

Childhood Policy Milestones

Chronologies

November 2019

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Preface

The British Academy has undertaken a programme of work that seeks to re-frame debates around childhood in both the public and policy spaces and break down academic, policy and professional silos in order to explore new conceptualisations of children in policymaking.

This programme has investigated different aspects of these changes through a number of research activities, including policymaking landscape reviews for each of the four UK nations; case studies on approaches across the four UK nations towards children leaving care and childhood poverty, and evidence on the effectiveness of these different approaches; and a series of stakeholder workshops with policymakers, practitioners and academics.

This document is a working paper which highlights a number of major policy initiatives selected by the programme's steering group for their impact on British children and childhood. It seeks to briefly capture the context in which these initiatives came about; their key elements; and reflections on their legacies.

More information on the Childhood programme can be found at www.thebritishacademy.ac.uk/programmes/childhood

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1.0 The Education Act 1944 - The 'Butler Act'

The Education Act 1944, which received Royal Assent on 3 August 1944, initiated significant change in the education of children in England and Wales, effectively providing the framework for education provision for much of the post-1945 era.

Its key elements were:

- Education to be organised into three 'progressive stages': primary, secondary and further education.¹
- Provision of free and compulsory schooling for all children aged 5-15.
- Consolidation of the 'tripartite' system of secondary schooling (grammar, modern and technical).
- Introduced the 11-plus examination to determine the kind of secondary school children should attend, based on their 'ages, abilities and aptitudes'.
- School leaving age was raised to 15 from 14 (subsequently postponed for two years) with provision for a further rise to 16 which was not implemented until the 1970s.²
- The Board of Education was replaced by a Ministry of Education.
- Local authorities were required to provide a range of support and medical services for children in addition to school provision itself, including meals, free milk and 'education by special methods' for those children deemed to be suffering from mental or physical 'handicap'.
- All privately-owned schools were to be registered and inspected.
- Religious education and a daily act of collective worship were made compulsory.

1.1 In Context

In 1938, around 80 per cent of children left school at 14.³ Most of these attended an all-age elementary school and less than 1 percent of each cohort attended university.⁴ One driver of the new legislation was the desire for social reform, to build a 'New Jerusalem' to rise from the ashes of a Britain broken by the Second World War. Another was the reality of evacuation. Evacuation mixed up the British class system like never before as children from the working classes entered the homes of the better off who in turn began to give greater support to reform. Civil servants were also evacuated and worked in Bournemouth on the UK's first ever Green Paper.⁵ This was intended to produce an education system fit for a new Britain based on a tripartite system: grammar schools for academic pupils, technical schools for those with more practical skills, and secondary modern schools for everyone else.

1 http://www.legislation.gov.uk/ukpga/1944/31/pdfs/ukpga_19440031_en.pdf

2 <https://www.parliament.uk/about/living-heritage/transformingsociety/livinglearning/school/overview/educationact1944/>

3 <http://www.bbc.co.uk/schoolreport/25751787>

4 <http://www.bbc.co.uk/schoolreport/25751787>

5 <http://www.bbc.co.uk/schoolreport/25751787>

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Prior to the 1944 Act, reform had been slow.⁶ The Fisher Education Act of 1918 did not ultimately succeed in implementing a school leaving age of 14. The 1936 Education Act was implemented but weakened, as churches resisted the extension of state control over their schools and the agricultural sector insisted on extensive exemptions from the school-leaving age increase to 15.⁷

1.2 The 1944 Act

The 1944 Act was called the 'Butler Act' because it was introduced by R.A. Butler MP, President of the Board of Education from 1941 and then, after the Board was replaced by the Ministry, Minister of Education from August 1944 to May 1945. Under the Act (Section 1), his duties were 'to promote the education of the people of England and Wales and the progressive development of institutions devoted to that purpose... to secure the effective execution by local authorities, under his control and direction, of the national policy for providing a varied and comprehensive service in every area'.⁸ This change from Board to Ministry meant that the education system was nationalised and centralised in an attempt to regulate standards.⁹

Secondary education was provided for all – no fees could be charged by 'maintained' schools (those funded and controlled by the local education authority). This included grammar schools.¹⁰ The 'elementary' and 'higher' stages of schooling were to be replaced by primary, secondary and further education.

The Act required Local Education Authorities (LEAs) to provide a variety of secondary education and while some offered the full tripartite range of grammar schools, technical schools and secondary modern schools, in most LEAs just two kinds of secondary school were available, grammar and secondary modern. The tripartite system did not originate with the 1944 Act, but from a report by Sir William Spens in 1938.¹¹ The Act introduced the 11 plus exam which was to be part of selection for secondary education, determining which type of school pupils could attend. Because in most LEAs the secondary system was *de facto* a bipartite rather than tripartite one, the 11 plus became less an assessment of aptitude than a competition for scarce places at grammar schools.

Every school day was to start with act of collective worship. Religious schools were effectively nationalised, absorbed into the state system in exchange for the state paying for their maintenance and upkeep.

1.3 Impact

The tripartite model of schooling was not a success. Overall, around 20 per cent of children attended grammar schools and 5 per cent technical schools. Thus, 75 per cent of 11–15 year olds attended schools which provided no formal qualifications.¹² Pupils at secondary modern schools performed less well than other pupils.¹³ Yet across LEAs there was considerable variation in the proportion of children having access to grammar

6 https://books.google.co.uk/books?id=qPLHCgAAQBAJ&pg=PA120&lpg=PA120&dq=butler+education+act+1944+prais&source=bl&ots=SrCqYEppJ2&sig=emdwbjbyvSCdbvkCbljKOLTE4AKw&hl=en&sa=X&ved=2ahUKEwjE1N_NvdjAhWKIMAKHQL6ADk4FBDoATADegQIBhAB#v=onepage&q=butler%20education%20act%201944%20prais&f=false

7 https://books.google.co.uk/books?id=qPLHCgAAQBAJ&pg=PA120&lpg=PA120&dq=butler+education+act+1944+prais&source=bl&ots=SrCqYEppJ2&sig=emdwbjbyvSCdbvkCbljKOLTE4AKw&hl=en&sa=X&ved=2ahUKEwjE1N_NvdjAhWKIMAKHQL6ADk4FBDoATADegQIBhAB#v=onepage&q=butler%20education%20act%201944%20prais&f=false

8 http://www.legislation.gov.uk/ukpga/1944/31/pdfs/ukpga_19440031_en.pdf

10 <https://sesc.hist.cam.ac.uk/wp-content/uploads/2018/02/Briefing-paper-Secondary-modern-schools.pdf>

11 <https://www.parliament.uk/about/living-heritage/transformingsociety/livinglearning/school/overview/educationact1944/>

12 <https://www.britannica.com/topic/education/Education-Act-of-1944>

13 https://www.jstor.org/stable/30032739?seq=1#page_scan_tab_contents

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1.0
The Education Act
1944-The 'Butler Act'

schools, so the system was what would now be called a 'postcode lottery'. Such failings contributed to later education reforms, including, following the Labour DES Circular 10/65, the abandoning of selection at 11 plus and the reorganisation of secondary education in most LEAs 'on comprehensive lines.'

