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CHILD SOCIAL WORK POLICY & PRACTICE An Introduction

CHILD SOCIAL WORK, STATE AND FAMILY

In principle, the UK's framework for child welfare is fairly straightforward. The dominant assumption is that the upbringing of children is largely a matter for parents or guardians. In turn, the state's role is threefold. First, it sets the legal parameters for parental rights and responsibilities. Second, it offers support to families in areas such as health care, education, housing or cash benefits, either 'universally' to all families or more 'selectively', based on criteria of deprivation or 'special needs'. Third, the state has evolved powers and duties to 'intervene' in families when there are concerns regarding child welfare, and it is broadly with this role that our focus rests.

This framework, however, hides great complexity. In the political and ideological arena, there are struggles over the nature and level of service provision to families and frequently over whether the state should have greater or lesser powers of intervention in its protective role. Arguably the central tension is between philosophies of 'child rescue' and 'family support'. In the former, greater emphasis is placed on the individuality of the child, their vulnerability to abuse and the appropriateness of removal from the family in such circumstances. In the latter, the unity and caring qualities of families are emphasised, with child welfare to be secured primarily through better support to parents. It is also important to recognise that the 'state' comprises a complex apparatus – with separation between government and judiciary, divisions of responsibility between government departments (including devolved institutions within the UK) and delivery of services through local authorities, private and voluntary organisations. Unsurprisingly, this complexity, allied to frequent reorganisation, gives rise to inconsistencies and contradictions in policy and practice, and an ongoing quest for effective co-ordination. Meanwhile, on the front line, individual workers are faced with difficult and far-reaching decisions regarding the adequacy of parenting and how to address perceived risks to children's safety and development.

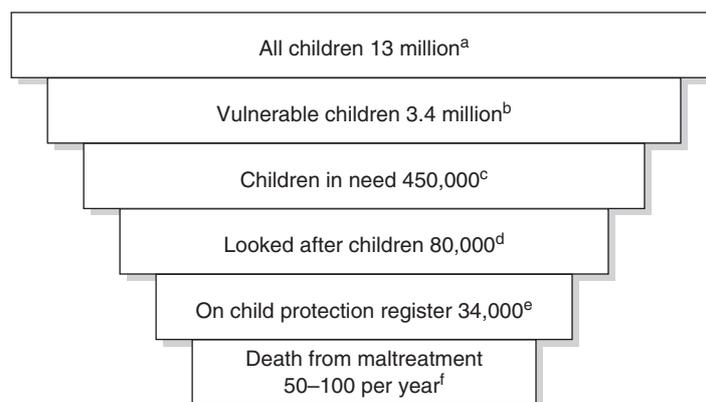


Figure 1.1 Children's Involvement with Social Care Services – a Statistical Overview

Source:

^aOffice for National Statistics (2005) *Key Population and Vital Statistics Local and Health Authority Areas*. London: ONS;

^bPalmer, G., MacInnes, T. and Kenway, P. (2006) *Monitoring Poverty and Social Exclusion 2006*. York: Joseph Rowntree Foundations;

^cExtrapolated for UK from English data (DfES 2006a);

^dFigures accessed from www.haaf.org.uk/info/stats/index.shtml;

^eFigures collated from www.nspcc.org.uk/Inform/statistics;

^fExtrapolated from Creighton, S. and Tissier, G. (2003) *Child Killings in England and Wales*. London: NSPCC.

In subsequent chapters, more detailed statistics will be reported on a range of issues, but at this point, a few headline figures may serve to convey an initial sense of the scale and scope of child social care. Figure 1.1 presents these statistics in the context of broader child populations and thus introduces the notion of 'filters' prior to, and following contact with, social care services.

The category of vulnerable children is based on child poverty using the widely accepted benchmark of living in a household below 60 per cent median income. The Children Act 1989 section (hereafter s)17 defines a child as 'in need' if any of the following conditions apply, namely:

- (a) he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority;
- (b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
- (c) he is disabled.

Being deemed a child in need represents the gateway to receiving 'family support' services, which will be analysed in chapter 3. As can be seen from Figure 1.1, the number of children in need represents approximately 1 in 8 vulnerable children. Most, though not all children in need come from

families living below the poverty line, and the relationship between poverty and child welfare concerns will be discussed later in the book. The term 'looked after' was also introduced in the Children Act, replacing the term 'in care'. It encompasses all those being looked after by local authorities, whether on a voluntary basis or following a court order (or supervision requirement in Scotland). Figure 1.1 shows that the number of 'looked after' children at any one time is roughly one-sixth of the children-in-need population and under 1 per cent of all children. Children, a minority of whom may be looked after children, are placed on the child protection register when they are regarded as at risk of significant harm (see chapter 4).

These statistics are open to different interpretations. On the one hand, they show that only a minority of children are likely to have direct contact with child social care services, although more will do so during their lifetimes than these snapshot figures suggest. On the other, in raw terms, these numbers are substantial while their links with poverty and deprivation raise important issues of social justice. In addition, state child welfare services cast a long shadow in terms of public perception and fears.

