



FAMILIES FIRST

Children's Green Paper
Consultation Unit
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Area B
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28 November 2003

Dear Sir/Madam

Response to *Every Child Matters* consultation document

Families First is a family advocacy organisation, committed to supporting parents and children in the family unit. It supports the rights and responsibilities of parents to protect and guide their children and to bring them up in a reasonable manner according to their religious and philosophical convictions.

Our main concern about the Green Paper is the way in which it encourages in all families a greater level of dependency upon the state to secure the welfare of children. The document speaks in terms of 'universal services' - i.e. services for *all* children, irrespective of need. Hence it is envisaged that local authorities will hold an electronic record of *every* child in their area, whether their parents want it or not. This represents an unprecedented level of intrusion into the family and constitutes a major threat to the private and family life of both parents and children and to the maintenance of a free society.

Children have historically been able to look to their parents to supply their needs out of a relationship of trust and love. However, we are concerned that the state is increasingly usurping that role - through the proposals to establish a commissioner for children, extend the role of schools far beyond their educational function, and encourage information-sharing between the ever-growing number of publicly-funded agencies represented on the 'information hub'. Whereas in the past, services have been available for families in particular need, they are now being thrust upon them, whether they want them or not.

The document states:

'We need to ensure we properly protect children at risk within a framework of universal services which support every child to develop their full potential and which aim to prevent negative outcomes. That is why this Green Paper addresses the needs of children at risk in the context of the services we provide for all children.' (page 6)

We would question whether it is really the role of the state to enable children to reach 'their full potential' and whether any government could ever hope to deliver even if it were. In the midst of

fragmenting families with all the adverse consequences for children, one of the greatest needs at the present time is for strong families who are contributing to the well-being of their local communities rather than being a drain on public resources. Yet, the more the government intervenes with its 'universal services' the more dependent parents will become and the less they will take full responsibility for their children's needs. In short, schemes and initiatives established with the best of intentions will have the effect of weakening families and creating a cycle of dependency that will be very hard to break.

At one point the consultation document talks about aiming 'to develop a strong partnership with our stakeholders: practitioners, academics, policymakers and children and young people' (page 11). It is striking that the government should be seeking to establish 'a strong partnership' with children and young people that excludes their parents. The omission of parents from the list of 'stakeholders' indicates a downgrading of their role. In reality, there should be a 'partnership' with neither parents nor children and young people. The care and nurture of children is not a shared responsibility, but the responsibility of parents, who may avail themselves of public services in the event of need.

One final observation on the general tone of the Green Paper is that nowhere are parents specifically invited to respond. Rather, the document is particularly addressed to 'staff and professionals who are committed to meeting children's needs'. The government has gone to great lengths to canvass the opinions of children and young people, but the views of parents appear to count for little. It is also noteworthy that the children and young people's version of the consultation paper barely mentions the very people who are more committed to meeting their needs than anyone else - their parents. Instead, the state is depicted as the source from which all their needs will be met, with a far more significant role in their lives than their parents. In keeping with this, the questions are framed in terms of services provided by the government, encouraging a spirit of dependency.

With regard to specific proposals contained within the paper, we would make the following comments:

Chapter 4 Early Intervention and Effective Protection

We are concerned that the proposal to introduce an identity number for every child, to be used in conjunction with an individual electronic record containing information that could be accessed by different agencies without the knowledge or consent of the child or his/her parent is both unnecessary and intrusive and would represent a contravention of Article 8 of the European Convention on Human Rights. Such a system would also be open to abuse, either on the part of workers within one or more of the agencies with access to the database, or from hackers.

There is no justification for including details of all children on such a database. Indeed, to do so is likely to prove counterproductive. It would be far better for child protection agencies to focus their attention and resources on the needs of children who are suffering or at risk of suffering significant harm. In response to the question on the circumstances under which information could be shared without the consent of the child or his/her carers, we would say that apart from cases where there is evidence of youth crime or child abuse, information should be shared without consent in no other circumstances.

There is certainly no basis for registering concern or sharing information about a child who is being home educated in accordance with Section 7 of the Education Act 1996. It is therefore concerning to find the Green Paper suggesting that: 'a child without a current educational record in the system should generate an alert' and aiming to help 'reintegrate children and young people who have been outside the school system'. The system of electronic data transfer between the LEA and its schools in Blackpool referred to on page 53 strikes us as quite unwarranted. There would appear to be a very real danger of lumping home educated children together with excluded pupils and persistent truants.

In any local authority district, there will be some pupils who are registered at state schools in a different area, and others who are being educated independently, whether at an independent school, by private tutors or home educated. It is very important to recognise that being registered at a school is not synonymous with receiving an education. However, official documents sometimes appear not to appreciate this point. For example, under a section headed, 'Children Missing from Education', a recent document from the Children & Young People's Unit states:

The government aims to ensure that all children are securely anchored in school and that those who are missing are rapidly identified and successfully re-engaged with learning. IRT will contribute to ensuring that multi-agency systems, within each Local Authority can identify and monitor the progress of children at risk of going missing and those who are already missing education, so that they receive a full-time education appropriate to their needs. (*IRT: Information Sharing to Improve Services for Children*)

The suggestion that the government aims to 'securely anchor all children in school' and that those not in school need to be 're-engaged with learning' has understandably caused anxiety to home educating families and to others who are providing an education for their children 'otherwise than at school'. It would be helpful if it could be made clear in all documents of this nature that parents are not legally required to register their children at a school and that while full-time education between the ages of 5-16 is compulsory, school is not.

