

ACTION ON RIGHTS FOR CHILDREN

Response to the Commission on Families and the Wellbeing of Children

About us:

ARCH (Action on Rights for Children) was formed in 2000 as an Internet-based network of families committed to the UN Convention on the Rights of the Child. Its core membership consists of around 200 families who, in turn, belong to a variety of other networks.

ARCH's role is to examine the implications of policy and legislation for children's rights, to disseminate information to families as widely as possible through its networks, and to collect responses in order to represent families' views to policy-makers.

The consultation:

It is perhaps a measure of the suspicion with which the intention of government towards the family is viewed that there was considerable debate amongst our members as to whether we should contribute to this consultation at all. Such suspicion extends beyond government to encompass those perceived as being part of the governing structure in our society, and the immediate response of many members was anger and anxiety as to its purpose.

"I suspect this consultation is an attempt to further remove parental responsibility and put it into the hands of the state with a lot of very pleasant sounding talk that won't look so nice from the receiving end for many families"

Concern was expressed at the format and content of the questions. Several members pointed out that those who ask the questions also control the agenda, and our experience of 'consultation' has repeatedly been of carefully nuanced government questionnaires, the answers to which are selectively used as part of an exercise in post-rationalisation or just plain window-dressing.

"The one who has the power is the one who can define the structure"

Although there is still reluctance amongst several of our members, we have not entirely abandoned the hope that we might be heard. We also fear that if we do not respond, the Committee's conclusions may be drawn more from the representations of those who 'know about' families rather than directly from families themselves.

The issues affecting families are so closely intermeshed that we find it impossible to reply systematically to the questions set out in the document, but we have made as clear a response as possible and have illustrated it with direct quotes from parents. We trust that the Committee will appreciate the considerable effort that has gone into this document, and accept our positive intention to communicate some of the serious concerns and difficulties that families have in their interface with government.

The family - our perspective:

If one reads media reports and examines recent legislation, one could be forgiven for thinking that 'the family' is some dysfunctional minority consisting of feckless adults, obnoxious teenagers and damaged children, rather than a natural grouping in which almost everyone will spend at least some of their life.

There seems to be a tacit assumption that parents will neglect or abuse their children as a matter of course unless they are constantly watched, while prejudice against children, and teenagers in particular, has now been ratified by 'antisocial behaviour' legislation and 'acceptable behaviour contracts' that have the power to remove children from the streets, and that deny them access to the standards of justice afforded to adults.

Regrettably, many families collude in condemning 'parents' or 'kids' without pausing to consider that not only do generalised policies apply equally to them, but also that they are promoted in a way that encourages the social divisiveness of an 'us and them' mentality. Democracy, in our view, demands a rather more mature consideration than the simple splitting of citizens into 'good' and 'bad'. Indeed, it is hard to see how such a position could ever foster constructive attitudes towards society.

There is currently much rhetoric designed to persuade us that we live in 'communities' but our experience does not necessarily bear this out: our children are only acceptable on adult terms, and should they behave childishly, it is assumed that there exists some kind of parenting skills deficit. We are made to feel that our teenagers should stay indoors lest they cause alarm or distress by pausing to speak to each other, but should they become fat from inactivity, then they are lazy and their parents neglectful.

"children are being pushed further into the corners of our lives and all the boisterous, normal behaviour of childhood that brings places alive is being redefined as problematic."

Our children tell us that when they go out, they are verbally abused by adults and even jostled off the pavement. They have their tennis balls 'confiscated', they are pushed out of their place in bus queues, and on the occasions when they are actually allowed to enter a shop they are routinely followed by security guards.

Despite the overwhelming demand from families for accessible and affordable leisure and play facilities for their children, in many areas there is still not so much as a playground or a safe space in which to kick a football. It seems that our children are not entitled to leisure provision, only to 'diversionary activity': a phrase redolent with the assumption that children are merely criminals awaiting an opportunity to offend.