In 2006–2007, expenditure on children's services accounted for £5 billion, 25 per cent of the social care budget and approximately 0.4 per cent of Gross Domestic Product (Information Centre, 2008). The children's social care workforce in England has been estimated at 127,000 (including foster carers), roughly four-fifths working for local authorities and the remainder in the private and voluntary sectors (Department for Education and Skills (DfES), 2005a).

CHILD SOCIAL WORK AND SOCIAL CHANGE

Changing childhood(s)

Clearly, child social work policy and practice do not operate in a vacuum, but in particular social and historical contexts. In this section, we offer a review of recent developments and debates in thinking about childhood. Over the past two decades or so, sociological analysis has been increasingly influential in promoting awareness of the ways in which childhood is 'socially constructed' (Jenks, 1996). This viewpoint is critical of perspectives that construe childhood simply in terms of physical maturation, 'stages' of psychological development or passive socialisation. James et al. (1998) emphasise the need to see children as 'beings' (the fully fledged social actors they are in the present) rather than as 'becomings' (the adults they may be in the future).

Following Aries's (1962) pioneering work, the most powerful evidence for the social constructionist view stems from wide historical and cross-cultural

variations found in ideas and practice relating to childhood, which refute notions that it represents a 'natural state' (Kehily, 2004). Writers such as Lee (2001) and Hendrick (2003) have mapped the rise in western societies of childhood as a progressively extended period of preparation for adulthood built around compulsory schooling and removal from the world of work. From the early nineteenth century onwards, the state took an increasing role in managing its populations, with children particular targets for intervention. Ideas of childhood 'innocence' were central to this endeavour, whether this was seen as the natural state of children ('little angels') or the product of hard-fought battle against their innate sinfulness ('little devils') (Jenks, 1996).

In recent times, there has been significant debate on the state of childhood – variously described as 'disappearing' (Postman, 1982), in 'crisis' (Scraton, 1997) or 'toxic' (Palmer, 2006). Ideas of lost innocence are central to these debates. This may be in relation to the perceived loss of a more carefree life for children due to parental fears and a risk avoidant culture, or the way in which protective confinement in homes saturated by the electronic media has brought about greater exposure to the 'adult' world, its secrets and painful issues. For critics, the loss of innocence has inexorably led to increases in both troubling (e.g. crime, drug abuse, sexual activity) and troubled (e.g. self-harm, eating disorders) behaviour among children and young people. While claims of the 'death of childhood' are somewhat exaggerated (Buckingham, 2000), there is widespread acceptance that today's children 'grow up more quickly' in many respects than previous generations, although some commentators welcome what they see as children's more 'savvy' approach to consumption, the media or social issues (Kenway and Bullen, 2001).

Although these debates may seem somewhat 'academic', they are relevant to child care policy and practice in a number of ways. First, judgements regarding children's developmental needs, whether they are suffering harm as a result of maltreatment, and what represents their 'best interests', are inextricably bound up with normative views of childhood. Social constructionist perspectives alert us both to the changing and contested nature of such norms and their complex relationship to variables such as social class, gender, ethnicity, disability and sexuality. Second, constructions of childhood are equally salient for looked after children and the care to be provided by the state. Third, awareness of social construction can also encourage a questioning approach to the seeming 'hard evidence' gleaned from developmental measurement, psychological testing and tendencies to medicalise behaviours deemed to be problematic. However, as Fawcett et al. (2004) argue, it is important not to be dismissive of the biological and psychological domains and to avoid the relativistic view of phenomena as '*only* constructions'. Finally, the social constructionist emphasis on children's agency is supportive of promoting their 'voice' and participation within social care services.

Changing families, changing parenting

As noted earlier, the seemingly straightforward framework for relationships between the state and the family hides great complexity. At the level of government policy, this reflects both political ideology and changing economic and social conditions. The New Labour government has identified the family as ‘at the heart of our society’ due to its provision of love, support, education and moral guidance, a means of promoting economic prosperity while ameliorating a range of social problems linked to social exclusion and deviant behaviour (Home Office, 1998). However, in a period of rapid social change, the family has been increasingly cast as vulnerable due to economic pressures, breakdown through divorce and for many, the effects of poverty, crime and drug abuse.

The context for such concerns developed in the closing decades of the twentieth century, which witnessed significant changes among families in the UK, prompting debates that mirror in many respects those relating to the changes in childhood described above (Barrett, 2004). The broad contours of change are well known and concisely captured in *Social Trends 2007* (Self and Zealey, 2007). Marriages have declined from 480,300 in 1972 to 283,700 in 2005, while divorces rose from around 50,000 in the late 1960s to 155,000 in 2005. Lone-parent families have risen from 7 per cent of those with dependent children in 1972, to 24 per cent in 2006. Rising cohabitation meant that the percentage of children born outside of marriage increased from 12 to 43 per cent between 1980 and 2005. Self and Zealey (2007) also report significantly later marriage and first-time childbirth since the 1970s.

Crucially, these changes coincided with greater female participation in the labour market. Employment rates among women of working age rose from 56 per cent in 1971 to 70 per cent in 2005 (Self and Zealey, 2007). This included significant rises in both full- and part-time work, although the one-and-a-half-earner household is closer to the norm in two-parent families (Lister, 2006). It must be noted, of course, that these broad trends in family structure, formation and employment mask significant differences based on socio-economic status, ethnicity and religion (Berthoud, 2007).

