

# **Balancing acts**

**Youth, parenting and public policy**

**Gill Jones and Robert Bell**

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# Preface

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Since the New Labour Government came to power in May 1997, there has been a proliferation of policies affecting young people and their families in many ways. This report aims to set a benchmark against which to measure current and future changes in policy legislation. We have sought to examine the changing approaches to youth and family policies over recent decades, and to point to some of the anomalies and assumptions which appear to be embedded in policy thinking. It is inevitable that by the time this report is published new policies will have been formulated and announced, if not implemented. The rate of change appears great. However, by focusing on the themes underlying policy

making, we hope that we have been able to highlight continuities as well as change in approaches to legislating for youth.

In the course of this research, we have also produced a chronological mapping of government measures, tracing developments in the key policy areas covered in this report. The chronology focuses primarily on the post-war years and covers legislative provisions, consultation documents, key reports and policy statements. Our intention is that the chronology will complement this report and act as a useful reference source. The chronology is available on the Web (<http://www.keele.ac.uk/dept/so/research/youthchron.htm>)

# List of abbreviations

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CA	Children Act	HEFC	Higher Education Funding Councils
CB	Child Benefit	HND	Higher National Diploma
CC	Community Charge	HO	Home Office
CSA	Child Support Act	IB	Incapacity Benefit
DES	Department of Education and Science	ILO	International Labour Organisation
DfEE	Department for Education and Employment	IS	Income Support
DHSS	Department of Health and Social Security	JCP	Job Creation Programme
DSS	Department of Social Security	JSA	Jobseeker's Allowance
Dip HE	Diploma in Higher Education	LA	Local authority
DLA	Disabled Living Allowance	LCD	Lord Chancellor's Department
DoH	Department of Health	LEA	Local Education Authority
DSS	Department of Social Security	LEC	Local Enterprise Council (Scotland)
DTI	Department of Trade and Industry	LPC	Low Pay Commission
DTO	Detention and Training Order	MSC	Manpower Services Commission
E&W	England and Wales	NHS	National Health Service
EMAs	Education Maintenance Allowances	NI	National Insurance
EU	European Union	NMW	National Minimum Wage
FE	Further education	NT	National Traineeships
FEFC	Further Education Funding Council	NVQ	National Vocational Qualification
GNVQ	General National Vocational Qualification	PR	Parental responsibility
HA	Housing Act	PRA	Parental Responsibility Agreement
HB	Housing Benefit	PRO	Parental Responsibility Order
HC	House of Commons	QCA	Qualifications and Curriculum Authority
HE	Higher education	QPP	Quality Projects Programme
		RSI	Rough Sleepers' Initiative

## List of abbreviations

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RSSL	Recruitment Subsidy for School Leavers	SSD	Social Services Department
SB	Supplementary Benefit	SVQ	Scottish Vocational Qualification
SEU	Social Exclusion Unit	TEC	Training and Enterprise Council (England and Wales)
SI	Statutory instrument	TVEI	Technical and Vocational Education Initiative
SDA	Severe Disablement Allowance	UN	United Nations
SLA	School-leaving age	YT(S)	Youth Training (Scheme)
SSA	Social Security Act		
SSAC	Social Security Advisory Committee		



# 1 Youth, parenting and policy

## Youth

Over the decades, a range of government policies have constructed young people as dependent children or as independent adults, in a variety of ways. First, childhood was constructed through legislation to provide education and to protect from exploitation, then youth emerged as a period in life between childhood and adulthood. Now both childhood and youth are being extended. Policy constructions develop out of a segmented government structure, however, and different government departments construct youth in different ways. Some policy messages are therefore contradictory. These policy constructions of youth, whether coherent or not, are clearly likely to impact on the lives of young people and the responsibilities of their parents. However, policies constructing (in)dependence are not necessarily mirrored by policies defining or assigning parental responsibility.

The relationship between young people and their parents has become an important issue. Amid concerns about the breakdown of family and community life and increased ‘disengagement’<sup>1</sup> among young people, policy attention now turns to the responsibilities of parents as both care providers and moral educators. Policies themselves should be evaluated, however, since they provide the

institutional structures for youth and parenting. Whatever young people and their families may want to do is likely to be affected, if not determined, by policies which define them. They may have limited room to manoeuvre.

This report explores policies from the perspective of young people in the UK. It reviews policies for young people across a range of policy areas, and then moves on to family policies. It identifies some of the common assumptions about young people and their carers which underlie policy and provision for young people, and highlights areas where young people and their carers appear to be receiving conflicting official messages.

## Dependence and independence

Youth is a period in life between childhood and adulthood in which transition from dependence to independence is occurring, socially and economically. As has been argued elsewhere (Coles, 1995; Jones, 1995a) the transition is no longer a unitary one, but can only be understood if conceptually at least it is broken down into different strands (Table 1). Some strands of transition relate to the development of economic independence, while others relate to household and family formation. Transitions do not necessarily occur at the same rate along each of these strands and so, in the real world,

**Table 1 Strands of transition to adulthood**

Transition	Childhood	Youth	Adulthood
School to work	School	Course or scheme	Labour market?
Family	Child in family	Cohabiting/ single parent	Partner – parent?
Household	Parental home	Intermediate household	Independent home?
Housing	Owner or council tenant	Transitional housing	Owner or council tenant?
Income	Child income	Youth income	Full adult income?
Economic independence	Dependence	Semi-dependence	Independence?

people may be independent in some spheres of their lives while they remain dependent in others. Nor are transitions to adulthood one-directional: attempts at becoming an adult in terms of jobs or housing can be unsuccessful, when jobs are lost or housing difficult to find, and so backtracking frequently occurs. This, as we shall see, is partly because transitions can be constrained or facilitated by policy structures.

Youth has changed in the course of a generation. The main changes have been in the structuring of the economic transition from school to work, with an extension of education and training, accompanied by the loss of the youth labour market (Furlong and Cartmel, 1997; Payne, 1998). Economic independence has become more difficult to achieve because access to full adult incomes has been withdrawn, and age disparities in income reinforced by government policies. The last two decades have seen the withdrawal or erosion of welfare and housing benefits, student grants, training allowances and wages. Employed school-leavers are more likely to be in low-paid work than they were even five or ten years ago (New Earnings Surveys, 1977, 1987, 1997). It is estimated that around 161,000 16/17 year olds (9 per cent) are not in education, training or employment and without a formal income (Social Exclusion Unit, 1999a). Not only are young people as an age group poorer than adults, but there has also been a polarisation of wealth among the young (Jones and Martin, 1999). As access to formal sources of income has become more restricted, informal sources of income, such as through informal work and economic support from parents, have become more necessary (Jones, 1995a, 1995b; Pickvance and Pickvance, 1995).

These changes have had a profound knock-on effect on other aspects of the transition to adulthood. Thus, economic transitions do not always provide the underpinning necessary for domestic transitions to occur, and there is evidence that 'economic rationality' does not necessarily govern behaviour, despite a common belief that it should (Jones, 1995a). Young people are now more likely than they were to set up home as single people (Jones, 1995a) or to cohabit (Utting, 1995) while marriage and childbirth are being delayed. Definitions of adulthood are also having to take account of the greater uncertainty and risk attached to adult life – jobs, homes, families are no longer the secure destinations they once may have seemed to be. Young people face an uncertain future in what has been termed the 'risk society' (Beck, 1992). *Criteria for successful transition to adulthood have thus become problematic and vulnerability harder to define. It is therefore essential that policies are coherent and developed in ways which reduce rather than increase these risks.*

Policy constructions of childhood, youth and adulthood are however varied and confused. The ages at which young people acquire 'adult' rights and responsibilities appear, for example, to be based on widely diverging criteria, as the examples in Table 2 show.

These different age thresholds were developed in different policy areas. Chapter 2 of this report will show that between dependence and adult independence there are other stages of semi-dependence, often defined according to age criteria, and once again by different ages in different policy areas. Such policy inconsistencies, resulting in ambiguities of status in youth, are explored throughout this report.

**Table 2 Some ages in legislation**

Age	Rights/responsibilities acquired
8	Criminal responsibility (Scotland)
10	Criminal responsibility (E&W)
13	Child employment
16	Can leave school Can contribute to NI and pay income tax Age of heterosexual consent Can marry with parents' consent in E&W (without consent in Scotland)
17	Can drive car
18	Age of majority Can marry without parents' consent in E&W Current age of consent among male homosexuals Can vote Can sign tenancy (16 in Scotland) Can buy alcoholic beverages Can claim NI (inc. unemployment benefit) Can claim social security (at 18–21 rate)
21	Previous age of majority
22	Adult Minimum Wage rate
25	Adult levels of Income Support and Housing Benefit

## Parenting

These changes have implications for young people's parents or carers, whose own youth a generation ago would probably have been very different, and whose expectations of parenting may therefore be out of date.

### Extension of parental responsibility

Potential dependence on parents now extends until the age of 25, when full adult levels of income support become available, though the Audit Commission (1996) recommended that parents be held responsible for their children only up to the age of 18 years. Although policies make assumptions about parents' willingness and ability to extend their responsibilities towards their young, there is no legislation which defines a clear package of adult

responsibilities to balance the package of legislation defining dependency in youth.

We do not know what most parents think about the implicit extension of their parental responsibility, or to what extent they provide economic support for their children's transition to independent living, or may be able to take up the slack whenever state support is withdrawn.<sup>2</sup> The fostering of independence and responsibility is at the heart of parent-child relations (e.g. Jones and Wallace, 1992). The continued extension of the period of dependent youth may thus go against the grain with parents who see their role as enabling social and economic independence. Smith *et al.* (1998) found that many parents of homeless young people saw their responsibilities ending at 18 years.

Finch (1989) describes the ambivalence inherent in the relationship between adult

children and their parents, and the difficulty in achieving 'the desired blend of dependence and independence'. This balance may, however, shift over time and with the age of the child, and is therefore dependent on continual negotiation and re-negotiation between young people and their parents. Young people appear, however, to have no clear understanding about the obligations of parents, or about how to make claims on them (Jones, 1995b). In consequence, the initiative for support rested with the provider, not the receiver (as Finch and Mason, 1993, also found) and, without the offer of support, most would not receive it.<sup>3</sup> Although a recent study suggests that most people (73 per cent) consider that adult children should be able to call on their parents for help, less than half thought that they should seek parental help before asking for financial help from the state (McGlone *et al.*, 1998). Nevertheless, it is likely that the reduction in youth incomes has put an increased financial burden on members of their family of origin (Hutson and Jenkins, 1989; Allatt and Yeandle, 1992). Conflicts over money can lead to the breakdown of parent-child relationships. In situations where families are unable or unwilling to subsidise, younger people leaving home may face increased risk of poverty and homelessness (Jones, 1995b; Smith *et al.*, 1998).

In Chapter 3, we explore the legal framework of parental responsibility, asking what parental responsibility means, and how long does it extend, according to the law.

### Assigning parental responsibility

The next problem is the assigning of parental responsibility. Who is the responsible parent? Increasing numbers of young people are

growing up in families where there is marital conflict, divorce or separation, and remarriage. Poverty may affect access to economic support from a lone mother. There is also a possibility that a young person may be looked after by a step-parent, or kin, or foster parent, and in all these cases parental responsibility may be particularly ill-defined. Research has indicated inequalities in access to family economic support among young people: for example, step-children (Jones, 1995b) or care-leavers (Biehal *et al.*, 1995) may be particularly disadvantaged. The combination of polarisation of wealth and increase in family breakdown creates new disadvantages for young people (as the Home Secretary, Jack Straw, pointed out in July 1998). This issue too is explored in Chapter 3.

## Policy

### Legislating relationships

Policies provide the institutional basis for the construction of dependence and independence in youth and define the threshold between childhood and adulthood. Assumptions vary, as do definitions of dependence and independence, across government departments and policy areas. Government policies and legislative provisions thus potentially shape three types of economic relationship.

- 1 *Between young people and the state*: policies can directly impact on the dependent or independent economic status of a young person; policies recognising young people as individual citizens result in the payment of benefits to young people themselves.
- 2 *Between young people and their parents*: young people constructed as dependent are

expected to seek support from their parents; those constructed as independent are assumed not to receive subsidies from their parents.

- 3 *Between their parents and the state*: some policies circumvent the young person and go straight to parents, such as Child Benefit; even benefits to young people may be based on the means-testing of their parents.

### Joined-up policies

Though there is now a recognised need for a holistic approach to young people (and indeed to other social groupings), this is difficult for governments traditionally run on departmental lines, each department having its own budget and own policy concerns within the wider government policy agenda. Typically, for example, the department responsible for education has had little interest in housing issues. No department has had an overarching responsibility for youth, or indeed for the family. The existence of a minister with responsibility for presentation of policies for families between 1994 and 1997 had little effect.

Since New Labour came to power, there has been more concern for 'joined-up' policies, which break with civil service tradition.

Government departments are now broadening their agendas. The Cabinet Office Social Exclusion Unit has brought departments together in an attempt to develop holistic policies to combat and/or prevent social exclusion among young people. A Ministerial Committee on the Family, chaired by the Home Secretary Jack Straw, was formed in 1997 to scrutinise government policies for their effects on family life.

In our final chapter, we consider the way forward for youth and family policy, in particular whether there is a case for a Minister for Youth, or whether youth and family policies could be more closely interwoven.

### Guide to this report

In reviewing government policies constructing youth and its parenting, we have sought to address the following questions.

- How have definitions of dependence changed over time, and how consistent are they now?
- What is the significance of age in the construction of (in)dependence?
- What assumptions underlie policy constructions of youth?
- Are constructions of dependence mirrored with constructions of parental/state responsibility?
- What messages are being sent out to young people and their parents?
- How could coherent policies for young people be developed?

In the preparation of this report we have used many sources, including Hansard, Acts of Parliament, the House of Commons Library and government web sites. We are currently witnessing a period of rapid change in youth and family policy under New Labour. Rather than attempt to provide full coverage of current and recent policies, we have attempted to locate their main thrust within a holistic and historical framework. It is often interesting to compare the

legislative framework in England and Wales with that in Scotland, which differs in many respects. This is what we have done in several policy areas; we acknowledge, however, that our coverage of Scottish legislation is not comprehensive. Our restricted timetable was also the main factor preventing us from including coverage of Northern Ireland.

The next chapter is concerned with identifying the changing institutional criteria that construct economic dependence in youth in each policy area and Chapter 3 then locates the construction of parental responsibility in each. Chapter 4 summarises our main findings, provides a holistic overview of change and continuity in the issues surrounding youth policies in Britain, identifies some of the policy assumptions which may hinder the development of successful policies, and concludes with some reflections on the way ahead.

### Notes

- 1 The currently fashionable policy term, replacing previous terminology such as 'disaffection', 'dropping out', or, arguably, 'anomie'.
- 2 Research on family obligations tends to focus on the relationship between adult children and their parents (e.g. Finch and Mason, 1993; Millar and Warman, 1996).
- 3 'Claiming rights is definitely not seen as a legitimate part of family life. Even where one person accepts a responsibility to help, the other does not have the right to claim, or even to expect, assistance' (Finch and Mason, 1993, pp. 166–7).

## 2 Youth – dependence and vulnerability

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### Introduction

There is increased concern among youth researchers and practitioners with the need for a 'holistic' approach, to increase our understanding of young people and their lives. Joined-up policies for youth will be difficult to achieve because the notion defies a long history of fragmentation of youth policies, with different policy areas using different criteria for defining youth and adulthood. Not only do these criteria sometimes conflict across areas, but they sometimes conflict within areas, creating some curious anomalies, as we shall show.

The policy areas considered here are education, training, employment, social security, housing and transport, health and criminal justice. The main focus of this chapter is on the ways in which policies construct dependence and independence in youth, and the significance of age in policy constructions. We briefly consider alternative criteria of vulnerability and competence. There are other themes running through this account, of conditionality, empowerment and citizenship, which are discussed in Chapter 4.

### Education and training

*The best defence against social exclusion is having a job, and the best way to get a job is to have a good education, with the right training and experience. (Tony Blair, 1999)<sup>1</sup>*

Over the decades, education has increasingly been promoted as the means to escape poverty and social disadvantage. Access, first to primary, then to secondary, and later to post-compulsory education has been extended, while

a range of provision within employment legislation served to protect younger children from exploitation and remove them from the labour force. It was through the combined effects of education and employment legislation in the nineteenth century that childhood was invented as a period in which dependency was expected. It was similarly largely through legislation in the twentieth century that youth has emerged as a more significant – and in policy terms more problematic – part of the life course.

Since the late 1960s, industrial change (shift from manufacturing to service industry) and restructuring of the labour market (particularly its flexibilisation and increased participation of female workers) led to a loss of the jobs for which unqualified school-leavers were previously recruited. Policy responses to the resulting high levels of youth unemployment in the 1970s and 1980s included an increased emphasis on post-compulsory education and training. The policy aims were to reduce youth unemployment and to develop a workforce more equipped for the contemporary labour market and the changing needs of industry. As a result, the transition to economic independence became more complex and the period of dependent youth was extended.

### Minimum school-leaving age

The minimum school-leaving age (SLA) used to be the gateway to labour market participation and marked the first opportunity for economic independence from parents. Each raising of the SLA directly resulted in a raising of the age of access to full-time work and an extension of dependence on parents. Since 1921, the SLA has been raised three times: from 12, to 14, then 15,

and finally to 16 years in 1973. More young people are now staying on in post-16 education, as the policy emphasis has shifted towards the provision of post-compulsory education and training.<sup>2</sup> In consequence, the age at which young people acquired the right to leave school and the age at which the majority of school-leavers first entered employment have drifted apart. The SLA now marks little more than a point at which education diverges into academic and vocational routes, and forms a major transition point only for lower academic achievers entering work-based training and further education, and for the small proportion of school-leavers still seeking to enter employment. When current plans are put into practice to unify post-16 education and training, to extend work-related education in schools and to give more workers the right to study, even this residual significance will fade.

