


## Resolving the tensions in parenting policy

The Government has given a high priority to parenting in its social cohesion and criminal justice agendas. This study, by Clem Henricson of the National Family and Parenting Institute, examines its record. She makes the case for a regular policy review, and argues for a national debate as to whether there should be an official statement of parents' rights and responsibilities. Her review finds:

 Parenthood is a complex area and ambiguities emerging in parenting policy reflect this. For example:

- There is a tension between the state's role in supporting families and the preservation of parental autonomy.
- Although there has been some universal support for parents, most policies target disadvantaged individuals and communities.
- The Government is having to juggle contradictory work-life balance needs. It is seeking to provide children with the security of personal attachment while reducing social exclusion by encouraging parents, both partnered and single, into work.
- Whilst some policies recognise a range of variables in raising children, others – such as the punishment of parents of truants and parenting orders – imply a blanket obligation on parents to control children's behaviour.
- In contrast with approaches to controlling child behaviour, the Government has not tightened definitions of parental responsibility in relation to children's safety, for example in relation to physical punishment and the age at which a child may be left alone.
- The Government has indicated its support for both 'traditional' and non-traditional family forms. The effects for children are its paramount concern, but tensions between changing social mores and tradition may mean emerging law appears to respond to ad hoc pressures rather than being grounded in principle.

 Overall parents' rights and responsibilities are ill defined. There are no parental rights in relation to the child; this may contravene aspects of the Human Rights Act 1989. Greater clarity is also needed concerning different types of parenthood – genetic parents, resident and non-resident 'social' parents, and adults present in the child's home on a long-term or casual basis.

 The researcher suggests that:

- a regular, in-depth policy review is required to reconcile disparate strands of policy;
- a statement of parental rights and responsibilities in the form of a *parents code* could enhance relations between government and parents.

## Introduction

Parenting has a high priority in the Government's agenda. Policy development has drawn on precedent and thinking on the role of state intervention in a very private sphere – family life. Other policies – such as preventing crime, tackling social exclusion, children's rights, and benefits – have also had an influence, sometimes a conflicting one.

These concerns spread across six government departments: drawing them together is difficult. There has been no policy review of family services since *Supporting families* (1998) and there is no overarching statement on government's expectations of parents or the relative roles of parents and the state in supporting children.

This study examined current parental rights and responsibilities in relation to financial support and the physical and emotional care and control of children. It draws out emerging themes and ambiguities. The researcher also considers whether the different legislation, discussion documents and other government communications should be brought together in a strategic policy statement, with an accompanying 'parents code' to clarify parental rights and responsibilities.

## Financial support

### Rights

Financial support permeates the Government's family policy. It has shown a sustained determination to shrink child poverty, for example through Child Benefit, the Children's Tax Credit, the Working Families Tax Credit, Sure Start maternity grants, Education Maintenance Allowances and a range of programmes to support families in kind. Child poverty has been reduced in real terms, but the rise in average incomes means that fewer children have been lifted out of poverty than expected. The question emerges as to how far the Government can reduce relative deprivation.

A considerable part of the Government's child poverty reduction programme is targeted at disadvantaged individuals and communities. A targeted resource can be less readily viewed as a right than can universal provision. Conditions of receipt also undermine the view of benefits as a right.

### Responsibilities

The Government has emphasised parents' financial responsibility for raising children. For example, the requirement that parents pay university fees and the delay in minimum wage protection until a young person reaches 22 extends children's dependency on their parents. Reform of the Child Support Agency has also sought to enforce parents' financial obligations if they separate.

The Government has used taxation and benefits reform and the provision of childcare to support and encourage parents, both partnered and single, into work. It has also conducted a campaign to improve work-life balance. This means juggling contradictory needs - providing children with personal security but also reducing social exclusion.

## Care and control

The physical and emotional care and control of children lies at the heart of the Government's policies. However, there is a fundamental tension between the state's support of parents and parents' preserving sufficient autonomy to willingly shoulder caring responsibilities. A number of recent surveys have revealed parents' anxieties over losing autonomy. Partnerships between state and parent may mitigate these, but are unlikely to fully address them. The Government clearly espouses information as a source of empowerment for parents.

### Rights

Since the war, health (including maternity and paediatric services) and education for children have been universal entitlements and can be classified as a 'right to support' for parents. The Government has made significant additions to these entitlements. For example, post-natal support, health visitors' support of families and Child and Adolescent Mental Health Services are all being extended. Some degree of parental choice of school continues, backed by performance information, offering significant rights of choice and transparency. Parental rights to information and partnership in directing children's education have been enhanced by websites, booklets and parent representation on LEA education committees. Other sources of information include the National Family and Parenting Institute's public information services, the Children's Information Service and the helplines - NHS Direct and Parentline Plus.

At the same time, services provided directly to children have increased, possibly undermining parental autonomy, for example, expanded personal, social and health education in schools, Connexions' personal development advice, and confidential health and contraception facilities.

But, as with financial support, provision of caring support has been targeted. Taking on board the thrust of the Children Act 1989, the Government has sought to tighten assessment and service delivery systems through the Quality Protects programme and the *Framework for the Assessment of Children in Need* (Department of Health, 2000). Tackling complex difficulties in disadvantaged neighbourhoods has prompted government investment in parenting

programmes in urban regeneration areas and in initiatives such as Sure Start, which promotes the development of babies and young children in deprived areas.