Such family changes have been the subject of fierce controversy and ideological conflict. For conservative traditionalists, these and other developments (such as recognition of same-sex partnerships) signify the demise of the family as a stabilising social force. Significant blame for this is attached to feminism and a wider ‘rights culture’ for encouraging women to forsake the homemaker role, with family relationships and parenthood reduced to a ‘lifestyle choice’ (Davies, 1993). Many of these themes coalesce in conservative analysis of the ‘underclass’, where lone mothers stand accused of welfare dependency, rearing their children without appropriate (male) role models and fuelling crime and anti-social behaviour (Murray, 1990).

For the centre-left, such changes have evoked a more mixed response, with recognition of the damaging effects of family instability on children but support for changes in gender roles and greater opportunities for women. Recent family changes are broadly interpreted as promoting adult relationships based on intimacy and self-fulfilment and more 'democratic' relationships between parents and children (Giddens, 1992; Beck, 1997). Critical perspectives on the family are also seen as promoting awareness of problems such as domestic violence and intra-familial child maltreatment. Overall, the centre-left tends to embrace a more pluralistic view of family forms.

Drawing on Etzioni's (1993) concept of 'parenting deficit' as a major contributing factor to social problems, the New Labour government has considerably increased intervention in relation to parenting, with an uneasy amalgam of the supportive and punitive (Henricson, 2003). Thus, more generous tax credits and child-related benefits have been introduced, along with measures to promote 'family-friendly' employment. Other supportive measures include dedicated helplines – such as Parentline Plus – for those facing difficulties and the establishment of a National Family and Parenting Institute. Yet parents are also increasingly held responsible for their children's misdemeanours – truancy, anti-social behaviour and offending – and may be ordered to undertake parenting education as part of court orders. Critics argue that by ignoring the impact of social deprivation, such policies effectively 'blame the victim', while the gender-neutral term 'parent' masks an overwhelming focus on mothers (Gillies, 2005).

There are sharply divergent views on the benefits of interventionism. Supporters tend to emphasise parenting as an increasingly demanding 'job' requiring regulation, professional guidance and even a parents' code setting out rights and responsibilities (Henricson, 2003). Opponents, however, argue that intense scrutiny of parents has served to undermine their confidence and authority, which, allied to heightened concerns about children's safety, has generated 'paranoid parenting' (Furedi, 2001).

Debates on the nature of family and parenting are important for child welfare services in various ways. First, the assessment of 'parenting capacity' (see chapter 2) is influenced not only by wider social norms but also by understandings of the impact of parenting on outcomes for children (Golombok, 2000). Second, competing value systems generate different paradigms for relationships between the family and the state (see below). Third, legislation and policy construct 'family' in important ways, for example, the importance attached to siblings or extended family in children's lives or the role of fathers in families (Featherstone, 2004). Fourth, normative views of family are crucial to the 'corporate parenting' provided for those in, and leaving public care. Finally, it is important to recognise that the experiences of children, living in whatever setting, will be significantly influenced by wider norms of family life.

PERSPECTIVES IN CHILD CARE POLICY

In her classic work, Fox Harding (1997) sets out four ideal typical perspectives on the tripartite relationships between family, state and children, which can be summarised briefly as follows.

Fox Harding's first perspective, which she terms *laissez faire and the patriarchal family* contends that leaving parents to bring up children as they see fit offers the best way of serving the latter's interests. State intervention should be limited to cases of serious maltreatment and should generally involve the child being removed and placed for adoption (Goldstein et al., 1979). Below this threshold, state intervention is regarded as 'interference', as undermining family autonomy and frequently ineffective or damaging. The *laissez-faire* perspective advocacy of a 'minimal state' has a natural affinity with the political right but may also chime with civil liberties' concerns from the left.

A second perspective, *state paternalism and child protection*, gives much greater weight to the vulnerability of children within the family and supports a significantly higher level of state intervention to protect them. Families must be held accountable while the state has a legitimate and important role in scrutinising care of their children (Dingwall et al., 1983). Fox Harding rightly notes that this stance tends to ignore the pressures faced by many parents and the potential for state intervention to be oppressive of poor and marginalised families.

These issues are taken up in the third perspective, *the modern defence of the birth family and parents' rights*. Like the *laissez-faire* perspective, the 'modern defence' is supportive of families and parental rights and opposed to what is regarded as oppressive state intervention but there are key differences between the two. First, whereas *laissez-faire* writers such as Goldstein et al. (1979) see parenting in psychological terms, the 'modern defence' emphasises the enduring importance of biological relationships or 'blood ties'. This view underpins support for policies that keep families together, reunite them, and sustain contact even when the children are living permanently in another family. A second difference is that the 'modern defence' is politically left-leaning, seeing child welfare problems as rooted in material deprivation and regarding state support for families as beneficial (Holman, 1988). However, Fox Harding argues that this perspective oversimplifies complex relationships between parents and children and is perhaps too sanguine on the potential for welfare provision to prevent maltreatment and family breakdown.