The impacts on young people and on family life of these extensions of compulsory education should not be under-estimated. In the following sections, we shall show how education and employment policies are designed to encourage 16 year olds not to enter the labour market, but to remain in education or training. In the latter cases in particular, they continue to be constructed as dependants or at least semi-dependent. School-leavers who continue to seek economic independence through work are excluded both from minimum wage legislation and from welfare support, and thus they too are denied adult independence. The SLA appears to have outlived its original significance, and its corollary, the age of entry into full-time employment, has effectively been raised to the age of 18 years. This leaves 16–18 year olds in an ambivalent and possibly vulnerable situation,

particularly where they may not have access to economic support from their parents, since their entitlement to benefits has been greatly reduced.

### **Citizenship education and volunteering**

While our main concern in this report is over-16s, a number of policy developments in secondary education set the scene for the remainder of this chapter. The Labour Government's education policy stresses the need for all school-leavers to have basic skills, including literacy and numeracy, and to be socialised into the ethic of 'Lifelong Learning', work (rather than welfare dependency), and values of citizenship. These themes thus represent a move beyond the National Curriculum set in place in 1996.

In its recommendations to the Labour Party in opposition, the Commission on Social Justice (1994, p. 362) had called for new ways of 'giving young people a stake in the system' and proposed voluntary 'Citizens Service', with the broad aims of educating for citizenship, the breaking down of social barriers and the promotion of individual personal development. Various forms of recompense to young volunteers were mooted, including a weekly allowance plus subsistence and travel expenses, help with university tuition fees, post-service credits to help with the costs of securing a tenancy, or even driving lessons (Commission on Social Justice, 1994, p. 365).

Thus, the Education Secretary David Blunkett (DfEE, 1997) identifies the need for education provision (emphasis added):

*... to ensure that all young people reach 16 with the highest standards of basic skills and a secure foundation for **lifelong learning, work and***

**citizenship** ... to encourage people to continue throughout their lives to develop their knowledge, skills and understanding and improve their employability in a changing labour market.

And elsewhere states:

*We want a literate, numerate, but also civilised society in which **actively contributing** to the well-being of others is seen as a natural part of a strong and caring community.* (DfEE press release 104/99; emphasis added)

There have been a number of initiatives<sup>3</sup>, aimed at increasing employability, re-engaging in education and training those who have dropped out, and developing the notion of ‘citizenship education’, focusing on social and moral responsibility, community involvement and political literacy.<sup>4</sup> Work for voluntary organisations is one of the New Deal options for 18–24 year olds. The Millennium Volunteers project is aimed at 16–25 year olds who can be employed, unemployed or in education, and pays allowances and expenses (which are disregarded for the purposes of calculating social security benefits). Policies in this area assume that volunteering is of benefit both to the community and to the individual volunteer; but it could be argued that there are also more negative assumptions – that unoccupied young people are a social nuisance, and that volunteers have minimal income needs.

### Higher education

Higher education (HE), once monopolised by the middle class, has expanded dramatically since the 1960s (Furlong and Cartmel, 1997). Though access to HE is still structured by social class and ethnicity, students are now drawn

from a wider range of social groups, including different age groups. Gender differences, however, have disappeared: in 1970/71 there were twice as many male students, now there are slightly more female students. The young still dominate this sector, and HE provisions continue to affect their capacity for economic independence.

Following the Robbins Report (1963), which recommended the extension of HE to all with the necessary ability, mandatory, means-tested local authority maintenance grants were established, to ensure that entry into HE did not depend on wealth. These grants were intended to be sufficient to support living away from the parental home, allowing the student a degree of independence from parents. Where students were already independent of their parents (mature students, and others who had left the parental home or had been in employment for a substantial period of time), this status was recognised with a higher rate of grant.

In 1991, a Government White Paper on HE recommended the further expansion of student numbers and many of the polytechnics set up in 1966 were granted university status. However, the increase in student numbers required a re-think about student funding. There followed a transitional period in which a hybrid system of loans and grants was made, the state continuing to pay the tuition fee. State support was however gradually being withdrawn. In the 1980s and early 1990s, a range of measures affected students’ economic position, reducing their capacity for independence.

- State maintenance grants were frozen and then phased out.

## Balancing acts

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- Social security benefits during the vacations were removed.
- Housing Benefit was removed.
- Tax covenants previously used by some parents to support students were abolished.
- Student 'top-up' loans were introduced in 1990.

The funding arrangements for HE students changed in 1998 to a system of student loans (for maintenance) and responsibility for paying tuition fees was handed over from the state to parents (Teaching and Higher Education Act 1998). Students are now expected to pay for their own maintenance by taking out loans, repayable when they are in employment. This is on the basis that students will have high earning power when they have graduated. While they remain students, however, many need to subsidise these formal arrangements with informal financial support from parents, and/or from part-time jobs (among students from poorer families in particular). Some full-time students identified as in vulnerable groups (e.g. those with disabilities, or lone parents) can claim income support. There has, however, been an increase in student drop-out from HE in recent years and evidence that financial hardship is an important factor.

Students now come from a wider range of backgrounds, including from families where there is no tradition of post-school education. As a result of these funding changes, students have become more financially indebted and more dependent on their families, and it has become more difficult for students to live away from the parental home.<sup>5</sup> The new system risks

increasing the financial pressures on poorer families, but also increases the power of parents. Parents (or spouse) could obstruct a student's access to HE, either by refusing to provide their financial details for means-testing, or by refusing to pay tuition fees. In such cases, the student becomes liable for full tuition fees and may have to take out a private (commercial) loan to cover them, since the student loan will not cover fees. In 1997, the Dearing Report argued that the loan system as it stood was 'unfair, unworkable and ineffective', and recommended that:

- loans should be paid back over a longer period to help poorer students when they have graduated
- parents should not be asked for contributions which were higher than they were under the previous system
- a tuition fee representing roughly 25 per cent of the average cost of a course should be added to every loan
- some element of maintenance grant should be retained.

These recommendations reflected the different needs of the wider range of students. The Government agreed with the broad principles of the Dearing Report, particularly in its concern about the burden on middle-income families and, though the recommendations were not fully implemented, there have been some changes, targeted towards those viewed as most in need. First, under the Teaching and Higher Education Act 1998, the Government pledged to increase the amount of money available to HE institutions for helping students in financial

hardship with discretionary Access or Hardship Funds. Second, tuition fees of unemployed part-time students have been waived and eligibility for Access Funds extended to them (HC Debate, 6 November 1997, c307W).

The means-testing of the parent/spouse income for the purposes of tuition fees replaces the parental contribution made under the previous grant-based system, with similar rules. Students can claim 'independent status' if they are over 25 years of age, have no living parents, have been married for two years or have been working for three years. HE students are, however, treated as dependants and independent adults simultaneously under the present system.

### Status ambiguities

- For the purposes of *student loans*, the student is treated as an independent adult both when entering a contract with a lender and when making repayments out of their later income. Repayment is based on their income only, and the student (not spouse or parent) is liable for repayment.
- In assessing the amount of *tuition fee* that is payable, the Government treats students as dependants (means-testing their parents or spouse). The student is required to depend on their parents/spouse to pay their tuition fees.

### Post-compulsory education and training

Post-16 non-advanced education and training has tended to be the poor relation of the education system, and the lack of investment in the sector has recently been acknowledged. In

recent years, there have been attempts to enhance the status of vocational education and training, to share responsibility for the sector between the state and industry, and to break down the barriers between education, training and employment, allowing movement between the three over the individual life course.

The idea of 'Lifelong Learning', developed under Major and prosecuted under Blair, is intended to allow more flexibility in the systems of vocational and academic learning, and between the education system and labour market, so that people can enter, and move between, these sectors at any stage in their adult lives.<sup>6</sup> Initiatives such as the 'University for Industry'<sup>7</sup> fit within this programme. We will have to wait to see whether government rhetoric of parity is backed up with policies providing parity of economic support for entry to each of the three pathways. It is debatable whether young people and their parents see the three economic statuses (education, training and employment) as interchangeable and equal.

### Further education (FE)

Compared with their dominance of the HE sector, young people play a minor role in the FE sector and, with the development of Lifelong Learning, their significance will diminish even further, since the thrust of the government expansion plans is for the older age groups. According to the Further Education Funding Council for England (FEFCE), there are almost four million FE students aged 16–60 in England, most of these attending part-time courses. Of these, 28 per cent are under 25 years of age and 15 per cent are aged 16–18.

Under the Investing in Young People strategy,<sup>8</sup> the FE sector will, however, play a

critical role in raising the proportion of over-16s engaged in learning and will target disadvantaged groups.<sup>9</sup> The new National Learning Target requires that, by 2002, 85 per cent of 19 year olds should possess at least an NVQ level 2 qualification. From September 1999, the new Right to Time Off for Study or Training will require all employers to allow time off to 16/17-year-old employees who lack qualifications at this level.<sup>10</sup> One of the key elements of widening participation is the provision of improved financial support for FE students, most of whom live and study locally. Currently, support for 16–19 year olds in FE is structured as follows.

- Employers are the main funders of FE students.
- Discretionary Allowances made by LEAs aim at meeting the costs of FE college students (such as lone parents) but only 5 per cent of students receive them.
- TEC-funded programmes offer financial support for some trainees.
- Some young people on Youth Training get financial support with transport and other learning costs.
- Fees for FE students are decided by a mixture of local and national policies. Free tuition is available to all on TEC-funded FE programmes, to all in schools and to under-19s in colleges. Colleges decide their own fee policies: if they provide free tuition for adults who receive means-tested benefits, they receive compensating funding.

A package of measures is designed to

improve the financial position of FE students, including the following.

- Changes to the *Access Fund*: more FEFC support to colleges for the Access Fund for 16–19 year olds in college; a new LEA Access Fund for 16–19 year olds in school; and some funding for transport costs (see section on ‘Transport’ later in this chapter). Limitations on eligibility for welfare payments for FE students (the ‘21-hour rule’) have been slightly relaxed,<sup>11</sup> and some groups, such as lone parents and some people with learning difficulties or disabilities, face no restrictions on study time.
- Changes which may result in a Youth Allowance, drawing on an Australian model: the main planned provision is *Education Maintenance Allowances* (EMAs)<sup>12</sup> of up to £40 per week (the same levels as the intended new rates for training allowances, discussed below), payable direct to 16–19 year olds in non-advanced education; EMAs are designed to engage the most disadvantaged groups. They will be paid during term-time only, and will be means-tested on household income. Concerns have apparently been expressed that young people will ‘squander’ this money, and it is therefore proposed that payment will be *conditional* on attendance and adherence to a ‘learning agreement’ made between the student and the college. Proposals also exist for a *Youth Card* for all post-16 students, in what appears to be an attempt to ensure that education and training (ET) is preferable to low-grade

work. Supplementing EMAs, the Youth Card is intended to provide discounts on a range of goods and services, to help with travel, leisure and other costs (Social Exclusion Unit, 1999a).

### *Training*

A succession of youth training schemes since the Youth Opportunities Programme in 1978 have reflected concerns about youth unemployment and the need to increase employability through the provision of vocational skills. Despite the stated aims of training providers, from the MSC to the TECs and LECs which replaced it, most schemes arguably merely delayed entry to the labour market and artificially held down levels of youth unemployment. Schemes were not necessarily seen by young people as the equivalent of work.

By the mid-1980s, the Government increasingly viewed youth training in the context of a broader push towards welfare reform, in which 16/17 year olds in particular would lose their independent entitlement to means-tested benefits. A 'training guarantee' was introduced in 1988, that every jobless school leaver would be found a youth training place, but lose entitlement to unemployment benefits. Youth training was becoming seen as a British form of 'workfare' (Stewart and Stewart, 1988). By the 1990s, there was growing evidence that the 'training guarantee' was failing many young people and that schemes were reinforcing rather than reducing social inequalities (e.g. Cockburn, 1987; Finn, 1987; Walford, 1988; Raffe, 1989; Bates, 1993). Drop-out was common, despite the lack of a welfare alternative.

Increased participation in post-compulsory education led to a reduction in the proportion of 16/17 year olds entering training, from 24 per cent in 1989 to 12 per cent in 1996 (Payne, 1998). Youth Training for school-leavers has now been phased out, and replaced by new schemes, under the DfEE's Investing in Young People Strategy.<sup>13</sup> The current system of work-based training, comprising National Traineeships, Skillseekers (in Scotland) and Modern Apprenticeships, aims to create a better-qualified work force, equipped with transferable skills.<sup>14</sup> There is also a new emphasis on empowerment: young people are given training credits with which to buy their training. According to Dumbartonshire Enterprise, in an early leaflet aimed at potential employers:

*Skillseeker is a departure from the traditional concept of vocational training primarily as a result of the nature and degree of **responsibility** it invests in young people. Young people are encouraged to take an **active role** in planning and accessing appropriate training for the career of their **choice** with the help of enhanced professional guidance. They are also given an important sense of **ownership** via a Skillseeker card, a device which among other things allows them to account for funds spent on their behalf for approved training. When [young people] have found training that meets their expectations and Skillseekers' approval, they will in effect buy it, using their Skillseeker Card to access funds that are theirs by right to spend on training.*  
(emphasis added)

Empowerment does not, however, extend to economic independence. Low levels of training allowance were justified by successive

governments on the basis that employers were training an unskilled and inexperienced workforce, and the levels of training allowances assumed additional parental support. At the time of writing, 16 year olds receive a minimum allowance of £30 a week (only 50p more than when the rate was first set in 1989), and those aged 17 and over £35 a week (a rate unchanged since 1986).<sup>15</sup> If rates had risen in line with inflation, the allowance in 1999 would now be over £40 for 16 year olds and over £47 for 17 year olds. Trainee allowances varied according to age, but took no account of living costs:

*The Department has no plans at present to increase minimum levels of the Youth Training Allowance. We believe that the existing minimum levels are sufficient to meet the normal requirements of a young person living in the parental home. (Robert Jackson, MP, 1992)<sup>16</sup>*

Evidence that trainees living with their parents paid significant contributions towards their board was thus ignored (Jones, 1991). The levels of allowance have now been adjusted, to make training more attractive than benefits. Allowances for work-based training were increased to £40 per week in September 1999, and a £50 bonus was offered for the satisfactory completion of a pre-vocational course (DfEE Press release, 19/99). However, the allowance rate still does not cover the cost of accommodation. The new allowance levels for trainees and the new EMAs will provide some parity between different parts of the FE sector, but status ambiguities remain.

### Status ambiguities

- The emphasis on the more active and 'empowering' system of *Training Credits*, and higher-quality training, treats 16–19 year olds as responsible consumers able to select the most appropriate training package for their own needs.
- The *means-testing* of EMAs on family income, despite the plan that they should be paid direct to young people, conveys mixed messages about dependence and independence. Training allowances are not means-tested.
- Levels of *training allowance and EMAs*, in excluding housing costs, still assume financial and material dependence on parents. It has previously been observed that, while young people who have left full-time education pay board money to their parents, those in education do not. While the structures of Employment Training (ET) may provide greater parity between the two, we do not know whether young people receiving EMAs will be expected by their parents to pay board, like their peers in training.

### Employment

The SLA previously marked the point at which most young people entered employment, but the proportion of 16/17 year olds in employment has declined (from 23 per cent in 1989 to 7 per cent in 1996, according to Payne, 1998), and the youth labour market is slowly disappearing. Employment policies have shifted

from an emphasis on the protection of young workers to deregulation of the youth labour market. While debates about child labour have argued either for the protection of child workers or for the educational value of the work ethic (Lavalette, 1996), and employment policies for adults now include a minimum wage, there is a policy desert in respect of young workers. Since young people are assumed to be in education and training, they are easily excluded from employment policies which in respect of other age groups seek to enhance the status of work over welfare.

### **Protection versus right to work**

It is interesting to compare employment policy approaches to school leavers with those to under-16s. Employment policy provisions reveal a conflict between the protection of the 'development' of children in employment on the one hand, and deregulating policies which remove elements of protection from young workers. Young workers are not seen as vulnerable after the age of 16, and their right to paid employment before the age of 18 is being allowed to erode.

The minimum age for employment was raised to ten in 1878, then to 13 in 1933. The present system imposes general restrictions on child labour and enables local authorities to make bye-laws, mainly in order to protect the educational and social development of the child, and apparently denying that paid work can have an educational or social value.<sup>17</sup> The child applies to the LEA for a work permit which must be signed by a school and a medical officer (Whitney, 1998), but parental consent is not required. Regulations on child labour affect the jobs children are allowed to do, and the hours of

work allowed. In 1995, the DoH consultation document on child employment arguably represented a shift in focus from child protection (which stressed the exploitation of children) to recognition of a child's right to work and enhancement of the value of paid work. The DoH consultation document also proposed that the employer, rather than the child, should be responsible for applying for the work permit.

Policy concerns to protect child workers from exploitation peter out when they leave school. The Employment Act 1989 removed most of the restrictions on the employment of young people under previous legislation. The overwhelming emphasis on post-compulsory education and training, and the delay of entry into employment has resulted in a situation where the youth labour market is being allowed to disappear, so that the needs of young workers are neglected and paid work by them is devalued. Instead, the stress on volunteering, as part of 'citizenship education', suggests that, where young people are concerned, unpaid work is more worthy of social recognition.

### **Minimum wage policies**

Young people's wages have gone down in relation to adult wage levels over the last 20 years (Jones and Martin, 1999). In 1997, a quarter of those paid less than £4 per hour were less than 21 years of age (New Earnings Survey, 1997). Though a strong case was made by organisations working with young people for them to be fully included in 1998 Minimum Wage legislation on the grounds of their relative income disadvantage, they have not been. The National Minimum Wage (NMW) aims to raise low-paid workers out of poverty, and enhance

the status of employment over welfare. Young workers aged 16/17 are excluded from the NMW on the basis that they should be in education or training for alternative employment, as there is no welfare alternative for them.

