

FAMILY EDUCATION TRUST

RESPONSE TO THE CHILDREN'S GREEN PAPER

EVERY CHILD MATTERS

(See <http://www.dfes.gov.uk/consultations/conResults.cfm?consultationId=1233> for the Green Paper)

For the past thirty years, Family Education Trust has been conducting research into the causes and consequences of family breakdown. By means of its publications, videos and conferences, and through its media profile, the Trust seeks to stimulate informed public debate on matters affecting the family, based on reputable research findings.

As an independent research organisation, Family Education Trust does not receive government funding and is financed entirely by members' subscriptions and donations. It has no religious or political affiliations.

Introduction

There is nothing new in the Green Paper's emphasis on promoting joint action between existing statutory bodies. As Bob Holman has noted:

In 1968, the Seebohm Committee recommended that, to promote better co-ordination, local authority welfare services be amalgamated into one social services department. Not long after, child abuse investigations were criticising the poor communication within social services department and with other agencies. The managerial answer is always to create larger systems of organisation – even though larger bureaucracies may hamper communication. Now the Green Paper majors on statutory children's trusts, safeguarding boards, children's centres promoted by a national agency plus more computerisation and a high-ranking children's commissioner.¹

Holman laments the preoccupation of the Green Paper with statutory bodies and structures which suggests an undervaluing of grassroot services for children run by locally controlled community projects:

The services provided by projects rooted long term in their communities are the ones closest to vulnerable children. Yet they are ignored by government and those who write green papers.

Even more conspicuous by its absence in the green paper is any recognition of the fact that there is no substitute for solid stable families, where the ties are personal rather than professional and where care is provided for love, not money. Indeed, the children and young people's version of the Green Paper barely mentions parents at all and contains no recognition of the primary responsibility of parents for the care and nurture of their children.

¹ Bob Holman, 'A Different World', *Community Care*, 18-24 September 2003

We are concerned that the major focus of the Green Paper is on granting further, more intrusive powers to publicly-funded agencies rather than on encouraging parents to take more responsibility for the care and protection of their children. As one commentator has recently observed:

Over the last 50 years we have erected a vast official superstructure whose sole purpose is to do the job which, in a properly liberal and responsible society, families and communities would do for themselves... [W]hat is needed is not yet another attempt to impose, from above, with public money and through public officials, a countervailing tendency to the breakdown of social and moral norms. What is needed is quite simply a social and moral renaissance.

Rather than trying to construct, in T.S. Eliot's words, 'systems so perfect that no one will need to be good', we should be seeking to nourish the informal communal networks which sustain the habits of social responsibility and neighbourly support. Much as Labour likes to trumpet its attachment to what it calls the 'third sector', what its approach means is precisely the sort of 'partnership' with the NSPCC which made such a mess of things in Victoria [Climbie's] case in Tottenham. The government should take a leaf from the book of George W Bush, and channel funds directly to community groups, 'faith-based' and otherwise, which would take over some of the functions so inadequately discharged by the public sector. Such organisations establish an explicit connection between decent behaviour and the receipt of public support.

They require people to make choices about their lives, and make plain the consequences of those choices. They are independent, autonomous organisations and they treat people as independent, autonomous human beings. They might not be enough to stop another Kuoao and Manning, but they would be better than Haringey Borough Council.²

We wish to comment on four issues raised by the consultation document:

1. Information Sharing and Identity Numbers

The consultation paper has been produced in response to the recommendations of Lord Laming's Inquiry into the death of Victoria Climbié and carries an emphasis on the need to improve lines of communication between the various agencies concerned with the welfare of children. It proposes that local authorities should have a list of all children in their area and that each child should have a unique identity number so that his or her records will be electronically available to all agencies. This intrusive proposal has proved highly controversial, with civil liberties organisations expressing concern about the implications of such information sharing for those falsely accused of abuse, and child welfare groups fearing an infringement of 'the right of the child to privacy'.

Family Education Trust shares these concerns and has a sense of considerable unease about the nature of the measures that will be required in order to overcome the current legislative obstacles. An article in *Community Care* held that the Green Paper's proposals on information sharing constituted 'a major change in the concept of family privacy', involving 'a host of implications that could permanently change the relationship between the family and the state'.³

Article 8 of the European Convention on Human Rights requires states to ensure that:

² Daniel Kruger, 'How Welfare Killed Victoria', *The Spectator*, 1 February 2003

³ Ruth Winchester, 'Welcome to the Machine', *Community Care*, 30 October–5 November 2003.

