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New Public Management, Citizenship and Social Work:  
Children's Services in Germany and England

by Katrin Bain

A thesis submitted in partial fulfilment of the requirements for the  
degree of Doctor of Philosophy in Applied Social Studies

University of Warwick, School of Health and Social Studies

November 2008

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## **ACKNOWLEDGEMENTS**

First, I wish to thank all of the interview participants in Midcity and Mittelstadt for their time, energy and feedback at a time when they were confronted with a variety of changes, challenges and uncertainties. The British and German governments kindly kept ‘public services modernisation’ on the agenda long enough for me to finish this project before it became outdated.

My supervisor, John Harris, guided me with patience, thoughtfulness and enthusiasm through this project with all its changes, detours and diversions without losing sight of the end. His advice has been invaluable.

This PhD has been partly funded by the School of Health and Social Studies. Thank you!

I would not have set out to do a PhD without the initiation of Andreas Schaarschuch. I wish to thank him for encouraging, supporting and challenging me, as well as giving me the opportunity to present my project to a German audience at his seminars.

I am thankful to all whom I met in the School of Health and Social Studies, at conferences and at seminars, and who took the time to share their ideas and challenge my thinking. In particular, the discussions with and feedback of Simon Lapierre have sharpened the focus of this project.

Finally, and above all, this PhD would not have been completed without the continual emotional, financial and practical support of Andrew and my parents.

## **DECLARATION**

Some of the material contained in this thesis or arising from the research has previously been published in the form of two book chapters, one written jointly with Simon Lapierre. The publications are:

Lapierre, S. and Bain, K. (2008) 'Parental responsibility and partnership: Citizenship and Gender in British Children and Families Social Services', in Oleksy, E. H., Petö, A. & Waaldijk, B. (Eds.) *Gender and Citizenship in a Multicultural Context*. Frankfurt am Main, Peter Lang Publishers.

Bain, K. (forthcoming) 'Modernising Children's Services: Partnership and Participation in Policy and Practice', in Harris, J. and White, V. (eds.) *Modernising Social Work*, Bristol, Policy Press

This work was published after the period of study began and before the thesis was completed.

The thesis and the research on which it is based are the sole work of the author.

The thesis has not been submitted for a degree at another university.

## **ABSTRACT**

This thesis examines the citizen-state relationship in the context of the modernisation of public services as effected by New Public Management (NPM). It explores the extent of the impact of one element of NPM - the shift towards representing service users as consumers or customers - within children's services in Germany and England.

Two qualitative case studies, one of a German and one of an English children's social service, were conducted. The studies examined conceptions of citizenship in relation to parents who were users of these services by analysing national and local policy documents, local organisational procedures and by conducting semi-structured interviews with managers and social workers, partly based on the use of vignettes.

These studies found that in children's services, the impact of NPM is mainly at the organisational level with regard to elements of NPM other than consumerism. As far as consumerism is concerned, the studies demonstrated that this element of NPM is not central to an understanding of contemporary state-citizen relationships in this field and that the consumerist version of citizenship has had little impact. Rather than being a singular concept, citizenship was revealed as being open to a number of interpretations and formulations. In each country five different conceptions of citizenship were identified. These were ideal-type conceptions that served as discursive resources on which politicians, managers and social workers drew in different combinations, depending on the specific situation and wider context.

Although there has been research on the impact of NPM on children's services, there has previously been little consideration of its consumerist agenda, especially with regard to conceptions of citizenship that come into play in relation to parents as service users, as representations of state-citizen relationships in this field. The conceptions of citizenship that have the most impact on parents as service users derive from different understandings of the family and parenthood in the German and English contexts. Parenthood in Germany is a legal status that includes both the responsibility for the safe upbringing of one's children and the right to receive support from social services. Parents are perceived by social workers as being the holders of these responsibilities and rights. In contrast, parenthood in England is an identity. In their contact with social services, English parents are perceived solely as their children's carers, to the extent that they are referred to and addressed directly as 'mum' and 'dad' by social workers.

The thesis concludes that the findings demonstrate that policy initiatives, organisational structures and social work practice impacting on state-citizen relationships are shaped by the wider historical and political context from which they emerge. Accordingly, rather than emerging from consumerism as a dominant paradigm, conceptions of citizenship vary; they are complex, competing and contested conceptions and they combine in a variety of different ways.

**LIST OF ABBREVIATIONS AND  
TRANSLATION OF GERMAN TERMS USED IN THE THESIS**

German term	Abbreviation	English term
	Assessment Framework	Government Guidance 'Framework for the Assessment of Children in Need and their Families' 2000
	CA1989	Children Act 1989
	CCTV	Closed-circuit Television
	CRRS	Children Registration and Reviewing Service
	CSCI	Commission for Social Care Inspection
	DfES	Department for Education and Skills
	EU	European Union
	GSCC	General Social Care Council
	LAC	Framework for Looked After Children
	LASSA1970	Local Authority and Social Services Act 1970
	NPM	New Public Management
	NSPCC	National Society for the Prevention of Cruelty to Children
	OECD	Organisation for Economic Co-operation and Development
	PR	Parental Responsibility
	Working Together	Government Guidance 'Working Together to Safeguard Children' 1999
Agenda 2010		Name of the German Government's Welfare State Program
Allgemeiner Sozialer Dienst	ASD	General Social Service
Bundeskanzler		Federal Chancellor
Bundesland	Land	Constitutional state
Bundesländer	Länder	Constitutional states
Bundesministerium für Familie, Senioren, Frauen und Jugend	BMFSFJ	Ministry for Family Affairs, Senior Citizens, Women and Youth
Bundespräsident		Federal President
Bundesrat		Federal Council of Germany
Bundesregierung	Bund	Federal Government
Bundestag		Lower House of German Parliament / Federal Diet

Bundesverfassungsgericht		Federal Constitutional Court
Bündnis 90 / Die Grünen	Grüne	Alliance 90 / The Greens, an ecological political party
Christlich Demokratische Union	CDU	Christian Democratic Union, a conservative political party
Christlich Soziale Union	CSU	Christian Social Union, the CDU's sister party in Bavaria
Elterngeld		Parenting Benefit
Elternzeit		Parental Leave
Fördern und Fordern		Incentives and Demands
Freie Demokratische Partei	FDP	Free Democratic Party, a liberal political party
Gemeinderat		District Council
Generalklausel		Blanket Clause
Gesetz zur Weiterentwicklung der Kinder- und Jugendhilfe	KICK	<i>Kinder- und Jugendhilfe</i> Further Development Act
Große Koalition		'Big Coalition'; Coalition of CDU and SPD
Grundgesetz	GG	Basic Law
Hilfe zur Erziehung	HZE	Socio-Educational Provision for Children with Problems
Hilfeplangespräch		Help Plan / Care Planning Discussion
Hilfeplanverfahren		Help Plan Procedure
Inobhutnahme		Provision of shelter and protection for children
Jugendamt		Youth welfare office
Kinder- und Jugendhilfe		Youth work and youth welfare services
Jugendhilfeausschuss		Youth Services Committee
Kinder- und Jugendhilfegesetz	KJHG	Child and Youth Services Act
Kindeswohl		The best interest and welfare of the child
Kindeswohlgefährdung		Endangerment of child well-being and welfare
Kollegiale Beratung		Co-operative consultation
Kommunale Gemeinschaftsstelle für Verwaltungsvereinfachung	KGSt	A think-tank financed by municipalities
Kommunale Selbstverwaltung		Local self-government
Landesjugendamt		Land Youth Welfare Office
Landesregierung		Government of a constitutional state

Landtag		Parliament of a <i>Bundesland</i>
Ministerium für Schule, Jugend und Kinder des Landes NRW		Ministry for School, Youth and Children of the Land NRW
Neues Steuerungsmodell	NSM	New Steering Model
Nordrhein-Westfalen	NRW	North-Rhine Westphalia
Personensorgeberechtigter		Person with the right to care and custody
SozialarbeiterInnen		Social worker
Sozialdemokratische Partei Deutschlands	SPD	Social Democratic Party of Germany
Soziale Frühwarnsysteme		Social Early Warning Systems
SozialpädagogInnen		Social pedagogues
Staatliches Wächteramt		State Guardian, Governmental monitoring duty
Stadtrat		City council
Teilzeitarbeitsgesetz		Part-time work bill
Verwaltung		Administration
Wunsch- und Wahlrecht		Right to request and choose

## CHAPTER I INTRODUCTION

In June 1999, Tony Blair, then British Labour Prime Minister, and Gerhard Schröder, then German Social Democratic Chancellor, released a joint statement laying out the future for Europe's Social Democrats (Schröder and Blair, 1999). Their statement was an attempt to move away from the traditional left-wing Social Democratic position, towards the centre, and in so doing to find a balance between the Social Democratic values of 'fairness and social justice, liberty and equality of opportunity' (Schröder and Blair, 1999) and a modernisation programme that would strengthen the role of the market economy.

The statement emphasises policy initiatives which encourage economic investment and growth as well as labour market participation. It challenges the Social Democratic post-war welfare state with its institutionalised social citizenship rights (i.e. social security benefits, education, health and social services (see Chapter II): 'Modern social democrats want to transform the safety net of entitlements into a springboard to personal responsibility' (Schröder and Blair, 1999). Individual responsibility features strongly in the modernisation agenda and the shift towards it is justified on the basis that it is a necessary pillar of society:

Too often rights were elevated above responsibilities, but the responsibility of the individual to his or her family, neighbourhood and society cannot be offloaded on to the state. If the concept of mutual obligation is forgotten, this results in a decline in community spirit, lack of responsibility towards neighbours, rising crime and vandalism, and a legal system that cannot cope. (Schröder and Blair, 1999)

As this statement makes clear, the modernising agenda proposed in the joint statement aims at re-defining the relationship between the state and its citizens as well as laying out expectations for relationships between the citizens themselves. It is, therefore, closely linked to questions concerning citizenship.

The shifts towards citizens assuming a higher level of personal responsibility and a lower level of state responsibility are more than ideological; they are rooted in the necessity to cut public expenditure:

Public expenditure as a proportion of national income has more or less reached the limits of acceptability. Constraints on 'tax and spend' force radical modernisation of the public sector and reform of public services to achieve better value for money. The public sector must actually serve the citizen: we do not hesitate to promote the concepts of efficiency, competition and high performance. (Schröder and Blair, 1999)

The tools suggested to achieve the modernisation of public services are taken from reform initiatives commonly summarised under the term New Public Management (NPM). NPM aims, as far as is possible, at replicating the language, organisational structures and market forces of the private sector in the public sector through adoption of the following measures:

'The state should not row but steer: not so much control, as challenge.'

'Solutions to problems must be joined up.'

‘Within the public sector, bureaucracy at all levels must be reduced, performance targets and objectives formulated, the quality of public services rigorously monitored, and bad performance rooted out.’

‘As a general principle, power should be devolved to the lowest possible level.’

(Schröder and Blair, 1999)

In setting out these measures in their joint statement, Tony Blair and Gerhard Schröder sought to demonstrate their commitment to shared principles of public sector reform in Germany and Britain and they invited Social Democrats in other European countries to join them.

This is the starting point for a research study looking at the impact of NPM and public services modernisation on users of personal social services. More specifically, this thesis explores how users of children’s services are constructed in contemporary social policy and social work practice. Its overall aim is to uncover how citizenship is represented in national and local policy documents, in local organisational procedures and in the practice of social workers in children’s services in England and Germany. By so doing, it will illuminate similarities and differences between English and German representations of citizenship in both the making and implementation of policies.

The remainder of this chapter is divided into five parts. It starts by describing how my personal interest in the topic developed and how my background shapes my chosen approach to the research study. In the second part, the key concepts of the thesis are developed before the project is rooted, in the third part, within existing comparative welfare state research. The fourth part narrows the field of research and develops the research questions. Part five is an outline of the thesis.

## **Social Pedagogy meets New Public Management**

We don't see things as they are,  
we see things as we are.  
Anaïs Nin

The way this thesis has developed and has been designed is strongly influenced by my professional identity as a social pedagogue. Social pedagogy is deep-seated in Germany as well as in other European countries, while being largely unknown in Britain. Only recently have there been attempts in government policy and academia to utilize social pedagogy in the British context (Higham, 2001; DfES, 2005). It is too early to say if these attempts will be influential enough to change social work education and practice.

Social pedagogy approaches social problems through education outside the school curriculum. Personal development and human growth are encouraged in order to enable individuals to participate fully as members of society. In that sense it is normative because integration into society is the main focus:

Social pedagogy concentrates on questions of the integration of the individual in society, both in theory and in practice. It aims to alleviate social exclusion. It deals with the processes of human growth that tie people to the systems, institutions and communities that are important to their well-being and life management. The basic idea of social pedagogy is to promote people's social functioning, inclusion, participation, social identity and social competence as members of society. (Hämäläinen, 2003, 76)

Social pedagogy is, therefore, closely linked to questions concerning citizenship. It effects social change by empowering individuals and groups within a community. Thus, it is different from political approaches to societal change:

While political action strives towards a goal by affecting the external elements of society, that is structures, institutions and legislation, pedagogical action aspires to changing society by influencing the personal in society, that is people, morals and culture. (Hämäläinen, 2003, 76)

Social pedagogy is based on respect for individuals and the belief that everyone has the ability to change and to be a participating member of society, given the right support, knowledge and opportunities for individual development. Whilst it approaches social problems through the individual or groups of individuals, its focus is on society as a whole and the integration of the individual into it. Social pedagogy thereby contributes to the lived experience of citizenship (see below).

My professional identity as a social pedagogue has guided my academic interests as well as my professional practice, and has led me, in this thesis, to explore societal changes from the perspective of the individual within society. The societal changes to which I refer were effected by policy reforms in the public sector that I first encountered through seminars I attended during my first degree at the Bergische Universität Wuppertal / Germany. Prof. Dr. John Harris from Warwick University / GB spent two years as a visiting professor at the university, teaching, among other topics, about social work in Britain, managerialism and citizenship. These seminars introduced me to the ‘social work business’ (Harris, 2003) that had developed in Britain through 20 years of reform and modernisation.

In the early 1980s, the Conservative government of the United Kingdom (UK) started major reforms of the public sector that are often seen as the precursor to reforms that

followed later in other countries. What started out as a ‘policy movement’ initiated by the Thatcher government in Britain was afterwards reviewed by academics (Borins and Grüning, 1998) and is now commonly known as New Public Management (NPM) (see below). Generally speaking, NPM breaks away from the separation between the state and the private sector market that had prevailed in the post-war welfare state. It aims at raising effectiveness and efficiency by applying private sector principles in the public sector.

All three of John Harris’s seminars made me think about the implications that wider policy initiatives could have for social work and especially, but not solely, for statutory social work. While the seminars concentrated mainly on the British and wider Anglo-American context, they were, at the same time, topical for Germany for at least two reasons. Firstly, at the beginning of the 1990s the KGSt (Kommunale Gemeinschaftsstelle für Verwaltungsvereinfachung; a think tank financed by municipalities, see Chapter IV) adapted NPM for the German context by developing the Neues Steuerungsmodell (NSM, New Steering Model) and suggested that municipalities re-organise themselves accordingly and implement it. Secondly, the Schröder government, which was elected to office in 1998, developed Agenda 2010; this was a comprehensive programme of welfare state reform which emphasised social security by limiting state provision, putting more responsibility on to the individual and his family, and also opening up business fields to the private sector.

During these seminars I was surprised by the extent to which British policy initiatives took on ideas around NPM to modernise social services in Britain:

Service users or clients are now conceived of as consumers or customers and issues reframed in terms of market preferences, consumer rights and product development, echoing the language and thinking of the market economy from which they have been borrowed. (Beresford and Croft, 1986, 8)

I was interested in how far these ideas might be replicated in Germany, where reform was just beginning, and by the impact that the introduction of market principles would have on the work of social pedagogues.

At the same time, I did not share the confidence generally prevailing in British academic literature at the time that changes in policy automatically lead to changes in practice. My scepticism was shared by Flynn (1997):

The relationship between a teacher and her class is not radically altered by the fact that the school now has a budget and a bursar. The surgeons and nurses who perform operations do not suddenly change what they do because their hospital has just become an NHS Trust or because the management has developed a marketing plan. (Flynn, 1997, 5)

In reviewing the existing literature at the time I came to the conclusion that very little research had been done into the effects of the implementation of NPM at practitioner level. Analysis had been limited to official publications, which were primarily government publications having a promotional angle to them, and 'how-to-do-it' guides published by government departments (Pollitt, 2002, 274).

It would be unwise, therefore, to assume that, in aggregate, these types of rhetoric and documentation afford a full and balanced picture of what is

happening ‘on the ground’ throughout the administrative systems of the countries concerned. (Pollitt, 2002, 275)

Therefore the starting point for the empirical study reported in this thesis was the need for a more systematic analysis of the representation of service users in national policy, organisational procedures and social work practice. In the following section a framework for the research is developed.

### **NPM, Citizenship and Social Work: Developing a Framework for Research**

The research draws on three subject areas: NPM, citizenship and social work. The understanding of all three is dependent on the context to which they are applied. The following sections contextualise the three subject areas in which the research is located.

#### NPM

NPM is integral to policy initiatives and public sector reforms that have taken place in countries such as the UK, US, Australia and New Zealand since the beginning of the 1980s. It is widely acknowledged in the related literature that there is no single concept of NPM, but that ‘its usefulness lies in its convenience as a shorthand name for a set of broadly similar administrative doctrines which dominated the bureaucratic reform agenda in many of the OECD group of countries’ (Hood, 1991, 3-4). In the absence of a coherent concept, it is necessary to develop a framework for discussion of NPM that can be used as a basis for the bi-national comparison carried out in this thesis.

Dawson and Dargie (2002) define NPM in three ways:

- as a political movement
- as a subject for study and commentary by academics

- as a set of practices in recent public sector reforms

Academic literature about NPM has, particularly in the UK, been closely linked to NPM as a political movement and to ensuing policy developments (Ferlie *et al.*, 1996; Harris, 1999a; Clarke *et al.*, 2000b). This literature will be reviewed in Chapter II with regard to conceptions of citizens as service users. Chapters IV and V will then look at the impact of NPM on practice in a German and English children and families social services.

The above differentiation of NPM between political movement, topic for academic study, and a set of practices, is helpful for disentangling the complexity of NPM, but it does not illustrate its content. Schedler and Proeller (2002, 165) have developed generic categories within which different national features can be compared. These categories constitute the basis for the evaluation of NPM in this thesis.

<b>Category</b>	<b>Characteristics/ objectives</b>	<b>Examples</b>
Organizational restructuring	Delegation of responsibility Reduction of hierarchy Political and managerial roles	City managers Holding structure
Management instruments	Output orientation Entrepreneurship Efficiency	Performance agreements Products Performance-related pay
Budgetary reforms	Closer to private sector financial instruments	Cost accounting Balance sheet Profit and Loss statements
<b>Participation</b>	Involvement of the citizen	Neighbourhood councils E-democracy
<b>Customer orientation</b> <b>Quality management</b>	Gain legitimacy in service delivery Re-engineering	One-stop shops Service level agreements E-government
Marketization Privatization	Reduction of public sector Efficiency gains through competition	Contracting out Public-private partnerships

Table 1.1: Generic element categories of NPM (Schedler and Proeller, 2002, 165, emphasis added)

As my main interest is the impact on service users and the changing relationship between the state and its citizens, I will utilise the categories of participation, customer orientation and quality management.

## Citizenship

This thesis draws on the language of ‘citizenship’ to talk about and make sense of the state-citizen relationship in the context of the reform of public services. Citizenship is an inherent part of the current political rhetoric and academic discussion.

While there is a consensus that citizenship is a desirable thing, there is much less agreement about what the status should entail, what kind of community best promotes citizenship, and whether the status is inherently exclusive. (Faulks, 2000, 2).

The literature offers multiple approaches towards citizenship, and in Chapter II six of these will be introduced.

Generally speaking, citizenship is the relationship between a state and its citizens and the relationships between citizens as defined by the state. As such, it links the individual with the collective (Lister *et al.*, 2007, 1). Citizenship is often related to a person’s nationality and the rights and duties deriving from that (Preuß *et al.*, 2003, 7). This thesis applies a looser understanding of citizenship as an academic and political concept as well as a lived experience (Lister *et al.*, 2007, 1). This allows not only for cross-national comparisons but also for sub-national sectoral and situational differences (Lister *et al.*, 2007, 4). Citizenship is thus understood as a multi-layered concept:

Jones and Gaventa (2002) [...] point out how citizenship as an identity and practice ‘is likely to differ across the spaces in which people’s lives are played out: the home and personal relations, local and national politics, to the global arena’ (2002, p 19). (Lister *et al.*, 2007, 10)

From this understanding it can be assumed that citizenship as a lived experience is not a coherent concept but a fluid concept defined and shaped by context. Similarly, the

exploration of its definition and shaping from ‘old’ to ‘new’ should include scope for competing, overlapping and fragmented conceptions:

Narratives of change structured around clear oppositions between past and present, or ‘old and new’, present an oversimplified view of change [...], simple narratives of change that imply a general shift from the ‘old’ to the ‘new’ tend to tidy away some of the complexity and messiness of change. What is rather more interesting is to explore the way in which different elements of new and old are packaged and repackaged to produce organisational forms in which multiple regimes are overlaid on each other. (Newman, 2002, 78)

Citizenship is, then, understood as a historically constructed concept that needs to be located and contextualised in time and place (White and Harris, 1999a, 60; Lister *et al.*, 2007, 1). It is interesting to note that academic as well as public discussions about citizenship always seem to appear at a similar time to political changes and reforms (Faulks, 2000, 8). For that reason, it is not surprising that there has been a lively Anglo-American discussion about citizenship since the 1980s, after Reagan and Thatcher started the reconstruction of the social democratic post-war welfare state, while in Germany a new interest in citizenship has developed over the last 10 years (Mackert, 1999, 13), concurrent with policy changes and the restructuring of the welfare state.

This development illustrates

the idea of citizenship [as being] inherently contested and contingent, always reflecting the particular set of relationships and types of governance found within any given society. This means that one of the essential questions we must ask when trying to understand citizenship is what social and political arrangements form the context in which it is practised. (Faulks, 2000, 6)

Lister makes a similar point about the conjunctural fit of citizenship in particular contexts:

Although, as a concept, citizenship is typically constructed in abstract, universal terms, the universal nevertheless is interpreted and articulated in specific national, social and political contexts, reflecting historical traditions and institutional and cultural complexes. (Lister *et al.*, 2007,1)

Accordingly, the research study presented in this thesis will explore citizenship within two specific national contexts, Germany and England, in one area of social policy, children's services. Children's services have developed differently in both countries, which is reflected in their statutory frameworks and organisational structures. Chapters IV and V begin with a detailed description of these characteristics, in order to gain an understanding of how citizenship is articulated and constructed in policy and everyday social work practice, thereby moving from an abstract understanding of citizenship towards consideration of specific countries and specific state-citizen relationships in social work.

### Social Work

Personal social services are a small part of social policy. Social policy is understood 'as a deliberate intervention by the state to redistribute resources amongst its citizens so as to achieve a welfare objective' (Baldock *et al.*, 1999, XXI). This includes financial benefits and services provided by professionals, such as social workers.

Social Services [are] by their nature *helping, advisory* and *supportive* and, in contrast to issue- or product-related services, *individual-related*. The 'uno-actu' principle applies to social services: Because they are carried out on and with

people, the production and consumption coincide spatio-temporally. The person(s) concerned not only need to be present but their *active participation* is essential. Service users are always co-producers, meaning object and subject of the service process. The result is thereby not only dependent on the achievement potential (e.g. qualification, time) of the professional but also likewise on the service user's willingness and ability to co-operate (Bäcker, 2000a, 334, - my translation, emphasis in the original; see also Kühn, 1994, 127, Beresford, 1993, 14).

Due to the synchronisation of production and consumption, the quality of service provision can only be evaluated afterwards.

The above definition gives an overview and mentions important characteristics of social services, such as the relationship between the professional service and the user, the level of participation and quality management. As with NPM and citizenship, 'social work is shaped by the societal context from which it emerges' (Harris, 2003, 3).

Social work is a young profession. In Germany, the job title 'social worker' and the social work degree have existed since 1960 (Kühn, 1994, 76). In England, social services departments were established following the Seebohm Report published in 1968 (Seebohm, 1968). Obviously, services for poor and disadvantaged people had been provided by the state and voluntary organisations for much longer than that. After the end of the 2<sup>nd</sup> World War, existing state, charitable and private provision was seen to be insufficient and the state (in Germany and England) assumed major responsibility for the provision of public services, managed by professionals and aimed at meeting citizens' needs 'from cradle to grave' (Osborne and McLaughlin, 2002, 10). As 'the

operational embodiment of the welfare state's intervention in individual citizens' lives [...] social work, whether wittingly or unwittingly, is bound up with conceptions of citizenship, as it engages day-to-day in mediating between the state and the service user' (Harris, 2003, 185).

This thesis focuses on one area of social work and social services – children's services – that has so far been overlooked in research and discussion of the affect of NPM on social work practice and users of social services (see Chapter II).

The next section reviews existing comparative welfare state research and locates a niche for this research project within it.

### **Comparative Welfare State Research: the Story so far**

In his influential book 'The three worlds of welfare capitalism', Esping-Andersen quantitatively compares and categorises eighteen industrialised nations with respect to the relationships in those countries between the labour market and the welfare state regarding de-commodification<sup>1</sup> and stratification. He compares social security payments and conditions of payment in each of the countries:

It is an approach that forces researchers to move from the black box of expenditures to the content of welfare states: targeted versus universalistic programs, the conditions of eligibility, the quality of benefits and services, and, perhaps most importantly, the extent to which employment and working life are encompassed in the state's extension of citizen rights. (Esping-Andersen, 1990, 20)

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<sup>1</sup> De-commodification is the ability of individuals to live independently of the labour market.

His analysis leads to the development of three types of welfare regimes: the liberal, corporatist and social democratic welfare state. Britain is categorised as having a liberal welfare regime, offering means-tested assistance and modest universal transfers as well as modest social-insurance plans. According to Esping-Andersen, countries in this group encourage market activity and private welfare schemes.

Germany falls into the corporatist welfare regime, which is characterised by entitlements that are linked to class and status; in the German case through a social insurance system that offers payments according to previous earnings. This has implications for families and women:

But the corporatist regimes are also typically shaped by the Church, hence strongly committed to the preservation of traditional familyhood. Social insurance typically excludes non-working wives, and family benefits encourage motherhood. Day care, and similar family services, are conspicuously underdeveloped; the principle of ‘subsidiarity’ serves to emphasize that the state will only interfere when the family’s capacity to service its members is exhausted. (Esping-Andersen, 1990, 27)

In Germany this has led to the lowest female labour market participation in Europe and a very low birth rate. Chapter IV will elaborate on recent family policy to offer more support to families and especially women.

The social-democratic welfare regime is represented by the Scandinavian countries. It offers high-level and high-quality social services to all citizens in order to maximise individual freedom and prevent a duality between state and market services and working-class and middle-class experiences.

Esping-Andersen's categorisation of welfare states into the three welfare regimes described above is only one of many categorisations – some older, some newer (Abrahamson, 1999) – all of which categorise welfare states into a limited number of regimes (Titmuss, 1974; Leibfried, 1993; Ferrera, 1996). Esping-Andersen's categorisation has been very influential in the academic literature and has been the starting point for many comparative research projects. However, considering the development of the three welfare regimes, Esping-Andersen does not take social services into account. Following Esping-Andersen, comparative welfare state research has widely focused on social security and labour market participation:

Most comparative research on welfare states has focussed on social transfers as the dependent variable. In recent years, however, social services have become increasingly important ingredients of welfare state production. (Alber, 1995, 132)

The international comparison of social services offers the opportunity to gain an understanding about the implementation of programmes as well as the social worker - service user relationship (Schnurr, 2005, 152-153), as intended in this study.

Esping-Anderson's formulation has had its critics. Feminists have criticised Esping-Andersen's typology of welfare regimes for concentrating on the relationship between the state and the labour market without paying attention to the role of families.

O'Connor (1993, 515) suggests including the concept of personal autonomy in welfare state analysis. For female labour market participation in particular, it is crucial how and to what extent the state supplements family care with day care services for children and older people.

In response to the feminist critique, Anttonen and Sipilä (1996) developed welfare state regimes based on the provision of social care services for children and older people and on female labour market participation. They apply a narrow definition of social care services:

The emphasis on the concept of autonomy in the attempt to understand the idea of social care services also helps to narrow down the scope of the concept: these do not include non-voluntary interventions, purely commercial services or informal caring. Indeed, our suggestion is that social care services shall be understood in the genuine sense of the word as services that people need and use on a voluntary basis. This means first, the term should not be applied to non-voluntary actions imposed by the social welfare organisations and aimed ultimately at controlling the behaviour of individual citizens. (Anttonen and Sipilä, 1996, 90)

Anttonen and Sipilä's research results in very similar regimes to those developed by Esping-Andersen. The only difference is that, with respect to social care services for children, the corporatist welfare state regime is split between Germany and the Netherlands, having little provision, and Belgium and France, having good provision of services. In Germany and Britain the research has confirmed the differences that Esping-Andersen found with regards to social security:

In Britain, public social services are means-tested and intended exclusively for people with limited means. [...] Citizens who are economically self-sufficient are expected independently to provide for their own services, and commercial services have an exceptionally visible role. (Anttonen and Sipilä, 1996, 96)

Germany, in this categorisation, is part of the ‘central European subsidiary model’ (Anttonen and Sipilä, 1996, 97), with ‘religious and political organizations [being] major producers of services, whereas the public sector carries the main responsibility for funding’ (Anttonen and Sipilä, 1996, 97).

The cluster of countries showing similar characteristics varies significantly if a smaller sample is taken, and depending on which aspects the research focuses on (Abrahamson, 1999, 410). For example, McDonald *et al.* (2003) have analysed social work in Australia, Britain and the US – all liberal welfare regimes according to Esping-Andersen’s typology - and have shown that context matters and that, even in countries that fall into the same category according to Esping-Andersen, different developments take place. It is one of many research projects moving away from large scale quantitative comparisons to smaller case-study research.

This case-centred approach seems to be the most promising development in the application of welfare typologies. There seems to be the beginnings of a consensus around abandoning the cluster analysis approach and moving towards various case studies exemplifying the working of particular regimes. Even Esping-Andersen recommends this in his ‘reply to his critics’:

The great advantage of the case-centred approach is its capacity to examine welfare states holistically and relationally. It can show us how relations of citizenship or relations between family, markets and state crystallize ... Indeed, the comparison of particular welfare state components seems to be emerging as

a fruitful and dynamic new third-generation approach. (Esping-Andersen, 1993, 127-128; Abrahamson, 1999, 410-411)

The research study conducted as part of this PhD falls into the above category. Two case studies compare one aspect of social policy in Britain and Germany. The restriction of the research to two countries and to one area of social policy allows for a contextual comparison and a detailed analysis of similarities and differences.

Having placed the research study in the existing comparative welfare state research the next section turns to the research design and questions.

### **Research Design and Questions: Narrowing the Field**

The starting point for this research is the joint modernisation agenda of Tony Blair and Gerhard Schröder that forms part of New Public Management, discussed at the outset.

The study looks at one area of social work and social services – children’s services – to see how the modernisation agenda is implemented in each country. It goes beyond organisational restructuring by looking at the impacts modernisation has on the relationship between the state and the citizen as a service user.

By using a framework for the research study that allows for competing, combined and overlapping narratives rather than comparisons between old and new, a broad understanding of the implementation of modernising policies in children’s services can hopefully be gained. The openness of the research questions reflects this approach:

**What conceptions of citizenship are being articulated with regard to service users in the ‘modernising’ social services policy reforms in contemporary Germany and England?**

**How are these conceptions of citizenship with regard to service users being interpreted at the local organisational level in social services?**

**How are service users represented by social workers and how do these representations relate to the conceptions of citizenship?**

In the two countries, the differences between the political systems, the organisation of social services and fields of social work limit the areas of personal social services that are comparable and suitable for a bi-national comparison. The only area that in both countries represents a field of social work, a public sector responsibility and similar tasks is children's services. Coincidentally it is a very interesting field for comparison. The British literature on policy reforms with regard to social services is focused on community care for adults (Harris, 1999a; Clarke *et al.*, 2007) and, even where statements are made about both child and adult areas, the policy documents used for analysis are those for adults' services (Harris, 2003). The British part of the current research study aims at contributing to the debate about the modernisation of public services that has so far covered mainly the areas of education, health and adult social services. These are public services that are primarily used on a voluntary basis. Families involved with children's services often become so as a result of part of the statutory duties of child protection, in which case use can be involuntary. This raises questions regarding citizenship rights (of parents, children and families as a unit) as well as of the applicability of consumer orientation introduced through NPM in such a setting.

Conversely, the KGSt in Germany (see above) has chosen the area of *Kinder- und Jugendhilfe* (youth work and youth welfare services), in order to demonstrate a possible implementation of the NSM (KGSt, 1994; 1995b; 1995a; 1996b; 1998; 2000). In German literature, NSM is therefore often discussed with regards to *Kinder- und Jugendhilfe*, but again mainly the preventative part of it, rather than with respect to child protection. The comparison with Germany is expected to show whether or not the strong endorsement of NSM for children's services promotes a higher level of implementation at practitioner level.

One advantage of going beyond a single national context is that it helps to prevent me from taking the dominant concepts of one country for granted and encourage me to reflect upon them critically. To take the questions asked in this thesis beyond the context of one country, I will hopefully not only advance my understanding but will also contribute to the general knowledge base about policy implementation and the effect that modernisation initiatives have in social work practice.

The aim of this thesis is to make three contributions in response to the context set out above, through empirical research and theoretical analysis of developments in social services: first, through empirical research, I hope to advance what has until now been a mainly theoretical discourse about service users as citizens; secondly, I will take one key aspect of New Public Management – the reconstruction of citizenship – and apply it to children's services, an area of public services that has so far been disregarded in the discussion of NPM; thirdly, having tracked the intra-country reconstruction of citizenship, I intend to conduct a horizontal, bi-national comparison of the results at

three levels: national policy, local organisational implementation, and social work practice.

### **A word on Terminology**

Words used to describe people who are in contact with public services have been the starting point for academic conceptualisation and debate (Bauer, 2001; Heffernan, 2006; McLaughlin, 2008). In this thesis, service user will be used as a ‘neutral’ term to talk about citizens who are in contact with public services. Other terms such as client, consumer and customer will be used when talking about political or professional positions where they have been dominant. At no point will I assume that the terminology used is sufficient to shed light on the state-citizen relationship behind it. It has been argued that ‘the spoken word carries more weight than its dictionary meaning’ (McLaughlin, 2008, 2) and that specific words convey specific identities and power relationships. While I do not deny this statement in principle, I do suggest that different people can use the same terminology with different meanings, rather than simply understanding a word in relation to a shared view of what it conveys about identities and power relationships. To assume a joint understanding of a word is a central danger in comparative research (see Chapter III). The study conducted as part of this thesis showed, also, that within a single social work team similar understandings or conceptions of service users were disguised behind different words. In the literature, meanings of words are far from agreed as the following example shows:

‘Service user’ is well suited to describing clienthood in the welfare state, based on social rights. A ‘service user’ is a fully empowered citizen who, thanks to this position may expect and demand services of a certain kind and level.

‘Consumer’ on the other hand, refers more to a person active in the ‘social

services market', who chooses the service with the best price / quality ratio.

(Juhila *et al.*, 2003, 14)

The use of the term 'service user' has successfully denied a multiplicity of potential identities and relationships, erasing opportunities, and spaces where the same individual engages as an active citizen, serving the needs of others, at the expense of highlighting one aspect or area in which he or she is dependent on others. (McLaughlin, 2008, 8)

While I do not share the approach taken by the above authors to conceptualise citizenship solely through the words used, I do agree 'that from time to time, we should critically reflect on how we construct those who use our services' (McLaughlin, 2008,14). This is exactly what this thesis sets out to do.

### **Structure of the Thesis**

In this chapter I have outlined the framework to be adopted for a critical analysis of the relationship between the state and the citizen as a personal social services service user. Chapter II reviews the existing literature with regards to conceptions of service users as citizens in relation to New Public Management and social work. It takes a closer look at power and participation as central elements within all conceptions of citizenship. Finally, it focuses on children's services and its distinct characteristics that have thus far received little attention in the literature on citizenship and modernisation. Chapter III outlines the approach taken to the empirical research and develops a framework for data collection and analysis that is suitable for qualitative, comparative case study research. Chapter IV discusses the findings from Germany and analyses the similarities and differences between policy, organisation and practice. Chapter V does the same for

Britain. As policy reforms are embedded in the context to which they apply, both chapters start with a description of the national context. In each of the two chapters, five conceptions of citizenship are developed that illustrate the dominant ideas found in policy, organisational procedures and social work practice within each country. Chapter VI brings the results from both countries together for comparison and introduces the professional social work ideal as a further conception of citizenship. Chapter VII summarises the content of the thesis and concludes by identifying the contribution made to the understanding of policy implementation and the state of social citizenship in Germany and Britain, before, finally considering the implications for further research.

## **CHAPTER II            CONCEPTUALISING SOCIAL CITIZENSHIP WITHIN SOCIAL WORK**

This chapter explores how the citizen-state relationship is conceptualised with regard to the service user-professional relationship in the existing literature in Germany and Britain. To begin with, the dominant conceptions will be presented on a country-by-country basis. The section on England starts with the post-war welfare state, as this is the context in which state social work was institutionalised. This period also produced the dominant conceptions of citizenship against which newer conceptions are contrasted. In the English case, recent debate has focused on the service user as consumer, in the light of the reform of the welfare state that has utilised New Public Management (NPM) principles and practices. Academic responses are very closely linked to NPM as a political development.

In Germany, academic responses are of a different order; the argument is presented in terms of three approaches to service theory: sociological, economic and professional-theoretical. The first and third present an academic theorisation, whereas the middle one contains the political concept of citizenship in the light of the introduction of New Public Management in Germany.

Two themes that can be found in both literatures – power and participation – will then be explored further.

The second part of the chapter focuses on children's services and the distinctive features of the citizen – state relationship that impact on the social worker – parent as service user relationship.

## **Part 1: Conceptions of Citizenship**

### England

#### *The Citizen in the Post-war Welfare State*

In order to make sense of the citizen-state relationship in the context of the modernisation of personal social services, it is important to understand what it has superseded. Current conceptions of citizenship are contrasted against the post 2<sup>nd</sup> World War welfare state (see, for example, the Schröder/Blair statement in Chapter I).

(Male) full employment and economic growth enabled European states to establish and extend welfare systems. According to Butterwege ‘a community is advanced to a welfare state through the institutionalising of the responsibility for the distribution of life chances into legal claims for the allocation of certain goods and services’ (1999,14 – my translation). This post-war welfare state secured a minimum provision of financial benefits and social services. Within that, citizenship

is a non-economic term. It defines the position of people independently of the relative value of their contribution to the economic process. For this reason, citizenship is in none of its elements tied to the fulfilment of conditions. This is valid for both duties and rights. The right to vote (for example) does not depend on the taxes one pays, although paying taxes is a duty of citizenship.

(Dahrendorf, 1995, 33 – my translation, see also Dahme *et al.*, 2003, 9).

In the post-war welfare state, a clear distinction existed between the private and the public sector. The task of the public sector was to mitigate inequalities created in the marketplace and to reduce class struggles through the redistribution of resources (Roche, 1992; Turner, 1997, 11; White and Harris, 1999a, 54; Harris, 2003, 10).

It was in this context that the British sociologist T.H. Marshall developed his formulation of citizenship. He was the first person to place social rights on a par with civil and political rights within a conception of citizenship. Marshall's model of citizenship has been highly influential, and various authors – English as well as German – use Marshall as their starting point to develop alternative accounts of citizenship.

Marshall understands citizenship as

a status bestowed on those who are full members of a community. All who possess the status are equal with respect to the rights and duties with which the status is endowed. There is no universal principle that determines what those rights and duties shall be, but societies in which citizenship is a developing institution create an image of an ideal citizenship against which achievement can be measured and towards which aspiration can be directed. (Marshall, 1992, 18)

As well as reinforcing the importance of specific societal contexts for the construction of citizenship (as discussed in Chapter I) this understanding touches on three important dimensions of citizenship: membership, equality of status, and rights and duties, which will be discussed below.

*Membership* of a community automatically means limitation of the status to a certain group of people and the exclusion of others. In children's services the criterion for inclusion or exclusion, or in other words the condition of membership, is not nationality, as for example in political rights, but need as defined in legislation and policy (this will be further discussed in Chapters IV and V). In Marshall's understanding, citizenship should achieve social *equality* for all those who are full members of a community (Marshall, 1992). He is aware that absolute equality is not achievable (Marshall, 1992, 45) and concentrates on equality of status rather than

income (Marshall, 1992, 33). Marshall's concept of citizenship focuses on *rights* rather than responsibilities. He saw citizenship as an accumulation of rights that he assigned to centuries:

18<sup>th</sup> century: civil citizenship

19<sup>th</sup> century: political citizenship

20<sup>th</sup> century: social citizenship (Marshall, 1992, 10)

This division has rightly been criticised as describing developments in citizenship in too linear a fashion (Bulmer and Rees, 1996; Turner, 1997, 13). Nevertheless, regardless of how exactly they developed, all three elements are present in the post-war welfare state and are defined by Marshall as follows:

The *civil* element is composed of the rights necessary for individual freedom – liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice. [...] By the *political* element I mean the right to participate in the exercise of political power, as a member of a body invested with political authority or as an elector of the members of such a body. [...] By the *social* element I mean the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilised being according to the standards prevailing in the society (Marshall, 1992, 8 – my emphasis).

Marshall assigned the responsibility for each element to state institutions. Civil rights are ensured by the courts of justice. The institutions related to political rights are Parliament and local government councils. Social rights are linked to the welfare state including the personal social services and the educational system. Social rights and the organisations assigned to them are seen as pivotal in achieving equality of status by

enabling citizens to participate fully in society and make use of their civil and political rights. This position is qualified by Dahrendorf (1996, 39):

The underlying argument [for social rights] is clear enough. Civil rights are not only curtailed by the exorbitant power of some, but also by the economic weakness of many of those who have them. It makes a difference whether one can afford to defend one's interest, or one's honour, in a court of law or not. Political rights mean little if people lack the education to make use of them.

Access to social services, within Marshall's concept of citizenship and the post-war welfare state, was not generally linked to guaranteed individual rights but was mediated by professional social workers (White and Harris, 1999a, 54-55).

Faith in the expertise of professionals, exercised through public service, enjoyed cross-party political support and was a cornerstone of the post-war social democratic consensus. The welfare state was a professional state, with professionals mediating between the state and citizens. (Harris, 2003, 30)

Service users in Marshall's understanding of social citizenship had the role of passive clients, with the state – represented through social workers – as the expert care taker (White and Harris, 1999b, 5; White, 2006, 42).

What was missing from the Marshallian perspective on client-citizenship was consideration of the authority dimension present in the bureau-professional regime of the personal social services and an explicit discussion of the rights service users might need to safeguard their position when faced with bureau-professional authority. (White and Harris, 1999a, 55)

Marshall's definition of social citizenship is often called 'passive' or 'private' citizenship, because of its emphasis on passive entitlements and the absence of any obligation to participate in public life.' (Kymlicka and Norman, 1995, 286; see also Gunsteren, 1994, 38). Following a closer analysis of Marshall's work, Evans and Harris (2004a) concluded that

It would be mistaken, however, to see Marshall as only holding to a rigid demarcation between (active) civil rights and (passive) social rights. Elsewhere, he drew out the connections between having civil rights, having the power to frame those rights (political rights) and having the resources and skills to exercise them and participate in their development as a full member of society (social rights). In drawing out these connections, he depicted politics as multi-dimensional, as bottom-up as well as top-down (Marshall, 1992, pp. 7-9), and, accordingly, as encompassing the use of political power by citizens as 'the normal method of establishing social rights' (Marshall, 1992, p. 26). Further, he argued for a balance between collective and individual elements in social rights (Marshall, 1992, p. 35). This was a view of citizenship as dynamic, as open to criticism and development. (Evans, T and Harris, 2004a, 71-72)

Nevertheless, Marshall has been criticised for developing a one-dimensional concept of citizenship in which identity was taken for granted and social class was the only societal difference he acknowledged (Turner, 1997, 13-15). So far, attempts to treat citizens the same have not removed inequality or oppression. That is why Young concludes that '[i]nstead of a universal citizenship in the sense of this generality, we need a group differentiated citizenship and a heterogeneous public.' (Young, 1995, 184). Young stresses the importance of group representation and participation but does not offer a

solution as to how this can be achieved. Instead, Pakulski (1997) developed a fourth set of citizen rights – cultural citizenship – that embraces society as being diverse and heterogeneous.

Cultural citizenship involves the right to be ‘different’, to re-value stigmatised identities, to embrace openly and legitimately hitherto marginalised lifestyles and to propagate them without hindrance. [...] Full citizenship involves a right to full cultural participation and undistorted representation. (Pakulski, 1997, 83)

In this statement, Pakulski shifts citizenship from a communitarian viewpoint as presented by Marshall to a more individualised one that has been strengthened in the light of the restructuring of the post-war welfare state. That restructuring has been a response to a variety of challenges and problems that European post-war welfare states have faced since the 1980s:

- Demographic challenge – Ageing society
- Social challenge – Plurality and individualisation of circumstances
- Cultural challenge – Diversity in ethnic and religious background
- Economic challenge – Unemployment, female labour market participation
- International challenge – Globalisation (Schmid, 1996, 2000)

In response to these societal challenges, the post-war welfare states in Germany and Britain were restructured and, within that process, competing professional and political concepts of citizenship were developed. As we have seen, in Marshall’s account the user of public services was a passive client dependent on the professional expert. Social rights which are linked to or equated with the post-war welfare state are based on ‘popular and traditional cultural beliefs about work and family obligations’ (Roche,

1992, 225) and patterns of life. Structural changes in society must be accounted for in developing a framework for social rights.

These rights have to be redefined in today's more individualistic and consumer-oriented context; and the issues of enforceability of rights and the reciprocity of rights and obligations will have to be developed in practice. (Plant, 1991, 63; see also Harris, 1999b)

In more recent accounts of citizenship, the passive client has been replaced by different conceptions of active, participating service users. In the British context, the most prominent of these is that of the consumer-citizen.

#### *The Consumer within New Public Management*

The post-war welfare state in Britain changed substantially after the Conservatives, with Margaret Thatcher as the Prime Minister, were elected into office in 1979. Heavily influenced by New Right thinking, this government regarded welfare spending as economically unproductive and socially damaging, as it was seen to be creating a dependency culture (Kymlicka and Norman, 1995, 287; Clarke *et al.*, 2000a, 3). The New Right therefore set out to restructure the post-war welfare state by introducing market mechanisms and competition, creating a mixed economy of welfare and establishing a variety of non-elected agencies to oversee public services (Clarke *et al.*, 2000a, 4-5), in line with what was later to be termed New Public Management (see chapters I and V). The division between state and market, that existed in the post-war welfare state, was weakened. Labour market participation received a new importance and welfare programmes were tailored towards people (re-)entering the labour market. Generally, state welfare provision was significantly reduced and strict eligibility criteria attached to the remaining services (Kymlicka and Norman, 1995, 287).

The new understanding of citizenship in this context was captured in 1991 by John Major, who had superseded Margaret Thatcher as Prime Minister, in a Citizen's Charter. The four key areas are summarised by Harris (2003, 128-129):

- *quality* – a sustained programme for improving the quality of public services;
- *choice* – choice, whenever possible between competing providers, is the best spur to quality improvement;
- *standards* – the customer must be told what service standards are and be able to act when services are unacceptable;
- *value* – the customer is also a tax-payer; public services must give value for money within a tax bill the nation can afford.

In the same year, the Labour Party published a Citizen's Charter of its own and, hard on the heels of the disappearance of the post-war consensus a new consensus developed:

In the statements on citizenship produced by the Conservative Government and Labour Party, a consensus was evident on a number of key points: services need to be flexible in meeting individual needs; individuals should have more say in how their needs are met; services should be specified and standards set for them; service users should have access to complaint procedures. (White and Harris, 1999a, 57)

These reforms had an impact on social services provision and the role of social workers (for a full analysis see Harris, 2003). The key elements in the New Right's agenda were marketisation of public services and managerialism (Borins and Grüning, 1998, 11; Dawson and Dargie, 2002, 38). Professional discretion was limited and controlled by

the manager's 'right to manage' (Newman and Clarke, 1994, 19). At the same time as managers were given more freedom, government control on local authority social services departments was enhanced. Social work's objectives were set at national level and were to be achieved locally, with national auditing bodies regularly monitoring results (Harris, 2003, 84) (as will be discussed further in Chapter V). In the mixed economy of services, '[s]ocial Services Departments would be enablers rather than providers, co-ordinating and purchasing care rather than providing services directly.' (Harris, 2003, 42). And

[s]ocial workers were expected to have skills in assessing services required by individual service users, making judgements about how and by whom services would be delivered, and manage budgets in ways which ensured that value-for-money services were provided. (White and Harris, 2001, 20)

This clearly shows that a shift had taken place from general provision mediated by social workers, with the service user as a passive client, towards an individualist understanding of welfare. The reconceptualisation of the citizen is central to welfare state reform (Clarke *et al.*, 2000a, 2) and the next section looks at this new understanding of citizenship:

But what of those citizens in receipt of state social work services? The New Right's response was the creation of the 'consumer-citizen', seen as capable of entering into responsible relations with the state's restructured social services arrangements in the quasi-markets of the mixed economy of welfare (Harris, 1999b, 923).

In his analysis of the Thatcher years Wilding (1992) points out that

there are many actual institutional changes – the deposit of 11 years of creeping Thatcherism. The undoing of so much minor change, even if cumulative in its impact, is not the kind of task to which succeeding governments feel called. Because of Thatcherism, the future of welfare will be different. (Wilding, 1992, 211)

Indeed, the New Labour government, elected into office in 1997, adopted and adapted NPM and the ‘consumer-citizen’ is still promoted by the as part of their modernisation agenda:

But modernization implied a deeper set of reforms in the relationship between the economy, state and civil society. It offered a particular conception of citizenship (empowered as active, and more participating, subjects); of work (as the source of opportunity for the ‘socially excluded’); of community (non-antagonistic and homogeneous); and of a modern nation (setting out Britain’s place in the changing global economy). (Newman, 2002, 79)

Consumers are cast as active, responsible citizens who make their own decisions and choices. Consumers are provided with information to assist choices that are made possible by the introduction of quasi-markets. Procedural rights, like complaints procedures, strengthen the position of the service user (Harris, 2003, 124-125).

Clarke (2005) has mapped four dimensions of citizenship found in New Labour’s modernisation agenda. The *activated* citizen illustrates the shift from ‘passive recipients of state assistance to active, self-sustaining individuals’ (Clarke, 2005, 448). Activity is mainly understood as waged work or preparation for work. It also includes volunteering

in the community. On a personal level, activity is understood as the self-management of health and lifestyle, be it as an ‘expert patient’ or by submitting an annual tax return. The *empowered* citizen acts as an independent agent and is empowered through choice and voice in the public sector. Choice has been depicted as increasingly available in the private sector and it is assumed that citizens expect the same in the public sector. Citizen voice is defined in terms of consultation and participation. This has been criticised as being detached from outcomes and elements of democracy and thus only qualifying as tokenism (Clarke, 2005, 450; see also Arnstein’s ladder of citizen participation below). The *responsibilised* citizen behaves responsibly and makes reasonable choices.

Responsible citizens make reasonable choices – and therefore ‘bad choices’ result from the wilfulness of irresponsible people, rather than the structural distribution of resources, capacities and opportunities. (Clarke, 2005, 451)

This dimension was also present in the New Right’s understanding of citizenship. Kymlicka has pointed out that there is no evidence that the reduction of welfare provision has increased the responsibility of citizens, nor that market based citizenship offers any solution as to how citizens can participate responsibly (Kymlicka and Norman, 1995).

The *abandoned* citizen receives less state protection from market forces. Welfare arrangements are tailored towards labour market participation through ‘welfare to work’ - programmes and benefits that are linked to waged work, such as tax credits. This is accompanied by the privatisation of public services and the necessity for private provision or insurance in the areas of health, pensions and education (Clarke, 2005, 453).

These dimensions of citizenship are not mutually exclusive and should be understood as ideal types accentuating different aspects that are in practice fluid and overlapping. Depending on which of the dimensions the citizen is seen as falling into in his/her contact with the state, different practices are applied:

The law-abiding, hardworking citizen receives rewards like tax credits and the freedom to choose his/her lifestyle within the parameters of society. Where citizens are seen as leaving those parameters, personalised intervention is used to return citizens back to being law-abiding and hardworking. If this is not successful, surveillance and criminalisation are applied to reduce anti-social behaviour and enhance safety in communities (Clarke, 2005, 458).

Clarke's typology shows that New Labour's citizenship is double-edged. On the one hand, the individualisation of welfare means that people have more responsibility for their lives and well-being, but they can also make use of procedural rights in contact with public services. On the other hand, New Labour has introduced a collective dimension to citizenship by defining what 'reasonable' behaviour is.

There is wide agreement in the existing literature that the political concept of the consumer in the marketplace is not sufficient from a professional point of view (Flynn, 1997; Harris, 1999b; White and Harris, 1999a; Dawson and Dargie, 2002).

Disagreement exists over whether it is possible to utilise the possibilities this concept provides, or if consumerism has to be dismissed completely. Both positions will be presented below.

In contrast to the post-war welfare state that gave professionals the status of experts, consumerism is seen as enhancing social rights by seeing citizens as critical agents who can make decisions for themselves, and thereby gives users power to define their own needs and responses to them (White and Harris, 1999b, 8) (within the limitations described above). Procedural rights are seen as strengthening the service users' position and safeguarding them against professional discretion (White and Harris, 1999b, 9, 2001, 17).

Although often not directly paying fees for services, citizens are paying for taxation, and they are the consumers. Citizens' rights were emphasized to counterbalance the providers who had traditionally been the sole arbiters of what were good and acceptable standards of service provision. (Dawson and Dargie, 2002, 36)

In the personal social services, there is a substantial degree of discretion and questions of policy and professional judgement are often interlinked. Service users often have low status, experience oppression and discrimination and have low expectations. They may be involuntary service users. Given these features of the personal social services, procedural rights have the advantage of introducing greater clarity into seeing the service user as the owner and potential enforcer of rights. (White and Harris, 1999a, 62, 1999b, 9)

For Harris, this could be the starting point for people and users to make their interests heard.

Procedural rights [...] may be no more than top-down guarantees to begin with, but they open up the possibility of bottom-up participation in state social work. (Harris, 1999b, 931)

White and Harris see potential in New Labour's rhetoric of partnership, participation and choice that can be exploited as a way to empower service users (White and Harris, 1999a) and steer the development of social rights in a different direction than that intended by the New Right and New Labour (White and Harris, 1999b, 8). This optimistic assessment of recent policy is not shared by other authors. The bone of contention is the transfer of the concept of the citizen as active consumer from the private sector to the public sector.

The relationship between public service organisations and their users can be more complicated than that between a company and its customers. People have rights as citizens as well as customers and in any case may be unwilling users of the services. (Flynn, 1997, 168)

Pollitt identifies four areas where the concept of the consumer does not fit well in public services. First, public services, like the police or social services and even education, are frequently compulsory and in some cases delivered against the will of the recipient. Laws include statutory powers in cases where behaviour impacts on another person's personal rights, as in the case of child protection (Pollitt, 1990, 126-127; see also Ryan, 2001, 107). Secondly, public services are often still provided as local monopolies where the service user's choice is non-existent or extremely limited.

Such circumstances – whether they be the product of monopoly or of legal compulsion – endow the 'consumption' of the public service with a new ethical

basis. The ultimate defence of a supermarket manager or the car sales-person – ‘They can always go somewhere else’ – can no longer be prayed in aid. The case for some kind of consumer representation or participation thereby becomes that much stronger. (Pollitt, 1990, 127)

Thirdly, people might want services that are not available, as has been well documented by citing NHS waiting lists. Even in areas where quasi-markets have been introduced and are working, Dawson (2002, 35) identifies two constraints on quasi-markets that can rarely, if at all, be found in the private sector. The government determines, through funding, the size of the total market. Thus it cannot be increased no matter how successful the supplying organisations are or how high the demand is. Further, the services that can be provided by organisations are limited by statute. Thus, although users of social services have the right to a personal assessment and a certain level of service, as well as the right to be involved in the process and to complain if they are not satisfied with it (Johnson, 1999, 99), the rhetoric of personalised social services being tailored to individual need cannot hide the fact that resources determine the availability of services. ‘What emerges is a resource-led service with the customer having to make the best of what is available.’ (Johnson, 1999, 99). Fourthly, social services have to be offered face-to-face and over time. These services are hard to standardise and the provider has to appreciate the individual circumstances of the recipient.

Two further areas can be added to the four identified by Pollitt. The concept of citizens as active consumers assumes that they have a high level of education, knowledge and motivation, and the capacity to make informed decisions. Issues relevant to this have been raised by the French sociologist Pierre Bourdieu, who dealt empirically and theoretically with the societal structure and its emergence. According to the results of

his research, the social position of members of a society is determined through three kinds of capital:

- Economic capital (money and property)
- Cultural capital (education, continuous education, cultural offers) and
- Social capital (networks, contacts with other people) (Bourdieu, 1992).

All three kinds of capital are necessary to participate fully in society. Users of social services often lack sufficient amounts of one or more types of capital to make informed decisions (Ryan, 2001, 106).

In real life situations, therefore, where individuals are not cut off and sharply distinguishable from significant others, are sometimes not sure of their desires and often not aware of their interests, are frequently not in possession of the knowledge and capacities to plan and pursue effectively their projects, and most generally are not sole master or mistress of their own fate, there is an inevitable zone of indeterminacy surrounding the concept of the 'consumer citizen'.

(Bulmer and Rees, 1996, 277)

The problem is that in the personal social services there is a lack of clarity about what your rights are and certainly a lack of knowledge on the part of consumers and potential consumers. Vulnerable people may not be willing or able to insist on their rights (for example not wishing to complain). The enforcement of rights may also be difficult. (Johnson, 1999, 100)

The final area brings us back to the initial quote by Flynn about the complexity of rights for citizens and consumers: 'In short, market models of government service delivery have reconstructed citizens as consumers of public goods rather than participants in public policy processes' (Ryan, 2001, 104). The service user in the post-war welfare

state was passively dependent on the welfare state, whereas within NPM the service user is dependent on the market. Therefore, the consumer's relationship with the state is seen as passively commercial and individualist in contrast to the active political participation of citizens for collective public interest in a democratic understanding of participation (Ryan, 2001, 105-106). Forms of consumerist involvement, such as customer satisfaction surveys, can add to citizen participation, but: 'It is the symbolism of citizens as passive consumers, making judgements on preferences rather than participating in public processes, that needs reconsideration' (Ryan, 2001, 107).

