

Government and parenting

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*Is there a case for a policy review
and a parents' code?*

Clem Henricson



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1 INTRODUCTION

Families are at the heart of our society. Most of us live in families and we value them because they provide love and support and care. They educate us, and they teach right from wrong. Our future depends on their success in bringing up children. That is why we are committed to strengthening family life.

... governments have to be wary about intervening in areas of private life and intimate emotion. We in government need to approach family policy with a strong dose of humility. We must not preach and we must not give the impression that members of the government are any better than the rest of the population in meeting the challenge of family life. They are not.

(Home Office, 1998, p. 4)

We must recognise people's right to act according to their own lights, and their right – its in the European Convention on Human Rights – to respect for their private and family life. But Government cannot duck responsibilities to help people make a success of parenting. This is essential if we are to achieve our goal of a stronger civil society, offering people more opportunities in life. Parenting is hugely important to creating the kind of society we want to live in.

Jack Straw's speech on human rights and personal responsibility delivered following the passage of the Human Rights Act (Straw, 2000, p. 6)

From testimonies such as these, the New Labour government has signalled its commitment to preserving family life as a very private affair. But the message is mixed; parenting also has a public face. It impacts on child outcomes and well-being, and consequently has deep-seated implications for society. So in governmental terms, with its obligation to regulate community relations, apparently a 'hands on' as well as a 'hands off' approach is required. One of these quotations comes from the preamble to *Supporting Families*, the government's principal statement of family policy; in that document, and in an array of other stated and implied messages emanating from government, it is clear that this is an administration that is very much interested in parenting. It is demonstrably keen to use its capacity to support, chastise, and discreetly, and not so discreetly, influence the context of child rearing.

The UK government is not unique in that interest. Examples of growing international government involvement in parenting can be seen to range from the Swedish government's concerns over smacking and child protection to the French government's anxiety over youth crime leading to a flurry of family support activity under the Jospin administration in the 1990s; the present French administration is proposing to set up a ministry for the family. Neither is the government's interest unique in a historical context. From universal child benefit to targeted social work support and Child and Adolescent Mental Health Services, various administrations have shown by their provision in these areas an ongoing concern to support parents. And let us not forget the protective and punitive precedents, such as the provisions for taking children into care and the financial bind-overs for parents of young offenders to ensure that they exercise sufficient control over their children in the future introduced in the 1991 Criminal Justice Act. The precedents are multitudinous, and in a well-

regulated modern society it is unthinkable that parent–child relationships would be exempt from government control.

Nevertheless, it is undoubtedly the case that since New Labour took office there has been a rapid escalation in the range and scale of parenting interventions that is distinctive. This government has given a high priority to parenting in its social exclusion and criminal justice agendas, and clearly considers the promotion of good parenting as a significant tool in fostering social cohesion. Examples of its commitment can be seen from very early on in its administration with the establishment first of a task force and then a Ministerial Group on the Family (now the Active Communities and Family Issues Committee), the Family Policy Unit at the Home Office and the National Family and Parenting Institute. *Supporting Families* (Home Office, 1998) set out some of the government’s aspirations across family advice and support, the relationship between work and home, marriage and relationship services, and family problems such as domestic violence and school-age pregnancy. Sure Start, with its substantial targeted investment in disadvantaged areas, set a high premium on supporting parents, and the Crime and Disorder Act 1998 introduced parenting education into the criminal justice system. More recently, the Lord Chancellor’s Department has been examining ways of enhancing parenting capacity and contact during relationship breakdown, and the Department for Trade and Industry and the Department for Work and Pensions have sought to facilitate the participation of fathers in parenting through provisions for paternity leave. Looking back over five years the National Family and Parenting Institute’s mapping of family services in England and Wales (Henricson *et al.*, 2001) found that 40 per cent of family support services had been established within this short time frame.

With this scale of support and intervention in family life, it is fair to ask what the government hopes to achieve by it. What is

it that it is expecting of the role of parents? The influence on behaviour in what is acknowledged by the government to be a private sphere, with the implications this has for human rights, and the right to a family life in particular, demands some underpinning rationale and statement of principles.

And yet, while *Supporting Families*, describing the government's interest in various areas of family support and intervention, exists, there is no overarching statement setting out the government's expectations of parents, or about the relationship that should pertain between state and parents in supporting children. The statements that exist are scattered in a raft of legislation and departmental directives. The National Family and Parenting Institute's original government sponsors included six government departments, which provides an indication of the breadth and variety of government interest in this field. There are inevitably different slants on parenting between these departments: for example parents as employees are the responsibility of the Department for Trade and Industry, parents as custodians the responsibility of the Home Office and parents of children in need the responsibility of the Department of Health. The protection and support of children falls within the remit of the Department of Health and the Department for Education and Skills.

Can the inevitable ambiguities between these different perspectives be reconciled? Can the complexity of the definition of parenting and the expectations of that role across these government departments and in legislation and other government messages be drawn together into a coherent statement? Can the government's perception of the role of parents be formulated into a statement that is helpful both to parents and society as a whole through its transparency and consistency, and foundation in a core set of principles? That is what this policy analysis study will explore. It is intended that the study should instigate a debate

as to whether the variety of indications about the role of parents in different pieces of legislation, discussion documents and other communications should be synthesised into a strategic policy statement, and, if so, what form that policy statement might take. The project relates to England and Wales, but is supported with investigation of the situation in Scotland, and also draws on examples of other European experiences.

The role of the state

As a background to understanding the thrust of government policy on parenting, it is important to reflect on the locus of the state in family life, and how this has developed under the present administration. It provides a backdrop not only to the government's messages about the role of parents emerging from its various activities, but also says something about the government's perception of the relationship between parents and the state in supporting the upbringing of children. The emerging themes are drawn on and threaded through the development of this study.

No one would deny that preserving the safety of its citizens is one of the state's principal functions. Translated into its role in relation to family life, we are talking here of the physical protection of children and social crime prevention, i.e. measures to promote effective child rearing that lessen the likelihood of delinquent development in children. It may even be legitimate to stretch it to aspects of communitarianism, which is a cornerstone of this government's thinking, in that reinforced community and family bonds provide a safety network that an atomised society cannot deliver.

While safety is probably the state's primary responsibility, most would recognise that the promotion of an economically productive and stable community is also a linked principal objective. Here the government's functions of providing education and welfare

benefits, facilitating work and undertaking a variety of other measures to support the general viability of the family as an economic unit come into play.

Moving on from these protective functions, acknowledgement should be given to other influences on our expectations of the role of government. They inevitably elide with protection, but have their own rationale and justification for intervention. Crucial amongst these is the Christo-humanistic tradition that has inspired government and other charitable interventions through centuries culminating in the welfare state. Beveridge's crusade to combat the 'Giant Evils' of Want, Disease, Ignorance, Squalor and Idleness owes much to this moral imperative.

It is to this tradition too that it might be fair to attribute the current government's, and other European governments', commitment to reduce social exclusion. Indeed, Tony Blair has identified the roots of his endeavours to tackle social exclusion in the Christian Socialist tradition, influenced by writers such as John Macmurray. The promotion of social inclusion, linked to a communitarian philosophy, is perhaps the cornerstone of this administration's principles and *raison d'être* of government (Levitas, 1998).

In tackling social exclusion we go beyond the welfare state baselines of providing a threshold of material well-being which families should not fall short of, to attend to relative deprivation and community integration. It is in relation to the latter that communitarianism has its particular influence. Levitas has described the government's social exclusion agenda as embracing not only the problem of welfare but also social integration and moral regulation. With Durkheimian overtones of the *conscience collective*, there is a strong thematic emphasis on the promotion of social cohesion through shared values. It is perhaps this, with its development by writers such as Etzioni talking of *The Parenting Deficit* (1993), that runs the greatest risk of delving into the private

lives of families, curtailing their autonomy. And it is somewhat poignant that it was this issue of shared values and their relationship to the human right to a private family life that Jack Straw explored in his speech in St Paul's Cathedral on the introduction of the Human Rights Act in 2000.

Societies depend on shared values. Shared values are passed on through children. Values won't be passed on from one generation to the next unless they are reinforced by the parent child relationship. So parenting is a public – as well as intensely private – act. Hence society's interest in the parent child relationship. Families are crucial to the survival and development of shared values.

(Straw, 2000, p. 5)

Human rights, of course, cut two ways – rights in terms of freedom from state intervention, but also rights as entitlement to state intervention and support. It is to these rights issues that we turn for the final strand in the state's relationship with the family. And here we are talking of a multiplicity of interests, the human rights and equal opportunities lobbies, and more recently, and particularly pertinent to the family, the children's rights movement. Derived from humanistic sources, these perspectives have a more radical edge to them that differs from the *kindly* motivations that support welfarism. They operate in the realm of self-evident, inalienable rights.

This government's commitment to supporting a rights perspective is apparent through its introduction of the European Convention on Human Rights into UK law, its efforts to achieve sexual parity in the workplace and most emphatically through its work to promote a child's perspective in government through the establishment of the Children and Young People's Unit and pressure to enhance child participation in service development.

While these are exemplars of commitment, they perhaps do not have the same force of underlying certainty as the government's crusade against social exclusion. And, as we have seen, there can be a tension between the two in relation to the family. An emerging issue where this tension is particularly acute is the government's interest in *conditionality* in respect of entitlement to welfare benefits or housing, whereby standards of behaviour by and within families could be stipulated as preconditions of receiving benefits. There is a pervasive and critical tension between autonomy and rights on the one hand and social intervention on the other which is examined in the context of the government's policy on families throughout this report.

Care and control

Broadly, the fulfilling of these family functions of government falls into two categories – *care* in supporting families and *control* in regulating their behaviour – and it is interesting to note that in this, and in respect of the thrust of each of the state's component functions vis-à-vis families, an analogy can be drawn with relations between parent and child. The analogy has some meaning and is not entirely poetic indulgence, in that the societal trends that have shifted government beyond the preservation of physical and financial safety to humanistic, charitable caring, and ultimately to an increasingly democratised and rights-orientated relationship with families, with a simultaneous role of moral regulation with its accompanying tensions, are reflected in our, and the government's, expectations of parents in their dealings with their children. Currently, parents, like government, are facing the dilemma of being expected to be moral regulators on the one hand, while having to embrace an ethos of democratised relationships – in their case with their children – on the other.

These are analogous trends that are deeply enmeshed in the respective roles of government and parents in child rearing.

These multilayered and interconnecting themes in which the government's policies are historically grounded are drawn together in the construction of the review. The government's perceptions of the parenting role, parental responsibility, parent support requirements and the demarcation between parental and state responsibility for the welfare of children are examined, and an assessment is made of these perceptions across the continuum that exists between the government's obligations to care for and to control family relations.

Aims

The report considers ways in which a cohesive government policy on the parental role and its responsibilities might be framed. It considers the case for a government review of the principles and direction of parenting policy. It also considers whether there would be benefits in a government statement on the rights and responsibilities of parents, which might be termed a *parents' code*. A policy framework is sought that would not be overprescriptive, but would make a constructive contribution to our understanding and society's expectations of parenthood.

These aims are based on the premise that government and family relations cannot be divorced. While there is a tradition of respecting family privacy and autonomy, there is a countervailing tradition of intervention to support families and to protect individuals' interests if these are being undermined within families – in particular the interests of children. Furthermore, there is an argument that the state always intervenes in the family whether overtly or by doing nothing. For it to refrain from taking action is in effect a statement that it supports the status quo. In these

circumstances, there are legitimate questions to be asked about the effectiveness and cohesiveness of government policies on parenting and how they might be honed into a more productive instrument.

In reaching its conclusions and providing pointers towards a governmental statement about parenting that could be helpful to both government and parents, the study is informed by a set of principles that are associated with promoting clarity and transparency, rights and welfare, and a model of child rearing that recognises cultural differences and changes in parenting values. They include recognition of the need to:

- clarify the legal status and expectations of parents
- establish a set of significant principles to inform policy development on parenting
- promote children's and human rights
- promote child welfare and child protection
- establish core parental support requirements
- clarify parents' rights to support from the state and the demarcation that exists between parental and state responsibility for the welfare of children, including reference to issues relating to poverty, health, education and social service provision
- establish a framework for a parenting statement that is sufficiently flexible to accommodate different cultural values and perspectives on parenting, and the difficulties posed by the possibility of parenting values shifting over time.

We are not going to adduce any further evidence or rationale to justify these principles, other than to say that they are self-evidently good and conducive to benefiting both parents and government in their joint child-rearing responsibilities.

In pursuing these principles, inevitably doubts arise as to the feasibility of producing an instrument of these dimensions. For example:

- Could there be a danger that a government statement about expectations of parents would be at such a level of generality as to be meaningless? Can we attain a level of detail that would be sufficiently meaningful to be incorporated into legislation and able to assist parents?
- One of the possible benefits of a government statement about its expectations of parents would be the transparency it would offer, with parents informed of the standards that are acceptable to prevent intervention with their child rearing, in particular the ultimate intervention of having a child placed in care. However, could such a statement ever be about 'good enough parenting' or would it in fact always have to be about child outcomes? After all, 'good enough parenting', however that may be defined, might work with one child and not another. Are we in fact looking at a formulation that would combine both?
- What are the genuine options for establishing a set of rights as well as responsibilities for parents? Are any rights flowing from child to parent remotely feasible? Would parental rights necessarily be confined to the parent's relationship with government support, or could we go further, for example in relation to the right to a family life providing entitlement to contact?

We hope that the introduction of questions such as these provides a sufficient dose of healthy doubt and probing to enable us to reach some robust conclusions.

Method

As an initial think piece launching the debate on whether or not there is a need for a government statement on parenting, the study was informed by a literature review and discussion of the issues with an advisory group of leading specialists in the field of family policy.

The literature review drew on:

- UK government documentation that has implications for parenting and the parent–child relationship, including that developed jointly or separately in England and Wales and in Scotland. The documentation assessed included legislation, strategy documents, documents associated with the establishment of government initiatives to promote effective parenting, such as Sure Start, and ministerial speeches.
- European Union and Council of Europe intergovernmental documentation which has implications for parenting and the parent–child relationship including directives, rights conventions and summaries of significant case law.
- Parenting policy in two European jurisdictions.

Commentaries on the issues emerging from this material were also considered.

The review focused on documentation relating to the period of the present government's administration, from 1997 to the present day. It also included some significant legislation and policy instruments introduced prior to that date, but which are currently in operation, for example the Children Act 1989.

Structure of the report

The report examines the directions and contradictions in government policy on parenting. It considers the need for policy review and the role a parents' code might play in enhancing the focus of policy generation, including the development of more rationalised and principled interplay between the functions of the state and parents in child rearing. The two chapters following this introduction assess the principal aspects of government policy in relation to parental obligation and entitlement. The first addresses financial support, and the second the physical and emotional care, control and moral regulation of children. Within each of these spheres the report considers the respective roles of and relationship between state and parents, and the supports and constraints in operation. It looks at how responsibilities and rights are constructed within this complex relationship. Both chapters follow a similar format of considering the issue of parental *rights*, then *responsibilities* together with the *questions and ambiguities* that have been identified in their respective areas of government policy. Chapter 4 considers who is entitled to these rights and responsibilities; it reflects on differences between men and women, genetic and social parenting, and a variety of family formations. It also comments on the *questions and ambiguities* emerging from government policy in defining – *who is a parent*. The issues arising out of government policy are summarised in Chapter 5, where the case is made on the evidence for a more

systematic governmental review of parenting policy. Drawing on precedents and experiences from comparable jurisdictions abroad and a series of Council of Europe recommendations, the study concludes in the final chapter with an exploration of the benefits and feasibility of establishing a parents' code, and sets out a possible framework for its development.

2 FINANCIAL SUPPORT

How to ensure that there is enough bread on the table, a roof overhead, uniforms for schools and even that their children have clothes and gadgets of sufficient fashionable kudos so that they are not subject to peer exclusion – this is the grinding backdrop of financial worry that permeates most parents' lives when they are bringing up children. Often not at the height of their earning power during the child-rearing years, it is generally a strain – and for those without employment even more so.

Concerns to ensure the financial viability of families are also at the heart of the government's anxieties, and with the Treasury taking an unprecedented lead in the promotion of child and family welfare, financial care permeates the government's family policy. It is a policy that has augmented parents' expectations of supports on the one hand, while reinforcing their financial responsibilities on the other. Entitlements and reinforcement of parental responsibilities, the full package, is intended to fulfil one of the government's primary goals, that of reducing child poverty, to which both the Prime Minister and the Chancellor have a deep personal commitment.