Wages Councils were set up in 1959 and set minimum wage standards in low-paid, poorly unionised service industries (such as hotel and catering, retailing and hairdressing), which were rapidly expanding during the 1980s and which were major employers of school-leavers. In abolishing Wages Councils for under-21s in 1986, the Government removed all protection for the level of wages for young workers. There had been long-standing debate about whether wage levels can price young people out of jobs, and whether low wage levels reduce youth unemployment (Makeham, 1980; Wells, 1983). These debates still inform wages policies. Thus, the Low Pay Commission (LPC) in 1998:

*There is no significant evidence that employers use different age-related policies when paying workers aged 21 and over, but applying a full National Minimum Wage for all aged 18 and over would lead to a particularly large increase in the pay of many young workers, which would cause excessive cost increases and **threaten jobs**.*

(First Report of the Low Pay Commission, HMSO, 1998; emphasis added)

The National Minimum Wage Act 1998 excludes 16/17 year olds from minimum wage protection on the basis that they should be in education or training and not seen as full participants in the labour market. The legislation also provides that 18–22 year olds receive a ‘transitional rate’, lower than the full adult rate, on the LPC recommendation that:

*Training is particularly important for this age-group, and employers and government need to work to improve education and training strategies for them. (First Report of the Low Pay Commission, HMSO, 1998)*

The aim was that all those under the age of 22 should participate in education or training in preparation for employment and it was feared that a NMW could jeopardise this:

*We have been particularly mindful of the need to protect the position of young people. It is in our view essential that **we avoid reducing the relative attractiveness to young people of staying on in education and training, and to avoid discouraging employers from providing training for those in work**. These concerns have guided our judgement on the decisions in response to the Commission’s recommendations ... However we are asking the Commission to review the position of 21-year-olds again in 1999, following the implementation of the £3.00 transitional rate, and to then provide a further report on whether, in the light of experience to that date, they reconfirm their advice that 21-year-olds **could safely be covered** by the main adult rate. (Statement by Margaret Beckett, President of the Board of Trade, on the LPC Report to the House of Commons, 18 June 1998; emphasis added)*

The tentative, age-structured NMW therefore fits within education and training policy, rather than employment policy, seeking to enhance the status of education and training rather than that of paid work (or welfare). The fear is that the NMW will discourage employers from taking on young people and training them. There may, however, be other knock-on effects. *The minority of 16/17 year olds remaining in the*

*labour market can be exploited as cheap labour, yet have no recourse to protective legislation either as children or as young adults. They are likely increasingly to be trapped in low-grade jobs on the fringes of social exclusion.*

The effects of excluding young people from minimum wage legislation will not be known for some time. Research into the cost of living of young people is sparse. It has been argued that young people spend their money on leisure and do not significantly contribute to the household budget (Roberts and Parsell, 1991). Other research in contrast suggests that young people's expenditure is greatly affected by their domestic circumstances (Jones and Martin, 1999), and that both young people and their families would suffer from low-paid work (Jones, 1991, 1992).

### Status ambiguities

- *Minimum Wage legislation* treats young people as dependent or semi-dependent on their parents until the age of 22 years.
- *Employment protection* has been removed from young people, treating them as adults rather than children, i.e. they are not seen as vulnerable.

The unified Department for Education and Employment (DfEE), set up in 1995, is in a good position to take a holistic approach to the transition of young people into the world of work, and to ensure that the labour force is as suited as possible to the needs of the labour market and the economy. However, the current government emphasis on education and volunteering can be seen to devalue the traditional transition into employment of the

working class, and in the shorter term at least to generate risk for those who are unable to take up the new opportunities for education and training, and who still believe that the more desirable alternative would be a paid job. Inevitably, between the varying constructions of government and young people themselves, there are going to be social casualties. These have typically been the potential 'customers' of the welfare system.

### Social security

A young person is 'a person aged 16 or over but under 19 who is treated as a child for the purposes of (child benefit)' (according to the Income Support (General) Regulations 1987, reg. 14(1)). This would suggest that only younger students are to be classed as dependants. We have already indicated the inaccuracy of this statement.

Social security is an area of policy in which assumptions about the economic relationship between parents and young people are embedded in history. Policies make broad assumptions about the age at which young people should acquire independent benefit rights, about the levels of need associated with different age groups, and about parental responsibility. In this section, we first examine the question of whether the individual young person or the 'family unit' should be the beneficiary of welfare, consider the age structuring in welfare provision, and comment on the New Deal.

### The individual versus the household

Policies have varied over time in their recognition of the individual welfare rights of

young people, particularly where they live in the parental home. A trend from treating them as dependants to treating them as independent individuals was reversed in the late 1980s, as young people were once again constructed as dependent.

Prior to the creation of the welfare state, households were treated as economic units. Under the Household Means Test of the 1930s, young people under the age of 21 were classed as dependants of the head of household (usually the father). The combined household income was means-tested to determine eligibility for Unemployment Assistance. This was then paid to the Head of Household, who could claim for unemployed young people on an age-graded scale (14/15 and 16–21). Unemployed young people over the age of 21 and living in the parental home had independent benefit entitlement. However, if the young person had a job, this would cause the reduction of the household's level of benefit. As a result of this ruling, which was bitterly resented, some working children left home so that the family would be entitled to a higher rate of benefit (Crowther, 1982; Finch, 1989).

In 1948, the National Assistance Act replaced the Household Means Test with new legislation allowing 16 year olds to claim benefits in their own right, whether living in the parental home or not. This gave them a degree of independence even within the parental home. However, there has since been a volte-face. The introduction of new social security regulations in 1988 meant that 16/17 year olds lost their independent right to means-tested benefits, which were once again paid to their parents. Harris (1989) refers to this as a return to the 'dependency assumption' of earlier policies,

representing a continuity in British social security law and policy. He points out that:

*As long ago as 1925 the Minister of Labour exercised his discretionary power to exclude from benefit single persons living with relatives **to whom they could reasonably look for support.*** (Harris, 1989, p. 173; emphasis added)

The problem with the dependency assumption is that there is no evidence that it works. It comprises two underlying assumptions: that young people can turn to their parents for support if they lose their income from jobs, and that households operate an economy based on internal equity in which income and goods are shared. In practice, research has suggested that young people can find it hard to get financial support from their parents, or even to ask for it (Jones, 1995a, b), and that the household is anything but an equitable institution (e.g. Pahl, 1990).

### Harmonisation of age structures

The basic principle underlying the National Insurance (NI) system, of rights being dependent on responsibilities, tends to create an ambivalent and often disadvantaged status for young people (Jones and Wallace, 1992). Different age criteria for making contributions and drawing benefits had resulted in an age gap, which goes right back to the origins of the NI system (established by the Unemployment Insurance Acts of 1911 and 1921). In 1921, the SLA was 14 years, and the age of contributing was 16, though no benefit was payable until contributions had been made for seven months. Parents on Unemployment Insurance (UI) could claim dependency additions only for under-16s still in school. Following the recommendation of

the Royal Commission on Unemployment in 1932, the age of liability to pay NI contributions was lowered to 14 years in 1934, but the minimum age of entitlement to benefits remained at 16 years. The assumption was still that young unemployed workers aged 14/15 would be supported by their families (the 'dependency assumption'). At this time, 16/17 year olds paid lower UI contributions than 18 year olds, and benefits to those aged 16–21 were around half the adult rate.

The 1948 National Assistance legislation effectively reduced the age of economic independence by five years (from 21 to 16), defined under-16s as dependants and improved the benefit rights of 16/17 year olds. It was one of a series of attempts to create more coherence in youth policy by harmonising the school-leaving age, the age of entry to the NI system and the age of entry to National Assistance. Harmonisation in principle between the school-leaving age (SLA) and the duty to contribute to NI was established with the National Insurance Act 1948, which stated that:

*... every person who on or after the appointed day, being **over school-leaving age** and under pensionable age shall become insured under the Act and thereafter continue throughout his life to be so insured. (emphasis added)*

However, the third part of the triangle, the SLA, was not put into place until it was raised to 16 in 1973, leaving 15 year olds still adrift and ineligible for benefit until then. By the mid-1980s, a series of anomalies meant that young people aged 16/17 years were treated very differently in different circumstances: those who had paid enough NI could claim Unemployment Benefit at the adult rate; those

on Supplementary Benefit (SB) were only entitled to a lower rate, with a dependency rate based on age; those on YTS received a training allowance which was higher than the adult rate of SB.

The linkage achieved in 1973 between SLA, benefit contributions and entitlement to benefit was broken again as a result of the welfare reforms which followed the Fowler Review in 1985 and have continued under Labour. Now, only those with two years' NI contributions can claim Jobseeker's Allowance (JSA). A two-year gap has thus re-emerged between the SLA and the age at which the state incurs a statutory duty to support the young unemployed. The policy view is that 16/17 year olds should be in education or training, or, if unemployed, should live with their parents and receive parental support. The onus of responsibility has therefore shifted from the state to the parents/carers, and there has been an extension of the age of dependency from under-16 in 1934 to under-18 at present.

The Social Security Advisory Committee (SSAC) commented on the Social Security Act 1986:

*In considering changes to the benefit system, one of our priorities has always been to ensure that the needs of minority groups are not forgotten. We are concerned that the benefit changes which accompany the welcome improvement in the availability of training for 16–17 year olds will leave a small minority of young people in serious hardship. We accept that the majority of 18 to 24 year olds are not fully responsible for their own housing costs but we regret that the decision to introduce differential benefit rates for these young adults will make it*

*difficult for young men and women to leave home, whether to seek work, to escape domestic tension or simply to establish their independence. (SSAC Annual Report, 1988, section 2.20)*

### Age-structured benefits

*The [Income Support] scheme has always included age dividing lines. The basic age divisions for claimants at present are 16, 18 and 60. But in practice for many claimants there are rather more dividing lines built into the system. Thus, for many young people there is a further structural dividing line at age 21. (1985 Green Paper, *The Reform of Social Security*, section 2.33)*

There are degrees of dependency built into the benefit system. Social security benefits to which young people have access are age-structured, with levels of benefits varying by age bands. These age bands have changed over the years. Within the current system of means-tested benefits, young people aged 16/17 are treated differently from those aged 18–24, who in turn are treated differently from those aged 25 and over.<sup>18</sup> The rationale for age banding derives in part from a pragmatic need to simplify benefit delivery but also in part from assumptions about the dependency status of young people.

These assumptions found expression during the 1980s, when young people lost the right to a contribution to their ‘board’. Until then, there had been a distinction between householders (deemed independent) and non-householders (deemed semi-dependent). Rent additions, previously included in the non-householder benefit, were gradually withdrawn, from 16/17 year olds in 1983, then 18–20 year olds in 1984,

and finally 21–24 year olds in 1986.<sup>19</sup> In 1985, the Green Paper, *The Reform of Social Security* (The Fowler Report, Cm. 9518) argued that age banding in the delivery of means-tested benefits should be reinforced, stating that evidence showed that:

*It is clear that at the age of 18 the majority of claimants are not fully independent, and that the great majority of claimants above the age of 25 are.*

According to the Green Paper, this was already reflected in the benefits system at that time. In 1983, it argued, 90 per cent of all claimants aged over 25 received the higher household rate of Supplementary Benefit and a ‘clear majority of claimants under 25 were living in someone else’s household’. The distinction between householders and non-householders was abolished in 1984, and replaced with age-based distinctions (in order to avoid an increase in benefits to the younger age group). The adult rate (previously the householder rate) was payable at age 25. The age distinctions were justified thus:

*The scheme at present distinguishes between Householder and Non-Householder. Broadly, the former group are people who are responsible for the full range of their living expenses. They will normally, but not necessarily, also have responsibility for specific housing costs such as rent or rates. The latter group are those, mainly **young and normally living with their parents**, who do not carry the main responsibility of the overall household expenses. They get a lower benefit rate. The difference was originally linked to the household means test. The purpose was to distinguish the single person who, even if he*

*were living with other people, should be accepted as **independently responsible for his own need**.* (1985 Green Paper, *The Reform of Social Security*, section 2.33; emphasis added)

The loss of the householder / non-householder distinction therefore resulted in an assessment system based on age, in which over-25s were deemed independent and under-25s dependent, and the possibility that someone living as a non-householder may still have substantial living costs was swept aside.

### The New Deal

Under the Thatcher and Major governments, there had been growing anxiety about the cost of the welfare state, and the part that welfare dependency might be playing in the perpetuation of a culture of poverty. New Labour inherited these concerns, but shifted the focus towards identifying and combating social exclusion (though elements of a 'moral underclass discourse' linger on, as Levitas (1998) has indicated). There was recognition that poverty is structurally rather than culturally caused, the result of inequalities in access to opportunities, rather than the product of a culture of welfare dependency. For adults, a Welfare-to-Work programme has been set up, which underlies not only the minimum wage legislation, as we have indicated, but also the ways in which welfare is structured. Some initiatives, including Sure Start for pre-school children, represent attempts to intervene at different stages of the life course to halt processes of social exclusion. Other initiatives target specific groups, such as lone parents or people with disabilities, offering to increase their employability and allow them to escape

poverty through paid work. However, in more general cases, there is an element of compulsion, and failure to 'sign up' to new provisions can lead to welfare sanctions. The new policy emphasis has thus combined opening up new opportunities for people, while at the same time maintaining the stress on individual responsibility.

As far as young people are concerned, the flagship is the New Deal for unemployed 18–24 year olds. The Employment Service has the lead role in this, working in partnership with local organisations.<sup>20</sup> If criticisms levelled at the old 'training guarantee' under YT centred on its similarity to Workfare in the US, similar criticisms could be levelled at the New Deal. The policy is designed to take people off welfare (or prevent them from becoming welfare dependent) by helping them into employment and training. It does this, in part, by making welfare rights conditional on active job-seeking, and applying a benefit sanction if job or training offers are refused without good cause. Labour's solution to welfare dependency is similar in outcome, if not in rhetoric, to that of the New Right. The focus is on the desirability of balancing rights with responsibilities.

The age structuring developed earlier has been retained: only 18–24 year olds who have been out of work for more than six months are required to enter the New Deal. Other groups of 18–24 year olds can request entry and, for some, such as lone mothers, the New Deal is not obligatory. Entrants will be offered a number of options:

- a subsidised job with an employer
- work with a voluntary sector organisation for six months

- work with an environment task force for six months
- full-time education or training for up to 12 months
- self-employment.

The process begins with the 'Gateway'. This lasts for four months and prepares those who are not yet ready for one of the New Deal options, which (except for the education/training option) last for 26 weeks, unless people find work during their time on the Gateway. There is no option of remaining unemployed and claiming JSA, and only those in prescribed groups (such as lone parents) will be allowed to apply for hardship payments. The assumptions underlying the policy are that without an element of compulsion young people would not work; that all those eligible can make effective use of training and employment opportunities; and that they have lower income needs than adults. These assumptions need to be tested. *It will also be interesting to learn whether young people and their parents see the New Deal options as attractive alternatives to unsubsidised traditional jobs.*

Sixteen and 17 year olds are not part of the New Deal, but their situation has been reviewed (Social Exclusion Unit, 1999a) and a new pre-vocational Gateway opened for 16/17 year olds in late 1999. This will build on education and training policies, and New Start projects, to 're-engage' young people through a three-stage 'gateway': outreach work to contact disaffected young people; assessment to facilitate access to further learning; and pre-vocational training in basic and employability skills.

### Status ambiguities

#### *16/17 year olds*

- Are largely excluded from welfare benefits on the basis that they are dependent on their parents, who may receive benefit for them.
- Are excluded from the New Deal because they should be in education or training and a welfare-to-work policy is therefore not relevant to them.
- Pay into the NI system, but cannot benefit from it until 18 years of age.

#### *18–24 year olds*

- Are on lower rates than adults on the basis that they can be semi-dependent on their parents, who receive no benefit for them.
- Contract, as adults, to seek work under the Jobseeker's Allowance, New Deal, etc.

Though the New Deal has not yet been fully evaluated, it has been argued (Pascual, 1999) that it is not adapted to the needs of disadvantaged young people who may lack social skills and need more intensive support, because the programme is too rigid, and that the somewhat authoritarian approach of New Deal could lead to greater disaffection in some groups. Typically, young entrants to the labour market move between 'stepping-stone jobs' before they find an occupation, and this job mobility can often involve periods of unemployment. The flexibility which allowed this process (and the jobs which it included) are both now lost. There is thus more pressure on

young people making career choices to ‘get it right’ first time.

### Teenage mothers

The policy construction of teenage lone parents takes place within the debate about welfare dependency. Successive governments have had difficulty deciding how to treat young mothers. Peter Lilley, as Social Security Secretary under Major, promised to crack down on teenage lone parents who, he claimed, became pregnant in order to ‘jump the housing queue’. Lewis (1998, p. 274) sums up a shift in the policy construction of lone mothers:

*The attack on welfare dependency during the 1980s resulted in a change in the way in which lone mothers were viewed. They were no longer seen as victims with special needs for financial support and, as in the case of young unmarried mothers, for casework, but rather as irresponsible, and probably, again in the case of unmarried mothers, manipulative people, willing, for example, to have a baby in order to jump the queue for social housing.*

From Conservative Right have been calls for foyers for single mothers, and for their benefits to be made conditional on the return of ‘errant’ fathers to the household; from Labour, David Blunkett (whilst in opposition) suggested that housing waiting lists should favour parents who had tried to create stable relationships before having children – thus further disadvantaging teenage mothers (Burghes, 1993). The policy approach was to devalue all young motherhood, and to seek to transfer dependency from the state on to partners or parents.

