

The Contemporary Politics of Child Protection: Part Two (the BASPCAN Founder's Lecture 2015)

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This paper is based on the Founder's lecture of the same title presented at the BASPCAN Congress, 'New Directions in Child Protection and Well-being', in April 2015 in Edinburgh. In a very schematic way, it attempts to critically review changes in child protection policies in the UK since the first BASPCAN Congress in 1991. It argues that while there are similarities, there are also important differences. The nature of the problems to be addressed has become both broader and more complex and this is reflected in developments in policy and practice. At the same time, the challenges for child protection have become increasingly politicised such that the narrative of professional and system failure has become more dominant and pervasive. This has the effect of deflecting political and policy attention from the size and nature of the social problems to be addressed. The paper concludes by considering the most recent developments and their possible impact including the statutory Independent Inquiry into Child Sexual Abuse chaired by Justice Lowell Goddard.

KEY PRACTITIONER MESSAGES:

- The changing political contexts are significant for the way in which practice is and can be carried out.
- In many ways, developments over the last 24 years can be seen as a story of growing social awareness and progress rather than one of 'blame and failure'.

KEY WORDS: policy; politics; child protection

At the first BASPCAN Congress, 'Turning Research into Practice', in September 1991, I was invited to deliver one of the plenary lectures; this was subsequently published as 'The contemporary politics of child protection' (Parton, 1992). In this paper, I want to consider, in a very schematic way, how issues identified back in 1991 may have changed in the subsequent 24 years – hence the title of this paper – 'The contemporary politics of child protection: Part two' – which provided the basis for the Founder's lecture at the

'Attempts to critically review changes in child protection policies in the UK'

'Changing political contexts are significant for the way in which practice is and can be carried out'

'How issues identified back in 1991 may have changed in the subsequent 24 years'

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‘Concerns about ‘ritual’, ‘organised’ and ‘institutional’ abuse’

BASPCAN Congress, ‘New Directions in Child Protection and Well-being’, in Edinburgh in April 2015.

The original paper was primarily concerned with analysing the political influences upon and significance of the Children Act 1989, which came into effect in England and Wales in October 1991. What I argued was that the Act, at its heart, attempted to address a problem which had been a major tension for the liberal state since the late 19th century, namely: how can we devise a *legal* basis for the power to intervene into the family which does not convert *all* families into clients of the state?

Such a problem is posed by the contradictory demands of, on the one hand, ensuring that the family is experienced by its members as autonomous and the primary sphere for rearing children, while, at the same time, recognising that there is a need for intervention in some families where they are seen as failing in this primary task and in a context where such laws are supposed to act as the general norms applicable to all.

In that respect, the legal and practice arrangements in England seemed to have been failing on both counts during the mid/late 1980s. A series of public inquiries into the tragic deaths of a number of children who had been under the care or supervision of the statutory authorities – including Jasmine Beckford, Kimberley Carlile and Tyra Henry – seemed to demonstrate that state agents were intervening ‘too little and too late’ and hence failing to protect children from serious harm and death. However, the public inquiry into events in Cleveland in the north east of England in the summer of 1987 (Butler-Sloss, 1988) – where 121 children had been put on ‘place of safety orders’ as a result of apparently dubious allegations of sexual abuse – also suggested that state agents were intervening ‘too early and too much’.

The Children Act 1989 was thus centrally concerned with trying to establish a new set of balances between the state and the family in the care and protection of children. I argued (Parton, 1992) that the idea of child protection at that time, in the early 1990s, was essentially concerned with *both* the protection of children from ‘significant harm’ in the family *and also* the protection of the family from unwarrantable and inappropriate state interventions. Crucially, the focus of law, policy and practice was how we could best address the abuse of children *within* the family and the primary concerns were physical and sexual abuse.

While the Children Act 1989 only applied to England and Wales and the legal and policy contexts were somewhat different in Northern Ireland and Scotland, similar legislation followed in both jurisdictions in the form of: the Children (Northern Ireland) Order 1995; and the Children (Scotland) Act 1995.

