



de Kinderombudsman.

THE BEST DECISION FOR THE CHILD IN 4 STEPS

The Convention on the Rights of the Child as a compass for decision-making



CONVENTION ON THE RIGHTS OF THE CHILD: THE BEST INTERESTS OF THE CHILD

*The best interests of the child: this is the starting point of the Convention on the Rights of the Child, as well as anyone who works with or for children. We all want what is best for children. It starts with making good decisions where the best interests of the child are paramount. In practice, this is sometimes very challenging. That is why the Committee on the Rights of the Child has drawn up guidelines on how to do this (Article 3 - Best interests of the child and General Comment no. 14 - explanation of article 3). The Children's Ombudsman has translated these guidelines into a clear step-by-step plan: **The best decision for the child.***

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THE BEST DECISION FOR THE CHILD IN 4 STEPS

Are you a social worker or a police officer? A teacher or a policy maker? You are dedicated to children on a daily basis and make decisions every day that affect children's lives. These decisions are often complicated and involve many different interests; sometimes you may be unsure if you are doing the right thing.

Whether we are talking about placing a child in care, locking a child up in a police cell, the choice of school for a pupil with autism or the conclusion of a climate agreement, 'The best decision for the child' step-by-step plan can help you to make a good decision in the best interest of the child. You can establish the best interests of the child in four clear steps: **1)** by examining what is best for the child's development, **2)** by identifying other interests, **3)** by weighing what is best for the child's development and all other interests that play a role, and **4)** by explaining the decision to the child.

This booklet explains everything about the four steps and how you can use them in

your work. You will find a questionnaire and checklist at the back. Children and young people can use it to prepare for a decision about their lives or to check afterwards whether the decision was made properly.

TOOL KIT: THE BEST DECISION FOR THE CHILD

In addition to the step-by-step plan, the Children's Ombudsman team is planning to develop other tools in the coming years, in collaboration with organisations from the youth domain, that you can use in your daily work. This will include tools for you as a professional and for children and young people. Please visit our website to find out more: www.dekinderombudsman.nl/best-decision-toolkit.

DO YOU HAVE DOUBTS OR NEED SOME HELP?

The Children's Ombudsman is happy to think along with you. Call +31 70 8506 995 free of charge, mail us at ombudswerk@dekinderombudsman.nl or visit www.dekinderombudsman.nl.

THE STEP-BY-STEP PLAN

CHILDREN'S RIGHTS-PROOF DECISION

According to the Children's Rights Committee, a well-founded decision requires a child-friendly, full investigation, as well as a careful balance between what is best for the child and any other interests at stake. In doing so, you should always consider what is important to the child and treat children equally.

As a professional, you examine the interests of the child based on your expertise, together with a multidisciplinary team of all the people involved with the child. Your research and considerations then result in a decision. In four steps, you come to a well-considered decision that puts the interests of the child first.

DECISION IN 4 STEPS:



1 THE BEST INTERESTS OF THE CHILD

Examine what is best for the child's development and involve the child in this process.



2 OTHER INTERESTS

Identify any other interests at stake.

3 WEIGHING UP THE INTERESTS

Weigh what is best for the child's development against anything else involved. Put the interests of the child first in this consideration.



4

EXPLANATION OF THE DECISION

Discuss the decision with the child and tell the child what they can do if they disagree.





HOW DO I USE THESE STEPS IN MY WORK?

STEP 1: EXAMINE WHAT IS BEST FOR THE CHILD

The Children's Rights Committee wants all professionals and institutions to use the same methodology to examine what is best for the child. This involves examining the specific circumstances of the child, their family and their living environment. The committee has drawn up the following checklist based on articles in the Convention on the Rights of the Child. The following seven points should always be included in your investigation:

- 1. The child's identity**
Who is the decision really about? What makes this child unique? Consider the child, including their faith, culture, gender and age.
- 2. The child's opinion about the situation and the decision to be made**
What does the child want, and why? From page 11 onwards, you will find a helpful checklist and questionnaire.