2.0
Family Allowances
Act 1945

Later, the 1988 Education Act dismantled much of the 1944 Act, reducing the power of LEAs and giving greater powers to central government, especially in matters of curriculum and assessment.¹⁴

3.0
The Gillick Case

The 1944 Act's stated aim of raising the school leaving age to 16 was only achieved in 1972, though by that time over 60 per cent of 15–16-year olds were already staying on for the extra year in order to leave school with a qualification.¹⁵

4.0
The Education
Act 1988

Similar Education Acts were passed in Scotland in 1945 and Northern Ireland in 1947. These implemented the essential elements of the 1944 Act. In Northern Ireland, the 11 plus exam persisted for much longer than in England and Wales, being phased out from 2008.

5.0
Children Act 1989

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¹⁴ <https://www.theguardian.com/education/2014/apr/22/1944-education-act-butler-policy-today>

¹⁵ <https://www.parliament.uk/about/living-heritage/transformingsociety/livinglearning/school/overview/educationact1944/>

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2.0 Family Allowances Act 1945

The Family Allowances Act 1945 introduced universal child benefit in the UK for the first time. It was the first time that the benefit was paid to all families with more than one child irrespective of employment or prior contributions.¹⁶ However, the policy was designated as a 'family' allowance and not yet the right of every child.

2.1 Context

Child tax allowances appeared in several varieties, starting with introduction in 1798, abolition in 1805 and reintroduction in 1909. The amounts related to the age of the child, were limited to taxpayers and were worth more to higher rate taxpayers.¹⁷

Another early precedent is the Speenhamland system of outdoor poor relief in the late 18th and early 19th century which supplemented low wages, taking into account numbers of children. This was abolished in 1834 under the New Poor Law, which introduced the harsher system of indoor relief, workhouses, to deter pauperism.

The state also provided benefits for the children of servicemen. The scale of 'separation allowances' for wives and children of servicemen in the First World War was almost as much as the pay for servicemen themselves. Between the wars, unemployment benefit would take into account children via means test.

The case for the first universal family allowance was made as early as 1918 by social reformer and feminist Eleanor Rathbone. These early schemes sought to alleviate family poverty and to 'reward' women for their 'work' as mothers, lessening dependence on men.¹⁸ Male-dominated trades unions were often opposed as their wage-claims were based on the idea of men as the sole breadwinner.

In the inter-war years politicians began to be more concerned over the declining birth rate which was a significant factor in support for family allowances. From the 1920s onwards, the economic crash and depression drove concerns about poverty and its effects, such as malnutrition. Tackling poverty through greater wage increases risked driving inflation, while tax allowances would not reach the poorest families.¹⁹ The decision was thus taken to introduce family allowances.

Family allowances were the subject of a White Paper in 1942, but Labour and Conservative politicians disagreed about its implementation. The 1942 Beveridge Report proposed an allowance of eight shillings per week for all children (apart from the first child if one parent was working), which graduated according to age. It was to be non-contributory and funded by general taxation.²⁰

16 https://link.springer.com/chapter/10.1007/978-1-349-17956-5_2

17 https://revenuebenefits.org.uk/child-benefit/policy/where_it_all_started/

18 <https://www.theguardian.com/society/2010/oct/04/child-benefit-a-potted-history>

19 <http://www.nationalarchives.gov.uk/cabinetpapers/themes/family-support.htm>

20 <http://www.nationalarchives.gov.uk/cabinetpapers/themes/beveridge-report-child-benefit.htm>

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2.2 The Act

The Family Allowances Bill was enacted in June 1945, introducing the benefit that Beveridge proposed but at a less generous level – five shillings a week, not the recommended eight and, initially, only for the second and subsequent children.^{21 22}

The Act provided for a flat rate payment funded directly from taxation. The payment was originally to be paid to men, but several female MPs were opposed.²³ An amendment proposed by Eleanor Rathbone was passed on a free vote so that the family allowance was paid to the mother.²⁴

The new flat rate payment funded directly from general taxation was introduced in 1946.²⁵

2.3 Legacy

The Family Allowance introduced by the 1945 Act has continued and evolved. The underpinning philosophy of the state financially supporting families in order to prevent poverty endures, though it has been politically controversial. Family Allowances remained a target for cuts through subsequent decades until superseded by Child Benefit in 1975 which made payments, universally, for each child. Also significant was the introduction of Family Income Supplement in 1970 which saw a move towards means-testing.

As a means of encouraging families to keep children in education, the Family Allowances Act 1956 extended the age limit from 16 to 18. It also increased payments for third and subsequent children (but not first or second born children). Between 1950 and 1960 the value of child benefit did not keep up with levels of inflation meaning it was cut in real terms.²⁶

The 1975 Child Benefit Act replaced family allowances with Child Benefit. From 1977, a new universal, non-means tested, tax-free cash benefit for all children, including the first, was introduced and made payable to the mother. The universalism was popular, and probably helps to account for durability in decades that followed. But universalism was curtailed under the Conservative and Liberal Democrat Coalition government so that child benefit was phased out for higher rate taxpayers. More recently, new state provision has been created to support families with children such as Child Tax Credit (soon to be part of Universal Credit) which replaces Married Couple's Tax Allowance.

2.4 Perception and Impact

Child benefit provides essential help for many of those on low to middle incomes. Payment to the mother and clear labelling of child benefit as being meant for children, helps to ensure it is spent on the things that children need.²⁷

Polling conducted in 2012 by the Child Poverty Action Group (CPAG) showed that 51% of respondents spend their child benefit on children's clothes or shoes, 26% spend it on food and 16% spend it on their child's education or related things. There are differences in the way child benefit is usually spent between families across socio-economic status. For example, the poorest families (in social classifications D and E) are more likely to

21 <http://www.nationalarchives.gov.uk/cabinetpapers/themes/beveridge-report-child-benefit.htm>

22 <https://www.perfar.eu/policies/family-allowances-act-1945>

23 <https://www.parliament.uk/about/living-heritage/transformingsociety/elections/voting/womenvote/parliamentary-collections/eleanor-rathbone/family-allowances-act-1945/>

24 <https://www.perfar.eu/policies/family-allowances-act-1945>

25 <http://www.nationalarchives.gov.uk/cabinetpapers/themes/beveridge-report-child-benefit.htm>

26 <http://www.cpag.org.uk/sites/default/files/SaveChildBenefit.pdf>

27 <http://cpag.org.uk/sites/default/files/CPAG-Child-Benefit-Fit-Future-0806.pdf>

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spend it on bills, such as electricity and council tax, while the richest – those in social classifications A and B – are more likely to save their child benefit.²⁸ Child benefit is paid to the main carer, usually mothers. A group of mothers, interviewed by CPAG, stated that child benefit provides them with 'a sense of independence and recognition of the value' of the caring work they provide.²⁹ Moreover, for many mothers who were not in paid employment, child benefit was the only independent source of income available to them.

