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WELLCHI NETWORK

The Well-being of children: The impact of changing family forms, working conditions of parents, social policy and legislative measures

COORDINATION ACTION

Priority 7: Citizens and governance in a knowledge-based society

London School of Economics and University of Oxford

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## **Conference 1**

### **'Challenges and Opportunities faced by European Welfare States: the changing context for child welfare'**

**7<sup>TH</sup> - 8<sup>TH</sup> JANUARY 2005**

Organised by

Jane Lewis (FBA, Professor of Social Policy, London School of Economics) and  
Mavis Maclean (Department of Social Policy and Social Work, University of Oxford, and  
Academic Adviser to the Department of Constitutional Affairs)

#### **1. Introduction: Issues for Family Law and Policy**

This international conference was the first to bring together issues concerning the welfare of children in family law and family policy. Academics and practitioners in both fields often find themselves addressing the same fundamental issues, for example, the problem of child poverty or the role of fathers in caring as well as providing for children. However, their discourses remain very separate. We were only able to make a preliminary step in bringing family law and policy together at this meeting. Separate law and policy streams were set up, but participants were free to attend sessions in either one. Indeed the aim of the meeting was for participants to step outside their home discipline and to address the common theme from different starting points, hopefully gaining a new perspective on some of the issues with which we have been concerned for many years. A final session served to bring together some of the common themes and concerns. As Professor Gillian Douglas remarked in our closing session, participants in both streams sought to interrogate the very concept of 'welfare' for children. In family law, the term has acquired a central and particular significance over a long period of time. In family policy, the welfare of children has waxed and waned as a policy issue, coming onto the policy agenda strongly in recent years, but often in a rather instrumental fashion. As Professor Douglas suggested, perhaps both fields should think more deeply about the possibilities offered by the more child-centred term 'wellbeing'.

## **2. Stream A: Family Law – organiser, Mavis Maclean**

The stream was designed to be interdisciplinary and international. The aim of the Oxford Centre for Family Law and Policy is to bring together issues in the field of family law with policy concerns and it should be emphasised that the family law stream was not derived primarily from what is known as ‘Black letter’ law, that is, the technical study of legal texts, but rather from the perspective of Law in Society or Law in Context, with strong representation from Socio-Legal scholars who stress the need for empirical work and an understanding of the socio-economic context in examining law in practice. One of our speakers, Professor Judith Masson, warned us that she would be considering legal drafting in her discussion of the report by Lord Laming into the case of the child Victoria Climbié, who died in the UK in the care of her aunt. But in fact her arguments centred around context, and in this case the international context, as she criticised the report for failing to consider the values, customs and responsibilities of the parents who lived outside this jurisdiction.

The stream was organised into four sessions, beginning with the overarching themes of how we define a parent in social and legal terms, moving on in session 2 to the currently topical issue of contact between children and non-resident parents after relationship breakdown, to issues of child protection and diversity in session 3, before returning to the broader issues in the final session, ending with John Eekelaar’s paper on the question of truth, both physical and legal truth, with respect to paternity.

The value of the sessions lay partly in learning in detail about how the issues of child care or conflicted contact are regulated in practice in other jurisdictions. For example, it was fascinating to hear about how it is now not uncommon for child care in the Polish family, where the labour market sees the development of the service sector and heavy manufacturing is in decline, to be the responsibility of the father. He will tend to be supported by his own father, who is likely to be older than his wife, the grandmother, who may still be in employment. In Germany we learnt about how access is seen as the right of the child not the parents, and that technically though not in practice a reluctant parent can be obliged to see a child, though a child cannot be obliged to have unwanted contact with a non-resident parent.

But valuable as these illustrations are in their own right, they are even more valuable when they help us to ask new questions about our own society. Our approach to comparative work is not the “tour”, collecting interesting items for the holiday scrapbook, but rather something which in the past we have described as holding up a two way mirror to our own familiar setting. There are two parts to the exercise: describing one’s own situation to those from another setting leads to new and stimulating questions about the home issues, while at the same time asking questions about the position elsewhere also stimulates new ideas

about familiar problems. The bringing together of both international and interdisciplinary participations heightens the process. Perhaps the policy specialists may take an interest in the socio-legal preoccupation with whether law or policy shapes or follows social change, while the lawyers who engage in the sociology of law should benefit from the vigorous discussion of methodology among the family policy specialists.

