilities, Vulnerable Children, Best Interests, Child rights, Law and Policy

Introduction

In the UK, one of the most important legal responsibilities acknowledged is parental responsibility. The concept's particular emphasis demonstrates the intricacy and delicate nature of the issues raised by it. In the UK, legislators and policymakers have made it a priority to protect children vulnerable children especially while they carry out their parental responsibilities. The topic of child abuse and violations of their rights is frequently brought up when parents carry out their parental duties. The authorities must become more involved and scrutinize the situation. The intricacy of the situation frequently stems from parents' perception that carrying out their parental duties is an inherent obligation. In the midst of their bewilderment and ignorance, parents believe that the government is violating their privacy when it comes to carrying out its duties. As a result, they believe that being legally bound to fulfill their obligations which are typically seen as the inherent duties of biological parents is insufficient. In order to better understand the idea of parental responsibility in the UK, this article will examine it. The idea that a child always acts in their best interests when they follow their parents' instructions is examined in this article. The case of children who are vulnerable and in the care of those who are responsible for fulfilling their parental responsibilities is given more weight in the article.

I. The Concept of Parental Responsibility

Culture and Parenting

In light of this analysis, it is worthwhile to enlarge the definition of a parent. In order to provide clarity, it has been emphasized that local authorities and schools need to be aware that parental recognition may differ between family law and education law. According to Section 576 of the Education Act of 1996, an individual who provides care or parental responsibility for a child, even if they are not their biological parent, is also regarded as the child's or young person's "parent". Parenting attributes are the actions, interactions, and procedures a parent or other parental figure goes through to raise and educate a child (Virasiri et al., 2011). What constitutes parental responsibility in traditional societies is derived from the cultural perspective on parenting, which is a crucial part of parents' obligations to raise their kids by giving them the things they need for their welfare and well-being. As a result, parents in traditional societies understand the obligations that come with being parents.

Instead, in contemporary society, it is the understanding of one's rights and obligations with regard to one's offspring, which can become especially crucial in cases where parents divorce.

Parental responsibility, while codified in law, is regarded as inherent to human nature. One could consider it instinctive. Bornstein and Lansford (2010) have correctly noted that parenting and parents are shaped in part by culture, which is transmitted by influencing the thoughts of parents, who are then assumed to have an impact on the parenting behaviors. They do not have to be forced to take on the burden of raising their children. It is successfully and naturally acknowledged and assumed. The need to safeguard and uphold the child's best interests justifies the legalization of parenting and the establishment of the concept of parental responsibility. It is emphasized for clarity's sake that the term "parental responsibility" refers to your legal rights and obligations regarding the upbringing of your children. If you do not live with your children, it does not mean that you have the right to see them all the time; however, the other parent has to involve you in major life decisions.

From the Legal Perspective

The Children Act of 1989 provides the legal foundation for child protection in England in the United Kingdom. Ensuring the welfare of children is a fundamental principle of the Act. Section 3(1) of the Children Act 1989 outlines the responsibilities and requirements regarding caregiving responsibilities for children. "All of a parent's legal rights, responsibilities, privileges, and authority over their child and his possessions are collectively referred to as "parental responsibility." In accordance with Act Section 2 (1), "parental responsibilities are shared by the mother and father if one of the parents was married when the child was born."

The Children Act of 1989, specifically Section 20, highlights that the parent or caregivers with parental responsibility are the only ones who can make decisions for their child; the local authority is not responsible for their upbringing. The wording and intent of this clause indicate that raising children is a natural duty, and as such, the idea of parental responsibility is seen as an essential component of raising children. Even though raising children is still a natural duty, the parental responsibility component of it needs to be seen as both a social construct and a

mandate from the government. Therefore, it is implied that "parental responsibility" refers to the reality that most fathers and all mothers have legal rights and obligations as parents. The main responsibilities of a person with parental responsibility are to provide a child with a place to live, as well as to ensure their safety and upbringing. Parents are required to provide for their child's education and make that decision, in addition to approving the child's medical care, naming the child and providing permission for name changes, disciplining the child, and taking care of their belongings. Whether or not they are responsible for their child financially, parents still need to make sure that their child is supported. The claim is that legal obligations placed on parents are social constructions. Could be bolstered by the fact that, Section 4(3) of the Children Act 1989 grants the court the power to an order ending any parental responsibility that has been granted (apart from situations in which parental responsibility was obtained through the marriage of the child's mother's father or another female parent).

