

Values and Practice in Child Care

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Values and Practice in Child Care

Abstract

This study seeks to promote an improved understanding of the relationship between policy and practice in child care. It addresses the general question of the relationship between values, or ideologies, and practice in social welfare, identifying a number of critical concerns about the way this relationship is theorised and understood. Emerging from this consideration, it is suggested that a clearer understanding of this relationship in the context of child welfare would be helpful. In order to achieve this objective, the study develops and applies a methodological framework utilising the notion of "value positions", developed previously by Fox Harding (1982, 1991a; 1991b; 1991c); and rooted in the notion of "ideal types" conceived originally by Weber.

The study applies this framework to a number of substantive areas. It is progressively applied to recent child care history, policy developments and political debates, practice outcomes, and agencies' approaches to child welfare. Each of these substantive elements of the study provide further illumination of significant child care issues in its own right; but, in addition, taken together, they provide a stronger foundation for the conclusions ultimately drawn. On this basis, the study is able to derive a number of conclusions, both about the effectiveness of the methodological approach undertaken, and about the substantive question of change and development in welfare provision for children. It is concluded that there is some value in applying a methodological framework based on key "value positions" in child care, despite its potential limitations. In relation to the substantive issue of child welfare, it is argued that the need to negotiate the conflicting demands of differing perspectives, allied to the continuing resilience of a broad commitment to the needs of children, provide some grounds for cautious optimism about future developments.

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Introduction

This study was originally inspired by an interest in investigating the relationship between what we think and what we do. The particular focus is child care, because that is the area of policy and practice with which I am most involved, and, unsurprisingly therefore, also because of the importance I attach to getting right social provision for children and families. Although the central focus of the study is very much on this specific area of welfare policy and practice, it also incorporates an attempt to develop a methodological approach based on the use of Weberian "ideal types" (Runciman [ed], 1978), which could have broader relevance to any other aspect of human activity, where the interaction between ideas and practice are viewed as important. Indeed, the present work shares something in common with studies such as Kuhn's (1970) investigation into the impact of belief systems, or "paradigms", on practice in the natural sciences.

Briefly, the study seeks to adapt and apply a series of "value positions" (Fox Harding, 1991a) in child care, in order to create an effective tool for describing and understanding change and development in this particular field of policy and practice. The aim is to conduct a detailed examination of the interplay between specific "sets" of ideas, and identifiable outcomes, in policy prescriptions, and practice outcomes. The approach taken seeks to apply this strategy in a number of different contexts, or "sites", in order to broaden and strengthen the quality of both the findings and the conclusions to be drawn. Thus historical accounts will be combined with contemporary analysis of policy debates, practice outcomes, and organisational ideas and practices, in order to provide a rounded picture of recurring themes and tensions between perspectives on child welfare. In this way the conclusions that will be drawn can claim a substantial degree of support from the various elements that contribute to the study as a whole.

The rigorous application of the particular explanatory tool attempted here, in fact enables two distinct objectives to be pursued. The first of these is an exploration and assessment of the validity, and the value, of the specific methodological approach adopted. In other words, an answer can be offered to the question: does this form of analysis enable the investigator to develop a plausible,

worthwhile, and usable account of the particular subject matter? If so, of course, this will provide important confirmation of its heuristic value, and its potential applicability elsewhere.

The second question which the study addresses is a substantive one: quite simply, what does it tell us about trends and developments in child welfare ideologies and practice? As already noted, the study draws together evidence from a considerable range of sources, and in the concluding chapters, makes some tentative suggestions about the current state of child care, and the prospects for future development.

Chapter 1 sets the scene by exploring the possible application of Weberian "ideal types" in understanding developments in social welfare. It considers their use and relevance in the context of a number of existing analyses of development and change in social policy and welfare practice. The chapter further considers the value of using one particular form of ideal type as a framework for understanding, the "value positions" first developed by Fox Harding (1982, 1991a) as a means of understanding perspectives in child care policy. The chapter concludes that they might offer an effective basis for further study, but that such a framework cannot be applied rigidly or uncritically.

Chapter 2 draws on this theoretical base to construct a research strategy and a methodological framework for implementing the detailed substantive aspects of the study. It sets in place a programme of investigations to be carried out in succeeding chapters, within the analytical framework established by the "value positions". It is further argued that the reliance on a range of data, drawn from a number of sources, and utilising different methods further strengthens the structure of the study in the manner argued by authors such as Denzin (1971), and Glaser and Strauss (1967).

Chapters 3 and 4 adopt a historical perspective, in order to provide a baseline understanding of the changing relationships between the 1940s and the 1980s. This is particularly helpful, as the early part of this period (c.1945-1970) is often portrayed as one of consensus, around the principle of providing help and support for "birth families"; whilst the latter part of the period (c.1970-1988) is more commonly described as a time of continual change, uncertainty and conflict,

associated with a breakdown of the earlier consensus. This time is also associated with the emergence of a determinedly right-wing ideology as a dominant political force, with particular consequences for welfare policy and practice. These two chapters interrogate and revise these assumptions.

Chapter 5 moves from a historical analysis to an investigation of the political debates surrounding the preparation and introduction of the Children Bill in 1988, and its passage into law as the Children Act (1989). This Act has been hailed as the most far-reaching piece of children's legislation in the twentieth century, and thus detailed analysis of the political forces at play in its discussion and enactment would seem to be of great potential value. The focus adopted in the present study is on the critical aspects of the legislation where clashes between conflicting perspectives could be anticipated. Thus, concerns about emergency powers to intervene in families might well be expected to crystallise disagreements between those who give priority to the integrity and independence of the family, and those who would seek to make paramount the protection of the child. It will be possible, on the basis of this analysis, to draw some conclusions about the coherence, or otherwise, of the Children Act in its final form (although it is, of course, and already has been, subject to amendment).

Chapter 6 takes a broader look at the "interpretations and implementation" of the Children Act, reviewing a number of the "expert" commentaries offered as it was enacted, and seeking to provide a tentative view of the lessons emerging from the initial experience of its implementation (since October 1991). The early years of any new legislation must be seen as, in some respects, untypical, so it would be unwise to draw too many definitive conclusions about the Children Act based on these initial outcomes. Nevertheless, official reports, practice inspections, and exploratory research studies do combine to provide important indicators of changing trends in child care, and can be integrated with other aspects of the study on that basis.

Chapters 7 and 8 offer an insight into the values, practices and policies of four voluntary organisations, selected precisely because they appeared, at first sight, to represent distinctive approaches to child care, based on each of the four "value positions". This aspect of the overall analysis seeks to explore the particular

principles and practice orientation of each organisation, and to consider inconsistencies, conflicts, and common ground within and between them. Analysis of their documentary and publicity material (Chapter 7) is supplemented (Chapter 8) by interviews with members of each organisation, in order to explore further the tensions and potential discontinuities resulting from the need to accommodate or resolve competing demands and expectations, both from within the agency, and from external sources. These chapters provide the basis for the development of a clearer picture of some of the practical issues raised by the demands of adopting and implementing specific goals and objectives in child care, within a fluid and changing policy context.

Chapter 9 seeks to rehearse again the methodological approach adopted in the light of the findings reported in earlier chapters. It is then able to offer a discussion of the merits and shortcomings of the particular approach taken. The chapter concludes, cautiously, that there is some merit in applying an analytical framework based on ideal types in the field of child care, but that this depends on a clear recognition of the potential risks and drawbacks of using a form of analysis based on fixed value positions.

Chapter 10 concludes by reconsidering the initial question of the existence and nature of the relationship between values and practice in child care. On the basis of this discussion, the chapter proceeds to consider the resultant implications for future change and development in welfare policy and practice relating to children and families. The conclusion is drawn that, whilst recent history may have seen welfare provision for children under heavy pressure, and sometimes direct challenge from a determinedly "laissez-faire" political philosophy, the findings emerging do in fact provide some scope for a degree of cautious optimism about the resilience of a positive commitment to promoting the best interests of children.

1

Values and Practice in Child Care

Introduction

There has been considerable interest in recent years in the impact of ideologies and values on child care policy and practice. The purpose of this chapter is to review these analyses, and in the light of this to develop a framework for examining current policy and practice. This framework provides the basis for a review of divisions, debates, and underlying divergences of principle. In turn, this will shed light on conflicts, confusions, negotiations, and compromises represented in child care practice.

This initial exploration considers the potential of one particular approach to understanding ideology and its relationship to practice. The aim is to develop a systematic basis for subsequent investigation and analysis.

The approach to be pursued here derives from Weber's "ideal type" analysis (Weber, 1930; Runciman [ed], 1978; Kalberg, 1994). This technique is seen as potentially relevant because of its professed strategy of examining social reality in the light of idealised "positions" which accentuate specific characteristics of the phenomenon to be investigated. This, in turn, is held to provide a basis for exploring contrasts and convergences between these caricatures, in the context of the social reality which they are intended to explain.

This kind of investigative strategy, is evaluated here for its potential to offer a fruitful means of considering both the direction of social change, and the ways it is to be related to the ideologies with which it interacts. In the present context, the "positions" to be considered are drawn from the work of recent authors on the subject of child welfare. In particular, the work of Fox Harding (see Fox 1982, Fox Harding 1991a; 1991b; 1991c) plays a central part in the analysis. Fox Harding has developed the notion of "value positions" as a specific means of characterising child care philosophies. This initiative attempts to develop a framework for categorising ideologies of child welfare across a broad political and theoretical spectrum. Because

of this, it is of interest to consider the value of this particular example, as a general test of the applicability of "ideal type analysis", in the field of social welfare. This chapter undertakes a provisional assessment of this proposed methodological framework.

Subsequently, by illuminating and exploring the aims and methods of some of the participants in child care policy and practice, I shall seek to determine the extent to which some themes, or "value positions", dominate, and others are less influential, in the eventual outcomes of child care. This will suggest certain conclusions about the "balance of power" in child welfare provision at present.

This may, additionally, offer some clues as to how change has taken place in recent years, and what directions child care may take in future.

Developing a Framework - the Value of "Value Positions"

A number of recent contributions to social policy debates have drawn up typologies of perspectives which can be applied to aspects of the welfare state. These can perhaps be treated as analogous to the "ideal types" developed by Weber for the analysis of social, religious and organisational structures (Weber, 1930; Kalberg, 1994).

Weber introduced the methodological concept of "ideal types" in order to provide himself with a specific analytical tool (Worsley [ed], 1977, p.336). Ideal types were not intended to be a portrayal of the desirable, necessary, or even the most distinctive characteristics of social phenomena. Rather, they were to identify significant, or defining qualities of institutions or movements, against which real events and structures could be evaluated:

"the constructed model of a fully rational purposive action... can be understood by the sociologist with complete certainty...; as a *type* (an 'ideal type') it enables him to understand the real action as a 'deviation' from what might be expected if those performing it had behaved in a fully rational way." (Runciman [ed], 1978, p.9)

According to the principles of ideal type analysis, not all the characteristics of the class of objects to be studied are "accentuated", only those which are held to be integral to the chosen analytical approach (Keat and Urry, 1975, p.198). In fact:

"Weber argues that one constructs that ideal type which is most useful or appropriate for one's particular scientific purposes of the moment." (Keat and Urry, 1975, p.112)

In this way, Weber suggests, ideal types provide a basis for furthering our understanding of social phenomena, and drawing comparisons between them. Weber himself applied this technique to the study of the relationship between Protestantism and Capitalism (Weber, 1930); to the growth of bureaucracy (Runciman [ed], 1978); and to the study of major religious movements (Kalberg, 1994), among other works. For example, he uses ideal type representations of the protestant ethic and puritanism to highlight the links between religious belief and the early development of capitalism. Drawing attention to the puritan belief in the importance of a responsible attitude to material possessions, he suggests that, according to such principles, as material wealth grows, so does the "sense of responsibility" to preserve it for "God's glory", and thus to intensify efforts to increase one's financial standing. Weber argues that the:

"first coherent ethical foundations [of this way of life] are to be found in the ethic of ascetic Protestantism. Its importance for the development of capitalism is clear to see." (Runciman [ed], 1978, p.159)

Other examples of the application of "ideal types" include the examination of "folk society", as distinct from "urban society" (Redfield, 1947).

It is possible to argue that some applications of ideal type analysis are over functional, and show signs of being contrived to fit the framework created; Weber's portrayal of the development of capitalism shows little evidence of 'deviation' from the ideal types which underpin his study, for example. In other words, counter-evidence seems to be underplayed (Tawney, 1972). Despite these shortcomings, Weber's

work, along with that of others such as Redfield, demonstrates the potential fruitfulness of adopting this kind of methodology in undertaking historical and comparative analysis.

We would not expect the "pure" version of any institution or movement to be revealed in any empirical study, but we would anticipate that ideal type analysis will enable us both to classify what sort of phenomenon is revealed, and to improve our ability to compare and contrast events or objects in the social world. For example:

"[The] ideal type of the "little community" must not therefore be judged according to whether it adequately represents reality, but in terms of its heuristic use in trying to understand reality."
(Worsley [ed] 1977, p.337)

Mills is particularly enthusiastic about the "ideal type" methodology:

"Max Weber's idea of 'The Puritan Man', of his motives and of his function within religious and economic institutions, enables us to understand him better than he understood himself." (Mills, 1978, p.180)

In effect, the claim is that the "ideal type" enables us to interrogate social reality in a way which goes beyond factual description to provide a benchmark (or a series of them) against which to develop an understanding of the key elements which characterise the underlying systems and structures of social life. If this claim can be sustained, then we might find this approach to be of particular value in considering the ideologies and practices encountered in the field of state welfare in general, and child care in particular.

Inevitably, "ideal type" methodologies have been the subject of criticism (see, for example, Johnson et al, 1984), but this chapter will nonetheless attempt to consider whether this kind of technique, when applied in the context of certain "sets" of values, provides an effective basis for the understanding of changes in child care. Firstly, however, I will consider some recent attempts to develop such sets of values, or

positional analyses of ideologies of state welfare in general, and child care in particular.

Perspectives on the welfare state

In the broader sphere of welfare state analysis, an influential contribution has been offered by George and Wilding (1976; 1994). In their view, an understanding of ideological positions is of critical importance, because:-

"it is impossible adequately to understand the views of those who write about social welfare policy without taking account also of their social values and their moral and political ideas." (George and Wilding, 1976, p.vii)

They initially developed a four-fold typology of ideological perspectives on the welfare state (more recently expanded to six; George and Wilding, 1994). In that these are reified, if not abstract, pictures of different hypothetical pure positions in relation to the role of the welfare state, they can be said to be "ideal types". These perspectives are distinguished according to their characterisation as follows:- anti-collectivists; reluctant collectivists; fabian socialists; and marxists (the 1994 version also incorporates "feminist" and "greenist" perspectives). George and Wilding develop this categorisation in great detail, which will only be summarised here.

The "anti-collectivists" are identified as drawing their ideas from a philosophy of individualism. In order to realise their true potential, it is held, human beings must be free to act in their own interests:

"liberty or freedom is seen primarily in negative terms as the absence of coercion." (George and Wilding, 1976, p.22)

The role of the state according to this perspective is two-fold. It should act as the guarantor of individual liberty; and it should therefore discourage or resist any moves to restrict freedom:

"the State acts as the protector of the interests of all; it ensures that they pursue their interests unmolested by others. Coercion by the State, though necessary in a few pre-defined areas becomes an instrument for liberty." (George and Wilding 1976, p.23)

Having established the framework for individual self-expression and self-realisation, the State has no further role, under this model. Large-scale interventions, and proactive social engineering are not appropriate, and because of the diversity of human interests and activities, are likely to be damaging. Far better, it seems, are the 'natural' voluntary associations, based around school, church and family:

"It is feared that substantial government intervention is socially disruptive, it is wasteful of resources, it promotes economic inefficiency and it obliterates individual freedom." (George and Wilding, 1976, p.27)

Unsurprisingly, this perspective takes a negative view of the welfare state. In this sphere, the proper role of the state is held to be minimal; its functions being to alleviate the worst deprivation and disadvantage experienced in society, but to go no further. Anti-collectivists would regard this element of government intervention as a "necessary evil" (p. 38). The dismantling of aspects of the interventionist welfare state is, therefore, part of the anti-collectivist project. Anti-collectivists seek:

"a reduction as regards the scope of the social services..., they want a reduction in the level of financial benefits..., they want a change in the method of administration, i.e. a movement from government to privately administered services... and thus greater guarantees of individualism and freedom." (George and Wilding, 1976, p.38)

Reluctant collectivists, according to George and Wilding, have a somewhat more positive view of state intervention, although they remain unenthusiastic about it. Like anti-collectivists, they:

"emphasise their belief in liberty, in individualism, and in competitive private enterprise." (George and Wilding, 1976, p.42)

However, they accept that these principles must be tempered by pragmatism in the light of experience:

"the nature and limits of state action cannot be settled on abstract grounds of principle, but must be determined on their merits in specific cases." (George and Wilding, 1976, p.42)

Incorporated into this perspective is a critique of the unfettered free market, and an associated belief in a positive role for state regulation and "interference" in certain circumstances. The free market is itself a source of inefficiency and waste, and it cannot, of itself, abolish poverty and injustice:

"Basic human needs are, therefore, met inadequately or inefficiently." (George and Wilding, 1976, p.49)

There is a belief here in the positive value of limited government intervention, certainly in the social sphere, simply to correct the imperfections of the market - but not to supplant it:

"the reluctant collectivists are led by their analysis that all can be made good through government action... by rational thought and planning, problems can be solved." (George and Wilding, 1976, p.52)

The state should only be expected to intervene, however, in those areas where the market cannot provide; its role is limited to rescue work in individual cases of difficulty, or in exceptional circumstances. It is expected:

"to be reactive rather than promotional; it is problem centred."
(George and Wilding, 1976, p.58)

In the context of state welfare this suggests an approach based on rescuing the casualties of the system, rather than a thoroughgoing commitment to universal service provision. In the words of Beveridge:

" 'The principle of social policy should not be to remove all responsibilities from parents, but to help them to understand and to meet their responsibilities.'" (quoted in George and Wilding, 1976, p.59)

The reluctant collectivist perspective can, therefore, be characterised by a preference for limited state intervention, based on a recognition that specific but exceptional needs must be addressed in specific adverse circumstances. Its recognition of the value of rational planning and targeted intervention also suggests a belief in the value of "expertise", providing the basis for problem diagnosis and treatment. There is no automatic "right" to services implied here, but it is acknowledged that special needs will emerge which can be attended to on the basis of systematic professional assessment and intervention.

"Fabian socialists", in George and Wilding's typology, see a rather different and much broader role for the state. In order to ensure that all individuals meet their full potential, there is held to be a necessary role for the state in creating the right prior conditions. Equality of opportunity is a cornerstone of this approach:

"The socialists argue the case for equality on four main grounds - social unity, social efficiency, social justice and individual self-realisation." (George and Wilding, 1976, p.63)

In stark contrast to the anti-collectivists, they argue that individual rights, freedoms and fulfilment can only be assured through active involvement of the state to ensure a "level playing field":

"it is only in a more equal society that the individual has the opportunity to realise his potentialities... if equality of opportunity is to be real, it must be preceded and accompanied by equalising measures." (George and Wilding, 1976, p.64)

The socialist, according to George and Wilding:

"believes that freedom is the product of government action rather than government inaction." (George and Wilding, 1976, p.64)

This position is underpinned by a belief in the value of cooperation rather than competition, in the creation and support of solidarity within communities, and in a commitment to meeting human needs. In an acquisitive society, by contrast:

"there can be no clear social purpose. The result is at best an uneven pattern of public services, at worst, avoidable ills and public squalor.... The free market has not abolished, will not, and cannot abolish poverty let alone inequality." (George and Wilding, 1976, p.67)

By contrast, the socialists see a necessary redistributive role for government, particularly targeted on vulnerable groups, such as the old, the unemployed, the sick, and families with children. The vision of the welfare state here is of a benevolent, but highly interventionist mechanism for supporting certain groups in society who need

positive help in order to give them the same life-chances as others. Such an approach will, in turn, provide the impetus for further moves towards equality, although it is not the role of the state to insist on absolute equality.

The belief of the socialists is that the state need not be "transformed" in order to meet the needs of disadvantaged groups, despite clear evidence of its failure to tackle grave inequalities - for example, subsequent to the establishment of an avowedly redistributive welfare state in Britain following the second world war:

"The important point about the socialist explanations of the gaps and failings of the welfare state is that they are limited and technical." (George and Wilding, 1976, p.82)

In other words, the failure of the welfare state to achieve its stated aims can be put down to problems of strategy and method, rather than being implicit in the structure of the state itself. This assessment aligns the socialists quite closely with the technocratic leanings of the reluctant collectivists - both believing in the value of expert interventions and planning. On the other hand, the long-term goals of the socialists identify them rather with George and Wilding's fourth grouping, "the Marxists".

For George and Wilding, the Marxists' position is characterised by a more fundamental commitment to social equality. For them:

"Freedom... without a substantial degree of economic security and equality is a hollow slogan." (George and Wilding, 1976, p.86)

Equality and security, for the Marxists, can only be achieved by securing changes in the means and relations of production. Redistribution cannot be achieved by tinkering around with existing capitalist institutions - it is essential to tackle the underlying causes of inequality and exploitation:

"The way society earns its living accounts for the prevailing political system, the educational system, the position of women

in society, and so on. It also follows that changes in the modes of production, exchange and distribution of goods are the ultimate causes of all other change." (George and Wilding, 1976, p.89)

Class conflict is identified as the root cause of social inequality, and it is therefore a prerequisite of a fair and equal society that this is resolved in favour of the oppressed classes. There is no prospect of social legislation achieving significant change whilst this is set within the constraints of an exploitative economic system. Unlike the socialists, the Marxists believe that ameliorative reforms cannot achieve real or lasting improvements in social welfare:

"Social legislation is a peripheral activity of the State; its essential purpose is to protect the system of class-relations prevailing at any time.... Only in an egalitarian, undifferentiated society can the State be the servant of all citizens." (George and Wilding, 1976, p.91)

The prevailing mode of production determines both the distribution of power, and the prevailing ideology in society - which means that the constraints it imposes are pervasive:

"Once a set of sectional interests is legitimised... it is sustained and propagated by the various institutions in society - the government, the church, the family, the school, the mass media, and so on." (George and Wilding, 1976, p.91)

This assumption thus represents a fundamental critique of the incremental and institutional approach to change favoured by fabian socialists. The only prospect for positive and substantial change is a radical transformation of society, claim the Marxists, because:

"No group in power has so far freely, knowingly and willingly legislated itself out of its privileges." (George and Wilding, 1976, p.101)

Despite their aspirations towards a radical overthrow of existing capitalist relations of production, the Marxists do not put forward a model for the welfare state which is substantially different from that of the socialists, according to George and Wilding. Indeed, those Marxist writers they cite generally support various aspects of the existing welfare state, in its intentions, if not in its actual achievements:

"the Marxist's approval of social reforms stems from the belief that the welfare state has helped to raise people's expectations in life and that every step forward is a base from which further improvements and further demands for change can be made." (George and Wilding, 1976, p.103)

Other Marxists, however, have taken a more jaundiced view of the virtues of state welfare provision under capitalism. It is held by some, simply, to be performing an ideological function, in humanising and therefore making more acceptable the existing oppressive structure (see, for example, Althusser, 1971). For holders of this viewpoint, an entirely different model of welfare, based in worker and community control, is necessary. Detailed proposals are not developed however; and, in general, the Marxists' critique of existing structures is more authoritative than their rather idealised alternative prescriptions.

In summary, George and Wilding have offered a typology based on four ideological perspectives on the state, social policy, and social welfare. Although they have subsequently revised this to incorporate two additional perspectives which they argue now meet the criteria of "welfare ideologies" (George and Wilding, 1994), prescriptions for the form and substance of state intervention are still held to be dependent on the specific ideological perspective adopted:

"All six ideologies are both normative and explanatory approaches to the study of the welfare state. They attempt to explain events and processes as well as make prescriptions for change to various aspects of welfare activity." (George and Wilding, 1994, p.8)

We might thus expect to find policy and practice in social welfare broadly determined by the ideological assumptions of key decision-makers.

A number of other theorists have adopted similar approaches to the subject of state welfare. Higgins, for example, argues that a "comparative" analysis of developments in social welfare represents a clear advance on other theoretical perspectives:

"Indeed, the failure to compare has, in the past, led to inaccurate accounts of how and why social programmes have developed in different societies." (Higgins, 1981, p.26)

She argues that assumptions of linear development in welfare states are insufficiently flexible to account for the influence of different interests, and changing social and political trends. By contrast, a comparative form of analysis is capable of accommodating shifts within and between a range of social, political and economic interests. "Models of welfare" are particularly useful, in her view, as a "starting point for comparative research". Noting that such models are inevitably "caricatures", Higgins suggests that "the great value of social policy models" is that they are able to direct us towards important "lines of enquiry". Like the proponents of ideal type methods, she views this kind of approach as having considerable heuristic value.

Pinker also makes a strong case for considering welfare states in the light of a range of perspectives. In essence, he favours a "continuum" approach, bounded by extremes of Right and Left, with a pragmatic/reformist strand of thought, somewhere in between:

"The residualist model rests on moral assumptions that the self-evident virtues of competition and self-help, the universalist model rests its moral claim on the ethics of cooperation and mutual aid...." (Pinker, 1971, p.100)

"A middle position, less ideologically committed either way... would be to argue that there is no intrinsic conflict between social and economic policy." (Pinker, 1971, p.102)

Although he makes his own preference (for the "middle way") perfectly clear, the important point is that the framework he offers represents another variation on a commonly-used methodological tool for the understanding of debates and developments in social welfare:

"None of these models can be proved correct or incorrect, but each can be more or less intelligently defended or criticized." (Pinker, 1971, p.126)

Lee and Raban helpfully summarise a number of such contributions in the form of a continuum - suggesting that most of them "merely offer variants" of George and Wilding:

Figure 1

	Anti-collectivism	Reluctant collectivism	Fabian socialism	Marxism(1)	
	Market liberals	Political liberals	Social Democrats	neo-Marxists(2)	
ANTI-	Classical Economic Theory	neo-Mercantilism		Marxisms(3)	PRO-
STATE	Residual	Institutional	"Normative"/"Socialist"(4)		STATE
	Conservatism	Positive state	Social security state	Social welfare state	Radicalism(5)

(1) George and Wilding (1976), (2) Room (1979), (3) Pinker (1979), (4) Mishra (1977)/ George and Manning (1980)/Titmuss (1974), (5) Furniss and Tilson (1977)

(Reproduced from Lee and Raban, 1985, p.23)

Responding to this cue, George and Wilding themselves have further extended this continuum, both to accommodate additional variants on these themes, and to allow

for newly emerging ideologies, such as "feminism", "greenism", and, in some versions, "anti-racism". Thus, George and Wilding's more recent (1994) version portrays the continuum as follows:

"New Right Middle Way Democratic Socialism Marxism Feminism Greenism" (George and Wilding, p.9, 1994)

They acknowledge, however, that this portrayal calls into question the idea of a continuum along a single axis, recognising that feminism and greenism stand separately from the:

"free market/state provision continuum... even though they have a lot to say about this." (George and Wilding, 1994, p.9)

Thus, it is apparent that this kind of analytical approach is, or has been, relatively fashionable, reflecting a fair degree of consistency of opinion about the best way to gain an understanding of philosophies and practices in the welfare state. There are variations in the number and the character of the positions set out by Lee and Raban - but their common characteristics are still more evident than their points of divergence - all, for example, appear to agree that the continuum extends from a liberal, non-interventionist right wing position, to a statist, interventionist left wing viewpoint at the other extreme. It is undoubtedly true, however, that conceptual and methodological concerns are raised by the question of how to incorporate an understanding of perspectives such as feminism and anti-racism which are of undoubted significance but do not fit easily into the continuum. George and Wilding (1994), for example, recognise that they reflect "disquiet with the old ideologies".

Attempts have been made to apply "positional" analyses to actual welfare state "regimes" and practices (see, for example, Esping-Andersen (1990), Taylor-Gooby (1991), Ginsburg (1991)). Taylor-Gooby, in addition, notably draws attention to the potential such an approach offers for understanding gender divisions in the context of welfare provision and caring responsibilities.

What these typologies offer are both substantive analyses of existing policy perspectives; and a basis for the development of a particular methodological approach, in effect the application of "ideal type" techniques to a particular subject area. In the present context, this therefore raises two distinct questions. Firstly, to what extent are the substantive conclusions drawn by these studies justifiable? In other words, is the method adopted correctly applied in any given instance? But, secondly, we would also wish to ascertain whether the methodological approach taken represents a sound, useful and productive way of addressing questions about welfare policy and practice? Criticisms have been offered, and arguments developed, on both accounts, to which we shall return. For now, however, the concern is with the elaboration and application of similar techniques in relation to a rather more specific aspect of social policy and practice: child care.

In effect, George and Wilding offer a spectrum, with the level and nature of state intervention dependent on the political orientation of the perspective adopted. Their approach is followed closely by Hardiker et al (1991b), but specifically in the child care context. Hardiker and colleagues develop four "models of welfare"; residual, institutional, developmental and radical. Each of these is identified with certain key characteristics. The residual model, for example, is based on values of individualism, freedom and inequality. The emphasis on individualism means that conflicts of interest are inevitable, but these are played out within a strong legal and moral framework

The state in this perspective has a limited role in welfare and child care provision, the family being relied upon to provide for its own needs; as in the anti-collectivist model of George and Wilding. Residual provision is made for the few who cannot or will not provide for themselves, or comply with "normal social values". The state's role is restricted to underpinning parental rights and duties, and intervening decisively when parents fail to meet these basic requirements.

Hardiker et al's "institutional model" adopts a similar view about the common values held by individual members of society. Emphasis is placed on ensuring integration and cohesion, with the aim of providing an effective basis for the exercise of individual choice and freedom. However, in this model, provision is made to mitigate the worst consequences of the exercise of self-interested decisions. The state is thus accorded a rather more interventionist role, limiting the damage caused

to a restricted number of casualties of the operation of the free market; and, at the same time actively promoting the commitment of citizens to the social order. Indeed, this concern for the plight of society's weakest members will play an important part in maintaining support for the existing order of things. The state therefore has a recognised, if limited, role in providing child welfare services, and particularly in intervening in families who become victims of their own inability to meet the demands of the free enterprise society. The actions of the state are less likely to be punitive of parents who "fail" than in the residual model, but it will nevertheless intervene in a rigorous way to ensure compliance with rehabilitative programmes. Failure to comply may, however, lead to more drastic measures - including, for example, the removal of children in some cases.

The "developmental model" of welfare, on the other hand, holds that the state is a central and positive force in promoting equality and justice in society. Government intervention is a positive good; and is itself a means towards greater freedom, because it guarantees adequate standards of living. The welfare system is, therefore, a vital element in promoting and maintaining the conditions in which families can realise their full potential. Individuals are not to blame for the misfortunes which befall them, but rather need to be supported and empowered to act in their own, and their families' interests, and to take control of all aspects of their own lives.

The fourth model identified by Hardiker and colleagues is termed the "radical/conflict model of welfare", which is based on the view that existing structures of capitalist society are inherently and irrevocably oppressive. Social action and conflict are therefore necessary as a means of challenging the forces of control, with the overall aim of securing a transformation towards a just and egalitarian society. The state is a negative entity, serving only the interests of the ruling elite - therefore its replacement is the only viable solution. This model envisages a future welfare system which is universal and participatory, whilst criticising existing provision for disempowering, controlling and victimising those who have to make use of it. Opposition is the only viable approach to existing welfare systems. Hardiker et al recognise that maintaining a pure adversarial position such as this can be difficult to sustain, and that radical and developmental approaches have a tendency to converge,

in practice - in the same way as George and Wiiding find both socialists and marxists supporting aspects of the existing welfare state.

Hardiker and colleagues go on to suggest that each "model of welfare" has implications for the preferred level and style of intervention in child care. They postulate four "levels of prevention", three of which can be linked to a particular ideologies of welfare:

"In a society where a developmental model holds sway, the ideal level of prevention is primary: improve social conditions so individuals do not need to become clients. Where an institutional view of welfare is predominant, preventive efforts are placed at the secondary level: early intervention to prevent problems worsening. Under a residual value system, prevention typically takes place at the tertiary level: work with children and families in imminent danger of separation, often through court proceedings." (Hardiker, et al, 1991, p. 46)

No place is accorded in this framework for a "radical" approach to prevention, largely because of its oppositional stance. Otherwise, the framework attempts to provide a basis for understanding forms of intervention in the light of the prevailing ideologies of welfare. It is acknowledged that such a framework does not imply that interventions can simply be "read off" from the "model of welfare" adopted, but the argument remains that there will be some consistency between the preferred body of ideas and the chosen approach to practice in child care.

Also adopting a four-fold typology of child care ideologies is Fox Harding (1991a), although it is perhaps less easy to equate her "value positions" with particular points on the political spectrum. She sets out the value positions she identifies in the following terms:- "laissez-faire"; "state paternalism"; "birth family defender"; and "children's rights". These headings are held to represent very different orientations to child welfare. Fox Harding acknowledges that in reality there are overlaps, and common ground between them, but nonetheless maintains that they support quite distinctive approaches to policy and practice in relation to children.

(1) *Laissez-faire*. The laissez-faire approach to child welfare is, according to Fox Harding, based on a belief that it is important not to intervene in the "natural" processes of the family. Its proponents hold that "minimum coercive intervention" is important both to maintain respect for the dignity and freedom of family members, and also to ensure the healthy and unfettered development of the child. Fox Harding acknowledges that this "pure" position is modified by a recognition of the need to impose certain restrictions on the freedoms of parents to bring children up as they choose, but that such restraints should only be exercised on rare occasions, and in extreme circumstances. In such cases, intervention should be decisive, for instance involving rapid removal of the child from unsuitable home circumstances, the cessation of links with existing family members, and the immediate substitution of an alternative family.

Fox Harding goes on to link this approach to notions of patriarchy, and a belief in the strong father figure at the head of a well-organised and efficient family unit. She draws attention to criticisms that can be levelled at this approach to caring for children, notably its almost entirely negative view of state intervention, and its inherent problem with defining the boundaries of legitimate state involvement in family life.

(2) *State Paternalism*. This approach to child care is characterised by a belief in the need for strong and effective state intervention to protect children, particularly from forms of abuse, and from parental inadequacies. The view of the state here is "neutral and wise". The emphasis is on the qualities of "experts", whose well-judged intervention will prevent mistreatment of children, providing alternative forms of care if necessary, and ensuring the best possible standards of upbringing for the child. Fox Harding observes that some adherents of this perspective acknowledge the risk of appearing overbearing, and over-confident, while still emphasising the central and vital role of child protection agencies.

Fox Harding finds grounds for criticism in this perspective's failure to acknowledge the class basis of much state intervention in family life, in the damage done on occasion by excessive and insensitive intervention, and in a failure to recognise the rights and competencies of either parents or children.

(3) *Birth family defender*. This perspective takes the view that there is a positive role for the state and other welfare agencies in supporting families and children, but

specifically in offering assistance to natural families. If this support is offered to an adequate level, then families are quite capable of looking after themselves, and are the best possible site for the child's long-term development. Intervention should be supportive, and even if it is necessary to remove the child from the home, this should be seen as a temporary expedient, with the aim of enhancing family functioning rather than ending relationships. However, within this perspective, Fox Harding identifies a difference of emphasis between those who support the rights of families to stay together, and those who emphasise the importance of state investment in welfare measures to support families.

Criticism can be levelled at the tendency to idealise the natural family, and perhaps to overstate the capacity of the welfare state to commit resources to the support of families, particularly in a climate of severe financial restraint. It is also suggested that this form of investment in the welfare of children does not necessarily work, in the sense of preventing their maltreatment.

(4) *Children's Rights*. The fourth perspective set out by Fox Harding is that of "children's rights", a more recent development than the others, in her view, and correspondingly less clearly articulated. However with the adoption of the UN Convention on the Rights of the Child in 1989, it may be anticipated that attention will become more closely focused on this particular viewpoint. It is distinctive in that it unequivocally takes the child's point of view, setting out a radical agenda of the rights of children on the one hand, and societal obligations to children on the other. From this perspective, it is argued that adult systems of law and welfare alike have often worked against children's best interests, in spite of their explicit intentions. The only way in which this can be resolved is by extending rights and entitlements directly to children, rather than administer these indirectly, through the agency of adults, however sympathetic and however close their relationship. By giving children and young people power in this way, many of their disadvantages and injustices could be confronted. Fox Harding notes that some advocates of children's rights take a rather more moderate view, suggesting that the rights attributed to children are necessarily selective, and acquired or "grown into", rather than universal or inherent from birth.

Fox Harding offers a number of potential criticisms of this perspective. It appears, for example, not to consider the obverse of rights, that is the question of

responsibility, and how a logical concomitant of acquiring "adult" rights might be acquiring obligations, such as earning a living. In addition, it is not clear from the rights perspective whether it can reasonably be expected for children to exercise unfettered choice, in view of their more limited life experience (see, King and Trowell, 1992). It is also unclear whether proponents of children's rights believe that children should continue to receive "special treatment", in the sense of protection from exploitation by way of child labour, or additional state benefits, the loss of which would be the logical consequence of being treated on an equal footing with adults. Fox Harding also questions the uniformly negative view of state welfare held by this perspective, in common with the laissez-faire viewpoint - some aspects of which are held to work clearly in the child's favour.

Having set out the four value positions, Fox Harding goes on to examine the areas of convergence and divergence between them. She acknowledges that all share a basic concern with the welfare and development of children; and that they have a common interest in the role of the state - albeit leading to very different conclusions. However, she finds only the first three perspectives sharing a positive view of the family. For proponents of children's rights, the child's living arrangements are a matter to be determined in her/his best interests. This might, of course, partly account for the relative unpopularity of this perspective historically. Despite the areas of agreement between the perspectives, clear distinctions can be made between them on a number of other grounds. They clearly differ in their views on the best means of ensuring the child's welfare; in the laissez-faire view, for instance, this is dependent on minimising formal intervention, whilst by contrast, birth family defenders would insist that an adequate level of state provision is essential in underpinning a child's healthy development.

The perspectives differ, too, over the role and significance of family ties. From the children's rights position, as we have seen, the child is held to have no special reason to establish ties with any given parent figure; whilst the state paternalist perspective emphasises the importance of psychological bonding, and the others give more weight to ties with natural parents.

Differences can also be observed in views on the origins of child care problems. For some, it is poor parenting that is to blame for maltreatment and deprivation (*laissez-faire*, state paternalism); for the others (birth parent defender, children's rights), it is the way children are affected by social circumstances which is crucial. These differences in turn reflect varying beliefs about state and society, shaping proponents' attitudes to intervention in children's lives. What is interesting, according to Fox Harding, is that the children's rights perspective comes to resemble the *laissez-faire* position in its portrayal of the state; in that the state has a primary role in defending and promoting rights (of children in one case, and families in the other), but is not justified in going beyond this in routinely intervening in children's lives. Equally, the other two perspectives emphasise the value of state intervention (of widely different forms), but give less attention to the issue of rights. Nevertheless, it is only the children's rights viewpoint which unequivocally vests rights in children alone. For the others, rights are exercised for children rather than by them.

The final key point of divergence is on the nature of "society" and its role in determining the context for child development. For birth family defenders, in particular, the necessity for effective and comprehensive welfare provision is a direct consequence of the disadvantage arising from the existing structures of society. For others, however, the focus of intervention is determined by purely individual needs or rights.

It is possible to distinguish sharply between the four perspectives on child care on the basis of certain key elements in each. In this respect, the value positions can be construed as "ideal types". They are accentuations of particular viewpoints in relation to child care which form the basis for more detailed empirical investigation and analysis:

"As means toward the "end of understanding phenomena which are significant from concrete individual viewpoints"..., ideal types accentuate those aspects of the empirical case of particular interest to the researcher. In this manner, investigators acquire a "purchase" upon empirical reality by means of its "simplification".... diverging viewpoints demand different ideal types." (Kalberg, 1994, p.85)

Despite the apparent divergence of positions, Fox Harding concludes that the recent history of child care in England and Wales reflects an "uneasy synthesis" between the different positions identified, citing different aspects of the Children Act 1989 as representative of each value position in turn. It will, in part, be the aim of the present author to examine this contention in rather more detail, and to understand how this "uneasy synthesis" works itself out in policy and practice.

Meanwhile, however, it will be important to reach some provisional judgements on the value, and validity, of Fox Harding's framework as an analytical tool. Before doing so, I shall first consider other possible "frameworks" for addressing child care issues, and then return to Fox Harding to consider possible criticisms of her thesis.

A threefold framework? - (1) Frost and Stein

Frost and Stein (1989) have posited a continuum of approaches to child care, with those they term "child savers" at one end, "child welfare" in the middle, and "child liberators" at the other extreme. These positions loosely coincide with Fox Harding's "child protection", "birth parent" and "children's rights" perspectives. However, Frost and Stein then make further distinctions between approaches within the "child welfare" position, suggesting that this perspective can be subdivided according to those who favour more control over children by "agencies and experts", and those who support more participation by children. Like Fox Harding in fact, Frost and Stein find it necessary to modify the "pure" positions they initially propose.

Nevertheless, there are also differences of emphasis in that Frost and Stein suggest a series of viewpoints ranged along a continuum, rather than the four clear cut positions set out by Fox Harding. Frost and Stein suggest that the key question is the extent to which children and young people are seen as similar to, or different from, adults, in that this judgement (by adults) determines the way in which adult power is exercised over children. They argue that the nature of children's services is:

"closely linked to the broader social, economic, political and ideological context in which it is located." (Frost and Stein, 1989, p.128)

In this respect, they share much in common with Fox Harding's "birth parent defender", as she observes. But they also emphasise the importance of empowering children and young people directly in the quest to end inequalities in welfare - taking up a position more akin to the children's rights perspective. In suggesting this combined strategy, Frost and Stein raise implicit doubts about Fox Harding's framework. Firstly, it may tend to "pigeonhole" viewpoints, perhaps solidifying quite fluid distinctions between them. And secondly, in that their work is more "committed", Frost and Stein raise questions about the value of an analysis based on the implicit assumption of "balance" between differing viewpoints. They take the view, rather, that it is power and inequality, whether experienced on the basis of class, age, race, gender, or disability, which are the crucial elements in any effective analysis of child care; and that it is therefore essential to take a position on these issues in order to draw effective conclusions.

A threefold framework? (2) - Smith

The present author has also offered a framework for the analysis of child care policy, in the specific context of the Children Act, based on the three elements of welfare, protection, and rights (Smith, 1991). Once again, these can be identified loosely with Fox Harding's positions of "birth parent defender", "state paternalism", and "children's rights". Interestingly, this approach conflates "children's rights" with "laissez-faire" in that it implies that non-intervention may be in the child's interests, rather than merely those of the wider family. That is to say, questions are raised about the possibility that well-intentioned interventions to protect the child's interests may run counter to her/his needs (see also Children's Legal Centre, 1988). This common ground between the two themes is also recognised by Fox Harding in her inclusion of supporters of radical non-intervention such as Morris et al (1980) and Taylor et al (1979) under the "laissez-faire" heading.

In setting out the three perspectives identified, I have argued that they are potentially contradictory, particularly at a time of financial constraint (a recurrent theme in the history of the welfare state), thus creating inherent tensions in legislation such as the Children Act 1989, which incorporates all three. They would perhaps be better integrated, if based on certain guaranteed minimum standards in provision for children.

This conclusion might be equated with a "birth family defender" philosophy, although this is complicated by the suggestion that it is necessary to underpin children's rights and child protection as well.

The question is thus raised as to whether the distinctions made by Fox Harding are central, or whether other factors such as levels of investment in child care are more significant in analysing policy towards children and young people. For instance, does a laissez-faire approach adopted at a time of full employment and relative affluence have the same impact as the same approach adopted in times of poverty and discrimination?

These various frameworks for evaluating ideologies in child care, whilst differing in a number of respects, also show significant convergences. Like the perspectives on the welfare state already discussed, they perhaps share common ground in a number of respects. Hardiker et al's "residual" state, and Fox Harding's "laissez-faire" position show significant similarities, for example, as do the "rights" positions presented by Fox Harding and Smith. Frost and Stein espouse a "birth family defender" viewpoint according to Fox Harding, although they also appear to sympathize with her "children's rights" position.

Perhaps, following Lee and Raban, it is possible to represent these approaches in diagrammatic form, as points on a "continuum", without misrepresenting them unduly:

Figure 2

	Laissez-faire	State Paternalism	Birth Family Defender	Children's Rights(1)
ANTI-	Residual	Institutional	Developmental	Radical/Conflict(2)
STATE	-----	Protection	Welfare	Rights(3)
	-----	Child Saver	Child Welfare	Child Liberation(4)

(1) Fox Harding (1991a), (2) Hardiker et al (1991b), (3) Smith (1991), (4) Frost and Stein (1989)

Taking Account of Criticism

Criticisms of the kind of evaluative framework indicated by the "value positions" approach can take a number of forms. In particular, it can be argued on one level that such an approach is inadequate methodologically, in that it does not enable us to gain

a clearer understanding of the phenomena under consideration. Or, at a different level, it is possible to claim that any given framework may be inadequate in the substantive sense, in that it is simply an inaccurate portrayal of the subject matter. These are rather different forms of criticism, with rather different implications for the kind of conclusions to be drawn. It will be helpful here to consider each type of criticism, in turn, before trying to reach some general judgements about the applicability and accuracy of analyses of child care based on value positions.

i) Methodological Issues.

Firstly, it has been argued that using "ideal types" as the basis for understanding a given social phenomenon fails to do justice to the complexity of the subject matter. That is, analysis leads to exclusive judgements that the subject of study is either one thing, or another, but cannot easily incorporate both to varying degrees. As Harris and Timms put it, in commenting on Fox Harding's work:

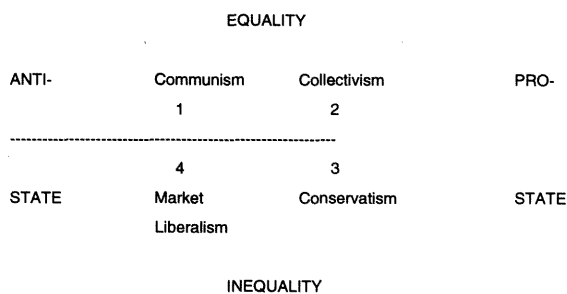
"Though the process of ideal type analysis, of which Harding's book is an example, is an established mode of Western scientific enquiry which can identify the strands in a complex set of interrelations and lead to a synthesis, it can also deceive us into believing that the strands exist as isolated phenomena, not as indissoluble parts of a shifting and restless whole. When the analysis patently fails to end in synthesis it can illumine neither form nor content....It is a unidimensional account of a multi-faceted phenomenon...." (Harris and Timms, 1993, p.37)

In other words, in trying to categorise complex and diverse social realities, essential interconnections between the elements analysed may be overlooked, leading to confused and uncertain conclusions. Harris and Timms seemingly believe Fox Harding to have fallen into this trap. It is not entirely clear, however, whether they believe there to be little intrinsic value in the use of ideal types, or whether they believe merely that Fox Harding's application of this type of analysis is flawed.

Lee and Raban pursue a similar line of argument in respect of George and Wilding's analysis. They argue that to present ideologies in the form of mutually exclusive points on a continuum is to undervalue their complex interrelationships. They

note that more sophisticated models have been developed to take account of the different dimensions of these relationships. They therefore propose a two-dimensional framework:

Figure 3



(Reproduced from Lee and Raban, 1985, p.24)

The strengths of this framework, according to Lee and Raban, are several. It enables distinctions to be drawn within perspectives, for instance, by giving recognition to the "anti-collectivist" aspects of socialism, or the "state paternalism" inherent in some versions of conservatism. In addition, this framework is more realistic than a simple continuum, in that it makes clear the way in which the British welfare state draws eclectically, and erratically, from all the "value positions" available, arriving perhaps, at an "uneasy synthesis"!

Further, argue Lee and Raban, the two-dimensional scheme of welfare ideologies facilitates a recognition of the tensions internal to all of the dominant traditions. For example, it is relatively easy to identify the "unholy alliance" in modern British conservatism between the third and fourth quadrants, sustained at the cost of pragmatic modifications to both positions.

Lee and Raban also suggest, rather more tenuously, that the greater flexibility of the typology they propose enables concerns such as the inequalities of the "private realm" to be addressed. Thus, as opposed to the continuum of welfare ideologies, the two-dimensional model provides space for the incorporation of feminist critiques of welfare, whose concern with the interests of the consumers of state services prompts questions about all forms of state provision, rather than simply opposing one with another. This might also provide a basis for accommodating some of the concerns

expressed by George and Wilding (1994) about the limitations of a one-dimensional continuum, at least in respect of "specific issues", perhaps such as child welfare. Such observations suggest, at the very least, a need for the refinement of frameworks for the analysis of the welfare state based on discrete "ideal types" - it seems clear that interplay between "categories" must be taken into account in developing an effective representation of different ideologies of state welfare, or indeed of child care.

However, fundamental criticisms of ideal type analysis have also been made elsewhere; it is suggested, for example, that it fails to do more than identify certain features of a phenomenon for analysis on an arbitrary basis. This is likely to result in neglect of the important and essential aspects of the subject of study, and the identification of superficial or spurious distinctions as the basis for analysis. The resulting conclusions are therefore abstract, partial and unrealistic. Johnson and his colleagues (1984) have pointed to the risk of Weberian analysis being equated with "story-telling". They argue that, in the formulation of ideal types:

"value-selection and abstraction create one-sided models of social events which can provide useful tools of analysis, but... these should not be mistaken for reality." (Johnson et al, 1984, p.85)

The choice of theoretical concepts as the basis of analysis is simply a matter of the individual preference of the investigator. Indeed, they assert:

"Such a procedure involves an absolute rejection of the idea that these concepts refer to some underlying reality of history...." (Johnson et al, 1984, p.86)

Weber himself acknowledges this point - indeed, he probably sees it as a positive attribute of his methodology, since it broadens rather than restricts the path to understanding. In his study of the relationship between capitalism and protestantism, he accepts that the point of reference he adopts to frame his investigation is :

"by no means the only possible one from which the historical phenomenon we are investigating can be analysed. Other standpoints would, for this as for every historical phenomenon, yield other characteristics as the essential ones. The result is that it is by no means necessary to understand by the spirit of capitalism only what it will come to mean for us for the purposes of our analysis." (Weber, 1930, p.47)

Despite this acknowledgement however, the acceptance of an arbitrary quality in the selection of characteristics to provide the basis for the construction of ideal types creates potential problems in determining the validity of any subsequent findings:

"A problem relating to the use of the ideal types of action is how they can be used in the explanation of a course of action. In effect, how does Weber adjudicate between competing plausible accounts of the 'real' meaning of a course of action?" (Johnson et al, 1984, p.89)

Weber, it seems, declines to do so:

"it is, of course, not my aim to substitute for a one-sided materialistic explanation an equally one-sided spiritualistic causal interpretation of culture and of history." (Weber, 1930, p.183)

Despite the extent and thoroughness of his study of the links between protestantism and capitalism, he prefers not to commit himself on the nature and extent of any causal connections between the two.

Ideal type analysis, nonetheless, runs the risk of providing a partial view of reality, and perhaps implying causal links, where it has no clear and valid basis for doing so. Despite the methodological safeguards introduced by Weber, and his own cautionary advice, the problem remains of evaluating the soundness of the analyst's choice of relevant concepts.

Once again, it seems, we are drawn back to the inherent tensions in "ideal type" analysis:

"Weber grapples with the difficult problem of how the meaning of an action can be grasped without at the same time understanding the context in which it makes sense." (Johnson et al, 1984, p.88)

The problem is one of determining why a particular action, attitude or institution should be categorised in a particular way, without recourse to some idea of its essential character - a character which cannot be assumed or inferred from the arbitrary abstraction which is an ideal type. That is to say, a particular phenomenon is not explained by the process of classifying it according to a specific category. According to Johnson and his colleagues:

"Weber comes to the conclusion that meaning and motive can only in the end be determined adequately by recourse to the empirical, 'objective' events which are its context..." (Johnson et al, 1984, p.89)

This conclusion, however, merely raises the further question of how such events will be defined or explained, in turn, without a system of explanatory concepts, such as ideal types as reference points?

It would seem, rather, that if such an approach to social understanding is to be used, it must be used in a different way than trying to arrive at a definitive classification of objective phenomena; but rather as a way of deriving plausible accounts of reality - accounts which might provide the basis for developing insights and informed assumptions rather than determinate facts or definitive causal explanations.

Weber's own study of the relationship between the development of capitalism and the emergence of the protestant religion is itself, arguably, an exposition of just this kind of approach to social analysis. Weber is concerned with the "adequacy" of explanations of social reality, rather than with objective conclusions:

"Weber offers two related procedures - adequacy at the level of meaning and causal adequacy.... [We] may grasp meaning adequately at the first level if we are able to reconstruct the rules of, or 'ways of going about',

the activity that interests us... causal adequacy refers to establishing the conditions under which a particular course of action will or will not take place." (Johnson et al, 1984, p.89)

Or, as Kalberg puts it:

"Weber refuses to endorse "strong causality".... The opposite of "chance", for him, is not "necessity", but "adequacy"." (Kalberg, 1994, p.145)

Thus, for example, analysis of a reported reduction in the use of residential care for children might seek an explanation in the "conditions" which will predispose such an outcome. These might be sought in the accommodations reached between groups concerned with child care policy - say, the preference of laissez-faire theorists not to intervene in family life, and its coincidence with the belief of the children's rights lobby in the importance of not institutionalising young people. The "adequacy at the level of meaning" underpinning the collective view that children's homes are a form of institution merely provides the common backdrop for the emergence of a strong shared agenda. Such a coalition of perceptions and interests might therefore be taken to imply a greater likelihood of a particular outcome - the closure during the 1980s of significant numbers of children's homes. These predisposing factors do not in and of themselves determine a specific outcome, although they do increase its chances of occurring.

Ideal type analysis, then, cannot and perhaps should not be expected to provide definitive answers or precise causes; but it might yet provide a pointer towards understanding the 'conditions' of social change.

Substantive Problems - The Wrong Answers?

Not only can ideal type analysis be criticised for its potential methodological limitations, but its practical application can also be criticised, simply for failing to draw the "right" conclusions. These criticisms do not necessarily challenge the validity of

the approach, but would seek to question the substance of specific analyses, such as the application of the notion of 'value positions' to child care.

Harris and Timms (1993), for example, are quite aggressive in this respect, in their response to Fox Harding's analysis. They point out that, on a number of occasions, Fox Harding associates the same authors with different value positions, implying a certain lack of clarity about their essential meaning. They also question Fox Harding's association of pairs of characteristics under each of the four value positions she sets out. There is not, in Harris and Timms' view, any "obvious or necessary" relationship between laissez-faire and patriarchy, or children's rights and child liberation, for example.

This leads, in turn, to a further criticism. In noting Fox Harding's difficulty in classifying authors, and in commenting on her "cheerful eclecticism", they argue that the consequence is that the "relation among the 'perspectives' is unclear". They suggest that there is no clear basis except common sense for distinguishing between the four value positions. There is thus, in their view, no real merit in the analysis itself.

In view of the fact that at least three other systems for classifying child care ideologies have been identified here, there may be felt to be some validity in this last point. However, as already observed, and as in the case of the broader "welfare state" continuum, these classifications also share a considerable amount in common. Notably, they seem to have a consistent view of the type of philosophy of child care to be found at different points in the ideological spectrum. Whilst there may be a certain blurring of the boundaries between the value positions identified, this is not to render them worthless, either in substantive or methodological terms. (Indeed, this is perhaps an area of analysis in which perfect clarity might itself be viewed with some suspicion.)

Nevertheless, criticisms about the substantive validity of the "value positions" identified by Fox Harding can be made on a number of levels, as the following summary indicates.

Firstly, it is conceivable that the framework provided is insufficiently sensitive to the crucial factors which affect the quality of children's lives, such as class, racism or power (see, for example, Humphries and Truman [eds], 1994). Fox Harding's equation of patriarchy with the laissez-faire perspective, for example, does tend to

imply that gender issues and imbalances are less problematic within other perspectives.

Secondly, it may be held that the "value positions" framework represents a range of quite arbitrary distinctions which do not reflect the realities and the messy compromises of practice. The idea of distinctive "positions" perhaps inevitably creates distance between approaches which might in practice be experienced as very similar (Harris and Timms, 1993). Is "empowerment" a feature of children's rights, birth family support, or even *laissez-faire*, for instance?

Thirdly, the idea that the four value positions can be seen as discrete entities may underestimate the extent to which they share common ground, on the one hand; and to which they each reflect internal contradictions, on the other. Fox Harding does, for example, acknowledge the common view of three of the four value positions on the passive role of the child, although such observations are necessarily given less emphasis than the overall schema of distinct, and opposed, perspectives, as she does, indeed, recognise (Fox Harding, 1991a, p.200).

Fourthly, it may be felt to be arbitrary, both to posit four (or three, or two) value positions, and to include certain proponents (Frost and Stein, 1989, for example) under one heading rather than another. Fox Harding herself initially developed two positions (Fox, 1982), subsequently to revise and refine this figure upwards to four.

Fifthly, the notion of "value positions" tends to create an implicit assumption of fixed and unchanging structures, rather than a process of slow and uneven change, or shifts along a continuum, as Frost and Stein put it. There is thus a problem of accounting for historical change. Fox Harding ascribes various historical stages in child care to differing value position, but is unable to offer an account of change as between these periods.

Similar criticisms can, of course, also be made of the other portrayals of "positions" in child care already discussed. For example, Hardiker and colleagues (1991b) are unable to offer a convincing classification of radical practice in social work, because this perspective cannot easily be accommodated within their "preventive" framework. An "oppositional" stance (Mathiesen, 1974) cannot readily be translated into direct practice, although Mathiesen's attempt to do so in the context of criminal justice is impressive. Hardiker and colleagues also face problems with the role of law

and legal systems in social welfare, since these are only accorded a specific role in their "residual" model. Legal processes are not explicitly assigned a part in child protection, children's rights, or "class actions".

Frost and Stein's continuum faces problems because of the "gaps" between the general positions they identify. They, too, have potential difficulties with the exercise of authority and control. Are such attributes only to be assigned to the "laissez-faire" but "strong" state, or should they be applied, differentially, across the continuum?

Turning to the matter of self-criticism, I would suggest that my own approach to positions in child care (Smith, 1991) underestimates the problem of maintaining distinctions at the margins, that is, at the interface between perspectives. The problem of judging whether a particular action is to be seen as protecting the child's interests, or promoting her/his rights is not readily answerable according to the rather skeletal framework I have set out. In concrete terms, this poses real dilemmas. Is it a matter, for example, of respecting children's rights, or promoting their welfare, to take account of "the child's religious persuasion, racial origin and cultural and linguistic background" (Children Act 1989, Sec.22(5)(c)) in making decisions about them? Is the role of the Guardian ad Litem easily classifiable as being about protecting the child's interests, pursuing her/his welfare, or preserving her/his rights in care proceedings?

These observations seem to share the implication that an analysis based on "positions" is almost bound to present a partial, selective, one-sided, and static view of the phenomenon under consideration - these inadequacies arguably being reflected both in methodological shortcomings, and in inaccurate portrayals of the substantive area in question. Nevertheless, these potential criticisms need not invalidate such analyses entirely. Kalberg (1994), for example, emphasises that it was not Weber's intention that "ideal type" methodologies should be applied in a static or rigid manner:

"Instead of "capturing reality", the ideal type, as a logical construct that documents patterned action, establishes clear points of reference and orientational guidelines against which a given slice of reality can be compared and measured." (Kalberg, 1994, p.87)

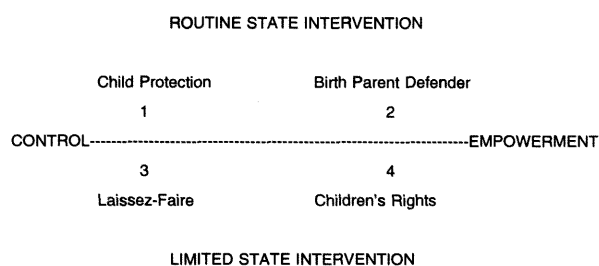
That is to say, ideal types do not define or delimit reality, but provide a basis for effective comparative study.