- 3. Maintaining the family environment and important relations**
How does this decision affect contact with relations who are important to the child, and who the child lives with?
- 4. Care, protection and safety**
How does the decision impact the child's protection, care and safety?
- 5. Vulnerable children and special situations**
How should additional special circumstances of the child be taken into account, such as disability, trauma, social status, or a low or high IQ?
- 6. The child's right to health**
What does the decision mean for the child's health?
- 7. The child's right to education**
What influence does the decision have on receiving – suitable – education?

Based on the results of your assessment, in this first step you will determine what is best for the development of the child, regardless of anything else. This includes estimating the consequences of the decision for the child's future, both in the short and the long term.

STEP 2: IDENTIFY ANY OTHER INTERESTS

In addition to the child's interests, there are other interests to consider. These could include the parent's wishes, what relevant organisations want and whether there is enough budget for the desired solution. Laws and regulations that form an obstacle to the best solution for the child may also be at play. Make an overview of all 'non-child interests' that you should consider when making your decision. These may be at odds with the best interests of the child.

STEP 3: CAREFULLY WEIGH THE VARIOUS INTERESTS AND MAKE A DECISION

If it is clear what is best for the child and their development and which other interests are at stake, you can work out several possible decisions based on this information. When you subsequently make a decision, you also need to clearly explain why you have made

this decision. In your motivation, state all the factors you have considered and how you have weighed them up against each other. In addition, map out how the best interests of the child are reflected in your decision. When you make a decision that is not in the best interests of the child, you will have to provide additional motivation for your choices. Is there really no other way?

STEP 4: DISCUSS YOUR CHOICES WITH THE CHILD

Explain every important decision to the child in understandable language. Do not just explain your decision, but also how you made the decision and how you considered the child in doing so. If the child disagrees with your decision, explain to them whether there is anything that can be done against the decision and if so, what the child or his parents can do.

QUESTIONNAIRE AND CHECKLIST FOR CHILDREN

On the next page you will find the questionnaire and checklist for children and young people. They can use these to prepare for a decision about their life or to check afterwards whether the decision was made correctly. You can also use these tools when making a decision that affects a child's life.

DECISION ABOUT YOU? BE PREPARED!

Sometimes an adult, like your teacher, a police officer or a counsellor, makes an important decision about you. For example about where you are going to live, what help you are given or what school you will go to. It is important that the people who make a decision like this about you know who you are and what is important to you, now and in the future.

QUESTIONNAIRE AND CHECKLIST

With the questionnaire and checklist, the Children's Ombudsman helps you to think about what is important to you. It also helps you to make sure that the adults who are making a decision about you have thought of everything.

Answering the questions in the **'Questionnaire: What do I find important?'** will give you a list of everything that is important to you. You can use this for a conversation where a decision is made about you. If a decision is made or has been made about you, you can use the **'Checklist: A decision about me'** to see if what is important to you has been taken into account.



QUESTIONNAIRE: WHAT DO I FIND IMPORTANT?



WHEN CAN I USE THIS QUESTIONNAIRE?

It is important that the people who make decisions about your life know who you are and what is important to you, now and in the future. This is why you should explain what is important to you to the adult who is making a decision about you, so that they can take this into account.

If this is difficult for you or you are not really sure what to tell them, you can use this questionnaire and come up with the answers to the questions for yourself. You can also ask someone who knows you well to do this with you, or for you. This will help you to check if the person really knows you well enough.

Answering the following questions will help you to tell your story clearly.

1. THIS IS ME AND THIS IS WHAT MAKES ME UNIQUE!

You can write your name, age, where you are from and what people absolutely need to know about you, for example.

2. THIS IS WHAT'S MOST IMPORTANT IN MY LIFE AND FOR THIS DECISION

For example, that I can live with my parents or foster parents, do fun things with friends, go to a school that is a good fit for me, or that my pet can stay with me.