CPAG have stated that child benefit (and family allowance before it) has an important redistributive function – 'A universal child benefit scheme helps redistribute resources and tax contributions over a person's lifecycle'.³⁰

28 <http://www.cpag.org.uk/sites/default/files/SaveChildBenefit.pdf>

29 <http://www.cpag.org.uk/sites/default/files/SaveChildBenefit.pdf>

30 <http://www.cpag.org.uk/sites/default/files/SaveChildBenefit.pdf>

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3.0 The Gillick Case

The Gillick case, and the test known as 'Gillick competence' refers to a legal decision which established that children under the age of sixteen can, without the approval of their parents, give a valid legal consent to medical treatment, specifically in the case of contraceptives, when they are sufficiently 'competent' to do so. The case established a general principle of the law of England, Wales and Northern Ireland to be applied when determining how to decide whether children can make informed decisions.³¹ It explored the balance between a parent's rights with regard to how they think it best to protect the wellbeing of their children and the rights of the child.

3.1 Context

In the early 1980s the then Department of Health and Social Security issued a circular advising that a doctor could, in 'exceptional' circumstances, lawfully prescribe treatment, in this case contraception, for girls under the age of 16, without parental consent.³²

Mrs Victoria Gillick was the mother of several daughters below the legal age of consent (16). She considered this advice to be illegal and complained to her local area health authority, seeking their assurance that they would not act in this way i.e. that they would not give advice or contraceptives to her children without her consent. As the local area health authority did not provide that assurance Mrs Gillick took the matter to court.³³

3.2 Judgments

In 1984 the claim was dismissed by Mr Justice Woolf in the High Court. Mrs Gillick successfully appealed to the Court of Appeal, and Gillick won, but that appeal was subsequently overturned by the House of Lords (by a majority of 3 to 2).³⁴

The majority in the House of Lords agreed that parental rights exist for the benefit of the child and decline over time as the child ages and becomes more able to take their own informed decisions. The child in question can consent to treatment if they demonstrate "sufficient understanding and intelligence to understand fully what is proposed".³⁵ Lord Fraser cited the precedent of other laws under which a child is treated as equal to an adult: a child may enter into certain contracts, sue or be sued, or give evidence under oath³⁶.

3.3 Legacy Medical advice and treatment

Lord Fraser outlined guidelines which are now used to assess whether a child is 'Gillick competent' in terms of their ability to make decisions about contraception. The guidelines help to balance the need to listen to the child with the need to keep them safe.³⁷ They allow the medical professional to proceed with treatment if they believe the following conditions are met:³⁸

31 <https://learning.nspcc.org.uk/media/1541/gillick-competency-factsheet.pdf>

For Northern Ireland see <https://www.medicalprotection.org/uk/articles/ni-consent-the-basics> or <http://www.niassembly.gov.uk/globalassets/documents/raise/publications/2012/health/14612.pdf>

32 <http://www.mddus.com/resources/publications-library/insight/q1-2018/my-child-my-choice>

33 <https://www.mddus.com/resources/publications-library/insight/q1-2018/my-child-my-choice>

34 <https://www.theguardian.com/theguardian/2000/nov/21/features11.g22>

35 <https://www.lawteacher.net/cases/gillick-v-west-norfolk.php>

36 <http://www.e-lawresources.co.uk/cases/Gillick-v-West-Norfolk.php>

37 <https://learning.nspcc.org.uk/research-resources/briefings/gillick-competency-and-fraser-guidelines/>

38 <http://psnc.org.uk/halton-st-helens-and-knowsley-lpc/wp-content/uploads/sites/45/2013/09/Fraser-competency-CP-Oct14.pdf>

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1. The young person understands the advice being given.
2. The young person cannot be convinced to involve parents/carers or allow the medical practitioner to do so on their behalf.
3. It is likely that the young person will begin or continue having intercourse with or without treatment/contraception.
4. Unless they receive treatment/contraception their physical or mental health (or both) is likely to suffer.
5. The young person's best interests require contraceptive advice, treatment or supplies to be given without parental consent.

The child must understand, not only the 'nature of the advice' but "must also have a sufficient maturity to understand what is involved".³⁹

Wider impact

The Gillick test has had a wider impact on the development of the law relating to children, by emphasising the importance of viewing a child as potentially having the ability – and the right – to hold and express an informed opinion on a matter affecting him or her. For example, the Children Act 1989 requires a court considering the welfare of the child to have regard to 'the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding).'⁴⁰

3.4 Scotland

As Gillick was decided in the House of Lords it applies to Scotland as well⁴¹ but there is also specific legislation governing this issue. The Age of Legal Capacity (Scotland) Act 1991 sets the age of legal capacity at 16 in Scotland. Section s2(4) of the Age of Legal Capacity (Scotland) Act 1991 states that: "A person under the age of 16 years shall have legal capacity to consent on his or her own behalf to any surgical, medical or dental procedure or treatment where, in the opinion of a qualified medical practitioner attending him, he is capable of understanding the nature and possible consequences of the procedure or treatment".⁴²

39 <https://learning.nspcc.org.uk/media/1541/gillick-competency-factsheet.pdf>

40 Children Act 1989, s 1(3)(a).

41 <https://www.bmj.com/rapid-response/2011/10/31/competence-children-don%E2%80%99t-forget-scottish-dimension>

42 <https://www.scottishlaw.org.uk/journal/mar2001/sclubgilmar01.pdf>

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4.0 The Education Act 1988

The 1988 Act is generally regarded as the most important piece of education legislation since the "Butler Act" 44 years previously.⁴³ 'Market' competition was introduced into education in an attempt to raise standards.⁴⁴

The other notable aspects of the 1988 Act were the introduction of the national curriculum, testing at ages 7, 11 and 14 (Key Stages), the Office for Standards in Education, Children's Services and Skills (Ofsted), creation of city technology colleges and new types of school outside local education authority control (called grant-maintained schools).⁴⁵

4.1 Context

Before the 1988 Act state most schools were run by local education authorities (LEAs) which had a significant role in setting education policy and administering schools in their area.⁴⁶ Grammar schools were selective so ran a competitive admissions process (the eleven plus examination) while other schools allowed entry to those who did not pass the eleven plus.⁴⁷ The proportion of pupils in state-funded grammar schools England and Wales was around 5% by the mid-1980s.⁴⁸ Since 1965 LEAs had begun to run comprehensive schools which did not discriminate their admissions by ability.⁴⁹

In the 1970s debate around education increasingly turned to standards, resulting in greater central government control.⁵⁰ The Thatcher administration of the 1980s had an ideological commitment to free markets and the introduction of competitive pressures into public services. This translated to the Act as competition was seen as the best way to improve standards – empowering parents as consumers. The Act allowed for schools to be removed from LEA control with greater financial control given to governing boards.