Parents have a role, in understanding. Applying the principles of parental responsibility as they raise their children. This encompasses their rights, obligations, authority, and overall responsibilities towards their kids. It is essential to consider these principles while parenting to ensure that the child's best interests are prioritized within the family. From a standpoint, parental responsibility is a concept introduced by the UK parliament. While parents as caregivers hold responsibility for their children well-being local authorities have an express duty to collaborate with other institutions and groups to protect and promote every child's welfare in their community (HM Government 2018). Regardless of where disadvantaged children are situated within the community, it is mandated by section 17 of the Children Act 1989 that local government provides services for them. If deemed necessary by a court under section 31(1)(a) of the Act a child may be placed under the care of a designated authority while sharing parental responsibilities with their parents. Furthermore pursuant to Section 47 of the aforementioned Act local authorities are obliged to investigate any suspicions they may have regarding harm or potential harm, to a child. The responsibilities of the authorities, towards every child are specified in these provisions.

II. The Concept of the Best Interests and Vulnerable Child

The Best Interests of the Child

The best interests of the child have been established by the majority of legal provisions. "That in all decisions pertaining to children, whether they are made by legislative bodies, courts of law, administrative agencies, or private social welfare organizations, the best interests of the child must always come first," refers to United Nations Convention on the Rights of the Child (CRC Article 3 fom 1989)

Following the domestication of the CRC at the national level, the notion of the child's best interest has been incorporated into the majority of national laws. This international instrument has been ratified and signed by many countries worldwide in an attempt to uphold international standards for the advancement and defense of children's rights. What is in the best interest of the child has always been a major concern for nations in the international arena. The discussion began in the 1950s, and as time went on, international legal frameworks that are thought to be practical for ensuring children's best interests have

emerged.

According to Principle 2 of the United Nations Declaration of the Rights of the Child (1959) "the child's best interests must come first when legislation is enacted for this purpose." Marriage and family responsibilities are covered under Article 16(1)(d) of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (1979), whereas Article 5(b) addresses the exercise of parental responsibility.

Article 7(2) of the United Nations Convention on the Rights of Persons with Disabilities (2006) states that the child's best interests must always come first when decisions are made pertaining to disabled children.

The "welfare of the child" is mentioned in the decision-making process by the European Convention of 1980 on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children (Article 10(1)(b)).

The African Charter on the Rights and Welfare of the Child (1990) recognizes parental rights in Article 4(1), which declares that "every person's first priority in everything they do should be the child's best interests."

"To guarantee that international adoptions occur in the adopted child's best interests," cite Article 1(a) of the Hague Convention on the Protection of Children and Cooperation in Respect of International Adoption.

Article 2(1) of the European Convention on the Exercise of Children's Rights (1996) states that the main goals of the convention are to protect children's rights, give them procedural rights, and make it easier for them to exercise those rights. Despite the existence of various instruments, particularly those related to the European continent, the United Kingdom, having ratified the majority of them, has consistently prioritized the needs of vulnerable children when it comes to parental responsibility. Court cases from both domestic and foreign jurisdictions have addressed the legal goal of determining what is in the child's best interest. The national courts of the United Kingdom and the Court of Justice of the European Union have established case laws that essentially define the international arena(Leonardo,(2022).

It seems from looking at the various frameworks that the law advises parents to use their legal position solely for the benefit of their children. It is certainly possible to challenge the official legal position. First of all, parents could not possibly exercise every right in a way that would advance the child's welfare. That is unreasonable and exhausting: a parent has a right to some "me time"! But even in cases where a parent makes every decision with their child's best interests in mind, certain situations simply cannot be resolved by determining what will be best for them (Herring2022).