Fox Harding's final perspective, *children's rights and child liberation*, is radically different from the first three, all of which tend to enshrine paternalistic views that emphasise protection rather than children's voice or participation. Paternalism, whether that of family or state, fits well with what Archard (2004) refers to as the *caretaker* view of children's rights. This view emphasises the need for a guardian figure who will make decisions in

children's interests until they are competent to do so on their own behalf as adults. This view can be criticised both for the assumptions it makes about the abilities of children and motives of (some) caretakers, and for its denial to children of fundamental rights. By contrast, the *liberationist* view of children's rights takes as its starting point the idea of children as an oppressed group, lacking power and discriminated against, with paternalism merely a mask for exclusion and control (Holt, 1975). In its strongest form, liberationist advocacy for children having the same rights as adults has predictably received little support, but in more moderate guise, has been influential in promoting children's participation in planning and decision-making.

CHILDREN'S RIGHTS AND HUMAN RIGHTS

The influence of children's rights and human rights over contemporary child care policy and practice in the UK is open to different interpretations. On the one hand, it can be argued that they have exerted a steadily growing influence, both in law and debates over policy, supported by organisations such as the Children's Legal Centre and umbrella bodies such as the Children's Rights Alliance (for details see end of chapter). Conversely, their impact may be seen as limited, due in part to inherent limitations and to significant opposition to their workings.

Children's rights

A full discussion of the historical evolution and dynamics of children's rights is beyond our scope here, and interested readers are referred to Franklin (2002) and Archard (2004) for further information. The contemporary framework for children's rights is set by UN Convention on the Rights of the Child (UNCRC). The UNCRC's 54 articles address a wide range of issues, and are often placed within the following three categories (adapted from www.unicef.org/crc/index_30177.html):

- 1 *Provision (survival and development) rights*
family support (preservation); health, social security, education; leisure and play; special care and protection e.g. disabled children, refugees; identity, nationality, freedom of religion.
- 2 *Protection rights*
from violence and abuse; kidnap and trafficking; child labour; sexual exploitation; war and armed conflict; drug abuse; inhumane treatment for young offenders.
- 3 *Participation rights*
respect for views; freedom of association and expression; access to information privacy.

In broad terms the UNCRC can be seen to represent a compromise between the caretaker and (moderate) liberationist views. Although ratified by almost all countries in the world, the impact of the UNCRC is limited for several reasons. These include differences of interpretation and implementation between countries, their capacity to 'opt out' of certain areas of the UNCRC, lack of resources in poorer countries (e.g. to deal with poverty or AIDS) and lack of effective sanctions in response to countries' non-compliance with the Convention. Arguably the UNCRC's principal value is symbolic, providing a benchmark against which governments can be evaluated and possibly 'shamed' into improving compliance by international and domestic pressure.

Since ratifying the CRC in 1991, successive British governments have been at odds with the UN Convention on the Rights of the Child over issues such as child poverty, asylum and immigration, treatment of young offenders and the use of corporal punishment (CRAE, 2007). Hendrick (2003) has argued that the issue of children's rights is 'an uncomfortable concept' for New Labour. Thus, while participation for children and young people has increased significantly, critics argue that this is underpinned by an agenda of conformity, and does little to question or challenge children's relative lack of power or the constraints of childhood (Wyness et al., 2004). Nevertheless, the past decade has seen the creation of Children's Commissioners for the countries of the UK, a Children's Rights Director to safeguard the rights of children living away from home, ministerial posts with responsibility for children and networks of children's rights officers and advocates.

Human rights law

While again space does not permit a full discussion of how human rights law relates to children and families (see Kilkelly, 1999), a brief mention may be helpful here. Unlike the CRC, human rights law carries legal weight in the UK because of the European Convention on Human Rights (ECHR) and the Human Rights Act 1998. Consequently, Lyon (2007) argues that the ECHR is worthy of greater attention, outlining its impact to date in areas such as the use of corporal punishment; the failure of a local authority to prevent abuse of children; refusal of access to care records and the trial of children in adult court.

SERVICES FOR CHILDREN AND FAMILIES UNDER THE CHILDREN ACT – A BRIEF OVERVIEW

In this section, we attempt to outline the major developments in child care law and policy since the passing of the Children Act 1989 in England and

Wales, a starting point chosen due to its (continuing) importance in governing child care policy and practice. More detailed discussion of the Act will appear in later chapters, and here our purpose is to chart its broad contours and key principles.

The Children Act 1989 – background

The road to the Children Act can be mapped in two different though linked ways, first as a process of legal reform and second as a struggle between competing principles and perspectives in child care. The legal pathway is usually traced to a Select Committee Report on Child Care (known as the Short Report) (House of Commons, 1984). Broadly supportive of Fox Harding's 'modern defence of the birth family', the report advocated greater effort and resources be put into keeping children with their families or reuniting them once admitted to public care. This stance was bolstered by research showing that social work practice was often neglectful or even obstructive of contact between children in care and their families, while the care system often failed to provide stability for children or prepare them to leave care (Department of Health and Social Security (DHSS) (1985a). Thus, concern about the injustices experienced by many families coalesced with a growing scepticism regarding the efficacy of state intervention. These themes were taken up in the government's Review of Child Care Law (RCCL) (DHSS, 1985b), which laid many of the foundations for the Children Act 1989, including the promotion of 'partnership' between parents and child care services.

