



# CENTRE FOR RESEARCH ON FAMILIES AND RELATIONSHIPS

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## Family Policy In Scotland

### Key Points

- Family policy is complex, with no clear consensus on where its boundaries should be drawn. It can be specifically focused on families but is also potentially applicable to a wide range of social and economic policies that impact on family life.
- British family policy must be understood to include both policies which have families as their primary focus, and those with other objectives that nonetheless have a substantial impact on family life.
- In policy debates about the family, there are a range of possible definitions of the term 'the family', that include or exclude different kinds of families or relationships. The phrase 'the family' can also mask diversity within families, focusing on the unit, rather than individuals or competing interests within the family.
- Until recently, the British approach to family policy has largely been implicit without an explicit codification of principles or designation of ministerial responsibility. This has begun to change.
- The current government's aims of eradicating child poverty and tackling social inclusion both move the family and work to the centre of its social policy agenda.
- Family policy is a cross cutting issue that is dispersed across several traditional policy domains, such as education, health, social security, employment, social services and housing, and spans both devolved and reserved policy areas of the Scottish and UK Governments.
- Devolution means that Scottish family policy has the potential for divergence from that of Westminster. The broad direction of family policy could diverge between reserved and devolved matters, particularly if different political parties were in power north and south of the border.
- The interplay between reserved and devolved matters requires careful co-ordination, particularly in the relationship between economic/fiscal policies and devolved social justice or child care agendas.
- Recent trends in children's policy exemplify some of the boundary issues and tensions inherent in family policy.
- The emphasis on joined up policy and services has concentrated on horizontal integration improving co-operation among services and professionals, but reinforcing the separation between services for adults and for children.

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## Family Policy in Scotland

Family policy analysis must first consider the definition of the family itself, which will affect the scope and orientation of policy. Traditional definitions in terms of parents and children retain a clear focus but exclude other groups and underplay transitions and reciprocity across the life course. Policies may be neutral towards different family and household forms, or seek explicitly to favour one family form over another, perhaps even to the extent of unequivocally promoting a specific family form. Taking 'the family' as the unit of analysis can obscure competing or clashing interests among individuals who constitute the so-defined family.

Family policy analysis may also contain competing ideas about its own definition and scope. It can be difficult to delineate where or what the boundaries of family policy are. It can be specifically focused on some families or potentially be applicable to a wide range of social and economic policies that impact on family life. Thus social policy analysts have distinguished between policies which are explicitly directed at families and those with more implicit or indirect effects.

### Implicit and explicit approaches to family policy

The British approach to family policy has been previously characterised as largely implicit, in that there is neither *explicit* codification of basic principles relevant to family policy, nor any specifically defined ministerial responsibility. In recent years different ministers have been given a role as 'Minister for the Family' or 'Minister for Children', but usually as one part of a wider range of responsibilities, while at the same time other government departments have had major policy responsibilities for issues relevant to families.

Thus, British family policy should be understood to include both policies which have *families as their primary focus* and those that make a *substantial impact on family life*, whether or not they are labelled in terms of families. Implicit policies may not have supporting families or promoting a particular family form as their primary focus but may nonetheless assume or imply that families will have a particular role or form, or will carry out certain activities.

In the Scottish and UK administrations, the many examples of explicit family policies have an overt emphasis on the needs and rights of children, and an orientation to families with dependent children. However, other areas of policy also affect children and the family, raising the question as to *how integrated family policy is*, or should be. Some other nations have more integrated approaches to family policy, often concentrating responsibility for all family policies in the hands of a specific minister or ministry. While this approach may have advantages, in practice it can be a responsibility

without real power - lacking both status and sufficient resources to address adequately the relevant issues. Since family policy is a cross-cutting issue that operates within a number of traditional policy domains, including education, health, social security, employment, personal social services and housing, areas of responsibility can be difficult to define clearly.

### Defining 'the family'

Defining the much-used concept of '*the family*' is not straightforward. It is important to ask exactly what is meant and identify what assumptions are implied. In one interpretation children are regarded as the crucial ingredients of a family and family policy. Here policies may be directed specifically at children or may embrace families or parents, but only in relation to dependent children. Another perspective might include family relationships later in the life course or which do not include children at all, so that couples, older people or other adult kin may be the focus.

