

Social Work Children & Families

Responsibilities and Rights of Parents

Ref: SWSRRP 1
March 2008

Responsibilities & Rights of Parents

The Children (Scotland) Act 1995 is an important Act, which affects all parents and children in Scotland. It is influenced by the “United Nations Convention on the Rights of the Child”. Therefore, it places great importance upon the welfare of the child and their right to be involved in decisions affecting them. There is a move away from children being regarded as individuals whom adults have rights over. The focus is now firmly upon the responsibilities of parents and carers towards children and the rights that come from undertaking these responsibilities.



What are your responsibilities as a parent?

Until your child is 16, it is your responsibility:

- **to look after your child's health, development and welfare**
- **to provide guidance to your child**
- **to maintain regular contact with your child if he/she is not living with you**
- **to act as your child's legal representative**

You are also responsible for providing guidance to your child until he/she is 18 years old.

All of these responsibilities must be exercised in the best interests of your child.

What are your rights as a parent?

Until your child is 16, it is your right:

- **to have your child living with you or decide where your child lives**
- **to decide how your child is brought up**
- **to maintain regular contact with your child if he/she is not living with you**
- **to act as your child's representative**

Who has parental rights and responsibilities?

- **the child's mother (whether she is married to the father or not)**
- **the child's father if:**
 - (a) he is married to the mother either when the child is conceived or afterwards
 - (b) he is not married to the mother but the mother has agreed he should have parental rights and responsibilities (and this is registered in the Books of Council and Session)
 - (c) he is not married to the mother but the Sheriff Court or Court of Session has made an order giving him parental responsibilities and parental rights
- **a guardian who has been properly appointed**

Other adults can hold full parental rights and responsibilities only if this is decided in court. However, all adults who care for children who do not have full parental rights and responsibilities must do what is reasonable to look after the child's health, development and welfare (for example, childminders).

What about parents who are separated or divorced?

There have been changes in the law to make sure that parents who are separating or divorcing are both involved in bringing up their child and continue to share their responsibilities towards the child. Again, this is to make sure that both parents meet all of the child's needs. This means:

- **both parents continue to have responsibilities and rights towards the child**
- **both parents can agree who the child lives with and who has contact with the child**
- **if a court is not satisfied with the arrangements (or parents cannot agree) the court can decide who the child lives with and who the child has contact with**
- **a court can also decide to give parental responsibilities and rights to another adult and to make “specific issue” orders to help the child, for example, residence and contact orders**

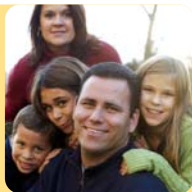
At all times, the welfare of the child is the most important factor and the child's views must be taken into account.



The rights of the child

It is important to understand your responsibilities and rights as a parent in relation to the rights your child has too:

- **your child has the right to have her/his best interests as the most important consideration in any decision you take which affects her/him**
- **your child has the right not to be subject to any Court Order or requirement from the Children's Hearing unless this would be better for the child than no order at all**
- **your child has the right to a say in any major decision which affects her/him and you should take their views into account - The Children(Scotland) Act states all children should have the right to express a view and specifically that children over 12 should be assumed old enough to form a view**
- **your child has the right to consult a medical practitioner in confidence - if he/she is under 16, he/she also has the right to consent to his/her own medical, surgical, dental treatment or amination if the qualified medical practitioner believes he/she is capable of understanding the nature and possible consequences of the treatment or examination**
- **your child has the right to instruct a solicitor in any civil matter where he/she has a general understanding of what it means to do so If you require any further information, please contact you local social work office or your solicitor.**