The [citizenship] rights which have been fought for have on the whole not been those of efficiency and effectiveness, but rather, justice, representation, participation and (most recently) equal opportunities. And these are, indeed, the rights which many citizens seek to inscribe in the organisation of their public services. They go far beyond the agenda of managerialism but it could be argued that they address some of the distinctive issues of public services management in a more realistic manner than the narrow focus 'consumerism'. (Pollitt, 1990, 129)

In line with this, Beresford and Croft make a division between a consumerist and a democratic form of citizen involvement (Beresford and Croft, 1993). Consumerist citizen involvement, in line with the political positions presented above, is developed by managers and implemented from top to bottom (Croft and Beresford, 1992, 32), and is thereby 'service-led' (Beresford and Croft, 1993, 9). Service users have played little part in the development of this approach to social work:

Policy and practice for user involvement have mainly been concerned with consultation and market research exercises, rather than with any shift in decision-making or power. Service users have been expected to feed into professional debates and developments. Thus service users' main role in the development of modern social work has remained essentially unchanged: to provide information, first for researchers and subsequently for social work agencies, policy-makers and professionals. (Croft and Beresford, 2002, 388)

The model of democratic citizens' involvement emerged from the movements of Black and disabled users who were increasingly dissatisfied with their position as 'data' and reached a stage of consultation fatigue (Croft and Beresford, 1992, 32). They aimed for 'user-led social work, based on social work service users' priorities, [which would] provide a practical basis to restore social work to its traditional commitment to uphold service users' independence, rights and choices' (Croft and Beresford, 2002, 392). This would add service users' voices to services and move them towards 'citizen-led' services (Beresford and Croft, 1993, 9). Democratic citizen involvement is a political category: 'The idea of empowerment is central in the democratic approach. Its objectives are civil rights and equality of opportunity' (Beresford and Croft, 1993, 9). 'In their discussions, social care service users constantly return to three key themes and priorities: *autonomy, participation and inclusion*' (Croft and Beresford, 2002, 389). This has been termed by Beresford and Croft as pro-active citizen involvement. This approach would use continuous service user involvement to prevent things from going wrong. In contrast the tools of consumerist citizen involvement are mainly reactive. Tools for involvement, like the complaints procedure, are applied once things have already gone wrong (Beresford and Croft, 1993, 12).

In this section, the dominant conceptions of citizenship and the political context in which they originate have been introduced. It started with the provision of social rights and welfare in the post-war welfare state as a means of mitigating market inequalities and achieving equality of status. Welfare was formerly seen as a collective commodity, provided by the state and mediated through professionals as experts. This position has been criticised as conceptualising the service user as a passive citizen and neglecting the authority inherent in the professional-service user relationship.

The dismantling and modernisation of the welfare state since the 1980s has brought about a more individualised understanding of welfare. The service user has been re-cast as an active, responsible, self-sustaining individual who chooses services from the quasi-markets of welfare and makes use of the complaints procedures if not satisfied with the services received. While it has been argued by some that this development has strengthened the service user's position and could be used as a stepping stone to increasing citizens power, others are less optimistic. Opportunities for citizen involvement are seen as 'tokenism' and fall short of the empowerment of service users aimed for by service user movements as well as professional social workers. While social workers have lost their 'expert status' in the restructuring of welfare, power has been redistributed to management and government rather than service users.

The central themes from the above concepts are: participation, the relationship between social worker and service user, and the structural power inherent in this relationship, rights, responsibilities and conditionality, and compulsion and discipline.

The next section introduces the main conceptions of citizenship in Germany. Although they refer to different societal conditions and times, we will see that the central themes are similar to those identified in England.

### Germany

The main terminology used in Germany to talk about citizenship within the modernisation of the welfare state is ‘*Dienstleistung*’ (service). Within this terminology, three approaches to service theory – sociological, economic and professional-theoretical – will be presented.

#### *The Co-producer within Sociological Service Theory*

In the light of societal changes, and especially the economic and labour market shift towards a service society, professional social work has moved towards a re-definition of social work as service (*Dienstleistung*) and the service user as co-producer (as will be discussed below) (Schaarschuch *et al.*, 2001,268).

In the mid-1970s, Germany saw the so-called ‘1<sup>st</sup> wave of service theory’, based on the work of Gartner and Riessman and Badura and Gross, which has been very influential in the understanding of the social worker – service user relationship. Both pairs of writers chose a micro-sociological approach and, despite different starting points, came to the conclusion that an increase in quality and effectiveness of public services can only be achieved through the involvement and mobilisation of service users (Badura and Gross, 1976, 300, Gross, 1977, 362; Gartner and Riesmann, 1978, 217). Within the ‘1<sup>st</sup> wave of service theory’ there was a macro-sociological perspective that influenced the micro sociological approaches.

In the light of the oil price shock of the early 1970s, Badura and Gross asked if the post-war welfare state could and should still be financed<sup>2</sup>. Social services were understood as satisfying basic immaterial and somatic needs, such as treatment, care and education, that either cannot be supplied by the individual or his social network, where their financial status does not allow for the services to be bought, or where services are not offered in the private sector (Gross and Badura, 1977, 362). According to Badura and Gross, the main challenge for social policy is a just distribution not only of financial resources but also of educational prospects, so as to mobilise service users in order to maximise their full potential (Badura and Gross, 1976, 13). Utilisation and quality of services are not only dependent on the motivation, qualifications and knowledge of the professionals, and the capital invested, but a great deal is dependent on the motivation, experience and knowledge of the service user (Badura and Gross, 1976, 12; Gross and Badura, 1977, 362-363).

Furthermore, personal social services are provided according to the ‘uno-actu principle’, meaning that the production and consumption of services occur together. Thus, it is essential that the service user is present during production (Olk *et al.*, 2003, XII). Good results can only be achieved if producer and consumer co-operate (Gross and Badura, 1977, 366). The service user is an external production factor that is not under the control of the producer (Olk *et al.*, 2003, XII-XIII) and interpersonal relationships are an essential part of service provision. In this understanding, the service user has the status of the co-producer of personal social services. Badura and Gross held societal changes, like urbanisation, loss of extended family networks, and migration, responsible for the increased demand for social services. In order to make the financing of these services

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<sup>2</sup> In the early 1970s, Germany’s welfare state was still growing. Welfare spending in Germany reached its height in 1975 and decreased since (Schmidt, 2005, 96).

sustainable, they argued that social services should work towards the re-integration of social values and solidarity to strengthen small social networks, so that social commitment can eventually lead to the resumption of social service provision outside the state domain.

Gartner and Riessman<sup>3</sup> (1978) wrote in the light of the disabled and Black user movements in the US and the critique of the expert-professional present in the post-war welfare state (see above). User movements had been fighting for rights, legal entitlements and access to services which they had been excluded, and for suitable services that catered for minorities (Gartner and Riessman, 1978, 108-110). In response to the demands of user movements, tools were introduced that gave service users an active role in the production of services and lessened the monopoly of professionals as experts. These tools included: advisory boards, management and budgeting tools, and performance reviews of professionals (Gartner and Riessman, 1978, 109). Gartner and Riessman acknowledged that ‘these tools have not only been used to enhance legitimation to the consumer; some have certainly been used to save money and enhance control’ (Gartner and Riessman, 1978, 109). At the time, Gartner and Riessman wrote that the US welfare state was undergoing substantial changes and drastic restructuring using the tools of NPM (such as the ones listed above, see also the previous section in this chapter) were imminent. Gartner and Riessman acknowledged that such tools are never neutral and could be used to exploit the people for whom there is a duty of care (Gartner and Riessman, 1978, 243-244).

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<sup>3</sup> Gartner and Riessman’s work has been influential in the German discussion on service theory, even though it was tailored to the US.

Gartner and Riessman developed a three-level model of how public services can mobilise and involve service users in a meaningful way:

1. The political involvement of service users independent of the individual case, e.g. by participating on advisory boards
2. Service provision through service users, e.g. self-help groups, volunteering. This would cover increased demand for public services and enhance output without an increase in public funding. Service users would be more active and better informed when they return to be receivers of services
3. Activate service users to participate, self-determination through vouchers for services, learning to learn (Gartner and Riesmann, 1978, 221-223, 225)

Gartner and Riessman's concept of the service user as an 'active consumer' places the responsibility on service users to recognise and articulate need and demand services – similar demands are placed on the co-producer conceptualised by Badura and Gross (Gross and Badura, 1977, 362). They also have to use the services and cooperate with the producer (Olk *et al.*, 2003, XIII). This assumes a skilled, knowledgeable and motivated service user.

One example chosen by both is the 'expert patient' who takes responsibility for his/her own health (Badura and Gross, 1976, 301-302; Gartner and Riesmann, 1978, 232ff), especially in cases of chronic illness or self-inflicted illnesses. Badura and Gross used this example to show that the active inclusion of service users as co-producers of services enhances the need to conform to formal behavioural expectations (Badura and Gross, 1976, 301-302). Preventative health services, for example, can only be successful if patients attend them. They found that this disciplinary side of the

activation of service users had not been considered sufficiently in the social/political discussion (Badura and Gross, 1976, 301). The area of children and families social services is characterised by a strong influence exerted by discipline and formal behavioural expectations. It will be argued that this dimension has been neglected in the current evaluation and theorisation of social work and social citizenship (see below).

This is where the micro-sociological and macro-sociological perspective of service theory interlink. The macro-sociological perspective on social services focuses on the contribution of social services for society as a whole. In that they never solely focus on the service users' needs but also on his position in and contribution to society. Hence, social services have a guiding and controlling function (Schnurr, 2001, 1333; Olk *et al.*, 2003, XV) and are usually directed at the defence of risk and the elimination of dysfunctions.

As we have seen, the sociological service theory evaluates social service provision and the service user-professional relationship in the light of societal changes towards a more individualist society, where welfare is provided as described above in the post-war welfare state. The conceptualisation of the service user as co-producer is an attempt to theorise social policy from a sociological standpoint. In the German context, the co-producer concept has long been the prevalent understanding of the service user and it is still influential at the present time. However it has been challenged politically, through the restructuring of the welfare state (see economic service theory below), and professionally, as not sufficiently acknowledging the active participation of the service user (see professional-theoretical service theory below).

### *The Customer within Economic Service Theory*

This concept of citizenship is based on Germany's interpretation of New Public Management. In the early 1990s, the KGSt (the largest local government organisation in Germany) developed the New Steering Model (NSM) (see Chapter IV for a full description of NSM). It aimed at reorganising municipalities into service enterprises (Gries and Ringler, 2003, 61) with the following main characteristics:

- primarily demand- and customer-driven
- thinks in product cycles and adapts services to demand and available funds
- competitive: faces up to direct comparison with private providers
- invests in members of staff (KGSt, 1993a, 13-14; Olk *et al.*, 2003, XXXII)

Despite the use of business instruments, service enterprise by local government is distinguished from private sector service companies in four areas:

- public welfare orientation, which is understood as 'balance of interests, fair access to certain standard benefits, protection of the weak, healthy living conditions' (KGSt, 1995c, 9 – my translation). In the provision of services, this means that the aim is to treat people equally and ensure confidentiality.
- obligation to implement law, in spite of resistance
- democratically elected councils and heads of administration (KGSt, 1995c, 9)
- closed market: the monopoly position often prevents true competition. This can be compensated by price comparisons with private sector providers and through comparison of performance between municipalities (KGSt, 1993a, 22-23, 1997, 16).

Despite these differences, the performance criteria (as between the public and private sectors) are similar: services need to be efficient, effective and derived from citizens'

needs (KGSt, 1995c,15). NSM has been labelled the ‘economic service theory’ as it also uses the terminology of ‘*Dienstleistung*’. As regards the content, it has no connection to the sociological service theory (Schaarschuch *et al.*, 2001).

In contrast to the unitary British state, Germany is a federal state (see Chapters IV and V). In unitary states, reform tends to be initiated by central governments whereas in federal states reform starts from below; in Germany, firstly at the municipal level (Klages and Löffler, 1996, 134; Derlien, 2000, 155; König, 2000, 59; Schedler and Proeller, 2002, 177-178). Reforms at the *Bundes*-level followed later, but in Germany state and municipality reforms barely influence each other (Schedler and Proeller, 2002, 171). Modernisation and welfare state reform in Germany is fragmented as, unlike in other countries, no central department is responsible for it (Wollmann, 1996, 9).

As in Britain, the reduction of welfare provision and a concern with effectiveness and efficiency formed the basis for NSM and had an impact on the re-definition of professional-client interaction (Schaarschuch *et al.*, 2001, 269). Ideas of a citizen-friendly administration have been the impetus behind reform in municipalities since the 1960s (Wollmann, 1996). Compared to the radical reforms of Thatcher in Britain, the German conservative governments of the 1980s made few changes and the ones they initiated were mainly concerned with the reduction of bureaucracy (Wollmann, 1996, 17; Butterwege, 1999, 43). After years of having being squeezed by the costs of implementing federal programmes, further pressures emerged at the beginning of the 1990s that compelled local government to act (see Chapter V). The debts of reunification, international competition and European integration led municipalities to examine reforms in other EU countries (Wollmann, 1996, 23; König, 2000, 58).

[NSM] emerged as an active service orientation, which placed client / citizen needs and interests in the centre, rather than smooth administration. But in everyday practice the social worker still stood between the interests of the persons concerned and the principles of the economising administration, which was thought to be achieved with extensive control and intervention practices. Models could decrease this contradiction, but hardly abolish it (Kühn, 1994, 92-93 – my translation).

The existing political system includes at least two elements that support the transformation towards a service enterprise:

- a) Municipalities operate according to the principle of '*Kommunale Selbstverwaltung*' (local self-government). Public tasks and services are provided as decentralised, and thus citizens only rarely have contact with government departments; usually, they deal with local authorities. This is a significant precondition for citizen-friendly administration (Wollmann, 1996, 4-5).
  
- b) Historically, services in Germany have been provided according to the principle of subsidiarity. This means that municipalities only provide services if they are not provided by a third party, usually a voluntary organisation. Therefore, in Germany, municipalities traditionally assume the 'enabling function' that has been a part of NPM, promoted as a British invention (Wollmann, 1996, 7). This might also explain why, compared to international reform programmes, markets and competition had a negligible role in the NSM (Schedler and Proeller, 2003, 72).

Nevertheless, NSM has been criticised for crudely transferring economic and management tools from the private sector to social services and thereby missing the comprehensive need for innovation within social services (Kühn, 1994, 133). As part of this the private sector consumer terminology is included in the NSM. The NSM re-labels citizens as customers, albeit without the centrality that consumerism has had in England. The customer is understood to have a status that is additional to that of the citizen, rather than superseding it. The customer role is limited to direct interaction between citizens and administration. The group of customers can exceed the group of citizens, because nationality or age are not always criteria for access to services. It is acknowledged that the conception of the customer in the private sector cannot be adopted in its entirety. Rather '[t]he transfer of the term 'customer' into the public sector is a 'metaphor' for the required opening of administration towards citizens' concerns' (Schedler and Proeller, 2003, 58 – my translation).

It is expected that service providers in municipalities should have an understanding of customer demands and expectations, even though the provision of services is not solely dependent on customer wishes. As in the private sector, rules govern the relationship between customer and provider as the following examples show: products in a shop need to be paid for before they can be taken out of the shop. In social services, legal requirements need to be fulfilled in order to receive services.

Despite this – in contrast to Britain – limited understanding of and focus on the customer, the desirability of realigning social services towards the customer, has been criticised. According to Butterwege, the rhetoric of the 'active customer' disguises the

fact that in reality the community abandons its responsibility for the (socially) deprived (Butterwege, 1999, 105-106). Personal responsibility is certainly stressed in the German conception of the customer and personal contributions are encouraged.

Schaarschuch considers it inevitable that the focus on private sector principles will fail in the public domain, as it seems illogical that market principles can be suitable for services that were established to mitigate market inequalities (Schaarschuch, 1996a, 19, 1996b, 91). His alternative is democratisation (see next section). In this context, he also considers the customer concept to be unsuitable because the financial resources are not held by the service user and there is no real competition between services (Schaarschuch, 1996a, 17).

The introduction of the customer metaphor in youth welfare is also rejected:

The construct of the ‘competent consumer’ who - equipped with money or vouchers - ‘collects’ the wanted service from a provider of his choice, does not normally match the reality of client relationships in youth welfare services.

Particularly in areas of work with deprived client groups, or where youth welfare services are acting in their role as the State Guardian against the wishes and intentions of the people concerned, the customer metaphor adds little to an appropriate understanding of the professional-service user relationships (Olk *et al.*, 2003, XXXIX –my translation).

This section has indicated that economic service theory has been considered ill-fitting for youth welfare. However, the rejection of economic service theory should not be mistaken for a general rejection of change. In response to societal changes, professional

attempts to re-define the service user-citizen relationship have been made. These will be described in the next section.

### *The Producer within Professional-Theoretical Service Theory*

Professional-theoretical service theory appeared at the same time as economic service theory and uses the same terminology. The only other similarity is the focus on the service user, otherwise the content differs (Schaarschuch, 1999, 543, 551). The two theories exist side-by-side and do not draw systematically on each other (Schaarschuch, 1999, 543; Schaarschuch *et al.*, 2001, 270). Professional-theoretical service theory developed out of the professional need for re-orientation of social work, made necessary by changes in society:

- norm biographies<sup>4</sup> were breaking up due to changed labour markets
- individualised lifestyles were less integrated in tradition and norms
- higher levels of need and, at same time, a financial crisis that limited the resources of social work (Flösser and Otto, 1998, 3-4; Chassé and Wensierski, 2002)

Existing social work practice was seen as not being flexible and innovative enough to respond to these challenges. Since the 1980s, the professional focus has shifted from ‘norm employment’ to the life world of service users (Schaarschuch, 1999, 545). At the same time, social work lost its focus on a ‘problem clientele’ as the target group. A normalisation of social work took place and now everyone can potentially be a client of social work (Chassé and Wensierski, 2002, 8). Based on the changed life world of

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<sup>4</sup> A ‘norm biography’ is understood as a conventional CV including education, vocational training or university and paid employment.

children and young people, the 9th Youth Report<sup>5</sup> called for a paradigm shift of social work towards social service (*Dienstleistung*) (Schaarschuch *et al.*, 2001, 269).

Several attempts have been made to theorise service theory for social work in a more individualised world. All place the service user in the centre but vary in the degree of participation envisaged (Schaarschuch *et al.*, 2001, 272). Schaarschuch's service theory is the most radical of these. He places the service user – professional relationship in the centre of social work's reorientation (Schaarschuch, 1999, 547) and re-defines service users as producers and social workers as co-producers. His understanding of the professional – client relationship is based on the understanding of the service user as the co-producer in a process where production and consumption coincide (Schaarschuch, 1999, 552), as developed by Badura and Gross (see above). This understanding does not, according to Schaarschuch, sufficiently acknowledge the centrality of the service user's position in the production of social services.

Social services and social work intervention can only be successful if the service user takes possession of them. Social workers can initiate change but only the service user can change. Therefore the service user is seen as the producer and the social worker the co-producer (Schaarschuch, 2003, 156). The value and quality of social work then depends on the professional's ability to enable service users to express their needs and demands, and for the service user to take a steering role in service provision (Schaarschuch, 2003, 158).

The point is that social workers and pedagogues provide the necessary resources – climate, relationship structure and procedures – but the process of 'self

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<sup>5</sup> Once every legislative period, the German government has the legal obligation to publish a report about the situation of children and young people in Germany. It is a key indicator of topics and debates in the area of children and families social services (see Chapter IV).

empowerment' can only be performed by the subjects themselves (Schaarschuch, 1996a, 26 – my translation).

In Schaarschuch's theoretical concept, social workers share power with service users and thereby empower them. Social services, through social workers, mediate between the individual case and society (Schaarschuch, 1996b, 89). Galuske (2002, 255) has accused Schaarschuch of writing from an ivory tower without recognising the realities of society and social work. Schaarschuch himself acknowledges these realities by pointing out that existing power relationships need to be considered (Schaarschuch, 2003, 162) and, while they can be minimised, they cannot be completely overcome. Professionals have a structural power advantage on two accounts: knowledge and membership of an organisation. These existing power relationships hinder the full implementation of Schaarschuch's service theory in practice.

In order to minimise the power imbalance in favour of the service user, Schaarschuch advocates the democratisation of organisations and suggests the following steps for its implementation:

- On the political level, participation has so far only been indirect through elections, involvement in consultation and 'citizens as data' (Schaarschuch, 1996a, 20-21). To facilitate active participation, legal rights and entitlements should influence the form and content of service processes (Schaarschuch, 2003, 163).
- Existing local government advisory boards and committees could be adapted to include representatives of self-help groups. Accessible information is

needed to inform citizens about these existing possibilities to participate (Schaarschuch, 1996a, 24).

- At the institutional level, conflicts need to be made visible in order to find solutions and/or compromises.

In Schaarschuch's service theory, the user is theoretically in a strong position. In his implementation proposals, Schaarschuch's solutions are similar to those developed by Gartner and Riessman for their sociological service theory. Some key tensions cannot be overcome in either concept. The main one concerns the power differences between social workers and service users. Service users need a high-level of competence, reflexivity and motivation to fill this role. It is the social worker's responsibility to facilitate service user participation. This gives social workers powers. In both service theories it is not clear if and how safeguards are built in. A further limitation of 'service' as a way of re-conceptualising social work is its applicability in areas of involuntary use, like child protection: 'Social work that operates with enforcement and punishment is no service' (Schaarschuch *et al.*, 2001, 273).

Before the characteristics of children and families social services are discussed in more detail, the next section concentrates on two central elements in the conceptualisation of citizenship that have emerged thus far: power and participation.

### Power and Participation

The first part of this chapter presented five conceptions of citizenship that integrate social rights within them. 'It centres around the question of whether social rights belong

to citizenship or, in contrast, are incompatible with it' (Preuß and Everson, 1996, 547 – my translation).

Social rights were first included in T.H. Marshall's conception of citizenship in the post-war welfare state. In his understanding of social rights, the service user had a relatively passive role, whereas the social worker was the expert. In Marshall's conception this was unproblematic, as professional and service user interests were seen as concurring. The newer conceptions consider this assumption to be questionable and problematic. All the other conceptions presented above include, implicitly or explicitly, the ideal of the active service user and see citizenship as an active status (see also Faulks, 2000; Schnurr, 2001, 1332). Citizens as recipients of state services, provided as part of their social rights, are in danger of being passive recipients because of the structural and organisational conditions of provision (see below). The power relationship between state and citizens, mediated by social workers, has been central to the conceptualising of citizenship as discussed above. The reliance on state provision and the dependency that citizens enter into is contradictory to concepts of democracy and political citizenship in the tradition of the French '*citoyen*', who is sovereign. So the central question is: How can one be at the same time a free citizen and a dependent recipient of social services?

In the context of NPM, Schedler and Proeller (2003) developed a model that distinguishes between citizen and customer that offers a good starting point from which to reflect on the central themes of social citizenship and the position that service users are in. In this model (see Fig. 2.1), citizens influence indirectly, through the political process, which services are offered and to whom (Schedler and Proeller, 2003, 61).

These services are then offered to customers or service users, who in return contribute to the design and quality of services through forms of user involvement.



Figure 2.1: Model of the influence of citizens and service users in the delivery of public services (adapted from Schedler and Proeller (2003, 63))

Obviously, citizens and service users are not two separate groups but overlap to a large degree<sup>6</sup>. According to this model, people participate actively in two ways: in the political process and in direct contact with social services.

There is no universal or generally accepted definition of participation and ‘[e]ven its terminology constantly changes, for example, from ‘participation’ and ‘empowerment’, to ‘self-advocacy’ and ‘involvement’ (Croft and Beresford, 1992, 20). There seems to be implicit agreement that not everything labelled ‘participation’ or ‘involvement’ is meaningful from a service user’s perspective. Arnstein’s (1969) influential ladder of citizen participation is helpful in clarifying the meaning of participation. She has identified eight levels of citizen participation ranging from ‘non-participation’ via several ‘degrees of tokenism’ to ‘citizen power’.

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<sup>6</sup> The two groups are not identical because many citizens do not, or only occasionally, receive social services. At the same time, some service users might not be in a position to take part in the political process because of age and nationality – limitations that are not necessarily relevant for social services.

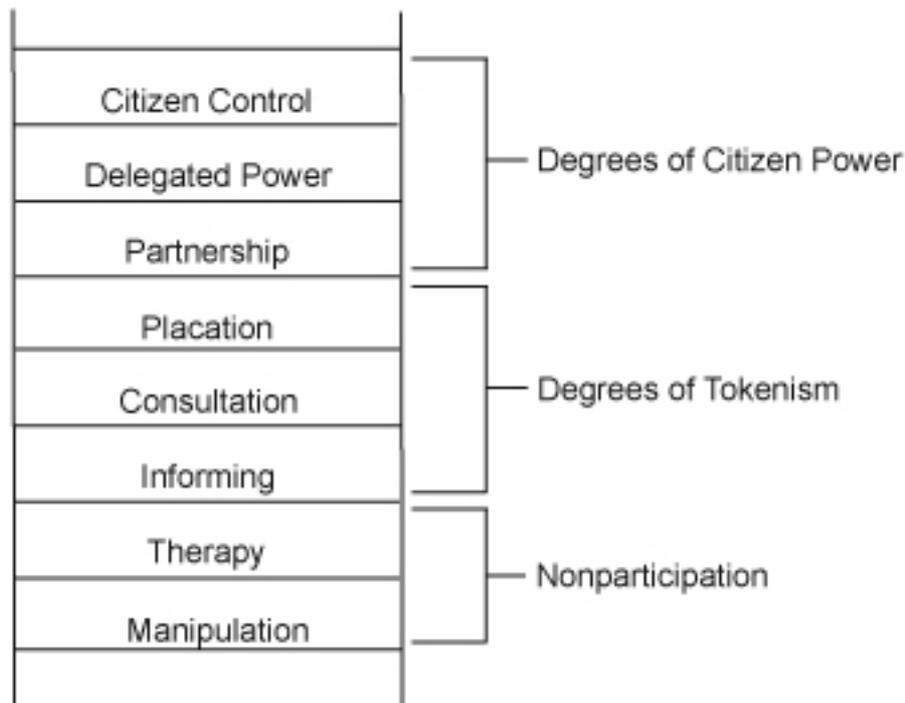


Figure 2.2: Ladder of citizen participation (Arnstein, 1969, 217)

On the lowest rungs of the ladder, therapy and manipulation are a mere substitute for genuine participation that aims at education and cure (Arnstein, 1969, 217). Moving up the ladder, the following three steps contain three degrees of tokenism. Here, citizens can inform and advise but not decide. All three hold possibilities for participation but are usually tokenistic (Arnstein, 1969, 217). Access to information is the lowest ‘token’ offered, but Arnstein acknowledges that it can be used to promote participation:

Informing citizens of their rights, responsibilities, and options can be the most important first step toward legitimate citizen participation. However, too frequently the emphasis is placed on a one-way flow of information – from officials to citizens – with no channel provided for feedback and no power for negotiation (Arnstein, 1969, 219)

Service users are mainly informed through posters, leaflets, responses to their inquiries and increasingly through the internet. The importance of accessible information is stressed in NPM, as it is seen as the basis for consumer decision-making.

Moving further up Arnstein's ladder of citizen participation, the next level is consultation, which, in order to be meaningful, needs to be combined with other modes of participation.

People are primarily perceived as statistical abstractions, and participation is measured by how many come to meetings, take brochures home, or answer a questionnaire. What citizens achieve in all this activity is that they have 'participated in participation'. And what power holders achieve is the evidence that they have gone through the required motions of involving 'those people' (Arnstein, 1969, 219, see also Croft and Beresford, 1992, 32).

On the top of the ladder she distinguishes between three degrees of citizen power: partnership, delegated power and citizen control (Arnstein, 1969, 217).

At this rung of the ladder, power is in fact redistributed through negotiation between citizens and power holders. They agree to share planning and decision-making responsibilities, through such structures as joint policy boards, planning committees and mechanisms for resolving impasses (Arnstein, 1969, 221).

In Arnstein's understanding of participation, the key for meaningful citizen involvement is the redistribution of power:

[P]articipation without redistribution of power is an empty and frustrating process for the powerless. It allows the power holders to claim that all sides were

considered, but makes it possible for only some of the sides to benefit. (Arnstein, 1969, 216).

Power-sharing is the ideal that most authors implicitly set for the development of concepts of citizenship or in critiques of existing ones.

Participatory initiatives can be a route to redistributing power, changing relationships and creating opportunities for influence. Equally, they can double as a means of keeping power from people and giving false impressions of its transfers. They can be put to two conflicting purposes according to whether their initiators want to hold on to or share power. (Croft and Beresford, 1992, 38)

In this discussion of power, power holders are contrasted with the ‘have-nots’ or the powerless (Arnstein, 1969, 216). Neither group is homogeneous, even though they are often perceived as such by the other. In this context, participation is political, and Croft and Beresford place participation within their wider discussion of democracy (Croft and Beresford, 1992, 27).

Arnstein raised an important issue: ‘In most cases where power has come to be shared it was *taken by the citizens*, not given by the city’ (Arnstein, 1969, 222, emphasis in the original). Arnstein’s interpretation of this is twofold. First, like Beresford and Croft, she assumes that it is natural that power holders want to hold on to power. On the other side, the act of taking power ensures its relevance for citizens. This is a very different form of participation from regulated and proceduralised consulting to satisfy statutory requirements. The act of ‘taking power’ holds two potential limitations with regard to service users. First, service users might be in contact with social services to receive help

for a very specific need, such as care for a relative of an older person, marriage counselling or help with their child's dyslexia. Unlike organised user movements, they might have no wider political interest in influencing service provision or sharing power. Participation would then be limited to the direct interaction between organisation, social worker and service user (right side of Fig. 2.1).

Hirschman (1970) distinguishes two ways for such customers or members of an organisation to express their dissatisfaction: exit and voice. Exit is mainly relevant in the commercial sector, where customers show their dissatisfaction by switching to a competitor's products or services. This is an impersonal form of expressing one's opinion, as a face-to-face confrontation is avoided. 'Exit is unsettling to those who stay behind as there can be no 'talking back' to those who have exited' (Hirschman, 1970). With the introduction of competition and quasi-markets through NPM, choice, and therefore exiting in the economic sense, ought to be strengthened. However, the limitations of quasi-markets as described above, and statutory restrictions, make exiting a limited option for public services users.

This leaves voice, where people express their dissatisfaction directly to the management or authority. Voice is the only option for reacting when the exit is not available as an option, for example in most basic social organisations: the family, church and state (Hirschman, 1970, 33). Voice is only meaningful if the organisation is receptive to service user feedback, which might not always be the case in near monopoly services, like social services, and relates back to the discussion of participation above.

In the event that quality of service provision deteriorates in a situation where exit and voice are both available, it is likely that those who care most about service quality and have the necessary capital (understood as social, cultural, or economic, see above) are the first ones to exit. Examples could be a failing state school or deteriorating neighbourhood (Hirschman, 1970,51). We could envisage a citizens' organisation that would use voice to reverse deterioration and enhance quality, but then lost potential members who had the highest capital and were able to exit. The remaining citizens might need support to exercise voice. This brings us to the second condition of 'taking power'.

Secondly, citizens might need support in order to be able to participate fully (Evers, 1998, 48-49). 'Experience suggests that, without support, only the most confident, well resourced and advantaged people and groups are likely to become involved' (Croft and Beresford, 1992, 39).

Croft and Beresford list four elements of support. These are:

- *personal development*: to increase people's expectations, assertiveness, self-confidence and self-esteem
- *skill development*: to build the skills they need to participate and to develop their own alternative approaches to involvement
- *practical support*: to be able to take part, including information, child care, transport, meeting places, advocacy etc.
- *support for people to get together and work in groups*: including administrative expenses, payment for workers, training and development costs. (Croft and Beresford, 1992, 39-40)

Research into the participation of parents in children's services clearly points to their need for support. The studies found that parents generally value the opportunity to attend meetings but find it difficult to participate and challenge social workers' decisions as they want to be seen as being cooperative with social services (Corby *et al.*, 1996; Sinclair and Grimshaw, 1997; Aldgate and Statham, 2001; Hall and Slembrouck, 2001). For example, in Corby *et al.*'s research, exploring the extent of parental participation in child protection conferences in one metropolitan borough, questioned whether parents are actively participating. Most of those we interviewed had little opportunity to disagree with assessments either before or during conferences. They felt unable to challenge professionals' views or put forward their own concerns and had no say whatsoever in the final decision making. (Corby *et al.*, 1996, 488)

Parents who participated in studies about the implementation of the Children Act 1989 in England commented that, in order to be able to participate, they needed support, such as being able to rehearse their arguments before a meeting and having meetings in which the atmosphere was positive and informal (Aldgate and Statham, 2001, 76). Hall and Slembrouck found that, in a child protection conference, social workers and parents used different forms of communication. The parent would refer to specific details whereas the social worker would base her/his decisions on generalisations, which the parent was not able to change by staying on the level of instances:

The parent finds herself in a position where she can only respond and mostly does so by addressing instances rather than generalizations, whereas social workers and professionals resort to generalizations in the sense of typifications.

However, if participation is merely ‘getting your view stated’, then the question is whether the action scope reserved for the parent is sufficient to call it *participation*, especially as typifying generalizations will inform decisions.(Hall and Slembrouck, 2001, 157, emphasis in the original)

This example shows that parents are often ill-equipped ‘to play by the rules’ and get their voice heard. Suggestions to reduce this power imbalance include Family Group Conferences as a means of ‘flat communication’ (Corby *et al.*, 1996; Hall and Slembrouck, 2001) (see chapter V) and the use of advocates and supporters (Sinclair and Grimshaw, 1997, 238; Hall and Slembrouck, 2001).

We have come full circle. This chapter started out with T.H. Marshall’s concept of citizenship, written in the optimism of the growing British post-war welfare state. He included social rights in citizenship, understood as ‘the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilised being according to the standards prevailing in the society’ (Marshall, 1992, 8). While social rights themselves were not seen as an area for service users to exercise power, they were seen as enabling citizens to participate fully in society. Power and participation have since been central elements in the concept of social citizenship. However, the structural and organisational conditions of service provision hamper power-sharing and limit participation in the sense of citizen power.

It is, therefore, not surprising that none of the approaches discussed above can overcome the contradiction between the ideal of active citizenship and the structural restrictions of social work. Accordingly, this thesis explores empirically how this

contradiction is handled in policy, organisational procedures and social work practice, and the balance that is found in children's services. A pluralistic understanding of citizenship is applied. Different concepts of citizenship are likely to exist, co-exist and complement each other and all of the concepts have strengths and weaknesses (Olk, 1994; Evers, 1998, 43).

To put it in more general terms, one can say, that while the citizen oriented concepts are more promising in terms of a collective saying and control, the concepts for individual user involvement and the customer led systems of service delivery can do better in terms of enhancing individual autonomy and control. (Evers, 1998, 47)

We will see in the next section that citizenship in the context of modernisation is an under-researched area, especially when it comes to children and families social work. The final section of this chapter introduces the distinctive characteristics of children and family social services and places the research project, on which the rest of this thesis will focus, within the context of the existing research.

## **Part 2: Social Citizenship – The Case of Children's Services**

So far, this chapter has conceptualised citizenship within the wider reform of public services with the occasional reference to children's services. This section will shift the focus more forcefully towards children's services. In order to talk about the characteristics of children's services and locate the existing research it is necessary to widen Fig: 2.1 (see above).

As with other public services, citizens contribute through the political process to the financing and content of children's services. In the subsequent steps in the political

process (usually conducted by the elected representatives and their staff), service provision is consolidated through law, guidance and budgets. The differences in this regard between the German and English political systems will be presented in Chapters IV and V.

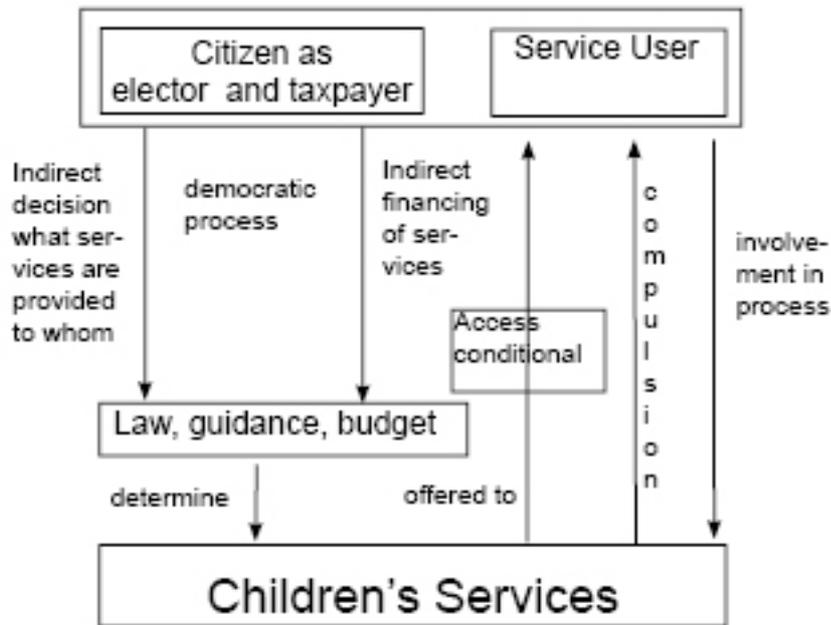


Figure 2.3: Model of the influence of citizens and service users in the delivery of children's services

In both countries, the provision of children's services includes a voluntary and a compulsory element. Access to the voluntary element is restricted through eligibility criteria and means testing – usually a certain level of need must exist. The social worker is the gatekeeper to services, typically by establishing, through an assessment, the level of need and suitable services. Law and guidance in both countries set out the procedural rights for parents and children as involved service users. The compulsory element in both countries is the protection of children – often from neglect or abuse by their parent(s). In that part of the service, parental involvement is not necessary and the state intervenes regardless of parental wishes.

It is in this area of children and families social work that bi- and international comparisons have been conducted to compare child protection systems and draw lessons for social work practice (Hetherington *et al.*, 1997; Baistow and Wilford, 2000). These research projects are firmly located within the internal workings of social work practice and do not consider the wider modernisation agenda.

Within the discourse on NPM and modernisation, compulsion of intervention is seen as the main difference between a private sector consumer or customer and a public services user. While several authors have pointed to this difficulty (Pollitt, 1990, 126-127; Schaarschuch, 1996a, 16; Ryan, 2001, 107), the effect on citizenship has not so far been researched. Research into the modernisation of social services has so far focused mainly on organisational restructuring and its impact on the social work profession. In Germany, this research explores changes to the *Jugendamt* (youth welfare office) and *Kinder- und Jugendhilfe* (youth welfare services) (Schnurr, 1998; BMFSFJ and Schröder, 2000; Liebig, 2001; Fischer, 2005). It is an attractive area for research for at least two reasons: it is the area for which the KGSt mainly promoted the NSM. It is also a statutory requirement for all municipalities to set up a *Jugendamt* to fulfil the requirements of the Child and Youth Services Act (KJHG, see Chapter IV). (Adult social services in Germany are much more fragmented.) The above research projects focus on the organisational level and do not explore the professional – service user interface with regard to the (changing) role of service users.

In England, the emphasis is on adult social services (Harris, 2003; Evans, A, 2006; White, 2006). Harris's (2003) book traces the shift from post-war welfare state social work to New Labour's NPM, with examples from adult social services policies. He

indicates that trends and changes apply to children's services as well (Harris, 2003, XI). Given the distinct characteristics of children's services, this statement is questionable and would have to be explored through further research.

A systematic analysis of New Labour's consumer-citizen was conducted between April 2003 and May 2005 at the Open University Department of Social Policy by Clarke *et al.*<sup>7</sup>. The research project 'Creating Citizen-Consumers: Changing Relationships and Identifications', was funded by the ESRC and AHRB as part of their 'Cultures of Consumption' programme. Clarke *et al.* chose research questions and a research design that were similar to my research study. They conducted case study research of three public services – health, policing and social care for older people – in two localities in order to find out how these three services were responding to the political pressure to re-define their users as consumers so as to introduce a consumerist perspective (Clarke *et al.*, 2007, 47). They researched on four levels: policy documents, organisational practice as represented by senior managers, professional practice, and service users' views. The research was designed on the assumption that there is no single model of consumerism, but that the interpretation of consumerism varies according to service context and conditions of access to services. In order to trace the understanding and interpretation of citizenship through the different levels, government publications were analysed and interviews were conducted with senior managers in all three services. On the practitioner and service user levels, questionnaires were distributed and followed up with interviews and focus groups.

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<sup>7</sup> A summary of the research project, key findings and publications are available under: [www.open.ac.uk/socialsciences/citizenconsumers](http://www.open.ac.uk/socialsciences/citizenconsumers)

Based on the analysis of policy documents, the research team developed four key dimensions of research on the practitioner and service user levels:

*Choice:* this is the key category of consumerism promoted by the New Labour government. Do staff and service users see choice as a way of improving services?

*Challenge:* this is understood roughly as Hirschman (1970) understood it, as using voice to show dissatisfaction with services. To what extent are service providers willing to be challenged by service users and are service users willing to challenge service providers?

*Responsibility:* Is responsibility shifting towards the individual?

*Inequality:* Is the increase in choice and voice seen as a likely contributor to social inequality? (Clarke *et al.*, 2007, 24)

Additionally, on the service user level, the research wanted to find out how service users perceive themselves (Clarke *et al.*, 2007, 25), allowing for shifting identities.

The same person may combine being a knowledgeable expert of their own condition; a rights-bearing and assertive citizen; an anxious dependent and a seeker after professional help and advice across a series of encounters with the health service (Clarke *et al.*, 2007, 67)

The key findings of the research are presented below:

### *Choice*

The government agenda on choice includes the belief that people can define their own needs (Clarke *et al.*, 2007, 68). In the interviews, choice was seen in principle as a positive way of enhancing service user involvement and service quality. Doubts were raised about the feasibility of this, given personnel and financial resource restraints (Clarke *et al.*, 2007, 75). Service users acknowledge that choice requires knowledge.

Generally, service users valued professional expertise, but it can be doubted whether this would include professional authority (Clarke *et al.*, 2007, 68).

### *Challenge*

In the analysis of willingness to challenge and be challenged, the scores are unevenly distributed, and there is no correlation between the scores of staff and users within a single service. In any case, even if there was a willingness to be challenged, it did not necessarily correlate with willingness to re-think decisions, as can be seen in this interview with a police officer:

Interviewer: Are you saying that you are willing to be challenged?

Respondent: Yeah. One of the biggest things that they tell us is, um, if you make a decision that's fine as long as you can justify the reason for why you made that decision. So if someone on the street wants to challenge my decision that's fine, they can do that, it's not gonna change it.

Interviewer: So it might not necessarily have much impact on what happens?

Respondent: Um, no. (quoted in: Clarke *et al.*, 2007, 70)

### *Responsibility*

In the category of responsibility, again scores varied. Respondents were ambiguous about responsibility and the balance between state and individual responsibility (Clarke *et al.*, 2007, 73).

### *Inequality*

In the category of inequality, Clarke *et al.* refrained from asking questions about socio-economic position.

Instead we tried to capture more indirect forms of inequality – in particular the unequal distribution of social and cultural capital that has historically enabled the middle class to benefit disproportionately from public services. (Clarke *et al.*, 2007, 78-79)

In the responses by staff and service users, inequality was mapped along opposite lines:

- 'those who do well out of the system', because of education and knowledge, vs. the 'vulnerable' (Clarke *et al.*, 2007, 79)
- poor area, high level of need, low staffing level vs. affluent people, less need, better staffing level in health, and the opposite in police service (most resources for deprived areas) (Clarke *et al.*, 2007, 80).

So in light of all this, how are service users conceptualised by professionals and how do they see themselves? Most service users rejected the word customer or consumer. Service users as well as professionals found consumerism and choice to be difficult concepts for public services, mainly because of the distinct differences between personal social services and commercial enterprises ( – a result that has been supported by the research presented in this thesis, see Chapter V). Generally, participants found it tricky to find an appropriate term for the service user – professional relationship. Within that, 'people regarded themselves as engaging in, and moving between, many different types of relationship with services – as users, carers, taxpayers and citizens.' (Open University, 2005)

Through this research, Clarke *et al.* have opened up and widened the discourse about citizens as consumers in public services. To my knowledge, they are the first researchers and – apart from the study in this thesis – the only ones who have traced the identity of the service user as consumer-citizen through all the levels of policy

implementation. The results add to the knowledge of and tensions around service user-provider relationships which had previously concentrated mainly on the analysis of policy documents.

Nevertheless, Clarke *et al.* missed some key tensions immanent in their research and thereby the chance to open up the complexities of public service provision even further than they have done. The key question that they have left unanswered, for all three areas of public services but especially the police, is the question of who the service user is? Focusing their research around New Labour's consumerism agenda, they concentrated on the role of the police in community policing (Clarke *et al.*, 2007, 55-59) and implicitly saw the general public as the service user. In the interview responses, police officers refer to the general public, as well as suspects, as the service users. The police service is an area of public service where involuntary use is very high. Involuntary use is not as prominent but still exists in health (e.g. sectioning in line with the Mental Health Act 1983) and social care services for older people (e. g. admission to residential care). Also, they did not discuss the issue of several individuals with potentially competing interests in a case, for example, the older person, his/her carer and relatives (Beresford and Croft, 1993, 14):

State social work mediates and manages the space between the public and private domains and intrudes into the private insofar as what takes place there is considered to be a state-defined public issue. The private domain is a difficult arena in which to enforce social rights but it is the one in which, for much of the time, social workers intervene in service users' lives. In these circumstances, pressures exist to regard service users as incomplete, second-class citizens whose rights have to be interpreted by others. Further, in the private domain, conflicts

of interest and rights are legion in state social work, for example: conflicts of rights and interests between a parent having a child removed and the child; between carers and cared-for; between women and men; and so on. (Harris, 1999b, 927)

In order to negotiate these potential conflicts of interests and state intervention service users require social and cultural capital so as to participate. Clarke *et al.* address this without exploring it further. They acknowledge that their sampling is not representative (2007, 128), and it seems as though they interviewed service users who are close to New Labour's ideal of the active, responsible citizen. Earlier in this chapter, New Labour was presented as having a twofold understanding of citizenship. On the one hand they promote individual responsibilities in line with NPM, and on the other hand they have a clear vision of the reasonable, law-abiding citizen. In their policy document analysis, Clarke *et al.* point towards this tension but unfortunately do not follow it through into organisation and practice. The research study presented in the following chapters will pursue some of the shortcomings identified in Clarke *et al.*'s study.

Existing research in children's services explores the modernisation of social work on the basis of key policy documents including the Framework for Looked After Children (LAC), Adoption and the Framework for the Assessment of Children in Need and their Families (Assessment Framework) (Garrett, 2003). Garrett identifies interagency working ('joined up working') and the establishment of new agencies like Sure Start and Youth Offending Teams as key changes. The role of social workers might change through working in interdisciplinary teams and through the emergence of 'personal

advisors' (Garrett, 2003, 139). These key changes point towards an influence of NPM in children's services. In line with NPM, the government

extend[s] control over both the processes and the outputs of what we currently regard as social work with children and families. [...] In terms of changes introduced having an impact on processes, social work with children and families is becoming a heavily prescribed activity which is increasingly dominated by centrally devised schedules. (Garrett, 2003, 140)

These findings point to a degree of relevance of NPM for children's services. Garrett does not explore the service user – professional relationship in this context, but he touches on the understanding of 'good enough parents' and 'good enough parenting' in the LAC discourse (2003, 23). His understanding of good enough parenting is based on a socially constructed view that excludes issues of poverty, social exclusion, disability, social class and ethnicity (Garrett, 2003, 22-26). Some of these categories, missing in the LAC training pack, are included in the Assessment Framework, which as a whole is wider ranging and less prescriptive (Garrett, 2003, 91-92).

## **Conclusion**

This chapter has explored several different themes within social citizenship and New Public Management that are relevant for the professional – service user relationship in children's services. First, social rights are not universal and stable but depend on the policy context. Social work is located within these shifting arrangements:

The institutional and organisational processes of the welfare state have been the source of social work's legal and moral authority and have constituted the material conditions for its practice. Ultimately, social workers implement

legislation on behalf of the state, as an arm of social policy rather than as an autonomous profession. [...] The law not only defines the ends of social work, but constitutes the source of social workers' authority for the means by which they intervene in service users' lives in the pursuit of statutory duties. (Harris, 2003, 4)

Within this fluid process of social citizenship, state social work has never been a universal service. While citizenship duties are often universal, i.e. the duty to bring up children in a safe and stimulating environment so that they reach their full potential, rights, for example to services or assessment of need, are *conditional*. The nature of conditional access to services varies between countries and organisations (see Chapters IV and V) and is justified because of scarce resources. 'Through its package of rights, duties and obligations, citizenship provides a way of distributing and managing resources justly, by sharing the benefits and burdens of social life' (Faulks, 2000, 5). While it can be doubted that resources can be distributed fairly (Dahrendorf, 1996; Turner, 1997, 10) the notion of citizenship being about the distribution of and struggle about scarce resources is an important one.

Thus, citizenship controls the access of individuals and groups to scarce resources in society. These legal rights and obligations, once they are institutionalised as formal status positions, give people formal entitlements to scarce resources in society and by 'resources' I mean primarily economic resources such as social security, health care entitlements, subsidised housing, retirement packages, or taxation concessions. 'Resources', however, also include access to culturally desirable resources or 'goods' such as, within a traditional

liberal framework, rights to speak your own language in the public arena or rights relating to religious freedoms. (Turner, 1997, 6).

In children's services, scarcity of resources has at least two dimensions. Within organisations, greater demand for services and limited public funding have been the driving forces for modernisation using the tools of New Public Management. Within these reforms, the personal responsibility of the individual for his/her life has been stressed, presented in the metaphor of the consumer or customer who is informed and makes responsible life choices. On the other hand, parents need knowledge and motivation to fulfil this role. Given that children's services target families with a high level of need, in acute stress situations and/or who are disadvantaged, the metaphor of the consumer seems ill-fitting.

German as well as British law includes statutory powers for social workers to intervene in family life against the will of family members to protect children (Olk *et al.*, 2003,XXI). Families are coerced into co-operation by these powers. The element of involuntary use in public and social services has so far received little attention in the modernisation debate.

This chapter has established that, within the areas of social citizenship and New Public Management, there is little knowledge about the state-citizen relationship as implemented through social services organisations and front-line staff. Analysis to date has mainly focused on policy documents. The little research there has been on the service user – professional relationship has excluded children's services and situations of involuntary use in more general terms. This is the niche into which the research in this thesis intends to insert to the knowledge about the citizen-state relationship in

children's services and the effects that statutory powers for involuntary use and the consumerist modernisation agenda have on that relationship. The next chapter begins that task by outlining the research design.

The previous two chapters have set out the frame of reference within which this research study was designed and interpreted. The review of the existing literature established that there was a lack of research into the impact of New Public Management and the modernisation agenda on the social worker – service user relationship in children and families social services, especially in cases where service use is involuntary. The study reported in later chapters explored these issues by conducting two case studies in a German and an English children and families social service. Its overall aim is to uncover how citizenship is represented in national policies, local organisational procedures and by social workers.

The key questions addressed in this comparative study are:

**What conceptions of citizenship are being articulated with regard to service users in the ‘modernising’ social services policy reforms in contemporary Germany and England?**

**How are these conceptions of citizenship with regard to service users being interpreted at the local organisational level in social services?**

**How are service users represented by social workers and how do these representations relate to the conceptions of citizenship?**

This chapter will set out the research design used to investigate the research questions and provide accounts of the English and German case studies.

### **The Research Design: Cross-National Case Study Approach**

This study is designed as a qualitative cross-national comparative case study. Hantrais (1996) defines cross-national research as taking place

when individuals or teams set out to examine particular issues or phenomena in two or more countries with the express intention of comparing their manifestations in different socio-cultural settings (institutions, customs, traditions, value systems, life styles, language, thought patterns), using the same research instruments either to carry out secondary analysis of national data or to conduct new empirical work. The aim may be to seek explanations for similarities and differences or to gain a greater awareness and a deeper understanding of social reality in different national contexts. (quoted in Bryman, 2001, 52)

In this study, the term cross-national research implies that 'nation' is the frame of reference (Hantrais, 1999). Nations have clearly defined territories as well as administrations and legislation that are a key starting point for comparative research. Nations are also the reference point for membership of international organisations like the European Union (EU) or the Organisation for Economic Co-Operation and Development (OECD). However, it is acknowledged that nations are not stable entities. Boundaries shift, dividing or reuniting nations. The unification of West and East Germany is a recent example of shifting boundaries that has added to internal diversity. Cross-national research has been criticised for obscuring such intra-country differences (Hantrais and Mangan, 1996; Hantrais, 1999; Gabriel, 2004). As this research study was designed as a qualitative case study, it does not claim to be representative of a country

as a whole. However, because the *local implementation* of national policy and legislation were central to the study, an organisational case study approach was most suited to the research questions.

An advantage of cross-national research is that it allows the researcher to distance herself from known academic traditions, challenge assumptions and widen accepted thinking in analysing the collected data (May, 2001, 202; Gabriel, 2004, 155; Schnurr, 2005, 153). At the same time, there are pitfalls in conducting cross-national research, namely language equivalence, potential misinterpretation and ethnocentrism. Each of these will be looked at in turn.

Language plays a crucial part in cross-national research. Researchers who do not speak the languages of the countries they are comparing will have to consider how to deal with this and with the limitations thus placed on their data collection. Solutions could include the use of English in non-English speaking countries or the use of an interpreter and/or translator. It is also possible to ask colleagues in the countries concerned to conduct that part of the research. In all cases, the results will have to be translated at some point. Translation is viewed critically in the literature (May, 2001, 215; Weytes, 2003, 3; Homfeldt and Walser, 2004, 207-208). Word-for-word translations sometimes do not work as there is often no equivalent word in the other language (Hantrais and Mangan, 1996). In some cases, the words look the same but do not necessarily have the same meaning. Contextual and cultural meanings need to be taken into account in order to interpret the results accurately.

That is why it is important to invest considerable time investigating the use and meaning of terms and concepts which are rooted in the country's history, social

structure, political culture and the divisions of professional labour, all of which interact with one another and create the characteristics of a specific welfare system (Weytes, 2003,3).

The question of language and culturally-specific concepts needs to be considered in the early stages of the research, when the data-collection instruments are developed, even though

the need to translate data-collection instruments (for example, interview schedules) does not undermine genuine comparability. This last problem raises the further difficulty that, even when translation is carried out competently, there is still the potential problem of an insensitivity to specific national and cultural contexts. On the other hand, cross-cultural research helps to reduce the risk of failing to appreciate that social science findings are often, if not invariably, culturally specific. (Bryman, 2001, 52)

The choice of research methods can minimise the risk of misinterpretation due to language and cultural barriers, as well as ethnocentrism. Ethnocentrism is when other cultures are evaluated through one's own concepts and points of cultural reference (Homfeldt and Walser, 2004, 209): 'The ethical issue involved in ethnocentric judgements is that all cultures should be evaluated in their own terms, and within their own frame of reference' (Oliver, 2003, 53).

Because meanings change across cultures, survey research is made problematic as the meanings of words can vary and the meaning of a concept might result in samples being different, for example, unemployment might be differently defined across countries

(May, 2001, 214-125). The latter is also an important consideration for secondary data analysis, as categories are often defined differently (Bryman, 2001, 52).

In this study, all interviews were conducted by me. I am a German based at a British university. I am fluent in German and English and have studied, worked and lived in both Germany and England. My linguistic fluency and cultural knowledge has allowed me to conduct the interviews in both German and English. The analysis has been conducted in the original languages. Quotations in the thesis have been translated to make them more readable. Key words have been used in the original language (see list of abbreviations and translation of German terms used in the thesis).

Whilst the difficulties discussed above may have impacted this study, my personal background, and the research design contributed to their minimisation.

### Study Design

A case study approach was suitable research design for this study. Case studies are especially suitable for ‘How?’ and ‘Why?’ questions that focus on understanding contemporary processes and events (Yin, 2003, 5):

A case study is an empirical enquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident. In other words, you would use the case study method because you deliberately wanted to cover contextual conditions – believing that they might be highly pertinent to your phenomenon of study. (Yin, 1994, 13)

Case study design has been successfully used in the past to explore the impact of social policy in an organisational and professional context. For example, Evans, A (2006) and Schnurr (2003a) both used it to research professional discretion in social services organisations in the context of the introduction of New Public Management.

### Selection of the Cases

As this study aims to compare cases in England and Germany, a multiple case study (Bryman, 2001, 53) has been conducted, examining one case in each country. Each of the cases has several embedded units of analysis (Yin, 2003, 40) (see Fig. 3.1). The different units of analysis are reflected in the research questions, with each looking at one of the units.

This design leads to three levels of research.

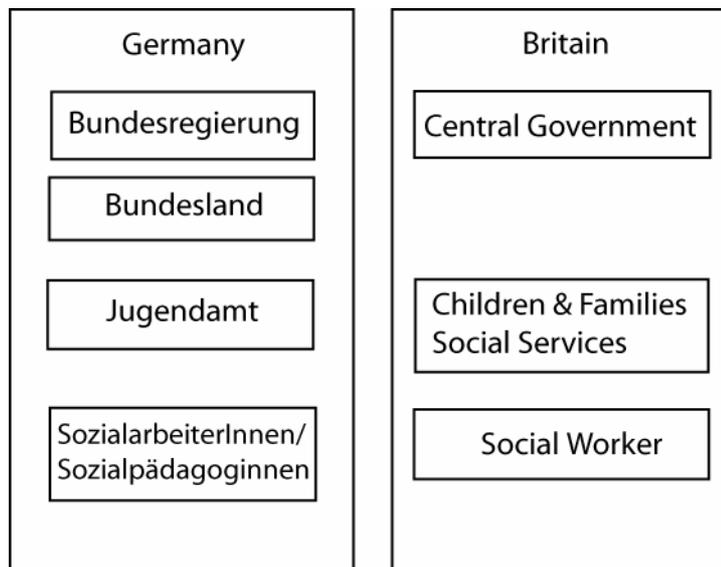


Figure 3.1: Two cases including the embedded units of analysis

## The Three Levels of Research:

### *Government*

I see government as a social practice, meaning a particular area of social life which is structured in a distinctive way involving particular groups of people (politicians, public employees, welfare claimants, the general public, and so on) in particular relations with each other. (Fairclough, 2000, 143)

British central government and German *Bundes-* and *Landesregierung* as policy makers and legislative bodies are central to any analysis of policy, both in the substantive content of the policy and the political processes involved in its development and implementation.

### *Organisation*

In each country, a case study of a social service organisation for children and young people has been undertaken. As mentioned before (see Chapter I) this is the area most suited for a comparison between Germany and England, as the organisations in the two countries share some common characteristics:

- Statutory services
- Provided by Local Authorities
- Child protection as well as preventative services
- Work mainly carried out by qualified social workers
- Main pieces of legislation (Children Act 1989 and KJHG 1990) came into force at a similar time

On the governmental and organisational level an analysis of national policy documents and organisational procedures was conducted.

### *Social Workers*

At the third level of the research study, semi-structured interviews were conducted with managers and frontline social workers. For reasons of comparability, only qualified social workers were included in the sample (Robson, 1993). In England, unqualified social workers or family support workers who are based in social services area offices conduct direct work with families, as well as being case holders for looked-after children and children in need. One of the team managers in the English social service studied was very unhappy about my decision to include only qualified staff in my research, as she felt that I was not valuing the work that unqualified staff do. This was not the case. In Germany, only qualified social workers and social pedagogues are based in area offices, so there would not have been an equivalent comparison.

### **Access to the Research Sites**

While government policy documents are publicly available, access needed to be negotiated with both social service organisations.

I identified two cities (one in England and the other in Germany) that are similar in size, demography and structure as the ideal research sites. I wrote to the Head of Social Services in both cities and was invited by both to speak to a manager about details. I was able to obtain access to the Children and Families Social Services of ‘Midcity’ in England. I signed an information sharing agreement, which gave me access to the social work teams as well as organisational documents. As part of this agreement I had to safeguard the anonymity of the local authority. As the aim of this research is to reveal similarities and differences in representations of citizenship from policy-making

through to its implementation, and not the evaluation of practice in the identified organisations, the organisations and cities will not be named: ‘Although it has to be acknowledged that some risk of disclosure is always present, researchers should at least guarantee that they have taken all reasonable steps to prevent the disclosure of identities’ (Social Research Association, 2003, 38). All precautions to minimise the risk of recognition have been taken. These include not naming the local authorities and keeping the description of the research sites at a general level. The documents used will not be listed in the bibliography. Social workers’ identities are protected by anonymising their gender and ethnicity (see below).

Unfortunately, I was not able to obtain access to the German counterpart that I wanted to study. At the meeting, the manager agreed to access on the following conditions:

- He would identify the social workers who would take part
- They would receive all of the questions beforehand in order to prepare their answers
- All quotations used in my thesis or published would need to be approved by the city’s press office.

I felt unable to comply with these conditions for several reasons: Semi-structured interviews do not consist of the complete questions that will be covered. A topic guide with guiding questions is used (see Appendix C) in order to be able to react to answers given in the interview.