However, as noted above, it is doubtful whether targeted provision constitutes a 'right'. The notion of a 'safety net right' is a possibility, but for that every family experiencing disadvantage would have to qualify. Families with children in need supported under the Children Act 1989 might fall within this qualifying category. 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, making it harder to define these as 'safety net rights'.

### Responsibilities

The definition of 'parenting capacity' in the *Framework for the Assessment of Children in Need* perhaps best summarises the Government's expectations of parents' caring duties. It includes the provision of basic care, safety, emotional warmth, stimulation, guidance, boundaries and stability. There are also limited statements about parenting responsibilities in school-parent contracts covering education issues such as homework and attendance.

Parenting orders, the clampdown on truancy, as well as school contracts, indicate that the Government considers controlling children's behaviour a primary parental duty. There is something of a contradiction between the range of variables seen as impinging on parenting in the *Framework*, and the more straightforward blaming of parents for failing to control children's behaviour suggested by the punishment of parents of truants and by parenting orders.

However, the Government has not tightened the definition of parental responsibility in relation to children's physical safety. It has bucked the thrust of policy which supports children's rights, and where necessary curtails parental autonomy, by not removing the defence of 'reasonable chastisement' to a charge of assault of a child by a parent. This is despite a judgement in the European Court of Human Rights which found that such a defence caused the Government to fail in its duty to protect children.

Other aspects of physical safety are less controversial, but here too parental responsibility is imprecisely defined. For example, parents can be prosecuted for neglect for leaving their children unattended in some circumstances. However, there is no guidance as to the age at which a child might appropriately be left alone.

## Defining a 'parent'

### Parents' gender

While a number of measures, such as paternity leave, support fathers, by and large bringing up children continues to be the role of women. The trends within family services, the criminal justice system and family law reflect this. Some recognition of the gender bias of parenting legislation (such as parenting orders, which are predominantly made in respect of women) might be helpful.

### Family formation

The Government has indicated its belief that the traditional two-parent family is the ideal for bringing up children. It is not, however, prescriptive on this issue, for example, producing a booklet on marriage and enhancing civil marriage ceremonies, while also removing married couples' allowance in favour of channelling support to families with children. It allowed a free vote on enabling unmarried heterosexual and homosexual couples to adopt, but did not introduce the measure itself. Despite precedents in Europe it is hesitating over introducing civil partnership protection for heterosexual cohabiting couples.

With the Government having to respond to the counter pulls of shifting social mores and of tradition in this area, the resulting law can appear defensive, responding to demands and pressures rather than grounded in principle.

### Social and genetic parenting

Financial responsibility attaches to the 'genetic' parent whether or not he or she has sufficient bonds with the child to have acquired responsibility as a 'social parent', i.e. a parent with caring responsibilities. There is therefore a lack of balance between parental financial duty and any form of entitlement.

Presence in the child's home has major implications for child protection responsibilities. In many cases a non-parent adult present in the home, 'social parent' or not (for example, a mother's non-resident boyfriend) will be more open to potential accusations of neglect than a non-resident social parent. The question of presence and absence in relation to who is actually caring for the child requires greater recognition.

## Parents' rights and children

While parents have some rights to support from the state, they have no rights in respect of the child. The provisions of the Children Act 1989 to promote the best interests of the child have eclipsed these. This may contradict the stipulation in the Human Rights Act 1998 of the right to a family life; this offers some recognition of non-resident parents' right to see their

children and their right to a say in whether their children should be adopted.

## Conclusion

Currently parents' rights and responsibilities are ill defined. The researcher suggests two possible complementary approaches to clarifying the position.

### Policy review

The Government's record shows 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 could establish some broad principles and reconcile some of the disparate strands of policy.

### Parents code

A 'parents code' setting out rights and responsibilities has the potential to enhance relations between government and parents, and as such merits a national debate. (The full report goes into the possible nature and structure of such a code in more detail.)

### Reasons for a code:

- **Clarity:** there is a deficit in clear messages and commonly recognised obligations and entitlements attributable to parenthood.
- **Rights:** a code could 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 might prompt intervention with their parenting responsibilities.
- **Proactive approach:** a code could offer positively framed messages around expectations of parents.
- **Public attitudes:** a code could influence attitudes to parenting, giving parents a more fully recognisable role.

### Difficulties:

- The code would need to avoid the pitfalls of over-generalisation in order not to be meaningless on the one hand, and over-detailed stipulations in order to avoid unnecessary statutory prescription about personal relationships 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.

- The code would require a definition of different types of parenthood, linked to duties and entitlements.
- In establishing a set of responsibilities, equity demands some balancing rights, but there is a reluctance amongst policy makers to acknowledge this, particularly in relation to children's rights.

## About the project

This study is intended to act as a think-piece launching the debate on whether a government statement on parenting is needed. The study consisted of a literature review and discussion with an advisory group of leading family policy specialists. In drawing up the proposals for a code, the researcher examined precedents in Scotland, Finland and Sweden. Other sources included: Council of Europe directives; current legislation and guidance; and the Human Rights Act 1998 and the United Nations Convention on the Rights of the Child 1989.

## How to get further information

The full report, **Government and parenting: Is there a case for a policy review and a parents' code?** by Clem Henricson, is published by the Joseph Rowntree Foundation (ISBN 1 85935 093 3, price £9.95).