Using 'the family' as the unit of analysis can also mask diversity within and between families. The interests of one parent may not be compatible with the other's, or with the interests of the children, or other family members, as is seen in relation to violence in the family. It is important to recognise *competing* interests in families in policy responses to family problems. If family policy is directed primarily towards the needs of children then parents' needs and rights may not be given sufficient weight, and conversely. Furthermore, there can be competing objectives, between the need to intervene in family life to protect children and the desire to respect family privacy and freedom from surveillance.

### Aims of policy

Family policy can have a variety of aims that may be social (e.g. increasing family stability), educational (e.g. enhancing children's education) or economic (e.g. encouraging more parents to work). The present

#### Family policy areas devolved to the Scottish Parliament and reserved to the UK parliament

<i>Devolved Family Policy areas</i>	<i>Reserved family policy areas</i>
family law	social security
child care and the personal services for children and families	taxation and fiscal policy
some policies on health and community care	employment and economic policy
education	immigration and nationality
transport	equal opportunities
housing and the environment	abortion, genetics, and surrogacy
criminal justice and other areas of law	

government has the abolition of child poverty and tackling social exclusion as explicit aims. Its main strategy for achieving these aims is to encourage all parents into the labour market, though it has also increased child benefit and set a minimum wage. Thus, economic and labour market policies are closely aligned with the government's anti-poverty strategy, and New Labour has moved the family (and work) to the centre of its social policy agenda.

Certain external agreements, such as the UN Convention on the Rights of the Child (ratified by the UK in 1991) and the European Human Rights Convention (being incorporated at present, with significant potential effects), have had an important and growing effect in many areas.

### Recent UK Family Policy

Emerging explicit family policies at the UK level were signalled in the first-ever consultation paper on family policy, *Supporting Families*, published in 1998, mainly applicable to England and Wales. In Scotland in March 1999, a family policy consultation document *Helping the Family in Scotland* was published by The Scottish Office. The orientation of both governments has a mix of normative and diversity-recognising strands. There is promotion of marriage and two parent households on the one hand, but also acceptance and to some degree support of 'non-conventional households' on the other. New Labour claims to be trying to develop a 'third way' more tolerant of the diversity of family life than previously and more focused on responsibilities as well as rights. The children's legislation inherited from the previous government stresses the need to take account of cultural diversity and encourages children's participation in decision-making, though similar provisions are absent in education law.

Steps have also been taken to change the institutional framework within which family policies are developed. Nevertheless, family policy formation and implementation remains dispersed across government departments and there is no requirement for 'family impact' statements to evaluate policies in terms of their likely effects on families. Thus, family policy is best seen as being in transition. Whether these trends will lead to an explicit, consistent and more coordinated and comprehensive national family policy remains to be seen. If such an overall policy does emerge, it also remains to be seen how its agenda will be set, and by whom.

### The Scottish context for family policy and recent developments

There has been a long tradition in Scotland of a distinctive administrative environment and separate social institutions and relationships, within the context of unitary central government legislative institutions. Before 1999, many policy areas relevant to family policy in Scotland, such as education, health, housing, social services and civil and criminal law, and criminal policy were legislated by the UK Parliament but administered by a single, multi-functional and 'territorial' central government department, The Scottish Office. A good deal of policy was also formed and

implemented through the distinctive structures of Scottish local government, with its important responsibilities for delivering policy and shaping practice, notably in the areas of education, social services and housing. Finally there has been a well-developed Scottish voluntary sector including organisations with long histories, which have developed in response to social needs and problems in Scotland. Some

<b>Committees of the Scottish Parliament with a family policy remit</b>
Education Culture and Sport
Enterprise and Lifelong Learning
Equal Opportunities
Social Justice
Health and Community Care
Justice 1 and 2
Transport and the Environment

large ones are autonomous, though others are 'regional' offices of comparable London-based bodies. These different institutions also have developed distinctive relationships and ways of working with each other.