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Under the Human Rights Act 1998 and the Data Protection Act 1998, the right to respect for private and family life is enshrined in UK law. Indeed, the Data Protection Act was specifically introduced to enforce a European Directive to ensure that states ‘protect the fundamental rights and freedoms of natural persons, and in particular their right to privacy with respect to the processing of personal data.’⁴

Only in exceptional circumstances are local authorities empowered to disclose information or deny parents access to files. Guidance produced by the Department of Health emphasises that:

Restriction on the right of access should be exceptional and confined to serious harm, for instance where there is sufficient risk to the safety of a child for a child protection plan to be in place and where disclosure would prejudice the plan.⁵

More recent guidance from the Children & Young People’s Unit (CYPU) likewise insists that public authorities may interfere with the right of an individual to privacy only ‘in limited circumstances’. The document states:

It is important to emphasise that the exceptions – especially those in relation to health, education and social work – apply only in very limited situations.⁶

It is sometimes argued that the right to respect for private and family life guaranteed under Article 8 is not absolute but qualified. However, CYPU guidance states that:

Article 8.2 does not give you ‘carte blanche’ to ignore the right to respect for family and private life. You have to balance the competing interests, and if you have to infringe the right you must try to minimise the infringement to the child or his family’s right when seeking to achieve your wider public interest goals.

Yet under the proposals contained in the Green Paper, every child would have an individual identifying number linked to an electronic record which could be accessed by at least 13 separate agencies in the local ‘information hub’. We are concerned that such a system, intended to protect children carries with it the danger of exposing them to risk. Clearly, the greater the number of individuals and agencies with access to children’s personal information, the greater the potential for the system to be abused. We believe the Green Paper is naïve in not seriously entertaining the possibility that an intrusive and all-embracing electronic system could be accessed by paedophiles or abused by workers within public agencies.

⁴ EC Directive 95/46

⁵ Department of Health: *Data Protection Act 1998 Guidance to Social Services 2000*

⁶ Children & Young People’s Unit, *IRT: Information Sharing to Improve Services for Children: Guidance on Information Sharing*

Quite apart from the considerations highlighted above, it is difficult to see any justification for the inclusion of all children on such a database when the vast majority are not at risk of abuse. The CYPU guidance states:

In the context of the IRT project we do not use risk in the narrow sense of children at risk of physical harm or abuse... Ideally, IRT of children should cover ALL children and any risk that they will not reach their full potential or will be denied opportunities available to other children because they are socially disadvantaged. (emphasis in original)⁷

However, the document omits to explain why the meaning of 'risk' is extended to embrace all children for the purposes of IRT, when the vast majority of children are simply not at risk of suffering significant harm and abuse as generally understood.

We are concerned that the inclusion of an electronic record on every single child carries with it the potential for system overload. The input of non-essential information on a database runs the risk of masking situations where real problems are developing. This could lead to a situation where the aim to provide children with additional protection will prove counterproductive. We would therefore urge that if the government proceeds with its proposals for electronic information-sharing, data input and access should be kept to a minimum and restricted to information directly relevant to child protection.

A further reason for limiting the information stored on the database is that the higher the volume of data entry, the greater the scope for errors in the system. For example, an audit of the Police National Computer conducted by the Metropolitan Police Security Inspection Unit in 2000 found an error rate of 86%. Eighty-five per cent of the errors were of such a serious nature that they could potentially have serious consequences with the possibility of financial compensation awards to those affected.⁸

Not without justification, a paper published by the London School of Economics sounds a cautionary note:

For some years organisations have been fixated on the idea of converged or "joined-up" data resources. This poses grave threats to the security of data. It also introduces the inevitability that data will be lost, misinterpreted, mutated or abused. Multiple-agency access to sensitive data greatly increases the potential for misuse of information, either through corrupt disclosure or lapses in security.⁹

2. 'Extended schools'

The consultation document proposes to extend the remit of schools far beyond their educational function. In an attempt to 'integrate education, health and social care services around the needs of children', the government wants to turn all schools into 'extended schools - acting as the hub for services for children, families and other members of the community'. It is envisaged that by 2006, each LEA will have at least one 'full service extended school'

⁷ *Ibid.*

⁸ Mike Simons, 'Errors rife in police data file', *Computer Weekly*, 27 April 2000, <http://www.computerweekly.com/Article22806.htm>

⁹ S Davies, *Combustible Matches: how convergence of data magnifies risk*, London School of Economics: Department of Information Systems, 2003

offering ‘a core of childcare, study support, family and lifelong learning, health and social care, parenting support, sports and arts facilities, and access to Information Technology’.