Developments since 1991: Broadening and Increased Complexity

However, the early 1990s saw the emergence of a range of new concerns which could be seen to be much more related to *extra-familial abuse* rather than *intra-familial abuse* in a variety of institutional and community settings. While there were numerous incidents or cases prior to the 1990s, rarely did these receive wide publicity and any serious political response; this began to change significantly from the early 1990s onwards. Concerns about ‘ritual’, ‘organised’ and ‘institutional’ abuse began to receive increased public and

media attention particularly with events in Orkney in February 1991 (Clyde, 1992) together with high-profile police and social services investigations in Canterbury, Manchester, Merseyside, Humberside, Nottingham and Rochdale. As the 1990s progressed, the focus of concern shifted from the *physical abuse* of children in residential care to *sexual abuse* in residential care and there were a series of scandals which went back to events in the 1970s and 1980s. There were inquiries and investigations in all parts of the UK, but it was the growing and widening of concerns in North Wales and Merseyside which provided the ongoing and increasingly challenging backcloth to developments, leading to the establishment of the tribunal of inquiry established by the Prime Minister, John Major, in 1996 but which was not published until 2000 (Waterhouse, 2000).

Also during the 1990s, there was a growing number of scandals about the physical and sexual abuse of children in a variety of different institutional and community settings including: churches and religious organisations; schools and day care centres; sports clubs; and a range of other child and youth groups. Increasingly, it seemed that any setting where adults came into contact with children and young people was seen as a possible site where abuse might take place. In the process, the idea of 'the paedophile' was transformed into one of the most terrifying threats of contemporary times and became a central focus for the emerging public protection agendas concerned with identifying and managing actual and potential violent and sex offenders in the community.

The opening years of the 21st century were marked by two major scandals: the murder of Sarah Payne by Roy Whiting in July 2000 in Sussex in the south of England and the subsequent *News of the World* newspaper campaign to establish a *Sarah's Law*; and the murders of Jessica Chapman and Holly Wells in August 2002 in Soham, Cambridgeshire, in the east of England by Ian Huntley. They helped usher in major changes in public protection policy and practice (Parton, 2006, chapter 7) including: the way in which actual and potential abusers were monitored and managed in the community; and strengthening the systems for, what are now called, systems for the 'disclosure and barring' of staff and volunteers who come into contact with children and young people as part of their work.

The period since the early 1990s can be seen to reflect both a *broadening* and an *increasing complexity* in policy and practice. This not only reflects the fact that we are now focused on *extra-familial* abuse as well as *intra-familial* abuse, but also by a number of other significant developments. In particular, what is seen as an increased 'knowledge' about what causes harm to children and young people and the different forms that maltreatment might take. Significant developments include:

- An increasing focus on the full range of the life course from pre-birth to young adulthood, particularly as the dangers of child neglect in the early months of life and its impact on the brain and child development have received considerable attention.
- The recognition that young people themselves, as well as adults, can perpetrate abuse.
- The growth of new dangers including those related to the internet and a range of forms of social media and, most recently, the dangers of 'radicalisation'.
- The identification of new forms of abuse which include female genital mutilation, forced marriage and child sexual exploitation.

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'The idea of 'the paedophile' was transformed into one of the most terrifying threats of contemporary times'

'A broadening and an increasing complexity in policy and practice'

‘Much broader concept of ‘safeguarding and promoting the welfare of the child’

‘The ‘net of responsibility’ has been cast much wider’

‘New types of scandal... the abusive and exploitative behaviour of a series of high-profile celebrities’

‘Survivors... must have a strong voice’

As a consequence, while the more forensic notions of child protection are perhaps stronger than ever, this is now located in the much broader concept of ‘safeguarding and promoting the welfare of the child’. Rather than only being concerned with protecting children and young people from ‘significant harm’, the concern now is also with trying to ensure that their overall health and development is enhanced to the full.

Even though local authority children’s services continue to be seen to play the key role in day-to-day practice, the ‘net of responsibility’ has been cast much wider and is seen as ‘everyone’s business’ with education and health professionals and, increasingly, the police seen to play key roles. In the process, the number of systems operating under the rubric of child protection has multiplied considerably and now includes criminal justice, public protection and disclosure and barring, and covers the whole range of statutory, voluntary and private settings where adults might come into contact with children and young people.

It is not surprising, therefore, that official government guidance has expanded considerably during the period. For example, in England and Wales back in 1991 *Working Together* (Home Office *et al.*, 1991) was 60 pages long with nine appendices covering another 66 pages. By 2015, the most recent edition of *Working Together* (HM Government, 2015) had expanded to over 3600 pages in length. For while, following a major government initiative in 2013 to reduce the size of the guidance, the main part of the guidance was kept to 109 pages and had just three appendices, the third appendix had 48 internet links to ‘supplementary guidance on particular safeguarding issues’ and these totalled over 3500 pages.