Facing Up To Criticism

Criticisms of "positional" analyses of child care policy have been identified as both substantive and methodological. The common ground between these is that "ideal type" approaches create arbitrary and static categories, which cannot be sustained, and offer no genuine basis for comparative study. In part, mere recognition of such difficulties enables them to be countered. Fox Harding, for example, willingly acknowledges the linkages and interactions between the "ideal" positions she sets out. In this respect, she merely uses "value positions" as a starting point for a more complex and comprehensive analysis. There is nothing in the initial approach itself which inhibits this. Indeed, precisely because ideal types are constructed as analytical tools, they lend themselves to varied and repeated application.

For example, the modification of George and Wilding's classification of welfare state ideologies suggested by Lee and Raban can be applied to the analysis of perspectives on child care. Fox Harding's value positions, for example, can be reframed as a two-dimensional matrix, rather than a continuum:

Figure 4



This framework not only extends the range of interactions between perspectives now open to analysis, but it also enables us to introduce other "variables", such as the use of power in child care, or the impact of racism. How, for example, could children really be empowered to exercise their rights in a context of limited state intervention, where they remain vulnerable to the misuse of power, or institutional discrimination,

and are thus unable to exercise their nominal rights? Surely, elements from other perspectives, such as child protection, or indeed family support, must be brought into play to promote and underpin abstract rights? This is clearly the implicit message of authoritative documents such as the UN Convention on the Rights of the Child (UN, 1989) - that children's rights are both multi-faceted and indivisible.

It is also noteworthy that the kind of framework set out above can be adapted to facilitate a flexible approach to analysis:

Figure 5

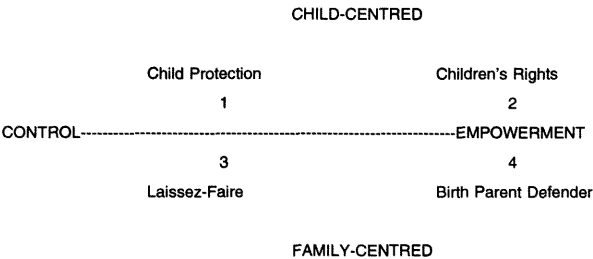
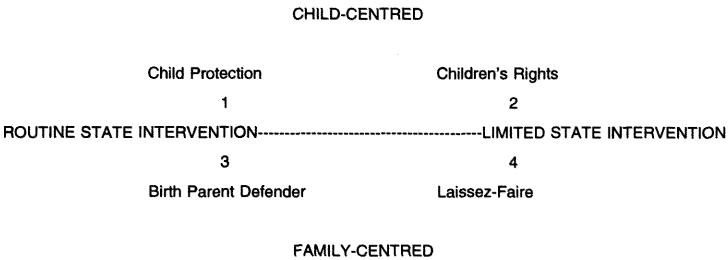


Figure 6



These further illustrations helpfully demonstrate alternative perspectives on potential alliances, and oppositions, between the four value positions. In Weberian terms, potential "affinities" and "antagonisms" (Kalberg, 1994) can usefully be explored by way of this kind of framework. By developing the use of idealised perspectives in this way, it becomes feasible to recognise that their apparent limitations provide the basis for fruitful consideration of the relationships between divergent viewpoints. Indeed, Weber (1930) suggests that the "unreality" of ideal types is a positive attribute.

The choice of a certain number of value positions with particular determining characteristics might be held to be fairly arbitrary; but even if this is accepted, there remains a consistent basis for testing differences between them, and reaching plausible accounts of social action and social change. In one sense, indeed, it does not matter if the ideal types presented are demonstrably selective, since they do not aspire to capturing reality precisely, but to providing a basis for developing deeper understanding of more or less complex interactions. It is only necessary to avoid pure speculation, for:

"an ideal type that is merely the 'creation' of fantasy remote from objective possibility [my emphasis], will be of little use in empirical research." (Johnson et al, 1984, p.84)

The lack of precision identified by Harris and Timms will thus only be problematic if it proves to be completely unrealistic, or inherently implausible.

Used in this way, it becomes clear that value positions are capable of acting as a reference point for analysis, which goes beyond classifying statements under given headings, and seeks to use these headings constructively as a basis for developing further understanding. "Ideal types" may indeed be abstractions, but this does not render them useless or meaningless. Fox Harding (1991a, p.200) might well counter such criticism by pointing out that she has readily acknowledged convergences and inconsistencies within and between value positions, and that their relative impact and importance does vary over time. It may also be felt to be unfair to criticise the idea of "value positions" for not doing what it does not set out to do, in the sense of offering a comprehensive account of power, change and conflict in child care. The framework Fox Harding sets out does appear to offer a clear, intelligible and sustainable distinction between different theories and ideologies of child care, and it should perhaps be utilised on that basis.

It is equally possible, in my view, to counter the charge that ideal type analysis runs the risk of overlooking the most crucial aspect of the phenomenon under investigation. If, for example, comparison between the four value positions in child care reveals that three of the four do not ascribe paramountcy to the child's interests

(as Fox Harding indeed seeks to demonstrate), then this may well provide important clues as to the direction of further investigation. In other words, because of their selective characteristics, ideal types are almost certain to reveal important divergences in relation to the object of study.

Turning to more specific criticisms, it seems to be an inherent risk of this kind of approach that it will be accused either of making arbitrary distinctions between complex phenomena, or of blurring the boundaries between them. In fact, Harris and Timms want it both ways, in making such observations on Fox Harding's work. They find the fact that she classifies the same authors under more than one heading a source of confusion amongst value positions; but they also observe that identifying different strands of thought may "deceive us into believing that the strands exist as isolated phenomena" (Harris and Timms, 1993, p.37). Far from this, however, Fox Harding spends some time acknowledging convergences and similarities between value positions. She notes that these ideologies are nowhere to be found in their pure forms, representing tendencies which are found to be represented to a greater or lesser degree in actual outcomes (Fox Harding, 1991a, p.217).

It is certainly possible to unpick the positions set out by Fox Harding, as it is any theoretical work, and to identify contradictions and inconsistencies; but this is surely to miss the point, which is rather to explore the extent to which the perspectives identified have explanatory value in the consideration of values and practices in child care. In this context, we have acknowledged that other writers have used different classifications to characterise approaches to child care. Each of these has both positive attributes and drawbacks. Frost and Stein, for example, in employing the concept of a welfare continuum, helpfully spell out the contradictions at the extremes, but do little to fill in the space for pragmatism and compromise between these points. The focus on children's interests is more explicit than Fox Harding's, but they are less able to do justice to the variations observable in specific approaches to practice. Equally, the "laissez-faire" position gains no place at all in their representation.

My own three-fold presentation of positions in child care, likewise offers no room for the laissez-faire perspective, possibly because this analysis, too, is concerned with interventions in child care systems, rather than political orientations to

child welfare. In addition, my argument for an active synthesis between approaches is relatively undeveloped.

Hardiker and colleagues have developed a considerably more sophisticated framework for analysing child care policy and practice. Yet they did not find space for a "children's rights" orientation, defining their equivalent as a "radical/conflict" model of social work - which in practice becomes conflated with their "developmental" approach. Not only does this represent something of a contrivance, but it also fails to leave space for any approach which is based principally on the rights and expectations of children themselves. It might, of course, equally be argued that Fox Harding does not acknowledge the radical critique of child care in her work. However, it remains possible to assimilate aspects of the radical position into her work, if not always where it might be expected. She draws attention, for example, to the libertarian aspects of the laissez-faire position, and to the redistributive aspirations of some "birth family defenders"; as well as to the more far-reaching aspirations of some of the protagonists of children's rights.

This "inclusive" character of Fox Harding's work prompts the decision, in the present context, to opt for the use of her "value positions" as the methodological starting point to inform further classification and analysis of policies and practices in child care. This is not to question the validity or utility of the other approaches discussed here; indeed, they too can be incorporated into such an analysis - but rather to promote clarity and consistency of approach.

Welfare Ideologies and Child Care: Concluding Thoughts

It may be possible now to draw some tentative conclusions about the utility of applying ideal-type analyses to values and practice in child care. Can they, in fact, help us to understand the philosophies and principles reflected in the delivery of welfare services to families, children and young people? Inevitably, criticisms can be made of the approach to classifying and analysing ideologies of welfare and child care set out here; and these criticisms will take a number of forms. They fall into two general categories - the methodological and the substantive. However, there are considerable overlaps, since, for example, methodological shortcomings are likely to lead to substantive inaccuracies; and, substantive errors may be taken as indicative

of methodological problems. Nevertheless, it is important not to infer that this is inevitably the case, particularly in respect of reported errors of substantive fact. An analysis which is factually inaccurate, or even "confused" as Harris and Timms put it, can still be both informative, and based on sound methods. Indeed, the interpretation of ideal type analysis as an exploratory exercise suggests rather that its conclusions are always likely to be incomplete, whilst still being capable of contributing to the refinement and extension of our understanding of social reality.

I would suggest that the application of the idea of "value positions" to child care, drawing particularly, but by no means exclusively, on Fox Harding's work, provides a valuable entry point into a study of changes and development in the theory, policy and practice of child welfare. This is not to suggest, following Weber, that the "ideal types" represented by the value positions are intended as a characterisation of an underlying reality. That is not the purpose of ideal types - rather, they are a methodological tool which provides an important route to understanding. Whilst it is true that neither Fox Harding, nor others referred to here, pay a great deal of attention to variations and disagreements within value positions, this is not to detract from the value of this approach as a "way in" to precisely this kind of issue. Weber notes that idealised "models of social action" are constructed:

"(i) to be able to understand men's (sic) real actions...but also (ii) to facilitate knowledge of their real motives by making use of this very deviation of the actual course of events from the ideal type."
(W.G. Runciman [ed], 1978, p.24)

We might, perhaps, therefore accept the observation made by Lee and Raban that the importance of ideological analysis is not simply to describe ideological positions, but:

"to explain the operation of ideologies... [ideology's] conditions of existence and appearance (the determination of ideologies), and [to gain] a theoretical grasp of what it is you are seeking to

explain when invoking the concept (the effects of ideologies)"....
(Lee and Raban, 1985, p.29)

Having accepted this point, we can look forward to applying the ideal type "value positions" in the context of child care, as a basis for understanding organisational positions, policy debates and decisions, and practice outcomes as they derive from and relate to such stereotypes.

That indeed is the aim of the following chapters of this analysis, which will consider, in turn, the recent history of child care in the light of the value positions; the representation of each of the positions in debates on the Children Act 1989; the initial impact of the Act itself in reorienting principles and approaches in child care; the values and practice of child welfare organisations which can be associated with each of the value positions; and the views of their staff. This will, on the one hand, test out the value of Fox Harding's framework, in particular, and a "positional" approach, in general, as an analytical tool; and, on the other, it will lead to some concrete conclusions about trends in child care policy.

2

Investigating the Relationship between Values and Practice - A Research Strategy

Developing a Methodological Approach

The preceding chapter has afforded us a broad view of the area which this study covers. It has been possible to identify and consider the potential value of an analysis of child care based on the four "value positions" developed by Fox Harding (1991a). The central task is now to consider and offer answers to a series of linked questions:-

- i). Is an analysis of child care based on "value positions" methodologically sound?
- ii). Do existing attempts to achieve such an analysis achieve their objectives?
- iii). What do the answers to these questions tell us about trends and developments in child care?

This chapter sets out a methodological framework and research design which operationalise the central aims of the investigation. Drawing on the work of Fox Harding and others the study will apply an investigative approach based on the use of "ideal types" (Runciman [ed], 1978), as a means to understanding the interaction between ideology, policy and practice in child care. Through the exploration, and evaluation of such models, the study will derive conclusions about their explanatory potential, about the quality of the explanations offered by them, and about the nature of the relationship between values and practice in child care.

A Conceptual Framework

The study therefore will develop two inter-related themes: a methodological approach based on principles developed initially by Weber; and an understanding of concrete applications of these principles in the field of child care and the welfare state. Weber's "ideal type" methodology, applied famously in "The Protestant Ethic and the Spirit of Capitalism" (1971), assumes that there is analytical value in the establishment and application of specific categories of social thought and social

action. Such categories can be utilised to describe and understand specific historical phenomena, such as the parallel development of specific religious principles alongside the emergence of capitalism. Explicit links are thereby identified between specific ideas, or ideologies, and distinctive courses of action, or practical outcomes, so contributing towards an explanation of the changes in question:

"To give a correct causal interpretation of a particular action is to see the outward course of the action and its motive as appropriate and at the same time as related to each other in a way whose meaning can be understood." (Weber, 1978, p.15)

Kalberg's (1994) exposition of Weber's methodology provides a detailed understanding of the application of "ideal types" to specific social and historical "conjunctures", which thereby contribute towards causal explanations:

"Within demarcated contexts *conjunctural* interactions of diverse action-orientations occur, and these interactions imply causation." (Kalberg, 1994, p.146)

Exploration of the "affinities" and "antagonisms" within and between ideal types contributes further towards an understanding of historical development.

As already noted, categorisations have been attempted, both of state welfare (for example, by George and Wilding, 1976), and of "value positions" in child care (Fox Harding, 1991a). Although these studies do not make explicit use of Weber's analytical techniques, it is assumed for present purposes that their methods are based on a form of ideal type analysis. This is not an arbitrary assumption, but is based on both an understanding of other studies which claim to make use of ideal type methodology (Weber, 1930; Redfield, 1947), and a reading of the studies discussed in the previous chapter which identifies similar characteristics to those observable in studies making explicit use of ideal type methods. For example, Fox Harding develops certain key "positions" in child care, and then applies these

categories to historical developments in child welfare, as a way of explaining the relative dominance of particular approaches to practice. Thus, she establishes distinctive "types" of approach to child care, based on a cluster of common characteristics, which are shared by their proponents, and which distinguish them from those held by others. These perspectives are presented as pure versions of the respective viewpoints, which are subject to revision and modification in practice (Weber, 1978). As Fox Harding observes, the ideal form of any given perspective is unlikely to be observed in reality:

"That is, the perspectives are not found in practice in anything like their pure forms, notwithstanding the broad prominence of particular perspectives at times. Many factors influence the movements in *actual* policies." (Fox Harding, 1991a p.217)

Harris and Timms (1993) also characterise her work as based on ideal type analysis, which seems reasonable in view of the clear similarities of approach between this work and Weber's methodological prescriptions.

The present study, drawing on this prior work, seeks to explore further the potential for the application of an ideal type analysis in this context; as well as considering the lessons to be drawn for our understanding of child care values and practice.

Both the use of ideal types, and the specific application of value positions in child care, have been criticised, as the present study recognises. They are held to be too static, and too idealistic, to allow for a sufficiently sensitive understanding of the interplay between different historical trends (Keat and Urry, 1975). They can also be criticised for failing to address the question of underlying causes, concentrating rather on superficial similarities and differences, for doing no more than "story-telling" (Johnson et al, 1984). In his defence of ideal type methodologies, Kalberg (1994) strongly rejects such criticisms, arguing that ideal types do not necessarily preclude the possibility of historical understanding, and indeed, offer an effective tool towards this end.

Despite the criticisms encountered, the present study will draw on these

approaches as a "way in" to the exploration of the subject of child welfare; whilst taking account of the reservations expressed in drawing its conclusions. The fact that a particular approach is open to criticism does not necessarily render it of little meaning or value.

The scope of the study - approaches to data collection

In order to meet its objectives, the study must set out and achieve a number of specific targets. It has to obtain a sufficient quantity of data on the nature of child care ideologies, and the linkages between certain "positions", and specific instances of thought and practice in child welfare. It has to test these ideologies both against the reality of child welfare policies and services, and against each other. In other words, it should seek to enable us to identify the extent to which specific ideological positions can be defined as discrete entities; the extent to which these entities can be seen to be reflected in practice and policy; the nature and level of interaction between these positions; and whether that relationship operates in the way that might be expected.

For these reasons, the study will necessarily be conducted on several levels (see, eg, Layder, 1993). The data to be obtained will take a number of forms. Detailed accounts of public policy-making, and the positions which inform this will be obtained. Documentary sources, media and contemporary records will all provide material in this respect. Also relevant here will be historical accounts, records of parliamentary debates and official reports, and other publications. These can be compared and contrasted for the extent to which they reflect particular perspectives, for the extent to which they are consistent in doing so, and for their degree of congruence in supporting or opposing any one "position".

Against this policy material, accounts of the conduct of child care practice will be drawn upon, obtainable from a range of sources; such as official and other records of practice outcomes; existing research data and findings; reviews and inspections of practice; consumer surveys; practitioner accounts; and reports of official enquiries. These will be, by and large, although not exclusively, secondary sources.

The diversity of approach to data gathering and analysis suggests that this study

could usefully be described as adopting a "triangulated" approach (Denzin, 1978). Denzin has usefully demonstrated the value of obtaining data from a range of sources, and integrating a number of specific methods, in order to enrich and strengthen the conclusions drawn from the investigator's findings:

"Triangulation, or the use of multiple methods, is a plan of action that will raise sociologists above the personalistic biases that stem from single methodologies." (Denzin, 1978, p.294)

In other words, the variety of material obtained will provide its own checks and balances, in that inconsistencies will be readily apparent, and will have to be explained. This enables errors and omissions in data collection to be corrected, but it also strengthens the theoretical power of research findings:

"Data that would refute central hypotheses could be collected, and various theoretical points of view could be placed side by side to assess their utility and power. (Denzin, 1978, p.229)

For Denzin:

"triangulation permits the widest possible theoretical use of any set of observations." (Denzin, 1978, p.300)

Blumer (1940), too, stresses the theoretical value of broad-based study, which leads to an "enrichening" of the range of observation.

There are clearly a number of practical matters to be considered in gathering such a range of material. Some of these might be identified as:- deciding on the structure of the study; seeking permissions; obtaining access to relevant data; drawing up and refining analytical tools; and enabling the review and reorientation of aspects of the research strategy where necessary (see Mann, 1985). The following sections explore these practical questions in more detail.

The overall structure of the present study, however, was initially determined

by a decision to try to provide a broad analytical context for the exploration of specific value positions in child care. This is felt to be necessary in order to guard against the risks already identified of presenting a rather static, and idealised, picture of value positions and their inter-relationships.

The further possibility that initial findings might have prompted a reorientation of the investigation, necessitated a readiness to adopt different approaches to data-gathering as the project has progressed. This was kept under review, and, indeed, the analysis of organisational perspectives (Chapters 6 and 7) was amended to incorporate an increasingly extensive range of material. Glaser and Strauss (1967) have underlined the importance of reviewing approaches to data-collection during the course of a study.

As the substantive material has been drawn from a variety of sources, using differing methods, it will be useful here briefly to set out the distinctive approaches taken at each stage.

Child Care Histories

The starting point for detailed analysis will be "child care histories". This approach has been taken for a number of reasons. Firstly, history offers a sense of perspective and change, which is of particular value in applying a framework based on positions which might otherwise appear to have a rather static quality. In addition, the period chosen, from 1945 to 1989, enables comparisons to be drawn with Fox Harding's own accounts of this period, which offer a particular view of this phase in the development in child welfare. Finally, an understanding of recent history in child care offers a particularly sound basis for the examination of current debates and practice issues.

In order to obtain a sufficient amount of material to inform this historical phase of the study, a number of data sources have been used. There have been a considerable number of histories (complete and partial) of child care written during this period, many of which offer helpful source material (for example, Jacka, 1973; Heywood, 1978; Packman, 1981; Parker, 1983; Parton, 1991; Corby, 1993; Hendrick, 1994). These sources have been supplemented with a considerable range of documentary material. This includes official reports (Curtis Committee

1946; Ingleby Committee, 1960; Seeböhm Committee, 1968; Houghton Committee, 1972; Short Committee, 1984); child abuse enquiries (London Borough of Brent, 1985; London Borough of Greenwich, 1987; Noyes, 1991), other reports and enquiries (Women's Group on Public Welfare, 1948; Working Party on Fostering Practice, 1976; Barclay Report, 1981; Butler-Sloss, 1988), consultation documents (for example, Home Office, 1968; DHSS, 1985a; DHSS et al, 1987), and official statistical reports (Home Office, 1951, et seq; Department of Health and Social Security, 1973 et seq). These sources, and others, provide a substantial body of policy-oriented material on which to base an assessment of themes and developments in child care thinking and practice following 1945. In addition, these sources are supplemented by other important material, such as the primary legislation itself (especially, Children Act 1948, Children and Young Persons (Amendment) Act 1952, Children and Young Persons Act, 1963, Children and Young Persons Act, 1969, Children Act 1975, Child Care Act 1980, Health and Social Services and Social Security Amendment Act 1983), and supporting regulations and guidance circulars (eg, Home Office 1948; Home Office, 1952; DHSS, 1974a; DHSS, 1976; DHSS, 1983; DHSS, 1986).

These elements combine to provide a substantial amount of quantitative information, as well as significant insights into the policy issues dominant in child welfare. Thus, it becomes possible to draw parallels between policy and practice, and to examine these in the light of the "value positions" already identified. It is thus possible to provide a fairly thorough historical account of changes in child care during the period in question, and to develop the beginnings of an analysis based on the application of specific value perspectives to the events described. This will provide an effective basis for further analysis in subsequent chapters.

Political debates

Developments in child welfare culminated during the 1980s in the policy initiatives which led up to the introduction of the Children Act 1989. The present study will attempt to locate these policy changes in the context of ideological and political debates on the subject of child care and the family taking place at that time. In order to achieve this, extensive use will be made of the parliamentary

debates on the Children Bill, prior to its enactment in 1989.

The debates in the House of Lords, and then the House of Commons, will be analysed selectively in the light of the "value positions". Thus, the framework offered by these perspectives will be applied to different aspects of the Bill, with particular reference to inconsistencies and divisions within and between specific political interests. A number of "set piece" debates have been identified for particularly close attention, because they appear to represent critical points in the argument between particular ideological positions; for example, the question of the appropriateness of the proposed Child Assessment Order epitomises the argument between opposing perspectives, the need to protect children, on the one hand, and the right of families to be free of state interference, on the other (see also Parton, 1991). This detailed review of parliamentary debates will thus enable us to assess further the coherence of particular value positions, their consistency with certain broader ideological perspectives, and their relative strength in influencing formal policy decisions. We will thus be able to make further judgements as to the dominance, or otherwise, of particular perspectives, at a particular defining moment in the history of child welfare.

Assessing outcomes

Of course, it is important not just to identify the strength and persuasiveness of certain values and principles; it is also necessary to consider their impact on particular practice outcomes. The present study will therefore move on to review the early interpretations and implementation of the Children Act 1989, in order to assess whether or not it represents a fundamental and decisive shift in the way in which child care is delivered throughout England and Wales.

For this purpose, the study draws on a wide range of observations and commentaries by interest groups, officials, policy-makers, and other observers of the Children Act, in its implementation phase (eg Lyon, 1989; Ball, 1990; Frost and Stein, 1990; Eekelaar, 1991; Packman and Jordan, 1991; Freeman, 1992a; Gardner and Manby, 1993). In addition, it will draw on the Act's supplementary regulations and guidance (Department of Health, 1991a), official reports (Department of Health, 1993; 1994), policy analyses (Social Services Inspectorate

London Region, 1992; Social Services Inspectorate, 1994), and early research findings (Hardiker, 1994b; Hunt, 1993; Aldgate and Tunstill, 1994; Gibbons et al, 1995), which may jointly paint a picture of how practice has (or has not) changed as a consequence of the new legislation.

Once again, it will be helpful to assess the level and degree of quantitative change, in the light of perceived qualitative shifts in policy and procedures (see, for example, Tunstill and Ozolins, 1994). It is worth recalling here Marx's observation (Marx, 1977) that, at a certain point, cumulative quantitative change necessarily results in qualitative change in the nature and dynamics of the phenomena under observation. That is to say, for example, issues like the level of investment in family support must be considered in the context of countervailing pressures to maintain an adequate and "safe" child protection service.

Analysis of the consequences of the Children Act may be further complicated by the incomplete and variable nature of much of the evidence emerging in the early stages of implementation of a major piece of legislation. (It is the author's experience, both in the context of the Children Act, and other legislation, such as the Social Security Act 1986, and the Child Support Act, 1991, that the initial phase of implementation is often "untypical").

Understanding organisations

In order to relate analysis at the generalised level of policy to a more detailed understanding of agency practices and procedures, the study will devote two chapters to understanding the approach taken by a number of organisations ostensibly adopting very different perspectives on child care. A number of key organisations were contacted for permissions to draw on their written material, and possibly to interview relevant personnel. These include the National Society for the Prevention of Cruelty to Children (NSPCC), the Family Rights Group (FRG), Conservative Family Campaign, Parents Against INjustice (PAIN), and the Children's Legal Centre (CLC). In the event, permissions were obtained from every organisation except one, and those which participated readily made available both staff time, and written material. The relevant chapters have also been shared in draft form with the organisations concerned.

Documentary material and records from the author's own organisation, The Children's Society, have also been utilised, since this provides an illustration of the values and practice of a "hybrid" agency; that is, one which operates from a number of perspectives. A pilot interview was also carried out with a manager from The Children's Society.

The four primary organisations selected (Children's Legal Centre, National Society for the Prevention of Cruelty to Children, Family Rights Group, Parents Against INjustice) were deliberately chosen because of their putative identification with differing value positions (respectively:- children's rights; child protection; birth family support; laissez-faire). The first chapter of the two will draw on documentary material provided or published by the four voluntary agencies concerned. The aim will be to evaluate their policies and practices in relation to the value positions. Thus, their written statements of policy, accounts of practice, submissions, publicity material, and practice proposals and guidance, will all be scrutinised. The intention will be to identify dominant themes, and to assess the organisations' consistency of approach with the perspective with which each is provisionally identified. This examination will suggest answers to a number of questions: concerning the feasibility of adopting a consistent approach within child care in varying circumstances and over time; concerning the degree of "fit" between organisations and idealised value orientations; concerning dialogue and interaction between agencies with ostensibly differing objectives; and concerning shifts in the "legitimacy" of the discrete approaches to child care on view.

Interviewing practitioners and managers

The aspect of the study concerned with organisational policies and practice will be furthered by a series of interviews with practitioners and managers from the four agencies identified. Three nominations were sought from each agency, to obtain a small but broadly representative sample from fieldwork and management perspectives. For some agencies, however, and particularly the Children's Legal Centre, this distinction between management and practitioners was less valid than for others. The interviews were based on a semi-structured questionnaire, constructed in such a way as to explore respondents' values, their approach to

practice, their perceptions of their own agency, and their views on wider influences and pressures which might set constraints around their work.

In each of these aspects the interviews were assessed against the framework established by the value positions for internal coherence and consistency, and for convergence within agencies. Thus, a judgement was reached as to the extent to which day-to-day operational issues can be understood within a "values" framework, and more specifically, in the light of the assumed value orientations of the agencies themselves. (The methods applied in obtaining and analysing the interview material are set out in more detail in Chapter 8).

Despite the relatively small number of interviewees, the data obtained shed additional light on the practical implications of the particular perspectives adopted by each of the agencies concerned. It should be emphasised that for several of the organisations concerned, those interviewed represented a very substantial proportion of the total staff group. In addition, it will be possible to comment on the tensions and inconsistencies as perceived and experienced by those attempting to implement organisational policies and perspectives; as well as the kind of pressures and expectations arising from external sources.

Layder (1993) has illustrated the way interviews provide an additional detailed slice of data, which can both enrich, and at the same time, help to reframe analysis. In this way, the interviews conducted in the present study will add a further dimension to the meaning of differing value positions, particularly for those responsible for intervening in the child care field; whilst also providing further, concrete illustrations of the tensions and pressures experienced in putting values into practice "on the ground".

Classification and Analysis

The gathering and synthesis of material from a range of sources necessitates the use of a fairly robust framework for classification and analysis. This is provided by the ideal types, developed from the initial analysis of value positions in child care (Chapter 1). These suggest certain guidelines for classifying observations. For instance, encountering the proposition that "insufficient attention is given to listening to children" might imply that its author owes allegiance to a

"children's rights" perspective.

In addition, a framework based on value positions provides a consistent basis for considering interactions between different approaches - for example, agreement might be reached between advocates of "laissez-faire", and "child protectionists" on the importance of the decisive use of emergency powers where children are deemed to be at risk (see Chapter 1).

Analysis, however, must also be critical, in the sense that it is willing to question, and redraw the classifications offered, particularly in this instance, where the study is explicitly concerned with the evaluation of the ideal types applied. As Burgess (1984) puts it:

"consideration has to be given to the theoretical and conceptual approach that has been adopted. Questions need to be addressed about the purpose of the study regarding theory construction, the generation of theory from data or the production of a detailed ethnographic description. In particular some attention needs to be given to the links that are made between theory and data...."
(Burgess, 1984, p.216)

The classifications and relationships emerging from initial reflection, in turn provide the basis for the elaboration of "second level constructs", and theory-building (Schutz, 1979), but also for the review, and possible revision of initial assumptions (see, eg, Layder, 1993). This necessitates a close correlation between the discovery of data, and the understanding and analysis of that material. A purely descriptive account of findings will be insufficient. The "grounded theory" approach developed by Glaser and Strauss (1967) provides a particularly good illustration of this kind of approach, based on a continuing exchange between data and emerging theory. Layder (1993) has also provided a helpful illustration of what he terms a "multi-strategy" approach, whose objective is the integration of a range of observations in order to generate substantive theoretical conclusions.

Conducting the Study - Problems and Solutions

Inevitably, in carrying out a study of this kind, a number of potential difficulties present themselves. Firstly, the intentional eclecticism of the study gives rise to the concern that it becomes a series of "snapshots", with no unifying strand. This can be addressed by ensuring that the analytical framework is robust; and by establishing a means of consistent reference to the structure provided by the "ideal types" employed. In other words, the analysis must incorporate an iterative element, which ensures that it continually refers back to the basic terms in which it is constituted (Glaser and Strauss, 1967; Strauss, 1987).

The second, and linked, problem is the practical one of ensuring that different types of data are compatible with each other. Once again, the important task is to ensure that findings are assessed against a common analytical framework, which provides a constant basis for comparison. Thus, for example, both quantitative and qualitative data are to be interpreted according to what they tell us about the values underpinning child care practices. Both Bryman (1988) and Fielding and Fielding (1986) provide sound arguments for the integration of qualitative and quantitative data as a way of enhancing the quality of one's findings.

Nevertheless, there is a danger, against which Glaser and Strauss (1967) warn in particular, that this exercise itself raises the further problem of contrivance, or of forcing data to fit pre-existing categories. This is less likely to arise, however, where data are obtained from a number of sources, because the inappropriateness of certain categories will become increasingly apparent. In addition, the initial framework should be sufficiently flexible to allow for adjustment, or rethinking, where it becomes apparent that it is unable to accommodate the emergent findings. Indeed, this is the intention of authors such as Glaser and Strauss, and Denzin (1978), whose strategies seek to develop an active interplay between data collection and theory-building.

A further difficulty for the present study is in maintaining the distinction between assessing a particular methodological approach, and reviewing the application of that perspective in a given concrete situation. This can, in part, be achieved by ensuring that findings are consciously analysed on these two levels separately. It is therefore important that these two elements are distinguished at

every stage, the formulation of research questions, the conduct of the detailed study, and the review of its findings.

In addition, as already indicated, the problem arises of adopting a self-critical approach to the initial analytical framework developed. In other words, the application of techniques based on "ideal types" and "value positions" must not imply an uncritical acceptance of these. It is important to distinguish between the efficiency of the framework developed, and its validity. It may contribute effectively to our understanding of child care, without necessarily being the "right" or the only way of considering the subject matter. It is likely, for example, that feminist, or anti-discriminatory analyses would argue that the present study does not provide a comprehensive picture of the child care issues of most concern, when viewed from these perspectives (see, for example, Humphries and Truman [eds], 1994). As Barn puts it:

"There is a need for research studies to develop an overall anti-discriminatory framework if they are to provide meaningful empirically sound information." (Barn, 1994b, p.38)

The final problem which the study faces is the difficulty of developing an "original" response to material which has already been the subject of considerable academic interest. Phillips (1995) helpfully draws out a substantial number of ways in which originality can be achieved, not all of which rest on breaking entirely new ground. The aim of this study is explicitly to rework and extend existing analyses of child care, rather than to develop an entirely new "theory" - its originality must be judged according to whether it does indeed shed new light on this extensively-worked territory.

Outcomes

The intention of the present study can be summarised, then, as to explore and expand upon existing attempts to understand the interplay between values and practice in child care. This should enable certain conclusions to be drawn, about the value of adopting the kind of approach discussed; and about current

developments in child care thinking and practice. This, in turn, will enable tentative theoretical projections to be made, on the question of the relative strength of ideologies, interests, and material reality in determining particular outcomes.

For instance, the nature, and implications of the recent government emphasis on "family values" can perhaps be identified in the way current child care debates are played out; in specific policy changes; and in the dominance of certain interest groups. The effects of this may be apparent, particularly to the extent that certain value positions are favoured as against others, and thus are successful in determining the overall shape of outcomes in child care.

This form of analysis should also provide a solid basis for developing ideas and strategies for change, based on an understanding of the interplay between ideas and material interests. It is in this way that this study seeks to make a small but relevant contribution to the positive development of policy and practice in child welfare.

3

Values and the Development of Child Care

Making connections: the value of history

Having established the objectives and structure of this study, the task now will be to turn to the application of the ideas outlined. In many ways, the most straightforward approach to this is to consider the history of child care, and the ways in which value positions could be applied to it. This will therefore be the starting point for the next stage of the study. A historical review provides added advantages, in that it offers a basis for understanding changes in practice, and the evolving interplay of ideas and values. In particular, incorporating a historical element into the present study helps to overcome some of the disadvantages inherent in an analysis based on reviewing a number of fixed "positions".

Fox Harding (1991a) explicitly links different periods in the development of child welfare services, in England and elsewhere, to the value positions she develops. Rather than see changes in welfare provision as linear developments (Higgins, 1985), Fox Harding suggests that the character of child welfare in any given epoch is derived from the dominance of particular ideological positions. Change occurs in the light of political and ideological transitions. In this sense, she is perhaps close to Kuhn's (1970) argument that scientific knowledge and practice derive from the dominant paradigms at any given time.

Indeed, these historical accounts:

"are intended to give some idea of what the value perspective may mean when translated into law, policy and practice." (Fox Harding, 1991a, p.41)

Thus, for example, child care practices in 19th century England are presented as a striking example of the *laissez-faire* perspective in action. This viewpoint was, according to this argument, reflected in the courts' ready assumption of the absolute right of the father over children's upbringing. Although these rights were modified during the nineteenth century, parents and particularly fathers retained this powerful position in relation to children throughout the Victorian era.

Equally, Fox Harding cites the experience of Norway in the 1980s as a countervailing example of the strength of the children's rights perspective, noting the establishment of the office of Children's Commissioner, with specific duties to promote children's interests, and to support children wishing to pursue complaints about their treatment.

Fox Harding does not suggest that these perspectives operate exclusively in these times and places, but that their influence is powerful in setting the terms of policy and practice - they establish a form of "hegemony" (Gramsci, 1971). As already noted, however, these historical snapshots do not account readily for change and development, over time, or between different eras.

For present purposes, this study will concentrate on post-war experience in child care in England and Wales, in order to consider the role of value positions in influencing practice. This period is instructive, because it encompasses a number of substantial changes in child care policy, as well as significant general social and ideological developments. The period since 1945 has witnessed a large number of inquiries and reports on the treatment (and mistreatment) of children, how they are cared for, and the quality of services provided (from Curtis to Cleveland and beyond), in addition to six major pieces of legislation in relation to the care of children (in 1948, 1963, 1969, 1975, 1980, and 1989), as well as a substantial number of amending and consolidating revisions, and many volumes of accompanying regulations and guidance. Whilst legislation and guidance represent the formal context, it is important to recognise that this does not necessarily constitute the essence of child care provision at any particular time. This period has also seen changes in the organisational structure and delivery of child welfare services on a similar scale, and can thus be said to offer extensive scope for the investigation of the link between ideas, policy and practice. The range and diversity of policy and practice in child care does create some difficulty in the elaboration of common themes, or sketching out a clear picture of emerging trends. Thus, for example, it is not always a straightforward exercise to make connections between parallel developments in, for example, the areas of child protection and family support; even authoritative sources such as Parton (1991) and Cannan (1992) have tended to concentrate on one rather than the other. However, in this and the following chapter an attempt will be made to assess varying policy strands and approaches to practice across a range of child care provision in order to draw

out some conclusions about the general pattern of development and change in child welfare.

Supporting the family: a post-war consensus?

Fox Harding draws specific attention to what she identifies as contrasting approaches in two periods, the 1950s and 60s, and the 1970s. In her view, the former is characterised by a strong sense of support for the birth family and parents' rights, whilst the latter period is held to reflect a shift towards emphasis on child protection and a supporting philosophy of state paternalism. The experience of war, and associated family changes, is held to have prompted a reaction, in the form of renewed support for the natural family, during the following twenty years. The disruptions, and deprivations, of wartime prompted a renewed emphasis on the value of family life and motherhood (Bowiby, 1965). According to Fox Harding:

"the Children Act 1948 reflected an entirely new ethos....
there was a notion of positive discrimination to
compensate the deprived child...." (Fox Harding, 1991a,
p.136)

The 1948 Act saw the establishment of a new structure of local authority Children's Departments, with the responsibility for raising the standards of care for "deprived" children. Equally, this legislation supported the principle that the children's departments should make positive efforts to return children in care to their parents, as "the ideology of the time emphasised that being in care should not be construed as permanent." (Fox Harding, 1991a, p.137)

Although the 1948 Act did not include either powers or duties for children's departments to work to prevent the need for care, Fox Harding draws attention to a recognition of the problems of children in their family homes. Influential publications, and successive Home Office circulars drew attention to the importance of establishing mechanisms to anticipate and prevent reception into care. Fox Harding notes, however, that:

"local authorities' responses to the call for coordination
were not uniform, and there was some difficulty in

getting the machinery to work successfully." (Fox Harding, 1991a, p.137)

Despite these inconsistencies, she argues that there was a generalised growth in concern for the family as a unit, rather than for the child in isolation, at this time. This was paralleled by broader social and legislative changes, particularly during the mid to late 1940s, which may also be seen as having a role in supporting the family in its child care function.

According to Fox Harding, these trends continued throughout the next two decades, being intensified in the 1960s, in particular. She notes the influence of the Ingleby Committee (1960) in pressing for better agency coordination, and improved support for families, whilst recognising the committee's caveat that parental responsibility should not be undermined by excessive state intervention (support for families being leavened by laissez faire arguments perhaps). The 1963 Children and Young Persons Act is seen as an endorsement of this position, in its incorporation of a duty on local authorities to use "advice, guidance and assistance" to reduce the need to receive children into care, or take them before a court. This requirement was to be reflected in a significant increase in material assistance in the latter part of the 1960s, notes Fox Harding.

However, the late 1960s also saw a new concern developing, relating to the security and permanence of the placements of children in care, whilst birth parents retained their rights. Despite this, Fox Harding's view is that child care policy in the 1960s reflected the generally positive perception of the welfare state prevalent at the time:

"The 1960s were a time when the general consensus on welfare policies continued to hold, and the later 1960s may even be seen as a high point for the Welfare State.... It was a general climate, then, which was favourable to the policy preferences of the pro-birth family perspective...." (Fox Harding, 1991a, p. 142)

Fox Harding emphasises the role in the 1950s and 1960s of support for the birth family, particularly reflected in the 1963 legislation and subsequent practice

developments. Against this, she notes that other trends persisted, albeit in the background; in particular, there was continuing emphasis on the value of adoption, and the importance of security in foster care. These factors are taken to suggest that sympathy for alternative perspectives remained.

Turning to the 1970s, Fox Harding draws a clear contrast with the approaches to child care of the two previous decades, identifying this period with "state paternalism". This change of emphasis is linked to cases of child abuse which generated great public concern:

"child abuse scandals produced a greater emphasis...on protecting children from their families, and on the use of substitute care." (Fox Harding, 1991a, p.91)

Such changes of approach were observed to be reflected in an increased willingness of local authorities to use compulsory forms of intervention to protect children, and to offer them some sense of permanence. The trend was apparently away from treating the family as a unit, and towards assuming responsibility towards the child as an individual. Fox Harding suggests that this meant, in practice, an increased willingness on the part of child care workers to intervene decisively by using legal powers against parents, by severing family ties, and by finding permanent alternative homes for children. The proportion of children in care rose during the 1970s, for example.

The changes observed are explicitly linked to the Maria Colwell case, in particular, and the findings of the inquiry following her death. It is noted that the inquiry found fault both with the child welfare system, and with existing child care policy, largely for over-emphasising the value of biological ties at the expense of offering a proper level of state protection for a child at risk of, and indeed suffering, serious harm.

The response from the Department of Health (1974a, 1976) to the inquiry was to issue a series of circulars between 1974 and 1976 establishing the basis of a comprehensive system for detecting, investigating, and intervening in cases of child abuse. At the same time, the 1975 Children Act was passing through parliament, which extended the powers of local authorities in relation to children in care, and offered additional safeguards for foster carers. Notable was the provision

requiring parental notice prior to reclaiming a child staying in care for a period of more than six months. In addition, the grounds on which a local authority could assume parental rights were widened (Sections 56 and 57). Whilst the number of cases affected by these changes may not have been great, this was a symbolic shift away from parents' rights of some significance. (It is also to be noted that the 1975 Act did give limited recognition to the rights of children, to the extent that their wishes were to be "ascertained" in certain circumstances where decisions were to be made about them.)

Not only were additional local authority powers provided for in this legislation, but their powers were also used increasingly often during the 1970s. The proportion of children in statutory care by virtue of the assumption of parental rights increased from 13.6% in 1972 to 18.2% in 1979 (Fox Harding, 1991a). Place of Safety Orders and wardship proceedings were also used more regularly over the course of the decade (DHSS, 1980; 1981; 1982; Parton, 1985; Packman, 1986). These trends are linked by Fox Harding to a growing belief in the concept of "permanency", that is to say, the view that it is of great importance to make definite plans to secure the child's long-term future as quickly as possible - either through a rapid return home, or through the provision of long-term substitute care. Continuing uncertainty, reflecting, for example, the unsettled circumstances of parents, came to be seen as undesirable.

These trends in policy and practice are further linked by Fox Harding to a loss of status for the family as an institution. She draws attention to critiques from the left (feminism and anti-psychiatry), and the right (Keith Joseph, and the 'cycle of deprivation' theory), as responsible for this, allied to a movement of married women into the labour market. Fox Harding points out that these trends must be kept in proportion. For instance, the "greater willingness to break families up" of the 1970s, did not represent a wholesale rejection of the nuclear family, since many children were, in fact, placed in substitute families:

"It is hard to link state paternalism unequivocally with a rejection of the nuclear family form as such." (Fox Harding, 1991a, p.96)

Nevertheless, a shift in emphasis is recognised, reflected in a series of linked trends: a pre-occupation with child abuse; the preference for permanency in

placements; decreasing use of 'preventive' family-based work; a diminution in the status of birth parents; and cuts in welfare spending.

It is important to note here that the trends being linked operate on a number of different levels - ideological, political, economic, and in direct practice - perhaps suggestive of complex causal relationships between developments in different spheres. This is of particular significance in that it begins to suggest that changes in values and philosophy are not only of interest in themselves, but also in their interaction with other material and social factors. The implication is that the analysis is not complete if it does not take account of these relationships. Fox Harding's own analysis, developed largely at the level of ideas and policy, does not explore these issues in any great detail, but such an exercise might, for example, reveal why, at any particular time, the dominance of any given "value position" is only partial. In other words, the claim to hegemony of any particular system of ideas must be understood in the light of a range of other social, political and economic developments of the time.

Consensus and reality

For the moment, however, the task will be to consider further the post-war period in English child care, in the light of the analysis suggested by the dominance or otherwise of particular "value positions". In effect, the hypothesis proposed is that from the late 1940s, at least to the late 1960s, a belief in the value of defending and supporting the birth family held sway in child care, setting the terms for child welfare policy and practice. Subsequently, and up to the end of the 1970s, it is suggested, a different climate of opinion prevailed. Here, there was more emphasis on the protection of children, through decisive statutory intervention, and bringing family relationships to an end, if necessary in the interests of the child.

A number of writers in addition to Fox Harding have reviewed this period of English child care, and their observations are complemented by progressively more detailed official statistics and policy documents. Together these provide a basis for examining the relationship between values and practice in some detail. A particularly thorough account of child welfare in England over the period in question is provided by Heywood (1978), who herself adopts an explicit position in support of the birth family:

"In all forms of society the family appears to be a naturally accepted pattern for safeguarding and protecting the growth and physical health of the child through the strength of the affection which binds its members together." (Heywood, 1978, p.138)

According to Heywood, post-war initiatives in child care can readily be associated with the abundant evidence available at the time of the effects of separation on children. The emotional damage arising from war-time experiences of evacuation and isolation was readily apparent, according to this account. In addition, Heywood suggests, the removal of children from city areas to other parts of the country revealed conditions of "neglect and incompetence" in the home of origin in many cases. The responsibility for this seems to have been laid at the door of failing parents, rather than being ascribed to the inadequacies of state welfare. Public opinion formed the view that "something must be done". Lady Allen of Hurtwood's famous letter to The Times (5th July 1944) was a specific and influential manifestation of this concern.

Heywood observes that these generalised concerns were substantiated by the findings of the inquiry into the death of Dennis O'Neill, and the Curtis Committee report (Care of Children Committee, 1946), both of which drew attention to inadequacies in the quality of publicly-provided care for children. The apparent neglect of the individual needs of children in care led to a series of proposals for the reorganisation and rationalisation of child care services, and associated training provision. Notably, the Curtis Committee argued that care should be:

"modelled to a far greater extent on the family group system."
(Heywood, 1978, p.147)

The family, in its idealised form, provided the preferred model for child care services, even when care by the child's own family was not feasible (see Bowlby, 1965). Thus, residential care should be based on the establishment of small-scale homes, on close and personalised relationships between children and staff, and on attention to individual characteristics and needs.

This kind of thinking provided the underpinning for the 1948 Children Act, which also incorporated a strong belief in the value of family ties into its core

principles for the provision of child care services (Section 1(3)). For Heywood:

"An important concept in the Children Act 1948, the emphasis on the strength and formative power of the natural family, was influenced by the great change which had taken place in the status of the family in recent years. The Act was revolutionary in laying on the local authorities a duty to restore those received into care to their own natural home." (Heywood, 1978, p.156)

So, even as it extended the scope of local authority child care services, and the reach of their intervention into the lives of families, the 1948 Act explicitly promoted the virtues of the family, it would seem. Heywood cites the specific example of the duty to receive children into care as a voluntary measure - with the notion of partnership with parents underlying such arrangements. These legislative innovations are linked by Heywood to broader developments, both within and beyond, social work practice. The emergence of "casework", as a skilled and professionalised discipline, appeared to provide the capability for supportive intervention with "problem parents" in order to ensure the restoration of the child following reception into care. In addition, other social policy measures in the package of reforms of the late 1940s, in education, health, and social security, for example, were also interpreted as supportive of the family; and, in turn, as likely to create a better environment for the upbringing of children by their parents (see also Lavery, 1986).

Not only was the position of the family supposedly strengthened in these ways, but parents' rights were explicitly enhanced by the 1948 Act. Local authorities were now to be required to notify parents of their right of appeal against the administrative assumption of parental rights. (The changing balance between the family and the local authority in this respect may, indeed, be a useful indicator of changing sympathies, because of its focus on the critical question of parental responsibility and the power to exercise it (see Eekelaar, 1991)).

In addition to these pro-familial developments, Heywood notes some evidence of a recognition of the child's independent interests, in the acknowledgement under the Act of the "child's need for a relationship of affection and support", and the importance of finding "the form of care most suited to him

individually", whether that be adoption, fostering, residential care, emigration, or, presumably, support within the birth family. Despite this, it seems that Heywood's predominant assumption is that the child's and her/his parents' interests were treated by the 1948 Children Act as virtually synonymous - support for the parents being equated with support for children.

Interestingly, Packman (1981) does not agree unequivocally with this view of the 1948 Act; according to her, it was not the Act itself which prompted an emphasis on family support, but that this was rather a reaction to it. Indeed, she seems to take the view that the Act was not notably a pro-birth family measure but rather sought to extend the scope and powers of the state to intervene in family life. For example, she notes the decision that the Home Office would take responsibility for children's services after 1948, and attributes that choice to that department's "deliberate paternalism". This, she argues, is but one of a network of policy choices which indicated the drive towards state control of children's services:

"Apart from the choice of Ministry, there are other less ambiguous features of the 1948 legislation, which support the intention of firm central control." (Packman, 1981, p.81)

Packman notes that the core responsibility of the new service for children was to be the care of children who could not live in their own homes; and that the service would be managed by children's committees, whose structures and appointments would be subject to close scrutiny and control. By this account the 1948 Children Act was about extending the powers of local authorities to accept children into care, and provide for them, rather than about supporting them outside of the care system. Section 12 of the Act describes the duty of the local authority to provide for children in its care, but does not refer to the interests, or wishes of parents, for example. This, in Packman's view, represents a break with the concept of a "minimal level" of intervention supported by the Curtis Committee. In addition, the Act includes no explicitly "preventive" element, which might be viewed as surprising in a piece of legislation reputed to have the principle of support for families at its core.

Acknowledging that the best form of substitute care was seen as an alternative family, Packman finds that aspiration reflected in the promotion of

fostering and adoption. This she attributes, in part, to "the gloomy economic climate" of the time. Thus, the support for a particular kind of approach to child care is attributed to a need to accommodate growing demand resulting from the new legislation and changing social conditions, in a context of financial constraint. She cites, for instance, the subsequent offer to the children's committee of Devon's Children's Officer to achieve savings by reducing the use of children's homes, and "boarding out" children instead.

Not only did pressures emerge from this source, according to Packman, but the overall framework of the 1948 legislation came into question in consequence:

"Even as the child care service was set up, therefore, there was a growing sense that the task set had been too narrow and that there was work to be done for which there was no legislative sanction." (Packman, 1981, p.53)

Packman clearly takes the view that, far from prioritising support for birth parents and their children, the 1948 Act was much more narrowly focused on providing substitute care for "deprived children". She cites a 1947 article in *The Times*, published while the Act was still progressing through parliament, which criticised its limited scope and aspirations. Although its scope was relatively narrow, at the same time it extended and formalised the powers of the state to intervene in the family, as Packman (1986) herself observes. It must be concluded that the Act was indeed primarily focused on responding to family breakdown, rather than the broader needs or interests of disadvantaged children and families.

Pressure to extend the scope and objectives of the child care service came, rather, from elsewhere than the legislation itself. A body known as the Women's Group on Public Welfare published a report in 1948 which promoted the development of services directed towards enabling families to stay together, for example. In addition, a Home Office circular published in the same year (Parker, 1990) emphasised a similar commitment, although the government appeared to have done little to promote this objective in practical terms, according to Packman. The 1948 Act's commitment in this respect extended simply to "securing" that parents or relatives take over the care of the child where it would be consistent with her/his welfare (Section 1(3)), although Heywood describes even this as a

"revolutionary" step. Parker (1990), on the other hand, expresses doubts about the apparently pro-family sentiments of Section 1(3), which he perceives as being more consistent with the Poor Law tradition of discouraging dependence on the state, and therefore more in line with laissez-faire thinking.

By 1950, however, the commitment to family welfare had become more explicit. A joint circular (from the Home Office, and the Ministries of Health and Education) issued in July of that year sought better coordination of services in the interests of helping families, and reducing the need to remove children from home (Home Office et al, 1951):

"Neglect and ill-treatment are due to a wide variety of causes, ranging from the poor health of an affectionate mother to brutality and dislike of the child. Among other contributory factors are the lack of help in the home, bad housing, ignorance of the elementary principles of home management, sub-normality of one or both parents or of the child, frequent pregnancies, laziness, and unhappy relations between parents. It is apparent that, whilst in some cases, prosecution and removal of the child from home may be the only possible course, in many it will be feasible to remove or mitigate the causes of neglect by social action." (Home Office et al, 1951, p.138)

Packman identifies a number of subsequent moves towards the development of a philosophy of active intervention to support children in families, rather than remove them to care. Oxfordshire's Children's Officer sought and obtained permission from the county's children's committee to appoint a specialist "preventive" worker, who was recruited to begin work in 1952. The help offered to families under this initiative is described as mainly "practical". In addition, the Association of Children's Officers incorporated a commitment to "preserve the family" into its statement of aims in 1952. Some support for these broader aims was offered by the 1952 Children and Young Persons (Amendment) Act, which extended the grounds for intervention with children and families to include "possible" ill-treatment, thereby increasing the scope for anticipation and prevention of harm to children; although this might also be interpreted as a sign of increasing state paternalism. These developments are, for Packman, part of a developing

trend against the primary purposes of the 1948 Act:

"There is thus plenty of evidence that people within and outside the child care service were chafing against the constraints of the Children Act almost as soon as it had become law. Providing good substitute homes might be the primary task of the service, but it was not the only one...." (Packman, 1981, p.57)

Support for this is also to be found in Donnison's (1954) work, which revealed a continuing failure of the various child welfare services to prevent family breakdown by providing effective support services. Parker argues further, that prevention as an objective was actually impeded by the existence of extensive forms of substitute care (Parker, 1990). Although he associates the 1948 Act with the emergence of a philosophy of prevention, its very concentration on the means and mechanisms for the provision of substitute care may have worked against this objective.

These differences of perspective about the central purposes and significance of the 1948 Children Act are of considerable interest, since they do highlight the complexities of the relationship between policies, principles and practice - as well as the further difficulties implicit in trying to make sense of these relationships. What is perhaps most likely is that the 1948 Act, and the debates surrounding it, contained elements of competing ideologies; and that subsequent arguments, and practice and policy developments drew on those aspects most favourable to the viewpoints of their protagonists. Whereas Heywood gives great emphasis to the Act's recognition of the role of the family, Packman is more influenced in her conclusions by those aspects of the Act which appear to give greatest weight to the provision of residential care for children.

The complexities of the arguments are further emphasised by aspects of what happened following the implementation of the 1948 Act. Heywood gives great prominence to the Act's support for families; and yet the figures she provides indicate that the immediate consequence was a significant increase in the numbers of children in care. In 1946, the Curtis Committee put the figure at 46,000; by November 1949 this had risen to 55,255; and, by 1953, to 65,309 (Home Office, 1951; 1953; 1955), 6.2 per 1,000 of the population under 18 (Packman, 1968).

Ironically, the figures suggest that an apparent strengthening of the commitment to support children in their families had been followed by an increase in the numbers of children in care of more than 40% (Home Office, 1951). Heywood observes that this increase can, in part, be traced to the change in admission criteria introduced by the 1948 Act which emphasised "need" rather than destitution as the threshold condition. The age range covered by the Act also extended the "eligible" population of children (Packman, 1968). From this it would appear that the 1948 Act, by extending its potential client-base, certainly represented a move away from laissez-faire principles, even if it remains unclear whether child protection or family support was the real beneficiary of this development.

The growing costs associated with the increased use of care are held responsible for subsequent changes of policy, by both Heywood and Packman, and also by Parker (1990). It is suggested that the explicit support for preventive services in the 1950 circular (Home Office et al, 1951) can be linked with this; as well as with concerns about the shortcomings of institutional care. Ideological support for preventive measures to support the family thus coincided quite neatly with budgetary pressures to reduce expenditure on residential child care. In addition, although neither author emphasises this point, there was a change of government in 1951, and the Labour administration of the late 1940s was replaced by a Conservative government, whose philosophy of child and family care may have been rather less interventionist. Indeed, the House of Commons Select Committee on Estimates did report on the cost of residential care in 1952 (Packman, 1981).

Interestingly, these changes of emphasis, and of approach, appear to have been reflected in the official figures. By 1956, there were 62,347 children in care (as compared to 65,309 in 1953), a decline from 6.2 to 5.3 per 1,000 of the population over just three years (Packman, 1968), of whom a much greater proportion than previously were "boarded out" in substitute homes. Heywood links the use of boarding out, and the reduction in the numbers in care to the objectives of the 1948 Act, as well as to the:

"early realisation by the child care workers of the importance of the bonds of relationship within the natural family...." (Heywood, 1978, p.168)

This does not, however, provide an explanation of the increase in the use of care between 1946 and 1953. It seems more plausible to suggest that this was not inhibited by the discussion or introduction of the 1948 Act itself. Indeed, in some respects, the Act itself encouraged this trend. However, the particular "reading" of the Act which came to prominence was a response to the events of the late 1940s and early 1950s, both in terms of policy change, political shifts, and financial pressures. According to this prevailing interpretation of the legislation, the local authority duty to "secure" the upbringing of children by their families became more important than the (rather more costly) extension of responsibility for the residential care of children. This trend was further emphasised in 1956 with the legal recognition of the widespread, but previously unlawful, practice of "boarding out" children with their own families (Parker, 1990). Indeed, it is argued that the Family Allowances and National Insurance Act which initiated this change represented:

"one of the most important...facets of restoration policy." (Parker, 1990, p.92)

Despite this, moves in this direction were tentative, uneven and in some cases downright contradictory. Wide variations in local authority policy and practice were noted (Packman, 1968); the "exclusive" nature of foster care was observed to inhibit contact between children and their families (Holman, 1975); and the numbers in care remained fairly constant throughout the 1950s.

Unsurprisingly, perhaps, the issues of deprivation and neglect of children, did not go away. In June 1956, the Ingleby Committee was established, with a wide-ranging brief, to examine legal processes (including criminal procedures) affecting children, and to consider possible new preventive powers for local authorities. Packman (1981) suggests that the committee had a "clarifying" role, in the light of the uncertainties associated with the development of preventive services, and the proper extent of authorities' powers and duties. She observes that although most children's departments were actively engaged in preventive family support work by the mid-1950s, this involvement was mitigated by two strong concerns. One was the absence of any clear mandate to carry out this work, despite the earlier government circulars (Home Office, 1948; Home Office et al, 1951); and the other was the associated lack of funding for it. The Ingleby Committee was expected to

consider (and hopefully resolve) these problematic issues.

According to Heywood, the committee was strongly influenced by:

"feelings and fears about family responsibility and the need to emphasize this....The Committee saw the removal of children from home as something destructive in its nature and were concerned to promote machinery for its greater prevention mainly through the more efficient detection of families at risk."
(Heywood, 1978, p.189)

So, despite the apparent support for the family emerging from the postwar consensus, there remained sufficient concern about the operation of the child care services for a major national inquiry into their effectiveness to be instigated; although it must be acknowledged that the Ingleby Committee's primary focus was on juvenile delinquency, and its prevention. The possibility of improved support for families was clearly linked with the idea of preventing youth crime.

In addition, however, measures to reduce the use of substitute care were making only slow progress. By the mid 1950s there was no sign that earlier increases in the reception of children into care were easing off, despite the reported level of interest in maintaining children in their families (Home Office, 1961). The earlier decline in the absolute numbers in care, whilst never precipitate, also began to slow down (Home Office, 1961; Packman, 1968).