Tony Blair, in setting out the future of the welfare state under New Labour, described 'our historic aim that ours is the first generation to end child poverty forever, and it will take a generation. It is a 20 year mission but I believe it can be done', (Blair, 1999, p. 7).

Child poverty is a scar on Britain's soul. It is simply unacceptable that millions of children should start their lives in families where no-one works or where they are caught in the poverty trap, in poor housing, under-nourished, and condemned to sub-standard education and healthcare. That is why Tony Blair has said we will not rest until we have banished child poverty from the face of Britain.

(Brown, 1999, p. 8)

Rights

The raft of measures to reduce child poverty, to which the government can state legitimate claim, has been explored in both prospect and retrospect by numerous government documents and external commentaries.

Ending the scourge of child poverty remains a top priority for this Government ... The tax and benefits systems are being reformed to ensure that families get the help they need. Already over the last 18 months the Government has made available substantial extra help for families with children;

- the largest ever up-rating of Child Benefit
- introducing the Working Families Tax Credit and its Childcare Tax Credit
- setting up the New Deal for Lone Parents
- planning a pilot Education Maintenance Allowance Scheme
- consulting on reform of child support and the discredited Child Support Agency.

(Home Office, 1998, p. 20)

From the early explanation of the government's intention to establish a framework of benefits to support parents and children in *Supporting Families*, to the budget and spending review of 2002, the government has shown a sustained determination to shrink child poverty.

- Child benefit has been raised, albeit partly at the expense of the married couples allowance, so that between April 1997 and 2000, child benefit for the first child increased by 26 per cent in real terms (Home Office, 2001). And it has been sustained as a universal benefit following the Labour Party's 1997 manifesto commitment to 'retain universal Child Benefit where it is universal today – from birth to 16 – and uprate it at least in line with prices'.
- The Children's Tax Credit was introduced in April 2001 worth up to £520 a year for approximately five million tax-paying families. It was increased again in April 2002 when it doubled to £20 a week in the year of a child's birth.
- The Working Families Tax Credit (WFTC) has been introduced, providing a guaranteed minimum income for a family with one child and one adult working earning the minimum wage of £225 a week (Home Office, 2001). As a result of its introduction, nearly 1.3 million families caring for nearly 2.5 million children are on average receiving £35 a week more than under the benefit it replaced – Family Credit – and there has been a further increase of £2.50 a week from June 2002 (NFPI, 2002). Linked to WFTC is the Childcare Tax Credit supporting the costs of childcare.

- There are the Sure Start maternity grants in deprived areas selected for the Sure Start programmes running at £500 from April 2002, five times the size of the grant when the programmes were first introduced in 1997.
- Education Maintenance Allowances have been piloted to encourage disadvantaged post-16 year olds to stay on in education where they would otherwise not be able to afford to do so.

Other increases can be listed, for example to income support and statutory maternity pay, and to this must be added the countless measures to support children in kind through new programmes, targets and public service agreements in health, education and housing, some of which are explored later in this report. The overall message from all these initiatives is clear – a genuine commitment to reduce child poverty. And the intent is underwritten by the monitoring processes and reports that the government has set in train, such as its anti-poverty strategy in *Opportunity for All* (Department of Social Security, 1999), with its annual progress updates, and most recently in its pre-budget and spending review report *Tackling Child Poverty: Giving Every Child the Best Start in Life* (Treasury, 2001).

Questions and ambiguities

Social exclusion

There is no doubt that had the government chosen to measure poverty in absolute rather than relative terms, then it would have made a substantial reduction in the level of child poverty in this country: the Institute for Fiscal Studies (IFS) in Brewer *et al.* (2002) suggests that 1.3 million children would have escaped poverty.

However, with average incomes having grown significantly since 1996/7, the relative poverty line has shifted to such a degree that fewer children have been lifted out of relative deprivation than had been anticipated. Concerns have been raised that the nature of the poverty indicators used do not reflect the genuine progress the government has made in reducing child deprivation. The IFS has suggested that consideration be given to a possible redefinition of these indicators to reflect less relatively defined poverty levels, and the government is consulting on options for change.

Notwithstanding arguments favouring a redefinition, there is an emerging issue here in terms of the government's social inclusion campaign: how far in the event can it actually go in reducing financial differentials and consequently relative deprivation? Clearly this has significant implications for the government's role in supporting families and for parents' expectations in this regard.

Targeting and rights

A significant part of the government's child poverty reduction programme is targeted at disadvantaged individuals and communities. While universal child benefit has been maintained, and indeed increased in real terms, and child-friendly taxation breaks used, the thrust of its innovative financial support has been targeted at poor parents (e.g. WFTC) and poor environments (e.g. Sure Start). Within Europe, Britain has been described as a liberal welfare country predominantly reliant on private solutions to supporting child rearing except for the seriously disadvantaged (Esping-Anderson, 1999), contrasting with the Nordic social democracies where universal child benefits predominate and are perceived as 'citizens' entitlements and not just a safety net' (O'Brien, in press, p. 8). It would be fair to say that, despite the

increase in the volume of support that has taken place under the current government, this targeted approach pertains today. And this has implications for the rights of parents to child-rearing support from the state. A targeted resource lends itself less readily than universal provision to the definition of a parental right; it has welfare and perhaps even charitable connotations.

Conditionality and rights

There has been some talk within government circles of introducing conditions for the receipt of parent benefits, for example requiring attendance at parenting classes or the modification of family behaviour. Placing a condition on *universal entitlements*¹ such as child benefit would not necessarily undermine their status as a right and entitlement, provided that such a condition could be readily met by all those in receipt of the benefit (e.g. attending a readily accessible single parent information session). However, the introduction of conditions that are outside parents' own power to meet or that are hard to meet for particular groups of parents, such as controlling the antisocial behaviour of children in problematic neighbourhoods where high levels of incivilities are the norm, would undermine this status. The implication of introducing conditions for *targeted benefits* is perhaps clearer-cut. This would further diminish a possible construction of these benefits as rights because the conditions could not be imposed on the parent population as a whole. They would consequently be discriminatory, suggesting that the benefit is in the discretionary gift and largesse of government.

Responsibilities

That parents should have some level of responsibility for the financial maintenance of their children is unquestioned and

internationally applicable. This may be through work and/or application for child-related benefits, and then the subsequent deployment of these resources for the maintenance of the child. This responsibility is encapsulated in Article 27 of the 1989 United Nations Convention on the Rights of the Child:

The parent(s) or others responsible for the child shall have the primary responsibility to secure, within their abilities and financial capacity, the conditions of living necessary for the child's development.

State Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right ...

This government has placed considerable emphasis on the role of the parent in the parent/state partnership that exists to fund child rearing. Some of this emphasis has been grounded in principled thinking about routes out of poverty and the fundamentals of parental duty. Some, on the other hand, has been more clearly rooted in simply meeting shortfalls in statutory funding.

University fees

Into the latter category falls one of the major extensions of parental responsibility introduced by New Labour – the payment of university fees by the families of students. Following a gradual erosion of the maintenance grant system since the 1970s, this measure has been introduced in response to the difficulties successive governments have faced in financing higher education. It has also been justified in redistribution terms, with the future

enhanced earnings of graduates cited in support. What has generally not been discussed is the emerging principle of the extension of parental financial responsibility for children beyond 18. While the former income-related sliding-scale grants system for maintenance had some implications in this direction, the expectation that parents should also pay fees is a further step extending dependent childhood and parental responsibility.

It is noteworthy that Scotland has specifically declined to follow this precedent. The rationale for differentiating its position from England is predominantly concerned with ensuring that young people from less well-off homes are not deterred from entering higher education, rather than any views that may be held on the detrimental impact of the extended dependence of young people on parents.

Other evidence of the government's endorsement of a lengthy financial dependency by young people on their families can be seen in relation to the minimum wage and benefits system. Young people are only entitled to minimum wage protection once they reach 22, and they are not entitled to adult welfare benefits until they are 25.

Post-separation obligations

The government's commitment to ensuring that separated parents fulfil their responsibilities is clearly demonstrated through its measures to shore up the operation of the Child Support Agency. Here the principles of establishing clarity of responsibility, enforcement of responsibility, and some measure of reduction in child poverty have guided its actions (NFPI, 2002). The Child Support, Pensions and Social Security Act 2000 sets out the structure for a reformed child support scheme. Its main features include:

- a simple calculation of liability based on a percentage of the non-resident parents' income (15 per cent of net salary for one child, 20 per cent for two and 25 per cent for three or more)
- variations from the simple calculation on strictly prescribed circumstances
- a new child maintenance premium allows resident parents receiving income support or income-based Job Seekers Allowance to keep up to £10 of maintenance paid for their children
- tougher sanctions on non-complying non-resident parents.

Benefits and tax systems

But we also believe that work is the best form of welfare and our aim is to help people into work and up the earnings ladder. We must move away from merely compensating people for their poverty through the benefits system. We are helping all adults, including parents, back to work through the New Deal. 128,000 people have started on the New Deal for the Unemployed, with more than 12,000 having already found jobs. And more than 16,000 lone parents have been helped into work. We are making work pay through the national minimum wage and reforms to the tax and benefit system that will remove the unemployment and poverty trap for many families with children.

We are leading the way in creating a family friendly tax system. We are not only using the benefits system to help families with children, but using the tax system, helping families into work and ensuring that work pays.

(Brown, 1999, p. 9)

Perhaps the strongest government statement on parental responsibility emerges from its reformulation of the benefits system and its repeated explanations of the thinking behind these measures. The government believes that the most likely way in which impoverished parents will be able to improve their and their children's prospects is by gaining a foothold in the world of work. In order to achieve this goal it has sought to ensure that work pays through measures such as the Working Families Tax Credit with its attendant childcare allowances. It has also sought to facilitate, encourage, gently press – however you choose to look at it – return to work by lone parents through the New Deal arrangements. The New Deal for Lone Parents is primarily aimed at lone parents whose youngest child is of school age. They receive an interview at the Job Centre and support with training, access to childcare and help with finding a job (Home Office, 1998).

More generally, the government has made a substantial commitment to increasing the availability of childcare to help parents take up work. It has moved on from a low of 2 per cent of children under three years of age having access to publicly funded childcare in the UK, compared with 23 per cent in France, in 1998 (European Commission, 1998), to develop a National Childcare Strategy with a target of creating 1.6 million places for children by 2004. Responding to concerns that this target might not be met (Daycare Trust, 2000), the Chancellor has allocated resources for 250,000 places in the 2002 Spending Review.

While recognising the importance of these work-orientated messages, the government acknowledges its obligations where work is not an option, and its obligations in these circumstances to protect children from poverty.

We have always maintained that work is the best route out of poverty but where work is not an option we will always give the necessary support. For the first time in a generation, everyone is sharing in the prosperity of the country and we will continue to ensure that children in families where work is not an option will never be unduly disadvantaged.

(Darling, 2002)

Nevertheless, it is evident that the work ethic, engagement with society through the societal constructs, responsibilities and community activity that work offers, is central to the government's thinking. It is a major plank in its social inclusion agenda. In a society with few points of collective activity and mechanisms to cement shared values, the workplace is one of the principal routes on offer to promote social exchange and community cohesion.

Questions and ambiguities

Attachment

There is an underlying ambiguity in the government's policy on parental responsibility, spanning as it does not only financial provision for children, but also their care and nurture. Here we turn to the issue of *attachment* that pervades children's psychological and psychiatric literature, as well as the literature on social capital, which predates so much of government policy. Attachment theory, describing the bonding processes between mothers and infants, was conceived by Bowlby in the 1950s. Its subsequent development by Bowlby, Rutter, Holmes and others has included recognition of the additional positive role of support attachments between children and fathers and between children

and extrafamilial influences such as friends and communities (Utting and Pugh, 2003). From this, it has been a short step to conceptualising attachment as a theory of social relations affecting extrafamilial as well as familial relations, and the relationship between the citizen and the community in which he or she lives – and, indeed, the citizen and the state (Holmes, 1996).

In seeking to develop this communal level of attachment through the economic and social bonds of work, is the government jeopardising the attachment of children to their parents? The possibility that it might be doing so by supporting parents' absence from childcare to facilitate working has been posited within the communitarian camp itself (Etzioni, 1993), as well as by psychologists such as Belsky (2001), although there is some dispute as to the relative value of the quantity of parental time spent with a child as compared with the quality of that time (Booth *et al.*, 2002). Utting and Pugh (2003) have noted that three members of the cabinet have written on attachment issues, suggesting that the government will be fully aware of the potential for contradiction between the promotion of parental childcare and parental work.

Indeed, it might be said that some of this awareness can be witnessed in government policy, with its campaign to improve work–life balance (Home Office, 1998). From a country in 1999 with only 18 weeks paid maternity leave (six weeks at 90 per cent of salary, then 12 weeks on a flat rate of £62.20) and no paternity leave, ungenerous by many European standards (Moss and Deven, 2000; Maternity Alliance, 2000), the UK has moved into a position of providing from April 2003 26 weeks maternity leave and two weeks of paternity leave, both paid at the rate of £100 a week (Home Office, 2001). Equality for part-time workers,

predominantly women, has been introduced through implementing the European Union Part-time Work Directive, and a modest parental leave deal has been brought in (12 weeks unpaid leave). There has also been government-generated debate around increasing flexible working hours and reducing the long working day (Home Office, 1998; DTI, 2000; NFPI, 2000).

This campaign arises perhaps from a mêlée of related influences:

- external pressures requiring the government to comply with European Union directives
- concerns to provide some support for parent–child attachment
- a recognition that, quite apart from the government fostering work as the way out of poverty, there is a general population move towards dual-parent working, which the government should accommodate and render a palatable lifestyle

In the last 25 years there have been huge changes in the world of work and the way people want to work. We can't ignore these changes any longer. Many hard-working parents are facing the difficult task of juggling the responsibility of being a good parent with holding down a job. These pressures need to be recognised. If we are to remain competitive in this modern economy, it is essential that we have an open debate about how we can help parents.

(Byers, 2000)

- equal opportunity influences supporting women's economic independence and fulfilment through work and fostering fatherhood and men's equal rights and duties in the context of the home. Here again we come to attachment and the growing perception that attachment between fathers and children is significant in a child's development (Lamb *et al.*, 1987).

Attachment and social capital

There is undoubtedly some ambiguity between the government's assiduous promotion of work and its endorsement of the importance of parental attachment. However, this is an ambiguity that reflects social trends. As a society we are unclear as to how to reconcile the pulls of family and work as posited in this Council of Europe recommendation on the issue:

Recognising that the reconciliation of work and family life is a problem of considerable complexity which still remains insufficiently understood.

(Council of Europe Recommendation R (96) 5 On Reconciling Work and Family Life, 1996)

Furthermore, despite the protestations over the effect of women's working on social cohesion by some of social capital's exponents such as Putnam (1995), analysis of the concept could suggest that work and the extrafamilial institutional life of the workplace is as much a part of the store of social capital as full-time parental care for children. Some proponents of social capital advocate a more collectivist approach to child rearing than Putnam does (Morrow, 1999; Modell, 1994). They view social capital from a less nostalgic perspective of past social relations, and place

less emphasis on parental one-to-one influence on children and more on the community's potential to integrate children into the wider social scene, bolstering children's own agency.

The government's investment in childcare, its support for equal opportunities in the workplace and its endeavours to help lone parents into the wider world of work and economic integration suggest that on balance, despite hesitations and misgivings, it supports this latter perspective on social capital – and in that, hesitations and all, it probably reflects the views of the society it represents.

3 CARE AND CONTROL: THE PHYSICAL AND EMOTIONAL CARE AND CONTROL OF CHILDREN

I want to set out a four-point plan, which is part of our strategy to abolish child poverty. It is a commitment to give every child the best possible start in life. It involves cash and *care*...

(Brown, 1999, p. 9)

Financial support by state or parent permeates and underwrites every aspect of child rearing, but it is emphatically not the only locus in which parents and state have their responsibilities. Care for the emotional needs and physical safety of children lies at the heart of the government's policies and definitions of its own responsibilities in this sphere, and of its expectations of parents.

Care sits within the government's social inclusion agenda, principally promoted by supports delivered to families in kind – education for both children and parents, programmed activities and leisure resources, information, advice and therapeutic facilities – and a variety of safety nets. They are intended to bolster the physical and emotional well-being of children, and include some direct and, more predominantly, some implied statements about expectations of parental behaviour.

