CHAPTER 5: The principles of children’s law

The welfare principle


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-Christianess 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.


Informed consent

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

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.