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Supporting Families Under the Children Act in England and Wales

Summary

The proactive concept of family support contained in Part III of the Children Act 1989 marks a historic shift from previously restricted notions of prevention. However, this article shows that uneven progress has been made with regard to the implementation of key provisions concerning support for children in need and their families. The article concludes with a discussion of ways in wich progress can be made toward the creation of effective family support services. This includes reference to strategies through which social welfare practitioners can attempt to make a direct impact on the material circumstances of families.

Introduction

In England and Wales, the idea that children are best brought up by their own families was given legislative expression in the Children Act 1989, which is widely seen as the most important child care law passed by the British Parliament this century. The Act was heralded by the Lord Chancellor, Lord Mackay, as 'the most comprehensive and far-reaching reform of child law...in living memory'.

A number of key principles underpin the Act. For example, although the Act emphasizes the obligations of parents towards their children, it also recognizes that parents may need support in fulfilling their responsibilities. To this end, partnership between parents and local authorities is promoted. However, the child's welfare is paramount, and children's wishes and feelings must be determined and taken into account when decisions are made. At the same time, a balance is sought between children and parents, the state and families, courts and local authorities and, where power is unequal, the Act tries to safeguard the weak. Hence, the needs of children come first because of their dependence and vulnerability, but parents and other significant adults are given increased respect and consideration (Packman and Jordan, 1991).

Packman and Jordan (1991, p.323) have described Part III of the Act as 'a quantum leap from the old restricted notions of 'prevention' to a more positive outreaching duty of support for children and families'. There is no doubt that Part III of the 1989 Act has great potential, particularly with respect to Section 17(1), which paves the way to a wide spectrum of new services for families and children. Section 17(1) reads:

'It shall be the general duty of every local authority (a) to safeguard and promote the welfare of children within their area who are in need, and (b) so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs.'

However, it is clear that uneven progress has been made by local authority social services departments that carry the main responsibility for implementing the Act. Some have made notable advances towards developing effective family support services, while others have failed to make even modest headway in the face of the difficulties encountered. This paper will outline the picture emerging from our own research, and that of others. Our research entailed a study of all local authority social services departments in Wales to examine their objectives regarding children in need, policy and standards, targets and action plans. The progress of the Welsh departments was later compared with that made by similar departments in England. Data were also collected during an in-depth study of two Welsh social services departments. Interviews were carried out with 103 social workers, 21 leaders of social work teams, 6 principal social services officers, and the leading child care managers from 16 local authorities. In addition, 122 parents and 123 children were interviewed. Postal questionnaires were sent to a large number of voluntary child care agencies, community and consumer groups. Information was also gathered from key statutory agencies - for example, health, education, probation, and the police.

This paper will focus on the following issues: agency policy, needs assessment, interagency co-operation, partnership with parents and children, cultural issues, and factors that have impeded progress towards effective family support services (Colton et al., 1995a and 1995b).

The Implementation of the Act

Agency Policy
Operational policies are obviously a vital component in the process of implementing any piece of legislation. There is wide variation in the length, quality and content of the policy documents of local authority social services departments. The fact that some departments do not have written policies on key areas of the Act naturally raises questions about how the Act is being implemented. Although departments may be attempting to comply with the requirements of the Act through unwritten and informal policies, service goals are frequently not documented. A lack of formal goals will inevitably lead to inconsistency of service, an absence of effective monitoring procedures, and the possibility that goals will alter in an unplanned way (Colton et al., 1995a and 1995b).

Needs assessment
If policies are to be effectively translated into practice, it is essential that guidance is provided for practitioners. However, such guidance is frequently lacking with regard to key areas pertaining to the assessment of need (Colton et al., 1995a and 1995b; Department of Health,

1994a). As noted earlier, the Act does not say exactly how its definition of need should be interpreted. Some social services departments appear content to leave the definition of need, and hence the identification of children 'in need', to individual practitioners. We found that inconsistent service provision has led to dissension in the social network of the families being served (Colton et al., 1995a and 1995b).

Moreover, in the absence of appropriate guidance, social workers have resorted to material formulated for use in child protection work. This has reinforced the imbalance between family support and protection (Colton et al., 1995a and 1995b), whereby child protection is given universal priority. Children at risk of abuse or neglect and those being accommodated receive highest priority. Children whose needs are already manifest receive priority above those whose problems are less critical but whose difficulties may worsen if ignored (Department of Health, 1994a; Colton et al., 1995a and 1995b).

Social workers tend to define a child as 'in need' only if there are resources available to meet that need. In other words, the only children identified as being 'in need' are those who can presently be served. To complete the vicious circle, data on the number of children being served are used to estimate the number of children 'in need'. The Act does require steps to identify the extent of need, but such steps have rarely been taken on the grounds that it is not worth while to identify children whose needs cannot be met. Estimates of the cost of meeting needs are rarely produced for similar reasons (Colton et al., 1995a and 1995b).