The outcome of the Committee's deliberations was a proposal for a broad preventive duty to be placed on local authorities:

"To ensure maximum flexibility and an adequacy of power, we recommend that there should be a general duty laid upon local authorities...to prevent or forestall the suffering of children through neglect in their own homes." (Committee on Children and Young Persons, 1960, p.19)

Packman, however, argues that this proposed responsibility was set out only in very general terms, and promised to impose no specific requirements. In addition, the Committee suggested that schemes for the prevention of suffering or neglect

should be submitted by local authorities for ministerial approval. Despite this, Packman notes that this approach was criticised at the time as "cautious" (see also, Hendrick, 1994). Nevertheless, as she observes, the Ingleby Committee made a definite commitment to "positive rather than negative prevention":

"This seems to imply a reaching out to a wide spectrum of families, and promotion of an optimum level of child care rather than the maintenance of a bare minimum...." (Packman, 1981, p.65)

The 1963 Children and Young Persons Act (based largely on the conclusions of the Ingleby Committee) incorporated powers to promote the welfare of children, notably under Section 1, which stated:

"It shall be the duty of every local authority to make available such advice, guidance and assistance as may promote the welfare of children by diminishing the need to receive children into or keep them in care under the Children Act 1948...."

For Heywood, this was a further major step forward, marking a "final moving away from a paternalistic child-centred attitude", and towards a service based on "positive and skilled" intervention with the family as a whole. It should be noted, however, that the 1963 Act also incorporated an extension of local authority powers to assume parental rights over children (Section 48), hardly an extension of support for the birth family.

For Heywood, though, the period from 1946 to 1963 represents a time of continuous, and uniform, development towards a child care service based centrally on principles of prevention and support for the family unit. Minor variations could perhaps be observed, such as the strengthening of the state's powers to initiate adoptions against parent's wishes in 1958, but these were seen as relatively insignificant when set against the prevailing trend. But for the apparent difference of opinion about the initial aims and effects of the 1948 Act, Packman would probably agree with this analysis:

"The earliest struggles to prevent child deprivation rather than merely dealing with it on a more generous and sensitive level had led, within the space of two decades, to an important shift in the focus of the whole service and to great increases in scale. By the 1960s, children supervised in their own homes far outnumbered those 'in care'...." (Packman, 1981, p.72)

However, the child care statistics of the period do not bear out this perception straightforwardly. The argument that this period represented a fairly uncontested growth of support for a particular form of child care service cannot be accepted without reservation. This raises the further important question as to whether developments over this time can simply be attributed to the dominance of the "birth-family defender" value position, or whether there were other factors at play - particularly as there is evidence of change, and shifting priorities in child welfare during the period in question. In the spirit of ideal type analysis, we should not only be concerned with identifying trends, and significant convergences, but we must also consider whether the evidence is sufficiently cohesive to allow us to derive such conclusions. What sort of explanatory value does a concept have, for example, if it is so elastic in its application as to allow for dramatic variations in the key indicators against which it is to be judged?

Once again, there is evidence of change following the implementation of the 1963 Act. Packman comments on some noteworthy outcomes, particularly in relation to Section 1. Her view is that the clear evidence of a quick "take-up" of these new powers implies that preventive work had been hampered in the past, and that ambitions of this kind had been inhibited by the absence of explicit authority to act during the 1950s. The 1963 Act unblocked the dam, it would seem:

"In Oxfordshire, in July 1964, 655 children were being assisted under Section 1 and new referrals were being received at the rate of nine per week.... In May 1966, 831 children were supervised [in this way]...." (Packman, 1981, p.68)

Further evidence of similar trends can be adduced from the official figures available at the end of the 1960s, when 63% of children referred to local authorities

(220,000) were being helped in their own homes, with 12% going into care. In addition, the overall numbers of children provided with services had increased significantly in this period. Between 1965-6, and 1968-9, the amount paid out in Section 1 grants (under the 1963 Act) had increased from £88,000 to £261,000; and between March 1967 and March 1969, the number of children referred to local authorities had increased from 234,736 to 308,076 (Home Office, 1970). Despite the significant increase in the level of preventive work, Packman (1986) remains critical, seeing this only as indicative of a rise in "first aid and emergency work", when the child care services really aspired to a "more fundamental and lasting" role in supporting families and preventing breakdown. Holman (1988) also observes that social workers at this time were concerned that they were being diverted from their central task in order to compensate for shortcomings in the social security system.

The point could also have been made, perhaps, that this extension of family support work may simply have reflected an expansion of the child care service as a whole, rather than any clear shift in emphasis. Between 1965-6 and 1968-9, the amount spent on children's services by the Home Office increased from £29m to £40m (Home Office, 1970). This may simply have represented a more interventionist role for the state, rather than a greater readiness to help families to help themselves.

Heywood observes a substantial increase in child care workloads by the early 1970s, with 90,586 children in care on 31st March 1972, a rate of 5.9 per 1,000 children in the general population. In the previous year, 53,365 children had left home and entered care, whilst 50,486 had been discharged from care (see also Home Office, 1967; 1970; Parker, 1971). This growth in the use of care seems to have paralleled the additional use of local authorities' preventive powers, suggesting that straightforward acceptance of the pre-eminence of the "family support" model of intervention, during the 1960s, must be withheld. Thus, the continuing and largely consensual political emphasis on prevention, and the value of the birth family, did not apparently lead directly to a particular configuration of child care. This seems to throw some doubt on Heywood's line of argument:

"There is no doubt that while the emphasis from the fifties onwards has been upon the work with families, the emphasis on the protective

side of child care has been allowed to decline. " (Heywood, 1978, p.202)

In fact, the numbers of children in care had increased quite significantly during the 1960s, and had done so faster than the increase in the number of children in the general population (Packman, 1968). Once again, we must be very cautious about inferring particular conclusions directly from a reading of policy documents, or making assumptions based on the apparent postwar political consensus. Whilst strong support for the birth family was the mood of the time, this was clearly modified by practice developments, themselves rooted in the general belief in the benevolent role of the state in providing for, and protecting, children. Thus, the 1969 Children and Young Persons Act, extending the grounds on which children could be made subject to statutory orders, and the subsequent expansionist reorganisation of services in the wake of the Seebohm Report (Committee on Local Authority and Allied Personal Social Services, 1968), jointly contributed to a trend towards greater prominence for state intervention in family life, whether paternalistic and protective, or empowering and supportive. Perhaps, in an expansionist era, a "balance" had indeed been achieved between these different perspectives, which only later came into question.

The 1970s: the rise and fall of state paternalism?

The 1970s have been described as a decade of renewed support for "paternalism and child protection" by Fox Harding; and we note once again a degree of support for this suggestion from others who have written about that era of child care. For instance, in referring to Maria Colwell, Heywood reflects on the:

"too uncritical acceptance by social workers of the emphasis on the natural family.... The protective nature of child care must always be its priority." (Heywood, 1978, p.203)

This comment itself is hard to reconcile with Heywood's own clear sympathies with approaches based on principles of supporting families. However, the view of the Colwell case, and subsequent inquiry, as a turning point is also shared, by Packman (1981) and Parton (1985) among others. Indeed, Packman almost

echoes Heywood in her comments:

"The most important general issue which the Maria Colwell Report highlighted, therefore, was how far child care policies had, through their growing commitment to the 'family', ultimately failed the child."
(Packman, 1981, p.177)

For Parton, too, the inquiry represents a turning point. He links its concerns to the wider political climate of the time, represented by Keith Joseph's active interest in family issues, as Minister of State for Social Services. Joseph's explanation of the mistreatment of children rested on the idea of a 'cycle of deprivation' whereby predisposing factors would be transmitted from one generation to the next (Joseph, 1974a; 1974b). This thesis achieved two important political objectives. Firstly, it supported the view that services should be provided selectively to specific, and relatively small, problem groups; and, secondly, it justified a process of investigation and more or less compulsory intervention to put right problems which were beyond the capacity of such individuals to cope with. This kind of approach fitted quite nicely with the powerful emerging strand of conservatism at the time, a form of paternalism which sanctioned limited but authoritarian intervention to correct failures of morality or of will (see, eg, Jordan, 1977).

Parton suggests that the Colwell inquiry contributed to the development of a new moral consensus, based on a number of inter-locking themes - that child abuse (or "battered babies") was an identifiable syndrome; that social services are responsible for dealing with the problem; that birth parents' rights should be given less priority; and that legal changes were required to support this change of emphasis. This thinking was reflected in Sir Keith Joseph's public pronouncements at the time, and in emerging plans to strengthen Department of Health guidance for dealing with child abuse (Department of Health, 1974a; 1976). It is noteworthy that even Sir Keith, from the "party of the family", should be identified with the view that the child should be the primary focus of concern, as distinct from the family as a unit:

"we might make an impact on the extent of social, emotional and intellectual deprivation among children, and so reduce its later

consequences, if we could promote in our society a greater awareness and understanding of the processes of child development and of the importance of the parental role." (Joseph, 1974b, p.7)

Interestingly, with a change of government in 1974, there was little apparent change in this respect, with the new minister, Barbara Castle, cited as wanting social workers to "place less stress" on blood relationships, and by implication, more emphasis on the child's own distinctive interests.

These shifts of emphasis in child care thinking, allied to the growing recognition of the prevalence of child abuse, prompted new legislation in 1975. Heywood observes that the Children Act of that year reflected coherent themes, in its various parts. That aspect of the Act dealing with adoption gave priority to the importance of attending to the child's wishes and feelings (Section 3), whilst, as far as care proceedings were concerned, provision was to be made for the child to be represented separately (Section 64). These new elements in the legislation might appear to offer limited support for the separate and distinctive rights of the child; but it is important to acknowledge that their origin was clearly rooted in a growing protectionist ethos. The concern was primarily with the protection of the child rather than the promotion of her/his rights. Heywood, writing in 1978, concludes on a somewhat downbeat note that the decision to take steps further to safeguard the child's welfare:

"is also a sad and somewhat retrogressive step, emphasising the need of the child over and against that of his parents, and represents perhaps, in the light of experience a more realistic assessment of the serious and sometimes intractable problems with which the child care service has to deal, and a less optimistic view about their situation than prevailed in 1948 or 1963." (Heywood, 1978, p.206)

What is particularly interesting about this conclusion is that it is a revision of opinion, based on Heywood's own experience of re-evaluating and updating the history of child care, through second and subsequent editions. The shift of emphasis, and the decreasing belief in the capacity of families, with appropriate support, to resolve their own difficulties appears keenly felt.

Parton provides further support for the suggestion of a clear shift of emphasis in the terms in which child care policy was debated and created during the 1970s. He suggests that, following the publication of the Children Bill in 1974:

"there was no-one in or out of parliament who provided a voice for the natural parent of children in care - though the Bill was fiercely debated." (Parton, 1985, p.116)

Holman (1988) disagrees, however, noting that there was considerable concern expressed about the interests of birth families from within the social work profession. On the other hand, it does appear to be the case that this perspective attracted little public or political support at the time. (The contrast with debates on the 1988 Children Bill will become clear in subsequent chapters). This preoccupation with the child's interests was reflected in the 1975 Children Act, too, in Parton's view, with the needs of the child being emphasised "over and against" parents' interests. The Act extended local authority control in this climate of "less optimism" (Sections 56 and 57, for example), and he accepts Fox Harding's suggestion that this represented a resurgence of the "society-as-parent" perspective, emphasising the protection of children, with an associated belief in the importance of "certainty" and "permanence" in making arrangements for the care of children.

Whilst acknowledging these tendencies in the 1975 Act, Packman observes other complicating factors, too. She notes the parallel development of greater statutory control of child care procedures, and draws attention to the provision for children's "wishes and feelings" to be addressed in the decision-making process. Implicit, here, is the recognition that there are priorities which are not coterminous, and may, at times, be at odds with each other. For Packman, the 1975 Act contained inherent "inconsistencies and ambiguities". In her view, this is testimony to the problems of achieving "balance" which are inherent in any child care legislation:

"The immense difficulty of balancing fairly between all parties - parents, substitute parents, the child, the authority and even the public at large - is clearly reflected in the legislation." (Packman,

1981, p.178)

Nevertheless, Packman notes concerns expressed by social workers that the passage of the 1975 Act meant that "the pendulum had swung too far against the natural parents", and that in focusing on one aspect of the problem (like the 1948 Act), it did not give sufficient attention to the continuing need for effective family support services. The 1975 Act, however, did nothing to restrict authorities existing responsibilities in this respect, as provided for originally in 1963; and it also reinforced parents' powers to object to local authority decisions to assume parental rights (Section 56(7)).

The trends implicit in the 1975 Act were compounded in a number of ways, according to Packman. She notes a trend towards an increased emphasis on child protection in practice, based on "coding and classifying", rather than working with families (see Foucault, 1971). In addition, she points to the further increase in the numbers of children in care, during the 1970s; from 90,000 in 1972, to 101,000 in 1977 (see also, DHSS, 1979; 1980; 1981; 1982). As Parker notes, this was not just a consequence of an increasing child population, but it was "real" growth" in the proportion of children in care (Parker, 1990, p.95). Associated with this growth was observed to be a reduction in the use of voluntary admissions to care, in favour of compulsory orders - although the use of statutory orders also fell steeply from 1976 onwards (DHSS, 1980; 1982). On the other hand, Parker notes an increase in the numbers of children "home on trial" from 1970 to 1978; in other words, statutory orders did not necessarily mean that more children ended up placed away from home (see also DHSS, 1980; 1982). At the same time, however, increasing numbers of children in care were being made subject to parental rights resolutions under Section 2 of the 1948 Act. Whilst placement trends appeared variable, the use of formal, bureaucratic measures of control appeared to be on the increase.

The trend towards compulsion is however not merely a numerical phenomenon according to Packman. The relationships between authorities and families, and the techniques of intervention used also became more formal, more controlling, and more confrontational. In particular, the growing use of Place of Safety Orders represented a real cause for concern:

"this traumatic and summary style of intervention must have a profound effect on all concerned - not least the children." (Packman, 1981, p.183)

This change of ethos resulted in wide-ranging consequences, in her view:

"lessons learned in relation to the small but disturbing population of child care cases are being applied across the board, changing the image and even the nature of child care as a whole." (Packman, 1981, p.126)

Like Heywood, Packman expresses real concern about these developments, wondering whether "heavy-handed intervention" can be justified when there is no clear evidence of improved outcomes in consequence. Indeed, Packman appears to move towards a position of support for children's rights as a corrective to local authority power, rather than that of their parents. She concludes that, by the end of the 1970s, there had emerged a sense of confusion about balancing the different interests involved in caring for children, and of polarisation of approach as attempts were made to resolve these uncertainties. According to her, the battle lines were drawn, with:

"community involvement, participation and prevention on the one hand, contrasting with extreme measures to remove children from their homes and their parents on the other." (Packman, 1981, p.196)

Parton's (1985; 1991) analysis suggests similar trends during the latter part of the 1970s, including the dramatic proportional increase in the use of measures of compulsory care, notably Place of Safety Orders; which, in his view, is to be linked with social workers' increasingly authoritarian role at that time. However, he suggests that this approach was circumscribed in certain respects, with social workers afraid to tackle "head-on" the question of removing the rights of parents in relation to their children. This view is supported, interestingly, from a laissez-faire perspective, by Brewer and Lait (1980), who believe social workers always to have been too ready to idealise families, and thus unwilling to intervene directly to

rescue children from danger.

Parton suggests that it was not so much the change of professional ethos which shifted the balance in social work with families, but rather the financial stringencies experienced in the late 1970s, which led to a cutting back of the "soft" areas of supportive and preventive family welfare services. He associates this trend with a view within social work which says to "deprived families" that they should be able to manage their own lives, and that if they fail to do so, swift, decisive and punitive action will be taken:

"Social work is assigned a residual role working in an authoritative, controlling and prescribed way and the principles of rationing, punishment and statutory interventions are explicit and pre-eminent."
(Parton, 1985, p.12)

For him, this is epitomised in the shift in NSPCC thinking away from a treatment-oriented medical model of intervention, and towards a much more authoritarian and confrontational strategy of working with families (see, eg, Baher et al, 1976; Jones et al, 1987; Dale et al, 1989).

If this was indeed the case, and social work practice was beginning to take this repressive and policing form during the 1970s, then this aligns it more closely to the laissez-faire position posited by Fox Harding than the paternalist or child protection model, according to which she herself categorises child care policy and practice in the 1970s. Of course, Parton's primary focus is child abuse, and, writing in 1985, his analysis extends into the early 1980s, which he feels provide confirmation of earlier trends; nevertheless, his arguments suggest the definite emergence of an authoritarian and residual role for social work intervention, patrolling the margins of social deviance and inadequacy. Ironically perhaps, by placing this development in the late 1970s, Parton firmly associates it with the Labour government of the time.

The evidence and analyses available to us certainly pose a number of significant questions. It is clear that there is fairly broad consensus about developments in child care from the late 1940s to the late 1970s. The common perception is of an emergent, and then growing commitment to the principles of supporting families, working to maintain children with their parents, preventing

family breakdown, and rehabilitating children where this happened. However, this commitment is felt to have come under question in the early 1970s, with the "discovery" of child abuse, the pivotal Maria Colwell case, and the feeling that families were being idealised at the expense of some children. It is generally accepted that these further developments prompted a belief in taking steps to enhance the protections offered to children at risk of, or suffering abuse. The latter part of the 1970s is held to have been a time when changes in law, policy and practice sought to redress the balance in favour of protecting children, by emphasising and enhancing the authority of the social work profession in child care matters. Policy changes to this end were paralleled by an apparently greater reliance on the use of statutory authority, by use of measures such as Place of Safety Orders (eg, Parker, 1990; Corby, 1993). This cannot, however, be seen to imply a straightforward progression from a commitment to family support to a mode of intervention based on paternalistic child protection. Indeed, if Parton's view is to be accepted, even as paternalism came to the fore in the mid-1970s it began to lose ground to laissez-faire arguments based on principles of minimal but decisive intervention characterised by techniques of confrontation and control.

It is thus perhaps true to say that the analyses considered do not offer a precisely similar picture of events. We have noted, for example, the differences between Heywood and Packman on the intentions and immediate effects of the 1948 Children Act. Packman's view that the Act was limited in scope, being mainly concerned with providing substitute care for children, contrasting with Heywood's view that it was the 1948 Act which set the terms for a new form of preventive intervention, maintaining children in their families. Equally, there are divergences of view about events in the 1970s, with Packman seeing "ambiguity" in the 1975 Children Act, Heywood seeing it straightforwardly as a "protective" measure, and Parton agreeing, but emphasising the elements of residualism and control as the Act was implemented in a worsening financial climate (Webb and Wistow, 1987). In terms of the value positions, it might be argued that the interventionist alliance between protectionism and family support of the expansionist early 1970s was relatively quickly replaced with a coercive alliance between protectionist and laissez-faire interests towards the end of the decade and beyond. Webb and Wistow (1987) offer a stark contrast between the DHSS planning exercise initiated in 1972, based on an inbuilt assumption of 10 per cent growth per annum, on the

one hand; and the position taken by the incoming government in 1979 (ironically, also Conservative) that:

"the state was seen to be an inherently suspect for providing social care and public expenditure was earmarked for tight control...." (Webb and Wistow, 1987, p.92)

However, this period also saw the emergence of other diverse trends, which may suggest rather different possibilities. Firstly, the 1970s was a period of growing radicalism in social work thinking which emphasised support for families and the recognition of children's rights (eg, Bailey and Brake [eds], 1975; Pearson, 1975; Corrigan and Leonard, 1978). Secondly, a number of specific practice developments also began to emerge. The role of parents was increasingly emphasised in foster care (Holman, 1975; Working Party on Fostering Practice, 1976). The idea of "exclusive" fostering, denying parents a role (Rowe and Lambert, 1973), was losing ground during the 1970s, to be superseded by a more "inclusive" model. This decade, too, saw the first real blooming of the family centre movement, which was also rooted in principles of family support and community development (Holman, 1987). Parker's analyses of outcomes (1980, 1990) also raise further questions about the apparent homogeneity of developments through this period. According to him, the numbers received into care between 1956 and 1976 did not increase dramatically, and in fact there had been a decline since 1966. On the other hand, more children were staying longer in care, so the absolute numbers "in care" at any one time had continued to grow, both in numerical terms and as a proportion of the overall child population. In addition, according to him, the numbers of children "in care" but allowed to stay at home increased as a proportion from 17 per cent to 35 per cent in the period 1965-76. Thus, the very large numerical increase in numbers in care over this period masked other trends, which were in fact rather less supportive of the notion that the state was casting its paternalistic net ever wider.

It is thus perhaps appropriate to adopt a note of caution when considering studies which are based predominantly on drawing out broad themes based primarily on an understanding of policy and legislative developments (eg, Heywood, 1978; Fox Harding, 1991a; Hendrick, 1994). Although these analyses do offer

some evidence from practice, official statistics, and even the media, they are heavily reliant on the changes in law and policy affecting children for their conclusions. We cannot accept without question the assumption that law and policy reflect exactly what goes on in practice. Further examination of the trends in child welfare, and in the application of statutory powers, may well provide further illumination of the extent to which ideas and values expressed at the level of policy are not found straightforwardly to be reproduced in the direct provision of services.

The 1980's: Conflict, Balance or Confusion?

Learning to live with "The Right"

The relationship between ideology and practice in child care can usefully be considered further by addressing the developments of the 1980's. This was a decade which was characterised by a number of powerful forces and dramatic events, all intertwined with lengthy and intensive professional and political debates, culminating in the Children Act 1989. It was, in particular, a period of time dominated by arguments about "values", with an avowedly radical government of the Right seeking to gain and consolidate popular commitment to its blend of market-driven economic and social beliefs.

An idealised view of the composition, behaviour and benefits of the family became associated with the politics of Thatcherism (Fitzgerald, 1987); and this, in turn, could be expected to have a direct impact on the policies and practices to be found in child care, as in other aspects of welfare provision. A commitment to a stable, self-sufficient, independent family headed by two parents, usually with the male partner as breadwinner, and the woman as homemaker, offering a suitable moral upbringing for their children, was part of this vision. Fitzgerald helpfully illustrates the way in which this ideal vision of motherhood began to permeate Conservative rhetoric during the late 1970s and early 1980s:

"Quite frankly, I don't think mothers have the same right to work as fathers do. If the Good Lord had intended us to have equal rights to go out to work, he wouldn't have created men and women. These are biological facts." (Patrick Jenkin, 1977, Speech to the Conservative Party Conference; quoted in Fitzgerald, 1987, p.49)

"You know, it makes me angry if any woman is made to feel guilty because she chooses to concentrate on providing that warmth and welcome for the family instead of having a career." (Margaret Thatcher, 1980, Interview in *Woman's Realm*; quoted in Fitzgerald,

1987, p.49)

These interventions even attempted to deal with the irony of a woman Prime Minister:

"All right there are some women like me who can take on extra responsibility and would be frustrated without it. For us its right to do it, but just because its right for us, it isn't right to impose it on others (Margaret Thatcher, 1981, Interview in Woman's Own; quoted in Fitzgerald, 1987, p.52)

In this way, we might expect to see a fairly direct correlation between this perspective and its political and practical expression in the provision of services for families and children.

This perspective has been explicitly linked to a "laissez faire", non-interventionist philosophy by a number of commentators (eg, Hall, 1979), and it will be of interest to examine developments and debates in child care in the 1980s in the light of this. Was this viewpoint reflected directly, and unambiguously in practice, or was it mediated by other views and interests? For an analysis based on "value positions" to be effective, it must enable us to both identify and explain such developments. Interestingly, Fox Harding (1991) describes the 1980s as a time of "uneasy synthesis", arguing that the declared ideology of the government did not achieve the hegemony (Gramsci, 1971) to which it aspired. Indeed, she contrasts this period with earlier decades in finding "no single perspective" dominant. The fact that a clearly stated and powerfully promoted ideology emanating from government should only result in this confused outcome might appear to raise very real questions about the impact of ideology. It seems, indeed, to have been operating rather differently through the 1980s than in previous decades. This may be because the values being promulgated by government during the 1980s ran counter to the consensus views of child care agencies and practitioners, whereas in previous years there had been much greater consistency between government and professionals. On the other hand, even in times of

consensus, it is clear that policy and practice cannot be seen simply as a reflection of a single dominant perspective, with a range of viewpoints, and an unevenness of development, being evident even in times of substantial consensus. It has already become apparent, therefore, that the mechanisms linking ideology and practice are complex.

Detailed examination of the changes in child care experienced during the 1980s may help to illustrate some of that complexity.

Into the '80s

The start of the decade shortly followed a change of government, and coincided with the introduction of a significant piece of child care legislation (the Child Care Act 1980). Fox Harding argues that despite this, the early years of the decade did not witness a dramatic change of direction, but saw the continuation of previous, protectionist trends:

"As far as social work practice in the 1980s was concerned, planning for a permanent home for the child continued to be favoured in general, and it was the early 1980s which saw a considerable shift in this direction in many Departments' practices. The social work reaction to child abuse continued to exercise a considerable influence...." (Fox Harding, 1991a, p.226)

This trend is partly attributed to a growing awareness and understanding of child sexual abuse, which prompted a greater acceptance of the importance of intervention in family life in this particular respect:

"There is a growth in public concern, a broadening conception of the problem, particularly in the area of sexual abuse, and much more explicit arguments about the need to intervene as opposed to the need to avoid unwarrantable intrusion in family life." (Parton and Parton, 1989, p.56)

The Child Care Act 1980 certainly did not seem to be wildly out of line with its predecessors, being concerned mainly to consolidate previous legislation, rather than to break with the past. The Act, for instance, continued to allow local authorities to assume parental rights in respect of children received into voluntary care, contrary perhaps to some of the non-interventionist and anti-state views purportedly held by members of the incoming government.

Despite this, however, moral (or perhaps economic) messages did seem to make themselves heard. The number of children in care peaked in 1980, at 100,200, and declined rapidly thereafter, falling to 72,800 at 31 March 1985 (DHSS, 1982; Department of Health, 1991a). This decline represented a fall in the rate per hundred thousand of the population from 7.8 to 6.1. The numbers of those both in voluntary care (receptions under Section 2 of the 1980 Act), and in statutory care, fell sharply. Most of the decline in numbers reflected a decrease in placements in children's homes, both local authority and those provided by the voluntary sector. Whether or not the legislative framework had changed, there appeared to be a dramatic shift in practice over this period. Further evidence for this is provided by the sizeable fall in the early 1980s in the use of Place of Safety Orders (PSOs), as identified by Parton (1991). This is of particular significance, because PSOs represented the outcome of the most direct and intrusive intervention in family life then available to child care professionals. In addition, they proved to be a feature of social work practice which excited strong arguments during the course of the decade.

It may perhaps be surmised that whilst formal policy and the legislative framework were relatively unchanged during the early 1980s, the actions of agencies and professional staff were influenced in a less direct, but no less conclusive, fashion by the new moral climate. It is not in doubt that the government was both committed to radical change, and hostile to the idea of state intervention into the private sphere of family life (Gamble, 1988). Several mechanisms short of specific legislation were of course available to the government to exert this kind of ideological pressure. Firstly, it had the power directly to limit the amount of money spent by local government, and to influence how that money was spent (Webb and Wistow, 1987; Evandrou et al, 1990). And, secondly, the political leadership had a

ready-made and authoritative platform from which to make pronouncements about the relationship between the family and the state.

Unlike the late 1940s, the early 1980s saw no dramatic legislative changes which affected children and the arrangements for their care, but this did not mean that there was an absence of political interest, or a lack of attempts to intervene in the sphere of child welfare. Indeed, the early part of the decade did see two relatively small-scale attempts by government to promote the rights of parents in relation to children in care. The Health and Social Services and Social Security Adjudication Act 1983 restricted local authorities' rights to terminate parental access to children in care, and led in turn to the production of the DHSS Code of Practice on Access (1984), which sought positively to promote contact between parents and children in care. Whilst these moves could clearly be seen as pro-family, they did not appear to discourage initial state intervention, and thus could be seen as aligned with the ideology of "birth family support", rather than "laissez-faire".

Gamble (1988) has written of the "Free Economy and the Strong State", which phrase neatly encapsulates the laissez-faire view of the relationship between the State, the markets, and citizens. Gamble attributes this line of thought to the dominant strand of conservatism apparent during the early 1980s. In essence, this perspective reflects the belief that people are happiest, and perform at their best, when they are free to conduct their own affairs, both in economic matters, and in their family and personal lives. The State, therefore, should seek not to intervene; this is the equivalent of the "residualist" position adopted by George and Wilding (1976). The State, it is argued, can do real damage by intervening unnecessarily, or too intrusively, thereby debilitating and demoralising people and families capable of providing for themselves. It should only take an active part in ordering social life, or family relationships, when there is clear evidence of a complete breakdown in this respect. The State, therefore, should only police the boundaries of acceptable behaviour (which it has drawn), but otherwise leave individuals and families to "get on with" their lives. Mount (1982) was a prominent supporter of this viewpoint, who was popular and influential with the government in the early 1980s. He argued that the family is an essential unit of protection for its members against

threats from outside. It has endured in basically the same form for centuries, and this in itself demonstrates its essential and overarching value in caring and providing security for its members. The argument proceeds from this that it is of great importance not to tamper with the family unless absolutely necessary. Any perceived eagerness on the part of statutory authorities to intervene are to be treated with great suspicion. Other, more public articulations of the same kind of view were also evident, including some observations from government ministers (Fitzgerald, 1987). There was then, a definite "position" being taken by leading thinkers and government figures, which had much in common with the philosophy of laissez-faire. It is arguable that changes in practice in the early 1980s, and the reductions in the level of state intervention in child care were a reflection of this preoccupation, although, as already noted, the legislative steps taken in this direction were fairly tentative, and not entirely consistent with the pure non-interventionist position. Indeed, this seems to confirm that shifts in approach must also be recognised as relative phenomena. In 1985, for example, there were still more children in care per 100,000 population than in 1969 (Home Office, 1970; Department of Health, 1991a). In addition, evidence of a shift away from one form of state intervention, such as the use of statutory care, does not necessarily imply an equivalent reduction in other services, such as preventive support for families in need, or the investigation of allegations of child abuse.

The evidence seems to suggest that the shifts of the early 1980s were strongly related to a reduction in service levels as a result of funding constraints (Evandrou et al, 1990), with the most expensive aspects of the service such as residential care being particularly affected; although this was partly a reflection of demographic changes, and a decline in the overall number of children in the population. On the other hand:

"It is possible to approach the question from the opposite direction and look at changes in the provision of preventive services directed at children over time. The number of day nursery places provided by local authorities for children under five has increased, although the rate of increase has slowed from 1979 onwards." (Evandrou et al,

1990, p.237)

In addition, an increase in the number of family centres was noted (Holman, 1988). Thus, the trends in the early 1980s were not entirely consistent, although it seems clear that funding constraints imposed by the government were influential:

"The approach of the first Thatcher administration was pragmatic rather than ideological....The reversal has been finance-led. Until the third Thatcher administration (following the General Election of 1987) policy was framed less by Acts of Parliament than by budgetary allocations and drastic expenditure cuts." (Jones, 1991, p.189)

Professional insecurity - practice under scrutiny

The changes in child care appeared to reflect not merely a retrenchment due to financial pressure, or a simple response to the views expressed by government. They were also partly informed by growing professional uncertainties. Studies published in the late 1970s and early 1980s underlined such concerns. Some studies suggested that some forms of intervention with children and families were positively harmful (eg, Taylor et al, 1979; Morris et al, 1980). These conclusions were amplified by similar findings in the parallel field of juvenile justice (eg, Thorpe et al, 1980). Others questioned the apparently arbitrary nature of social work intervention, which appeared to be imposing unreasonable demands and restrictions on families.

A DHSS (1982) review of child abuse inquiries found persistent evidence of poor child care practice, and the National Council for One Parent Families (cited in Parton, 1991) criticised the usage of the mechanisms by which local authorities were able to assume parental rights over children in voluntary care (the power incorporated into Section 2 of the 1948 Act, and reproduced in Section 3 of the 1980 Act). Parents were repeatedly being denied information, or any say in the decision, and were thereby prevented from exercising their rights, according to NCOPF.

Such emerging concerns both prompted and were further stimulated by two

specific initiatives: the commissioning of an extensive body of research into child care by the DHSS, and the establishment by the House of Commons Social Services Committee of an inquiry into children in care (eventually published as the "Short Report" in 1984). These studies, and the evidence submitted to the committee further fuelled the argument that too much of the wrong approach was being used in child care, and that families were not being well-served by forms of provision intended to address their needs. The Magistrates Association, for example, argued that Place of Safety Orders were being misused (House of Commons Social Services Committee, 1984), even as their usage was declining (Parton, 1991).

A number of other submissions to the committee focused on the question of the purposes and processes underlying the making of Place of Safety Orders, with Packman (1986), in particular, producing detailed and critical evidence of their use and effects. She argued that they appeared to be used as a convenient device for dealing with a range of child care problems, regardless of their impact, rather than as a strictly defined and controlled emergency measure, only to be used in urgent cases of suspected abuse. Not only had the use of POSOs been extended beyond their original purposes, as set out in the Children and Young Persons Act 1969 (Sec. 28), but little account seemed to be taken of the devastating effect on families of the processes involved in their use. This was clearly fuel for the *laissez faire* argument that families were being unnecessarily, and insensitively, interfered with by the state. This perspective came to form a strong element in the deliberations of the Short Committee:

"It cannot...be accepted as satisfactory that a child can be removed from home and not returned home for a month without either parents or child having the chance to ventilate the issues before a court, all on the basis of an application by a social worker to a magistrate."
(House of Commons Social Services Committee, 1984, p.iv)

Indeed, evidence of unjustifiable intrusions into family life proved quite compelling to the committee, and its conclusions and recommendations reflected

an obvious wish to rectify a perceived imbalance between the state and family members. Despite this, the committee's report was not simply identifiable with a laissez-faire perspective, which would see parental decisions and choices on behalf of children as essentially unchallengeable. Rather, the report chose also to refer to the responsibilities of parents, which effectively set limits to their rights over their children; and which, if not exercised properly, would provide the grounds for justifiable state intervention to protect children.

The concept of "responsibility" also informed the committee's view of the state's obligations towards families in need. The state had a duty to support parents in the exercise of their responsibilities according to this line of argument, rather than simply exercising a policing function at the point of family breakdown or parental "failure". Thus the report incorporated ideas which were not associated with the laissez faire perspective, specifically supporting the principle of offering positive support for families, and identifying a role for the state in promoting and enabling good parenting. According to Parton, the Report's essential argument was that:

"The emphasis on prevention was the fundamental base for developing sensitive, supportive and participative services where the interests of the child in the context of the family could be provided for." (Parton, 1991, p.31)

If anything, the central themes of the Short Report reflect a compromise between the principles of minimal involvement in family life, and those of providing (paternalist) support for the natural family in meeting its responsibilities to children. The purpose of such intervention was not seen primarily as enhancing the quality of child care, but in reinforcing or supplementing the limited parenting skills evident in "socially incompetent families", in order to minimise the use of formal care:

"Family aides or "homemakers" can pass on some of the simple and practical domestic skills such as buying, cooking, washing and budgeting....The value of such help cannot be overemphasised: its

prompt provision could help avert a number of receptions into care."
(House of Commons Social Services Committee, 1984, p.xxv)

Gamble (1988) has analysed the tensions between different traditions of conservatism, distinguishing between, on the one hand, the minimalist and essentially libertarian view of the role of the state; and, on the other, taking a more positive "one nation" view of the value of intervention, a position characterised by George and Wilding (1976) as "reluctant collectivist" - the state acts here as moral leader, and "guide", offering services on a conditional basis, depending on the level of cooperation. Out of this contradiction, and other necessary, but limited political compromises (the Short Report is, after all, named after its chair, a leading Labour MP), emerge the diverse proposals of the report itself. It appeared rather to represent a move against certain forms of intervention, rather than a definitive shift in favour of a particular approach to child care. In some ways, this is unsurprising, because those aspects of social work practice coming under the closest critical scrutiny at this time were not those which were based on offering "help" to families, or "mollycoddling" them in the view of the Right (Brewer and Lait, 1980), but those which represented a more authoritarian form of state involvement, some aspects of which actually coincided with the laissez-faire model of decisive intervention at the point of family failure. Some right-wing commentators had, indeed, been observed to criticise social workers' for their timidity in intervening in families where things were going wrong (Brewer and Lait, 1980). Empirical evidence in support of this argument was provided by Dingwall and colleagues (1984), who observed social workers to be applying a "rule of optimism" in situations where children appeared to be at risk. Nevertheless, the argument for explicit restraints to be applied to unacceptable parental behaviour was confronted by evidence which suggested that this sort of approach could be damaging to the interests of children; and it was certainly damaging to the "idea" of the family (Parton, 1991). This debate was to reemerge with greater force at the time of the Cleveland inquiry.

Forward steps?

As the House of Commons Social Services Committee deliberated, some

steps were taken to limit the powers of the state in the sphere of child welfare, as already noted, through the additional rights bestowed on parents by the 1983 Health and Social Services and Social Security Adjudications Act. Despite its appearance, as a measure designed to discourage state interference in family life, its relationship to other aspects of legislation and process aligns it more closely with the "birth family defender" perspective than the laissez-faire position, to draw again on Fox Harding's terminology. The reestablishment of family ties, following justifiable state intervention, would not be a priority of the strict laissez-faire position, which would prioritise the establishment of permanent, sustainable alternative family care for the child.

Thus, for proponents of a laissez-faire perspective, early and decisive choices would be made between viable and non-viable family units, and children would be removed swiftly and permanently from those which failed this test, in favour of a suitable alternative family placement (Goldstein et al, 1973; Brewer and Lait, 1980). This line of reasoning, sometimes characterised as a form of "bifurcation" (Bottoms, 1977; Parton, 1991), that is, the establishment of a clear and immutable distinction between deserving and undeserving cases, has a long, and closely-analysed history in the context of child welfare (see also, Platt, 1969). Clearly, however, for politicians of the right, it creates potential difficulties in devising effective means for realising this distinction in practice, and maintaining both a generalised position of non-interference in family life, and a readiness to intervene decisively in specific instances, to bring an immediate end to "natural" family relationships.

The rights of parents were further extended by the HASSASSA Act 1983, to a limited degree, by ensuring that they could no longer simply sign away their rights to object to the local authority making a parental rights resolution in respect of children in voluntary care (Schedule 2, Para 46); again, this measure would be of value to parents whose children were already in care, rather than those facing care, or child protection, proceedings. Both Fox Harding and Parton stress that these legislative measures, coming some four years after taking power, hardly reflected the radical aspirations of the incumbent Conservative government.

In some respects, more definite steps were taken in response to the Short

Report, with the establishment of a DHSS working party (DHSS, 1985a) to consider how to translate its principles and recommendations into child care law. The terms of reference of the working party focused solely on the need to make changes in child care law, but the working party defined its task more widely:

"to frame proposals - or where necessary to present options - on changes to child care law to provide a framework for developing the best child care practice and meeting more effectively the needs of children and their families." (DHSS, 1985a, p.1)

The review picked up and developed the dominant themes of the Short Report. Thus, the interests of children were identified closely with those of their parents, and, it was argued, the role of the state should be limited to enabling them to undertake their 'natural and legal' responsibilities (DHSS, 1985a, p.4). The concept of 'partnership' in caring for children - a strong theme in subsequent discussions of child care law - emerged here (DHSS, 1985a, p.5). The idea of partnership, of course, implies a willingness to work together as equals, but, correspondingly, underplays concerns about conflicting interests, whether between family members, or between families and statutory bodies.

In the view of the working party, partnership arrangements would be underpinned with fair, but effective, measures to enforce the protection of children where necessary. The review attempted to set a clear and explicit threshold for such intervention, at as high a point as possible. Such intervention could not simply be justified by reference to the "best interests" of the child, but by proper and thorough consideration of the likelihood of harm to the child. The working party drew up a carefully graded framework as the basis for social work intervention with families, based on specific levels of 'need' or 'risk', moving from absolute non-intervention, through support for families in the community, to "shared care", and eventually to compulsory care. The DHSS review set its recommendations in the context of an overriding need to promote the welfare of children "in their families", and at the same time, to extend parents' rights against unwarranted state intrusion. Thus:

"The interests of the children are best served by their remaining with their families and the interests of their parents are best served by allowing them to undertake their natural and legal responsibility to care for their own children." (DHSS, 1985a, p.4)

And, where action is required to remove children from their families:

"Clearly the process by which such action is taken must give fair protection to the interests of parents, fairer protection than is given by the present procedures." (DHSS, 1985a, p.5)

Interestingly, the review did acknowledge the distinctive rights of children, in the sense that children's wishes and feelings should be given weight in decisions about their care. However, it was also very clear that these wishes must be overridden if they did not comply with the child's objective interests:

"We wholeheartedly endorse the existing principle that the child's wishes and feelings should be ascertained and given due consideration in any decision relating to his care....However, the "right" of a child to decide what he wants must sometimes conflict with his "right" to be provided with what he needs and in such cases the latter must prevail, at least until the child has reached a certain age." (DHSS, 1985a, p.7)

This falls well short of an enthusiastic endorsement of children's rights to influence key decisions affecting their upbringing.

Equally, the review put forward proposals which would have extended local authorities' role in child protection, notably by widening the grounds on which they should "make enquiries" about the welfare of a child, to incorporate any situation where the child might be "feared to be at risk" (DHSS, 1985a, p.23). However, these gestures in the direction of children's rights and child protection are to be viewed in a context in which the primary emphasis was undoubtedly the

preservation of parental rights, and maintaining the integrity of the natural family. These messages emerged much the most explicitly from the review exercise. Supporting the family appeared to be the central theme, but this was to be cast more positively than merely compensating for "parental inadequacy" or simply preventing the reception of children into care (DHSS, 1985a, p.3). Parton has taken the view that:

"there was a serious attempt being made to reconstitute the original thinking behind the child care departments but modified for the changed social and political realities of the 1980s."
(Parton, 1991, p.50)

These changes in political priorities were additionally informed by the substantial body of research into child care completed during the early to mid-1980s. This research was the more noteworthy because it was largely carried out by respected academics who were 'friendly' towards professional social work, and who generally valued its contributions towards supporting families and protecting children (eg, DHSS, 1985b; Fisher et al, 1986; Millham et al, 1986; Packman, 1986). However, the messages emerging from this research were to be interpreted by a government which was generally opposed to interference in family life, despite the contradictory strands of conservatism already mentioned. That the research, taken as a whole, appeared broadly critical of social work practice, and conveyed an impression of agency hostility to families, provided a ready basis for the hardening of government views in this area - leading, for example, to a promise of more stringent "testing" of local authority applications to assume parental rights in the ensuing White Paper (Secretary of State for Social Services, 1987).

The messages emerging from these various research and policy development initiatives began to take on a degree of consistency. The Short Report and the Review of Child Care Law, for example, appeared to be in broad agreement about the way forward, despite differences of emphasis. Their general message appeared to be that an effective compromise was possible between different perspectives on child welfare, with particular emphasis on discouraging

non-specific and intrusive intervention in family life, whilst maintaining a positive view of intervention to support and maintain families in certain, difficult circumstances.

Parton suggests, in effect, that the emergent compromise was a reflection of a further development of the distinction between 'deserving', and 'undeserving' cases:

"the recommendations for change began to separate out the compulsory and voluntary systems of care, where the latter was reframed as shared and respite care. While the primary concern of the former was the protection of the individual, both the welfare of the child and the interests of the parents, the concern of the latter was extending partnership, support and working alongside parents and children." (Parton, 1991, p.50)

This analysis, based as Parton states on the work of Foucault (1967), develops the idea of a gradation of interventions, set according to key indicators, or levels of risk and need. Thus, quite different approaches and forms of intervention would be triggered by differing factors in the circumstances and behaviour of parents or children. Punitive forms of intervention, based on the laissez-faire philosophy could, according to this analysis, exist side by side with programmes of intervention to support birth families. If this is the case, it might suggest that 'balance' is in effect achievable by means of an accommodation between different aspects of the child care 'system'. Disputes would effectively revolve around where to "draw the line" between different approaches, rather than seeking to demonstrate the ultimate superiority or otherwise of any particular perspective.

However, this raises several further questions. Firstly, is it possible to relate this kind of theoretical distinction to child care practice? Secondly, will services be experienced by those who use them according to this kind of differentiation (see, eg, Fisher et al, 1986)? Thirdly, how will difficulties of categorisation "at the margins" be resolved? And, fourthly, is it conceivable that any particular form of intervention can represent the 'pure' version of any specific perspective? Hardiker

and her colleagues (1991b) have, for example, suggested that distinctive levels of intervention in child care can draw on a range of available value-bases, and that these are not mutually exclusive. It is perhaps more likely that ideological tensions will be apparent within, as well as between, elements of the child welfare system.

Tensions in practice

In partial answer to these questions, Parton reflects on the practice changes occurring at around the same time as the Review of Child Care Law. These again, appeared to suggest that the situation was more complex than could simply be achieved by a gradation of interventions. Most notably, Jasmine Beckford was killed by her step-father in 1984, and this event, the resulting publicity, and the subsequent inquiry renewed interest in the protection of children, albeit against the political background of a strengthened commitment to family rights (London Borough of Brent, 1985).

According to Parton, the public interest in the case and the inquiry contributed to a definite change in the 'climate' of social work practice with children. This was most clearly reflected, he argues, in the sharp upturn in emergency interventions to protect children. In 1985:

"the number of children removed to a place of safety in England was 5305 (0.47 per thousand population), by 1987 this had increased to 8055 (0.73 per thousand population)." (Parton, 1991, p.53)

This figure is supported in the present author's experience by the impressions and acknowledged changes in practice acknowledged by social work colleagues at the time. There was a perceived need, and a feeling of external pressure, to be much more active in moving into families to protect children for fear both of the consequences to children, and of personal liability. Thus, the boundary between different types of intervention had apparently shifted. This might appear as a reaction against the "rule of optimism" underpinning much social work practice (Dingwall et al, 1983). In some respects, however, this represents merely an intensification of existing preconceptions and priorities identified by Parton

previously (Parton, 1985), and the increasing concentration of effort in the narrow field of child abuse and child protection.

According to Parton, this development was very substantially fuelled by the Beckford inquiry's insistence that the purpose of social work with families first and foremost was to offer a child protection service (London Borough of Brent, 1985). The inquiry report prescribed an approach based on identifying and then removing children in high-risk situations, where no alternative was feasible, and eliminating speculative investment in preventive work which would clearly not succeed in maintaining the child safely within the family.

Dingwall (1986) has criticised the inquiry's approach for aspiring to make all children "children of the state"; in other words, for extending the net of child protection into all areas of family life. This fear would appear to have been borne out, at least in part, by the increased use of child protection measures noted earlier. On the other hand, the Beckford inquiry actually proposed a restriction of the grounds for intervention, so that, for example, a Place of Safety Order could only be obtained in a real emergency, rather than in response to more generalised concern. The Beckford inquiry report also recommended the extension of parents' rights to contest proceedings (London Borough of Brent, 1985). Neither of these suggestions would appear to be consistent with a general extension of state powers to intervene in the family. This concern for parents' rights suggest that the inquiry wished to balance its calls for decisive action in emergencies with the discouragement of more speculative, and less securely-grounded moves to draw more families into the child protection net - a further illustration of the trend towards "bifurcation, perhaps?

Despite this, however, social workers were more likely to seek, and to be granted, Place of Safety Orders in the two years following the publication of the inquiry report (Department of Health, 1991a). It seems that they had taken the "child protectionist" message from the inquiry report, even though it did not offer unequivocal support for this position. Parton argues, and it is difficult to disagree, that this outcome was hardly surprising in a context in which social workers themselves felt increasingly vulnerable to criticism or blame if harm should occur to children for whom they held responsibility. Equally, one might expect a profession

under attack, as social work often was during the 1980s, to take every available opportunity to secure, or even extend, its sphere of activity, and its professional standing. Nevertheless, as Parton observes, this:

"approach to children and families seemed in sharp contrast to that outlined in the Short Report, the research on decision-making in child care and the Review of Child Care Law. It was as if there were two competing agendas or paradigms for practice and it was the one symbolised by the child abuse inquiries which was dominant." (Parton, 1991, p.77)

As already observed, there were probably rather more than two 'paradigms' in competition at this time. Indeed, the broader picture of social work with children during the 1980s adds a further element of confusion to the picture. The number of children in care continued to decline in the middle part of the decade, suggesting that in a different area of child care practice, a rather different dynamic was in play. Whilst considerable attention was being paid to the initial investigation and detection of abuse, less emphasis appeared to be given to "treatment", and longer term intervention. The focus of social work practice with children seems to have shifted towards investigation, assessment and decisive action in a limited number of "dangerous" situations (Dale et al, 1986; The Violence Against Children Study Group, 1991).

In addition, the evidence obtained by the House of Commons Social Services Committee (1985) indicated an overall reduction in spending on social services (see also, Association of Directors of Social Services, 1986), suggesting that this was a period of "retrenchment". In view of the subsequent increase in activity in child protection, this suggests a fairly clear shift in emphasis away from provision of substitute care, and family support services, and towards a more active role in short-term intervention to protect children, or to 'police' the family. In some ways, this is consistent with a laissez-faire position, whereby intervention only takes place at a time of crisis, to avert danger to children, and where parents are held, effectively, to have forfeited their right to care for children. Other evidence provides

limited support for this, in that placements in foster care remained fairly constant, suggesting that 'alternative families' were still being found for children who were no longer able to live with natural parents (Department of Health, 1991a). On the other hand, the character of fostering itself was coming under question, with the aim of encouraging greater, rather than less, contact with "birth parents".

It is reasonable to suggest, then, that child care practice during the 1980s was subject to a number of intense, and sometimes contradictory pressures, often felt differentially depending on the area of work affected. The net consequence seems to have been a greater emphasis on emergency interventions to diagnose abuse, and remove children from risk of harm. Tightening up in this area, however, had the ironic consequences both of reducing support for families, and increasing levels of 'interference' in family life.

Working Together - pulling apart?

Meanwhile, and perhaps typically, public policy was moving to catch up with the practice changes prompted by the Beckford inquiry. 1986, for example, saw the first publication of the document generally known as "Working Together", a detailed set of guidance on child protection procedures (DHSS, 1986). This first draft reemphasised the notion of inter-agency cooperation in the interests of protecting children. The guide, following the arguments of the Beckford inquiry report, put great emphasis on the statutory responsibilities of social services departments for child protection, but it also incorporated detailed recommendations to apply to other professions, who should be expected to participate in detecting signs of abuse, and acting to protect children from harm.

"Working Together", in its draft form, reflected a clear emphasis on the powers and duties of social services departments, concentrating on the mechanisms for detecting abuse, and providing a basis for decisive action to control it. Whilst it is true that this was only a draft, and that revisions could have been expected in any case, Parton (1991) argues quite persuasively that there was a definite shift of emphasis between this version, and the final text, published in 1988 (see also, Stevenson, 1989; Corby, 1993). His view is that, coming when it did, the 1986 draft version was preoccupied with the role of the state and its

agencies, whilst giving relatively less thought to the rights and responsibilities of parents. Subsequent events appear to have modified this approach.

In particular, thinking is likely to have been influenced by the events surrounding allegations of child sexual abuse in Cleveland during 1987, and the ensuing furore (see, eg, Campbell, 1988). The apparent evidence of excessive intrusion by social workers and other professionals into family lives led to a greater willingness to recognise the rights of parents (Christopherson, 1989; Parton and Parton, 1989). In retrospect, it seems that key events in child care during the 1980s, and the responses to those events, could almost have been scripted to highlight the ideological arguments over the nature of and grounds for statutory intervention with the family. The rhetoric of non-intervention in the early part of the decade met its reaction in the response to Beckford and other inquiries in the mid-part of the period. An active role for social work in extending protection to children was back on the agenda. This, in turn, was the subject of a further reaction, when the Cleveland inquiry (Butler-Sloss, 1988), and the associated publicity and political pronouncements (see, eg, Lunn, 1988; Franklin, 1989), appeared to demand strict limits to the powers of statutory bodies.

It is important to reiterate that there is no simple assumption here that these battles of position were replicated straightforwardly in wide-ranging changes in practice. The interplay between ideology, policy and practice is not mechanistic in any direction. Nor is it without its contradictions. The Beckford report appeared to promote a narrower, but more authoritarian vision of social work, limited to its statutory, policing functions, in effect offering an endorsement of the laissez-faire perspective. Despite this, the apparent consequence was not a reduction in the level of intervention, but an increase, largely because social work staff felt that their protective role had been validated by the report.

Notably, the Director of Social Services in Cleveland maintained that his department's practice in the early part of 1987 directly reflected the response to the Beckford case expected by the DHSS:

"if at all possible Cleveland Social Services would learn from the unfortunate mistakes made elsewhere and ensure that we did not

make similar mistakes which could result in children being unavoidably abused." (quoted in, Butler-Sloss, 1988, p.56)

The belief amongst professional staff in Cleveland was that social work with children was engaged in an attempt to extend and improve its abilities to carry out its protective function. In doing so, some of the agency's practices, as considered by the Cleveland inquiry, revealed a readiness to intrude into the family to whatever extent was necessary to achieve this objective. Consequently, the use of court powers to restrict parental access to children became a source of conflict. The view was taken that the authority needed to exercise power, and, if necessary, exercise it directly against parents. This view finds strong echoes in influential practice texts of the period as well (Dale et al, 1986).

The report of the Cleveland inquiry found that social workers had erroneously accepted medical evidence of child sexual abuse as sufficient, in itself, to trigger intervention to sever contact between children and their families (Butler-Sloss, 1988, p.244). The priority was to protect the child, but this seemed to be underpinned by the tenuous belief that this necessitated the immediate separation of child and parents. Presumably, this action was undertaken on the grounds that the suspected abuser(s) was/were within the family, and that the child could not otherwise be protected (Stevenson, 1989; Parton, 1991) - this assumption, in relation to sexual abuse at least, had not previously been scrutinised thoroughly. The emphasis on immediate action to sever links with the family might suggest that social workers were, in fact, acting in a manner consistent with the laissez-faire position - which would support decisive intervention to bring to an end damage to the child originating from male family members, by means of the immediate removal of the child, without reference to, or consideration of, the particular circumstances of the family.

However, this conflicts directly with another central tenet of the laissez-faire position: that involvement with parents, and disruption of the family by statutory agencies should be kept to an absolute minimum. Others would no doubt argue that in focusing on the actions of male perpetrators of abuse within the family, this form of practice also posed a challenge to another central pillar of laissez-faire

philosophy; that is to say, patriarchy (see, eg, MacLeod and Saraga, 1991). The evidence presented to the Cleveland inquiry suggested a sudden and dramatic upsurge in statutory intervention, based on medical diagnoses of child sexual abuse (Butler-Sloss, 1988). The need to act positively to prevent harm came into direct opposition to the requirement to leave the family alone, wherever possible.

The response of the report of the Cleveland inquiry to this head-on clash was, in fact, thoughtful and 'balanced' (Butler-Sloss, 1988; Parton, 1991). It did not, for example, seek to determine how many children it believed to have been sexually abused in Cleveland during the period in question. It did not, therefore, demonstrate a clear rejection of the approach taken by the social services department. It is also now famous for stressing the interests of the child, as against the competing claims of adults involved, by stating that the child is not "simply an object of concern". In fact, the report sought to avoid fuelling prejudices, or polarising arguments further. Its recommendations, indeed, were broadly consistent with the framework developed through the Short Report, the Review of Child Care Law, and the 1987 White Paper, "The Law on Child Care and Family Services" (Secretary of State for Social Services, 1987). There was, for example, a suggestion that parental rights should be given stronger emphasis in child care proceedings (Butler-Sloss, 1988, p.246), as well as a somewhat ironic recommendation that the courts (which had, in fact, endorsed most of the social work actions in Cleveland, without question) should be strengthened, as a safeguard of parental rights (Butler-Sloss, 1988, pp. 252-253). The report also recommended better control over the use of Place of Safety Orders, in order to keep their impact to a minimum (Butler-Sloss, 1988, p.246).

In addition, however, the Cleveland report was clearly supportive of the social work profession, and the importance of maintaining a proper level of expertise in carrying out its child protection functions. Indeed, the conclusions of the Cleveland inquiry illustrate in their very search for balance that it is the very multiplicity of ideological and practical functions which social work is expected to bear, which create problems for those wishing to articulate criticisms of it. As the experience in Cleveland demonstrated, it was perfectly possible for workers to argue that, in the absence of effective guidance, their practice was entirely

compatible with the government's stated objective of guaranteeing the safety and security of children (Stevenson, 1989). The role and functions of social work may be greater or smaller, more or less heavily regulated or circumscribed, but it is difficult to envisage an absolute abdication of state responsibility in this area. This implies that the question becomes one of degree. Judgements must be made about the limits to intervention, rather than whether or not it will take place; about the degree of professional discretion, rather than whether to dispense with it; and about the extent of social workers' power, rather than whether or not it should be removed. Resolving these issues was, indeed, the aim of the report of the Cleveland inquiry. Nevertheless, the media response to the report, in particular, heavily accentuated only part of its message: that the state in the form of Cleveland's social workers (and medical practitioners) had needlessly intruded, and with great insensitivity, into the ordinary lives of ordinary families (Franklin, 1989).

After Cleveland - realignment not revolution

In policy terms, the immediate consequence of the Cleveland affair was the revision of "Working Together", although it is undoubtedly the case that there were parallel ramifications in practice (DHSS/Welsh Office, 1988). "Working Together", by the time of its publication in 1988, had changed its view of the role of parents in child protection procedures. They were, for example, now to be invited to attend all, or part of, case conferences concerning their children, unless this was prejudicial to the children's interests (DHSS/Welsh Office, 1988, p.29). At the same time, the 1988 version of the document actually watered down references to children's rights, so that their "allegations of abuse" should be "taken seriously", rather than "accepted as true until proved otherwise", as the earlier draft version put it. The possibility of false allegations by children was also acknowledged:

"professionals need to be aware that a false allegation may be a sign of a disturbed family environment and an indication that the child may need help." (DHSS/Welsh Office, 1988, p.34)

In other words, children's statements to the effect that they had been abused by

parents (or other adults) should no longer be the critical determinant of subsequent action. This shift of emphasis was given further substance by the inclusion in the 1988 version of a statement drawing specific attention to social services departments' responsibilities to parents and other carers, alongside their duties to protect the child's interests. This specific 'rebalancing' of the formal relationship between the interests of children, and the rights of parents has also been noted elsewhere (Stevenson, 1989; Parton, 1991; Corby, 1993). Stevenson, for example, argues quite definitely that:

"... it is beyond doubt that our society will not tolerate a situation in which the balance to children's rights tips beyond a certain point, whatever 'first duty' the law lays upon social workers." (Stevenson, 1989, p.157)

The implications for proponents of the "children's rights" perspective are significant. Stevenson clearly holds the view that the changes between the two versions of "Working Together" were concrete evidence of a reaction against a perceived over-emphasis on the child:

"The swing of the pendulum towards parents' rights which we have seen in the wake of the Cleveland affair seems to have strengthened the movement towards parental participation in case conferences. This is epitomised in the changes between the draft guide (1986) and the final version (1988) of the DHSS circulars." (Stevenson, 1989, p.156)

The consequences of the Cleveland controversy thus appear to have been a strengthening of pro-adult perspectives (both laissez-faire, and to a lesser extent, birth-family support); and a corresponding reduction in support for child-centred positions (child protection, and children's rights).

Despite this evidence of a renewed commitment to helping parents to resist the intrusions of the state, albeit in the interests of children, anomalies persisted.

As a consequence of the Beckford inquiry, the government introduced tighter controls on the return home of children subject to Care Orders, also during 1988 (SI 2183/88). Detailed checks were to be made as to the potential carers' suitability, and specific responsibilities were to be incorporated in a written agreement between the local authority and the carer. However, it might also be argued that this is merely further confirmation of the strengthening of the laissez-faire approach. That is to say, state intervention is to be discouraged increasingly, except where a positive need to intervene is identified, in which circumstances intervention should be decisive and final. Parton and Parton (1989) have discussed the evidence of a 'bifurcation' in child protection, along these lines, linked to a growing concern with "dangerous families". They identify a belief, particularly associated with the NSPCC, that it may be possible to distinguish those families, and those circumstances, which are dangerous to children, and which therefore merit the overriding of parents' rights. This position is distinguished from earlier thinking on child protection, which might be characterised as more inclusive, and less willing to support differential forms of treatment, even for the incorrigible few.