The economic pressures on families can be enormous, and may necessitate parents and children spending most of their waking hours apart if they are to survive financially. Children are put into day-care, and begin the process of segregation from the adult world at a very early age. They are pushed through a

standardised educational system of inputs and measurable outputs, with their achievements credited to government policy and their difficulties debited to parents. Should a child be ill-served by the school system, a pathology will be attributed to him and remedial action taken to achieve compliance.

Against this backdrop, parents are charged with bringing up children to respect a society that shows them scant courtesy, and even less affection. Government policy promulgates the idea that children are passive objects to be 'done unto' in a stream of initiatives, rather than active social participants and the subjects of human rights.

Given the reality in which we are trying to raise our families, perhaps the Committee can appreciate our reservations about this consultation. We dread yet another policy initiative that will make our lives even more difficult. Until government takes active steps to ensure that children are respected, their parents are trusted, and families are welcome in society, there seems to us little point in discussing what our 'relationship' should be. Relationships are founded on mutual trust and respect, values that seem to be in short supply.

The Role of the State:

We would be extremely interested in a government definition of the role and function of a public servant, as it seems to us that the concept is rapidly disappearing from interactions between families and government, or those who fulfil statutory functions on the government's behalf.

"The vast majority of families are perfectly capable of bringing up their children without state help and should be left in peace to do so. State involvement has the effect of weakening family units that would be otherwise strong and healthy."

According to the preamble to the UN CRC, the role of the state is to afford 'the necessary protection and assistance' to the family. This does not, in our view, imply that the government is in partnership with parents; rather its role is to provide the reasonable services and resources that families need and request, and for which their taxes have, of course, paid.

We believe that it is not for the government to 'intervene' in any family unless there is reason to believe that parents are abusing their children, or a child has come to the attention of the criminal justice system.

"The definition of intervene (Collins Concise) is 'to take a decisive or intrusive role in order to determine events'"

We are worried by the increasing tendency towards the covert surveillance of families and the power given to 'professionals' to interfere with families on the basis of what is, in our experience, sometimes little more than personal bias or normative dogma.

Many of our member families are bringing up children who have disabilities and special needs. Their experience is one of constantly fighting for essential services whilst fending off unwanted interference and sometimes even unfounded allegations.

"They make you fight for everything, give you not a lot and interfere when you don't need it."

Often, they are not receiving even the most basic services or benefits to which they are entitled. Far from being given assistance and protection, these families suffer disruption and disempowerment.

"It really is difficult to live in this country with special needs children. Everything is made so hard. There is no point in taking them on, though, because they can turn it all round and make you look like a lunatic."

Too many families have told us that 'professionals' set the agenda, and where parents assert a different set of priorities they run the risk of being labelled negatively or, worse, of attracting intrusive investigation.

We believe that each family's needs should be defined by the family, and that those needs should inform government policies and provision, rather than the other way around. That includes the need to be left alone: there is a considerable distinction between offering support on the one hand, and demanding compliance on the other.

Child protection:

We are only too aware that, in a minority of families, parents abuse or neglect their children and in those circumstances the state unquestionably has a responsibility to intervene. Many instances of abuse are brought to the attention of social services by family members, friends or neighbours, although concerns do not always receive the prompt attention they deserve.

A serious shortage of social workers has led to situations where child protection cases are unallocated, or inexperienced staff are given responsibility and caseloads beyond their capabilities. It is understandable that the resultant tragedies attract publicity; less explicable are the calls for greater monitoring of all families, rather than ensuring that the existing child protection system is properly staffed and funded.

Families are currently facing the prospect of having their personal details shared and discussed by 'professionals', without their knowledge or consent. It seems that public servants are thought to be better placed than the families themselves to decide what services might be needed.

