THE CHILDREN ACT 1989:
AN ANTI-RACIST PERSPECTIVE
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This article attempts to examine the Children Act from an anti-racist perspective. The argument is that the Act represents a response both to new right criticisms of child care practice as well as accommodating some aspects of black and anti-racist pressure. Whilst the Act does little, in and of itself, to challenge oppressive outcomes for black children and families, it offers some important spaces in which to struggle.

The 1989 Children Act is not, of course, a charter for anti-racist child care practice. However, it should not be dismissed out of hand as just another piece of racist legislation underpinning racist social work practice. As a piece of legislation it will be a site of struggle for racial justice in the same way as other laws have been. In addition, the precise wording of the Act does indicate that black and anti-racist pressure, agitation and critique in the child care field have had an impact.

In my view, some of the basic principles on which the Children Act is based coincide, at least in part, with black and anti-racist agendas. For example, the Act stresses the importance of protecting children from unwanted and unwarranted intervention in family life. The origins of this do not derive from anti-racism, however, but from a 'new right', Thatcherite (and post-Thatcherite) orthodoxy on 'the family' which finds it hard to see black families as 'good' families. The Children Act does nothing, therefore, to challenge constructions of black family pathology which underpins racist social work practice (cf. Dominelli, 1989).

A second principle is the Act's emphasis on the importance of partnership between local authorities and parents, supported by community networks of relatives, friends and neighbours. This reflects a commitment to 'community care' which is, of course, light years away from working with and supporting black extended family and community networks, and much closer to an attempt to save money by placing increasing demands on unpaid, often women, carers.

Both principles offer some spaces in which anti-racist practice can be developed although I would argue that the basic tenor of the Children Act, in the context of the collapse of local government in this country, is towards a 'minimalist' child care service rejecting universal provision and refusing to develop a broad categorisation of 'need' which recognises the impact of poverty, disadvantage, discrimination and oppression on the real lives of real families. When read alongside Department of Health guidelines on 'Protecting Children' (DoH, 1988) which contain only vague references to 'cultural sensitivity' in the midst of an unreconstructed model of 'normal families', there is little to suggest that oppressive outcomes for black families at the hands of a child protection apparatus will be altered significantly. In addition, the other side of this picture, the failure to protect black children because of a fear of being labelled racist is not addressed in the Act (cf. Ahmad, B., 1989).

Turning to the specifics of the Act, it has to be said that, for the first time, a piece of child care legislation addresses specifically
'the needs of racial groups'. Firstly, Schedule 2, Paragraph 11 places a duty on local authorities 'to consider racial groups to which children in need belong' in terms of the provision of day care and encouraging persons to act as local authority foster parents. This provision was introduced late in the passage of the Children Bill through Parliament in response to the controversy generated by one local authority's decision to move a black child from white foster parents.'

The precise implications of this provision can only be guessed at. I would have thought it would result in mandatory systems of ethnic monitoring with all of its attendant problems about how to define a 'racial group' (cf. Ahmed, S. (1986). It should mean that local authorities have to recruit black foster parents and day care staff and, crucially, it should mean that local authorities will have to show that they really have made provision for different 'racial groups'. The use of complaints procedures might be highly relevant here and, optimistically, this provision could be helpful in providing a space for anti-racist change.

Secondly, Section 22 of the main body of the Act, concerned with duties of the local authority in relation to children looked after by them, contains sub-section 5 which states that due consideration must be given to '(c) the child's religious persuasion, racial origin and cultural and linguistic background". There is a similar provision in Section 64(3) in terms of children's homes. This section seems likely to affect residential child care provision and could lead to the setting up of children's homes under the control of black people and communities. In addition, it might lead to clearer guidelines and policies on the employment of bilingual workers and interpreters (cf. Shackman, 1986; Munshi, 1987).

Ultimately, however, these vague terms 'racial origin and cultural and linguistic background' appear to be, at best, a watering down of anti-racism. The Act does not recognise racism in terms of power and oppression but simply reflects an emphasis on 'difference'. Is this, simply, a state sponsored attempt to create 'multi-cultural social work' to lie alongside 'multi-cultural education'?

Even if this is the case, it may be that there remains room for optimism. The Act does not spell out the principles of good child care practice which it leaves to a Department of Health publication Principles and Practice in Regulations and Guidance (DoH, 1989) based on an Social Services Inspectorate Advisory Group led by Jane Rowe. This is an interesting document, well worth reading and disseminating, which sets out the broad parameters of good child care practice. In the process, and somewhat surprisingly, it embrace some key elements of an anti-racist agenda, going beyond most child care policy and practice 'guides, with the exception of a few' loony left' anti-racist' authorities which have come in for so much criticism.

Central to this document is the argument that both parenting capacity and the responses of local authorities may be affected by racism and that child care practice must take this into account when working with black children and families. It acknowledges the realities of institutional racism in service provision and lays out agency responsibilities in terms of consultation with black groups and the challenging of racism in other services, such as education. It accepts that in social work practice with children, issues of
identity and self esteem are crucial, stating that;

... black children... need to develop a self-image which is positive and includes their ethnic and cultural origins which must be taken into consideration by both planners and caregivers.

In conclusion, we need to engage in a debate about the Children Act. Does it do more than simply allow anti-racist practitioners a bit more space to practice in the way they want? With the right strategy, could it provide a space to criticise, challenge, and change, local authority practices through the courts? Can it be used to usher in new forms of partnership with black community organisations?

At a recent conference on the Act the following issues were raised by the group looking at the implications for black children and families:

1. The Children Act does nothing to guarantee that black children and families will receive any of the positive aspects of local authority support, whilst making it likely that punitive interventions will continue.

2. How can legislation be shown to offer a range of services to black groups; if it cannot then it is in danger of being rejected.

3. There is no definition of terms such as 'race', 'culture', 'religion', and 'linguistic background'; it is unclear how each relates to the others, and there is a total absence of reference to issues of class, gender and sexuality.

4. Racist structures continue to exist but, perhaps, the Children Act represents an ideological shift which could be used to develop a child, family and community centred service, which allows for the possibility of black autonomous provision and action.

These, and other issues, need addressing urgently if the Act is to have any value to workers, and others, struggling to place anti-racist perspectives on the agenda. This article is one attempt to stimulate a debate about the Children Act from an anti-racist perspective. If it stimulates other contributions it will have served at least part of its purpose.

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References