The approach is less stigmatising under Labour, which aims both to improve the life

chances of teenage lone parents and to reduce their numbers. Though the initial interview is obligatory, further participation in the New Deal is voluntary, and a Personal Advisor will help them identify their skills, find child care and apply for jobs or training programmes. Young lone parents have the choice of claiming either IS or JSA: if they claim IS they are not required to be available for work; those claiming JSA must be unemployed and available for and actively seeking work, and must have signed a Jobseeker’s agreement, or be working less than 16 hours per week.

The Social Exclusion Unit (1999b) report on teenage pregnancy sets a target of halving pregnancies among under-18s by 2010, and reducing long-term social exclusion among young mothers by engaging them in education, training or employment. It also identifies a ‘new focus on reaching young men, who are half of the solution, yet who have often been overlooked in past attempts to tackle this issue’ – this is to involve targeting them ‘with information about the consequences of sex and fatherhood, including the financial responsibility to support their children’.

### Status anomaly

- Teenage lone parents are treated as independent in New Deal provisions.
- Young mothers have been constructed as dependent on a spouse under the arrangements introduced by the Child Support Act 1991 (Chapter 3).
- Teenage mothers can be simultaneously dependent and independent within Child Benefit (CB) regulations (Chapter 3).

### Housing and transport

Young people's incomes affect their ability to take full advantage of the education and work options supposedly open to them. In this section, we examine housing and transport policies: most young people either move to where the jobs and courses are, or they commute to them.

#### Housing

In common with many other policy areas, housing policies fail to take account of the varying and changing needs of young people as they become adult. Partly as a consequence of policies extending education and training, young people are leaving home earlier, though some are returning again and leaving more than once (Jones, 1995a). Over the last two decades, young people's housing needs have increased and, at the same time, diversified. More housing is needed by single people, as more young people leave home to take up jobs or training before marrying or starting a cohabiting partnership. Housing policies have not kept up with these developments and are still based on a range of assumptions, some of which we have seen to pervade government policies:

- that the parental home is cost-free
- that young people have a right to live in the parental home
- that single young people will remain in the parental home as dependants – until they can afford to leave it and compete as newly formed families in the adult housing market
- that Housing Benefit needs can be identified by age criteria.

Even young people living at home have housing costs, despite assumptions in many areas of policy that they have not (Jones, 1991). Young people do not have the right to live in the home of their parents unless they have permission to do so (see also Chapter 3). For those who have left home, there are few housing opportunities as the housing stock tends to be geared towards families and as such is neither appropriate nor affordable for many single young people on low incomes. Most of these tend to inhabit a 'youth housing market' mainly consisting of rented accommodation in the private sector, unless they can afford to buy, or qualify for 'social housing' in the public rented sector. Home-ownership is more available to dual-income couples or to wealthier young people. The public rented sector also caters mainly for families and has never really catered for young single people, except when they are deemed at risk and/or are statutorily homeless. Local approaches to the housing needs of young people vary.

There is confusion about the legal position in E&W of young people under 18 with regard to occupancy rights. According to Folkard (1998), the Law of Property Act 1925 prevents someone under 18 years of age from holding a legal estate in land. Instead, the tenancy (for example) is held in trust for the young person, who becomes a licensee (Settled Land Act 1925). The legal status of tenancies held by 16/17 year olds can thus be in doubt. The situation in Scotland is somewhat different as a result of the Legal Capacity (Scotland) Act, under which 16 year olds acquire capacity to come into possession of a domicile of choice.

*The underlying assumption is that young people without dependants are not vulnerable and can*

*fend for themselves. This view is reflected in both the types of housing provided by the public sector and the access rules and priorities that public landlords apply. (Inquiry into Preventing Youth Homelessness, 1996)*

### Homelessness

The question of whether young people are *per se* vulnerable arises in respect of youth homelessness. Youth homelessness may be no more than the tip of the iceberg of young people's housing problems, but became widespread towards the end of the 1980s, with the withdrawal of income support from under-18s and the lack of appropriate and affordable accommodation. Estimates suggest that numbers of homeless young people rose from 53,000 in 1978 to 146,000 in 1990 (Woodroffe *et al.*, 1993). Conservative Government definitions of homelessness tended to focus on the 'roofless' but it is important to include 'hidden homeless', living in overcrowded conditions, sleeping on friends' floors, etc., as well as the more visible rough sleepers. Pronouncements, for instance by John Major when Prime Minister, that young people were intentionally homeless, were not supported by research.

The Housing Act 1996 defines homelessness and outlines the responsibilities of local authorities, distinguishing between groups which local authorities have a 'main duty' to house (usually those with dependent children, pregnant, or vulnerable because of illness or disability – rather than because of their age) and those towards which they have a 'lesser duty', merely to provide advice and assistance. Under the old *Code of Guidance on Homelessness*, some local authorities did not treat 16/17 year olds as vulnerable and in priority need.<sup>21</sup> Under the

Children Act (CA) 1989, Social Services Departments have a duty to provide accommodation to children 'in need' whose 'welfare might otherwise be seriously prejudiced'. Access to housing for single young people is generally limited to the emergency routes provided by homelessness and community care legislation and the CA or Children (Scotland) Act.

There have been some moves towards tackling the growing problem of homelessness. Foyers were established in the UK during the 1990s as a means of providing young unemployed people with accommodation, guidance and support while they seek employment. Though not as comprehensive a solution to youth homelessness as they are sometimes portrayed, they nevertheless represent a move towards joined-up policy making, with DfEE and the (then) DoE linking on the scheme (though surprisingly not the DSS), to take:

*... an integrated approach to meeting the needs of young people during their transition from dependence to independence by linking affordable accommodation to training and employment. (Foyers Federation, 1998)*

Like many other areas of state support, there is an element of conditionality, and those wishing to enter a foyer usually have to sign a contract that they will seek work. Though started under the Conservatives, foyers have been taken up by Labour and link very closely with the aims and philosophy of the New Deal. Other initiatives developed over the last decade include *self-build* schemes which allow young people to build their own homes, which they will subsequently rent or buy, and represent the

models of earning one's benefits and of empowerment, seen elsewhere. Since 1997, there have been signs of more concern.

- The *Rough Sleepers' Initiative* (now known as the Homeless Action Programme) which originated in Central London was extended to other areas. Its aim is to persuade rough sleepers to accept offers of accommodation.
- The *Rough Sleeping* report (SEU, 1998b) will lead to the broadening and co-ordination of responsibilities across departments to reduce the number of rough sleepers, and a recognition that access to housing, health, employment, training and benefits are all key factors.
- A *Homelessness Action Programme* has been set up to help voluntary organisations outside London. The *Youth Homelessness Action Partnership* was launched in 1998 to bring together public, private and voluntary sectors to develop a programme to tackle youth homelessness.
- A 1999 *Code of Guidance* for housing authorities and social services departments will examine whether other groups should be eligible for housing as a 'main duty', and whether homelessness among care leavers is a consequence of gaps between housing and child care provisions.

### Support with housing costs

The cost of setting up an independent home, paying the rent deposit and obtaining essential equipment, is high (Walker, 1988). Under the Thatcher and Major Governments, the main

attempt to reduce youth homelessness, apart from the very targeted foyer initiative, was the reduction or withdrawal of benefits perceived by policy makers as incentives to leave home (cf. Kemp *et al.*, 1994). There was little policy recognition that young people might need to live independently of their parents. The idea of the family home as a continuing resource and a safety net was an example of the dependency assumption, and research on the causes of youth homelessness shows the danger of assuming that families will step in when the state safety net is withdrawn (Jones, 1995a; Smith *et al.*, 1998). The consequence was not to prevent young people from leaving home, only to make the process more difficult. If anything, the risk of homelessness was increased.

- *Board and Lodgings regulations*: in 1985, financial help given to young people living in board and lodgings was restricted: time limits were imposed and rent ceilings introduced for the under-25s. In 1989, new rules were introduced: except for those living in hostels, boarders could claim HB only for accommodation costs; other costs would have to be met from benefits. Grants for rent deposits were removed and replaced by Social Fund provisions.
- *Exceptional Needs Payments*, which could provide additional help (e.g. for furniture and equipment) for those in receipt of welfare, were abolished and replaced (in theory) by loans from the Social Fund.
- *Housing Benefit*: in 1988, student eligibility for Housing Benefit was restricted and, in 1990, HB was withdrawn from students.

- *Single Room Rents*: since 1996, HB for under-25s has been based on a 'Single Room Rent', the average market rent for a room in a shared local property, whether the actual property is shared or not. These rules do not apply to council tenants or housing association tenants, or to care leavers under 22 years of age.

These policies resulted in an extension of dependency among young people able to continue to live in the parental home, and an increase in the vulnerability of those who have left it.

### Transport

Transport facilities are crucial to young people needing to access courses or jobs, particularly if they are hampered in the transition away from the parental home. Even when they are able to obtain a driving licence at 17 years old, the cost of private transport is likely to be prohibitive (yet, for those living in rural areas in particular, private transport is a necessity rather than a luxury). Young people may remain dependent on their parents' ability and willingness to chauffeur them to their places of work, education or training.

Public transport policy for young people is piecemeal, but it tends to favour those in full-time education over those in training or low-paid work. Central government involvement is largely confined to supplying the broad regulatory framework within which private companies provide public transport. Local education authorities have duties to provide free public transport for school pupils living within a certain radius of the school, but there is no duty to provide concessionary fares to other

young people. The Transport Act 1985 gives local authorities a power to provide concessionary travel to under-16s, and to 16–18s in full-time education.<sup>22</sup> Many transport companies have preferential rates for students, but not others. However, there is a London Transport initiative to extend the use of public transport by 16/17s by offering concessionary fares, and the Government has brokered a cheap bus travel scheme for New Deal participants. Legislation in the 1999/2000 session will give the Minister the power to vary concessionary fares by order, providing the potential at least for concessionary fares for other groups, including young people not in education. As indicated above, the proposed Youth Card could assist young people with travel costs.

### Status ambiguities

- Foyers, in requiring a contract to be signed by residents to confirm that they will seek employment, treat young people as *adults*.
- Young people are entitled to local authority housing only if they are perceived as vulnerable and in most cases age is not a criterion of vulnerability – i.e. they are treated as *adults*.
- If they were living with their parents, the family could be housed because it contains *dependent* children.
- Once they cease to be dependent children (under-16, or under-18 and in full-time education), young people do not have a legal right to live in the

parental home (see Chapter 3), but can only live there as licensees of their parents. Nevertheless, they are still deemed in social security terms able to live with their parents.

- Subsidised transport treats those in education as *dependent* and those in training or low-paid work as *adults*.

### Health<sup>23</sup>

The post-war period saw expansion of the National Health Service, and this was followed by a period of privatisation under Thatcher. The drawing back of nationalisation was accompanied by increased emphasis on individual responsibility for health – and on risk behaviour, though health care was becoming less accessible under Thatcher (Jobling, 1989). These notions imply that health outcomes are not the result of inequalities on health (in contrast to the findings of the Black Report, reported in Townsend, 1982), but individual fault (Brannen *et al.*, 1994). This puts ill health in the same category as joblessness and homelessness as perceived within the underclass thesis.

### Risk behaviour

Young people are one of the healthiest social groups, according to mortality and hospitalisation criteria, but they have specific and apparently age-related problems (Woodroffe *et al.*, 1993). Concerns about young people's health tend to focus on risk behaviours. Youth is a peak time for death following accidents or poisoning; smoking, alcohol consumption and drug use are all increasing in

this age group; and suicides have dramatically increased among young men (see Office of National Statistics, 1998). There are both justified concerns and moral panics about these and other health-related behaviours such as teenage pregnancy, which are identified as 'social problems' and lie on a border between health and crime. The consultation paper *Supporting Families* (Home Office, 1998) focuses on these.

### Competence

Lack of health care is a dimension of social exclusion. One of the policy problems is how to deliver health care to young people, when the parent can act as gatekeeper. Another is how to raise young people's awareness of health issues through health promotion and health education. As they become adult, young people take over responsibility from their parents for their own health, and this is believed to explain in part why young people receive less health care than other age groups (Brannen *et al.*, 1994). The transition to adult responsibility for care is not purely age-related. The CA 1989 gives young people 'rights over their own bodies', but children below the age of 16 can have similar capacity. The Gillick judgement 1984 (see Chapter 3) formulated the concept of the 'competence' of the child, treating a child's capacity to make health decisions in much the same way that the Age of Capacity (Scotland) Act 1977 deals with the legal capacity to enter into contracts.

It is possible, however, for the need to protect children to override such considerations of competence. Thus, the Criminal Law (Consolidation) (Scotland) Act 1995 makes it a criminal offence for a man to have sexual

intercourse with a girl below 16, even if she gives her consent.<sup>24</sup> Furthermore, the Sexual Offences (Amendment) Bill<sup>25</sup> which proposes to reduce the age of lawful consent to certain homosexual acts from 18 to 16 in E&W and Scotland, and to 17 in Northern Ireland, also proposes a new offence where an adult 'in a position of trust' in relation to a 16/17 year old (of either sex) engages with them in sexual activity. Certain 16/17 year olds are thus still deemed vulnerable and afforded state protection.

### Criminal justice

The way the criminal justice system treats young people reflects both an ambivalence about whether they should be seen as victims or aggressors and ongoing concern about levels of criminal behaviour (see, for example, Pearson, 1983; Morris, 1994). The peak age of offending is 18 years among men, after which there is some tailing off in many forms of crime, as they become adult (Graham and Bowling, 1995). This phenomenon of desistance from crime is not fully understood, but does raise the question whether interventions should be aimed at punishing offenders (when the likelihood of their re-offending will diminish over time without interventions) or preventing crime before the onset of criminal behaviour; hence the current emphasis on the prevention of truancy and on child curfews, for example.

The juvenile justice system defines children and young people as distinct from adults in terms of the age at which they are deemed criminally responsible, and the welfare or punishment responses to offending. According to the Criminal Justice Act 1991, a child is under

14 years of age and a young person is aged 14–18.

### Age of criminal responsibility

The Children and Young Persons Act 1933 enshrined the principle that young people were to be treated separately from adults, and set out that no child under the age of eight could be presumed guilty of any offence. Following the recommendation of the Ingleby Committee in the 1950s that the age of criminal responsibility in E&W be raised to 12 years, the Children and Young Persons Act 1963 subsequently raised it to ten years. The Children and Young Persons (Scotland) Act 1937 similarly set the age of criminal responsibility at eight years, and this remained unchanged by the Age of Legal Capacity (Scotland) Act 1991.

There was, however, a further age stage: the common law *doli incapax* presumption that a child under 14 (in E&W) does not know the difference between right and wrong.<sup>26</sup> This presumption required clear evidence if a child under 14 was to be criminally prosecuted. In 1998<sup>27</sup>, the Youth Justice Task Force recommended the abolition of this presumption in respect of ten–14 year olds, on the grounds that it often left the youth justice system unable to deal with regular offenders. The *doli incapax* presumption was duly abolished under the Crime and Disorder Act 1998, with the consequence that ten–14 year olds can be more easily prosecuted and now assume the same degree of responsibility for their actions as an adult. *The significance of the age of criminal responsibility has thus been enhanced.*

Current Child Safety Orders and Local Child Curfews are targeted at those at risk of offending who have not yet reached the age of

criminal responsibility. Under these Orders, children under ten who commit acts which would constitute an offence if they were criminally responsible, or who break a child curfew, are placed under social work supervision. Such cases, however, stress the responsibility of the parent rather than the child, as we show in the next chapter, leaving the age structuring of criminal responsibility intact at ten years.

Legislation has also covered the types of court in which young people should appear according to their age. Under the Criminal Justice Act 1991, the Juvenile Court became the Youth Court, and its jurisdiction was extended to include 17 year olds. The Criminal Procedure (Scotland) Act 1995 stated that under-16s could only be prosecuted in criminal courts on the instructions of the Lord Advocate. In 1998, the Youth Justice Task Force considered the position of different age groups, and favoured the retention of 17 year olds within the youth justice system, on the pragmatic basis that moving them to adult courts could increase the prison population, and result in more 15/16 year olds appearing in adult courts as co-defendants.

### **Welfare versus punishment**

The juvenile justice system is constantly trying to find the balance between treating young offenders as vulnerable and cracking down on crime and disorder among the young. Policies veer between concerns for welfare and concerns to punish. There has not always been a distinction between the treatment of young offenders and that of their elders. It was the Children and Young Persons Act 1933 which prohibited capital punishment for under-18s. In the 1950s, the Ingleby Committee, set up to

consider the operation of the juvenile court, was concerned about its judicial/welfare functions, and the Children and Young Persons Act 1969 (never fully implemented) prioritised welfare over punishment of young people. The pendulum swung more towards punishment under the Thatcher and Major Governments, with the punishment emphasis being applied at lower and lower ages.

- The Criminal Justice Act 1982 (which also limited the use of custody for young offenders, abolished imprisonment for under-21s and replaced Borstals with Youth Custody Centres) introduced short, tough sentences ('short, sharp shocks').
- The Criminal Justice Act 1988 introduced a new sentence, Detention in a Young Offender Institution, for over-15s.
- The Criminal Justice and Public Order Act 1994 introduced a new Secure Training Order for 12–15 year olds (later amended to cover 12–14 year olds).
- In 1995, the Prison Service Corporate Plan included the introduction of 'boot camps'.
- Plans were also put forward by Home Secretary Michael Howard to enable the recruitment of more ex-military personnel to the Probation Service (*The Guardian*, 6 February 1995).

When New Labour came to power in 1997, concern about crime and disorder among young people was still rife. The slogan 'tough on crime, tough on the causes of crime' had been used in the General Election campaign. Following a consultation exercise on reform of the youth justice system in E&W, and a White Paper *No*

*More Excuses – A New Approach to Tackling Youth Crime in England and Wales* (1997), new legislation was introduced in the Crime and Disorder Act 1998, and a Youth Justice Board is being set up to advise the Home Secretary on the juvenile justice system. We see a renewed emphasis on treating young people differently from adults, for example, in the stated aim of ensuring that young people are not sent to prison, but also a belief that offending among younger people needs to be tackled through community-based initiatives, in recognition of the role that social disadvantage plays in offending behaviour. It is also noticeable that strict age banding has been abandoned in determining the welfare versus punishment emphasis. New measures include the following.