The Government is committed to ending child poverty, tackling social exclusion and promoting the welfare of all children – so that they can thrive and have the opportunity to fulfil their potential as citizens throughout their lives. There are a number of programmes such as Sure Start, Connexions and Quality Protects and a range of policies to support families, promote educational attainment, reduce truancy and social exclusion and secure a future for all young people in education, employment or training.
(Department of Health, 2000a, p. x)

Rights

Universal support

In the post-war welfare state, all governments have provided health, including maternity and paediatric services, and education for children and young people as universal entitlements. In broad terms then, health and education provision can be classified as an indisputable right to support that parents can expect from the state. These entitlements are also incorporated at a certain level of generality in the United Nations Convention on the Rights of the Child to which the government is a signatory, of which the following is an example:

Article 24

State parties recognise the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health ...

State Parties ... shall take appropriate measures to ensure appropriate pre-natal and post-natal health care for mothers.

Here we examine some significant trends and additions that the current government has made in relation to these universal support functions, and their implications for the parental role.

Health

Within maternity services, greater emphasis is being given to post-natal support through a commitment to extend health visitor and midwife visits from two to six weeks with a gradual tapering down from daily to weekly visits. More broadly, the government has indicated its intention to place greater emphasis on the role of health visitors, extending their functions from a health focus to offering advice and support to families across a range of psychological and social issues that arise around the birth of a child. A preventative approach is being advocated involving informing parents about child development stages and what they should expect, about behaviour issues and safety, and about how to obtain help with social problems such as housing. Health visitors are seen as having the potential to co-ordinate support for families. Consideration of couple relationship issues is also now on health visitors' agendas because of the emotional stresses arising post-birth and their implications for child outcomes (Home Office, 1998).

While some progress has been made with this new role for health visitors through pilots, the creation of leadership posts and the development of a health visitor resource pack encompassing a wider support approach, it cannot be said that the changes made to date constitute a universal advance in service benefits for parents. The *National Mapping of Family Services* (Henricson *et al.*, 2001) found that parental entitlements to pre- and post-natal support were not being realised, and that the aspirations set out in the Department of Health's (1999a) nursing strategy for England, *Making a Difference*, to extend post-

natal support would be unlikely to be achieved within current resource levels.

While the intention may be there, it is yet to be fulfilled – as are other targets to improve health services for children. Examples of these are the Public Service Agreement target of enhancing Child and Adolescent Mental Health Services and the Department of Health's commitment to increase the involvement of children in service planning. At present these are commitments rather than service realities. They are at the stage of being markers of change, giving messages as to what the government's perception of its responsibilities is in this area and consequently what parental entitlements there might be.

Education

Education has seen the continuation of policies begun under the previous government of providing parents with some limited measure of choice in respect of the school to which they send their children. And league table measurements offer parents information on which they can base that choice. Whether the process ultimately benefits education is a subject of debate, nevertheless the principle of choice and transparency through published information is there, both significant rights.

Other resources have been developed recently to provide parents with a fuller picture of their children's education, including the Parents' Centre website, *Learning Journey* booklets about the curriculum and an informal *Parents and Schools* magazine. With parent governor representatives now sitting on LEA education committees, these measures add up to a considerable package of parental right to information and involvement and partnership in the direction of children's education.

At the same time there has been a marked increase in the services provided directly to children over the heads of their

parents. These may be regarded ambivalently because, while they do diminish the autonomy of parents, they also provide an increased pool of support with child rearing. For example, there has been substantial expansion in personal, social and health education in schools to the extent that there are concerns about teacher overload. Many of the functions that parents might have thought were their responsibility – such as talking about the role of marriage, the nature and responsibilities of good parenting, sex and relationship education, self-esteem, self-discipline and respect for others – are now being provided by schools through this route. Furthermore, pilots have been conducted in schools to provide health advice and contraception directly to children on a confidential basis. Less controversially perhaps, Connexions also provides personal development advice, support and opportunities directly to children aged 13–19 without a requirement for parental involvement. The support being made available through personal advisers, drop-in centres, telephone helplines and the Internet is designed to help young people overcome barriers to participation in learning and work.

Apart from a general increase in the bank of investment in education, one of the principal developments in education facilities has related to pre-school provision, with an expansion of nursery places and emphasis on a strategic approach through the creation of Early Years and Childcare Development Partnerships. There has also been the recent appointment of a minister responsible for early years support with a unit straddling the Department for Education and Skills and the Department for Work and Pensions. At the other end of the spectrum, too, we have witnessed developments; there has been a marked increase in investment in family learning involving older members of the family, principally focusing on literacy and numeracy skills. Resources for this purpose are being channelled through the newly established Learning and Skills Councils and LEAs (Home Office, 2001).

Information

Knowledge is power and a form of empowerment for parents that the government clearly espouses. A common theme throughout the government's support for parents in health and education is to provide them with information, whether it be about child development or the education system, as we have seen. Other information systems spanning a host of issues pertinent to parenting can also be pointed to, for example:

- the NFPI's parent information publications
- helplines such as Parentline Plus and NHS Direct
- the Home Office information strategy to distribute government information on parenting
- the Children's Information Services in the Early Years and Child Development Partnerships.

Some of these sources of support are in embryonic form, but taken as a whole, they undoubtedly point to a government conviction that it has a significant role to play in providing parents with information, and suggest that access to such information might well be construed as a parental right.

Targeting individuals

With its help for families in their caring role, as with financial support, the government has been particularly diligent in pursuing its agenda of targeted provision, specifically for vulnerable children, children in need and families living in disadvantaged areas.

In relation to children in need, the government has taken on board the thrust of the Children Act 1989, and has sought to tighten its assessment and delivery systems. Its Quality Protects programme has been developed for this purpose, and has included guidelines on protecting children from harm in *Working Together to Safeguard Children* (Department of Health, 1999b) and the *Framework for the Assessment of Children in Need and their Families* (Department of Health, 2000a). The latter sets out clearly the government's endorsement of the provisions in the Children Act 1989, and for the foreseeable future, therefore, it is reasonable to surmise that this constitutes the government's perception of parents' right to support in respect of children who are in need or vulnerable to becoming so. Again, of course, there is a caveat as to how far a targeted provision can be construed as a right.

The salient features of the Children Act 1989 are its requirements of local government and health administrators to promote the welfare of children as well as to safeguard them from harm, and to deploy a range of multi-agency services to achieve this. There is also an emphasis on partnership with parents and the need to support them in child rearing, and this is particularly emphasised in the *Framework for the Assessment of Children in Need*:

- It is in the children's best interests to be brought up in their own families wherever possible;
- Whilst it is parents' responsibility to bring up their children, they may need assistance from time to time to do so ...

The notion of partnership between State and families is thus also established in this Part of the Act.

Providing services which meet the needs of parents is often the most effective means of promoting the welfare of children ...

(Department of Health, 2000a)

The child-centred nature of the services that can be offered, nevertheless, need to be borne in mind; parents can only expect support where it is directly related to the achievement of positive child outcomes. And while the Children Act 1989 has a preventative dimension, the limitations of the target group are also significant; a 'child in need' is defined as a child who is unlikely to achieve or maintain a reasonable standard of health or development, or whose health or development is likely to be significantly impaired, without the provision of services for him by the local authority.

Targeting areas

... some families need more help, particularly those facing linked problems such as poor educational achievement, health or housing, or unemployment. We need to bring services closer together, to ensure that help provided by different agencies works together. We also need to target resources on areas of greatest need. This is what Sure Start is all about.

(Home Office, 1998, p. 13)

Tackling interlinking deficits in disadvantaged neighbourhoods which contribute to difficulties with parenting has prompted government investment in parenting programmes in urban regeneration areas and initiatives such as Excellence in Schools, where parenting support and other facilities are brought together under the auspices of schools. But perhaps the most outstanding

and creative of the government's endeavours in supporting child rearing on a geographical needs basis has been Sure Start.

The aim of Sure Start is to promote the physical, intellectual and social development of babies and young children so that they can flourish at home and when they get to school, thereby breaking the cycle of disadvantage for the current generation of young children. The core of the programme offered includes a visit to all new parents introducing them to Sure Start services, enhanced childcare, play and early learning opportunities, better access to health services and a range of parenting courses and groups. There is a high level of community involvement and consultation with parents in developing the programme to suit the needs of the locality.

While the integrated and well-funded support systems offered by Sure Start have been welcomed, there has been a simultaneous lamentation over the limited scale of its target group (Henricson *et al.*, 2001). Many disadvantaged areas fall just short of its qualifying criteria; rural populations in particular are under-represented because of the dispersed nature of rural deprivation, although there is now a specific rural programme – and, of course, there are many poor families who live in averagely affluent areas.

The indications are that Sure Start has the potential for expansion to a wider catchment band. Indeed the allocation of resources under the 2002 Spending Review suggest that intention. Furthermore, there is talk of aspects of its provision – the critical lessons of *joined up* support and partnership with parents – being incorporated into broader service provision nationally. Conjecturally then, Sure Start has some possibility of contributing to the range of support expectations that parents with needs can expect of the state. This is, however, very much conjecture and dependent on decisions which the government may make in the future.

Questions and ambiguities

Support versus autonomy

There is a fundamental and inevitable tension between, on the one hand, the state's role in supporting parents, and, on the other, the imperative that it should preserve parents' autonomy to a sufficient degree to enable them to willingly shoulder the caring responsibilities that are expected of them. Is the principle in the Children Act 1989 of non-intervention, unless crucial in the interests of the child, being undermined by the plethora of supports being developed for parents? Furthermore, is there a divergence between what parents are perceived to need and what they actually want? Certainly parents' understandable anxieties over losing autonomy have emerged in a number of recent surveys of their perceptions of their needs and support requirements (Cragg *et al.*, 2002; Ghate and Hazel, 2001).

The importance of involving parents in partnerships and participation in order to enhance the effectiveness of child welfare is clearly recognised in the *Framework for the Assessment of Children in Need* in respect of children in need (Department of Health, 2000a), and in the ethos and modus operandi of Sure Start. As we have seen, it is also being brought into play in cementing parents' functions in supporting schools in educating their children. What perhaps has not been recognised, however, are anxieties over diminishing autonomy, which, while they might be palliated by partnerships, may not be fully addressed by them – not least because in some circumstances the partnership itself can undermine autonomy, particularly where it is essentially a manipulative device designed to achieve certain outcomes, however benignly meant. Thus, for example, partnerships in education such as school contracts place demands on parents – time-keeping, homework supervision, behavioural control and the like. How far is this a genuine partnership? Parents generally have

little choice but to enter into such contracts, and, while they do offer the school's side of the bargain, this could be interpreted as being essentially a device to control parents' interaction with their children.

The issue has perhaps been brought sharply into focus by the increasingly influential voice of the children's rights lobby within government circles. The attraction of enhancing children's agency has been championed. It is typified not only by requests for children's participation in policy development, but also, of greater relevance to the issues of parental autonomy, by the provision of services directly to children, bypassing parents. Examples include advice and personal development services, such as personal, social and health education in schools and Connexions, and significantly confidential health and contraception services. This approach may be justifiable in terms of child outcomes, but it is a contentious strategy in view of the central role of parents in child rearing. Some clarification might be helpful as to the level of autonomy to which a parent is entitled and the circumstances in which it can be legitimately eroded.

Universal and targeted services

The degree to which targeted provision is capable of being construed as a right is, as we have discussed, a proposition of some doubt. The notion of a 'safety net right' is a possibility, but for that every family experiencing disadvantage would have to qualify. The entitlements for families in respect of children in need in the Children Act 1989 might possibly fall within this qualifying category, albeit they are determined around children's outcomes rather than parental deprivation. The targeted provision offered by programmes such as Sure Start, however, is not directly proportionate to individual families' levels of deprivation, but is determined by communities' levels of disadvantage, rendering

the incorporation of these supports into a set of safety net rights difficult. Future incorporation of elements of Sure Start within services delivered nationally would present a greater opportunity for the programme to contribute to a parental rights package.

Universal services are more likely to constitute rights, but here thought needs to be given to the issue of genuine universality. Where services, believed to be universal, are not being delivered to all parents, are we to assume that we do not have sufficient government commitment to them as a parental right? Of relevance here is the finding that prenatal classes are not in reality available to all parents – and the fact that the government's projected six-week post-natal visits by health visitors and midwives have little hope of universal realisation in the foreseeable future (Henricson *et al.*, 2001). This is possibly an overly harsh assumption bearing in mind the government's declared intentions in these areas, but the issue nevertheless needs to be borne in mind.

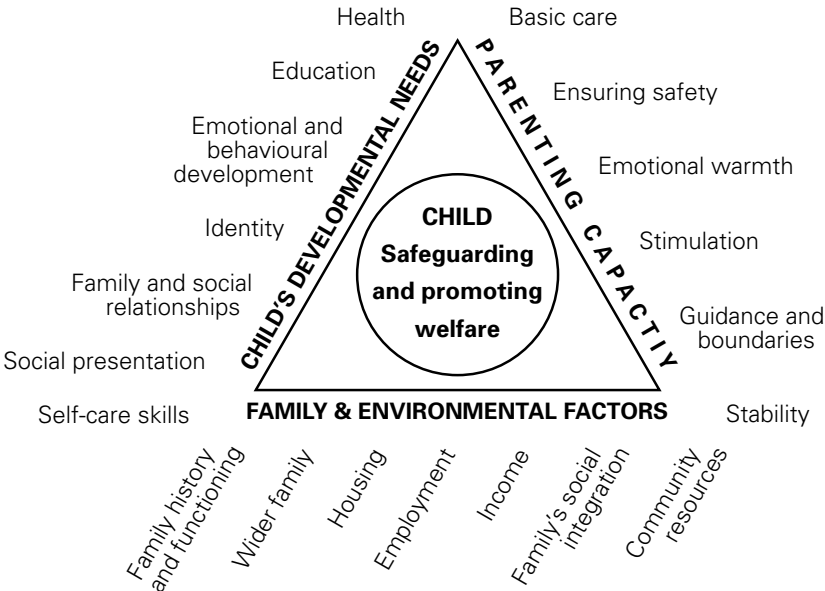
Responsibilities

Parenting, and the non-financial, emotional care associated with parenting in particular, is essentially a relationship. Defining responsibilities, or even expectations, in this area is a minefield. And yet it is a relationship of dependency, and parents who do not provide sufficient care run the risk of losing their children to the care of the local authority. While there is no statement of parental responsibility about emotional and physical care as such, there are indications of government expectations. Often these are framed in terms of child outcomes, so that they are difficult to disaggregate from other factors that impinge on a child's development. Nevertheless, the beginnings of a framework for the parental role can be elicited from various pieces of government discourse, most commonly in child protection documents.

The document which perhaps comes the nearest to defining the government’s broad expectations of parental care stems logically enough from its principal piece of child protection and welfare legislation defining its own responsibilities in relation to children in need – the Children Act 1989.

While the Act itself says little, the blueprint for making child welfare assessments under the Act introduced by the present government does. The *Framework for the Assessment of Children in Need* (Department of Health, 2000a) sets up a triangular model for influences on children’s well-being, including ‘the child’s development needs, family and environmental factors and parenting capacity’ (see Figure 1). The definition of ‘parenting capacity’ is perhaps the best summary of the government’s expectations of parenting, though it dovetails considerably with children’s developmental needs; a capacity to respond appropriately and sensitively to each child’s developmental needs is what the guidance calls for.

Figure 1 The assessment framework



The dimensions of parenting capacity proposed are described as illustrative rather than definitive, and they are fairly general in their specifications, leaving considerable room for interpretation. However, each principle is developed descriptively. For example, 'Stimulation' is described as:

Promoting child's learning and intellectual development through encouragement and cognitive stimulation and promoting social opportunities. Includes facilitating the child's cognitive development through interaction, communication, talking and responding to the child's language and questions, encouraging and joining the child's play, and promoting educational opportunities. Enabling the child to experience success and ensuring school attendance or equivalent opportunity.

(Department of Health, 2000a, p. 17)

Taken as a whole, they perhaps constitute the nearest statement we have to a code of parental duties.

In propounding a relatively flexible and unprescriptive approach to parenting capacity and expectations of child development, the authors of the guidance have been influenced by the need to accommodate cultural, ethnic and circumstantial differences.

2.29 Use of the framework requires that children and families' differences must be approached with knowledge and sensitivity in a non-judgemental way. Ignorance can result in stereotyping and in inappropriate or even damaging assumptions being made, resulting in a lack of accuracy and balance in analysing children's needs.