Legislative reform also had to address the thorny area of child maltreatment, where debate had become increasingly intense and fractious during the mid-1980s (see chapter 4). Growing recognition of (especially sexual) abuse and highly publicised child deaths, such as those of Jasmine Beckford, Tyra Henry and Kimberley Carlile, generated pressures for further protective state intervention. Yet the perception of an over-intrusive state also became more prominent, especially following events in Cleveland in 1987, when large numbers of children were taken into care on the basis of controversial medical diagnosis and 'heavy handed' intervention (Parton, 1991).

The Children Act 1989 – principles and perspectives

The Children Act was widely seen as one of the most extensive reforms to child care law and represented a major reconfiguration of relationships between children, their families and the state (see Allen (2005) for an informative commentary on the Act and its workings). The guiding principles of the legislation are set out in Box 1.1.

BOX 1.1

Key features of the Children Act 1989

- more active involvement of courts in decision-making about children;
- welfare of the child to be paramount;
- use of a welfare checklist for decision-making;
- avoidance of delay;
- no order to be made unless better than not to do so;
- ascertaining and taking into account child's wishes;
- specific orders to deal with residence and contact;
- parental responsibility to be maximised, even when the child is in care;
- bringing together public (local authority, police powers, etc.) and private (divorce etc.) law;
- due consideration to be given to child's religious persuasion, racial origin, cultural and linguistic background.

The Children Act has been described as an 'uneasy synthesis' (Fox Harding, 1997), based on its appeal to disparate ideological strands within child care policy. Building on the RCCL's tenet that 'a child is not the child of the state', the influence of the 'modern defence' and even elements of 'laissez faire' are readily apparent in various measures designed to strengthen the position of parents. First, the Act introduced the concept of 'parental responsibility' (s3), which, while emphasising parents' duties towards their children, gave them increased 'rights' in order to carry these out. These included powers to challenge the removal of their children on an emergency basis (s45) (see chapter 4) and ensured that compulsory removal into public care would require a court hearing (s31), abolishing previous administrative powers. Second, even after compulsory removal, parental responsibility was, in principle, still to be shared between parents and local authorities, while the Act also mandated that children be returned to their families unless it was against their interests to do so (s23), and to promote contact with them while looked after (s34). Third, the 'no order' principle (s1) (see Box 1.1) signalled that state intervention could only be justified if it would improve upon family care. Fourth, family preservation was to be promoted by a range of support services, discussed further in chapter 3. Finally, the Act's emphasis on the role of the courts in decision-making for children could be seen as important in protecting families and making local authorities more accountable for their actions.

While the broad thrust of the Children Act was away from 'state paternalism', duties to protect children were also emphasised (s47) and in certain respects extended as in the introduction of the Child Assessment Order (s43) (see chapter 4).

The Children Act 1989 can be seen as promoting children's rights in various ways. The emphasis on services for 'children in need', the welfare checklist (factors to be taken into account in decision-making) and the minimising of delay (s1) can all be seen as examples of provision and protection rights. The Act also contains certain participatory rights, relating to separate legal representation, making complaints, refusing medical assessment, applying for section 8 orders (see below) and initiating legal proceedings (see Roche 2002 for details). However, these rights, like the requirement to take the child's feelings and wishes into account, are all subject to the child's age and perceived level of understanding, and Roche argues persuasively that judicial interpretation has tended to roll back rather than extend them.

Implicit recognition was given in the Children Act to inequalities among children in two areas. First, following increasing controversy in the 1980s in relation to the treatment of black and minority ethnic (BME) children and families by child care services (Ahmed et al., 1986), the Act introduced duties demanding due consideration be accorded to religious persuasion, racial origin, cultural and linguistic background and to recruit carers who reflected the ethnic diversity of local children in need (s22 and Schedule 2,11). Second, the Act sought to improve provision for disabled children by including disability within the definition of children in need and by requiring local authorities to be more proactive in discovering levels of need among their population.

Another important feature of the Children Act was an attempt to promote effective co-ordination between different local authority departments (e.g. social services, education and housing) and with other agencies such as the health service and the police, across a range of services from child protection, looked after children and young people leaving care (s27,47)

Finally, it should be noted that the Act represented an important rationalising piece of legislation, bringing significant harmonisation between what is termed public law (i.e. state intervention in child welfare cases) and private law relating to families, notably in cases of divorce. This is perhaps most evident in section 8, under which the following four orders are applicable in either sphere:

- **residence order** (stating who the child should live with);
- **contact order** (usually for contact with non-resident relatives);
- **specific issues order** (requiring certain actions);
- **prohibited steps order** (forbidding certain actions).

Child Care law in the UK

The Children Act applied to England and Wales, but many of its features have been replicated elsewhere in the UK. The Children (Scotland) Act 1995 translated the Children Act into Scottish law, albeit with certain modifications,

but it is important to recognise that the legal framework for child care in Scotland is significantly different from that in England and Wales – for an instructive guide see Plumtree (2005) and for a broader coverage of child and family social work in Scotland see Hothersall (2006). Arguably the principal difference is the role of the hearings system. This comprises panels of lay volunteers with a reporter to provide legal advice. The reporter also acts as an initial assessor, deciding whether further action is necessary and whether the matter should be referred to the local authority for assistance or to the hearings for possible compulsory supervision. Such supervision may be based on any of a wide range of conditions – from suffering impaired development or significant harm, to non-attendance at school, being beyond control, in moral danger, substance abuse or offending – that reflects the origins of the modern hearings system in the Kilbrandon Report (1964) and its ‘welfarist’ approach to deviant behaviour. Long since abandoned in England and Wales, this approach has persisted in Scotland, though coming under increasing strain in recent years (Tisdall, 2006).