Qualitative research is frequently very open-ended, and, as a result, research questions are either loose or not specified, so that it is doubtful whether

ethnographers in particular are able to inform others accurately about the research. (Bryman, 2001).

I felt I had an ethical commitment to (potential) participants. One of the guiding principles in my research was the voluntary nature of the participation and, with the manager choosing and approaching the social workers, I was unsure about how far they would be able to make their own decisions. I also had concerns about the sample being guided by the manager's interests. Lastly, I had practical concerns about the use of quotations and having to get agreement from a council official for every one used. Even though the city would have been ideal for a comparison, I felt that agreeing to the conditions would compromise the quality of my research. It was not possible to find an alternative city that is the same size as Midcity, but I was able to obtain access to a German city that was half the size of Midcity: Mittelstadt in North-Rhine Westphalia. Both research sites have services organised through four local offices with specialised offices for fostering and adoption.

### **Data Collection Methods**

'At the beginning of every analysis there has to be a detailed and comprehensive description of the subject area' (Mayring, 1996, 11 – my translation) including the definition of the data corpus, description of the data collection and the form in which the material is available.

### Documentary Analysis

Governments communicate with organisations and public sector workers as well as with their citizens mainly through documents. One exception to this is speeches given on special occasions. Usually, speeches are published after the event, and then they become

documents. They will be used as such in this study.<sup>8</sup> The documents used in this research are official publications that are publicly available<sup>9</sup>:

Official documents also function as institutionalized traces, which means that they may legitimately be used to draw conclusions about the activities, intentions and ideas of their creators or the organisations they represent (Wolff, 2004, 284)

The analysis includes policy documents published by the British Labour governments since 1997 and the German governments since 1998. Both starting points mark the election of social democratic governments after long periods of Conservative governments (18 years in Britain, 16 years in Germany). Documents that were published after the interviews were conducted (24.10.05 in Britain, 27.04.06 in Germany) are only included if they contain a significant development in government policy. Documents were chosen according to the framework developed in the previous chapters, looking at relevant material in the areas of citizenship, modernisation of public services / social services, New Public Management and children and families social work. In the area of children and families social work, documents were limited to the areas of children in need (Sec. 17 CA 1989) and child protection (Sec. 47 CA 1989) in England and *Hilfen zur Erziehung* (§§27-35 KJHG) and *Kindeswohlgefährdung* (§1666 BGB) in Germany, as these were the areas covered in the interviews.

Unlike face-to-face communication, communication through documents delivers no direct feedback to the author on audience/readership, reception or likelihood of

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<sup>8</sup> The media play an important part in opinion-making and in conveying as well as shaping policy developments. Attempting to analyse media coverage would be a thesis in its own right and therefore media publications are not considered in this thesis.

<sup>9</sup> For a full list of documents used in the analysis see Appendix A.

implementation. The centralised British Government has tried to control the impact of their policy documents by setting targets and conducting regular audits (CSCI; 2004b; 2004a; 2005b; 2005c). Organisations are sanctioned for performing poorly (see Chapter V). The audit results are published and formed part of the documentary analysis of policies and organisations.

In Germany, regulatory activity is not part of the authority of the *Bundesregierung*, and quality control happens at the municipal / organisational level. For Germany the main documents used in the analysis include legislation, policy reports and speeches. The *Bund* (§84 KJHG) as well as the *Länder* (§24 AG-KJHG) have the legal obligation to publish reports about the situation of children and young people once every legislative period. These reports were also included in the analysis. The ministries fund publications for conferences, model projects and those developing good practice. They are not written by the ministries and do not necessarily reflect the political position of the government, as the responsibility for their content lies with the author(s). However, they are a good indicator of which topics the government prioritises and promotes. Relevant to this thesis were publications about quality, the New Steering Model, and child protection. These publications were used where appropriate in the literature review and/or results, but are not part of the documentary analysis.

The internet is now widely used to publish policy documents. Both the German and British governments have free e-mail information services that have been used to identify relevant documents. In Britain [info4local.gov.uk](http://info4local.gov.uk) is the government information portal for local authorities. It is public and can be accessed by anyone. On the website it is possible to subscribe to an e-mail alert service to keep up-to-date. In Germany, the

Ministry for Family, Senior Citizens, Women and Youth (BMFSFJ) has a public mailing list. The policy documents used are available as paper publications, copies of paper publications (mainly organisational documents) or as electronic files.

Local authorities communicate with social workers through documents as well as directly. My analysis includes 'grey literature'<sup>10</sup>, which is accessible to the social workers and managers in the organisation in question, but usually not to the public. As the documents are published by the local authorities, they will not be included in the bibliography, as this would breach the anonymity of the local authorities that were researched. In the chapters that present the findings, it will be indicated whether the German or the English local authority published a document and the general type of document it is, e.g. 'business plan', 'guidance for inter-agency working', etc.

### Interviews with Social Workers and Managers

In addition to the documentary analysis, the case studies involved interviewing social workers and managers. The interviews were intended to gain insight into social workers' and managers' experiences of implementing policies and organisational procedures in professional practice. They offer a 'street-level' account of how social policies operate.

Individual semi-structured interviews (Meuser and Nagel, 1991; Lamnek, 1995b, 40; Meuser and Nagel, 1997) were used with participants as they provided a focused approach that related to the documentary analysis, whilst still enabling participants to identify and discuss issues of relevance that the researcher may not have considered or anticipated. The interviews were supported by a topic guide consisting of three main

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<sup>10</sup> Grey literature is understood as all publications by the local authority that are not externally published. Usually these documents are accessible only by members of the organisations.

areas that would guide the interviews (Friebertshäuser, 1997; Gaskell, 2000)<sup>11</sup>. The areas were chosen according to the research questions and were phrased in an open way to facilitate discussion:

While the broad content is structured by the research questions as these inform the topic guide, the idea is not to ask a set of standard questions or to expect the respondent to translate their thoughts into specific response categories. The questions are almost an invitation to the respondent to talk at length, in their own terms, and with time to reflect (Gaskell, 2000, 45).

I conducted all the interviews myself. As stated earlier, because I speak both English and German, I conducted the interviews in each organisation's language. The interviews were transcribed and analysed in the original language in order not to overlook cultural nuances and references (see above).

After signing the information-sharing protocol in Midsbury, I approached the fieldwork managers in two of the four local offices. Both were happy for me to attend a team meeting to introduce myself and the research study. All prospective participants received a leaflet with information about the study, confidentiality and my contact details (see Appendix B).

The participants were given a realistic guarantee of anonymity and confidentiality. Due to the research being located in the area of child protection, the confidentiality offered to participants was limited; responses that suggested that children were at risk would have had to have been forwarded according to the Child Protection Protocol agreed with

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<sup>11</sup> For the full topic guide see Appendix C.

the organisations. Participants were also told, in the course of giving informed consent, that information given in a research setting does not enjoy legal privilege. None of the interviews raised concerns regarding child protection issues.

On the information sheet, participants were advised that they could withdraw from the research at any point in the process without notice or explanation. In such instances, data would not be used and, upon request, would be returned to the participants. No participant used this option.

After having received verbal and written information about the research study, the participant could choose whether or not they would like to take part in the interview and, if they did, could approach me either after the team meeting or by phone or email. The interest generated from the two teams was enough to recruit the required participants, so I did not need to approach the other two local offices. Fifteen interviews (excluding the pilot interview) were conducted between 10.8.2005 and 24.10.2005.

After having been unsuccessful in gaining access to the first German local authority, I wanted to avoid further delays in data collection and chose a more informal approach than in Midcity. I took the access letter personally to the head of the *Jugendamt*. Even though I had no appointment, he was available to speak to me and he agreed to give me access. He asked the head of *Allgemeiner Sozialer Dienst (ASD)*, where the research would take place, to join the meeting. The head of ASD then introduced the study at a managers' meeting and asked the team leaders to distribute the leaflet to social workers. I attended a team meeting with one of the teams, where all the members agreed to an interview. In the other three teams the participation was limited to a few individuals.

Eleven interviews, not including the pilot interview, were conducted between 15.2.2006 and 27.4.2006. The number is lower than at the English site because the *Jugendamt* has fewer levels of management and the team managers are case holders.

The social workers and managers were interviewed during working hours in their offices. As the interviews focused on the work context of the social workers and their professional role this seemed to be the most appropriate setting. One social worker preferred to be interviewed at his home out of working hours. On average the interviews were about 45 minutes in duration.

Every participant received a small 'thank you' gift: the English interviewees received German chocolate and the German interviewees received English tea.

The interviews were undertaken firstly with front-line staff until a point of saturation was reached (Lamnek, 1995a) and issues were coming up that I hoped to clarify in interviews with managers. Saturation is here understood as a 'limited number of interpretations' having been reached and the subsequent interviews only serving to confirm the responses of previous interviewees without offering new insights:

First, there is a limited number of interpretations or versions of reality. While experiences may appear to be unique to the individual, the representations of such experiences do not arise in individual minds; in some measure they are outcomes of social processes. (Gaskell, 2000, 43)

The interviews all started with a friendly chat to settle in. Initial questions included:

Just to begin with, can you tell me how long have you been working here?

As with all areas of the interview, if participants raised relevant and interesting aspects I would follow those up with further questions. As the topic guide specified the key topics without fixing the order of questions (Robson, 1993, 159), I could respond to the answers given by the participants.

### *Vignette*

‘A vignette is a brief text representing a constructed case, usually a scenario of a person in a specific situation, that includes information about events [...]. It is presented to an interviewee who is asked to judge the situation, propose an appropriate way of handling it, and (if necessary) justify the choices made’ (Schnurr *et al.*, 2001, 10). Usually, the first part of the interviews consisted of a vignette that was given to all case-holding participants. In interviews with managers who did not hold cases themselves, the vignette was substituted for a discussion of key developments, challenges and departmental responses. The vignette was constructed as a typical case that could be applied in the context of both countries. It was piloted in Germany and England to confirm its relevance. In interviews in both countries, participants remarked that it was a ‘typical case’, confirming that the case vignette was fairly close to their everyday experience. This is the strength of vignettes:

Vignettes present real-life contexts which give the respondents a feeling that meanings are social and situational. They are, therefore, less likely to express beliefs and values in abstract contexts than traditional techniques. Accordingly, their capacity to approximate real-life decision-making situations is extensive. Since the stimulus is held constant over a heterogeneous group of respondents, the research

instrument secures uniformity which is a prerequisite for its reliability  
(Soydan, 1996, 121-122).

The vignette took the form of a referral received by a social worker of a case of neglect. There is no indication of possible cause and it is not a clear child abuse case. The degree of neglect remains unclear. Vignettes are necessarily selective and can never be a full reflection of reality. In this case, the vignette reflected the professional practice of the participants. The referrals that social workers receive might not necessarily include all the information that s/he requires, but s/he still has to act on that information (Hughes and Huby, 2004). The aim was to gain an understanding of social workers' perceptions and analyses of referrals, the information on which their decisions are based and the steps they would follow with such a referral. A special emphasis was placed on the role of parents in the process. In the vignette three people raise concerns: neighbours, a primary school teacher and a member of the health profession most likely to be in contact with the baby who is one of the children in the case. In the English version it is a health visitor and in the German version it is a paediatrician. Both are the health professionals responsible for young children in the respective countries. In Germany children are not seen by GPs but by paediatricians, who practice independently in the community. In England the health visitor is an integral part of child protection. S/he has a monitoring and reporting role to the social worker as well as to the child protection conference and core group (see Chapter V). S/he often offers practical advice and support to families i.e. with housework, diet and general health.

To avoid a gendered perception of the case, the children live with both parents and the vignette gives no clues about marriage problems, domestic violence, social background or labour market participation. It was assumed that a case that was at the boundaries of preventive work and child protection would allow more shades of professional

assessment and more ways of constructing the parents to emerge than would a case with obvious child endangerment and abuse:

You receive a referral on the Miller family. The three children - Marie 6, Hannah 2, and Michael 8 months - live with their father and mother. The health visitor / paediatrician is concerned that the parents are not looking after the children properly. The children often wear dirty clothes and standards of hygiene in the home are very poor. Neighbours have reported that Marie and Hannah are playing unsupervised in the street, sometimes until late in the evening. Marie's primary school teacher is also worried. She says that Marie always seems to be tired, has problems concentrating and comes to school without a lunch-box. The teacher's anxiety has increased recently because Marie has said that her parents leave all three children at home when they go shopping.

To start a conversation the following questions were asked:

What comes to your mind when you read about this family?

What action would you take?

In comparative research, the use of vignettes minimises the possibility of cultural misunderstandings that can occur through making assumptions that the same words have the same meaning in different national contexts (Cochrane and Clarke, 1995; Weytes, 2003), because the participants themselves have to explain what they mean. This in turn reduces the risk of misinterpretation of the data as a consequence of one's own particular background. Thus vignettes allow a researcher to be sensitive to both the context and the content of the data. In an international comparison, the use of vignettes

sheds light on the interrelation of different levels, decision-making processes, possible interventions and responsibilities and the limits of social work (Schnurr, 2005, 151).

In the past, vignettes have often been used as part of a quantitative research design (see for example Soydan, 1996). More recently, they have been increasingly used in a qualitative setting. Schnurr (2003b, 397) classifies vignette interviews as semi-structured interviews and recommends qualitative content analysis for data analysis, as used in this study (see below).

### *Cards*<sup>12</sup>

While the use of a vignette aims at acquiring intuitive responses to an everyday situation, the two subsequent parts of the interview used cards to stimulate the participants to reflect on their practice. The cards were approximately the size of business cards and had a term written on each of them. They were laid out in front of the participants, with a pile of blank cards next to them to offer participants the chance to add any terms that they found to be missing.

#### Card Set 1:

The first set of cards contained terms that could be used to speak about the parents with whom social workers work:

Citizen, Service user, Client, Customer, Consumer, Mother, Father, Parent

The participants were then asked to choose the ones they considered appropriate and explain why. They were also asked to explain what they associated the terms with. After

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<sup>12</sup> This method is based on (Harris, 1995, 214)

having spoken about the ones they considered appropriate, I asked them to say a bit about the cards they initially rejected:

If we could come back to the cards you rejected: can you explain a bit more about these?

The cards were stimuli to gaining a better understanding of the roles and identities through which social workers and managers see the parents with whom they work, as well as providing insights into the language used by practitioners in the organisation.

Card Set 2:

In the third part of the interview I gave the participants a set of cards containing elements that might influence their practice. I asked them to pick out those elements that in real life actually influenced their practice and tell me in what way. They were then asked to put the chosen cards into an order of importance. Again, they had the chance to use blank cards to add missing terms. The cards were:

Manager, Organisation, Policy, Education, Training, Personal values,  
Professional values, Literature, Newspapers, Journals, Law, Research Findings,  
Professional Bodies

This section of the interviews looked at the participants' subjective understanding of what influenced their practice. It was also used to get an understanding of how policy impacts on practice. Depending on their responses, participants were asked whether there was any policy document that had an impact on their practice, or to identify the impact that national policy generally had on their practice.

All the interviews were taped. The tape recorder was positioned within easy reach of the participant and s/he was told that s/he could press the pause button at any time, for

example to think before giving an answer. Participants were offered the opportunity to stop the recording at any time and to listen to the tape after the interview to add further discussion or delete sentences. The interviews were then transcribed using a 'minimal type of transcription':

No system could conceivably show everything, and it is always a matter of judgement, given the nature of the project and the research questions, what sort of features to show, and in how much detail. A fairly minimal type of transcription, which is adequate for many purposes, shows overlaps between speakers, pauses and silences. (Fairclough, 1992, 229)

The transcription included 'filling words' like 'um', 'erm' etc. and reactions of the participants and interviewer, like laughing or sighing. Mayring (1996, 70) considers it suitable for semi-structured interviews to record interviews in literary language, correcting sentence structure and style. The full transcripts have not been corrected, but I will correct quotations in this thesis, when necessary, in order to make them easier to understand and so as not to embarrass the participants.

Any identifying details of participants were removed during transcription. Participants chose a pseudonym at the end of the interview to ensure that they were happy with it and so that they would feel as if they retained ownership of the material (Grinyer, 2002). In cases where a participant chose their own name, I decided, after a discussion with my supervisor, to change it to protect their identity. During this process, some minority ethnic social workers raised concerns about pseudonyms that might identify them, as they were in the minority in the teams. In the first instance, I attempted to solve this by encouraging the social workers to choose pseudonyms with which they felt

comfortable, even if they did not reflect their ethnicity. I realised, at the stages of analysis and writing-up, that they were not the only ones at risk of easy identification – at least by colleagues. The same was true for managers in both countries, where the knowledge of their gender could have identified them. I decided that the participants' confidentiality was the highest priority. The results did not show a relationship between gender or ethnicity and the responses given in the interviews, and so the source of quotations will be given in the following way:

1<sup>st</sup> letter states the country: G = Germany; B = England

2<sup>nd</sup> letter states the position: S = social worker; M = manager

a number to distinguish the interviewees from each other.

GS4, for example, is the fourth social worker interviewed in Germany.

Reference in the text to male or female (he/she) is on a random basis to further protect the identity of the participants.

The interview transcripts and personal information about the participants have been stored on a password-protected computer and in a safe. The original recordings have been listened to by a maximum of two people: the researcher, and the person commissioned to make the transcription. Transcription of the interviews was undertaken jointly by me and somebody commissioned to do it. I checked all the transcripts against the original recording. The original tapes will be destroyed after the completion of this research project (i.e. as soon as possible after submission of the thesis and the viva).

The next section of this chapter describes the approach taken to analysis of the data.

## **Data Analysis**

Homfeldt and Walser suggest four stages in cross-national comparative research (2004, 203-204), starting with a detailed description of the phenomenon. This should include all background information that a reader might need to know in order to understand the research findings (Lincoln and Guba, 2000, 40).

Since one of the justifications for selecting the nation state as the frame of reference is that it has an identifiable administrative and legal system, a valuable starting point is often to situate the social phenomenon under study with reference to its institutional settings. Without knowledge of the political regime or of legislation in a particular field, it may be difficult to grasp why it is, or is not, appropriate to investigate a particular topic. (Hantrais, 1999, 102)

The beginnings of Chapters IV and V will provide this ‘thick description’ for the German and English contexts respectively.

Chapters IV and V continue with the second stage, which is the interpretation of the results on a country-by-country basis. Homfeldt and Walser (2004) do not suggest a particular method for the analysis of the data. Qualitative content analysis (see below) has been used to analyse the results of this study. Once the researcher has a clear idea about the results in each country, the results are brought together. Homfeldt and Walser call this third stage ‘juxtaposition’ because a preliminary matching of the data from different countries takes place. It is the preparatory stage for intra-country comparison and enables the systematisation of the data and category building. The fourth and last step is the comparison of detailed aspects of the juxtaposition. This will be discussed in Chapter VI.

### Qualitative Content Analysis

Content analysis has long been part of quantitative research designs. It ‘seeks to quantify content in terms of predetermined categories and in a systematic and replicable manner’ (Bryman, 2004, 181). Scott (1990) has pointed out that frequency does not equal significance and that ‘the content analyst must engage in an act of qualitative synthesis when attempting to summarise the overall meaning of the text and its impact on the reader’ (Scott, 1990, 32). Mayring has developed a qualitative content analysis method that maintains ‘the systematic nature of content analysis for the various stages of qualitative analysis, without undertaking over-hasty quantifications.’ (Mayring, 2004, 266). This systematic approach enables the researcher to analyse large amounts of data. The analysis is not limited to the content of what is communicated but also looks at the context. It is suitable for deductive and inductive category formation. Even though my data collection and analysis will be informed by the theoretical framework developed in Chapter II, an inductive approach has been chosen ‘to identify the ways in which participants themselves actively construct and employ categories in their talks’ (Phillips and Hardy, 2002, 10). Its suitability for large amounts of data, documents and interviews, and its emphasis on communication makes this a method of analysis well suited to my research.

The research questions will guide me through the analysis:

**What conceptions of citizenship are being articulated with regard to service users in the ‘modernising’ social services policy reforms in contemporary Germany and England?**

**How are these conceptions of citizenship with regard to service users being interpreted at the local organisational level in social services?**

**How are service users represented by social workers and how do these representations relate to the conceptions of citizenship?**

Qualitative content analysis is not a singular standardised method of analysis. Rather it has to be adapted to the specific research questions and the material to be analysed.

Mayring (2003, 58) suggests three basic forms of analysis:

- a) Summarising: Reduction of the material without losing the integral content to get a manageable data corpus
- b) Explication: Using additional material to enhance the understanding of crucial text passages.
- c) Structuring: Culling certain aspects of the material, cross-sectioning parts of the material according to criteria defined in advance or evaluation of the material according to certain criteria.

I adapted Mayring's approach for this research project and limited the analysis to summarising and explication, because none of Mayring's suggested four ways of structuring the material (2003, 85-99) was suitable, as they would all have jeopardised the openness needed for the bi-national comparison.

#### *Summarising and Category Building*

In the first instance, the data was summarised in order to reduce it to a more manageable size and develop categories for comparison. Table 3.1 gives an example of the process of summarisation. The original text was paraphrased with the content being described

chronologically. All content that was not relevant for the research is discarded. The volume of the policy documents was significantly reduced in this process. The texts were paraphrased line by line. Whenever the text included a statement about service users, working principles or anything that might be relevant to the research questions, a category was built. Once a point was reached within the material where new categories were added only rarely, the category was reviewed to test whether or not it was representative of the original texts. The material was analysed one country at a time. The table below is an example of this step in the data analysis process. The process of developing categories was applied to data from each country. The bi-national comparison was the last step. This minimised the chances of missing country-specific concepts and terminology (see above).

Original interview	Paraphrase	Category
You would do that through drawing up a risk assessment, based on what you know, yeah, and then looking at that risk assessment in the level of what we know about child development, what we know about families, what we know about domestic violence or neglect and stuff like that, what we know about the geographical area that we are in, [...], because we have certain levels of knowledge don't we of the types of communities that are in here, and we would risk assess it. We would look at the you know strengths and the negatives, and then measure it against our threshold, do you know what I mean, is it a child in need, or is it a child protection.	Risk Assessment Based on all information available such as - child development - families - domestic violence - neglect - geographical area Look at strengths and weaknesses and measure them against thresholds for child protection and children in need	Assessment

Table 3.1: Example of summarising the data and building categories

### *Explication*

Explication uses additional material to interpret certain parts of the document, usually where specific terms have been used. The starting point is the definition of the term or

sentence structure as given by encyclopaedias and dictionaries. If the interviewee or author deviates from this definition or adds to it, the context in which the term has been used will be taken into account to find the definition of the term as used by the participant (Mayring, 2003, 77). This is a very useful approach for clarifying the meaning of words used in the interviews. When gauging the implied meaning of a term, the sentences immediately surrounding it are first examined and, if they do not offer sufficient information, the context is widened until a reasonable meaning has been found. This can include the full text, other texts in the data corpus and theoretical assumptions. Once a definition is found and paraphrased, it has to be put in place of the original term to confirm that it is a valid explication in the context.

For the analysis of the data in this study, this method has been adapted. Key terms were explored for their meaning within the interviews as well as across the different levels. One of these key terms in the English context, for example, was 'partnership'. 'Working in partnership' has been promoted by the government since the Children Act 1989 came into force (DoH, 1991). Lately, the term 'partnership' has also referred to interagency co-operation (DoH, 1999). In the interviews, references to partnership were made with respect both to parents and interagency co-operation. The method of explication allows for the detailed analysis of key terms and how they are understood in policy and practice. It is sensitive to competing or conflicting understandings.

Having considered the approach taken to data analysis, we now turn to information about the sites from which the data were generated.

## **The Research Sites**

### *Jugendamt* Mittelstadt

Mittelstadt is a city with a population of around 160,000. It has a wide range of educational, cultural and recreational facilities and is located close to several larger university cities. In a municipal reform of 1929, five towns and villages were incorporated into the city of Mittelstadt. To this day the city has several city centres with a high street that enables people to shop locally. The city council has responded to this structure and set up ‘citizen offices’ in those districts, offering registration, passport services, tourist information and a ticket office for local events. In accordance with the structure of the city and the principle of ‘neighbourhood-oriented working’, the *Jugendamt* Mittelstadt has four local general social services offices (Allgemeiner Sozialer Dienst, ASD), with city-wide specialist offices for fostering and adoption. For this research study, interviews were conducted in three of the ASD offices. On average, each team has around eight social workers, including the team leader.

All offices share the building with other city council services such as the benefit office. The buildings are openly accessible; there is no receptionist or security at the entrance, simply a chart with services, names of employees and room numbers. Visitors are left to their own devices to find their way around. Visitors go directly to the office of the social worker they want to see. The only exceptions are the director of the *Jugendamt* and the director of the ASD, who have secretaries, to whom visitors report. All social workers have individual offices that they use to receive visitors. They also each have a computer. Files are held electronically as well as on paper. Each social worker has a direct phone line and the city council has decided against voice mail, as it believes that each caller has the right to have his or her call answered in person. Each team has a duty rota with

one social worker per day being available to take calls and visits for colleagues who are not in. Following the principle of neighbourhood-oriented working, cases are allocated according to the street the family lives in, with each social worker being responsible for certain streets in the district. They take referrals in their streets and hold the cases until they are closed or for as long as the family lives within their area.

Except for the manager of the ASD, all the interview participants in this study are case holders. Depending on the size of the team, team leaders are exempt from a certain percentage of casework in order to attend management meetings and lead the team. During the rest of the time they are frontline social workers, like the rest of the team members. I interviewed six social workers, one deputy team leader, three team leaders and the manager of the ASD. All the participants were German, and the sample comprised six men and five women. With the exception of two participants, all had been working as social workers for 20 years or longer; most had been working for Mittelstadt since they qualified.

#### Midcity Children and Families Social Services

Midcity is an English University town with a population of approximately 300,000. Its Children and Family Social Services is divided into four local offices with specialist teams for fostering and adoption and children with disabilities. The interviews were conducted in two of the four local offices. The first, Northend, is a so-called 'inner city office' serving an area with high levels of need and problems, including big housing estates. It has a high percentage of Asians in its population, and this is reflected in the workforce of the Northend office. The other local office, Greenpark, is located in a mainly middle-class area.

Both office buildings have a reception with a counter and a glass panel barrier, where visitors have to report to administrative staff. The doors to the rest of the buildings are locked with combination locks. Due to the glass barrier it is necessary to speak fairly loudly and visitors are asked to say their name, reason for coming and to whom they want to speak. I felt awkward doing that with other visitors waiting behind me, even though my visit was for research purposes. It made me consider how parents must feel who come seeking financial support or other forms of help. The administration staff then inform the social worker, who takes the visitor to the interview rooms.

In Northend, the interview rooms lead straight off the reception area and are equipped with panic buttons. During the research study I suggested to one of the social workers I interviewed that we do the interview in one of the interview rooms. She refused out of concern that people waiting might hear her answers. These are the rooms where meetings with parents are held. Service users are usually not allowed in the part of the building where the social workers have their offices, as the risk of assaults against social workers is considered too high. The offices are open-plan with up to five social workers sharing an office. Managers have individual offices. In Greenpark, the interview rooms are located behind the combination lock barrier at the entrance of the building. Up to six social workers share an office. Managers have single offices. Both office buildings have car parks in front, monitored by CCTV. There is a general phone number for each area office and administrative staff answer calls, connect to the social worker or take messages.

In addition to the administrative team, each local office consists of three teams, each led by a team manager who does not hold cases but who is closely involved in the decision-making regarding the cases. Higher levels of management supervise the managers below them as well as being responsible for strategic development (including financial planning and the business plan) of the services. Families that request or are referred to social services for the first time are allocated to the intake team. Once it is decided that a long-term intervention is needed, the case is transferred to a worker in the long-term team. Cases are allocated according to the social workers' workloads. Each team has a duty rota, with one social worker per day dealing with unallocated or new cases, or the cases of colleagues who are not in the office. Social workers share computers and all files are held in paper form, often with handwritten case notes.

The Family Support Team does what the name says: supports families as part of a child protection or child in need plan, mainly focussing on time and money management, as well as offering parenting advice and accompanying families to outside appointments. As support workers did not meet the sampling criteria, interviews were only conducted with members of the intake and long-term teams.

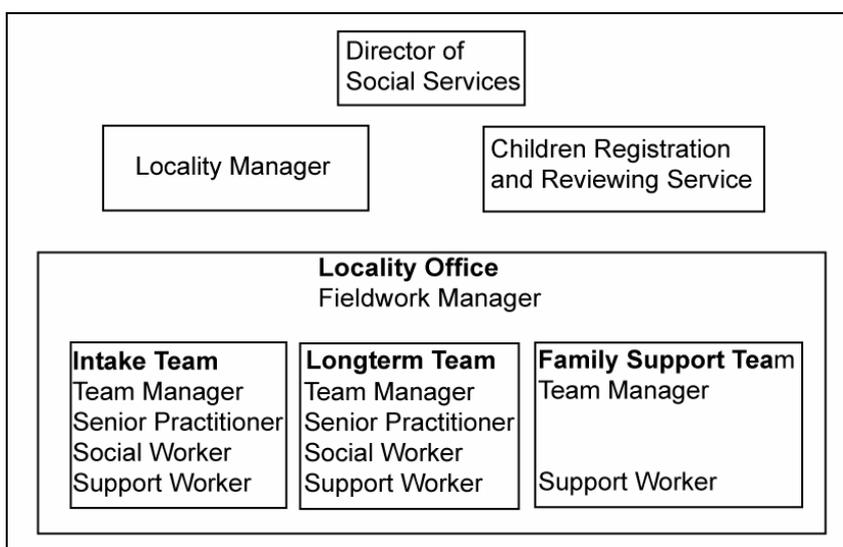


Figure 3.2: Organisational structure of Midcity's Children and Families Social Services

The Children Registration and Reviewing Service (CRRS) is where the child protection register is held. Chairs of child protection conferences and looked after children reviews are based there. The CRRS is also involved in the strategic development of the services.

As part of the study I interviewed seven social workers, four senior practitioners, two team managers, one fieldwork manager and one children and families services manager. All the participants were qualified social workers who were registered with the General Social Care Council (GSCC)<sup>13</sup>. Recruitment to social work in general, but particularly in children and families' social work, is difficult. In order to fill vacant positions, Midcity employs agency workers as well as recruiting social workers from abroad, especially from South Africa. The sample included one participant who qualified outside the UK and one agency worker. As well as recruitment, retention is a problem and the turnover is high. Nine of the participants had been in their current job for less than two years. This did not reflect their length of time in social work. Only five participants had qualified within the last three years. The rest had been working in social work for between eight and 30+ years. For some participants, this included the time they worked as an unqualified social worker.

Only four of the research participants were men, among them one team manager, which reflects the dominance of women in social work in England. Ten of the participants were White-British, four were of Asian origin, one Black-African and one was of mixed heritage.

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<sup>13</sup> The GSCC was established under the Care Standards Act 2000. Since April 2005 'social worker' is a registered title and the Social Care Register is held at the GSCC. Social workers who qualified outside the UK and wish to practice in the UK need to prove, with a portfolio, that they have the competences equivalent to a UK degree in order to be registered.

## **Conclusion**

This chapter has explained the rationale for adopting a case study approach to investigating the representations of citizenship in policy and practice in two countries. A framework for a bi-national comparison has been developed and methods suitable for the analysis of documents as well as interview transcripts have been identified. The two research sites have been described and the justification for their inclusion in the study has been outlined.

The following chapters contain the findings of the study and the conclusions. Following the structure developed by Homfeldt and Walser (see above), Chapters IV and V will look at the German and English results on a country-by-country basis. They begin with a ‘thick description’ (Lincoln and Guba, 2000) that outlines the basic characteristics and background knowledge of the political system, welfare regime and structure of the research sites in Germany and England respectively.



## Manifesto

You drive us crazy. You cry all night long. You wet the bed.  
 You first get teeth and then the chickenpox!

You hate nursery, then school and at 15 you hate us.

Yes, you drive us crazy - With happiness

Your acquisition is free. After that it gets expensive.

You need time and space.

You cost us new shoes, a bigger TV and holidays by the sea.

You are no luxury – You are priceless.

There are many good reasons not to have children

And the main one to do it, regardless – You!

You cannot speak and yet you explain the whole world to us.

You cannot walk but you show us the ropes.

You learn so much every day but you teach us so much more.

You show us that there is never a wrong but only a right time to have you.

You have a mother and a father and still need the whole world to grow up contented.

You are not alone, but you are our most precious task.

Through you, two people become a family, the smallest flat an adventure playground,  
 and pasta with tomato sauce a feast.

We need more of your kind.

Because without you the present is no fun – and the future is already past.

You are Germany.

<http://www1.dubistdeutschland.de/dbd/servlet/page/Kampagne/home?view=media> (26.02.08)

## **CHAPTER IV      FINDINGS: GERMANY**

This chapter and the following chapter present the research findings. This chapter concentrates on the German case study. Chapter V will turn to the case study in England.

The overall objective of this research is to discover what conceptions of citizenship are found in the modernising policies for social services and in family policy, in local organisational implementation of those policies and in social work practice. As we have already noted (see Chapter II) citizenship is firmly grounded in the cultural, organisational and historical context of a country / organisation. Therefore, this and the following chapters include background information about the political context, the legislative framework and the main policy initiatives. The first part of this chapter sets the scene for the bi-national comparison. It gives the reader information about the constitutional foundation, political processes and organisational structure in Germany. Following this is an introduction to social work practice at the research site *Jugendamt Mittelstadt*. The German version of New Public Management – the New Steering Model – is introduced in the third part of the chapter. These three introductory sections precede an outline of the different conceptions of citizenship as identified in the research data.

It is important to note that these conceptions are based on different assumptions about citizenship found in policy documents, organisational procedures and in the interviews with social workers and managers. They are developed and grouped by the researcher. Each of the five sections builds up the conception and supports claims with quotes and

references. These five conceptions are not rigid but should rather be understood as ideal types that constitute discursive resources on which social workers can draw, combine and redefine in order to make sense of their day-to-day interactions with service users.

The five conceptions have been designated as follows:

- the critical-rational citizen
- the social parasite citizen
- the statutory parent
- the respected-responsible parent
- the overburdened-neglecting parent

It is important to note that this research does not include the views of service users and it is very likely that they see their roles differently from the conceptions above.

## **Constitutional Foundation, Political Process and Organisational Structure**

### Constitutional Foundation

After the Second World War, Germany was re-established as a federal republic.

Germany's constitution is the *Grundgesetz* (GG, basic law) that was implemented in 1949 and has since been adapted to reflect developments such as the reunification of West and East Germany and the foundation of the European Union. The basic law pursues two purposes: the regulation of the relationship between the state and its citizens and the organisation and functioning of the state (Hesselberger, 2003, 6).

Article 20 GG defines the basic structure and principles of the German state:

Article 20 [Basic institutional principles; defence of the constitutional order]

(1) The Federal Republic of Germany is a democratic and social federal state.

(2) All state authority is derived from the people. It shall be exercised by the people through elections and other votes and through specific legislative, executive, and judicial bodies.

(3) The legislature shall be bound by the constitutional order, the executive and the judiciary by law and justice.

(4) All Germans shall have the right to resist any person seeking to abolish this constitutional order, if no other remedy is available.<sup>14</sup>

Art. 20 Para. 1 GG defines three important characteristics of the German state: it is democratic, social and federal. In the absence of a single theoretical model of democracy the meaning of Germany being a democratic republic (GG Art. 20 (1)) needs to be established through the basic law itself (Avenarius, 2002, 17). As is laid down in Art. 20 Abs. 3 GG, the German democracy is based on the separation of power. Germany is a representative, parliamentary democracy (Art. 20 Abs 2 GG).

The notion of Germany being a social state (Art. 20 Para. 1, Art 28 Para. 1 (1) GG) was, for the first time, included in a German constitution:

The social state principle authorises and binds the state to provide a *compensation for social contrasts* and therefore a *fair social order*, as well as ensuring its citizens' *social security*, which includes in any case the maintenance

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<sup>14</sup> All quotations from the basic law are taken from the translation of the Basic Law by the German government (2002). The original edition used for this chapter: (2004)

level necessary for a humane life. (Avenarius, 2002, 23, my translation, emphasis in the original).

However, the basic law does not substantiate this principle into rights and leaves their formulation and implementation to legislation.

The third characteristic in Art 20 Para 1 GG constitutes Germany as a federal state. Federalism is an ‘organisational principal for a structured commonwealth, in which in principle equal and independent elements are aligned to a political collectivity’ (Schreyer and Schwarzmeier, 2000, 215 – my translation). The German federation consists of sixteen *Bundesländer* (constitutional states), most of them having been independent areas in a federation predating the Second World War. In contrast to provinces, these *Bundesländer* (or *Länder*) are each states in their own right with their own constitutions and divisions of power. The foundation of the German state on a federal principle was supported by the Allies, who aimed at building a democratic state with a diffuse power-base. The federal principle is protected through Article 79 (3) GG:

(3) Amendments to this Basic Law affecting the division of the Federation into Länder, their participation on principle in the legislative process, or the principles laid down in Articles 1 and 20 shall be inadmissible.

In the constitution of the Weimar Republic all rights could be changed with a two-thirds majority. The suspension of basic rights and the implementation of an emergency decree set the stage for the beginning of the governance of the National Socialist regime in 1933. To prevent this from happening in the future, Art 79 (3) GG protects not only the federation into *Länder* but also basic rights. Since 1951 the Federal Constitutional Court (*Bundesverfassungsgericht*) has monitored compliance with the basic law,

especially in relation to basic rights. Its decisions are final. The Federal Constitutional Court has an impact on policy, especially when it declares laws as being unconstitutional. In that respect, it is not a political organ; its only criterion for decision-making is the basic law.

The basic rights at the beginning of the basic law (Art. 1-19) define the relationship between the state and its citizens. These basic rights are divided into human rights and citizen rights (Art. 8, 9, 11, 12), the latter being limited to persons with German citizenship and citizens of the European Union member states.

The basic law starts with:

Article 1 [Human dignity]

(1) Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.

(2) The German people therefore acknowledge inviolable and inalienable human rights as the basis of every community, of peace and of justice in the world.

(3) The following basic rights shall bind the legislature, the executive, and the judiciary as directly applicable law.

It is not possible to use basic rights to undermine democratic order:

Article 18 [Forfeiture of basic rights] Whoever abuses the freedom of expression, in particular the freedom of the press (paragraph (1) of Article 5), the freedom of teaching (paragraph (3) of Article 5), the freedom of assembly (Article 8), the freedom of association (Article 9), the privacy of correspondence, posts and telecommunications (Article 10), the rights of

property (Article 14), or the right of asylum (Article 16a) in order to combat the free democratic basic order shall forfeit these basic rights. This forfeiture and its extent shall be declared by the Federal Constitutional Court.

On the other hand it is not possible to forfeit basic rights other than the ones mentioned in Article 18 (Hesselberger, 2003, 175). In relation to the subject of this thesis, the German basic law protects the family's and parents' rights in the constitution:

Article 6 [Marriage and the family; children born outside of marriage]

(1) Marriage and the family shall enjoy the special protection of the state.

(2) The care and upbringing of children is the natural right of parents and a duty primarily incumbent upon them. The state shall watch over them in the performance of this duty.

(3) Children may be separated from their families against the will of their parents or guardians only pursuant to a law, and only if the parents or guardians fail in their duties or the children are otherwise in danger of serious neglect.

(4) Every mother shall be entitled to the protection and care of the community.

(5) Children born outside of marriage shall be provided by legislation with the same opportunities for physical and mental development and for their position in society as are enjoyed by those born within marriage.

Family as understood by the basic law means parents and children, including step-, adoptive- and foster-children but not the extended family (Dästner, 2002, 97):

Family is the community of parents and children, from which derives above all the parents' rights and responsibility for the upbringing of their children. Family within the norm does include the 'residual family' consisting of the child, and

the parent who has care and custody of that child. (Schmidt-Bleibtreu *et al.*, 1999, 247 – my translation)

The same definition is applied in the constitution of the Land North-Rhine Westphalia, which confirms the protection of the family.

Article 5 [Protection of the family]

(1) Marriage and family are accepted as the foundation of human society. They are under special protection by the Land. Motherhood and families with many children are entitled to specific assistance (my translation)

Art. 5 is a human right that is not dependent on nationality (Löwer and Tettinger, 2002, 172) and is therefore applicable to all families living in North-Rhine Westphalia. Within these laws the family is seen as a private entity, as long as the children are well cared for.

The state reserves the right to intervene in family life if the wellbeing of the children is in danger. In practice, the so-called ‘*staatliches Wächteramt*’ (State Guardian) is part of the duties of social workers in local youth welfare offices (*Jugendamt*) (see below).

Art. 6 (1) GG is a basic constituent value principle (*wertentscheidende Grundsatznorm*), which requires the state not only to protect the family but also to support it, e.g. by offering services (Braaksma, 1995, 14). This general requirement is substantiated in policy and legislation (see below).

Having considered constitutional issues and the basic law, the following sections examine the political system on the *Bundes-*, *Länder-* and municipal-levels. The political system and administrative levels are crucial in determining responsibilities and

powers. The federal structure in Germany has led to fragmented policy-making and implementation. In contrast, England is governed by a centralised government which is largely responsible for legislation, policy and guidance (see Chapter V).

## Political System

### *Federal Level*

Every four years German citizens aged 18 and over can elect the *Bundestag* (Lower House of German Parliament / Federal Diet; GG Art. 38, 39). This is the only form of political participation at the federal level. The only case where a referendum is needed for revision of the boundaries of the *Bundesländer* (Art. 29 Abs. 2 GG). The members of the *Bundestag* are elected either directly or through lists of their parties by proportional representation.

The *Bundestag* is one of two legislative bodies and has the following duties and responsibilities:

- Legislation according to Art. 70-82 GG
- Supervision of administration and government
- Forming of opinion through discussion of important topics, solutions and alternatives
- Representation of people's opinions in the *Bundestag*
- Election of the *Bundeskanzler* (Federal Chancellor, Art.63 GG) and other important government bodies (Pötsch, 2004, 60)

The number of delegates in the *Bundestag* varies in each election period, but it is usually around 600. Germany's head of state, the *Bundespräsident* (Federal President,

1999-2004 Johannes Rau, since 2004 Horst Köhler), is elected for five years by all members of the *Bundestag* and as many representatives of the *Bundesländer* as are in the current *Bundestag* (*Bundesversammlung*). His tasks are mainly representative. He represents the unity of the state internally and externally.

The members of the *Bundestag* also elect the *Bundeskanzler* (Federal Chancellor; 1998-2005 Gerhard Schröder/SPD, since 2005 Angela Merkel/CDU)<sup>15</sup>. The chancellor decides on the number and character of ministries and appoints the ministers. The ministry responsible for young people and children in this legislature period is the Ministry for Family Affairs, Senior Citizens, Women and Youth (*Bundesministerium für Familie, Senioren, Frauen, Jugend*; BMFSFJ).

The Chancellor and the ministers make up the *Bundesregierung* (Federal government; Art 62 GG). The *Bundesregierung* works according to Art. 65 GG:

Article 65 [Authority within the Federal Government]

The Federal Chancellor shall determine and be responsible for the general guidelines of policy. Within these limits each Federal Minister shall conduct the affairs of his department independently and under his own responsibility. The Federal Government shall resolve differences of opinion between Federal Ministers. The Federal Chancellor shall conduct the proceedings of the Federal Government in accordance with rules of procedure adopted by the Government and approved by the Federal President.

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<sup>15</sup> The major German parties are:

Sozialdemokratische Partei Deutschlands (SPD) – Social Democratic Party of Germany  
Christlich Demokratische Union (CDU) – Christian Democratic Union, a conservative political party  
Christlich Soziale Union (CSU) – Christian Social Union, the CDU's sister party in Bavaria  
Freie Demokratische Partei (FDP) – Free Democratic Party, a liberal political party  
Bündnis 90 / Die Grünen – Alliance 90 / The Greens, an ecological political party

Three working principles can be taken from the above-cited article:

- The Chancellor principle, which refers to the prominent position of the chancellor with her/his main authority being the right to determine the guiding principles of policies (*Richtlinienkompetenz*).
- Within the framework of these guiding principles the ministers lead their departments autonomously (*Ressortprinzip*)
- In the event of disagreements between ministries, the Bundesregierung makes the final decision (*Kollegialprinzip*). This cooperative principle is in practice the least important of the three (Pötsch, 2004, 82).

Alongside the *Bundestag* the second legislative body at the federal level is the *Bundesrat* (Federal Council of Germany). It consists of representatives of the *Bundesländer* (Art 50-53 GG). The number of members correlates to the number of residents in each *Bundesland*, each *Bundesland* having between three and six representatives in the *Bundesrat*. The *Bundesrat* protects the interests of the *Länder* at the federal level. It participates in issues related to administration, the EU and legislation. The *Bundesrat* needs to approve all bills that:

- change the constitution
- have an impact on the financial situation in the *Bundesländer*
- are to be implemented through the *Bundesländer* (Avenarius, 2002, 48; Pötsch, 2004, 75).

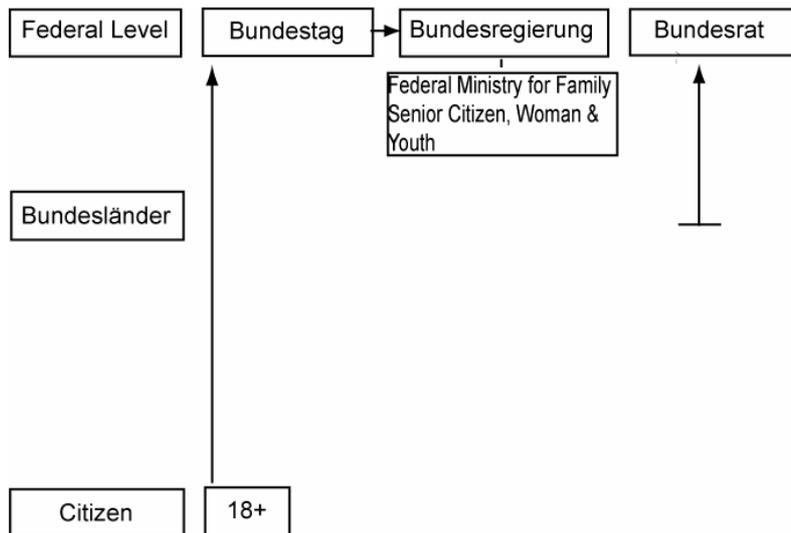


Figure 4.1: Political structure at the Federal level

The principle of proportional representation means that Germany is ruled by coalition governments. As stated above most bills need to be agreed by the *Bundestag* and *Bundesrat*. Because of the changing majorities in the *Bundestag* during one legislature period (see below) most bills need to be agreed by the leading parties and the opposition. Essentially this requires a cross-party consensus, which makes quick and radical changes almost impossible (Wollmann, 2000, 3-4). The need for consensus and the involvement of different parties is a key characteristic of the German state and will be discussed in more detail below. It is in stark contrast to the centralised government in Britain, which is ruled by one party and in which the Prime Minister and the Secretaries of State have the power to make decisions single-handedly (see Chapter V).

### *Länder Level*

As mentioned above, the Federal Republic of Germany consists of sixteen *Bundesländer* (constitutional states). Each of them has its own constitution, parliament, government, administration and jurisdiction. The constitutions of the *Länder* must be consistent with the basic law (Art 28 GG):

Article 28 [Federal guarantee of Land constitutions and of local self-government] (1) The constitutional order in the Länder must conform to the principles of a republican, democratic, and social state governed by the rule of law, within the meaning of this Basic Law. In each Land, county, and municipality the people shall be represented by a body chosen in general, direct, free, equal, and secret elections. In county and municipal elections, persons who possess citizenship in any member state of the European Community are also eligible to vote and to be elected in accord with European Community law. In municipalities a local assembly may take the place of an elected body.

At the *Länder* level, citizens from the age of 18 years onwards can elect the *Landtag* (parliaments of the Bundesländer). The dates for the elections are set by the *Länder* and are not synchronised with the election to the federal government. Depending on the constitution of the *Länder*, elections are held every four to five years. The outcomes of these elections change the majorities in the *Bundesrat*. It is common that the strongest party / coalition in the *Bundesrat* is the opposition in the *Bundestag*. This is of importance in the process of legislation (see above). The relationship between *Bund* and *Länder* has developed towards the *Bund* having the main legislative power, whereas the *Länder* are responsible for administration (Avenarius, 2002, 24; Pötsch, 2004, 92). Most federal laws are implemented independently on the *Länder* level (Art. 83, 84 GG). The organisation of authorities and services is the remit of the *Länder* and is unimpeded as long as the law is implemented. All *Länder* constitutions include areas in which a referendum can be used as an element of direct democracy.

The empirical part of the thesis looks at the *Bundesland* of North-Rhine Westphalia (NRW). After the Second World War the area now known as NRW was occupied by the British, who founded the Land North-Rhine Westphalia in 1946. At 18 million people, NRW has the highest population figure of all the *Länder*, but is only the fourth largest geographically (Andersen and Woyke, 2003, 339). With the Ruhrgebiet – a coal mining area – it was the centre of the industrialisation in Germany. With the end of coal mining in the 1980s, the area faced the challenge of a structural change towards a service-oriented society.

The political organisation in North-Rhine Westphalia is similar on the *Länder*-level to the *Bundes*-level. The *Landtag* is elected directly. The members of the *Landtag* then vote for the *Ministerpräsidenten* (premier/prime minister) who announces the ministers. In North-Rhine Westphalia, the subject of this thesis are dealt with in the Ministry for Schools, Youth and Children (*Ministerium für Schule, Jugend und Kinder des Landes NRW*).

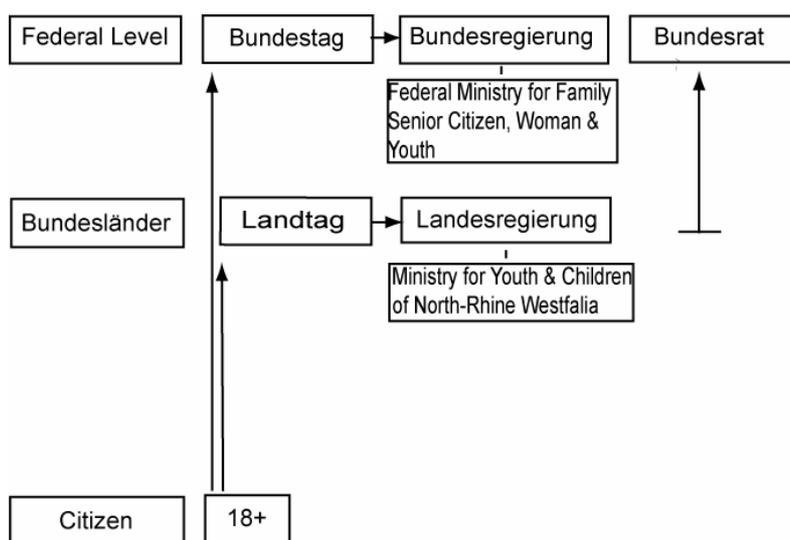


Figure 4.2: Political structure on the Federal and *Länder* level

As stated above, the elections at *Länder* level are not synchronized with the general elections or with other *Länder*. In the period under review elections in North-Rhine Westphalia were held on following dates with the following outcomes<sup>16</sup>:

14.05.95: SPD strongest party; CDU and Grüne represented

14.05.00: SPD strongest party; CDU, FDP and Grüne represented

22.05.05: CDU strongest party; SPD, FDP and Grüne represented.

In the latest election the CDU was able to get the majority of votes after 39 years of SPD government. These elections followed a trend in other *Länder*, where the SPD lost a significant number of votes and its majorities. The major reasons identified for this shift in voting behaviour were the reforms to the welfare state initiated by the federal government. They had a direct impact on the citizens, many of whom felt they were getting a raw deal out of changes to benefit entitlements and the tax system. After the defeat of the SPD in NRW, the *Bundesregierung* announced that it felt that the citizens had lost trust in it<sup>17</sup>. The members of the government were presumably well aware that with an even stronger CDU majority in the *Bundesrat* it would be very hard, if not impossible, to progress with the welfare state reform agenda ‘Agenda 2010’<sup>18</sup>. The *Bundestag* was dissolved prematurely and general elections were held on 18.9.2005. The result was tight and several coalitions were possible. After negotiations between parties, the CDU and SPD entered into a ‘big coalition’ (*Große Koalition*). In Germany, legislation needs to be approved by the *Bundestag* and *Bundesrat* and policy initiatives need cross-party consensus in order to be successful. Both these things limit the potential for radical reforms. It is therefore not surprising that the *Große Koalition*

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<sup>16</sup> [www.im.nrw.de/bue/28.htm](http://www.im.nrw.de/bue/28.htm) (26.5.2005)

<sup>17</sup> [http://www.wdr.de/themen/politik/nrw01/landtagwahl\\_2005/parteien/wahltag/index.jhtml](http://www.wdr.de/themen/politik/nrw01/landtagwahl_2005/parteien/wahltag/index.jhtml);  
<http://www.spiegel.de/politik/deutschland/0,1518,357117,00.html>

<sup>18</sup> <http://www.zeit.de/2005/27/opposition>

continued the welfare state reforms initiated by the Schröder's government. The main themes in family policy have also remained similar (see below).

### *Municipal Level*

The municipal level is the lowest level of the three-tier administration in Germany.

Municipal elections are not synchronized with the *Länder* or federal elections but are set by each *Land* for the whole area. German and EU citizens from the age of 16 who have resided for three months or longer in the municipality can elect the (lord) mayor and the district council (*Gemeinderat*) or city council (*Stadtrat*).

Historically, four different forms of municipal constitution existed in Germany's *Länder*. After the German reunification the 'new *Länder*' included elements of direct democracy at the municipal level. The 'old *Länder*' followed this example. Now in all *Länder* the mayor is elected directly and all constitutions include elements of direct democracy (Kost and Wehling, 2003, 14). In North-Rhine Westphalia the municipalities were reformed in 1994 and in the elections on the 12.09.99 the mayor was for the first time elected directly.

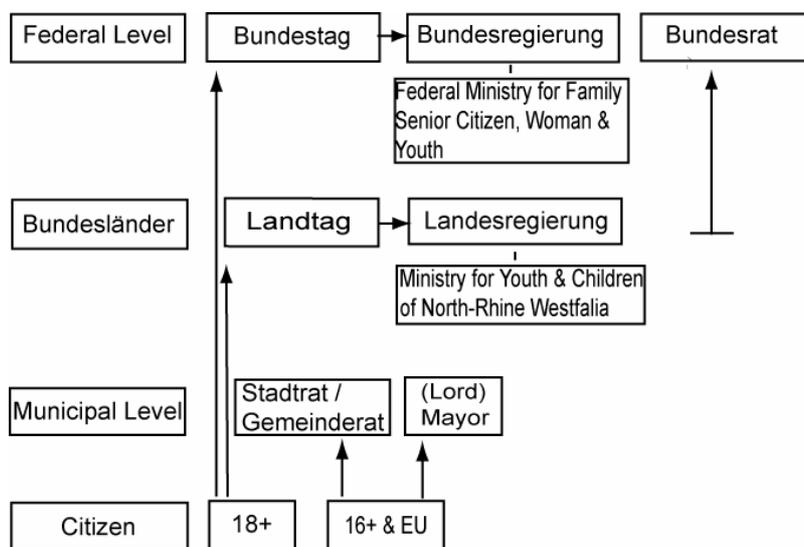


Figure 4.3: Political structure on the Federal, *Länder* and Municipal level

The governing principle for municipalities, *Kommunale Selbstverwaltung* (local self-government) is set in the basic law (Art. 28 (2)):

Article 28 [Federal guarantee of Land constitutions and of local self-government]  
[...] (2) Municipalities must be guaranteed the right to regulate all local affairs on their own responsibility, within the limits prescribed by the laws. Within the limits of their functions designated by a law, associations of municipalities shall also have the right of self-government according to the laws. The guarantee of self-government shall extend to the bases of financial autonomy; these bases shall include the right of municipalities to a source of tax revenues based upon economic ability and the right to establish the rates at which these sources shall be taxed.

Municipal affairs can be divided into four categories:

1. Voluntary tasks: municipality is free to choose how these are performed (museums, theatre, swimming pools)
2. Compulsory duties without directive: duties have to be performed, but municipality decides how.
3. Compulsory duties with directive: the way tasks are undertaken is predetermined
4. State duties: municipality is a branch of state authority (i.e. police)

(Kost and Wehling, 2003, 17)

Tight finances stifle the political scope of the local self-government so that municipalities are increasingly forced to limit their actions to compulsory tasks.

Through the principal of local self-government, however, municipalities have scope in how to implement them.

## Jugendamt

In the area of personal social services for children and young people the federal Child and Youth Services Act (*Kinder- und Jugendhilfegesetz*, KJHG) states in §69(3) that each municipality has to set up a *Jugendamt* (youth welfare office) (BMFSFJ, 1999). Municipalities are free to organise and structure the *Jugendamt* how they wish, as long as they stay within the legal framework. Therefore, different organisational models can be found across the country (Liebig, 2001). Most municipalities – including Mittelstadt, where the empirical part of this study took place – have a youth office that is solely concerned with the responsibilities derived from the KJHG. In a minority of municipalities the youth office is combined with other social services departments, like the benefit office (*Sozialamt*).

The KJHG sets up the *Jugendamt* as a two-tier organisation, consisting of the administration and the *Jugendhilfeausschuss* (youth services committee) (§70 KJHG). The administration is responsible for the regular business of statutory youth services. All interview participants worked on the administrative side of the *Jugendamt*. Everyday decisions in the administrative part of the *Jugendamt* are made by the *Jugendamt* director and the manager of the *Allgemeiner Sozialer Dienst* (ASD, General Social Service) (Gries and Ringler, 2003). The tasks of the *Jugendhilfeausschuss* are laid out in the KJHG:

§ 71 (2) The youth services committee shall deal with all matters of youth work and youth welfare services, especially with –

1. discussions of current problems of young people and their families as well as suggestions and proposals for the development of youth work and youth welfare services,

2. youth services planning
3. funding of and public support for the voluntary sector.

The decisions of the *Jugendhilfeausschuss* are binding for the administration.

In North-Rhine Westphalia each *Jugendhilfeausschuss* has a maximum of 15 members. In Mittelstadt, these comprise nine members of the council (or persons that are experienced in youth services that the council has elected to be a member of the *Jugendhilfeausschuss*), and six members of voluntary youth service organisations operating in Mittelstadt.

The members of the *Jugendhilfeausschuss* are supported by a team of consultants. These consultants offer advice and expertise to the members of the *Jugendhilfeausschuss*, but are not entitled to vote. They include<sup>19</sup>:

- Head civil servant
- Director of the *Jugendamt*
- A judge of the local family or juvenile court
- A member of the local job centre
- Representatives of the local schools
- Representative of the local police force
- One representative each of the Catholic, Protestant and Jewish denominations

In addition to the *Jugendamt* in the municipalities, each *Land* has at least one *Landesjugendamt* (Land youth office): ‘The Landesjugendamt has the tasks to support the work of the Jugendamt and to ensure a consistent implementation of the youth welfare service duties and responsibilities’ (Lampert and Althammer, 2001, 360 – my

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<sup>19</sup> § 4 Erstes Gesetz zur Ausführung des Kinder- und Jugendhilfegesetzes – AG – KJHG in Nordrhein-Westfalen (KJHG implementation law of North-Rhine Westphalia)

translation). The *Landesjugendamt* is a consulting, training and supervision authority (BMFSFJ, 2002, 42) which, as part of its remit, publishes guidance for social workers and managers.

