

Assessing the dignity and rights of children

The National Law

- **Section 166** Offence to use inappropriate discipline
- **Section 167** Offence relating to protection of children from harm and hazard

The Regulations

- **Regulation 155** Interactions with children
- **Regulation 156** Relationships in groups
- **Regulation 84** Awareness of child protection law

National Quality Standard

In addition, it is acknowledged that children’s dignity and rights are supported across all seven quality areas however are more prominent in the following areas:

- **Quality Area 1** Educational program and practice
- **Quality Area 2** Children’s health and safety
- **Quality Area 5** Relationships with children, in particular
- **Element 5.2.3** The dignity and rights of every child are maintained at all times

What is the United Nations Convention of the Rights of the Child?

In 1989, the United Nations established the first legally binding document to protect the rights of children. The United Nations Convention on the Rights of the Child is a collectively agreed set of non-negotiable standards and obligations to protect children's rights, to help meet their basic needs, and to expand their opportunities to reach their full potential. So far, 194 countries have ratified the convention and brought their legislation, policy and practice to reflect the universally recognised standards. Having ratified the Convention, the Australian Government has committed to making sure every child in Australia has every right under each of the 54 Articles in the Convention.

Why assess the dignity and rights of children?

The advocacy of children’s dignity and rights is the foundation from which we operate as early years practitioners. It forms the foundation of both the Early Childhood Australia (ECA) Code of Ethics and the Early Years Learning Framework (EYLF) which guide both best practice and understanding of quality education and care for children. The revised ECA Code of Ethics encourages early childhood professionals to reflect about their ethical responsibilities, not only towards children but also their families and the communities in which they belong. In addition, the EYLF advocates that early childhood practitioners must uphold all children’s rights to have their cultures, identities, abilities and strengths acknowledged and valued, and respond to the complexity of children’s and families’ lives (EYLF, p.13). The National Quality Standard (element 1.1.2) promotes that this forms the foundation of the program. Through this,



we endeavour to provide children with the skills and knowledge to become confident and active members of society.

What should Authorised Officers look for when considering if the dignity and rights of each child are being met?

Authorised Officers need to bring their understanding of cultural competence to the assessment of the dignity and rights of children. The “universally recognised standards” outlined in the United Nations Convention of the Rights of the Child are still those of the majority group and they may be interpreted and enacted differently in different contexts. A simplified version of the CRC is available to support educators in their work with children. AOs may wish to familiarise themselves with this resource and consider how it is reflected in educators work with children.

An authorised officer may look for examples of educators:

Children's Identity and Agency

- providing play and relaxation opportunities appropriate to each child
- ensuring each child is provided with opportunities and experiences based on interests, strengths and needs
- fostering each child's individuality and talents
- valuing and supporting the importance of a child's race, religion, culture and language to support belonging and identity
- developing identity through belonging to groups within, and external to, the service
- respecting and promoting children's choices and agency and their right to express themselves through a variety of mediums.

Privacy

- maintaining confidentiality of each family's information and records
- discussing issues with children, parents and caregivers in confidence
- observing and documenting children with respect, in consultation with families
- permitting children to have access to information about documentation affecting them
- ensuring the dignity of each child during personal care routines (such as toileting and nappy changes).

Behaviour Management

- acknowledging good choices
- handling conflict with respect
- allowing space and support for children to effectively express their emotions
- promoting self-regulation
- Guiding children to respect, appreciate and positively interact with diversity Encouraging children to challenge bias and stand up for themselves and others who may be experiencing discrimination
- ensuring behaviour management respects children's dignity as well as human rights.



Preventing Harm

- caring for and protecting children and families who have been hurt or mistreated
- helping children and families who have been neglected or abused
- ensuring children are protected from harm at all times and that educators are aware of their roles and responsibilities in relation to child protection legislation
- compliance with the Education and Care Services National Law and Regulations that ensures children's health, safety and wellbeing is supported.

Supporting Families

- acknowledging the importance of family in making decisions to support each child's wellbeing, learning and growth
- providing families with resources for parents to make informed choices
- supporting families during drop off/pick up times
- helping families access local organisations and support agencies
- supporting children and families with additional needs.

Ethical Thinking

- promoting empathy
- looking at social justice and equity
- extending understanding on cultures and religions
- facilitating children's access to relevant and age appropriate media.

References and further reading

Department of Education, Employment and Workplace Relations. (2009). *Belonging Being and Becoming – the Early Years Learning Framework for Australia*, Canberra

Early Childhood Australia Code of Ethics. (2006). <http://www.earlychildhoodaustralia.org.au>

United Nations Convention on the Rights of the Child. (1989). <http://www.unicef.org.au/>

Charter of Rights. Northern Territory Government – Department of Children and Families

<http://forums.earlychildhoodaustralia.org.au/forum/nqs-plp-forums/nqs-quality-area-5-relationships-with-children/317-dignity-and-rights-of-every-child>

<http://www.humanrights.gov.au/publications/human-rights-brief-no-1>

http://ncac.acecqa.gov.au/educator-resources/pcf-articles/Recognising_chns_right_to_privacy_Sept10.pdf