### **2.1. Session 1**

The session looked at what is a parent:.. Looking at the welfare of the child after separation, Benoit Bastard and Laura Voneche argued that the French government's insistence on joint parenting after separation is not in harmony with the views of the population, and questioned its origin. Encarna Roca argued that the sexual orientation of parents is unrelated to the welfare of the child. Kurczewski and Fuszara raised the suggestion that people other than the biological parents carry out the parental function.

### **2.2. Session 2**

In this session conflicted contact after relationship breakdown was considered. We heard about the kinds of parents who have these problems in the UK from Liz Trinder , about the professional interventions developing in the US and in Germany from Joan Hunt and Katrin Mueller Johnson, and about the state of Bulgaria after transition from Velina Todorova.

### **2.3. Session 3**

This session looked at issues of child protection and how these are amplified for ethnic minority parents in the UK with Julia Brophy and Jay Jhutti Johal, about the limitations of the Climbe report from Judith Masson, and about the extensive powers of social workers in Spain to take children into care before any court intervention in cases of emergency from Teresa Picanto Navales.

### **2.3. Session 4**

In our final we returned to the "big issues". Carol Smart and Vanessa May looked at the case of unmanageable conflict between parents over contact, asking what is the role of the state. Clem Henricson put the case for a rights based approach to child and family policy. John Eeklaar closed the stream with the fundamental issue of truth-telling, reminding us of the comparatively recent ban on accurate information being given to adopted children about

their origins and instead the provision of fictional information, as compared with the current possibilities provided by DNA testing for paternity.

### **3. Stream B: Family Policy – organiser, Jane Lewis**

The Family Policy stream also had four sessions, beginning with an exploration of the extent to which there is a shift at EU and member state level towards what is often termed a 'social investment state'. For social policy to be 'a productive factor' in line with the European Commission's 2000 Social Policy Agenda, social spending is justified in terms of social investment. This has served to bring children – their care and support – to the forefront of the policy agenda, but the question remains as to how far the needs and well-being of the child, as opposed to the economy and the wider society, are the focus of attention. Session 2 moved on to look more specifically at how we 'pay for' and support children, with the presentation of new cross-national data on policy trends and child support packages. Session 3 focused on the care of children, examining both the EU level and OECD policy in this respect, and highlighting the extent to which policy in this area is undergoing rapid and dramatic change by discussing policy developments in The Netherlands. Finally this stream considered the issue of work/life balance and its relation to the welfare of the child, exploring developments in the UK, Germany and France.

The backdrop to our work in this stream is the changing nature of families and the contributions that men and women make to them, and the restructuring or recasting of modern welfare states. In modern welfare states, there has always been a fundamental obligation on the part of the able-bodied man to engage with the labour market, but historically, the same expectations have not been applied to adult women. This is not to say that women did not enter the labour market, but it was perfectly acceptable for married women, especially mothers not to do so, in other words they could be dependent on men. This 'male breadwinner family model' effectively made provision for the support and care of children, albeit at the price of female economic dependence on men.

What we have seen over the last thirty years are profound changes in behaviour: a huge rise in female labour market participation, albeit in many countries such as the UK, The Netherlands and Germany in part-time jobs; changes in normative expectations about the nature of the contributions that men and women make to households in respect of money and time, and, most recently, changes in the assumptions underpinning social policy. Above all, it is increasingly assumed that women will be in the labour market and that men and women can be treated as 'citizen workers'. Women's paid work is increasingly seen at EU

and member state level as crucial to the competitiveness and growth agenda. Evidence for this shift is not hard to find, e.g. the expansion of childcare services since the mid-1990s in both Germany and the UK is significant, and been explicitly justified more in terms of promoting women's work than in terms of the welfare of the child.

What happens to adults is crucial to the well-being of children. The increasing fluidity of family forms, with more divorce, unmarried motherhood and lone mother families, and the increase in female economic autonomy has made it impossible for governments to assume the existence of the male breadwinner family model. But how are children to be supported when family forms are increasingly fluid? And how is their care to be arranged when women, who have traditionally taken the main responsibility for care, are increasingly in the labour market? How are the responsibilities for the support and care of children to be divided between mothers, fathers and the state? As the contributions to this stream made clear, the terms and conditions on which the transition to what appears to be an 'adult worker family model' is undertaken are crucial for children's well-being.