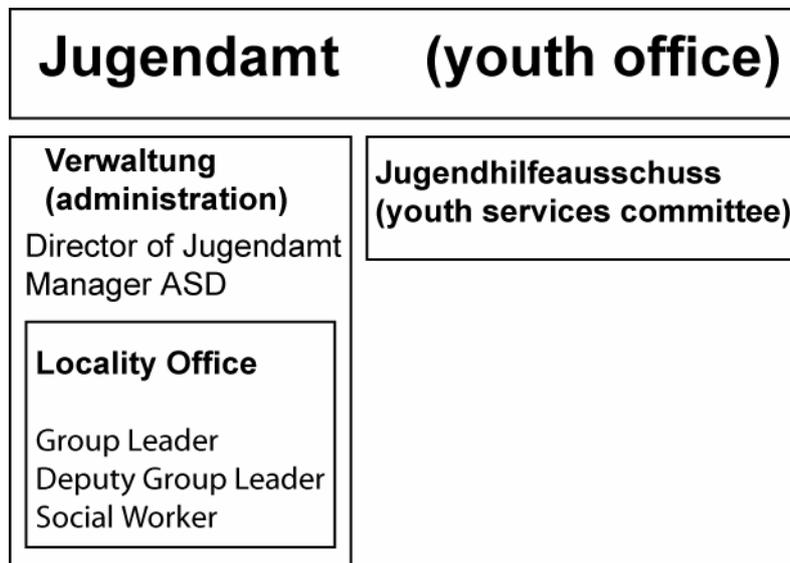


Figure 4.4: Organisational structure of the *Jugendamt* Mittelstadt

The *Jugendamt* is responsible for the overall planning of all duties deriving from the KJHG. Mittelstadt has chosen an approach to service planning that is guided by the concept of ‘social space’ (ASD position paper Mittelstadt). Such an approach includes the analysis of life circumstances and level of need of children, young people and families in defined social spaces, such as district, borough or municipality (KGSt, 1993b, 17). This approach has a close affinity to ideas that followed the Barclay Report in 1982 in England (Barclay, 1982). Following the report, some local authorities implemented ‘patch social work’, with social workers working in their ‘patch’, i.e. a defined geographical area (Parsons, 1986). ‘Patch social work’ was a rather short-lived fashion in England and is no longer generally used.

'Planning guided by social space' is one of four approaches to planning as suggested by the KGSt guidance for the implementation of the KJHG. The others are:

- Planning for target groups
- Goal-oriented planning
- Task-oriented planning

All four approaches are often combined in practice. The interview participants in Mittelstadt emphasise the importance of social space for service planning and delivery. This approach is supported by the *Landesregierung* NRW, which sees in it a chance to open up traditional ways of thinking and organisational boundaries, thereby offering a new perspective to *Kinder- und Jugendhilfe* (Ministerium für Schule Jugend und Kinder des Landes Nordrhein-Westfalen, 2005a, 179).

The *Jugendamt* is a statutory body for youth work and youth welfare services (*Kinder- und Jugendhilfe*). It is responsible for the planning of these services but not for their provision. Services are primarily provided by the voluntary sector. The law gives the voluntary sector precedence over statutory bodies in the provision of services:

KJHG § 4 (2) As far as suitable establishments, services and functions are run or can be created at the proper time by recognized voluntary youth service organisations the statutory sector shall refrain from activities of its own. (1996)

It is directed by law that these services are offered by a variety of organisations promoting different values and moral principles, so that parents can choose the provider which best fits their worldviews. This principle of subsidiarity ensures that tasks are carried out at the most local level possible (unlike in England where, despite attempts to advance devolution, practice is strongly guided by central government; see Chapter V).

The strong position of the voluntary sector distinguishes *Kinder- und Jugendhilfe* from other parts of society e.g. education, where services are generally provided by public sector organisations (BMFSFJ, 2002, 65).

The previous section has laid out the organisational structure of *Kinder- und Jugendhilfe* with its four main characteristics:

- The central role of *Jugendamt*
- The *Jugendamt* as a two tier organisation
- The *Landesjugendämter* as consulting, training and supervision authority
- The strong position of the voluntary sector (BMFSFJ, 2002, 42)

The next section considers the content of youth work and youth welfare services.

### Kinder- und Jugendhilfe

The key Act for youth work and youth welfare services is the *Kinder- und Jugendhilfegesetz* (KJHG, Child and Youth Services Act) (BMFSFJ, 1999). After more than 20 years of professional and political debate, this Act came into effect on 1.1.1991<sup>20</sup> (Jordan and Sengling, 2000, 15). The KJHG covers all areas of the *Kinder- und Jugendhilfe*. It is based on the principle that, outside of schools, the state has no child-rearing competencies that can compete with the parents' rights (Maas, 1991, 9). Its legal obligations are subsidiary to those of others, especially schools. Therefore the KJHG offers mainly preventive services and is termed a 'service bill', offering support to parents rather than intervention into family life (Jordan and Sengling, 2000, 67-68).

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<sup>20</sup> The KJHG was passed on the 28.06.1990 and came into effect in West Germany on the 1.1.1991. Between those two dates the reunification with East Germany happened fairly unexpectedly. In East Germany the KJHG therefore came into effect on the 3.10.1990.

The Act incorporates a wide range of services that support children, young people and their families, including:

- youth work
- socio-educational provision
- educational measures for the protection of children and young people
- promoting the upbringing of children and young people within their family
- support of children in day care

The services provided can be divided into two types:

- legal entitlements of parents, children and young people to receive individual services (e.g. nursery place, socio-educational provision for children with problems)
- universal services (e.g. youth work, support services for families) (BMFSFJ, 2002, 63)

All of the above are ‘services’ of the KJHG (§ 2). The statute also includes ‘other functions’ (§2(3) KJHG) such as the provision of shelter and protection for children and young people, participation in family court proceedings and tasks related to fostering and adoption.

All these services are subsumed under the term ‘*Kinder- und Jugendhilfe*’ (youth work and youth welfare services):

Kinder- und Jugendhilfe includes all regular social pedagogic services that children and young people receive outside family, education and training, as well as all legal norms that aim at enforcing and protecting the rights of children

and young people to upbringing, human dignity, socialisation and development of personality. (Lampert and Althammer, 2001, 357 – my translation)

The KJHG sets out the guiding principles for the *Kinder- und Jugendhilfe* (KGSt, 1993b, 12-13):

- Orientation to the life-world and living conditions
- Prevention
- Helping people to help themselves
- Equal opportunities
- Decentralisation
- Holistic approach
- Integration
- Choice
- Service user participation

These are also the guiding principles for the policies of the *Land*-government NRW (Ministerium für Frauen Jugend Familie und Gesundheit des Landes Nordrhein Westfalen, 1999). A comprehensive understanding of education (*Bildung*) forms the basis for the above principles, which include sport, culture, media and inter-cultural education and training. This is consistent with the understanding of social pedagogy as ‘education outside school in a variety of settings’. In Germany, the qualification of Youth Worker is not a separate degree but is included in the training of social pedagogy / social work.

The KJHG has been criticised for being termed as a service bill, as the *Jugendamt* also has the task of protecting children and young people. The legal basis for child protection

and state intervention into family life is laid out in the Civil Code (*Bürgerliches Gesetzbuch*, BGB). The BGB has been in force since 1900 and covers the areas of private law that are valid for all people (Köhler, 2004, IX). The authors of the BGB used abstract-general terms that can be applied to a variety of cases (Köhler, 2004, XIV). These blanket clauses (*Generalklauseln*) are undefined concepts of law. A judge would need to establish in each case whether or not it falls under this clause. The advantage of this is the high level of flexibility in the statute. Changes of ideals and moral concepts can be accommodated by existing legislation. Since its introduction, the basic law substantiates moral concepts (Köhler, 2004, XV). §1666 BGB, which includes legal measures if a child's welfare is at risk, contains a multitude of blanket clauses that need to be filled with content on a case-by-case basis: ' Kindeswohl ' (the best interest and welfare of the child), 'neglect', 'abuse in exercising parental responsibility', 'failure through no fault of one's own' (Braaksma, 1995, 45). The state intervenes in cases where children's basic rights (see above) are violated. Such intervention is linked to a high threshold because it is, at the same time, an interference in the autonomy of the family and the personal rights of the parents (Braaksma, 1995, 5-6). Hence the lowest possible intervention should be chosen. This 'staatliches Wächteramt' (State Guardian) is strengthened by the *Kinder- und Jugendhilfe* Further Development Act (KICK, *Gesetz zur Weiterentwicklung der Kinder- und Jugendhilfe*). This act substantiates the responsibility of the *Jugendamt* to assess situations where a child is believed to be at risk of harm. It also poses a responsibility on the *Jugendamt* to set up local procedures with other organisations and service providers to ensure everyone knows what course of action to take if a child is believed to be at risk of harm (§8a KJHG) (BMFSFJ, 2006, 422). The KICK also extends the responsibilities of other organisations, especially schools, to solve problems themselves instead of transferring children and young people

and their families to the *Jugendamt* or youth welfare services in the voluntary sector (e.g. with regards to dyslexia and dyscalculia) (Schmidt, 3.6.2005). The 12<sup>th</sup> Child and Youth Report<sup>21</sup> (BMFSFJ, 2006) recommended closer cooperation between *Kinder- und Jugendhilfe* and education. The coalition agreement of the *Bundes*-government supports this recommendation. It also aims at enhancing the scope for municipalities to offer preventive services. The message is ‘prevention instead of repair’ (2005, 107). As will be seen below, this preventive approach is supplemented by new child protection policies.

The first part of this chapter expounded the main characteristics of the German state and the organisational setting of children and families social work. It began by explaining the constitutional foundation. The basic law is Germany’s constitution and is binding for legislature, executive and judiciary. Within it the social state principle establishes the state’s responsibility for compensation of social contrasts. This includes the provision of a maintenance level necessary for human life. The basic law does not qualify the social state principle further and recent reforms like ‘Agenda 2010’ have re-defined and challenged this principle.

Family is constitutionally protected in Art 6 GG. Art. 6 I GG is a basic constituent value principle (*wertentscheidende Grundsatznorm*), which requires the state to support as well as protect the family e.g. by offering services. (The government policies to fulfil this duty will be analysed below.) Germany is a Federal Republic and responsibilities are distributed to several political levels and institutions. German politics is

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<sup>21</sup> Once every legislative period, the German government has the legal obligation to publish a report about the situation of children and young people in Germany. This is compiled by academics and experts in the field and ‘can be regarded as seismographs for the societal debates in the area of the welfare state of children and youth as well as their families’ (Flösser and Otto, 1998, 4).

characterised by ‘consensus governance’ that minimises the potential for radical reforms by one political party and stands for continuity rather than change. Within the political process, citizen participation primarily takes place through elections.

The next section of this chapter introduces social work practice in the General Social Service (ASD) of the *Jugendamt* Mittelstadt.

### **Social Work Practice: General Social Service (ASD) Mittelstadt**

The starting point of all ASD work is the legal mandate, derived from the KJHG.

The central function of the ASD is the basic supply of social work within the borough. To this end it aims to secure financial and emotional support for people and groups of people who approach the ASD themselves or whose need for help is made known to the ASD by a third party. (ASD position paper Mittelstadt – my translation)

Each social worker has a clearly defined district in which he/she works. As part of their tasks, social workers have to consider the social space in which they work, have knowledge of the social structure of the district and be aware of organisations that work within it.

Initially the ASD provided social work for all members of the district, including senior citizens, disabled and sick people and migrants. Most of these tasks have since been transferred to health services and benefit offices. This has shifted the ASD work to focus on children and young people and their families (ASD position paper Mittelstadt, GM1, GM3, GS7) and the functions of the *Kinder- und Jugendhilfe*.

The responses to the vignette (see Chapter III) that opened each interview, give a good indication about social work practice, the criteria applied in the assessment of the situation presented and social workers' attitudes towards families who use the service, colleagues and organisational procedures. It is used here to introduce social work and the main principles within practice and organisational procedures.

The initial response of all participants following the receipt of a referral like the one in the vignette was to establish contact with the family and to visit them at home in order to form their own impressions. Half of the participants said they would conduct an unannounced home visit on the same or the next day. Only one of the participants gave a reason for this: the small baby in the household would concern her sufficiently to conduct an unannounced home visit.

The other half of the participants said they would contact the parents either by telephone or letter to arrange a home visit:

Write to the family and ask for a meeting. Usually I would suggest to stop by at their house as part of a home visit and let them know that we had referrals stating that the children are not well looked after and that I would like to check these things with them to see if this is the case and if so what possibilities exist to change that<sup>22</sup>. (GM3)

This is consistent with the 'Service Regulation and Working Instruction: Handling of Police Reports': 'Provided that the circumstances of the individual case allow for it, such home visits should be notified of in writing' (Midcity Service Regulation and Working Instruction: Handling of Police Reports - my translation).

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<sup>22</sup> All quotes from interviews were translated by the researcher. This will not be indicated after each quote.

The social workers were aware that families might be apprehensive about being contacted by the *Jugendamt* because it is generally seen by the public as the organisation that takes children away. This is considered in the response to the referral:

How can you establish contact with the family in a way that they do not see social services as a threat and withdraw? (GS1)

Refraining from conducting an unannounced home visit is seen as a strategy to develop a good working relationship with parents:

Well, I refrain from conducting unannounced home visits, because I assume that help is only accepted if there is a level of trust between the family and the responsible social worker – in this case myself – I would announce myself to the family and would then raise the problems that I have been made aware of. (GS5)

At the beginning of the home visit (some said they would conduct it with a colleague), the social workers said they would give the parents the information on the referral, some with the sources, some without, and see how the parents reacted to the concerns.

It is interesting to note that the referrers in the vignette – the paediatrician, teacher and neighbour – were each considered differently by the social workers. Referrals from professionals were given a higher status than those from neighbours. Social workers and managers questioned the motive behind the referral from neighbours as it might be based on a neighbourhood dispute, rather than being made out of genuine concern for the children.

For me it is comparatively the hardest to react to what the neighbours say; what intention do the neighbours have to say something like this? Do they have a self-interest in this? (GS7)

During the home visit the social workers said they would assess the situation, taking into account the state of the house, the relationship between the parents, the parent – children relationships as well as the parents’ reaction to the referral. The initial home visit could lead to four possible outcomes:

- a) there is no need for help
- b) there is a need for help and the parents are willing to receive support
- c) there is a need for help and parents are not willing to receive support
- d) child protection

Each of these possibilities will be considered in more detail below:

a) One possible outcome of the initial home visit is that the concerns of the referral could not be substantiated and the family has no need for support. The referral could have been just a one-off occurrence. However, the fact that three different people reported concerns about the family is seen by the social workers as a strong indication that the family’s situation is likely to be as described in the referral. The participants are aware that the home visit is a snapshot and would either conduct follow-up visits to get a better understanding or ask the referrers to get back to them if the situation recurred or did not improve.

b) If the concerns of the referral are substantiated during the home visit the social workers said they would offer services to the parents. Often the family is seen as open to support:

Usually the parents realise themselves that something is wrong and voice their helplessness or that they have not learnt things or that they might do not cope and therefore they are usually open to consider options of support. It is trickier if support would include the external accommodation, residential care of children.

This is obviously a difficult decision for the parents. (GM2)

The services would be offered according to the family's needs:

One possibility would be that the parents say 'We are not coping with the domestic situation, we could do with some help'. The family could then tell me in what area they would like support and I would then try and implement it.

(GS4)

The social workers have a variety of services they can offer the family (see functions of *Kinder- und Jugendhilfe* above). All tasks except for the implementation of socio-educational provision for children with problems (HzE) and revocation of parental responsibility can be implemented by the social worker without consulting the team leader (ASD position paper Mittelstadt).

c) It might be the case that the social workers see a need for support but the parents do not wish to receive it. Unless it is a case of child protection (see below) the social workers cannot intervene without the parents' agreement:

These are often unfortunate cases where nothing happens for a long time because on the one hand they do not wish to take the support offered but on the

other hand the situation is not bad enough for the family court to impose conditions. (GM3)

The attitude of the ASD is one of respect for citizens and their wishes. The first item in the corporate statement of the ASD is citizen and service user focus:

This means that the ASD thinks of itself as a service-provider that is geared towards citizen needs. As part of the rendered services it makes an offer and works with those who accept the offer. Only requests that are specified will be taken up. Once a request for help is completed, the contact with the citizen ends. We do not chase after people and impose our services on them. (ASD position paper Mittelstadt – my translation)

The exception to the voluntary use of services is cases in which children are at risk of abuse and/or neglect.

d) If the social workers establish during the home visit that the child's welfare is at risk they can and have to intervene, even if the parents' agreement cannot be obtained: 'The ASD assumes the staatliches Wächteramt (State Guardian), i.e. it reacts to all requests and indications that the Kindeswohl might be at risk. It aims at eliminating endangerment and securing child protection' (ASD position paper Mittelstadt – my translation). The section on the overburdened-neglecting parent below examines this situation more closely.

The social workers in the *Jugendamt* fulfil two roles that they described in the interviews as being clearly separate from one another, with each having distinct characteristics. First, they are social workers offering services to parents, families, children and young people that they can voluntarily use and often have to apply for

themselves. Secondly, they are acting as the State Guardian (*staatliches Wächteramt*) with regard to child protection. When social workers feel that the welfare of a child is at risk they have a duty to act and are not dependent on the agreement of the parents (but need family court approval in cases where parents' consent cannot be obtained). The social workers are very clear about these two different roles and the different professional approaches taken with each. The KJHG has strengthened parental responsibility for the upbringing of children (see above) and this has led to changed practice:

This strong parent focus that ultimately resonates in it, that parents basically have a big responsibility, thus the main responsibility for their children. We offer mainly services and I have changed my position accordingly. In the past I would have set off in between and now I say 'No!'. There is a clear provision in the law, either the child welfare is at risk or the parents carry the responsibility. I offer them a service and they do not wish to use it, so it is their loss so to speak, it is their business. In that way legislation affects us a lot. (GS1)

The initial responses to the referral showed that there was variation in professional practice:

- Announced vs. unannounced home visit
- decision whether or not sources are named
- one or two social workers conducting the visit and
- the extent to which cases where no need for help could be established are followed up

The social workers are aware of and very open about these differences. It is seen as an integral part of the job to incorporate one's personality and values in one's role

and it is acknowledged that this might lead to differences in assessing the family's situation:

Personal values, of course, certainly everyone acts according to the inventory they have got, what one believes, what is important to oneself, there's no denying it. [...] This story [vignette] was most probably interpreted differently by everyone. For some it is a catastrophe if children have no sandwich in school others might say 'Well, they could always buy themselves a Snickers', this certainly is dependent of personal values. I consider them very important. (GS4)

Of course personal values play a role, because my personality is my tool of the trade. (GM2)

Depending on one's biography one is more or less sensitive. And we have here jockey discussions about how different people assess situations differently and you know very well, that this is there own life featuring in it: When do I get scared? Or: When do I feel I have to intervene? And such things. (GS3)

In the past this behaviour has led to difficulties if a family moved house during *Jugendamt* interventions and the new social worker who took over had a different understanding of the situation. The ASD manager took this as a starting point to start a quality management project to develop a standardised system for judging the threshold for child protection:

And I realised then that even in our team different definitions of Kindeswohlgefährdung exist. And I said: We need common standards. That was the trigger to start the project quality management. (GS4)

Attempts to standardise processes feature strongly in the New Steering Model, the German interpretation of New Public Management. The New Steering Model and the quality management project in Mittelstadt will be described in the next section.

### **New Steering Model**

New Public Management entered the German context at the municipal level.

Municipalities are organised in the KGSt (the largest local government association in Germany). The KGSt is politically independent and advises its members on leadership, management, organisation and governance. Until the late 1980s the KGSt promoted a hierarchical and bureaucratic organisation (Kost, 2003, 208). This changed in the early 1990s when the KGSt developed the *Neues Steuerungsmodell* (NSM, New Steering Model) as a response to the financial challenges of municipalities. The NSM has been modelled on approaches in other European states, and especially Tilburg (Netherlands)<sup>23</sup>, chosen because of the similar challenges that they encountered around 10 years earlier.

The visions for restructuring are surprisingly convergent and can be summarised in the formula ‘from local authority to service provider’. Everywhere the aim was to improve the effectiveness, efficiency, quality and closeness to the customer with the help of adapted business-management instruments and techniques from the private sector. (KGSt, 1992, 3 – my translation)

An interesting aspect of the German development of NPM in contrast to that of Britain is that, in Germany, the reform recommendations were made by a non-political local government advisory body. Their recommendations are not legally binding and,

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<sup>23</sup> The KGSt chose Tilburg (Netherlands) because it had a similar political structure to that in German municipalities.

therefore, the NSM is not nationally implemented in the same way as NPM has been in England. Municipalities make the decision as to which elements of the NSM are implemented and at what time. The federal government has no way of to implementing organisational change without first passing legislation. It would be unusual to legislate for organisational and administrative changes and it would also go against the principle of *Kommunale Selbstverwaltung*.

'New Steering' has entered the Kinder- und Jugendhilfe (contract management, controlling, products, cost-benefit calculation, quality management, benchmarking) but has in practice only partly caught on. It will furthermore depend on business management concepts not being applied unreflected to the Kinder- und Jugendhilfe but their being subject to the professional requirements of Kinder- und Jugendhilfe. For this purpose it is necessary to consider Kinder- und Jugendhilfe from different perspectives, namely the perspective of local government, the Jugendamt, the voluntary sector, the different providers, the co-operation partners and not least the service users. (BMFSFJ, 2002, 44 – my translation, emphasis in the original).

The perception of the interview participants in Mittelstadt was that the NSM had little importance for service planning and delivery. The comparison of the KGSt guidance with the interview data and organisational procedures does show similarities, however. The data does not allow for an evaluation to see if this is a coincidence or if the attempts of the city council to implement the NSM are stronger and more successful than they are perceived to be by social workers and managers. With regards to the research questions, it is more important to establish if the view on citizenship is shared.

Therefore the principles and tools of the NSM will only be introduced briefly and the main focus will then be placed on citizenship.

The introduction of the NSM coincided with the KJHG coming into effect. *Kinder- und Jugendhilfe* is a high-cost area of local government. This and the necessary changes in work routines through the new legislation made it an attractive area for the KGSt to promote the NSM. Figure 4.5 shows the *Kinder- und Jugendhilfe* as a circular process. The KGSt developed this cycle based on the management cycle of Henry Mintzberg and it will now be used to introduce the main elements of the NSM.



Figure 4.5: *Kinder- und Jugendhilfe* as a circular process (KGSt, 1998)

The starting point is the mission statement. The KGSt distinguishes between three management dimensions:

*Normative management*: to draw up the mission statement

*Strategic management*: to develop objectives (KGSt, 2000, 7). Strategic management is not limited to politicians and management but should be routine in all official conversations and planning meetings (KGSt, 2000, 10). It is not intended as a top-down

process, but in order to be successful should be carried out with the involvement of employees and citizens (KGSt, 2000, 73).

Promising processes of goal development are based on the willingness to outline one's own objectives in dialogue, to consider different experiences and expectations and where applicable change one's own ideas. (KGSt, 2000, 22 – my translation)

Objectives are set according to the content of the mission statement and are regularly reviewed and revised. In order to evaluate outcomes for citizens, all objectives need to be operationalised (KGSt, 2000, 12).

*Operational management:* to perform municipal tasks as effectively and efficiently as possible. The key to the operationalisation of objectives is products. Within the NSM all services should be sorted into products. The KJHG includes over 200 services that should be classified into products from the point of view of management, rather than following the systematic structure of the KJHG (KGSt, 1994, 17). Services that are provided by voluntary sector organisations should be listed as well. Mittelstadt has grouped these services into twelve products that form the core business of the ASD (Product Catalogue ASD Mittelstadt). The product catalogue is a dynamic system which needs to adapt to changing demands. It includes a short description of each product, its budget, objectives, target audience etc. This information should increase openness and accountability not least towards citizens (KGSt, 1997, 7). An important aspect of services in relation to the product catalogue is the output of an activity rather than the activity itself (KGSt, 1995b, 11).

The products form the interface between citizens and officials. Their quantity, quality and cost-effectiveness determine the performance of local government and decide on citizen satisfaction. For a service- and quality-oriented

administration, products are not only the starting point for management but also for organisation. The pivotal question is which of the Kinder- und Jugendhilfe's products are perceived as interrelated by citizens and often requested together. Those products should be, where possible, provided as a one-stop shop to prevent unnecessary and citizen-alienating interfaces. The decision making process should be short and transparent. (KGSt, 1995a, 17 – my translation)

Product description needs to be combined with a decentralised responsibility for budget and professional delivery of services. Departments who hold the responsibility for services now also have budgetary and organisational control and, therefore, the overall responsibility for a product (KGSt, 1997, 14). This is regulated and controlled by contract management or service level agreements (Step 5 of the management cycle) (KGSt, 1997, 15). The NSM introduces clear boundaries between the responsibilities of the city council, as the purchaser of services and provider of capital, and the administration, as the provider of services (KGSt, 1993a, 16). Contracts set out the services that should be provided, available resources and desired outcomes. These contracts are used within the administration as well as with providers in the voluntary sector (KGSt, 1993a, 17). This contract management extends the scope of departments in using resources, but it also enhances the need for accountability and control in order to establish whether or not the contract has been fulfilled.

With budgets for the Kinder- und Jugendhilfe many municipalities proceeded to define products and product fields, customers and customer requirements. The experience has shown that in many places statutory bodies of Kinder- und Jugendhilfe could use their funds more flexibly. (Ministerium für Frauen,

Jugend, Familie und Gesundheit des Landes Nordrhein Westfalen, 1999, 208 – my translation)

Following the service-level agreement, the service and/or product is then delivered (Step 6 of the management cycle). In order to establish whether the contract has been fulfilled and the desired outcome reached, products need to be documented, evaluated and controlled.

Voluntary sector organisations fear that the control involved in these arrangements means more state interference in the design of their services. This would be unlawful (§§ 3,4 KJHG) and it is seen by the *Land*-government as unlikely. It considers control as a positive step towards more accountability: ‘Controlling initiated by the state can contribute to an improved transparency of service provision and thereby meet the justified citizen interest in how their tax money is used’ (Ministerium für Frauen, Jugend, Familie und Gesundheit des Landes Nordrhein Westfalen, 1999, 209 – my translation).

The social workers in Mittelstadt shared the worry that extended documentation enhances control.

The whole system of HzE is based within the computer, meaning that everything to do with it we have to enter, all decisions, everything that has to do with it needs to be printed from the computer and basically every form should be filled out on the computer. [...] This is something that should make our job easier but right now it adds to the bureaucracy. All client contacts that go beyond one phone call need to be logged in the computer as anonymous advice. A lot of

colleagues criticise it. On the one hand it is nice to prove the amount of work but on the other hand also nice for the managers to see: 'Oh look they don't have that much work. Maybe it is less than they pretend, they always moan but it isn't that much at all'. (GS1)

Stronger than the worry about more extensive control was the feeling among social workers that the computer and the extended need for documentation had fundamentally changed their job:

When it changed from outreach social work towards office work, with the enhanced emergence of forms, one inevitably sits in front of this machine [computer] and performs the necessary tasks and consciously or unconsciously – I do not only experience it myself but also see that it is similar with my colleagues – that one might ask people to come to the office and so the job is more administrative, to say it briefly. (GS7)

The ASD manager acknowledges this change and is aware of the frustration of his staff but considers it necessary to achieve a form of accountability that would hold up in court if the worst came to the worst and a child known to the *Jugendamt* died:

What is currently happening – not only here but in all ASDs – is that the frequency of documentation increased tremendously. This means that the colleagues spend the majority of their time in front of the computer. And hence the colleagues say: 'We are professional social workers, we want to work with people, but lack the opportunity to do this.' They see that their profession changes towards being a PC-manager or as it is called in the social sector: They are just mere case manager. [...] It is not necessary to document too much, but

the most important things need to be documented to be able to – if the worst case scenario happens, that a child dies, then we need clear evidence that we worked properly and responded appropriately. If we do not have that, then I cannot protect any colleague. That is why, out of employers duty of care – I attach great importance to it. (GM4)

There has been a shift in public perception about child death. Frequent media stories of child deaths hold the *Jugendamt* employees responsible for the death of children who have died following abuse. Child abuse and neglect have recently been given a higher profile amongst the general public as well as in policy (see below) and social workers are being held accountable for potential mistakes.

With regard to the NSM, accountability is mainly financially motivated and one of the main objectives is to enhance efficiency. In Mittelstadt a ‘New Municipal Finance Management’ has been introduced, which links products to business ratio (*Kennzahlen*). *Kennzahlen* allow for products to be quantified, e.g. hourly rate, number of employees, actual costs per service user. In the course of the financial year, these are monitored to see if savings can be achieved. This could lead to a limitation of available services. The ASD manager has tried to prevent this as long as possible:

We do not currently have this limitation for our colleagues. If our colleague feels it [family, service user] needs 40 hours [of service provision], then he can arrange for it today. For we do not yet have guidance from higher up. And I will try to delay it as long as possible (GM4).

With most services of the *Kinder- und Jugendhilfe* being provided by voluntary sector organisations, a tight municipal budget and the aim of the operational management being to perform municipal tasks as efficiently and effectively as possible, the variety of services offered and their quality is at risk. Voluntary sector organisations have to compete on price a great deal more than they did previously. The expert commission of the 11<sup>th</sup> Child and Youth Report offers advice to ensure that these changed financial and contractual agreements do not impact on the individual legal entitlements of service users and their right to preference and choice (*Wunsch- und Wahlrecht*) as included in the KJHG (BMFSFJ, 2002, 43).

The question of service availability and quality moves NSM beyond organisational restructuring and focuses on service users.

Quality management is an integral part of the NSM. It is seen as the interface between the citizen and local government. The starting point for quality management is the product catalogue. It, as well as the other steps in the management cycle (see above), are all part of the quality management process. Quality in this context can be broken down into three dimensions:

- *Structural quality*: Quality of the general framework (personnel, buildings and office space, accessibility for service users)
- *Procedural quality*: Quality of the process of service provision and its professional design
- *Outcome quality*: Attainment of the agreed targets (Stoppel, 2006, 3-4)

The targets can be summarised as follows:

- A higher level of efficiency through the standardisation of processes and products

- Satisfying customer expectations

The KGSt concept of the NSM focuses on the latter category, while politicians emphasise the need for higher efficiency of *Kinder- und Jugendhilfe*.

The NSM mission statement is: from public authority to service enterprise (KGSt, 1997, 19). To achieve this:

quality is the dimension that needs to be moved centre stage. Politicians and administrative employees often think they know what quality citizens want. This is a false conclusion. Initially the concept of the citizen as the customer assumes that every customer needs to be considered as an individual and not collectively. (KGSt, 1996a, 38 – my translation)

Following this assumption, the wishes of the customers have to be established through opinion research and then translated into services:

These days no service provider can go without regular communication with its customers about service expectations and perceptions. The tools range from general citizen- and customer-surveys via an efficient complaints procedure to the active shaping of products by citizens in the quality management process. (KGSt, 1997, 20)

The customer viewpoint is not all-powerful, however:

Otherwise exists e.g. the risk to follow an ultimately naïve understanding of ‘customer satisfaction’. Young people for example are often ‘satisfied’ if they are bothered by the ‘service provider’ as little as possible. To equate customer satisfaction with quality would thus be negligent. (KGSt, 1998, 24 - my translation)

Therefore, while it is expected that service providers in municipalities have an understanding of customer demands and expectations, these do not control the provision of services. The management cycle, and the establishment of objectives, norms and indicators within it, provides a professional screening process to bring customer expectations in line with expert assessments by professionals.

Politicians on all levels consider quality in *Kinder- und Jugendhilfe* from the viewpoint of enhanced efficiency. The coalition agreement demands that *Kinder- und Jugendhilfe* focuses on efficiency and outcome in its further development: ‘Kinder- und Jugendhilfe has to prove its results with "hard facts"’ (2005, 107). This position is shared by the Landesregierung NRW:

The Landesregierung argues that the necessary requirement for the further development of *Kinder- und Jugendhilfe* is to focus on specifying services, quality standards and evaluation. The methods used for it need to be appropriate to the special requirements and the legal status of *Kinder- und Jugendhilfe* service providers. (Ministerium für Frauen, Jugend, Familie und Gesundheit des Landes Nordrhein Westfalen, 1999, 30)

*Bundes*-level reform initiatives like Agenda 2010 (see below) included comprehensive plans to develop quality standards, that were implemented nationwide:

The Bundesregierung considers it essential to agree common and nationwide uniform objectives for early years support, education and upbringing. It also considers it desirable to have an external, nationwide operative quality assurance system that is independent from funding sources and service providers. (BMFSFJ, 2006, 11 – my translation)

In the area of health it suggests ‘an independent "Foundation for Quality and Economic Efficiency in the Health Service"’ (Federal Government, 2003,28) and for education the *Bundesregierung* wants ‘to cooperate with the Länder in the introduction of continual and comprehensive education reports and the establishment of an independent experts’ council.’ (Federal Government, 2003, 42).

At present, quality management in the *Kinder- und Jugendhilfe* happens at the organisational level. At the time of the research interviews, Mittelstadt was just coming to the end of a 1.5 years long project to develop a quality management system. It originated in the ASD manager’s realisation that individual social workers’ assessments of families varied and different definitions of *Kindeswohlgefährdung* were being applied. While the social workers considered their personality an integral part of their work and accepted that this might lead to different outcomes of assessments, the ASD manager thought that families should be assessed consistently and started the quality management project to develop a catalogue of risk factors. A project group was formed, consisting of the ASD manager, interested team managers and social workers, as well as IT support staff. With the help of a consultant who had developed a similar catalogue for a different authority, the group adapted the other municipality’s catalogue to Mittelstadt’s requirements. The partial results were fed back into the teams for discussion. Pretty much all members of staff were involved in the process. The result was a computer program for the assessment of *Kindeswohl*. It is based on a risk index with over 1000 indicators for four age groups (baby, toddler, child, young person). The social worker clicks on the appropriate indicators and at the end of the program a traffic light indicates the degree of exposure to risk:

And when the colleague looks through all indicators and ticks his boxes then a traffic light goes on. Red means immediate action. [...] If the red light goes on then he has to suspend all other work and together with his team leader act immediately. We will set it up in a way that two colleagues will go out and intervene in the family. And if yellow lights up then the colleague knows that danger is imminent. Again he needs to talk to his team leader or a second colleague to decide if any action needs to be taken. And if green lights up: Obvious! Then he should check the situation again after a while. (GM4)

This part of the project aims at standardisation, with the goal that all families should receive the same service. Early on the project was extended to develop a product catalogue (see above) and a quality handbook, which in future will be the ASD guidance:

The idea behind it is that social work practice and its outcomes within the ASD are allocated quality levels and thereby made measurable. That means that quality is controlled, for example that within the ASD one product is delivered the same way and to improve this quality over months and years, to question it: Is it right what we are doing or do we have to change something, do we have to improve something? (GS4)

Quality management within the NSM, endorsed by politicians, seeks to cut spending through standardisation, control and tight service level agreements. Interestingly the ASD manager sees Mittelstadt's quality handbook as a chance to secure a stable resource level in the future:

In addition we commit with the quality handbook to certain things. One commitment is that we prepare an annual quality report. And that we have as part of the structural quality a certain level of personnel. And that enables us in the administration to negotiate with the decision-makers on the basis of the quality handbook. And to let them know: If we require a certain level of quality then I need the necessary resources. (GM4)

The quality handbook is an internal document, which is not available to families:

One has to consider what families they are. Our families are difficult families. I think, especially this quality management did not emerge in the social sector. It does not originate in the social sector but is borrowed from manufacturing. If you look at the example of how a car is made – or a car is produced – there are so many quality differences or so many quality factors that contribute to the car running. But the car driver is not concerned how the company gets to the product. (GM4)

The beginning of the quotation suggests that quality dimensions might be interesting for some service users, just not the ones who use *Kinder- und Jugendhilfe*. As the explanation moves on service users are compared to customers who buy readily available products without being concerned about the production process. It is questionable whether this analogy is appropriate for social work, as the service users are co-producers of the products (see Chapter II). The quotation's gives an insight into different conceptions of citizenship that service users encounter in their contact with social services.

The remainder of this chapter examines the five conceptions of citizenship identified from the policy documents and interview data:

- the critical-rational citizen
- the social parasite citizen
- the statutory parent
- the respected-responsible parent
- the overburdened-neglecting parent

Ideas around citizenship found in the research data have been categorised into five ideal types of citizenship. These serve as discursive resources for practitioners, managers and policy makers to justify, make sense of and promote ideas around citizens as service users in children and family social services. In the conclusion of the discussion on each conception of citizenship, an analytical framework will be used that draws out each conception's basic assumptions, tools, level of citizen participation and objectives.

### **Citizenship: Five Conceptions of the Service User**

#### The Critical-Rational Citizen

The KGSt justified the need for the NSM, among other reasons, by referring to the legitimacy gap in the existing structure as far as citizens were concerned. The KGSt assumes that citizens are prepared to accept cutbacks in services and enhanced personal contributions if they are taken seriously and accepted as fully-fledged partners (KGSt, 1993a, 12). Municipalities were enjoined to utilise this rational element of the citizen to encourage active citizenship. The KGSt also assumed citizens were critical of taxation spending, demanding good value for money and appropriate quality, which includes fast response times: 'A regular, public accountability report including efficiency, targeted

precision and quality of municipal services would not only satisfy the information need of critical citizens, but also encourage the administration itself to better performance' (KGSt, 1993a, 13 – my translation). These core assumptions have led to naming this category of citizenship the critical-rational citizen.

The KGSt distinguishes between three roles of citizens in relation to local government and administration. First, the traditional role of the citizen as an elector: in recent years elements of direct democracy have been introduced (see above). Election results are, therefore, not a *carte blanche* for politicians, as citizens can use the elements of direct democracy to take corrective action in a particular case (KGSt, 1996a, 39). Secondly, the citizen as a customer of public services: this position has been criticised as not applicable in situations where use of service is compulsory or citizens are refused services. However, the KGSt thinks 'customer' is an appropriate guiding principle for public services: 'We should treat every citizen as if he/she were a customer, and therefore had the freedom of choice not to return if he/she were unsatisfied and could thereby jeopardise our municipal existence' (KGSt, 1996a, 37 – my translation). For part of the population this is a real option. Wealthy citizens and companies could move to another municipality and take their tax and purchasing power with them.

Customer-orientation is seen as encouraging an outward-looking view of public services towards citizens: 'Administrative actions centre around citizens, not the other way round' (KGSt, 1995c, 9 – my translation). For a citizen-oriented *Jugendamt* that is effective and efficient this means that: 'The responsible member of staff should be approachable for citizens and able to inform at any time about the (application) status'

(KGSt, 1995a, 10 – my translation). This is part of organisational policy in *Jugendamt* Mittelstadt:

The employees of the ASD organise the contact with the citizens in such a way that they feel accepted and taken seriously. Conversations take place unhurriedly without time pressure and within an appropriate outer structure (enough space, interior design). This includes employees being available at declared times.

(Position paper Mittelstadt, my translation)

Employees are required to be reliable in their contact with citizens, co-workers and in carrying out their tasks. This position is supported by a city council decision that social workers should have a direct line without an answering machine ‘as the view is taken that the citizen, the customer, has a right to speak to somebody in person and not to a machine’ (GM1). Thirdly, the active citizen, a role which is yet to be expanded:

In the near future it will depend more than ever on as many of them [citizens] to enhance their personal and co-responsibility and actively contribute to communal life by

- providing municipal services themselves, without being on the local authorities’ pay roll

- shaping areas of life that affect them (KGSt, 1996a, 39 – my translation)

The ideal is to mobilise citizens to apply their skills and experiences in the community. It is envisaged that the service enterprise that the NSM promotes is developed further towards a citizen commune (*Bürgerkommune*), in which citizens would be more actively involved in the provision of services (KGSt, 1997, 21). This shift is considered necessary, as even with the introduction of the NSM municipalities will need to cut back services. It is thought that such a shift would result in citizens appreciating public services more and identifying more strongly with local government and administration.

It is also thought that there are an increasing number of citizens who have the time to get involved.

All three aspects of citizenship as laid out by the KGSt assume an active citizen interested in local government and the common welfare. This citizen is well informed and has the social capital to be involved in the community in a way that relieves local authorities of some of their duties. If s/he does not agree with policy or administrative decisions s/he can use democratic processes or elements of quality management, like the complaints procedure or opinion poll, to get his/her views heard and/or to take corrective action:

The democratic state [...] needs to be able to count on the political understanding and interest of its citizens, each of whom should have a certain level of political education. This includes: knowing one's rights and responsibilities and having a willingness to exercise these; informing oneself about public affairs; knowing how one can democratically and collectively make a difference, and the determination to be vigorously involved in personal matters (Rau, 31.3.2004 – my translation).

Such citizen involvement happens within the framework set by the state:

It is the state, who in the interests of the citizens sets the framework, protects values, supports the weak, secures its citizens against the hand of fate and reconciles between poor and rich. This is far more than social policy. Social correction protects the citizen as a citizen, because an excess of social inequality jeopardises political equality and thereby citizen quality (Rau, 31.3.2004 – my translation).

The expert commission of the 11<sup>th</sup> Child- and Youth-Report recommends citizen-friendly services: ‘Services of Kinder- und Jugendhilfe are particularly citizen friendly if low-threshold access is opened up and reliable one-stop services as well as scope for participation exist’ (BMFSFJ, 2002, 55). It thereby confirms the move towards active citizenship for the *Kinder- und Jugendhilfe*, if maybe not in such an all-encompassing way as the KGSt does for municipalities in general.

The social workers in Mittelstadt are less optimistic about available resources in their district. Social space is not only an organisational principle (see above) but also a guiding principle for social work practice. Social workers are expected to utilise citizens’ resources within their local area, but are not convinced this is possible for casework:

Sometimes a high importance is attached to it. Sometimes during a discussion I have the impression that it is ideologically motivated especially when one says that we could use resources in the district for services that we offer in individual cases. I am absolutely not convinced of that. It might be that in a given case a neighbour might be available, but this has hardly any impact on our area of work. (GM2)

The interview participants were equally wary of the ‘customer’ terminology. They acknowledged that a shift had happened towards a citizen-friendly *Jugendamt* that could be understood in terms of customer focus, but equally identified characteristics of their work that did not fit well with a customer focus. The implementation of the KJHG as a service bill, with individual legal entitlements, has strengthened the service users’ position:

Well I would explain it like this: previously a person came to a department and conversations were conducted in this relation. On the one side the hierarchy of the department and on the other side the customer, the citizen at that time rather the supplicant, who enquires if he could get any service. Customer ought to mean that they have equal rights, we are there for the customers, we have a choice of products, they can use these products if certain conditions are present. For me customer means that we are at same eye level, as the phrase goes; the relationship is not anymore that here sits the civil servant and there the little citizen or little man or however one would call them. In that respect customers have the possibility to demand services from us and also have the option to obtain services from other providers e.g. voluntary sector providers. That means that in a way there is a – I would not say competition, but the citizen has like a customer the option to choose if he would like to receive the service from us or from somebody else, I would link that to the term customer (GM1)

This manager feels that this has led to a changed perception of service users as well as extended opening hours.

Content wise I believe that one tries to develop a changed awareness, that they are not supplicants or so but that they really are citizens, customers who approach us with a legitimate interest that we have to grant if certain conditions are fulfilled. This for one thing and then we have to adapt the relationship customer-administration, we have e.g. changed our opening hours. (GM1)

Despite these links between social work practice and citizens as customers, the overwhelming responses in the interviews dismissed ‘customer’ as a suitable conception for the citizen in social work practice:

As part of the product development and as part of our service delivery we obviously could say we are customer oriented. [...] The bottom line is that in social work this is all tosh or nonsense. [...] The field workers, the case holding colleagues obviously say 'our clients', they do not say 'our customers'.

Int: And are you not interested in establishing such a language use?

GM4: No, no. If you were to take this a step further and say 'the customer is king' - that is tricky. [...] We want parental say, it is a main principle that we pursue. We want to facilitate as much parental say as possible and through this we obviously want to engage parents in interventions. They then have a commitment. And the citizen participation or parental participation has a high priority, this is established in legislation. In that way the customer can be king but in the social sector this is tricky. Because if you would follow that it could happen that the beneficiary would like the Mercedes, or a Mercedes for their families but we can only offer the Fiat. (GM4)

This manager considered 'customer' ill-fitting as the *Jugendamt* might not be able to provide the services wanted. The legal entitlement is for 'necessary interventions', what GM4 refers to as the Fiat, rather than 'ideal interventions' that GM4 equates with the Mercedes. GM4 understands customer orientation as satisfying customer requests. He is worried that the *Jugendamt* has not enough resources to do this and is therefore not in favour of adopting the customer terminology. His colleagues highlight another difference between service users and the common understanding of a private sector customer:

If I look at it from a business point of view, a customer is somebody that I am effectively not interested in, but he is the one that I want to sell any product too.

That is my concern – to sell the product. If the customer throws the product that I sold him at the till in the bin afterwards, then I would not be bothered, because it is not about the customer. This is why I reject the term. (GS5)

The services that the Jugendamt provides, let's just call them products, because it is once again discussed here, the products that the Jugendamt might offer can not simply be consumed, but parents' participation is needed, not mere consumerism but rather participation. (GS4)

Also, contrary to private sector customers, social work intervention is aimed at promoting independence:

We do not want to tie people to us, but would like them to go their own way again and we do not want to tie them to us on a long-term basis and therefore the term does not apply. In private enterprise that would be the other way round, there you would want them to return again and again, we want exactly the opposite. (GS1)

Last but not least, the term is considered ill-fitting as it suggests that families are approaching the *Jugendamt*. It does not incorporate the cases where the *Jugendamt* approaches the families or where service use is not voluntary or the parents' choice as part of the *staatliches Wächteramt*.

Because I then act as a state institution and am bound to protect the child welfare and customer means that the customer defines what is happening. With *Kindeswohlgefährdung* where I act as the state watch dog it is not necessarily about what the parents want, therefore the term customer is out of place. (GM2)

In its response to the 11th Child- and Youth-Report the *Bundes*-government doubts that citizens who are in contact with the *Jugendamt* have the ability to act as critical-rational citizens:

This applies in particular to the role of the beneficiary as recipient, user or – in the language of the market – ‘customers’. Despite the statutory right to choice, which despite the duty to inform (§5 (1.2) KJHG) is not everywhere observed in practice, he usually does not act as a competent and confident customer and does not possess the necessary information and as the case may be because of his burdening personal circumstances often not the necessary interest to shop around and choose out of it. Finally core standards for the development of services are pre-arranged between the providers of statutory Kinder- und Jugendhilfe and organisations according to agreements after §§78a ff KJHG, which then turn into ‘conditions of use’ for the usage of these institutions and services. All the more important it is therefore that the interests of the users are exercised by proxy by institutions. That is why this appears to be particularly necessary in Kinder- und Jugendhilfe, because the use of institutions and services for children and young people can be linked to risks that neither they themselves nor the parents (can) recognize in time. (BMFSFJ, 2002, 11 - my translation)

The KGSt promotes an understanding of critical-rational citizenship that assumes an actively participating citizen who is politically interested and involved in the community. It requires a good level of political education and social competence to fulfil this role. The organisational restructuring and tools promoted in the NSM support this view of citizenship. Under the term ‘*Bürgernähe*’ (closeness to citizens), plans to

refocus administration and local government around citizens' needs receive wider support. The basic assumptions are that the critical-rational citizen is willing to accept cutbacks and enhance personal contributions if s/he is seen as an equal partner by politics and administration. S/he also critically questions the use of taxation spending and the quality of services received in return. In order to do so, the critical-rational citizen demands information. The tools used to respond to this conception of citizenship are part of the NSM, such as the standardisation of services, extended documentation and evaluation, quality control and customer focus. Citizens are involved through elements of direct democracy, opinion polls and a clear complaints procedure.

At the organisational level the *Jugendamt* Mittelstadt has implemented aspects of the NSM, like the product catalogue, quality management and extended opening hours. As we have seen, the main objectives of this conception of citizenship are to decrease spending through standardisation and by activating citizens to play an active part in society and in the provision of services. However, the front-line social workers and managers in Mittelstadt do not see the critical-rational citizen as the guiding conception for their practice. Some of the quotations above hint at the importance of legislation in framing conceptions of citizenship in social work practice. This will be further examined below in the section entitled the 'statutory parent'. The next section looks at the social parasite citizen.

### The Social Parasite Citizen

The citizen as a social parasite is most prominent in the reform programme Agenda 2010. Agenda 2010 was German government's modernisation programme developed in accordance with the commitments that Tony Blair and Gerhard Schröder set out in their

joint statement (see Chapter I). Agenda 2010 was presented to the *Bundestag* on the 14.3.2003 as a wide-ranging programme to reform welfare (Federal Government, 2003, 4).

Agenda 2010 is presented as the response to two challenges: the globalisation of the economy and demographic developments in society (Schröder, 22.04.04, 17.3.05):

In a globalised economy with open markets, nobody can escape the changes that are making themselves felt worldwide. But we do have a choice between simply enduring these transformation processes or shaping them proactively. The choice is clear for the Federal Government. We do not want to be modernized by the forces of globalization. We want to consciously take this modernization process into our own hands, in the interest of the people and in the interest of our country. (Federal Government, 2003, 6)

In his policy statement on the 14.03.2003, Schröder went one step further by stating that the choice is to modernise the social market economy or to be modernised by the full force of the market, which would leave no space for social elements.

The principle aim of Agenda 2010 was to foster growth and employment (Federal Government, 2003, 14). Thus the emphasis was on the restructuring of social security to lower ancillary wage costs and ensure that the German labour market is competitive within a globalised economy. Other aspects of Agenda 2010, such as those concerned with education were linked to the labour market. The next paragraph summarises the main aspects of the reform programme before looking at the consequences of Agenda 2010 for citizens and families.

The German social security system is organised into a social insurance system that protects against unemployment, illness, accident, old age, invalidity and long-term care. It is supplemented by basic social benefits. Employees contribute a set percentage of their wage into each of the social insurance schemes: ‘The social insurance benefits are based on legal entitlements earned through contributions. People are not approaching the state as a supplicant and benefits are not means-tested, but people act as self-confident citizens that have acquired their entitlements’ (Bäcker *et al.*, 2000b, 36 – my translation).

The fact that people are aware of the amount they have contributed and entitlements that they have earned makes it difficult to change the system. Each adjustment downwards leaves the contributors with the feeling of being swindled out of their money. Agenda 2010 was thus not well received within society. This dissatisfaction was publicly aired in ‘Monday Demonstrations’ that took place regularly from the end of 2003 throughout the year 2004. They were mainly directed towards the change in unemployment benefit law known as ‘Hartz IV’.<sup>24</sup>

Changes within social security included the consolidation of unemployment benefit and social benefits, the need to supplement state pensions with private provision (Bundesregierung, 2006, 36) and the reduction of services covered by the state health insurance system. As social services are not part of the social security system and are only marginally affected by it, these reforms will not be considered in more detail. With regards to citizenship, the important development of Agenda 2010 is the shift from welfare as a public responsibility to a predominantly private responsibility: ‘We will

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<sup>24</sup> <http://www.tagesschau.de/inland/meldung268672.html>  
<http://www.stern.de/politik/deutschland/528117.html>  
<http://www.ftd.de/politik/deutschland/1091856604786.html?mode=print>

have to cut state benefits, promote individual responsibility and demand a higher level of involvement from every individual' (Schröder, 14.03.2003 – my translation).

The new policy defines the relationship between state and citizen in terms of *Fördern und Fordern* (incentives and demands): 'The welfare state must be renewed according to the principle of "incentives and demands"'. (Federal Government, 2003, 6).

When Angela Merkel was elected as the new chancellor, after the 2005 elections, she thanked chancellor Schröder for starting the process of reform with Agenda 2010 and for enforcing it against resistance (Merkel, 30.11.2005). The newly elected 'big coalition' (see above) supported the basic principle of incentives and demands (Bundesregierung, 2006, 16). '*Fördern und Fordern*' means that the long-term unemployed have to accept all reasonable offers of work or they lose their benefits (Presse- und Informationsamt der Bundesregierung, 2004, 9). These offers might not be what people expect given their qualifications and/or previous work experience. It is expected that people will do what they can to provide for their family (Schröder, 17.3.05). This shift within the provision of welfare emphasises citizens' responsibilities rather than their rights.

We need more responsibility in every respect: More individual responsibility and more collective responsibility for the chances of our children – not least by strengthening the family. Social means for me: everyone has the same chances. It also means that everyone has the responsibility to use them. Those who exploit solidarity compromise social cooperation (Schröder, 31.12.2002 – my translation).

This position is qualified in a speech by *Bundespräsident* Horst Köhler:

Therefore it is part of the necessary modernisation of the welfare state to set incentives for personal behaviour in a way that they encourage performance and personal responsibility and counteract listlessness and refusal. Those who want to have a chance for an apprenticeship, cannot be truant. Those who receive income support have to be willing to do voluntary work. Companies who receive subsidies need to give something back to society. In short: on those who are supported, demands may be placed. And I am convinced: people want to be challenged, they want to prove themselves and stand on their own feet. Freedom and self-determination free people's creativity. This is the main energy to permanently protect the foundation of our welfare state. (Köhler, 8.12.2005 – my translation)

This draws a fairly negative picture of citizens as social parasites, rather than citizens who contribute to social insurance and draw on these contributions in times of need. It is in sharp contrast to the 'self-confident citizen that has acquired his/her entitlements' as described by Bäcker (2000b – see above).

According to this understanding of citizenship, consideration of personal circumstances has been tightened, individuals are under more pressure to work or take part in training and/or work placements and service provision has been cut. Despite this shift towards personal responsibility, it is stressed that the social state principle (Art. 20 GG) and social justice are maintained. The definition of social justice is adapted for the new context by Agenda 2010:

It is fair to help people faster into employment instead of making them permanently dependent on state benefits. It is fair not to leave future generations with overstretched social systems. It is fair to expect in an ageing society a higher level of individual responsibility in the provision of health care and pensions. It is fair not to paralyse citizens' willingness to perform with too high ancillary wage costs. It is fair to provide everyone with the same chances and focus on individual abilities. Only in this way can social justice be secured in future. Social justice is and will be in future the foundation for a modern, productive and solidary society (Presse- und Informationsamt der Bundesregierung, 2004, 9-10 – my translation).

The 'big coalition' government defines social justice as supporting the weak. 'The weak' are children, senior citizens and sick persons. Support from this perspective is limited to those who cannot work and thus is consistent with Agenda 2010's emphasis on labour market participation.

Agenda 2010 strengthens not only individual responsibility but also the responsibility of partners and other family members. Households are assessed jointly with regards to benefit entitlements (irrespective of partners being married or not), and for children under the age of 25 years no separate household is funded by the state. The latter has an impact on children and families social work as it raises questions of who assesses and finances cases in which young people cannot live with their families.

While being most prominent within Agenda 2010 policies, the social parasite is also an unwanted guest in the *Jugendamt / Kinder- und Jugendhilfe*:

A dependency culture, meaning not to be responsible for oneself but to expect that others do it. When a mother arrives here with her seventeen years old daughter and says: 'she needs a flat, she is pregnant' but does not do a thing herself and that is her daughter, and that is her family so she is responsible and if they cannot achieve it with their own capabilities then it is ok for the state to join in. (GM2)

There are indeed people who try little themselves and rather make requests here, they unfortunately exist. This has in my view and the view of many colleagues to do with the rule that we still have, that ambulant treatments are approved independent of the applicant's income. This means they pay nothing, so the millionaire as an extreme example also does not pay. And this leads often – that is my impression – to people coming here quickly and say: He is annoying and we need support, somebody to tell us. And when you tell them what the reason behind it is they are not prepared to accept it. If one tells them that it is not without reason that your son only sits in front of the computer or the play station and watches 16 hours of TV, you have to engage with him and not send him to the grandmother on the weekend who herself only put him in front of the TV. (GM1)

This impression was shared on the *Bundes*-level and tackled partly in the *Kinder- und Jugendhilfe* Further Development Act (KICK, *Gesetz zur Weiterentwicklung der Kinder- und Jugendhilfe*). Parents are now charged a fee for residential care in accordance with their income:

We end the self-service outlet Kinder- und Jugendhilfe. We make sure that parents share the costs for residential care of their children according to their possibilities. The financing of expensive boarding schools for children from wealthy families, even if those were only isolated cases, has hereby ended. (Schmidt, 3.6.2005 – my translation)

The KICK legislation specifically targets the social parasite citizen. Services within the community remain free of charge as it is feared that otherwise the overburdened-neglecting parent (see below) will be put off using social services, thereby putting children at risk:

The demand for cost sharing of ambulant services remains a big sticking-point. We reject this demand, because the expected revenues can hardly justify the bureaucracy and administrative expense of income-contingent cost sharing. If the fees to cover costs were not earnings-related, this would undo access to early preventative services at the expense not only of child welfare (Kindeswohl) but also of parental rights. This would in turn lead later to more intensive and expensive interventions of Kinder- und Jugendhilfe. It would also hamper the uptake of low-threshold ambulant services. Particularly in the context of child protection, parents usually only hesitantly engage in voluntary counselling. After all, we all complain that the inhibition threshold to attend educational or family counselling is the highest for families who need it the most. Cost sharing would aggravate this problem. (Schmidt, 3.6.2005 –my translation)

The basic definition of the social parasite citizen is a person who misuses common goods such as social security and social services when they could, in fact, support

themselves. The responses are tighter control of personal circumstances, income-related fees as well as the refusal of services where conditions are not met. Citizen participation is limited to giving consent to organisations to access personal information and attending regular meetings to report on progress. The overall objectives are to decrease spending on social security and social services and strengthen the principle of subsidiarity.

In recent years two major reform programmes have redefined the relationship between state and citizen. Both have been initiated because of limited resources and financial pressure on *Bund* and municipalities. The end of economic growth, the costs of reunification and globalisation, as well as an ageing population, have limited the politicians' leeway (KGSt, 1993a, 7). Even though both reform programmes are motivated by tight finances, their assumptions about citizens differ significantly.

On the municipal level the *Neues Steuerungsmodell* (New Steering Model (NSM)) reorganises the relationship between politics and administration by applying private sector principles to the public sector (see above). Local government is seen as needing to be transformed into a service-enterprise in order to be more responsive to its citizens. The citizen is seen as a 'critical-rational' being that would be prepared to accept cut-backs in services and enhanced personal contributions if s/he were taken seriously by local government and civil servants.

At *Bundes*-level, Agenda 2010 restructures social security with the aim of competitively positioning Germany's labour market in a globalised economy. The main conception of citizenship is the citizen as the 'social parasite'. The 'social parasite' is seen as a citizen

who, according to government departments and service providers uses common goods like benefits or social services unnecessarily and thereby jeopardises the social balance of society. By enhancing control mechanisms, introducing income-related fees and limiting or cutting services these citizens should be encouraged (forced) to use their own resources.

Agenda 2010 and the NSM take different approaches to citizen involvement.

Considering the tightness of public funds it is not surprising that both are essentially about people doing more and the state doing less. Both conceptions of citizenship can be applied in a variety of public service settings, but are only partly relevant for social work practice. The characteristics of *Kinder- und Jugendhilfe* limit the applicability of the critical-rational citizen, while the social parasite is only a marginal phenomenon.

The remaining three categories, to be considered shortly, narrow citizenship down to the area of parenthood and family.

### The Statutory Parent

German law provides a specific legal understanding of parenthood and family that is valid for everyone independently of their being in contact with social services. Art. 6 (2) GG builds the basis and the civil code sets out further details. The parents' rights set out in the basic law ascertain that parents have the priority over the state and other institutions and/or persons involved in children's upbringing (Schmidt-Bleibtreu *et al.*, 1999, 249). Parents have the right and responsibility to care for and bring up their children according to their preferences and vision, within the legal framework. The national community monitors care and upbringing.

The persons with right to care and custody (*Personensorgeberechtigte*) are usually the biological parents, unless a family court decision states otherwise, i.e. adoption. The mother is thereby the woman who has given birth to the child (§1591 BGB). The father is considered to be either the husband of the mother or the man who has acknowledged that the child is his or whose paternity has been established by the courts (§1592 BGB). Step-parents do not have the right to care and custody.

#### BGB §1627 Exercising parental care

1Parents should be responsible for the well-being of their child and should exercise parental care by mutual consent . 2In the case of differences of opinion they have to try to come to an agreement. (my translation)

In cases relevant to the child's upbringing where an agreement between the parents cannot be reached, the family court can assign the decision to one parent and, where appropriate, restrictions can be added to the decision (§ 1628 BGB).