The gradation of treatment suggested by changes in policy appears to be consistent both with a refinement of the laissez-faire position, and with the kind of technological or clinical approach to investigation and intervention implied by Parton's Foucauldian analysis. According to Parton, this kind of systematic strategy underlies the government's advice on assessment, and decision-making. Three clearly discrete levels of intervention would be possible:

"...the child remaining at home; short-term separation leading to rehabilitation; and permanent separation from parents." (Parton, 1991, p.144)

These courses of action should be framed by a network of rights, and written agreements, and sanctioned only by the courts. This reversion towards a concern for parents' rights leaves room for the protection of children's interests, but its strongest element is undoubtedly the concern to keep families together, and to limit state activity in this sphere.

Despite this aspiration, it was also clear that 'rehabilitation' retained a place in the overall picture of child care, largely as a result of the Short Report, the DHSS review of child care law, and the research studies of the early 1980s commissioned by the DHSS (1985a). Parton (1991) appears to attribute this outcome to the presence of influential individuals in the policy-making arena, although it seems more likely that it springs from the need to resolve ideological conflicts - for example, between the principle of non-intervention, and the desire to be seen as supporting "the family". Equally, for those elements within government who favoured a laissez-faire approach, there remained the difficulty of ensuring that real families complied with their idealised view - a significant challenge in view of the observable demographic trends, that is to say, increasing levels of marital breakdown, and growing numbers of lone parent families (see, eg, Kiernan and Wicks, 1990). By now (1988), the government was ready to legislate, in order to introduce greater clarity and certainty into child care practice. Its preference to avoid interfering in the family was clear, but it also recognised a need both to protect children, and to offer support to families, in certain circumstances.

Fox Harding uses the concepts of "balance" and "uneasy synthesis" to describe the position emerging from the events and arguments of the 1980s. Whilst this may be a relatively accurate representation of the emerging picture, it appears to have limited value as an explanation of the changes observed during the decade. It is clear that this period was a time of powerful arguments, and significant shifts in practice, focusing specifically on the appropriate manner and methods of using state powers to intervene in family life. It is certain that these arguments could not be decided conclusively, so the notion of "balance" does no more than restate this observation - it does little to help us to understand at exactly what point the balance is struck. Whilst changes in child care practice can usefully be identified with the relative strength and influence of the "value positions" set out by Fox Harding, it seems that contradictory developments proceed in parallel, sometimes creating an opposition between different levels of policy and practice (a finding which Harris and Webb, 1987, have explored in some detail in another context).

Thus, as laissez-faire rhetoric (and economic policy) began to take hold, the

number of children in care dropped substantially; but so, too, did the child abuse tragedies, and subsequent inquiries of the mid-1980s appear to have led to a greater readiness to intervene in some circumstances - a development borne out by statistical evidence of increased child protection activity, particularly in respect of the use of registers (Birchall, 1989). This more active approach on the part of social work professionals led, in turn, to renewed confrontation with the values of family unity and integrity (it was during the late 1980s that PAIN - Parents Against INjustice - began to benefit from government funding). Thus, in effect, aspects of the laissez-faire position came into conflict with proponents of child protection. Explanations for these developments, however, cannot simply be posed in terms of a battle of position, but also reflect the interplay of material, political and ideological developments, operating in different, and not entirely predictable ways, at various levels of policy and practice. The reemergence of a strongly interventionist approach to child protection in the mid-1980s probably reflected a number of factors which combined to give the movement additional strength. For example, it provided clarity and certainty to a profession unsure of itself; it reflected a belief in decisive intervention in a "small minority" of cases; it created space for a growth in service provision at a time of financial constraint; it fostered a belief in the capacity to protect children; it focused responsibility for failures of child-rearing onto individuals, and away from the state; and it gave a sense of responding positively to perceived failings of policy and practice. For these, and other reasons no doubt, a trend was set, apparently at odds with some of the other preoccupations of the time.

In terms of specific child care perspectives, this can be represented as a compromise between and within laissez-faire and child protectionist positions, but it was also therefore a compromise which contained the elements of future conflict between these various viewpoints, when the "balance" shifted. Thus the events of Cleveland tested the limits of shared understandings. Running alongside this, of course, were other developments with different timescales and dynamics - thus, debates about support for the family, and the value of early prevention continued to exert an influence, for example (Gibbons, 1988). In terms of child care practice, the 1980s saw a continuing decline in the numbers of children in care (Department

of Health, 1991a). This, in a sense, is clearly consistent with a non-interventionist ideology of the family. On the other hand, foster care was increasingly influenced by a philosophy of partnership with parents and rehabilitation, and there were significant developments in family support initiatives, notably the expansion of family centres, and other forms of community-based child care (Holman, 1988; Cannan, 1992; Gibbons [ed], 1992). In addition, the 1980s very clearly saw the emergence of stronger arguments for the recognition of children's rights, both nationally and internationally (Franklin [ed], 1988; UN, 1989), as well as concrete developments such as the establishment of the Children's Legal Centre (with government funding), more explicit acknowledgement of the wishes and feelings of young people in care (Stein and Carey, 1986; Gardner, 1988), and the establishment of the first post of "Children's Rights Officer" in Leicestershire. All these developments received further significant support from the "Gillick" ruling, whereby the House of Lords decided that children of sufficient maturity should have the final say in deciding on their own medical treatment (Alderson, 1991).

It would be impossible to say that the resultant picture of child welfare practice could be clearly or conclusively identified with any particular value perspective, despite the radical messages apparently emanating from government. We might, indeed, go further and question the real clarity and consistency of these messages themselves - a task to which the next chapter will turn.

Debating the Children Bill 1988: Values and Policy

Introducing the Bill

Having considered recent developments in child care, and the interplay between policy, practice and values, the next step will be to take a more detailed look at the policy context. We have observed that the triangular relationship between values, policy, and practice is complex, and uneven. Practice does not simply emerge, unamended, from the aspirations and ideologies of those with power. It is, rather, mediated by operational demands, the force of circumstances, and the influence of "street-level" actors (Lipsky, 1980; Harris and Webb, 1987) - so that outcomes may not clearly represent the preferences of those with political influence, even if their messages are clear and unambiguous.

This state of affairs may, however, be explained in part by the fact that the policies and rhetoric developed by those in power are indeed ambiguous, or open to diverse interpretation.

This chapter will consider, in some depth, the debates which led to the passage of the Children Act 1989, in order to determine more clearly the relationship between value positions taken up in the course of political debate, and the substantive policy represented by the legislation itself. Subsequent chapters will attempt to consider the question of the interpretation and implementation of the Children Act. By pursuing the question of the interplay between values and formal policy-making, we will be able to consider further the integrity of the values espoused, and whether or not they are found to be reflected consistently in legislation. We may also be helped to draw some conclusions about the relative strength with which respective positions are to be represented in child care law; and to consider what this might mean for child care practice.

The Children Bill was introduced into parliament in 1988, shortly after the publication of the Cleveland inquiry report (Butler-Sloss, 1988). Despite the controversial nature of this and earlier inquiries, the Bill was introduced first in the House of Lords, a practice usually associated with relatively uncontentious legislation, where a high degree of political consensus is anticipated. Nevertheless,

the Bill was heralded by the Lord Chancellor in dramatic and radical terms:

"Your Lordships will be acutely aware, as are the Government, of the sharply increased public concern over the care, protection and upbringing of children which has been generated by recent events....The Bill in my view represents the most comprehensive and far reaching reform of child care law which has come before Parliament in living memory." (House of Lords Official Report, 6.12.88, Col 487-88)

He stressed that the Bill would "bring together" disparate and fragmented strands of existing legislation, to create a clear and comprehensive framework for child care law. The Bill would address concerns about child abuse, at the same time as taking steps to control "over-zealous" statutory intervention in family life, as reputed to have happened in Cleveland. Even in these early introductory remarks, there is implied a dual concern, to protect children on the one hand, whilst discouraging unnecessary state interference in the family on the other. The need for "balance" was, perhaps unsurprisingly, stressed by the Lord Chancellor. Indeed, this is a term which can be found to recur repeatedly in parliamentary debates on child care, and elsewhere. However, as may already have become clear, it is a term which tends to conceal rather than illuminate problematic issues.

The Lord Chancellor proceeded to stress the "guiding principles" behind the Children Bill:

"The prime responsibility for the upbringing of children rests with the parents, but in cases of need the State should be ready to help, especially when doing so lessens the risk of family breakdown. Services to families in need of help should be arranged in voluntary partnership with the parents, and the children enabled to continue their relationship with their families where possible. Parents' legal powers and responsibilities for caring for a child should only be transferred to a local authority following a full court hearing and then

only when there has been harm or there is risk of harm to the child."
(House of Lords Official Report, 6.12.88, Col 489)

Thus, it would appear, the Lord Chancellor had already underlined the importance of three distinct "value positions", in his introductory remarks on the Children Bill - "child protection", "laissez-faire", and "birth-family defender". Clearly, some mechanism for reconciling these alternative perspectives would be necessary, if the government was to achieve overall coherence in the legislation. In passing, the Lord Chancellor also offered limited recognition of the "children's rights" position, in his acknowledgement that the interests of the child should be the primary concern in court hearings, and that the child should be given full "party" status in court, distinct from parents.

In his detailed exposition of the bill to parliament, the Lord Chancellor described aspects of the draft legislation which would reflect each of the value positions. The "keynote proposition" that the child's welfare should be paramount was incorporated in Clause 1 of the bill. This protectionist principle was immediately qualified by the observation that no court order should be made in child care cases, unless that would clearly be better than making no order at all. In other words, state intervention as a precautionary measure should not be sanctioned in the absence of any real evidence to support the need for it - this is interpreted by Fox Harding (1991b) as a laissez-faire proposition. On the other hand, the same clause incorporated a new requirement to take account of children's wishes and feelings in arriving at any decision.

The Lord Chancellor's speech also drew attention to the provisions of the bill for supporting families "in need", set out in Part III. Here, the emphasis was on the duty of local authorities to promote the upbringing of children in need by their own families. This should be undertaken in partnership with parents, but only "so far as this is consistent with [local authorities'] welfare duty to the child himself."

Part IV of the Bill incorporated an extension of the powers of local authorities to intervene to protect children. Care proceedings would now be possible, not only where harm to the child was already apparent, but also where it was held to be likely "in the future". This new emphasis on protecting children was itself

"balanced", in turn, by a significant strengthening of parents' rights in court proceedings. Place of Safety Orders, and the attendant procedures, had been much criticised, particularly following Cleveland, and the Lord Chancellor proposed to replace them with a new mechanism, the Emergency Protection Order (EPO), explicitly and exclusively dedicated to protecting children in cases of emergency. Procedures for obtaining such orders would build in new safeguards for parents, who would have rights to challenge such orders, which had not been previously available. Again, the Bill appeared to be attempting to find an accommodation between different value positions - between the protection of children, and families' rights to non-intervention.

The Lord Chancellor concluded his opening speech by saying:

"The Bill will, in particular, establish a framework of rights and responsibilities with which to see that children in need receive the care, upbringing and protection they require, and that parents and others with an interest in the child can play a full part in these crucially important decisions." (House of Lords Official Report, 6.12.88, Col 496)

Of course, the question immediately arises as to whether simply juxtaposing a series of principles, and claiming to have struck a balance between them, can easily resolve some of the complex tensions between the ideological positions they represent. Harris and Timms (1993) have questioned the value of the term "balance" in this kind of context; and it is perhaps true that it is a rather static notion to apply to a fluid and changing relationship between varying perspectives.

The immediate response to the Children Bill from the Labour opposition was largely favourable. Perhaps the idea of balance had achieved its initial objective by securing early support across the political divide. Replying to the Lord Chancellor for the opposition, Lord Mishcon said:

"It is... a pleasure to express on behalf of the official Opposition the general approval of what in the history of our legislation may well be

termed the children's charter." (House of Lords Official Report, 6.12.88, Col 496)

The notion of a charter may have indicated a degree of support for children's rights, but this was clearly modified by the substance of his comments. Like the Lord Chancellor, he stressed a combination of elements in the bill: he highlighted the shift to the concept of parental responsibility from parental rights; he underlined references to the well-being of the child; and he drew attention to the importance of effective "machinery" for the protection of the child. To this extent, at least in setting out its initial position the Labour opposition showed a more specific concern than the government for the interests of the child, as against those of parents, or the integrity of the family. This viewpoint was amplified by Lord Mishcon's colleague, Baroness David, who made a supporting statement, again stressing the child's interests and rights:

"It is good to have it unequivocally stated that the child's welfare should be the court's paramount consideration. It would be even better if the Bill supported the view of the Cleveland inquiry that 'the child is a person not an object of concern', by giving the child, where possible, a greater say in what happens to him or her and by emphasising the rights of the child." (House of Lords Official Report, 6.12.88, Col 509)

The emphasis on the rights of children appeared again in the concluding remarks to this opening debate for Labour, made by Lord Ennals, previously a member of the House of Commons Social Services Committee responsible for the Short Report. He, too, linked the idea of the rights of children with support for improvements in child protection:

"The care system is designed primarily to provide protection for children against adult society rather than the protection of society against children." (House of Lords Official Report, 6.12.88, Col 530)

On the other hand, the Lord Chancellor's concerns for the family had been taken up by others of his Conservative colleagues. Baroness Faithfull, for example, stressed the value of keeping parents (mothers) and children together, wherever possible:

"Part III of the Bill has particular importance in that it provides services likely to assist parents to keep their children at home....I have felt all along that we ought to work as far as possible not to separate children and mothers unless the mother is incapacitated or else cannot cope with the situation....The Bill does not seem to emphasise the need to keep mothers and children together where possible and practicable." (House of Lords Official Report, 6.12.88, Col 513, 515)

This mild criticism of the bill appears to draw heavily on the conclusions of Bowlby on the subject of maternal deprivation some forty years earlier (Bowlby, 1965). The family, in its idealised form, also featured in the speech of Baroness Strange, another Conservative:

"Within each child is the person he will one day become. Inside each of us is the child we once were. All of us who had happy, secure and loving childhoods have much for which we can thank our parents and all those who brought us up. If we can continue to give the same love and security to our own children and help others in our land to do so also, we shall be building for ourselves a strong, good and powerful nation for the future." (House of Lords Official Report, 6.12.88, Col 519)

So, it appears from this review of initial exchanges on the Children Bill that there may be a difference of substance between the government's views and the opinions expressed by a range of opposition speakers. The family featured more strongly in the Lord Chancellor's remarks, and those of his colleagues, than those

of their opposition counterparts, where the rights and protection of the child gain greater prominence, and the differences between the interests of children and parents are recognised.

These opening exchanges appear to suggest two slightly contradictory observations. One is that there was a broad political consensus between government and opposition (of all parties) over the value and significance of the Children Bill. There also appeared to be a general acceptance that it represented an acceptable "balance" between a number of key considerations in the provision of care for children. As a consequence, it appeared that there would be unlikely to be major disagreements between the political parties during the bill's passage through parliament. On the other hand, even during the course of this scene-setting debate, differences of emphasis did appear between representatives of the different parties. In crude terms, it seems that the Conservatives were more likely to stress the rights and interests of families, and in some cases, specifically those of parents, whilst the Labour speakers gave more emphasis to children's rights and the need to protect their interests, sometimes against those of adults. The bill proceeded through the House of Lords largely unaltered, and, indeed, with little evidence of any real conflict between the parties. Similar impressions of broad agreement can be drawn from the opening debates on the bill, when it arrived in the House of Commons, some months later.

It arrived there without substantial amendments, although the government itself had added a number of new clauses; and, once again, broad cross-party consensus on the general principles masked more specific, but potentially significant disagreements on matters of substance. Detailed consideration of the Commons deliberations on the bill will offer further evidence on the approaches taken to some of its pivotal provisions. Fox Harding (1991b; 1991c) has suggested that certain aspects of the Children Act give priority to different value positions, and from closer examination of debates in relation to some of these specific provisions, we may gain further insight into the means by which ideologies come to be reflected in legislative terms.

The Children Bill was introduced in the Commons by David Mellor, then Minister of State for Health. If anything, he emphasised the role of the family more

strongly than his Conservative colleagues in the House of Lords. The minister acknowledged the influence of the report of the Cleveland inquiry, and yet at the same time emphasised the government's aim of finding a "balance" between different interests, and varying circumstances:

"We hope and believe that it will bring order, integration, relevance and a better balance to the law - a better balance not just between the rights and responsibilities of individuals and agencies, but, most vitally, between the need to protect children and the need to enable parents to challenge intervention in the upbringing of their children."
(House of Commons Official Report, 27.4.89, Col 1107)

Two principles were stressed; the paramountcy of the child's welfare, and "the primary function" of parenthood, that is, of parent's responsibilities to "care for their children and bring them up properly." The minister went further, in specifying the government's view of the proper nature of the family's relationship with the state. Parents should take responsibility for their children, but agencies should be ready to help, in order to prevent family breakdown. This help should be "in voluntary partnership, and should be supportive of the family. There should be no assumption of parental responsibility by local authorities without a court order (a distinct change from the then current position, whereby parental rights could be and were being obtained by a local authority by purely administrative means). Parents, and children, should have full rights of representation in court proceedings, and even emergency powers to remove children from parents should be strictly limited, and subject to review by the court.

This catalogue of changes represents a renewed emphasis on the rights of the family, and on limiting statutory intervention. It seems clear from this that the "balance" favoured by the government at this point in time was tilted firmly in favour of parents and the birth family. Despite this, Mr. Mellor also drew attention to the increased powers of the local authority to investigate and act in cases where there might be any likelihood of harm to children.

As in the House of Lords, the Labour response featured a considerable

degree of assent over the central features of the Bill, although the Shadow Minister for Health, Tom Clarke, expressed some definite reservations:

"The Bill is a welcome if belated measure that aims to resolve a wide variety of family issues about child care, parental responsibilities, social work practice, and laws governing family life....The Bill deals admirably with many matters, but with others less so, and some aspects have been woefully neglected." (House of Commons Official report, 27.4.89, Col 1117)

Support was explicitly offered for the government's endorsement of the principle of helping families in need. But criticism was made of the level of help available in practice. Criticism was also levelled at the level of provision for children living in and leaving care. The need for proper funding and support for local authorities in meeting their obligations to children was stressed by Mr. Clarke. There was thus, as in the Lords, a difference of emphasis, not in relation to the overall purposes of the Bill, but in its practical implications for families and other providers of care. Attention was drawn to the specific question of removal of children from voluntary care by parents, which, according to Labour, should be circumscribed:

"As the Bill stands, a child could be inappropriately withdrawn from care by a parent without warning, which could be upsetting and dangerous for the child. We need to specify the conditions of a voluntary reception...." (House of Commons Official report, 27.4.89, Col 1120)

Here, perhaps, is some limited evidence of a greater degree of sympathy for the child protectionist perspective on the Labour side. The ensuing debate in the House of Commons was wide-ranging, but it did not reveal many other clear differences between political interests. Both Labour and Conservative members expressed concerns about the nature of social work intervention in Cleveland, although it was only Labour members (Jeremy Corbyn, David Hinchliffe) who

expressed strong support for the social work profession. Both sides, too, developed the argument that more attention should be given to children's rights. Roger Sims, a Conservative member closely associated with NSPCC, made a speech strongly in favour of enhanced local authority powers to protect children; which was echoed in part by Llin Golding of Labour, who stressed the importance of enhanced training for social workers involved in child protection work. Where differences of emphasis were discernible between the parties, these were most clearly reflected in their disagreement over the appropriate extent of intervention in the family. Labour repeatedly argued that the funding proposed for the implementation of the Bill was inadequate, as well as drawing attention to more general shortfalls in funding for family services. Conservative members, such as James Paice, took issue with these sentiments:

"In the debate on Clause 16 in the other House, proposals were made to require local authorities to provide day care for all under-fives. The Lord Chancellor resisted that, and I hope that my hon. Friends will continue to resist it." (House of Commons Official Report, 27.4.89, Col 1164)

Certainly, in this initial Commons debate, the differences between the parties were not always so clear-cut, despite the disagreements about funding levels, and the role and attributes of social workers. The main parties could not be clearly identified with different value positions, and sometimes there appeared to be some rather surprising convergences of opinion across party lines. Thus, Joan Lester, for Labour, and the Conservative, Teresa Gorman, found substantial common ground in arguing for an extension of the rights of children.

These broad introductory debates in both Houses of Parliament point up some differences of emphasis between (and sometimes within) the positions of the main parties. The question then arises as to whether these differences are, in fact, substantive, or are merely the superficial consequence of an adversarial political system. Underlying differences of principle may become clearer with closer examination of the detailed debates on specific aspects of the Children Bill, to

which we shall now turn.

No order - non interference

It may be unsurprising that the most difficult task in analysing any piece of legislation relates to those areas for which the legislation proscribes action rather than prescribing it. We might recall Sherlock Holmes' problem of the dog that did not bark. Nevertheless, this is what we must consider, if we are to examine fruitfully the contribution of the Children Bill to the principle of laissez-faire, or non-intervention.

Fox Harding (1991b) draws attention to the priority accorded to the requirement on courts not to make an order unless this is better than making no order at all: Clause 1(4) of the bill. She suggests that other aspects of the bill also circumscribe intervention by local authorities, such as the power for parents to contest their actions in emergency proceedings, and to seek to limit the duration of Emergency Protection Orders. However, the power of local authorities to seek such orders was also to be extended to circumstances where significant harm to a child was likely, rather than already evident.

The parliamentary debates on the Children Bill may illuminate views as to the appropriate limits of intervention, although these were specifically referred to only sporadically in the bill itself. Specifically, the debates on the "principles" clause of the bill may serve to amplify political thinking about the extent to which intervention in family life should be sanctioned. Interestingly, it was the Labour Party which initially sought to amend the "no order" clause, so that a court order could not be made unless it was the best means of "safeguarding the child's welfare":

"The purpose of the amendment is to ensure that the court considers whether an order is the most effective means of safeguarding the child's welfare." (Baroness David, House of Lords Official Report, 19.12.88, Col 1162)

Rather than requiring the court to consider the relative merits of a court order, as

opposed to not making an order, Baroness David clearly wanted other forms of welfare intervention to be taken into account:

"The court should look at what other assistance is being given, or could be given, to a family." (Baroness David, House of Lords Official Report, 19.12.88, Col 1163)

In her mind, the choice appeared to lie between support offered on a voluntary basis, or statutory intervention in the form of an order of the court, rather than no action at all. The making of an order might therefore be seen as underpinning or guaranteeing a positive form of intervention, rather than necessarily as an intrusive measure. Care or supervision orders should be considered in the light of other assistance being given or made available to the family; and she made the distinction here between public law and private family law, where the alternative to a court order is more likely to be no intervention at all.

The response of the Lord Chancellor, on behalf of the government, was to dismiss the amendment as superfluous, on the basis that the paramountcy of the child's interests, coupled with consideration of whether or not an order would be necessary, should offer sufficient protection against unwarranted intrusion:

"We have separated the two principles and have made the interests of the child the paramount consideration....When the court is considering whether to make one or more orders under the Act with respect to a child, it shall not make any of the orders unless it considers that to do so would be better for the child than making no order at all." (Lord Chancellor, House of Lords Official Report, 19.12.88, Col 1164)

It must, therefore, be the case that a court order could make a positive contribution to the child's welfare in order to justify its being made. Orders could not, presumably, be made either as "insurance" against future problems, or on a vague aspiration of making things better for the child. Thus, "orders are not to be made

for their own sake", but only in the light of clear evidence of a risk of "significant harm" to the child.

There was, however, a particular point of emphasis in the Lord Chancellor's answer, in that he drew attention especially to the potentially harmful effects of care orders, underlining the laissez-faire aspect of the argument. He observed that, prior to the Children Bill:

"care orders may be made on proof that a child's needs will not be met outside care rather than on positive proof that a care order or supervision order will result in his needs being better met or at least better catered for, and that further intervention will not do more harm than good." (Lord Chancellor, House of Lords Official Report, 19.12.88, Col 1165)

In this respect, at least, formal intervention in the lives of children and families was to be discouraged. Labour's position, it seems, was slightly different in that it was more favourably disposed towards voluntary intervention and family support as an alternative to the making of a court order. The effect of a statutory order should not therefore be assessed against the alternative of doing nothing, but rather of initiating a positive programme of intervention to support children and families on a non-statutory basis.

Subsequent debates on this subject in the House of Commons appeared to confirm these impressions. Andrew Rowe, Conservative MP for Mid-Kent, made a general statement in favour of non-interference:

"There is considerable evidence to suggest that children who are brought up by relatives have a better chance of a stable background....I know from experience in my constituency that...there is often too ready an assumption that children should be put into public care rather than kept with their family." (House of Commons Official Report, Standing Committee B, 9.5.89, Col 6)

This was in response to a Liberal Democrat amendment which also stressed the value of keeping children "within a family unit" if at all possible. In responding to this point, on behalf of the government, the Solicitor-General had acknowledged the importance of the family, whilst also drawing attention to the need to consider the parent's ability to look after the child. Indeed, he fell back on the word which became almost totemic in Children Bill debates:

"we feel strongly that it would be unwise to adjust at this early and general stage the careful balance [my emphasis] which has been struck..." (House of Commons Official Report, Standing Committee B, 9.5.89, Col 5)

Despite the aspirations on the Conservative side towards a policy of non-intervention in the family, it would seem that the recognition persisted that this could not, in all circumstances, meet the child's best interests. For Labour, David Hinchliffe MP reiterated the party's more explicit position in favour of extending welfare support for the child and the family:

"The most effective option may be to put time, support and effort into working with the child in its own home and keeping the family together. The Bill encompasses that and I am grateful for it." (House of Commons Official Report, Standing Committee B, 9.5.89, Col 9)

But, he contended, the Labour Party's commitment to support for the family was more genuine and far-reaching than that of the government:

"The Government's policies on poverty, homelessness and on many other matters have done great damage to children's welfare. We cannot avoid structural issues when we discuss the problems now facing many families." (House of Commons Official Reports, Standing Committee B, 9.5.89, Col 10)

In response, the Solicitor General ignored this criticism, and reiterated the government's belief in the value of Clause 1(4) of the Children Bill, in requiring that the court be satisfied of the positive value of making an order "before attempting to take a child from its family." The difference of emphasis between the parties appears clear cut, in this instance. Despite the government's espousal of "balance" in the bill, the Conservative position appears frequently to have reverted to a rather more non-interventionist line than reflects the view of the Labour opposition, which instead favoured a different form of intervention in support of the family as an alternative to a court order, which might have the effect of breaking it up. Both parties repeatedly used the notion of "balance" to support their arguments, but it appears that their conceptions of balance were, in fact, rather different.

A further amendment to the bill, proposed jointly by the Liberal Democrats and Labour, returned to the question of alternatives to court orders, intended to promote the child's welfare. Labour's Hilary Armstrong drew the distinction between merely safeguarding the interests of the child and promoting them by actively seeking alternatives to the making of a court order:

"All alternatives to an order would have to be explored with the child, his parents and the extended family." (House of Commons Official Report, Standing Committee B, 9.5.89, Col 21)

Once again, the government resisted this argument, with the observation that the important question was whether or not an order of the court would do any "good", in its own right, rather than in comparison to any alternative course of action. Minimum intervention appears to be the government objective here, rather than encouraging choice between alternative forms of intervention.

Supporting the Family - A Question of Need?

Differences of emphasis can again be detected in reviewing debates on the aspects of the Children Bill concerned with "children in need". The focus here is the question of the extent to which local authorities should have powers or duties to provide for families in general, or whether these responsibilities should be restricted

to meeting identified needs. In other words, should family support services be universally available, or should they be restricted to those who had identifiable "needs", which represented a deficiency in the care provided for children.

In the House of Lords, an amendment to Clause 15, introduced by a Conservative peer, Lord Mottistone, actually sought to extend local authority responsibilities:

"My amendments are designed...to place local authorities under a duty to rehabilitate children in care and to promote the welfare of children within their families....We want to emphasise the fact that we are talking about the upbringing of children by their families whether or not such children are being looked after by a local authority."
(House of Lords Official Report, 20.12.88, Col 1283)

This theme was further developed for Labour by Baroness David, who linked the aims of the amendment to broader social concerns:

"The Short Committee established the link between poverty, deprivation and reception into care, and said that, 'children in care are the children of the poor'. The intentions of the clause of the Bill concerned with local authority support for children and families will be undermined if services can be offered only after there has been a crisis and the child is in need." (House of Lords Official Report, 20.12.88, Col 1284)

Baroness David spoke of the value of "preventive work" to support children and forestall family breakdown, and the amendments proposed sought to extend the scope of local authorities to act in this pre-emptive way. The amendments proposed were also supported by other Conservative peers, Lady Kinloss and Lady Faithfull, who particularly emphasised the value of day care services for children under five. On this point, it seems that sympathy for family support services was evident amongst Conservative ranks. This highlights a particular Conservative

dilemma, between discouraging state interference in "natural" family arrangements, and supporting and promoting the family and responsible parenting. Elsewhere, we have identified the tensions between laissez-faire individualism, and "one nation" paternalism, and this may be reflected by a concern amongst some Tories to take an active role in improving the capacity of families to provide for their children in cases where they fall below the "needs" threshold. This approach remains selective rather than universal, but it certainly goes well beyond the strict limits set by the non-interventionist position.

In reply to these arguments, the Lord Chancellor did not opt for one or other position, but he maintained that the existing structure of the bill met the points being made. In his view, the concept of need included an element of anticipation, so that services of a preventive nature could and should be made available where the welfare of children might be at risk. He further stressed that the government was both firmly committed to maintaining children with their families, and to the view that intervention should only take place where particular needs arise:

"If the amendment were simply taken as it stands, the result would be to put the local authority in the position of being a good parent in support of all the children within the authority's area. As regards a good number of families in the area, the children could be left to their parents, who are provided for them by nature. It is only where the local authority is required to come in for some reason that it should have to do so." (House of Lords Official Report, 20.12.88, Col 1287)

Thus, it would seem, the Lord Chancellor took a stronger line against intervention than either the Labour opposition or his Conservative colleagues. The government appears to have taken a more distinctly laissez-faire line than those who wished to emphasise support for the family, of a more general nature. The choice for the government was between intervention and non-intervention, in order to protect the rights of children and families; whilst for the opposition, it was between different forms of intervention aimed at promoting the interests of children and families.

Surprisingly perhaps, in view of the cross-party concern on this issue, the

Lord Chancellor's arguments were accepted, with Baroness David observing:

"These amendments were put down because we did not fully appreciate the preventive intentions behind this clause. I am very glad to hear that they exist." (House of Lords Official Report, 20.12.88, Col 1288)

Subsequently, the Labour Party had second thoughts on this point, and decided that these reassurances were not, after all, very convincing. When debate shifted to the House of Commons, its spokespeople returned to the attack. Acknowledging that Clause 15 did, indeed, extend the operational definition of need, the opposition nevertheless maintained that this was still too narrow and restrictive. A more inclusive approach to the concept was requested, which would not seek to single out individual families for special attention:

"We are attempting.. to widen the definition and to look towards the needs of children rather than children in need." (House of Commons Official Report, Standing Committee B, 16.5.89, Col 75)

Hilary Armstrong referred to her own experience as a social and community worker, pointing out the difficulties involved in determining which child or family was most in need of services. Singling them out for special treatment might additionally create feelings of stigma, or hostility. The consequence of this reasoning would be to plan for and provide for the needs of all children in the area, rather than making service provision dependent on singling out, or "targeting", children or their families:

"The identification process in itself may act against the welfare of the child and if services are to be available only according to the definition 'in need', many children will not be properly targeted, as we know from other legislation." (House of Commons Official Report, Standing Committee B, 16.5.89, Col 76)

Once again, Conservative members (Roger Sims and Andrew Rowe) spoke broadly in favour of the position advanced by the Labour amendments, that definitions of 'need' should be broadened to provide more scope for local authorities to provide general services for families.

However, in response, the Minister, David Mellor, explicitly endorsed the principle of targeting:

"The Government firmly believe that the concept of children in need is helpful...local authority services must be appropriately targeted if they are to be effective." (House of Commons Official Report, Standing Committee B, 16.5.89, Col 79)

However, he modified this position somewhat by stating that the intention was not to create a "chasm" between those in need and those without problems; pointing out that "need" could be defined fairly broadly to encompass "deprived communities", such as large housing estates. This, it may seem, would go well beyond the position of previous legislation, where the threshold of intervention was defined by the likelihood of receiving individual children into care.

Whilst his Conservative colleagues accepted these assurances, Labour pressed their amendment to a vote, which was lost. From this outcome, once again one is entitled to draw a distinct difference of emphasis on the appropriate level of support for the family between government and opposition. It is interesting that ideological principles such as the concept of "targeting" should have been introduced into the debate, since that notion does crystallise the political differences apparent. The government, which has continually espoused the term in a number of different contexts (see, eg, Hills [ed], 1990), does seem to have favoured a narrower, and more individualised view of its responsibilities to the needs of families than the Labour opposition. Nevertheless, in retaining the Bill's emphasis on provision for children "in need", in order to maintain them in their families, the government cannot be said to have been holding strictly to laissez-faire principles, at least in this context.

Protecting Children - When is Action Necessary?

The focal point of the Children Bill in respect of protecting children was the group of clauses relating to the steps to be taken to provide safeguards to children at risk of "significant harm" (Parts IV and V). The debates on these aspects of the bill were conducted a relatively short time after the conclusion to the events in Cleveland which, as already described, created an outcry about the allegedly excessive use of state power to intervene in the family. It is clear that this affair had a direct influence on the conduct of proceedings in relation to the bill. Indeed, a number of the MPs who debated the Children Bill in Committee in the House of Commons represented north-eastern constituencies, where electors were directly affected by the sequence of events which gave rise to such great public concern during 1987 and 1988. There was clear concern from these quarters in particular that the threshold for compulsory intervention should be set at a high level.

Committee debates in both Houses of Parliament on the subject of child protection were particularly searching, but in some respects they remained inconclusive. The problems revolved around the possible need for a range of powers to intervene in cases where there might be a risk of harm to children. Lord Mottistone, a Conservative, and a member of NSPCC's governing council, initiated discussions in the House of Lords. He accepted the bill's proposed introduction of an "Emergency Protection Order" (EPO) to enable the removal of children in cases of serious and immediate danger, but he also stressed that this power should have very clear and narrow limits, in view of its drastic effects. The need to protect children is accepted, but within explicit boundaries:

"An emergency protection order is a dramatic event in the life of a child and should never be used without proper cause." (House of Lords Official Report, 19.1.89, Col 427)

In cases falling short of a real emergency, Lord Mottistone argued, another form of order, as recommended by the inquiry into the death of Kimberley Carlile (London Borough of Greenwich, 1987), should be available; namely, a Child Assessment Order (CAO). This order would provide for the safeguarding of the child's welfare,

without immediately disrupting or damaging the life of the family. The child would be made available by her/his parents for an assessment, as the order's designation implies, but without removal from home, or the diminution of parental responsibility:

"The child assessment order will be seen as much less threatening than an emergency protection order and will make it that much easier for a social worker to develop a relationship with parents should this be necessary." (House of Lords Official Report, 19.1.89, Col 427)

Concerns about the excessive powers conferred by an EPO were balanced by an apparent need to investigate in cases where there may be "serious but not urgent concern for the child", but a lack of willingness on the part of parents to take part in a voluntary assessment of the child's needs. Lord Mottistone spoke of the CAO as a potential life saver in such circumstances.

Baroness Faithfull, also a Conservative, responded immediately, questioning the value of the CAO, arguing that it would be better to seek voluntary cooperation, and that, in reality, those made subject to the requirements of such an order would not readily distinguish it from an EPO. In any case, as she pointed out, an EPO would not require the child's removal from home, it would simply confer the power to do so, if deemed necessary. For these reasons, the CAO would simply be superfluous.

In replying to this debate, the Lord Chancellor drew attention to the much greater flexibility of the EPO, in comparison to the discredited Place of Safety Order, and to the safeguards to be built into its operation to ensure the minimum necessary disruption of the family. He pointed out, too, that in some cases, interim Supervision Orders could also provide for the child's assessment. However, he also pointed out that there were risks of a different kind attached to the proposed CAO:

"For the emergency protection order there has to be reasonable cause to believe that the child is likely to suffer significant harm if he is not removed. For the child assessment order there has to be

reasonable cause to believe that the child concerned may be suffering harm (whether or not harm is significant)....The phrase 'may be suffering harm' is very wide...." (House of Lords Official Report, 19.1.89, Col 432)

The Lord Chancellor appears here to have been restating the government's commitment to minimise intervention, and a general predisposition against taking additional powers to intervene forcibly in the family. His aversion to extending the grounds for intervention is in opposition to the paternalism of his colleague, Lord Mottistone:

"Do we really want the state to be able to intervene in family life on such wide grounds? The civil liberties implications would certainly have to be considered." (House of Lords Official Report, 19.1.89, Col 432)

Introducing the idea of a threat to personal freedoms serves to underline the strong ideological resistance of the Lord Chancellor, and by extension the government, to extending state power over the family in this respect.

The debate about the relative merits of the EPO and the CAO nevertheless proved to be a perennial point of dispute throughout the progress of the Children Bill. This may, partly, have been precisely because it brought to the surface some of the tensions inherent in the government's preferred approach to striking a "balance" between different principles in the legislation. The EPO itself represents the most drastic form of intervention into family life under child care law; indeed, by allowing it to be invoked in the likelihood of "significant harm", it represented an extension of that power beyond what had previously been permissible. Perhaps because of this, the government was clearly determined to limit its operation with a range of explicit safeguards, such as its limited duration, and the power of parents to challenge orders, in order to buttress its professed commitment to the integrity of the family.

However, the counterargument was that in hedging around the EPO in these

various ways, the government had failed to pay sufficient attention to the need to ensure the protection of children in all conceivable circumstances where they might be at risk of harm, whilst not in imminent danger. The CAO was put forward as an effective mechanism to provide this lower level but still necessary safeguard of children's welfare, but this in turn posed problems for the government's position. It represented another order, another possible source of intrusion, and, at the same time, the proposed threshold for its use appeared to be much lower than that for the making of an EPO, with the possibility of harm in an uncertain situation being the trigger for a CAO, rather than the likelihood of a real and immediate threat to the child's well-being. In addition, it was initially proposed that the CAO should provide for a rather longer maximum duration than the EPO, on the basis that a full assessment might take some time to complete. This is a logical suggestion, but for the government it raised the spectre of extensive official intrusion into the family over an extended period of time, providing worrying echoes of the operation of Place of Safety Orders in the Cleveland controversy.

Despite this, the Lord Chancellor did not reject the idea of the CAO out of hand, but undertook to consider the matter further, a parliamentary device to head off further challenges, and to test the real strength of feeling on the matter. Other amendments proposed for the EPO clauses of the Children Bill sought to ensure that the rights of both children and parents were adequately safeguarded in the operation of emergency procedures. Lord Mishcon, for Labour, particularly stressed concerns about the impact of the EPO, and the need to make explicit the rights of both children and families in such circumstances. As he put it, the EPO:

"has been described as something which, for the protection of the child, invades everything that we know about personal liberty, the rights of a subject, family unity and everything else." (House of Lords Official Report, 19.1.89, Col 437)

The Lord Chancellor's assurances of protecting the rights of those affected were not categorical, and he further declined to confirm the child's right to refuse a medical examination under an EPO. Thus, it can fairly be said, the government's

thinking was not strongly influenced at this point by any recognition of the distinctive rights of the child. Its priority was rather the rights of parents within the family.

By the time debate had moved on to the House of Commons, the government had refined its approach to the emergency protection of children. David Mellor, Minister of State for Health, announced to the committee examining the bill that it was now the government's intention to introduce a Child Assessment Order, but his remarks in support of this change of heart appeared rather tentative and unconvinced. He was clearly acutely aware of the ideological dilemma facing the government:

"We have a difficult course to steer. We are anxious to learn the lessons of past tragedies, where the failure of a social worker to gain access to a child has sometimes led to a paralysis by the Departments concerned." (House of Commons Official Report, Standing Committee B, 25.6.89, Col 277)

The influence of the Kimberley Carlile case and the subsequent inquiry (London Borough of Greenwich, 1987) can be discerned here. But, set against this desire to ensure the protection of children, there was another key principle in the eyes of the government:

"I am aware of the problems that arose from Cleveland in what appeared to be the arbitrary exercise of power by the employees of a local authority. Plainly, parents have rights too." (House of Commons Official Report, Standing Committee B, 25.6.89, Col 277)

The minister highlighted the government's recognition of this principle in giving parents the right to challenge EPOs, but he also drew attention to the potential value of the CAO in "striking a balance", between this and the child protection principle. He hoped that the standing committee would assist the government in getting this right. The CAO would prove acceptable to the extent that it

represented only a limited incursion into the domain of the family:

"The principal reason for a child assessment order may be that it appears, in the context of a failure to produce a child, a much less draconian way of dealing with a situation that does not otherwise seem to be an emergency." (House of Commons Official Report, Standing Committee B, 25.6.89, Col 277)

In other words, the purpose of the CAO would be to offer the child some degree of protection where there was reason to fear for her/his welfare falling short of an emergency, whilst still preserving parents' rights - for instance, by ensuring that, unlike the EPO, the CAO would not confer "parental responsibility", even for a limited period, on anyone else. Once again, the government made much of its concern to find balance, and for managing within the terms of the bill the conflict between different principles.

The government nevertheless remained uneasy about extending state powers, in however limited a fashion, suggesting a continuing concern to identify with the laissez-faire approach to family life. The minister felt himself bound to offer reassurance in this respect, in relation to the actual operation of the CAO:

"This is not a snoopers' charter. There must be reasonable cause to suspect, and the refusal [to allow access to the child] must be unreasonable in the circumstances." (House of Commons Official Report, Standing Committee B, 25.6.89, Col 282)

The standing committee was not universally convinced of the merits of the government's new proposals for the CAO. Keith Vaz, on the Labour side, argued instead for a "statutory notice" to be served on parents to produce the child for assessment, and he expressed a clear wish for the period of such an order to be as short as possible, in order to protect the interests both of children, and of families. His priority appears to have been not so much seeking an opportunity to assess the child's welfare, but simply securing access to a child about whom there

might be some degree of concern. However, the proposed "statutory notice" clearly involved the ascription of another state power. On the other hand, Tim Devlin, a Conservative, and one of the committee members representing a Cleveland constituency, was very forceful in his condemnation of existing powers to intervene in the family by way of Place of Safety Orders. He was clearly concerned that the new CAO proposal could lead to the effective recreation of these discredited powers:

"We are presently debating assessment orders which run for 28 days. I questioned officials recently and was perturbed to discover that it is possible to send a child to hospital for 28 days. That is effectively a return to the events of Cleveland...." (House of Commons Official Report, Standing Committee B, 25.6.89, Col 290)

Of course, in a number of the cases causing concern in Cleveland children were held on hospital premises for the purpose of assessment (Butler-Sloss, 1988). Mr. Devlin was clearly alarmed at the prospect of replicating this power in the new legislation. The minister's response was placatory, and he sought to provide assurances that the courts would retain control of the process by which orders would be applied, and that applications for CAOs would be "inter partes"; that is, they could not be made without giving those affected (children, parents, and others with a direct interest) the chance to oppose them in court.

Concerns about the scope of the CAO were echoed by Stuart Bell, the Labour MP for Middlesbrough, who had been centrally involved in arguing the parents' case at the time of the Cleveland inquiry. Others of his colleagues were, however, inclined to accept the argument for some kind of non-emergency assessment order. Hilary Armstrong, for example, again sought to find a compromise between different principles:

"I am anxious that families should know that Parliament is legislating to allow them to live, grow and prosper in the most effective and happy way possible. But in doing so, we must give to the people

outside the family who are concerned professionally the opportunity to intervene." (House of Commons Official Report, Standing Committee B, 25.6.89, Col 315)

Thus, against the backdrop of Cleveland, and with a range of views expressed by the committee, not necessarily reflecting divisions along party lines, the minister was still faced with the dilemma of finding an appropriate "balance" between potentially competing objectives. In the event, he attempted to find a solution by reaffirming his support for the principle of the CAO, but sought to appease those concerned with the rights of parents by offering to reconsider the proposed maximum period of 28 days, a period which conjured up fears for some of a simple replication of the much disliked Place of Safety Order. These rather inconclusive debates illustrate quite nicely the problems for the government in negotiating a path between different ideological principles in providing for the welfare of children. In the end, as Parton (1991) has noted, by limiting the maximum duration of the CAO to seven days (*laissez-faire*), but retaining its purpose and scope (child protection), the government effectively created a requirement that a full assessment of the child's need for further protective measures should be carried out in the period of one week, clearly an impracticality in many cases.

Children's Rights: being seen and being heard

Much less emphasis was given in parliamentary debates on the Children Bill to the children's rights perspective, although it was considered, both in general principled terms, and in relation to certain specific provisions of the bill, such as the proposed procedures for making complaints about child care services (or the failure to provide such services).

In the House of Lords, the subject was first raised in committee in relation to the "principles clause" of the bill (Clause 1). The Lord Chancellor defended the bill's limited moves to give greater prominence to the child's views than previously:

"I suggest that the Bill is best left as it is on that aspect. The Bill does not make the child's wishes absolutely determinative of the

matter; it puts the child's wishes at the forefront of the circumstances to which the court shall have regard." (House of Lords Official Report, 19.12.88, Col 1134)

Thus, the child would be entitled to have a say in relation to decisions about her/his upbringing, but these matters would not always be decided in accordance with those wishes. Some peers, however, sought to push things a little further. Baroness David, for Labour, tried to introduce into the bill the "Gillick" principle, that the child of sufficient understanding should have the absolute right to make decisions about her/his own upbringing. She argued that this would both make practical sense, and would bring the law in England and Wales into line with other countries, and with some states in the USA:

"where older children are involved, courts often recognise that there is no practicable alternative to upholding their wishes. Forcing them against their will to see or live with a parent would be entirely counter-productive. That has been recognised by a number of other countries." (House of Lords Official Report, 19.12.88, Col 1148)

But this suggestion met strong and immediate opposition from Conservative peers. Lord Renton said:

"I do not think that the child should be allowed to shift the responsibility on to itself and that the courts should accept that proposition. After all there are children and children." (House of Lords Official Report, 19.12.88, Col 1148)

And this was supported by Lord Hailsham, who acknowledged that older children would be increasingly likely to get their own way; but, he argued:

"the amendment goes against one of the fundamental principles in this Bill. The overriding principle ought to be, and is, as it has been

for many years and will be if this Bill passes into law, that the decision is ultimately determined by the welfare of the child, viewing any possible relevant circumstance." (House of Lords Official Report, 19.12.88, Col 1150)

Whilst acknowledging the importance of the child's wishes and feelings, the Lord Chancellor concurred. He pointed out what he saw as the risks to children of being pressurised if their decisions were to become determinative, and he argued that children should be protected from having to make some decisions, such as choosing between two parents. He underlined the importance of putting the child's wishes and feelings "at the head of the checklist" of issues which must be considered by the court, but he maintained that this would be sufficient to secure the child's best interests:

"I feel that we have done it in the right way and that it would be making it unnecessarily difficult to put in an amendment requiring a decision by the child to be given effect to except in particular circumstances. In principle it is surely right to take the child's interests as the paramount consideration and to subsume in that a consideration of the child's wishes." (House of Lords Official Report, 19.12.88, Col 1154)

The rights of the child to be heard were thus given limited recognition by the government, but without the concession of the principle of the child's right to decide on important matters affecting her/him. Indeed, the line taken by the government in this respect was not dissimilar to that taken by Freeman (1982), who has since been described as a "limited" defender of children's rights (Fox Harding, 1991a). Whilst additional concessions to the rights of the child were not made, it is to be acknowledged that the government had moved further in this direction than in any previous child care legislation. The government had taken important steps to stress the importance of the child's wishes and feelings, and to reinforce the mechanisms (such as the role and function of the Guardian ad Litem) by which

these could be clearly expressed. The child's rights were not, therefore, rejected out of hand - nor were they directly portrayed as a threat to the rights of parents. The concerns that were expressed in the Lords were about the need to protect the child from the demands of taking full responsibility for making important decisions. When the Children Bill moved to the House of Commons, it was the Conservative MP, Tim Devlin, who first raised the question of children's rights in committee:

"I ask the Government to re-examine the principles [of the Bill] to see whether a more comprehensive statement of children's rights could be introduced...." (House of Commons Official Report, Standing Committee B, 9.5.89, Col 11)

He drew attention to the 1959 UN Declaration of the Rights of the Child (since superseded by the 1989 UN Convention on the Rights of the Child), and sought stronger support for the principle of protecting children from exploitation, cruelty and neglect. The government's immediate response was to argue that the Bill did not contradict any of the principles in the declaration; but the issue was taken up by another Conservative MP, Teresa Gorman, who pressed the importance of the child's wishes, and urged ministers to:

"take into account the fact that children are individuals in their own right. They are not chattels of their family. We should treat them in the same way as we would treat an adult in miniature. Their wishes are what matter." (House of Commons Official Report, Standing Committee B, 9.5.89, Col 18)

This observation appeared to be quite consistent with the well-known libertarian views of its proposer, but it is also the closest approximation in these debates to the purist children's rights position (see, eg, Holt, 1975). In this respect, this contribution also appears as confirmation of the proposition already considered, that "value positions" in child care do not necessarily imply sympathy with or commitment to any particular recognised political force (Fox Harding, 1991a).

The government, in the person of the Solicitor General, acknowledged the point raised by Teresa Gorman, but insisted that the welfare checklist in the first clause of the bill was sufficient to take account of the need to recognise children's interests as independent individuals.

It was the Labour members of the committee, however, who actually put forward amendments to the bill which would take specific account of the rights of the child. The argument, as in the Lords, was based on the principles applied in the "Gillick" case, that a child of sufficient age and understanding should be entitled actually to decide issues affecting her/his upbringing (Alderson, 1991). It was also proposed that children should be encouraged more actively to take a positive part in court proceedings concerning their welfare. It was pointed out that rights already held by children were underused, and that the specific safeguards built into the bill might not ensure much progress in future. The Labour spokesman, Tom Clarke, concluded:

"It is unrealistic to maintain, as the Lord Chancellor did, that the child's cooperation could adequately be safeguarded through the procedure of ascertaining his or her wishes and feelings." (House of Commons Official Report, Standing Committee B, 9.5.89, Col 28)

Further amendments sought to ensure that children involved in court proceedings would be informed of their rights, on the basis that without such information formal rights would be of little substantive value. In a surprisingly rapid volte-face, Tim Devlin immediately spoke against this proposal, on the grounds that provision to take account of the child's wishes and feelings was already incorporated in the bill! Labour members reiterated their support for the incorporation of provisions to give real substance to the inherent principles of the bill. Keith Vaz said:

"Children who are capable of understanding should be informed of their entitlements. It is a great failing of previous child care legislation that not even parents are given proper information... Amendment no.

69 would enfranchise children and ensure that they can fully participate as parties to the proceedings...." (House of Commons Official Report, Standing Committee B, 9.5.89, Col 31)

Yet again, however, the government was reluctant to go further than the provisions already included in the bill. As in the Lords, the fear was expressed that giving the right to determine the outcome of a case to the child would expose her/him to undue pressure from adults:

"There is no doubt that the Committee should pay attention to the views of the child, especially when the child is mature enough to express effective views. The agonising question is whether the burden of the decision, which must often be taken in extremely heartrending circumstances, should be placed on the child." (House of Commons Official Report, Standing Committee B, 9.5.89, Col 31)

The Solicitor General did, however, stress that in care proceedings, under what he termed "public law", the child would be a party to the case, and "must have the right to be consulted". The government effectively drew the line at this point:- the child should always be consulted, but this should not imply any automatic expectation that the child's wishes should be followed. It is perhaps noteworthy, too, in view of the government's assumptions about the inviolability of the family, that the rights of the child should be greater in the arena of public care than in matters affecting decisions in the private sphere of the family, where their views might not always be obtained. For example, in divorce cases where parents reached an informal agreement, an independent assessment of the child's wishes and feelings would not necessarily be sought in the absence of a direction to that effect from the court.

The debate on children's rights concluded at this point, with the government giving little ground. Whilst the Children Bill clearly set out to improve the provisions for children to be heard, the government had very clear views about the limits of this development, offering children only very limited scope for actually determining

the outcome of court cases, and other key decisions, affecting their upbringing. It seems that the primary concern was to protect children from the potentially harmful consequences of taking responsibility for decision-making, rather than, for example, to preserve the rights of parents as against their children. Of course, limiting children's involvement in court proceedings might also have the effect of restricting the grounds for intervention in the family, but this does not appear to have been the government's primary aim, in this particular context.

The Children Bill Debates reconsidered

It is true that aspects of the Children Bill relating to each of the identified value positions were thoroughly debated in parliament. It is also the case that the Bill was barely amended as a consequence of these debates, with the possible exception of additional provisions relating to the assessment and protection of children. Some constant themes emerged from the parliamentary proceedings, whilst other issues remained somewhat unclear throughout.

Firstly, it seems that the Labour Party, perhaps surprisingly, took a more consistently pro-family position than did the Conservative government. To some extent, this may have been one of the "luxuries" of opposition, in that costly proposals for family support could be put forward, without offering any detailed account of where the money to fund them would be found. But equally, there appeared to be a philosophical basis for this distinction, with the Conservatives favouring the most limited intervention possible in the family, whilst Labour emphasised the positive value of offering a broader range of practical help to families, beyond simple crisis intervention.

Secondly, it seems that the government aim of limiting intervention is consistent across all aspects of the Bill, with the presumption of no order, in the "principles clause" (Clause 1); with the restrictions placed on help to families in need, in Part III; and in the decision, finally made, to limit the scope of the Child Assessment Order, in Part V. Thus, even when the government was acknowledging other more interventionist principles, the spectre of *laissez-faire* still emerged to set limits to the scope of intervention. Thus, for example, the eventual

provision for the support of families "in need", appears as an effective compromise between offering generalised help to the family, and avoiding any form of state involvement in family life. What emerges, in fact, is arguably a form of intervention based on paternalist assumptions, under which the state classifies those who have problems, and are unable to cope, and then intervenes in a fairly directive way, to compensate for their shortcomings. This approach has obvious parallels in other aspects of government policy, such as social security provision, which espouse the principle of "targeting" those in need (Hills [ed], 1990), ensuring that they must admit "failure" in some form or another before qualifying for help.

The third message to emerge from the Children Bill debates is amplified by Parton (1991) in particular. He notes the government's obvious discomfort with the idea of extending state power by way of the Child Assessment Order. Here, it seems, the wish to keep state intervention to a minimum is modified by a concession to the principle of child protection. Indeed, differences within Conservative ranks were clearest in this context, between those who favoured strong powers of intervention to protect children, and those who remained wedded to the idea of a residual role for the state. As already observed, Gamble (1988) has drawn attention to the continuing conflict between these two strands of conservatism. He has argued that the 1980s, under Margaret Thatcher, saw the dominance of the liberal philosophy of a "free economy and strong state", which corresponds most closely to the laissez-faire position in child care. Despite this, and despite the evidence of this theme being present in the Children Bill debates, the government still felt obliged to make concessions to other value positions, in setting the final shape of the Children Act. This suggests perhaps that there are some aspects of the "pure" laissez-faire position, which are simply untenable, in the light of other social and welfare concerns, such as those expressed by influential organisations with a clear commitment to child welfare. It was noteworthy, for instance, that a number of Conservatives (MPs and Peers) involved with the Children Bill debates were closely associated with traditionally "protectionist" organisations, such as the NSPCC.

Perhaps the final lesson to be learnt from the progress of the Children Bill through parliament was the very limited recognition of the rights of children which

resulted, even though the Act became law the week before the UN Convention on the Rights of the Child was ratified (United Nations, 1989). The introduction of the concept of parental responsibility changed the terms in which child-parent relationships were to be considered, putting children (theoretically) in a more powerful position (but see Eekelaar, 1991). They were no longer to be seen as the possessions of their parents, in the words of the Lord Chancellor, but rather as junior citizens, towards whom parents had certain duties of care and support. This development can partly be attributed to growing pressure to recognise children as a group denied rights and status previously, but it is also a consequence of the increasing tendency to treat all members of society as individuals with contractual relationships with each other, a consequence of the market philosophy permeating all aspects of social life. The replacement of "organic" ties with formal arrangements does seem to be an inevitable consequence of the market philosophy which underpins the idea of a free economy, based on relationships between consumers and vendors, or purchasers and providers. Clearly this kind of view, expressed most explicitly in the parliamentary context by Teresa Gorman, does not sit easily with the Conservatives' traditional claim to be the party of the family, celebrating it as one of the "natural" units of social organisation. This, perhaps, suggests certain inherent complications in the laissez-faire position, when taken to its logical extremes. It does not, for example, resolve inherent tensions between the rights of individual family members, and the rights of the family unit to be left alone. Fox Harding (1991a) attempts to resolve this dilemma by linking the laissez-faire philosophy to one particular family form, based on patriarchy. However, this is not a necessary feature of the laissez-faire doctrine (see Harris and Timms, 1993); nor, is it an inevitable consequence of adopting laissez-faire policies. Indeed, in a society where around 2.2 million children are living in lone parent families (most headed by women), to recreate the patriarchal family would involve not leaving the family alone, but extensive social engineering. (Perhaps the introduction of the Child Support Act can, in fact, be seen as an example of one such attempt). Thus, the tension remains between the "freedom" of people to organise their lives as they choose, and the idealised vision of the family (2 parents, male head, 2.4 children) held in Conservative folklore (Fitzgerald, 1987).

We can perhaps conclude this discussion of the Children Bill by reiterating a number of key points. A range of value positions was expressed during debates on the Bill by politicians of all shades of opinion. Some difference of emphasis was noted between political parties, but none could be said to be internally consistent throughout. In fact, the conclusion to these debates was a series of compromises, with each value position represented in the Children Act itself, but modified by other conflicting or competing principles. We may perhaps conclude that, in fact, the Act leaves unresolved the resolution of choices between value positions in child care. It is possible to say, for example, that greater recognition was given to children's rights than previously, without drawing the conclusion that the result was a "children's charter"; as was, indeed, claimed by the Secretary of State for Health, Virginia Bottomley, at the time of the Act's implementation (Marchant and Cervi, 1991). As we have seen, children's rights were clearly circumscribed in the minds of parliamentarians by a number of other considerations, including the need to protect their welfare - to protect them from themselves, perhaps.

Whilst recognising these outcomes of parliamentary debates, we should also perhaps recognise that they do not resolve arguments about what kind of legislation the 1989 Children Act actually is. Policy is not simply the product of words on paper. It is also the consequence of decisions about implementation and expenditure, and of a wide and intricate network of organisational and individual decisions, about how to put the law and official guidance into practice. The Children Act itself has been the subject of much analysis, and evidence of its initial impact is available. Considering these developments further should enable us to explore further the questions of which values predominate, in the application of the Act's broad principles; as well as enabling us to consider further whether the interplay between value positions helps us to establish a clearer picture of the underlying nature of the law affecting children's welfare. Do the choices made by agencies and practitioners, for example, simply reinforce the messages of the legislation, or do they modify, or even transform it?

6

The Children Act: Interpretations and Implementation

Introduction

We have seen in the previous chapter how various value positions influenced debates on the bill which was to become the Children Act 1989. There were broad differences observable in the approaches taken by the main political parties, with the Conservatives more likely to espouse a laissez-faire position, and their Labour opponents readier to advocate more extensive state support for children and families. Despite these general trends, this distinction was not constant, with MPs' positions varying in respect of different aspects of the proposed legislation, and with certain individuals sometimes advocating positions contrary to the "party line" (eg Teresa Gorman (Conservative) on children's rights, and Stuart Bell (Labour) on minimising intervention).