4.2 Impact

The Act gave central government and parents greater legal powers to make changes to schools by increasing the role of a market mechanism in education, introducing competition through parental choice which was underpinned by changes to funding which 'followed' pupils. The introduction of competition was intended to force schools to raise standards.⁵¹

The 1988 Act allowed schools to opt out of LEA control, permitting them greater control over their affairs – including admissions which remains controversial. The 'grant maintained' schools thus created lasted for ten years before being abolished as a result of legislation passed in 1998. Since 1998 several more types of autonomous schools have emerged, further reducing the proportion of schools that are still LEA controlled. The Act established a standardised national curriculum, with national testing and school

43 <https://www.perfar.eu/policies/education-reform-act-1988>

44 <http://www.psi.org.uk/publications/archivepdfs/Recent/CENLOC4.pdf>

45 <https://www.tes.com/news/timeline-history-education>

46 <http://www.psi.org.uk/publications/archivepdfs/Recent/CENLOC4.pdf>

47 <https://ffteducationdatalab.org.uk/2016/11/when-is-a-comprehensive-school-actually-a-secondary-modern/>

48 House of Commons Library, briefing paper Number 1398, 10 March 2017, 'Grammar School Statistics', By Paul Bolton. <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN01398#fullreport>

49 <https://www.parliament.uk/about/living-heritage/transformingsociety/livinglearning/school/overview/educationreformact1988/>

50 <http://www.psi.org.uk/publications/archivepdfs/Recent/CENLOC4.pdf>

51 <http://cee.lse.ac.uk/ceedps/ceedp57.pdf#page=9>

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assessment.⁵² The curriculum, set centrally, was to “promote the spiritual, moral, cultural, mental and physical development of pupils at the school and of society”.⁵³ This new curriculum included ‘key stages’ for children at the ages of seven, eleven and fourteen and resulted in the awarding of General Certificate of Secondary Education (GCSEs).⁵⁴ GCSEs are an adaptation of O levels and CSEs which were national, standardised and at the same age. The curriculum set out ‘core’ subjects including science and maths and ‘foundation’ subjects including ‘technology’.⁵⁵ The outcomes of these standardised results were to be published in league tables and still are. League tables and Ofsted reports are to publicly show school performance, enabling information distribution in the competitive market.⁵⁶ The results shown in the league tables should then encourage parents to enrol their children at successful schools. Successful schools then get more money and failing schools less – putting their existence at risk.⁵⁷

4.3 Assessment and criticism

The 1988 Act has been controversial for introducing competition into schools and education. There is no definitive answer to whether competition has improved performance⁵⁸. Both exam results and Ofsted ratings may, in any case, be a poor indicator of performance or quality as they take no account of the prior circumstances of the students.⁵⁹ The Act allowed new types of school but there is little evidence on the effectiveness of changes to school structure.⁶⁰

Competition has also been shown to be favourable to well-educated, affluent families.⁶¹ But the most common alternative – having pupils only attend their local school – is de facto admission by the ability to buy a property in the catchment area of that school.⁶² Property in areas with high performing schools is more expensive where schools must partly admit pupils on geography.⁶³ As a result, socioeconomic conditions have been largely unaffected by the Act.⁶⁴

The focus on competition by outcomes, via league tables and Ofsted assessments, had led to criticism of schools as ‘exam factories’ which seek to maximise results causing stress⁶⁵ and acting to the detriment of other aspects of children.⁶⁶ Further, the introduction of key stages means there is a risk of discontinuity between different stages of education which may be coherently arranged.⁶⁷

One less discussed result of the Act has been the incentive to schools to admit younger children. This has undermined the viability of nurseries and play groups and has changed

52 <https://cpitrust.org.uk/wp-content/uploads/2014/06/research-survey-9-1.pdf#page=22>

53 <https://www.stem.org.uk/resources/collection/3166/national-curriculum>

54 <http://cee.lse.ac.uk/ceedps/ceedp57.pdf>

55 <https://www.stem.org.uk/resources/collection/3166/national-curriculum>

56 <https://cpitrust.org.uk/wp-content/uploads/2014/06/research-survey-9-1.pdf#page=9>

57 <https://cpitrust.org.uk/wp-content/uploads/2014/06/research-survey-9-1.pdf#page=9>

58 https://www.ifs.org.uk/economic_review/fp242.pdf#page=2, <http://cep.lse.ac.uk/pubs/download/cp325.pdf> and <https://www.sciencedirect.com/science/article/abs/pii/S0377221700003283>

59 <https://epi.org.uk/publications-and-research/secondary-school-choice-in-england/>

60 <https://cpitrust.org.uk/wp-content/uploads/2014/06/research-survey-9-1.pdf#page=23>

61 https://www.ifs.org.uk/economic_review/fp242.pdf#page=3.

62 https://www.ifs.org.uk/economic_review/fp242.pdf#page=3

63 https://www.ifs.org.uk/economic_review/fp242.pdf#page=2

64 Allen, R. and Vignoles, A., 2007. What should an index of school segregation measure?. *Oxford Review of Education*, 33(5), pp.643-668

65 <https://www.nspcc.org.uk/what-we-do/news-opinion/exam-stress-overwhelming-for-thousands-of-children/>

66 <https://www.teachers.org.uk/education-policies/research/examfactories> and <https://www.tes.com/news/schools-are-becoming-exam-factories-fail-prepare-pupils-workplace-business-leaders-warn>

67 <https://cpitrust.org.uk/wp-content/uploads/2014/06/research-survey-9-1.pdf#page=9>

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the emphasis from play to more formal education. The 1870 Education Act established that children entered school in the term after their fifth birthday, but children in England now routinely start at four because they are admitted at the start of the year that they turn five. By 2002, 99% of four-year-olds were in some form of education. The 1988 Act tied school budgets to numbers attending, incentivising schools to seek more pupils, thus encouraging them to seek younger pupils. Nursery education classes had a statutory maximum ratio of thirteen children to one adult, but reception classes for the same age had no such restriction. As schools began to admit younger children alternative methods of provision, such as nurseries and playgroups, declined.⁶⁸ This has resulted in more children attending formal schooling earlier rather than alternatives, though provision in nurseries has been found to be of higher quality.⁶⁹

68 <https://cprtrust.org.uk/wp-content/uploads/2014/06/research-survey-9-1.pdf#page=10>

69 <https://dera.ioe.ac.uk/18189/2/SSU-SF-2004-01.pdf>

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5.0 Children Act 1989

The Children Act 1989 brought together and modernised the law governing the relationship between parents and children and the law governing child protection in England and Wales.⁷⁰ It stressed the paramount importance of child welfare in any issue involving a child's upbringing that has to be decided by a court.⁷¹ At the core of the Act was the principle that children are best looked after within their families unless compulsory intervention is required.⁷² It has been described as Britain's 'most substantive' piece of legislation affecting children and their rights to a safe and secure environment.⁷³