The BGB also sets out the principles of parental care:

#### § 1626 Parental care, basic principles

(1) 1The parents have the right and responsibility to care for the under-aged child (parental care). 2Parental care comprises caring for the child (care and custody) and the child's finances (statutory duty of care of a minor's property).

(2) 1Parents consider the growing ability and growing need of the child to act independently and responsibly. 2They discuss questions of parental care with the child as appropriate for his/her developmental stage and strive for agreement.

(3) 1The best interests and welfare of the child normally include contact with both parents. 2The same applies to contact with other persons that the child has a bond with, if such contact is beneficial for his/her development (my translation)

§ 1631 Content and limits of care and custody

(1) Care and custody comprises in particular the responsibility and the right to care for the child, bring him/her up, supervise him/her and to decide his/her residence. (my translation)

In summary, parents have the primary right and responsibility to care for their children.

This forms the basis for *Kinder- und Jugendhilfe* services in the KJHG:

§1 The right to be brought up and educated in the family, Parental responsibility, Youth work and youth welfare service ('youth services')

(1) Every young person has a right to assistance in his or her development and to an appropriate upbringing so that he or she can become a responsible member of society.

(2) Care, upbringing and education of children are the natural right of parents and their primary duty. The public community watches over the fulfilment of that duty. (1996, 25)

'*Personensorgeberechtigte*' (person with the right to care and custody) is a legal term that defines who has the right to receive services and this is, therefore, pivotal for social work practice. This is the role that the social workers in Mittelstadt ascribe to parents. It also helps them to establish who their contact person is:

Father and mother are in actual fact only concepts that do not necessarily reveal what legal relationship exists between them. We rarely use terms like step-mother or step-father here, because one proceeds to say 'the mother is not the *Personensorgeberechtigte*', because she is the second wife, former terminology

step-mother or there like is avoided; it has a negative touch and of course also stigmatises. (GM1)

Parents, clearly [...] as the adults in the family system, but also split in father and mother, sometimes there is just a mother in the family system or just a father, mostly mothers of course and then partners, but like I said that has then nothing to do with the family of origin, parents. (GS6)

In social work practice the legal concept of family overrides the social reality of children's living arrangements. The agreement to receive services needs to be obtained from all legal parents, regardless of the actual household the child lives in.

Like I said, if it is about HzE, they say that the Personensorgeberechtigten are the ones who are entitled to services, and that are usually the parents together, it applies to both. This is also valid if they live apart, are separated but both have the right to care and custody. Then it will have to be discussed with both, arranged and both have to apply for it. There is only the exception – if one looks in the legal commentary, the law – if it is a short-term intervention to preserve the status-quo, it is sufficient if one parent applies, because it is not about long-term processes of change or even residential care. Everything that lasts a bit longer and therefore intervenes stronger into the structure and life of a family and therefore also the children's, then it is always all persons with the right to care and custody. (GM2)

The primary right of parents, to bring up children is linked to a governmental monitoring duty. *Kinder- und Jugendhilfe* is central in offering support to parents as well as in performing the state monitoring duty:

KJHG §1(3) For the realisation of the right according to subsect. 1 above, youth work and youth welfare services shall in particular:

1. further young persons in their individual and social development and help avoid or remove disadvantages,
2. give educational counsel and assistance to parents and other persons having parental powers,
3. protect children and young persons from harm to their welfare,
4. help maintain or create positive living conditions and a favourable environment for children, young people and their families. (1996)

The conception of the citizen as the statutory parent offers a legal definition of parent, parental responsibility and rights to services as set out in statute. It is therefore not surprising that the level of citizen participation is statutory, as, for example, in the *Hilfeplanverfahren*. The objective is to provide a clear legal framework on which social workers and judges in family proceedings can base their decisions.

The law makes provision for two types of parents:

- those who fulfil their duty to bring up their children to be responsible members of society
- those who fail to do so and thus put their child's welfare at risk.

The law includes a multitude of blanket clauses especially for the latter case (see above) that need to be filled with current societal norms and values. Therefore, it is necessary

to complement the statutory parent conception with a social understanding of parenthood and family. The next section utilises family policy at the *Bundes*-level to develop two social categories of parenthood:

- the respected-responsible parent and
- the overburdened-neglecting parent

Both categories will then be substantiated in separate sections. The legal framework will be added where appropriate.

### Family Policy – Assuming Public Responsibility

Germany has a very low birth rate, especially among well-educated women. This has put ‘family’ on the national political agenda and it is seen now as a political as well as a societal task to create a family-friendly climate in Germany. The support of families is one of five emphases of the current government (Merkel, 30.11.2005). The coalition agreement states: ‘We want more children in families and more family in society. We want to make clear that Germany has no future without children. (2005, 95 – my translation). Following the pledge to turn Germany into a family-friendly country and raise the birth rate, the government has started an advertising campaign to show its commitment to the family and to encourage more couples to have children (see manifesto above). The campaign is connected to a range of family policies that can be roughly divided into two categories:

- policies to support families and enhance the compatibility of family and work
- child protection policies

The first targets the respected-responsible parent (see below), while the second concentrates on the overburdened-neglecting parent (see below).

### Policies to Support Families and Enhance the Compatibility of Family and Work

In his speech on 25.3.2004, Chancellor Schröder pointed out that Germany has the lowest female labour market participation in Europe. He appealed to companies to do their bit to make having children and work compatible and thereby achieving equal opportunities for women and men. The government is doing its bit by extending the provision of childcare as well as offering further tax breaks and benefits for parents. In combination these policies offer parents, and especially women, the choice to stay at home to look after their children or to work.

In order to enhance the compatibility of having children and working, the Schröder government introduced parental leave (*Elternzeit*). In contrast to maternal leave that existed previously, it was intended to be attractive to fathers as well as mothers. The government also passed the 'part-time work bill' (*Teilzeitarbeitsgesetz*), which makes it easier for parents to return to work part-time (Schröder, 18.4.2002). The 'big coalition' took these schemes one step further and introduced the *Elterngeld* (parenting benefit). The *Elterngeld* is paid to all parents whose children were born on or after 1<sup>st</sup> January 2007 and who stay at home to look after them. It is an income-related benefit. The parent who stays at home receives 67% of their previous income up to an amount of 1800 € a month. The minimum monthly payment is 300 €. This income related benefit is directed at well-educated families as an attempt to raise the birth-rate in this part of society. It is also a clear commitment to equal opportunities. *Elterngeld* is paid for fourteen months. For eight of those months the parents can agree freely who takes the leave.

Two months are reserved specifically for the mother and two for the father<sup>25</sup> (von der Leyen, 1.12.2005).

Children need mothers, but children also need fathers. Fathers as well as mothers want to develop their skills in the labour market. I think the father months will be a further important step towards a changed working culture, which will be highly efficient but still family friendly. In Germany we make insufficient use of the basic idea that child-rearing and the abilities of parents in the workplace do not rule each other out but can strengthen each other. It is a basic requirement if child rearing is to have a future in a modern country amid a globalised world (von der Leyen, 1.12.05 – my translation).

The *Elterngeld* acknowledges the contribution of child-rearing to society. In order to juggle family and work, parents are also dependent on reliable child care, however: ‘Children’s upbringing is primarily the task of parents. They are supported in their efforts by crèches, kindergartens and after-school care centres, where children’s development is encouraged’ (Federal Government, 2003, 40).

Children from the age of three have a legal claim to a nursery place (KJHG §24(1)). The government acknowledges that there is demand for child care for younger children and full-time child care. Day care is the responsibility of *Länder* and municipalities. The *Bundesregierung* considers that the matter is pressing enough to get involved:

But where the sustainability of our society is concerned, formal competences may not prevent us from assisting, so that sensible and above all essential

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<sup>25</sup> The provision of *Elterngeld* is very flexible. Single parents who hold sole custody are eligible for 14 months. Both parents can receive *Elterngeld* at the same time and monthly payments can be halved and the base period doubled. It is possible to work part-time. In this case the *Elterngeld* is 67% of the income lost. There are bonuses for multiple births and siblings that are born less than thirty-six months apart. ([http://www.bundesregierung.de/nn\\_6516/Content/EN/Artikel/2006/12/2006-12-27-elterngeld\\_\\_en.html](http://www.bundesregierung.de/nn_6516/Content/EN/Artikel/2006/12/2006-12-27-elterngeld__en.html))

actions happen. Nobody wants to take the responsibility for day care from the Länder and municipalities. But in Germany too, parents need to have the opportunity to organise child care according to the needs of their children and in accordance with their lifestyle. The state should not want to decide what is the best for children who grow up with their siblings and parents. This is the reason why we need a considerably improved range of reliable and in prospect – of course this is only possible one step at a time – full-time child care (Schröder 25.3.04 – my translation).

Agenda 2010 returns responsibility for life risks to the individual and his/her family and the state assumes responsibility for family support and child care. The family has left the exclusively private domain and is more and more supplemented by public institutions like nurseries, schools, after-school clubs and youth work. The policy initiatives above highlight the positive sides of family life and assume a family with at least one breadwinner. The manifesto (see beginning of chapter) describes the emotional rewards of having children with *Elterngeld* and extended nursery provision offering the financial benefits and infrastructure for families.

Once the ‘family’ has entered the public domain, policy does not stop at supporting the favourable aspects of family life. State support is also considered necessary for children who are at risk of neglect and for parents who are overstretched. The commission of the 11<sup>th</sup> Child and Youth Report focussed on this development and chose the subheading ‘Growing up in Public Responsibility’ for the report. It is no longer the norm for children to grow up in a household with their biological parents, within a social network and settled in one location. This ‘standard biography’ has been opened up by higher

mobility, female labour market participation and diverse life-style options. It is argued that this has made public support and safeguards essential (BMFSFJ, 2002, 57). The 12<sup>th</sup> Child and Youth Report pursues this notion and in their response, the *Bundes-*government accepts the changes:

The strengthening of parental responsibility and parenting skills is a further important component of the sustainable family-, child-, youth- and educational-policy of the Bundesregierung. Parents come up against their limits of capability. Not a few are insecure, some are lacking direction, guiding principles and goals as well as the knowledge and education to pass knowledge on to their children or choose the right advice and learning opportunities. Others miss having their say in the upbringing of their children and being actively involved in institutions. The political task thereby is to support parents in fulfilling their parental and educational responsibilities. Parents need public support in order to provide their children with good and healthy conditions for growing up, not least in terms of values and direction. Parents and institutions need the expertise to jointly pass on the core values of our society to children (BMFSFJ, 2006,7 – my translation).

As we have seen, the basic law protects the family as a private domain. The government therefore has to justify its involvement and emphasises that public responsibility does not replace parental responsibility, but merely complements it.

Some argue at this point that the state has no say in the upbringing of children. My response is the following: We are not aiming for a nationalisation of upbringing. But we need to acknowledge, that regrettably today there are family homes where, without state intervention, children have no chance of

development and facilitation. These parents need support [...] This means sometimes that their children receive in full-time nurseries or schools, apart from warm meals, the attention and stimulation that they unfortunately miss at home (Schröder, 13.4.2005 – my translation).

It is not new to offer services to support parents in bringing up their children. These services are set out in the Child and Youth Services Act (KJHG) and account for a large part of children and families social work. The novelty is the shift in policy from the provision of services that can be accessed by parents to a system of systematic monitoring and assessment of all children. The next section of this chapter looks at these so-called ‘social early warning systems’.

#### *Child Protection Policies – Early Detection through Better Networks and Compulsory Public Monitoring*

Child protection has reached the political agenda of the *Bund* as well as that of NRW. The shift towards a stronger political interest in child protection is accompanied by regular media reports of child deaths that blame the passivity of social workers for tragedies. The *Land*-government of NRW has acknowledged that prevention and crisis intervention need to go hand in hand and that, in the past, the response to a crisis has sometimes been too late. In 2001 it initiated pilot projects to develop a system of early detection for children at risk of abuse or neglect. These *Soziale Frühwarnsysteme* (social early warning systems) contain a closed chain of responses consisting of three main elements: observe, warn, take action.

**Observe:** Indicators need to be developed to assess the observation and to verify thresholds

**Warn:** Pass the observations on as a clear warning to institutions or persons that have a duty to act (e.g. *Jugendamt*)

**Take Action:** The organisation where concern arose - together with other organisations as appropriate - has to respond in a prompt and consistent manner to the observation and/or warning

(Ministerium für Generationen Familie Frauen und Integration des Landes Nordrhein-Westfalen, 2006)

The key element of early detection is seen as cooperation between the health system and *Kinder- und Jugendhilfe*. The holistic concept of early detection that the *Land-*government has developed includes compulsory check-ups for babies and young children linked with a higher level of responsibility for child welfare from health care providers in general (Ministerium für Schule Jugend und Kinder des Landes Nordrhein-Westfalen, 2005a, 117). This concept has not yet been implemented; the pilot projects are currently being followed by projects to move *Soziale Frühwarnsysteme* from the pilot stage into mainstream services (Ministerium für Generationen Familie Frauen und Integration des Landes Nordrhein-Westfalen, 2007). While professional networks and cooperation are at the heart of these systems, this is not a uniform system developed by the government to be implemented locally:

In conclusion the pilot project ‘Soziales Frühwarnsystem’ reveals that there cannot be one early detection system applicable everywhere, but that every municipality has to develop their own system taking the local circumstances into account. With regard to content, it will include in any case the building blocks: improved observation, fast warning, earlier response. (Ministerium für Schule Jugend und Kinder des Landes Nordrhein-Westfalen, 2005a, 25 – my translation)

Institutions and municipalities who wish to develop a *Soziales Frühwarnsystem* receive support from the Institute for Social Work (*Institut für Soziale Arbeit e.V.*).

The *Bundes*-government took up the plan for an early detection system. The project ‘Early support for children at risk – prevention through early intervention’ is part of the coalition agreement and, as in NRW, the focus is on better integration of health and social care (Bundesregierung, 2006, 52). Child neglect is seen as an increasing problem that cannot be ignored on a political level (von der Leyen, 1.12.05):

Most parents are able to care well for their children, bring them up well and give them loving attention. However, if parents are completely overstrained and get into a spiral of isolation, violence and neglect then we have to look more closely sooner and make sure that families receive timely intervention. The child- and youth-report confirms that it is right to take this route. On the basis of experiences in municipalities and Ländern as well as abroad, we will therefore develop pilot projects for soziale Frühwarnsysteme within the next few months. The aim is to overcome the boundaries between the health system and youth work and youth welfare services. For a long time we have done little in this area. Now it is time to envisage the holistic aspect of the child’s life from the beginning (von der Leyen, 9.3.2006).

Social early detection systems scan all children to find those at risk of abuse and neglect. The project and attached services then target deprived families, not fulfilling their responsibility to bring up children. As the provision of child and youth welfare services is the responsibility of municipalities, who as part of the *Kommunale Selbstverwaltung* have jurisdiction on how to organise services, the *Bundes*-government

focuses on advice and guidance. In April 2007 the ‘*Nationales Zentrum Frühe Hilfen*’ (National Centre for Early Support) opened. Its three main tasks are to pool experiences in *Länder* and municipalities, offer advice to those wanting to establish an early detection system and public relations<sup>26</sup>.

Family policy shows a similar division between two types of parents as that which is evident in the law. On one side are parents who look after their children well, but are limited by the social infrastructure they inhabit, and on the other side are parents who do not fulfil their duty to bring up children satisfactorily because of the limitations of their own ability and/or deprived living conditions. In both cases state intervention has come to the forefront, just with different provision for each type of parent. The following two sections examine each of these conceptions of parents in turn.

### The Respected-Responsible Parent

The starting point for family policy and support is the social expectation that the primary socialisation of children happens within the family: ‘The family is where everyday solidarity is originally experienced’ (von der Leyen, 1.12.2005 – my translation).

In this respect, families are seen as a significant contributor to a stable, social society by giving children a good start in life and teaching them the basics of how to live together peacefully in a democratic society.

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<sup>26</sup> <http://www.bmfsfj.de/bmfsfj/generator/Politikbereiche/Kinder-und-Jugend/fruehe-hilfen,did=86930.html>

Families form the stable centre of society. Of all social networks family is by far the most important for people, not just here. (Schröder, 18.4.2002 – my translation)

Family is where people take responsibility for others and for themselves. Family is where children hopefully start off on their way to a successful life. Family is where people again and again negotiate a collective life. Family is where both parents feel responsible for the financial as well as the emotional well-being of children. (von der Leyen, 1.12.2005 – my translation)

The definition of family expands the legal definition to include all households with children, and thus moves from a biological understanding of family towards a more social understanding: 'For the Federal Government, families are households that include children – irrespective of the type of living arrangement they are raised in' (Federal Government, 2003, 38)

The government promotes clear expectations of what socialisation within the family should include:

Where there are children, there is family. Here, in the family, the foundation is laid for all of us living together. Family is and remains the germ cell of society. Active families practise what is important for the cohesion of society in general: care, devotion, responsibility for others, the ability to be reliable, enter into and foster relationships. Here children receive what they need for life: knowledge and skills. Here is practised, what in an ageing society is invariably more important, but possibly also more challenging: solidarity between generations.

People find here what has become in a globalised and individualised world more precious: rootedness and companionship. We cannot value highly enough the everyday accomplishments of families. It is therefore more than a private matter whether families can be formed and how they are doing in our country. We have to do everything to protect families and support them with care and nurturing – it is with good reason that this is the brief of our basic law. (Köhler, 18.1.2006 – my translation)

In order to receive support with the important and demanding task of creating a family, parents can receive *Kinder- und Jugendhilfe* services. Parents' legal entitlements and the procedure of granting services is most clearly established for the socio-educational provision for children with problems (HzE):

KJHG §27(1) For the education and upbringing of a child or young person, the person who has the right of care and custody shall be entitled to help (socio-educational provision for children with problems) if that person is unable to ensure proper education and upbringing for the good of the child or young person and if such help is suitable and necessary for the development of the child or young person. (1996)

The legal entitlement to request these services lies with the *Personensorgeberechtigte* (person with the right to care and custody). The lack of 'proper education and upbringing' does not necessarily indicate that the child's welfare is at risk, but that there is a deficit in the living conditions that could affect the child's welfare (KGSt, 1993b, 48).

Professionally and socio-politically, ‘services’ are a service offer - and not a state intervention in the upbringing of children and young people. That means that families, children and young people are equal partners in the choice and implementation of services. State and society cannot implement the services they consider the best against the will of the people concerned. These professional, legal and socio-political standards and everyday action are far apart. (Ministerium für Frauen, Jugend, Familie und Gesundheit des Landes Nordrhein Westfalen, 1999, 194)

To bridge this gap, methods encouraging participation are seen as needing to be developed. The KJHG includes the right to choose between service providers as well as having a say in the design of interventions:

#### §5 Right of choice

Persons entitled to provision have the right to choose among the establishments and services of different bodies and organisations and express their views on how they wish to be helped. Allowance must be made for a person’s choice and wishes unless that would involve an unreasonable amount of additional costs.

Persons entitled to benefits shall be advised of their right. (1996)

The subsidiary principle should ensure that services are provided by voluntary sector organisations that represent a variety of values, methods and content, so that parents can choose the appropriate intervention for their family.

§27 KJHG not only establishes the parental right to services, but it also lays out their limits: help has to be ‘suitable and necessary’. It is the *Jugendamt* rather than the

parents themselves who assesses whether these conditions are met. The guidelines for NRW state that all services are on a par and it is not necessary to try the cheapest intervention first. The most suitable takes priority over all others (Ministerium für Frauen Jugend Familie und Gesundheit des Landes Nordrhein Westfalen, 1999, 194). In Mittelstadt social workers are advised to choose interventions that are good value for money and to offer services in good time to prevent cost intensive interventions at a later stage:

Otherwise there would be the area of HzE. What that results in, how to handle it and what services could be considered cannot be said. One would have to look closer at the family history and the individuals within it to get an impression what problems may play a part in it or if one looks in the law, what educational requirements are present. We will establish this within our consultation, cooperative consultation and this will show which services are suitable to rectify the problem or to try and rectify the problem and thus the range is huge from outreach work, via day care as far as residential care and one should not make up one's mind beforehand, [...] because the consultation should be open-ended with regards to the outcome and the results should be fed back to the parents so that they can make up their mind and make the necessary decisions: accept service etc, or how could it be provided in another form but with the same purpose. (GM2)

The law is phrased as a service bill and the majority of requests for services are made by families voluntarily. Inevitably, some of these requests come from families where the *Jugendamt*, schools or any other organisation the family is in contact with warmly recommends that they request a service in order to prevent or avert a

*Kindeswohlgefährdung* (endangerment of child well-being and welfare). The ‘service’ character of the KJHG is not fully accepted in society:

The Landes-government considers the fact that the use of these services is still regarded as negative and stigmatising to be a fundamental problem with the provision of HzE. The services are not understood as a service of society to support the educational capacity of families, but as a form of pedagogic fire brigade that intervenes when educational failure of parents necessitates state intervention. With this view, which is often also the perception of the persons seeking help, the actual desire of HzE to support children and families in such a way that they discover and positively use their own strength and resources can hardly be implemented. (Ministerium für Frauen, Jugend, Familie und Gesundheit des Landes Nordrhein Westfalen, 1999, 195)

The following paragraphs describe the approval procedure and parents’ options to participate in the process.

Parents can apply for services at the *Jugendamt* on their own initiative or when services are initiated by a social worker. Social workers can also help in establishing which services to apply for.

For one thing the question poses itself: What need do they [the parents] see for themselves? What goals do they wish to pursue? [...] My goal setting is obviously evident: the children need to be well and therefore one would have to see if the goals overlap or are they opposed? (GS6)

In response to the vignette that the social workers received at the beginning of the interview, they were very careful not to suggest possible services as all felt they needed more information about the family. When prompted they proposed the following services for possible issues:

- The educational psychologist could test Marie to see if her concentration problems were linked to her cognitive abilities (GS6)
- Family support could be given to improve the domestic setting by offering structure, shopping, cleaning (GS6)
- If parents felt they could only cope with two children rather than three, the social worker could help to establish what could happen to the third child (GS6)
- Short-term financial support can often avert *Kindeswohlgefährdungen* (GS3)
- 'Flex' (flexible family support, part of HzE) could be given to develop general conditions for the children (GS3, GS7), for finances, child-care and questions about bringing up children (GS4)
- HzE (GM2), if the family expressed the wish (GS4)
- Outreach services (GM3)
- Full-day care, nursery, voluntary grandmothers to disburden the family (GS4)

As can be seen from the list, there is a wide variety of services that could be offered to the family. Most have a low threshold and are very practical. The social workers use cooperative consulting to determine the necessary and suitable service(s).

Some years ago, Mittelstadt introduced a system of '*Kollegiale Beratung*' (cooperative consulting, consulting with colleagues). The introduction was financially motivated as HzE was seen as too costly for individual decisions. Each request for help that is part of

HZE in the KJHG or (potential) child protection has to be raised at the team meeting. A team meeting is held one morning a week in each locality office and participation is compulsory. The worker(s) who has/have spoken to the family give an introduction to the case and detail the type of help requested by the parents. The aim is for the case holder to get ideas about suitable services for the family and a wider view on the family through the input of his/her colleagues. The information from the meeting is fed back to the family to check that they agree with the direction of the professional discussion. If the family is not happy about the intervention suggested, this is fed back to the next team meeting and the practitioners consider the parents' wishes. Ideally, a consensus between professionals and parents should be reached. In cases where this is not possible, parents can choose not to accept the intervention offered, with the exception of child protection, where this decision might have legal consequences. The interview participants are divided in their opinions of this process. Some can see the added value of their colleagues' input:

The opinion of the colleagues is very important to move away from individual decisions, because there is always the danger that one forms a certain opinion, forms a certain view of a family that one has known for years, and the discussion with colleagues can lead to a new approach. I consider the danger of seeing some things here one-sided and stigmatising without the colleagues very high. (GM1)

This means that this process costs a lot of time. On the other side it gives a bit more security and new ideas, because the colleagues see other areas of the family, because everyone, including me has their blind spots. (GS4)

Others feel that the same professional background of team members, as well as the fact that often only one team member has met the family, makes the process surplus to requirements:

And here sit seven people and if it goes badly then only one of the seven knows the person who has the problem and tells something. All you learn comes from that person. The view that you form of the person concerned is preformed. I sometimes felt that from what has been told, when I met the people afterwards that I had a completely different impression of them. Or, if I know somebody beforehand that I always think: What are they talking about? My approach to this person is completely different. And all of this gets lost in the system of standardise and consult everything and if possible to adapt it to some forms. (GS3)

At our place usually we are all educated to a similar level and that only one has met the family. We can only consult on the basis of his report and we do not have our own experiences with this family, and for me it is unclear where the added quality lies in cooperate consulting. I find it sometimes pretentious if I dare to say to a colleague how to act if I do not even know the family. It is said that it is important because the social worker who deals with the case could have a blind spot. But if he has this blind spot then he will also have it when he introduces the case, meaning that he will not report issues that have no importance for him. In this respect it does not live up to the expectations of uncovering a blind spot. (GS5)

This social worker also considered it to be inefficient and ineffective, running the risk of undermining his professionalism in front of the service user:

Things drag on and I signal to those who expect the service that I am not competent to decide about this service request. On the other hand in all that time I never had a case that did not have the end result that I would have chosen anyway and therefore I ask myself: What is the purpose of all this effort? This – independent of the client – one has to ask oneself: What does that mean economically? People here speak about the consumer, the customer. Business terminology enters social work. What does it mean economically that every Tuesday six people in our group sit together and talk a whole morning about problems that every single person feels he could solve himself? Whereas I have absolutely nothing against it if a colleague has a problem to talk about it. But, the situation is the following: cooperative consulting is compulsory and it is absurd that I give something as a problem into the group that I do not consider as a problem. (GS5)

Following this '*Kollegiale Beratung*', the social workers and professionals who work with the family and/or child (such as school, nursery etc.) meet for an 'expert talk'. The professionals from outside the organisation offer their input regarding the family. After they have left the meeting, the team reaches an agreement about the support to be offered to the family. This decision should be reached wherever possible on a consensus basis. The case-holding social worker informs the parents about the results. This is a statutory requirement:

## KJHG §36 Participation, help plan

(1) Before the person who has the right of care and custody and the child or young person decide to claim socio-educational provision and before any necessary change is made to the type and extent of such provision they shall be advised and their attention shall be called to possible consequences for the development of the child or young person. [...]

(2) If there is reason to presume that socio-educational provision will have to be granted for an extended period of time the decision about the kind of provision indicated in the individual case shall be taken by way of cooperation among several qualified staff. They shall together with the person who has the right of care and custody and the child or young person set up a help plan as a basis for organising the specific provision. Such plan shall state the educational requirements, the type of provision to be granted and the necessary benefits. Such qualified staff shall regularly review the chosen type of provision for continued suitability and need. [...] (1996)

As can be established from the procedure above, the application for HzE services is lengthy and involves a variety of professionals and meetings. Parents can participate on several occasions:

Different phases where the parents or the beneficiary can co-influence. So, every time when a decision is made somewhere the case holding colleague has to feed this decision back to the parents. This means that when the parents say: ‘No, I do not want this service’ or ‘this service provider is not adequate’ then the colleague has to accept this and has to try to find a different service provider or a different type of service. And this happens until an agreement has been reached.

[...] Parents can then obviously, right at the end in the help plan discussion say clearly if they wish to receive the service or not. And finally we have as the last guarantee in this process – as a result of the care plan discussion, minutes of the meeting are produced. These will be sent to the parents or beneficiaries and they have 14 days to lodge an opposition. And if they lodge an opposition then the process will be re-started. We treat the parental will as a fairly high good. (GM4)

All this requires parents to be well informed about the process as well as their rights and they need to have the skills and standing to fully participate in the process, which, depending on the personal background and current family situation, might not always be the case. Jordan and Sengling (2000, 216) have pointed out that the process described above requires professionals to be skilful enough to enable parents to realise their rights. It can be an overwhelming experience for all parties involved, which can lead to an implementation that falls short of the ideal set out in the KJHG. The interview participants did not discuss parental participation critically. It was taken as a given part of the process.

The conception of the respected-responsible parent is based on the assumption that more children are needed in society. These children should be brought up to be responsible members of society. The family is seen as the first and foremost site where responsibility, solidarity and social skills are learnt. The respected-responsible parent is supported through financial benefits and an infrastructure of childcare. In addition, specialised support such as counselling or HzE is provided for families who need it. The overall objective is to encourage couples to have children and offer the necessary support to make this decision an attractive one. The respected-responsible parent has the

freedom to decide an appropriate lifestyle for his/her family and receives state services to support those decisions, for example the chosen work-life balance. Parents are also beneficiaries of services in the KJHG as well as of benefits. In the KJHG there are limits to which services parents can expect to receive: they need to be considered necessary and suitable by social workers and, compared to alternative services, they have to be good value for money. The respected-responsible parent might not always get the services requested, but has the freedom to refuse alternatives suggested by social workers. This is even the case in situations where social workers consider it essential that the family receives help:

This is often unsatisfactory, unfortunately we have those situations often, and I think you cannot beat around the bush, that we are concerned with clients who need a certain service but are not prepared to accept it. This is a powerlessness that we are exposed to. (GS5)

The overburdened-neglecting parent does not have this freedom to refuse services.

#### The Overburdened-Neglecting Parent

Parents who put the welfare of their child at risk are termed ‘the overburdened-neglecting parent’ as these are the characteristics frequently attributed to them.

Art. 6, Abs. 2 and 3 GG allow for the possibility of state intervention into family life.

Within the unit of the family a balance has to be found between parents’ rights and children’s rights. Children – as well as adults – are bearers of the personal rights laid out at the beginning of the basic law.

*Länder* constitutions always included guarantees for the protection of children (Löwer and Tettinger, 2002, 191). North-Rhine Westphalia re-wrote these in 2002 in the current Article 6 of its constitution. It emphasises the personal rights of children and young people as laid out in Art. 1 and 2 GG (Dästner, 2002, 100):

Article 6 [Children and young people]

(1) Every child has a right for his dignity as a self-contained personality to be respected, and to count upon the special protection by state and society.

(2) Children and young people have a right to education and development of their personality, to a violence-free upbringing and the protection from violence, neglect and exploitation. State and society protect them from dangers to their physical, intellectual and mental well-being. They respect and safeguard their rights, provide age-appropriate living conditions and nurture them according to their predisposition and abilities. (my translation)

Prior to the change in the *Land*-constitution, the existing *Bundes*-law (BGB) was amended in November 2000 to avoid misunderstandings in the interpretation of maltreatment towards children, by prohibiting all violence:

BGB §1631 (2) Children have the right to an upbringing that is free from violence. Corporal punishment, emotional injuries and other degrading sanctions are prohibited. (my translation)

Parents can still use physical intervention to protect children from immediate danger, for example by holding him/her by his/her arm to prevent him/her running onto the street and ‘the Act does not make it a citizen’s duty to report violations to authorities

such as the youth welfare office or the police.’ (BMFSFJ and BMJ, 2003, 4). Parents can be charged for using violence against their children, but

Pursuant to the new prohibition, the corporal effect must exceed a certain degree of intensity before it may have criminal law consequences, but this level of intensity is now reached when a child is slapped. As a consequence, a parent may now be punished for causing bodily injury pursuant to §223 of the Criminal Code (Strafgesetzbuch), if he or she exceeds this threshold of violence in the course of his or her childrearing. For parents, this means that they are subject to the same limits in their relationship to their children as they are in society in general.

Although anyone may bring charges against a parent who is violent, neither the office-bearers in youth welfare offices and offices for social services nor the employees in institutions providing counselling or aid (regardless of whether they are church-related or not) are obliged to report such transgressions.

Furthermore, the public prosecutor’s office will still only press criminal charges in serious cases and can, in particular, waive these when the family accepts social education, family-oriented therapy or other supporting measures. Therapy is preferred to prosecution especially in less serious cases. (BMFSFJ and BMJ, 2003, 5)

Rather than criminal charges, it is more likely that family court action will be brought against parents. The civil code (BGB) forms the regulatory framework.

BGB §1666 Legal measures in endangerment of child well-being and welfare

(1)If the physical, mental or emotional well-being of the child or his/her

property is at risk through abuse in exercising parental responsibility, neglect of

the child, failure through no fault of one's own of the parents, or third-party behaviour, the family court has to – if the parents are not willing or able to avert the endangerment – take the necessary measures to avert the endangerment. (my translation)

As we saw previously, the BGB in general and §1666 in particular use a large number of blanket clauses into which current values and norms need to be inserted.

*Kindeswohlgefährdung* can be defined as follows:

'*Kindeswohlgefährdung*' implies a high likelihood that a *significant impairment* of the child/young person's welfare, that is the personal right, is imminent, e.g. as danger to health or life, neglect, maltreatment, abuse, degrading sanctions or unlawful interference with personal freedom. A shortcoming of the parents in the upbringing on its own is not a '*Kindeswohlgefährdung*'. *For the domain of parental responsibility* (Art. 6 GG) '*Kindeswohlgefährdung*' according to §1666 BGB is reduced to the *significant impairment* of the physical, emotional or mental development through the abuse of parental responsibility, neglect, unintended failure of the parents, or third party behaviour consisting of physical or emotional maltreatment or sexual abuse. (Stoppel, 2006, 12, my translation, emphasis in the original)

It is the social worker's responsibility in his/her contact with the family to assess if a *Kindeswohlgefährdung* is present. While the social workers presented in their interviews a very clear and coherent view about their role as the State Guardian, in previous cases handed over from one social worker to another, different understandings of *Kindeswohlgefährdung* became apparent. This was the starting point for the quality

management project in Mittelstadt discussed above. Where implemented, the project attempts to establish a uniform understanding of risk factors thereby standardising the meaning inserted into blanket clauses.

Family court decisions are a measure of last resort, especially in cases where children are removed from home:

BGB § 1666a Principle of proportionality; priority of public services

(1) Measures that involve the separation of a child from the parental family are only permitted if the endangerment cannot be counteracted by other means nor through public services. [...]

(2) Entire parental care can only be revoked if other measurements have failed or if it is believed that they are not sufficient to avert the danger. (my translation)

If only one parent is considered to be unsuitable to look after the child, the other parent antecedes the *Jugendamt*. Court decisions should be reviewed periodically and have to be revoked once the child's welfare is no longer at risk (§1696 BGB). Court decisions are based on the best interest and welfare of the child (§1697a).

Prior to a family court decision, social workers can provide shelter and protection for children and young people (*Inobhutnahme*, §42 KJHG).

*Inobhutnahme* is the temporary accommodation of a child or young person with a suitable person, a suitable organisation or another suitable assisted living arrangement. (KGSt, 1993b, 82)

*Inobhutnahme* ends either with the return of the child to his or her home or with the beginning of a new residential care arrangement (Landschaftsverband Rheinland, 2006, 72). Its purpose is crisis intervention. *Inobhutnahme* in NRW happens in 1/3 of cases at the wish of the child or young person, and in 2/3 of cases because the social workers consider the child to be at risk. 2/3 of all *Inobhutnahme* in NRW happen in relation to teenagers between the ages of 14-18 years who have problems with their parents and whose parents are overburdened by their care (Ministerium für Schule, Jugend und Kinder des Landes Nordrhein-Westfalen, 2005b, 186).

As mentioned earlier, child protection has moved from being a side issue into being the focus of public opinion and on to policy agenda. At the time of the research, the following quotations give an indication of views in policy about the contributing factors to being an overburdened-neglecting parent:

What has been for a long time described as protection of the family, its privilege as authority and private responsibility of parents for their children – the natural right of care and upbringing of children and their first and foremost responsibility as guaranteed in the basic law – reverses under the changed parameters of growing up and changed life conditions of women, mothers and families. It leads to structural overstraining of the private, family network and leaves parents with the sole responsibility to overcome inconsistencies, contradictions and deficiencies of a modern lifestyle (BMFSFJ, 2002, 58).

Burdens like unemployment, separation and divorce, financial problems among others pose great challenges to families that often take them out of their depth. This enhances the risk of neglect and abuse. (Schmidt, 3.6.2005)

NRW has also highlighted domestic violence as a problem that should not be ignored (Ministerium für Schule, Jugend und Kinder des Landes Nordrhein-Westfalen, 2005a, 58). Countering domestic violence is one of the main policy foci in NRW (Ministerium für Schule, Jugend und Kinder des Landes Nordrhein-Westfalen, 2005a, 123-125). This is in accordance with the legal clarification of children's rights to a violence-free upbringing. A trusting working relationship with the parents is considered essential to avert risks for children and enable families to help themselves (Ministerium für Schule Jugend und Kinder des Landes Nordrhein-Westfalen, 2005a, 115). The social workers in Mittelstadt are aware of the potential rejection the parents might feel towards the *Jugendamt*:

Jugendamt is still the bogey so that families obviously first say: 'Oh my god, just keep out', especially when they themselves have the feeling that they have deficits and are afraid to admit it. (GS2)

None of the social workers considered the family in the case vignette to be a case of *Kindeswohlgefährdung*. They did use other parts of the interview to talk about their goal to avert a *Kindeswohlgefährdung* in more general terms.

Essentially the goal is to advance as far as possible from beneath to above; where the prospect's end cannot be known beforehand. (GS3)

The social workers have realistic expectations of change processes:

I can also doom somebody by setting the goals too high and it is with HzE of high importance, that they are not set globally, who knows how high, but relatively low on a practical level. [...] I think it is the most important to pay attention not to overburden people. The same is true when it comes to contact

with assistants. We as the Jugendamt need to be careful, even if on first sight the service would be sensible, this service is linked to people and our clientele need to cope with those. And if one asks oneself if one would like that or if one's head would buzz then the answer is easy. (GM2)

The overburdened-neglecting parent can receive the same services as the respected-responsible one, with the difference that their refusal might lead to family court decisions and the removal of the child. Within social work, children and parents are still predominantly perceived as a family unit and even in cases where an *Inobhutnahme* is necessary all attempts are made to reunite children and parents:

[..] and accordingly then accommodate the children elsewhere and to look how can the contact with the parents work, how can the parents work on themselves, maybe with the help of family support and organise everything at home in a way that the children can return home. This does not automatically mean that the children are gone forever, but to look how can they return home. (GS6)

The overburdened-neglecting parent has always existed and provisions in law have enabled social workers to protect children, if necessary from their parents, if their welfare is at risk. Recently the overburdened-neglecting parent has received an increased amount of publicity as well as political attention and in future the focus will be much more on the child and his/her welfare. It is assumed that a rising number of parents is overwhelmed by the complexity of life choices and overburdened with the upbringing of their children. Children in those families would then not be able to reach their full potential and are at risk of abuse and neglect. So far, parents have room for manoeuvre, without state intervention, unless the child's welfare was at risk (Stoppel,

2006). This has changed with the introduction of social early warning systems that scan all known families in an attempt to intervene early in situations where the child's welfare is thought to be at risk. The families identified then receive intensive family support, where necessary without the agreement of the parents, and there is the possibility of removing the child from his/her parents in accordance with a family court decision. Parental participation is desired in accordance with the statutory framework described in the section on the statutory parent (see above) but this is not essential. The objective is to minimise child abuse and child death and help parents to fulfil their duties in order for all children to be able to develop their abilities and full potential.

### **Conclusion**

This chapter has examined conceptions of citizens as users of public services, and especially of the *Jugendamt* services, that can be found in the research data. Five different conceptions of citizenship were identified. These are summarised in Table 4.1. The political structure in Germany made it necessary to widen the focus of the discussion from social services policies and to include family policy more generally. Social services are the responsibility of municipalities, which provide services according to *Bundes-* and *Länder-*law. The inclusion of wider family policy and welfare reforms gave a clearer picture of the understanding of citizenship on the *Bundes-* and *Länder-*levels. In the following sections, the conceptions of citizenship that have been identified are related back to the three levels examined in the research: policy, organisation and social work practice.

**What conceptions of citizenship are being articulated with regard to service users in the ‘modernising’ social services policy reforms in contemporary Germany and England?**

Central to understanding citizenship in the context of the *Jugendamt* is the definition and conceptualisation of family in policy and practice. The family is currently high on the political agenda. On the one hand, a low birth rate has led to an advertising campaign to encourage couples to have children, as well as a range of policies having been designed to make it easier to combine work and family life. On the other hand, the enlarged public profile of child neglect and death caused by abuse has put *Kindeswohlgefährdung* firmly on the political agenda. On the 31.12.2007 chancellor Angela Merkel even included this in her New Year’s speech:

I know: some days of last year we would rather have not lived to see. We all think back in horror to the news of child abuse, neglect and fatalities. The truth is: most mothers and fathers care selflessly for their children. But true also is: every single case of child abuse is and remains one too many. We need a culture of looking, not one of looking away. Specifically this means: where parents are clearly overstrained with the upbringing of their children, the state has to intervene, because at the end of the day it is solely a matter of child welfare. We want to endorse this through additional medical check-ups and by strengthening the options of family courts in rulings of custody (Merkel, 31.12.2007 – my translation).

This quotation endorses policy initiatives that establish early warning systems, for example, through additional medical check-ups in order to identify promptly children at risk of abuse and neglect. It also shows a general tendency towards shifting the balance between children’s and parents’ rights more towards those of children. The Expert

<b>Name</b>	<b>Critical-rational citizen</b>	<b>Social parasite citizen</b>	<b>Statutory parent</b>	<b>Respected-responsible parent</b>	<b>Overburdened-neglecting parent</b>
<b>Basic assumptions</b>	<ul style="list-style-type: none"> <li>- Citizen is willing to accept cutbacks and enhanced personal contributions if seen as equal partner.</li> <li>- questions critically how tax money is spent and the quality of services, demands information</li> </ul>	<ul style="list-style-type: none"> <li>Misuse of common goods like social security and social services by people who could provide for themselves</li> </ul>	<ul style="list-style-type: none"> <li>Legal definition of parent, parental responsibility and rights to services</li> </ul>	<ul style="list-style-type: none"> <li>- Family is the first and foremost site where responsibility, solidarity and social skills are learnt</li> <li>- it is essential for society to have more children and families</li> <li>- those children should be brought up to be responsible members of society</li> </ul>	<ul style="list-style-type: none"> <li>- A rising number of parents are overwhelmed by demands of life and overburdened with the upbringing of their children</li> <li>- children in those families cannot reach their full potential and are at risk of abuse and neglect</li> </ul>
<b>Tools</b>	<ul style="list-style-type: none"> <li>- standardisation of services</li> <li>- documentation and evaluation</li> <li>- quality control</li> <li>- customer focus</li> </ul>	<ul style="list-style-type: none"> <li>- tighter control of personal circumstances</li> <li>- income related fees</li> <li>- refusal of support / other services</li> </ul>	<ul style="list-style-type: none"> <li>Legislation:</li> <li>- GG</li> <li>- KJHG</li> <li>- BGB</li> </ul>	<ul style="list-style-type: none"> <li>- financial benefits</li> <li>- infrastructure (day care, schools, after-school clubs)</li> <li>- ‘specialised’ support (HzE, counselling, services for children with special needs)</li> </ul>	<ul style="list-style-type: none"> <li>- social early warning systems to identify families where children are at risk</li> <li>- intensive family support, where necessary without parents’ agreement</li> <li>- family court proceedings, removal of children</li> </ul>
<b>Level of citizen participation</b>	<ul style="list-style-type: none"> <li>- opinion polls</li> <li>- complaints procedure</li> <li>- elements of direct democracy</li> </ul>	<ul style="list-style-type: none"> <li>- services conditional: attached to social workers having regular access to personal circumstances and reporting on them</li> </ul>	<ul style="list-style-type: none"> <li>Statutory (e.g. <i>Hilfepflanverfahren</i>)</li> </ul>	<ul style="list-style-type: none"> <li>- freedom to decide appropriate lifestyle for family</li> <li>- state services to support this decision</li> <li>- parents as beneficiaries</li> </ul>	<ul style="list-style-type: none"> <li>- desired (framework of statutory parent would apply), but not necessary</li> </ul>
<b>Objective</b>	<ul style="list-style-type: none"> <li>- Activate citizens to play active part in society, service provision</li> <li>- decrease spending through standardisation</li> </ul>	<ul style="list-style-type: none"> <li>- Decrease spending for social security and social services</li> <li>- strengthening subsidiarity</li> </ul>	<ul style="list-style-type: none"> <li>Social work and family proceedings based on clear legal framework</li> </ul>	<ul style="list-style-type: none"> <li>- encourage couples to have children</li> <li>- offer necessary support to make having children more attractive</li> </ul>	<ul style="list-style-type: none"> <li>- minimise child abuse and child death</li> <li>- provide all children with the possibility to develop their abilities</li> <li>- help parents to fulfil their duties</li> </ul>

Table 4.1: Summary of the citizenship typology for Germany

Commission of the 11<sup>th</sup> Child and Youth Report goes as far as calling for an addendum on children's rights in Art. 6 GG, an article that, as we have seen, has so far protected the family's and parents' right to bring up children (BMFSFJ, 2002, 52). Children's rights have been strengthened in recent years through legislation that established the right to a violence-free upbringing.

In the typology of citizenship, parents who do not bring up their children in a safe and stimulating environment have been designated 'the overburdened-neglecting parent'. Legislation has always made provision to protect children from abuse and neglect. What is new is the wide publicity and policy initiatives to screen all children. The overburdened-neglecting parent deviates from the societal expectation that parents bring their children up to fulfil their full potential and become responsible members of society.

This role is fulfilled by 'the respected-responsible parent'. The respected-responsible parent fulfils societal expectations and in return has great freedom in choosing a lifestyle appropriate for his/her family. The parent is seen as more than 'just' a parent, but as an individual with goals beyond parenthood, such as a career. The state offers support services to enable parents to fulfil their roles and live their chosen lifestyle. The respected-responsible parent might not always receive the services applied for, either because of limited resources or because professional assessment considers them to be inappropriate, but s/he does have the freedom to refuse alternative services that are offered and thus to exit from state support. The overburdened-neglecting parent lacks this freedom, as state intervention is compulsory to secure child welfare. Parental participation is the aim for the latter but is not essential.

**How are these conceptions of citizenship with regard to service users being interpreted at the local organisational level in social services?**

The German interpretation of NPM, the NSM, has been developed for the municipal level and its organisations. The two conceptions of citizenship identified in this wider modernisation agenda of public services have been named the ‘social parasite citizen’ and the ‘critical-rational citizen’. One sees citizens as independent and sensible with a sense for the wider society, whereas the other sees citizens as selfishly abusing the common good for their benefit. Both are trying to offer a solution to tight public finances and an increase in service requests. The ‘social parasite’ is understood as using common goods unnecessarily. In order to stop this behaviour, control of personal circumstances is extended to ensure that the request for services is legitimate. Service fees are introduced and if the professional conclusion is that the service is not needed then it may be refused. The ‘critical-rational citizen’ on the other hand is expected to relieve local government of some service responsibilities by providing such services for themselves. Cooperation between citizens and organisations, is seen as enhanced by transparency, better communication, quality management and elements of participation such as direct democracy, opinion polls or complaints procedures.

**How are service users represented by social workers and how do these representations relate to the conceptions of citizenship?**

Social workers and managers in Mittelstadt based their practice and service user contact first and foremost on the statutory framework. German legislation defines parenthood, as well as responsibilities and rights, using blanket clauses. These need to be filled in with current norms, values and moral understanding (as happens in the two social categories of parenthood: the respected-responsible and the overburdened-neglecting

parent). The social workers assume two different roles when dealing with the respected-responsible or overburdened-neglecting parent. In their contact with the respected-responsible parent, they see themselves as providers of services that people with legal entitlements request. They visit the overburdened-neglecting parent in their role as the State Guardian in order to fulfil their governmental monitoring duty. They are very clear about the differences in their roles as well as the parents' rights and responsibilities (as previously discussed in the two categories).

One working principle can be traced through the three levels of policy, organisation and social work practice in Germany. As set out in the first part of this chapter, Germany is governed by a coalition and legislation needs to be approved by the *Bundestag* and *Bundesrat*. Policy initiatives need cross-party consensus in order to be successful. Similarly, a variety of people and/or committees is involved in decision-making, as can be seen from the following examples:

- the *Jugendamt* is set up as a two-tier organisation and the members of the *Jugendhilfeausschuss* represent a variety of organisations
- the subsidiarity principle ensures that services are provided by a variety of providers representing different faiths and using different methods
- the development of a quality management system in *Mittelstadt* involved all social workers and managers
- the *Hilfeplanverfahren* includes professionals from several organisations as well as the child/young person concerned and his/her parents

This consensual approach is, therefore, followed through from *Bundes*-politics to the contact between social workers and parents. It is an integral part of German culture and shapes social work practice and the conceptualisation of parents as citizens. It is in stark contrast to the centralised British system that will be discussed in the next chapter.

Careers in

**social  
work**

careers in **social work**

**People**  
can be **mystifying**  
**Difficult**  
**amazing**  
**fascinating**  
but never  
**boring**

**Social Work. It's all about people.  
It's that simple and that complicated.**

This chapter presents the findings from the English case study. As the previous chapter did for Germany, it begins by examining the constitutional foundation, political process and organisational structure in England. This is followed by an account to social work in Midcity which includes three key elements: needs assessment, inter-agency working and performance management.

These two sections are followed by five different conceptions of citizenship identified in the research data. It is important to note that these conceptions are derived from different assumptions about citizenship found in policy documents, organisational procedures and in the interviews with social workers and managers. They are developed and grouped by the researcher. Each of the five sections will build up the conception and support claims with quotes and references. These five conceptions are not rigidly compartmentalised but should rather be understood as ideal types of discursive resources that social workers can draw upon, combine and refine in order to make sense of their day-to-day interactions with service users and managers.

The five conceptions have been designated as follows:

- the demanding-responsible consumer-citizen
- the franchisee parent
- the partner parent
- the non-compliant failing parent
- the personalised-depersonalised parent

It is important to note that this research does not include the views of service users and it is very likely that they see their roles differently from the conceptions above.

## **Constitutional Foundation, Political Process and Organisational Structure**

England, Wales and Scotland together make up Great Britain. With the inclusion of Northern Ireland, Great Britain becomes the United Kingdom (UK). While most of the information in this chapter relates to the whole of the UK, legislation and administration varies between countries. The case study was conducted in an English local authority. England is the only one of the four countries without its own national parliament or assembly. It is governed by the central UK government in Westminster.

### Constitutional Foundation

The British constitution is no single, written document; instead it includes all pieces of legislation that define the relationship between different parts of the state and government and citizens as well as common law and convention (Flynn, 1996, 50). Compared to the German *Grundgesetz* it is easy to change elements of the constitution, e.g. by changing legislation. One recent constitutional reform, for example, is the Human Rights Act 1998 (Edwards, 2006, 4).

The UK Government signed the treaty of European Human Rights in 1951, thereby committing itself to obey its terms. These terms applied only to the government and not to the courts, who would not take human rights' breaches into account for judgements. From 1965, cases of alleged breaches of human rights could be taken to the European Court of Human Rights in Strasbourg (Brayne and Gerry, 1999, 34). This changed with the Human Rights Act 1998, under which it is 'unlawful for any public authority to act in a way which is incompatible with a Convention Right' (s. 6). Accordingly, British courts can now consider breaches of human rights. Human rights are still not as strongly embedded in the British constitution as they are in Germany, as 'where legislation

clearly clashes with Convention rights, legislation wins’ (Brayne and Gerry, 1999, 35). UK courts can declare legislation incompatible with the Convention but cannot rewrite legislation.

Similarly to Art. 6 of the German *Grundgesetz* (see Chapter IV), the European Convention of Human Rights protects family life:

#### ARTICLE 8

Everyone has the right to respect for his private and family life, his home and his correspondence.

There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

State intervention is condoned for the purpose of protection. State intervention into family life to protect a child is usually considered legitimate ‘for the protection of health or morals’ (DoH, 2000, 46). As part of the ‘protection of rights and freedom of others’ - in this case children – information held in accordance with the Data Protection Act 1998 (c.29) can be shared between professionals:

However, the law permits the disclosure of confidential information if it is necessary to safeguard a child or children in the public interest: that is, the public interest in child protection may override the public interest in maintaining confidentiality (DoH, 2000, 45).

Finding a balance between safeguarding children and privacy of family life is a key task and a potential tension in social work:

One of the key principles underpinning the Act [Children Act 1989] is that local authorities must act to protect children from the harm which arises from family breakdown or abuse within the family, but avoid unwarranted intervention in families' lives or unnecessary weakening of family ties. (DoH, 1991, 3)

The next section introduces the British political system. Following this, children and families social services and social work practice will be examined further.

### Political System

The UK is a constitutional monarchy with the Queen as the head of state.

The Queen personifies the state. In law she is head of the executive, an integral part of the legislature, head of the judiciary, the commander-in-chief of the armed forces of the Crown and the 'supreme governor' of the established Church of England. As a result of a long process of evolution during which the monarchy's absolute power has been progressively reduced, the Queen acts on the advice of her ministers. Britain is governed by Her Majesty's government in the name of the Queen. (HMSO, 1994, 8)

As stated above, the Queen is an integral part of the legislative, executive and judiciary. In contrast to the German understanding of democracy, there is no complete separation of powers in the British constitution: 'Cabinet and Ministers (forming the executive) are also members of Parliament (the legislature), and some of the judges, e.g. the Lords of Appeal in Ordinary (the judiciary), are members of the House of Lords (the legislature)' (Byrne and Padfield, 1992, 15).

Today the Queen's tasks are mainly nominal, but she still carries out some important political tasks: She appoints the Prime Minister; this usually will be the leader of the largest party in the House of Commons; she has the power to dissolve parliament; she gives the royal assent to bills.

Everyday politics are the responsibility of the two chambers of parliament – the House of Commons and the House of Lords – and the government departments.

At least every five years British citizens aged 18 and over elect the members of the House of Commons. Members of parliament are elected by majority in single-member constituencies (geographical areas). The Prime Minister can set the date for general elections during his/her five year term in office and thereby optimise his/her chances for re-election. The second chamber – House of Lords – is unelected. The members have either inherited their seat or are appointed for life. The House of Lords has a revising function. It can suggest changes to legislation and block it for two sessions of parliament (which is approximately a year) but unlike the German *Bundesrat* (see Chapter IV) cannot block it entirely (Flynn, 1996).

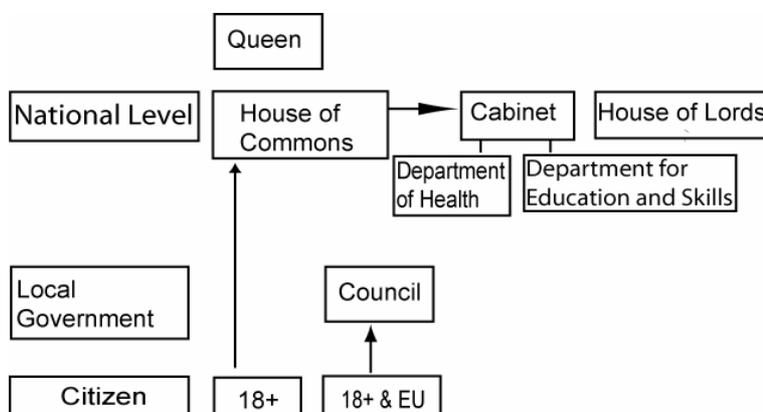


Figure 5.1 – Political structure in England

After 18 years of Conservative government New Labour won the 1997 general election and has since been in power. As the leader of the Labour Party, Tony Blair was appointed as the Prime Minister<sup>27</sup>. The Prime Minister has a wide set of powers, the first one being to form the government. He appoints ministers and sets up government departments. The departments responsible for children and young people at the time of the research were the Department of Health (DoH) and the Department for Education and Skills (DfES). The responsibilities for children and families have since been transferred to the Department for Children, Schools and Families. England has no tradition of family policy. Instead the focus is on the child. Even the Department for Children, Schools and Families, which has ‘Families’ in its name, focuses on children:

The purpose of the Department for Children, Schools and Families is to make England the best place in the world for children and young people to grow up.

We want to:

- make children and young people happy and healthy
- keep them safe and sound
- give them a top class education
- help them stay on track.<sup>28</sup>

The above mission statement exemplifies the absence of a systematic family policy in England in that it does not acknowledge or recognise the family as a unit. The focus is on the child, as in social work practice, as we will see below.

The Prime Minister, the Secretaries of State and Senior Ministers form the Cabinet. The Cabinet proposes legislation and supervises administration (Bentley *et al.*, 2002, 417).

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<sup>27</sup> Tony Blair stepped down as the Prime Minister in June 2007 before the end of his third term. Gordon Brown was elected as his successor. As this was after the data had been collected and analysed it has not impacted on this research study.

<sup>28</sup> <http://www.dcsf.gov.uk/> (17.04.08)

‘For much of the last century, the Cabinet was where most key political decisions were taken. [...] But key political decisions are increasingly taken by the Prime Minister’ (Edwards, 2006, 21). Amongst others, the Prime Minister receives his/her power through the royal prerogative. The royal prerogative gives ministers, including the Prime Minister, significant power to make decisions without consulting parliament. Few remain with the Queen personally. ‘Today, the royal prerogative covers some of the most important powers which the government has. They include the power to go to war without consulting the public or even Parliament, signing treaties and conducting diplomacy, and reorganising the civil service’ (Edwards, 2006, 3).

Unlike Germany, the UK is a unitary state, which means that ‘the powers of government are held by a central authority, or set of authorities. Local or regional authorities may exist, but any powers they possess will have been granted to them by the central authority and could be withdrawn by that authority’ (Bentley *et al.*, 2002, 94). Central government, for example, establishes the parameters for social work, which are then implemented by local authorities.

Local government is elected by British and EU citizens aged 18 years or over. The system is similar to the one used at the national level. Councillors are elected every four years. Some councils elect all councillors at the same time, whereas other councils hold more frequent elections and elect a proportion of the councillors each time.

At the time of the research, there were Social Services Departments<sup>29</sup> that were the responsibility of local authorities, which provided services under government legislation, guidance and control. The next section introduces children and families social services.

### Children and Families Social Services

Through the Local Authorities and Social Services Act 1970 (LASSA 1970) local authorities had the duty to set up a social services committee, appoint a director of social services and carry out social services functions as laid out in the statute (s 2) (Flynn, 1996, 52; Hill, 2000). LASSA (1970) was fairly vague on what this should include. The white paper 'Modernising Social Services' (DoH, 1998) provides a list of personal social services:

Social services provide a wide range of care and support for:

- elderly people, through residential care homes, nursing homes, home carers, meals on wheels, day centres, lunch clubs
- people with physical disabilities or learning disabilities
- people with mental health problems, ranging from support for those with mild mental illness, up to exercising legal powers for compulsory admission to psychiatric hospitals of potentially dangerous people
- people with drug or alcohol abuse problems, and ex-offenders who need help with resettlement
- families, particularly where children have special needs such as a disability
- child protection, including monitoring of children at risk

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<sup>29</sup> The research took place in social services departments before the Children Act 2004 came into effect. Since then social services have been restructured into a department for children's services and one for adults. This will be described in more detail later.

- children in care, through fostering, accommodation in children's homes and adoption
- young offenders. (DoH, 1998)

Following the Children Act (1989) and the NHS and Community Care Act (1990), Social Services Departments established specialist teams for the provision of services to children and adults, a tendency that was consolidated and strengthened by the Children Act (2004), after which separate departments were introduced. Nevertheless, the key legislation for children's services is still the Children Act (1989), which was introduced on 14.10.1991 and consolidated a multitude of acts, regulations and guidance into one law for the upbringing of children: 'The Children Act 1989 was different from previous legislation in that it provided a unifying framework for most aspects of the law relating to the care and upbringing of children' (Aldgate and Statham, 2001, 7). It covers private and public law (intervention in children's lives by public authorities) and focuses on possible services and interventions rather than on organisational structure: 'It contains no magic cure for family problems. Rather, it aims to create an enlightened and practical framework for decision making' (Allen, 2005, 1).