Chapter 5 Accountability and Integration - Locally, Regionally and Nationally

The Green Paper adopts the language of children's rights campaigners in representing the proposed children's commissioner as 'a children's champion'. Many supporters of the proposal have given the impression that the commissioner will be the panacea of every childhood and adolescent ill. The most extravagant claims are made as to what the postholder may be expected to achieve. But with the best will in the world, no commissioner will be able to wave a magic wand and solve all children's complaints, whether they relate to transport, education, the environment, or the family home, not even with an annual budget well in excess of the £15 million which the Children's Rights Alliance for England estimates will be required to fund the office.

We are not persuaded that the various children's organisations who made submissions to the Joint Committee on Human Rights in favour of a children's commissioner were at all representative of parents, who serve as their children's advocates on a daily basis.

The fact that children and young people are not a homogenous group who share common interests and concerns, raises questions about which children and young people the commissioner would be representing. We would suggest that it is far better that parents should be left to represent the best interests of their own children, rather than create an unnecessary layer of bureaucracy.

No statutory office, however well-intentioned and well-resourced, will ever be able to satisfy the longings of children and young people for personal care and intimacy. Such needs can only be met within a loving family environment. A children's commissioner will always be a poor substitute for a father or mother who is always 'there' for his or her child. With regard to children experiencing particular needs, it is difficult to see what a children's commissioner could do that is not being achieved by existing agencies.

In other parts of the world, children's commissioners have tended to undermine the authority of parents and encroach by degrees upon the privacy of the family. We believe there is reason to fear that a children's commissioner for England might, in time, have his powers extended with the same

undesirable effect. Such is certainly the hope of Peter Newell, who has long campaigned for a children's commissioner and currently serves as chairman of the Children's Rights Alliance for England.

In his oral evidence before the Joint Committee on Human Rights, Mr Newell declared:

Whether the commissioner should have a right of access to the family home, that seems to me something that within this country we are not ready for and if we advocate it at this point it would probably delay us having a children's commissioner for many more years.

Mr Newell clearly supports the commissioner's right of access to the family home in principle, though in the interests of political expediency he is prepared to wait for the full realisation of this goal.

We therefore have serious reservations about the appointment of a children's commissioner for England. We are concerned that such an appointment would progressively undermine parents, and could have the effect of setting parents against their children and children against their parents, with disastrous consequences for families. When parents are not valued, they will tend to neglect their responsibilities, and look to others to deliver. This will not serve the best interests of children. One thing that comes across very clearly from the oral evidence of the young people before the Joint Committee on Human Rights is that they are longing to be special to someone. They want to be valued and loved. Such a relationship will never be found in any impersonal office, but only in a loving family.

Physical correction of children

While not mentioned in the consultation document, we address this subject here, conscious that some groups have expressed disappointment that the Green Paper did not propose a ban on the physical correction of children.

On the basis of the experience of generations of parents and recent academic research findings, Families First rejects the notion that all forms of corporal discipline are negative and violent, and constitute a violation of a child's human dignity and physical integrity. We are enclosing along with this submission a copy of our paper *Not Without Reason: The place of physical correction in the discipline of children*, which we submitted to the United Nations Committee on the Rights of the Child in advance of its day of general discussion on 'Violence against children within the family and in schools' in June 2001. This paper addresses the emotive language frequently employed by campaigners who wish to impose their own unproven philosophy on all other parents by force of law and draws on research findings which demonstrate the positive benefits of appropriate physical correction used in conjunction with reason and in the context of a warm relationship where the child is valued and cherished.

Like cars, computers, knives and needles, physical punishment may be misused, but not all use is misuse. While there may be a place for public education to discourage the improper use of physical sanctions and encouraging their proper use, there is no basis for stigmatising it and rejecting its use wholesale. Indeed, in many situations it is a more kind and merciful response than other approaches which may be more drawn-out or risk causing emotional damage.

We fully endorse a statement issued by the Children & Young People's Unit:

The Government is absolutely opposed to violence and abuse against children. The law only allows what is reasonable in terms of the physical punishment of children -

it does not permit child abuse. We recognise that parenting can be difficult, but we must avoid heavy-handed intrusion into family life. The Convention refers to the protection of children from physical violence and maltreatment. The Government is satisfied that UK law is in line with these provisions.

We believe our policy reflects common sense views of the vast majority of people. It is not only wrong but dangerous to link smacking and child abuse deaths. It diverts attention from those children most at risk.