- Setting up *Youth Justice Board*, to advise on the juvenile justice system.
- *Reparation orders* requiring young offenders to make some kind of reparation for crimes.
- *Anti-social behaviour orders* are civil preventative orders (section 19) with respect to a person aged 16 or over acting in a manner likely to cause alarm and distress.
- *Final Warning Scheme* will end repeat cautions. A first offence can be met with a reprimand, a final warning or charges, depending upon its seriousness. Reprimands and warnings to under-17s will be given at the police station in the presence of parents.
- *Secure accommodation*. Courts can now remand 12–14 year olds to secure accommodation, also 15/16-year-old girls and vulnerable 15/16-year-old boys. This is on the basis that juveniles were more likely to offend on bail. It often failed to link the punishment with the crime, and is a step towards eliminating prison remands for all under-17s (Home Office Press notice 077/00).

- *Bail supervision* and other support projects to prevent offending while on bail.
- *Detention and Training Order* (DTO) – new juvenile custodial sentence from 2000.
- *Improved custodial arrangements for young women*. Separate prison units to be established for under-21s and 15/16 year olds to be placed in non-prison accommodation if possible.
- *Youth Offending Teams* (area-based and multi-agency partnerships in E&W) were set up to work with young offenders who have received a final warning, to determine the cause of offending and decide what help is necessary, and to implement the DTO (following Youth Justice Board advice).

### Summary: parameters of youth

This chapter has shown that policy constructions of youth and its parameters – the interfaces with childhood and adulthood – are very confused. In this brief review of a range of policy areas, young people have been constructed as dependent or independent. This construction is almost entirely on the basis of age, though we find in some areas notions of vulnerability, or of competence and understanding, which may outweigh strict age

criteria, and in the case of social security policies we find a further dilemma, whether economic dependence on parents is a function of co-residence with them. The overall message, however, is that, although youth as a stage in life is constructed by policies such as these, young people present a very real problem for policy makers. How should they be treated in policy making and the delivery of provisions? Have policy makers and others in fact created – with the best motives in the world – youth as an unsustainable and unmanageable status?

### Status ambiguities – a postscript

A 17 year old could be:

- in full-time education and treated as *dependent* (parents receive CB)
- on a training scheme and entitled as *semi-dependent* to a training allowance too low to support independent living
- in a low-paid job as *semi-dependent* (and excluded from NMW)
- unemployed and treated as *dependent*
- entering HE and treated as a *dependant* for the purposes of calculating tuition fees, but *independent* for the purposes of contracting into the student loans system
- single mother receiving CB as *independent* for her child, but also as a *dependant* where her mother also receives CB for her.

### Notes

- 1 Social Exclusion Unit, 1999a, p. 6.
- 2 The proportion of 16/17 year olds in England and Wales in full-time education has risen from 48 per cent in 1989 to 72 per cent in 1996 (Payne, 1998), though take-up, according to SurrIDGE and Raffe (1995), draws on those who would otherwise have been in employment or on training schemes, rather than on the unemployed.
- 3 These include: National Learning Targets for minimum qualification levels for 16 year olds; the National Numeracy Strategy and National Literacy Strategy, introduced to raise standards among primary school pupils; disapplication of National Curriculum at key stages, to create wider opportunities for work-related learning for 14–16 year olds and to help bring disaffected young people back into education; and a Learning Card, issued (since 1998) in the final year of compulsory schooling, which aims to raise awareness of entitlement to further learning.
- 4 See report of Professor Bernard Crick's advisory group on citizenship education (DfEE, 1998a).
- 5 Helena Kennedy (1997) draws attention to the inequities between FE and HE.
- 6 There are now plans for radical reform of the post-16 education sector, and the Education Secretary has announced plans for 'new local and national arrangements for the delivery of high-quality further education, training and workforce development to meet the skills and learning challenge'. This reform might include replacement of the Further Education

- Funding Council for England (FEFCE) and Training and Enterprise Councils (TECs) with a new body which will unify, regulate and fund post-compulsory education and training.
- 7 Intended to stimulate demand for, and improve access to, knowledge.
  - 8 Announced in December 1997 and designed to increase ET participation from age of 16 onwards and to reduce drop-out by tackling the variable quality and relevance of some post-16 training and education.
  - 9 The Government aims by the academic year 2001/02 to increase FE student numbers by an additional 700,000, 7 per cent of whom will be 16–19 year olds in full-time study. See Kennedy (1997); also *Further Education into the New Millennium* (Secretary of State, February 1998).
  - 10 Teaching and Higher Education Act 1998, following decades in which employers gave little or no support to day-release.
  - 11 Previously, students on courses or in private study for more than 21 hours a week were ineligible for welfare, but private study is now ignored and those on FE courses averaging up to 16 guided-learning hours a week can receive Jobseeker's Allowance, provided they remain available for work and actively seek it.
  - 12 Previously experimented with in 1978 and currently being piloted.
  - 13 Note that 16–18s are not included in the New Deal, though the Social Exclusion Unit has reviewed their circumstances (Social Exclusion Unit, 1999a). A Learning Gateway will be provided for 16/17 year olds in the near future (see Social Security section later in this chapter).
  - 14 National Traineeships will provide work-based training to NVQ level 2. The aim is for around 125,000 16/17 year olds in England and Wales to enter National Traineeships and other work-based training. Similarly, Skillseekers schemes in Scotland target 16/17 year olds and provide a work-based training leading to an SVQ at level 2 or 3. Modern Apprenticeships are aimed mainly at people aged 16–19 wishing to train for jobs at craft, technician and trainee management level. They provide training within industry-designed frameworks, under a training agreement between the individual and the employer. The training leads to an NVQ/SVQ level 3 qualification and includes core skills. The aim is for 72,500 young people in England and Wales to begin a Modern Apprenticeship in 1998–99.
  - 15 Some young people now receive extra payments to top-up their allowances, where TECs/LECs have negotiated agreements with training providers.
  - 16 Hansard, 18 February 1992, col. 121.
  - 17 The Children and Young Persons Act 1933 and the Employment of Women, Young Persons and Children Act 1920 are still the principal provisions in this area, coupled with local authority bye-laws. The employment of children and young people in particular establishments was also regulated by industry-specific provisions (contained mainly in the Factories Act 1961, the Shops Act 1950 and the Mines and Quarries Act 1954). Health and safety provisions are mainly covered by the Health and Safety at Work, etc. Act 1974. Additional regulations cover child

## Balancing acts

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- performances, etc. However, most of these provisions (mainly restricting the hours and days that young people could work) were removed by the Employment Act 1989.
- 18 According to DSS, 16/17 year olds who 'for good reason' live independently have access to the 18–24 year old rate as a recognition of their vulnerability.
- 19 Non-householder rent additions are discussed again in Chapter 3.
- 20 It remains to be seen whether employers will simply convert existing jobs into New Deal jobs in order to obtain the subsidies.
- 21 This should change with the publication of the revised Code of Guidance on Homelessness, 1999 (Social Exclusion Unit, 1998b).
- 22 This is because local authorities previously provided both education and transport services.
- 23 We lack the space in this report to examine specific issues such as those relating to disability, mental health or special educational needs.
- 24 Though it is a defence if the man was under 24, had not previously been charged with such an offence and had reasonable cause to believe that the girl was aged 16 or over. The same Act also decriminalised male homosexual sex between consenting adults (aged 18 or over), provided the act takes place in private.
- 25 Filibustered in the House of Lords in 1998/99, but should receive a second reading in 2000.
- 26 The Social Work (Scotland) Act 1968, which established the Children's Hearings system in Scotland, presumed a child of 12 to be of sufficient age and maturity to form a view.
- 27 The killing of two-year-old James Bulger by two ten-year-old boys in 1993 caused public outrage which included calls for tougher punishment of child offenders.

# 3 Parenting – responsibility and authority

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## Introduction

The ‘joining-up’ of policies defining dependence and independence in youth with family policies defining the responsibilities of parents presents a further challenge. The constructions of youth described in the previous chapter clearly raise questions about the parenting role: first, how is parental responsibility defined, if at all; and, second, to whom is it assigned?

Under the Poor Law, it was expected that families and kin would provide support for individuals, thus parents were expected to care for their children (Crowther, 1982). Individual rights to welfare did not exist and, as we saw in the previous chapter, still do not in many policy areas, as far as young people are concerned. The Beveridge Report took the approach, in respect of children, that the state should support parenting rather than take it over:

*These proposals are based on two principles, first that nothing should be done to remove from parents the responsibility of maintaining their children, and second that **it is in the national interest for the state to help parents discharge that responsibility** properly. (Beveridge Report, 1942, Cmd. 6550, p. 14, emphasis added, quoted in Daniel and Ivatts, 1998)*

The Welfare State was based on a dependency assumption, like the Poor Law which preceded it. Benefits were paid to the Head of Household for his dependants and himself, and the household was conceived as an economic unit, as it had been under the Household Means Test. It was mainly in the 1960s and 1970s that the extent of inequalities within the household, and the need to acknowledge the individual rights of women

and children, were acknowledged. Despite the Thatcher Government’s emphasis on traditional family values (and calls from some quarters for women to give up employment and return to their domestic duties), successive recent governments have tended to take a hands-off approach to families, preferring not to intervene in what is seen as a private world. More recent attempts to protect the institution of the family in the face of increasing indications that this is under threat have, however, led to a more interventionist approach, if only by default. Under the Conservative governments, the state role in welfare provision for young people was withdrawn, on an assumption that families would once again fill the gaps in provision: a return, in the rhetoric of the time, to ‘traditional family values’. Thus, David Marsland (1986, p. 94), from a right-wing ideological perspective, wrote at the time of the Fowler Review of social security:

*Young people need the support of their families and the family is seriously weakened as an institution if it loses its responsibility for young people. But genuine family responsibility for young people is make believe unless at least some of the costs of their care are shifted back from the state to the family.*

However, as Dean (1995) points out, there is no family tradition of caring for young people, as opposed to children, because ‘youth’ did not exist, and so care could not be ‘shifted back’. The extension of the period of youth, described in the last chapter, has been a mainly post-war phenomenon. The emergence of youth is, however, barely recognised in family policy. In all the current discussion about the importance of supporting family life, young people feature

very little, the stress being on the upbringing of younger children. Where young people do figure, it is as unruly or deviant, and the emphasis is on 'upholding parental authority' rather than enabling parents to support their teenage children.

The New Labour Government under Blair favours a more active interventionist approach to family policy (Home Office, 1998), including an emphasis on the role of parental authority in the prevention of juvenile offending. If this policy approach is to succeed, it will need to take account of the complicated links and distinctions between family structure, family 'roles' and family relationships, to avoid slipping into simplistic prescriptions for family life which bear no relation to its complex reality. It is not necessarily the saving of the institution of the family which will provide the answers, but the quality of the relationships and roles which may or may not be enacted within it (Finch, 1989).

This chapter starts with an exploration of the somewhat sparse legal framework that structures parental responsibilities for children, from which we have tried to extricate the nature of the responsibilities that parents have, the relationship between parental authority and parental responsibility, and the ways in which the law recognises the diminishing need for parenting as the young person becomes adult. From an examination of family law, we re-visit other policy areas discussed in Chapter 2. The responsibilities of local authorities towards young people in their care are also considered.

### Family law

The legal framework for understanding the

notion of parental responsibility focuses on children and is more sketchy in respect of young people. As Masson (1995) indicates, the concept derives from both common law and statute. Furthermore, there are differences between the legal frameworks in E&W and Scotland. In all, the area is very confused. Broadly speaking, however, it is possible to trace a trend in family law away from an emphasis on parental rights and control towards an emphasis on parental responsibility within which the child becomes the central focus.

Common law definitions of parental rights and powers, according to Cretney and Masson (1997), include:

- the right to physical possession
- the right to control or direct the child's upbringing
- the power to control education
- disciplinary rights to inflict moderate and reasonable corporal punishment
- the choice of religion
- the right to the domestic service of unmarried children
- the common law right over the child's property
- the right to represent the child in legal proceedings
- the right to consent to marriage
- the right to contact with the child
- and other miscellaneous rights.

These 'rights' have now been brought into a broader legal framework of parental

responsibility, containing two main elements: responsibility (*to care and maintain*) and authority (*to control*). A tension between care and control runs through the histories of the juvenile justice system, the care system and the literature on the family life of young people, culminating in the current involvement of the Home Office in family policy making. Historically, there has been a shift from control to care, as the welfare of the child has become paramount, in theory at least. At one time, children were seen as the property of their parents (Gittins, 1998). Now parents only have power over their children in order to allow them to fulfil their parental responsibilities towards them (under the Children Act 1989, following Gillick). Cretney and Masson (1997; p. 610) indicate a further function of the concept – the location of the obligation to care:

*The concept of parental responsibility performs two distinct but interrelated functions. It describes the power of parents in terms of responsibility not rights, and locates the obligation to care for children with parents not with the state.*

We discuss these in turn below.

### **Parental responsibility and authority**

The definition of responsibility is broad and there are no specific guidelines or legal requirements; instead, the focus is on the consequences for parents and the state if they fail in their parenting tasks (Masson 1995). Thus, the legal framework of parental rights and duties was expressed in the 1948 and 1975 Acts mainly in terms of empowering the juvenile court to make orders allocating parental authority (Children Act 1948 and later in the

Children Act 1975, section 85(1)). Both the second Gillick judgement in 1984 and the Law Commission in its Report on Illegitimacy in 1982 acknowledged that the construction of parental rights and duties under the Children Act 1975 was misleading. The Law Commission recommended that the phrase ‘parental responsibility’ be used to replace the old ‘rights and duties’ referred to in the Children Act 1975 (Law Commission Report No. 172).

The Children Act 1989 section 3(1), in using the concept of parental responsibility, thus identified both parental *rights and powers*, and *duties and responsibilities* (to the child and his/her property). These interrelate. Thus, parents have *responsibilities* to a child, under the Children Act 1989 and the Children (Scotland) Act 1995:

- to safeguard and promote health, development and welfare
- to provide direction and guidance to a child in a manner appropriate to a child’s stage of development
- to maintain personal relations and direct contact with the child on a regular basis, if the child is not living with a parent
- to act as the child’s legal representative.

And, *in order to fulfil these responsibilities*, they have enabling rights:

- to have the child living with the parent or otherwise to regulate the child’s residence
- to control, direct or guide the child’s upbringing in a manner appropriate to their stage of development
- to maintain personal relations and direct

contact with the child on a regular basis, if the child is not living with a parent

- to act as the child's legal representative.

The Law Commission for E&W considered a more detailed statutory list of parental obligations to be a practical impossibility, given the range of possible circumstances, needs and maturity of the individual child. More recently, however, the Scottish Law Commission (SLC No. 135) has expressed a preference for a clearer statutory statement of parental responsibilities and rights, which would encompass the existing common law position and identify different responsibilities at different ages of the child.

*These differing positions reveal a central dilemma: how to attempt to make a statement about the expectations to be associated with the parenting of young people without falling into the trap of using normative age assumptions.*

It is currently not clear in the law what parenting involves. Parental duties cover only a broad duty to *care and maintain* (Cretney and Masson, 1997). The principle that the *welfare* of the child is paramount was set out in the Guardianship of Minors Act 1971. The Scottish Law Commission recently proposed that parental responsibility should include the obligation to *safeguard the health, development and welfare* of the child. The UN Convention on the Rights of the Child (1989) refers to a parental responsibility 'for the *upbringing and development* of the child'. However, parental responsibility to provide a home for their children, to provide physical care, to feed and clothe them and so on are not spelled out. In contrast, the Child Support Act, relating to the responsibilities of absent fathers, gives, according to Clarke *et al.* (1994, p. 134), complete pre-eminence to the

issue of financial responsibility for children over all other aspects of the exercise of responsibility for children.

In other words, there are no criteria for successful parenting (just as there are no criteria for a successful transition to adulthood). The concept of 'failure', where the standard of care becomes unacceptably low, nevertheless exists in the law, and parents who neglect or impair their children's development are liable to criminal prosecution under several statutes (Cretney and Masson, 1997, p. 623). Equally, parents can be held to account where it is deemed that their children are beyond their control.

### Appropriate parenting

We have already indicated that authority exists principally to allow parental responsibility, but parental authority fades as the child moves towards the age of majority. Thus, the level of responsibility to provide direction and guidance is expected to be appropriate to a child's stage of development. According to Cretney and Masson (1997, p. 615), parental authority does not altogether disappear so long as the child remains a minor, but as the child gets older, that authority becomes circumscribed, particularly by the welfare principle.

The Gillick judgement (*Gillick v. W. Norfolk AHA* (1985) 2 All. E.R. 402, 424; see also Paxman and Zuckerman, 1987) established the principle that, in the absence of an express statutory rule, all parental authority:

*... yields to the child's right to make his own decisions when he reaches a sufficient understanding and intelligence to be capable of making up his own mind on the matter requiring decision.*

The concept of legal capacity provides the framework for whether young people are able to make their own decisions, rather than have their parents make them for them. England and Scotland have differed in their approaches to the age of legal capacity, but both systems have operated gender distinctions. Until recently, girls below 12 and boys below 14 had only limited legal capacity under Scots Law (equalised by the Age of Majority (Scotland) Act 1991). English common law took the contrary view that girls reached the age of discretion at 16 but boys at 14 years.