The Vulnerable Child

One of the most important laws in the UK for defending and advancing children's welfare and rights is the Children and Family Act of 2014. A historic and comprehensive Act intended to completely transform services for children who are at risk by providing them with increased protection (with particular attention to those who require extra support) and supporting families and parents. As was already mentioned, the Act includes several new safeguards for the welfare of children. Foster children are now allowed to remain with their foster families until they turn 21 thanks to changes in the law. Additionally, schools now have a new legal duty to better support students with medical conditions.

In the effort to safeguard all children in the nation, the United Kingdom has demonstrated how important it is to prioritize the needs of weaker children. Recall that the annual childhood vulnerability framework has been released by the Children Commissioner since 2017. The framework maps the entire spectrum of challenges a child may face, from physical or mental illness to hunger, in an effort to determine the number of vulnerable children in England; being at risk of neglect, being homeless, being kicked out of school, or having sick parents (Children's Commissioner 2023). Without a doubt, the situation of vulnerable children requires the establishment of practical legal frameworks and increased involvement from the authorities to ensure ongoing protection. It must be acknowledged that children are inherently vulnerable. Therefore, it's possible that the claim that some kids need to be classified as vulnerable is metaphorical. Since they lack the resilience and safe strength of adults, all children are, in fact, vulnerable. It is a tautology to designate a category of children as vulnerable based only on this argument. In this context, children are considered vulnerable not only because they are physically weaker than adults but also because of their inherent vulnerabilities. Circumstances that weaken them psychologically and socially compared to typical children. It is clear that they are unfit to be considered typical kids.

The authorities and the law will be paying those kids more attention. There are good reasons and explanations to emphasize its protection more in terms of their best interests.

Perhaps the most vulnerable time in a person's life is during childhood. Because they depend so much on other people to provide for their basic needs, children are particularly vulnerable (Bagattini (2019)). Nonetheless, the law designates certain groups of kids as vulnerable. Hence, the vulnerability is not a result of their status as minors but rather of the unique mental, physical, social, or economic circumstances that support it. Therefore, those who are cared for by the local government and those who are determined to be in need in accordance with the context of this paper, children and young people classified as vulnerable under section 17 of the Children Act 1989 (encompassing kids and teenagers with child protection or child-in-need plans). In the UK, there are many different kinds of vulnerable kids: those who suffer from physical or mental health disorders; those who are hungry; those who are homeless; those who are at risk of being neglected; and those who have parents who are ill. It's possible that parents will be responsible for one or more of these categories' children. In that context, the question of parental responsibility has full significance and intent because it transcends the realm of simple parenting. There is a rationale behind the requirement that people who carry out parental duties be subject to legal scrutiny. This is not to say that

there shouldn't be additional legal protections for kids who aren't deemed vulnerable. As was already mentioned, British lawmakers and policymakers have always placed a high premium on legal protection. However, the point being made is that children who are more vulnerable to harm require extra thought and attention. For those children, the concept of parental accountability is therefore more relevant.

III. The limitations

Shortcomings from parents

The concept of the child's welfare is only used by statutes to justify parental duties. It is a known truth that parents have an inherent responsibility to see to it that their children are well. This is a normal process that all people share and is a universal value. Restricting parents' ability to raise their children seems to go against their inalienable and natural rights as parents. The "duty of care" that parents have to their children is known to them. Perhaps the state's involvement in the parenting process should never have been necessary. However, a number of social issues force local and state authorities to meddle in what is considered the family cell's private and internal affairs. The explanation for this is that parents frequently neglect their responsibilities by doing things or saying things that are bad for their kids. The rule of law requires that the state step in when people could be in danger or are subject to actions that could jeopardize their ability to survive in any modern, civilized society. Children who are in vulnerable situations are thought to be more delicate cases. In addition to the prevalent issue of child abuse, the United Kingdom's households' failure to fulfill their parental responsibilities has resulted in notable cases during the past 20 years. The Victoria Climbié case stunned the country in the early months of 2000. The Victoria Climbié Inquiry, which took place in 2003, explains a well-known instance of child abuse that occurred in the UK. It gives an overview of the evidence that the Inquiry was given about Victoria's past. It also examines the way in which she was handled by those who were meant to take charge of her well-being during her time in the UK. The State Departments' Secretaries of the Home and Health Departments presented this investigation, which was presided over by Lord Laming, to Parliament at Her Majesty's request. Victoria Climbié's case serves as proof that those who were supposed to be parents did not fulfill their responsibilities in a way that was morally and legally right.