### **3.1. Session 1**

The first session was on the issue of social investment. Jane Jenson argued that we are witnessing a period of welfare state 'redesign'. Even in countries where family policy has historically been only implicit (e.g. the UK), there have been major developments in this field. Jenson suggested that while early welfare state design was concerned mainly about current problems, the new social investment perspective is more future-oriented. The social investment perspective is displacing the older idea of social protection and is using new policy instruments, e.g. learning bonds and tax credits. But, like Ruth Lister who followed her, Jenson raised issue of how far the child is treated as 'an adult in waiting' rather than as a child. Lister suggested that we should undertake a thought-experiment based on the question what policy would look like if it was focused around children's well-being and raised only 'two cheers' for the social investment approach. While it has resulted in more attention to child welfare, it has tended not to engage with the child as citizen. In this context, Birgit Pfau-Effinger explored the changes in informal care across countries, stressing the way that welfare state policies interact with attitudes and values, and raising the difficult issues of what constitutes 'real choice' for parents in respect of being worker *and* carer citizens, alongside the 'rights' of the child. Finally, Barbara Hobson addressed the issue of men as fathers, pointing out that we lack models for male behaviour and that we need to know why men do what they do. She called for more work on men's agency and claims-making as fathers.

### **3.2. Session 2**

The second session dealt on paying for children. Fran Bennett raised some of the central issues in policy design in the field of payments in respect of children: how far should cash payments be targeted to children in the most need, how far do benefits follow the child and who actually receives payments intended for the child? Ulla Bjornberg tracked the trends in support for children across the Nordic countries, The Netherlands, the UK and Germany, raising the issue of how different states pay for the care of children, while Jonathan Bradshaw examined the 'child benefit package' in these same countries and showed the shifts that have taken place in recent years. He concluded that there is some evidence of convergence in policies as well as of placement of the countries.

### **3.3. Session 3**

This session was about caring for children. Peter Moss began by considering the childcare targets set by the EU in Barcelona in 2002, and invited us to consider whether enough attention is being paid the nature of 'care'. He argued that childcare is often treated as a technical question, and sometimes children seem to be considered more as impediments to the labour market participation of their parents than in terms of their own, holistic, needs. Rianne Mahon pointed out that the OECD appears to have two approaches to childcare, one (represented by the Babies and Bosses volumes) focusing very much on adults and on the labour market imperative for childcare provision, and one (in Starting Strong) by a more child-centred focus. Finally, Trudie Knijn showed the extent to which childcare provision in The Netherlands is becoming privatised to the market, and the extent to which the proposals for life-course savings accounts will privatise the responsibility for making choices about work and care. Given the recent tendency in the comparative social policy literature to argue for substantial convergence towards support for social services, this proved a timely reminder as to the continuing importance of domestic political shifts.

### **3.4. Session 4**

This session, spent to work/life balance, focused on the meaning of 'flexibility' and its impact. There is evidence that some forms of flexibility are welcomed by employees, but carework tends to require a measure of certainty, for example, that the child can be picked up from school at the same time each day. As Diane Perrons commented on the basis of her UK data, people want control over the working day. Ute Klammer made use of data that explored the child's own perspective and reported that children wanted reliability. Security and predictability are important for children. Marie Therese Letablier analysed the changes to

state care policies in France, highlighting the vexed issue of quality, which is, as Peter Moss also stressed, crucial for the child.

The conference attracted more than 70 participants and a number of contributors have expressed an interest in publishing their papers in book form. Further information on these publications will be mounted on this site.