The resulting Children Act was a piece of legislation where such arguments as were had were generally resolved in favour of the government; thus, clear limits to state intervention appeared to have been set (eg, the "no order" Section, 1(5); the right of parents to remove children from voluntary care, Section 18(5); and the right of parents to challenge the making of an Emergency Protection Order, Section 43(5)). However, other aspects of the Act might be seen as reflecting rather different priorities, such as the explicit new duty for local authorities to provide help to children and families "in need" (Section 17), the much strengthened requirements to take account of children's views (Section 1, Section 22, Section 26), and the addition of the Child Assessment Order to enhance the protection of children (Section 44). There might thus appear to be considerable scope for argument about the implications of the Act, both for specific aspects of child care practice, and for the overall development of child welfare services. It might even be surmised that the Act represents no more than a "menu", from which those who favour particular perspectives choose the items which suit them. How, then, is the Children Act seen in practice; and what tentative conclusions can we draw from the early experience of its implementation?

A "messy compromise"?

In fact, a considerable (and ever increasing) list of authors have speculated on the likely effect of the Act (eg, Lyon, 1989; Ball, 1990; Frost and Stein, 1990; Smith, 1990; Fox Harding, 1991b; 1991c; Packman and Jordan, 1991; Thoburn, 1991; Freeman, 1992a; Hardiker, 1992; Cooper, 1993; Corby, 1993), with by no means universal agreement on its real meaning for child care in England and Wales. Fox Harding, for example, has used terms like "uneasy synthesis" to describe this culmination of policy making for children in the 1980s, whilst concluding, on balance, that the Act supports the "birth family defender" position. She applies the four value positions devised by herself (Fox Harding, 1991a) to the various Sections of the Children Act, arguing that each is found to be represented therein. Thus, for example, the laissez-faire position is represented by the presumption of no order, in Section 1, although it figures less clearly elsewhere. In her view, this "non-intervention principle is superimposed on other considerations." In other words, no order can be made by the court if it does not believe that this will contribute to improvements in the child's welfare. The specific example is cited of care proceedings, where it may be possible to demonstrate that the child is at risk of significant harm, but that making a court order would still not be of benefit, or achieve the objective of reducing the risk of harm more effectively than any other course of action. This principle, it is argued, is incorporated into the Act as a response to concerns that prior to its inclusion orders of the court might have been made simply as a form of insurance. Once the grounds for an order had been made out, it would have been made irrespective of its purposes, or the child's best interests, according to this view, amplified by the Lord Chancellor, in particular (see previous chapter). The Act seeks to discourage this sort of speculative intervention, according to Fox Harding.

Despite this, it is suggested that the laissez-faire principle was "not a major topic for debate" during the passage of the Children Bill (although see previous chapter for a more detailed discussion of this point). Nevertheless, she argues, because it effectively overrides other criteria for intervention, it remains of central importance to the Act's functioning. This is found to be in line with government philosophy more generally:

"The principle may also be seen as consonant with the government's general emphasis on self-reliance and responsibility in family life...."
(Fox Harding, 1991b, p181)

In addition to the guiding principle of non-intervention, Fox Harding also notes that the Act includes other elements which strengthen the legal position of parents, particularly in relation to statutory intervention. Parents' rights of access to children in care are strengthened (although this is not consistent with a strong laissez-faire position, which would deny parents access rights once they had forfeited care of their children); and they are to be able to challenge orders made in emergency proceedings. Fox Harding suggests that:

"the thinking of the 'new right' on autonomous (and probably patriarchal) families, and on the drawbacks of state intervention in general, had some influence...."(Fox Harding, 1991b, p.181)

The second perspective, "state paternalism and child protection", is also recognised as being incorporated in the Act. Based on the view that children will sometimes experience poor quality care, and that their well-being must be protected, this perspective accepts that parental rights can and should be overridden on some occasions. Fox Harding suggests that the Children Act actually enhances the powers of the state in this respect, despite the influence of the non-intervention principle. For example, following the implementation of the Act, care or supervision orders can be made on the basis of "likely significant harm to the child", rather than on evidence that harm has already been caused. Whilst this is set within very specific limits of intervention, and hedged about with qualifications about what is "reasonable" to expect of parents, Fox Harding argues that this does increase the potential for taking positive action in situations of potential risk to children:

"the inclusion of the possibility of future harm in the criteria for an order potentially widens the scope for legal action considerably." (Fox Harding, 1991b, p.186)

The implications of this aspect of the Act are not compatible with the minimalist laissez-faire view of state intervention, which would not sanction state action based on speculation about future risks. This is, in Fox Harding's view:

"perhaps surprising coming from a government which espouses an ideology favouring autonomous families and a 'rolling back' of the state." (Fox Harding, 1991b, p.187)

Is it possible, then, that there may be "unintended consequences" (Thorpe et al, 1980), with orders based on assessments of the risk of future harm leading to an increase in the number of children and families subject to statutory intervention?

State powers under the Children Act are also observed to be strengthened in a number of other respects. The making of a care order is expected to lead to the placement of a child away from the family home (Masson and Morris, 1992); powers attached to supervision orders are extended; the child's interests are to be seen as "paramount"; and the power to make Child Assessment Orders is made available for the first time (albeit, after considerable political debate). We have already observed the ambiguities surrounding the introduction of the Child Assessment Order, but Fox Harding concludes that its aims are "protectionist", simply because it affords an additional state power, regardless of that power's qualifications. She also argues, interestingly, that the emphasis on the concept of "parental responsibility" is consistent with this perspective:

"The Act...underlines parenthood as a duty to care, although it also confers the authority and power to do so (s.3(1)). This is broadly compatible with the general protectionist perspective, which emphasises parenthood as a duty." (Fox Harding, 1991b, p.191)

Thus, she implies, the idea of parental responsibility is itself ambiguous; at one and the same time emphasising the autonomy of parents from the state, and promoting the idea of a common range of standards and duties which parents must comply with in the interests of their children (see also, Eekelaar, 1991).

Fox Harding believes that the "well-publicised" child abuse cases of the 1980s can be held responsible for "edging" the Children Act in the direction of emphasising the responsibilities of parents, and providing additional powers to protect children in situations of risk or danger. This view appears to be consistent with the comments of David Mellor, Minister of Health, during the parliamentary debates on the Child Assessment Order (see previous chapter).

By contrast, the "defence of the birth family and parents' rights" is represented in a number of sections of the Act, "perhaps surprisingly". Section 17, for example, confers a duty to provide services to support the families of children "in need". This extension of local authority service provision might be thought to be contrary to the government's professed preference to avoid intervention in family life wherever possible, even though it is only mandatory for a restricted group of children. Day care provision for children under 8, and increased powers of monitoring and inspection are also cited as new pro-birth family initiatives. The Act also affords social services departments the power to coopt other departments and services (such as education, housing or health) to provide help to families in support of their responsibilities to meet the needs of children.

Parental rights, on the other hand, appear to be enhanced by the increased emphasis on "partnership" under the terms of the Children Act. (The word itself does not appear in the legislation, but it is given substantial emphasis in the Act's accompanying guidance and principles documents - Department of Health, 1991b; 1991c). The "accommodation" of children to provide for their care needs is entirely voluntary under the terms of the Act, based on agreements with parents; there is an inbuilt assumption in favour of children remaining with parents wherever possible; and parents' rights to withdraw children from voluntary placements are no longer to be restricted.

In addition, parents' rights to remain in contact with their children are improved under the Act. Local authorities now need the court's authorization to end contact between parents and children in care; and, indeed, authorities will be expected to take an active role in promoting and maintaining contact.

Reference is also made by Fox Harding to the provision of rights of appeal in emergency proceedings as a realisation of this perspective, but I am more

inclined to classify it with the laissez-faire position, since it relates more directly to the project of limiting state intervention, rather than promoting the role of parents in the family. The same observation may also apply to Children Act's restrictions on the powers of local authorities to use wardship proceedings (Section 100).

Other aspects of the Act which reflect the "pro-birth family" position are the introduction of complaints procedures, and the recognition of the importance of race, religion, and language in contributing to decisions in child care. Certainly, in purely numerical terms, it appears that the Children Act incorporates more substantial support for this perspective than any other:

"On the face of it, there is more in the Children Act that leans to a pro-parent emphasis than there is on the child protection side...." (II, Fox Harding, 1991c, p.292)

On the other hand, simply setting down a number of "good intentions", towards enhancing care and support for families is neither to achieve that objective, nor necessarily to make a proper commitment towards it:

"training and resourcing of the family support sections of the Act are particularly crucial with regard to Section 17. The extra resources required to implement the powers would be considerable..." (Fox Harding, 1991c, p.292)

The implication here is that the Conservative government's underlying commitment to supporting the family may, in practice, be limited by its equally strong belief in keeping control of public spending.

Turning now to consider the fourth of Fox Harding's value positions, "children's rights and child liberation", this, too, is found to be represented in the text of the Children Act, although to a rather lesser extent. Despite this limited representation, she anticipates that it may well come to be a more powerful determinant of child care policy and practice with the passage of time, particularly in the context of international developments such as the adoption of the UN

Convention on the Rights of the Child within a week of the Children Act becoming law in England and Wales. The aspects of the Act which support the children's rights position are seen as a relatively recent, and still emerging development of ideas which first appeared, in legislative terms, only in the 1975 Children Act.

Examples of greater prominence for the rights of children can be found at various points within the Act. Notably, the child's wishes and feelings are placed first in the list of factors which must be taken into account in determining the court's decisions about that child's welfare (Section 1(3)(a)). In addition, local authorities must also give weight to the child's wishes and feelings in determining how to make provision for children "looked after" by them (Section 22(4)(a)). Children's rights are also enhanced in that they are given the opportunity to make complaints, and to participate in reviews held about their care (Section 26). The child is explicitly afforded the right to refuse medical or psychiatric assessments in some cases (Section 38(6); Section 43(8); Section 44(7)); and, significantly, the child is enabled to initiate court proceedings, providing certain preconditions about having "sufficient understanding" are met (Section 10(1)(a); Section 10(8)). The extension of the child's entitlement to have her/his interests and views represented in court hearings by a Guardian ad Litem can also be seen as an enhancement of the child's bargaining position.

Thus, despite its apparently marginal position in child care debates, both inside and outside parliament, the children's rights perspective could claim some notable advances in the extensions to their entitlements to participate conferred by the Act. This is acknowledged further by the UN Committee on the Rights of the Child (Children's Rights Office, 1995). Fox Harding particularly stresses the role of the "children's rights lobby" in debates on the legislation, and suggests that, despite its limited achievements, this may be the emerging force in child care:

"although the rights perspective is arguably only present in the Act in an attenuated form (and some might feel that the Act does not go far enough in this respect...), it may well be that "children's rights" are the direction for the future." (Fox Harding, 1991c, p.299)

In conclusion, Fox Harding reiterates the view that the Act reflects a number of different and competing perspectives, suggesting that the dominant themes are those of "paternalism", and "defence of birth parents", although precise outcomes will remain dependent on the actual implementation of the legislation. She notes that what she sees as the Act's strong support for additional help for birth families might be seen as surprising in the light of broader government preoccupations with limiting the role of the state. However, she attributes this, in part, to the concerns of the 1980s about social work agencies doing both "too much" and "too little" by way of intervention in family life. The idea of additional "help" for families in need in her view goes some way towards resolving the contradictions involved in endorsing intervention in order to protect children, whilst at the same time trying to sustain the autonomy of the family.

As Fox Harding observes, this dualistic approach can be seen either in terms of "conflict" or "balance" between diverse perspectives. She concludes that it is appropriate to seek balance in legislation, as a matter of principle:

"it is reasonable, and not inconsistent, for the Children Act to attempt to proceed in two directions at once, or indeed several directions at once, strengthening parents' powers in some areas, children's rights in others, and the scope for action of courts and social workers in other areas again. It may be argued that what is achieved is a genuinely more effective balance, correcting tendencies to both over- and under-react. The Act thus represents a conscious reassessment of a delicate balance between conflicting considerations." (Fox Harding, 1991c, p.300)

The implication seems to be that the Children Act offers a repertoire of responses to the problems of children, enabling appropriate action to be taken. In this respect, the arguments of Harris and Timms (1993) are of interest. In rejecting Fox Harding's use of the term "balance", they suggest that an enhancement of power in one respect need not lead to an equal and opposite reduction of power elsewhere. According to this argument, the analogy between social policy and physical laws of

equilibrium:

"does not hold....not only is the quality of power variable...but it is also possible simultaneously to increase powers and to circumscribe the circumstances in which they may be exercised." (Harris and Timms, 1993, p.36)

The implication is that Fox Harding's analysis offers few clues as to how the legislation will actually be implemented. When conflicts emerge, we will not be able to infer from the concept of "balance" just how power will be exercised, or even which considerations will be brought to bear.

Alternative Analyses

Other commentators have offered rather different analyses of the Children Act, and its implications for practice. Some have responded directly to the ideas expressed by Fox Harding, whilst other observations are set within alternative analytical frameworks. Freeman (1992a), for example, responds directly to the Fox Harding analysis, and does so in quite critical terms. He challenges her view that laissez-faire thinking is not a primary motivating force behind the legislation, whilst accepting that the four "value positions" are reflected in the wording of the Act. Instead, he argues that the Children Act has been successful in forging a specific political consensus:

"Legislation is a political act with political consequences. It uses political language and political symbols. It uses words like 'compromise' and 'balance' and it seeks to co-opt opposition. The Children Act appears to have done this successfully." (Freeman, 1992a, p.179)

The suggestion appears to be that legislation is an effective means by which a particular political "project", such as the extension of laissez-faire thinking, can be accomplished by conveying a willingness to respect and accommodate other

perspectives. This rather cynical view implies that the ostensible search for balance, or common political ground, is in part a reflection of the need to obtain the support of political opponents. The real purpose or implications of the legislation may lie elsewhere, and may, in fact, be achieved, simply by paving the way for a particular approach without necessarily prescribing it. The role of legislation is simply to strengthen the basis of political and ideological hegemony (Althusser, 1971; Gramsci, 1971). In Freeman's view, the Children Act itself cannot achieve "balance", since it merely establishes a framework for action, in the courts, in social work agencies, and in the public domain - wherever, in fact, the law is interpreted and implemented. Actual outcomes cannot simply be "read off" from the wording of legislation, regulations or official guidance.

Freeman offers the cogent example of the principle of minimum state intervention, as advocated by Goldstein and his colleagues (Goldstein et al, 1973; 1980). In a context of equality, and social justice, such a philosophy may be applicable in such a way as to produce "fair" outcomes. But, asks Freeman, can this be achieved in a world of "structured inequalities". If the Children Act encourages such an approach, does it thereby threaten to compound unfairness, rather than compensate for it? The Children Act, like other aspects of public policy, it would seem, must be interpreted in context, not simply as a shopping list of worthy aspirations. Freeman believes that Part III of the Act, which appears to offer help and support for families "in need", can be viewed in this light, simply as an attempt to create consensus, rather than as a genuine commitment to improve the circumstances of children and families experiencing difficulties:

"As all things to all people, it is hardly surprising that the Act was (and remained) broadly acceptable. The support of the left was solidified by part III and Schedule II of the Act (the provision of services for families). It is easy to look at this as a sop thrown by a Conservative government, which knew it had no intention of making resources available, in order to induce consensus." (Freeman, 1992a, p.181)

This is perhaps to underestimate the strand of Conservatism, and indeed its

representation in parliament, which holds strongly to the view that the provision of services to help families in difficulty should be encouraged (see previous chapter). Freeman argues nevertheless that ideological support for the family, as a "good thing", is unlikely to be backed up by welfare support of the kind provided for in some detail by the Act, particularly in Schedule II; because this was not the government's purpose in including these elements in the legislation.

Freeman, then, distinguishes sharply between the 1988-9 Conservative government's rhetorical support for the family, and its views of its economic and welfare obligations. For this reason, he believes that the "laissez-faire" perspective is, in fact, the "key" to the Children Act. The law is, according to this line of argument, consistent with other aspects of government policy, because it permits a minimalist approach to intervention in family life. In fact, the family, like many other institutions, was to be "privatized", a trend identified by other commentators some years earlier:

"In order to elevate the morality of the market into an entire social ethic, it is necessary to ignore all those members of society who do not themselves enter the market. For most of them this is done by the sleight of hand of subsuming them as *members of families* [my emphasis] into the individuality of their head of household." (Barrett and McIntosh, 1982, p.49)

Thus, in Freeman's view, we should acknowledge the real significance of Section 1(5) of the Act, which creates a strong presumption against action by the courts or others to determine the conduct of the family. He points out that this one requirement will affect the whole machinery of the law in relation to the family. We can expect local authorities to be less willing to initiate action, lawyers to be less enthusiastic about pursuing "orders" of the court, the Legal Aid Board less likely to grant applications for financial help in pursuing child care cases, and courts themselves becoming more reluctant to make orders. The implications of this small clause will be far-reaching in Freeman's view.

Linked with this, he identifies the principle of parental responsibility, the

presumption running through the Children Act that parents have natural obligations towards their children, which will remain with them, whatever the circumstances, short of adoption. Parents are to retain "responsibility" for their children, even when they are in statutory care, and this may include paying towards the cost of maintaining them (Schedule 2, para 21). Of course, with the removal of the duty to provide for children on a day-to-day basis and to make routine decisions about their care, this is an attenuated form of responsibility, but it still appears to convey some fairly strong symbolic messages, as well as having implications for the ways in which caring agencies carry out their functions. Freeman is sceptical about the shift in the conception of parental responsibility. He does not believe that simply telling parents that they will always retain responsibility for their children is likely to result in more responsible parental behaviour:

"There is no reason to suppose that giving parents greater freedom will guarantee that the standard of care will improve....[The Act] seems to take it for granted that parents will naturally behave with responsibility. This legislation would have been largely otiose if that were true." (Freeman, 1992a, p.187)

I have argued elsewhere (Smith, 1995b) that similar assumptions underpinning child support and criminal justice legislation are equally tenuous. Indeed, Freeman argues, withdrawal of restrictions on the conduct of family members may well simply result in increased opportunities for more powerful members, that is either men, in some contexts, or adults, in others, to exercise their power, without responsibility.

Further support for this line of argument is provided, in Freeman's view, by the new arrangements for voluntary care, or "accommodation". The requirement that authorities do not accommodate children if anyone with parental responsibility is ready and able to do so (Section 20(7)), and the provision that anyone with parental responsibility (who need not always be parents) can remove an "accommodated" child at any time (Section 20(8)), are cited as examples of the unacceptable logical consequences of pushing the concept of enhanced parental

responsibility too far. As we have already noted, this also caused some concern to both Labour MPs and many lobbying organisations during the passage of the Children Act.

Although it is possible to act to prevent parents removing their children from local authority accommodation, there are "numerous problems" associated with this provision, not least the possibility of the child being removed by a parent with no ongoing contact, or established relationship with the child, with the associated risk of intensifying the uncertainty and stress experienced by the child in unsettled circumstances.

Despite the general thrust of the new legislation, Freeman accepts that the basis for taking care proceedings is rather more interventionist, and thus, in his opinion, "out of line" with the overall tone of the Act. He notes that care orders can be made under the Children Act on the basis of "forward looking" assessments of risk, and on evaluations of the risk of "significant harm", based on what standards of care could reasonably be expected for a "similar child". This, he suggests, might allow for statutory intervention into poor families, where reasonable standards of material care cannot be maintained. Thus, he argues, ironically, despite its interventionist tone, this aspect of the Act is both understandable and consistent with its overall objective:

"since it is prone to penalize the poor, it is not altogether inconsistent with other government measures." (Freeman, 1992a, p.194)

The implication here is that, amongst its other achievements, the Children Act manages to refine the long-standing "bifurcation" between respectable society and the undeserving poor, for whom coercive measures may be deemed necessary, in order to impose minimum standards of care (see, eg, Stedman Jones, 1984).

Despite the Children Act's establishment of slightly wider grounds for the making of care orders, the subsequent position is changed, in that parents retain their notional responsibility for the child, as already noted. As Freeman observes, this responsibility is further qualified by giving local authorities power to determine how far it will be exercised in individual cases. Thus, in his view, the preoccupation

with the symbolic importance of the parental role has resulted in a "fudge". Nominal responsibility can, in practice, be closely circumscribed by the dictates of the statutory agency. On the other hand, this might be seen as a natural consequence of the assumption that the state does retain a *prima facie* right to dictate the terms in which parents who have demonstrably failed should meet their continuing responsibilities.

Freeman concludes that the Children Act does not, in reality, give priority to the wishes or the interests of children, but to a rather different ideological perspective:

"dominant is the prevailing image of the family. And it is an image.... In this construction the family is a cosy, conflict-free environment. There are no power differentials... Parents know what is best for children, as husbands do for wives. It is the image which dominates this act, which enables it to emphasize parental responsibility and autonomy...." (Freeman, 1992a, p.210)

Freeman clearly disagrees with the idea that the Act achieves "balance", and in Fox Harding's terminology, he clearly sees it as a victory for the *laissez-faire* perspective.

In fact, his own analysis shows that at the very least this perspective is modified by the Act, through aspects of the care and emergency protection procedures, through allowing the child a (limited) voice, and through providing for support services to families. It seems that his analysis incorporates a degree of confusion as to the relationship between the formal wording of the Children Act, and the manner in which it is implemented. He appears unwilling to accept that the recognition of other perspectives "in law", might give them real substance and political influence. He clearly believes that the symbolic purpose of the act is to (re)instate a particular view of the ideal family, and thereby to set the terms for a restriction of state activity in the sphere of the family. The wording of the legislation, in his view, simply functions as a front for this underlying political and ideological project. On the face of it, this appears rather dismissive of the clearly

defined interests which seem to have exercised a degree of influence over the detailed content of the Children Act.

Freeman's analysis finds echoes in Eekelaar's discussion of the Act, wherein it is argued that the legislation actually incorporates two views of parental responsibility, but gives priority to one over the other. It is suggested that parental responsibility can be portrayed either in terms of a parental duty of care towards children; or, in terms of an emphasis on the freedom of the parental role as against the powers of the state. The former perspective might be aligned with state paternalism, in that parental duties towards children are prescribed, and can be overseen by outside agencies; the latter is much closer to the laissez-faire position, in which parents are to be protected from state interference. Eekelaar believes that it is the latter which takes precedence under the Children Act. As a result, he argues, there is clear evidence of anomalies resulting from the Act's preoccupations, with parents assigned nominal responsibility, even when their children are in fact cared for by others. He observes that, where an authority holds a care order, and the child is placed in care, parents are incapable of exercising their "responsibilities", in the sense of providing direct care for their children. The form of responsibility they retain is thus symbolic:

"this second sense of responsibility appears nakedly ideological. It was unnecessary to retain it simply in order to underline the quite distinct concern that authorities should exercise their powers fairly towards parents....Rather, it is a statement that, despite realities, it remains the parent's rather than the authority's role to look after the child...." (Eekelaar, 1991, p.45)

This rather totemic view of the family goes beyond the position of those laissez-faire theorists (eg, Goldstein et al, 1973; 1980) who believe that once parents have failed to meet their responsibilities to a serious or dangerous extent, then they should be relieved of "parental responsibility", and replaced as the child's primary caregivers.

For Eekelaar, not only is the symbolic value of parenthood pushed to extremes by

the Children Act, but the power of statutory agencies to intervene effectively in family life is generally diminished. He claims that there is no legal requirement on local authorities to intervene merely when it is in the child's interests, and that the "presumption of no order" creates extra difficulties for local authorities wishing to justify the use of statutory powers. In his view, the Act is based on an underlying theory that the more freedom people have, the more wisely they will exercise it. Perhaps this can be seen to:

"reflect a belief that, given freedom from state regulation, parents will naturally care for their off-spring....It may be asked whether the historical record justifies such a view." (Eekelaar, 1991, p.50)

Like Freeman, he appears to be arguing that, if the Act's underlying premises were justified, it would in fact be a superfluous piece of legislation. Like Freeman, too, Eekelaar believes that parental freedom, and a belief in the natural strengths of the family, are the key themes of the Act. Whilst other perspectives are evident, they remain qualified by these primary pre-occupations.

In another context, the present author has also commented briefly on the subject of parental responsibility (Smith, 1990), drawing rather similar conclusions about its significance in the context of the Children Act. The failure to provide universal assistance, notably in the form of day care for young children, is held to ensure that parents are inevitably seen as the primary providers for their children. In other words, the primacy of the parental role is guaranteed, almost by default. State provision is reserved for crisis situations - the problem here being that to seek help in such circumstances is to admit failure to fulfil the idealised role of the good parent. This has two distinct but complementary consequences. One is to set clear limits to the role of the state, which has no role, and no justification for interfering when parents are carrying out their functions capably. The other is to emphasise the ideal of family independence and self-sufficiency. The effect of this is that it:

"reinforces idealised conceptions of the nuclear family, and it weakens

the role of those, such as local authority social services departments or health authorities, who might have a role in protecting children or maintaining standards of care." (Smith, 1990, p.8)

In a sense, these arguments focus less on the content, and perhaps the intentions, of the Children Act itself and more on the practical consequences of its partial implementation, although its distinction between families who are and are not "in need" does contribute towards the categorisation of "responsible" and "irresponsible" parents. Nevertheless, these contributions all draw the conclusion that the Children Act is tilted towards a laissez-faire perspective on the family. Although the pure laissez-faire position appears to preclude any form of help to the family, the Act is held to be consistent with a view of the family as essentially self-contained and self-sufficient. If it cannot function on this basis, then the family is treated as a failure. Even seeking help voluntarily is taken as a sign of weakness and inadequacy, which itself may justify intrusive state intervention.

Others have also questioned the conception of the Children Act as representing a "balance" between different perspectives. Ball (1990), for example, argues in terms of dynamic "shifts" in ideology, rather than accommodation between differing viewpoints. This contrasts with the rather static character of the notion of equilibrium put forward in some accounts, and perhaps inherent in the idea of "value positions":

"Given that the balance is such a difficult one to achieve, and that failure in one direction or the other arouses such intense public reaction, it is perhaps not surprising that the law relating to state protection for, and the protection of, children is peculiarly vulnerable to shifts in political and ideological thinking." (Ball, 1990, p.2)

She accepts, in common with many other commentators, that the 1975 Children Act gave local authorities licence to use "compulsion" in child care, at the expense of parents. However, judicial action, through appeals hearings began to redress this imbalance, and this represented the beginning of a "shift" towards an

enhancement of parental rights. In Ball's view, some aspects of the 1989 Act represent the product of this sustained reaction against the use of compulsion:

"the 1989 Act appears, in a way which concerns many individuals and organisations, to allow the pendulum to swing back again to the upholding of parents rights by diminishing local authorities' powers in relation to children for whom they provide accommodation on a voluntary basis." (Ball, 1990, p.8)

She highlights the Act's provision for parents to be able to remove "accommodated" children at any time (Section 18), contrasting this with the "imaginative" proposals initially advanced by civil servants, for a dual system of "shared" and "respite" care (DHSS, 1985a). The government's decision not to proceed down this line, and to insist on parents rights to remove children is seen by Ball as a triumph of ideology over "the facts". In her opinion, the reluctance of the government to accept "informed advice" has ensured that the Children Act is "potentially flawed" - largely because it has favoured parents excessively, at the expense of state agencies and more importantly, of children.

Whilst these commentators question the extent to which the Act can or does achieve "balance" between different perspectives, attributing to it a prior concern with the integrity of the family and parents' interests, others have adopted a more positive view, arguing that it is not simply a vehicle for government ideology, based on an idealised vision of the independent and self-sufficient family. Thoburn (1991), for example, gives great weight to the "partnership philosophy of the act". This view, consistent with the "birth family defender" position, argues that the strength of the Act lies in its ability to ensure joint working in the child's best interests, between the local authority, parents, other relatives and the child. Investment of effort in family support, according to the stipulations of the Act (Part III, in particular) may result in more successful cases of rehabilitation; careful negotiation with parents will be necessary, rather than the arbitrary use of power by local authorities, with the removal of the option of assuming parental rights by administrative fiat; "shared care" will be used more regularly, with the concept of

supplementary carers to support parents' efforts rather than substitute placements as an alternative to parental care, and finally, the Act will encourage contact with parents and other relatives to make sure that they will not be excluded at the point when "permanent" placements will be made. Despite her concerns about the ability of parents to remove children from voluntary accommodation, irrespective of the circumstances, Thoburn is generally supportive of the "partnership" principle, and goes on to suggest some ways in which the Act may be implemented in this spirit:

"social work support can be provided under Part 3 of the Act for children in need, irrespective of whether they are with their natural parents, with adopters, with relatives or other carers, on a residents order or being looked after by the local authority." (Thoburn, 1991, p.342)

This emphasis on Part III suggests that Thoburn is one who believes that the Act is capable of exerting a positive influence on the development of family support services, thereby providing additional help to families in need, and offering practical help to parents in carrying out their role of providing for their children.

Packman and Jordan (1991) argue that the Children Act is essentially untypical of the prevailing ideology, adducing the evidence of the breadth of service provisions specified. In other words, they believe that the Act's insistence on the importance of developing new services to support families runs contrary to the non-interventionist philosophy espoused by the government in other areas of policy making. The Act, they believe, in stark contrast to Freeman in particular, is not consistent with the ethos of privatisation and individualised service arrangements. The Act's core concepts:

"- like sharing responsibility between parents and the state, reaching agreements and partnerships - have a surprisingly communitarian or even collectivist ring about them. It does not, in other words bear the hallmarks of Thatcherism." (Packman and Jordan, 1991, p.315)

They portray the Act as an honest attempt to grapple with difficult issues and accommodate different interests and values. They note the shift from parental rights to parental responsibilities, stressing the first form of this identified by Eekelaar, the bundle of duties parents are expected to carry out in caring for their children. They note, too, the broad emphasis on "prevention" and on providing a range of services for families and children "in need". Having identified both paternalist, and "birth family" supporting strands in the legislation, they also draw attention to the Act's references to the child's rights to be heard. Without specifically referring to the laissez-faire position, they also conclude that the new legislation:

"treads a tightrope between children and parents, the state and families, the courts and local authorities, and where power is unequal it tries to safeguard the weak." (Packman and Jordan, 1991, p.344)

Packman and Jordan take a distinctly positive view of the Act, whilst observing that the broader context is important. Reminding us of the upsurge in referrals for practical help after the 1963 Children and Young Persons Act, they suggest that the new demand for "preventive" services is likely to exceed supply. The Act may be able to change attitudes, as did the 1948 Children Act, in their view, but it can only do so in a "social and political climate" supportive of the ideal it espouses. This argument seems to suggest that the context will determine outcomes to a much greater extent than the written content of the legislation itself. In this respect, their argument comes closer to the more cynical views already considered.

Whilst their analysis of the Children Act itself is rather more positive than others, Packman and Jordan take a much more consistent line over the likely impact of the ideological and political framework within which the Act was implemented. In this respect, they agree with the pessimistic views of most other commentators, but their analysis does suggest that the substance of the legislation need not simply be taken as a reflection of currently fashionable or dominant ideas. This, in turn, should provide scope for imaginative action and service provision which does not simply reflect the priorities of government.

Equally, in her generally critical article, completed while the Children Act was still passing through Parliament as the Children Bill, Lyon (1989) nevertheless draws specific attention to the Act's eclectic emphasis on different interests and concerns. Thus, whilst complaining that it does not go far enough in promoting children's interests, she draws attention to the provision in Clause 1 of the Bill (as it then was) for children's welfare to be treated as the paramount consideration in court proceedings. At the same time, she notes the strengthening of parents' position in being able to challenge decisions taken in emergency proceedings. However she also fears that the forward looking, and rather vague references to the "likelihood" of significant harm in determining decisions in care proceedings actually extends the scope of state intervention. Despite this observation, she concludes:

"whilst there is no doubt that the Children Bill has given great cause for dissatisfaction in many causes it has to be said that it must be seen as going a long way to resolving those very serious defects in the legal process which were identified during the Cleveland controversy and subsequently by the Cleveland report." (Lyon, 1989, p.206)

Although the article is critical, it seems to accept that the Children Bill was an attempt to reach an effective compromise between different value positions.

The notion of balance emerges again in Frost and Stein's (1990) brief commentary on the Children Act. They characterise it in terms of the two value positions which Fox Harding believes to be most strongly evident:

"the tension between these two positions, between child protection and parents' rights, between state intervention and the autonomy of the family, is the primary political relationship which the government has quite explicitly attempted to balance in the Children Act." (Frost and Stein, 1990, p.17)

As we have already observed, this tension was reflected in the speeches of government ministers during the Children Bill's passage through Parliament. Frost and Stein also believe that other influences contributed to the diversity of provision in the final version of the Act. They draw attention to the roles of the family rights and children's rights lobbies in contributing to debates. They draw the conclusion that it is not possible to identify:

"a clear political direction in the act: rather it is a jumble of influences, some coherent, some contradictory." (Frost and Stein, 1990, p.18)

Whilst reminding us of the myriad of other government policies bearing on children's welfare, they draw attention to both positive and "regressive" aspects of the Act. Thus, the "paramountcy" principle, the new form of "parental responsibility", the duty to consider ethnic and cultural aspects of children's lives, and access to complaints procedures are all examples of improvements in the law, in their view.

On the other hand, the stigmatising effect of restricting specialist services to children "in need", and the limited extension of day care and other preventive policies are seen as likely to undermine "the spirit of the Act". Like Packman and Jordan, Frost and Stein draw attention to the importance of the social context, and the influence of broader policies in determining overall outcomes for children:

"it is possible to change legislation and yet not to change the day to day reality of people's lives." (Frost and Stein, 1990, p.19)

We are invited here to draw two conclusions which themselves are in tension. Thus the notion of "balance" genuinely to be found in the wording of the Children Act is at the same time subject to modification and distortion, both in the pressures bearing directly on the implementation of the legislation, and in its relationship to wider social and political forces.

It is perhaps worth recalling the "failure" of the 1969 Children and Young Persons Act at this point - its aspirations were critically undermined by the

unwillingness of key players (such as the Magistracy) to act on its principles (see, eg, Thorpe et al, 1980). We must not therefore assume that balance, as reflected in the various aspects of the Children Act, or any other piece of legislation, will consequently be reflected straightforwardly in the implementation of that legislation. The inherent tension between policy and reality is undeniable.

Cooper (1993) also comments on the positive contribution of the Act in a number of areas (help for children "in need, children's rights, control of parents", "control of local authorities"), whilst questioning the extent to which it offers substantive help, to parents in particular. Indeed, in the absence of sufficient resources to support its implementation, it may just be creating unrealistic expectations:

"while it would seem that as a coherent piece of legislation the new Act has made an important contribution against abuse it may prove to be seriously undermined. In the crucial area of services to families the duties laid on local authorities are too often conditional and, in the end, dependent on resources." (Cooper, 1993, p.30)

We have thus seen that these commentators writing at around the time the Children Act was introduced, and subsequently implemented, have taken a variety of positions, both on its substantive content, and on its prospects for implementation. Most commentators have, explicitly or implicitly, described the Act in terms of the kind of "value position" set out by Fox Harding. On the other hand, they have not all agreed that the presence of these value positions in the list of the Acts requirements represents a simple "balance" between viewpoints; or, alternatively that such a "balance" can be straightforwardly achieved in the process of implementation. We may thus draw the tentative conclusion that using a "values" framework for the interpretation of the legislation may be helpful in identifying different interests or dynamics at play, and indeed about common ground and potential alliances, but that this does not necessarily tell us a great deal about how these values will be reproduced in the actual operation of the law, and in its attendant regulations, guidance and procedures. Using a framework

based on "positions" may, inevitably, present a rather more static picture than is inevitably the case as different interests and ideologies are played out in practice.

Putting it into practice

In reviewing the Children Bill debates, we have already observed particular "boundary disputes", between different viewpoints. Notable amongst these have been disagreements over the extent of parents' power to remove children who are voluntarily accommodated (birth parent defenders versus child protectionists), the extent of statutory duties to provide childcare facilities (*laissez-faire* versus birth parent defenders), the nature and length of the Child Assessment Order (*laissez-faire* versus child protection), and to a lesser extent, the rights of children actually to determine outcomes (children's rights versus child protection/*laissez-faire*). In each of these cases, it seems that the resultant legislation favours one side or the other, usually leaning toward "birth parent" or "*laissez-faire*" positions - in this way reflecting themes and conclusions evident in parliamentary debates. Thus children are not expected to determine outcomes, but only to have their views taken into account; parents retain an unqualified right to remove children from accommodation provided by local authorities on a voluntary basis; and the scope and duration of the Child Assessment Order are both severely limited. When the issue is one of emphasising either support for birth families, or *laissez-faire*, the emphasis is on limiting intervention to "children in need", rather than extending it to children generally. In fact, the outcome reflected in the Act, especially Part III, appears to fall between the two positions, since the *laissez-faire* view would not allow help to be provided for families in difficulty at all, whilst a stronger birth family support position would seek to provide practical help to all families, rather than just those with the label of being "needy".

These observations lead towards the conclusion that the Act does reflect primarily political preoccupations throughout. On the other hand, these are mediated by the power and influence of a range of varying interests (such as the lobby groups identified by Parton, 1991) and competing traditions within political groupings; with the result that the legislation itself is characterised by compromise and inconsistency in its various aspects. It is not, therefore, a pure or fixed

expression of a particular ideological perspective, but is rather a fluid and negotiable "menu", which thereby enables policy-makers and practitioners to exercise a degree of discretion and invention in its implementation. The exact words in which the Act is framed are not unimportant, but they do provide a very broad range of options in terms of priority-setting and practice-orientation for those charged with implementing its prescriptions.

Despite this, the observation of almost all commentators on the Act is that it has been inadequately resourced, and that wider social and political contexts discourage an active role for the state. The Act's achievement of some form of "balance" between differing positions in this respect is apparently compromised by the manner in which it is or is not implemented. In this sense, we would find ourselves agreeing with Freeman and Eekelaar, that the Act's symbolic commitment to the sanctity of the natural family attains greater significance, and is given added substance by the apparently inadequate levels of government funding directed towards more interventionist aspects of the Act, particularly Part III, which is specifically directed towards providing support for families, specifically those "in need".

This is perhaps sufficient for present purposes by way of theoretical analysis of the Children Act. It is of course, of considerable interest to reapply these considerations to the actual operation of the Act, in the early years of its operation (following its implementation on 14 October 1991). It will be helpful here to consider reported outcomes in relation to each of the value positions. This might help us towards a judgement as to which of these has, in practice, been emphasised, and what this tells us about the interplay between policy, philosophy, and practice.

i. Laissez-faire

Evidence in support of a more laissez-faire approach in consequence of the Children Act is provided in the first instance by the immediate reduction in the number of statutory orders made by the courts. Although we must bear in mind that the early months in the life of any new legislation are likely to be untypical, the shift in the use of a local authority statutory powers is striking. By 31st March

1992, some six months into the Act's operation, there were estimated to be nearly 5,000 fewer children in the care of local authorities than twelve months previously. There were more than 5,000 fewer children in care who were subject to statutory care orders (Department of Health/Welsh Office, 1993). In addition, by March 1992 there had been a reduction of 6,700 (16%) in the numbers on the child protection register, and a fall in registrations of 4,400 (16%). As is noted, this was the:

"first reduction in either category since national data has [sic] been collected." (Department of Health/Welsh Office, 1993, p.24)

This change is largely attributed to the withdrawal of the "grave concern" category as a basis for placing children on the register. This may appear somewhat ironic in view of the Children Act's introduction of the concept of likely harm in the future as a basis for statutory intervention to protect children. In this instance detailed guidance has apparently inhibited the potential expansion of intervention on the basis of anticipated risks of harm (Department of Health, 1991c). Lyon's fears, for example, of more extensive state intervention, were clearly not substantiated in these early developments.

Differences in practice were also noted in the use of emergency procedures immediately following implementation. The first year saw around 2,300 Emergency Protection Orders made in comparison to about 5,000 cases where children were made subject to Place Of Safety Orders in the year to March 1991. This reduction took place in a context of a general "message" that court proceedings should be avoided where ever possible, a sentiment spelt out again quite explicitly in the government's report on the first year's operation:

"central to the philosophy of the Act is the belief that children are best looked after within the family with both parents playing a full part and without resort to legal proceedings....

The Act, while requiring any compulsory intervention in a child's life to be authorised by a court, seeks to discourage unnecessary court intervention in family life by prohibiting the making of any order unless

it will positively benefit the child." (Department of Health/Welsh Office, 1993, p.3;p.4)

This view is reaffirmed in the second Children Act report, published in 1994:

"Central to the philosophy of the Act is the belief that children are best looked after within the family with both parents playing a full part and without resort to legal proceedings. This is reflected in the concept of 'parental responsibility.'" (Department of Health/Welsh Office, 1994, p.3)

This report, based on the second year of the Act's operation, when we might expect to have a more stable picture, suggests that the trends identified above had been maintained. By 31 March 1993, the number of children looked after by local authorities had fallen by a further 2,400 on the previous year. There were 6,000 fewer children on child protection registers, accounted for by the virtual eradication of the "grave concern" category. The number of Emergency Protection Orders made remained roughly constant, at around 2,200, although there did seem to be an increase in the number of applications on the previous year, possibly as social workers became more familiar with the new procedures (Department of Health/Welsh Office, 1994).

Given the statistical evidence of these reports, and the repetitive non-interventionist message incorporated in their text, we might reasonably infer that the decline in the use of emergency proceedings, and in the use of statutory care orders witnessed in the Act's first two years of operation (14th October 1991-30 September 1993) were intentional, and followed from the laissez-faire aspect of the government's ideological perspective.

Despite this, reports of excessive intrusion and insensitive action by social workers have continued to emerge (eg, Palmer, 1993; 1994; Pragnell, 1994). From this perspective, it is argued that the Children Act's core principles have made little difference; examination of a number of cases suggests that

"legal principles are not being applied. In fact, in some cases the law is being used to separate families, and children are being placed with adopters before any reasonable attempts have been made at reunification." (Pragnell, 1994, p.11)

The implication is that the Children Act can be interpreted in such a way as to enable unwarranted intrusion to continue, and that families' and parents' rights have, in reality, been little improved through its implementation.

ii. Child Protection

Despite concerns about the possible misuse of Children Act procedures in some cases, we might perhaps infer from the initial reduction in the use of statutory measures, that the implementation of the Children Act led overall to a reduction in activity in the area of child protection. However, to draw such a conclusion must be tempered with caution. Firstly, initial developments may have been untypical, and early trends may to some extent be reversed subsequently. And, secondly, but perhaps rather more speculatively, the reduction in statutory orders and activity may have been partly an administrative response, rather than a substantial shift of approach. That is to say, the introduction of new procedures, and a sharper focus of attention, may have in effect "shaken out" cases and records which had been held either as a matter of course, or on a precautionary basis. Equally, it is possible that the new legislation merely prompted a review of existing caseloads which ensured that some which had previously been overlooked were now scrutinised and found to be superfluous. Thus, the fact that the reduction in the number of children on child protection registers was attributable mainly to a decrease in the numbers categorised as causing "grave concern" may be a reflection simply of a more disciplined approach to case decisions, rather than a significant change in day to day practice with children and families. It may also be significant that in each of the Act's first two years of operation, registrations of children deemed to be at risk for other reasons (Neglect, Physical injury, Sexual abuse, Emotional abuse) increased (Department of Health/Welsh Office, 1993; 1994). The cases which were now closed may in fact have seen little agency

involvement, or statutory intervention in the lives of the families concerned.

At the same time, as overall numbers on child protection registers decreased, so did the number of unallocated cases (Department of Health/Welsh Office, 1994), suggesting that there was some shift in emphasis within local authorities, from keeping nominal but unactivated cases on the register, to ensuring that a larger proportion of those on rather smaller caseloads had active social worker involvement.

Equally, the initial findings of Children Act monitoring showed that almost 90% of all applications to courts for statutory orders were successful (Department of Health/Welsh Office, 1994). There is little evidence here of statutory intervention being discouraged at the point of courtroom decision-making. Indeed, court decisions to make no order, or to refuse applications were reported to be running at around 4% of all cases, once withdrawn applications had been taken into account. Prior to the new legislation, of course, courts willingness to agree applications for Place of Safety Orders had come into question (Packman, 1986; Butler-Sloss, 1988). In the context of an overall reduction in the numbers subject to statutory orders, this is to suggest that Section 1 of the Children Act, in discouraging orders unless no alternative was acceptable, was taking effect through professional and agency decisions prior to court hearings, rather than as a result of more restrictive judicial activities. In other words, social workers and their agencies were perhaps exercising a form of "self-censorship", in choosing not to bring cases to the courts, or to take alternative statutory action (such as adding children's names to the child protection register). Some support for this conclusion is provided by Hunt (1993), whose initial research findings reveal both social workers and their colleagues (such as local authority solicitors) showing reluctance to bring any but "cast iron" cases before the courts:

"Above all, most social workers are desperately anxious that it is more difficult to get cases into court and harder to prove them once they are there." (Hunt, 1993, p.4)

In fact, Hunt observes, this very fear resulted in a reluctance to test cases out in

court, with the additional consequence that little case law has emerged to enable social workers, or local authority solicitors to judge whether or not they would be justified in pursuing court action in "borderline" cases.

On the other hand, other evidence (Social Services Inspectorate London Region, 1992) suggests that local authorities were giving considerable emphasis to the protection of children in setting their initial priorities under the Act. London local authorities were asked to indicate which categories of children they would regard as having high priority needs, and thereby taking priority in entitlement to service delivery. Their responses tended to favour "child protection" cases, with children at risk of abuse or neglect at the top of the list, and other categories indicative of concern also being given high priority - such as children in care, children being "looked after" by the agency, or children previously in care. At the other end of the scale, broader social needs were given lower priority. Families in receipt of Income Support were given high priority by only four local authorities, for example. As the Social Services Inspectorate (SSI) concluded:

"social services departments share a common approach to prioritising indicators of individual need, with risk of abuse and neglect at the top of their list, and social and economic factors, especially poverty, coming low down." (SSI London Region, 1992, p.15)

This ambivalence in approach to child protection is also reflected in an early study commissioned by the Association of County Councils (ACC) (Cohen, 1992). This report, based on a survey of local authority experiences over the initial months of the Children Act's implementation, indicates both a reduction in the number of emergency proceedings, confirming the Department of Health's findings, and a greater willingness on the part of courts to question applications, and to be "more inquisitorial". In this respect, the findings differ slightly from the evidence of the official figures. However, this could possibly also be explained by a change in local authority perceptions of the courtroom process, as much as by a growing reluctance on the part of courts to take the local authority case at face value. Hunt (1993) offers some support for this inference. On the other hand, the ACC report

notes a resurgence in the number of orders made following an initial period of uncertainty about how to make use of the new structures and procedures. On this basis, as social workers become more familiar with the Children Act, and more able to use it to pursue their own priorities, different trends may emerge, and child protection may again take a more central role in the child care spectrum.

Further research into the operation of child protection processes suggests both that they retain a dominant position in child care practice as a whole (Audit Commission, 1994); and, that they remain intrusive and, by and large, of little practical help to children and families (Gibbons et al, 1995). In both respects, there seems little evidence of a transformation of child care priorities and practices following the implementation of the Children Act.

iii. Supporting Birth Families

On the other hand, The Association of County Councils report gives great emphasis to the new commitment to "partnership" arising from the Children Act, and suggests that the principle of voluntary support for families had been embraced by statutory agencies as the proper approach to child care:

"counties have spearheaded... ways of working with families such as:

1. involvement in case conferences and reviews
2. parent groups
3. family centres" (Cohen, 1992, p.12)

Such evidence is supported by other accounts, such as the example reported of a local authority consciously limiting its own role and bringing in voluntary agencies to provide family support services (Department of Health, 1994). Hardiker and Barker report the willing commitment of field social workers to the ideas of partnership and participation (Hardiker and Barker, 1994). In the light of earlier chapters, this is perhaps unsurprising, bearing in mind the reports of such commitments stretching back at least to the 1950s (Donnison, 1954; Packman, 1968; Parker, 1990).

Despite this commitment, the ACC report notes evidence of the same kind of bureaucratic processes to limit definitions of need as those observed by the SSI

report on implementation in London. Thus:

"the overall trend appears to be a concentration on the "hard" end of statutory priorities for children in need, such as those at risk of abuse"(Cohen, 1992, p.14)

According to the ACC, then, the new emphasis on working in partnership, based on voluntary and open relationships is undermined by systems of priorities which does not favour unconditional support to families. The same tension is noted by the SSI London Region, which found a greater willingness amongst agencies to work alongside families in providing services, but equally some considerable difficulty in fulfilling this objective:

"local authorities appear to want to develop their family support services, in particular day care, but feel themselves to be constrained by resource and management issues from doing so." (SSI London Region, 1992, p.15)

A further perspective is offered by the initial Department of Health report on the Children Act, which provides an explicitly ideological view of the limited progress reported:

"the implementation process in this key area is gradually being carried forward by many local authorities. However, some are being rather slow to develop adequate children in need initiatives and are finding it difficult to move from a social policing to a more pro-active partnership role." (Department of Health/Welsh Office, 1992, p.33)

In this respect, there is a clear official view that statutory powers should take second place to family support services, and help provided to families and children on a voluntary basis. This appears somewhat in contrast to the laissez-faire messages of other aspects of the legislation, which had been clearly articulated by

government representatives, during and after its passage through parliament. Despite this, the clear message emanating from the government department responsible for implementing the Children Act is that support services are desirable, and should be expanded. The Department of Health report expressed some satisfaction that many authorities surveyed were able to offer a range of services to families, including family centres and day nurseries, and that many were attempting to introduce new services.

The Department's second annual report on the Act (Department of Health/Welsh Office, 1994) tended to confirm both its aspirations in this respect, but also its disappointment at the limited progress made:

"A broadly consistent and somewhat worrying picture is emerging. In general, progress towards full implementation of Section 17 [support for families in need] of the Children Act has been slow. Further work is still needed to provide across the country a range of family services aimed at preventing families reaching the point of breakdown.
(Department of Health/Welsh Office, 1994, p.16)

This concern was further articulated by the Audit Commission (1994) which found only limited evidence of progress towards improving family support services. The response from local authorities and social services staff was that they would have no problem in meeting this objective, and that they were indeed keen to do so, but could not be expected to make much progress without adequate funding from government. In response to the publication of the 1993 Children Act Report :

"A spokesperson for the Association of Directors of Social Services told **Community Care** that the Children Act was benefiting both parents and children. But he added: 'The Children Act has always been underfunded. Transferring money from child protection to children in need budgets is impossible without additional investment.'
(Community Care, 2-8 June 1994, p.1)

Other research also appears to confirm a substantial gap between aspirations towards effective family support services and actually achieving this aim (Colton et al, 1995).

Others have argued, however, that the Children Act has contributed to a more family-oriented practice perspective, which has been reflected in changing attitudes to the placement of children, and a greater willingness to seek placements of children in care with parents or other relatives (eg, Shaw, 1994; Thomas and Beckett, 1995). Thus, Thomas and Beckett observe a greater readiness both to place children with their own families and to encourage family contact for those remaining apart:

"The Children Act had a marked impact on attitudes to birth parents."
(Thomas and Beckett, 1995, p.23)

Thus, the evidence of a lack of funding to support children in their families, on the one hand, runs counter to the greater readiness of practitioners to seek to maintain children with their families, on the other. Clearly, this points towards considerable risks associated with an increased use of family placement without the resources to support this (cf, London Borough of Brent, 1985). In this way, aspirations towards improvements in provision to help families could be undermined (Rickford, 1995).

iv. Children's Rights

Progress on developing children's involvement in determining the nature of services and desired outcomes has also been the subject of some attention. The Association of County Councils gave particular attention to this aspect in its initial review of the Children Act. Evidence was gathered of a new commitment on the part of local authorities to involve children and young people in decision making. A number of counties are cited as having clear policy positions on this:

"North Yorkshire goes into...detail showing that in all decision making the wishes and feelings of the child must be ascertained, including the question

of attendance at reviews and planning meetings. Children must be aware of their right to complain, and the ability to apply for court orders in their own right." (Cohen, 1992, p.8)

Attention is also drawn to the readiness of authorities to endorse and incorporate aspects of the UN Convention of the Rights of the Child into their policies and procedures.

The London Region SSI report (1992) also considers the question of children's rights, in respect of information and complaints procedures. Most authorities surveyed were reported to be providing information guides on services available, and how to gain access to them. Nearly all had established complaints procedures within the first months of the Act's operation, and supporting information was available. In those authorities responding to the survey, nearly 300 complaints had been received in the first six months of the Act's operation, perhaps some indication that children (and families) were beginning to exercise their rights in the a new and more open climate. In a few cases, these procedures were backed up with independent "advocacy" schemes.

Alongside these rather tentative beginnings in the local authority sector, there have been a number reports of children taking action independently through the courts, headlined in some cases as "divorcing" their parents, following the Act's establishment of new rights to bring court actions in their own right (Houghton-James, 1994). Whilst this is a significant development, it should also be recognised that these cases are few in number, and do not represent a massive shift of emphasis in favour of children's rights. The media response was ambivalent, reflecting concerns both about the welfare of children, and the potential threat to the integrity of the family. This, in itself, illustrates quite nicely the ideological tensions revealed inherent in the Children Act. However, the fact that such actions are taking place, and that children's rights are discussed at length in official reports (Department of Health/Welsh Office, 1993; 1994) and other accounts of the Act's implementation, does suggest that children's rights are taking a more central place on the agenda, as suggested indeed by Fox Harding in her review of the Act (Fox Harding, 1991b; 1991c).

Implementing the Act - emerging themes

In summary then, the early days of the implementation of the Children Act reveal a number of trends, conveying a range of different messages, as may have been anticipated. In attempting to secure "balance", and giving legitimate expression to different and potentially competing perspectives, it is perhaps inevitable that the Act has given rise to conflicting and contradictory developments. At the same time, it is important to recall that Harris and Timms (1993) are quite right when they point out that improvement or additional powers provided in one area, does not necessarily result in an equal and opposite reaction, elsewhere, at least in the field of social policy and child care. Nevertheless, the overall impression is of a steady reduction in formal and statutory interventions, as well as a significant shortfall in the anticipated extension of measures to support families in the community, resulting on the one hand from the laissez-faire principles written into the very heart of the legislation, and on the other from resource constraints, resulting from shifts in government funding policy, as reported to the Social Services Inspectorate by London authorities, for example.

Within this overall picture, however, there is also some evidence of practitioners and service users trying to "carve out" space for the development of their preferred perspectives. Thus, the emphasis on child protection in local authorities' exercises to rank priority needs is perhaps an example of professional social work interests seeking to engineer room for the continuation of paternalist interventions within the framework established by Part III of the Children Act.

What may be in evidence here, is a variation on the concept of "street level bureaucracy" (Lipsky, 1980), whereby both agencies and practitioners have been found to seek out and implement ways of operating within the dominant ideological and procedural framework, which retain a degree of priority for their own principles, and traditional ways of working. Others, too, have documented the ways in which officials within organisations find ways of "modifying procedures" (Blau, 1973), in order to carry out their work more easily, which in turn develop their own logic and dynamics. According to Silverman (1978), within the organisation:

"each group attempts to preserve and enlarge its areas of

discretion...." (Silverman, 1978, p.209)

In another theoretical frame, this may also be evidence of the limits of "hegemony". Poulantzas (1978a), for example, has developed the concept of "relative autonomy" to explain the way in which dominant ideologies can be resisted and/or modified in the interests of those in particular spheres of social activity.

In this sense, at least, it is difficult to say that the child care system following the implementation of the Children Act in 1991 simply reflects the government's preoccupation with minimum intervention, even if that principle is apparent to some degree in specific outcomes, such as the reduction in the number of court orders affecting the care of children. Interpretations on the one hand, and actions on the other, to translate the policy prescriptions into practice significantly modify these underlying assumptions. We should draw the conclusion that it is risky simply to read off outcomes from policy frameworks or ideological prescriptions, even in a context where the message from government appears to be very explicit. In fact, it is probably impossible ever to find an absolutely pure version of any given ideology reflected in political discussion or decision making; and certainly not in the actions and outcomes following from such debates or prescriptions. The material reality of practice is certain to have a modifying effect on pure values. It should also be apparent that conscious individual and organisational opposition to specific aspects of policy are also likely to result in diversity of response.

Parton (1994b) has helpfully tried to locate trends in child care within a broader social context, suggesting that the fluidity and variety of both practice and ideological developments may indeed be a reflection of a broader fragmentation of social structures and political coherence. This in turn, may lead both to decay and disorganisation, on the one hand, and a greater degree of freedom to develop creative and positive solutions, working in effect "between the cracks":

"The particular challenge(s) for social work in the (post) modern era is to respond positively and with imagination to the prospect of living without securities, guarantees and order, and with contingency and

ambivalence." (Parton, 1994b, p.111)

When a piece of legislation is as diverse in its content and implicit assumptions as the Children Act, then it is perhaps unsurprising that in its implementation, and in specific aspects of practice within child care, developments will reflect both political and ideological struggle, shifting priorities, changing assumptions and beliefs, and the result may indeed be "messy", but possibly quite healthy, "compromise".

7

Values and Practice: Four Voluntary Agencies

Making values work

So far, this study has concentrated on the historical and political contexts of the development, articulation and application of values in child care. Thus, for example, the interplay between value positions in formal political debates has been examined closely. Equally, the implications of policy decisions for trends and outcomes in child care have been considered. We have observed how value positions have been changed and modified according to changing circumstances, and the influence of divergent interests; and we have observed how these shifts have, in turn, influenced the patterns of child care, and quantifiable outcomes.

This chapter seeks to consider in a rather different way how values expressed as political principles, policy statements, or practice guidance are reflected in the approach taken by significant participants in the field. Certain key organisations have been identified, on the basis of their hypothesised orientation to the "value positions" previously discussed. The intention has been to find and consider organisations which approximate in their ideas and practice to the value positions already identified. Hybrid organisations such as local authority social services departments, and multi-purpose voluntary child care organisations will not be the primary focus of concern here; although it is clear that there would be scope for fruitful examination of their efforts to resolve the tensions between contrasting aspects of their overall functions.

The chosen organisations' principles, development and practice will be examined, in order first to determine whether or not their work does reflect the distinctive perspective hypothesised; and secondly, to consider their role in relation to broader developments in child care philosophy and practice. This organisational analysis will be complemented with the findings of a series of semi-structured interviews carried out with a small number of staff from each agency (Chapter 8). This will provide further evidence as to whether or not an apparently distinctive position is reflected in the day-to-day assumptions and practices of staff; and, whether they, in turn, feel that their approaches are moulded and constrained by

broad and more powerful ideological or material constraints. This is intended to illuminate further the relative power and influence of the value positions, and the extent to which, in practice, agencies and their representatives feel free to apply their distinctive principles, possibly against perceived trends, or "conventional wisdom".

Bearing in mind the selective and limited nature of this investigation of selected agencies, it must be recognised that the findings here will help to clarify or amplify the findings of the rest of the study, but that they cannot be taken as conclusive in isolation.

Organisations and Values

1) Parents Against INjustice (PAIN)

Seeking to identify any practice-based organisation with a position based on not intervening presents some difficulties. However, PAIN is assumed by the present author to be a service based agency which does seek to help parents and families resist unwarranted state intervention. In this respect, at least, it may be said to support the principle of leaving families to manage their own affairs, in all but extreme circumstances. This is not to suggest that PAIN is opposed to any form of state intervention in the family, and certainly not to suggest that it embraces the "patriarchal" perspective associated with the laissez-faire position by Fox Harding (1991a). PAIN is, however, a body which was formed as a result of its founder's own distressing experiences of a child abuse investigation conducted into her own family; and it explicitly seeks to provide support to parents and other family members undergoing similar experiences.