In terms of its content, the Children (Northern Ireland) Order 1995 is very similar to the Children Act 1989 (see O’Halloran (2003) for a detailed commentary), but the context for implementation is very different. Since the imposition of direct rule in 1972, child care services in Northern Ireland have been delivered through combined Health and Social Services Boards (now Trusts). As Kelly and Pinkerton (1996) argue, there has been less political commitment to the welfare state and relatively greater reliance on the family and religious institutions. Crucially, given the history of sectarian division and conflict, child care in Northern Ireland is also shaped by ‘the contested legitimacy of the state’ (Pinkerton, 2003).

Implementing the Children Act 1989

The Children Act was atypical in terms of Margaret Thatcher’s third term of Conservative government. By contrast with adult social care, the Act did not signal any wholesale shift from state to private and voluntary sector provision. Moreover, the notion of family support appeared to endorse welfare provision to largely poor families in ways that were at odds with the government’s broader social policies. Crucially, however, local authorities were given no additional funding to implement the Act, while rising poverty and welfare cutbacks meant a growing population of potential ‘children in need’ (Tunstill, 1997). The Conservatives also attempted to bolster the ‘traditional family’ by measures outlawing the ‘promotion’ of homosexual relationships as an alternative family form (Local Government Act 1988, s28), and responded to debate regarding an emerging ‘underclass’ (see above) with increasing demonisation of lone parents as welfare scroungers. Parents were to be made more responsible for their children, whether financially through the Child Support Agency (1993) or in cases of truancy and criminal offences

under the Criminal Justice Act 1991. The early 1990s also witnessed a punitive turn towards children and young people themselves as offenders. A series of moral panics in relation to joyriding, bail bandits and 'persistent young offenders' brought forth legislation to increase the use of custody (Muncie, 2004). Meanwhile, the murder of toddler James Bulger by two young boys was widely seen as heralding harsher attitudes towards childhood, not least among populist politicians (Jenks, 1996)

The refocusing debate

Within child social care, there was mixed evidence on the early effects of the Children Act. Statistically, the idea of a less 'interventionist' approach initially appeared to be borne out by a steady fall in the exercise of compulsory powers and declining numbers of looked after children and those placed on the child protection register (Colton et al., 2001). However, research studies painted a gloomier picture on the development of services for children in need (Aldgate and Tunstill, 1995). In what came to be known as the 'refocusing debate', it was suggested that the continued prioritisation of child protection work was stifling the Children Act's emphasis on family support and partnership.

Scarce resources reinforced the prioritisation of child protection work, and led to fears that focusing on children in need would simply raise false expectations (Colton et al., 1995). Nonetheless, this situation was regarded as skewing child care practice in damaging ways. Findings summarised in *Child Protection: Messages from Research* (Department of Health (DH), 1995) suggested that a relatively narrow concentration on investigating abuse allegations was failing to take fully into account children's wider development and well-being. In cases where abuse was not substantiated, families rarely received support services, even when the children's needs might warrant them, while (over-)prioritisation of child protection created a perverse incentive for workers to exaggerate the degree of risk in order to secure services (Packman and Hall, 1998; Thoburn et al., 2000a). The 'refocusing' advocated entailed taking a wider view of children's needs and shifting resources towards the provision of family support, thereby preventing problems becoming more acute. The outcome of the refocusing debate will be discussed in later chapters, including the way in which it has been subsumed within New Labour's broader strategy towards children's services.

Looked after children

As noted earlier, the perceived failings of the care system came under scrutiny during the 1980s and were reinforced by a further series of research studies (DH, 1991). In response to these concerns, a working party was established to examine how to improve the life chances of looked after children. The resulting

report (Parker et al., 1991) (discussed more fully in chapter 6) argued that there was a lack of clarity in assessment of children's needs, planning and monitoring progress and that these failures of 'corporate parenting' were reflected in poor educational achievements, employment prospects and life skills. Arguably the report's greatest impact arose from the working materials that it generated, including *Assessment and Action Records* and *Planning and Review Forms* based upon the following seven dimensions of development:

- **Health;**
- **Education;**
- **Identity;**
- **family and social relationships;**
- **social presentation;**
- **emotional and behavioural development;**
- **self-care skills.**

Following further refinement (Ward, 1995), these instruments were progressively adopted across the UK and in many other countries. This development has been widely seen as beneficial in terms of promoting rigour in assessment and planning for children and facilitating participation as looked after children and carers are able to record their views. However, the length and 'bureaucratic' quality of the forms have contributed to variable completion, and are regarded by some critics as 'alienating'. It has also been argued that the looked after children (LAC) forms overemphasise conformity and 'white middle class norms' (Garrett, 2003).

New Labour, children and the social investment state

An extended discussion of the New Labour government's social policy since 1997 is beyond our scope here (see e.g. Powell (2002) for a fuller account). However, it is helpful to highlight certain key features in order to set its child care policies in context.