## APPENDIX I

### CHALLENGES AND OPPORTUNITIES FACED BY EUROPEAN WELFARE STATES: THE CHANGING CONTEXT FOR CHILD WELFARE

January 7-8 2005 St Anne's College , University of Oxford  
Woodstock Road, Oxford OX2 6HS

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#### Programme

##### Friday 7<sup>th</sup> January 2005

- 8.00 am Breakfast in Hall (for Thursday arrivals)
- 10.00 am Coffee and registration in Lobby of Theatre
- 10.30-10.45 am Introduction by the convenors, Jane Lewis and Mavis Maclean
- 10.45 am-1.15 pm Session 1 Stream A (Law) in Seminar Room 5  
Stream B (Social Policy) in Seminar Room 2
- 1.00 pm-2.30 pm Sandwich Lunch
- 2.30 pm-4.30 pm Session 2 Stream A (Law) in Seminar Room 5  
Stream B (Social Policy) in Seminar Room 2
- 4.30 pm Tea (Lobby)
- 6.00 pm Drinks reception (Lobby)
- 7.00 pm Conference Dinner in Hall

##### Saturday 8<sup>th</sup> January

- 8.00 am Breakfast in Hall
- 9.00 am-11.00 am Session 3 Stream A (Law) in Seminar Room 5  
Stream B (Social Policy) in Seminar Room 2

11.00 am-11.30 am Coffee (Lobby)

11.30 am-1.30 pm Session 4 Stream A (Law) in Seminar Room 5  
Stream B (Social Policy) in Seminar Room 2

1.30 pm – 2.30 pm Lunch in Hall

2.45 pm – 3.45 pm Panel and Discussion in the Theatre

Rooms will be available for small working group meetings until 5 pm on Saturday afternoon.

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### **STREAM A: Child Welfare and the Law** (coordinator – Mavis Maclean)

This stream explores the way in which the responsibility of the individual parent to his/her child is regulated through family law.

#### **Session 1 Children and the Parental Couples: continuing relationships outside marriage or cohabitation**

- Benoit Bastard, CNRS Paris and Laura Voneche, University of Geneva  
'The Separation of couple Law from Parental Law in PACS and the new Children Act'
- Jacek Kurczewski and Malgorzata Fuszara, University of Warsaw  
'What is a Parent?'
- Encarna Roca Trias, University of Barcelona  
'Same Sex Parenting'
- John Eekelaar, OXFLAP, University of Oxford  
'Truth'

#### **Session 2 Conflicted Contact**

- Liz Trinder, University of East Anglia  
'The Nature of Conflicted Contact'
- Joan Hunt, OXFLAP, University of Oxford  
'Professional Intervention: an international review'
- Velina Todorova, Institute for Legal Studies, Bulgaria  
'Contact after Transition: Family and State'

- Katrin Mueller Johnson, Cornell University  
'Contact Support in Germany'

### **Session 3 Child Protection Issues and Diversity**

- Julia Brophy, OXFLAP, University of Oxford and Jay Johal, University of Birmingham  
'Significant Harm Criteria'
  
- Judith Masson, University of Warwick  
'A contextual critique of the Climbie Report'

- Teresa Piconto Novales, Zaragoza University  
'Recent Developments in The Spanish Child Welfare Law'

#### **Session 4 Supporting Parents and Hearing the Voice of the Child**

- Carol Smart and Vanessa May, University of Leeds  
'Unmanageable Conflict: Parents, Children and Separation'
- Clem Henricson, National Family and Parenting Institute  
'The Child and Family Policy Divide'

#### **STREAM B Children and Social Policies**

This stream explores ways in which the responsibility of society to the coming generation is developing via family policies

#### **Session 1 Welfare State Change and Children: towards the social investment state?**

- Jane Jenson, University of Montreal  
'The Investing in Children Paradigm: A Comparison of Canada and Britain'
- Ruth Lister, University of Loughborough  
'An Agenda for Children: Investing in the Future or Promoting well-being in the Present?'
- Barbara Hobson, University of Stockholm  
'Work Regimes, Work cultures and Men's Carework'
- Birgit Pfau-Effinger, University of Hamburg  
'Cultures of childhood and Care in European Welfare States'

#### **Session 2 Paying for Children**

- Fran Bennett, University of Oxford  
'Paying for Children'
- Ulla Bjornberg, University of Gothenberg

'Trends in Sharing Costs for Children. Nordic-North European Comparisons'

- Jonathan Bradshaw, University of York

'A comparison of family benefits in nine countries at January 2004'

### **Session 3 Caring for Children**

- Peter Moss, University of London

'Getting beyond Childcare and the Barcelona Targets'

- Rianne Mahon, University of Ottawa

'Farewell to Maternalism OECD-style – or is there one?'