The statement's flexibility may also have been determined by the government's interest in children's welfare rather than parental

responsibility per se. Practitioners are urged to consider compensatory factors for parenting incapacity, such as support from grandparents and siblings, and adults and peers outside the family. They are asked to recognise that a parent's ability to meet the needs of one child may be insufficient and inappropriate in relation to another child; the child's temperament and level of need are both salient factors. 'Good enough parenting' as defined here is clearly a slippery commodity. And ultimately, as Campion (1995) suggests, despite a range of parenting and child development measurement tools having been developed and brought together in a practice toolkit (Cox and Bentovim, 2000), there will be a degree of subjectivity in juggling a host of variables and determining who falls short of an acceptable standard of parenting.

It is perhaps significant that the phrase used in the *Framework for the Assessment of Children in Need* is parenting capacity, not parenting responsibility. While the Children Act 1989 does make reference to parental responsibility, when more fully analysed it is described as capacity – perhaps reflecting the personal relationship and sometimes fluid and externally determined element of the parenting role. It also suggests a hint of something inherent, over which the parent does not have complete control.

A role in education

There are, however, clearer statements about responsibility which tend to be focused on specific targeted issues. Within education the parent–school contract has been introduced, specifying the duties of parents in supporting children's education through, for example, ensuring school attendance and addressing behaviour and homework issues. There has also been an increasing focus on parents as the first educators of their children. We have

witnessed a considerable growth in this area of pre-school activity, some of it associated with social exclusion initiatives such as Sure Start. Interestingly parents have also been targeted to provide improved sex and relationship education in the home, while the government has apparently simultaneously bypassed them by providing direct, confidential services to children (Department of Health, 2002); the messages here are somewhat contradictory, though perhaps reconcilable within the framework of a partnership.

Control

Families are the core of our society. They should teach right from wrong. They should be the first defence against anti-social behaviour.

(Labour Party, 1997, p. 19)

Control is a significant aspect of care where the government has apparently been undaunted by the plethora of variables that determine parenting capacity; it has firmly attributed the responsibility for controlling children's behaviour to parents and, while parents may be supported in this by schools, youth justice workers and other agencies, there can be no doubt from recent legislation and pronouncements where the government attributes primary responsibility. As well as the parent-school contracts, there has been the controversial introduction of parenting orders. Brought in by the Crime and Disorder Act 1998, the parenting order gives magistrates the opportunity, where a child has committed an offence or has truanted, of directing the parent to engage in some form of guidance or counselling.

Despite the supportive thrust of parenting orders, an array of arguments have been marshalled against holding parents responsible for their children's behaviour in this way. They range

from legal and human rights considerations to doubts around the efficiency of compulsion. Briefly they can be summarised as follows:

- A critical element of parent education programmes is that they should engage parents in the process; this is unlikely to be achieved if parents are having to attend under compulsion and in the context of a humiliating court order (Henricson *et al.*, 2000).
- There is the possibility that the parenting order could be challenged from a legal and human rights perspective because it attributes blame for the conduct of one person to another, and in effect criminalises a parent without their having committed a crime.
- The approach rests on an assumption that the primary responsible relationship in bringing up children rests with parents. This undermines the role of the wider community. It also undermines children's agency (Morrow, 1999).
- The burden of responsibility in the execution of the legislation tends to fall on the mother with the majority of parenting orders being made against mothers rather than fathers. This has adverse implications for equal opportunities and equality under the law (Ghate and Ramella, 2002; Morrow, 1999).
- This is another stick with which to beat disadvantaged parents where supportive carrots are to be preferred. It continues a regrettable trend of intervening in the family life of the least well-off in society.

Despite these protestations, it is unlikely that the government will be deflected from its conviction that parental responsibility for child behaviour needs reinforcing through criminal justice and other quasi-legal instruments such as school contracts. Indeed the White Paper *Justice for All* (Home Office, 2002) recommends an extension of their use. The evaluation of parenting orders has found that despite initial resentment over compulsion, parents who have been subject to them have themselves perceived a benefit from the programmes they have attended (Ghate and Ramella, 2002). Compulsion to attend parenting education classes and the benefits to be derived from them need not therefore be diametrically opposed. Furthermore, the messages being sent by a firm government response to the failure of some parents to secure their children's school attendance have apparently resulted in a reduction in truancy. Whether or not this is just a short-term phenomenon following the wide media coverage of a mother of truanting children remains to be seen. From the government's point of view, the evidence to date suggests that the use of stick as well as carrot – enforcement of responsibilities as well as sponsorship of rights – works. And here it is undoubtedly mindful of its duties to the wider community to provide a safe environment, which is conspicuously lacking in some of the UK's depressed neighbourhoods.

Physical safety

The preservation of the physical safety of children is perhaps an aspect of care that lends itself most readily to the establishment of a set of criteria for parental responsibility. Certainly it does so more readily than the controlling of children's behaviour, with all its variables and causal complexity. And yet this is an area where imprecise definition still persists.

Safety and discipline

Teasingly, a significant feature of this imprecision and confusion relates to an aspect of physical safety that is closely linked to parents' control of their children's behaviour – that of disciplinary smacking or assault, however you wish to view it. The current law provides that evidence of reasonable chastisement can be used as a defence by parents should they assault their child. This old common law defence has been challenged in international forums for its contravention of human rights.

In 1995, the United Nations Committee on the Rights of the Child, the Human Rights Treaty Body for the United Nations Convention on the Rights of the Child, made a formal recommendation in the report of its eighth session that the UK government prohibit corporal punishment. It raised the following concerns regarding the defence of reasonable chastisement:

The Committee is disturbed about the reports it has received on the physical and sexual abuse of children. In this connection, the Committee is worried about the national legal provisions dealing with reasonable chastisement in the family. The imprecise nature of the expression of reasonable chastisement as contained in these legal provisions may pave the way for it to be interpreted in a subjective and arbitrary manner. Thus, the Committee is concerned that the legislative and other measures relating to the physical integrity of children do not appear to be compatible with the provisions and principles of the Convention, including those of its articles 3, 19 and 37.

In the case of *A v. UK*, the European Court of Human Rights made the following judgment when it found that the defence of reasonable chastisement had caused the government to fail in its duty to protect children.

The Court considers that the obligation on the High Contracting Parties under Article 1 of the Convention, taken together with Article 3, requires States to take measures designed to ensure that individuals within their jurisdiction are not subjected to torture or inhuman or degrading treatment or punishment, including such ill treatment administered by private individuals. Children and other vulnerable individuals, in particular are entitled to State protection, in the form of effective deterrence, against such serious breaches of personal integrity.

In making this judgment the court cited *inter alia* the United Nations Convention on the Rights of the Child articles 19 and 37.

The government's action to remedy this deficiency has been to conduct a consultation on the legal parameters of discipline practice, examining a limited range of options to define and circumscribe the nature of an assault that might legitimately be construed as lawful chastisement. The government's subsequent recommendation was for no change in the law. It considered that the introduction of the Human Rights Act 1998 would provide sufficient guidance and protection in deciding whether a physical punishment amounts to 'reasonable chastisement' as the courts would now have to consider:

- the nature and context of the treatment
- its duration
- its physical and mental effect; and, in some instances
- the sex, age and state of health of the victim.

(Smith,² 2001, pp. 1 and 2)

There is therefore still no precise definition of the degree of restraint parents are responsible for exercising in disciplining their children; the onus for decisions continues to rest with the courts.

We need to balance the needs of children with the reality of the difficulties of parenting. Recent developments in the law have answered some of the key concerns that led to the consultation exercise in the first place. And we do not believe that any further change to the law at this time would be appropriate – it would neither command widespread public support or be capable of consistent enforcement.

(Smith, 2001, pp. 1 and 2)

In contrast, in Scotland there was an indication following a consultation (Scottish Executive, 2000), and subsequently evidenced in the Criminal Justice (Scotland) Bill (2002), of some government commitment to defining the protection of children who are being disciplined.

While we believe that parents should have the right to set the grounds for discipline of their children, we felt there was a strong need for greater clarification of the law as to what defined 'reasonable' punishment ...

There will be an absolute ban on blows to the head, shaking and the use of implements. We also propose to ban physical punishment of children up to and including the age of two.

(Wallace,² 2001, pp. 1 and 2)

In the event, the Scottish Parliament's Justice Committee rejected the prohibition of the physical punishment of children

under the age of three, but the rest of the proposals were endorsed.

Deep anxieties were voiced in England and Wales, both during the consultation and subsequently over the government's reluctance to remove the defence of reasonable chastisement. Children's organisations raised child protection concerns and cited infringement of the Human Rights Act. They pointed to the inconsistency in retaining the current law, with the defence of reasonable chastisement not being available to staff acting *in loco parentis* in schools, nurseries and children's homes, but being available to parents and those acting *in loco parentis* in a private capacity.

Interestingly, the government might have substantially met the concerns of both child protection on the one hand and the substantial pro-smacking parental disciplinarians and preservers of family autonomy on the other, if it had chosen to differentiate smacking from assault by defining it as 'mild smacking',³ in contrast to assault of sufficient severity to sustain a case for common assault or assault occasioning actual bodily harm in the courts. The sorts of cases for which the lesser charge of common assault is generally brought, as defined by the Offences Against the Person Charging Standard, are those which result in 'grazes, scratches, abrasions, minor bruising and swellings, reddening of the skin, superficial cuts or a black eye'. These incidents, and more so the graver offence of assault occasioning actual bodily harm, are clearly more serious than the mild smacking which public opinion finds acceptable. This differentiation pertained in Sweden where the defence of reasonable chastisement to assault was removed in 1959, some 20 years prior to the introduction of civil legislation prohibiting smacking in 1979. The government could have removed the defence of reasonable chastisement to assault without introducing a specific ban on smacking. Parents would have been adequately protected from harassment over

trivial incidents by the Crown Prosecution's duty under the Code for Crown Prosecutors to only bring prosecutions that are in the public interest, and guidance could have been issued to clarify any uncertainty.

So why did it not do so? Were concerns to promote parental control over children's behaviour paramount? While these are undoubtedly significant for the government, there is no evidence that it considers assault a significant disciplinary tool. Indeed it has funded NFPI to undertake a positive parenting public education programme supporting parents in disciplining children through other means (Smith, 2001). Public opinion then? This undoubtedly took its toll as Jacqui Smith's quotation above indicates, and a government-commissioned public opinion survey was cited in the consultation document and its analysis (Department of Health, 2000b). The public might consider this a step too far in curtailing parental autonomy. But the government has been prepared to control parental autonomy in other areas, such as the confidential distribution of contraception. Perhaps the smacking debate had a higher public profile, or perhaps simply a different arm of government was in the ascendancy.

Safety and supervision

Other aspects of physical safety are less controversial than the smacking debate, and yet here too there is imprecision. The regulations that exist can only be described as rudimentary and far from transparent, and they are not brought together in a single instrument or document for the sake of clarity and accessibility. The consequent anxieties that parents experience in determining what is or is not legal or appropriate for safeguarding children's safety is common currency (Papworth, 2002).

Home alone

Parents can be prosecuted for neglect for leaving their children unattended, should they come to harm or be injured, or if the child is deemed to have been left in danger. However, the age at which a child can be left alone is undetermined and subject to parental discretion. Not even guidance is provided, except by voluntary organisations. Similarly there is no guidance as to when children can play or go out on their own, or indeed as to when a child is old enough to babysit.

It is not that guidelines are unfeasible. The NSPCC, for example, has produced a code recommending that babies and very young children should never be left unattended, while children under 13 should not be left alone in the home for more than short periods and children under 16 should not be left alone overnight or in charge of younger children (Papworth, 2002). Such guidance need not be a blunt instrument. It could recognise the divergent circumstances of individual cases, for example the enhanced danger experienced by a child with a disability or the imperative of leaving a young child alone in certain emergencies. The case for the feasibility of regulation is also perhaps made by the tight rules relating to child safety which exist in road traffic legislation with regard to seat belts, restraints, helmets, driving and the like.

Questions and ambiguities

Needs or blame

Arguably, the principal ambiguity that arises from the government's action in the sphere of parental care relates to a dichotomy between child behaviour control and the broad spectrum of parental childcare functions. There appears to be

something of a contradiction in approach between the breadth of appreciation of the range of variables that impinge on parenting and child outcomes demonstrated in the *Framework for the Assessment of Children in Need* on the one hand, and the rather more straightforward blaming of parents for their failure to secure positive behavioural outcomes for their children, suggested by the punishment of parents of truants and parenting orders, on the other; however supportive parenting orders are intended to be, there can be no doubt that the message received by parents is one of shaming (Ghate and Ramella, 2002).

The *Framework for the Assessment of Children in Need* discusses environmental factors such as housing, employment and social integration; it considers matters such as genetic and psycho-social factors within the family's history, and the supportive role of adults other than the genetic parents and of peers – all factors which can affect parenting, and which may rest outside the parents' range of influence and power to determine. The parenting order, in contrast, is a simple criminal justice tool that suggests a failure to discharge parental responsibility and enables the courts to send parents on courses of improvement. While the Youth Justice Board has sponsored the development of some guidance for Youth Justice Teams to assist their understanding of the complexity of the issues which parents face and the limited role of parenting orders (Coleman *et al.*, 1999; Henricson *et al.*, 2000), no statutorily endorsed framework has been produced of a similar authority to that of the *Framework for the Assessment of Children in Need*. Mitigating circumstances can, of course, always be adduced in the courts, and welfare reports will talk about family difficulties, but the message given by the criminal justice legislation itself in relation to children's truancy and criminal behaviour implies above all a fairly clear-cut condemnation of lapses in parenting responsibility.

Of course, no one would deny that there should be a degree of potential parental culpability in respect of parents fulfilling their caring role towards their children. The issue is whether, in devising a statement of parental responsibility, it would be possible to draw on the government's more complex and sophisticated responses to children in need rather than the simpler, controlling ones targeting children's behaviour. Can the broader considerations addressed in the *Framework for the Assessment of Children in Need* be adequately addressed in the context of a set of commonly accepted responsibilities? In particular, can some of the relativism implied by the flexibility recommended in relation to cultural and individual differences be addressed in a framework of responsibilities? Indeed, the question might be posed as to whether the degree of relativism implied in the *Framework* is so great as to render the guidance perhaps too vague even in terms of assessing children in need.

Physical safety

The absence of government initiatives to tighten the definition of parental responsibility in relation to the physical safety of children is curious. It is perhaps a reflection of heightened public concern over children's behaviour which may be eclipsing safety concerns. Certainly the government's approach to the issue of child rearing appears to be dominated by child behaviour management issues, and in particular the public's concerns in this area. Despite its evident interest in promoting children's rights, the government has chosen to follow its perception of the direction of public opinion and not to amend the law on assault to give children the same protection under the law as adults. Its concern has been to preserve parental autonomy in relation to child discipline, in terms of parents' leeway to impose severe discipline, to a degree that

it has not chosen to do, for example, in relation to issues associated with children's sexual health. In any future review of the government's parenting policy, some exploratory analysis and possible rationalisation of current preoccupations with child behaviour problems might be helpful in the interests of producing a more cohesive and evenly motivated and constructed policy.

4 WHO IS A PARENT?

The final imperative in this trawl of government parenting policy must be to ask to whom all these rights and responsibilities belong. Who does the government perceive as their rightful owners? Do some parents have entitlements to more of them than others? Specifically, how do men versus women rank in the rights and responsibilities stakes, and what of family formations – two-parent families, and divorced, single and gay parents?

Men and women

It would be generally fair to say that as the New Labour government took office, the preponderance of parental responsibilities, except financial responsibility, belonged to women. From legislation to parenting literature, the term ‘parent’ might be used, but it was largely interchangeable with the word ‘mother’. Within family law the interests of the child were paramount, and by and large it was considered that the child’s best interests lay with the mother becoming the resident parent and undertaking responsibility for the physical and emotional care of the child (Campion, 1995). Moves had been made on the equal opportunities front to bolster mothers’ capacity in the workplace with maternity support provisions, but little had been done of a similar ilk to promote fatherhood. Have things changed under the present administration?

Broadly, the answer must be no, and to expect political change of this order would perhaps be unrealistic in the absence of

momentous social change. By and large the bringing up of children continues to be the role of women, and, despite some efforts by the government, trends within family services, the criminal justice system and family law reflect this.