Shortcoming of the laws

The carceral logic of parental responsibility, which forms the basis of the child support system, is the outcome of how the law interprets parental responsibility. The child support system is used as an example because it is a topic that has generated court cases and scholarly discussions due to a number of instances of unease and parental disapproval. It has been noted that cultural norms surrounding parenthood and responsibility, as well as organizational-level factors and legislation codifying punitive enforcement mechanisms, strengthened the notion of parental accountability within the framework of child support by endorsing harsh relationships and punishing experiences for individuals engaged. The carceral logic of parental responsibility was used by court officials as a threat to punish noncustodial parents, mainly with imprisonment (Battle 2022). Because of this, parents and those entrusted with parental

responsibilities have often defected. making the child worse off as a result. Natural processes have not always been significantly replaced by the law. Nevertheless, natural processes aided by natural components will inevitably have benefits of their own. According to that perspective, the attempt to replace socially constructed values with natural processes hasn't always worked. Due to innate defects, human or socially constructed systems have frequently failed.

The known case of Victoria Climbié serves as evidence of the flaws, within the system and the overall child protection system. The Laming Report (2009) has drawn attention to the deficiencies in services highlighting that the Victoria Climbié case is deeply concerning. According to the report after her initial encounter with the Housing Department-established Homeless Persons Unit, a child who was potentially facing intentional harm was under observation at two hospitals, a specialized NSPCC center four social services departments, and two child protection teams of the Metropolitan Police Service (MPS). However, it is disheartening to note that by the conclusion of these proceedings, these services possessed no information about Victoria than they did when she was initially admitted to Ealing Social Services in April 1999 or perhaps even less. The tragic irony is that on the day of Victoria's death, Haringey Social Services officially closed her case. It is regrettable how protection Victoria received when all it required were fundamental practices being implemented. Sadly this was never realized. Considering this failure one could argue that government and legal involvement, in parenting, have not been particularly effective.

However, the recommendations of the Laming Report brought hope for a future, for children when it came to their safety while in the care of their parents or under their authority. Lawmakers and policymakers were presented with a total of 108 recommendations from the report. It is worth noting that when services shirked their responsibility, they let society down. The Victoria Climbié Inquiry report, which was published in January 2003 highlighted Lord Laming's concerns about the collaboration, between organizations involved in Victoria's child protection system. He also strongly criticized officials who tried to downplay their role and accountability in this matter.

The flaws in the law show how a natural duty is being codified into a legal system. Legislation is meant to guarantee citizens' rights and regulate society, but it frequently has contradictory effects that erode the social stability that is intended. The laws' limitations have become apparent as authorities and the law are becoming more involved in creating parenting strategies and parental responsibilities in general.

IV. Conclusion

The primary focus should always be, on the well-being of children when making decisions about them. Looking at it from this perspective it appears that lawmakers and authorities often step in to fulfill the role that parents naturally have in providing for their kids. The concept of being a parent is something society has shaped over time. However, attempts to replace constructed values with ones have sometimes led to conflicting situations and even chaos. While every child in the United Kingdom has the right to their interests it is particularly vital for children who are at risk that these interests are prioritized when considering parenting and parental responsibilities. In cases where vulnerable children require care and attention due to their circumstances or conditions, legal intervention can be more justifiable, for authorities involved.

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