By putting this issue high on its agenda, the children's rights lobby is misrepresenting the concerns of children. As former Minister for Children and Young People, John Denham, commented in his evidence before the Joint Human Rights Committee in November 2002, children are far more concerned about other issues such as their experience of being victims of crime in the streets. Certainly children do not enjoy being corrected, whether physically or otherwise, but where physical correction is used in response to the child's misbehaviour in a moderate, careful and consistent manner, it is accepted as a consequence of wrongdoing, does not cause resentment and, indeed, is often preferable to the child than more protracted disciplinary strategies.

It is not the case that the United Kingdom is 'very much out of step on corporal punishment vis-à-vis the rest...of western Europe' and 'out of step with most other advanced democracies' (Joint Committee on Human Rights, 18 November 2002, para 96). The fact is that only a small minority of advanced democracies in Europe and beyond have legislated against the physical correction of children. The Children are Unbeatable alliance claims that corporal punishment has been outlawed in nine European states. In reality, this appears to be an exaggerated claim, as Swedish lawyer Ruby Harrold-Claesson shows in her article, *Smacking and the Law – a European Perspective*, which we enclose as an appendix to this submission. However, even if the claims of the Children are Unbeatable alliance could be substantiated, it would still leave the United Kingdom very much *in step* with the majority of our European partners and with most other advanced democracies.

Sweden is frequently held up as an example of a country which has successfully introduced legislation against the use of parental physical correction. However, a paper by Dr Robert Larzelere, of the University of Nebraska Medical Center shows that there has been a major increase in the rate of child abuse in Sweden since the law was changed in 1979. Dr Larzelere also notes that while the number of assaults on children under the age of seven has remained low and relatively stable, 'perpetration of criminal assaults against 7-14 year-olds is increasing most rapidly among those who were brought up after the law against smacking was passed.' A copy of Dr Larzelere's paper, *Sweden: Data does not support success claims*, is attached to this submission.

During the course of the meeting with Mr Denham on 18 November 2002, reference was made to a MORI poll in 1999 which found that 73% of respondents 'said that they would back a change in the law to abolish physical punishment if they could be sure that parents would not be prosecuted for trivial smacks.' The poll in question was commissioned by the Children are Unbeatable alliance and press-released by Barnardo's under the heading, 'Poll shows strong parental support for anti-smacking law'. From the media coverage the following day, one might have gained the impression that there had been a radical overnight change in public opinion against smacking. But what Barnardo's omitted to tell the press and media was that there had been a preamble to the questions asked which stated:

We would like to ask you some questions about corporal punishment of children. The Government has agreed that the law should be changed to give children better protection. In eight European countries children have the same protection under the law on assault as adults and more countries are now following suit. This means that hitting children is against the law in these countries, just as it is against the law to hit an adult. However, parents are not prosecuted for trivial smacks, nor are they prevented from restraining their children for safety reasons.

Few of those surveyed would have realised that the organisation behind the questions equated a moderate and reasonable smack with 'hitting' and 'assault'. Mention of the word 'assault' conjures up images of the bully down the street gratuitously lashing out. To most people it does not relate to a loving mother correcting a child for telling lies or for willful disobedience. Immediately after listening to such a disarming preamble, the 1,035 respondents were asked the following question:

If you could be sure parents would not be prosecuted for trivial smacks, would you support or oppose children having the same legal protection against assault as adults?

Not surprisingly, 73% were in favour of such legal protection, rising to 78% among parents with dependent children. However, that is quite a different matter from saying that three-quarters of the general public think children should be protected by law from being physically disciplined by their parents! The fact that respondents did not really mean anything of the sort is confirmed by their responses to another question, when only 37% either 'strongly disagreed' (12%) or 'tended to disagree' (25%) with the proposition that 'smacking children is a good way of improving their behaviour'. However, Barnardo's chose not to highlight these statistics in their press release.

Similar caution needs to be taken with surveys undertaken by the NSPCC. Following an opinion poll conducted in February 2002, the NSPCC is also claiming that the majority of parents now support legal reform against smacking. But the truth is that they did not ask what people thought about smacking; they asked how people felt about 'hitting' children - which is an altogether different question. It is rather like asking whether doctors should be allowed to stab their patients. Everyone would say 'no' to that, but it would be dishonest to draw the conclusion that there was overwhelming public support for a legal ban on inoculations!

The use of a disciplinary smack by a loving parent in response to a child's unacceptable behaviour is no more a violent assault than the use of a needle and syringe in a hospital or a doctor's surgery. In both cases any pain is accompanied by an explanation and is done with a positive end in view. The context is crucial. Yet, increasingly groups such as Barnardo's and the NSPCC are resorting to emotive language and refusing to take into account the context or the relationship between a parent and a child. They fail to recognise any difference between discipline within the home from a loved and trusted parent and a violent assault perpetrated by a stranger in the street.

If you require any further information on any of the points raised in the submission, please do not hesitate to let us know.

Yours faithfully

Enclosures

Not Without Reason

Ruby Harrold-Claesson, *Smacking and the Law - a European Perspective*

Robert Larzelere, *Sweden: data does not support success claims*