The philosophy behind the CA1989 is captured in the guiding principles set out within statute and relevant guidance:

Several key principles which underpin the Children Act 1989 are found in Part III of the Act:

- it is the duty of the State through local authorities to both safeguard and promote the welfare of vulnerable children;

- it is in the children's best interests to be brought up in their own families wherever possible;
- whilst it is parents' responsibility to bring up their children, they may need assistance from time to time to do so;
- they should be able to call upon services, including accommodation (under s20 of the Children Act 1989), from or with the help of the local authority when they are required. (DoH, 2000, 5)

Aldgate and Statham identified the following key principles in the guidance to the CA1989. They complement the ones found in the CA1989:

- Children and young people and their parents should all be considered as individuals with particular needs and potentialities.
- Although some basic needs are universal, there can be a variety of ways of meeting them.
- Children are entitled to protection from abuse, neglect and exploitation.
- A child's age, sex, health, personality, race, culture and life experiences are all relevant to any consideration of needs and vulnerability and have to be taken into account when planning or providing help.
- There are unique advantages for children in experiencing normal family life in their own birth families and every effort should be made to preserve the child's home and family links.
- The development of a working partnership with parents is usually the most effective route to providing supplementary or substitute care for their children.

- Parents should be expected and enabled to retain their responsibilities and to remain as closely involved as is consistent with their child's welfare, even if that child cannot live at home either temporarily or permanently.
- Wider families matter as well as parents – especially siblings and grandparents.
- Continuity of relationships is important and attachments should be respected, sustained and developed.
- Time is a crucial element in child care and should be reckoned in days and months rather than years.
- Account should be taken of children's wishes and feelings both in the courts and in any decisions affecting their lives. This duty applies especially if children are to be looked after by the local authority. (Aldgate and Statham, 2001, 9)

These guiding principles show the individualist approach chosen within the CA1989 to needs assessment and service provision. Each child's background should be taken into account when assessing needs and tailoring services to meet them. The consideration of children and parents as individuals shows again the lack of a concept of the family as a unit in policy documents (see above). Within this child-centred approach it is seen as desirable for children to have a 'continuity of relationships'. As this usually includes the birth parents, the CA1989 promotes the upbringing of children within their own family. The safe upbringing of children within their families should be achieved by 'working in partnership with parents'. This is a central principle in social services policy and practice and will be further developed below in the section on the 'partner parent'.

Whilst the guidance to the CA1989 was not mentioned specifically by the interview participants, they referred to the principles promoted, such as working in partnership with parents. These principles will be considered in more detail in the analysis that follows. The principles within law and guidance emphasise the role of parents in the upbringing of their children and value family as the primary place for growing up. Social services are considered as a service provider to support parents in their task of bringing up children, as well as to safeguard children. ‘Safeguarding has two elements:

- a duty to protect children from maltreatment;
- a duty to prevent impairment.’ (DoH, 2000, 5)

In practice the emphasis is on safeguarding children rather than offering preventive services to parents. This is partly due to limited resources and partly due to the history of child welfare legislation. Midcity had good provision of preventive services in family-centres built predominantly around social services day nurseries, which allowed parents to receive support in a non-stigmatising way. A few years ago these services fell prey to cost-cutting measures.

Well a lot of those resources very sadly were wiped out. It was about three quarters of a million pounds that were taken out of the family support services, [... and] we were very much pulled back into what was called core business. Which was very sad, because the services we had were appreciated by workers, but also more importantly by local communities, because actually we gave the practical kind of help that social services often aren’t seen as providing. (BM4)

On a national level, child welfare legislation in England has historically been influenced by inquiries into child deaths. The Children Act 1989 was influenced by the deaths of

Kimberley Carlile, Jasmine Beckford and Tyra Henry (DfES *et al.*, 2003, 1). The death of Victoria Climbié in 2000 led to the latest high-profile inquiry that resulted in a new legislative framework for the structure of children's services. In the interviews, the 'Inquiry into the death of Victoria Climbié Report' was one of the policy documents named by social workers and managers as influencing everyday practice.

### *Victoria Climbié and the Inquiry into her Death*

Victoria Climbié was born on the Ivory Coast. Her parents sent her with a great-aunt to Europe so that she could receive a better education. She first lived in France before coming to England in April 1999. She died at the age of eight on the 25.2.2000 as a result of systematic neglect and abuse on the part of her great-aunt and her great-aunt's partner. Both were convicted of murder. The post-mortem found 128 injuries. After her arrival in England, she was known to three housing departments, four social services departments, two child protection teams of the Metropolitan police, a specialist centre managed by the NSPCC (National Society for the Prevention of Cruelty to Children) and two hospitals, none of which prevented or stopped the maltreatment (Laming, 2003, 3). After her death the government asked Lord Laming to conduct an inquiry into Victoria's death to see if the statutory framework needed to be changed. He published his report in 2003 and concluded: 'the legislative framework for protecting children is basically sound. I conclude that the gap is not a matter of law but in its implementation' (Laming, 2003, 7).

Lord Laming commended the Children Act (1989) but made 108 recommendations to aid its implementation and to minimise the risk of a similar incident in the future. The recommendations ranged from the establishment of a new National Agency for Children

and Families and appointment of a Children's Minister, to better case-file recording and chronologies on file. The recommendations were divided into recommendations for changes at national level and within health, policing and children and families social services. The government accepted all of the recommendations except for one which was rejected and two that were accepted in part (DfES *et al.*, 2003). The government accepted in part the recommendation to establish a new national agency for children and families and its suggested tasks. The government decided on the appointment of a Children's Commissioner for England to fulfil this role. Laming also suggested that child protection should be a category in the Basic Commands Unit and Force Inspections. This was rejected on the basis of not having inspections teams available who were experienced enough, but the police force agreed to replicate the child protection themed inspection from 1999, as suggested. The recommendation that the government rejected referred to the safe transfer from hospital to home for children for whom there is concern about significant harm. Laming suggested that children should only be released once they were registered with a local GP and that the consultant who was responsible for the child at admission should make sure that this was the case. The government felt it could not be a consultant's responsibility to force anyone to register with a GP.

The Victoria Climbié Inquiry Report was a pivotal moment for the future of Children and Families Social Services. It is unusual for virtually all the recommendations of an inquiry to be accepted. This shows the high importance that the government placed on improving the safety and protection of children. In response to these recommendations the government started 'Every Child Matters' (2003), a policy initiative that eventually led to the Children Act (2004).

The Children Act (2004) sets out a new structure for children's services and in so doing confirms and strengthens the division of personal social services into services for adults and children. This chapter refers to the structure at the time of the fieldwork, which was completed before the restructuring started, but expected changes resulting from the Children Act (2004) will be pointed out. The restructuring had not started in Midcity in autumn 2005 when the interviews were conducted and is at the time of writing (January 2008) still underway.

#### Law and Guidance: Central Elements for Everyday Practice

Local authorities exercise social services' functions under the guidance of the Secretary of State (s 7 LASSA 1970). Guidance published under s 7 LASSA 1970 does not carry the full force of law, but local authorities need a good reason not to comply with it, as the introduction to the government guidance 'Working Together' shows:

This document is issued under Section 7 of the Local Authority Social Services Act 1970, which requires local authorities in their social services functions to act under the general guidance of the Secretary of State. As such, this document does not have the full force of statute, but should be complied with unless local circumstances indicate exceptional reasons which justify a variation. (DoH, 1999, viii)

The government published ten volumes of guidance to the Children Act (1989) as well as the 'Framework for the Assessment of Children in Need and their Families' (DoH, 2000) and 'Working Together to Safeguard Children' (DoH, 1999) under s 7 LASSA 1970. In the interviews the latter two publications were identified by the social workers

as impacting on their day-to-day practice. Both complement the measures in the Children Act (1989) in terms of organisational structure and professional practice when managing a case.

The 'Framework for the Assessment of Children in Need and their Families'

(Assessment Framework) sets out a technique of establishing whether a child is in need.

A framework has been developed which provides a systematic way of analysing, understanding and recording what is happening to children and young people within their families and the wider context of the community in which they live. From such an understanding of what are inevitably complex issues and inter-relationships, clear professional judgements can be made. These judgements include whether the child being assessed is in need, whether the child is suffering or likely to suffer significant harm, what actions must be taken and which services would best meet the needs of this particular child and family. (DoH, 2000, viii)

The above quotation introduces two central concepts of the CA1989: 'child in need' and 'significant harm'.

According to Sec.17 CA1989 a child is in need if:

- (10)(a) he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under this Part;
- (b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or

(c) he is disabled, [...]

(11) For the purposes of this Part, a child is disabled if he is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed; and in this Part—

"development" means physical, intellectual, emotional, social or behavioural development; and

"health" means physical or mental health.

Children who are looked after by the local authority and children who are at risk of significant harm (see next paragraph) are also children in need (DoH, 1999, 13). Local Authorities have a duty to provide services to meet children's needs in the community and promote their well-being (Sec. 17 [1]). These services are generally known as family support (services): 'The 'general duty' is owed to all children in need within the local authority's boundaries but it is not owed to each child in need individually.' (Allen, 2005, 94). Because this general duty is not attached to individual rights to receive such services, local authorities may fulfil their legal duty by offering family support only to parts of the community. As will be shown below, access to preventive family support services is subject to meeting eligibility criteria and in some Local Authorities services are only offered to children in need of protection. Services should promote the upbringing of children within their families and can be offered to other family members as long as it is consistent with the child's welfare (Sec. 17 [1][3]).

With regard to child protection, the CA 1989 introduced the concept of 'significant harm' as the threshold for compulsory intervention into family life by social workers,

on behalf of the state and in the best interests of the child (DoH, 1999, 7, 2003, 3).

Within the Act, harm is defined as ill-treatment or the impairment of health and development (Section 31[9]). In order to establish whether a child is experiencing significant harm 'his health or development shall be compared with that which could reasonably be expected of a similar child' (Section 31[10]).

In accordance with the legal understanding of significant harm Midcity's Children's Services Procedures Manual defines it as follows:

Significant Harm is defined as any Physical, Sexual, or Emotional Abuse, Neglect, accident or injury which is sufficiently serious to adversely affect progress and enjoyment of life. Suspicions or allegations that a child is suffering or likely to suffer Significant Harm may result in a Core Assessment incorporating a Child Protection Enquiry.

The criteria for significant harm are not objective or absolute. Therefore, the process of assessment is a crucial part of social work practice.

The Assessment Framework offers guidance with regard to the process as well as the content of an assessment. The process of assessing a referral can be broken down into three steps:

One working day: decision about response to referral

Max. Seven working days: If in the previous step a decision was made to collect more information an **initial assessment** is initiated. It has to be completed within a maximum of seven working days and 'should address the dimensions of the Assessment Framework, determining whether the child is in need, the nature of

any services required, from where and within what timescales, and whether a further, more detailed core assessment should be undertaken' (DoH, 2000, 31).

Max. 35 working days: timeframe for conducting a **core assessment**.

A **core assessment** is defined as an in-depth assessment which addresses the central or most important aspects of the needs of a child and the capacity of his or her parents or caregivers to respond appropriately to these needs within the wider family and community context. While this assessment is led by social services, it will invariably involve other agencies or independent professionals [...] At the conclusion of this phase of assessment, there should be an analysis of the findings which will provide an understanding of the child's circumstances and inform planning, case objectives and the nature of service provision. (DoH, 2000, 32)

Services can be offered before an assessment is completed.

With regard to the content of the assessment, three areas should be included:

- the child's developmental needs;
- the parents' or caregivers' capacities to respond appropriately;
- the wider family and environmental factors. (DoH, 2000, 12)

These three areas are further qualified in the assessment triangle (see Fig 5.2). Based on this triangle, the Department of Health has published assessment forms for the age ranges 0-2, 3-4, 5-9, 10-14 and 15 years and over. Covering all areas of the triangle, social workers can use the given tick boxes and add comments. The forms provide a section at the end for parents to add their comments.



Figure 5.2: Assessment triangle (DoH, 2000,17)

As part of the ‘Every Child Matters’ (2003) initiative and its focus on preventive services (see below), a Common Assessment Framework was developed that superseded the assessment framework described above. It is now used by all agencies to assess children’s needs. Professionals outside of social services are expected to conduct the assessment and deal with lower level need themselves, e.g. by signposting families or referring them to specialist services (CSCI, 2005d, 163). Social services are involved at the acute end of services or when approached by service users directly.

The move towards extending the responsibility for children’s needs and protection to all agencies is based on a longstanding concern over interagency co-operation, as was previously set out in government guidance. The guidance on ‘Working Together to Safeguard Children’ (1999) (Working Together) summarises the sections of the Children Act (1989) that are relevant to safeguarding children, lists the responsibilities of different agencies involved with children and families as well as offering guidance on sources of stress for families and ways of involving parents. Its main purpose is to

provide professionals working with children and families with a common language to enable interagency working to safeguard children:

This document sets out how all agencies and professionals should work together to promote children's welfare and protect them from abuse and neglect. It is addressed to those who work in the health and education services, the police, social services, the probation service, and others whose work brings them into contact with children and families. It is relevant to those working in the statutory, voluntary and independent sectors. (DoH, 1999, vii)

Each local authority was required to set up an Area Child Protection Committee, which brought together representatives of each of the main agencies and professionals responsible for helping to protect children from abuse and neglect. The ACPC was an interagency forum for agreeing how the different services and professional groups should co-operate to safeguard children in that area and for making sure that arrangements work effectively to bring about good outcomes for children (DoH, 1999, 33). In Midcity the ACPC consisted of four committees:

1. Senior Officers' committee: concerned with all aspects of the ACPC
2. Executive Committee: produces guidance; includes Finance subgroup and Part 8 Case Review subgroup
3. Quality Improvement Committee: sets standards, develops performance indicators
4. Communication and Training Committee: promotes and provides training (Midcity Child Protection Procedures)

The ACPC's responsibilities included the development and dissemination of clear procedures to support professionals in protecting children (Midcity Children's Services Procedures Manual). Most of the organisational policies and procedures analysed as part of this thesis were published by Midcity's ACPC.

As a result of the restructuring following the Children Act (2004), each children's services authority in England has to establish a Local Safeguarding Children Board for their area (CA (2004) 13 [1]). Its representatives include:

- Chief officer of police
- Local probation board
- Youth offending team
- Health including Primary Care Trust and NHS Trust
- Children and Families Court Advisory and Support Service (CAFCASS)
- Governor of prison and secure training centres in the area
- People providing education and training for 13-20 years old

As previously with the ACPC, the LCSB will be working under guidance of the Secretary of State.

Interagency working is also firmly embedded in the structure of social work practice. Social workers' everyday activity is centred around meetings with family members and professionals. Often the mandate for social work intervention is received through these meetings (Hall and Slembrouck, 2001, 143). In a suspected case of child protection, for example, an inter-professional strategy meeting will be held to agree on a way forward, which is usually followed by a child protection conference. This conference is chaired by an independent chair person and is attended by the parents, all professionals involved

with the family, the police and often legal representatives. The conference considers the concerns and decides whether the child/ren should be placed on the child protection register. The child protection register is a 'central register maintained by each social services department, listing all the children resident in the area who are considered to be at continuing risk of significant harm and for whom there is a child protection plan' (Office of Public Services Reform, 2002, 22). In Midcity, this is held at the Children Registration and Reviewing Service (CRRS).

Children should be registered under one or more of the categories of physical, emotional or sexual abuse or neglect, according to a decision by the chair of the child protection conference. The categories used for registration help indicate to those consulting the register the nature of presenting concerns. Recording information in this way also allows for the collation and analysis of information locally and nationally. (DoH, 1999, 61)

The conference also makes suggestions for further work with the family and nominates the members of the core group. The core group meets every four weeks. During the first meeting after the conference, the child protection plan is drawn up and the following meetings are used to chart progress and adjust the plan if necessary. Review conferences are held every three to six months to look at progress and to assess whether there is a continuing risk of significant harm. Similar procedures exist for children looked after by the local authority.

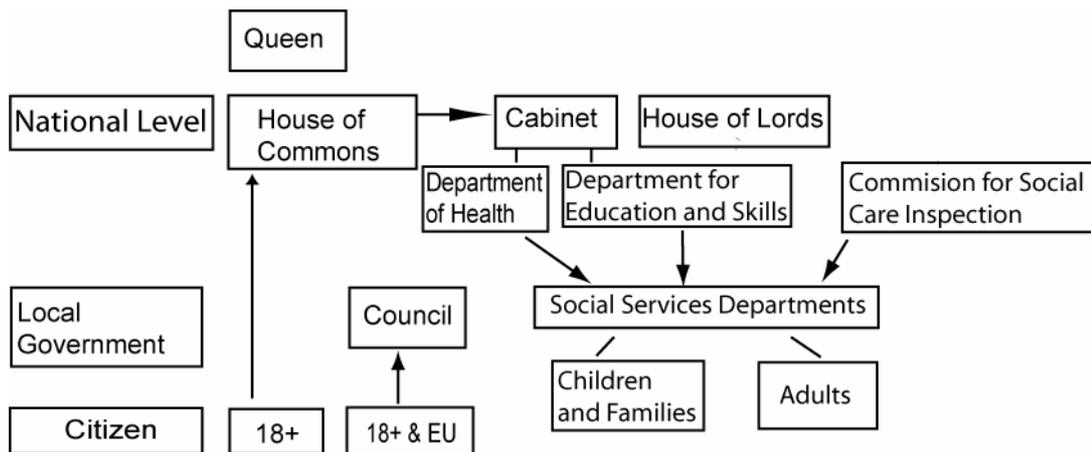


Figure 5.3: Political structure in England including Social Services Departments

### Government Targets and Inspection

Local authority Social Services are not only bound by legislation and government guidance but also have to meet performance targets set by central government: ‘Each agency is set targets by its minister, normally about service quality, financial performance, efficiency and volume of activity. These targets are public and each year each agency reports on their achievement’ (Flynn, 1996, 51). The aim of national standards is to ensure that people receive the same level of service independently of where they live and to minimise if not eliminate local variation (DoH, 1998). This difference in local services is known as the ‘postcode lottery’ and consecutive governments have been working hard to eliminate it (Office of Public Services Reform, 2002, 10). While it is questionable whether or not it is possible to achieve uniform services, this certainly has not been achieved so far:

The performance of neighbouring or nearby councils is often very different. [...]

This relates to very different organisational cultures, leadership styles and the varying emphasis given to performance management and quality assurance. It also reflects an absence of benchmarking systems and learning across councils.

(CSCI, 2005a, 8)

Local authorities are inspected regularly by national auditing bodies. During an inspection, local performance is measured against national standards and inspection results make differences between councils visible. For the purpose of these inspections, the Commission for Social Care Inspection (CSCI) was set up. The CSCI is an unelected body created by the Health and Social Care (Community Health and Standards) Act 2003 to inspect and assess organisations in the social care sector. CSCI took over the responsibilities for the inspection of social services from the Social Services Inspectorate (SSI), which was disbanded. CSCI's purpose is to encourage and monitor improvements in the quality of social care. Standardisation and inspection of services are seen as the main elements of quality assurance (DoH, 1998). In April 2007, after the empirical part of this research had been completed, the inspection of children's services was transferred to the Office for Standards in Education, Children's Services and Skills (Ofsted).

The performance of local council services is ranked and published.

People have a right to know how well their council is doing in providing such services, whether they are receiving such services themselves, have a family member receiving such services, or are a council tax payer. Similarly central government needs to know how well each council is addressing the broad goals and objectives it has set for social services (SSI and DoH, 2002b).

Since 2002 inspection results have been summarised in star ratings, similar to those of hotels (SSI and DoH, 2002b).

This [star ratings] serves as a simple summary of performance that people who use services and members of the public can understand. In future people will know that a council with zero stars performs poorly, whilst one with three stars is among the best (DoH and SSI, 2002, 42)

Councils with a high star rating have more freedom to use allocated money and are inspected less often. Those performing badly go on special measures and need to provide the auditing body with an action plan and regular progress reports (SSI and DoH, 2004, 43). It is also possible for badly performing services to be taken over by those in an excellent local authority (Prime Minister and Minister for the Cabinet Office, 1999, 37; DfES, 2003, 78). ‘We also need a system of contestability so that when a service is under-performing, other providers can be brought in to do it’ (Blair, 16.7.2001). This practice has been criticised as not being necessarily effective: ‘Our inspection experience shows that putting poorly performing organisations together or bolting a poorly performing service to a high performing one will not automatically deliver improvement. Such strategies need careful implementation and risk management plans’ (Platt, 19.05.2005).

The criticism of performance indicators goes further than that; it has been censured for having limited explanatory power and not reflecting service users’ experiences: ‘Performance indicators have their limitations. They can tell us whether councils individually or overall are improving their services. But they don’t tell us what children in any council area are really experiencing’ (Platt, 19.05.2005); ‘[t]here is no statistical significant correlation between a council’s star rating and the performance of local services’ (CSCI, 2005d, 173).

The above criticisms were raised by the inspection body itself; Dame Denise Platt is the chair of the CSCI. The usefulness of inspection has also been questioned in the House of Commons, which has asked the government to clarify how inspection will lead to improvement of services (House of Commons Education and Skills Committee, 2005, 70).

One of the key reasons given to justify performance targets and inspections is the benefit to the public in receiving decent services and raising public awareness of the performance of local services. Service users do have access to the reports and star ratings, but are not in a position to use the services of a neighbouring council or cut taxes if they are not satisfied with their council's performance. Evaluation of public services inspections has shown that the public is largely unaware of the work of inspectorates and that inspection findings often do not reach the end users (Office of Public Services Reform, 2003, 25, 30). Despite these criticisms of performance targets and inspections, they are an integral part of children and families social services. Targets are broken down into performance indicators that social services are measured against.

Alongside quality assurance, closer monitoring and regulation has been seen as offering extended protection for vulnerable children (DoH, 1998). The performance assessment indicators are primarily concerned with 'looked-after' children and child protection. A few, like fair access to services, include children in need (CSCI, 2005c). Performance indicators directly impact on the service planning and delivery at the local level (Midcity Business Plan):

It seems to me that Midcity social services department at this time, is quite driven, by performance indicators, and the overall plan that we have, our business plan if you like. And that, that plan as well as encompassing performance indicators, also has stuff around the Laming recommendations, also has stuff around adoption and fostering, so those targets, [...] At least the organisation is very clear about they are our priorities. And those priorities seem to be in line with what the government is saying (BM3)

Some interview participants were critical of the indicators and the way they limit service provision and restrict social work practice:

I think it is one of social services' biggest faults, that the government lays down what it is going to give you a tick and a star for if you get enough ticks and that is, is the agenda to such a great extent that they forget about the other things that are much more preventative. (BM2)

With all the [...] inspections and I suppose it can look quite good on paper but the problem is they often don't measure the right sort of things. We have to keep details about children's dental appointments now it is something a child should have a dentist and should have regular check ups but they don't ask some other obvious questions in the reviewing process like does the child have a toothbrush? (BS11)

The first section of this chapter laid out the main characteristics of the political system in England and the organisational setting of children and families social work. England is part of the UK, a constitutional monarchy and unitary state. The latter means that

local authorities receive their powers through central government, which could also withdraw these. The constitutional basis in England is harder to pin down than in Germany because it is no single document, but includes all legislation that defines the relationship between the different parts of the state as well as common law and conventions. Since the introduction of the Human Rights Act (1998), English courts can consider the European Convention of Human Rights when making their judgements. If existing legislation contradicts these Human Rights it is still valid. The European Convention of Human Rights includes similar basic rights to the German basic law. The family is protected in Article 8, allowing for state intervention to protect 'health and wellbeing', which includes the protection of children. It has been pointed out that finding the balance between privacy of family life and intervention to protect children is one of the key elements and challenges of social work practice.

Social services are provided by local authorities in accordance with central government legislation and guidance. Guidance stresses the importance of inter-agency working and social work practice is structured accordingly through meetings. Another crucial part of social work practice is the assessment of need. Due to needs assessments' predominant position in everyday practice, it is the main locus where conceptions of parents as service users and citizens are played out. It will therefore be incorporated in the analysis below.

Central government departments set performance targets for social services and commission the relevant auditing body to inspect them regularly. Both targets and inspections are highly influential in the planning and delivery of local services. Thus, they will be discussed below with regard to the potential for service user participation.

The analysis below also takes up principles of the Children Act (1989) that have so far only been touched on briefly, such as the emphasis on children being brought up by their parents and the working principle of partnership with parents. This section contextualised English social work with children and families. The following section introduces social work practice in Midcity.

### **Social Work Practice: Midcity Children and Families Social Services**

As in the previous chapter the responses to the vignette are used to introduce social work practice in Midcity. Social workers in both countries received the same vignette, with one minor alteration, as noted previously (see Chapter III). Interviews were conducted with social workers working in an intake and a long-term team. In practice, new referrals are dealt with by a social worker in the intake team, whereas long-term social workers take on cases in which the need for intervention has already been established. Some of the interview participants working in the long-term team were unsure how to respond to the referral because they did not deal with new referrals on a day-to-day basis. Their insecurity was on the procedural side rather than around the interaction with the family.

I mean but if I went into Duty now, I would really struggle to take a referral, because I have lost that skill as well. I know what to do in my head about talking to people, but I wouldn't know what forms to fill out; I wouldn't know what to check off. (BS6)

The social workers in the intake team said they would respond to the referral by making a home visit in order to meet the family and to get the parents' permission to speak to the children and other agencies involved:

You would have to speak to the parents immediately to get their permission to speak to the children, and also [...] you need permission to speak with other agencies from the parents, so you would need their consent to do that. (BS10)

Long-term social workers would speak to the agencies before meeting the family. This 'fact finding exercise' is seen as an essential preparation for the meeting with the family and is the beginning of the assessment of the family situation. The assumption is that during the initial contact with the social worker the parents would not be open and honest:

You share the concerns with the parents and with experience all they would deny these concerns or try to minimise it, which again this is human nature, this is a social work profession and you try to go beyond that. (BS4)

And I think, you never get 100% honesty from parents it is always the tip of the iceberg, I think it works both ways, I think if you are honest with them, then they can be honest with you, but I suppose a degree of co-operation, you don't always get co-operation, but hopefully, you would hope that they would have a degree of co-operation. (BS10)

Therefore it is seen as an advantage to have the evidence ready when visiting the family to overcome a potentially unforthcoming reaction from the family:

'It has come to our attention there are concerns. Is there any way we can help with the issues and what you think the issues are?' You know she might say there is nothing wrong and then it is for me to say 'Well you know I've witnessed the children come to school dirty. Have you got problems? [...] Is there any way that we can help? (BS3)

But you are going in better armed with the information from school and health visitor, so, I just think it is easier and makes sense. (BS2)

Laming recommendation 34 states that social workers should be well prepared before seeing the family:

Social workers must not undertake home visits without being clear about the purpose of the visit, the information to be gathered during the course of it, and the steps to be taken if no one is at home. No visits should be undertaken without the social worker concerned checking the information known about the child by other child protection agencies. All visits must be written up on the case file.

(Laming, 2003, 39)

All the social workers interviewed said they would conduct a home visit to meet the parents and the children and to assess the family situation. At the beginning of the visit, the social workers said they would introduce themselves to the family and give them some leaflets about social services:

We have got standard information that we give out, we give out access to records, information about social services, three C's which is comments, compliments and complaints, on our initial visits we just give those out, it is like routine, it is what we do on our first visit. And obviously the consent to obtain information. So that is the initial information, and well your first bit of information is explaining why exactly you are there (BS10)

The main purpose of the home visit would then be to conduct an initial assessment in order to establish whether further social work intervention were needed.

I would say a referral like this would require an initial assessment, and for the children to be seen, as soon as possible and spoken to alone but obviously speaking to the parents as well, finding out what exactly is going on. (BS10)

From the information in the vignette the social workers expected to find that a crucial event or a change in the family dynamic, like the birth of baby Michael, had triggered the referral and the purpose of the initial assessment was seen as establishing what this event was:

Is it just something that has just started to happen, have parents got fallen into drink or drugs problems? (BS9)

What has happened? What has happened before this to get to this stage? Some things significantly happened to this family to there. Why was that not happen six months ago so you [are] looking at clearly something that has happened. [...] And that [is] what I would be looking to say: What is the difference? Why is it a child protection issue now? And how can we get it back to where it was acceptable? (BS3)

Possible reasons were given as:

- birth of baby Michael (BS2)
- parents struggling to parent children (BS2)
- family crisis (BS10)
- domestic violence (BS2, BS5, BS6, BS10, BS11)
- drink/drug problems of parents (BS6, BS9)
- postnatal depression of mother (BS2, BS5)

- mother not able to cope with three children (BS2, BS5)
- rent arrears/eviction/struggling with benefits (BS2, BS5)
- mental health issues of mother (BS5)
- mother unwell (BS2)
- father might be unaware, working long hours (BS2, BS5)
- father might have lost job (BS5)
- father cleared off (BS5)<sup>30</sup>

These reasons include the ones given in the government guidance ‘Working Together’:

- social exclusion incl. poverty, racism
- domestic violence
- mental illness of parent carer incl. depression, post-natal depression
- drug and alcohol misuse (DoH, 1999, 9-10)

Social workers were very aware about possible factors that could stigmatise or exclude parents, like the ability or lack of it to read, the need for an interpreter, or learning disabilities.

The information from the referral is categorised, according to the division in the CA1989, into family support (Sec. 17, as previously discussed) and child protection (Sec. 47):

Where a local authority has reasonable cause to suspect that a child is suffering, or is likely to suffer, significant harm, the authority shall make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child’s welfare.

(Section 47, Children Act 1989)

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<sup>30</sup> The gendered view on parenting will be discussed below in the section on the personalised-depersonalised parent.

Around one third of the participants considered the case in the vignette to be a child in need and thus saw a requirement for family support services, one third said they would initiate a child protection enquiry and the final third said the outcome of the assessment would determine the services offered. All used the categories of registration on the child protection register to make sense of the referral. In this case, all considered it to be a case of neglect with one social worker also suggesting it could be emotional abuse if the children were bullied in school because of their clothes being dirty.

Guidance defines neglect as follows:

This is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent / carer failing to provide adequate food, shelter, clothing, failing to protect the child from physical harm or danger, or in the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

(DoH, 1999, 6)

The social workers allowed for the possibility that the situation during the home visit might be different from what the referrers had described, but only one allowed for the possibility that the claims would not be substantiated (BS3).

#### Professional Discretion and Values

The variations in responses to the vignette were similar to those of their German counterparts (see chapter IV) with regard to:

- announced/unannounced home visit

- conducting the home visit with a colleague
- naming referrers
- severity of information in vignette

Contrary to the German social workers, the English social workers were very ambivalent as to how far personal values should influence practice.

One social worker can be found at either end of the spectrum:

In terms of my personal values I honestly think that professional and personal values in social work intertwine; I think social work is more of a vocation than something you can do to earn a bit of money. (BS10)

I value my own personal values but I don't let them encroach on what I am observing or what I am assessing. (BS5)

For the rest of the interviewees, their personal values were an ambivalent aspect of their professional identity. Most acknowledged that their personal backgrounds had an impact on their social work practice, while at the same time they felt strongly that personal values should not interfere with practice:

I think personal values you know your family values, your personal values, your personal experience, can play a part, but not too much, you have to detach, your personal values, you personal experience (BS3)

I may have my own personal values, those personal values may conflict with my professional values you know but as a practitioner who has had training, I have got to mould my personal values to fit into my professional values, to be able to do this job effectively (BS4)

I mean not to say that personal values aren't important, but I am hoping that I reflect enough on myself not to let them influence what I am doing with the families to that extent. I mean you can't shut it off altogether though (BS2)

Personal and professional values are seen as two separate sets of values that might even be in conflict. This emphasis on professional values is in line with the government's drive towards standardisation and regulation. At the same time it clouds the discretion exercised by professional social workers in the assessment of need and choice of support offered.

Social workers' professional values are closely linked to the General Social Care Council's (GSCC) code of practice. The GSCC began its work on 1.10.2001. It holds the register for social care workers. 'Social Worker' is a protected title and social workers need to be registered with the GSCC and adhere to its code of practice. The code of practice is twofold: for employers and employees. Employers need to facilitate and control work according to the code of practice. The employee code of practice sets out values of practice rather than methods. The following quotation is an extract from the code of practice and includes the values that are relevant for the later analysis of conceptions of service users.

1 As a social care worker, you must protect the rights and promote the interests of service users and carers. This includes:

1.1 Treating each person as an individual;

1.2 Respecting and, where appropriate, promoting the individual views and wishes of both service users and carers;

- 1.3 Supporting service users' rights to control their lives and make informed choices about the services they receive;
  - 1.4 Respecting and maintaining the dignity and privacy of service users;
  - 1.5 Promoting equal opportunities for service users and carers; and
  - 1.6 Respecting diversity and different cultures and values. [...]
- 2 As a social care worker, you must strive to establish and maintain the trust and confidence of service users and carers. [...]
- 3 As a social care worker, you must promote the independence of service users while protecting them as far as possible from danger or harm. This includes:
    - 3.1 Promoting the independence of service users and assisting them to understand and exercise their rights; [...]
    - 3.7 Helping service users and carers to make complaints, taking complaints seriously and responding to them or passing them to the appropriate person; and
    - 3.8 Recognising and using responsibly the power that comes from your work with service users and carers. [...]
- 4 As a social care worker, you must respect the rights of service users while seeking to ensure that their behaviour does not harm themselves or other people. [...]
- 5 As a social care worker, you must uphold public trust and confidence in social care services. [...]
- 6 As a social care worker, you must be accountable for the quality of your work and take responsibility for maintaining and improving your knowledge and skills. This includes: [...]

## 6.7 Recognising and respecting the roles and expertise of workers from other agencies and working in partnership with them; [...] (GSCC Code of Practice)

These extracts from the 'Code of Practice' illustrate the extent to which the government has sought to standardise and regulate professional values and practice. Section 6.7 also confirms the importance of interagency co-operation as a central element in government guidance for children and families social services. The code of practice is valid for all social care employees and is therefore non-specific as to who the service user is. For children and families social services, it does not clarify whether children, parents or families are considered to be service users. Referring to other policy documents and interview excerpts, this question will be answered in the section on the franchisee parent (see below).

In the vignette two professionals outside of social services raised concerns about the Miller children. The following section looks at the relationship between social workers and professionals from other agencies. Like the German social workers, the English social workers were wary of referrals from neighbours, as they might be motivated by malice towards the family, rather than being made out of genuine concern for the children's welfare.

### Interagency Working

The relationship between the social workers and other professionals involved with the family is a complex one. On the one hand they see other professionals as colleagues who are valued, for example, one social worker would conduct the home visit with the health visitor and another one values the access the health visitor has to the children:

Initially I would say a number of professionals have issues. I would not be saying health visitor said that, because the health visitor has got access to these children and I did not want to put a barrier in there. (BS3)

There was also the expectation – strengthened by the common assessment framework – that the health visitor would have already addressed his/her concerns to the family:

So I'd want to see what the health visitor was saying in more detail how she'd tried to address the issues with the family and if she had why weren't they responding? What was her perception about mum and dad was there any explanations what was this about or did she have any theories as to why these concerns were about? (BS11)

Social workers were also very clear that they do not make decisions, and especially difficult decisions, about children being taken into care or registered on the child protection register, on their own:

It is not just my decisions, there are other professionals involved as well (BS8)

So you are never left on your own, to make a decisions about thresholds, I mean thresholds can vary, from locality to locality I am sure, from Manager to Manager, from area to area and from city to city, do you know what I mean, and I think that this is a hard one especially with neglect, I think with physical abuse is a bit more clear cut, sexual abuse is a bit more clear cut, you know what I mean, it either has or it hasn't happened, and emotional and neglect, but again, it has to be put into the bigger context, with both of those it has to be put in a bigger context. (BS2)

I think it is not just the social worker who decides it. It would be you know joint professionals who would decide it. It would normally happen at a case conference where the key worker, the health visitor, the school and maybe other people involved with the family would make the decision [...] so it's not just you know one person, the social worker, makes a decision and that's it, it's a number of professionals and after that that's in the court process. (BS1)

Interagency working is promoted not only in government guidance (as described above) but also by Lord Laming in the Victoria Climbié Inquiry Report: 'I am in no doubt that effective support for children and families cannot be achieved by a single agency acting alone. It depends on a number of agencies working well together. It is a multi-disciplinary task' (Laming, 2003, 7).

At the same time in recommendation 37 Laming expects social workers to challenge other professionals, and this is exactly what the social workers interviewed did: 'The training of social workers must equip them with the confidence to question the opinion of professionals in other agencies when conducting their own assessment of the needs of the child' (Laming, 2003, 39).

The social workers were very clear that different professional thresholds exist and that the health visitor might have exaggerated:

Health visitors in particular can hype things up, they can say they are really concerned, the house is in a filthy state, is a health hazard to the children and you get there and think: 'Well there are a few dishes that need washing and the floor

could do with a bit of a vacuuming but this is not in the general scheme of things all that bad' (BS11)

You would be looking at the standards of hygiene in the home and what is acceptable. Because [...] how other professionals see standards of hygiene can vary as well.(BS3)

We do know from professionals that unfortunately professionals have different thresholds of what is acceptable, and what is not acceptable. (BS2)

Despite the push towards interagency working and joint decision-making, in the end it is the social worker's assessment which decides on needs and services offered. Social workers reach these decisions in close consultation with their managers.

#### Supervision and Accountable Management

The social workers had regular supervision with their managers, to evaluate their workloads and update the manager on developments in their cases. Decisions about cases are made by the social worker in consultation with the team manager:

Unless otherwise stated in specific procedures in this manual, it is assumed that people working in this organisation will take reasonable steps to keep their managers informed of their actions; and will consult and seek their approval where they do not have decision making responsibility delegated to them.

(Midcity Children's Services Procedures Manual)

All social workers acknowledged the key role played by the manager. Most were very matter of fact about it:

The manager again is a very powerful resource, in social services mostly the decisions that you take in child protection work are decisions made or you are going to implement decisions of your manager unless in the very serious circumstances where you need to make quick decisions, but again if you make those decisions, you need to come back and confirm them and cross check them with your manager (BS4)

The manager will ultimately decide where the case is going and what needs to be done or advise you so that impacts on practice (BS1)

At the end of the day, all major decisions and plans are agreed by your manager (BS2)

Others used their managers as a resource and for reassurance, especially in the early days of working as a qualified social worker:

My manager is the next one, I mean my manager is brilliant, I run everything past her, you know she is great, and you can just check things out, because I am hopeless at remembering policy because it changes quite a lot, so I check that out with her, and make sure that I haven't done anything that I wasn't supposed to or that I forgot to do something. (BS6)

I remember supervision in the early days was very much well, go for direction in terms of what is this what is happening, on my case and being reliant on my manager saying well you need to do this, this and this, whereas now I know that

I need to do that, that and that, I have also made this, this and this decision and hopefully they agree with me. (BS9)

This was also the role managers in Midcity like to be seen to occupy:

I think it depends very much on your management style, I like to consider myself, as a very hands on that I am very interested in the, they are not just names to me, is cases, so that I become quite involved with through supervision, and developing an understanding of what the cases are about, and actually supporting workers, in a way of attending case conferences with them, reviews and going out on supported visits, and I think it is through doing that you actually build up a knowledge of the cases, so I think I feel quite privileged in my role, that I am not a manager that manages from their office, but I think that you can be as hands on as you want to be (BM1)

Some of the more experienced social workers were discontent with the powers of the managers, as the following example shows:

Sometimes with child protection enquiries, you need a strong management to make decisions, right decisions, so if your manager is strong and you can trust your manager, because there can be conflict, [...], of decisions, but obviously because they are managers we have to follow their advice, but sometimes those advise not right, they can be wrong, and we can put families in jeopardy.(BS3)

The relationship between social worker and manager was complex and social workers had found their own ways of negotiating and interpreting this power-relationship, whilst seeking to keep their professional integrity:

You know they are not out there, they are not out doing these visits they are only giving you the policies and procedures of their managers they don't know what is happening on the ground that's why you give them feedback. That's why you are going into supervision. Good supervision I mean that's good so you can off load all your problems let them say 'Ok let's' It's about the difficulties that you see and what they can do. (BS5)

You are accountable to your line manager and you know that is good to have a good relationship with your line manager, you might disagree, but I think if you have got a bit of respect there then you can generally work it out. (BS10)

Overall, the role of the manager was seen as positive and adding to social work practice. As has been established above, managers have a pivotal role in decision-making. Managerial accountability was also one of the key areas of the inquiry into the death of Victoria Climbié.

I strongly believe that in future, those who occupy senior positions in the public sector must be required to account for any failure to protect vulnerable children from deliberate harm or exploitation. The single most important change in the future must be the drawing of a clear line of accountability, from top to bottom, without doubt or ambiguity about who is responsible at every level for the well-being of vulnerable children. (Laming, 2003, 6)

Recommendation 25: All social services assessments of children and families, and any action plan drawn up as a result, must be approved in writing by a

manager. Before giving such approval, the manager must ensure that the child and the child's carers have been seen and spoken to. (Laming, 2003, 37)

In response to Laming recommendation 25 (see also DoH, 1999, 43), Midcity introduced a 'pink decision making form' on which managers record all decisions made, sign it and add it to the case file. The social workers were very positive about this development and felt that this had enhanced managerial accountability. Lord Laming had already promoted the need for managerial accountability while he was chief inspector at the SSI between 1991 and 1998:

When called to account, top managers at times expressed surprise at the quality of practice exposed beneath them. Sir Herbert Laming's response – 'I am surprised that you are surprised' – put paid to a myth that lack of awareness provided an alibi. (SSI and DoH, 2004, 35)

The assessment of needs and conclusions reached by social workers and their managers decide access to services. As part of these decisions they have to consider the available resources, as well as existing prioritisation criteria.

### Access to Services

As has already been established, assessment is the gateway to accessing services. Each incoming referral is screened against Midcity's prioritisation criteria (also known as eligibility criteria) which, especially at the lower end of need, restrict access to services: 'The process of Referrals must include screening against the Prioritisation Criteria for Children in Need, with internal and agency checks undertaken as necessary' (Midcity Children's Services Procedures Manual). Midcity divides 'need' into six levels ranging from 'ongoing assistance is not required' to 'children who are suffering or who have

suffered significant harm or are likely to suffer significant harm'. An initial assessment is only carried out for children who are likely to be at level three or above, including child protection cases. Managers can authorise an initial assessment for level two. A core assessment is only conducted on a child whose needs are moderate or high (level four or higher on the prioritisation criteria), unless a manager has authorised it for levels two and three. Only children reaching levels four to six receive guaranteed services. (Midcity Children's Services Procedures Manual)

The practice of deciding on the likely level of need before an assessment has been conducted has been criticised by Lord Laming as well as the DfES:

The use of eligibility criteria to restrict access to services is not found in legislation or in guidance, and its ill-founded application is not something I support. Only after a child and his or her home circumstances have been assessed can such criteria be justified in determining the suitability of a referral, the degree of risk and the urgency of the response. (Laming, 2003, 13)

Social services staff may make decisions about whether or not to assess a child's needs (and if there is no assessment, the child will not receive any services) based on whether the child appears to be 'in need' or a 'child protection' case. However, since it is rarely clear without an assessment whether or not a child is in fact being harmed, this causes two main problems: firstly, children and families do not get services early enough to prevent harm, and secondly, staff in other organisations describe all referrals as 'child protection' in a well-meaning attempt to ensure that the children concerned get support (DfES *et al.*, 2003, 2)

The use of eligibility criteria raises other issues. The criteria applied are often not available to families (CSCI, 2005a, 16) and ambiguity exists in partner agencies about the thresholds for services (Aldgate and Statham, 2001, 117; CSCI on behalf of the joint Inspectorate Steering Group, 2005, 8). This can lead to two scenarios: agencies might refrain from making a referral unless the child is at risk of significant harm. This might lead to family situations deteriorating because early support is not available (CSCI on behalf of the joint Inspectorate Steering Group, 2005, 28). Alternatively referrals are marked unnecessarily as child protection in order to gain access to services (Aldgate and Statham, 2001, 120; SSI and DoH, 2002a,26)

The use of prioritisation criteria that only offer guaranteed services once a child is considered at risk of significant harm focuses social workers' practice on child protection and children looked after by the local authority. This trend can be found nationally: 'Families who required help where children were in need for reasons other than child maltreatment did not always get access to services' (DoH, 2001, 36, see also CSCI, 2005d, 186)

The guidance to the CA1989 had already set out that the concentration on child protection is not in line with the CA1989:

The definition of 'need' in the Act is deliberately wide to reinforce the emphasis on preventive support and services to families. It has three categories: a reasonable standard of health or development; significant impairment of health or development; and disablement. It would not be acceptable for an authority to exclude any of these three - for example, by confining services to children at risk

of significant harm which attracts the duty to investigate under section 47. (DoH, 1991, 5)

Social workers and managers who had been working in Midcity for several years were unhappy about this development because, until a few years ago, Midcity's Children and Family Social Services were integrated in family centres that offered a variety of preventive services, including day nurseries. These were withdrawn when funds were short (see above):

Previously the emphasis was very much on preventative work, we had a large range of services and social workers who worked in a preventative way so we were encouraging people to self refer at an early stage. This building was set up as a family centre predominantly around a social services day nursery so we had that facility so parents could come along and say I am not coping very well with this infant. Now we tend to, we would just say 'so what' – almost. We would say it in a more polite way but until it got to the screaming point were the parent would simply saying take this child off me or health visitor was saying I am getting rather worried, we don't have that sort of preventative type of approach. [...] There was this whole range of things that we dealt with and a lot of kids came to the nursery without any sort of stigma. So there was just so much on offer there to prevent things getting to the dreadful state where they are now. So that's the difference. Now its very much knocking on people's doors when someone else has reported that things have got a serious stage.(BS11)

Parents were regarded as having valued the direct contact with the social worker, which had been largely lost in the cost-cutting measures. Research also shows that family

centres and family support workers offering practical help are highly valued by parents (SSI and DoH, 2002a, 13; DoH and SSI, 2003, 15). At present there is an increased interest in re-establishing preventive services.

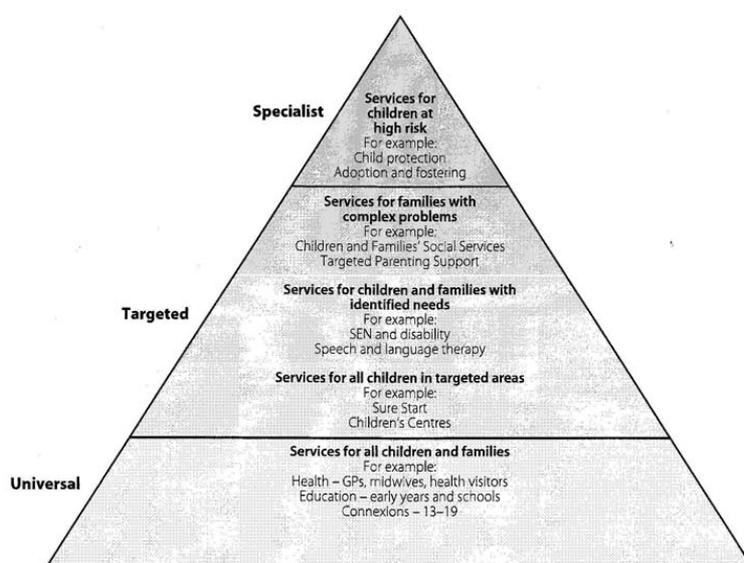


Figure 5.4: Pyramid of children's services (DfES, 2003, 21)

In response to the Victoria Climbié Inquiry Report, the government initiative 'Every Child Matters' (DfES, 2003) introduced a model of a pyramid of services that together form the integrated children's services set out in the Children Act (2004). These services range from universal services like health and education, through targeted services like therapy, family support and children's centres to specialist services, including child protection (see Fig. 5.4). These services are supplemented by compulsory action as set out in parenting orders (DfES, 2003, 8 – as will be discussed later). 'Every Child Matters' was concerned in part with seeking to strengthen targeted services and thereby offering families wider access to support services. This included the availability of family centres, run by Sure Start, the government initiative for the under 5's (DfES and DoH, 2004; HM Treasury and DfES, 2005). The intention was to

enable every child to fulfil their full potential and equip parents with the skills to bring up their children accordingly:

Central to this will be a stronger focus on prevention, to provide individuals with the skills and opportunities to protect their families against future poverty, and to support children and parents before problems arise or at the earliest signs that more support might be required. This echoes the wishes of parents. Early, preventative support that is culturally sensitive and non-stigmatising is what parents say they need to help them fulfil their responsibilities towards their children.(HM Treasury and DfES, 2005, 56)

Social workers in England practise in the context of a continuous stream of policy initiatives, government guidance and organisational restructuring. The House of Commons Education and Skills Committee has criticised ‘Every Child Matters’ – the latest reform project for children and families social services – as being not evidence-based. The evaluation of pathfinder Children’s Trusts was expected in 2007, whereas local authorities were expected to have Children’s Trusts in place by 2006 (a deadline that Midcity did not meet). Similar criticisms have been made about the Sure Start programme (House of Commons Education and Skills Committee, 2005, 11). The implementation of change, such as that instigated by the Laming recommendations or ‘Every Child Matters’, consumes a lot of local managerial resources. At the time of the research, the managers in Midcity were engaged in planning for the implementation of the CA2004. The social workers found themselves in a situation where they knew that change was imminent without knowing exactly what would happen – a situation not unknown to experienced practitioners:

Well they just decided cos every few years Midcity gets bored and they decide that they are going to have a reorganisation, so they make a great show of pretending to consult with staff, as to how it should happen, and what they should do, and then they promptly go ahead with their own ideas and don't listen to anything anybody has said, so I don't know why they bother consulting others, and then they just reorganise the whole department, and this happens about every 5 years or so, we're heading for another one at the moment. (BS6)

Despite all these changes some key features are relatively constant over time. The previous section focussed on three of those: assessment, interagency working and performance management.

The developments described above are only part of government reform initiatives. Children and families social services are also part of the drive to modernise government and public services. After its landslide victory in the 1997 general election, the New Labour Government published a series of white papers, green papers, and reports setting out its agenda to modernise government and public services. The agenda was rooted in the re-definition of the relationship between the state and its citizens: 'At the heart of the modern welfare state will be a new contract between the citizen and the government, based on responsibilities and rights' (DSS, 1998, 80).

Modernisation will be the starting point for introducing the conceptions of citizenship identified from the English case study. Even more than was the case with the German conceptions, the English conceptions should not be seen in isolation but as interlinked and overlapping. Nevertheless, their division for purpose of discussion has the advantage of illustrating different dimensions that emerge in varying intensities. At the

conclusion of the discussion of each conception of citizenship, an analytical framework will be used that draws out each conception's basic assumptions, tools used, level of citizen participation and objectives.

### **Citizenship: Five Conceptions of the Service User**

#### Demanding-responsible Consumer-citizen

Children's trusts are one element in the government's agenda to tackle child poverty, which in turn is part of the wider government agenda to modernise public services.

The Government is committed to ending child poverty, tackling social exclusion and promoting the welfare of all children - so that they can thrive and have the opportunity to fulfil their potential as citizens throughout their lives. [...] At the same time, the Government is committed to improving the quality and management of those services responsible for supporting children and families particularly through the modernisation of social services, through the promotion of co-operation between all statutory agencies and through building effective partnerships with voluntary and private agencies. (DoH, 2000, 10)

Work is considered to be the best route out of poverty. Children who grow up in a household with working parents are not only financially better off but are also thought to be confronted with higher aspirations (HM Treasury and DfES, 2005, 24). Work is a central element of this welfare state reform. Rather than offering benefits and public services to all, as was the case in the post-war welfare state (see Chapter II), or according to social insurance contributions as in Germany (Chapter IV), conditions are attached to them and personal responsibility is highlighted. Some of the benefits provided in England are financed through National Insurance contributions, but unlike

in the German social insurance system this is not split up into payments for individual benefits but is a single payment. Within the strategy to tackle child poverty rights are matched with responsibilities:

Tackling child poverty is morally right. But it also makes for a better society if everyone has a stake in it. If we give our young people a decent start – hope and an education – then we are in a position to turn round and ask for responsibility in return. It is a simple equation – we give opportunity, we demand responsibility, and that’s how we build strong communities. (Blair, 18.9.2002)

This section evaluates the New Labour government’s modernisation agenda with regard to the different elements that constitute the demanding-responsible consumer-citizen. It starts with the welfare state reforms that re-defined the welfare state as an enabling state. It then moves to the reform of public services and the impact this has had on children and families social services.

### *The Enabling Welfare State – Extending Personal Responsibility*

The central element of an enabling welfare state is the link between personal responsibility and government support. Benefits are conditional and often linked to ‘back-to-work’ initiatives. ‘Enabling’ in this sense is mainly understood as ‘enabling people to work’ (Office of Public Services Reform, 2002, 5). Initiatives vary but include personal advisors at job centres, training courses and extended child-care.

An active welfare state which brings together benefit offices and job centres so that instead of simply dishing out cash, personal advisers provide everybody coming through the door with advice and support to help them into work or at least get them closer to the labour market.

This is a welfare state which reflects all our responsibilities: the responsibility we have to engage actively with the jobless to provide them with opportunities; their responsibility to engage actively with us and take those opportunities.

(Blair, 10.6.2002)

The slogan of the enabling welfare state is that it 'helps people to help themselves' (Blair, 10.6.2002) as it is assumed that ultimately it is 'through their own effort that the disadvantaged overcome their disadvantage. Government intervention should supplement, not replace, this individual effort'. (Reid, 13.11.2004)

One group of citizens that is specifically targeted is lone parents. While the Guidance to the Children Act (1989) considered it as personal choice for parents whether or not they wanted to work while their children were small (DoH, 1991, 30), the New Labour government sees children as having a better future if parents work and passed the 'New Deal for Lone Parents', which included basic skills courses and extended child care. Employment is also central to the restructuring of children's services following Every Child Matters: 'Parenting support also needs to be closely linked to advice on employment and childcare, for instance, through Sure Start Children's Centres, to enable parents to make the transition into work' (DfES, 2004, 26).

The understanding of citizenship that is promoted through the welfare reforms is the responsible citizen that uses opportunities to progress:

But there are hundreds of thousands more who could work, given the chance. It's right for them, for the country, for society. But with the chance, comes a

responsibility on the individual - to take the chance, to make something of their lives and use their ability and potential to the full. (Blair, 10.6.2002)

The expectation is that citizens will provide for themselves, ideally through paid work. The state transfers the bulk of the responsibility on to the citizens and thereby individualises welfare and life chances. Responsibility is only one element in the individualisation of welfare state provision:

How we create opportunity must change, too. Instead of a state that sees people as passive and uniform, our aim is to expand and support individual choice, to balance rights with responsibilities, to design policies and services that meet individual needs and that are shaped and enhanced by the people themselves, as individuals, in families and in communities. (Reid, 13.11.2004)

In the area of public services, service users have been re-cast as consumers and individualist care packages as well as consumer choice complement responsibility in the attempt to individualise welfare.

#### *Modernising Public Services around the Demanding Consumer*

The modernisation of public services agenda has been influenced by private sector principles. It is assumed that people's experience of the private sector is positive and they are expecting a similar experience from public services: 'People are exercising choice and demanding higher quality. In the private sector, service standards and service delivery have improved as a result. People are now rightly demanding a better service not just from the private sector, but from the public sector too' (Prime Minister and Minister for the Cabinet Office, 1999, 10).

In order to fulfil these alleged demands from ‘people’, one key commitment of the modernisation agenda is to transform services ‘to meet the needs of citizens not the convenience of service providers’ (DoH, 1998; see also DSS, 1998; Prime Minister and Minister for the Cabinet Office, 1999, 13; CSCI, 2005d). Consumer-oriented services that meet the needs of citizens are described as offering good quality, value for money, individual services or care packages, choice of services and services that are easily accessible. In the areas of health, education and social services for adults, an attempt has been made to offer choice to service users, for example in choosing a hospital, a school or care packages through direct payments: ‘The guiding principle of adult social services should be that they provide the support needed by someone to make most use of their own capacity and potential’ (DoH, 1998). This has been promoted as the ‘new personalised concept of public services’ (Blair, 24.6.2004) where ‘[e]veryone deserves to be treated as an individual, and to have the system geared to their needs, not vice versa’ (DoH, 1998).

Choice is considered to be a key element in achieving this. The government has introduced the element of choice in a variety of services such as choice-based lettings, direct payments in social care and choice of hospitals and schools. Choice is understood as the opportunity for citizens ‘to select outcomes which are particularly appropriate to them’ (Office of Public Services Reform, 2005, 3). Choice can be divided into economic choice, where money follows the service user’s choice, as in the case of direct payments, and non-economic choice, where choice is not followed by financial payments but still involves selection between alternatives, for example, with options like appointment times or choices about treatment (Policy Commission on Public

Services, 2004, 26). With the exception of children with disabilities, there is no provision in children's services for direct payments. In addition, as we have already seen, the availability of family support services is very limited and parents are seldom in a position to choose a service provider. The limitation on choice in a consumerist sense is most apparent in child protection. Most parents do not choose to become involved with social workers about child protection issues, as the majority of referrals received by children's services come from other agencies, such as nurseries and schools. Once known to social workers, non-compliance with the services offered might be interpreted as neglecting the children or putting them at risk, which then allows for compulsory intervention into family life: 'They don't have choice, they can't tell us to go away and they can't go, or generally can't go, somewhere else' (BS11).

Nevertheless, the Commission for Social Care Inspection considers that choice is a valid concept in relation to child protection:

A note of caution is needed in the ongoing debate about 'choice'. In social care when we talk about choice, let's be clear that we are talking about more than acting as a consumer; we are talking about real choices, which affect how people are able to live their lives. But many people who use social care services are not in a position to make choices – indeed, it may not even be their choice to receive social care. There are many reasons why choice may hold not much meaning for people who rely most on care services, but their needs and wishes should still count. (CSCI, 2005d, v)

The social work participants in the research were less positive about consumerism and choice. As far as the social workers were concerned, being a 'consumer' is linked to

retailing and the exchange of products for money. The term also did not do justice to the social workers' understanding of their role as professionals:

We are not in the market place, we intend to genuinely help people with difficulties, and we are not doing it for economic gain or financial gain, so in my opinion using customer, consumer suggests that you are in the market place, and you are trying to market your product, trying to make a gain, which is not the case in this situation. (BS4)

Indeed, the rhetoric of choice is so at odds with the reality of child protection that it can mean little more than making sure that the parents understand the consequences if they decide not to comply with the intervention:

They have choices as to whether they are going to undertake some of these things, that will bring about change, or they are going to carry on the same, and hope that it will all go away, that's what I meant, people have choices, in whether they're prepared to do their side of the bargain ... you have got to choose whether you are prepared to do those things, but clearly if none of it gets done, and your child isn't able to develop properly, this is a choice that we look at permanency somewhere else, so when you say choice I think you have to be clear to people what their choices are, which is to get stuck in and get it sorted out for their child, not for us, not to keep social services happy, but because they want the best, you know they want things to change for their child. (BM2)

In accordance with this viewpoint, the Public Administration Select Committee recommended that the government should acknowledge the limitations on choice (Office of Public Services Reform, 2005, 4). In its response, the government did not

accept the recommendation; it saw choice as an opportunity for service user involvement and wanted to focus on its advantages rather than its limitations (Office of Public Services Reform, 2005). Although there may have been advantages in the government's modernisation agenda in terms of increased choice for adult service users, NHS patients and for parents with regard to the education of their children, in children's services the concept of choice has so far offered parents little potential for involvement.

As has been discussed previously, parents receive information about social services during their first contact with the social worker as well as during the intervention in the form of reports and minutes of meetings; all this is seen as a condition for informed choices (Policy Commission on Public Services, 2004, 54). But 'choice is only really meaningful if consumers can access, interpret and then act upon the information they receive' (Policy Commission on Public Services, 2004, 27). As has been shown this is not the case in children and families social services.

As an antidote to the limitations of choice, it has been suggested that the 'voice' of service users be strengthened: 'In addition to choice, the expression of voice is critical to empowering users. This covers a spectrum from complaint and redress to full stakeholder dialogue' (Policy Commission on Public Services, 2004, 8).