For some time Family Education Trust has been concerned by the way in which health clinics have been providing a confidential advice service to pupils on a growing number of school premises throughout the country. Government guidance regarding the supply of medical treatment in schools insists that ‘no pupil under the age of 16 should be given medication without his or her parent’s written consent’ and school staff are advised against giving non-prescribed drugs such as aspirin or paracetamol.¹⁰ Yet, such protocols are being by-passed by health professionals who are increasingly providing the contraceptive pill and morning-after pill to school pupils without the knowledge or consent of their parents. This is having the effect of normalising underage sex, placing children at risk of STIs and long-term emotional problems, and breaking down relationships of trust between children and their parents. We are not persuaded that a furtherance of this trend whereby schools assume responsibility for functions previously performed within the family or other sections of the community will serve the best interests of children.

In a recent article, Professor Frank Furedi of the University of Kent lamented the way in which schools are fast becoming crèche-like places whose main task is the socialisation of children rather than serving as educational institutions:

This shift of emphasis towards socialisation has been prompted by the disintegration of the community structures that hitherto served the purpose. Over the years, schools have increasingly had to provide pupils with that sense of social responsibility that used to come from the local community.

The trouble is that schools are not, and cannot be, substitute communities. And despite their worthy intentions, by assuming such a responsibility they undermine further the capacity of the local community to deal with social problems.

Professionalising the management of children’s relationships, parenting and community attitudes weakens the ability of people to conduct their own affairs. Moreover, as the socialising role of schools displaces their educational function, they become less able to perform the latter.¹¹

A considerable number of home educators and home education support groups have been justifiably concerned by the Green Paper’s statement that ‘a child without a current educational record in the system should generate an alert’¹² and its desire to ‘help reintegrate children and young people who have been outside the school system’.¹³ For decades UK law has provided that the responsibility for the education of their children rests with parents and not the state. In fulfilling their statutory duty, parents may either send their children to school or make alternative provision. The Education Act 1996 requires:

The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable -
(a) to his age, ability and aptitude, and

¹⁰ Department for Education & Employment, Department of Health, *Supporting Pupils with Medical Needs: A good practice guide*, London: HMSO 1996

¹¹ Frank Furedi, ‘Teachers are not social workers’, *Daily Telegraph*, 8 November 2003

¹² Paragraph 4.7

¹³ Paragraph 4.30

(b) to any special educational needs he may have, either by regular attendance at school or otherwise.¹⁴

There is no basis for any suggestion that home educated children are more vulnerable to abuse than those registered at school. Indeed, since the Youth Justice Board's Youth Survey 2002 found that 17 per cent of secondary school pupils reported having been bullied at school and 24 per cent reported having been the victim of a theft at school, there is a case for arguing that children at school are considerably more at risk than those educated at home.¹⁵

Research undertaken by Dr Paula Rothermel at Durham University into the aims and practices of home educating families from diverse socio-economic backgrounds recorded positive academic and psycho-social outcomes.¹⁶ In the United States, where home education is more established than in the UK, researchers have found similar positive outcomes. A recent survey of over 7,300 adults who were home educated conducted by Dr. Brian Ray of the National Home Education Research Institute concluded that: 'homeschooling produces successful adults who are actively involved in their communities and who continue to value education for themselves and their children'.¹⁷

Rather than stigmatising home educating families and bracketing them together with truants, the government should recognise the valuable work that they are doing, often at considerable personal sacrifice, and the important contribution that they make to their local communities.