PAIN was formed in 1985, and has grown steadily in size, in response to an increasing level of demand for its services (Cooper, 1993, p.71), although it still remains very small. It now receives a small Department of Health grant to support its work, and by 1992 was dealing with around 650 new cases a year (PAIN, 1992). Like other organisations to be considered here (Children's Legal Centre, Family Rights Group), PAIN is a very young organisation, but it appears to have quickly established a sizeable demand for its services, as well as a distinctive identity, and considerable publicity for its activities. As Cooper notes, the early

emphasis was very much on supporting and helping "innocent parents" suffering unwarranted statutory intervention where child abuse was suspected. This central objective has been modified and developed. By 1993, the mission statement, expressed PAIN's task as follows:

"Advising and supporting parents, children, family members, professional carers and others where a child is mistakenly thought to be at risk or to have been abused." (PAIN, 1993)

By 1995, this had been qualified further, such that PAIN characterises itself as:

"The national charity that specialises in providing advice and support to those who *state* [my emphasis] they have been mistakenly involved in investigations of abuse." (Amphlett, 1995)

This suggests that the organisation has shifted its ground slightly, in order to avoid the impression of prejudging cases brought to it. Nevertheless, this primary purpose commits PAIN to helping family members counter the effects of apparently unjustified intrusion by state agencies. However, this is not a simplistic stance. PAIN is not simply an unequivocal advocate for the idealised family; for instance, children's welfare is also given prominence in the statement of objectives:

"PAIN recognises that the welfare of the child is the paramount consideration in decision-making for children and that it is the right of the child to be brought up within its natural family wherever possible." (PAIN, 1993)

Thus, the child's interests should be put above all other principles; and these should usually be met by supporting the child within the family. There is therefore an inbuilt presumption against removing children from the family, which is held to be against the child's interests as much as those of parents and other family members. In fact, this view reflects a broad consensus of principle (as distinct from

practice) between most agencies working with children and families. It does not, of course, resolve the underlying questions of how to balance the needs and interests of the child, or how to judge when it is not "possible" to leave the child to be brought up by the family. PAIN's specific reference to the "natural" family does suggest a clear preference for "biological" over "psychological" ties, and in this respect does suggest a greater degree of sympathy with the laissez-faire position than the child protectionist viewpoint, which does not stress this distinction (Fox Harding, 1991a).

In addition to setting out broad principles, PAIN's statement of purpose also sets out a number of examples of its methods of working, which further illustrate the organisation's distinctive approach. PAIN states that it seeks generally to provide training, to promote policy, and to encourage practice development in child care law and processes - it is not, therefore, simply an advocate on behalf of "wronged" parents and families. Indeed, the principle of "partnership" is emphasised, so that there is no suggestion of a deliberately confrontational approach to statutory agencies:

"PAIN aims to promote and preserve family life by enabling its members to work in partnership with professionals and practitioners in cases of alleged abuse or neglect." (PAIN, 1993)

The assumption appears to be that the organisation has a function in correcting agencies' mistakes or misperceptions, rather than confronting a "state" which is always and inevitably going to act against the interests of family members. PAIN offers support to "parents, carers and children...to make their own views known", but without prejudging case outcomes. The belief seems to be that enabling people to represent their own interests, and encouraging agencies to take a less directive or authoritarian approach in child abuse cases, should result in fewer children being removed from families unnecessarily. There is no sense in which this is the strident voice of a body single-mindedly campaigning for the family to be left alone; rather, the view put forward is that there is a need to work together openly and constructively in sometimes difficult circumstances, in the interests of

the family, and thereby, of children. The view that children should normally be cared for within their families is still central, but PAIN's pursuit of this principle would appear as relatively conciliatory from its literature.

Descriptions of PAIN's approach to its practice objectives clarify further the manner in which it pursues its specific aims. A focal point of the work is the "investigation of alleged abuse or neglect", as this is seen to be of crucial importance, both because of its bearing on eventual outcomes, and because of its immediate and direct effect on children, regardless of outcome. Amphlett (1992) observes that little is known about these investigative processes in the UK, because the emphasis has been rather on the product of these processes, that is the composition of child protection registers, or detected cases of child abuse. These figures are felt to be relatively unhelpful, taken in isolation, because they are so vulnerable to sudden shifts in policy, practice, or public opinion. (Confirmation of this point might perhaps be found in the immediate effect of the Children Act on both the use and composition of child protection registers - see previous chapter.) In other words, the efficacy or value of investigative processes cannot simply be determined on the basis of the number or proportion of cases which result in a "positive" outcome, that is which lead to registration, or other statutory action. The primary question is rather one of whether the investigative machinery operates fairly and according to principles of natural justice.

Where figures have been collected, for example in the USA (Besharov, 1990), PAIN observe that 65% of all child abuse reports are found to be unsubstantiated after investigation (see also, Gibbons et al, 1995). If this is the case, it gives rise to a number of concerns. Firstly, attention and effort is being misdirected away from those few who actually are being abused or are seriously at risk; secondly, new cases are not investigated properly, because of the pressure of work; and, thirdly, many "innocent" parents and their children are victimised unnecessarily. PAIN is particularly concerned about the trauma arising from investigative activity, and urges that greater attention is given to directing resources, and activity where they are most needed, that is, those relatively few children who are the victims of abuse or neglect. Consistent with those who take a theoretical laissez-faire position (eg, Goldstein et al, 1973; 1980), PAIN does not

assert that there is not a problem of child abuse, but that it is often improperly investigated, and that statutory intervention can, in some cases, be both needless, and positively harmful.

PAIN's primary focus of concern, in practice terms, lies with those families who are victims of "system abuse". The organisation's own work with families subject to child abuse investigations has revealed a number of negative consequences of the way in which they are carried out:

"We at PAIN know that the problems of such children and their families [arising from the experience of being investigated] are not recognised by the vast majority of child care workers." (Amphlett, 1992, p 26)

As a result, the adverse consequences are not fully appreciated. As Cooper (1993) observes, PAIN has contributed significantly to the recognition of the "secondary" (in timescale, rather than seriousness) problems of stress and trauma arising out of child abuse investigations, regardless of whether there is any substance in the initial suspicions of abuse. This, coupled with the suggestion that as many as two thirds of investigations may not reveal evidence of abuse, leads to the conclusion that there is a need for change in the management of child abuse procedures:

"Currently, the outcomes of child protection processes are not seen by the public to be good or to be effective. Rather, because the process is not managed properly and because system abuse is not recognised, the process is seen to be destructive to society."
(Amphlett, 1992, p.29)

These principles are reflected in PAIN's approach to practice in a number of ways. The organisation's handbook (PAIN, 1991) is specifically intended for those affected by "mistaken" allegations of abuse. The booklet argues that everyone has different views about what is acceptable in the upbringing of children, with the

implication that great care should be taken in making judgements about the acceptability, or otherwise, of parental behaviour, and family relationships. PAIN offers an information and advice service for "families and others" affected by child abuse investigations, and provides practical help such as a list of medical experts able to provide a second opinion in cases of alleged child abuse. The handbook explains that such opinions have shown that there might be sound medical or circumstantial reasons for the condition giving rise to suspicions of abuse; or, alternatively, that children's statements might have been misinterpreted:

"Such opinions have prevented some children from being needlessly removed into care and have enabled others to return home." (PAIN, 1991, p.9)

Despite this strong flavour of support for families who are seen to be the victims of agency-inflicted injustices, PAIN makes it quite clear that it is not simply in existence to oppose statutory bodies. Its aim is not to frustrate the efforts of professional agencies, but rather to put parents, their families, and others who may be concerned, into a better position to cope with the pressures resulting from an investigation, and thereby to challenge bad practice if and when it occurs. As the handbook puts it:

"Inevitably children who are not at risk will become involved in investigations. For such families there will be a natural reluctance to submit to the investigative processes. It is important for such families to understand the legal requirement for the caring agencies to investigate. However it is equally important for workers to understand the strong reactions of such families to a process which they know is not necessary to protect their children." (PAIN, 1991, p.16)

In order to support its approach to practice, PAIN is able to provide research studies and case examples which demonstrate the need sometimes to support parents against an intrusive "system" (PAIN, 1992a). These illustrations offer

evidence of unhelpful, insensitive, or intransigent interventions by a range of professional staff and agencies. For example, a neurologist was found to have diagnosed a 3½ month old baby as being the victim of abuse, only for this subsequently to be overturned by another specialist. Despite the convening of several case conferences, the neurologist never appeared to substantiate the initial diagnosis, and although the child's name was eventually removed from the child protection register:

"The family are pursuing a number of complaints and are trying to come to terms with the emotional stress and anxiety." (PAIN, 1992a, p. 3)

PAIN's work in supporting and advocating on behalf of such families is therefore quite distinctive, although in some respects it will be shown to share common ground with the Family Rights Group. Where it differs, however, is in being much more unequivocal about its primary purpose, which is, above all, to help families deal with the consequences of wrongful allegations of abuse, both in practical and emotional terms. This, coupled with the organisation's belief that state interventions in the family occur far too frequently, with little or no justification, suggests that it can be fairly categorised as a "laissez-faire" organisation:

"PAIN is needed:

- a) because there is no other organisation that supports families and others when a child is mistakenly thought to be at risk or to have been abused;
- b) to promote good practice throughout the process of investigation and legal proceedings;
- c) to identify and highlight the incidence of unfounded allegations; and
- d) to offer support to families as they re-establish secure safe family units." (PAIN, 1992a, p.1)

In summary, PAIN can be characterised as an organisation which represents parents' and families' interests against unjustified or inappropriate intervention in their lives by statutory agencies, and which seeks to redress the balance when child abuse investigations create difficulties for families.

2) National Society for the Prevention of Cruelty to Children (NSPCC)

For the purposes of the present study, NSPCC is identified as an organisation associated with the "state paternalism" or "child protection" value position in child care. It may seem somewhat perverse to identify a voluntary organisation with this position, albeit one specifically recognised in statute, given the strong association with ideas of state power and statutory intervention in family life. However, it will be clear by now that the criteria for judging an agency's place in the spectrum of child care ideologies are based on the values it espouses, and the approach to practice it adopts, rather than on its structural relationships with the state, its sectoral interests (that is, as a statutory, voluntary or private organisation), or its political affiliations. This may, in due course prove to be a limitation of this approach to categorising and characterising agency positions - since defining any organisation on the basis of a particular set of criteria inevitably excludes other factors, which may be felt to carry greater weight. For example, structural factors such as size and status, are clearly important, particularly in the light of the emergence of the "contract culture", and the "marketization" of social work (Parton, 1994b).

As already noted, in the case of NSPCC, its "pure" voluntary status is somewhat modified by the fact that child care legislation accords it statutory child protection powers, alongside police and social service departments. It also contracts with local authorities to provide various aspects of their statutory functions in relation to the protection of children. These further considerations support the argument that the voluntary nature of the organisation may be less significant in the present context than its views and orientation to its work.

The National Society for the Prevention of Cruelty to Children was founded in the late 19th century in response to a similar initiative in New York, and amid a growing awareness of the level of child cruelty in the United Kingdom. The Society

was awarded its Royal Charter in 1895 (Jones et al, 1987). These were the beginnings of what is now a long history of campaigning to improve the arrangements for the protection of children in the UK. NSPCC has been involved in pressing for and influencing a series of acts of parliament relating to the treatment of children, in fact spanning more than 100 years, from the Prevention of Cruelty Act 1889, to the Children Act 1989.

In addition, the society has sought to build on this legislative involvement by both promoting wider understanding of the incidence and causes of child abuse and developing practical initiatives to protect children and deal with the consequences of ill-treatment. For example, in 1968 NSPCC established its "Battered Child Research Team", to assess the incidence of child physical abuse, and to test out possible "treatment models". Other NSPCC studies have provided more detailed accounts of initiatives to identify and respond to child abuse (eg, Baher et al, 1976; Dale et al, 1986; Jones et al, 1987; Wattam et al, 1989). There is little doubt that NSPCC has played a prominent role in drawing attention to the recognition of the level of child abuse in this country, and in promoting developments to improve both the protection offered to children, and the quality of intervention and support to enable them and their families to overcome the effects of abuse.

As a consequence, the Society has become closely associated with the development of various "technologies" for identifying and dealing with various forms of child abuse. Its network of uniformed "inspectors" was an early example of this kind of approach. By 1969 NSPCC was arguing for the establishment of child abuse registers, with the aim of preventing repeated abuse (Jones et al, 1987). Probably as a response to this pressure, the Department of Health and Social Security espoused the value of such registers in a series of official circulars during the 1970s (DHSS, 1974a; 1976).

Other NSPCC innovations have included the establishment of Special Units:

"providing a mixture of direct casework to families, consultation on case management to other agencies, central administrative and coordinating services and teaching. Some were involved in the

investigation of allegations of ill-treatment whilst others worked alongside the local NSPCC inspectors who provided this service. These developments have since resulted in a major redevelopment of NSPCC services aiming towards a national network of over sixty child protection teams working in close partnership with local authority and other voluntary services and providing a service appropriate to the needs of the area." (Jones et al, 1987, p.48)

The consequence of this style of approach has been that the NSPCC has become identified with a particular kind of expertise, and with a particular way of working, which both appear to emphasise the importance of intervening decisively in situations where children are at risk of abuse, or in danger. Support for the idea of registers for example, suggests an acceptance of the value of monitoring and surveillance of families in certain circumstances, albeit subject to specific safeguards. In addition, the forms of intervention espoused by the Society have tended to stress the authority and power of the intervening agent. Much is still made of the "professionalism" of NSPCC staff, with the associated connotations of specialised knowledge and expertise, which thereby give authority and legitimacy to their actions:

"All child protection officers are qualified social workers who are given specialist training by the NSPCC which helps them develop skills to investigate and prevent child abuse." (NSPCC, 1991b, p.5)

This expertise, it is claimed, provides the individual worker with the capacity to offer effective help to children and families in difficulty. The task is to assess the child and her/his circumstances, and to offer what help is needed to resolve any problems identified:

"Child protection officers...assess how much change is possible within the family and then work with parents and children to achieve that change....Child protection officers help parents to change relationships

within a family....Abusers are offered help through therapy to confront their behaviour and prevent it occurring again." (NSPCC, 1991b, p.5)

The worker is vested with wisdom and authority, a point which is emphasised in relation to the need, in some cases, to take speedy and definitive steps.

Reference is made to the likely need to remove the child from the risk of harm in "a minority of cases". This may be necessary where doubt remains in the professional worker's mind about "family attitudes and behaviour" (Jones et al, 1987, p.135). The NSPCC's role is clear:

"In exceptional cases where it seems unlikely that the child's safety and welfare can be guaranteed at home, the NSPCC is authorised to initiate legal proceedings, and in the child's interests we do not hesitate to do so." (NSPCC, ndb)

In this respect at least, the NSPCC's position seems to have much in common with the preference for "decisive action" in "exceptional cases" ascribed to those who espouse "laissez-faire" principles in child care; although it is unlikely that holders of this perspective would have much time for the therapeutic interventions in the family also advocated by the Society (see, eg, Brewer and Lait, 1980).

Further consideration of its direct work will perhaps throw additional light on the practical consequences of the NSPCC's principles. Protection of children from abuse is very much at the heart of NSPCC's aims and objectives. Even when the Society turns its attention to what might be termed "preventive" services, its priority for this form of provision is to "prevent neglect and abuse" (NSPCC, 1991a, p.4). NSPCC's media advertising stresses this aspect of its work. It is not surprising, therefore, that the primary focus of its practice comes to be child abuse, rather than other aspects of deprivation, or denial of rights, which might be nearer the top of the agenda for holders of other perspectives. Great emphasis is put on the need to divert resources into training and treatment directed towards protecting children:

"It is unacceptable that children who are known to be at risk or who

may have been abused should be placed in continuing danger. Local authorities have got to have sufficient resources to provide effective child protection services....The Cleveland report highlighted the absolute necessity to provide sensitive social work support in all suspected child abuse and neglect cases." (NSPCC, 1991a, p.7)

This conclusion presents a clear contrast to the widely held view that the events in Cleveland raised serious questions about the value of social work intervention in a great many cases (see, eg, Howitt, 1992).

The NSPCC's strength of commitment underpins specific practice priorities, reflected in the establishment of its national network of more than sixty Child Protection Teams. Descriptions of "typical" cases for these teams confirm the initial impression of an agency seeking to offer an expert diagnostic and treatment service (NSPCC ndb). In "Jane's" case, for example, the child's sexual abuse is dealt with by offering a "series of therapy meetings", whilst "Sophy's" emotional abuse is the subject of "continued support, therapeutic work and advice from the NSPCC", so that "as a result Sophy is gradually developing into a healthy five year old, with more confidence and self-esteem both at school and at home".

In describing the work of its family centres, NSPCC gives an account which differs markedly from that which might be offered by other agencies whose central purpose is family support:

"We...employ family care staff who work with families in their homes or at NSPCC Family Care Centres. They aim to help parents learn to love and to look after their children and help children overcome some of the effects of abuse through play and counselling." (NSPCC, 1991b, p.7)

Other models of family centre work would certainly be less directive, and less focused on therapeutic intervention (Holman, 1988; Cannan, 1992).

From these brief descriptions of NSPCC practice, and from an appreciation of the way the Society characterises its work, it becomes clear that it has a strong

belief in a particular style of working. It is concerned with identifying, assessing and treating the victims of abuse and mistreatment. In order to do this, it relies on recruiting and training expert and appropriately qualified social work staff, who will work closely with families and children to "mend the damage" done to them. The Society's concern is with family breakdown and family problems, in the context of child abuse, hence its continuing concentration on the statistics of child protection, its regular publication of its findings, and its regular use of images of abuse in its publicity material. This creates both a framework for, and a justification of, its intervention, which is, by and large, directed at resolving the problems of individuals, and "dysfunctional" families.

It appears from this account that NSPCC can easily be classified with the "state paternalist" perspective. Its concern with intervening on the basis of its acknowledged expertise suggests a readiness to base its work on professional judgements of inadequate standards of child care, leading to authoritative and directive action to "put things right" within the family. NSPCC appears to accept the need to intervene decisively, to exert a measure of control, and to apply its own definitions of what is in the child's best interests in certain circumstances. This assumption of professional power and authority does appear to create a distinction between NSPCC and other organisations who would place more emphasis on partnership with families or the rights of children.

It is important, however, to avoid caricature. Recent developments suggest important modifications in the NSPCC's approach which indicate, at the very least, a willingness to recognise and accommodate other perspectives. For example, the Society's "Child Protection Agenda" goes beyond identifying individual failings as the sole cause of mistreatment of children:

"The primary concern of the NSPCC has always been, and will continue to be the child. However, it is impossible to consider the position of the child without looking at the position of the child within the family, and the family within society....Poverty is undoubtedly a factor which precipitates abuse and neglect within some families....Given this, the Society would argue that there must be a

concerted effort to alleviate the financial problems facing families."
(NSPCC, 1991a)

In this respect, the Society appears to accept the arguments of birth-family defenders that material support for the family is an essential element of an effective child-care strategy. The principle of "partnership" in working with families is also endorsed by the NSPCC in this document.

It also, however, draws attention to the UN Convention on the Rights of the Child, espousing a commitment to empowering children and giving them a voice in determining what happens to them. Indeed, the NSPCC has in recent years run a campaign entitled "Listen to Children" (during 1993). In this respect, the Society appears to have responded positively to the emerging children's rights perspective. It might also be argued that the NSPCC shares some ideas in common with the laissez-faire perspective; notably a belief in decisive intervention where necessary, but also a commitment not to intervene more intrusively than is warranted by individual circumstances. For example, the Society notes that a very small proportion of those with whom it works are subject to statutory orders. (However, proponents of the laissez-faire viewpoint might still question the justification for any form of intervention, even of a voluntary nature, in such cases). Indeed, historically, the NSPCC has been reported as favouring working with families in preference to removing children from home, in contrast to other voluntary child care agencies (Ferguson, 1990).

So, in various ways, the NSPCC can be seen to be accommodating alternative perspectives on child care, alongside its own preferred approach. Of course, in so doing, it could be said to be simply incorporating anomalies and contradictions, rather than addressing them. Child protection, as the Society acknowledges, may involve working against, rather than alongside some family members; it may also mean "listening" to children, and then acting against their wishes in some cases. These are the implications of assuming expert knowledge, and the consequent authority to intervene.

The NSPCC's readiness to acknowledge, and work alongside a range of agencies holding different perspectives may be indicative of a degree of flexibility

and sensitivity on the part of the NSPCC. It is also plausible to suggest that it may be indicative of a growing weakness in the paternalist or protectionist position. This might be attributable in part to the prevailing political climate, and the dominant themes of anti-professionalism, anti-statism, and anti-interventionism. More specifically, it may be felt that the NSPCC's change of position can be linked with changes in thinking about child care following the Cleveland controversy; and with the need to respond positively to the demands of the Children Act 1989.

3) Family Rights Group

In the present context, the Family Rights Group (FRG) is identified as an organisation associated with the value position of "birth family defender". FRG is a small but active national charity, based in London, and providing an advice, advocacy and support service to families throughout England and Wales. FRG's own publicity describes it as having three key elements to its work:

- "an advice service for families and others, including professionals, about care and child protection matters"
- "general and in-service training courses on the Children Act, child protection procedures and other aspects of law and practice"
- "we respond to central and local government policy documents and initiatives on child care and family services." (FRG, 1991, p.2)

These services are all underpinned by the central policy commitment of FRG:

"Our overall aim is to promote a family and child care service that builds on the strengths within families, and that seeks to make available to all families the respect and resources that make possible the difficult task of rearing children." (FRG, 1991, p.2)

As might be expected from the group's name this objective is seen as best achieved through promoting the rights of families, and in particular parents, but also by ensuring that they have access to sufficient good quality services to support them effectively in bringing up their children. In this respect, FRG's commitment is stronger than that of PAIN, for example. One means of pursuing FRG's aims has been through casework. FRG has found it necessary on a number of occasions to challenge the denial of families' rights by "paternalist" providers of services for children:

"Examples from our casework include a Muslim child who, when placed with a Christian church-going family, began going to church herself; a Church of England child placed with a Catholic family and taken to church with the family....We have often been disappointed with the unsympathetic response that we have encountered from social services departments when we have made representations...."
(FRG, 1987d, p.31)

Interestingly, proponents of the laissez-faire perspective might disagree with this viewpoint, not because of differences of view on the importance of the family, but because the building of effective and lasting relationships in the "new" family would take precedence once the decision had been taken to make such a placement.

FRG's literature provides accounts of the support provided for family members, parents and grandparents in challenging exclusion from their children's lives following intervention by statutory care authorities. It appears to be a common experience for children's parents and other relatives to be discounted or devalued once an agency has decided on statutory intervention:

"One mother who contacted us recently had been refused a day care place for her toddler because her social worker considered that the mother did not have a good-enough relationship with her son to merit having a place." (FRG, 1987d, p.7)

As a counterpoint to this casework experience, the Family Rights Group has taken a strong lead in arguing the case for parents' rights in policy debates about provision for children. Drawing on research which finds value in supporting and strengthening links between children, parents and other relatives (eg, Kelly, 1984), FRG presses for the incorporation of such assumptions at the core of child care legislation and practice guidance. Such arguments are directed to a number of areas of concern in both policy and practice. For example, in the context of child protection, FRG argues that it is not justifiable to exclude parents simply because the child is at risk of or has suffered harm, which they have been unable to prevent. It is not enough for social workers simply to understand and apply child protection procedures efficiently:

"The protection of children results from the efforts and skills of parents as well as of professionals. An essential element of the professional task is to encourage and bolster the parents' skills in this direction."
(FRG, 1986, p.4)

Although FRG, like NSPCC, acknowledges the role of "professionals", they are viewed more as "supporters" of families, rather than as exerting authority over them. This means that parents must be enabled to participate in procedures and planning for their help and protection; and that families must be empowered to challenge decisions with which they do not agree.

If this model of cooperation is not achieved, FRG's fear is that child protection work will become increasingly institutionalised and alienating to families. This, it is stressed, will create particular difficulties for black families, because abstract procedures are unable to address the particular nature of their "life experiences and expectations." In order to achieve an effective partnership, says FRG, then effort must be put into developing "preventive" services, which should incorporate the child protection function, rather than being seen as being in opposition to it:

"it cannot be right for local authorities to provide more posts for child abuse experts but no more posts for specialist workers to offer direct

services to families." (FRG, 1986, p.6)

Furthermore, child protection procedures themselves can be strengthened by involving parents in the view of FRG. The norm should be to seek positive parental involvement, and parents should only be excluded where otherwise there would be a clear risk to the child. It is noted that parents probably have most knowledge about the child, and in most cases continue to have full-time care of the child - excluding them from assessment, planning and decision-making is difficult to understand. This principle is held to apply in all the formal contexts in which child care plans are made, including case conferences and case reviews. According to FRG, a comprehensive assessment is only achievable with the "full and active participation" of parents. FRG maintains that local authorities which have sought to promote and encourage parental involvement have found a consequential improvement in the service provided to children and their families.

In the broader sphere of child care, FRG similarly upholds the value of parental participation, and direct involvement in the planning and provision of services. FRG has argued (1986) for child care to be based on a "unitary" welfare principle, with decisions based on certain key understandings, notably that children's welfare will best be served by enabling them to grow up within their own families; and that contact between children and families who are separated will be in the children's interest. In promoting the welfare of children, important functions of statutory service providers should therefore be to encourage the upbringing of children within their families, and to facilitate contact when they are separated.

FRG suggests a number of ways in which these objectives could be pursued, including the imposition of a duty on local authorities to provide practical help to support families in bringing up their children, for example, by extending the range of available day care facilities. Cash help, too, is promoted as a positive means of providing support for families in difficulty. FRG has been particularly critical of local and central government policies which inhibited the provision of this kind of direct material help. It does not believe, for example, that providing cash help conflicts with the professional social work ethos. To some extent, the provisions of the Children Act 1989 have extended local authority powers and

duties in this respect, although the giving of cash help remains only an "exceptional" option (Department of Health, 1991a).

FRG's 1986 proposals in support of the "welfare principle" also included a recommendation that local authorities be placed under a mandatory duty to consider the rehabilitation of children in care, in every case. This would ensure a more active commitment to reuniting families, as well as improving the likelihood of more effective support for parents and other family members who are reported as feeling abandoned when a child goes into care (see also, Millham et al, 1986), and unsupported when the child returns to the family (Thoburn, 1994). Once again, this principle has been incorporated into the Children Act (Section 23) and its accompanying guidance, which suggests that FRG may enjoy some degree of influence in government and official circles.

In subsequently responding to the Children Act, and drawing attention to its practical implications, FRG has highlighted the theme of "partnership" - a term not appearing in the Act itself, but occurring frequently in guidance based on the legislation (Department of Health, 1991a). It is clearly of central significance, in FRG's view, that the partnership principle is given such prominence in the guidance and practice guides supporting the Act:

"This term seems set to become a buzzword for the 90s, although some have questioned the use of such a word in situations where the distribution of power is clearly unequal. For us, partnership is not about equal power, but about people working together towards a common goal. It is about empowerment, about families having sufficient information to be able to understand and contribute to planning, and having some power to influence the outcome. Families do not strive for equality with professionals, but they would like to see some sharing of power and a commitment to the principle of partnership." (FRG, 1991, p.3)

Thus, the reality of the unequal distribution of power and authority is acknowledged, although in FRG's view this makes it all the more important that

statutory bodies should temper their use of power with a genuine commitment to the principles of participation and partnership. The underlying purpose of developing effective forms of partnership is to meet children's best interests, according to FRG; that is, to ensure that, wherever possible, they are supported within their families, or are enabled to return to the family. The "focus of effort" should be to provide practical help to maintain family ties, and to enable parents to discharge their parental responsibilities effectively. FRG quotes approvingly the government-inspired view that for the great majority of families, there is no distinction between the interests of children and those of their parents.

However, FRG suggests that the available evidence states that positive support for parents of children in care is often not available - that the needs of black families, for example, are not acknowledged readily enough. The notion of partnership is held to be especially important because it will counter these trends, acting as a disincentive to the use of compulsory measures of care, and giving a "stronger lead" to agencies to maintain better links between families and children in care, and to make positive plans for rehabilitation. FRG concludes that:

"The major challenge ahead of us all is how to ensure that workers do not disenfranchise families because, deep down, we don't think they deserve to be treated as partners, as having expertise about themselves and their children which is every bit as important as the other sorts of expertise that professionals bring with them." (FRG, 1991, p.11)

This is not, it should be noted, an attempt to discredit entirely professional authority and expertise, but to urge a more collaborative approach to their use.

It seems clear that FRG is indeed a "birth family defender". However, we have already observed that it is unlikely that any organisation could be classified as an "ideal" representative of any given value position. It may thus be useful here to note some of the apparent anomalies or uncertainties about the FRG approach.

Firstly, the equation of the child's and the family's interests in most cases does create the dual problem of identifying the exceptions, and of inserting

guarantees of children's rights, or effective mechanisms for protecting them, to provide for those situations when they arise. FRG offers a partial answer to this question. It does, on a number of occasions, draw attention to the distinctive interests and viewpoints of older children, noting for example, the implications of the Gillick ruling in relation to medical treatment. In addition, FRG draws attention on occasion to the need to provide similar rights to children as they advocate for adults:

"It is our firm view that almost all of what we advocate for adult family members could and should apply equally to children...." (FRG, 1991, p.19)

It is important in FRG's view to consider a number of key questions, such as whether or not agencies are listening to children; the extent to which children are enabled to participate in decisions taken about them; and the provision of information in ways that are accessible and helpful to them. These points, sharing common ground with children's rights advocates, appear only to be addressed to welfare agencies and staff, rather than to adult family members. It remains unclear how FRG would respond to the difficult question of making judgements when children's and parents' interests diverge.

The second area of uncertainty about FRG's position is the relative weight given to "rights" as opposed to service provision, or "needs". It is true that FRG draws attention to the need for supportive services, such as adequate and affordable day care, but the clear emphasis in the group's written material is on principles underpinning child care decisions, such as partnership, participation and the rights of families (FRG, 1989). In this respect, indeed, it might be felt that FRG comes close to the laissez-faire position by stressing the sanctity of family life. Others, sharing broad sympathies with FRG, might put more emphasis on the provision of more and better services for families, both as an effective means of supporting families, and as a necessary underpinning to rather more abstract rights (see eg, In Need Implementation Group, 1991). Rights, in themselves, are of little substantive worth if the lack of proper services ensures that they cannot be

exercised to achieve concrete objectives (see, eg, Freeman, 1992a).

The third area in which FRG's position appears ambiguous is its view of state intervention, and its attitude to official agencies. Much of its work following the introduction of the Children Act is based on arguments for joint working, partnership between families and statutory agencies, and improved services for families. At the same time, FRG's accounts of its own casework, and some of its reflections on this, suggest a highly critical view of the nature and quality of statutory intervention. It appears that these two perspectives coexist within FRG; as indeed they seem to in much of what is written and said by "birth family defenders" generally. It is quite common to read authors from this perspective arguing the inadequacy and inconsistency of state provision whilst still seeking better funding for statutory Services (eg, Packman 1981; Holman 1988; Audit Commission 1994). It may indeed be held that this is a perfectly tenable position, offering no more than constructive criticism, based on the ambiguities and inevitable imperfections in the role and functioning of statutory services. Nevertheless, the contradiction remains, with its divergent implications both for direct practice and the role of statutory agencies. (See Barn, 1993, for an account of this dilemma as it is encountered by Black children and their families). Should the "rights" of families to resist oppressive intervention be enhanced on the one hand, or should their welfare be enhanced by the provision of improved services on the other? Or, can both objectives be sustained and managed simultaneously?

4) Children's Legal Centre

The Children's Legal Centre (CLC) was established in 1979 with government funding in recognition of the International Year of the Child (sadly, at the time of writing, the Centre has temporarily ceased to function as a result of management problems). The Centre was established to extend and promote the rights of children as a distinct group, across all aspects of their lives:

"The Children's Legal Centre works to improve law and policy relating to children and young people in England and Wales." (CLC, 1988, p.2)

From this relatively modest and unassuming starting point, the Centre came to be clearly identified as the leading representative of children against injustices, whether perpetrated by state agencies or others. This, inevitably, has resulted in controversy from time to time, but it has clearly established the Centre as a proponent of the "children's rights" value position. This is further underlined by the Centre's statement of aims in its Annual Report for 1993:

"The Children's Legal Centre promotes the fundamental principle that children and young people should be able to participate as fully as possible in all decisions affecting their lives according to their level of understanding. This principle underpins our work to bring about change in law and policy and to advise children, their carers and those who work with them."(CLC, 1993, p.1)

The Centre has taken the initiative in pursuing administrative and legal actions on behalf of individual children, taking up campaigns on behalf of groups of children or young people suffering ill-treatment or discrimination, and lobbying for changes in legislation and policy to provide a stronger basis for the exercise of their rights. As a relatively small organisation, CLC is not a "service provider", although it does provide advice to children or their representatives, as well as advocating on their behalf in specific cases, where major issues of procedure or practice are at stake. In this respect, its approach to its work is very similar to that of the Family Rights Group. However, at the core of its practice is the principle that it is more effective to support children in pursuing their rights, than to concentrate on providing a service. This poses certain dilemmas given the level and nature of demand experienced by the Centre, and the apparent absence of effective casework services available elsewhere.

Much of CLC's work is devoted to identifying injustices affecting children or young people, then pursuing campaigns alongside or on behalf of those affected to ensure that their rights are recognised, and their interests assured. The Centre has therefore taken an active interest in some of the key controversies in child care and child welfare since its inception. It has, for instance, collated and submitted

detailed evidence to reviews of child care law, and to inquiries concerned with the treatment and mistreatment of children and young people (including the House of Commons Social Services Committee, the DHSS Working Party on Child Care Law, and the Cleveland inquiry). Underlying these activities has been a concern to stress the involvement and participation of children in those decisions which affect their lives. Thus the CLC booklet on procedures in cases where child abuse is reported stresses:

"the importance of consulting children themselves when decisions are being made following child abuse or a suggestion of child abuse."
(CLC, 1988,p.3)

CLC argues that this is a central requirement of an effective policy for tackling abuse. Whilst NSPCC, for example, might concur with the principle, it is likely that it would be accorded the same prominence in that organisation's practice. As CLC observes, child abuse is a "mirror of adult power over children"; indeed, it is argued:

"There is a common thread in the attitudes to children which lead to sexual, physical and emotional abuse, and the attitudes which lead to actions believed to be in the child's 'best interests' which actually further abuse them; it is an assumption of authority which does not respect the child as a person with rights and views." (CLC, 1988, p.3)

The implication of this, of course, is that enhanced support for children's rights represents a political challenge to the exercise of adult power, and hence is likely to lead to controversy and resistance. This stark warning sets the tone for CLC's trenchant support for the recognition of the child's viewpoint. The Centre stresses that the well-intentioned actions of professionals who believe themselves to be acting in the child's best interests can simply add to the child's problems. To avoid this kind of outcome, CLC has made a series of specific proposals for changes in procedures for dealing with child abuse, which are intended to put the child more

firmly at the centre of the process, and to offer her/him some degree of control. Thus, for example, it is important to believe the child who either confirms or denies that s/he has been abused - unless there are strong circumstantial reasons for believing that the child is prevented from speaking "freely". This principle was, it has already been noted (Chapter 4), incorporated in the initial draft of the "Working Together" guidelines on responding to child abuse (DHSS, 1986), only to be substantially diluted in the light of events in Cleveland (Parton, 1991).

Children should also be consulted at all stages of decision-making, and this principle "should be adopted as an obligation by all the various professions involved with children" (CLC, 1988, p.6). Consistent with the advocates of a "pure" children's rights position, CLC puts no lower age limit on this principle of consultation, but it does recognise potential limits to the child's "understanding" of the issues involved. As we have already observed, the Children Act 1989 has incorporated many features which do, indeed, represent a positive response to these urgings, with the clear expectation that children's "wishes and feelings" will have a strong influence on the outcome of proceedings affecting them. But going further than mere consultation, the argument is extended by CLC to the principle that children should be afforded the right to make decisions for themselves in a much greater range of circumstances. Great emphasis is placed on the importance of the "Gillick" ruling in the House of Lords (Gillick v. West Norfolk Area Health Authority, 1986), that:

"if a child is able to understand the implications of a decision then - save in exceptional circumstances - their views should prevail." (CLC, 1988, p.7)

This would appear to strengthen CLC's initial emphasis on proper consultation, but, even so, it does not quite achieve a "pure" children's rights perspective, in that age, duress, and understanding are all seen as limiting factors on a child's capacity to decide appropriately in her/his own best interests. The Centre also expresses the caveat that the child's wishes may also be overridden in "exceptional circumstances", which are, of course, often a matter of judgement by an adult.

Despite these reservations, CLC's general commitment to extending the child's power to decide important matters affecting her/him is not in question. The Centre would argue that, by incorporating a range of acceptable modifications to the extreme children's rights position into its own approach, this should make acceptance of the general principle more, rather than less, likely. The implications of the position adopted by the Centre are not followed through in this context, but its logical consequence is that a child victim of abuse who freely, and without improper or undue influence, expresses a wish to maintain contact with, or even to continue to live with the abuser should be able to do so, so long as this is consistent with the child's wishes.

As well as seeking to influence policy debates about the rights of children, the Centre has taken a lead in challenging the treatment of some children and young people within institutions. The closed institution is clearly a context in which the exercise and denial of rights will be of great significance. Areas of concern for the Centre have included psychiatric units, juvenile custody, local authority secure accommodation, and other forms of residential care. In specific cases where institutional ill-treatment is identified, the Centre will offer an advocacy service to young people; and it will draw on its experience to lobby for the extension and protection of children's rights within the institutional setting. Thus, the Centre report "Locked up in Care" (CLC, 1986) led to government agreement to introduce legislation to prevent local authorities locking up children without court authorisation; the Centre's exposure of ill-treatment in detention centres contributed to their eventual abolition; and, the pursuit of a successful European Court case led to the abolition of imprisonment for 14 year old boys in England and Wales (although subsequent legislation appears set to reverse this victory through the establishment of Secure Training Centres).

In the broader field of child welfare, the Centre would argue that it has had considerable influence on debates surrounding child care legislation, with a number of its central policy objectives incorporated in the Children Act 1989. In addition to the greater emphasis on listening to children, the Centre was influential in developing proposals for children's involvement in complaints procedures (Section 26), and in opening up child care institutions to greater scrutiny (Sections 85-87),

both of which were eventually incorporated in the Act (although, the Centre argues, many institutions remain free of effective scrutiny - see Hodgkin, 1992).

Despite these successes, the Centre still acknowledges a number of limitations to its approach, and shortfalls in its achievements. For instance, successful casework may bring to an end individual mistreatment, as indeed it has in a number of cases taken up by CLC, but it does not necessarily lead to changes in broader attitudes or policies concerning the treatment of children and young people. Indeed, it tends to imply tacit acceptance of the argument that abuse is an isolated and containable problem, rather than inherent in a child care system which routinely undervalues children.

The CLC argues that since its inception there has been a move towards a much readier recognition of children's rights:

"When the Centre was formally established in 1981, the concept of children's rights was little known and little respected in this country. The intervening 12 years have witnessed a dramatic shift in public awareness of this concept, both at home and abroad. The fact that children's rights are now acknowledged in many spheres of life in the UK, not least in certain key areas of legislation, owes much to the work of the Centre since its inception." (Kurtz, 1994)

Despite this, it is recognised that problems remain, and in some areas, children's rights are effectively being diminished:

"Many articles of the UN Convention on the Rights of the Child remain to be implemented and a number of important advances for children achieved during the last decade are now under attack....The Centre faces considerable challenges in the years ahead." (Kurtz, 1994)

In addition, examination of the Centre's caseload shows that its attempts to promote children's rights only rarely involve children directly. The average monthly referral rates show that adults - relatives, friends or professional workers - account

for 94.5% of all enquiries to CLC, with only 5.5% coming directly from children or young people. The illustrative case cited in the 1993 Annual Report is an example of a case where the Centre was approached by a child's mother in a case of reported sexual abuse.

For this reason, the Centre developed plans to establish a service dedicated solely to children and young people:

"In 1994 we will be setting up an advice service aimed exclusively at children and young people." (CLC, 1994, p.2)

It is, as yet, too early to tell whether this initiative will change either the style or the substance of the Centre's work (an issue which is further complicated, of course, by the Centre's temporary closure), but it remains instructive that this "repositioning" is felt to be necessary in order to remain true to CLC's core purposes. As already noted, the Centre itself accepts some practical limitations to the "pure" children's rights position, taking the pragmatic view that this is probably politically unacceptable on the one hand; and accepting that children's capacities and maturity are limiting factors on the exercise of rights, on the other.

We might perhaps conclude that the Centre sees itself very clearly as a promoter of children's rights to participate in and influence decisions affecting their lives, but that its practice inevitably takes a pragmatic view, both of the limitations to a "pure" children's rights position, and the need to work through and with adult allies and supporters of children and young people. This tension reflects many of the tensions inherent in theoretical discussions of the children's rights movement (see Freeman 1983, for example).

Four organisations - four value positions?

The four organisations we have considered clearly differ, both in practical terms, such as their size, staffing, and structures, but also in terms of the ideas and methods they bring to their work. Do they, however, differ in such a way, or to such an extent, that they represent clear and distinctive ideological perspectives? Do they, in fact, approximate to the value positions attributed to them? And, if so,

does this help us to understand trends and developments in agency approaches to child care?

PAIN, for example, can be seen to act in a way which promotes the interests of parents and families against unjustified state interference. We might thus infer that, as an agency, PAIN approximates to the laissez-faire position. However, whilst the laissez-faire position espouses quick intervention to remove children where they are clearly suffering harm, PAIN's literature is more likely to stress the value of "partnership", and encouraging families to work with statutory agencies if at all possible. PAIN appears more concerned with "system abuse" arising from errors and misconceptions, rather than seeing this as an inherent flaw in the system itself. There is thus nothing inherently wrong in having and applying procedures to protect children, and to monitor families, as long as this is done fairly, honestly, and sensitively. The pure laissez-faire position might hold that there is no place for any state-sponsored involvement in the family other than emergency intervention in extreme cases, simply to remove children from a failing family and to place them elsewhere. PAIN, by contrast, does not dismiss the value of "proactive" services to support families, and thus appears more ready to accept intervention in this sense; on the other hand, PAIN might find the draconian measures associated with the laissez-faire viewpoint actually to be excessive, even if restricted to a very few cases.

In respect of the NSPCC, we have seen that the agency has seen a number of changes over the years. This is partly, of course, a consequence of having been around a long time, unlike the other agencies under consideration. However, these changes are also partly to be accounted for by the need to resolve a number of potential contradictions in the agency's approach. For instance, as children's rights have become more readily acknowledged, so some of the language of rights begins to appear more prominently in NSPCC documentation. There appears, then, to be growing unease with the protectionist position, which ascribes "rights" to children on the basis of others' professional judgements, and acts accordingly without consultation. Equally, and again somewhat contradictorily, NSPCC has recently been concerned to acknowledge the role of parents, moving away from a concern solely with the child's interests apart from other family members, and

recognising the importance of taking a wider and longer view of the child's best interests. Like others, the NSPCC is keen to promote the idea of "partnership". There is also evident, in some of the agency's "policy" activities, a concern with the wider interests of families. This is evident, for example in NSPCC's active support for the concept of "family courts"; and, in its concerns about both family poverty and the shortcomings of the Child Support Act. In this sense, at least, the NSPCC now appears to recognise the significance of addressing the child's best interests through the family, moving in the direction of the birth family defender position - which would clearly share this concern for the child in the context of general support for the family.

If we turn to consider the position and activities of the Family Rights Group, it is also apparent here, that the organisation finds it impossible to take a pure position, consistent with support for birth families. There is a recognition at FRG that intervention to protect children is necessary in some cases, and that statutory bodies should have the powers necessary to carry out such intervention. It is interesting, too, to note that FRG was willing to concede some ground in Children Bill debates on the question of whether or not parents should have an automatic right in all circumstances to remove children from local authority accommodation provided by voluntary agreement. A broad alliance of child care charities, including both FRG and NSPCC, argued that in some cases a period of notice prior to removal would be in the child's interests, in order to prevent unhelpful disruption and distress to the child (Parton, 1991).

In addition, some of FRG's activities expose some of the tensions within the birth family defender perspective itself. As a small organisation, FRG only has the capacity effectively to advise parents, and other relatives, on how to promote their rights to be involved in decisions about the care of their children. It is less able to devote substantial time and effort to the broader policy arguments consistent with this perspective, to the effect that children's interests and rights will best be enhanced by securing substantial improvements in social provision to support families, such as improved day care facilities, and higher child allowances (eg, Tunstall, 1985). Whilst it is clear from FRG's published material that the agency itself does indeed support this line of argument (FRG, 1988), the greater emphasis

on family rights, rather than family support, occasionally brings FRG closer to the *laissez faire* position than it would probably welcome.

Like the other bodies considered, the Children's Legal Centre approaches its work in a fairly pragmatic way. Despite its name, and its stated principles, most of the Centre's initial enquiries come from adults, albeit ostensibly acting on behalf of children. It thus faces some obvious practical difficulties in ensuring that it acts directly in the child's interests, rather than responding to adult (mis)perceptions. The Centre is also aware of other difficulties, such as the risks inherent in taking a strong position in promoting children's rights, but finding itself unable to offer practical support to those wishing to pursue individual cases. Thus, partly out of a "realistic" understanding of its own capacity, and partly because of its underlying concerns about the validity of a pure children's rights approach, CLC adopts a "modified" children's rights perspective, consistent with the arguments of Freeman (1983). Thus, children are certainly to be encouraged and enabled to express their wishes and feelings when they feel they have been unjustly treated, and the Centre undertakes to offer such support as it can in pursuing better treatment for them, but it will also be guided by the child's age and understanding in seeking to achieve the desired outcome. It will not, therefore, pursue the child's wishes to the exclusion of all other considerations in every case; nor will it "use" children to pursue its own preferred objectives, at the expense of their individual needs and preferences. CLC's pursuit of children's rights is, therefore, modified by the Centre's own judgements of their "best interests", aligning it in some respects to the NSPCC.

Thus, whilst we have been able to observe differences in the ideas and approaches associated with the four agencies, none of them finds it either practicable or desirable to pursue the "pure" objectives of any particular ideological position. It does seem legitimate to associate the agencies respectively with each of the four "value positions"; that is to say, they have clear and distinctive priorities and practice-orientations. However, we can also reasonably conclude that the organisations concerned both recognise the difficulties in adhering to one specific viewpoint in all conceivable circumstances, and modify their practice accordingly. In this respect, it is perhaps worth recalling Weber's observation that it would be extremely unlikely to find any particular "ideal type" reproduced in its pure form in

reality (Runciman [ed], 1978).

In addition, we have observed that the "value positions" themselves contain inherent difficulties and contradictions. Where a specific perspective is applied in practice, these theoretical problems become more clearly apparent, and, indeed, demand some sort of practical resolution. For example, at what point, and in what circumstances, does a proponent of the laissez-faire position withdraw her/his full support for parents, and sanction the severing of the child's biological ties? This kind of decision is, it would appear, a matter of judgement, the criteria for which are unclear. Even where such judgements are based on specific underlying principles, these do not necessarily dictate a "correct" course of action for every conceivable situation. Indeed, in the example mentioned, decisive action may itself be seen as indicative of "excessive state intervention" - as perhaps the Cleveland controversy illustrates. In this sense, at least, value positions must be seen as flexible and "negotiable". The four agencies under consideration appear to recognise this point; and it will now be helpful, to move on to consider the ways in which their staff attempt to relate their core principles to the exigencies of practice.

8

Talking About Values: The Views of Agency Staff

The Purpose and Means of Seeking Practitioner Views

The previous chapter explored the distinctive approaches to child welfare taken by four voluntary agencies. In order further to assess the implications of these distinctive positions for the practice of the agencies concerned, the present chapter reports the findings of a series of interviews with staff and managers of each agency. The choice of sample was governed by the wish to pursue and elaborate the theoretical framework already established for the overall study; it was therefore "purposive" (Glaser and Strauss, 1967).

Twelve interviews were carried out in total (plus one pilot), three in each agency. For three of the four (CLC, FRG, PAIN) this, in fact, meant interviewing a substantial proportion of the whole staff group. For the fourth (NSPCC) the interviews were based in one of the agency's designated regions. The initial aim was to interview staff and managers at differing levels within each organisation. However, for two of the agencies, notably CLC and FRG, with very flat or non-existent "hierarchies", the distinction between staff and management was less significant than for the others (PAIN and NSPCC). Despite these variations, the interview schedule appeared sufficiently flexible to take account of them. The interviews were semi-structured (the schedule is reproduced at Appendix A), and sought to explore practitioners' and managers' perceptions of their own value bases; how they put values into practice; their agencies' positions; and the extent to which agency and other interests endorse or run counter to the perspective they adopt.

The interviews were carried out in the Spring and Summer of 1994. Although they were relatively few in number, it has been shown elsewhere (Thoburn et al, 1986; Berridge and Cleaver, 1987) that "in-depth" study of small samples can be highly productive, particularly in the context of a wider study drawing on a range of methods.

The interview schedule was based on initial consultation with the research supervisor, and piloting in a "hybrid" agency at a late stage in its development

(Mann, 1985).

The interviews themselves were carried out at the offices of the participating organisations; they lasted between forty-five minutes and one and a half hours. Most were tape-recorded, except where this was impossible for technical reasons. In addition, extensive contemporaneous notes were taken on each occasion. The recordings were not routinely transcribed, but were used as a source of confirmation or clarification of the written notes where appropriate (Burgess, 1981). This dual approach is helpful because it offers an additional safeguard to ensure the accuracy of the findings, whilst additionally providing some freedom for the researcher to observe non-verbal clues offered by respondents (Bryman, 1988). Whilst each interview was conducted in confidence, it is clear from the size of the sample that respondents could be easily identifiable to other members of their respective agencies from their responses. There was therefore some limited risk of responses being tailored to take account of the potential audience (Bryman, 1988). Because of this, it was important to pay particular attention to the questions of consistency and depth of commitment demonstrated during the course of the interviews. Thus, for example, the invitation to respondents to illustrate their approach by reference to a specific case was of considerable value in substantiating or modifying findings based on their initial statements of values and principles. In some cases, further "probing" was undertaken to elucidate initial answers (Moser and Kalton, 1971).

The subsequent analysis of the interview material was based on the a framework derived from the four value positions. These were, in effect, treated as "core categories" (Strauss, 1987). In view of the size of the sample, and the interpretive nature of the exercise analysis of the data was undertaken manually, without recourse to a computer package. Responses were examined for their consistency with one or other of the four perspectives, with emerging "themes" being classified accordingly (Middleton et al, 1994). For example, the idea of children's "participation" became identifiable as one such recurrent theme in the responses of Children's Legal Centre staff. Thus, it became possible to draw out and evaluate common patterns as well as any inconsistencies emerging from the answers given (Glaser and Strauss, 1967). Clearly, because of the central concern

with practitioners' and agencies' orientation to the value positions, this form of classification was the most important aspect of the exercise, although Wiseman (1978) draws attention to the need to pay sufficient attention to lacunae. That is, it is important to take account of responses which do not easily fit the chosen analytical framework, both because of their substantive implications, and because they may indicate flaws or weaknesses in the framework itself. Thus, for example, the consistent concerns of FRG respondents for "equality" may be a noteworthy finding.

The analytical strategy chosen serves two main purposes. The first is to provide a basis for interpretation derived from the overall methodological approach of the study, based on the value positions. This gives further support to the aim of "triangulating" between the findings of different elements of the study (Denzin, 1978). In addition, the approach chosen provides an effective basis for checking for the features of consistency, coherence, and plausibility of individual respondents (Dean and Whyte, 1978). A clear picture can thus be seen to emerge of the reliability of the interview findings, and of the regularity of responses within agencies. Equally, on those few occasions where respondents can be seen to be giving equivocal or contradictory messages, this too appears in sharp focus. In Weberian terms, "affinities" and "antagonisms" (Kalberg, 1994) are clearly recognisable from these findings.

In the following sections, responses are ordered and discussed by agency for each question in turn, in order to gain a sense of the interplay between differing individual and organisational perspectives. This approach to presenting the findings appears more consistent with the underlying purpose of assessing the interactions, consistencies and contradictions between perspectives than the alternative of considering each respondent or agency in turn, and seeking only to summarise the implications for the four value positions subsequently.

In order to provide further illumination of the interview findings it was initially intended to supplement this material with a scaling exercise (Likert, 1932), based on a questionnaire to be completed by the interview respondents. However, owing to an insufficient number of returns, it was not possible to complete this exercise. Despite this, the interview findings are sufficient to contribute effectively to the

overall purposes of the study.

From the evidence reported here, it is possible to draw further conclusions about whether or not apparent distinctions between agencies are maintained in the views and practice of their staff. In addition, the dominance or otherwise of certain themes (for example, the idea of "partnership") will become clearer; as will the extent to which practitioners and managers feel themselves to be influenced by outside forces, whether these are supportive of or antagonistic to their own views. In a broader sense, this material enables us to consider further the way in which specific value positions may be both coherent, and reflect distinctive characteristics; and the ways in which approaches to practice are "negotiated", in line with the conclusions of the previous chapter, in the context of external pressures and internal contradictions.

Talking Positions

The initial interview questions were very much designed to gain a picture of respondents' perceptions of their own agency in terms of its stated objectives. They were also asked whether they felt that the approach adopted by the agency was consistent with the expectations of those who used its services - in other words whether the agency was approached because of its distinctive role. In this way, an initial picture can be seen to emerge of the extent to which each agency's position is experienced as clear and distinctive, by those who provide the service.

The first observation arising even from these initial responses is that the interviewees did have a specific and broadly consistent view of their own agency's principles and purposes. Thus, the Development Worker from PAIN reiterated almost exactly her agency's published aims of providing "advice and support to people mistakenly involved in allegations of child abuse", stating that PAIN would also seek to change policy and practice within other agencies in pursuit of these goals. Her colleague, PAIN's Family Advisor, used very similar words to describe the work of the organisation, adding that he believed it to be absolutely "essential" to take at face value what people say about allegations made against them. However, he stressed that he did not believe that any advice he offered could help an abuser "to hide". For PAIN's Director, the key point was that those involved in

investigations of reported abuse, that is, children, parents and families, should receive a "full and fair" investigation, in order that the right decisions should be made in the best interests of the child. PAIN's stated concern of supporting families at the investigation and assessment stages of abuse procedures is reinforced by these responses.

Unlike the other respondents, NSPCC staff were speaking from different points within a large, and considerably more hierarchical organisation. Nevertheless, here, too, there was substantial consistency between respondents. The first NSPCC interviewee (the Therapist) said that it was the agency's role to be a "lead agency in the protection of children", and the prevention of child abuse. The Team Leader reckoned that the phrase "...Prevention of Cruelty" was useful in establishing a "framework" for the organisation. He felt, however, that this would be to beg the question of how much "prevention" NSPCC actually tries to provide. Whilst recognising this possible inconsistency, he felt that NSPCC was very much in the "business of child abuse and protection". This protection could, however, be offered by supporting "mothers and female carers" as well as acting directly with the child. The Area Director also highlighted the protection of children and the "recovery of children experiencing or having experienced abuse" as central to the agency's functioning. In line with emerging trends, however, he argued that this was as much a matter of "doing work with children", rather than "to them".

At FRG, the Development Worker spoke of her agency's commitment to "representing the needs" of families and children. The Legal Advisor talked more generally of providing a "consumer-oriented" approach to improving policy and practice in relation to families. The Director (at the time of the interview, FRG had two co-directors) believed that FRG's overall aim was to "improve the way in which families are dealt with by agencies and to ensure better provision". By this she meant practical help to families, offering the examples of "preventive services", and countering the effects of poverty. This emphasis, she felt, distinguished FRG from PAIN.

For CLC respondents, the central theme was the importance of the agency in "empowering children" (Legal Advisor). The Development Worker spoke of "checking and ensuring" that the child or young person's perspective would be

seen as central, both in the delivery of direct services, and in the Centre's policy and publications work. The third CLC respondent (the Advocacy Worker) spoke of the need to ensure that children are "respected", stating that, for her, this was a key objective of the centre.

Even at this early stage, there seems no doubt that the language, and some of the sentiments used, differ quite markedly between the four groups of respondents. At the very least, they each characterise their own agency as having a very distinctive role in the child care field.

Most respondents were very comfortable with their own roles and positions within their respective organisations. The Development Worker at PAIN described her own motivations in terms of a commitment to "natural justice"; meaning that families have a right to be supported as much as possible, in preference to "unnecessary or uncalled for" intervention. The Family Advisor also developed the theme of justice in describing his own beliefs; at its simplest, he stated that "people should be treated fairly". He added that, in child protection cases, there are laws and procedures which should always be observed - implying that compliance with statutory rules and requirements would, in itself, provide a substantial safeguard to those involved in child abuse investigations. PAIN's Director described three rights which she saw as essential for parents:- the right to understand what is happening; the right to be treated with empathy; and the right to be able to take responsibility for decisions made about their children. She also spoke of the rights of children themselves to be heard, a right which she felt was sometimes ignored when children themselves maintained that they had not been abused, and stated that "nothing has happened".

Interestingly, the Therapist at NSPCC also began her answer to the question of her own values by saying that "children should have equal rights", although she subsequently added that child victims should also have recourse to "therapeutic interventions". The Team Leader spoke in graphic terms of his view of child abuse as a "war zone", but still stressed the importance of seeking "partnerships" in the face of tension and conflict. He spoke of being interested in working to re-establish "the person's positive capabilities". The Area Director, too, spoke of the need for partnership with children and parents. He felt that the NSPCC was changing from

a historic role of "rescuing children and catching parents" to one of seeking "restoration" of the child within the family (in fact, NSPCC had been established in the 19th century with just such "restorative" aims - Hendrick, 1994). These replies from NSPCC staff seem to indicate considerable sensitivity to the "negative consequences of child care solutions", whilst still maintaining the value and necessity of formal intervention.

There was no doubt that FRG staff were extremely comfortable with the aims and purposes of their own organisation. The Development Worker said that she "identified with FRG", and that children would always be best brought up within their families, in "the widest sense". The Legal Advisor at FRG was "very happy" with the setting in which she worked, saying that she believed it to be very necessary to recognise and support "families' distinctive culture". The Director drew explicit links between her "socialist, feminist" beliefs and her concerns about the injustices experienced by children and families.

Perhaps unsurprisingly, the staff at CLC were almost equally forceful in their personal commitment to children's rights. The Legal Advisor expressed a "strong view that children should have a say", at least partly based on her own experiences both as child and as parent. Despite this belief, she felt that it was also important to recognise the tensions within children and parent relationships, sometimes ensuring that there could be no "simple answers". A pure "children's rights" perspective would be difficult to sustain in all circumstances, according to this view. CLC's Development Worker observed that children were not afforded sufficient "respect, because adults feel they know best"; this, in her view was wrong and unfair. The Advocacy Worker simply said, "I don't like what I see", by which she meant the routine denial of meaningful participation to children.

Already, we are beginning to see a picture emerging of strong and committed staff groups identifying quite strongly with the core purposes of their organisations. Even in the case of NSPCC, with its clear hierarchical distinctions, there appears to be significant coherence amongst staff members at different levels of the agency.

The next question sought to put these "internal" perceptions against agency workers' experiences of the expectations of those using their services. In other words, the question sought to identify whether there was any discontinuity between

what was felt to be "on offer", and what was expected of the various organisations.