5.0 In Context

The Children Act 1989, implemented in 1991, was both the product of a major reform effort by the Law Commission to modernise the law relating to the relationship between parents and children and a response to calls for reform of the law governing child protection. These came in the aftermath of the Cleveland child abuse scandal in which numerous children were misdiagnosed by a medical procedure as having been sexually abused. The Cleveland Inquiry concluded that there were procedural failings in removing children from their families and 'failures of interagency cooperation and management oversight'.⁷⁴

5.1 The Act

The Act replaced the notion of 'parental rights and duties' with the concept of 'parental responsibility' – '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' – and did away with orders for 'custody' of and 'access' to children following parental relationship breakdown, replacing these with orders now known as 'child arrangements orders'. It made clear that in decisions relating to the upbringing of children, the welfare of the child is the court's 'paramount' consideration, and introduced the principle that the court should assume that any delay in dealing with the issue is likely to harm the child's welfare.⁷⁵

The Act placed an obligation on local authorities to 'safeguard the welfare of children in need in their area' and to promote the upbringing of those children by their families by providing appropriate services.⁷⁶ It emphasised the need for local authorities to work in partnership with parents. For example, compulsory interventions are required to aim to 'support rather than undermine' parents.⁷⁷

The Act made clear that a child can only be 'taken into care' under the authority of a court order and that where this happens, the local authority looking after the child shares 'parental responsibility' with the child's birth parents.⁷⁸ It gave courts the power to grant an 'emergency protection order' so that local authorities could remove a child from home

70 https://learning.nspcc.org.uk/child-protection-system/england/?_ga=2.41972141.969094845.1536145969-1135149758.1533635088.

71 <https://learning.nspcc.org.uk/child-protection-system/england/>

72 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/441643/Children_Act_Guidance_2015.pdf

73 <https://www.loc.gov/law/help/child-rights/pdfs/childrensrights-unitedkingdom.pdf>

74 <http://www.historyandpolicy.org/policy-papers/papers/child-welfare-child-protection-and-sexual-abuse-1918-1990>

75 <http://www.legislation.gov.uk/ukpga/1989/41/introduction>

76 <http://media.education.gov.uk/assets/files/pdf/w/working%20together.pdf>

77 <http://researchbriefings.files.parliament.uk/documents/SN06787/SN06787.pdf>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/441643/Children_Act_Guidance_2015.pdf

78 Children Act 1989 Parts IV and V.

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and place them under temporary local authority protection, or to remove an abuser where they believed not doing so could lead to the child suffering significant harm.⁷⁹ A care or supervision order may only be made where the court is satisfied that the child is suffering, or likely to suffer, significant harm if no action is taken *and* that the welfare of the child requires such action.⁸⁰

5.3 Perception and Impact

Deputy Prime Minister Geoffrey Howe described the Children Bill as meeting 'a long-felt need for a comprehensive and integrated statutory framework to ensure the welfare of children'.⁸¹ In 1990, Prime Minister Margaret Thatcher shared similar feelings: 'The Children Act of 1989 is the most comprehensive piece of legislation about children ever enacted in this country'.⁸² Though subsequently amended,^{83 84} the Children Act 1989 was (and remains) an important piece of legislation that prioritised child welfare and made significant and extensive provision for their safeguarding.⁸⁵

The 1989 Act came into force in England and Wales in 1991 and – with some differences – in Northern Ireland in 1996.⁸⁶ Since devolution, some provisions now differ for Wales. The Children (Scotland) Act 1995 set out similar rights and responsibilities.⁸⁷

79 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/441643/Children_Act_Guidance_2015.pdf

80 Children Act 1989 s 31(2).

81 <https://publications.parliament.uk/pa/cm198889/cmhansrd/1989-10-26/Debate-3.html>

82 <https://www.margaretthatcher.org/document/107992>

83 <http://researchbriefings.files.parliament.uk/documents/SN06787/SN06787.pdf>

84 <https://www.wessexlmc.com/safeguardingkeypointsofchildsafeguardinglegislatio>

85 In 2003 Lord Laming published the report of his inquiry in the murder of Victoria Climbié which concluded that deficiencies existed in the structures for detecting and responding to child abuse and that local authorities did not give priority to safeguarding measures. The Laming inquiry made 108 recommendations for change, some of which were included in The Children Act 2004. Alongside the Laming Report, the Every Child Matters green paper looked at past failings in safeguarding children. The Children's Act 2004 supplemented the 1989 Act and reinforced the message that all organisations working with children have a duty in helping safeguard and promote the welfare of children.

86 <https://www.theguardian.com/society/2005/may/18/childrenservices2>

87 <https://www.gov.scot/publications/scotlands-children-children-scotland-act-1995-regulations-guidance-volume-1-support-protection-children-families/pages/1/>

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6.0 United Nations Convention on the Rights of the Child (1989)

The UN Convention on the Rights of the Child (UNCRC) is a multilateral treaty designed to promote the protection of children worldwide. It is one of the core UN human rights treaties and the UK played a leading role in drafting the Convention.⁸⁸ The UK signed the convention on 19 April 1990, ratified it on 16 December 1991 and it came into force on 15 January 1992.⁸⁹

6.1 Context

The first declaration on child rights was written by Eglantyne Jebb in 1923.⁹⁰ In 1924 the League of Nations adopted the Declaration of the Rights of the Child,⁹¹ the first international treaty on children's rights. In 1924 the Geneva Convention was introduced which included a Declaration on Child's rights and recognised the specific rights of children for the first time.⁹²

As a consequence of the Second World War the UN Fund for Urgency for the Children was created in 1947, becoming permanent as UNICEF in 1953. It began to expand its role to an international one, helping children with issues such as health, education and access to water.⁹³

The 1948 Universal Declaration of Human Rights recognized that "motherhood and childhood are entitled to special care and assistance." In 1959 the UN adopted the Declaration of the Rights of the Child. In November 1989 the UN unanimously adopted the Convention on the Rights of the Child.⁹⁴

6.2 The Convention

The Convention has 54 articles that cover all aspects of a child's life and set out the civil, political, economic, social and cultural rights that all children are entitled to.⁹⁵ It explains how adults and governments must work together to ensure children can enjoy their rights.⁹⁶ There are four articles in the convention that are viewed as pivotal. Known as the "General Principles", they help to interpret all the other articles and play a fundamental role in realising the rights in the Convention for all children. They are:

88 The UN Convention on the Rights of the Child Tenth Report of Session 2002-03. Joint Committee on Human Rights (2003) <https://publications.parliament.uk/pa/jt200203/jtselect/jtrights/117/117.pdf>

89 United Nations Convention on the Rights of the Child (UNCRC): how legislation underpins implementation in England. Joint Committee on Human Rights (2010) <https://www.gov.uk/government/publications/united-nations-convention-on-the-rights-of-the-child-uncrc-how-legislation-underpins-implementation-in-england>

90 UNCRC: An international agreement for child rights. Save the Children (N.D.) <https://www.savethechildren.org.uk/what-we-do/childrens-rights/united-nations-convention-of-the-rights-of-the-child>

91 Children's Rights History. Humanium (N.D.) <https://www.humanium.org/en/childrens-rights-history/>

92 Geneva Declaration of the Rights of the Child, 1924. Humanium (N.D.) <https://www.humanium.org/en/geneva-declaration/>

93 Children's Rights History. Humanium (N.D.) <https://www.humanium.org/en/childrens-rights-history/>

94 Children's Rights History. Humanium (N.D.) <https://www.humanium.org/en/childrens-rights-history/>

95 A Summary of the UNCRC. UNICEF (N.D.) https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_summary.pdf?_ga=2.216348127.835317187.1536671502-2020823374.1534774800

96 UNICEF (N.D.) <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

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- 1) Non-discrimination (Article 2)
- 2) The best interest of the child (Article 3)
- 3) The right to life survival and development (Article 6)
- 4) The right to be heard (Article 12).