3. Children's Commissioner

The Green Paper proposes the appointment of a children's commissioner for England in order 'to ensure children's and young people's voices are effectively heard'. Using the language employed by children's rights campaigners the document refers to the commissioner as 'a children's champion' independent of government, who will 'develop effective ways to draw on children's views, locally and nationally, and make sure they were fed into policy making'. Quite apart from the question of how a statutory office appointed and funded by the government to serve in an advisory capacity to the government can be truly 'independent', there are serious concerns that the appointment of an official empowered to 'speak for all children' will further undermine the role of parents who are far better placed and equipped to represent the interests of their children than any impersonal mechanism or bureaucratic machine.

We were surprised that the Green Paper does not invite a response to the proposal to create a children's commissioner for England. Along with other family groups, Family Education Trust has consistently opposed the establishment of an 'independent' publicly-funded statutory office for children on the basis that it would:

¹⁴ Education Act 1996, Section 7

¹⁵ Youth Justice Board, *Youth Survey 2002*

¹⁶ Paula Rothermel, *Home Education: Rationales, Practices and Outcomes*, University of Durham, 2002

<http://www.jspr.btinternet.co.uk/Research/Researchpaper/BERAworkingpaper.htm> Further academic papers by Dr Rothermel on home education will be found on her website at:

<http://www.jspr.btinternet.co.uk/Research/Researchpaper/abstracts.htm>

¹⁷ Brian Ray, *Homeschooling Grows Up*, National Home Education Research Institute, 2003

<http://www.hslda.org/research/ray2003/HomeschoolingGrowsUp.pdf> This paper is a summary of Dr Ray's research report entitled *Home Educated and Now Adults: Their Community and Civic Involvement, Views About Homeschooling, and Other Traits*, National Home Education Research Institute, 2003

- undermine parents
- threaten the autonomy of the family unit
- threaten the unique character of childhood
- undoubtedly be used as a vehicle to advance a radical ‘children's rights’ agenda
- in all probability become increasingly intrusive in its remit and powers

It is also a matter of some concern that the government’s plans to establish a commissioner for children should have been announced in the Queen’s Speech on 26 November, prior to the closing date for consultation on the Green Paper.

A copy of a paper on this subject which we submitted to the Joint Committee on Human Rights earlier this year is enclosed as an appendix to this submission.

4. The Role of Parents

The Green Paper contains a section on ‘Supporting parents and carers’ which states:

The bond between the child and their parents is the most critical influence on a child’s life. Parenting has a strong impact on a child’s educational development, behaviour and mental health.¹⁸

It also records that:

Research suggests that parenting appears to be the most important factor associated with educational attainment at age 10, which in turn is strongly associated with achievement later in life. Parental involvement in education seems to be a more important influence than poverty, school environment and the influence of peers.¹⁹

However, in spite of this recognition of the central importance of the parent-child relationship, other sections of the document militate against it and undermine the position of parents. For example, the government’s goal to ‘make working with children an attractive, high status career’²⁰ betrays a tendency to downgrade the role of parents. Likewise, the government’s plan to increase the provision of childcare and out of school care in all areas and to extend free part-time education to all three year-olds²¹ is encouraging a culture where children spend vast amounts of time away from their parents during their early years. The effect of enhancing professional childcare is to limit the influence of parents, with a potentially damaging impact on children.

Professor Jay Belsky of the Institute for the Study of Children, Families and Social Issues at London University’s Birkbeck College, records that children who spend long periods in daycare from an early age tend to be less compliant, more aggressive, less popular and more likely to experience behavioural problems than children cared for by their mothers:

¹⁸ Paragraph 3.1

¹⁹ Paragraph 1.12

²⁰ Executive Summary, p10

²¹ Paragraph 2.8

Children who spent more time in childcare during their first five years scored lower on a composite measure of positive adjustment (i.e. peer popularity, teacher-rated peer competence) and higher on a composite measure of negative adjustment (i.e. teacher-rated behaviour problems, peer dislike, observed aggression) than children with less childcare experience.²²

There is therefore good reason for the government to exercise caution before embarking on programmes aimed at expanding childcare provision and investing in training and the development of career structures which would have the effect of reducing the amount of time children spend with their mothers.

The Green Paper notes the government's intention to:

Develop a strong partnership with our stakeholders – practitioners, academics, policymakers and children and young people.²³

Parents are notably absent from the government's list of 'stakeholders', though 'children and young people are included'. While we are not persuaded that parents either need or require a 'strong partnership' with the state in order to successfully bring up their children, we suggest that their omission from this list is suggestive of a dismissive attitude.