At PAIN, the Development Worker identified her agency as a "last resort", approached by people who felt let down or "embittered" by social services departments, who were identified as "the enemy". Approaches to PAIN for help and advice were, by and large, consistent with the organisation's purposes. The Family Advisor was less certain that people got what they wanted from PAIN. This was partly, he felt, due to the sheer pressure of demand for the agency's services in a context of very limited resources. He stressed that the level of referrals meant that an average of only an hour per case could be allowed for new referrals. Despite a reassuring number of favourable responses following the agency's intervention, he felt that some people were disappointed at the "lack of a magic wand". For the Director, too, there was some conflict between the substantially favourable evaluations of PAIN's work, and its limitations of time and money which had inhibited what she felt to be necessary developments, such as the establishment of a support network.

At the NSPCC, there seemed to be a clear acknowledgement that the organisation's history had influenced present expectations. The Therapist spoke of one client, who had identified NSPCC simply as "the cruelty men and women". She felt that people who became involved with the agency might have been wary of its perceived power, and perhaps did not expect to be treated with respect or as potential partners in the agency's work. For the Team Leader, too, the power of the agency was an issue, although he felt that ironically this might mean that some service users, especially "sexual abuse survivors", could have unrealistically high expectations of what was on offer, and its capacity to achieve "certainty" of outcome. The Area Director was concerned that the word "cruelty" in NSPCC's name might give misleading messages. He felt that the same initials could be used more positively, to rename the organisation the "National Society for the Protection and Care of Children". He also took the view that the team was working in an area where considerable weight had been given to the rights of parents, with the resultant concern that children might be overlooked. In his opinion, "at some level, intrusion is necessary." A child abuse investigation might well involve the agency using its power to protect the child, although the ultimate aim should be for

professionals to withdraw and return "power to the family". One might thus draw the inference that service users' perceptions of the agency's power do coincide to a large extent with the views of NSPCC staff.

For the Development Worker at FRG, there was no doubt that the agency's services coincided with what was expected. The Legal Advisor agreed, whilst acknowledging similar problems to PAIN in trying to offer a comprehensive service. Their Director, however, was concerned that some people might initially be somewhat "suspicious", although they probably got what they wanted, that is "someone who is knowledgeable and willing to argue on their behalf".

It was the CLC whose responses were most uncertain on this issue of perception and expectation. The Legal Worker felt that in many cases it was difficult to tell whether those who approached the Centre got what they wanted, often simply because it was difficult to follow up initial enquiries. For both her and the Advocacy Worker there was a feeling that, because they had to negotiate potential conflicts between adults who approached them and children, sometimes the service offered implied a "lack of acceptance". From their point of view, however, this was simply a consequence of their commitment to identifying with the child's interests, rather than acting on the wishes of a third party adult who may not share the child's concerns. The Development Worker, on the other hand, felt that most people approaching CLC would get the kind of response they expected, but that this was, in part, because many requests were simply for information.

These findings suggest that, for the most part, our respondents believe that they are correctly perceived by those who use their services. At the same time, however, some of the tensions (in the NSPCC position, for example), and some of the limitations (lack of resources, for the others) in what they can offer, become apparent. NSPCC staff, and CLC workers alike, reflected on the tensions between adults' and children's rights. The issue of "power" and its exercise also posed some problems for those working for the NSPCC. On the other hand, FRG employees felt that they had few problems in working alongside parents and families to realise their joint objectives. As FRG's Director put it: "I've never had to change the way I operate."

Practice Accounts

Respondents were asked next to illustrate their approach to their work, and particularly, the putting of ideas and principles into practice. Firstly, they were asked to describe a case (or in some instances, such as those with managerial responsibilities, a broader piece of work) which they felt epitomised their own "practice theory" (Curnock and Hardiker, 1979), that is, the day to day assumptions and understandings on which they based their work.

The Development Worker at PAIN chose to refer to her own understanding of current trends, in addressing this question. She pointed out that of 200,000 child abuse investigations nationally, only a much smaller number lead to case conferences and registration of children as "at risk". This kind of experience was, for her, borne out in the 600-700 cases dealt with annually by PAIN - that is, that a great deal of child protection work is based on "false positives", whereby general indicators are taken as hard evidence of abuse, without consideration of other factors, or the family's viewpoint. "Thresholds are too low, and the trawl is too wide", she observed.

The Family Advisor at PAIN illustrated his approach to casework by referring to areas which he had found to be indicative of "regular patterns". Thus, he found it important "to make people understand the difference between a police investigation and a social services investigation", where the threshold of proof is much lower. In his view, the problem would commonly be one of "ignorance". He also identified the problems arising where men might be accused of child sexual abuse, as he put it, "the most horrific thing that an innocent man can be accused of, and very difficult to find evidence of innocence." Problematic family relationships might give rise to allegations or suspicions of abuse that would be very difficult to refute. He stressed the importance of seeking a "second opinion" on medical or psychiatric evidence, which can sometimes appear compelling at first sight. He accepted, too, that it would always be possible that an allegation could be substantiated; that is, he was not disputing the existence of child sexual abuse, but rather questioning some of the approaches to its investigation.

According to the Director, PAIN's role was to ensure that carers were properly involved in child abuse investigations. She cited a case of a parent trying

to understand the "purchaser/provider split" in a specific investigation. The provider had failed to carry out the procedures specified by the purchasing agency, with the result that subsequently a decision had been taken not to register the child as "at risk", but still to continue to "investigate", despite the absence of any justification for doing so. This outcome was challenged, and overturned as a result of PAIN's intervention.

At NSPCC, the Therapist described a particular intervention whose objective was to "empower" mother and child. She described a case in which a child had been the victim of abuse, but whose mother had also as a child been the victim of "enormous abuse" (physical, sexual and emotional). The Therapist took the view that, because of this, her own education had suffered, her self-esteem had suffered, and she had thus become increasingly vulnerable herself, and consequently less able to offer adequate protection to her own child. The Therapist saw this as potentially forming a "cycle of abuse". She felt that she had to take an approach which did not further undermine the mother, but which built on her abilities and personal qualities. Thus, she used both assertiveness training and practical help to try to strengthen the mother's position and her self-esteem. In this case, the Therapist felt, the "cycle of abuse may be broken". Progress is measured in cases such as this by assessment questionnaires administered by the Therapist at regular intervals. In her view, the NSPCC team is "seen as holding sexual abuse expertise locally."

The Team Leader cited a case which he felt represented the "messy reality" which was the norm. He had been invited to complete an assessment of a child where the male adult in the household was a Schedule 1 Offender (that is, he had been convicted of an offence which indicated a potential future risk to children) by his own admission. The question posed by other professionals was whether he still represented a "threat". The Team Leader felt that, in fact, the assessment process itself was beginning to put the family under strain, so the team halted the assessment, and offered "counselling" to the family instead. The Team Leader observed that the man concerned had himself been abused whilst in care, and was coming to terms with that. In his view, the "professional system oppressed the

client" in this case, and the NSPCC team had "avoided perpetuating this oppression." The Team Leader was worried about the oppressive nature of assessments in general, and he said that he was more interested in "looking forward", and dealing with the implications of the case. In this instance, the worker with case responsibility had clearly sided with the adult carers, but in the belief that this would help the family as a whole - and in the belief that it was important to enable people to resist the pressures sometimes imposed by professional agencies. In addition, though, he was continuing to make professional expertise available, in the form of counselling and advice.

The Area Director developed a similar theme in discussing his own contribution to NSPCC practice. He spoke of developing a system of "supporting families in dispute with social services departments", where a child has suffered serious harm. In his view, the essential task would be to "conciliate" between the family and the agency, in order to encourage an effective partnership. If this could be established, then, in his view, rehabilitation of the child would be feasible, even in apparently "high-risk" cases. This description reinforced his earlier comments about the principle of "non-intervention", although he had also clearly indicated that intrusion is sometimes necessary, and that the agency might have to put to constructive use the power it always holds in reserve.

The NSPCC approach represented by these specific examples might fairly be described as eclectic, based on a range of practice skills and understandings, with parallel commitments to: empowering parents and families; protecting children's interests; providing constructive counselling and therapy; and intervening to redress power imbalances. This sensitivity to the oppressive potential of agency power, and the perceived need to establish effective partnerships, appears to mirror many of the concerns expressed by PAIN staff, in fact.

The Development Worker with FRG chose to highlight a case involving a grandparent, whose grandchild had been the subject of a "closed" adoption order, and who felt excluded both from the decision-making process, and, of course, from the child's life. By pursuing the objective of securing participation, with the local authority concerned, and despite initial resistance, the Development Worker was

able to make arrangements for the grandparent to have continued contact with the child; an outcome which, in the Development Worker's view, was clearly in the child's best interests.

This was a good example of the FRG approach to securing the rights of family members. However, the Legal Advisor cited an example of a case in which she had played a part, where the issue was one of failure to meet family support needs, possibly complicated by a failure to appreciate racial and cultural factors. The case concerned an Eritrean woman, disabled as a consequence of torture, who was expected by her local authority to care for her nephew, but who was struggling to cope, with what appeared to be very little support from the authority concerned. Following FRG's approach, the authority concerned accepted that its conduct of the case had been based on some incorrect assumptions.

FRG's Director gave an example of a rather more involved case, which predated the implementation of the Children Act in 1991, but which revealed a combination of failure to address welfare needs of the child, and inadequate recognition of the parent's rights, bringing together the diverse elements of FRG's central preoccupations. The case involved a young pregnant woman, from a rural area, who found herself homeless. She approached the local social services office, which responded, in the Director's opinion, "in an uncaring way". The young woman wanted a home with a garden, which was subsequently used in case discussions as one example of her "unrealistic view" of life. She was housed in a third floor flat, instead. Subsequently, following "one incident" of accidental harm to the baby, a Place of Safety Order was obtained. Her "middle-aged, male social worker" took the view that she should find a "nice man and settle down", according to FRG's Director, whilst the psychiatrist diagnosed a "personality disorder". Care proceedings were initiated, at which the young woman was unrepresented; the child's solicitor was concerned about this, but the court ignored this and made a Care Order. The child was then placed for adoption, at which point the young woman finally made contact with FRG. Following FRG's involvement, the Court was eventually persuaded to discharge the Care Order; the local authority then sought and obtained "wardship" of the baby, so that although the mother was now able to visit, she was not able to have the baby returned to her. Whilst arguing

that FRG had made a difference in this case, the Director also expressed considerable frustration, wondering somewhat pessimistically whether the Children Act would lead to any substantial changes in attitudes and practice.

At CLC, the Legal Worker did not refer to any specific case, but described her general approach. In many cases, the Centre's services are sought on behalf of children by adults. She felt that her role was to respond to this kind of approach, by taking the child's perspective, and "highlighting" the issues directly affecting her/him. The essential principle was "putting the child's views at the centre". She felt that it was important to "engage" with parents and counsel them "to appreciate the issues" for children, which thus "enables them to see the child as central". In this way, she argued, the matters of greatest significance to the child, would be given greater emphasis, and would come to have a real influence on decisions and outcomes.

CLC's Development Worker did cite a specific case, concerning a fifteen year old, who had left home. This young person wanted "safe accommodation". Her local authority, however, wanted to reconcile her with her family - which she clearly did not want. Indeed, she expressed a "fear of abuse", should this be the outcome. It was the Centre's first priority, acting on her wishes, to "make her safe". On the other hand, the social services department concerned perceived her to be "wilful", and wanted the Centre to persuade her to go home. However, the Centre stood its ground, and found a place for her in a refuge for young people, in order to give her "breathing space". The critical point about this case for the Development Worker was that CLC "believed her, and acted to pursue her goals of safety and independent support."

The Advocacy Worker prefaced her example by observing that CLC is rarely able to see cases through to their conclusions. However, she did illustrate her own practice philosophy quite nicely by referring to an educational issue, that is, the question of compulsory school uniforms. The case was brought to the Centre by a parent objecting to a school introducing a new policy to make the wearing of uniforms compulsory. The Advocacy Worker was thus requested to take the matter up by someone acting on behalf of the young person concerned. She therefore felt

that she must ascertain the young person's views directly, before putting her in the potentially difficult position of confronting the school authorities. Indeed, the Advocacy Worker's perception was that this particular issue may have been of more importance to the parent than to the young person concerned. The Advocacy Worker felt that this example demonstrated the Centre's commitment to finding out what the child wants before pursuing abstract rights, ostensibly on the child or young person's behalf.

Once again, the case examples considered here do appear to demonstrate significant differences in the "starting points" of the four agencies under consideration. It is likely that the way in which they "position" themselves does influence the kind of approaches made to them, but this does not diminish the power of the observation that their conduct of individual cases reveals both marked variations between organisations, and considerable consistency within organisations. There is perhaps an observable difference between the "advocacy" role of the smaller agencies (CLC, FRG, PAIN), and the service-providing function carried out by NSPCC, which may, in turn, have contributed to the sense of greater complexity evident in the latter's practice. NSPCC staff do appear to have had to devote more thought and effort to the sensitive application of agency power and expertise than do workers in the other organisations. This is perhaps partly because they did not have quite the same freedom as others to adopt a partisan approach, but felt more bound to negotiate and facilitate in the interstices between children's interests, parental rights, and agency powers (including their own).

Negotiating value conflicts?

Respondents were next asked whether they felt any other "values" influenced their approach to their work. The aim of this and the subsequent question was to determine whether they felt that they had to make compromises between competing ideas or principles in pursuing their practice objectives.

For the Development Worker at PAIN, the important theme was "family values", intertwined with her own feelings about being a parent. "I try and imagine how I would feel, and how dreadful it is for people to have to go through this", she

said, referring to the process of allegations of child abuse and their subsequent investigation. Thus, she appeared to have little difficulty in reconciling her work to her own beliefs. For the Family Advisor, there was no sense of having arrived at PAIN with a "mission". As he put it, he "came...with no preconceptions about the job", which he felt could be quite healthy. He felt that he was aware of the pressures and difficulties experienced by families, and knew something of the effects of trauma, based on his previous experience as director of a charity for children with liver disease. The Director at PAIN spoke of her own lengthy experience of unjustified allegations of abuse as the backdrop to her work. She pointed to the difficulty of countering non-acceptance of parents' experiences until "quite recently". She felt that PAIN's task was very much about questioning professional attitudes, particularly the belief that a "report" should be taken as *prima facie* evidence of abuse. She stressed the opinion that workers do not distinguish clearly enough between "direct allegations" and "perceived abuse", where the occurrence of abuse is implied by a child's behaviour or demeanour, rather than through direct observation or physical signs.

Thus, for all three PAIN staff interviewed, the "other values" influencing their work seemed very much to reinforce and underpin their primary beliefs, rather than creating any room for doubt, or the need to make compromises.

At NSPCC, the Therapist spoke of her concerns about the effect of gender differences, reflected for her in the importance of providing a choice of worker (race and gender being important characteristics). She observed that both the law, and the prevalence of stereotypes, create inequalities; she felt that she had "feminist sympathies", but was also "eclectic" in her choice of guiding principles. The Team Leader spoke of his concerns about "colour blindness", feeling that his team's services might be less accessible to non-white people than he would like. He also had some reservations about the role of men in child protection work, adding with some irony an acknowledgement of the fact that NSPCC was "male-managed". For the Area Director, his additional concerns focused on the need to advocate on behalf of children. He felt that he had sometimes "disputed situations with other agencies whose priorities for children are different", by which he meant that they were more concerned with protecting their own organisational interests than

promoting better care for children.

The FRG Development Worker said that she worked for the agency because of her own values and analysis of social issues; in particular, she was concerned about the use of power, and oppression on the grounds of "race, class or gender". She felt that in her work she was simply developing these principles by supporting parents' and other family members' "right to be heard" against powerful professional interests which she herself mistrusted. Indeed, she found it "impossible to be in conflict with FRG". The Legal Advisor also spoke strongly of her belief in equality of opportunity and empowerment. She felt that everyone was entitled to "basic rights", but that despite this, "deception is still evident in local authority practice". The Director emphasised her belief in the importance of children being brought up in a family (although not necessarily the "traditional" nuclear two-parent family). She believed that child protection systems devoted great time and energy to assessment and diagnosis, but that there was little subsequent support for families revealed to have continuing needs.

For staff at CLC, equal opportunities were also an important cornerstone of belief. The Legal Advisor particularly emphasised this commitment. She also spoke of her belief in the value of advice and counselling work, and the "need to encourage a positive attitude to change". For the Development Worker, her values were critically influenced by her experiences "as a black woman". As she put it, "discrimination issues affect me more, and I feel the injustices more keenly." She felt, though, that her values and beliefs had developed and strengthened through her work experience, and that she was not applying a "ready-made perspective".

The Advocacy Worker related her practice philosophy to "personal values" originating with her own childhood. She spoke of her own "negative experiences, for example my fear of school". She also spoke of the importance to her of linking psychoanalytic ideas (that is, individual experiences) to the political process (the collective domain), thereby linking personal experiences of "oppression" to broader unfairnesses and discrimination.

It is perhaps indicative that concerns for equality of treatment and fairness pervaded almost all these replies about influential personal beliefs. There is a clear sense amongst our respondents that they are committed to supporting

disadvantaged individuals and groups against various oppressive forces, particularly those representing officialdom and professional "wisdom". The common concern with issues of power and oppression is quite striking. This does not, of course, imply that our respondents share common objectives, or even common approaches to practice, as already demonstrated.

On the basis of these responses, interviewees were next asked whether they felt that they ever had to resolve conflicting values in pursuing their work. It would seem that the widely-raised concerns about power and oppression would raise very real practice issues about the legitimacy or otherwise of various forms of agency intervention to protect children's interests.

For PAIN's development worker, this question meant having to "face the reality that child abuse does happen", and that the means to prevent it have to be available. Despite this, she felt that current processes still ensured that the "threshold of justified intervention" was often exceeded. Interestingly, she referred to FRG, taking the view that FRG appeared to have a "much wider commitment" to family welfare than PAIN, and was possibly also rather more positive about the beneficial potential of local authority intervention. Her colleague, the Family Advisor felt that it was not his position to make judgements about the rights and wrongs of particular cases, but just to give advice. He did not see statutory intervention in an entirely negative light, having already acknowledged that child abuse was a genuine problem. However, he questioned the manner in which authorities typically approached cases:

"Even if something has happened, do they need an order, could they not offer therapy, why not use the order to keep the child at home, use it to enforce cooperation".

Clearly, he did not question the value of intervention, even of a coercive nature, but he was concerned that the spirit of the Children Act was not being honoured. He argued that more emphasis should be placed on the "needs" of children, rather than the "risks" to which they are exposed. Echoing some of these sentiments, PAIN's Director stressed that they were not interested in making "judgements", or

basing their work on the assumption that abuse is not a significant problem. She pointed out that advising, and even empowering concerned parents need not imply any judgement on the part of the agency about the rights and wrongs of the case:

"Parents may see it as a 'them and us' situation. They are pleased that PAIN has listened, and that is sufficient. Validation of their experience is important rather than a declaration of belief."

From the perspective of NSPCC, the Therapist took the view that value conflicts tended to be played out in the form of problems between agencies, itself a recurring theme of NSPCC responses. Indeed, she noted that NSPCC was very supportive to her in pursuing these concerns. For her, this was typified by a case in which she felt other agencies had not taken proper account of the child's views and feelings. She wanted to see an approach where the child would "lead the intervention", with the worker simply applying "the methods" needed. For her, this seems to have been an effective mechanism for resolving the tensions between her role and power as "expert", and service users' own interests and priorities. Therapeutic skills should thus be applied in the light of the client's wishes, rather than in preference to them. Whilst the Therapist concentrated on conflicts between NSPCC and other agencies, the Team Leader identified certain internal tensions within the agency, which were a matter of concern to him, since he felt that they did tend to compromise the team's approach to its work. He spoke of the need to find the middle ground between NSPCC's "image and public statements" on the one hand, and the actual day-to-day practice of the organisation on the other. He felt that the public face of NSPCC, a "heroic, rescuing" image was not accurate. Indeed, as he acknowledged, in the great majority of situations where children were at risk and the agency was not, and probably could not be involved, "female carers are much more likely to be the ones who protect children". He also felt that the "rather arrogant" portrayal of the agency sometimes "engendered hostility" among social services colleagues, since they would often be the lead agency in formal child protection cases, with NSPCC in a supporting role. This disjuncture between image and reality led to further difficulty, "on the ground", because the organisation

was associated with a much more "active", and possibly crusading approach, whereas his own team was more concerned with working in partnership with service users, and supporting rather than confronting them. "The agency should take a positive view of carers", he said. The Area Director offered confirmation that "value conflicts often underlie operational difficulties". Like his colleagues, he was aware of tensions between NSPCC and other agencies, which led to disputes between "agencies where priorities for children are different", and where he felt that other agencies might be acting out of self-interest, rather than seeking to promote "better services". He stated that he very much wanted to see bodies like the Area Child Protection Committee developed to allow agencies to "share their core beliefs". He believed that a common vision would provide the basis for stronger and better practice in the area of child protection.

For FRG staff, there were practical problems in pursuing their principles in some cases. The Development Worker acknowledged significant difficulties in offering a service to alleged perpetrators of child sexual abuse. She stated that it was difficult to offer advice in these cases, "because it reinforces the power imbalance". This contrasts both with PAIN's insistence on offering advice and withholding judgements, and with NSPCC's commitment to supporting a male perpetrator in working through his own history of being abused, as demonstrated in the practice example cited by the Team Leader. For the Legal Advisor at FRG, gender issues arose in a rather different way, with her concern about "men who are very pushy". She referred to this as the "piles of documents" syndrome, reflecting a desire both to take control, and to "exploit the availability" of the service. The concern here was that more assertive male clients might make undue calls on limited time which should be made available to all potential callers to FRG on a fair and equitable basis. Quite independently, the Director also spoke of her concerns about "difficult men". The issue of gender and "working with men" was clearly a matter of significant current concern to the FRG staff group. The previous policy of FRG had been to decline to speak to enquirers who were "alleged abusers" (presumably referral to PAIN would have been one alternative option); but the policy had recently been changed, partly to enable staff more easily to speak to mothers and ensure that they were able to consider the options open to them, and

partly because it was recognised as important to get beyond the initial reaction of "either anger or refusal to believe" allegations made against their partners. Support for the family should not be withheld on principle because of the source or nature of the initial approach.

FRG's Director also broadened the discussion to consider some of the other tensions inherent in the concept of "family values". Her concern to generalise support for families beyond "traditional stereotypes" has already been noted. She recognised the tactical need to "play the game", to secure legitimacy for the agency's work, but she also sought to avoid FRG being identified with a "particular set of beliefs". This was becoming more difficult in a context in which, she felt, child care was becoming a "political football". It seemed that FRG would rather not be caught up in an exploitative way in moral debates about the family.

The Legal Advisor at CLC focused on the tensions between the rights of children and the power of adults. She felt that in some cases, there should be no question that the child "should be able to determine the outcome", but that the child was typically part of a unit which was characterised by adult power. In other words, pursuing the child's right to decide to a successful conclusion might not confer long-term benefits to the child whose life would continue to be circumscribed by adult authority. The role of CLC was less to be an advocate for the child in such circumstances, but to "negotiate conflict beneficially". The need for allies and supporters in the "real world" of political decisions often tempered CLC's instinctive idealism in her view. For the Development Worker, too, there were tensions and complexities in the Centre's role. For example, in some cases, such as bullying, it would be a matter of representing one child "against" another. In addition, although children coming to the Centre should be allowed to determine how to pursue their own interests, this "theory may be challenged by complex situations", where straightforward solutions might not be available, or even desirable. However, the problem of resolving this kind of issue was not necessarily a hindrance. "Challenges are good", thought the Development Worker. The Advocacy Worker took the most "purist" line of the three, arguing that children should be supported against all other participants. She was not interested in "seeking 'balance'", but in determinedly pursuing the interests of children. She would, for example, be quite

prepared to simply refer to another agency adults who did not clearly appear to be approaching the Centre with the child's interests to the fore. These responses represent the practical representation of theoretical debates within the children's rights perspective rather well, illustrating one example of potential conflicts within as well as between value positions. The problem for advocates of children's rights of where, in practice, to draw the line between "pure" advocacy, and recognising the political limits to the articulation and promotion of children's rights is always likely to be a central tension in CLC's work.

Thus, for staff in each of the agencies, there is evidence of a recognition of potentially conflicting values, although not necessarily in the form hypothesised for the purposes of the present study. There is therefore a common need to find an accommodation between core principles, and practical situations which pose challenges to these assumptions. PAIN staff clearly recognised the need to take account of the reality of child abuse, whilst NSPCC staff were acutely aware of the risks of misusing agency power and expertise. FRG workers expressed concern about the nature of the family, and the use of (male) power within it, implying that the idealised concept of "family rights" must, on occasion, be modified in practice, whilst CLC workers' acceptance of the political realities, and the clear irony of "negotiating" the rights of children is also apparent. What is clear from this, and in many ways encouraging, is that the interview respondents, without exception, acknowledged from the practitioner/manager perspective a detailed and thoughtful understanding of the kinds of conflicts and contradictions which their agencies must negotiate in order to provide an effective service, whatever their starting point, or core values. This, in many ways, is an important and positive finding.

Values in Context

The final series of questions attempted to explore further the extent to which respondents felt their respective practice philosophies were shared by others, and whether or not they perceived any significant obstacles to the realisation of their distinctive aims, lying either within or beyond their own organisations.

At PAIN, the Development Worker had no difficulty in identifying a common purpose within the team. However, she felt that the response to PAIN from other

agencies was mixed, with some local authorities thinking "we're...a thorn in their side". She also believed that PAIN had rapidly become accepted as a legitimate body, "not just a crackpot, hysterical organisation". She felt that there had been some suspicion of the organisation from government quarters, but that this had been substantially overcome with the government now (1994) willing to fund PAIN to the tune of £40,000 per year. There was, too, a general public acceptance of the purposes and objectives of PAIN. These answers were largely echoed by the Family Advisor, who also reflected that in a small team a substantial measure of agreement about aims and objectives would probably always be an essential element of effective functioning. He felt, too, that there had been a variable response to the Children Act amongst agencies, but that there remained a tendency to focus on "the child" in isolation from the family. "The child is a member of the family...you really need to get the family coming along with you", he said. Despite his criticisms of some agency practice, he also observed that "we meet very good workers", and that PAIN's caseload would be untypical, in that the agency tended only to deal with other agencies' "failures". He had some concern about public perceptions "that social workers come and grab children". Again, he pointed out:

"Good social work does not get coverage".

It was not necessarily helpful only to have negative views of social work made available, even if these tended to support some of PAIN's concerns about net-widening. He thought that the government was committed to changing the balance in child care, away from "risk" and towards "need", but that it was not responsible for the existing imbalance. For the Director, too, there was no doubt that PAIN itself reflected a coherent and consistent approach. She believed that other agencies did share PAIN's perspective, but that approaches were very variable. Like the Family Advisor, she argued that a wider focus on the child "in the family and community" needed to be developed, as against "dogma" in social work, which would tend towards "only looking at the child". She felt that this change of emphasis was becoming apparent at the Department of Health, with research

evidence beginning to support the view that many child abuse investigations were simply unwarranted. Thus, there was a general move, both at the level of practice, and policy, and even broader "perceptions" of the role of the family, towards accepting and acknowledging the validity of many of PAIN's concerns.

In respect of NSPCC, it is obvious that, unlike the other agencies considered, this is a large organisation, where internal disagreements and tensions might be more readily expected, both because of the number of people employed by the agency, and because of "organisational distance" between levels of the hierarchy and alternative functions. It was therefore unsurprising that the Therapist should, whilst stressing the common approach within her own team, question the degree of support for their particular style of practice from the national body. She felt that the agency was driven more by resource pressures ("It's down to what money there is") than by values or principles. "Needs are not necessarily addressed in priority order", she thought. Senior managers did not share the "therapeutic" orientation of team members. In relation to other agencies, she identified a common perspective with other child care voluntaries, notably NCH Action for Children; but she also identified tensions with the local social services department - who saw NSPCC as "arrogant", echoing earlier comments by the Team Leader.

Despite her own concerns about agency power, she had reservations about the current direction of child care policy generally. She felt that the government did not share her own perspective "in practice". Giving more power to parents could be "good", it could be "drastic". In her view:

"The Children Act should have been called the Parent Act".

The government was not committed to the UN Convention on the Rights of the Child, and had not got the balance right between children's interests and parents' rights. Public opinion was ambivalent, she felt.

For the Team Leader, there was a common baseline approach to sharing skills and seeking accountability to users, which, in his view, enabled differing perspectives to be shared constructively at team level. On the other hand, he was

clearly unhappy about the agency portraying children as "victims", denying them the potential to participate and determine outcomes. Despite these reservations, as a relative newcomer to the agency he spoke of his "relief" at joining NSPCC, because of its "commitment to anti-discriminatory practice and challenging oppression". He was pleased that "my own skills are valued, and I have a feeling of fitting in". Perhaps unsurprisingly, he contrasted this feeling of compatibility with his concerns about the local social services department, which he felt failed "to protect children adequately. Child protection issues are minimised at key management levels". The government was not sympathetic, in the Team Leader's view, despite its apparent emphasis on the value of "skills" and "competencies", which might be narrowly supportive of the NSPCC's belief in professionalism. In the broader sphere of public policy, the government's wish to "pathologise and undermine" people was destructive in his view. He also believed that public opinion was not supportive. He felt that the current pressure was "to lock up abusers and throw away the key", whilst he wanted the balance shifted towards a "non-criminalising model".

For the Area Director, there was substantial common ground within NSPCC; he perhaps identified a greater degree of consensus than did his colleagues. He did feel, however, that critical changes within the agency were yet to be put to the test. He believed that:

" the further away from day-to-day practice you are, preserving the agency becomes a greater preoccupation".

Where he differed quite sharply from his colleagues was over his perception of the local social services department (at county level, rather than the local office with which they were in regular contact), which he felt to be very much in line with his own thinking. He felt, however, that other agencies were less supportive. It seems that he was happier than his colleagues with the non-interventionist approach favoured by the local authority, citing with approval their very low figures for children on the "at risk register", and in care. In relation to government policy, he endorsed the concept of "partnership" emerging from the Children Act, but felt

that there was little real commitment to the NSPCC perspective - indeed, he wanted to see a greater acknowledgement "that family life is difficult and support is needed"; sentiments which could as easily have been expressed by respondents from FRG. The government had not properly recognised the weakness of the child's position either, in his opinion. He too felt that public opinion was ambivalent on child protection issues; supporting smacking, but taking a punitive view of abusers, for example.

At FRG, the Development Worker believed that her perspective was fully shared by other members of staff, and by the organisation as a whole. However, although some other agencies (some local authorities, large voluntary child care organisations) probably did share her views and priorities, others (other local authorities, health professionals) did not. "Experts dislike us the most", she observed. Looking further afield, she noted possible convergences and contradictions both in government policy and public opinion in relation to FRG's position. Indeed:

"Politically, FRG's work can be supported by the whole range of modern politics; for example, empowerment or individual responsibility".

In the public arena, she felt there might be tensions between acting on behalf of "the little person", and representing the interests of "undeserving families" - that is between discouraging state interference, and encouraging dependency. For the Legal Advisor, again, there was no question in her mind of the common bond between herself, colleagues, and the agency. However, she felt there was little agreement between FRG and local authorities. Interestingly, she saw quite a lot of common ground with PAIN, noting quite a number of "cross-referrals" between the two. She did distinguish between PAIN's "more aggressive" and "parent-focused" approach and FRG's concern to prioritise "child welfare and family support". In other words, in her mind, the two agencies could be distinguished on the grounds of differing orientations to the question of family support, possibly echoing the distinction between laissez-faire and birth family defender perspectives.

Interestingly, the Legal Advisor did not believe that the government shared FRG's perspective, precisely because the rhetoric of "family values" could only be "lip service" without the allocation of resources to back it up. Like others, she felt that public opinion was fickle in relation to child care.

The Director at FRG agreed with her colleagues about the consistency of purpose within the organisation. She felt that there had been changes in FRG's relationships with other agencies, so that while they did not always reach agreement, at least FRG was "listened to". The government, however, was seen to be hostile to FRG's position in two ways: firstly, the viewpoint of children themselves is not given much weight; and, secondly, "nothing the government has done in broader policy terms has helped families FRG works with" - parents were not being helped "to parent more effectively". In terms of broader public opinion, some aspects of FRG's approach would, she felt, be supported, such as the promotion of contact with separated children; whilst other aspects would not, such as the agency's attempts to "understand" abusing families, and its opposition to adoption. She contrasted a perceived public wish for "simple answers" with the complexity of FRG's practice. On the other hand, it was sometimes appropriate and necessary for FRG to be straightforwardly identified with the "parents' lobby".

At CLC, there was not quite this level of agreement about shared values within the organisation. The Legal Advisor felt that there had been some differences over the extent to which a "pure" children's rights perspective should be pursued. She felt, however, that such differences had narrowed over time, and that any remaining disagreements were more a matter of "detail" than of underlying principles. In relation to other agencies, she took the view that there was a degree of inconsistency of approach, with other organisations saying they supported children's rights, but often not following that through wholeheartedly in practice.

The Legal Advisor perceived a lack of clarity over the distinction between the "best interests" and the "rights" of the child. She also felt that there had been a trend towards promoting children's rights, but that, at the time of our interview, there were indications of a "backlash" emerging. She referred, for example, to government initiatives in the criminal justice field which helped to foster the impression of "wicked children"; thus, she felt that there was very limited

government support for the approach taken by the Centre. This trend was paralleled by a groundswell of public opinion turning against children, which conveyed an ethos of "control and containment", where, as she put it, "the net curtains are being pulled down".

The Development Worker was more convinced that CLC's staff and management committee shared a common purpose. In relation to other agencies, too, she felt that there had been a growing recognition of the importance of enabling children to realise their rights; reflected, for example, in the increasing number of local authority children's rights officers. "People seem to be glad CLC is around", she observed, adding that she felt personally "respected". On the other hand, she also felt that there was possible evidence of a backlash, for instance, in the current arguments about whether childminders should be allowed to "smack" children in their care. This evidence of a wavering commitment could also be seen in government circles, according to the Development Worker; and this was particularly apparent in the government's very lukewarm response to its commitments under the UN Convention on the Rights of the Child. Other government policies in criminal justice and education were also seen by the Development Worker as "retrogressive". For her, too, this developing trend was a reflection of public concerns. To support this observation she cited a phone-in programme she had recently heard, which, for her, "confirmed the hostility to the rights of children". In the context of this developing mood, it was, in her view, "a difficult time to be a children's rights organisation". The Advocacy Worker also felt that there was broad agreement about objectives between both team members, and management committee. She was also very positive about her recent experiences of collaboration with other agencies. However, in her view, differences of perspective would inevitably persist, although "debates are positive". She saw, too, some limitations in the kind of approach based merely on drawing up policies. "Lists of rights can be quite sterile, not necessarily the way of developing change within the framework of a broader society". She seemed to be saying that there was a risk of agencies developing policies which appeared "child-friendly", but which offered little practical help in adverse circumstances. In relation to government, she felt that there was no real sharing of perspective or commitment,

which she believed was borne out by its failure to appoint a minister with overall responsibility for children. However, she was less worried about public opinion than her colleagues. She spoke of being "often quite pleasantly surprised by the views of people I encounter". On the other hand, it was noticeable that "physical discipline is tolerated in this country".

It is noteworthy that there was a difference in agencies' perceptions of the broader public acceptability of their work, with PAIN staff generally expressing the view that their approach met with public approval, whilst at the other extreme, CLC staff were much more concerned about the tone of public debates which seemed to be turning against children. For both NSPCC and FRG the perception was one of public ambivalence. On the other hand, most respondents expressed concern about the approach to child care taken by public agencies, and indeed by the government, with only PAIN expressing limited approval of a gradual warming of relations with the Department of Health. It is likely that these perceptions of "the climate" in which the agencies operated themselves set some of the boundaries and constraints within which they worked. Thus, the impression of a shift away from children's rights and towards "partnership" with parents may well have been responsible for pragmatic policy decisions - such as CLC's "realism" about the level of genuine participation achievable for children.

Values and Aspirations

The final interview question sought to set respondents' aspirations in context by asking them what specific changes they would wish to see in order to be able to achieve their overall objectives. At PAIN, the Development Worker saw two main developments as important; the transfer of resources and effort from "Section 47 to Section 17" (of the Children Act), and the development of a true "partnership" approach. That is, that local authorities should move the focus of their work towards prevention, and away from statutory child protection proceedings; in doing so, they should promote the involvement of family members as true partners in service provision. The Family Advisor also focused on this specific issue. He argued that "Working Together" (Home Office et al, 1991) should be given the

force of law rather than being guidelines. The document might need some rewording, but "principles about the right of parents to be heard can be important". In this respect, he clearly believed that existing government policy was supportive of PAIN's preferred approach. In making this suggestion, he cited existing examples of what he considered good practice, observing that some agencies "would never consider excluding a parent". The Director itemised an extensive list of procedural improvements which she felt to be necessary, in children's interests, for instance the provision of helpful written information to families. She felt, too, that much greater attention should be given to the effects of "system abuse", that is the negative consequences of action to investigate allegations, and possibly remove children from their families. She also felt that families should be recognised, in principle, as "working in the best interests of their children", and supported accordingly.

At NSPCC, the Therapist mentioned a number of priorities: the challenging of gender stereotypes; greater freedom over when to compromise confidentiality; action to counter discrimination; and a stronger role for independent representatives for children. The Team Leader expressed a wish to move away from a criminalising framework to one which emphasised "preventive work and peer education". NSPCC's Area Director expressed a wish to see a different relationship between agencies and perpetrators of abuse, wishing greater openness from men, particularly about their own previous experiences of abuse; and, in some cases, to feel free to "ask for help" in dealing with their abuse of children. He cited European examples (such as in Holland and Belgium) where the priorities for intervention are not dictated by the criminal justice system, but by models based on more open disclosure and "treatment".

For FRG staff, the recurrent theme in looking to the future was money. The Development Worker wanted more investment in family support, that is, Part III of the Children Act. In her words: "The money is not there to make the Act happen". For the Legal Advisor, too, this was the key priority - as already noted, this issue was the source of much of FRG's frustration with the government. The Director, too, felt that more money would help, although she appeared to be speaking rather more parochially, in that better funding would specifically enable FRG to operate

from a "more secure base".

The Legal Worker at CLC said: "We need a new government and more money". The voluntary sector should not be shackled by the "contract culture", and should be freer to set its own priorities. For the Development Worker, however, the primary concern was not about money, but the "recognition of children as a separate group with legitimate rights". The Advocacy Worker bridged her two colleagues comments, by expressing a desire for better access to government, in order to be able to exert an influence - citing Norway by comparison, "where the doors are open".

These answers provide some confirmation of the variation in perspectives expressed by staff and managers in the four organisations. For instance, the focal point of concern for PAIN revolves around better procedures and the importance of effective partnerships in order to protect parents' and other family members' interests; whilst FRG emphasise much more strongly the need to invest in family support - thus, perhaps, crystallising distinctions between the two identified previously by respondents. CLC workers underlined their concern for children's rights, whilst NSPCC staff were concerned to improve child protection practices - thus offering some evidence of differing preoccupations between the two, despite their sometimes common use of the language of children's rights/children's interests. That these distinctions are not rigid should also be clear by now, however. Convergences, both of language, and also of underlying principle were evident - it was not simply a throwaway comment by the PAIN Director when she expressed a commitment to promoting the interests of children, for example.

Making Sense of "Values Talk"

These interviews seem to lead us towards a number of interesting conclusions, especially in the light of the previous analysis of the principles and practices of the organisations concerned. Firstly, it is undeniably true that respondents do see themselves and their agencies in quite distinctive ways. It is also clear that they identify themselves, approximately, to the value positions attributed to their agencies - although it must be observed that NSPCC staff presented a rather more eclectic picture of their practice than is perhaps evident

from the parent organisation's emphasis on child protection. The rights and interests of adults and children feature quite prominently in their answers, which may be symptomatic of a broader debate within the agency. Indeed, the earlier analysis suggested some evidence of tensions within NSPCC as a whole. NSPCC does seem to have undergone a process of "re-positioning" its work in recent years. For the staff concerned, this appears to represent a modification, rather than a rejection of the protectionist position, perhaps summed up in the Area Director's suggested name change for the organisation.

Secondly, the distinctive perspectives of the various agency staff are also apparent in the approaches to practice they describe. Whilst CLC staff accept that their pursuit of children's rights may not be "purist", it remains clear from their comments that they are committed to an approach based on participation and active involvement of children in decision-making which is clearly distinct from the practice approaches taken by other respondents. Equally, whilst points of common concern were acknowledged by FRG and PAIN, including the practice of "cross-referrals", both also stressed differences of practice philosophy and strategy, thus PAIN would typically intervene more exclusively in the area of investigation and assessment in cases of alleged child abuse.

Thirdly, agencies' perceptions of outside interests and influences do appear to vary depending on the nature of the organisation. CLC staff, for example, were the most concerned about the apparent "backlash" against children's rights (see, eg, Ivory, 1993; Hodgson, 1994), with associated threats to their own funding and the risks of pressures to compromise their approach. This may partly be a consequence of the vulnerability of being relatively small, but these threats were not perceived quite so acutely by either PAIN or FRG, who both nonetheless spoke of their concerns about the "influence" exerted on their practice through funding agreements.

Finally, in identifying current problems and future aspirations, the agency staff once again tended to pursue arguments consistent with their agencies' favoured perspectives. Thus, FRG staff spoke with one voice about the need to increase funding for family support services. NSPCC respondents were concerned to move away from a legalistic and authoritarian approach to child protection, and

hoped for the development of a greater range of less "oppressive" treatment methods. Despite their motivations, which were not in question, the implicit threat to legal safeguards might have raised concerns amongst other respondents here. CLC staff put forward a number of practical proposals for securing a greater commitment to children's rights, very much focused on changes in national policies and priorities.

Before drawing the straightforward conclusion that agencies and practitioners in child care can easily be classified according to a simple menu of basic "value positions", we should perhaps consider one or two cautionary notes. It is by no means unusual, for instance, for the agencies under consideration to find common ground in pursuit of their unique concerns. Thus, FRG and PAIN shared concerns about the rights of parents and other family members; FRG and CLC joined forces against NSPCC over calls for the incorporation of a Child Assessment Order in the Children Act (see also, Parton, 1991); NSPCC and CLC share common concerns about "putting children first", although they might differ about the implementation of that principle. The interviews revealed, for instance, that while CLC staff were very concerned about the ethics of responding to requests made by adults on behalf of children, NSPCC staff saw considerable merit in working with and through parents in order to serve the best interests of children.

It might perhaps make some sense to draw the inference that these agencies could be characterised primarily by their allegiance to a specific "value position", but that the realities of policy and practice, the difficulty of attaining a "pure" form of practice, and the internal tensions inherent in each perspective combine to ensure that their approaches and objectives must be flexible and negotiable within the outer limits established by the perspective itself. This point is perhaps borne out by consideration of the position of "hybrid" organisations, those which by historical accident or choice (usually in the voluntary sector), or by statutory or professional duty (usually local authorities) pursue more than one central objective. Thus, for example, The Children's Society is a voluntary child care organisation which includes in its portfolio child protection projects, family support services, and children's rights teams, which it might be assumed would necessarily adopt different styles of work, originating from different operating

principles.

Similarly, local authorities are charged with protecting children, providing support for children in need, enabling children (and parents) to exercise their rights (to participate in decisions and to make representations), and, indeed, to promote family autonomy. These requirements are, of course, enshrined in law by way of the Children Act 1989 and other legislation; and, they inevitably pose very real operational difficulties and ideological tensions. Reports of the implementation of the Children Act, and associated criticisms, have indicated how these various and potentially competing responsibilities have been discharged, revealing some "faultlines", for instance between protection for children "at risk", and support for children "in need" (Audit Commission, 1994).

Aside from these unresolved issues, our programme of interviews has also revealed a number of other lacunae, which pose difficulties to any over-simplistic analysis. There is, for example, an interesting variation in the treatment of gender issues amongst our respondents, with both NSPCC and PAIN indicating a degree of sympathy with alleged male perpetrators of abuse, whilst FRG respondents expressed a certain amount of hostility to this group. Does this perhaps fit in with the "patriarchal" perception of the laissez-faire position, and the "paternalist" associations of the child protection perspective, or is this too simplistic? Does it perhaps also imply that we might expect feminist sympathies amongst those taking the birth-family defender viewpoint? On the other hand, of course, feminists have themselves been quite critical of "the family", at least in its patriarchal form (see, eg, Barrett and McIntosh, 1982)

Race issues, too, appear to pose some analytical problems. NSPCC respondents expressed their concerns about being able to offer a service which was genuinely ethnically-sensitive. On the other hand, both FRG and CLC interviewees noted the significance of discrimination as a factor in some of the cases in which they were involved. Can we infer that the adoption of one or other value position enables practitioners better to provide anti-discriminatory child care services? How does this possibility square with Barn's (1993) argument that agencies intervene both too little and too much with Black families? Perhaps a more appropriate conclusion is that anti-discriminatory practice is an essential

element of any approach to child welfare, and that any perspective which sets limits to this should therefore be called into question.

These issues raise both methodological questions about the form of analysis adopted, and, indeed, normative questions about the choices which we all, ultimately have to make about our own preferred values and practice orientation. Indeed, the question is raised as to whether, in opting for a particular approach to child welfare, we will be seen to be making a political choice, or simply pursuing what we believe to be the best form of practice in a narrower, technical sense. Despite these cautionary notes, it is tentatively suggested here that there is considerable value in attempting to analyse and classify child care organisations through the application of an analytical framework based on the concept of "value positions". Firstly, it is possible clearly to identify recurrent themes and practice debates by adopting this kind of approach. This should be of some value, both in helping the organisations concerned to clarify their thinking, but also more generally in the search for working compromises which offer the best possible syntheses of child care perspectives. If PAIN acknowledges that child abuse is a genuine problem, and NSPCC recognises the value of working with and "empowering" parents, whilst retaining their distinctive underlying principles, than "working together" may be a real possibility.

Secondly, the application of our chosen framework should enable us to draw definite conclusions, about developing alliances and changing historical trends in child care. The sense of a "backlash" against children, the feeling of growing support for parents' rights, and the general lack of practical help for families are all messages which come across strongly from the series of interviews. So, too, does the evidence of a struggle within NSPCC to adapt constructively to new circumstances, and changing expectations. This, it might be suggested provisionally, indicates some value in an analysis based on Weberian "ideal types".

9

Values and Practice - A Route to Understanding?

Putting value positions to the test

Previous chapters have attempted to apply a typology of child care values to policies and practice. In undertaking this project, two key questions have been addressed - firstly, does the approach adopted help us to understand child care issues; and, secondly, what have we learnt about the relationship between values, policy and practice in child care?

This chapter will concentrate on answering the first of these questions. Thus, its focus will be conceptual and methodological, rather than analytical. It will be concerned with testing the validity and worth of the methodology adopted, leaving substantive questions about the state of child care to the conclusion. Having established a framework, based on the idea of "value positions", this study has considered possible applications of this framework in a number of contexts, including the recent history of child welfare, political debates about provision for children, and organisational philosophies and practices. In taking this approach, the study has, hopefully, revealed some insights into what has been happening in child care; but it has also, in effect, been testing the methods applied. The potential and possible limitations of a value-based framework were explored in the initial chapter, and the tentative conclusion was drawn that the analytical strategy under consideration might provide an effective entry point to a detailed understanding of trends and developments in child welfare. Having attempted to pursue the study along these lines, we are now in a position to make an assessment of the chosen methodology.

It was argued initially that the four "value positions" represented a form of Weberian "ideal type", from which could proceed categorisation and classification of particular social phenomena. This, in turn, could provide the empirical basis for analysis of debates and developments in child welfare. It was acknowledged that ideal type methodologies could be open to criticism, as could the specific approach proposed in the present study. However, it was also suggested that most of these criticisms could be anticipated, assimilated into the research design, or refuted. It

was on this basis that the ensuing detailed analysis was undertaken, and on which it must now be evaluated.

The claims made for "value positions" are that they provide a valid basis for categorising distinctive ideological approaches to child care, for projecting practice orientations based on these philosophies, for exploring and understanding dissonances between particular ideas and practices, for understanding the commonalities and conflicts between different perspectives, and for explaining the consequences of these varying influences and trends in child care outcomes. Kalberg (1994) locates these varying elements within a Weberian analytical framework, describing the interaction between "action orientations", and the "affinities" and "antagonisms" between distinctive positions, in the form of complex "conjunctures" of different social forms and developmental trends. A practical example of this kind of approach is developed, for example, by Hardiker and her colleagues (1993a). They argue that the matrix of interventions and target groups they have developed is a "useful heuristic device", providing a basis for understanding the choices made by social work practitioners and their agencies in delivering child care services. Such an approach enables researchers to link child care practice to political ideas and influences in a fairly direct manner. Thus, for example, residual models of practice can be associated with a philosophy of limited state intervention and the free market. We might expect that at a time when right-wing residualist ideas prevail, and suspicion of the state is widespread, there would be evidence of a shift away from all forms of intervention other than in extreme cases, where draconian measures are taken, primarily to maintain effective control. Such limited intervention as is undertaken under these conditions is essentially characterised by the features of authority and containment.

Althusser (1971) has written in rather programmatic terms of "repressive state apparatuses", amongst which he categorises a number of formal institutions, including churches and welfare organisations. Similar characterisations have of course been offered of the social work project as a whole (see, eg, Simpkin, 1978), but a functionalist view of ideology, practice and their interrelationship has its limitations. There are risks in allowing the theoretical development of the "pure" form of a particular state formation to become restrictive. Kalberg, for example,

argues that Weberian analysis eschews monocausal or strictly historicist forms of analysis. Such analyses, indeed, have considerable difficulty in accounting for change, or even conflict, in that a structure, repressive or not, which determines outcomes, might be expected simply to perpetuate itself. This kind of analysis is also poorly equipped to account for differing levels or dimensions of influence. That is to say, simply because one theory or ideology is powerful, and perhaps even dominant, it does not mean that there is no room for contradictions, alternative perspectives or even outright opposition. The notion of "street-level bureaucracy" (Lipsky, 1980), for instance, is of some value here, as are other accounts of occupational practices, where participants create their own "space", and to some extent redefine organisational functions and outcomes (see eg, Pearson, 1975; Department of Health, 1991d). Kalberg (1984), too, following Weber (1930), explains the importance of attributing different weighting to varying elements of any particular "conjuncture" of social forces. It appears that we must be careful, then, not to take "ideal types" as fixed points, in assessing their role in influencing patterns of social reality and social change.

Marxists have also criticised those like Althusser who have adopted monocausal, structuralist approaches. Gough (1979), for example, goes into considerable detail to explore the inherent tensions, and the different strands of practice in state welfare. He would argue, therefore, that there is a difficulty in drawing straightforward conclusions from the apparent dominance of a particular "value position". Translating these conclusions into the present context, we are given grounds to be cautious, for a number of reasons. We must be wary of translating the notion of a "value position" in child care from an analytical tool, with no necessary empirical representation, into a fixed point, which then offers no leeway for developing an analysis of interactions, and variable influences, which themselves lead towards a diversity of outcomes.

A number of points must be stressed. Firstly, value positions themselves are representations, and thus likely to be, in some respects, arbitrary. Weber puts considerable stress on the fact that they represent the choices and preferences of analysts or researchers, who themselves import their own "meanings" to the judgements they make:

"The one and only result which can ever be achieved by empirical, psychological and historical investigation of a particular value-system, as influenced by individual, social and historical causes, is its *interpretative explanation*." (Runciman [ed], 1978, p.80)

For instance, Harris and Timms (1993) observed that some authors might be "surprised" to find themselves associated with a particular perspective by Fox Harding.

Secondly, the dominance of a particular perspective cannot be taken as read. For instance, Weber's analysis of charismatic authority demonstrates its inherent "instability" (Runciman [ed], 1978). Interactions between varying factors and the effects of mutual influence must be observed and analysed.

Thirdly, and as a consequence of this point, practice outcomes may not follow straightforwardly from values. Other factors, such as material circumstances, tradition or culture (Kalberg, 1994), must be taken into account.

And, fourthly, we must develop a framework which enables us to understand and account for change. Thus, in adopting an approach based on the use of value positions as ideal types, we must be wary of constructing a one-dimensional or stereotypical picture of a shifting and variegated social reality. This was not Weber's intention, as Kalberg's reconstruction of his methodology makes perfectly clear. Weber's own words seem to support this point:

"Just because of its internal coherence, however, this ideal *pure* form is perhaps as little likely to be found in the real world as a physical reaction calculated on the assumption of an absolute vacuum. It is only with such *pure* or 'ideal' types that the more subtle sociological distinctions can be drawn." (Runciman [ed], 1978, p.23)

Value positions and child care histories

The present analysis begins with a review of post-war developments in child care. At first sight, the period from the late 1940s to the early 1970s appears as a period of unbroken consensus over values and practice, in child welfare, as in

many other areas of social policy. Thus, the common view, amplified by a number of well-qualified observers (eg, Heywood, 1978; Packman, 1981; Parton, 1985; 1991), is that for nearly thirty years the belief that family support should be the central plank of child care policy and practice was in the ascendant. This is held to have been the case despite significant social and economic change over this period (Marshall, 1970; Ditch, 1991), and the fact that governments of different political persuasions held power at different times during this era.

Closer analysis, however, has indicated shifts in policy and practice within the period in question which are not easily accounted for by a consensual mode of analysis. Questions are also raised as to whether apparent consensus at the level of ideology and policy could be assumed straightforwardly to find itself echoed in practice "on the ground". Examples of this would be the initial (post-1948) increase, and then the steady maintenance, of the numbers of children "in care"; changes in the nature of policy and practice in specific areas, such as fostering; and "breaks" with the past, such as the explicit recognition of the need to provide practical support for families in difficulty introduced in the 1963 Children and Young Persons' Act. Trends such as these, representing conflicting trends within the overall picture, may not have totally invalidated the perception of consensus, but they do argue for more detailed understanding, particularly if we are to develop a sophisticated understanding of emergent trends, and possible transformations. This perhaps requires a greater degree of sensitivity towards ways in which differing perceptions and dynamics are reflected in practice developments, and in which outcomes deriving from these "conjunctures" do, indeed, represent "messy compromises", or "uneasy syntheses".

Packman's (1981) analysis of post-war developments points implicitly in this direction, through its description of the particular observable tensions between the 1948 Children Act with its emphasis on improved "care" facilities, and certain other policy developments designed to promote better support for children within their families. These tensions subsequently provided for a simultaneous growth in family support initiatives, and in the use of care facilities for children placed away from their natural families. Packman (1968) also comments upon a quite striking diversity of practice between different local authority areas.

Not only do we see parallel, and inherently contradictory developments here. We may also be able to discern important messages about how different elements of child care were managed in the midst of this diversity. Thus, the way in which interventions were managed in this period points towards a compromise between principles of family support, on the one hand, and, on the other, rather paternalistic beliefs about the need both to protect children's interests, and to oversee parental behaviour in cases giving cause for concern. Social work support for families appears to have been quite a "moral" enterprise at this time, incorporating elements of "guidance" to parents, as an integral part of family support (Wootton, 1992). On the other hand, residential care was characterised by an emphasis on recreating "family" surroundings. So, the two types of approach to child welfare appear to have "borrowed" elements from each other, almost in order to compensate for what they were unable to offer.

Fostering, too, appears to have been characterised by a struggle to incorporate this kind of contradiction. Holman's effective analysis of "inclusive" and "exclusive" fostering is instructive here, because it seems to crystallise the differences of philosophy evident in post-war child care practices. "Exclusive" fostering is identified with an approach which equates the child's best interests with the notion of "permanence" and stability, but has no concern for biological family ties. Thus, birth parents would not routinely be included in consultation or preparation for their children's placements in foster care, and continuing contact between them and their children would not be positively encouraged, being seen as potentially disruptive of new family relationships. Inclusive fostering, on the other hand, recognises, and even promotes existing ties between the child and biological relatives. Thus, partnership with parents would be encouraged, the continuation of their parental role would be promoted, and continuing contact enabled; rehabilitation of the child would not be ruled out. Birth family ties would thus take precedence over the pursuit of "permanent" alternative forms of care. According to Holman (1975), the period up to the early 1970s actually witnessed a progressive shift of emphasis, away from exclusive forms of fostering, towards approaches based on inclusion, and partnership with birth parents. In other words, far from being a period of stasis, this was a time of changing emphasis, and

strengthening support for the birth family. It was only the Maria Colwell case, with its direct challenge to the inclusive philosophy which saw this trend questioned, and perhaps reversed. Even this is not entirely clear, since other parallel developments still retained an emphasis on the importance of including birth parents in fostering arrangements (Departmental Committee on Adoption, 1972; Working Party on Fostering Practice, 1976). This kind of analysis enables us to characterise the changes witnessed in a rather more subtle way than the simple reversal of an established consensus. Rather, emerging assumptions were questioned in the light of other perspectives which continued to exercise some influence, because of a combination or coming together of political interests (eg the concerns of a senior politician such as Keith Joseph), professional groupings (eg NSPCC, and the newly-formed social services departments), and the broader public and moral climate (eg the publicity surrounding child abuse cases). Thus, Joseph's paternalism, expanding professional empires, and generalised public concern generated the climate for increasing levels of prescriptive and directive forms of intervention at this point in time.

It may therefore appear that too rigid an application of the framework offered by "value positions" might then lead to certain contradictory errors of understanding, if applied to post-war practice in child welfare. We might thereby fail to identify the continuing strength of the child protectionist perspective, represented in practical terms in the persistence of the use of statutory care, and in the moral tone of much intervention, as noted by Wootton (1992). It would also lead to a lack of clarity about changes in the strength of commitment to the "natural" family. The suggestion that support for the birth family dominated thinking in the post war period is a fair portrayal of the outcome of the conflicting trends identified. On the other hand, simply to content ourselves with that conclusion would be to gloss over these tensions, rather than to develop a deeper understanding. For instance, the resurgence of paternalistic child protectionism in the early 1970s is more intelligible once it is recognised that such views persisted, both in ideological forms, and in practical outcomes, in the preceding period (see, eg, Donnison, 1954; Wootton, 1982). We can thus account more readily for the ease with which such ideas were reactivated in the light of a significant "trigger"

event, such as the death of Maria Colwell.

It is also perhaps feasible to argue that the persistence of a range of value positions allows professionals in the field to accommodate their descriptions of what they do to new developments, possibly to a rather greater extent than practice itself actually changes. This, in turn, may account for differences of approach existing side by side within an apparent consensus - thus, we find the term "partnership" the subject of a considerable range of interpretations in the accounts of interviewees from different agencies (Chapter 7). As already discussed, too, the creation of a "family" ethos in children's residential care after the war (with homes staffed by "houseparents", and often headed by a married couple) had the effect of bringing that essentially protectionist model of intervention into line with the prevailing philosophy of support for an idealised vision of family life. An analysis based on "value positions" must develop sufficient fluidity to accommodate such apparent disjunctures between ideology and practice; we will return subsequently to the question of whether or not it is equipped to do so effectively.

Having considered the application of an "ideal type" analysis to a period of apparent consensus, and relative consistency of practice, we can now turn to a rather different era, the 1980s. This has already been described as a period of conflict and confusion in child care; we might reasonably ask whether an analysis based on specific positions works in this context of apparently rapid change. We have already noted that Fox Harding, for example, has some difficulty in drawing out common themes from the events of the 1980s. This is not of course to invalidate her chosen methodological approach, since the lack of coherence identified may in fact be a quite realistic representation of the period in question. Indeed, the use of "value positions" as an organising concept does allow us relatively easily to identify opposing "camps" in policy and practice in the 1980s. It is, for example, not unreasonable to exemplify the laissez-faire position as one consistently adopted by government ministers throughout that decade. Both the Prime Minister, and successive Ministers of Health, were heard repeatedly to cast doubts on the value of state intervention, and to endorse the sanctity of family life (Fitzgerald, 1987).