The Convention also contains several optional additional protocols which cover⁹⁷:

- 1) The involvement of children in armed conflict
- 2) The sale of children, child prostitution and child pornography
- 3) A complaint and communication procedure.

6.3 Perception and Impact

The Convention has been hailed as a victory for the children's rights movement.⁹⁸ However, it is only as effective as its implementation and has not been incorporated directly into UK law. While it can have an impact, without being law it can only be taken account of when evaluating policy: "unless and until any of its provisions are incorporated...the Convention within the UK will be principally as the source of a set of child-centred considerations to be used when evaluating legislation, policy-making and administrative action".⁹⁹

In the UK, from the early 2000s a Children's Commissioner post was created for each region – England, Scotland, Wales and Northern Ireland. Their purview includes reviewing the relevant provisions that comply with the UNCRC.

In 2008 the UN Committee on the Rights of the Child published its Concluding Observations on the UK. These highlighted a mixed picture with some progress but also areas of concern such as high rates of child poverty, the incarceration rate of children, issues regarding children's privacy, the use of painful restraint techniques and the problem of violence against children.¹⁰⁰

In November 2008 the UK removed a reservation to allow it not to apply the Convention to decisions concerning children and young people subject to immigration control. Since then the government has accepted that all children, irrespective of their immigration status, must enjoy all the rights and protections of the UNCRC without discrimination, as specified under Article 2 of the Convention.¹⁰¹

In June 2016 the UN Committee on the Rights of the Child published another periodic assessment of the UK's record for protecting children's rights.¹⁰² The UN Committee welcomed progress in some areas such as the increased independence of the Children's Commissioners in the four devolved administrations. It also made detailed recommendations identifying specific ways in which children's rights could be better

97 UNICEF (N.D.) <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>

98 <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7721>

99 UN Convention on the Rights of the Child: a brief guide. House of Commons Library (2016) <https://publications.parliament.uk/pa/jt200203/jtselect/jtrights/117/117.pdf#page=7>

100 Children's Rights Twenty-fifth Report of Session 2008– 09. Joint Committee on Human Rights (2009) <https://publications.parliament.uk/pa/jt200809/jtselect/jtrights/157/157.pdf#page=8>

101 The UK's compliance with the UN Convention on the Rights of the Child; Eighth Report of Session 2014–15. Joint Committee on Human Rights (2015) <https://publications.parliament.uk/pa/jt201415/jtselect/jtrights/144/144.pdf>

102 The Concluding Observations of the UN Committee on the Rights of the Child. Children's Rights Alliance for England (2016) <http://www.crae.org.uk/media/118248/CRAE-Briefing-UN-Committee-Rights-of-the-Child-Concluding-Observations-2016.pdf>

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protected in the UK,¹⁰³ and recommended that the UK incorporate the UNCRC into domestic law. The UN Committee commented on the impact of austerity measures, noting concern at the “effects that recent fiscal policies and allocation of resources” have had which are “disproportionately affecting children in disadvantaged situations.”¹⁰⁴ Although the UK government has not directly incorporated the UNCRC into domestic law, the principles are often referred to by the courts.¹⁰⁵ A recent UK Supreme Court judgment, which considered the best interests of the child under Article 3 in relation to a claim about the household benefit cap, demonstrated the difficulties of non-incorporation of the UNCRC into UK law.¹⁰⁶ If the UNCRC had been incorporated into UK law, it is likely that the Supreme Court would have found the benefit cap policy to breach of human rights obligations under UNCRC.¹⁰⁷

The approach of the different governments of the UK has differed. The UK government has historically preferred a piecemeal approach to implementing the Convention. The governments of Scotland and Wales have tended to utilise broader, general duties in relation to children’s rights.¹⁰⁸

103 Committee on the Rights of the Child Concluding observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland. Children’s Rights Alliance for England (2016) <http://www.crae.org.uk/media/93148/UK-concluding-observations-2016.pdf>

104 Children’s Rights Alliance for England (2016) <http://www.crae.org.uk/news/united-nations-has-%E2%80%9Cserious-concerns%E2%80%9D-about-uk-government%E2%80%99s-failure-to-prioritise-children%E2%80%99s-needs/>

105 Children’s Rights in the UK. Equality and Human Rights Commission (2015) <https://www.equalityhumanrights.com/en/file/4636/download?token=9fz57A1z>

106 Children’s Rights in the UK. Equality and Human Rights Commission (2015) <https://www.equalityhumanrights.com/en/file/4636/download?token=9fz57A1z>

107 Children’s Rights in the UK. Equality and Human Rights Commission (2015) <https://www.equalityhumanrights.com/en/file/4636/download?token=9fz57A1z>

108 UN Convention on the Rights of the Child: a brief guide. House of Commons Library (2016) <https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-7721#fullreport>

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7.0 National Childcare Strategy 1998 and Sure Start

In 1998, the recently-elected Labour Government published the United Kingdom's first ever National Childcare Strategy.¹⁰⁹ This Strategy argued that approaches to childcare over previous years had been flawed, and that parents (particularly mothers), children and employers were losing out and that there was a case for government intervention. The strategy introduces all the key policy themes in early years education and care which reappear over the subsequent twenty years – choice and flexibility, availability, affordability and quality.

7.1 Context

The role of the state in early years education had been the subject of policy discussion for some time. The 1994 Royal Society of Arts (RSA) report "Start Right" had recommended a systematic approach by government to early childhood education and care.¹¹⁰ It reviewed the evidence that high-quality early education leads to lasting cognitive and social benefits in children and recommended that part-time nursery education should be compulsory from three, that nursery schooling should be provided at 'family centres' where parents could learn alongside their children and that all nursery school teachers should receive a full professional training.