Interagency cooperation
In the United Kingdom, services for children and families are fragmented between several different local authority agencies, including social services, education, health, the police and probation services, youth services, and the department of social security. Progress towards an interagency strategic approach to the full range of children's services has been disappointing, except where it is mandatory. Various reasons have been cited for this: changes in agency structures and personnel, a lack of skill and resources, and agencies remaining fairly insular and wary of joint ventures (Audit Commission, 1994; Department of Health, 1994a).

Although relationships between practitioners from different agencies seem to be generally good, conflicts tend to occur where joint work is most common; for example, between social services, education and health (Colton et al., 1995a and 1995b; Department of Health, 1994a). Difficulties center around referral procedures, attitudes, lack of understanding of each other's roles, and disagreements over who should take responsibility for particular clients, especially where a lack of resources encourages agencies to pass responsibility for clients to someone else. In the present economic climate, the cost associated with reaching agreement and implementing cooperative endeavors has also been a factor.

Partnership with parents and children
The principle of partnership has been generally accepted, but specific policies are frequently lacking and the level of implementation varies markedly (Audit Commission, 1994; Colton et al., 1995a and 1995b).

Although parents and older children in our study generally felt consulted about decisions

made regarding them, they drew a distinction between being consulted and actively participating in decision making. For example, some felt that they were being used as 'rubber stamps' to give formal consent to decisions made by others in their absence (Colton et al., 1995a and 1995b).

An inspection of services to disabled children and their parents found that practitioners generally did not ask (disabled) children how they felt about decisions made about them, and their views were not routinely recorded on case files. This inspection did find some positive practice where social workers recognized parents' unique knowledge of their children and involved them in decision making (Department of Health, 1994b).

The partnership element most lacking is undoubtedly information. This may reflect concern that disseminating information about services might lead to increased demand, which would outstrip resources. Parallel anxieties exist regarding complaints procedures about which service users usually know very little (Colton et al., 1995a and 1995b). Social service departments are encountering difficulties regarding the following: using complaints data to review service delivery; selecting suitable independent investigators; and acting within the required time scales for complaints and reviews (Colton et al., 1995a and 1995b; Department of Health, 1993).

We observed that in spite of generally positive relationships with social workers, parents often felt that practitioners were ineffective at solving problems, particularly in areas of major concern such as truancy and drug abuse. Parents also felt stigmatized by receiving services. Parents and children typically considered that both the emotional support and the material help they received were inadequate. Children with siblings or friends in foster care frequently wanted to be accommodated themselves because of the perceived material benefits.

Another difficulty centered around the placement of children in foster homes close to their parents' home. Although this is obviously of benefit in the maintenance of family links, some parents felt that it enabled children to continue to demonstrate problematic behavior, in the local school, in the family home and in the community. A related problem was the return home of accommodated children to parents who felt that they were still not ready to cope (Colton et al, 1995a and 1995b).

Cultural issues

Social Services Departments are attempting to comply with the requirements of the Act by formulating general policies to the effect that a child's ethnic, cultural, linguistic and religious needs will be considered when providing services. However, as with other areas of the Act, written policies of a more detailed nature are frequently lacking. No data are routinely collected on the linguistic, ethnic or religious backgrounds of service users. Indeed, little is known about the demography of local populations other than what is available from the Census (Colton et al., 1995a and 1995b).

Other identified problems include language, exacerbated by a lack of translators; too few practitioners from ethnic minority groups; lack of awareness of ethnic needs; lack of resources for ethnic minority children; and problems in working with children from traveling families, whose unique lifestyle is rarely considered (Colton et al., 1995a and 1995b). Attitudes on the

part of some service providers reflect the belief that culturally-specific policies, and indeed services, need not be a priority when the cultural group that will benefit is relatively small.

Discussion

We are, then, far from achieving effective family support services in the United Kingdom. This is largely due to the fact that the basic contextual requirements for such a system are lacking. Services are not generally decentralized on a local neighbourhood basis, and family centers have so far not been given a pivotal role in the activities of local authorities (Colton et al., 1995a and 1995b). Moreover, according to Holman (1988), a precondition for effective family support services is a reduction in social inequality. However, rather than being a society that is moving towards increased equality, Britain has moved in the opposite direction over the past 15 years. Whilst there has been a fierce debate over whether Britain now has a distinct underclass (Murray, 1990), there is no doubt that inequality and poverty have increased markedly (Bradshaw, 1990; Halsey, 1988; Johnson, 1990).

The Children Act has, therefore, significantly enlarged the responsibilities of social welfare practitioners in relation to family support work precisely at a time when the pressures on vulnerable families are growing more acute. (Colton et al., 1995 and 1995b). These pressures have been exacerbated by the residual social policies of central government, which have simultaneously eroded the capacity of social welfare practitioners and agencies to offer effective support to children in need and their families. Many of the problems encountered by practitioners and agencies result from the quite profound contradiction between the all-embracing spirit of the Act and current political and social realities (Colton et al., 1995a and 1995b). The 'collectivist' philosophy manifested in the Children Act cannot be easily put into practice in an increasingly 'residualist social policy context. There is an inherent conflict between present resource constraints and the additional resources that are required if a wider definition of need is to be reflected in increased service provision.