3. THESE ARE THE PEOPLE WHO ARE IMPORTANT IN MY LIFE

For example, important people like your parents or foster parents, your brother or sister, or a friend.

4. THIS IS WHAT I NEED TO FEEL SAFE AND THIS IS WHERE I THINK I WILL BE LOOKED AFTER BEST

For example, what you need so that you are not afraid of fights, violence or abuse, and that there are people who love you and take care of you.

5. THIS IS WHAT I FIND DIFFICULT IN MY LIFE

Maybe you've had a bad experience, or you might be in a difficult situation, or there may be other things that are not going well in your life.

6. THIS IS HOW I FEEL RIGHT NOW

For example, whether you feel good about who you are, and whether you are getting good guidance or treatment when things are not going so well for you.

7. THIS IS WHAT I NEED FOR MY HEALTH AND FOR GOOD HEALTHCARE

For example, that you can go see a doctor, if necessary.

8. THIS IS WHERE I AM TAUGHT, WHAT I ENJOY LEARNING AND WHAT SUITS ME

Are you going to a school now or are you taking a course that suits you, is it safe at school or where you are taking your course, what do you enjoy learning and what do you need?

CHECKLIST: A DECISION ABOUT ME

WHEN CAN I USE THIS CHECKLIST?

If a decision is made about you, you can use this checklist to see if what is important to you is taken into account. You can do this if the decision is yet to be made, but also if the decision has already been made.

HAVE YOU ANSWERED 'NO' TO MANY QUESTIONS?

If you have completed the checklist and see that you have answered 'no' to many questions, it is possible that they don't know enough about you to be able to make the right decision. It is important that the adult who makes a decision about you takes you into account. That is why you should tell the adult what is important to you. You may want to do this together with someone that you trust.

WHAT IS THE DECISION ABOUT?

What is important to me in this decision?

ARE THEY REALLY THINKING CAREFULLY ABOUT...

Yes No

1. **Who I am?**
Do they know enough about me? For example, where I come from and what I want to tell other people about myself?
2. **What's important to me, now and in the future?**
For example, living with my parents, doing fun things with friends, exercising or having a good hospital nearby.
3. **What do I think is the best decision for myself?**
4. **Whether I can live with whom I want or keep in touch with people who are important to me?**
Think about the people who are always there for you and who love you, for example your parents, your grandparents, your brother or sister, or a friend.
5. **Where I feel safest and well taken care of?**
6. **Things that have been difficult in my life?**
Do they know I've had some bad experiences?
7. **Whether I'm comfortable in my skin right now?**
8. **Whether I have a disability or challenge?**
9. **Whether I have health problems and whether I get proper help?**
10. **Whether I go to a school or follow a course that suits me well?**

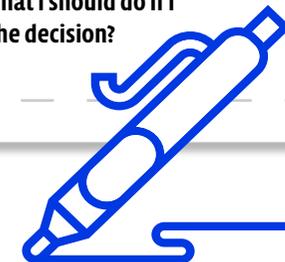
HOW WAS THE DECISION MADE?

Did they give me enough information?
Before, during and after the decision was made?

ARE THEY REALLY THINKING CAREFULLY ABOUT...

Yes No

1. **Whether I fully understand the information I have received about what is going to happen?**
2. **Whether I have been able to ask questions about what will happen?**
*And did they explain it to me properly?
Do I now understand what will happen?*
3. **What are my rights?**
Do I know what my rights are?
4. **Whether I felt safe and comfortable during the talk about the decision?**
And was it in a nice and safe place?
5. **Whether I was really able to give my opinion about what's important to me?**
6. **Whether I was treated nicely and respectfully?**
7. **Whether they really listened to what I think is important?**
Do they take me seriously?
8. **Whether the decision has been explained to me in a way that I can understand?**
9. **Whether I know what I should do if I don't agree with the decision?**



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