In 1996, the Conservative Government picked up some of these threads, publishing "Desirable Outcomes", guidelines for early years settings and announcing plans for Nursery Vouchers, giving parents of 4 year olds a £1000 voucher towards a place at a private or voluntary provider.¹¹¹ It has been suggested¹¹² that the Desirable Outcomes are the predecessor to the current Early Years Foundation Stage Profile, emphasizing early literacy and numeracy and the development of personal and social skills.¹¹³

7.2 The Policies

In 1998 the Department for Education and Employment published A National Childcare Strategy,¹¹⁴ with an equivalent document published for Scotland.¹¹⁵ It says:

"Our aim is to ensure good quality, affordable childcare for children aged 0 to 14 in every neighbourhood, including both formal childcare and support for informal arrangements. The Strategy is founded on a commitment to promoting the well-being of children, offering equal opportunities for parents, especially women and to supporting parents in balancing work and family life."

109 Meeting the Childcare Challenge Green Paper. Department for Education and Employment. 1998.

110 Start Right: The Importance by Early Learning. Report by Sir Christopher Ball. RSA 1996

111 Desirable Outcomes for Children's Learning on Entering Compulsory Education. School Curriculum Assessment Authority (SCAA), 1996

112 <https://www.bl.uk/collection-items/early-years-valuable-ends-and-effective-means>

113 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/790580/EYFSP_Handbook_2019.pdf

114 Meeting the Childcare Challenge Green Paper. Department for Education and Employment. 1998

115 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/259817/3958.pdf

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The 1998 Strategy introduced:

- the Childcare Tax Credit, as part of the Working Families Tax Credit, to come into place from October 1999.
- the start of the "Free Entitlement", replacing the proposed Nursery Voucher scheme with a promise that from September 1998 all four-year olds would have access to an early education place, with a vision for this to be extended to all three-year olds. This extension was announced in September 2000 and introduced in 2004.

It also saw a leading role for Local Authorities, bringing together providers and employers to review provision and prepare plans for expansion and improvement, in local childcare partnerships.

The Comprehensive Spending Review¹¹⁶ which took place later in 1998 also introduced Sure Start as an intervention to improve public services for young children and their families, especially by greater service integration. Its aim was to help stop the 'intergenerational transmission of poverty, school failure and social exclusion by enhancing the life chances' of children growing up in disadvantaged neighbourhoods.¹¹⁷ It sought to do this by improving children's health and their social, emotional and cognitive development¹¹⁸ so that they reached school age with the ability to learn. Sure Start is noteworthy for integrating previously separate services, enhancing their accessibility and engaging with parents, and, in its initial phase, allowing local communities' needs and wishes to frame local Sure Start provision.¹¹⁹

7.3 Policy Development

The 1998 Childcare Strategy was followed in 2004 by "The Ten Year Childcare Strategy",¹²⁰ which set out plans to expand the "Free Entitlement" of 12.5 hours per week of free early education from 33 weeks per year to 38 weeks per year from September 2006, with a goal of 15 hours per week by 2010 and 20 hours in due course for all three and four year olds. It extended paid maternity leave to 9 months, announced an increase in the costs reclaimable through the Working Tax Credit to 80% from April 2006 and announced plans for a small-scale pilot of free early education for 12,000 of the most disadvantaged two-year olds.

The Ten Year Childcare Strategy also moved Sure Start from an area-based initiative to a service offer for all families. This, importantly, was a move towards universalisation. It committed the Government to the establishment of 3,500 Children's Centres, one in every neighbourhood. By April 2010 there were 3,632 Sure Start centres in England.¹²¹

The Coalition Government formed in May 2010 extended the coverage of early years childcare further. The 2010 Spending Review¹²² heralded the introduction, from September 2013, of an offer of 15 hours free early education for the 20% most disadvantaged two-year olds, building on the extension to 15 hours for three- and four-year olds which had come into force, as planned, in September 2010. This policy was subsequently extended to 40% of two-year olds from September 2014.¹²³ From September

116 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/260743/4011.pdf

117 <https://publications.parliament.uk/pa/cm200910/cmselect/cmchilsch/130/13006.htm>

118 http://eprints.lse.ac.uk/32289/1/Lewis_Sure_start_childrens_centres_2011.pdf

119 <https://publications.parliament.uk/pa/cm200910/cmselect/cmchilsch/130/13006.htm#note14>

120 https://dera.ioe.ac.uk/5274/2/02_12_04_pbr04childcare_480-1.pdf

121 <http://researchbriefings.files.parliament.uk/documents/CBP-7257/CBP-7257.pdf>

122 <https://www.gov.uk/government/publications/spending-review-2010>

123 <https://www.gov.uk/government/news/number-of-2-year-olds-eligible-for-free-childcare-to-double>

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2017, three- and four-year olds in working families became eligible for a further 15 hours free childcare.¹²⁴

The Coalition Government devolved funding of Sure Start Children's Centres to local authorities, and this, combined with significant reductions to local authority funding, led to a decline in the number of children's centres. By June 2015 there were 2,677 main centres and 705 further sites that provided children's services. Between June 2015 and 2017, the number of sites was reduced by 208.¹²⁵ From the peak of spending in 2009–10 to 2017–18 funding was reduced by two-thirds.¹²⁶

7.4 Perception and Impact

The 1998 Childcare Strategy is significant because it marks the beginning of public authorities' involvement, at both national and local levels, in the education and care of children between birth and the start of compulsory education. Although free early education for three- and four-year olds is voluntary, take up has climbed steadily, with some fluctuations, to 94% so it is now the norm in most communities. Take up of the two-year old offer for disadvantaged children introduced more recently is 61%.¹²⁷

The adoption and expansion of free early education by the Coalition and Conservative governments since 2010 suggest that state intervention in the lives of those under the age of compulsory education has become an established feature of life in the UK/England in the twenty-five years since the 1994 RSA report.

Although intervention has become established, there are differences in the purpose of such intervention.^{128 129 130} This range of purposes includes: supporting maternal employment, including as a means to reduce dependency on state benefits; reducing the costs of childcare for middle-income and higher-income families; improving development for all children; and narrowing the gap in the life chances of children from disadvantaged and advantaged households.

These policy differences have led to complexity for parents, and challenges for providers. Moreover, they highlight unresolved tensions in several aspects of childcare policy, especially between maximising parental employment and the development of that child.¹³¹

124 <https://www.childcarechoices.gov.uk/>

125 <http://researchbriefings.files.parliament.uk/documents/CBP-7257/CBP-7257.pdf>

126 <https://www.ifs.org.uk/uploads/R155-The-health-effects-of-Sure-Start.pdf>

127 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/738776/Take-up_of_free_early_education_entitlements.pdf

128 <https://www.bl.uk/collection-items/early-years-valuable-ends-and-effective-means>

129 <https://publications.parliament.uk/pa/ld201415/ldselect/ldaffchild/117/117.pdf>

130 <https://publications.parliament.uk/pa/cm201719/cmselect/cmtreasy/757/757.pdf>

131 <https://publications.parliament.uk/pa/cm201719/cmselect/cmtreasy/757/757.pdf>

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8.0 Every Child Matters

Every Child Matters (ECM) was a government initiative started around 2003 to improve childcare and protection in response to deaths of Victoria Climbié¹³² and others.¹³³ ECM was a government-wide approach which aimed to improve service integration.¹³⁴