Since devolution and the opening of the Scottish Parliament in 1999, there has been a shift in central government legislative power to Scotland for many of the areas relevant to family policy. Now the Scottish Parliament has responsibility for many areas of social policy. Family law, child care and the personal services for children and families explicitly relate to family life, though policies on

<b>Scottish Ministers and Scottish Executive Departments with some family policy responsibility</b>	
<i>Ministers</i>	<i>Scottish Executive Departments</i>
First Minister	
Deputy First Minister and Minister for Justice	Justice
Minister for Education and Young People	Education
Minister for Enterprise and Lifelong Learning	Enterprise and Lifelong Learning
Minister for Environment, Sport and Culture	Development (housing and transport, and social justice policies)
Minister for Health and Community Care	Health (health policy, social work policy, community care and food safety)
Minister for Social Justice	Social Justice (including social inclusion, housing and area regeneration, equality issues and the voluntary sector)
Minister for Transport	

health, community care, education, transport, housing, environment, criminal justice and other areas of law will also have a significant impact on family life. The areas relevant to family policy reserved to the UK Parliament include social security, taxation and fiscal policy, employment (and economic) policy, immigration and nationality, and equal opportunities, abortion, genetics, and surrogacy. Family policy is thus a cross-cutting issue; across tiers of government as well as departmental responsibilities at a single level of government, and there are potentially many audiences for a 'family policy' voice.

Parliamentary committees (consisting of 8 Mandatory Committees and 8 Subject Committees) play an important role in the work of the Scottish Parliament in developing and monitoring policy and introducing legislation. (They can also commission research and take evidence.) The activities of the Scottish Parliament that relate to family policy are dispersed across its committees.

The Scottish Office has been replaced by the Scottish Executive, the administrative institution serving the Scottish Government (also known as the Scottish Executive); and the Scotland Office, a small Whitehall department with responsibility for representing Scottish interests in the UK Government. The departments of the Scottish Executive of most relevance to family policy are the Scottish Executive

Justice, Health, Education, Enterprise and Lifelong Learning, and Development Departments. Within the Education Department is the Children and Young People's Group, within which is the Children and Families Division and the Young People and the Looked-After Children Division.

The family policies of the Scottish Executive have a great deal in common with family policies of the UK Parliament that apply to the UK as a whole or to England and Wales. However, devolution means that Scottish family policy has the potential for divergence from that in Westminster. It is possible that the broad direction of family policies that apply to Scotland could diverge between reserved and devolved matters, particularly if different political parties were in power. Policy divergence relating to parallel policy areas in Scotland and England and Wales is also possible. So far, Scottish family policy developments have moved largely in parallel to UK and English-based policies, although some divergence can already be seen in family policy agendas at Scottish and UK levels. Most controversial has been the vociferous public debate in Scotland over the repeal of 'Section 28' (actually section 2A of the Local Government Act 1986), on sex education in schools, but we have also seen divergences in relation to debates about payment for personal care of elderly people, and physical chastisement of children.

Recent Explicit and Implicit Family Policies in Scotland	
<i>Explicitly family oriented policies</i>	<i>Policies with indirect or partial family dimension</i>
Sure Start Scotland, focusing on early intervention to increase social inclusion	Scottish Social Inclusion Partnerships (SIPs) many with an emphasis on child poverty
Proposals to clarify and change laws on the physical punishment of children	Healthy Living Centres
The Scottish Partnership on Domestic Abuse and Action Plan on Preventing Violence Against Women	New Community Schools
Child Strategy statement requiring all Scottish Executive Departments to consider the impact on children of all policies	Push towards improving health in Scotland, including reducing health inequalities and an enhanced drugs strategy
'Family-friendly' employment policy to support breastfeeding mothers returning to work and a National Breastfeeding Target	
Strategy for Carers	
<i>Helping the Family in Scotland</i> the 1999 family policy consultation document	
Major family law reform planned for late 2002, based on <i>Parents and Children</i> white paper	

## Conclusion

Despite its growing visibility, family policy is an ambiguous and complex policy area, partly because of contested definitions of the family and partly because of ambiguity about the definition and scope of family policy itself. Nevertheless it is an important cross-cutting policy area at the heart of New Labour's welfare to work, anti-poverty and social inclusion policy agendas, with important dimensions in Scotland at both devolved and reserved tiers of government.