Out of hours emergency
Standby Service Freephone 0800 811 505

Scottish Child Law Centre

Telephone 0131 667 6333

Who Cares? Scotland

Telephone 0141 226 4441/4446

Reporter to the Children's Hearing

10/20 Bell Street

Glasgow G1 1LG

Telephone 0141 567 7900

Parentline

0808 800 2222

Mon/Wed/Fri 10am - 1pm

Tues/Thurs 6pm - 9pm

Sat/Sun 2pm - 5pm



Regulated Services

If your complaint is about the Regulated Care Service, you can also contact the Scottish Care Commission. Regulated Care Services include Residential Care Homes for Children and Young People or Adults, a Support or Day Care Service, a Home Care Service, a Housing Support Service or a Fostering or Adoption Service. Please note the Care Commission will generally advise you to have attempted to resolve your complaint locally before making contact with them. For East Dunbartonshire Council area, the contact address and telephone number is:

**Care Commission
Central West Region
4th Floor
1 Smithhills Street
Paisley, PA1 1EB
Tel: 0141 843 4230**

Would you like to comment on the service you get?

If you would like to make a suggestion, comment or complaint about the service you have received from us please speak to a member of staff at your local area office. Any comments we receive help us plan our future services. You could also pick up a leaflet called 'Comments, suggestions & complaints about Social Work' at your local office, which explains how to comment in writing or by phone.

If we are unable to resolve your complaint to your satisfaction, you will then have the right to refer the matter by writing to:

**The Scottish Public Services Ombudsman
4 Melville Street
Edinburgh, EH3 7NS
Tel: 0800 377 7330
Email: ask@spsso.org.uk**

You must do this within 12 months of first being notified of the matters you are complaining about.

Is this leaflet useful?

We would like you to tell us if this leaflet was useful. Please complete the tear off slip overleaf and return it to us (no stamp required).

List of useful Social Work addresses

Advice & Response

126 Cowgate

Kirkintilloch

G66 1HF

Tel: 0141 775 1311

Fax: 0141 578 0051

Kirkintilloch Area Team

2 Luggiebank Road

Kirkintilloch

G66 1HF

Tel: 0141 775 2110

Fax: 0141 777 6450

Milngavie & Bearsden Area Team

38 Stewart Street

Milngavie

G62 2BW

Tel: 0141 570 2400

Fax: 0141 955 0197

Bishopbriggs Area Team

1 Balmuildy Road

Bishopbriggs

G64 3BS

Tel: 0141 772 6384

Fax: 0141 762 4677

Social Work Headquarters

William Patrick Library

2/4 West High Street

Kirkintilloch

G66 1AD

Tel: 0141 775 9000

Fax: 0141 777 6203

Is this leaflet useful?

Does it answer your questions? If you think we can improve this leaflet, why not complete the tear off strip and return it to us.

Name:

Address:
.....
.....
.....

When and where did you get this leaflet/booklet from?

.....

If you took it from a reception point, were the staff helpful?

Yes No

Was the leaflet/booklet easy to obtain?

Yes No

Was the layout of the leaflet/booklet easy to follow?

Yes No

Was the information:

Understandable? Yes No

Useful? Yes No

Please detach the form along the perforated line

Other formats

This document can be provided in large print, Braille or on audio cassette and can be translated into different community languages.

Contact the Public Affairs Unit at: East Dunbartonshire Council,
Tom Johnston House, Civic Way, Kirkintilloch G66 4TJ, tel 0141578 8000

本文件可按要求翻譯成中文，如有此需要，請電 0141 578 8152。

Gabhadh an sgrìobhainn seo cur gu Gàidhlig ma tha sin a dhìth oirbh. Cuiribh fòin gu 0141 578 8152

अनुरोध करने पर यह दस्तावेज़ हिन्दी में भाषांतरित किया जा सकता है। कृपया 0141 578 8152 पर फ़ोन कीजिए।

ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਮੰਗ ਕਰਨ ਤੇ ਪੰਜਾਬੀ ਵਿੱਚ ਅਨੁਵਾਦ ਕੀਤਾ ਜਾ ਸਕਦਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ 0141578 8152 ਫੋਨ ਕਰੋ।

本文件可按要求翻譯成中文，如有此需要，請電 0141 578 8152。

BUSINESS REPLY SERVICE
Licence No. GW 3641

2

Social Work Headquarters
East Dunbartonshire Council
2/4 West High Street
Kirkintilloch
G66 1AD