While its precise meaning is open to interpretation, the Third Way policies endorsed by New Labour essentially revolve around navigating between the free market policies of Thatcherite conservatism and 'Old Labour's' faith in state intervention. Ideology, for example in preference for public or private provision, is said to give way to the pragmatic pursuit of 'what works'. The challenges of globalisation demand that social justice must work with the grain of economic competitiveness, and thus equality focuses increasingly on opportunity to compete effectively in the labour market. In turn, social policy, including measures to combat poverty and social exclusion, must be justified more clearly as investment, for example, leading to a healthy, educated and hence productive workforce. The notion of welfare as investment (or social control) is far from new, but its intensity has

prompted use of the term ‘social investment state’ to characterise New Labour’s approach (Giddens, 1998). A key aspect of this intensification has been the development of ‘managerialism’ (discussed further in chapter 10), with policy focused more tightly on value for money and a plethora of performance targets against which services are inspected and audited.

Representing ‘the future’ and relatively captive within childhood institutions, children are prime targets for social investment, within which they hold an ‘iconic status’ (Lister, 2006). What is beyond dispute is that the New Labour government has invested significantly in mainstream child welfare services and launched a wide range of new initiatives, including *Sure Start*, to provide integrated services for young children and their families (Belsky et al., 2007); the *Children’s Fund* (and the *Changing Children’s Services Fund* in Scotland) to promote voluntary initiatives to tackle disadvantage among 5–13 year-olds (Edwards et al., 2006); *Connexions*, an information and advice service for young people (Hoggarth and Smith, 2004) and the *National Child Care Strategy* aimed at providing good quality, affordable child social work for children aged 0 to 14 in every neighbourhood (Penn and Randall, 2005).

The social investment approach can be seen to have a number of positive effects; including the symbolic value attached to children, a sense of collective responsibility for their well-being and a degree of redistribution towards poorer families and communities while avoiding a ‘residual’ welfare provision. However, it can be argued that the investment strategy comes at a price, with the emphasis on labour market participation adding to pressures of work–family balance, especially for women (Lister, 2006). For children, it is argued that the social investment approach tends to cast children in terms of their (future) productivity and conformity, as ‘becomings’ rather than ‘beings’, not least in the education system (Fawcett et al., 2004).

Governing children’s services under New Labour

The relevance of the ‘social investment state’ for child social work policy and practice can be understood in different ways. On the one hand, many of the latter’s traditional concerns, such as family support and child protection, have acquired a much wider reach. However, many children’s initiatives have given at best a marginal role in social care services. Despite any such reservations, however, government investment in child social care has been significant. Initially, much of this was to be delivered through the *Quality Protects* programme (named *Children First* in Wales) (DH, 1998a) which ran from 1999 to 2004. Its objectives focused especially on improving life chances of children in need and looked after, supporting disabled children and their families, actively involving children and carers, training the workforce and making best use of resources.

Alongside the wide-ranging concerns of the *Quality Protects* programme, the New Labour government also introduced more targeted policy

initiatives, including legislation relating to care leavers and adoption. The continuing problems faced by care leavers and their perceived vulnerability to social exclusion (DH, 1999) led to the Children (Leaving Care) Act 2000. Its principal aims were to avoid early discharge from the care system, to improve the preparation for leaving care and subsequent ongoing support. The Act established the role of personal advisors and duties in respect of planning and maintaining contact with care leavers. (These provisions are discussed in chapter 8.)

Adoption from public care provided another important focus for policy, especially in England and Wales. Prior to 1997, the Conservatives had become progressively enamoured of adoption, which was seen as a way of avoiding the failures of the care system, securing better outcomes for children and at less cost (Morgan, 1998). However, they failed to legislate while in office. Adoption also became a favoured cause of right-wing think-tanks and newspapers such as the *Daily Mail* and it was widely seen as a response to such campaigns when Tony Blair launched a review of adoption in 2000 (Garrett, 2003). This led to the Adoption and Children Act 2002, which aimed to promote adoption for looked after children, through a regime of target setting, tighter timescales for decision-making, a national register to improve matching between families and children and improved support for adoptive parents. The Act also sought to increase the pool of adopters by allowing unmarried (including same-sex) couples to apply (see chapter 7.)

The Victoria Climbié inquiry, Every Child Matters and the Children Act 2004

As was the case for the previous Children Act, the path to the Children Act 2004 reflected a blend of ongoing policy reforms and the impact of ‘scandal’. The latter arose from the harrowing death of Victoria Climbié at the hands of her aunt and the latter’s partner and the ensuing inquiry chaired by Lord Laming (2003). The central features of the case – failure to see the child alone, ‘naivety’ towards dangerous abusers, and lack of communication between professionals and agencies – were depressingly familiar from previous inquiries (Parton, 2006). Yet they were taking place in a new context, namely that of New Labour’s commitment to reform and ‘modernise’ services for children. The government had already been considering organisational change, but the extreme nature of the failure in Victoria’s case (with Laming identifying 12 ‘missed opportunities’ for action that may have saved her life) appeared to demand radical action. While responding specifically to the child protection agenda and the Laming Report’s recommendations (DfES et al., 2003), the government also launched a broader blueprint in a Green Paper entitled *Every Child Matters* (Chief Secretary to the Treasury, 2003). (Distinct but similar programmes have subsequently been introduced across the UK – see Welsh Assembly Government, 2004; Scottish

Executive, 2005a; Office of the First Minister and Deputy First Minister, 2006) The Green Paper identified five outcomes for children and four broad areas for policy development. These are shown in Box 1.2.