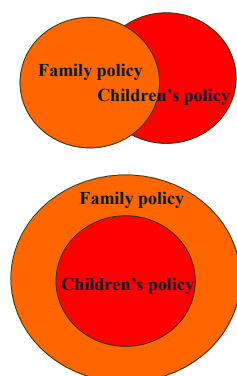
## Children's Policy: An illustration of issues and trends in relation to family policy

Children's policy covers a range of measures directed towards children and young people aged up to 18. Recent trends exemplify some of the boundary issues and tensions inherent in family policy, as well as the potential for integrated approaches and inclusiveness.

### Boundaries of children's and family policy

Consideration of children highlights the uncertainty about what is family policy and what it covers. In one sense, children are often seen as quintessentially defining 'the family', but arguments can be made that childless couples or couple with grown up children are 'families' too. Similarly, much of family policy literature has been about policies and services in relation to parents and children, but a strong case has been made that family policy does or should cover family relationships inside and outside the household in adulthood.

On the whole then it is clear that children's policy is not identical with family policy, which is not tied to the presence of dependent children. But is children's policy contained within family policy or does it represent a separate or overlapping realm?



Children are *individuals* as well as family members. Indeed certain commentators have advocated the need to give greater separate attention to children in statistics and policy, rather than largely – it is suggested – subsuming or hiding them within the family. Also children's lives extend beyond the family and household, most obviously into school and their local neighbourhoods. Hence the current Child Strategy Statement requires all Scottish Executive Departments to consider in advance the impact of all policies on children.

This is not only a matter of definition and distribution of responsibilities. In some people's eyes, policies which are labelled as family-friendly risk favouring parental interests at the expense of children, so they want policies to be specifically child-friendly and not subordinated to family considerations. Similarly in relation to divorce and young carers projects, some people argue for services to assess and assist the family as a whole, but others stress the separate and potentially conflicting needs and interests of parents and children.

### The interplay between reserved and devolved matters

Developments in policies affecting children illustrate the implications of the divide between Westminster and Holyrood responsibilities. This does not make them incompatible, but does require careful co-ordination. That could become much more problematic when different political parties are in power at UK and Scottish levels. Tackling child poverty has been a very important component of several Scottish Executive initiatives, including the Social Justice agenda in Scotland, the Child Care Strategy and the 'Towards a Healthy Scotland' White Paper.

However, families' access to resources in order to bring up children are largely contingent on their earned income and/or social security benefits. These are to a large degree affected by Westminster macro-policies in relation to the economy, employment and income redistribution (e.g. Family Tax Credit).

A more specific example concerns child asylum seekers, where the adults remain formally under the authority of the Home Office, but local authorities have duties with respect to schooling, while aspects of Scottish children's legislation do not apply.

### Integration of policies and services

Both in London and Edinburgh, New Labour policies have emphasised 'joined-up' policy and services. This underpins a raft of Scottish policies such as Children's Services Plans, Child Care Partnerships and New Community Schools.

The current thrust of central government policy is towards integration horizontally, which should improve co-operation among services and professionals dealing with children. However that process reinforces the separation between services for adults and for children, sharpening divisions vertically, contrary to the thrust of inclusive family policy across the life-span.

Problems have been identified in communication and co-operation in several areas, such as:

- services dealing with disabled parents and those with children affected by disability
- drug support services and child protection
- criminal justice workers and children and families teams

This can lead to at least several kinds of problem, from children's perspectives:

- inadequate attention to the impact on children of adult difficulties
- diverting attention from support to parents' capacity to meet children's needs
- problems at the transition to adulthood, whether we are talking about young people with disabilities, housing problems or leaving care

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## References

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## Further information

Details of policy initiatives in Scotland can be found at the Scottish Executive Website [www.scotland.gov](http://www.scotland.gov)

Some reserved policy matters can be found at the Department for Work and Pensions [www.dwp.gov.uk](http://www.dwp.gov.uk) - this site has a families tag, which details of initiatives aimed at families.

The main home office site can be found at [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

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