- In most cases children still reside with the mother after separation, reflecting their dominant caring role and a perception, emanating in part from attachment theory, that the best interests of children are served by fostering their attachment to their mother. This in turn inevitably implies that mothers bear the bulk of care responsibilities.
- Parenting orders could well be described as mothering orders, with most orders made against mothers. Many of these mothers are in reality the sole carers of their children, and often the father may not be resident. It has nevertheless been of concern to parenting professionals that the implementation of this legislation may be deemed to be discriminatory in criminalising mothers to a greater degree than fathers (Coleman *et al.*, 1999; Ghatte and Ramella, 2002).
- The provision of support services themselves also provides an indication of low expectations of father participation. The *National Mapping of Family Services* (Henricson *et al.*, 2001) found that less than 1 per cent of services are specifically targeted at fathers, and, while most services are open to both genders, the evidence is that fathers are not appropriately catered for, with programmes being female-orientated and held at unsuitable times. Pre- and post-natal information and support in particular are perceived as being orientated towards mothers to the detriment of engaging fathers (Cragg *et al.*, 2002).

Within this context of a broad continuation of the status quo of women as the predominant carers, there has nevertheless been some movement to enhance the position and responsibilities of men. On the services and public education front, there has been pump-prime funding of fathers' programmes by the Home Office Family Policy Unit and the production of a fathering booklet by the Department of Health. Amongst the government's work-life balance initiatives, there have been the paternity leave measures and a campaign for family-flexible and reasonable working hours from employers. Perhaps one of the most significant shifts has been in enhancing men's access to parental responsibilities. The Children Act 1989 enables an unmarried father to acquire parental responsibility either by agreement with the child's mother or through a court order. This entitlement has now been further extended so that unmarried fathers who register the birth of their child receive parental responsibility. Swindells *et al.* (1999) have concluded that the combination of these measures brings the law in England and Wales within the current interpretation of a man's right to family life provisions established by the Human Rights Act 1998.

In respect of separated and divorced fathers, there have been some moves to support the contact entitlement of non-resident parents – generally the father. The Children Act 1989 encourages both parents to share in their children's upbringing after separation and divorce, and the government has sought to underwrite this approach. Again, its efforts fall within the spirit of the Human Rights Act 1998 and its provision of entitlement to a family life. Shared parenting, interpreted broadly as a 50 per cent share of a child's time between resident and non-resident parent, has not been pursued. Instead the Sealey guidelines, which recommend a child-focused approach offering flexibility in establishing contact arrangements to suit the needs of the child, have been sustained (Sealey, 1997). Nevertheless, the government has shown its

concern to facilitate contact where possible based on the premise that it benefits the child to have an ongoing relationship with and support from both parents. The Lord Chancellor's Department is examining ways of supporting contact and has undertaken a wide-ranging consultation on how this might be achieved (Lord Chancellor's Advisory Board on Family Law, 2001).

These moves, and indeed the provisions of the Children Act, should always be seen in the context of the predominant responsibilities of resident parents. Indeed, all adults resident with a child may be subject to child protection culpability, so that in reality these caring responsibilities attaching to residence may outweigh the caring responsibilities associated with the genetic parent relationship.

Family formations

The government has indicated its belief that the ideal family formation to bear the responsibility for bringing up children is the traditional two-parent family. Its support for the traditional family is based on research evidence suggesting better outcomes, for a host of material and attachment reasons, for children brought up in these circumstances (Morgan, 1999; Rowthorn, 2001; Wells and Rankin, 1991). The government is not, however, prescriptive on this issue, recognising the private domain of the determination of relationships and changing social mores.

Let me also tell you what this Government does not do. While we support marriage we do not criticise people because they are lone parents; or live by themselves; or are in relationships other than marriage. We are not here to preach. What we are determined to do is to support families, especially families with children.

(Liddell, 2001)

In terms of action, the government has taken some steps to support long-term couple relationships:

- Personal, social and health education in schools now includes consideration of the role of marriage.
- Some pump-prime funding for relationship support projects is being distributed by the Lord Chancellor's Department.
- A booklet on marriage is offered to all prospective marriage partners, and the arrangements for civil marriage ceremonies have been made more attractive.
- The Lord Chancellor's Department has undertaken an extensive review of investment in and the potential for improving relationship support services (Hart, 1999).
- Recognition has been given in *Supporting Families* (Home Office, 1998) and elsewhere to the role health visitors might play in providing support to couples' relationships during the fraught early post-natal period.

While all of these measures are capable of supporting marriages, and some are specifically geared to marriage, some could equally be interpreted as being intended to support stable couple relationships regardless of their institutional status. Furthermore, the case might be made for there not having been a full-scale commitment to support for either marriage or this wider spectrum of couple relationships. For example:

- The *National Mapping of Family Services in England and Wales* (Henricson *et al.*, 2001) found that there were relatively few relationship support programmes within family services and little engagement in this aspect of support by planners. Despite the encouragement of health visitors to consider relationship issues, there has been little investment in early preventative brief intervention approaches.
- Channelling funds into child-focused support, the Treasury has removed the married couples allowance.
- In the face of problematic trials, a decision has been taken not to implement Part 2 of the Family Law Act 1996 which provided for couple counselling prior to divorce.

Taken as a whole the government's marriage and couple support initiatives suggest a policy programme in the early stages of development which has not yet grappled with the implications of early preventative intervention. It also perhaps demonstrates a pragmatic, non-didactic perspective on marriage. Thus, for example, the government was prepared to drop the somewhat tokenistic married couples allowance in favour of more critical support where children are involved. Similarly it was not prepared for tokenistic reasons to unrealistically force counselling on couples having experienced such a degree of marriage breakdown that they are determined on divorce. Rather it has preferred to fund support to ease the process of separation, particularly for children, through the creation of advisory and support services such as the Family Advice and Information Networks and the Children and Family Court Advisory and Support Service.

In contrast to Scotland, there is even some hint of social liberalism, for example, in the government's having been prepared to expand the potential of unmarried couples to undertake a parenting role through allowing them to adopt under the provisions of the Adoption Bill 2002. There is, needless to say, an underlying hesitancy in this. The limit of the government's commitment has been to allow a free vote on an amendment to the Adoption Bill enabling unmarried heterosexual and homosexual couples to adopt. It is also hesitating in its response to moves to introduce civil partnership protection for unmarried heterosexual cohabiting couples, thereby supporting the relationship of many families engaged in bringing up children. Despite precedents in Europe, the government is taking a cautious approach, and at this stage is considering the possibility of engaging in a consultation exercise. While it is prepared to provide protection for cohabiting homosexual partners, it is not yet prepared to do the same for heterosexual couples, who are more likely to have a child. The rationale for this is undoubtedly support for marriage.

Overall then, a summary of the thrust of government policy would be that, while it is prepared to support other family formations in bringing up children, its preference is marginally for the traditional family and for parents to be married.

Questions and ambiguities

The question of who carries responsibilities for parenting, who is not appropriate to do so and who is entitled to do so under human rights legislation is a fraught one, particularly taking place as it does against a backdrop of social change towards serial partnership and a high incidence of single parenthood. The government's task in establishing a coherent framework to

answer the question ‘who is a parent?’ is undoubtedly a difficult one, and there are, not surprisingly, a number of contradictions and confusions in government policy that require clarification in order to do so.

Couple relationships

With the government’s commitment to promote the best interests of the child, there are questions to be asked about the value of implying a preference for certain family formations over others in a fluid, non-traditional society with a growing acceptance of different family contexts in which children can be and indeed are being brought up. Having made the case for the additional support for child rearing that can be provided by a couple relationship, it could also be argued that there are some inherent contradictions in its policies that promote marriage at the cost of supporting other couple relationships – for example in relation to its ambivalence in enabling gay couples to adopt and in giving unmarried heterosexual couples civil partnership protection.

Relationship support lobbyists might also make the case that there has been insufficient service investment, particularly in early preventative relationship support, to demonstrate the government’s full commitment to the business of supporting the couple relationship – in whatever form that might take.

Levels of social parenting

There should perhaps be a greater recognition of the reality of the difference between mothering and fathering in parenting. This is not to say that there should be gender differentiation in legislation, but some recognition of where the burden of legislation falls, in, for example, the introduction of parenting orders, would be helpful. The government has indicated that in principle it is

supportive of the Equal Opportunities Commission's request for legislation requiring all public bodies to adopt approaches that positively promote sexual equality.

Perhaps more salient, and indeed encompassing this, is the need to clarify the differences in the nature and degree of parental responsibility between resident and non-resident parents. Presence in the child's home has major implications in terms of child protection responsibilities – and in many cases a non-parent present adult, parent or not, will be more open to potential accusations of neglect than a non-resident parent. Presence and absence is a crucial determining factor in relation to the reality of physical and emotional caring responsibility that requires greater clarification.

Those at fault must pay

The principles which underlie the discrepancy between financial responsibility and responsibility for the physical and emotional care of a child would also benefit from clearer definition. Responsibility for care attaches to what has come to be known as the social parent, principally the present caring adult and also the non-resident parent who has sufficient family bonds to have secured parental responsibility in the best interests of the child. Financial responsibility, on the other hand, falls to the genetic parent, in addition to the parent with legal parental responsibility, regardless of the genetic parent's status on the caring front.¹ The basis for this genetic responsibility needs elucidation. It is not, after all, a duty that is linked to the right to parental responsibility under the Human Rights Act 1998. Under the Act entitlement to parental responsibility through the right to a family life would not accrue simply because of a genetic link; some demonstration of a social bond between parent and child is also needed to qualify (Swindells *et al.*, 1999). There is therefore a

lack of a balance between parental financial duty and any form of entitlement. Perhaps a statement is required to the effect that genetically based financial obligation is not a responsibilities and rights issue. It is simply intended to act as a deterrent to irresponsible sexual behaviour and to help the state meet the burden of the costs of child rearing – a ‘whose fault is it?’ approach.

Are there any parental rights?

This catalogue of definition around ‘who is a parent?’, and indeed in relation to the whole review of parenting rights and responsibilities, is striking for its failure to identify much in the way of parents’ rights vis-à-vis their children. While parents may have rights to support with child rearing from the state, principally their rights in respect of their children are simply an entitlement to responsibilities with the child’s best interest the pivotal deciding factor. However, within the Human Rights Act 1998 there is some recognition of parents’ rights to the society of their children which appear to exist independently, though not in contravention, of child outcomes. These rights are particularly pertinent to defining the role of the non-resident parent. The Act provides that parents with sufficient social bonds with their children should be entitled to contact with those children under their right to a family life. There appears to be some contradiction here with the current practice of the courts under the Children Act 1989 to only consider the child’s perspective. The Human Rights Act 1998 has also been construed to provide non-resident parents with a right to a say in whether their children should be adopted. In relation to the role of the state as parent, again the Human Rights Act 1998 strengthens parents’ rights – in this case to challenge decisions about their children’s care by the state under the Act’s requirements for due legal process (Swindells *et al.*, 1999).

In the light of the emerging tensions between the Human Rights Act 1998 and other aspects and interpretations of parents' legal status in England and Wales, a formal review of policy and practice in this field may be needed to focus minds and achieve some level of resolution.

5 A SUMMARY OF THE DIRECTIONS AND CONTRADICTIONS IN GOVERNMENT PARENTING POLICY

This unravelling of the parenting policy plot has something of the interest of a detective tale; piecing together the apparent contradictions would have intrigued any of our celebrated fictional criminal investigators. Interest aside, the question has to be asked as to whether it is appropriate for a significant aspect of social policy to be so difficult to piece together. As a policy field it is undoubtedly and inevitably complex, straddling so many aspects of the relationship between citizens and the state – encompassing the government’s core crime prevention and social regulation functions through to its social welfare and communitarian aspirations. It is because of this complexity that parenting policy would benefit from a transparent and accessible statement drawing together the multiple strands.

The imperative of such a statement stems in particular from the tensions that we have seen across the family policy spectrum – tensions which largely reflect the nature of the society on behalf of which the government acts. These need to be recognised and eased where possible. Parenting policy would benefit from being subject to periodic review and consideration in the broader context of underlying and fundamental, albeit shifting, social trends and values. In this study we have identified some critical policy tensions which need to be acknowledged in such a review.

- Parental responsibilities are insufficiently defined, and where definitions can be inferred from legislation and statutory intervention, they appear to be based on approaches at variance with each other; thus, unspecified responsibilities relating to minimum levels of child outcomes can be inferred from the Children Act 1989, contrasting with the clear and precise specifications of parental financial obligation emanating from the Child Support Agency.
- Parental responsibilities, which undoubtedly exist in England although they are ill defined, are not balanced by a commensurate set of rights. This is in contrast to Scotland where there is some recognition in the Children (Scotland) Act 1995 of parental entitlement to rights, albeit these are essentially about assuming responsibility. What is noticeable in England and Wales from this résumé is that there are no rights in respect of the child. In pursuit of the best interests of the child under the provisions of the Children Act 1989, any concept of parental rights vis-à-vis the child has been eclipsed.
- Some parental rights can, however, be identified in respect of parents' relationship with the state – entitlements to universal financial support, education for their children and the like. But the notion of parental rights here has been somewhat tempered by the thrust of government policy towards targeting need, both in respect of the needy family and, with increasing prevalence, geographically defined needy communities. A needs-focused philosophy is emerging that does not lend itself readily to the establishment of a wide definition of parental entitlement to support, and the growing currency of ideas around tying

benefits to child behaviour outcomes – conditionality – is also a contraindicator. Interestingly, there is some differentiation here between England and Wales; in Wales, within the restricted remit of the Assembly, the notion of entitlement has been introduced in relation to support services for children. It also, as we have seen, contrasts to the rights ethos established in Nordic countries.

- A partnership between state and parent in the task of child rearing has been vaunted, particularly in the field of education. How far this is a genuine partnership is subject to question. While on the one hand we have seen enhancement of parental choices in education, improved access to information and more widespread consultation, on the other we have witnessed the pendulum between parental autonomy and governmental intervention swing to some degree in the direction of the state. There has been the introduction of parenting orders, home–school agreements, confidential sexual health programmes for children and the mooted attachment of child-rearing conditions to benefits. This moderate swing should be seen in the context of an ongoing tension between the public and private sphere of parenting which has come to the fore during the twentieth century as concerns over child protection have grown (Campion, 1995). The swing under this government towards intervention has been tempered by anxieties to avoid a public outcry against the nanny state, specifically in the sphere of physical discipline. The decision not to afford children the same protection from assault as adults bucks a trend in government policy to promote children’s rights and reduce parental autonomy.

- The government has shown, with the introduction of parenting orders, the crackdown on truancy and the proposed attachment of child behaviour conditions to benefit, a preoccupation with enforcing parents' control of their children's social behaviour. This perhaps sits uneasily with the lack of interest demonstrated in shoring up the legal levers and clarification needed for parents in relation to their duty to control for their children's safety. There is also some discrepancy between the government's relative simplification of issues around parental control of children's behaviour, and its more relativistic and in-depth appreciation of the components of parenting and their interplay with a web of relationships and environmental factors shown in its measures to promote the care of children in need.
- In the melting pot of social trends and interests that make up the work–life balance debate, we have seen the government struggle to manage virtually unmanageable tensions. Juggling the need to provide children with the security of adequate personal attachment while at the same time reducing social exclusion and promoting social attachment through the workplace, enhancing equal opportunities and simultaneously responding to market pressures is a tall, if not impossible, order. The government, through its mix of childcare, economic incentives to work and parental leave measures, has largely reflected these contradictory needs and pressures. Whether it could do more to reconcile them is doubtful.
- As with work–life and childcare issues, and indeed matters such as the acceptability of smacking, the government is having to respond to shifting social mores and the counter

pulls of traditions in determining 'who is a parent?'. It is having to accommodate the child's need for a stable environment, care and personal attachment, and financial support. All of these issues have their sway in shaping the current legal status of parents. The resulting law, hardly surprisingly, appears to be defensive and responsive to demands and pressures, rather than grounded in principle. Significant issues include:

- possible contraventions of the Human Rights Act 1998 in relation to the status and entitlement of the non-resident parent to have contact and a say over adoption
- the espousal of marriage on the one hand, and support for other family formations involving two adults in providing stable childcare on the other
- the fact that splits between genetic and social parents, with their differentiated obligations for financing and caring for children, are not currently supported by a sufficient or explicit rationale.

Rich in tensions and affected by a cornucopia of social and economic relations, the development of policy on parenting is daunting. But it is not an issue from which the government has shied away: interventions and attempts to shift policies towards an outcome of what might be described as better parenting abound. Ministers have stated their commitment to *Supporting Families* (Home Office, 1998), and while there has been a shift in emphasis and certainly in rhetoric since that first document of intent was written, away from a family- towards a child-centred focus, epitomised by the establishment of the Children and Young People's Unit, the government's interest in parenting has

nevertheless continued. And in the event, of course, children's outcomes and parenting practices and policies are largely indissoluble. Over the period that it has been in office, it might be said that the government has distinguished itself by a record of dedicated activity in the field of parenting.