Equally, however, there is clear, if not quite so consistent, evidence at

various times of the continuing strength of child protection as a recurring theme in child care debates, not necessarily within overtly political spheres, but in the actions and strategies of child care practitioners, their agencies, and influential commentators (eg, Louis Blom-Cooper, who chaired a number of key child abuse inquiries - London Borough of Brent, 1985; London Borough of Greenwich, 1987). Demonstrable examples of this might include the burgeoning use of Place of Safety Orders, particularly noticeable in the aftermath of highly publicised child abuse enquiries in the middle part of the decade, even though Blom-Cooper, for example, had criticised their use. In addition, growing awareness of child sexual abuse, perhaps culminating in the events in Cleveland in 1987, encouraged an increasing willingness to intervene in family life to protect children, often in new and potentially controversial ways. Of course, this represented a particularly direct potential challenge to proponents of laissez-faire views, in the sense that it necessitated active intervention to stop abuse of children taking place within the family, thereby threatening deep-seated beliefs in the sanctity of family life, and, indeed, represented a threat to male dominance of the family (Campbell, 1988). That this should provide one of the key child care battlegrounds of the 1980s is perhaps unsurprising.

Other perspectives, too, can be discerned in developments in child welfare during the 1980s. Changes in government guidance on parental access to children in care (DHSS, 1983), and the extension of parents' ability to challenge local authority decisions can be seen as extending the rights of birth families. This trend is also evident in the pronouncements of the House of Commons Select Committee (the Short Report) on child care. Emerging practice developments, such as the growing number of family centres, were also evidence of growing support for the idea of promoting childrens' upbringing by birth families. Despite this, even here there are differences of approach revealed, which can be assessed to fall into different categories - some being quite "treatment" oriented, and others being more concerned to provide a broader based range of services to support families (Cannan, 1992).

In addition, the "pink book" issued by the Department of Health and Social Security (1985b) put its weight behind an emerging consensus amongst academic

researchers that not enough was being done to involve and support parents in child care decision-making and service delivery. The needs of parents and other family members seemed to be accorded low priority in professional thinking, and this came in for strong adverse criticism. There was thus strong official support for the idea of supporting birth families, and maintaining children within their families of origin, even where relationships had temporarily broken down.

Children's rights as a philosophy exerting direct influence on practice has, according to Fox Harding, been less evident in the child care arena, although she believes it to be a principle exciting growing interest. During the 1980s, the provisions of the 1975 Children Act, allowing for the appointment of Guardians ad Litem to represent children's interests, were implemented. The Children's Legal Centre was established, with government funding, and encouraged to give a direct voice for children and young people in decisions affecting them. In addition, important court rulings, notably in the Gillick case, appeared to recognise and emphasise the distinctive interests of young people. Thus, it might be argued, the 1980s offer clear evidence of the development of the children's rights perspective as a distinctive influence on child welfare, and child care decision-making.

To summarise then, value positions can be used helpfully to distinguish and describe parallel trends in child care during the 1980s. However, they may be less useful in providing explanations of particular outcomes, for instance where trends or interests conflict, as between laissez-faire and child protection, in the case of the Cleveland controversy. The apparent dominance of the laissez-faire philosophy in the hands of an ideologically-driven government might suggest that this viewpoint would straightforwardly prevail. On the other hand, child protection retained its place in the subsequent legislation (the 1989 Children Act), and remained central to child care practice in statutory agencies (Gibbons et al, 1995). A monocausal analysis derived from the dominance of a particular value position could not readily have predicted this outcome.

Nevertheless, the latter part of the 1980s did see a substantial reduction in statutory intervention. This can be attributed, in part, to a reduction in funding available to social services departments, although even this has been disputed by government; it could also be attributed to strategic decisions by practitioners trying

to accommodate laissez-faire and birth family support perspectives into their practice. This may, therefore, have represented something of a retrenchment. Child protection retained a significant, but limited, role in service provision to meet the needs of children, but it had also become more closely attuned to the laissez-faire argument that decisive intervention should only be undertaken in extreme cases. Of considerable interest in this context is the interest evident in the 1980s in the concept of "dangerousness" (Dale et al, 1986), and the classification of some (but a very few) families as representing a clear and direct threat to their children (Parton, 1991).

The array of developments during the 1980s certainly creates analytical problems. At the same time as child protectionists attempt to extend their "power to act" into the sphere of child sexual abuse (and such cases did indeed become a much more significant proportion of child protection caseloads), the legitimacy of this position was challenged by laissez-faire proponents, on the grounds that social work agencies were too willing to interfere in family life (and while they were simultaneously criticised for not intervening in a number of high profile cases). Commitment to supporting birth families was emphasised as services to help families remained continually under threat of reduction. Children's rights were promoted, but their voices were barely heard at times of high controversy, and little was spent on realising this theoretical commitment, beyond very limited funding of the Children's Legal Centre.

To move beyond description, explanations must be based on an understanding of interactions between "value positions", but also of the context of developments in child care during the 1980s. An understanding must be developed of different "levels" of change. The economic climate, of spending constraints on public services, partly, it must be noted, informed by the Thatcherite philosophy of rolling back the state (Gamble, 1988), must be noted as an additional factor in contributing to restructuring and reorientation of child care services. Equally, as already observed (and see Fraser, 1989), the latitude available to practitioners to reframe and redesign their own work is important as a basis for understanding the way that child care services themselves accommodate and "mediate" the changing economic and political context. Of course, even the political context itself is not

clear cut. We have already considered recent political debates (Chapter 4) in the light of the identified value positions, and we have been able to conclude that, even here, the outcomes of those debates represent a process of negotiation and accommodation between positions, albeit allowing for the contingent strength of particular arguments in favour of laissez-faire ideas.

Value positions and policy

Significantly, the arguments of government and opposition politicians were fairly flexible during debates on the Children Act. This was an area of legislation where there was widespread agreement that the welfare of children should not be over-politicised, and this indeed accounted for the legislation being introduced first into the House of Lords (which is conventional in the case of legislation which is seen as relatively uncontentious). We have also noted previously the almost totemic use of the term "balance" to try to mobilise support for particular provisions of the Act. In addition, we have observed several elements of broader Conservative philosophy reproduced in comments by ministers and their political colleagues, but these in turn can be observed not always to be consistent with each other. Thus, a commitment to leaving the family well alone, a generalised belief in supporting "the family", and a "one nation" paternalistic view of parental responsibilities are all found to be represented at different points in Children Act debates. It may well be in recognition of these potential dissonances that the search for some form of accommodation becomes so significant, and "balance" appears as a recurrent theme.

It is not just on the Conservative side that these inconsistencies are apparent, however. For the Labour opposition, too, there are clearly different strands of opinion represented in child care debates. Support is to be found for extensive intervention to support families, alongside a strong belief in an active role for the state in protecting children. Other voices were heard to support the laissez-faire perspective (Stuart Bell, MP), and children's rights (Baroness David). These perspectives are not necessarily complementary, of course, and here, too, there is evidence of a search for "balance" in the final shape of the legislation.

Parton's (1991) account of the arguments surrounding the Child Assessment Order,

which was eventually incorporated into the Children Act (Section 43), is a good illustration of the way some of these struggles between competing principles were played out in the formulation of the Act. Of course, the conclusion to this episode is of interest too, in that it conveys a clear illustration of the way the eventual compromise agreed in Parliament incorporates elements of differing perspectives (rendering the final outcome almost unworkable, according to some, notably amongst child care practitioners - see eg, Hunt, 1993).

This kind of outcome is not simply attributable to a balancing exercise, whereby different perspectives are weighed against each other to produce an objectively reasonable composite outcome. Harris and Timms (1993) are critical of Fox Harding in stressing this particular point. In their view, she employs the concept of balance as a convenient additional theoretical construct, largely to compensate for the shortcomings of an analysis based simply on a static representation of child care perspectives. They argue that the idea of balance, or compromise, is simply unworkable as an explanatory tool. This argument does appear to have some merit, because the application of these ideas to competing viewpoints offers few clues to the actual substance of eventual outcomes. Why, indeed, should a particular "balance" between competing principles be agreed? The problem of finding explanations is simply deferred, rather than resolved. It is important to broaden our analysis to gain an understanding of the varying strengths of opposing viewpoints, the political and organisational contexts, and the context in which they come into conflict. Returning to the question of the Child Assessment Order, for example, we must seek an explanation for an outcome which represented a form of compromise, but ran counter to a strongly argued government position against extending the range of statutory powers of intervention. In this particular case, it would seem, the government felt able to concede this additional power, so long as it incorporated clear protection for parental rights, remained of limited duration (too limited, indeed, to achieve its ostensible purpose), and only applied in cases where there was evidence that children may be at risk. In the same way, obligatory support services to families were effectively limited to situations where children were "in need", and thus qualified for paternalist forms of parental guidance. These examples share the

government's general principle of limiting state intervention only to those cases where individuals or families manifestly fall short of normal, acceptable standards. At the same time, they represent an accommodation with other viewpoints (child protection and birth family defender) which share a more positive view of the value of state provision, despite mutual differences in other respects.

Of course, in some cases, balance is not achieved. For instance, the government adamantly refused to amend its position on parents' rights to remove children from voluntary accommodation without notice, and at any time, despite the concerted efforts of the opposition in parliament, and, perhaps more significantly external lobby groups including the ("birth family defender") Family Rights Group. In the government's view, the gradation of interventions meant that there could be no hint of compulsion short of a court order, and that administrative bodies such as local authorities should be denied the power to alter the formal substance of the child's relationship to other family members. This outcome cannot easily be explained by reference to a process of compromise. In fact, it appears that the government's commitment to limiting state intervention in family life was non-negotiable at this point, probably bolstered by its belief in the courts, and formal legality, and by its hostility to local authorities, often of different political persuasions. It is interesting to note here, that the government's position was not entirely consistent with the *laissez faire* position either, in that this perspective would not readily support an active role for parents following state intervention, in those few cases which might warrant it. Voluntary accommodation of children subject to parental veto might itself be seen as the product of an ideological compromise, between *laissez-faire*, child protectionist, and birth family defender perspectives.

We have observed, then, how drawing on the idea of "value positions" is of considerable use in defining and categorising arguments deployed in policy debates. It is less certain that they provide a straightforward route towards understanding the outcomes, both in policy and practice, of such debates. The notion of balance provides limited help in understanding how some compromise positions might appear more attractive to adherents of different views, as in the case of the Child Assessment Order, but the specific form of those agreements

must be viewed in the light of the relationships and processes underpinning them. Kalberg (1994) very helpfully develops this line of argument in his discussion of Weber's methodological approach. In his view, Weberian ideal types can only provide an effective aid to understanding if they are integrated into a broader explanatory framework. This ensures that the rather static and frozen characteristics of ideal types, or value positions in the present instance, can be related to the real and changing historical circumstances to which they are applied. In Kalberg's view, this moves Weber's methodology away from the idealism of which it is sometimes accused, and ensures that the shortcomings of functionalist or monocausal analysis are avoided:

"Weber's comparative-historical sociology exerts a strong barrier against the practice...of elevating a limited number of - or even single - factors to positions of general causal priority." (Kalberg, 1994, p.158)

Value positions and practice

Returning to the present study, the interpretations and implementation of the Children Act can be characterised in terms of the different value positions. We have already noted how early accounts of outcomes have illustrated the relative strength of different perspectives in the implementation process. It would appear that the initial reduction in the use of statutory proceedings (Department of Health/Welsh Office, 1993; 1994) does represent a strengthening of the influence of laissez-faire arguments, on the one hand, and at the same time the development of the view that services should be provided in partnership with families, on the other (Hardiker, 1994b). The associated decrease in the use of emergency procedures to protect children also appears to be confirmation of this development. It is unlikely that this represents a direct consequence of changing family circumstances or parental behaviour - other factors such as family disruption, stress and poverty might indeed point in the opposite direction (Smith, 1995a).

Equally, we have noted the considerable activity in the area of family support, and help for children "in need". The extensive Children Act guidance (Department of Health, 1991c), and associated publications (Gibbons [ed], 1992;

Audit Commission, 1994), the development of explicit local authority policies for supporting families (eg, Croydon Social Services Department, 1994; Northamptonshire Social Services Department, 1994), and attempts to promote services for the under 8's are all examples of this kind of development (see also, Audit Commission, 1994). However, we have also noted the contradictory pressures imposed by spending constraints, and competing priorities in the area of child protection.

Indeed, these contradictions were borne out by the contrasting evidence emerging from the adaptation of statutory agencies to the new legislative context after October 1991. There were thus examples of defensive measures to limit service pressures, for example through the drawing up of "hierarchies of need", which simply reinstated children at risk of or actually suffering ill-treatment at the top of the list (Social Services Inspectorate London Region, 1992). In this way, child protection re-emerged as probably the central element in the planning and delivery of local authority child care services. This is an important finding, because it shifts the focus of analysis away from the question of "balance" at the level of policy between fixed positions, and towards an understanding of the power of professionals, albeit acting defensively, to renegotiate policy and priorities in child care, even in a context increasingly hostile to the child protectionist position. Practice is being renegotiated in the light of changing ideological demands, but these demands are also subject to modification in the process. Once again, we are led to conclude that value positions must be seen as an aid to understanding, rather than as a direct representation of the reality of child care.

Further support might be found for this conclusion from other evidence to emerge from the implementation of the Children Act. There have been a number of high profile cases where children have initiated actions on their own behalf under the terms of the Act. This has led to lurid headlines of the "Girl Divorces Parents" variety (see, eg, Daily Mail, 2.12.92). These cases have been few in number, but they have generated substantial media comment and public debate. They do represent the consequences of the stronger commitment to the rights of children incorporated into the Children Act. They also, therefore, represent potentially a growing legitimacy for the idea of the independence of the child's interests and

wishes. On the other hand, the "sensationalist" nature of the resultant publicity, and the hostility expressed in some quarters (Daily Express, 31.10.92; The Times, 13.11.92), do suggest that acceptance of the idea of children's rights is limited, at best. In this instance, the "balance" arrived at by the Children Act faces modification in the face of broader resistance (see, eg, The Times, 18.11.92). It is by no means the case that children's rights are gaining broader social acceptance, although there may have been some "evolutionary" progress (Houghton-James, 1993). Indeed, this seems to be an area where two strong ideological themes come into conflict with no clear resolution: the sanctity of the family, and the rights of the individual.

Once again, we might conclude that the notion of "value positions" is extremely helpful in disentangling the various elements in the implementation of the Children Act. We are able, on this basis, to identify potential alliances and conflicts, in Weberian terms "affinities" and "antagonisms". This development is helpful in enabling us to understand the negotiated nature of outcomes in the Children Act implementation process. It enables us to recognise that interests and activities may in fact be aligned across the implicit boundaries between distinctive perspectives. Thus, for different reasons, supporters of children's rights and laissez-faire positions will both see an advantage in the establishment of a stronger role for the courts in determining child care issues. Both will argue that the legal framework will prevent the encroachment of arbitrary decision-making, limit the power of professional interests, and protect the rights of individuals.

On the other hand, both child protectionists and supporters of birth families could advocate a more active role for the state, on the basis that this is the best way to secure practical help for children in need. They will want such intervention to take different forms, but both will support enhanced state funding for child welfare. These potential or actual alliances can be illustrated by reference to the diagrams developed earlier (Chapter 1), which show the inherent potential for the development of understandings and collaboration between a range of perspectives along a number of different axes.

Thus, a range of alliances may be detected at different times, depending on shifting priorities and changing circumstances. Indeed, the strengthening of

emergency protection procedures may be seen as a form of accommodation between proponents of laissez-faire views, and those seeking to maintain adequate levels of protection for children. The grounds for intervention are extended, in that future risk can be taken into account, but the level of protection against arbitrary and unsupported intervention is also enhanced. Consensus is thus achieved on the mechanism by which emergency procedures operate, whilst disagreements will persist over where and how they are used.

There appear to be two forms of alliance operating here: those which are positive, in the sense that they operate to the benefit of all parties, and those which are limiting, in the sense that they set mutually acceptable limits to practice. We may infer, then, that an understanding of the Children Act and its implementation depends upon building up a picture of the interplay between perspectives, rather than simply a static portrayal of fixed value positions.

Value positions, agencies, and practitioners

Finally, the substantive element of the present study turned to the question of the relationship between values, practice and the distinctive child care organisations identified. It was concluded that it was possible to distinguish these organisations, both in terms of their professed values, and their orientation to practice, and that they could, indeed, reasonably be characterised in terms of the four value positions. We found confirmation for this in the specific activities of the organisations, and in the views of staff and managers. Thus, for example, child protection remained at the forefront both of the published views, and of the attitudes and practices of staff of the NSPCC. It was interesting to note the adaptation of the agency to emerging ideas and principles such as children's rights; as well as the clear orientation of staff towards working with and supporting adult family members. However, it was also concluded that the core commitment to the protection of children was undiminished (see, eg, the NSPCC press campaign of December, 1994, entitled "A Cry for Children"), being only modified to accommodate new ideas and changing circumstances. This commitment outlasted strong laissez-faire messages from central government, and direct criticism of the

agency's practice in some cases (eg, in relation to its approach to satanic abuse, and its role in specific cases, such as in Rochdale - Howitt, 1992); it also survived the development of working partnerships with other organisations, including both the Family Rights Group and the Children's Legal Centre; and it continued to exert a powerful influence over new organisational initiatives ("Justice for Children" - 1993; "A Cry for Children" - 1994), and practice developments, such as arrangements with a London borough to provide a comprehensive child protection service.

The same could probably be said of PAIN and FRG, both of whom emerged as powerful voices for families in the child care arena during the 1980s. In the ideological climate of the time, it remained relatively easy for them to maintain their core beliefs - both, for example, received government funding, in effect endorsing their activities. Nevertheless, it is interesting to note PAIN's feelings that the organisation was not accepted for some time after its inception; as well as its growing concern to recognise the complexity of child care issues. PAIN's literature reveals a willingness to adopt and endorse terminology such as "partnership", and "the best interests of the child"; and, in common with NSPCC (who would also happily employ these terms), this suggests a willingness to acknowledge and accommodate a range of viewpoints. Equally, however, PAIN's overriding commitment to provide support for families against the negative impact of child abuse investigations remains undiminished.

For FRG, evidence of collaboration is to be noted in the group's increasing willingness to work with others on the detailed debates leading up to the passage of the Children Act. As already noted, FRG, like others was concerned at the Act's incorporation of a right for parents to remove children from voluntary local authority accommodation at any time. In part, at least, this concern was related to a fear that local authorities would therefore bypass voluntary arrangements, and institute statutory care proceedings unnecessarily, thereby, ironically, undermining the rights of parents and other family members. Nevertheless, the willingness to work with other agencies suggested that FRG was willing to concede the validity of other perspectives. Interestingly, too, we have observed a willingness on the part of FRG to "exchange" referrals with PAIN, whilst FRG staff saw clear differences of

philosophy between the two organisations. Thus, a common approach to practice might still originate in different value orientations. Once again, this observation finds echoes in Weber's writings, and in particular, in his discussion of religious movements (Weber, 1930; Kalberg, 1994).

The Children's Legal Centre was another organisation that was very active in lobbying on the Children Act, often in close partnership with others. Here, too, there is evidence of a "coming together" of perspectives and interests. For instance, CLC, consistent with our findings elsewhere, did not appear to be drawing on an extreme children's rights perspective in its lobbying work, but readily acknowledged that rights should be acquired in the light of the child's "age and understanding". The implication is that, sometimes, children will need protecting against themselves, and against the adverse consequences of immature or uninformed decisions. We have also noted previously the reliance of the CLC on referrals from adults on behalf of children. In this case, the use of the value position as a "yardstick" enables us to identify the extent to which the exigencies of practice force the organisation to deviate from the pure form of this perspective. We should perhaps also recall, here, that it was the staff at CLC who were most acutely concerned about a growing mood of "backlash" against children, and by implication, their distinctive rights, sometimes, apparently, with government support (eg, Ivory, 1993).

The value of value positions

This analysis of the adaptations and reorientation of organisations suggests that there is some value in adopting an approach based on value positions, as long as they are treated as analytical tools which must be supplemented by other heuristic techniques, rather than as representing empirical reality in any direct or one-dimensional way.

This can further be illustrated by way of brief reference to other key questions relating to the organisation and provision of child care services. We have already touched on the question of "hybrid" organisations - and their attempts to reconcile competing perspectives may provide further illumination of the methodological issues under consideration. For The Children's Society, the need

to reconcile competing perspectives is integral to the agency's day-to-day work. Judgements are necessarily made about the appropriate relationship between different aspects of the child care project, at all levels of the organisation, and policies and priorities almost inevitably bear the mark of compromise. The Children's Society's strong commitment to "enabling and empowering" families sits alongside a desire to promote effective forms of child protection. Thus, the Society's family centres can be found arrayed at all points on the continuum identified by Holman (1988), from the individualised, "therapeutic" model, to the self-help, community development model, and all are accommodated within the Society's range of principles. Organisational and professional uncertainties have perhaps characterised the agency's efforts to address and resolve these tensions. Indeed, it is possible that this sense of indecision may have arisen precisely because The Children's Society has attempted to maintain a balance between differing practice orientations.

Local authorities will share many of the same objectives, further complicated by their requirements to fulfil a range of statutory responsibilities on behalf of children. They will thus be heavily involved in establishing effective procedures for protecting children from abuse, whilst also having an interest in maintaining day care standards - these areas may be seen as core priorities, in that the agency cannot afford to be seen to fail. On the other hand, local authorities also have responsibilities to promote children's rights, and they are under strong pressure to support a range of initiatives to help families, particularly where children are "in need". Clearly, conflicts are inevitable, both in terms of spending decisions, and in more detailed judgements about whether to pursue statutory intervention or voluntary agreements with families. Here, in particular, the notion of "balance", as a means of resolving differences between value positions is unhelpful, both analytically, and in practice. Local authorities would be expected not to seek "balance" in individual cases, but to arrive at the best possible decisions, and thereby to choose one course of action in preference to another. The cumulative impression may (or may not) be one of "balance", but this is not the way in which the agency's actions are perceived or experienced in particular cases. Balance is rather an artefact, constructed to characterise the outcome of a complex series of

judgements of principle and negotiations of reality. The component pressures of differing value positions will be resolved by participants in a whole range of specific circumstances. Value positions may well provide us with an "orientation", towards particular outcomes, but they only contribute to explanations when considered in the light of additional factors, such as financial constraints:

"Even patterned action seemingly intimately bound into causal chains is, according to Weber, in principle influenced dynamically by its social context. Although convinced that the *conceptualization* of regular action...constitutes an indispensable heuristic operation...Weber insists that these procedures alone cannot render even a modicum of justice to complex empirical reality." (Kalberg, 1994, p.200)

We must seek to take account of all the elements making up the particular "conjuncture" under consideration.

How, then, should we conclude this brief discussion of the methodological value of value positions? In short, we have observed that they provide an effective basis for codifying and classifying beliefs and practices according to pre-determined categories or "ideal types". This approach, subject to modification, provides an effective starting point for identifying and evaluating strands of argument in child care policy, and distinctive approaches in child care practice. We have already seen how this can be illustrated, both descriptively, and diagrammatically, by the use of a "grid" which then enables us to understand the relationships between value positions (see Chapter 1).

It has also been noted that it is possible to move from these idealised forms to consider the way in which they are reflected in specific empirical contexts. Arising from this, we are able to observe commonalities and divergences which contribute to an understanding of common ground and potential conflicts. This certainly contributes to our understanding of the possibilities for alliances between the proponents of different positions, and indeed the propensities towards specific outcomes. In this respect, it might be argued that the conceptual categories identified provide an important contribution to hypothesis-building. They are

"constructs" which enable broader theories to be elaborated, and allow predictions to be made about outcomes.

This is a valuable aid to our understanding of child care in the present instance, but it has its limitations. We have had to acknowledge that value positions are limited if they imply a static picture, which only changes to the extent that the "balance" between them alters, in apparently arbitrary fashion (Harris and Timms, 1993). This is perhaps an inevitable risk where fixed positions are utilised to underpin analysis. Our understanding must therefore be enhanced in a number of ways. Firstly, we must recognise the process of interplay between specific positions, which will generate outcomes which cannot be seen as a "pure" form of any given perspective. Secondly, we must acknowledge, even if it is not the central focus of the study, that the material context is always a factor which sets the context for debates within and between specific ideological positions. This is not to suggest that all causal explanations can be traced back solely to material factors; but, for example, we would expect to find greater emphasis given to the "rights" rather than the "needs" of birth families in a time of recession, and service retrenchment, primarily because of the relative cost implications. Thirdly, we must also accept that value positions do not represent the only explanatory framework available. It is possible, for example, to develop an ideal type analysis of racism in child care based on the four value positions; but it might also be legitimately argued that the most important factor in this context is racism, rather than the specific form (excessive intervention/insufficient support, see Ahmad, 1990; Barn, 1993) that it might take. Finally, it must be acknowledged that value positions themselves have a history, and their analytical value will vary over time. Thus, the children's rights perspective may have contributed little to analyses of child care in the 19th century. On the other hand, the patriarchal aspect of laissez-faire arguments might be viewed as carrying greater weight in the 19th century than in the latter part of the 20th century. In another context, Garland's (1985) analysis of attitudes to crime and punishment in the early 20th century devotes considerable attention to the "eugenics" movement, which might be said to represent an "ideal type", and which provides an important element of his overall analysis. Since that time, however, aspects of that perspective have been subsumed in other

perspectives, and it might be felt to offer less analytical value in relation to subsequent developments.

Here again, we must be careful not to overestimate the "fixed" nature of specific positions. We have already recognised, for example, the way organisations have attempted to renegotiate their own core values in the light of changing circumstances, and this conveys an important message for the application of idealised perspectives to specific, historically-situated, forms of analysis.

Despite these reservations, the conclusion must be that useful and effective understandings can be achieved, based on the excavation and exploration of a range of relevant ideological "categories", in child care as elsewhere. We are not simply restricted to description, nor to reliance on catchall terms like "balance" or "compromise"; child care trends, policy debates, changing practice and emerging alliances can all be understood more clearly in the light of "ideal type" value positions.

Values and Reality: Child Care and Change

Three questions

At this point, we must turn to the task of bringing together conclusions to this study. A number of critical questions remain to be addressed. Is there, for example, a clear or consistent relationship between values and practice in child care? If so, what is the nature of that relationship? And, what do the answers to these questions tell us about the current state and future prospects of child care?

Values and practice - is there a relationship?

Two approaches suggest themselves to the question of whether or not there is a clear cut relationship between values and practice in child care. The first is to ask a broad theoretical question - that is, whether there is a necessary and predictable relationship between ideological beliefs and values in general, on the one hand, and day to day activities and behaviour, on the other. The second approach is to seek out empirical evidence of the influence of values on specific areas of practice.

In briefly considering the former question, it is perhaps relevant to consider the work of those such as Althusser, Poulantzas and Therborn who have sought to demonstrate the necessity of links between dominant ideas and the structures and processes of everyday life. Thus, according to Therborn, human "subjects" are constrained by the ideological context:

"Ideologies subject and qualify subjects by telling them, relating them to, and making them recognise:

1. what exists....
2. what is good....
3. what is possible...." (Therborn, 1980, p.18)

For him, ideologies set the terms of reference by which people, and collectivities, make sense of the world and decide how to act upon it.

Althusser's Marxist analysis describes a process of "reproduction", by which the

dominant ideology is reproduced in the minds and actions of class subjects. Thus:

"the reproduction of labour power requires not only a reproduction of its skills, but also, at the same time, a reproduction of its submission to the rules of the established order, i.e. a reproduction of submission to the ruling ideology for the workers, and a reproduction of the ability to manipulate the ruling ideology correctly for the agents of exploitation and repression, so that they, too, will provide for the domination of the ruling class 'in words'." (Althusser, 1971, p.127)

Whilst the crude functionalism of this argument has come in for much criticism subsequently (see eg, Keat and Urry, 1975), it does give a clear account of one possible mechanism by which ideology might influence social activity.

Poulantzas takes a similar view of the role of the dominant ideology, which:

"serves as the *internal cement* of the state apparatuses and their personnel. In this ideology,... the state administration is the motive force of efficiency and general well-being." (Poulantzas, 1978c, p.155)

Thus, for example, social workers, as state employees, might be seen as simply the agents of the state in promoting the general good, and an "efficient" and well-adjusted population. This approach might be seen as unduly deterministic, in that it tends to specify only one set of ideas which shapes the conduct of society. Nevertheless, there is embodied in this analysis a clear concern to demonstrate the power of ideas, and to illustrate the kind of mechanisms by which these ideas "organise" the conduct of society and its institutions. An effective illustration of this kind of approach is offered by Hall et al (1978), who explore in considerable detail the ideological construction of a "moral panic", and its relationship to a particular dominant form of "right-wing" ideology.

On the other hand, Poulantzas also recognises the potential for division and conflict between interests even within the institutions of the state, and thus opens up the possibility of a rather less monolithic representation of ideology or values in

practice. His concept of "relative autonomy" (Poulantzas, 1978b) helpfully illustrates the potential for divergence of interests, even within state agencies.

However, this opens up a broader empirical question, which is that if it is not possible simply to "read off" ideology and practice from the nature of the existing class structure of society, then there must be developed other ways of understanding the relationship between values and practice. It might be argued that it is more appropriate to see the relationship between values and practice as rather less deterministic, and one which is "negotiated", on the basis of individual, organisational, and institutional norms. In other words, the individual practitioner may draw on a set of codes and values to guide or justify her/his practice, but this is not a necessary or inevitable relationship; nor is it consistent and unchanging. In this sense, values and moral beliefs might underpin practice, but they do not dictate behaviour. This is not to deny the existence of a relationship, but rather to argue that it cannot be taken for granted, and must be explored and evaluated in the light of specific circumstances, or "conjunctures" of relevant factors.

We are thus led to the view that it is important to assess the nature and impact of values on practice empirically, rather than simply accepting an idealised logical connection, which cannot be properly evaluated. Moving on to the question of whether or not there is empirical evidence of a link between ideology, values and practice in child care, we can now turn to the findings of the present study. It has become clear, for example, that there was a substantial degree of consensus in child care thinking in the post-war years. The roots of this sense of solidarity and renewal are perhaps not hard to locate in war-time experience, and we might thus expect to find a substantial degree of coherence and consistency in the practice implemented at this time, and epitomised by the Children Act 1948.

This is, by and large, reported to be found in the history of child care after the war (Parker, 1966; 1971; 1983; 1990; Packman, 1968; 1981; 1986; Heywood, 1978; Hendrick, 1994). Radical changes in policy were introduced, based on the acceptance of substantial levels of unmet need amongst children. Significant changes in the ways in which children were provided for can be observed, notably, with the emerging belief in and use of foster care, with its reflection of a desire to "recreate" the family. Even, the work of Bowlby (1965) lent support to this kind of approach, where the birth family

was unable to provide.

However, despite this broad consensus, which spanned political differences, and appeared to represent a strong commitment to the idea of the family, inconsistencies remained, as we have already noted. Indeed, the question of whether to increase support for the "birth family", or to concentrate on improving the quality of "alternative" families remained unresolved in practice. There was, for example, an increase in the number of children in care after the war; and although much of this increase was represented by growing use of foster care, this was often "exclusive", and not supportive of birth family involvement. In addition, it is clear, for instance from Packman's work (1968; 1981), that there were very wide local variations in the approaches taken by statutory agencies to their child care responsibilities during the post war era. We must be careful therefore to avoid making the assumption that the postwar consensus was complete, or that it led to a coherent approach to practice based on its core principles. Theoretical support for the birth family was, at the very least, mediated by a strong vein of paternalism in child care theory and practice - for instance, in the persistence of an assumption of the primacy of professional expertise (Donnison, 1954), of a somewhat "moralising" tone in social work interventions (Wootton, 1992), and of "exclusive" fostering which denied a role for birth parents (Holman, 1975).

By contrast, the period of the 1980s was one in which the longstanding welfare consensus had broken down, so the reflection of values in child care practice would almost inevitably become more problematic. The radical ideas of the Conservative governments of the 1980s are not to be found consistently reflected in child welfare interventions of that time. Indeed, the evidence is rather of conflict and confusion in practice. This appears, at least in part, to be the consequence of practitioners adopting a range of defensive strategies in order to resist, to circumvent, or at least accommodate, the strongly prescriptive messages emerging from government. In this respect, at least, it seems that values and ideas were only partly responsible for practice outcomes, as agencies and staff drew selectively on the principles available to them to inform and support their chosen forms of intervention.

The adaptation of the NSPCC's work to changing circumstances might be an example of this. It seems that between the mid-1970s and the mid-1980s, the agency

moved from an approach to child protection based on a paternalistic "medical" model (Baher et al, 1976; Jones et al, 1987), to one which emphasised ideas of "control" and "decisiveness", in exercising power over "dangerous families", and confronting abusers (Dale et al, 1986). This would seem, in part, to be a reaction to the "controlling" ideology of Thatcherism, but it also reflects a continuing commitment to the protection of children, sometimes against the wishes of their families. Thus, for example, NSPCC's Rochdale team can be seen to have assimilated the idea of "dangerousness" as providing the justification for active and directive intervention in families where child abuse had been found to have taken place (Dale et al, 1986).

The question of the nature of the link between values and practice is further complicated here by the evidence of a diversity of available ideologies, particularly clear during the 1980s, and the consequent difficulty in identifying common themes or operating principles at any one time. Such a diversity of ideas would not be expected to lead to uniformity in practice. This observation neither confirms nor disproves the argument that there is a relationship between values and practice, but it certainly calls into question any assumption of a straightforward causal connection between them. As we have already noted, theorists such as Poulantzas (1978b) have elaborated concepts such as "relative autonomy" in order to account for the variable interests which lead to differing outcomes even within highly determined social, political and economic structures.

It may not be inconsistent, then, to find evidence that organisations and agencies do attempt to carry out their work in accordance with particular and distinctive core principles. Thus, the approach of an organisation like PAIN is distinctive, and does reflect a very clear commitment to protecting the interests of parents and families against misconceived state intervention. Although the comments of agency staff provide some evidence of pragmatism, and some indication of the acknowledgement if not endorsement of the validity of other viewpoints, the core purpose of the agency remains essentially undiluted. It is in this context that the notion of "value positions" becomes particularly helpful. It becomes possible to posit a "menu" from which agencies and practitioners are able to select, and which will provide supporting arguments and justifications for their chosen approach to practice. Indeed, it may be that one of the virtues of the Children Act 1989 is that it offers just

such a "menu". Certainly, the principle of "no order", and the protections for parents' rights incorporated in the Act offer some selective support for PAIN and its particular practice orientation. As already noted, PAIN's Director felt a sense of vindication in both the new legislation and its accompanying guidance, and in the gradual warming of the Department of Health towards the organisation.

The fact that the Children Act appears also to offer similar support to the practice orientations of each of the other agencies considered may offer further illustration of the relationship between their preferred "value positions" and their particular modes of intervention in the field of child care. The reliance of FRG on the concepts of family support and partnership also associated with the Children Act provides another example of this kind of selective (elective) approach, whereby the lexicon of available principles is utilised in support of a specific form of agency practice. There appears, then, to be a link between the sets of ideas available to child care practitioners and their agencies, and the specific actions or interventions undertaken by them. If this is so, it does appear to confirm a connection between professed ideas and principles, and the resulting practice.

The nature of the relationship between values and practice

As we have already seen, the way in which values and practice interact is problematic. Althusser's deterministic interpretation falls at one extreme. According to this view, most formal institutions simply act as carriers for dominant values, which are then translated directly into the actions of those governed by those institutions. At the opposite extreme, there would fall those who are suspicious of the notion of ideology, and who would view values and ideas simply as a set of rationalisations to explain and justify pre-chosen courses of action (see, eg, Keat and Urry, 1975).

The notion that practice simply follows logically from a particular value-position appears to lean towards the deterministic viewpoint. Certainly, Fox Harding's (1991a) ascription of predominant approaches to child welfare to certain historical "epochs" appears to follow this line. However, the present study has suggested that, even in periods of apparent broad consensus, this argument must be open to modification. Indeed, in times of rapid change, and uncertainty, it might be held that ideas are coopted in support of chosen forms of practice, rather than as driving practice itself,

the concept of "dangerousness" in the context of child protection being one possible example of this.

We might thus infer that the relationship is bi-directional, in that practice influences values, as well as the reverse. Weber's concept of "elective affinity" whereby ideas and practice become mutually reinforcing might usefully characterise this sort of "coming together" (see, eg, Kalberg, 1994). We have already observed the example of the NSPCC, modifying its values in order to preserve its core practice. We might also consider whether the changing nature of work in family centres has influenced agency thinking about the principles of involving and working alongside service users, thus arguably promoting a shift from therapeutic paternalism towards a commitment to supporting children in families. Holman (1988), in particular, has documented the changing nature of family centres, and their move away from intervention based on notions of "treatment", and towards the principle of "prevention", a trend particularly evident within the voluntary child care sector. It is arguably the case that this ideological shift has been inspired by a recognition originating with the experience of the centres themselves that they could not effectively meet the needs of local children and families if they continued to impose potentially divisive and stigmatising forms of practice upon their "clients". As Cannan (1992) points out, the therapeutic model is of limited value in enabling parents, particularly women, to provide effectively for their families, and to improve the quality of care provided for their children. Imposed definitions of problems also serve to perpetuate the idea of personal blame and failure, which undermines parents' capacity to improve their own caring skills. In other words, the paternalist philosophy of intervention does not suit the family centre model of practice, and thus the value-base of practitioners must change accordingly. This, indeed, is reflected in a growing emphasis on family centres' role in providing support services for children and families, and encouraging parental participation, in order to improve social cohesion, and families' own capacity to provide for the care and development of their children (Smith, 1995a). Cannan, however, expresses some reservations about the true extent of this shift in emphasis (1992).

The relationship between values and practice is, it seems, multi-directional. However, it is also multi-faceted. Indeed, many of the findings reported in previous

chapters illustrate the interrelationships between value positions, which result in modifications of both ideas and practice. This observation is to modify the conclusion which might be drawn from Fox Harding's arguments, that each era in child care can be associated with only one dominant perspective. This is not the case; and although this is clearest in times of flux and change, such as the 1980s, it is also evidently the case during periods of long and apparently undisturbed consensus, such as the 1950s and 1960s. Some commentators, such as Clarke et al (1987), have shown how ideologies of welfare exist contemporaneously, and exercise a variable influence on social policy outcomes:

"The tracing of policy creation requires detailed attention to the political struggles which go on around welfare, and an examination of how different interests are organized and represented in such struggles. It also requires analysis of political processes inside the state - as well as those outside it." (Clarke et al, 1987, p.17)

I have already argued that it is perhaps more accurate to consider value positions as acting in tension with one another, rather than resting at fixed points on a continuum. This suggests that an understanding of child welfare practices at any one time can only be achieved, so far as is possible, by considering the relative contribution and interaction of differing perspectives. Thus, for example, whereas Fox Harding suggests that the laissez-faire perspective dominates in different eras, it may be more helpful to consider outcomes as, at least in part, the product of the interplay between this position and others. (We must, nevertheless, be careful to take account of material and structural factors which are not accommodated within the analytical focus provided by "value positions".) Indeed, this seems a reasonable assumption to make in attempting to account for differing outcomes as between periods (and indeed, locations) where a particular perspective is held to be in the ascendant (state paternalism in the early and late twentieth century, for example).

A particular example of this kind of interaction has been observed in the case of juvenile justice during the 1980s. We can see in this instance how the laissez-faire perspective, seeking to limit welfarist interventions, and the children's rights

perspective, seeking to set limits to excessive "punishments", were able to come together, to limit the extent of arbitrary administrative or bureaucratic interventions in the lives of young people caught up in the criminal justice system. Thus, for example, the use of both criminal care orders (Section 7(7), Children and Young Persons' Act, 1969), and indeterminate borstal sentences, was brought to an end during this period. This powerful alliance can be explained in terms of an "affinity" (Kalberg, 1994) between these two value positions (although Morris and Giller (1987), whilst recognising this common ground, refer to the "cooption" of the children's rights perspective by the laissez-faire preference for more decisive action and stronger punishment). It is unlikely that, operating independently, either perspective would have achieved this level of success in influencing policy and practice.

Of course, this point in turn suggests another consideration, which is that values are likely to be inconsistent in their influence on practice, in different contexts. Thus, whilst juvenile justice practitioners were clearly influenced by the language of rights during the 1980s, developments in the sphere of child protection reflected different influences and outcomes. In this context, a place was maintained for paternalistic state intervention, "in the child's best interests" (Department of Health, 1990). Of course, for some of the children and young people concerned, experiencing these differing approaches at different (or possibly, the same) times was likely to be somewhat bewildering. Nevertheless, it is reasonable to expect an analysis of the impact of values in child care to be seeking out the differential impact of ideologies in different, but related, areas of practice, such as juvenile justice and child protection. The dilemmas of developing an effective service to young people who are both victims and perpetrators of abuse are very real, for example. An appropriate response must arguably, draw from a range of alternative practice philosophies.

It has already been argued here that child care professionals attempted to maintain a niche for themselves in child protection work, even as state intervention was coming under severe challenge during the 1980s. In order to do so, it has been suggested, they adopted the language of "dangerousness" (Dale et al, 1986) and decisive intervention (see Parton and Parton, 1989). Here, a form of alliance or accommodation with laissez-faire thinking is also evident, representing an attempt to maintain space for the perceived core elements of good practice in child protection

work.

In the area of family support, we have already noted the tension between the "rights" of families, and their entitlements to support services. We have also noted the concerns expressed, for example, by staff at the Family Rights Group, who recognised the tensions between these two aspects of their work. In this case, they felt able to rely on government support for the integrity of the family, but they felt that less attention was being paid to families' needs. Thus, the alliance between laissez-faire and family support perspectives tended to emphasise a rather partial view of the rights of families. We can observe, then, that alliances formed between value positions in different areas of practice will necessarily lead to a range of outcomes, even where one perspective (laissez-faire, in this case) appears to exercise particular strength. We should also note that these self-same outcomes may then lead to subsequent conflict, as in the case of "decisive" action to protect children in apparently "dangerous" families. Prompt action to protect children at risk can, of course, equally well be characterised as needless, insensitive, or oppressive state interference in the family. The Cleveland controversy might be said to epitomise this kind of conflict, emerging from apparent consensus. It was not just a question of good or bad practice, but also of good or bad values:

"In Cleveland, of course, it was a contest over both control and the very concept of widespread child abuse." (Campbell, 1988, p.125)

We should also, perhaps, remind ourselves of other exigencies affecting the interpretation of values, and their translation into practice. Values will almost certainly be adopted and applied in a variety of ways, depending on the interaction between different levels of policy and practice. Thus, formal government policy, expressed in ministerial statements and legislation must be interpreted, and given greater detail and substance, as it is converted into Department of Health guidance, local agency policy, management instructions and procedure documents, and then practitioner activity. The idea of "street-level bureaucracy" (Lipsky, 1980) has already been highlighted as demonstrating the ways in which the factors bearing on day-to-day decisions must also be taken into account in understanding outcomes (see also, Blau, 1973; Silverman,

1978). The practical strategies employed to make sense of the task in hand are of significance (see, eg, Cicourel, 1968). Despite their expressions of concern about being "powerless", it has been observed that social workers do exercise considerable power over those children and families with whom they work (Packman, 1986; Fisher et al, 1986). Thus, it may reasonably be assumed that the "certainties" emanating from government during the 1980s became less certain, and perhaps more negotiable, when practitioners were faced with the practical difficulties of implementing policies with which they were not in sympathy, whether for personal or political reasons.

In an earlier period, often characterised as being one of consensus, there are also evident inconsistencies in the application of values to practice. Following the war, the family became the central motif of child care, under the influence of Bowlby and others. However, despite this, child care practices themselves varied considerably. As already observed (Packman, 1968; 1981), there were clear differences in approach between local authorities, in the commitment to support children remaining with their parents, and in the manner in which fostering schemes operated. Indeed, in some cases there appeared to be a clear preference for excluding birth parents on the grounds that the recreation of a "new" family was of greater importance (Holman, 1975). Thus, even in this period of apparent broad support for a particular "value position", some aspects of practice offered evidence of considerable variations in approach between agencies at the operational level towards key elements of the child care task.

In concluding this discussion, then, it would appear that the relationship between values and practice in child care must be seen as variable. Dominant perspectives are mediated by a range of factors, including competing values, tradition, cultural variations, organisational ideologies, and material constraints. They are also subject to interpretation, and sometimes outright rejection, by those who have the task of implementing broad and general policies. In illuminating the existence of "room for manoeuvre", even in a hostile political climate, these are encouraging findings. To explain developments and outcomes in child welfare, we must acknowledge these variables, and incorporate as many as possible into detailed analysis. The specific influence of values, the potential for alliances and the prospects for change will then become clearer.

Values and the state of child care

In many ways, evidence of a variable and changing relationship between values and practice may be a source of some optimism. If it is, despite the best efforts of dominant interests, only partly possible to dictate the conduct of child care systems, even in the context of an intensive war of ideological attrition, then it can reasonably be hoped that both human creativity, and certain basic tenets of good practice may prevail.

Gamble (1988) has elaborated in some detail the ideological project of the Conservatives under Thatcher. He uses the phrase "the free economy and the strong state" to characterise this, and his portrayal bears substantial similarities to the laissez-faire position in child care:

"Thatcherism as a political project has sought to reassert the importance of a strong nation and the patriarchal family." (Gamble, 1988, p.200)

The assumption is that the "strong state" acts as the guarantor of individual and familial freedoms, and that, within this framework, families should be left well alone, and spared the debilitating effects of unnecessary state intervention. For those who fail to meet their natural obligations, swift and decisive intervention should impose an effective solution. Government policies towards families and children during the 1980s and early 1990s can be seen to reflect these principles to a considerable extent. Day care, for example, was to be seen as a matter of individual choice, not a matter for state provision or state funding (Smith, 1990). Child welfare services should be available only in emergencies, where families suffer irreversible breakdown, or parents are guilty of a substantial failure to meet their responsibilities. "Speculative" intervention, such as was held to have taken place in Cleveland, Orkney and Rochdale (Howitt, 1992), should be discouraged - where families appear to be coping they should be left alone to do so. However, when intervention is justified in extreme circumstances, state agencies should clearly take control, exercising an explicit "policing" function, and should be ready to take over from parents.

Despite the clarity and the insistence of this ideological project, we have observed that in a number of instances, it runs into difficulty, sometimes because of

its own inherent limitations, and sometimes because of external factors. In clarifying these elements, we may be able to identify some alternative, and better, principles and prospects for the future of child welfare.

Firstly, there are inherent limitations to the laissez-faire thesis. Gamble highlights some of the general difficulties faced by arguments for economic liberalism in the context of a "strong state". He points to the constraints of economic uncertainty, and opposing interest groups, as well as competing ideological strands within the Conservative Party. In the specific area of child care, too, the laissez-faire perspective encounters problems. For instance, in setting hypothetical limits to state intervention, it does not address, much less answer, the very practical question of just where these limits are to be set in individual cases. This has potentially damaging consequences for the family itself, and particularly for children. It seems fairly clear, for example, that the effects of the government's intervention over Cleveland was effectively to discourage intervention against very serious mistreatment of children by way of sexual abuse (Corby, 1993). The inquiry into events in Cleveland in 1987 found, by and large, that the practices of doctors and social workers under scrutiny had a legitimate basis, even if some of the practices themselves were questionable (Butler-Sloss, 1988). By supporting the lobby which questioned these interventions, and the general nature of child sexual abuse investigations, the government gave out an implicit message that the ideal of the family was more important than what happened to children, in very real situations of abuse. Campbell (1988) clearly illustrates the effects of the campaign to discredit the Cleveland professionals (see also, Franklin, 1989), in undermining attempts to protect the welfare of children, in order rather to preserve the natural order of the family (and the power of men, in her view).

In other words, even though certain forms of parental behaviour and serious mistreatment of children seem to meet the criteria for decisive intervention, even according to laissez-faire principles, contradictory aspects of this very ideology may act to discourage state intervention. Laissez-faire principles do not offer any concrete rules by which we might determine just when it is justifiable to intervene to protect children. This contradiction essentially follows from the laissez-faire position's presumption against intervention of any kind, which does not readily allow for exceptions.

In addition, the laissez-faire philosophy faces further practical difficulties when families do not themselves behave in the way it expects. Fox Harding (1991a) identifies an association between this position and "traditional", "patriarchal" models of the family. In a context where families increasingly do not conform to this model (Smith, 1995a), but are not seen to err to the extent of justifying state action, the laissez-faire perspective is confronted with a growing dissonance between its prescriptions and the reality of family life. Thus, in order to recreate the ideal, it would seem that some form of state intervention is necessary. In this respect, it appears that laissez-faire philosophy is confronted by another Conservative tradition identified by Gamble (1988), that of "one-nation" paternalism. In other words, in order to encourage conformity of behaviour, there is substantial pressure to take a more active role in setting moral guidelines, and even offering material inducements to ensure that families comply with the preferred model. Thus, for example legislation (the Child Support Act 1991) is introduced to enforce maintenance responsibilities of both parents, parents' continuing responsibility for children who offend is underlined in the criminal law, and there is also evidence of growing government interest in the idea of preparation for parenthood (Smith, 1995b). By 1994, the government message had become quite interventionist, in its support for the idea of intervening to improve the quality of care parents provide for the children:

"By educating and supporting parents considered 'at risk', parent education can reduce the likelihood of children turning to a life of crime....We want to encourage parents to boost their self-confidence and improve their competence by taking responsibility for their own support...." (Bottomley, 1994b)

The reemergence of this interest in monitoring and guiding parental behaviour seems to be a reversion to an earlier paternalistic tradition, represented well by Keith Joseph as Secretary of State for Health and Social Security in the early 1970s (Joseph, 1974a; 1974b). His concerns about the "cycle of deprivation" led him to formulate a range of interventionist policies. The fear that "inadequate" parents would inevitably bring up a future generation of "maladjusted" children led him, as Secretary

of State for Social Services in the early 1970s, to promote a range of early years provision for children, as well as, significantly, educational services to prepare children for adult responsibilities (Holman, 1988).

Thus, the laissez-faire perspective encounters both practical difficulties of implementation, but also philosophical opposition, not least from within the ranks of conservatism. Of course, it encounters resistance from other sources, too, particularly those which argue that support for the family is a necessary underpinning for effective child care and child development (eg, Family Rights Group, 1991; 1995). Indeed, Conservatives themselves have historically made much of their commitment as "the party of the family".

The Children Act 1989 itself gives limited support for this perspective, stressing the importance of practical help for children "in need", and their parents. Although this provision may be tightly circumscribed, especially in times of economic stringency, it does leave the door open for local agencies and voluntary bodies to seek out need, and respond to it actively and creatively. In this respect, the emphasis seems far removed from the non-interventionist sympathies of those who believe the state should only have a residual role in emergencies. In the early to mid-1990s, the government's position appears to have become increasingly keen to demonstrate its support for day care and nursery education, albeit rhetorically rather than financially (although new investment was promised in July 1995 - *The Guardian*, 6.7.95):

"Greater priority should also be given to supporting families under stress, especially through parenting skills or day care...." (Bowis, 1994, p.1)

This message is further reinforced through the government departments' annual reports on the implementation of the Children Act (Department of Health/Welsh Office, 1993; 1994; 1995). Thus, it seems, fears that the Conservative legacy would be a virtual withdrawal of the state from any formal involvement in child care may have been exaggerated. The manifest failure of the principle of non-intervention to protect children in some dangerous situations, sometimes within their families (see eg, London Borough of Brent, 1985), leaves it vulnerable to challenge from those concerned both with protecting children, and with their rights, independent of other family members.

This vulnerability naturally offers encouragement to those holding different beliefs about the proper approach to be taken towards caring for children. This message is quite important in an era characterised by a well-entrenched government with no economic interest in improving provision for families, and at least a degree of sympathy for a model of child care based essentially on leaving well alone. At the very least, it seems that the Children Act 1989 does encompass alternative perspectives, thus offering them a degree of legitimacy, despite the financial stringencies which have hampered its implementation. Indeed, given the earlier observation that value positions are subject to interpretation and revision by those charged with implementing policy, there is evidence of considerable imagination and creativity in developing child care services. Some local authorities can clearly be seen to be taking a positive view of the powers given to them, both in providing support for families (Cohen, 1992; SSI London Region, 1992; Aldgate and Tunstill, 1994), and in enhancing the rights of children. Practitioners, too, and their professional organisations have been able to maintain an emphasis on the need to provide proper protection for children, and to broaden understanding of child abuse; so much so, indeed, that the preoccupation with child protection has become one of the perceived constraints inherent in the implementation of the Act (Audit Commission, 1994; Gibbons et al, 1995).

Indeed, debates have emerged with renewed force as to the relative merits of supporting families and protecting children. Local authority practices in the conduct of child protection investigations and assessments have been questioned, on the basis that they represent excessive and potentially oppressive intervention in families. At the same time authorities have been exhorted to give more time and to commit a greater proportion of their resources to supporting children in need and their families, with a view to preventing the very stresses and breakdowns which are believed to lead to children suffering harm (Gibbons et al, 1995; Department of Health and Welsh Office, 1995). Local authorities, on the other hand, have responded by arguing that they have always sought to achieve an effective balance in the funding they commit to competing responsibilities, and that they have every intention of providing effective support to families in need, rather than simply policing them (Sone, 1995). Their view is that they have attempted to develop more family-friendly services, even

in times of resource constraints.

These are important observations, because they confirm that values and practice are malleable, and are open to negotiation, even in adverse circumstances. Much has been made in this study, and elsewhere, of the notion of "balance", which clearly suggests a recognition of the validity of competing or alternative viewpoints. Whilst recognising that the idea of "balance" causes problems for some commentators, such as Harris and Timms (1993), it is perhaps preferable to talk of dynamic compromise, or even "synthesis", as the relative merits and authority of different positions are reassessed, and practice is amended accordingly.

We can, perhaps, conclude on an optimistic note. Even at the height of its power, the ideology of laissez-faire failed to achieve dominance in child care. In the Children Act, it was simply placed alongside other positions, acknowledged but not accorded priority. It has not been possible to dispense with a recognition of the value of offering practical help for families (even if they must first qualify by virtue of being "in need"), of providing proper protection for children at risk of "significant harm", and of promoting children's rights (at least, in the child care context, if not elsewhere, such as in the field of education). Despite the present and continuing inadequacies in child welfare provision, this, in turn, suggests that there will be a continuing role for services which recognise and promote these core principles. We should take encouragement from the limited successes that have been achieved in adverse circumstances. The necessity of providing for our children, in the diversity of their circumstances, and with the range of their needs, appears, thankfully, to be compelling.

Appendices

Appendix A

Interview Schedule - Values and Practice in Child Care

1. How would you describe the central purposes of your agency?
2. What beliefs or values underpin your own approach to your work?
(Prompt: Describe value position approximating to answer)
Your answer suggests to me that you would identify with this value position - is that correct?
3. Do you think that this approach is what people who use your services expect?
Do you find any areas of conflict between your values and their expectations?
4. Can you describe, perhaps by reference to a particular case, how your values are reflected in your practice?
5. Do you think any other values influence your approach to your work?
(Prompt: Describe value positions)
Do any of these perspectives affect what you do?
6. Do you ever find that you have to resolve conflicting values in your work?
(Prompt: Different participants may have different interests)
Do you perhaps feel that you have to weigh the interests of children against those of other participants, such as families, agencies, or "the system"?

7. Is your perspective on your work shared by:-

- i). Other staff?
- ii). Your managers?
- iii). Your agency?
- iv). Other agencies?
- v). The government?
- vi). Public opinion?

8. Have you ever felt that you had to adopt an approach to any aspect of your work which was dictated by any of these other influences?

Can you describe what happened?

9. Can you think of any changes in policy or practice which would improve your ability to carry out your work in a way that you believe in?

CHILD WELFARE BELIEFS

The Statements below reflect a range of beliefs about the welfare of children. Please tick the appropriate box, indicating your range of agreement/disagreement, etc. in relation to each statement. There are no right or wrong answers, and the scale is not an attempt to identify contradictions. Please complete the scale quickly, and use the "don't know" category as little as possible.

		Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
1	The well-being of children should be the central consideration in all agencies' child care decision-making.					
2	The biological family is of unique value to children, and should be free from outside interference.					
3	State intervention can be used positively to protect the child's well-being.					
4	State intervention should give priority to supporting children rather than disrupting families.					
5	Children should be offered protection from inadequate parents.					
6	The state should intervene more actively to discourage inadequate parenting.					
7	The adequacy of care provided for children is more important than biological ties.					

		Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
8	Social and economic factors are the major cause of inadequate standards of parenting.					
9	Children should be able to participate fully in decisions made about them.					
10	It should be accepted that parents are very rarely responsible for harm to their children.					
11	Families would be better off without state interference.					
12	The biological unit is the best place for the child to grow up.					
13	There should be more certainty in planning for children in care.					
14	Parents are quite capable of bringing up children on their own, without help from the state.					
15	The Children Act 1989 is right to try to improve the right of the child to be heard.					
16	Parents should be encouraged to resist unfair interference in the family.					
17	A "clean break" between parents and their children is necessary, when parents fail to meet their responsibilities.					
18	Parents are relatively powerless in relation to statutory agencies.					

		Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
19	The child should be seen as an independent unit, separate from the family.					
20	Children are received into care too readily.					
21	Parental care is sometimes so deficient that the child should be removed, in order to take remedial action.					
22	Parents have too many rights, whereas children have too few.					
23	The Children Act 1989 is right to try to improve the rights of parents to challenge the actions of local authorities.					
24	Children's rights may conflict with those of parents.					
25	On the rare and exceptional occasions when parents mistreat them, children must be removed from biological parents.					
26	Rehabilitation with the child's family should not be attempted after relationships have broken down.					
27	Children should be informed of their rights, but often they are not.					
28	Carers should be unconditionally and permanently committed to children. It does not matter who the carers are.					
29	Social services should support rather than take over from the family.					

		Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
30	Parents should control what happens to their children.					
31	Parents' rights should be protected and enhanced, especially when their children are in care.					
32	We should be more prepared to listen to children.					
33	The 1989 Children Act underestimates the link between poverty and reception into care.					
34	Returning the child to the family should always be a priority if a child is received into care.					
35	The child's needs rather than wishes should be uppermost in decisions about parenting.					
36	Fostering should not reinforce the separation of parents and children.					
37	The child's interests and rights must be recognised independently of those of parents, or other carers.					
38	Lack of investment in family support is the central problem for child welfare.					
39	More support should be given to natural families.					
40	Rehabilitation works.					

		Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
41	Society is too unwilling to cut biological ties permanently.					
42	Parents know best, and should therefore make all the important decisions about their children's upbringing.					
43	Social workers have a misplaced faith in the blood tie.					
44	Poverty and unsatisfactory child rearing are closely linked.					
45	Birth parents are over-romanticised.					
46	Support for the blood tie is a good starting point for child care practice.					
47	Children are not possessions of their parents.					
48	The state has no right to interfere in family life.					
49	Children are in trust to their parents.					
50	Legislation is necessary, to enable children to exercise their rights.					
51	Parents will sometimes need guidance to exercise their responsibilities towards their children.					
52	Parents have too much power over their children.					
53	Psychological parenthood is more important than biological parenthood.					

		Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
54	Children's well-being is often sacrificed to adult interests.					
55	Children are too often "accommodated" by the local authority because of poverty or homelessness.					
56	Parents should not be assumed to be guilty of abusing their children in the absence of clear evidence.					
57	Children are too often accommodated by the local authority because of inadequate or inappropriate social work services.					
58	Contact with birth parents prevents children forming relationships with other carers.					
59	The 1989 Children Act should not have made it more difficult to remove children from their natural parents.					
60	It is too easy for emergency protection proceedings to be initiated, without proper consideration of families' rights.					
61	Children should be seen as persons not the possessions of adults.					
62	Too little support is still given to biological parents.					
63	Child care systems and procedures do not enable children to get a fair hearing.					

		Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
64	Children should be represented separately from their parents in all child care cases.					

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