In Scotland, parental authority is limited in relation to the over-16s because, under Scots Law, young people acquire full legal capacity and can, for example, enter into contracts then (though they do not gain civil rights). It is thus recognised that parental authority diminishes as the young person grows older. However, in E&W, as in Scotland, a court can either ratify or set aside transactions by 16–18s<sup>1</sup> (under the *parens patriae* principle). State control thus takes over from parental control, beyond the age of legal capacity, as Masson (1995) argues:

*Parental responsibility in the legal sense is limited in respect of those over 16, [but] state control of young people continues through the power of the parens patriae jurisdiction to veto independent decisions which are viewed by the courts as contrary to welfare.*

If parental *authority* diminishes as a child gets older (and can be supplanted with state provision), this affects their ability to care for and maintain their children, and thus renders the continuing *responsibility* of parents problematic. The point at which a child becomes emancipated from parental control is also

debatable, reflecting their level of competence or their economic status or their age.

Under the Family Law (Scotland) Act 1985 (the Scots law of aliment), parental obligation to support their children extends to 18–25 year olds, provided that they are ‘reasonably and appropriately’ undergoing education or training. Under the Children Act 1989, sched. 1, paras 2(1), 3(2) and Children (Scotland) Act 1995, parental responsibility continues until the child is aged 18 years, though a parent may not be required under the CA 1989 to care for a child over the age of 16 years. The Scottish Law Commission (No. 135) recommended that a parent’s duties to maintain contact and administer the child’s property should end when the child reached 16 years, but that the other duties should continue throughout childhood (until 18 years), although the way they were exercised would vary with the child’s age.

There are dangers associated with using age criteria, and current legislation thus leaves 16/17 year olds in an anomalous situation. According to Judith Masson (1995):

*The dependence and consequent vulnerability of those over 16 is scarcely recognised in the Children Act 1989 because of the emphasis on the fading of parental responsibility as young people’s capacity develops.*

Criteria of a ‘qualifying child’ in the Child Support Act 1991 follow those of earlier legislation, and appear to be based largely on economic status and age, though there is some allowance for variation according to family relationships. Some of these regulations allow a young person to claim maintenance payments in their own right, rather than be treated as a

dependant of the remaining parent. In general, the payments are made to the mother.

- A 'qualifying' child (section 55) includes all under-16s, and 16–19s in full-time education (i.e. the same criteria for dependency as Child Benefit).
- In addition, there are circumstances in which a maintenance order can be extended beyond the age of 18 in 'special circumstances' in order to support a child undergoing education or training.
- There is no power to order a parent to maintain a child who is looked after by a local authority after they are 16 years old.

In some circumstances, however, payments can be made direct to the young person.

- A young person of 16 years may have an existing order for financial support varied to allow direct payments to them, and have an order which expired at age 16 or later revived (Children Act 1989, sched. 1, para. 2(6)).
- There are circumstances where a child (or young adult) can obtain financial support from a parent through the courts (see Children Act, sched. 1, para. 16 for definition). For instance, a child of any age may intervene in his or her parents' divorce proceedings and seek a financial order.
- Young people over 18 can apply for financial relief from their parents if they are, or would be, in education, or training, but only if they are not living in their parents' household.

### Location of responsibility

Parental responsibility (as the Gillick judgement pointed out) includes the notions that parents must behave dutifully towards their children, and that the obligation to care belongs to parents and not the state. Eekelaar (1991) argues that the *location* of responsibility has gradually become the dominant concept.

The Child Support Act (CSA) was introduced at a time when concerns about family breakdown were at their height, amid panics that lone mothers and 'feckless' absent fathers were responsible for, as well as the result of, family breakdown and moral decay, leading to the development of an 'underclass culture' transmitted from generation to generation (Murray, 1990; Dennis and Erdos, 1992). It is not surprising, therefore, that the CSA was seen by many fathers as a punishment, when, within an alternative ideology, the Act could have been seen as a support for lone mothers and a means to alleviate their poverty, or as a means of allowing non-resident fathers to have some involvement with the care of their children.

The overarching policy principle is that biological parents have parental responsibility for the maintenance of their children, whatever the family history. Clarke *et al.* (1994, p. 134) argue that the Child Support Act 1991 was underpinned by a philosophy that biological parenthood creates 'an inalienable financial responsibility towards the child'. Thus, the White Paper preceding the Act argued that the financial responsibilities of biological parents continued even after marital breakdown, including when the child gained step-parents, and states that:

*It is in the interest of the children that they should be maintained by their parents. Maintenance provides them with a reliable source of income and they learn about the family responsibilities which family members owe to each other.*

Thus, according to the Act, each parent whether or not co-resident (section 55) is responsible for maintaining a qualifying child. A former step-parent may, however, also be requested to support a child.

There is, however, a legal distinction between financial maintenance and a broader right/responsibility to care for and maintain, which appears not to be commonly known. While all biological parents (married or unmarried) are legally responsible for their children's financial maintenance under the Child Support Act, only a parent with parental responsibility has the legal power to make decisions about aspects of their children's lives such as where they live and what school they go to, and to give medical consent. Section 4 of the Children Act was devised to allow unmarried biological fathers to acquire parental rights either through a legal Parental Responsibility Agreement with the mother, or by applying to the courts for a Parental Responsibility Order, but research indicates that few fathers are aware of their lack of rights, particularly when they clearly have financial responsibilities (Pickford, 1999). It is expected that the law will be changed to give equal parental rights to all fathers who have registered the birth of the child, whether or not they are married to, or co-resident with, the biological mother.

Though biological parenting dominates this area of the law, others (including step-parents, foster carers, other relatives) and local authorities can all have or acquire (through the

courts) parental responsibility. However, the location of parental responsibility will continue to be complex, increasingly so in relation to sperm donation and other aspects of new reproductive technologies.<sup>2</sup>

### **Education, training and employment**

If the subject of parental responsibility is confused in family law, it is even more impenetrable in other policy areas, where young people have been constructed as dependants but the responsibility of their parents to maintain them is not spelled out at all. In most cases, we see the application of a 'parenting assumption' that parents will care for young people and provide subsidies to low youth incomes.

The role and responsibilities of parents towards their young vary according to their children's economic status. Responsibilities towards a young person in education are different from those towards someone on a training scheme, or someone in the labour market. Furthermore, parental authority also varies according to the status of the child.

#### **Parental authority**

The policy rhetoric on choice and empowerment distinguishes between young people in secondary education, where parental authority is stressed and parents are given the choice of school and the right to information about standards, and those in training and FE where the emphasis is on the empowerment of young people and the extension of choice to them.

The Education Reform Bill (which became the Education Reform Act 1988) represented a move away from the 1944 Education Act's

concern with education organised on the basis of 'age, aptitude and ability', to one in which education must conform to the wishes of parents (according to Brown, 1989, p. 34). The 1991 Parents' Charter (updated in 1994) gave parents the right to information about school performance. Brown refers to the general policy as a move from meritocracy to parentocracy, and asks whether parents are really the best placed to decide on the educational potential of their child, when they tend to raise and socialise their children in their own image. He argues that, if choice is wanted, then it should rest with the child. This raises the question: who is the consumer of education and training – is it the young person, their parent, or indeed their future employers? It is interesting that post-16 education and training increasingly does ostensibly offer choice to the young person. However, choice is not unconditional and, in the areas of ET and employment, we see increased use or proposed use of contracts, sometimes involving parents (such as the home-school agreements which were proposed in 1997 but never implemented) and sometimes involving young people themselves (New Deal and foyer contracts, for example).

### **Parental responsibility**

Parental responsibility varies according to the economic status of their child. As indicated, Child Benefit assumes parental responsibility for those in education but not in other statuses. Under the Family Law (Scotland) Act 1985, divorced parents have an obligation to support their children, which extends to 18–25s who are 'reasonably and appropriately' in education or training. In E&W, a similar provision is made under the Children Act 1989. The Child Support

Act 1991, section 8 states that 'a court may make an order against a parent to pay an additional amount or expenses relating to education, training or a disabled child's disabilities' (Cretney and Masson, 1997, p. 625).

Parental responsibility to children in education has been reinforced with the introduction of the tuition fee for HE. However, if parents fail to pay the fee, or to provide the information necessary for means-testing, students' entry into an HE institution may be jeopardised. In this way, parents are able to exercise authority without financial responsibility, though, as indicated above, in other areas of policy, authority is seen to exist only in relation to responsibility.

Parental responsibility with regard to those in FE, training or employment is not spelled out. Policies assume that young people in work-based training receive economic and material support from their parents to cover living expenses, including the cost of board whilst living at home. Similarly, the levels of youth incomes from employment are such that subsidies are needed, and it is expected that these should come from parents. The responsibilities of parents remain implicit in the construction of young people as dependent or semi-dependent.

### **Social security**

Social security regulations affecting parents' benefit levels indicate the difficulty posed by the construction of semi-dependency among young people in these sectors. The previous chapter indicated the changing relationship between young people and the state in terms of their access to welfare rights. The Conservative

Government under Thatcher sought to reduce welfare dependency on the assumption that parents would take up the responsibility passed back to them from the state – though, as Masson (1995) argues, this cannot happen whilst parents' legal liability can cease when the child reaches the age of 16 years. Now, the Blair Government follows the thrust of these policies from a different principle – the aim of raising the status of education and training against that of welfare. However, the liability of parents to fill the gap in provision remains problematic.

Here, we focus on two aspects of welfare policy relating to the ways in which the designation of a child as dependent or independent affects the way parents are treated: the systems of child benefit and dependency additions to, and non-dependency deductions from, welfare benefits paid to parents.

### **Child Benefit**

Child Benefit (CB) is one of the few remaining universal benefits, paid to the mother towards the maintenance of dependent children. The question of whether CB should remain a universal benefit, or become means-tested, or subject to taxation, has been an issue of debate for several years. CB and its predecessors, Family Allowance and Child Tax Allowance, are based on the twin notions of dependency in childhood and parental responsibility to care and maintain.

The Family Allowances Act 1945 set out criteria under which children were to be considered dependent on their parents (to whom allowances were then payable), based on co-residence, age, whether they were still in full-time education, and whether they were unemployed. Between 1977 and 1979, CB

gradually replaced Family Allowances and Child Tax Allowance, and the criteria changed, to define all under-16s as dependent, and also 16–19 year olds in full-time, non-advanced education, but to exclude unemployed young people (who were entitled to benefit in their own right at that time).

Child Benefit thus established the principle that, while young people in full-time academic education were to be treated as dependants, those in the labour market (and here training schemes are included) were not. This distinction has become an anomaly when one of the major thrusts of the current government programme is the dissolving of divisions between HE, FE, training and youth employment. The recent separation between the SLA and the age of entry into employment brings into question the CB definitions of dependency. For equalisation among young people to occur, CB should arguably be provided in respect of all non-employed young people living in the parental home, or should be phased out for all at the SLA. The piloting of means-tested EMAs to young people staying on in education indicates that CB could be phased out for all under-18s.

Parents are excluded from the right to CB if the child has not been in their care for more than eight weeks (e.g. is being looked after by the LA or is in prison or legal custody), or where the child is in receipt of independent benefits or a training allowance, or is married and/or living with a partner. There are, however, some curious anomalies which confer on young people the dual status of dependant and non-dependant. The rule that the child must be co-resident for the parent to receive benefit gives way to the education exception, even when the 'dependent child' is married.

### Status anomalies

- Normally, the mother of a 16–19 year old in full-time education but married or cohabiting would lose the right to claim CB for that child, even when living in the mother's home. However, *where the partner is in full-time education*, the mother retains the right to claim CB on the basis that the partner cannot support her child.
- If the child is married, but living in the parental home without their partner, 'someone else may claim the benefit'.
- Where a young parent is living with her own parents, she can receive CB for her child at the same time that her mother can receive CB for her.

### Dependency allowances/non-dependant deductions

Where a young person is living in the parental home and their parent is receiving benefit, the child may be defined either as a dependant (in which case the parent receives an allowance), or as a non-dependant (in which case the parent's benefit may be subject to a deduction).

According to Masson (1995, p. 3):

*The extension of childhood was predicated on the existence of a family (or at least one adult) who was able and willing to support the young person; where the adult was in receipt of benefits the expectation of support was reversed so that benefits were reduced on the basis that the young person was contributing to the expenses of the household despite low income.*

These distinctions can be somewhat arbitrary, since a parent may move in and out of work. Similarly, a young person who has been in employment, and causing a deduction to a parent's benefit, may on losing their job cause the parent to gain additional benefit for an extra dependant. A typical working career of a young person moving between jobs may thus include movement in and out of dependency, with resulting adjustments to the family income.

Dependant additions to parents' benefits are based on an assumption that they will filter through to dependants, and are paid to parents until the unemployed school-leaver acquires independent benefit rights.<sup>3</sup> The rules concerning non-dependant deductions (NDD) are based on the assumption (apparently not recognised when it comes to assessing young people's own needs) that co-resident non-dependants will contribute to the domestic economy, and that young people 'of working age' will make a contribution towards housing costs if they are living with their parents (see Jones, 1991). Deductions are made from the parent's Income Support and JSA mortgage interest, from Council Tax Benefit and from Housing Benefit (HB), to take account of the presence of another individual able to contribute towards the housing costs. In 1984, non-dependant deductions from parents were increased, so that parents were expected to collect rent from each co-resident employed child of £3.30 for 16/17 year olds<sup>4</sup> and £8.80 (the full adult rate) from those over 18 years. These changes occurred at around the same time that young people on benefit lost the right of a contribution to their board with the abolition of the householder/non-householder distinction (Chapter 2). Effectively, the changes could be

seen as penalising young people in work and their families (Cusack and Roll, 1985; Roll, 1988). And, in an echo from the Household Means Test in 1933, the Social Security Advisory Committee (1984) warned that, in the event of a young person failing to pay their proportion of the housing costs, 'the householder either has to bear the cost himself or force their "non-dependent" son or daughter to leave'. The Secretary of State for Social Services (1984) responded that it was 'not the role of a benefit scheme financed by the tax payer to shield households from the consequences' if an adult (co-resident) non-householder failed to meet the cost.

### Status anomaly

- Parents with working children (and those on YT) living at home had their benefit reduced on the basis that they were *non-dependent*.
- Parents with unemployed children living at home had their benefits increased to allow them to maintain them as *dependants*.

### Housing

Parental legal responsibilities to provide a home for young people are not clear. Dependent children may have a right to live in the parental home, but, from the age of 18 (in E&W) and 16 (in Scotland), the legal obligation on the part of a parent to provide a home ends. Thereafter, young people appear to live in the parental home as licensees of the parent, and therefore can remain there only if their parents agree to this. Moral, rather than legal, obligations thus

come into play, and these are subject to wide variation: thus, research on homeless young people has indicated how some parents are only too aware when their moral obligations cease and they are able to tell their children to leave home (Jones, 1997; Smith *et al.*, 1998).

### Health

In the case of health policy and criminal justice (see below), the focus is not so much the responsibility of parents but their authority. The increasing independence of a young person includes the emerging right to make their own decisions affecting their health and health care, but there is no clear ruling on this. Parents and guardians can admit children under 16 years of age informally to hospital, but, where doctors conclude that children have the capacity to make health decisions for themselves, there is no right to admit them to hospital or keep them there on an informal basis against their will. A 16/17 year old 'capable of expressing his (*sic*) own wishes' can admit or discharge her/himself as an informal patient to or from hospital, irrespective of the wishes of the parents or guardian. Thus parental authority gives way to the wishes of the competent child.

The Gillick case, in which a parent took a health authority to court in order to gain assurance that her school-age daughters would not be given advice or treatment in relation to contraception or the termination of pregnancy without her consent, tested the issue of a parent's rights *vis-à-vis* those of a child (Paxman and Zuckerman, 1987). The second Gillick judgement (1994), which found against the mother, stressed parental *responsibility towards* the child rather than *authority over* the child.

Writing on Scots family law, Thomson (1990s, undated, p. 205) suggests that, in fulfilment of their responsibility to safeguard and promote their children's health, parents have the *prima facie* right to consent to or refuse medical treatment. However, the exercise of parental rights in this as in other respects is subject to the welfare principle. According to Coles (1995, p. 214), who takes the young person's perspective, the Children Act 1989 made clear that for over-16s a claim for knowledge about health matters should also include 'rights over their own bodies', in the sense of being able to seek treatment without the intervention of other people, and especially parents or legal guardians. However, an anomaly in the Scottish Age of Legal Capacity Act leads to the question of whether the rights of a parent are lost with the growing legal capacity of the child, or could still override the rights of the child (presumably still within the welfare principle).

### Status anomaly

- A child below 16 may have capacity to consent on his or her own behalf to medical treatment.
- Parents do not expressly lose their right to consent on behalf of the child (in other words, though the need for parenting responsibility has been removed, it is debatable whether the parental right has been lost).

### Criminal justice

The notion that dependence puts young people under the authority (control) of their parents is

questionable. Nevertheless, it is the authority of parents, rather than their responsibility to maintain, which features in criminal justice legislation and policy. Despite recognition in some other policy areas (e.g. health) that authority diminishes with the age of the child, there appears to be an assumption in the juvenile justice legislation that parents have continuing authority over their children and this gives them the power to prevent them from offending.

Parents can be held accountable for the actions of their dependent children in court. The Children and Young Persons Act 1933 gave courts the *power* to require the attendance of a parent/guardian at proceedings involving their children under the age of 16. This was replaced under the Criminal Justice Act 1991, section 56 with a *duty* to do so, unless it would be unreasonable in the circumstances. The court's power to require such attendance in the case of 16 year olds was extended to cover 17 year olds as well. The 1933 Children and Young Persons Act, section 55 (as amended by section 57 of the 1998 Act) gives the courts a power, rather than a duty, to require the parents of 16/17 year olds to pay such penalties and to extend the law to local authorities who have parental responsibility for offenders under the age of 18 in their care or accommodation.

Within criminal justice legislation, there has been a series of recent measures aimed at upholding parental authority as a means of reducing juvenile crime.

- *Parenting Orders*: under the Crime and Disorder Act 1998, the principal focus of which is the reinforcement of responsibility on children and their

parents, the courts were given powers to order parents to attend training and guidance sessions to control the behaviour of their children through a new parenting order.