It is clear that one of the major challenges facing practitioners and agencies is how to shift the balance of services away from an overwhelming emphasis on child protection towards proactive family support. This requires, first, that social services policy documents reflect the positive outreaching duty of support for children and families contained in the Act; and, second, that the procedures by which this duty is to be fulfilled are specified. Moreover, social services agencies should discourage social workers from using protection material to guide them in the assessment of children in need by issuing alternative guidance designed to emphasize family support. This should preferably be done in cooperation with other statutory and voluntary agencies.

However, it is apparent that issues of a more fundamental nature must also be addressed. Perhaps more than any other factor, poverty threatens the practical achievement of proactive family support services. Yet, for both social work policy makers and practitioners, poverty appears to have been relegated to the margin of their concerns and actions. It is as if the only way of coping with the overwhelming fact of hardcore poverty - the product of increasing inequality - is to look the other way and act as though it were not there. Whilst understand-

able, perhaps, this response merely leads into a cul-de-sac of inappropriate and ineffective policy and practice. The successful implementation of the Children Act, and indeed community care policy more widely, necessitates that poverty be placed again at the center of the policy, practice and research agenda.

This does not imply that individuals and families who live in poverty should be transformed into 'welfare' clients in order to obtain services. Nor is it to suggest that there is any substitute for action at the national level to tackle primary poverty and to ensure that local authorities have the resources necessary to carry out their mandate under the Act. A comprehensive national strategy to tackle need is required involving employment, housing, wages, taxation and social security policies.

Nevertheless, there are three distinct strategies through which, even in these difficult times, social welfare practitioners and agencies in England and Wales can at least seek to make a direct impact upon the financial circumstances of their service users.

1. Policy makers and senior officers within social welfare agencies can recognize their own status as major resource holders and the impact which their own spending decisions might make upon the impoverished communities with whom their organizations have almost all their dealings. Through patterns of employment, location of offices, choices concerning purchase of goods and materials, organizations have the capacity to invest within the human, physical and social fabric of such communities. As indicated, the organization of service delivery appears incompatible with the concept of family support contained in Part III of the Children Act. Family support services should be decentralized on a local neighborhood basis, and family centers should play a pivotal role in such services.
Currently, however, it is difficult to escape from the impression that local authority social services departments tend to operate in ways that are self-defeating, that seem bound to frustrate their efforts to develop effective family support services, and that appear inimical to their attempts to fashion an authentic partnership with parents, children and local communities: workers tend to be drafted in from outside the local area, and operations are often directed from remote headquarters.

2. Within social welfare organizations, a reformulation needs to take place in traditional welfare rights activities. To begin with, these strands need reaffirmation as part of mainstream work, rather than being located at the margin of organizational activity. Social workers have long been somewhat ambivalent in their attitudes towards income maximization. At a time when the social democratic institutions of the welfare state are under wider threat, and the policies of rationing and coercion are in the ascendency, a new style of intervention in this field has to be developed. A technocratic understanding of the labyrinthine ways in which the remnants of the welfare state dole out their remaining benefits is not sufficient. Rather, a more proactive approach is required, which recognizes and seeks to redress the unfairness and discriminations within the system.

3. With regard to the wider anti-poverty strategies of local authorities, whilst the development of Credit Unions, cooperative buying schemes and Bond banks are no solutions to primary poverty, they remain capable of producing an impact upon the financial circumstances of groups in poverty. Moreover, they do this in ways which build upon the extensive systems of mutual support which remain remarkably vigorous within the most disadvantaged communities.

Nevertheless, given the reality of limited resources, it is inevitable that difficult choices will have to be made with respect to defining and prioritising the different types and levels of need. The decisions finally reached will not only reflect the current fiscal climate; they will also be influenced by the skills and attitudes of service providers.

It may be argued that resources, attitudes and skills are inter-related factors. New skills, for example, can only be achieved through training, for which resources are needed; and existing skills may only be fully demonstrated if service providers are genuinely committed both to the kinds of services they are required to offer and to the people whose needs they are supposed to meet. This point is particularly important with regard to the current imbalance between child protection and family support. Social workers have been trained to perform a protective role in relation to children which appears to preclude preventive work with families. They are now accustomed to and, indeed, may even be comfortable with this state of affairs. Reluctance to change on the part of practitioners, coupled with an overall lack of the requisite leadership on the part of social work managers and policy makers, may go some way towards explaining why the apparent absence of resources for children in need of family support sits alongside a relative abundance of resources once a problem is identified in terms of child protection. Although the Department of Health has recently called on social services departments to place more emphasis on family support, this may be met with some resistance. The stress on child protection has become ingrained into existing social work practice and consciousness, partly because of the very real fear experienced daily by social workers that one of their cases could end in the injury or even death of a child. In order to avert such tragedies, social workers have taken on what amounts to a social policing role in relation to families. Thus, a willingness among practitioners to fundamentally change their role, coupled with the requisite leadership on the part of social work managers and policy makers, are essential for the creation of proactive family support services.

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