Perhaps even more significantly, while the consultation document 'seeks views from everyone...', it is addressed in particular to those vital groups of staff and professionals who are committed to meeting children's needs'²⁴. Who could be more vital than parents in their commitment to meeting children's needs? Yet 'staff and professionals' are singled out for mention. It would appear that the government is more concerned to hear from the four million or so people in England who work with children in a professional capacity than from their parents who are there for them through thick and thin, and care for them in a personal capacity.

In his introduction, the Prime Minister refers to the lives of some children which are 'filled with risk, fear, and danger: and from what most of us would regard as the worst possible source – from the people closest to them.' But nowhere in the Green Paper is there any recognition of the fact that the two-parent married family is by far the safest environment for children and that children brought up outside this setting are disproportionately at risk of being abused by 'the people closest to them'.

- According to data from the NSPCC, young people are five times more likely to have experienced physical abuse and emotional maltreatment if they grew up in a lone-parent family, compared with children living with their two natural parents.²⁵
- All studies of child-abuse victims which take account of family type identify the step-family as representing the highest risk to children, with the risk of fatal abuse being 100 times higher than in families where both biological parents bring up their children together. An NSPCC study in 1988 separated married step-fathers from unmarried cohabiting men and found that married step-fathers were less likely to abuse: 'for

²² Jay Belsky, 'Developmental Risks (Still) Associated with Early Child Care', *Journal of Child Psychology and Psychiatry*, 2001, quoted in: Jill Kirby, *Choosing to be Different: Women, work and the family*, London: Centre for Policy Studies, 2003.

²³ Executive Summary, p11

²⁴ Introduction by the Chief Secretary to the Treasury, p3

²⁵ Rebecca O'Neill, *Experiments in Living: The Fatherless Family*, London: Civitas 2002

nonnatal fathers marriage appears to be associated with a greater commitment to the father role'.²⁶

- An analysis of 35 cases of fatal abuse which were the subject of public inquiries between 1968 and 1987 showed that the risk for children living with their mother and an unrelated man was over 70 times higher than it would have been for a child with two married biological parents.²⁷
- Research also confirms that marriage is more than 'just a piece of paper'. Cohabiting relationships are far less stable than marriages. One study found that less than ten per cent of women who have their first child in a cohabiting relationship are still cohabiting ten years later. About 40 per cent will have married, but 50 per cent will be lone unmarried mothers because their relationships have broken up. Children born to cohabiting parents are more likely to experience a series of disruptions in their family life, which can have negative consequences for their emotional and educational development. Children living with cohabiting couples do less well at school and are more likely to suffer from emotional problems than children of married couples.²⁸

Since one of the aims of the Green Paper is 'to reduce the numbers of children who...become teenage parents', it is also worthy of note that children and young people brought up by married parents are also more likely to delay embarking on sexual activity with all its attendant risks. A study of over 2,000 young people in England aged 13–15 found that, in families headed by a married couple, only 13 per cent of the children were sexually active. The percentage doubled (26 per cent) for young people living in one-parent families. The figure was 24 per cent for the children of cohabiting couples, 26 per cent where the parents were separated, 23 per cent where children divided their time between two parents living apart, 24 per cent where the parents were divorced, and 35 per cent where children did not live with either parent.²⁹

Mr Blair comments: 'Sadly, nothing can ever absolutely guarantee that no child will ever be at risk again from abuse and violence within their own family', as if the family is the only place where abuse and violence take place. He omits to mention the abuse suffered by children at the hands of care workers.

Throughout the document, support for parents is seen in terms of publicly-funded services rather than extended family, churches and local voluntary support networks. The children and young people's version of the Green Paper barely mentions parents at all and gives the impression that the state has a more significant role in the lives of young people than the family.

28 November 2003

²⁶ *Ibid*

²⁷ Robert Whelan, *Broken Homes and Battered Children*, Oxford: Family Education Trust 1994

²⁸ *The Facts Behind Cohabitation*, London: Civitas 2001

²⁹ Clifford Hill, *Sex Under Sixteen?* London: Family Education Trust 2000, p58