- *Local Child Curfews* target under-tens who are unsupervised on the streets at night and deemed as at risk of offending. The reasons for the lack of parental supervision will be investigated in problem areas. Curfews 'will support the authority of parents and the rights of the local community' (according to Home Office Minister, Alun Michael, at the launch of the Research Policy and Practice Forum on Young People, 1998).

The *Supporting Families* consultation paper, 1998 (launched by the Ministerial Group on the Family chaired by Home Secretary, Jack Straw) aims to find ways of supporting parents in their role to provide 'strong and stable families'. It follows closely in the path of Conservative governments which sought to uphold 'traditional family values', though the rhetoric is less pronounced. The paper comments on the need for new measures to strengthen the institution of marriage with its 'extra rights and also extra responsibilities', and identifies five main areas: the provision of advice and support; improvement of family prosperity and reduction of poverty through the tax and benefit system; family-friendly work practices; strengthening marriage and reducing the risks of family breakdown; and tackling what it identifies as the more serious problems of family life – such as domestic violence, truancy and school-age pregnancy. It is only in the latter respect that young people are given serious

consideration, as problems.

A National Institute for Parenting is currently being set up in E&W (and a similar body in Scotland) as an independent charity funded by a range of government departments to carry out key activities which will emphasise the importance of the family and increase the profile of parenting.

### Local authorities as parents

#### Local authority care

Where parents have apparently failed to fulfil their responsibilities towards young people under the age of 17, or where the young person is deemed to be beyond the control of the parents, the local authority may take on part of the parenting role, and this can continue until the young person reaches the age of majority, or 19 years if they came into care at 17 years. The responsibility of the local authority tends to be focused on the parental function to care for and maintain the young person. There has been much criticism of the failure of many local authorities to do more in terms of preparing young people in their care for adult life, because of an over-emphasis on day-to-day maintenance and welfare (e.g. Biehal *et al.*, 1995). As a result of this failure, care leavers tend, in comparison with their peers, to be more poorly qualified, and to have a higher risk of unemployment and teenage pregnancy (DoH, 1999) and homelessness (e.g. Jones, 1995a). A series of scandals concerning children's homes has led to concern that some care staff were at least failing to prioritise the welfare of the child. It can be argued, therefore, that the failure of the biological parents has been matched or at least compounded by a further failure on the part of

those acting *in loco parentis*. The standard of local authority care has been investigated (Utting Report, 1998) and reforming policies are being drawn up (DoH, 1999).

The system of local authority care of children and young people has undergone major reform over the decades, from an emphasis on the policing of parents to an emphasis on the welfare of the child (Broad, 1998). Before the Children Act 1989, local authorities could obtain statutory care of children where there was concern over their moral, educational, physical or emotional development, either through applying to the juvenile court for a Care Order, or by assuming (through Social Services Committee) the rights and duties vested in the parents of a child already in 'voluntary care'. In both cases, the parents remained financially responsible for the care of their children (Child Care Act 1980, section 4, s. 10(5)), unless they were in receipt of Income Support or Family Credit (Children Act 1989, sched. 2, para. 21(4)). The Children Act 1989, section 33(3) abolished parental rights resolutions, and provided for Care Orders to grant local authority parental responsibility for a child, without removing the parents' own PR. Parents thus retain PR, but, if there is a Care Order, the local authority may determine how this is exercised, insofar as this is necessary to safeguard the child's welfare.

### Duties and powers

The Children Act 1989 also imposes a standard of care on local authorities in respect of the children they look after. The duties owed to young people by a local authority in E&W acting under a Care Order are spelt out in section 22(3) and section 24(1) of the Children Act 1989. Further, local authorities must now

report on any 16/17 year olds in serious need. The legislation distinguishes between local authority duties and powers in respect of young people in their care. This distinction is important: where the local authority has only a power, there may be wide variation in the ways and extent to which this is implemented across the country.

- Local authorities are also *required* to assist young people who have been looked after by a local authority or voluntary organisation, and are *enabled* to help other young people who have lived away from home (section 24 replaces sections 27–9 of the Child Care Act 1980 dealing with young people leaving care).
- It is the *duty* of the local authority to advise, assist and befriend young people after they have left care. This duty includes preparing young people for leaving care and providing assistance money to safeguard their welfare at the point of leaving care.
- Once they have left care, a local authority has a *duty* to advise and befriend, and a *power* to provide material help (including cash in exceptional circumstances). If a young care leaver is homeless and friendless, and presents themselves to the social services it shall not be lawful for the LA automatically to do nothing.
- The *duty* to assist care leavers applies to all 16–21 year olds in care for at least three months after turning 16 – this represents a widening of eligibility from previous legislation.

- The *powers* in the 1980 Child Care Act to support young people in education and training are re-stated under the Children Act section 24(8). Assistance can continue until a young person has completed a course of education or training even if he or she has reached the age of 21.

The Children (Scotland) Act 1995 similarly defines and distinguishes between powers and duties in Scotland, where responsibilities of local authorities have also been subject to change over time (1948 Act, 1980 Act, 1989 Act and including Children (Scotland) Act 1995). Section 12 of the Social Work (Scotland) Act 1968 has long been used to provide emergency cash to homeless young people unable to obtain Severe Hardship Payments. Prior to the 1995 Act, however, local authorities had only a power, not a duty, to safeguard or promote the welfare of young people,<sup>5</sup> but there is now a duty to do so in respect of young people in need; and, so far as it is consistent with that duty, to promote the upbringing of such children by their families. It is made explicit in the 1995 Act that LA services which can be accessed include ‘assistance in kind or, in exceptional circumstances, in cash’ where conditions may be imposed by section 22(4). Where the Children Act 1989 restricts the provision of accommodation to a child in need, the Children (Scotland) Act 1995 has no such restriction. Provisions in Scotland thus include:

- LA *duty* to accommodate 16/17 year olds whose parents (for whatever reason) cannot accommodate them. LAs have *powers* to accommodate 16/17 year olds in order to safeguard or promote their welfare (section 25).

- LA *powers* (section 25) to accommodate 18, 19 and 20 year olds in order to safeguard or promote their welfare.
- LA *duty* to support care leavers until age 19 if they leave care after they are 16. LAs have *powers* to provide support for such young people until their 21st birthday (sections 29, 30). Thus, although the 1995 Act defines a child as under 18, the definition may extend to 21 in certain circumstances.

Reforms of the care system continue. The Quality Projects Programme (QPP) was launched in September 1998, and is aimed at improving both the management and effectiveness of local authority social services for children, and the life chances of ‘looked after’ children in terms of their educational attainment, health and levels of offending. A new Children’s Service Special Grant is intended to help local authorities to increase the support provided for care leavers and prevent the inappropriate discharge of under-18s from care. The new objectives aim:

*To ensure that young people leaving care, as they enter adulthood, are not isolated and participate socially and economically as citizens.*

The Government response to the Utting report (1998) includes clarifying responsibility for financial support, so that young people are looked after until they are demonstrably ready and willing to leave care.

In 1999, the DoH published proposals for new arrangements for young people living in and leaving care (*Me, Survive, Out There?*). These recognise the need for further extension of local authority responsibilities to young people

beyond the age of 16, so that they do not leave care until 'they are ready to do so', and so that leaving care does not result in the loss of personal and financial support. In a manner similar to that of the New Deal framework, 16/17 year olds will have a personal advisor, and will develop pathway plans 'mapping out a clear pathway to independence, including education and health needs'. It is stressed, however, that they will not be able to opt out of these arrangements and claim social security benefits. There are further proposals for 18–21 year olds, but, according to some critics, the proposed reforms do not go far enough (according to the Who Cares? Trust, many organisations are recommending statutory support until the age of 21 years).

### Summary: parameters of parenting

In the previous chapter, we examined varying constructions of young people as dependent or independent (or somewhere in between) in a range of policy areas. Though this chapter has focused on parental responsibility, family law and child-care legislation also have implications for dependency constructions. These appear to add to the confusion already found, rather than reduce it. However, it is clear from this legislation that young people in education tend to be favoured over those who are not, and that any policy attempts to equalise the circumstances of young people should review this anomaly.

- Under the Children Act 1989 (sched. 2, para. 21(3)(a)), if a child is looked after by the local authority, the parents cease to be liable to contribute towards this when the child reaches *the age of 16*.

- Under the Child Support Act 1991 section 55, an 'absent parent' owes a duty to support a 'qualifying' child. This includes a child in full-time education *up to the age of 19* and all children *up to the age of 16*.
- Where a child is supported by IS, parents are 'liable relatives'. In some cases, this liability continues *to the age of 19*; but, where a young person is not in full-time education, their restricted access to benefits means that their parents cannot be liable to the state (see IS (General) Regs 1987 and SS Administration Act 1992).
- Young people *over 18* can apply for financial relief from their parents if they are, or would be, in education, or training, but only if they are not living in their parents' household. A young person *of 16 years* may have an existing order for financial relief varied to allow direct payments to them, and have an order which expired at age 16 or later revived, but a child *aged 16–18* cannot seek financial relief where there is no existing order (CA 1989, sched. 1, para. 2.6).
- Parental responsibility continues until the child is *aged 18* (CA 1989, s. section 2, 3, 105(1)). However, a parent may not be required to care for a child *over the age of 16 years* (CA 1989, section 9(6), (7)).
- Where there are special circumstances justifying this, maintenance orders may be extended beyond the *age of 18* to support a child undergoing education or training (CA 1989, sched. 1, paras 2(1), 3(2)).

- However, there is no power to order a parent to maintain a child who is looked after by the Local Authority *after the age of 16* (CA 1989, sched. 2, para. 21(3)).

In this chapter, we have scrutinised policies to find the other side of the coin of dependence in youth – parental responsibility – but have had little success. Parental responsibilities to provide continuing care or to maintain are very vague and unclear, if defined at all; and for the most part they are defined only by default. The principle upheld in family law, that authority exists only in order to allow the implementation of responsibility, appears not to be carried over into all the other policy areas. Parental authority and parental choice are increasingly clearly defined and promoted in the contexts of criminal justice and education.

The main message of this chapter, however, is that, although young people are increasingly constructed as dependent on their parents until the age of 18, and potentially semi-dependent on their parents until the age of 25, this is not matched in family policies. Here, though parents in England and Wales apparently have a responsibility towards their children until they

reach the age of 18, they are not required to care for a child over the age of 16 years. This runs completely contrary to the legislation described in Chapter 2, and leaves many young people aged between 16 and 25 dependent on a system of moral rather than legal family obligations, which, as indicated in Chapter 1, can be difficult to make claims on.

### Notes

- 1 Under the Age of Legal Capacity (Scotland) Act 1991, sections 1, 3, 4 and Minors Contracts Act 1987 for E&W (namely also Children (Scotland) Act 1995; and Cretney and Masson, 1997 in relation to E&W).
- 2 The Human Fertilisation and Embryology Act is an attempt to reduce this complexity.
- 3 The parent can also claim Extended Child Benefit for a school-leaver.
- 4 Deductions are no longer made from 16/17 year olds.
- 5 Section 22 defines aspects of the welfare provisions for children and replaces section 12 of the Social Work (Scotland) Act 1968.

## 4 Balancing dependency and responsibility?

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### Brief summary of findings

This report has explored the policy constructions of dependence and independence in youth and considered, firstly, whether these are consistent and, secondly, whether they are matched with concomitant constructions of responsibility in parenting. In the time and space available, we have been unable to do more than draw out some of the main gaps and anomalies in policies. What we found was that, however complex and difficult the period of youth is for young people and their families, their anxieties and uncertainties are paralleled in, and probably compounded by, policy structures. This report would not make comforting reading for parents or young people, therefore, but, principally, we hope it will make policy makers think more about the messages sent out by conflicting policies and the effects these may have on young people, their parents or carers, and family life.

Our main findings – and comments – can be summarised as follows.

### Need for consistency and balance

- It can be argued that youth is over-legislated and that parenting is under-legislated. While there is a proliferation of policies which structure what young people can do and when, and determine their ability to provide for themselves, there is no equivalent set of legislation to ensure that their parents/carers will provide for them, or what form this care should take, or how long it should last.
- The period of youth has been extended, through a range of frequently disparate policies affecting different areas of young people's lives, as well as (indirectly) those of their families. Policy legislation has implicitly shifted responsibility for support from the state on to the family, but does not spell out the responsibility of parents/carers during the period of extended dependence. It seems unlikely that modern parents realise that they are expected to be able to exercise parental responsibility for their children for the first 25 years of their lives, and to stand by to provide economic support where necessary.
- Changes in the nature of transition to adulthood have made criteria of success problematic and vulnerability harder to identify. It is important that policies are developed which reduce rather than increase risk. One of the problems with targeting vulnerable groups is that there are many young people who are not so defined but who might be equally at risk.
- The research shows the importance of a holistic approach and interdepartmental collaboration in policy making. Currently, policies in one area of legislation frequently conflict with those in another area, and even within policy areas, so that young people and their parents are sent confused messages about what is required of them. Nevertheless, young people are increasingly expected to understand what is required of them,

since opportunities under the New Deal, or for housing, or now probably for care leavers, will depend on their agreeing to abide by conditions set by policy makers.

- New opportunities in education and training are paralleled with fewer opportunities in paid work and this trend presents a challenge to the traditional working-class model of transition to adulthood. Not only has economic independence been deferred, but adulthood has become more difficult to define. If new models of transition to adulthood, as envisaged by policy makers, are to be successful, it is not only young people, but also their parents, who will need to be 'won over'.
- Policy moves to discourage young people from trying to enter low-grade work, and to encourage them to gain training and qualifications may not succeed when these criteria of success are not universally accepted. We have suggested that, despite policy attempts to begin to give equal value to education, training and employment for under-18s, young people and their parents may not sign up to the equivalence of these statuses, or other related policy targets. Policies need to be sensitive to the reasons why they may not.

### Managing transition

- Policies construct youth as a period of economic semi-dependence during which a transition to independence occurs, but then have difficulty coping with this

transitional and intermediate status.

Should policy initiatives be directed at young people or at their parents on their behalf? We have shown throughout this report that there is considerable inconsistency here – for example, in whether payments should be made to young people or their parents, and whether young people or their parents should 'pay' in terms of responsibilities. Even when the move is made to empower young people through payments made to them, these are still frequently means-tested on their parents' incomes, and the level of empowerment is thus compromised.

- How is transition to be managed in policy? There have been ongoing attempts to incorporate into policy some sensitivity to the changing needs of young people as they grow up and become independent of their parents. So far these have not been successful, and so policy makers revert to simplistic age criteria for determining rights, responsibilities and needs. Age criteria have never been wholly appropriate, but are even less appropriate now, when there is no normative age ordering of the different strands of transitions to adulthood. It is therefore increasingly important that other criteria, such as householder status, or individualised measures of competence, be used to enhance simple age criteria. As the period of youth continues to be extended, these problems will increase rather than go away.

- Whether age, capacity or competence are the criteria used, in some policy areas there is still an awareness that young people in some situations are vulnerable and need protection. The welfare, or protection, principle can therefore override age criteria where deemed appropriate. However, while some policies are increasingly structuring all young people under the age of 18 as dependants, and therefore by extension classing them as vulnerable, this is not the case with housing policies. It is in policies for under-18s that policy coherence is both most needed and simplest to achieve.

### The emphasis on citizenship

- The current policy emphasis on social citizenship, empowerment, participation and consumer rights is not matched by policies which allow young people real power. Thus, the emphasis on volunteering fails to recognise the economic needs of young volunteers.
- We found many instances where empowerment on the one hand was accompanied by dis-empowerment on the other hand. Thus, HE students are 'empowered' by student loans, but dis-empowered by dependence on their parents to pay student fees.
- There is increasing emphasis on giving 'voice' to young people and engaging them in social and political participation. The emphasis on participation often appears little more than window-dressing

in the face of the somewhat rigid expectations of government that young people will conform, and should be penalised if they do not. How much participation would be acceptable to policy makers? How far are they willing to listen to young people's own agendas?

### Policy inconsistencies and gaps

The raft of policies described in Chapter 2, which construct young people as less economically independent than adults, or even as having different statuses in different areas of their lives, sometimes treated like a dependant and sometimes like an individual adult, lead us to wonder how young people – or indeed their parents – cope with the bewildering messages being sent out by the different areas of youth policy creating these status ambiguities. Throughout the report we have highlighted the complex status ambiguities within each policy area (in boxed text).

Table 3 summarises the ages when young people are treated as individuals rather than as dependants in the systems of government, and identifies the grey area of 'youth' in between. This analysis is on a more superficial level than that of the boxes in the earlier chapters. The table shows how the ages marking the start of adult economic independence and the end of childhood have both risen, and illustrates the widening of the age grouping defined as semi-dependent youth, in a range of policies over the last century. There is some evidence in this table of a harmonisation according to age criteria, insofar as under-18s are increasingly seen as dependent, while the age of independence varies more widely.

**Table 3 Ages of economic dependence and independence**

Legislation	Dependent	Semi-dependent	Independent
National Assistance Act 1911		16/17	18
School-leaving age 1921	14		
Children and Young Persons Act 1933	Under 14	14–17	
Unemployment Act 1934 (NI contributions)			14
Beveridge Report 1942		15–17, 18–20	21
Family Allowances Act 1945	Under 15, 15–18 in education		
School-leaving age 1947	15		
National Assistance Act 1948			16
National Insurance Act 1964 (family allowance)	Under 15, 15–19 in education		
Education Act 1964 (mature students)			25
School-leaving age 1973	16		
Child Benefit 1977	Under 16, 16–19 in education		
Social Security Act 1988	Under 18	18–25	25
Criminal Justice Act 1991		16/17 year olds	
Children Act 1989	Under 18		
Criminal Justice and Public Order Act 1994	12–15		
Housing Benefit 1996			25
New Deal 1998	Under 18	18–24	
Minimum Wage Act 1998	Under 18	18–21	22

Having ‘unpacked’ constructions of dependence and independence, we looked in Chapter 3 for policies which might balance these constructions and define the responsibilities of parents. Instead of this, however, we found a policy gap, since successive governments have been cautious about overtly interfering in the private world of family life, and have therefore been far more hesitant about defining parental responsibility than about defining dependence in youth. From our reading of the policy jungle, it would seem that when new policies are designed for young people there is no consideration of their likely impact on families, and vice versa. Thus,

education or employment policies for young people have been allowed to affect families implicitly rather than explicitly – but they do still affect them. This policy reticence is not necessarily in the best interests of young people or their families, because implicit parental responsibilities lead to confused expectations at all levels.