- Trudie Knijn, University of Utrecht

'Saving for children: life courses and markets'

#### **Session 4 Work/Life Balance and Children**

- Diane Perrons, LSE

'Are Family Policies for the Family? Contradictions of Family Policy in a Flexible Era'

- Ute Klammer, University of Düsseldorf

'Work life balance from the children's perspective'

- Marie Therese L'Etalier, CNRS, Paris

'Restructuring Childcare Policy in France: Responses to parents' flexibilisation in working time'

**Final Discussion Panel:** led by Fran Bennett, Gillian Douglas, Jane Lewis and Mavis Maclean.

**APPENDIX II**

<b>Attendees</b>	<b>Institution</b>
Almeda, Elisabet	Institute of Childhood and Urban World
Anttonen, Anneli	University of Tampere
Bastard, Benoit	CNRS
Batchelor, Jane	University of Bath
Bennett, Fran	University of Oxford
Bjomberg, Ulla	University of Gothenberg
Bradshaw, Jonathan	University of York
Bretherton, Harriet	CAFCASS
Brophy, Julia	OXFLAP, University of Oxford
Choudhry, Shazia	University of Newcastle upon Tyne
Clarke, Karen	University of Manchester
Clarke, Lynda	LSHTM
Clucas, Bev	University of Hull
Dominelli, Lena	University of Southampton
Doughty, Julie	University of Cardiff
Douglas, Gillian	University of Cardiff
Duncan, Simon	University of Bradford
Eekelaar, John	OXFLAP, University of Oxford
Finch, Naomi	University of York
Flaquer, Lluís	Institute of Childhood and Urban World
Fuszara, Malgorzata	University of Warsaw
Gelder, Ulrike	University of Plymouth
Gillan, Evelyn	University of Edinburgh
Gilmore, Stephen	University of Oxford
Herring, Jonathan	University of Oxford
Henricson, Clem	NFPI
Hobson, Barbara	University of Stockholm
Hooper, Carol-Ann	University of York
Hunt, Joan	OXFLAP, University of Oxford
Jenson, Jane	University of Montreal
Johal, Jay	University of Birmingham
Kalbitz, Andreas	University of Hamburg

Kamenova, Tzetana	Institute for Legal Studies
Klammer, Ute	University of Düsseldorf
Knijn, Trudie	University of Utrecht
Kurczewski, Jacek	University of Warsaw
Larne, Trille Pernille	University of Kent
Le Bihan, Blanche	ENSP
Leeson, Caroline	University of Plymouth
L'Etalier, Marie Therese	CNRS
Lewis, Jane	London School of Economics
Lister, Ruth	University of Loughborough
Maclean, Mavis	OXFLAP, University of Oxford
Mahon, Rianne	University of Carleton
Martin, Claude	University of Rennes
Masardo, Alex	University of Bath
Masson, Judith	University of Warwick
May, Vanessa	University of Leeds
Miles, Claire	University of Cardiff
Millar, Jane	University of Bath
Morton, Sarah	University of Edinburgh
Moss, Peter	University of London
Mueller Johnson, Katrin	Cornell University
Papadopoulos, Theodore	University of Bath
Parry, Martin L.	University of Hull
Perrons, Diane	LSE
Pfau-Effinger, Birgit	University of Hamburg
Piconto Novales, Teresa	Zaragossa University
Richards, Martin	University of Cambridge
Ridge, Tess	University of Bath
Roca Trias, Encarna	University of Barcelona
Sawyer, Caroline	Oxford Brookes University
Selman, Peter	University of Newcastle
Sinclair, Ann	University of Newcastle
Sinfield, Adrian	University of Edinburgh
Smart, Carol	University of Leeds
Smith, Teresa	University of Oxford

Schuuman, Mieke  
Terry, Louise  
Todorova, Velina  
Trinder, Liz  
Warth, Lisa  
Voneche, Laura  
Wikeley, Nick  
Williams, Fiona  
Wright, Sharon  
Wasoff, Fran

Euronet, European Children's Network  
London South Bank University  
Institute for Legal Studies  
University of East Anglia  
LSE  
University of Geneva  
University of Southampton  
University of Leeds  
University of Stirling  
University of Edinburgh