Recent years have also witnessed the emergence of new types of scandal, often historical in nature and which have included the abusive and exploitative behaviour of a series of high-profile celebrities, most infamous of which is probably the late Jimmy Savile and a number of members of ‘the establishment’. In the process, a number of long-standing and respected institutions, such as the BBC, a number of major hospitals and parliament itself, have come under the spotlight with wide-ranging consequences.

This led, eventually, in February 2015, to the Home Secretary setting up the statutory *Independent Inquiry into Child Sexual Abuse* (IICSA), chaired by Justice Lowell Goddard from New Zealand. It is planned that the inquiry will share information with a number of similar inquiries being carried out in other parts of the UK, namely: the Hart inquiry in Northern Ireland; the Independent Jersey Care Inquiry; and the inquiry being established by the Scottish government.

When the Home Secretary announced the Goddard inquiry, she said that survivors had been instrumental in its establishment and that they must have a strong voice in it where the terms of reference are:

‘To consider the extent to which the State and non-State **institutions** have failed in their duty to protect children from sexual abuse and exploitation; to consider the extent to which those failings have since been addressed; to identify further action needed to address any failings identified; to consider the steps which it is necessary for State and non-State **institutions** to take in order to protect children from abuse in the future; and to publish a report with recommendations.’ (emphasis added) (Independent Inquiry into Child Sexual Abuse, 2015)

The focus of the inquiry is state and non-state *institutions*, a rather different focus and rationale to the concerns which informed the introduction of the Children Act back in 1991.

A Politicised Narrative of Blame and Failure

Over the last 24 years, debates about child protection have become increasingly emotionally charged and politicised. It is not simply that developments have been characterised by scandal, but that these scandals have become something of a proxy for much wider political debates about a range of issues concerned with the work and organisation of a variety of health, welfare and criminal justice agencies – particularly social work and more recently the police – and the direction of social and public policy and services more generally. Child abuse scandals have been explicitly linked to, and used as, vehicles for bringing about major policy changes well beyond the more specific concerns of child protection (see Parton, 2014, particularly chapters 4 and 5).

For example, the *Every Child Matters* (Department for Education and Skills, 2003) changes introduced by the New Labour government of Tony Blair in England after the passage of the Children Act in November 2004 were said to be the government's response to the public inquiry into the death of Victoria Climbié in 2000 and the report by Lord Laming (2003). However, it was clear that the scandal was used by the government as a vehicle for bringing about much wider changes to the organisation of children's services at both the central and local government level and which had been clearly indicated in the Public Spending Review of 2002 (HM Treasury, 2002).

Similarly, in late 2008 the cases of Baby Peter Connolly and Shannon Matthews were explicitly used by the Conservative Party as clear examples of 'the broken society' and providing clear evidence of the failures of the changes introduced by *Every Child Matters* and more fundamental problems with New Labour social policy reforms. In many respects, the Conservative Party's policies for the reform of welfare when it came into the coalition government in 2010 can be seen to have been forged in the immediate fallout from the child abuse scandals of late 2008/early 2009.

The third example that I will give to illustrate the key political implications of child abuse scandals relates to the recent furore about failures to protect young people from child sexual exploitation. One of the key findings of the Jay (2014) inquiry into child sexual exploitation in Rotherham was that approximately 1400 children had been sexually exploited and that just over a third had, at some point, been known to the services because of child protection and neglect concerns. By implication, the local authority had missed clear opportunities to protect these children. Then in February 2015, following the publication of an inspection by Louise Casey (2015), the then Minister for Communities, Eric Pickles, announced that he was sending in a team of five commissioners to take on all of the executive functions of the council.

Prior to this in a letter to the leaders of all local authorities in England on 24 September 2014, Eric Pickles together with Nicky Morgan, the Minister for Education, asked them to read the Jay report and to 'consider whether you have adequate measures in place to ensure *you cannot be accused of similar failings*' (emphasis added) (Pickles and Morgan, 2014, p.2), thus clearly

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‘A clear shift in policy focus in England from ‘every child’ to the ‘vulnerable child’

‘A story of progress and growing social awareness’

‘The overriding narrative is one of blaming professionals for failing to prevent maltreatment’

reinforcing the dominant political narrative of ‘blame and failure’ of child protection services (Parton, 1986).