In children and families social services there are three common forms of including service users' voices:

1. The inclusion of service users' views in public service agreements, performance targets and in inspection (DoH, 1998, 25; SSI and DoH, 2004, 21)
2. The requirement for all statutory agencies to have a complaints procedure in place (LASSA 1970). The Children Act (1989) makes provision for

complaints in S.26, as amended in the Representations Procedure (England) Regulations (2006). It sets out the formal complaints procedure that service users can follow if they are not satisfied with the services received.

3. The inclusion of service users' wishes and feelings in assessments, meetings and decisions about service provision.

The Public Administration Select Committee defines 'voice': 'to express opinions and have them heard and acted upon' (Office of Public Services Reform, 2005, 3). As with 'choice', the opportunities for 'voice' as defined above are limited. These will be considered below in the section on the partner parent.

Concerns have also been raised about the ability of vulnerable service users to make choices, and the additional support they might need to exercise choice has been highlighted:

Vulnerable consumers in particular need to have their advocates recognised, empowered and enabled to operate on their behalf. Information on its own is not enough to overcome some of the psychological, cultural, social and political disadvantages that prevent vulnerable consumers accessing services and demanding choice. (Policy Commission on Public Services, 2004, 54)

The modernisation agenda, which recasts service users as consumers by offering them choice and procedural rights, is not detached from the drive towards more personal responsibility in the wider welfare state reforms:

Clearly, extending choice and voice to the consumer delivers real benefits, but it also extends the responsibility of the consumer. Consumers cannot have it both ways by demanding more choice and greater involvement in decision-making,

yet not take responsibilities for the consequences. [...] Providers of services need to be clearer about what is expected from consumers, and consumers encouraged to take acceptable levels of responsibility for their own care. There is a challenge to providers to decide how to enforce co-management.’ (Policy Commission on Public Services, 2004, 62)

This quotation summarises all the tensions and limitations of the re-definition of citizens or service users into consumers of public services. Some of these tensions have been highlighted in Chapter II, and in this chapter reconfirmed for parents as users of children and families social services.

The re-definition of citizens as consumers is based on the assumption that citizens’ expectations of the public sector are shaped by those raised in and by the private sector. It also tallies well with the belief that welfare benefits create dependency and prevent citizens from fulfilling their potential. Therefore the state should assume the role of the enabler and ‘help people to help themselves’. These basic assumptions are in line with the general objectives of reducing the number of people living off benefits, enhancing citizens’ responsibility for their own lives and offering individualist support and a choice of service providers. To achieve these objectives, services and benefits are reduced and eligibility criteria introduced. The remaining services should part company with the post-war principle of ‘one size fits all’ and provide personalised services tailored around individual needs. Services are provided according to national standards and are regularly inspected. The resulting reports should help citizens to act as consumers. Procedural rights are introduced as a tool for service user involvement. Service users’ views are also included in performance reviews.

While social services are included in the government's modernisation agenda, the demanding-responsible consumer-citizen has little or no relevance for frontline social work staff. Social workers see parents mainly in relation to their child/ren and their ability to care appropriately for them. This conception will be developed in the next section on the franchisee parent.

### Franchisee Parent

It has been established earlier that the balance between children's rights to protection and the right to family life is one of the key areas of children and families social work practice:

The Act [CA1989] places an emphasis on the importance of professional judgement and balance. While the paramountcy of a child's welfare is clear in court cases, in the offering of services to children and their families a balance has to be found between responding to the needs of a particular child and those of his or her parents, siblings and other immediate family members to ensure that the child's long-term welfare is promoted. (Aldgate and Statham, 2001,10)

The way social workers balance the sometimes competing interests of parents and children is based on legislation, policy and an organisational culture integral to their particular professional setting.

First, this section considers who the user in children's services is and concludes that social work policy and practice is child-centred. Secondly, parental rights and responsibilities as well as parenting are assessed. This section concludes by justifying the designation 'franchisee parent'.

*Who is the Service User of Children and Family Social Services?*

Social work with children and families can be approached from several stances and indeed social workers' responses varied with regard to the question of who the service user is:

There always was and always will be this debate who are clients: is it the children, is it the parents as well? I think it should be both and I suppose the answer is that we need to [...] get involved at this earlier stage where we can sort of work far more you know with all of the family for the common benefit; that it hasn't got to the point where you know the parents and the children's interests don't coincide. We should be able to support and patch things together so much earlier. (BS11)

Working with the family, you don't just work with the child, it is an entity, mother is an entity, father is an entity. The family is a unit so you need to work with them as a unit. [...] I know that we are supposed to focus on the priority of the child but you know where does the family come in? Because the child is part of that family, you need to look at the mess as a whole, and I think that is where they are going wrong as well. (BS8)

For the vast majority of interview participants the child is the service user and they practise in a child-centred way:

And one of the professional values [is] that I am very child focussed, so as much I will work in partnership with parents and I view that as very, very important, at the end of the day I would definitely say that I was a person that worked in the

best interests of the child, I know some people falling in to two categories, but I would say that I work in the best interests of the child whilst trying to work in partnership with parents. (BS10)

I do think it is important that children wherever possible remain within their families but also first and foremost it is about making sure that the child is safe. Regardless of what a parent wants, regardless of their ability in five years time, it is about what is important now, and it is tough decisions I made, but I believe I make good decisions for children, and I can't get sentimental about them, being good decisions for parents because ultimately I am a children and families worker and first and foremost I am here for the child, and where possible when it is safe to do so then I will go to the length degree to maintain children with their families. But on the other hand if it is not the right decision then I would not be supporting them going home. (BS9)

Its always gonna be the children's safety and welfare that's going to be paramount you know we are never going I am never going to jeopardise the children's safety and welfare for the rights, dignity or whatever of parents if its becomes down to that choice it will always be the parents and carers rights that are dispensed with (BS11)

This strong focus on the child rather than the parents or the family as a unit is also reflected in policy:

We want to put children at the heart of our policies, and to organise services around their needs. (DfES, 2003, 9)

Fundamental to establishing whether a child is in need and how those needs should be best met is that the approach must be child centred. This means that the child is seen and kept in focus throughout the assessment and that account is always taken of the child's perspective. (DoH, 2000, 10)

Closer analysis of law and guidance does reveal possibilities to practise in a family-centred way, or at least to include the parents' needs in the assessment.

Furthermore, services may be provided to any members of the family in order to assist a child in need (s17(3) of the Children Act 1989). The needs of parent carers are an integral part of an assessment. Providing services which meet the needs of parents is often the most effective means of promoting the welfare of children, in particular disabled children. (DoH, 2000, 9)

While recognising that the child's safety and welfare are paramount, give due consideration to the needs of all family members. (DoH, 1999, 11)

Many children will be known to the new integrated children's services because of the social care needs of their parents or guardians. By failing to address the adults' needs, such as mental ill health and substance misuse, the solution to support children will only be partial. Collaboration is needed to ensure that both the child's and adult's needs are met. (CSCI, 2005d, 168)

However, these family-oriented niches remain in the background and are justified by being in the child's interest. Overwhelmingly the child is at the centre of assessment and intervention.

Working with family members is not an end in itself; the objective must always be to safeguard and promote the welfare of the child. The child, therefore, must be kept in focus. (DoH, 2000, 13)

Services are child-centred and look at the whole child – not just the illness or the problem, but rather the best way to pick up any problems early, take preventative action and ensure children have the best possible chance to realise their full potential. And if and when these children grow up to be parents themselves they will be better equipped to bring up their own children. (DfES and DoH, 2004, 2)

Having established that the child is the service user of children and families social services, the role of parents in the process needs to be considered. Unlike in Germany, where biological parenthood and parental responsibility are the guiding principles by which to establish rights and responsibility, in the English context the definition of parenthood is based on the actual care of the child/ren and the carer's ability to carry this task out satisfactorily.

### *Parenthood and Parenting*

The definition of parents as understood by law, guidance and in social work practice is wide:

The term parent means the child's mother, married father and all those with Parental Responsibility. It also means anyone with actual care of the child who,

in the absence of a person with parental responsibility for the child, should be consulted about actions taken as a result of these procedures. (Midcity Children's Services Procedures Manual, Sec. 17 CA1989)

You know they care for a child, and I mean the child's needs are the same, everything is the same, if it is an adoptive parent, family biological family, foster family, they are still a parent you know, they are not supposed to be different you know. (BS8)

Throughout this national service framework, we have used the terms 'parents' as shorthand to include mothers, fathers, carers and other adults with responsibility for caring for a child or young person including, for example, those with responsibilities for looked after children and young offenders. (DfES and DoH, 2004, 18; DfES, 2006, 3)

In a similar vein the legal definition of 'parental responsibility' is broad:

CA 1989 3.—(1) In this Act "parental responsibility" means all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property. [...]

(5) A person who—

(a) does not have parental responsibility for a particular child; but

(b) has care of the child,

may (subject to the provisions of this Act) do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child's welfare.

The concept of parental responsibility (PR) is misleading and does not mean what most people would expect, as not all birth parents have parental responsibility and the responsibilities towards a child are not limited to those persons with PR (Allen, 2005, 10-11). Except for the initial allocation of PR after the child's birth, it is not linked to biological descent:

A father who does not have parental responsibility is still a parent for the purpose of the Act. (DoH, 1991, 72)

The effect of having parental responsibility is to empower a person to take most decisions in the child's life [...]. It does not make him a parent or relative of the child in law, for example to give him rights of inheritance, or to place him under a statutory duty to maintain a child [section 3 (4)]. (DoH, 1991, 71)

The statute is also fairly vague on what type of decisions PR includes. Drawing on various parts of other legislation, Allen compiled the following list:

#### Parental rights

1. The right to determine where the child should live.
2. The right to determine education.
3. The right to determine religion.
4. The right to discipline the child.
5. The right to consent to the child's marriage.
6. The right to authorize medical treatment.
7. The right to administer the child's property.
8. The right to appoint a guardian.

9. The right to agree to adoption.
10. The right to change a child's name.

#### Parental duties

1. The duty to protect the child.
2. The duty to maintain the child.
3. The duty to secure the child's education.
4. The duty to control the child. (Allen, 2005, 23)

Parental responsibility is shared by all parties who have it and can only be lost through adoption or following a surrogacy arrangement, but '[i]t is important to understand that the sharing of parental responsibility as a matter of law does not necessarily involve the sharing of parenting' (Allen, 2005, 22). The most extreme case of this is when the local authority obtains an emergency protection order or (interim) care order and with it parental responsibility. While the rhetoric is still about sharing parental responsibility with the parents (or other holders of PR), in fact 'the local authority is given power to determine the extent to which another person with parental responsibility may act. [section 33(3)(b) and (4)]' (DoH, 1991, 75).

In summary, parental responsibility, even though designed to assign rights and responsibilities to parents, is a misleading concept. It does not say anything about the biological connection between the child and the holder of PR. It also does not say anything about the holder's everyday involvement in the child's life. In addition it places rights and responsibilities on those who are de facto looking after the child. It is, then, not surprising that the understanding of 'parent' in policy and social work practice focuses on the carer of the child in their capacity of looking after the child:

Any rights that parents or others acting in a parental role might have, under the Children Act 1989, flow from their duties towards their children. They are not vested in a priori or automatic rights that follow from their status as parents. It is both a complex and a common-sense principle. It is not a matter of parents' rights versus children's rights but rather that the children's welfare comes first. (Aldgate and Statham, 2001, 65)

The duty of parents towards their child/ren as well as towards society is to 'adequately parent' those child/ren. While it has been stated regularly that 'parenting is first and foremost a private and personal affair' (DfES, 2006, 1), there are clear expectations on parents to meet a certain standard of care:

Government should not influence the way parents choose to bring up their children – it is a very private choice – but no one can argue against the basics. Children need a supportive, loving environment in which they can grow, and young people need guidance, role models and clear boundaries to enable them to develop into adults. (Blair, 8.9.2003)

There is a minimum of what a parent would be expected to provide, that basic care for that child, and the stimulation, guidance and boundaries, provide them with food, give it shelter, and stability, love, the kind of emotional warmth and stuff, so there is that expectations. (BS2)

So I would certainly use it as a way of encouraging people as to what their role is, and to acknowledge, that they are the mother, and as part of being a mother, a father or a parent is to keep your child safe, it is to make sure that your child

grows and develops properly and that they are able to live and reach their full potential. (BM2)

This conception of citizenship has been designated the ‘franchisee parent’<sup>31</sup> as it accurately describes the relationship between parents and the state, often mediated through social workers. In the context of children and families social services parents are perceived as being the carer for the child rather than a service user with individual needs or indeed a citizen with rights. In that capacity, they are expected to meet certain minimum standards of ‘adequate parenting’. In order to achieve the minimum standards of good parenting parents are expected to engage with social workers and the services provided:

My expectation would be that they would take on board the concerns and recognise that it is not an acceptable situation, and it is not, it is their children they need to take responsibility for their children, and at the end of the day the children have got rights to live in a nice family home, and they have got a right to be safe, and that is what my expectations would be that the parents would take that on board and try and address what the issues were. (BS10)

If parents do not meet these standards, which amount to the franchise rules, the state intervenes:

I would want everybody to be involved in the planning of that but particularly the parents, so that they are very clear what needs to change and what the outcomes will be, their role and what responsibility is in that, and what the expectations is and also what the consequence of that would be, if they don’t,

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<sup>31</sup> I owe the idea of franchising in the context of public services to Harris who developed the idea for local authority social services as state franchises (Harris, 2003, 84-86).

you know, so if this continued or deteriorated then you know you would be looking at moving it on into children protection, from support to child protection at the case conference. (BS7)

If parents are unable to meet those standards, another franchisee, i.e. a foster carer or adoptive parent, is found (DfES, 2003, 20-21). It is more important that the child is well cared for, rather than by whom. As has been established earlier in this chapter, the family is usually not perceived as a unit. Contrary to this, occasionally policy documents stress the importance of family: 'But families remain the building block of society. Children thrive in a secure home with loving parents. The family unit provides adults and children alike with emotional and financial support' (DSS, 1998, 57; see also HM Treasury and DfES, 2005, 1). Parents are the preferred franchisee as a change of placement is not considered in the best interest of the child (CSCI, 2005c) and it is obviously also a cost efficient arrangement for the child to remain where s/he is.

When the state intervenes, social work intervention is offered along a continuum of services (DfES, 2006, 3).

The majority of the time we do work with the families where the children still are at home. You know we don't put kids in child protection register until we think the risks are that high. And then children only become looked after children when the child protection plan continues to fail, and parents aren't motivated to make the changes. And we are left with no choice, and again there are interim care orders, that give the parents more of a breather, so that they can pull themselves together, that you know there is only a small amount that ever go to full care orders, and into the care system for good. And the fact is that we are

always working to support families to stand on their own two feet and to get them their issues sorted for themselves. (BS2)

This stance is reflected in the restructuring that followed the Children Act (2004), which emphasised integration of services and information-sharing between agencies and which understands services as lying on a continuum (DfES *et al.*, 2003, 1). While this offers the opportunity for widening access to preventive services, it also entails the risk of continually escalating to intervention to safeguard children's welfare and shifting the focus towards child protection in services like children's centres, which currently offer general information and support to families (Smith, 2005, 191). As an alternative to a continuum model of services, having a clear boundary between services that support families and interventions that protect children would give parents and social workers a clearer idea about the possibilities and limitations of parental participation. It would also open up new possibilities for strengthening the idea of 'working in partnership' and shaping it towards citizen participation.

The ultimate power of state intervention, at the extreme end of the continuum, is the possibility of having children adopted, as decided by the courts, without the agreement of the parents. Social workers are urged to 'twin track', which means to explore the possibility of adoption before it has been established that re-unification with the parents is unsuccessful. These are decisions with which social workers and managers feel uncomfortable:

They are national policies, [...] in terms of parents' human rights as well, what we having to do is we are making these decisions very early before we have actually concluded that rehabilitation is unsuccessful, but when you go to

adoption panel, you have to tell parents, what you are doing, you say well we are trying to rehabilitate you child back home, but we want to go to panel, because if it doesn't work, then your child is going to either be adopted or long term fostered, and that feels very, very uncomfortable. And sometimes we haven't initiated care proceedings, so we are talking to parents who have agreed for the children to be section 20 accommodated. So there seemed to be a fundamental breach of human rights and it doesn't feel that comfortable in terms of practice, it is talking around those issues, with parents, you know with an either or situation. (BS1)

The tension around parents' rights was apparent during the interviews and while most social workers were very clear about the priorities given to children's interests (as defined by the social worker), they were uneasy about it. Individual participants suggested reducing this tension by offering parents information and increasing the relevance of social work intervention for them. One of the managers goes as far as seeing parents as individuals in their own right:

Well it is just to go back to the beginning really and this bit about you know parents being individuals in their own right, not just parents, you know but having needs of their own, which if you, if you ignore and only concentrate on the parenting bits, you are in danger of again of missing something or getting people to a route that they can't sustain. (BM4)

BM4 was the only interviewee who raised this issue. Others suggested elements of good practice to enable parents to be involved, like treating them respectfully and keeping parents informed.

The conception of the franchisee parent is rooted in child-centred social work. From that perspective, parents are seen in their role as providers of adequate care for their children. This role of providing a stable and loving home is not exclusive to parents, but can be provided by any suitable carer. Social workers can use the full range of social work interventions, ranging from family support services to child protection to foster care, as tools to support parents in this role. Parents are advised to engage with the professionals and comply with the intervention to prevent escalation into higher-level-need services. The overall objective of this conception of citizenship is to offer children a safe and loving place where they can grow up to be responsible and law-abiding citizens.

While usually not considered as individuals in their own right, parents are nevertheless, seen as having an important part to play in the child protection process, as most children will continue to live with their parents. Social work intervention is, therefore, often targeted towards parents, and social workers have regular contact with them. This relationship is often referred to as ‘working in partnership with parents’. The following section looks at how ‘partnership working’ is understood in policy and social work practice and the opportunities that the concept offers for parental participation.

### Partner Parent

Earlier in this chapter it was stated that the term ‘working in partnership with parents’ was first introduced in the guidance concerning the implementation of the Children Act (1989), as the central principle for family support services. Even though the term ‘partnership’ itself is not used in the Children Act (1989), the principles underpinning the Act are seen as embodying partnership-based practice (DoH, 1991, 2, 2000, 5). The

same terminology is used in relation to child protection, and the government guidance ‘Working Together to Safeguard Children’ (1999) sets out fifteen principles for working in partnership with families:

1. Treat all family members as you would wish to be treated, with dignity and respect.
2. Ensure that family members know that the child’s safety and welfare must be given first priority, but that each of them has a right to a courteous, caring and professionally competent service.
3. Take care not to infringe privacy any more than is necessary to safeguard the welfare of the child.
4. Be clear with yourself and with family members about your power to intervene, and the purpose of your professional involvement at each stage.
5. Be aware of the effects on family members of the power you have as a professional, and the impact and implications of what you say and do.
6. Respect the confidentiality of family members and your observations about them, unless they give permission for information to be passed to others or it is essential to do so to protect the child.
7. Listen to the concerns of children and their families, and take care to learn about their understanding, fears and wishes before arriving at your own explanations and plans.
8. Learn about and consider children within their family relationships and communities, including their cultural and religious contexts, and their place within their own families.
9. Consider the strengths and potential of family members, as well as their weaknesses, problems and limitations.

10. Ensure children, families and other carers know their responsibilities and rights, including any right to services, and their right to refuse services, and any consequences of doing so.
11. Use plain, jargon-free language appropriate to the age and culture of each person. Explain unavoidable technical and professional terms.
12. Be open and honest about your concerns and responsibilities, plans and limitations, without being defensive.
13. Allow children and families time to take in and understand concerns and processes. A balance needs to be found between appropriate speed and the needs of people who may need extra time in which to communicate.
14. Take care to distinguish between personal feelings, values, prejudices and beliefs, and professional roles and responsibilities, and ensure that you have good supervision to check that you are doing so.
15. If a mistake or misinterpretation has been made, or you are unable to keep to an agreement, provide an explanation. Always acknowledge any distress experienced by adults and children and do all you can to keep it to a minimum. (DoH, 1999, 76)

These fifteen principles describe the professional position social workers should adopt when working with families. On the face of it this position is based on respect, clarity and consideration for the family's situation when using services. On closer inspection the principles can be divided into two categories. The principles in the first category (1, 3, 6, 8, 10, 11 and 14) safeguard social workers against accusations of professional misconduct and minimise complaints. The principles in the second category (2, 4, 5, 9, 12, 13) emphasise the need for the careful exercise of statutory powers in the context of child protection. Principle seven is the nearest to partnership as manifested in practice.

It acknowledges the family's position but leaves the power to define the problem and what intervention is necessary with the social worker. These fifteen principles demonstrate that the understanding of partnership in this policy area differs from the common understanding of partnership as 'a contractual agreement among equals' (Smith, 2005, 81). In fact, the concept of partnership adopted in these policy documents tends to confirm and reinforce the existing power relationship between social workers and parents; these fifteen principles could almost be read as advice offered to social workers in order to minimise resistance from parents:

Partnership does not mean always agreeing with parents or other adult family members, or always seeking a way forward which is acceptable to them. The aim of child protection processes is to ensure the safety and welfare of a child, and the child's interests should always be paramount. Some parents may feel hurt and angry and refuse to co-operate with professionals. Not all parents will be able to safeguard their children, even with help and support. Especially in child sexual abuse cases, some may be vulnerable to manipulation by a perpetrator of abuse. A minority of parents are actively dangerous to their children, other family members, or professionals, and are unwilling and/or unable to change. Always maintain a clear focus on the child's safety and what is best for the child. (DoH, 1999, 75-76)

This limited understanding of partnership is often seen as consistent with the statutory role children's services have:

Int: You said, 'working in partnership with parents', could you explain what that means?

BM1: I suppose I mean, essentially it is about co-operation, but ... really, we mostly work with children that are on the child protection register, so sometimes it doesn't feel, although we say the words like co-operation or working in partnership then we have got as a local authority a very specific brief, and a format that we have to follow, and sometimes it doesn't fit that comfortably. So that's the hurdle we have to get over, and I think it is about the skill of the individual workers in trying to work with parents, and saying "Look I know that you don't want social services involved in your life, but that there is a plan, we feel that your children is being harmed and is at risk, and there is a plan that we need to work together with you, and the quicker that plan gets progressed than the quicker the child gets off the register". I think it is being open and honest with parents as well. [...] Yes it goes back to the spirit of working in partnership with parents and I think we need to be tightening up really, and being much better at the use of written agreements (BM1)

'Being open and honest' was a phrase used frequently by social workers to characterise their relationship with parents. It is understood as '[s]ervices that treat people respectfully, are clear about choices that can be offered and have decision-making processes in which outcomes are transparently made and reported' (Policy Commission on Public Services, 2004, 40).

Indeed, the power relationship between social workers and parents works against the quality of the relationship emphasised by the social worker above (BM1), which is much more based on the understanding of partnership as an agreement amongst equals to which this social worker refers:

We do have the values and principles of working in partnership with parents, that we work to, it is the kind of stuff that I covered about being open, honest, valuing and respecting, respecting your individuality, motivating and empowering them. (BS2)

Social workers not only have an advantage with regard to knowledge, including legal knowledge, but the potential to remove a child also represents the ultimate power of children and families social services. Lapierre's study (2008) of women who have experienced domestic violence found that this power makes it hard, if not impossible, for parents to make alternative suggestions or to disagree with social workers' suggestions: 'So in a way they were saying to me 'do as you're told or we'll take your kids away'' (Angela, woman/mother); '... but I couldn't answer her back because she had my kids basically, she had control over my children' (Sharon, woman/mother) (quoted in Lapierre and Bain, 2008, 87).

Notwithstanding the power relationship intrinsic to statutory social work, social workers, as well as managers said they aimed for empowerment of service users. Empowerment entered the language of social work from the 1990s onwards (White, 2006, 23). In the academic literature it is used with a variety of meanings. In the interviews one manager defined it as follows:

That empowerment comes through sharing knowledge, putting people at their ease, making them feel comfortable, and feeling as though they have got some sort of say in what is going along (BM3)

In this way empowerment is understood as service user involvement in the social work process. In her research with women social workers White (2006) found that the women social workers used the word 'empowerment' to describe their approach to working with service users:

[T]here was a strong support for 'empowerment' from the women social workers, used in a loose way to refer to encouraging service users' participation in social work. [...] Although seen as an expression of empowerment, partnership was regarded as problematic. Perhaps the explicit expectations and anticipated outcomes of the latter led women social workers away from abstract principle and back into the dilemmas and constraints of state social work (White, 2006, 109)

In a similar vein, practice identified in this research often lagged behind the professional benchmark of empowerment for reasons previously described. Being a social worker in children's services is not an easy task. It has been well-documented that social workers are overloaded and that there is little stability in teams (Laming, 2003, Garrett, 2003). In response to the shortage of social workers the government started a recruitment campaign in 2001 (see the poster at the beginning of the chapter) to seek to recruit 5000 extra social workers. In addition to this, social workers were recruited from abroad. As well as the organisational challenges of high workload and staff turnover the decisions about services are difficult ones:

Support is complex to assess, to get right and to deliver, especially for parenting, because of the balance between the neglect of family problems and intrusion into family life, not to mention ideas of what satisfactory parenting is, how and when this needs support and who should decide that. (Quinton, 2004, 79)

In contrast, service users have clear expectations of social workers and how they want their relationship with them to be. Service users want to be:

- respected
- listened to
- provided with accessible information
- in control of their lives and able to solve problems independently, if possible
- experts about their own families' needs
- part of the team around the child (Croft and Beresford, 2002, 390; Policy Commission on Public Services, 2004, 58; Quinton, 2004, 191)

The expectations of service users show that they value the interpersonal skills of social workers. It has been argued that with the introduction of the modernisation agenda and the shift towards a consumerist perspective, these skills, which were traditionally associated with social work, are seen as less relevant (Harris, 1999a, 104). However, these skills have been endorsed in some quarters as having continuing resonance for consumerist public services:

Professionals must be technically competent, but this by itself is no longer enough. We need professionals who are responsive to the needs of consumers as individuals and who develop relationships built on respect for opening up choices. This requires professionals to develop 'soft' skills such as listening and empathy together with the attitudinal attributes that allow them to co-manage care with their clients. (Policy Commission on Public Services, 2004, 58)

One of the managers in Midcity saw these ‘soft’ professional social work skills as the gateway to transforming the power relationship described above into an empowering one:

Some of the best results and some of the very good workers, are the ones who have a very soft approach if you like, they are very clear, but at the same time, they are not harsh. Yes you need to be clear but you also need to be quite gentle in the way that you interact with people, and I think that going wrong quite often leads to people being unhappy, about the way social services dealing with them.  
(BM3)

BM3 sees ‘soft’ skills as the key to reducing the power imbalance. While social workers have a certain leeway in framing their relationship with the service user (the social worker’s chosen approach obviously impacts on the social worker – service user relationship), this is not sufficient to overcome the structural power imbalance described above. The following section explores how parental participation operates within this more limited understanding of partnership.

#### *Parental Participation within the Identified Limits of Partnership*

Participation as an objective for social services was endorsed in the white paper ‘Modernising Social Services’ (DoH, 1998):

This objective puts children and families as equal stakeholders in the planning and effective delivery of services that are there to support them and improve their wellbeing. Many children, young people and their families are reluctant or unwilling participants in services which can so easily be regarded as necessary because of some sort of failing. The Government drive to promote greater

participation aims to find ways of overcoming these perceptions so users feel better about their use of services and the quality of the services they receive.

(DoH, 2001, 81)

This section considers parental participation as it currently operates in three settings. First, the child protection conference procedures are evaluated. Secondly, Family Group Conferencing as a form of parental participation that has only recently been introduced in Midcity will be presented. The third form is service user consultation, which is mainly used as part of service inspection.

#### Child Protection Conference

In their preparation of the conference report, the social workers needed to establish the wishes and feelings of parents and children (DoH, 1991, 22, Midcity Children Services Procedures Manual). This included ‘taking on board what their requests are, obviously within reason’ (BS2) but does not necessarily impact on the decisions of the social worker:

Will talk to the parents and I don't know what their perspective would be on this, but obviously it will be a case conference convened; [a] child protection enquiry, because you know there is no two ways about it, this family there is child protection concerns, on this, and parents will be involved throughout. (BS3)

Service users should receive the social worker's report before the conference. A child protection process audit in Midcity of service user participation found that just over half of the families only had access to the social worker's report on the day of the conference. Reports that are only available on the conference day do not give parents enough time to consider the content and to prepare their response (CSCI, 2005a, 38-39).

Parents in Midcity said they would find it helpful to see the social worker's and health visitor's reports earlier.

With the invitation to the conference, parents should be informed that they can bring an advocate, friend or other supporter (DoH, 1999, 53). Only half of the participants in Midcity's audit were aware of this possibility. On a more positive note all felt listened to and knew what the preconditions for deregistration were. This is not the case in all local authorities (SSI and DoH, 2002a, 25; CSCI on behalf of the joint Inspectorate Steering Group, 2005, 22).

Managers expect social workers to ensure parents are appropriately prepared for the child protection conference:

Well I mean obviously part of the expectations of a social worker's role is to make sure that parents are prepared to go to those meetings, sort of physically prepared, in terms of this is what to expect, and this is what to, you know where you sit and what you will be asked to do, and also in terms of making sure that the parents have got all the information that they are going to hear about themselves at that conference so they are not sitting there hearing any thing that is a surprise to them or that they are not aware about, the other important people are the reviewing officers, who also have a role in making sure that the parents are you know prepared and supported in the case conference bit, um there are they can be supported by an advocate, or a friend or a relative if they wish to be, and we do have a complaints system, if they are not happy with the way they have been dealt with, I mean there are appeals procedures in terms of registrations and things, but we do have a separate children complaints officer,

where there are families who feel they have not been dealt a very good deal, um but in terms of we are very good on advocacy support for children and young people, but I think we are less good on actually telling parents that they might want to find a advocacy role I think we probably do say if you want to bring a friend and or a relative, or your solicitor then that is fine, but I think in terms of actual advocacy for parents we probably could do more than we do.(BM4)

Even with all the available information from and preparation by the social worker it is questionable whether this is enough to enable parental participation:

We seem to be more and more working with adults that don't really have an effective say in the process. I suppose they will be invited to case conference, they will have a lawyer in court but essentially no matter how many leaflets we give them or how much guidance we give them they are still in a pretty poor situation to represent themselves. (BS11)

The use of advocates as offered, for example, through the Family Rights Group, might bridge this gap. In addition some local authorities have started to make use of family group conferences.

### Family Group Conferences

Family Group Conferences (FGC) offer families a forum to consider the social worker's concerns and find a solution as a family (Platt, 19.05.2005). Midcity is using Family Group Conferences in cases where children are in need but not at risk of significant harm.

FGCs are a process through which family members, including those in the wider family, are enabled to meet together to find solutions to difficulties which they and a child or young person in their family are facing. FGCs are not just a one-off meeting. They are an approach to planning and decision-making which uses the skills and experience of the wider family, as well as professionals. The definition of who is in a family should come from the family itself. It includes parents and extended family, as well as friends, neighbours and community members if they are considered part of the child's 'family'. (DoH, 1999, 78, DoH, 2000, 58)

FGCs do not replace child protection conferences. Inspections found that family meetings and FGCs are widely used, but only two councils inspected had well established FGC services (SSI and DoH, 2002a, 19). FGCs had been launched in Midcity shortly before the research was conducted. None of the participants referred to FGCs in the interviews.

The core of the FGC is the conference itself, complemented by the preparation beforehand and monitoring afterwards. In response to a referral, an independent co-ordinator is appointed. Together with the family s/he identifies who should attend the

meeting and prepares the participants for it. The co-ordinator also ensures that advocates are available for members of the family who need them and contacts the professionals who will attend.

The FGC itself is then split into three parts. First, professionals and the family meet to receive and exchange information about the strengths of the family, their concerns, their legal mandate and the resources available. This part is chaired by the co-ordinator. After this initial section the family is left on their own to come up with a plan about how to meet the needs of the child/ren, develop a contingency plan and agree how they will review and monitor that plan. During this time the co-ordinator is available for questions from the family but does not participate in the meeting. Once the family has agreed a plan, the professionals and co-ordinator re-join the meeting to hear the plan and agree it.

FGC offers families a forum to find a solution to concerns about their children to which they hopefully can relate and implement more easily than professionally prescribed solutions. This potentially offers the possibility of more meaningful parental participation. The crux of the matter lies in the third step; there is no guarantee that the professionals will authorise the plan. While families should be informed at the beginning of the meeting about available resources, the plan can still be rejected on the basis of inadequate resources or because of being considered unsuitable by the social worker. While this should only be the case if the plan would put the child/ren at risk of significant harm it brings the focus back to the power relationship discussed earlier.

### Consultation

In the area of service planning and inspection, service users are increasingly consulted. Service users' views were first included in inspections in 1992 (SSI and DoH, 2004, 21). At local level, only a small minority of local authorities systematically use service user feedback in the planning, delivery and evaluation of services (DoH and SSI, 2002, 27; SSI and DoH, 2002a, 56). Even in areas where this happens, there is 'little evidence to suggest that these improvements have delivered changes in the development and delivery of services' (CSCI, 2005d, 28). The CSCI has stated that real participation is needed in order for service users' views to impact on council services (CSCI, 2005d, 16).

Service user consultation was conducted in Midcity as part of the re-organisation following the CA2004 and is a good example of consultation not impacting on services:

Now we had a survey, a national survey that Midcity, well you don't have any choice, you do it, young people in need not in care, and what they thought of the services that they got. The overwhelming response from that was what kids didn't want was constant changes of social workers it was the one thing, that stood out from everything else, so you start to look at the way you are going to develop your services, and I think, OK if kids are saying they don't want changes of social workers then we don't want to develop a system that actually builds in a change of social worker, because those changes happen too often as it is, from natural wastage, and people moving on, but the great and the good, have decided that we will have a separate looked after system which means that at some stage in the child's career, if they become looked after, at that crucial point where their life is changing you are actually going to be living somewhere, you

will have a new social worker, and then at that other crucial point where you have decided you are not going home any more, and you are going to be adopted, you move on to the permanency team, it doesn't sit easy with me when you know that's not what children and young people want. But that is certainly going to be part of the new system, we will have a city wide specialist team, for children 'looked after'. (BM4)

As has been shown in this section, partnership, as understood in policy and practice, has lagged well behind the definition of families as 'equal stakeholders'. It has a rather more passive status. Rather, the rhetoric of partnership is often used to minimise parents' resistance towards social work intervention:

They would not, not be involved, and they will know how the information is being recorded and how it is going to be used, and they would also know what my role is very clearly, what I do, how I do it and what I do it for, and what the purpose is, the purpose is to make sure that the family stay together. And the kids are happy and they are protected and they are safeguarded. And the parents are given the support that they need to parent. (BS2)

Parents are seen as an essential part of children's lives and therefore as integral to social work intervention. In order for social work intervention to be successful, parents have to engage and cooperate with social workers' assessments and the services provided.

Procedural rights have been introduced. These include a minimum level of parental involvement, such as making wishes and feelings known, being informed of decisions and invited to meetings. More recently councils have adopted new ways to facilitate participation, like the use of advocates or family group conferences. Within regulated

practice there are opportunities for parental participation that will have to be actively facilitated by social workers:

I said to you before that regardless of what is happening in a family if you go in with the right approach, [...] you can work to make some small changes within that. If they feel that they have some choices and some voice and some participation in that; it is about feeling in control of the situation and doing something with you as opposed to doing something to you, then I think that is really helpful. (BS7)

Despite its already limited understanding of ‘partnership with parents’, Midcity has a special policy on working with resistant parents, which offers guidance to social workers on working with parents who do not ‘make the necessary changes’ (BS9); i.e., the ‘non-compliant failing parent’.

#### The Non-compliant Failing Parent

The purpose of Midcity’s ‘Guidance on Working with Resistant and Non-Compliant Families’ is ‘to assist with those situations where families are unable or unwilling to engage in partnership with workers to effectively promote and safeguard the welfare of children’. This is in line with government guidance:

There will be situations where family members do not wish to work co-operatively with statutory agencies. This may be for a variety of reasons; they are too afraid or they believe they or their child have no problem or they are generally hostile to public welfare agencies. They may be resistant because of the nature of their own difficulties, such as psychiatric illness or problems of alcohol and drug misuse, or because of allegations being made against them.

Whatever the reasons for their resistance, the door to co-operation should be kept

open. At the very least, family members should be informed of what is happening and how they could participate more fully. [...] The desirability of working with family members, however, must not override the importance of ensuring that children are safe. (DoH, 2000, 40)

Social workers are asked to ensure that the reason for resistance and/or non-compliance is not based on the inter-personal relationship between themselves and the parent. If this were the case, it can be resolved with a change of social worker (DoH, 1999, BM1 and BM2).

The main strategy to counter resistance is to increase control on families. This can be through tight child protection plans, working agreements or by moving along the continuum of services (see above) from family support, to child protection, to care proceedings as necessary.

To support them on child in need basis, but if there is evidence that they are not willing to work with you then you would have to go the child protection route. (BS8)

They will need to be involved in looking at how we are working with them and to be quite clear that you know they need to work with us otherwise if the situation doesn't change it could mean the children being removed. (BS1)

Extended control is not limited to cases where children are at risk of significant harm and in need of protection. In cases where parents are not willing to co-operate in the assessment of their child/ren, the court can issue a child assessment order (DoH, 1999, 49).

As a further measure of extended control and forced compliance of parents, the government has introduced parenting orders:

These measures were devised to support those local authorities working with parents who were consistently undermining their children's life chances to ensure support was given to improve parenting skills. These measures enable compulsory support to be given in necessary circumstances, without families being drawn into the criminal justice system. (DfES, 2006, 7-8)

Parenting orders offer a programme of activity to support parents; they define their rights and responsibilities. For example a parenting order can make clear to parents their responsibility to ensure that their child attends school, that the child takes part in literacy or numeracy clubs, or that they attend programmes dealing with problems as varied as anger management, or drug or alcohol misuse.

Parenting orders can also stop children visiting areas such as shopping centres, ensure a child is at home being supervised at night where that is necessary.

Parents themselves can be forced by the order to accept support and advice on how to bring discipline and rules to their child's life. An order can for example ensure that parents face up to problems such as not attending school meetings where their kid has been misbehaving at school, or being unable to control their children in the home.

These requirements can be in place for a 12 month period which ensures that lessons are learnt and behaviour is changed for good. Parenting orders are also a court order and therefore they have to be taken seriously by those who are subject to them, and while most parents on these orders can resent them initially,

I think often they grow to value the support they receive, and the vast majority indeed do comply with the order. (Blair, 2.9.2005)

The main purpose of parenting orders is to mould parental behaviour and that of children into that which is socially acceptable. Using the metaphor of the franchise, as developed above, parenting orders can be seen as the last step before losing the franchise, i.e. the care of one's children. The prescription of parenting classes (HM Treasury and DfES, 2005, 28) and other support services as part of parenting orders is in stark contrast to the unavailability of similar services on a voluntary basis (see above). Even though the DfES states that: 'Programmes using compulsion should not be regarded as separate from 'supportive' measures – their aim, like voluntary interventions, is to offer support, advice and guidance to parents who need it. They should be regarded as part of the continuum of support' (DfES, 2006, 17).

Resistant parents are considered to be failing on several counts:

- with regard to their children, in depriving them of life chances (DfES, 2006, 7-8)
- with regard to themselves, as not being able to solve their problems (Blair, 2.9.2005)
- with regard to society as a whole, by threatening the stability of communities through their or their children's inappropriate behaviour. (Blair, 2.9.2005)

Failing also has another dimension inherent to social work practice:

Whereas now it almost feels a bit more regimented, and a bit more controlled, and sometimes if you have got a timescale, from twin tracking, to final hearing,

it is sad when the families don't quite meet the timescale, do you know what I mean, because of the bureaucracy of what we do, kinds of controls what happens to the families, whereas they are not more of a kind of organic tailor made. I can see why we need it I can see definitely see why we need the bureaucracy and we need the timescales, because otherwise we could go on for ever, with some families, but it is a shame. (BS2)

I think there is a proportion of families where we actually set them up to fail, in that we make these recommendations about going and getting this assistance from other agencies, such as 'Family Centre', and because of their level of motivation and their self esteem, they either don't want to be part of a group or they just don't want to go down to this organisation, um so what we have tried to look at is changing the approach and rather than setting them up to fail is actually looking at offering outreach support. (BM1)

The non-compliant failing parent might also be failing because of his/her life history, which is included in an assessment:

Perhaps they were not good parents 4 or 5 years ago or few months ago, because they were not giving boundaries for the children, and not engaging with agencies this history has a consequence of their present day life, which I think professional use it unfairly with parents, and I think that with all due respect they should be training more professionals to deal with clients and parents with an open mind. (BS4)

The already tight control on parents is even tighter for the non-compliant failing parent. In its deconstruction, several characteristics of children and families social services that have been identified previously become apparent. The parent's own needs, limitations and life history are mentioned as a possible reason for non-compliance, but no support is offered. Instead parents are expected to have enough of their own resources to 'pull themselves together' and look after their children properly:

You really try and jolly people along, and get them motivated and everything, but sometimes people just can't do it, because they have such a wealth of problems they just can't pick themselves up and start making changes, which is very depressing, cos I do like a bit of positive change, but it is not that easy really. (BS6)

So far the analysis of policy and practice has shown no room for 'exit' from social work intervention once the family is known to social services, unless the social worker considers an intervention to be unnecessary:

The lady came out and she said that there is nothing she can do for me, there was nothing she can do for the kids, because I wasn't threatening my kids, I wasn't beating my kids; my kids are normal kids, they've got nothing to worry about. [...] They expect that a woman who's gone through domestic violence, she's gonna be aggressive towards her kids, she's insane... That's the only way they're gonna help you; if you end up beating your child, threatening your kids, that's the only way they're gonna help you. But apart from that, they're not helping you (Lorraine, woman/mother) (quoted in Lapierre and Bain, 2008, 85)

The discussion of non-compliance and resistance, especially around assessment, does not account for the possibility that the family does not need social work intervention, e.g., because the referral cannot be substantiated.

Non-compliant failing parents are those who are seen as not willing to work with the social worker in the interests of the children and thereby are seen as failing in his/her duty to care adequately for the children. The objective is to mould parents and/or child/ren's behaviour to conform with social norms and to ensure that parents accept their duty towards the upbringing of their children. This is to be achieved by enhancing the control over parents to force their compliance. Parents' only form of participation is to comply with social work intervention and/or court orders.

The next section highlights two different aspects of the social worker-parent relationship: first the use of the terms 'mum' and 'dad' and secondly the gendered perception of motherhood and fatherhood.

#### Personalised-depersonalised Parent

In the interviews the social workers said that they see service users mainly as 'parent', 'father' or 'mother'. The previous conceptions of citizenship have already pointed towards this understanding. During the interviews it became clear very quickly that social workers in fact talk about 'mum' and 'dad' to afford familiarity to the parents:

I mean for some it is about getting the changes, and getting the relationships and those are the terms that the families relate to, they are used to being called mum, and dad and parent, that's familiar terms for them, they understand relationships

that makes sense. If I started to call them citizens, client or service user, there is barriers attached to that. (BS2)

I think first and foremost you see them as children's parents, you know their Mum, their Dad, I suppose secondly you see them as a citizen, you see them as individual people (BS10)

The terminology of 'mum' and 'dad' both personalises and depersonalises parents. 'Mum' and 'dad' are very intimate forms of address, which are usually reserved for use by one's own children. They seem very inappropriate for a service user – professional relationship. At the same time, they are very impersonal forms of address, as they do not acknowledge the parent as an individual in his/her own right, but once again see him/her in his/her role as carer for the child.

Going against the perceptions of his colleagues, one social worker rejects the terminology of 'parent', 'mother' and 'father', because:

you seem to have been submerged in the family dynamics which on top of the family you are a professional coming to assist the family so I think if you stop using the words Father and Mother it would give a clear cut information that you are an outside agent coming with information to help the family. (BS4)

Attached to the use of 'mum' and 'dad', a gendered understanding of parenting could be found in the interviews. Until recently the concept of 'the public' in policy documents has been ungendered and unracialised (Pollitt, 1990, 140; Newman, 2002, 88). The same is true for the literature around NPM and the consumer-citizen. This research

study can be accused of uncritically adopting the position prevalent in policy. The research was designed to be intentionally gender neutral – with the children in the vignette living with both parents, and without giving any further details about the parents so that they could not be stereotyped. Despite this ungendered set-up of the research project, gender was a dominant feature in the responses to the vignette by the English social workers and managers. While all were very aware of, and reflected upon, gender stereotypes during the second part of the research, when asked to give their response to the vignette, the mother was automatically the first port of call and was most likely to have the reason for the referral attached to her:

Again you would be looking at things like has mother got postnatal depression is that something that is significant. [...] She has got a young child she might have done it because of her state of mind. I would be looking at to help the family rather than rushing for child protection. And I would speak to her how she is feeling, how herself is and look to like I said speak to her about are there any significant problems, is it domestic violence in the family. You would not be saying that but talk it through with her. And I would be looking at maybe speak to her on her own and maybe speaking to them as a couple. (BS3)

I would want to set up a meeting around the parents needs, so for instance, if you are going to set up a meeting you set up a meeting where you know the parents can attend, so you, I would get my diary out and say well we gonna have a meeting can you do it, she may want to go to lunch, may want to go and see the dentist, maybe pregnant, you have to know all this so you can set a time around it needs to be suitable. (BS4)

So it might be just a case she hasn't got the support that she needs to manage the children. (BS2)

This conception of 'mother' has also led the development of policies: 'Mothers struggling to cope with the pressures of family life have been the inspiration for our new policies on public health' (Reid, 13.11.2004).

In establishing the likely cause for the referral from the information in the vignette, the mother is seen as being at home, responsible for the domestic side of family life:

But again it is about understanding how the mother is feeling are there any issues, are there any mental health issues, can she achieve this task? You know it might be as simple that she needs a washing machine. But that is my assessment. This woman needs a washing machine, there are clothes everywhere, they are dirty, she is feeling down. She just needs a washing machine. Give her a washing machine and everything could be fine. It is as simple as that. You know and it is things like she might not be able to cope, you know that she can not cope, her husband is on to work extra, they have an extra child in there, he is working nights you know and she is at that stage she might just need to see the doctor to get some sort of anti-depressants. (BS3)

The father's role is split in two: either he is working and therefore not aware of the problems at home or he is violent and therefore the reason for the problem. With regard to domestic violence, it is seen to be the mother's responsibility to safeguard the children, again without necessarily offering her support:

And a lot of incidences still are around domestic violence particularly where you have got the mother who is the victim, a lot of the repeat registrations and the

repeat conferences. Kids come back on to the register or back to the office for work, a lot of that is around domestic violence and very often, there is hardly an argument to be had because the mother is worked with to say, are you able to protect yourself and hence protect your child from this guy, and if clearly that relationship is more important or more forceful, or for whatever reason, that the relationship that they can't break as opposed to that one with their child. (BM4)

And that's less true altogether now, and I suppose the other thing, that on behalf of parents I feel is very difficult is all this domestic violence that gets sort of, the solution is almost down to the mother, but really the solution is much more related to the man, and assuming that if it is the man who is the perpetrator, and the female is the victim, you know I am talking as if it is always, I mean I recognise that it is not, but it is just a large number of our cases that it is. And the resources to work with somebody on anger management; well you try and find them.(BM2)

The Children Act Report (2000) confirms that most family support services focus on mothers. 'Ordinary' fathers are often deterred by the services offered and the 'feminist' atmosphere in family centres. Services tailored to fathers in specific circumstances e.g. lone parents have been accepted (DoH, 2001, 50).

More recently policy documents are acknowledging the contributions mothers and fathers make towards the upbringing of their children. Specifically, the role of the father and the positive contributions he can make are highlighted:

Mothers and fathers both have important, positive contributions to make.

Fathers' affection, support and parenting style are strongly related to positive outcomes for children. (HM Treasury and DfES, 2005, 7)

The parenting tasks undertaken by fathers or father figures should be addressed alongside those of mothers or mother figures. [...] A distinction has to be clearly made between the contribution of each parent or caregiver to a child's wellbeing and development. Where a child has suffered significant harm, it is particularly important to distinguish between the capabilities of the abusing parent and the potentially protective parent. (DoH, 2000, 20,22)

However, children and families social services policy draws largely on a gender-neutral terminology, which is well illustrated by its use of terms such as 'parents', 'parental responsibility' and 'partnership with parents'. It can be argued that a gender-neutral approach is necessary in policy documents and that this approach even constitutes a step forward towards greater gender equality between women (as mothers) and men (as fathers). However, this looks more like the 'rhetoric of equal treatment' – the idea that both men and women should be involved (Scourfield, 2003).

In fact, the main problem with this gender-neutral approach is that it obscures the existing gender issues in children and families social services, including the gendered nature of parenting and the gender bias entrenched within it. As noted earlier, issues related to gender emerged strongly in the English data and were consistent with perspectives and findings in the existing literature. Indeed, despite relatively recent changes in men's involvement in the family (Featherstone, 1997; Williams, 1998),

women are still much more involved in the day-to-day care of children and they are often perceived as ‘naturally’ suited to this type of work (Smart, 1996). The gendered nature of parenting and the different social expectations with regard to mothers and fathers influence the ways in which problems are defined in children and families social services. The work of Turney (2000) on the feminisation of child neglect provides an interesting example of how the social expectations placed upon women with regard to their mothering result in the problem of child neglect being overwhelmingly defined as a failure on the part of women/mothers to care properly for or to protect their children (see also Turney, 2005). This is part of what Farmer and Owen (1995; 1998) have defined as the gender bias in child protection. In their influential study, Farmer and Owen (1998) demonstrated how gender impacts at each stage of the child protection process and showed that mothers are under-represented in relation to offers of services and over-included with regard to agencies’ efforts to control them. The implications of this gender bias are particularly important when looking at situations where men are the primary or sole perpetrators of violence, as in cases of child sexual abuse (Hooper, 1992) and domestic violence (Mullender, 1996; Humphreys, 1999).

These observations are consistent with the work of Featherstone (1999) on mothering and child protection, where she identifies two tendencies within the social work literature with regard to how mothering is considered. The first tendency is to explore women/mothers solely in terms of how their actions impact on their children’s development and protection – women/mothers are rarely considered in their own right. The second tendency is to see mothers, if not on the same side as their children, as potentially on the same side as their children, given the right support. As a result, women/mothers are rarely considered in their own right and there is little attention paid

to their needs, which might sometimes differ from those of their children. This was also observed in Scourfield's ethnographic study (Scourfield, 2003), where he demonstrated that child protection workers do not perceive the work with women and men, for its own sake, as part of their task.

Whilst women are generally perceived as being primarily responsible for their children's safety and protection, child and family social workers often fail to take fully into account women's views on what their children's needs are. One implication of this is that women may judge that their children do need help or support, but that they are not able to access the relevant services; as has been pointed out previously, there is no automatic duty on the part of local authorities to deliver services in situations where it is not judged to be necessary and prevention and support outside the child protection process are limited.

The conception of the personalised-depersonalised parent emphasises the role of parents as carers, as identified in earlier conceptions. Parents are addressed as 'mum' and 'dad' as those are the terms considered most familiar to them. Those terms are very personal and are intrusive into the private domain of the family. At the same time they depersonalise parents as individuals. Attached to this is a gendered view of parenting, which sees the mother as the main carer and the father either as the breadwinner or the perpetrator. Either way, services are tailored towards mothers as caring for and safeguarding their children.

This chapter has so far described social work practice in the context of the legislative framework, policy initiatives to 'modernise' children's services, organisational

procedures and managerial decision-making. Most importantly, it has developed five conceptions of citizenship that can be found in policy documents and in the interviews conducted. These conceptions have the status of discursive resources that social workers tap into.

## **Conclusion**

This chapter has analysed government policy, organisational guidance and data from interviews with managers and social workers with regard to conceptions of citizenship attributed to parents using children and families social services. Five different conceptions of citizenship were identified and these are summarised in Table 5.1. By relating these findings back to the political system and organisational structure three overarching themes that characterise the English context can be identified.

### Overarching themes

#### *Fluidity of Rights*

Children and families social services are based on children's rights and the protection of those rights. Services are focused predominantly on child protection. The focus on child protection and the limited availability of family support services were criticised in the interviews, but both are common practice. In this respect, services are resources-led rather than needs-led:

I find that quite frustrating that sort of decision are made because of budget constraints, and you think hang on why pay me to do all this assessment work and come up with what is essentially a good plan for the child and then say well 'sorry you can't have that', that is frustrating me immensely (BS9)

Families have no legal entitlements to the provision of services; the provision of services is dependent on the organisation's eligibility criteria and a needs assessment undertaken against those criteria by social workers. This theme of 'fluid rights' can be found in other areas of the English political system. The constitution is not a single written document and can be easily changed. The Human Rights Act (1998) does not override other legislation and laws are still valid even if they are incompatible with the Human Rights Act (1998). The idea of 'parental responsibility' is not limited to parents, nor do all parents automatically have parental responsibility. Rights and responsibilities are not exclusive to persons having parental responsibility but include those persons who actually care for children.

### *Conditionality*

It is not only services that are conditional on meeting the eligibility criteria. Conditionality is a key theme in the organisational arrangements in England. Local authorities receive their powers from central government. These powers are conditional on social services' meeting performance targets set by government. If the local authority is not performing well it loses its star-rating, and in the worst cases, social services are taken over by a better-performing agency. Therefore, directors', managers' and social workers' jobs are connected to meeting performance targets. Social workers' files, for example, regularly undergo a file audit.

The principle of conditionality is also applied to parents. Parents' right to bring up their children is conditional on their meeting the minimum standards of adequate parenting. Once in contact with social services they have to meet the requirements and conditions

set out in the Child in Need or Child Protection Plan and the monthly core group meetings can be seen as an audit of parents' progress.

### *Blurred Boundaries*

The English system is characterised by a lack of clear boundaries between different parts of state and society. In British democracy there is no complete separation of power between the executive, the legislature and the judiciary. In social services the distinction between voluntary and compulsory use of services is blurred and services are offered on a continuum. The family is generally not perceived as a unit. England has no tradition of family policy and the focus is on individuals, for example, the child, rather than the family unit. Therefore it is not surprising that parents are mainly seen as carers of their child/ren and the protection of families against state intervention is limited. Thus, the shift from children and families social services to Children's Trusts, as laid out in the Children Act (2004), reflects the reality of child-centred social work much better. The blurring of the public and private spheres is most apparent in the use of 'mum' and 'dad' to address parents. Despite these limitations, the Children Act (1989) places an emphasis on children growing up in their own family wherever possible. This is considered desirable for the children's sake to offer them 'normality'.

### Conceptions of Citizenship

One key element of social work practice is the process of assessing need. Assessments lead to professional judgements and are thus the main place where conceptions of citizenship are played out. Given the main principle of child-centeredness, it is not surprising that four of the five identified conceptions of parents as citizens see them in relation to their duty to care for their children. Following the themes of fluidity and lack

of boundaries identified above, the conceptions of citizenship should not to be seen as exclusive but as overlapping and connected. Table 5.1 summarises the key characteristics of the five conceptions. The conceptions that have been identified are related back to the three levels examined in the research: policy, organisation and social work practice.

**What conceptions of citizenship are being articulated with regard to service users in the ‘modernising’ social services policy reforms in contemporary Germany and England?**

The aim of this research has been to identify conceptions of citizenship in the context of modernisation, which has been identified in Chapter I as including use of the tools of New Public Management. NPM stresses the individual responsibility of citizens and their right to choose. This conception of citizenship has been named ‘the demanding-responsible consumer-citizen’. It is mainly promoted in national policy documents and in speeches by ministers. In children and families social services these modernisation initiatives are competing with national reform initiatives following inquiries into child deaths, which focus on safeguarding children mainly through the extension of control. Therefore, the government’s ‘clear and non-negotiable vision of revitalised and improved public services, designed around the needs of individuals, rooted in the values of the community, empowering people and offering choice’ (Platt, 19.05.2005) has had little impact on children’s services users to date.

<b>Name</b>	<b>Demanding-Responsible Consumer-Citizen</b>	<b>Franchisee Parent</b>	<b>Partner Parent</b>	<b>Non-compliant Failing Parent</b>	<b>Personalised - depersonalised Parent</b>
<b>Basic assumptions</b>	<ul style="list-style-type: none"> <li>- welfare benefits create dependency and prevent citizens fulfilling their potential</li> <li>- citizens expectations of public sector are shaped by experience of private sector</li> <li>- role of state as ‘enabler’; ‘help people to help themselves’</li> </ul>	<ul style="list-style-type: none"> <li>- parents as carers for their children</li> <li>- responsibility to provide adequate care for children</li> <li>- role of providing stable and loving home is not exclusive to parents, can be provided by any suitable carer</li> </ul>	<ul style="list-style-type: none"> <li>- parents are essential part of children’s life and therefore integral to social work intervention</li> <li>- parents have to engage and co-operate with social workers’ assessment and intervention</li> </ul>	<ul style="list-style-type: none"> <li>- parent not willing to work with social worker in interest of children</li> <li>- failing his/her duty to provide adequately for children</li> </ul>	<ul style="list-style-type: none"> <li>- addressing people in their role as parents in over-familiar terms</li> </ul>
<b>Tools</b>	<ul style="list-style-type: none"> <li>- cutbacks of services and benefits</li> <li>- eligibility criteria</li> <li>- individualised service instead of ‘one size fits all’</li> <li>- standardisation and inspection of services</li> <li>- procedural rights</li> </ul>	<ul style="list-style-type: none"> <li>- full range of social work intervention, ranging from family support services and child protection through to foster care and adoption</li> </ul>	<ul style="list-style-type: none"> <li>- procedural rights, such as being informed of decisions, assessments attending meetings</li> </ul>	<ul style="list-style-type: none"> <li>- enhance control to enforce compliance</li> </ul>	<ul style="list-style-type: none"> <li>- using ‘mum’ and ‘dad’ to address parents</li> <li>- using a gendered view on parenting in the assessment of referrals</li> </ul>
<b>Level of citizen participation</b>	<ul style="list-style-type: none"> <li>- complaints procedure</li> <li>- inclusion of service users’ views in performance review</li> </ul>	<ul style="list-style-type: none"> <li>- comply with intervention to prevent escalation into higher-level-need services</li> </ul>	<ul style="list-style-type: none"> <li>- make wishes and feelings known</li> <li>- complaints and appeal procedures</li> <li>- advocates and Family Group Conferences</li> <li>- consultation</li> </ul>	<ul style="list-style-type: none"> <li>- comply with social work intervention and/or court orders</li> </ul>	<ul style="list-style-type: none"> <li>- comply with social work intervention and/or court orders</li> </ul>
<b>Objective</b>	<ul style="list-style-type: none"> <li>- reduce benefit claimants</li> <li>- offer individualised support, choice of service provider</li> <li>- enhance citizens’ responsibility for their own lives</li> </ul>	<ul style="list-style-type: none"> <li>- offer children a safe and loving place where they can grow up to be responsible, law-abiding citizens</li> <li>- minimise child abuse and neglect</li> </ul>	<ul style="list-style-type: none"> <li>- rhetoric of partnership with parents is used to minimise resistance of parents towards social work intervention</li> </ul>	<ul style="list-style-type: none"> <li>- to mould parents’ and child’s behaviour into that which is socially acceptable</li> <li>- ensure that parents accept their duty towards bringing up their children</li> </ul>	<ul style="list-style-type: none"> <li>- clarity and familiarity in the relationship between social worker and parent</li> </ul>

Table 5.1: Summary of the citizenship typology for England

**How are these conceptions of citizenship with regard to service users being interpreted at the local organisational level in social services?**

Organisational priorities are closely linked to government guidance and targets. In children's services, parents are addressed first and foremost in their capacity as carers for their children. It has been argued that this is the equivalent of diminishing the role of parents to that of the 'franchisee parent', who is controlled by the franchise owner, in this case the state. In order to minimise resistance from parents the rhetoric of 'partnership with parents' is used. It has been argued that this is a misleading concept for at least three reasons. First, it can give parents a false sense of being equal partners, as the commonsense understanding of partnership would suggest. As shown above, this is not the understanding of partnership in policy or practice. The chances of extending the existing approach to encompass a potentially equal partnership are negligible because in the area of child protection the safety and well-being of the child (rightly) overrides the parents' interest. Secondly, the same 'partnership' terminology is used for inter-agency working. Both working together with parents and inter-agency working are covered in the same guidance (DoH, 1999). The Collins *Dictionary of Social Work* uses the latter as its definition of partnership (Pierson and Thomas, 2002, 336-337). In practice this terminology fails to differentiate between the two kinds of partnership working and this is also a feature of practice:

...an initial assessment, which would mean going out and seeing the family in their own home environment obtaining their permission to work together so that we can actually get a bigger picture about what is going on and speak to the variety of agencies that are involved. (BS7)

Thirdly, in service provision there is currently little distinction between family support, which parents use voluntarily, and child protection, which involves compulsory state intervention into family life. As a result of the blurring of boundaries between services, non-compliance can lead to stricter control of parents and a higher level of (unwanted) services. In particular, the ‘non-compliant failing parent’ is seen as resisting social work intervention and failing his/her children and, therefore, such a parent experiences the full force of social work intervention.