What is regrettable, however, is that plans for a sequel to *Supporting Families* have been dropped, despite the Council of Europe's Recommendation R (94) 14 which calls on member states to produce coherent and integrated family policies. A policy statement of perhaps greater depth than *Supporting Families* is needed in response to the breadth and social and legal intricacies of parenting support and regulation. It is needed to establish some broad principles of desired outcomes and to rationalise some of the disparate strands of policy that may have emerged in default of a regularly updated holistic review of parenting policy. It might usefully be designed to complement the Children and Young People's Unit's children's strategy (2001). Such a policy statement should be developed in the context not only of social developments, but also international legal commitments such as those implied by the Human Rights Act 1998.

The conceptual thought and drafting of that policy might benefit too from the discipline of envisaging the translation of some of its tenets about parenting rights and responsibilities into a code clarifying for both parents and the agencies which interact with them the legal status, entitlements and obligations of parenthood. It would throw up and provide an opportunity to address serious inequities and contradictions. Clearly, the policy statement would not require the production of a code, but its focus might be enhanced by the production of one. What form that code might take – the practicalities involved and whether it would be appropriate to incorporate it into legislation – is examined in the final chapter.

Box 1 Policy review

The government's record shows that it has a serious commitment to supporting families, but this is a complex area, rich in tensions and affected by a cornucopia of social and economic relations. A regular, in-depth policy review is required to establish some broad principles and to reconcile, so far as possible, some of the disparate strands of policy that have become evident from this review.

6 A CODE FOR PARENTHOOD

There have to be good reasons for putting more legislation on the statute book, or even for producing a non-statutory code or guidance attached to some existing legislation. Regulation overload is a common complaint, and it would defeat the object of supporting the role of parenthood to needlessly add to a profusion of rules. In this chapter we do not say that the case for a parents' code has been unequivocally established, or that it is conclusively a sine qua non of good family policy. But what we are suggesting is that there are good reasons for engaging in a national debate as to whether a parenting code would be helpful to parents and the agencies that work with them. And we put forward a broadly framed description of what a code might look like to inform that debate.

What is the rationale for introducing a parents' code? At the top of the list must come the good of clarification. This review has demonstrated a deficit in clear messages and commonly recognised obligations and entitlements attributable to a significant position of power in society – that of parenthood. Simply in defining 'who is a parent?' we have seen confusion around the scope and attribution of the role of social parenting – and a lack of clarity in the split with genetic parenting. Misconceptions amongst cohabiting parents over their legal status in relation to both each other and their children is a common occurrence (UK Family Policy Summit, 2002).

Moving from the legal definition of who bears responsibility to the scope of that responsibility, a code could offer the benefits of a proactive approach in realising the state's expectations of parents. While the monitoring of child outcomes will always form the cornerstone of child protection policy, that policy would stand to gain from a preventative arm providing positively framed messages around expectations of parents. It is arguable that there is an obligation in the interests of human rights to set these out, providing transparency about the sorts of issues that will be taken into consideration in depriving a parent of their social parenting responsibilities. And from a social rather than a legalistic perspective, there is the potential for influencing attitudes to parenting, enhancing its social significance and creating an ethos where parents have a more fully recognisable role.

Finally – and not least, is the issue of parents' rights. A code would provide the opportunity to set out parental rights to support from the state and to define more clearly for parents and the agencies that support them the nature and parameters of the partnership that exists between the state and family in child rearing. Open to scrutiny, it would provide a framework for as fair a balance as possible to be struck between parental obligations and entitlements.

Is doing nothing a valid option? In 1988 the English Law Commission decided not to recommend the production of an official statement of parental rights and responsibilities largely because of the complexities involved. It has consequently been left to the authors of academic textbooks to piece together statements of the legal incidents of parenthood from the plethora of sources indicated in this review. In a society where the principle of enhancing access to information for the wider population is commonly endorsed, this is an approach that on common-sense analysis appears flawed.

Working then from the premise that a parents' code could have advantages, its conception, drafting and status would nevertheless need to surmount some significant hurdles, many of which were raised in the Introduction. It would need to avoid the pitfalls of overgeneralisation in order not to be meaningless on the one hand, and overdetailed stipulations in order to avoid unnecessary statutory prescription about personal relationships and their cultural determinants on the other. The limitations of agreed community values about child rearing would need to be recognised, with a focus on the commonly endorsed essentials of a civilised upbringing. Lessons would also need to be drawn from the perhaps oversimplified messages about parent–child relationships and parental culpability which are conveyed in current provisions to encourage parents to control their children's behaviour. As part of this process, consideration should be given to the options and viability of integrating some of the broader interpersonal, environmental and material issues that affect child outcomes and are alluded to in the *Framework for the Assessment of Children in Need*. It would also be preferable if the code was framed to avoid the dumbing down of parenting to its minimal attributes to avoid child protection proceedings.

Perhaps most significantly, the vexed issue of parents' rights may pose some problems. In establishing a set of responsibilities, equity demands some balancing rights, but, as we have seen, there is a reluctance to acknowledge this, particularly in relation to rights vis-à-vis the child. One of the questions to be asked is how far a parenting code can or should define the rights of parents to support from the state. Principles can certainly be stated, but the scale of support is of such a politically fluid and fraught nature that it might be difficult, but clearly not impossible, to incorporate it in a code. In relation to rights in respect of the child, the Human Rights Act 1998 suggests that the introduction of some parental

rights is inevitable, and that this cannot be restricted to the right to assume parental responsibilities; it may need to be extended, for example, to parental entitlement to contact under the provision of a right to a family life. The implications of the Human Rights Act 1998 aside, there is an argument for seeking greater honesty in the legal management of contact arrangements. The nature of the two-way relationship between parent and child, and the desire of many non-resident parents for their child's society, should perhaps be recognised, and they should no longer be forced into the dishonesty of justifying their bid for contact solely in terms of child outcomes. However, a code would certainly need to recognise children's rights alongside any rights parents may have in relation to the child, and the interests of the child would ultimately remain the paramount consideration.

These are difficult and controversial issues, but ones which merit exploration in the interests of establishing a code which would provide parenting, one of the most significant aspects of social relations, with greater transparency and clarity of definition. In undertaking that exploration, there are some benefits to be gained from reflecting on precedents in comparable jurisdictions, and here we examine the Scottish, Finnish and Swedish experiences. How the issue of parental codes is addressed within European Union directives is similarly pertinent, and these instruments are also examined.

Scotland

Split legal systems have allowed Scottish and English law on children to develop separately, enabling lessons to be learnt from diversity within broadly familiar and similar social and administrative backgrounds within the UK. The Children (Scotland) Act 1995, unlike the England and Wales Children Act 1989, does

not simply declare that parents are responsible for their children; it sets out the scope of their responsibilities, and in doing so provides us with a useful precedent. These stipulations are:

- to safeguard and promote the child's health, development and welfare until the child reaches age 16
- to provide direction until the child reaches 16 and to provide guidance until the child reaches 18
- to maintain regular contact with the child until he or she is 16
- to act as legal representative until the child is 16.

The Children (Scotland) Act 1995 also differentiates itself from legislation in England and Wales by establishing a set of rights for parents which it does in the following terms:

- to regulate the under-16 child's residence
- to direct and guide the child's upbringing
- to maintain contact
- to act as legal representative.

The rights component in the Scottish Children Act shows some recognition of the need for a balance between rights and responsibilities. The rights in the Act have been described as being designed to enable parents to undertake their responsibilities:

Parents have those rights which are necessary to enable them to fulfil their responsibilities.

(Scottish Office, 1995)

They might, however, be interpreted as going beyond this. The right to contact could be construed not simply as a necessary measure to enable parents to undertake their duty to maintain contact; it might also be viewed as a parental entitlement to enjoy the society of their child. Certainly these provisions have the potential to bring Scotland more closely in line with the Human Rights Act 1998 than England and Wales, and it is significant that the European Union Convention on Human Rights and the United Nations Convention on the Rights of the Child are cited as providing the Scottish Children Act with its overarching principles (Scottish Office, 1995).

The Scottish code of responsibilities and rights might be described as being overgeneralised, but it nevertheless demonstrates how a set of principles about parenting can be incorporated in legislation. The scope of the responsibilities outlined broadly fits the government's expectations of parents in England and Wales which have become apparent from this study, although there might be an inclination in England and Wales to set greater expectations on the parents' role in controlling their children's behaviour. It is noteworthy that the Scottish government has not adopted parenting orders because of reservations about the efficacy of coercing parents on this issue, although it is keeping an open mind pending the outcome of their operation south of the border (Scottish Executive, 2002). A further possible divergence relates to contact. One of the Scottish provisions encompasses an additional parental duty that cannot be inferred from legislation or judicial practice in England and Wales, that is the placing of a duty on non-resident parents to maintain contact with their child.

Amplification

Recognising the generality of its statement of parenting principles, the Scottish government (the Scottish Office as it then was) has provided supplementary advice and guidance for parents, interpreting what each of the stipulations means. It must be said that this is a rather oversimplified exposition that some parents might find patronising. If a similar tool were to be developed in England and Wales, something rather more detailed and market-tested with parents might be preferable.

In addition to this guidance for parents, the general statement concerning parents' responsibility for their child's development is augmented in relation to education in a statement about rights and responsibilities on the Scottish Executive's website, Scotland Parent Zone: Rights and Responsibilities, in the following terms:

Parents have a legal responsibility to make sure that their children receive a suitable education (generally by sending them to school). They also have a responsibility to:

- support their children by discussing their progress, by for example speaking about homework, listening to children talking about their learning, showing supportive interest in children's progress reports from schools
- encourage their children in practical ways to get to school on time and take appropriate parental responsibility for their behaviour on the journey to and from school
- encourage their child to respect the school, the teachers, and other pupils
- support school staff in their efforts to deal fairly with all children, and

- try to support children as objectively as possible (children do not always perceive events in the same way as adults and parents can help children to see things – for example from a teacher’s point of view).

Parents are entitled to:

- free pre-school education from the term after their child’s third birthday
- a free primary and secondary school place
- express a choice of school – although choice cannot always be granted
- information about their child’s progress
- an appeal if things go wrong
- assessment and help with special educational needs, and
- withdraw their child from religious and sex education if they want to.

Parents also have a right to:

- information about education and schools in their area
- a vote and the right to stand for election to the School Board at their child’s school, and
- information from the School Board or Parent Teacher Association about its activities.

These more detailed provisions relating to parents’ rights and responsibilities in education could provide a useful example of

how parent–government partnerships in education might be given greater transparency. They also offer a precedent of a statement about parents’ rights and responsibilities that includes entitlements to support from the state.

We were not able to find any comparable comprehensive statement about the parental role produced by the Department for Education and Skills (DfES). The *Parents’ Centre* on the DfES website provides a definition of a parent for the purposes of education and their entitlement, for example:

- to receive information from the school (e.g. copies of the governors’ annual report, pupils’ reports and attendance records)
- to participate in activities (e.g. vote in election for parent governors)
- to be asked to give consent (e.g. to the child taking part in extracurricular activities)
- to be told about meetings involving the child (e.g. a governors’ meeting on the child’s exclusion).

Elsewhere on the website information is provided about the parents’ right to choose a school for their child and to appeal to an independent panel if their choice is denied. Advice is proffered about how to choose a school in the best interests of children and a range of other information provided about the education system, but this does not equate to the Scottish overview of parents’ rights and responsibilities in relation to their children’s education.

Finland

The Finnish Child Custody and Right of Access Act 1984 adopts a broadly similar approach to the Scottish Children Act, with a set of responsibilities and balancing rights to enable parents (custodians) to undertake those responsibilities. The range of responsibilities are, however, marginally broader and more detailed than in Scotland and suggest further possibilities as to the direction in which England and Wales might go.

The person with parental responsibilities is required to seek to promote the child's development in the following terms:

- ensure the well-being and well-balanced development of a child according to his or her individual needs and wishes
- ensure that a child has close and affectionate human relationships, in particular with his or her parents
- provide the child with good care and upbringing
- provide the child with supervision and protection appropriate to his or her age and development
- provide the child with a secure and stimulating environment
- provide the child with an education that corresponds to his or her wishes, inclinations and talents
- bring the child up in a spirit of understanding, security and love
- a child shall not be subdued, corporally punished or otherwise humiliated

- a child's growth towards independence, responsibility and adulthood should be encouraged, supported and assisted.

In order to achieve these ends, those with parental responsibilities are entitled to make decisions on the child's care, upbringing, residence and other matters relating to the person of the child.

Sweden

Sweden has developed some significant statements around parental responsibilities in response not to anxieties about the failure of parents to control their children's behaviour, which, as we have seen, is a preoccupation of the British government and also motivates family policy in France, but to anxieties about the need to protect children from corporal punishment. The Swedish experience is of interest because it demonstrates how a multi-layered and graduated legal and public education package can work effectively. In 1959 Sweden enacted legislation that withdrew the defence of legal chastisement of a child to a charge of assault. This core criminal justice provision was then further developed to encompass a broader prohibition of smacking in 1979, which was introduced not through the criminal justice system, but rather through what is known as the parents' code operating principally as a vehicle for conveying public education messages within family law. This statement through the parents' code was supported by a major public education campaign, which described both the law and how parents might manage their children's behaviour in a positive way. Evaluations of this process found a surprisingly widespread understanding of the law and its associated issues to have resulted (Ziegert, 1983; Durrant, 2000).

The depth of the dialogue in which the Swedish government engaged parents demonstrates that statements about parents' responsibilities and rights do not necessarily have to be overgeneralised to the point of being meaningless. It suggests that there may be a need to have a relatively simple foundation in law, but that this can be expanded into a fuller supporting explanation of what parental responsibilities and rights should entail in practice.

Council of Europe

Parental responsibilities

There are also precedents for establishing parental roles and responsibilities from a pan-European perspective within a number of Council of Europe recommendations. Their existence possibly implies an expectation that member states should make similar statements about the role of parents and their legal status. The principal instrument dates back to 1984, the Committee of Ministers Recommendation No. R (84) 4 *On Parental Responsibilities*, which, despite its early introduction, still holds good as evidenced by its reiteration in 2000 in the Committee of Ministers Recommendation Rec(2000)20 to Member States *On the Role of Early Psychosocial Intervention in the Prevention of Criminality*. The core definition is that parental responsibilities are a collection of duties and powers, which aim at ensuring the moral and material welfare of children, in particular by:

- taking care of the person of the child
- maintaining personal relationships with the child
- providing the child with education

- maintaining the child
- acting as the child's legal representative
- administering the child's property.

The Committee of Experts on Family Law in its report *On Principles Concerning the Establishment and Legal Consequences of Parentage* (2001) has recommended some additions and changes to this formulation. The Committee considered it advisable to use the expression 'care and protection' because this has wider connotations than 'care of the person of the child'; the term 'care and protection' would cover matters such as the health, nourishment and welfare of the child. The Committee also drew on the United Nations Convention on the Rights of the Child and a draft Council of Europe convention on contact to recommend that 'determination of the residence of the child' be included. It drew again on the United Nations Convention on the Rights of the Child, encapsulated in the Council of Europe's Recommendation No. R (98) 8 *On Children's Participation in Family and Social Life*, to conclude that 'when exercising parental rights and responsibilities the child should have a right to express his or her views and due weight should be given to the views expressed by the child according to his or her age or maturity'. The statement of principle in R (98) 8 emphasises the importance of children being enabled to participate in family life in a variety of ways and degrees at all stages of childhood. Enhancing dialogue, negotiation and democratic living are seen as the benefits to be derived from this duty placed on parents to bring up children in an environment that enables them to participate in family decisions and activities.

Interestingly the Committee of Experts on Family Law took the decision to remove the obligation to maintain a child from

the list and to create a separate maintenance obligation placed on both genetic parents as 'the legal consequence of parentage', regardless of whether or not they have parental responsibilities. The logic of this separate categorisation was a recognition of the existing legal separation between the obligation to maintain a child and the holding of parental responsibilities. Furthermore a link was made between this and the duty which exists in some European countries for children to maintain their parents if in need – genetic obligations working both ways.