This information-sharing initiative has been trumpeted as a response to the Laming Report, even though it made its first appearance in a Cabinet Office document that preceded the Laming Inquiry. 'Child protection' has been invoked to silence criticism, even though the definition of 'at risk' has been quietly changed from 'at risk of significant harm' to 'at risk of social exclusion'.

Whilst we agree with the government's assertion that child protection is more important than privacy, it seems that we do not have a shared definition of child protection. In our view, the government is coming perilously close to usurping parents' role, and divesting the family of any intimacy or private space.

We believe that 'social exclusion' is an ill-defined term that serves to personalise what are essentially political problems, and provides an opportunity to engage in what sometimes seems dangerously close to a form of eugenics: rather than promoting economic policies that would allow

"The state should confine itself to providing essential services and avoiding attempts at social engineering."

low-income parents to work shorter hours and have more time to spend with their children, the government steps into the breach with extended school hours.

We would prefer to see the government tackling poverty, homelessness and disadvantage directly through re-distributive taxation policies and well-funded public services that are acceptable and easily accessible on a basis of genuine choice.

Government responsibilities:

We cannot see what purpose a 'statement setting out the rights of families to support from the state' would serve, unless it were a practical document that told families where they could obtain any help that they needed. We have already had a procession of charters, pledges and 'czars', and of course we already have the law. Documents are only words; we would infinitely prefer to see action on providing the resources to which people already have a statutory entitlement, and ensuring that they know how to access them.

Human Rights:

We are irritated by the repeated juxtaposition of 'rights' and 'responsibilities'. This rather facile device serves only to prolong public misunderstanding of what human rights are about. The implication is that rights must in some way be earned, but are we really saying that one must 'deserve' life, privacy, a fair trial, the freedom to hold and express opinions or to be free from discrimination or torture? The only 'responsibility' that attaches to human rights is an appreciation that, as they apply equally to every citizen, proportionality must be maintained by considering the rights of others to be of equal importance to one's own.

We should like to see a far stronger commitment on the part of government to the Human Rights Act than has been evidenced by recent legislation, particularly in respect of children. We should also like to see the UN CRC incorporated into domestic law as we believe it would clarify most of the issues that we have raised here. However, as the Children Bill was initially framed without any reference to the Convention whatsoever, it seems to us that the government is increasingly distancing itself from the concept of children's rights.

In conclusion:

We find it impossible to engage in any purposeful discussion about the 'relationship' between state and family when there is such an imbalance of power. What point can there be in selecting out apparent problems and seeking to deal with them, while the fundamental issue remains unaddressed?

In our society, it seems that children are neither wanted nor valued, and the absence of their voices from our collective life has allowed an accumulation of powerful fantasies whereby children are sentimentalised as angels or condemned as demonic. They are never simply young human beings, and their rights to participate in our society are ignored. If children are unwelcome then by extension so, too, is the family.

The complicity of government and media in the manipulation of public opinion and the appeasement of the UK's renowned prejudice against children, combined with inadequate funding of the social services that families actually require, have created a situation where the family is far from receiving 'necessary protection and assistance'. Bringing up children is, for many families, a battle against the odds.

In our view, we are rapidly becoming a society that revolves around an economy, and we are profoundly suspicious of the government's motives in promoting policies that increase the separation of parents from children, and in fostering the idea of children as dangerous beings who must be brought firmly under the control of centrally-defined norms. It is worth reflecting on the facts that human rights instruments were developed as a curb on the power of the state, and the role of the family emphasised because it provides a degree of protection to the individuals - children in particular - within it.

"They want a state-family agreement in which they will say what they can do and we must agree"

If the government - and some of the 'professionals' carrying out statutory functions - continue on their collision-course with parents and children, they cannot expect social cohesion to be the end result. As the [UN CRC](#) reminds us, the family is the fundamental unit of society: currently it is under heavy siege.

Terri Dowty
Action on Rights for Children
020 8558 9317
archrights@aol.com
www.arch-ed.org

8 September 2004