**How are service users represented by social workers and how do these representations relate to conceptions of citizenship?**

Parents are addressed by most social workers as ‘mum’ and ‘dad’. Social workers feel that these are the terms with which parents are familiar. This both personalises and at the same time depersonalises parents. On the one hand it is too personal for a professional – social worker relationship and on the other it does not acknowledge parents as individuals.

The conceptions of citizenship found on the practitioner level are strongly shaped by policy and organisational culture:

I think there is much more of a given in terms of the way front-line staff practise, there are you know through supervision through file audits, through our recording policy through our manual of procedures, there are fairly strict guidelines, in terms of the way front-line staff practise, and indeed I think managers, there are clear expectations, which they need to meet (BM4)

Social workers struggle with this culture and their professional ideal of practising using a person-centred approach:

We just seem to be now a sort of a sausage machine that churns out conference reports, looked after review minutes, court statements and the emphasis is all on control: we know best, we will either tell these parents and carers how they are going to do it or we take the children away from them, that is very much the sort of the tone. I mean there is all the talk now about working in partnership etc. you know and anti-oppressive practice but I think our agency is an extremely oppressive agency and I suppose I had my doubts in the past about wanting to be a service user myself but now I don't think anyone in this office would ever contemplate seeking help from social services in terms of child care issues. I think everyone would find another resources if they had problems with their own kids. You would never come to social services. Which is a sad situation really.

(BS11)

The social work ideal of working in a person-centred way was present in Germany as well as England and will be analysed more closely in the comparative chapter that follows. None of the conceptions of citizenship identified above could be allocated solely to specific levels level, as all influenced each other and blended together. What could be identified were different combinations of priorities and interests on the three levels of policy, organisation and social work practice

In the next chapter the country-specific results presented in Chapters IV and V are brought together and compared with regard to the conceptions of citizenship.

Chapters IV and V presented the research findings and explored the conceptions of citizenship in relation to Germany and England respectively. In this chapter the country-specific results are brought together and compared so that cross-national similarities and priorities can be identified. The comparison reveals differences that can be explained by relating them back to the political system and organisational structure of each country. The research study explored three levels: policy, organisation and social work practice. This chapter starts by exploring the implementation of NPM on all three levels in the two countries. It then moves on to unravel the understanding of family and parenthood in each country. The conceptions of citizenship are then summarised and compared. The chapter ends with a discussion of two themes central to the conceptualisation of parents as citizens: parental participation and the balance between prevention and protection.

### **New Public Management**

In 1999 the leaders of Germany and Britain committed to a joint direction for public services and welfare state reform using NPM tools of (see Chapter I). From this general commitment, both developed country-specific reform agendas. The British Labour government built on the reform programmes initiated by the Conservative governments in the 1980s. The German Federal government was comparatively late in adapting NPM, presenting the welfare state reform programme 'Agenda 2010' in 2003. NPM first entered the German context at the municipal level. At the beginning of the 1990s the KGSt developed the New Steering Model (NSM). An interesting aspect of the NSM in contrast to Britain is that, in Germany, the KGSt, a non-political local government advisory body, made recommendations for reform. Their recommendations are not

legally binding and, therefore, the NSM is not implemented universally. Municipalities choose how and when to implement NSM or elements of it.

These differences in the adoption of NPM are rooted in the differences in the structure of the German and British states.

### Structure of the state

Comparison of the state structures in Germany and England reveals various differences that are relevant for policy-making and implementation as well as for the citizen-state relationship.

Chapter IV demonstrated that the following three characteristics of the political system make radical and fast changes nearly impossible. First, the three political levels (*Bundesregierung*, *Landesregierung* and municipalities) are to a large extent independent of each other. This means that power is devolved to the lowest possible level. Secondly, on each political level a variety of parties and commissions are involved in decision making. Thirdly, the basic law stands above all other laws.

England on the other hand is governed by the central British government in Westminster. The political set up of the unitary state puts local government into a weak position. The House of Lords can suggest changes to legislation but cannot block it entirely. The British constitution is no single document and constitutional documents do not enjoy legal privilege and compared to the German basic law it is therefore easy to change elements of the constitution. These characteristics mean that policy documents are devised by the central government in Westminster. In elections the single majority

system is highly likely to produce a coalition government. This, as well as the weak position of local government makes fast and radical decisions and changes possible.

### Organisational structure

In the area of personal social services for children and young people in Germany the Child and Youth Services Act (*Kinder- und Jugendhilfegesetz*, KJHG) states that each county and municipality has to set up a *Jugendamt* (youth welfare office).

Municipalities are free to organise and structure the *Jugendamt* as they wish as long as they stay within the legal framework. Therefore different organisational models can be found across the country (Liebig, 2001). In Mittelstadt the *Jugendamt*-services are provided from four local offices. Each social worker is responsible for a patch in the area and deals with all cases within this area. In addition specialist services for fostering and adoption exist. Service quality and performance is managed on the organisational and/or municipal level. Social workers as well as managers are often involved in the development of local standards. In England children's services are the responsibility of LAs who provide services under government legislation, guidance and control. LAs have some freedoms in structuring social services. In Midcity social services for children and families are provided from four local offices with specialist services for fostering, adoption and children with disabilities. Within the local offices the intake team is the first point of contact for referrals. Once it has been established that intervention is needed, the case is transferred to the long-term team.

Differences on the organisational level stem from on the state structures described above and differences in legislation. Areas that are in the decision-making authority of the organisation, like the division into local offices, show similarities. In Germany the principle of *Kommunale Selbstverwaltung*, means that government input on the

organisational level is mainly in the form of legislation. The KJHG states that every municipality has to set up a *Jugendamt* and lays out the problem areas for which services should be provided. The translation of this general framework into organisational structure and practice happens on the organisational level. In England legislation is supplemented by guidance produced at the national government level. Guidance includes the Assessment Framework (DoH, 2000), Working Together (DoH, 1999) and the Laming recommendations (Laming, 2003). In some parts these are very specific. The Laming recommendations, for example, prescribe administrative procedures like case file documentation, 'out of office' email messages and the locking of employees' pigeon holes when they are on leave. The government, therefore, directly influences social work practice, almost to the point of micro-management. The government also sets annual performance targets that children's services are expected to meet. National auditing bodies regularly inspect LAs, summarise performance by means of star ratings (similar to hotels) and publish nationwide ranking tables. In summary the British central government is more closely involved in the structure and methods of everyday social work practice than the German government.

Despite these differences in the policy and organisational levels a good deal of similarity is found in social work practice.

### Social Work Practice

The research study found that social workers in Germany and England reflected on their experiences as social workers from ideal understandings of their role, which in both countries could not be achieved in everyday practice. Social workers saw their main role as offering service users help and support and initiating change through the interaction involved in the professional relationship. This common understanding of social work is

contrasted with a growing proportion of paperwork and bureaucratic procedures in both countries (see also above and Chapter IV and V).

Experienced social workers who have been working for social services departments or *Jugendamt* for a long time compare their current experiences unfavourably with the work they did in the past, as exemplified by the following two quotations:

And all of this, in my opinion, gets lost in this system of standardising and consulting on everything and if possible to pack it into some sort of forms. And sometimes I think: You do here what they ask you to do and what was your work previously, what is your understanding of social work you do in your free time, by being available for a conversation with people. (GS3 – my translation)

You feel you almost have to apologise for going out of the office to see people; the view seems to be you should be behind your desk looking at the computer screen or answering the telephone you know it is almost going out seeing people seems a bit of a luxury you know.[...] I suppose my practice hasn't changed all that much really but it the problem is sort of squeezing it in [...] I suppose I always had hopes that things might get back a bit more to where they were.

(BS11)

This professional ideal cannot be explained as being simply the product of nostalgia for a bygone era because a strikingly similar professional ideal was found in the interviews with newly or recently qualified social workers:

I went into social work because I just think that the skills that I have are best served in social work, I do find people really, really interesting, and I am quite

nosy, [...], the majority of people [who] use social services are living on or below the poverty line, and that is an area that, social exclusion is something that I am interested in, and trying to activate change, it sounds a bit cheesy, but that is why I went into social work. (BS10)

Thus, the aspect that social workers miss most in their current working environments is the lack of direct work with service users:

Social work had lost its way and I suppose as I was describing has become such a bureaucratic job we are always commissioning other people to do the work we should do. We don't do any direct work ourselves. (BS11)

What has changed is the intensity with which one can conduct casework in the ASD. Meaning: own support, to accompany families a short way, conduct family conversations oneself, deal with conflict situations. This was previously much more frequent. It was an inherent part of the ASD work; today it only exists as rudimentary. Usually these cases are categorised as HzE – and therefore transferred to a provider who offers these services. (GM3)

The ASD director in Mittelstadt is very aware of the discontent these changes have provoked:

What is currently happening – not only here but in all ASDs – is that the frequency of documentation increased tremendously. This means that the colleagues spend the majority of their time in front of the computer. And hence the colleagues say: 'We are professional social workers, we want to work with people, but lack the opportunity to do this.' They see that their profession

changes towards being a PC-manager or, as it is called in the social sector: They are just a mere case manager. (GM4)

This change in the professional situation has been discussed in detail in the previous two chapters. It has been argued that modernisation initiatives in line with NPM have shifted the balance away from direct work with people and towards standardised administrative procedures and documentation. The changes in practice have so far not changed the professional ideal of social work as a human and helping profession and social workers try to reconcile this ideal with the realities of working in state social work. The conceptions of citizenship in both countries illustrate how competing influences like NPM, professional social work ideals and organisational pressures and realities, such as scarce resources, impact on the social worker – service user relationship.

It is interesting to note that the British government, which in policy and guidance promotes an understanding of social work that has been described by social workers as ‘bureaucratic’, and in this thesis has been linked to NPM tools, taps into the professional ideal of social work in its attempt to recruit more people into the profession. The slogan for the annual advertising campaigns that started in 2001 is: ‘Social Work. It is all about people. It’s that simple and that complicated’ (see poster at beginning of Chapter V). This position is strengthened by the description of social work on the recruitment website [www.socialworkcareers.co.uk](http://www.socialworkcareers.co.uk):

Social work is all about people.

Social workers form relationships with people. As adviser, advocate, counsellor or listener, a social worker helps people to live more successfully within their

local communities by helping them find solutions to their problems. Social work also involves engaging not only with clients themselves but their families and friends as well as working closely with other organisations including the police, NHS, schools and probation service.<sup>32</sup>

This job description reflects the professional ideal of social work. As we have seen, social work practice in both England and Germany is characterised by modernisation initiatives that use NPM tools to restructure and standardise social work with children and families at the expense of direct work with service users. The Department of Health's recruitment campaign has been termed the 'Disneyworld of social care' (Community Care 15.11.2001).

The discrepancy between the professional ideal of social work as a helping profession and the realities of everyday practice was described as early as 1980 by Lipsky:

In turning the spotlight on professional practice, Lipsky was concerned with the dilemmas experienced by individuals in public service. They are drawn to public service, Lipsky asserted, because they want to be of help to others. However, in the real world of day-to-day practice they have to operate in 'a corrupted world of service', where they struggle with insufficient resources and vague policy goals (Lipsky 1980: xiii). (Evans, T and Harris, 2004b, 872)

The interview participants in both countries face exactly these dilemmas and the previous two chapters have shown how social workers deal with such dilemmas in their interaction with service users. From the English advertising campaign it can be assumed that the government is aware of the motives of people who enter the social work

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<sup>32</sup> <http://www.socialworkcareers.co.uk/socialwork/what/index.asp> (14.8.2008)

profession, but the analysis of policy documents and guidance revealed a different picture of social work – one that is predominantly concerned with standardisation and control.

### **Family and Parenthood**

Social workers in both countries stated that the impact of NPM on their practice was organisational and structural rather than having had a direct influence on their conceptualisation of the social worker – service user relationship. The service user – professional relationship in children’s services is mainly shaped by understandings of family and parenthood, which differ significantly in Germany and England. On the face of it, family is understood in both England and Germany as an integral part of society:

The family is where everyday solidarity is originally experienced. (von der Leyen, 1.12.2005 – my translation)

But families remain the building block of society. (DSS, 1998, 57; see also HM Treasury and DfES, 2005, 1)

On closer inspection, however, the place of the family in German and English society differs widely.

In Germany, the family is traditionally a private entity, as long as the children are well cared for. The basic law protects the family but allows for state intervention to protect children from neglect and abuse where necessary, in a similar vein to the European Convention of Human Rights, which is also valid in England. Family, as understood by the basic law, is the nuclear family, meaning parents and children, including step-, foster- and adoptive-children, but not the extended family. German social policy is

family-oriented. It is an integral part of 'Agenda 2010' and the low birth rate in Germany has led to an intense policy drive to achieve a better work-life balance and make it more attractive for well-educated people to have children. The family is also central to child welfare legislation (KJHG). The KJHG is based on the principle that outside schools, the state has no child-rearing competencies that compete with parents' rights. This puts parents' rights in a strong position and has led to the KJHG being worded as a 'service bill', offering mainly preventive services and support rather than intervention.

England, on the other hand, has no history of family policy. Instead, policies are based around the individual; in the areas relevant to the research this is usually the child/ren. New Labour's welfare-state modernisation programme targets parents, and especially lone parents, to (re-)enter the labour market by offering tax credits and child-care as incentives. This is an attempt to encourage parents not only to provide financially for their children but also to be positive role-models for them. Despite the lack of family policy in Britain, the Children Act 1989 considers it to be 'in the children's best interests to be brought up in their own families wherever possible' (DoH, 2000, 5). In this context, a much wider understanding of the family and the parent exists than is the case in Germany:

Recognition of the significance families have for children is incorporated into the principles of the Children Act 1989, but the Act takes a definition of 'family' that is deliberately wide, recognising the part played by significant others, especially where children are not brought up by two birth parents. (Aldgate and Statham, 2001, 64)

The term parent means the child's mother, married father and all those with Parental Responsibility. It also means anyone with actual care of the child who, in the absence of a person with parental responsibility for the child, should be consulted about actions taken as a result of these procedures. (Midcity Children's Services Procedures Manual)

In Germany, 'parent' is a legal concept, and rights within the KJHG are reserved for persons with the rights of care and custody (*Personensorgeberechtigte*) of a child. In social work practice the legal concept of the 'family' overrides the social reality of children's living conditions. The agreement to receive services needs to be obtained from all legal parents, regardless of the actual household the child lives in. If after a divorce, for example, the child lives with her/his mother and step-father, the agreement for HzE still needs to be obtained from the mother and the biological father – if he has right of care and custody – rather than the mother and step-father.

Two aspects of the above understandings of family and parenthood are central for the conceptualisation of parents as citizens. First, in Germany family is generally seen as a unit of parents and their children. Rights to services are often linked to the legal status of *Personensorgeberechtigte*. In England the focus is on the individual. Family as a unit is insignificant. Services are focused on the child and his/her actual carers.

Given these different understandings of family and parenthood, it is not surprising that the conceptions of the state-citizen relationship with regard to parents as service users that are relevant to social work practice differ widely between the two countries. The next section summarises and compares the conceptions of citizenship that have been

identified in Chapters IV and V and relates them back to the similarities and differences described above.

### **Conceptions of Citizenship**

In both countries the conceptions of citizenship can be divided into two categories: those which relate to the wider modernisation of public services agenda and those which relate to the understanding of family and parenthood. The conceptions of citizenship are grouped in these two categories below.

#### Citizenship within the modernisation of public services

One central element within NPM and its interpretation in Germany and England is a changed understanding of the citizen – state relationship and the rights and responsibilities attached to it. Similar language is used in both countries to describe this:

This is a welfare state, which reflects all our responsibilities: the responsibility we have to engage actively with the jobless to provide them with opportunities; their responsibility to engage actively with us and take those opportunities.

(Blair, 10.6.2002)

We need more responsibility in every respect: More individual responsibility and more collective responsibility for the chances of our children – not least by strengthening the family. Social means for me: Everyone has the same chances.

It also means that everyone has the responsibility to use them. Those who exploit solidarity compromise social cooperation (Schröder, 31.12.2002 – my translation).

At the heart of this changed understanding of citizenship is the redefinition of service users as consumers or customers:

These days no service provider can go without regular communication with its customers about service expectations and perceptions. The tools range from general citizen- and customer-surveys via an efficient complaints procedure to the active shaping of products by citizens in the quality management process (KGSt, 1997, 20 - my translation).

But Modernising Government is also about something else. It is a clear statement by the Government of what government is for. Not government for those who work in government; but government for people – people as consumers, people as citizens.(Prime Minister 1999, 5)

With the exception of one participant in each country, the interview participants considered ‘consumer’ and ‘customer’ unsuitable to describe their relationship with parents as service users for a variety of reasons. First, being a ‘consumer’ was understood as being linked to retailing and the exchange of products for money, which was seen different from the social workers’ understanding of their role as professionals who genuinely help people with difficulties.

Secondly, the notion of service users as consumers is closely linked to offering choice. In Children’s Services limited resources and the statutory duty of child protection limit choice.

Thus, in the two Children's Services studied, the impact of NPM is organisational and structural rather than directly influencing the social worker – service user relationship (as described above).

The three conceptions of citizenship that were identified in this category are therefore mainly present on the policy level, while having little impact on the organisational and practitioner level.

In Germany, two conceptions are related to the modernisation agenda of public services. The 'social parasite citizen' is understood as using common goods unnecessarily. In order to stop this behaviour, control of personal circumstances has been extended to ensure that the request for services is legitimate. Service fees have been introduced and if the professional conclusion is that the service is not needed then it may be refused. This conception emphasises the enhanced responsibilities within the changed understanding of citizenship and is most prominent in 'Agenda 2010'. The 'critical-rational citizen' on the other hand is expected to alleviate local government of some service responsibilities by providing such services him/herself. In order to achieve cooperation between citizens and the administration, transparency should be enhanced through better communication and quality management and by elements of direct participation, for example, through democratic elections, opinion polls or complaints procedures. This conception is the basis for the NSM on the municipal level.

In England, the new balance between rights and responsibilities has been conceptualised as the 'demanding-responsible consumer-citizen'. In this conception, it is assumed that the expectations of the public sector are shaped by positive consumer-experiences in the private sector. Therefore, an attempt has been made to model public services on their

private sector counterparts, by offering individualised services and choice, considering service-users' views in performance reviews, and setting up complaints procedures. On the other hand it is expected that citizens will take responsibility for their own livelihoods rather than being dependent on welfare.

The findings in both countries suggest that the 'consumer-citizen' does not fit comfortably with the realities of social work practice. The main reference point for social work with children and families is 'family' and 'parent'. The next section evaluates the various conceptions of family and parenthood.

### Conceptions of the Parent-Citizen

#### *Germany*

##### *The Statutory Parent*

Social workers and managers in Mittelstadt based their practice and service user contact first and foremost on the statutory framework (as discussed above). German legislation defines parenthood, as well as responsibilities and rights, using blanket clauses. These need to be filled in with current norms, values and moral understandings. Therefore, in addition to the 'statutory parent' two other conceptions of parenthood have been identified: the 'respected-responsible' parent and the 'overburdened-neglecting' parent.

##### *The Respected-Responsible Parent*

The 'respected-responsible parent' brings his/her child/ren up according to societal expectations and in return has great freedom in choosing a life-style appropriate for his/her family. The parent is seen as more than 'just' a parent, but as an individual with goals beyond parenthood, such as a career. The state offers support services to enable

parents to fulfil their roles and live their chosen lifestyle. Support is offered financially in the form of child benefit and tax credits as well through specialised services, like HzE. Preventive services that can be used on a voluntary basis are divided into two categories within the KJHG: universal services, such as youth work and support services for parents, and legal entitlements to individual services. The latter are conditional, for example the right to a nursery place is limited to children three years and over and socio-educational provision for children with problems (HzE) is dependent on the help being 'suitable and necessary for the development of the child or young person' (Federal Ministry for Family Affairs Senior Citizens Women and Youth, 1996, §27). It is the parents' right to apply for HzE services and the KJHG includes a right to choose the service and service-provider. It is down to the social workers to assess if the requested service is necessary and suitable according to the procedure laid out in Chapter IV. Parents might not receive the help they applied for, but they have the freedom to decline alternatives offered. This 'exit'-function is completely missing from the English context. Even though the CA1989 distinguishes between family support services (Sec. 17) and child protection (Sec. 47), in practice, services are provided as a continuum and support services often escalate into child protection if the parents are seen as uncooperative (see below).

#### *The Overburdened-Neglecting Parent*

The 'overburdened-neglecting parent' on the other hand does not have the option to exit the system. S/he is seen as being overwhelmed by the plurality of lifestyle-choices and overburdened with the upbringing of his/her children. Children in these families are seen as at risk of abuse and neglect and as unlikely to reach their full potential. In these cases state intervention is compulsory and, while parental participation is still desired, it

is not necessary. In Germany '*Kindeswohlgefährdung*' (endangerment of child well-being and welfare) justifies compulsory state intervention. '*Kindeswohl*' (the best interest and welfare of the child) is an undefined concept of law and needs to be filled with content on a case-by-case basis. Generally speaking, the state intervenes in cases where children's basic rights, as set out in the basic law, are violated. The threshold for compulsory intervention into family life is similar in both countries. The English threshold is 'significant harm' which includes physical, sexual, emotional abuse and neglect.

The social workers assume two different roles when dealing with the 'respected-responsible' or 'overburdened-neglecting parent'. In their contact with the 'respected-responsible parent', they see themselves as providers of services that people with legal entitlements request. They visit the 'overburdened-neglecting parent' in their role as the State Guardian (*staatliches Wächteramt*), to fulfil their governmental monitoring duty. When social workers feel that the welfare of a child is at risk they have a duty to act and are not dependent on the agreement of the parents (but they need family court approval in cases where parental consent cannot be obtained). The social workers were very clear about the differences in their roles as well as about the parents' rights and responsibilities.

### *England*

In England there is no clear distinction between preventive services and child protection. Services are offered as a continuum, ranging from family support to foster care and adoption. Service provision is dependent on meeting the organisation's eligibility criteria as assessed by the social worker, rather than driven by individual

rights to services. Accordingly, the conceptions of citizenship identified in the English context are more like facets of one type rather than distinct conceptions as in Germany.

### *The Franchisee Parent*

The dominant conception in English social work is the ‘franchisee-parent’. This is rooted in child-centred social work. From that perspective, parents are seen in their role as providers of adequate care for their children. This role of providing a stable and loving home is not exclusive to parents, but can be provided by any suitable carer. Social workers can use the full range of social work interventions, ranging from family support services to child protection to foster care, as tools to support parents in this role. Parents are advised to engage with the professionals and comply with the intervention to prevent escalation into higher-level-need services. The overall objective of this conception of citizenship is to offer children a safe and caring environment.

### *The Personalised-depersonalised Parent*

Over half of the interviewed social workers addressed parents as ‘mum’ and ‘dad’ to accentuate this conception, named the ‘personalised-depersonalised parent’. ‘Mum’ and ‘dad’ is a very intimate form of address, which is usually reserved for use by one’s children. It seems inappropriate for a service user – professional relationship. At the same time it is a very impersonal form of address because it does not acknowledge the parent as an individual in his/her own right, but once again sees her/him in his/her role of the carer for the child.

In the interviews, this conception was linked with a gendered understanding of parenthood. The mother was seen as the primary carer and social workers saw it as her

duty to safeguard and protect her children. The perceptions of fathers were twofold: either the father was seen as the male breadwinner, unaware of the domestic situation as he is working outside the home, or he was seen as the perpetrator of the problem and thus the trigger for social work intervention. When the second of these perceptions predominates, intervention focuses on the mother's protection skills because services for men, such as anger management, are virtually non-existent.

It is interesting to note that the German interviews are not gendered. As they were conducted after the English ones, the German social workers were asked, towards the end of the interview, whether gender matters in their work. The reply was that they work more with mothers, as lone parents are more often female than male. Throughout the responses following the vignette no gendered view could be found and social workers stressed the importance of both parents (*Personensorgeberechtigte*) applying for a service – even if they lived apart.

The English 'franchisee-parent' is supplemented by the 'partner parent' or 'non-compliant failing parent', depending on his/her willingness to co-operate.

### *The Partner Parent*

'Partnership with parents' is a guiding principle of the Children Act 1989.

A closer analysis of its meaning (see Chapter V) showed that its main purpose is to minimise parental resistance rather than seeing parents as equal partners in service planning and delivery (HMSO, 1999, 76). Indeed, the existing power relationship between social workers and parents prevents the possibility of a partnership based on an agreement amongst equals. Procedural rights that offer possibilities for parental

involvement, like attending meetings and complaints procedure do exist, but practice stays far behind the common understanding of partnership as ‘a contractual agreement among equals’ (Smith 2005: 81). At best, partnership is used in practice to describe a genuine interest in the views of women/mothers and to take these views into account in the decision-making process.

### *The Non-compliant Failing Parent*

‘Non-compliant failing parents’ are those who are seen as not willing to work with the social worker in the interests of the children and, therefore, are seen as failing in their duty to care adequately for the children. The objective is to mould parents and/or child/ren’s behaviour to conform with social norms and to ensure that parents accept their duty towards the upbringing of their children. This is to be achieved by enhancing the control over parents to force their compliance. Parents’ only form of participation is to comply with social work intervention and/or court orders. Through the continuum of services described earlier, non-compliance can lead to stricter control of parents and a higher level of (unwanted) services.

In comparing these different conceptions of citizenship two themes stand out: the level of parental participation and the balance between child protection and preventive services. Both will be considered below.

### **Parental Participation**

One key element in the conceptions of citizenship presented above is the extent of parental participation. Parental participation has also been a key concern in the existing literature presented in Chapter II. The extent of parental participation is dependent on

the country and whether the family situation is considered as warranting child protection or prevention. In the area of child protection parental participation in both countries is not necessary as the child's welfare is the focus (see below). Social workers in both countries would involve parents as long as their involvement was conducive to the child's welfare.

Wider differences exist in the provision of preventive services. In Germany, the strong legal rights of parents and the clear division between prevention and protection (see above) give parents stronger rights and opportunities for participation than in England. In England participation predominantly means co-operation with plans drawn up by social workers. The non existence of an 'exit' and the general understanding that not engaging and complying with plans drawn up by social workers or inter-professional conferences is a sign of parents putting their children at risk, puts parents in a situation where it is hard to make use of the procedural rights they do have (see Chapter V). Through the continuum of services the ultimate power of social workers of taking children into care is felt by parents even at the lower end of services.

The existing power relationship between social worker and parent is not the only challenge to parental involvement. Parents need a high level of skills and knowledge in order to participate in a meaningful way. This has increasingly acknowledged in English policy documents. Commonly, two approaches to supporting parents are promoted:

- a) Advocacy: An advocate will prepare the parents for the meeting, establish the wishes of the parents and help them to verbalise those wishes during the meeting.

b) Family Group Conference (FGC): A FGC offers families a forum to find a solution to the concerns raised by social workers. The FGC is attended by the extended family as well as significant others, like friends offering child-care etc. The social worker shares the concerns with the attendees and the family is left with a facilitator to find a solution to those concerns. This is a powerful method of awakening in families the capability to help themselves. It is also likely that families are much more motivated to progress with a plan that they have developed themselves. In practice, however, social workers do not have to accept the solutions developed by the family and often ideas are rejected because of limited resources.

As has been shown in Chapter V, the implementation of both approaches is patchy in Midcity. Conversely, neither the German policy documents nor the interview participants addressed difficulties around parental participation. While parents' rights are stronger in Germany than in England, procedures are not as straightforward because:

- parents need knowledge about their right to apply for services
- parents need to have the knowledge about available support in order to apply for the right support
- the *Jugendamt* is, in the general public's perception, linked to children being taken into care and parents might be afraid to contact the *Jugendamt* for help.

The existing literature on citizens as service-users often assumes the ideal of an empowered, active, participating citizen. This ideal has been applied previously in the evaluation of NPM (see Chapter II). Given the difficulties described above and the social worker's inherent power, stemming from his/her statutory powers and membership of an organisation, it is important to review the ideal of empowerment

within the existing limitations. A first important step would be to acknowledge that a percentage of parents will need help to participate and advocates as well as FGC's have proven helpful in achieving this. Parents should also be given a realistic perspective of the possibility of participation; the English rhetoric of partnership with parents has proven to be misleading in suggesting that parents have more say than they actually have. In this context the clear division between prevention and protection that can be found in Germany is helpful in that parents can be involved without jeopardising children's safety and well-being.

### **Protection and Prevention**

The comparison of legislation, the organisational level and conceptions of citizenship showed that in relation to child protection some common working principles could be found:

- the child's welfare is predominant
- child welfare is defined in a similar way
- parental agreement or participation is not necessary

On the policy level the situation is more complex. Child welfare legislation in England has historically been influenced by inquiries into child deaths. In order to prevent further cases, the focus in social work practice is on protection (see Chapter V). This is a development that has only recently occurred in Germany. Children dying from abuse and neglect have received increased media coverage and are therefore more prominent in public perception. This has led to government policy and organisational guidance shifting from a mainly preventive stance towards an increasingly controlling one in order to protect children who are considered to be at risk. Currently, social early-warning systems are being developed to screen all children in order to pinpoint those at

risk of abuse and neglect (see Chapter V). There is a general shift from child-rearing as a predominantly private task, towards more public responsibility, not only with regard to child-protection but also with regard to child-care and financial support (BMFSFJ, 2002). The findings of the research study suggest that the current developments in Germany are converging with the English setting. At the same time the Children's Trust's established in line with the Children Act 2004 should strengthen the position and availability of preventive services in England. In addition the government is looking into the adoption and adaption of social pedagogy for the English context (DfES, 2005). If successful these initiatives could approximate to the German setting. The current policy developments, many of which started at the time of the interviews or shortly afterwards, show potential convergence in social work with children and families in German and England. How far these developments will impact on the state – citizen relationship remains to be seen.

## **CHAPTER VII      CONCLUSION**

The final chapter of this thesis starts with a summary of the argument and findings presented in the main body of the thesis. The second part identifies the contributions to current knowledge made by the research. This chapter concludes with suggestions for further research.

### **Summary of the Thesis**

This thesis set out to explore the impact of New Public Management on the citizen – state relationship in personal social services. The research study conducted focussed on children’s services. A review of the existing literature (see Chapter II) established that there is little knowledge about the state – citizen relationship as implemented through social services organisations and front-line staff. Analysis to date has focused mainly on policy documents. What little research there has been on the service user – professional relationship has excluded children’s services and situations of involuntary use in more general terms.

A qualitative, cross-national comparative case study was conducted. It included three levels of analysis: national policy, organisation and social work practice. The research questions were phrased accordingly:

**What conceptions of citizenship are being articulated with regard to service users in the ‘modernising’ social services policy reforms in contemporary Germany and England?**

**How are these conceptions of citizenship with regard to service users being interpreted at the local organisational level in social services?**

**How are service users represented by social workers and how do these representations relate to the conceptions of citizenship?**

On the policy and organisational level a documentary analysis was conducted. In addition interviews with managers and social workers were carried out. The interviews were semi-structured and had three parts. The interviews started with a vignette, which was constructed as a typical referral received by social workers of a case of neglect. The vignette was used to gain an understanding of social workers' responses to a referral. A special emphasis was placed on the role of parents in the process. The second and third parts of the interview consisted of two sets of cards. The first set of cards contained terms that could be used to describe parents with whom social workers work. The cards were a stimulus to gain a better understanding of the conceptions social workers and managers hold of the parents with whom they work, as well as providing insight into the language used by practitioners in the organisations. The second set of cards contained elements, like manager, education, policy etc., that might influence social work practice. The documents and interview transcripts were analysed using qualitative content analysis (see Chapter III).

The study found that at all levels and in both countries citizenship is not a singular concept but contains various conceptions that can be understood as a 'discursive resource' that politicians, managers and social workers draw on and combine depending on the situation and context. Chapters IV and V developed five conceptions of citizenship for each country. While none of these could be allocated solely to one level,

the importance attached to each conception at the different levels varied. Conceptions in line with NPM, for example, were most prominent at policy level, but were seen to have little impact on the social worker – service user relationship. Instead conceptions of citizenship at this level of work are heavily influenced by the different understandings of the family and parenthood in the German and English contexts. Parenthood in Germany is a legal status that includes both the responsibility for the safe upbringing of one's children and the right to receive support from social services. Parents are perceived by social workers as being the holders of these responsibilities and rights. In contrast parenthood in England is an identity. In their contact with social services, English parents are perceived solely as their children's carers, to the extent that they are referred to and addressed directly as 'mum' and 'dad' by social workers.

From the bi-national comparison (see Chapter VI) it can be concluded that policy initiatives, organisational structure and social work practice are shaped by the wider historical and political contexts from which they emerge. In order to evaluate the impact of policy initiatives, like NPM, it is important to establish the origin of service provision. For example, in England consumer choice has been heavily promoted within the modernisation agenda and in order to achieve choice a variety of providers offer services in (quasi-)markets. Both are given in German children's services, but the principle of choice and the plurality of service providers are not the outcome of NPM or the NSM. The rights to request and choose a service are included in the KJHG. Historically, services in Germany have been provided according to the principle of subsidiarity. This means that municipalities only provide services if they are not provided by a third party, usually a voluntary organisation. This example shows the

importance of context in the analysis of policy and practice, which is one of the contributions to knowledge that will be presented in the next section.

### **Contribution to Knowledge**

This thesis has contributed to knowledge in three main areas.

First, the thesis lends further support to the idea that context is a major determinant in the implementation of NPM (see Chapter II). The analysis has shown that differences in the political system, constitutional foundations and legislation determine by whom and how policy is formulated, implemented and followed up. In addition the legal and cultural conceptualisations of parenthood, family, need and child welfare directly impact on social work practice and the conceptualisation of citizenship.

In addition to national differences, on the intra-country level variations exist between different services, like health, education and social service for adults and children. In England, for example, there may have been advantages in the government's modernisation agenda in terms of increased choice for adult service users, NHS patients and for parents with regard to the education of their children (see Chapter II), in children's services the concept of choice has so far offered parents little potential for involvement. The findings in this study suggest that the service context needs to be carefully taken into account before evidence collected in one service context can be declared valid for another one.

Despite the differences between England and Germany described above, and in the main body of the thesis, some similarities were found. Child protection is conceptualised similarly in both countries. Media reports about child deaths have added

pressure on social workers and social services organisations to prevent further cases or at least prove that everything humanly possible has been done to prevent them. This coincides with a new emphasis on standardisation and documentation – the only aspects of NPM that social workers described as having had an impact on their practice. In Chapter I NPM was described as a toolbox. It seems that in response to the media pressure after child deaths, decision makers in both countries have chosen similar tools. This development goes against the social work ideal of a human and helping profession that existed in both countries.

The thesis has contributed to knowledge about the importance of contextualisation in the evaluation of current policy initiatives.

Secondly, the thesis has contributed to a methodology that is sensitive to context and content. The thesis has reinforced the strengths identified in the use of vignettes in international research (Schnurr, 2005, 151). The vignette opened up interviews to the particular context of the research participants and prevented ethnocentrism. Within the qualitative case studies that were undertaken, a distinctive aspect of the methodology was the importance attached to language and terminology. The vignettes were supplemented with specifically developed cards. The cards used in the second part of the interview were helpful in unravelling the meaning of terms used by individual social workers. This has proven to be a suitable method for international research in overcoming potential misunderstandings that may arise when the researcher assumes a certain meaning is attached to a word when that might not be the case. One strong example from this research study is the distinct understanding of family and parenthood in the two countries. Awareness of the meaning of words is not only relevant from an

international perspective but also within one organisation. This study has shown that even social workers within one team chose different terms to describe similar conceptualisations of citizenship.

Thirdly, the research in the thesis added to the knowledge base about the citizen – state relationship in children’s services and the effects that statutory powers for involuntary use and the consumerist modernisation agenda have on it. The study pointed towards the severe limitations of the consumerist modernisation agenda. It is ill-fitting in children’s services and offers social workers little guidance in making sense of their day-to-day experiences. In order to make sense of their day-to-day experiences social workers conceptualise parents from their respective societal understanding of family and parenthood. It might, therefore, make more sense to think about parents in terms of citizenship rather than as consumerism. This would support more honest approaches to the communication of parental rights, responsibilities and possible compulsory intervention to protect children. Citizenship is also a dynamic concept that can be negotiated and adapted to societal changes.

A qualitative case study design cannot claim to be generalisable to all children’s services, but what it can do is point to important elements, such as the limitations of parental participation or the multi-layered conceptions of citizenship, that are invaluable in the critical evaluation of NPM, citizenship and children’s services. It is hoped that the citizenship typology, as well as the international perspective, help policy makers and social workers to reflect critically on how they construct service-users.

## **Areas for Further Research**

Inevitably, as well as answering some questions, this study leads to further questions that could be explored in future research projects.

The thesis has looked at the conceptions of citizenship on three levels: national policy, organisational procedures and social work practice. Naturally, the fourth level would be service-users' views. This level has been excluded in this thesis, as user-movements have in the past criticised the fact that their participation in research is limited to the provision of data (Croft and Beresford, 1992) and I did not want to add to their sense of frustration about this issue. Having mapped citizenship within two Children's Services, however, I feel that, despite the above concerns, it would be valuable to give parents who use children's services a voice in order to gain an understanding of their position. How do they see themselves? Do they wish to participate and share power? In order to draw conclusions and make recommendations for policy and practice, it would be helpful to complement the citizenship typology with service-users' experiences and perspectives.

The findings suggest a possible link between the way social workers conceptualise service-users and the way social workers are involved in the development of the service. In England where guidelines and targets are set for social services by the government, social workers set targets for the parents, for example, as part of the child protection plan. In Germany decision-making and service-development are delegated to the municipal level and social workers are involved in this development. Parents who apply for HzE are part of the development of service plans. In order to establish whether there

is a link of this nature, further research is necessary. A possible link would have major implications for policy implementation.

The English social workers were much more aware of possible special circumstances for parents, such as disabilities, parents' inability to read or the need for an interpreter. This is in line with the promotion of equal opportunities and anti-oppressive practice in the GSCC code of practice. None of these circumstances was mentioned in the German interviews. The German participants generally expected the reason for the referral to be an acute family crisis or parents being temporarily overwhelmed. The English participants were much more forthcoming in suggesting reasons for the referral and expected a 'chronic problem' such as mental illness or domestic violence. Despite, or because of, this enhanced understanding, the English understanding of parenthood was very gendered, something that could not be found in German interviews. The research data from this study is not explicit enough to make sense of these differences.

## **Conclusion**

This thesis explored the impact of consumerism, as promoted by NPM, on the state – citizen relationship in children's services. It has been shown that consumerism has little to offer to social workers in children's services. Instead conceptions of citizenship have been identified as having more explanatory power in analysing the citizen – state relationship. Citizenship, if understood as a dynamic nonsingular concept can improve the understanding of the citizen – state relationship within shifting welfare regimes. It also offers a more honest approach to communicating the complexities of parental rights and responsibilities and possible state intervention to parents. Conceptions of citizenship lack the simplistic certainty of NPM's promulgation of consumerism. In so

doing they offer ways of thinking and practising that open up some of the difficult issues that need to be confronted in children's services.

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## APPENDIX A DOCUMENTS USED IN ANALYSIS

**Der Weg nach vorne für Europas Sozialdemokraten. Ein Vorschlag von Gerhard Schröder und Tony Blair (London, 8.Juni 1999).**

[www.glasnost.de/pol/schroederblair.html](http://www.glasnost.de/pol/schroederblair.html) (17.11.2006)

(Translation below)

**Europe: The third way, by Tony Blair, British Labour Prime Minister, and Gerhard Schröder, German Social Democrat Prime Minister, June 8, 1999**

[www.socialdemocrats.org/blairandschroeder6-8-99.html](http://www.socialdemocrats.org/blairandschroeder6-8-99.html) (24.05.2007)

### Germany

#### Bundes-level

##### *Legislation*

**Grundgesetz** (Basic Law)

**Bürgerliches Gesetzbuch – Buch 4. Familienrecht**

(Civil Code – 4th Book, Family Law)

**Kinder- und Jugendhilfegesetz (SGB VIII)**

(The Child and Youth Services Act – Social Code Book VIII) – including the changes made through the **Gesetz zur Weiterentwicklung der Kinder- und Jugendhilfe (KICK)** (Act for the further development of child and youth services)

##### *Government reports as required by law*

**Bundesministerium für Familie, Senioren, Frauen und Jugend. Elfter Kinder- und Jugendbericht. Bericht über die Lebenssituation junger Menschen und die Leistungen der Kinder- und Jugendhilfe in Deutschland. Berlin 2002**

(Ministry for Family Affairs, Senior Citizens, Women and Youth. 11<sup>th</sup> Child and Youth Report. Report about the living situation of children and young people as well as the performance of child and youth services in Germany)

**Bundesministerium für Familie, Senioren, Frauen und Jugend. Zwölfter Kinder- und Jugendbericht. Bericht über die Lebenssituation junger Menschen und die Leistungen der Kinder- und Jugendhilfe in Deutschland. Berlin 2006**

(Ministry for Family Affairs, Senior Citizens, Women and Youth. 12<sup>th</sup> Child and Youth Report. Report about the living conditions and family situation of children and young people as well as the performance of child and youth services in Germany)

**Die Bundesregierung. Deutschland voranbringen. Jahresbericht der Bundesregierung 2005-2006, Berlin 2006**

(The Federal Government. Promoting Germany. Annual Report of the Federal Government of Germany 2005-2006)

**Die Bundesregierung. Geschäftsbericht der Bundesregierung 2002/2003.  
Deutschland bewegt sich. Berlin 2003**  
(Translation below)

**The Federal Government. Annual Report of the Federal Government of Germany  
2002/2003. Germany is taking action. Berlin 2003**

*Government policy statement*

**Regierungserklärung von Bundeskanzler Gerhard Schröder  
zur Familienpolitik vor dem Deutschen Bundestag am 18. April 2002 in Berlin:  
“Familie ist, wo Kinder sind – Politik für ein familien – und kinderfreundliches  
Deutschland”**

(Policy statement of Chancellor Gerhard Schröder to the German *Bundestag*, with regard to family policy, made on 18.4.2002 in Berlin: Family is where children are – Politics for a family and children friendly Germany)

**Agenda 2010. Mut zum Frieden und Mut zur Veränderung, Regierungserklärung  
von Bundeskanzler Gerhard Schröder, Berlin, 14.3.2003**

(Agenda 2010. Courage to peace and courage to change, policy statement of Chancellor Gerhard Schröder, Berlin, 14.3.2002)

**Regierungserklärung von Bundeskanzler Gerhard Schröder zur Agenda 2010 vor  
dem Deutschen Bundestag am 25. März 2004 in Berlin**

(Policy statement of Chancellor Gerhard Schröder to the German *Bundestag*, with regard to Agenda 2010, made on 25.3.2004)

**Regierungserklärung von Bundeskanzler Gerhard Schröder vor dem Deutschen  
Bundestag am 17. März 2005 in Berlin: “Aus Verantwortung für unser Land:  
Deutschlands Kräfte stärken”**

(Policy statement of Chancellor Gerhard Schröder to the German *Bundestag* made on 17.3.2005 in Berlin: Out of responsibility for our country: Boost Germany's strengths)

**Gemeinsam für Deutschland – mit Mut und Menschlichkeit. Koalitionsvertrag  
zwischen CDU, CSU und SPD. 11.11.2005**

(Together for Germany – with courage and humanity, coalition agreement between CDU, CSU and SPD. 11.11.2005)

**Regierungserklärung von Bundeskanzlerin Angela Merkel vor dem Deutschen  
Bundestag, Berlin, den 30. November 2005**

(Policy statement of Chancellor Angela Merkel to the German *Bundestag*, Berlin, 30.11.2005)

*Speeches*

**Weihnachtsansprache 2002 von Bundespräsident Johannes Rau, Mi, 25.12.2002, Schloss Bellevue**

(Christmas speech 2002 by Federal President Johannes Rau, Wed, 25.12.2002, Schloss Bellevue)

**Rede von Bundespräsident Johannes Rau auf der Konferenz "Bürgerlicher Bundesstaat" am 31. März 2004 in Berlin**

(Speech by Federal President Johannes Rau during the conference "Citizen-friendly federal state", on 31.3.2004 in Berlin)

**Bundespräsident Horst Köhler. Reden und Interviews, Band 2, 1.7.2005-5.7.2006**

(Federal President Horst Köhler. Speeches and Interviews, Volume 2, 1.7.2005-5.7.2006)

**Horst Köhler. "Sozialpolitik im 21. Jahrhundert" Grußwort beim Festakt zum 125-jährigen Bestehen des Deutschen Vereins für öffentliche und private Fürsorge in Berlin, 8.12.2005**

(Horst Köhler. "Social policy in the 21st century" Opening remarks at the ceremonial act to mark the 125th anniversary of the German Association for Public and Private Welfare in Berlin, 8.12.2005)

**Rede von Bundespräsident Horst Köhler beim Jahresempfang der Evangelischen Akademie Tutzing am 18. Januar 2006: "Kinder selbstverständlich! Von der Freiheit, Kinder zu haben."**

(Speech by Federal President Horst Köhler at the annual meeting of the Tutzing Evangelical Academy, 18.1.2006: "Children taken for granted! On the freedom to have children")

**Schlusswort von Bundespräsident Horst Köhler auf der Konferenz 'Familie stärken – Zukunft gewinnen' des Forums Demographischer Wandel am 6.12.2006 in Berlin**

(Closing words of Federal President Horst Köhler at the conference 'Strengthen families – win the future' of the Demographic Change Forum on 6.12.2006 in Berlin)

**Neujahrsansprache 2003 von Bundeskanzler Gerhard Schröder am 31. Dezember 2002 über Hörfunk und Fernsehen: "Dem Frieden in der Welt verpflichtet – zum Wandel im Inneren bereit"**

(New Year's speech 2003 by Federal Chancellor Gerhard Schröder on 31.12.2002 on radio and TV: "Committed to world peace – ready for internal change")

**Rede von Bundeskanzler Gerhard Schröder auf dem Innovationskongress "Deutschland. Das von Morgen" am 26. Januar 2004 in Berlin**

(Speech by Federal Chancellor Gerhard Schröder at the innovation conference "Germany. The one for tomorrow" on 26.1.2004 in Berlin)

**Rede von Bundeskanzler Gerhard Schröder auf der Jahresauftaktveranstaltung 2004 des DIHK “Innovation Unternehmen! Für Innovation und Wettbewerb” am 3. Februar 2004 in Berlin**

(Speech by Federal Chancellor Gerhard Schröder at the DIHK’s 2004 start of the year event "Innovation venture! For innovation and competition" on 3.2.2004 in Berlin)

**Rede von Bundeskanzler Gerhard Schröder auf der Konferenz “Familie – Erfolgsfaktor für die Wirtschaft” am 13. April 2005 in Berlin**

(Speech by Federal Chancellor Gerhard Schröder at the conference "Family – factor of success for the economy" on 13.4.2005 in Berlin)

**Rede von Bundeskanzler Gerhard Schröder auf dem Ersten Internationalen Symposium der Hertie School of Governance am 22. April 2004 in Berlin**

(Speech by Federal Chancellor Gerhard Schröder at the first international symposium of the Hertie School of Governance on 22.4.2004 in Berlin)

**Rede der Bundesministerin für Familie, Senioren, Frauen und Jugend, Renate Schmidt, zum Tagesbetreuungsausbaugesetz vor dem Deutschen Bundestag am 3. Juni 2005 in Berlin**

(Speech by the Federal Minister for Family Affairs, Senior Citizens, Women and Youth, Renate Schmidt, on the child care extension law, before the Lower House of the German Parliament on 3.6.2005 in Berlin)

**Rede der Bundesministerin für Familie, Senioren, Frauen und Jugend, Dr. Ursula von der Leyen, im Rahmen der Aussprache zur Regierungserklärung der Bundeskanzlerin vor dem Deutschen Bundestag am 1. Dezember 2005 in Berlin**

(Speech by the Federal Minister for Family Affairs, Senior Citizens, Women and Youth, Dr. Ursula von der Leyen, during discussion of the policy statement by the Federal Chancellor before the Lower House of the German Parliament on 1.12.2005 in Berlin)

**Rede der Bundesministerin für Familie, Senioren, Frauen und Jugend, Dr. Ursula von der Leyen, beim Festakt zum 125-jährigen Bestehen des Deutschen Vereins für öffentliche und private Fürsorge am 8. Dezember 2005 in Berlin**

(Speech by the Federal Minister for Family Affairs, Senior Citizens, Women and Youth, Dr. Ursula von der Leyen, at the ceremonial act to mark the 125th anniversary of the German Association for Public and Private Welfare in Berlin, 8.12.2005)

**Rede der Bundesministerin für Familie, Senioren, Frauen und Jugend, Dr. Ursula von der Leyen, zum Zwölften Kinder- und Jugendbericht vor dem Deutschen Bundestag am 9. März 2006 in Berlin**

(Speech by the Federal Minister for Family Affairs, Senior Citizens, Women and Youth, Dr. Ursula von der Leyen, on the 12th Child and Youth Report before the Lower House of the German Parliament on 9.3.2006 in Berlin)

**Rede der Bundesministerin für Familie, Senioren, Frauen und Jugend, Dr. Ursula von der Leyen, in der Debatte zum Haushaltsgesetz 2006 vor dem Deutschen Bundestag am 22. Juni 2006 in Berlin**

(Speech by the Federal Minister for Family Affairs, Senior Citizens, Women and Youth, Dr. Ursula von der Leyen, on the 2006 budget law, before the Lower House of the German Parliament on 22.6.2006 in Berlin)

**Neujahrsansprache 2008 von Bundeskanzlerin Angela Merkel am 31.12.2007 über Hörfunk und Fernsehen: ‘Unser Land setzt neue Kräfte frei’**

(New Year’s speech 2008 by Federal Chancellor Angela Merkel on 31.12.2007 via radio and TV: ‘Our country unleashes new strengths’)

*Publications*

**Bundesministerium für Familie, Senioren, Frauen und Jugend / Bundesministerium der Justiz. Gewaltfreie Erziehung. Eine Bilanz nach Einführung des Rechts auf gewaltfreie Erziehung 2003. Berlin 2003** (translation below)

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*Miscellaneous*

**Presse- und Informationsamt der Bundesregierung. Agenda 2010, Deutschland bewegt sich, Aktualisierte Neuauflage 2004, Berlin 2004.** (Public Relations Office of the Federal Government. Agenda 2010, Germany is taking action, new edition 2004, Berlin 2004)

**Bundesministerium für Familie, Senioren, Frauen und Jugend. Bundesministerium für Familie, Senioren, Frauen und Jugend: Aufgaben und Ziele (ohne Datum)**

(Federal Ministry for Family Affairs, Senior Citizens, Women and Youth. Federal Ministry for Family Affairs, Senior Citizens, Women and Youth: Responsibilities and objectives (undated))

Länder-level

*Legislation*

**Verfassung des Landes Nordrhein-Westfalen**  
(Constitution of the *Land* North Rhine-Westphalia)

**Erstes Gesetz zur Ausführung des Kinder- und Jugendhilfegesetzes in Nordrhein-Westfalen (AG-KJHG)**

(First implementation law relating to the Child and Youth Welfare Act in North Rhine Westphalia)

**Drittes Gesetz zur Ausführung des Kinder- und Jugendhilfegesetzes in Nordrhein-Westfalen (3.AG-KJHG)**

(Third implementation law relating to the Child and Youth Welfare Act in North Rhine Westphalia)

*Government reports as required by law*

**Ministerium für Frauen, Jugend, Familie und Gesundheit des Landes Nordrhein-Westfalen. Kinder und Jugendliche an der Schwelle zum 21. Jahrhundert. Chancen, Risiken, Herausforderungen. 7. Kinder- und Jugendbericht der Landesregierung Nordrhein-Westfalen. Düsseldorf 1999**

(Ministry for Women, Youth, Family and Health of North-Rhine Westphalia. Children and young people at the start of the 21<sup>st</sup> century. Chances, risks, challenges. 7<sup>th</sup> Children and Youth Report of the *Landes*-government of North-Rhine Westphalia. Düsseldorf 1999)

**Ministerium für Schule, Jugend und Kinder des Landes Nordrhein-Westfalen. Kinder und Jugendliche fördern. Bildung und Erziehung als Aufgabe der Kinder- und Jugendhilfe. 8. Kinder- und Jugendbericht der Landesregierung NRW. Düsseldorf 2005**

(Ministry for Schools, Youth and Children of North-Rhine Westphalia. Supporting children and young people. Education and upbringing as part of the tasks of youth work and youth welfare services. 8<sup>th</sup> Children and Youth Report of the *Landes*-government of North-Rhine Westphalia. Düsseldorf 2005)

**Ministerium für Schule, Jugend und Kinder des Landes Nordrhein-Westfalen (Hg). Kinder und Jugendliche fördern. Bildung und Erziehung als Aufgabe der Kinder- und Jugendhilfe. Kommentierter Datenreport zum 8. Kinder- und Jugendbericht der Landesregierung NRW. Düsseldorf 2005**

(Ministry for Schools, Youth and Children of North-Rhine Westphalia. (Ed.) Supporting children and young people. Education and upbringing as part of the tasks of youth work and youth welfare services. Commented data report to the 8<sup>th</sup> Child and Youth Report of the *Landes*-government of North-Rhine Westphalia. Düsseldorf 2005)

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**Ministerium für Generationen, Familie, Frauen und Integration des Landes Nordrhein-Westfalen. Frühe Hilfen für Familien. Soziale Frühwarnsysteme in Nordrhein-Westfalen. Düsseldorf 2006**

(Ministry for Generations, Family, Women and Integration of North-Rhine Westphalia. Early support for families. Social early-warning systems in North-Rhine Westphalia. Düsseldorf 2006)

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## APPENDIX B INTERVIEW INFORMATION LEAFLET AND RESEARCH AGREEMENT

Interview Number: \_\_\_\_\_

Name: \_\_\_\_\_

Contact telephone number: \_\_\_\_\_

E-Mail: \_\_\_\_\_

I have received and read a copy of the research information sheet and I am aware of the purpose of the research. I understand that any information I contribute will be on an anonymous basis and will be treated in strict confidence, unless information gained through the interview raises concerns about children at risk. In that eventuality, the information would be forwarded to the team manager. I also understand that information given in interviews does not enjoy legal privilege.

I agree to be interviewed and for the information to be used in the research study. I agree to the interview being tape recorded and that anonymous quotations can be used in the final research report and/or other publications.

I understand that I can withdraw from the interview at any time, if I choose to do so.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Email: k.m.bain@warwick.ac.uk

Are you a GSCC registered social worker?

Are you working in the area of child protection?

Would you like to share your experiences?

**You are invited to take part in a research study.**

### **The role of parents in child protection cases**

Please read through the information in this leaflet before deciding whether to take part.

#### Contact Details

Katrin Bain  
School of Health and Social Studies  
University of Warwick  
Coventry CV4 7AL  
Tel: 07981456470

## APPENDIX B

## INTERVIEW INFORMATION LEAFLET AND RESEARCH AGREEMENT

My name is Katrin Bain and I am a PhD student at the University of Warwick. In my research study I am comparing child protection policy and practice in Germany and Britain, with a specific focus on parents of children whose names are on the child protection register or where Sec. 47 inquiries are being carried out.

The results of the study will be used to inform research and practice in Germany and Britain through seminars, presentations and publications.

As part of the study I would like to talk to social workers about their experiences in child protection. These interviews will be conducted at a time and place suitable for you and will last approximately one hour.

I would like to tape-record the interviews, as this will provide an accurate record of what has been said. The tapes will be stored on a password-secured computer and will be deleted after the submission of my PhD thesis. The data will be transcribed and anonymised for use in the study.

Confidentiality will be strictly observed unless information gained in the interview reveals concerns about children at risk. In the unlikely event of any concerns arising, the information will be passed on to the team manager.

Your participation in the research study will help me to get an accurate understanding of current practice in child protection and thereby contribute to cross-national exchange of knowledge between Germany and Britain.

If you are willing to participate in the research, I would be grateful if you would complete the attached slip and arrange an interview date with me. My contact details are printed on the back of this leaflet. If you decide to participate, you can withdraw from the interview at any stage without notice or explanation.

You will receive the results of the study and at a later stage you will have the opportunity to attend seminars related to the research.

### Contact Details

Katrin Bain  
School of Health and Social Studies  
University of Warwick  
Coventry CV4 7AL  
Tel: 07981456470  
Email: k.m.bain@warwick.ac.uk

**Entrance**

Chat to settle down, warm up –

Just to begin with, can you tell me how long have you been working here?

Where did you work before?

Focus throughout interview on parents, because this is my particular research interest. Obviously the children are very important, but for this interview I would like to concentrate on the parents.

Fictitious case –

**Part I - Vignette**

You receive a referral on the Miller family. The three children - Marie 6, Hannah 2, and Michael 8 months - live with their father and mother. The health visitor is concerned that the parents are not looking after the children properly. The children often wear dirty clothes and standards of hygiene in the home are very poor. Neighbours have reported that Marie and Hannah are playing unsupervised in the street, sometimes until late in the evening. Marie's primary school teacher is also worried. She says that Marie always seems to be tired, has problems concentrating and comes to school without a lunch-box. The teacher's anxiety has increased recently because Marie has said that her parents leave all three children at home when they go shopping.

General follow up questions:

What comes to your mind when you hear about this family?

What action would you take?

How would you work with this family?

What makes you think that?

And where do those ideas come from?

It seemed to me that your stance was ..... have I understood that correctly?

Can you tell me more about this?

Avoid the word position

What is a typical family / case? -> Follow up statements like this!

Aspects - Focus on parents:

What information would you give the parents? [CONTENT]

At what point of the process would you involve the parents? [PROCESS]

How? Think of ways you would do it?

Can you give me an example?

In the given referral would you consider separating parents and children?

YES: Could you explain how you come to this decision?

What is your decision based on?

NO: What else would need to happen before you would consider removing the children?

## **Part II – Identities of parents**

Explanation about cards and how to use them  
Cards on the table including some blank ones  
Pull out the ones that are significant  
If none of the given ones fits the bill, it's OK  
You might want to use the blank ones to add words

Citizen, Service user, Client, Customer, Consumer, Mother, Father, Parent

A number of different words could be used to describe the people with whom social workers work. I want you to think about which of these words you associate with parents in your area of work.

Start with one – What does it mean to you?  
Do you see any of these words as linked together or do you see them all separately from each other?  
Push! – Why do you associate this word with Tesco?  
*Are you saying you find these words hard to relate to social work?*

Ask about the cards they reject.  
- If we could come back to the cards you rejected: Can you explain a bit more about these?

## **Part III – Practice**

Not ideal terms but real terms –  
All of these cards could, and you might think should, influence your practice. In a perfect world they would all be important, but think about the reality of your situation.

Cards:  
Manager, Organisation, Policy, Education, Training, Personal values, Professional values, Literature, Newspapers, Journals, Law, Research Findings, Professional Bodies

What areas influence your practice?  
In what way?  
*Interrupt 'should': Are they?*  
Mental Illness, Substance misuse etc.: Do they impact on any categories?  
After talking:  
Put them in order, with the most influential on top.