A little later in the covering letter to the local authority leaders, it was made quite plain what was seen as the key role of local authorities in relation to children:

‘We cannot undo the permanent harm that these children have suffered. But we can and should take steps to ensure that this never happens again and make sure that **local authorities deliver on their essential duty to protect vulnerable children.**’ (emphasis added) (Pickles and Morgan, 2014, p.2)

This ‘essential duty’ for local authorities ‘to protect vulnerable children’ was clearly very different to what they were required to do as part of the New Labour government’s *Every Child Matters* programme for change and very different to the emphasis of the Scottish Nationalist government policy initiative in Scotland of *Getting it Right for Every Child* (Scottish Government, 2008) which has now been reinforced with the passage of the Children and Young People (Scotland) Act 2014. There was a clear shift in policy focus in England from ‘every child’ to the ‘vulnerable child’.

Conclusions

Clearly, there have been enormous changes in the way in which child maltreatment is understood and responded to over the past 24 years and there have been considerable changes in child protection policy and practice. In many respects, these developments could be seen as reflecting a growing social and political awareness of the nature, size and complexity of the social problem of child maltreatment and the major challenges that it poses for policy and practice. It could be seen as a story of progress and growing social awareness and to mirror the hopes and aspirations of Henry Kempe when he spoke at the Congress of the International Society for the Prevention of Child Abuse and Neglect in London in 1976 (Kempe, 1978). He looked forward to a time: when we would have moved from a closed system of child protection to a more open system involving many professions and the public at large; when we would pay serious attention to the plight of the sexually abused child; that there would be an understanding that institutional abuse could be very harmful; and that children’s rights would be taken seriously and placed at the centre of policy and practice. Clearly, none of these developments have been straightforward and continue to be a major challenge requiring considerable work and investment. However, rather than a narrative of progress and hope, the dominant political narrative has been one of ‘blame and failure’ (Parton, 1986). Rather than giving credit for the progress that has been made, while identifying what still needs to be done, the overriding narrative is one of blaming professionals for failing to prevent maltreatment.

Ever since the public, political and media outcry in 1973 following the tragic death of Maria Colwell, the focus in England has been on the failures of child protection systems and the incompetencies and gross negligence of professionals, particularly social workers. In many respects, this narrative of blame and failure has become much stronger and more pervasive in recent years and is now also directed at health and education professionals, police officers, senior managers and local authority politicians.

However, there is something of a conundrum evident here in that it seems that a major factor in the growing public, social and political awareness of child maltreatment over the last 40 years in England and the UK more generally has been the regular and high-profile exposure of professional and organisational failure. It seems that a dominant narrative of blame and failure begets a growing awareness of the nature and impact of child maltreatment; while, at the same time, a growing social awareness of the nature and impact of child maltreatment begets a narrative of blame and failure. Clearly, the roles of the media – now social media as well as traditional print and electronic media – and high-profile public inquiries and, more recently, Serious Case Reviews and other reports have been central to this.

However, there is a real danger in always discussing the nature of child maltreatment and developing public policy responses through the lens of scandal, blame and failure. We can almost be seen to be promulgating the view that child maltreatment is caused by the failures of child protection professionals and systems. The scandal-driven politics of child protection encourages a narrow view of what is at stake in trying to address the social problem of child maltreatment. Discussions of how public policy should be reformed are largely disconnected from any wider appreciation of what harms children, how their welfare and wellbeing might be improved and how such issues are related to wider social and economic factors and structures.

At a minimum, it fails to address the key challenge that all prevalence studies demonstrate, that the prevalence of child maltreatment is much greater than the number of cases that ever become known to the official statutory agencies in the order of a factor of between eight and ten to one. Child maltreatment is a major social problem and needs to be treated as such.

Currently, it seems that we might be witnessing something of a revision to this dominant narrative in that the voice of the ‘survivor’ has begun to be heard and has been placed more centrally. However, these are very early days to assess how such a development may impact on debates and how the problems to be addressed may be understood and explained. But I think that the way in which the Goddard inquiry unfolds and how this is reported could well prove important to how policy and practice agendas are framed over the next few years. We might anticipate that one of the impacts of the inquiry will be to further extend the public, social and political debate and understanding of child maltreatment, particularly sexual abuse and child sexual exploitation. However, while the inquiry also provides an opportunity of moving beyond the dominant narrative of blame and failure, my concern is that it may have the effect of strengthening the narrative even further.

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‘Regular and high-profile exposure of professional and organisational failure’

‘The scandal-driven politics of child protection encourages a narrow view of what is at stake’

‘The voice of the ‘survivor’ has begun to be heard’

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