State support

There are some rights or *powers* in respect of the child contained within this formulation of parental responsibilities, but we can perhaps see a greater emphasis being placed on parents' rights in the Council of Europe's recommendations on the support they should be able to expect from the state. Thus, for example, the Committee of Ministers Recommendation No. R (79) 17 *Concerning the Protection of Children Against Ill Treatment* lays expectations on the state to promote family welfare and makes detailed recommendations as to the sort of support which should be provided during the pre- and post-natal period to foster parent-child emotional attachment. It also recommends teaching parents about child development and behavioural issues, offering couple relationship support and relieving environmental stresses. Recommendation No. R (94) 14 *On Coherent and Integrated Family Policies* makes recommendations for government policies to take account of the costs of child rearing, to reduce the numbers of families in poverty, and to promote the well-being and autonomy of families, in particular by providing appropriate day care and medical, social, educational and cultural services.

Education

The Council of Europe Parliamentary Assembly has recently made a recommendation to the Committee of Ministers for the adoption of measures to clarify and increase awareness of the respective responsibilities of parents and schools in the education of children, promoting a genuine partnership between the two (Parliamentary Assembly, 2001). In furtherance of this objective it recommended, *inter alia*, the teaching of parents about their educational responsibilities, emphasising teacher–parent relations in teacher training, greater openness with parents about what schools are doing and procedural flexibility to facilitate parental participation. It also called for governments to find ways of making it easier for parents to discharge their responsibilities in cases where reconciling family and working life is difficult.

Work–life balance

Governments' responsibilities to support parents in the context of work–life balance issues are addressed in other Council of Europe recommendations, in particular in Recommendation No. R (96) 5 *On Reconciling Work and Family Life*. Significant provisions in this instrument include requirements that governments:

- promote flexible employment practices
- make provisions for maternity and parental leave
- adapt social security schemes and tax systems to support diverse working patterns
- try to harmonise school and working hours

- develop adequately financed family services at a low cost to users, including childminding, childcare, reception facilities outside school time and other services to support the bringing up of dependent children. Means-tested financial assistance to help families to meet the charges for these services is proposed.

Entitlement to parental responsibilities

Both the 1984 Recommendation *On Parental Responsibilities* and the 2001 report by the Committee of Experts on Family Law set out alongside their definition of parental responsibilities – their duties and powers – a definition as to who should exercise those parental responsibilities. With an overriding consideration being the interests of the child, the 1984 Recommendation stresses that parents be treated equally in deciding issues of parental responsibility. Responsibility for a child born in wedlock belongs jointly to both parents. However, where a child is born out of wedlock and a legal affiliation link has been established with both parents, there are a number of possibilities mooted determined by agreements and decisions that might be made by a competent authority. The possibility that the mother alone may exercise parental responsibilities without recourse to either of these determining options is also put forward. Interestingly the Committee of Experts on Family Law report (2001) shows a movement away from reference to marriage; indeed it is deliberately omitted in this definition of entitlement to parental responsibility. Within the restrictions posed by consideration of the best interests of the child, a simple principle of joint entitlement to parental responsibilities is established which the Committee considers is the optimum arrangement. The same

options for divergence from this principle as set out in the 1984 instrument apply.

These European statements about parenting are confined to general principle, and perhaps that is appropriate at this level of government. However, the case might be made for elaboration in more detailed supplementary statements – ones which might encompass the case law emerging from the European Court of Human Rights reflecting parents' duties of care, the rights of the child, parents' rights vis-à-vis the state and entitlements to a family life, some of which has been alluded to in this study. Nevertheless, the precedent for a governmental statement on the parental role has been set here, and it provides a useful supranational government foundation from which to develop our options for a parenting code.

Options for a parents' code

Here, drawing on these precedents, we suggest a possible formulation for the status and content of a parents' code. The challenge would be to produce a parents' code that is proportionate – a statement that is sufficiently detailed to be meaningful, but not so detailed as to be unnecessarily interfering and burdensome. The code should fulfil its primary function of clarifying for the benefit of parents and those agencies that work with parents the role and the state's expectations of parenting. And, as suggested in Chapter 5, it would benefit from being drawn from and closely linked to a periodic review of the government's policy on parenting, offering a focus for that policy review as a by-product. The development of such a code is beyond the scope of this study, but the following considerations and options might usefully feed into assessing how a code might be formulated.

Status of the code

The status that might most appropriately be accorded a parents' code requires scrutiny. The options available in respect of a code with some legal standing would be:

- its full incorporation in legislation
- the incorporation of statements of principle in legislation, with elaboration contained in supporting guidance
- the placement of both principles and more detailed supporting statements in guidance, possibly attached to the provision in the Children Act 1989 which describes parental responsibilities as follows: 'In this Act "parental responsibility" means all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property.'

This last option is the least cumbersome of the three and is consequently to be preferred. However, legal interpretation would be required to establish its feasibility bearing in mind the range of parenting responsibilities and rights it is proposed to codify, and whether any would require the legitimization of a statutory instrument.

An alternative approach would be to produce a parents' code which would sit wholly outside the legal system, drawing current legislation and case law together and providing parents and agencies with an accessible information document about the legal status of parenthood. While this last option is attractive because of the ease with which it could be accomplished – and it would certainly be useful – it would have the drawback of having no

legal validity and being restrictive in not being able to change in any way current legal interpretations of parents' responsibilities and rights.

A code grounded in law is therefore suggested, whether through legislation and accompanying guidance or guidance attached to existing legislation, the latter being the preferred option. Using either route, there are benefits to be had from a formulation that includes statements of principle with supporting operational guidance. The statement of principle would be relatively simple in order to give clear messages, while the operational guidance would provide more, though not overwhelming, practical detail. With the complexities, gradations of behaviour and cultural influences associated with the parent-child relationship, this dual complementary instrument would appear to be a sensible way forward. With an informative more than a regulatory role, the supplementary guidance could be used with considerable flexibility allowing for cultural and circumstantial interpretation. Furthermore it could be regularly updated to account for cultural and indeed governmental shifts in thinking about parenting, while the broad statement of principles on the parenting role would remain in place over a considerable period of time.

The guidance as constructed below has been designed to incorporate some of the breadth of understanding of the range of influences on child rearing outside the direct control of parents that is contained in the Children Act's *Framework for the Assessment of Children in Need*. This has partly been done through suggesting that a set of child-rearing supports be established as parents' rights. There is also recognition of these extraneous influences contained within the guidance that supports the principles of parental responsibility. Thus, for example, recognition is given to the limitations of parents' material

resources and the role of wider supportive social networks, peer influences and the child's own character in determining child outcomes.

The guidance supporting statements of principle as envisaged here is intended to meet concerns to provide an instrument of sufficient detail to be meaningful, without being an overdidactic, invasive imposition of legal regulation. The code would not replace the wider considerations, in particular individual child outcomes, that determine under the *Framework for the Assessment of Children in Need* whether or not, for example, a child is taken into care. But it would provide an indication to parents about what is expected of them and the sorts of issues that will be taken into consideration in assessing whether intervention is appropriate. Balancing this, the code would provide parents and the agencies that work with them with a clear indication of the sorts of supports to which parents are entitled. Rights of determination in respect of the child to enable parents to fulfil their role are also described, as are parents' personal right to a family life. Both parts of the instrument, principles and guidance, would be designed to enhance awareness and understanding of the legal entitlements and obligations associated with child rearing. They would also be intended to inform a national consciousness of what it is to be a parent.

Content of the code

The suggested broadly framed contents of the code have been drawn from a variety of sources that already affect or have the potential to affect parents' role in the UK. They include, as well

as the European precedents that we have reviewed here, the following:

- current legislation and guidance across the interface between government and parenting which have been described in this review
- the Human Rights Act 1998 and the United Nations Convention on the Rights of the Child 1989 to which the government is a signatory
- some significant policy trends that are not necessarily incorporated in legislation, but are a key part of the government's commitment to parents, such as providing parents with information, support with children's behavioural issues, and adequate pre-and post-natal support.

Working on the presumption of the need for clarity and equity, the proposed code includes the following principles and guidance in respect of parental responsibilities and rights. Some suggestions for consideration in defining those to whom these obligations and entitlements should accrue are also put forward.

Responsibilities

Parental responsibilities for the emotional and physical care of the child

To foster a child's development and happiness as appropriate to his or her age and individual needs including:

- Ensuring that a child is suitably educated.

(Guidance to include reference to the need to try and ensure that a child receives an education appropriate to his or her needs, that a child attends school, or alternatively is educated at home where this has been established as an acceptable route with the education authorities, and that a child's intellectual development is stimulated in the home environment through play and other forms of learning, and through supporting school learning activities such as monitoring the progress of homework.)

- Promoting the physical safety of the child by ensuring that he or she is adequately protected from harm or danger.

(Guidance to include reference to the need to provide the child with adequate supervision and a safe environment. So far as possible the precise ages when it is generally deemed to be safe to let a child be alone in different environments should be established in order to assist parents in their decisions. Examples of basic safety checks might also be given.)

- Promoting the physical nurture of the child.

(Guidance to include the need to provide the child with adequate nutrition, shelter, clean and appropriate clothing, adequate personal hygiene, appropriate medical care, opportunities for physical exercise and generally the provision of an environment that will facilitate the child's physical development.)

- Promoting the emotional nurture of the child.

(Guidance to include examples of key emotional development issues such as the importance of fostering secure attachments to the primary care giver particularly during the child's early years, providing consistent emotional warmth, ensuring that the child keeps in contact with important family members and significant others who may enhance his or her sense of stability, and responding appropriately to the child's increasing autonomy with the onset of adolescence.)

- Fostering the child's pro-social behaviour, and undertaking that duty in a humane and non-abusive way.

(Guidance to include:

- the principal tenets of positive parenting, including age-appropriate and non-abusive boundary setting and supervision
- the need to seek help when child behaviour difficulties are emerging.

The guidance might include some recognition of the contra influences on a child's behaviour that may be outside the parents' power to control, for example peer influences and the disposition of the child.

The definition of abusive behaviour is clearly problematic because of the current debate as to whether the defence to assault of reasonable chastisement of the child is acceptable. Certainly under current legislation, assault could not automatically be construed as abusive.)

- Respecting the child's individuality and right to be consulted and to participate in family life at all ages as appropriate to his or her age and stage of development.

(Guidance to include examples of the type of participation that would be appropriate for children of different ages. The importance of consultation in respect of major changes in the family's life to be emphasised, for example in respect of changes in the child's residence and school, and in respect of contact arrangements in the event of separation.)

Parental responsibility to maintain the child

A statement is needed to establish that all genetic parents, except sperm donors, are responsible for the maintenance of their child, regardless of whether or not they have the responsibilities associated with social parenthood. The circumstances in which a non-genetic social parent will be responsible for the maintenance of the child should also be specified, for example where a child is adopted.

(Guidance to include:

- some description of the level of maintenance expected from resident parents with maintenance responsibilities. This might be framed in terms of providing sufficient maintenance to enable the parent to promote the child's physical and emotional development in accordance with his or her duty of care. There should be some reference in the guidance to the fact that the level of maintenance that parents can provide will depend on their financial circumstances, and that they may be entitled to support from the state as part of their rights as a parent [see below].

- a specification of the obligations of non-resident genetic parents to support their children as currently formulated by the Child Support Agency.)

Rights

Parental rights in respect of the state

Right to financial support

A statement of principle might be made in relation to parents' right to financial support with child rearing based on the premise that a child is a citizen with a stake in society with associated entitlements and not merely a commodity subject to the purchasing power of his or her parents. Reference might also be made to the importance of enabling working parents to meet the attachment needs of their children through maternity, paternity and parental leave.

That statement might be made in respect of both universal non-means-tested entitlement, such as child benefit, and a guarantee to maintain a minimum level of family income, necessitating a means test. It would not be appropriate for it to be made in respect of geographically targeted support as this can not be construed as a right.

(Guidance: the specifics of the way in which the government is meeting these entitlements could be either summarised or cross-referenced to Treasury budget statements.)

Right to education for the child

This might include entitlement to:

- free pre-school education for the child from a specified age
- a free primary and secondary school place for the child

- express a choice of school – although a choice cannot always be granted
- special needs facilities for their child where these have been assessed as being required
- receive information about the child's progress
- be consulted about major changes in the direction of their child's education
- receive information about the school and its activities, and to be consulted thereon.

(Guidance might include:

- the parameters of school choice
- appeals arrangements in respect of refused school choices, exclusion and any other circumstances in which an appeal might be made
- methods for securing special needs assessment
- the circumstances in which parents' consent to particular activities and actions is required
- the circumstances in which a parent can withdraw a child from a particular school activity
- the nature of the information to which a parent is entitled about the school and their child's progress
- the scope of parents' entitlement to participate in the running of the school.)

Right to information and advice about child rearing

Parents' access to pre- and post-natal support through antenatal classes and midwife/health visitor post-natal visits is broadly

viewed as an entitlement, although not always met or adequately fulfilled. Motivation to secure delivery might be enhanced by its specification as a right. Such a right might also encompass access to support and advice about child development and behaviour management throughout the period that the parent has responsibility for the child and may be answerable for the child's behavioural problems, for example through parenting orders or the imposition of fines or imprisonment in respect of truancy. The statement of principle might then be a right to information and advice about child rearing, including matters relating to the physical, emotional and behavioural development of the child.

(Guidance might include specifications relating to:

- antenatal classes
- post-natal support – level and period of access
- access to parenting information sessions in schools
- access to parenting education classes or therapeutic support if child behaviour management difficulties emerge
- the provision of written material, such as the *Pregnancy and Birth to Five* books produced for all expectant parents by the Department of Health, and a possible sequel to these to cover the later stages of childhood, in particular adolescence.)

Whether there should be any entitlement to couple relationship support is perhaps more debatable, although the case might be made that couple relationship difficulties have a major impact on parenting capacity and child outcomes.

Rights in relation to the child

The question of whether parental rights should be introduced in respect of the child is a contentious one. Contra arguments can be made to the effect that parenting is about child outcomes and that parents should only have responsibilities in what is an uneven power relationship, and that any right which might be introduced should only exist vis-à-vis third parties, such as the state or another adult. The arguments favouring parental rights in this area include:

- notions of natural justice – thus where responsibilities exist there should also be counterbalancing rights
- the need for parents to have rights in order to be able to undertake their responsibilities: for example the responsibility of providing a child with a home is clearly linked to the right of a parent to determine the child's residence
- the need to reconcile English family law with those aspects of the Human Rights Act 1998 which imply parental rights, namely the right to a family life which suggests the entitlement of a social parent to the society of their child and to a say in whether or not a child is adopted (see above).

We are persuaded by the arguments favouring the specification of parents' rights vis-à-vis the child, provided always that any entitlement may be overridden by the best interests of the child and would need to be reconciled with children's rights. Such a set of rights might be framed in the following terms.

Rights to enable parents to undertake their responsibilities

Parents should have those rights in relation to the child which enable them to undertake their parenting responsibilities in the best interests of the child including the right to regulate the child's residence, to direct and guide the child's upbringing and to act as the child's legal representative.

(Guidance might provide information about the parameters of these rights, for example describing the way in which they should be informed by the best interests of the child, the circumstances in which they might be overridden through consideration of those best interests, the importance of consulting the child, the importance of providing guidance to the child that is age-appropriate, and the cut-off points in terms of age – for example 16 may be appropriate in relation to determining residence. These are all issues that are linked to children's rights and should be considered in that context.)

Right to a family life

Parents should have the right to a family life in accordance with the provisions of the Human Rights Act 1998, including the right to contact with the child, provided that it is in the best interests of the child, and the right to a say in respect of the adoption of a child.

(Guidance: drawing on case law, guidance might include again the circumstances where the best interests of the child would preclude contact. It might also describe the issues to be considered in determining the duration and location of contact. The parameters of the non-resident parent's say in relation to adoption matters would also require specification.)

Child's responsibilities

Currently children do have some responsibilities, but these are linked principally to criminal justice matters – responsibilities not to contravene criminal justice legislation. There is thus something of a partnership envisaged here between parent and child to ensure behavioural conformity. Such an approach might be extended. For example, obligations linked to parents' obligations might be placed on the child to attend school or to maintain contact with the parent. The case might be made for doing so if reciprocity in the parent–child relationship, and indeed children's agency, were fully acknowledged. It might give some recognition of the difficulty many parents experience in regulating the behaviour of their children. However, it is highly unlikely that children's agency would be accepted to such a degree that this approach would be adopted and consequently it is not recommended.

Definition of a parent

A parenting code would require a definition of the different gradations of parenthood and how they relate to parents' rights and responsibilities.

- The maintenance obligations of the genetic parent should be specified as should the rationale for these obligations, existing as they do outside the responsibilities and rights of social parenthood.
- The different levels of social parenthood that exist and the range of responsibilities and rights that accrue to each of these levels should be specified. A clearly presented differentiation is required between the following categories of social parent:

- the genetic or adoptive resident parent
- the resident step-parent
- the non-resident parent
- the local authority, school or childcarer acting *in loco parentis*
- the longer-term present adult
- the casual present adult.