8.1 Context

Victoria Climbié was eight years old when she died in the year 2000, following abuse and neglect by her foster-carer and Great Aunt and her partner. Lord Laming was invited to investigate her death and his 2003 report found that her death had been “entirely preventable” as “12 key occasions were identified where services could have successfully intervened to prevent Victoria coming to further harm”.¹³⁵

The systemic failings which resulted in her death were:

- Low standards of professional practice
- An absence of a person or persons with accountability
- Poor managerial support for front line workers
- Failure to share information within and between agencies.¹³⁶

8.2 Every Child Matters and The Children Act 2004

Every Child Matters was introduced in an attempt to better integrate the services accessed by children and so address the systemic failings that led to the deaths of several children. Every Child Matters was a “comprehensive programme of reform for children’s services” which had “wide-reaching implications for education, health, social services, voluntary and community organisations, and other agencies”.¹³⁷

The 2003 Green Paper provided “a framework for services that cover children and young people from birth to 19 living in England”.¹³⁸ The aim was to develop and improve children’s care and wider outcomes including inequalities in child development across many domains and an attempt to ensure public services recognised this. The Green Paper reported the outcome of a wide-ranging consultation with children and young people on the key outcomes that mattered to them – being healthy, staying safe, enjoying and achieving, achieving economic wellbeing and making a positive contribution.

Every Child Matters led to the 2004 Children Act, which enshrined the outcomes in law and formalised the ECM provisions such as the better integration of services. Performance and inspection frameworks for children’s services were redesigned to reflect the ECM outcomes. One key aspect of the 2004 Act was that it required local authorities to bring all services relevant to children together in a clear line of accountability, with a statutory Director of Children’s Services reporting to a Lead Member for Children¹³⁹. In addition

132 <https://www.theguardian.com/world/2009/dec/16/public-services-policy-review-decade>

133 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/272064/5860.pdf#page=11

134 <https://www.theguardian.com/world/2009/dec/16/public-services-policy-review-decade>

135 <https://publications.parliament.uk/pa/cm200405/cmselect/cmmeduski/40/40.pdf#page=9>

136 <https://publications.parliament.uk/pa/cm200405/cmselect/cmmeduski/40/40.pdf#page=9>

137 <https://publications.parliament.uk/pa/cm200405/cmselect/cmmeduski/40/40.pdf#page=7>

138 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/272064/5860.pdf#page=11

139 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/272064/5860.pdf#page=7

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to safeguarding measures, the initiative also tried to improve wider wellbeing by putting forward “ideas on a number of related issues, including parenting, fostering, young people’s activities and youth justice”.¹⁴⁰

The Children Act 2004 strengthened its 1989 predecessor. The Children Act 1989 modernised law governing the relationship between parents and children and the law governing child protection in England and Wales. Child welfare was made paramount in any issue involving a child’s upbringing that is decided by a court, utilising the principle that children are best looked after within their families unless compulsory intervention is required. The 2004 Act required local authorities to promote cooperation with its partners and others working with children in the area, and required each local authority to create a Local Safeguarding Children Board (LCSB) who would be responsible for making arrangements for safeguarding children and reviewing the deaths of children, as well as conducting case reviews.¹⁴¹ LCSBs were subsequently replaced by local safeguarding partners and a Child Safeguarding Practice Review Panel was also created by the Children and Social Work Act 2017.¹⁴²

8.3 Devolution

Child protection is a devolved matter and each UK nation has its own approach.¹⁴³ The integrated approach to provision was followed by the establishment of a similar model in Scotland – Getting it Right for Every Child (GIRFEC).

In England the Department for Education (DfE) is responsible for child protection. Local safeguarding arrangements are led by three partners: the local authority, the clinical commissioning group and the police.¹⁴⁴

The Scottish Government is responsible for child protection in Scotland. Child Protection Committees (CPCs) are responsible for multi-agency child protection policy, procedure, guidance and practice. GIRFEC is the framework for those working with children and their families.¹⁴⁵

The Social Services and Well-being (Wales) Act 2014 provides the legal framework for social service provision in Wales. Regional safeguarding children boards work to coordinate services and are responsible for local child protection policy, procedure and guidance.¹⁴⁶

Child protection in Northern Ireland is governed by the legislative framework in The Children (Northern Ireland) Order 1995. This Act sets out parental responsibilities and rights as well as the duties and powers public authorities have to support children.¹⁴⁷

¹⁴⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/272064/5860.pdf#page=8

¹⁴¹ <http://media.education.gov.uk/assets/files/pdf/w/working%20together.pdf>

¹⁴² https://learning.nspcc.org.uk/child-protection-system/england/?_ga=2.41972141.969094845.1536145969-1135149758.1533635088

¹⁴³ <https://www.nspcc.org.uk/preventing-abuse/child-protection-system/>

¹⁴⁴ https://learning.nspcc.org.uk/child-protection-system/england/?_ga=2.41972141.969094845.1536145969-1135149758.1533635088

¹⁴⁵ https://learning.nspcc.org.uk/child-protection-system/scotland/?_ga=2.184192550.1065314885.1553166147-1171075905.1552479960

¹⁴⁶ https://learning.nspcc.org.uk/child-protection-system/wales/?_ga=2.184192550.1065314885.1553166147-1171075905.1552479960

¹⁴⁷ https://learning.nspcc.org.uk/child-protection-system/northern-ireland/?_ga=2.184192550.1065314885.1553166147-1171075905.1552479960

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8.4 Impact

ECM built on the Children Act (1989) and the “Working Together” guidance to extend the responsibility for a variety of areas of children’s lives beyond local authorities to a range of other agencies. Although the Coalition Government abolished many of the statutory requirements and plans for ECM in 2010, the five ECM outcomes were not repealed and therefore still form the basis of local authority and other agencies’ work with children.

Every Child Matters was the first of two documents that outlined a change of government strategy from Sure Start to children’s centres.¹⁴⁸ Sure Start Local Programmes were centrally controlled and targeted while children’s centres were to be under the control of local authorities and universal – part of the drive to integrate children’s services¹⁴⁹.

The Children Act 2004 also led to the establishment of the Children’s Commissioner in England in March 2005.¹⁵⁰ Several other impacts are attributable in some way to Every Child Matters. These include Ofsted’s remit being extended to cover integrated child protection, The Children’s Plan, extra funding for children with English as an Additional Language and the establishment of the early-years foundation stage, which sought to be part of a coherent approach to care and learning for all children from birth to 5. Every Child Matters was not only a matter of child protection, it was also a recognition of inequalities in child development across many domains and an attempt to ensure public services adapted to this.

148 Sure Start was introduced in 1998 to improve public services for young children and their families, especially by better service integration

149 https://www.instituteforgovernment.org.uk/sites/default/files/publications/Implementing%20Sure%20Start%20Childrens%20Centres%20-%20final_0.pdf#page=3

150 <https://www.legislation.gov.uk/ukpga/2004/31/part/1>

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