BOX 1.2

Every Child Matters

Five outcomes for children and young people:

- 1 being healthy;
- 2 staying safe;
- 3 enjoying and achieving;
- 4 making a positive contribution;
- 5 economic well-being.

Four areas for policy development:

- 1 supporting parents and carers;
- 2 early intervention and protection;
- 3 accountability and integration;
- 4 workforce reform.

For the purposes of our overview, arguably the two most important themes within *Every Child Matters* (ECM) are those of early intervention and ‘joined up’ working. Both reflect deceptively simple logic. The case for early intervention has always rested on the proposition that, if problems can be ‘nipped in the bud’, there are benefits to service recipients and in broader social and economic terms (Scott et al., 2001) (see chapter 3). The Green Paper’s ‘preventive’ approach was much wider than the traditional domains of child welfare, and linked child protection with the needs to ‘improve children’s lives as a whole’ and ‘maximise their potential’.

New Labour’s emphasis on ‘joined up’ working between both professionals and organisations reflected a desire to tackle longstanding problems of poor co-ordination, manifest in duplication, service gaps, territorial and boundary disputes and lack of common purpose. To do this required cutting across traditional boundaries and this was pursued in various ways, allowing ‘pooled budgets’ under the Health Act 1999 and more radically, creating multidisciplinary teams under a single organisational roof. Following the prototype of Youth Offending Teams, this model became more widely adopted within health and social care and formed the basis of the Children’s Trust, a vehicle that comprises social care, education and (some) health services as they relate to children.

Concern for joined up working was also apparent in the development of children's centres to build on the Sure Start initiative, in early years provision (Penn and Randall, 2005) and multilevel Local Strategic Partnerships to co-ordinate services for children and young people (Percy-Smith, 2006).

The Green Paper placed particular emphasis on information-sharing between agencies and promoted the use of a common assessment framework among those working with children, a measure also designed to reduce duplication (see chapter 2). More controversially, a single database – subsequently called Contact Point – was to be introduced with details of all children and upon which professionals' concerns could be flagged. Portrayed as a means of improving communication in child protection and identifying educational or behavioural problems at an early stage, its critics argue that the database represents an unwelcome encroachment upon civil liberties and are sceptical regarding its effectiveness (Penna, 2005). More broadly, Fiona Williams (2004) has argued that *Every Child Matters* offers a 'dreary vision' of childhood based on a work ethic of academic achievement and social conformity.

The Children Act 2004 will be discussed more fully in subsequent chapters, but some of the main measures are summarised in Box 1.3. As can be seen, these measures focus particularly on organisational change and the themes of integration, accountability and advocacy.

BOX 1.3

Children Act 2004 – main provisions

- Local Safeguarding Children Boards
- Director of Children's Services
- Lead Member for Children's Services
- Children's Trusts
- Children's Commissioner for England

CONCLUSION

In this chapter, we have attempted to set the context for the book's subject matter by looking at both recent historical developments in child care policy and some of the ongoing debates surrounding it. The wider contexts include those of changes within childhood and family life and the changing priorities of government. Discussion of competing value positions or perspectives on child care highlights crucial tensions, notably between 'family support' and 'child rescue', which will be explored in later chapters.

GUIDE TO FURTHER READING

Useful reviews of contemporary childhood include in Prout's *The Future of Childhood* (Routledge), which provides a theoretical account and Madge's *Children These Days* (Policy Press), which draws on research with children and parents. Hendrick (2003) offers an excellent historical analysis of child-related social policy. Archard (2004) examines the conceptual basis of children's rights, while Franklin's (2002) edited collection also charts their implementation. Garrett (2003) presents a critical account of the early New Labour reform programme, while Parton (2006) brings this analysis more up to date. A comprehensive review of relevant legal issues can be found in Williams, *Child Law for Social Work* (Sage).

Reading and resources for practice

This being an introductory and largely contextual chapter, there are no specific practice-related references other than general texts, of which the most useful are probably Jowitt and O'Loughlin's *Social Work with Children and Families* (Learning Matters) and the near identically titled *Social Work with Children and Families: Getting into Practice* (Jessica Kingsley) by Butler and Roberts. McNeish et al. (eds) *What Works for Children: Effective Services for Children* (Open University Press) contains valuable summaries on a range of interventions. For information on children's rights see the websites of the Children's Legal Centre (www.childrenslegalcentre.com/) and the Children's Rights Alliance (England) (www.crae.org.uk). A helpful practice guide to participation is provided by Wright et al.'s *Involving Children and Young People in Developing Social Care* (Social Care Institute for Excellence).

Discussion questions

Is the early twenty-first century a good time to be a child?

To what extent can the problems faced by children and young people be attributed to the decline of the 'traditional' family?

Do children have too many rights or too few?

Is the level of surveillance associated with early intervention and 'joined up working' a price worth paying for safeguarding children?

Do the benefits of the social investment state for children's well-being outweigh any disadvantages?