Thus, for example, all the responsibilities and rights associated with social parenting will apply to the genetic and adoptive resident parent. Rights to support from the state, however, will not accrue to the other categories of parents, but they will have some level of responsibility for the physical and emotional care of the child. These levels of responsibility and the circumstances in which they come into play need to be teased out and clarified. For instance, there may be circumstances in which the present adult, who has no other relationship with the child, has more direct responsibility for the welfare of a child than a non-resident parent by the simple fact of his or her presence and ability to protect the child from danger or neglect. This exercise in differentiation will undoubtedly be complex, reflecting the nature of parenting, child protection and the uncodified law in this area, but for this selfsame reason it is crucial that it is undertaken so that the full range of social parents are aware of the responsibilities for which, in some eventualities, they may be held to account.

Conclusion

The parents' code as envisaged here is not the stuff of dreams. Its stipulations are based on precedent – the Scottish, Finnish

and Swedish experiences – and an approach adopted by the Council of Europe in its recommendations to member states. It interweaves with these international precedents, current legislation and guidance, *inter alia* the key requirements identified in the Children Act's *Framework for the Assessment of Children in Need* and current statutory parental obligations relating to financial maintenance and education. It also develops the parental entitlements that have emerged in the UK in relation to income, education and health. It embraces the principal tenets associated with parents, families and child rearing contained in the Human Rights Act 1998 and the United Nations Convention on the Rights of the Child 1989. Broadly, it draws on commonly recognised standards of parenting and parental entitlements, bringing them together in a consolidated parents' code.

This a code that is substantially derived from policy as it currently stands. It reflects, for example, current trends in parent partnership, choices and responsibilities in education, and the growing recognition of the need to provide parents with support in developing parenting skills. Some of these trends in policy will change over time, and it is clearly essential that there should be a close link between a regularly updated pan-government policy review on parenting and the parents' code. As previously suggested, the code, with its direct interface with parents and parenting practice, would, in its turn, offer a salutary practical focus for the review. In combination, review and code would provide the framework and impetus to give policies on families and parenting greater direction and coherence.

Despite its firm base in precedent and current practice, the development of a parents' code would undoubtedly be a major endeavour. There will be the need to consider in detail its legal parameters, how it should fit within current legislation, its status as a legal or non-legal instrument, whether it could be contained within guidance or whether it should sit wholly outside the legal

system. In order to establish its benefits relative to its costs, there is the need to investigate more fully the operation and outcomes of the precedents in other comparable jurisdictions. There has been no evaluation of the code of parents' responsibilities and rights in Scotland, so this may entail discussions with Scottish legal and social welfare experts in the field. And, not least of all, there are parents themselves. In steering its course between the Scylla and Charybdis of nannying on the one hand and failing to fulfil duties of support on the other, the government has an unenviable task. For the purpose of this exercise, there is a compelling argument for involving parents from the outset – consulting with them about the value of a code, its preferred status and scope, and how awareness of its purpose and contents could be most effectively disseminated to parents.

The question has to be asked finally – is it worth it? Would the investment of time and skill in developing a parents' code be proportionate to the gains of good governance to be had? Our conclusion is that certainly a national debate on the proposal is warranted. A code could reflect and provide messages about the high expectations we have about parenting, and the commensurate duty society has to help parents match these expectations. It could gather together in one place the scattered legal and quasi-legal provisions that exist about parenting for the benefit of both parents and the agencies that work with them. And, perhaps most critically, it could provide a transparency in our dealings with parents; while child outcomes will always be the test of action in child protection cases, there is a strong natural justice and human rights argument for giving a clear indication, prior to things having been identified as going wrong, of the sorts of standards the social care authorities will be looking for in parenting. Parents also have a right to a clear statement about their entitlements to support with child rearing. There is consequently the possibility of enhancing the relationship

between government and parents by means of a code, which at the very least merits further investigation and deliberation.

Box 2 A parents' code

Reasons for a parents' code

- *Clarity*: there is a deficit in clear messages and commonly recognised obligations and entitlements attributable to parenthood.
- *Rights*: a code would provide the opportunity to set out parental rights to support from the state and the parameters of the parent–state partnership in child rearing. Open to scrutiny, a code would provide a framework for as fair a balance as possible to be struck between parents' obligations and entitlements.
- *Transparency*: parents have a human right to know the sorts of issues that will be considered in prompting intervention with their social parenting responsibilities.
- *Proactive approach*: a code could offer positively framed messages around expectations of parents.
- *Public attitudes*: a code has the potential to influence attitudes to parenting, enhancing its social significance and creating an ethos where parents have a more fully recognisable role.

Difficulties

- The construction of the code would need to avoid the pitfalls of overgeneralisation in order not to be meaningless on the one hand, and overdetailed stipulations in order to avoid unnecessary statutory prescription about personal relationships and their cultural determinants on the other.

(Continued)

- The limitations of agreed community values about child rearing would need to be recognised, with a focus on the commonly endorsed essentials of a civilised upbringing.
- In establishing a set of responsibilities, equity demands some balancing rights, but there is a reluctance to acknowledge this, particularly in relation to rights vis-à-vis the child.

Further research

Further research is needed to:

- consider the legal parameters and status of a code, and how it would fit in with current legislation
- examine the experience of other comparable jurisdictions as to the relative costs and benefits of a parents' code
- consult parents about the value of a code, its preferred status and scope, and how awareness of its purpose and contents might be most effectively disseminated to parents.

NOTES

Chapter 2

- 1 Universal entitlements are those benefits to which all parents are entitled by virtue of their role as a parent with responsibilities for the upbringing of a child.

Chapter 3

- 1 Then Minister of Health.
- 2 Then Justice Minister.
- 3 Definitions around smacking are difficult. In some circles it can mean a serious assault. Commonly in disciplining children it is a slap with the hand. Clearly the strength of this and where it is inflicted are significant, hence the term 'mild smacking' is used here.

Chapter 4

- 1 Sperm donors are one exception here. They do not incur financial responsibility.

REFERENCES

- Belsky, J. (2001) 'Emanuel Miller lecture: Developmental risks (still) associated with early child care', *Journal of Child Psychology and Psychiatry and Allied Disciplines*, Vol. 42, No. 7, pp. 845–59
- Blair, T. (1999) 'Beveridge revisited: a welfare state for the 21st century', in R. Walker (ed.) *Ending Child Poverty*. Bristol: Policy Press
- Booth, C.-L., Clarke-Stewart, K.A., Vandell, D.L., McCartney, K. and Owen, M.T. (2002) 'Child-care usage and mother–infant "quality time"', *Journal of Marriage and Family*, Vol. 64, No. 1, pp. 16–26
- Brewer, M., Clark, T. and Goodman, A. (2002) *The Government's Child Poverty Target: How Much Progress Has Been Made?* London: The Institute of Fiscal Studies
- Brown, G. (1999) 'A scar on the nation's soul', *Poverty*, Vol. 104, pp. 8–10
- Byers, S. (2000) Speech to the CBI and Equal Opportunities Commission, 7 September 2000, cited in National Family and Parenting Institute (2002) *Family Policy Annual Digest*. London: NFPI
- Campion, M.J. (1995) *Who's Fit to be a Parent?* London: Routledge
- Children and Young People's Unit (2001) *Tomorrow's Future: Building a Strategy for Children and Young People*. London: Children and Young People's Unit
- Coleman, J., Henricson, C. and Roker, D. (1999) *Parenting in the Youth Justice Context*. London: Youth Justice Board
- Committee of Experts on Family Law (Council of Europe) (2001) *On Principles Concerning the Establishment and Legal Consequences of Parentage*. Strasbourg: Council of Europe
- Cox, A. and Bentovim, A. (2000) *The Family Assessment Pack of Questionnaires and Scales*. London: The Stationery Office
- Cragg, A., Dickens, S., Taylor, C., Henricson, C. and Keep, G. (2002) *Reaching Parents: Producing and Delivering Parent Information Services*. London: NFPI
- Darling, A. (2002) Commentary on the Budget 2002, cited in National Family and Parenting Institute (2002) *Family Policy Annual Digest*. London: NFPI

- Daycare Trust (2000) *Daycare Trust Annual Review*. London: Daycare Trust
- Department of Health (1999a) *Making a Difference: A Strategy for Nursing, Midwifery and Health Visiting*. London: The Stationery Office
- Department of Health (1999b) *Working Together to Safeguard Children*. Consultative draft. London: Department of Health
- Department of Health (2000a) *Framework for the Assessment of Children in Need and their Families*. London: The Stationery Office
- Department of Health (2000b) *Protecting Children, Supporting Parents: A Consultation Document on the Physical Punishment of Children*. London: Department of Health
- Department of Health (2002) *Government Response to the First Annual Report of the Independent Advisory Group on Teenage Pregnancy*. London: Department of Health
- Department of Social Security (1999) *Opportunity for All: Tackling Poverty and Social Exclusion*. London: The Stationery Office
- Department of Trade and Industry (2000) *About Time: Flexible Working*. London: Department of Trade and Industry
- Durrant, J.E. (2000) *A Generation Without Smacking: The Impact of Sweden's Ban on Physical Punishment*. London: Save the Children Fund
- Esping-Anderson, G. (1999) *Social Foundations of Post-industrial Economies*. Oxford: Oxford University Press
- European Commission (1998) *Reconciliation Between Work and Family Life in Europe*. Brussels: Office for Official Publications for the European Communities
- Etzioni, A. (1993) *The Parenting Deficit*. London: Demos
- Ghate, D. and Hazel, N. (2001) *Parenting in Poor Environments: Stress, Support and Coping*. London: Policy Research Bureau
- Ghate, D. and Ramella, M. (2002) *Positive Parenting: The National Evaluation of the Youth Justice Board's Parenting Programme*. London: Youth Justice Board for England and Wales
- Hart, G. (1999) *The Funding of Marriage Support – Main Report*, Report to the Lord Chancellor's Department. London: Lord Chancellor's Department. <http://www.open.gov.uk/lcd/family/fundingmarsup/report.htm>
- Henricson, C., Coleman, J. and Roker, D. (2000) 'Parenting in the youth justice context', *The Howard Journal*, Vol. 39, No. 4, pp. 325–8
- Henricson, C., Katz, I., Mesie, J., Sandison, M. and Tunstill, J. (2001) *National Mapping of Family Services in England and Wales – A Consultation Document*. London: National Family and Parenting Institute
- Holmes, J. (1996) 'Attachment theory: a secure base for policy?', in S. Kraemer and J. Roberts (eds) *The Politics of Attachment*. Bristol: Free Association Press

- Home Office (1998) *Supporting Families: A Consultation Document*. London: The Stationery Office
- Home Office (2001) 'Supporting families progress report'. Unpublished
- Home Office (2002) *Justice for All*, White Paper. London: The Stationery Office
- Labour Party (1997) *New Labour Because Britain Deserves Better*. Labour Party Manifesto, General Election 1997. London: Labour Party. <http://www.psr.keele.ac.uk/area/uk/man/lab97.htm>
- Lamb, M.E., Pleck, J.H. and Levine, J.A. (1987) 'Effects of increased parental involvement on fathers and mothers', in C. Lewis and M. O'Brien (eds) *Reassessing Fatherhood: New Observations on Fathers and the Modern Family*. Thousand Oaks, Calif: Sage Publications
- Levitas, R. (1998) *The Inclusive Society? Social Exclusion and New Labour*. Basingstoke: Macmillan
- Liddell, H. (2001) Speech at the launch of the Centre for Research on Family and Relationships, June 2001
- Lord Chancellor's Advisory Board on Family Law (2001) *Making Contact Work: The Facilitation of Arrangements for Contact Between Children and Their Non-Residential Parents; and the Enforcement of Court Orders for Contact*. London: Lord Chancellor's Department
- Maternity Alliance (2000) *Maternity and Paternity Entitlement in Europe*. London: Maternity Alliance
- Millar, J. (2001) *Family Policy in Britain under Labour: From Implicit to Explicit?* Presentation at the Australian Institute of Family Studies. Melbourne: Australian Institute of Family Studies. <http://www.aifs.org.au/institute/seminars/millarj.html>
- Modell, J. (1994) 'When may social capital influence children's school performance?', in A.C. Peterson, and J.T. Mortimer (eds) *Youth Unemployment and Society*. Cambridge: Cambridge University Press
- Morgan, P. (1999) *Farewell to the Family? Public Policy and Breakdown in Britain and the USA*. London: Institute of Economic Affairs
- Morrow, V. (1999) 'Conceptualising social capital in relation to the well-being of children and young people: a critical review', *The Sociological Review*, Vol. 47, No. 4, pp. 745–65
- Moss, P. and Deven, F. (eds) (2000) *Parental Leave: Progress or Pitfall?* The Hague and Brussels: NIDI CBGS Publications
- NFPI (Keep, G. and Nicholson, E.) (2000) *Is Britain Family Friendly?* London: National Family and Parenting Institute
- NFPI (Rogers, C. and Keep, G.) (2002) *Family Policy Annual Digest 2001/2002*. London: National Family and Parenting Institute

- O'Brien, M. (in press) 'Social science and public policy perspectives on fatherhood in Europe', in E. Lamb (ed.) *The Role of the Father in Child Development*, 4th edn. Hoboken, NJ: Wiley
- Papworth, J. (2002) 'When you're old enough', *Guardian*, 19 June 2002
- Parliamentary Assembly (Council of Europe) (2001) *Parents' and Teachers' Responsibilities in Children's Education*. Strasbourg: Council of Europe. <http://stars.coe.fr/Documents/AdoptedText/ta01/EREC1501.htm>
- Putnam, R.D. (1995) 'Bowling alone: America's declining social capital', *Journal of Democracy*, Vol. 6, No. 1, pp. 65–78
- Rowthorne, R. (2001) 'Marriage as a signal', in A. Dnes and R. Rowthorn (eds) *The Law and Economics of Marriage and Divorce*. Cambridge: Cambridge University Press
- Scottish Executive (2000) *The Physical Punishment of Children in Scotland: A Consultation*. Edinburgh: Scottish Executive. <http://www.scotland.gov.uk/library2/doc11/ppcs-01.asp>
- Scottish Executive (2002) *Executive's Youth Crime Review*. Edinburgh: Scottish Executive. http://www.scotland.gov.uk/pages/news/extras/p_00008300.aspx
- Scottish Office (1995) *Scotland's Children: A Brief Guide to the Children (Scotland) Act 1995*. Edinburgh: Scottish Office. <http://www.scotland.gov.uk/library/documents4/sc-ch-01.htm>
- Sealey, A. (1997) 'A child's contact with non-residential parents', *The Magazine for Shared Parenting*, January, pp. 3–5
- Smith, J. (2001) 'Protecting children, supporting parents: no smacking ban', press release, London, Department of Health. <http://tap.ukwebhost.eds.com/doh/Intpress.nsf/page/2001-0524?OpenDocument>
- Straw, J. (2000) *Human Rights and Personal Responsibility – New Citizenship for a New Millennium*, speech given in St Paul's Cathedral, London, 2 October 2000. London: Lord Chancellor's Department. <http://www.humanrights.gov.uk/sp021000.htm>
- Swindells, H., Neaves, A., Kushner, M. and Skilbeck, R. (1999) *Family Law and the Human Rights Act 1998*. Bristol: Family Law/Jordans
- Treasury (2001) *Tackling Child Poverty: Giving Every Child the Best Start in Life*. London: Treasury. <http://www.hm-treasury.gov.uk/mediastore/otherfiles/TacklingChildPoverty.pdf>
- UK Family Policy Summit (2002) Unpublished discussions minuted at the UK Family Policy Summit, Edinburgh, October 2002
- Utting, D. and Pugh, G. (2003) 'The social context of parenting', in M. Houghugh and N. Long (eds) *The Handbook of Parenting*. London: Sage

- Wallace, J. (2001) 'No smacking rule for children under three', press release, Edinburgh, Scottish Executive. http://www.scotland.gov.uk/pages/news/2001/09/p_SE3050.aspx
- Wells, L.E. and Rankin, J.H. (1991) 'Families and delinquency: a meta-analysis of the impact of broken homes', *Social Problems*, Vol. 38, No. 1, pp. 71–89
- Ziegert, K.A. (1983) 'The Swedish prohibition of corporal punishment: a preliminary report', *Journal of Marriage and the Family*, Vol. 45, pp. 917–26