On occasion, the state takes over day-to-day care of young people through the medium of the local authority. Here we find further gaps and anomalies, because even here the responsibilities of the carer are unclear. Local authorities have powers to care and protect, and they have duties to do so. Where they have only

powers, there is likely to be wide geographical variation in provision and practice. While parents are implicitly expected to be able and willing to provide care to their children until they are well into adulthood in age terms – in an unwritten ‘obligation’ or duty – local authorities’ duty to care and maintain is age-limited. The lack of ongoing local authority responsibility (as a duty) for young people unless they become visibly vulnerable (e.g. homeless) needs to be addressed. If parents are being held responsible for grown children, then surely local authorities should be setting the example rather than lagging behind.

By bringing together policies in the way that we have, we hope that we have been able to indicate the need for policies to balance one another, and be consistent with one another, so that clearer messages are sent out. It is of course another matter how any message is received.

### Policy assumptions

In the course of the report, we have highlighted some of the assumptions which underlie policy thinking, and we have in many cases shown through quotations where these assumptions have been verbally expressed. Whatever their underlying philosophy or ideology, both good policies and bad policies based on false assumptions risk failure and unanticipated consequences. All the following identified policy assumptions need testing through research, if policies are to be evidence-based, but the first step is to identify them.

#### Age

The social security system is based as we have seen on age assumptions – basically that

dependence and independence can be determined by age. This assumption was brought into play when the householder/non-householder distinction was abolished in 1984, and is discussed in Chapter 2. Similarly, the minimum wage legislation makes age-related assumptions about income needs. In some other areas of policy, a more enlightened approach is taken, and age relegated to the label of a physical attribute, thus the concept of legal capacity, and the notion of ‘Gillick competence’ both force the age assumption to give way to concerns with the individual maturity and understanding of the child. In practice, of course, abilities and needs are determined by many variables, of which age is only one.

#### Dependency

The dependency assumption (Harris, 1989) is that young people constructed as economically dependent can turn to their parents for economic support. The assumption crops up in the continuing means-testing of parents for some provisions (e.g. HE student fees and EMAs); and in the assumption that young people can continue to live in the parental home (e.g. training allowances); and in the levels of income defined as adequate for young people (e.g. welfare benefits). We would like to extend the definition here and suggest that the dependency assumption is also that young people are willing to accept extended dependency, at a time when the quest for independence may be paramount in their minds (Jones, 1995b).

#### Parenting

The corollary of the dependency assumption is the parenting assumption – that parents will

realise that there is a gap in provision and move in to fill it; that they are able and happy to subsidise youth incomes and provide a home. Patterns of parental support have been found to vary according to social class, ethnicity and the gender of the child. Financial support from parents may depend on both willingness and ability to pay, and parents may themselves need support to allow them to fulfil this aspect of their parenting responsibility. The current policy approach to parenting is not to provide support to parents to allow them to do this, but to focus instead on their authority. There has therefore been a shift in policy emphasis from supporting parental responsibility (Beveridge Report) to supporting authority (Home Office, 1998), for example, with curfews, or parenting orders.

The concepts of responsibility and authority, now distinguished and clarified to some extent in family law, are still not distinguished in other areas of legislation. Parents are somewhat naively expected to have both authority over and responsibility for their adult children as though the two were the same.

### **Economic rationality**

Policies in several areas have been based on the idea that economic incentives and disincentives can change behaviour, and that carrot and stick policies can be effectively employed. Policies tend towards the use of the stick rather than the carrot, thus, within the underclass thesis, the notion that young women became pregnant in order to obtain housing, and that housing benefits encourage young people to leave the parental home; and that the removal of benefits (stick) would prevent teenage parenthood, leaving home and homelessness. The economic rationality assumption prevails in the idea that

EMAs or Youth Cards (carrots) will encourage young people to stay in education and feel as economically independent as their employed peers. These approaches may not work when a policy is in opposition to fundamental processes and beliefs. Encouragement and discouragement may have more effect if they were to 'go with the current' rather than fight it, and it should be remembered that transitions take place in a wider context in which these modest inducements may be insignificant.

### **Empowerment**

Here the idea is that by increasing education and training choices for young people they are being empowered. The granting of 'rights' or choices does not necessarily empower unless people also have access to those rights (Jones and Wallace, 1992) and it is unlikely that many young people faced with the somewhat bewildering array of 'choices' currently available to them can pick their way through and make a selection, or that they can make effective use of personal advisors. We have indicated in the text how capacity in a legal sense is attributed with age and maturity. The capacity to identify, and then obtain, the best for an individual will depend not only on understanding the selection available but also on an individual's current situation – under pressure, they may go for the short-term rather than longer-term benefit, or the simpler rather than more complex decision. The assumption that young people can all and equally capitalise on the provision of choices can be seen in the provision of 'training credits' for example, where policies try to give young people power in the training market. In practice, choice is becoming more restricted, if young people are

increasingly unable to choose to take on paid employment. As indicated above, empowerment would have more meaning if it was in economic terms. Nominal empowerment does not make young people any less vulnerable, and indeed in some respects could be seen to increase vulnerability (e.g. in the case of student debt resulting from the 'empowering' student loan).

### Conformity

The idea that economic and social independence can be judged by age contains a further assumption – that people do what policies expect them to do – in other words, they conform to policy structures. Thus minimum wage legislation expects that 16/17 year olds will be in training and not in jobs; the SLA assumes that people will remain in education until then; the extension of the period of dependence in youth assumes that parents will conform to the implicit expectations of them, and that young people will be happy to accept their extended dependency. However, even within the policy arena, we find examples of parents resisting policy expectations – in the response to the Household Means Test, for example. And young people will also resist conforming to policy expectations, and will continue to seek independence from their parents whether or not they receive state support, because this is part of the main dynamic in youth (Jones, 1996, 2000) and is not easily suppressed.

Underlying many of these other assumptions is the assumption that young people are a problem for the rest of society. This, as we have previously suggested (Jones, 1996), is to ignore the very real problems that society,

and social policies, present to young people. The outcome of this assumption is that young people are responsible for the difficulties they get into, such as teenage pregnancy, homelessness, joblessness, debt and poverty. It can be used to justify the lack of adequate social protection for young people, and it can stem from a lack of respect for them.

### Policy trends and debates

Some aspects of policy are remarkably consistent. Debates about parenting centre on issues of care and control, rights and responsibilities. Debates about youth centre on dependence and independence, risk, vulnerability and problem behaviours. On one level, there is some consistency: the construction of young people as dependent is matched by a construction of parental *authority*. What is less clear is whether this authority leads to increased responsibility when the latter is not specified in legislation. Other themes emerge throughout, and these are now considered.

### Universality and targeting

Policies define young people according to age and have created an age grouping which as a whole lacks economic independence. Age inequalities between young people and over-25s have been constructed. Though some young people may be able to overcome these inequalities and be in well-paid employment before their mid-20s, the age group as a whole is disadvantaged. However, within the age group, there are further disadvantaged – as indicated, there is a polarisation of wealth among the young as well as between them and adults. We have considered means-testing as a way of

distinguishing dependence from independence, but it is also a means of targeting provisions to the most needy – at least in terms of their parents' wealth.

In contrast to a universalist approach, which would seek to understand the problems faced by young people as a whole and attempt to resolve them, the policy trend over the last 20 years has been towards tighter and tighter targeting of policy and provision. This, as indicated, has been in response to concerns about the effects of a 'nanny state' and family breakdown on social responsibility, and an increased tendency to individualise social problems, and extol the virtues of individuals who are able to rise above their misfortune and 'succeed against the odds', to the detriment of those who cannot.

The current policy emphasis is on social exclusion, and to this end the Social Exclusion Unit was set up by the Cabinet Office. Its remit includes an examination of the circumstances of disadvantaged young people. Targeted groups include disengaged 16/17 year olds in poor neighbourhoods and teenage single mothers. The main feature of targeting, however, has been on disadvantaged areas – specifically 'worst estates', now re-defined as 'poor neighbourhoods'. Thus we have targeted groups, with targeted problems, in targeted communities. And we also have targeted outcomes, into work or self-sufficiency.

The problem for policy makers may be how to target both the processes of social exclusion and also those identified as excluded. The focus on communities indicates one means of doing both. Coles (1995) identifies groups of young people who suffered disadvantage – including young people in, and leaving, public care;

young people with special needs and disabilities; and young offenders – but he also indicates that many young people suffer multiple disadvantage. In other words, factors of disadvantage might compound one another. The focus on communities may be an effective way of overcoming multiple disadvantage and intervening in the processes of social exclusion. Interventions at an early stage in the life course, such as Sure Start for pre-school children, would therefore need to be supplemented with policies for the older age groups, if the whole community is to be affected and policies are to succeed.

Not all disadvantage emanates from the community level, however. There is a danger of slipping into the ecological fallacy here, or even the underclass thesis. First, the focus on urban communities detracts from the equally real though more sparse problems of young people in rural areas, for example. Further, we have already indicated that policies defining young people as dependent on their parents leave them at the mercy of their parents, and access to family support while to some extent dependent on parental wealth is also dependent on the quality of the relationship between young people and their parents/carers. Thus, although the inability to support young people may be concentrated in poor neighbourhoods, an unwillingness to support them may be more widespread. In other words, targeting cannot be the only strategy.

### **Citizenship**

The concept of citizenship – particularly welfare citizenship (discussed in Jones and Wallace, 1992) – involves a package of rights and responsibilities. Different governments balance

these rights and responsibilities in different ways and, typically, the political Right has emphasised responsibilities, while the Left has emphasised rights, within the universalist welfare state. Under the Major Government, the concept of citizenship was devalued into a marketing ploy, with the Citizens' Charter aimed more at giving the consumer the illusion of power than providing any solid basis for this. We indicated in Chapter 3 how the Parents' Charter (following earlier policies of 'parental choice' in the matter of schools) identified the parent, rather than the pupil, as the consumer of education, and in turn led to the proposed parent-school agreements (never implemented) which aimed to make parents assert their authority over their adolescent children. A Young People's Charter was mooted at one stage, but bit the dust.

There has been under New Labour a more energetic approach to citizenship, though the emphasis on a direct and visible balancing of rights with responsibilities is sometimes still resonant of older Conservative policies. As indicated in Chapter 2, citizenship education is designed to develop in young people social and moral responsibility and active contribution to their communities, and volunteering is being advocated. There is thus a stress on paying into the (hitherto unwritten) contract between the individual and society. Getting something back is conditional on contributions or the promise of future contributions or, at the very least, good behaviour. This conditionality extends to actual written contracts, within the New Deal, New Start and the new 16/17 Gateway action plan, in order to obtain EMAs and entry into foyers.

In the very act of legislating for youth, the state sets itself up in a parenting role, and

curiously it re-enacts in this role some of the phenomena found in parent-child relationships. The balancing of rights with responsibilities, for example, is found in family life (Hutson and Jenkins, 1989; Allatt and Yeandle, 1992) where informal contracts are made between parents and their children, but, unlike in families, where bargaining and negotiation are common and even necessary, there is no bargaining with the state. If young people gain their main early experience of citizenship through the family (Jones and Wallace, 1992), they are likely to experience in their first direct encounter with the state a somewhat more rigid and inflexible contractual party (cf. partner).

Policies combined in recent decades to exclude young people from citizenship (Jones, 1996), but this has been replaced by an emphasis on *educating* for citizenship and re-engaging excluded young people. It is our belief, as previously argued in Jones and Wallace (1992), that citizenship is meaningless without economic independence, and that economic independence is now more difficult for young people to achieve. Raising their political awareness without increasing their economic market position is no longer viable. There is currently a view that the age of majority should be decreased to allow 16 year olds to vote. In our view, this would be an empty gesture, since those most in need of representation – the most disadvantaged – are those who are least likely to vote. Research on young people shows the overwhelming importance to them of achieving economic independence from their parents, and of the importance to many of a job offering a proper wage. However, if young people want to benefit from government provisions, they have to sign up to the philosophy behind them,

whatever their own cultural background and beliefs.

### **Engagement and partnership**

To date, there has been little attempt to engage either young people or their parents/carers in policy thinking. In contrast, there has been long-standing concern over several decades to involve employers, for example, in getting them to recognise the training needs of their workers, to allow them time to study and to provide training for them.<sup>1</sup> The New Deal, under Labour, represents a more progressive move towards involving employers, with the emphasis on partnerships between the state, LECs and TECs (and the new Right to Time Off for Study reflects this). Partnership with the voluntary sector has also been much emphasised, over the last 20 years in particular (as the role of the state was re-drawn). The Labour Party also revealed its enthusiasm for the voluntary sector and in particular the role young people might play in re-invigorating civil society' (Labour Party, 1996).

If policies for youth are to succeed, it will also be necessary to engage young people and their parents. There is a danger that parents will feel dis-empowered. We have indicated that, in the course of one generation, youth has changed, and that parents may have little direct knowledge of the problems their children are likely to face; however, if parents are 'replaced' by professional counsellors and mentors, more knowledgeable about employment, housing, education and training, etc., this will only increase their feeling of inadequacy and powerlessness. Youth policies do impact on parents, who may well have views. Parenting education – through the new National Institute

for Parenting, perhaps – may help parents to have informed views, and to engage in debate on youth policies to a greater extent.

Engagement with young people is perhaps more difficult. Young people do not have 'a voice' but many voices, and the most vocal may not be the most able to represent the others.

### **Joined-up government**

Joined-up government is not new. We have indicated earlier attempts at cross-departmental policy making, some more successful than others. Thus, attempts to harmonise the school-leaving age with the ages of contributing to and benefiting from National Insurance; the training guarantee of the late 1980s; the development of foyers in the early 1990s through collaboration between DfEE and DETR, but curiously not DSS; and current policies attempting to harmonise education and training with the Lifelong Learning programme and the Welfare to Work programme. There is now, increasingly, a need not only to join up policies in the UK, or its constituent countries, but also to harmonise policies across the EU. In the foreseeable future, there will be greatly increased migration of young people between EU states for jobs or courses, and the policy structures in each country need to be sufficiently joined up to facilitate this.

We have already indicated the need for joined-up policies for young people and their parents/carers. There is also a need to join up policies for young people with those for other age groups, to ensure a smooth transition through the life course and to ensure that policies do not exacerbate the marginalisation of young people in the course of trying to engage them. To put it another way, there is a danger of

‘ring-fencing’ age groups.

Would it help, then, to have a Minister for Youth, who could ensure that youth policies are consistent, and could monitor those policies which are not explicitly about young people for their effects on young people? If it is recognised that the joining up should not be ‘ring-fenced’ to one age group, but that policies for young people should take account not only of the whole gamut of their lives but also of their location in the wider society, then the answer must surely be ‘no’.

### The way ahead

So what can we learn from this review? It clearly leads us to ask further questions, which need to be examined through research, for evidence-based policies to be put in place. We need to know how young people and their parents/carers perceive the range of policies which affect them – how they receive the messages sent out by government, and whether these policies relate to their own experience.<sup>2</sup> We need to think about whether policies are in place to help young people grow up into independent adults, or whether the emphasis on social control and the inflexibility in many policy areas actually prevent the experimentation (trying out jobs, independent living, etc., without being judged for ‘failure’ or ‘success’) seen as necessary to the formation of adult identity and citizenship. If we were to decide to maintain structures which could enable rather than impede processes of independence, we would need to ensure support for young workers during the seemingly inevitable phasing out of the young labour market, to provide a more flexible and

affordable housing system sensitive to the needs of young people leaving home, and to recognise that parenthood in the late teens is not necessarily ‘bad’ for either the parent or the child. And, in all cases, we should learn to respect the fact that young people may have their own ways of becoming adult which do not exactly conform to the needs of the wider society, and which may challenge many normative or cultural beliefs, but which on the other hand do not do much harm.

It seems that there are a lot of policies affecting young people and that there is a real danger of over-legislating. In contrast, there is an equal danger of under-legislating in the area of family policy, but we support the view expressed elsewhere that, whatever the roles of parents defined in the law, ultimately, whether parents will support their adult children through an extended period of youth will depend on the quality of relationships, and they are not amenable to legislation. Finding the balance may be desirable but would be difficult. All that we can really ask is that there is a system for monitoring policies, so that youth policies can be monitored for their likely effects on family life, and family policies can be monitored for their effects on young people.

### Notes

- 1 It is only recently that employers have been obliged to accept these responsibilities, and there is always a danger that they will not want to provide their employees with transferable skills and risk losing them (or pay them more to retain them) once trained. The idea of day-release from employment, for example, has had a chequered history.

Provision in the Employment Act 1918 for young workers to have right of access to day release courses was never implemented. Many employers regarded day release as an interference and thought young people should use evening classes. The period between 1930 and the 1980s was one in which the state gradually took control from employers, a process which culminated in the establishment of the Manpower Services Commission in 1973.

The Employment Act 1982 removed trades unions from decisions about training in a further centralisation of control under Thatcher. However, the co-operation of employers was needed, and the Youth Training Schemes of 1983–97 failed partly because they failed to engage with employers.

- 2 This is the main subject of new ESRC-funded research based at Keele University to be directed by Gill Jones.

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