

21 years of children's policy in Scotland¹

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The pre- and post-devolutionary context

This paper reviews policy developments in relation to children over the 21 years from 1987 to 2008. That period divides almost equally into the time before and after the incoming Labour Government introduced devolution.

In 1998 the Scotland Act was passed in Westminster to create a Scottish Parliament for the first time since the Act of Union in 1707. Unlike the Welsh Assembly, this was to have the power to make primary law. The new Scottish Parliament, whose first session took place in May 1999, was given the powers to legislate on most social policy matters directly affecting children, including education. Besides economic and foreign affairs, certain other key policy areas were retained as reserved matters by the UK Parliament, a few of which are particularly significant for children, such as social security, disability discrimination, immigration and human rights.

From its inception, the Labour Party held most seats in the Scottish Parliament, though governing in coalition with the Liberal Democrats. Since May 2007 the Scottish National Party has been in power, albeit with no overall majority. Under the SNP, the Scottish Executive was renamed the Scottish Government.

Prior to devolution, statutes covering education and children's issues in Scotland were passed at Westminster. It is important to emphasise that these were often separate and different from those dealing

with England and Wales or Northern Ireland, so that devolution reinforced rather than introduced divergence. The Scottish school system has always operated independently, with its own examinations (currently Standard Grades and Highers).

Arguably the most distinctive Scottish institution – the Children's Hearings System – was set up in 1971, long before devolution. Based on The Kilbrandon report, devoted solely to Scotland, the hearings continue to this day, still unique within the UK and unusual globally. The Kilbrandon report also led to reforms in the arrangements for social work services, which were significantly different from the changes south of the border prompted by the English equivalent Seebohm report.

Key policy trends over the last 21 years

Since 1987, many statutes have been passed on specific topics related to children (such as education, adoption and child protection) or with children and young people as a major target (crime and anti-social behaviour). There has been only one overarching statute covering children, namely the Children (Scotland) Act 1995 ('CSA 1995'), passed before devolution and still in force. Both at the time and subsequently, the main principles and measures of this Act received a high degree of cross-party support.

Much government policy has taken the form of guidance and strategy or consultative papers. The most important of these currently is *Getting it Right for*

Every Child, initiated by the Labour–Liberal Democrat coalition, but which the SNP-led Scottish Government has continued to promote with broad support from the other main parties. Getting it Right for Every Child is the ‘road map’ for creating better childhoods and improving services, especially to support vulnerable and difficult to reach children and young people. This exemplifies the fact that children’s policy has maintained a fair degree of insulation from party-political considerations and, partly as a result, there has been much continuity and consolidation, with sharp changes of direction relatively rare or specific in scope.

Considering the policy field related to children as a whole, it is possible to identify a number of key trends:

Greater articulation of society’s aspirations for children

The Scottish Executive produced a vision statement for all Scotland’s children, which states that they need to be:

- safe
- nurtured
- active
- healthy
- achieving
- included
- respected
- responsible

Implicit in this statement is the importance of adults’ duties to meet children’s needs across many dimensions and to respect their integrity and views, while children also have obligations to develop as active citizens.

Adherence to the principle that the child’s welfare should be the most important consideration in decision making

This principle is broadly shared by many other jurisdictions. An important development in the CSA 1995 was the requirement for local authorities not only to safeguard but also more positively to promote the child’s welfare and, in specified circumstances, to take a long-term view throughout childhood. Scottish policy has continued to support the idea that formal responses to children in difficulty should be dealt with on the same basis, regardless of the reason for concern and with the child’s interests the main consideration. As a result, children’s hearings dispose of care and protection, offending, difficult

behaviour and school non-attendance in similar ways according to the welfare principle, when in many other jurisdictions different kinds of court deal separately with children’s criminal or care matters, at least from age 15 upwards.

Increased recognition of children’s rights and agency

Some children’s decision-making rights were clarified in the Age of Legal Capacity (Scotland) Act 1991 and their participatory rights extended by the CSA 1995, although with limitations relating to age and understanding. The Standards in Scotland’s Schools etc Act 2000 for the first time gave children a right to education and also introduced entitlements to contribute to school plans and decisions. Especially in the last 10 years, policy makers and officials have encouraged others to take more account of children’s views, although many participatory mechanisms such as school councils, consultation events and youth groups have been developed bottom-up by local agencies and professionals. The Local Government in Scotland Act 2003 introduced statutory duties to consult and co-operate with young people in the design and delivery of services through the Community Planning process; and through the Anti-Social Behaviour (Scotland) Act 2004 to engage young people in the development of local anti-social behaviour strategies. Some policy makers have met with young people, although like many participatory approaches this has risked being tokenistic and given politicians access to only a few, unrepresentative individuals.

Following the Welsh example, Scotland now has its Commissioner for Children and Young People, who has commented on a wide range of issues, and her office has undertaken important research with children about their concerns and priorities, which have been discussed in parliament and disseminated to the public. A key aspect of the commissioner’s work has been to scrutinise policy documents to assess their compliance with the United Nations Convention on the Rights of the Child (UNCRC).

Further recognition of children’s agency can be seen in the greater separation of children’s policy making from more general family, education or social work policies. After devolution, a minister was given responsibility for children and child impact statements were introduced across all policy areas. In recent years this emphasis has been less prominent, although currently there is a dedicated Minister for Children and Early Years.

'Whole population' and 'whole child' approaches

The CSA 1995 brought provision for child welfare and separation/divorce together in the same statute for the first time. Over a longer period, policies have increasingly made links between children in special circumstances and the general child population with regard to needs and services. This blending of generic and targeted policies has been exemplified in the promotion of new (later integrated) community schools (then integrated learning communities) and integrated children's services plans. A number of policies have espoused 'whole child' approaches, which consider all dimensions of children's lives within their family and community contexts (including the Integrated Assessment Framework, developed as part of Getting it Right for Every Child, and Health Promoting Schools).

Poverty and inequality

During the 1980s and early 1990s, the Westminster government largely kept poverty off the political agenda as a target for concerted action. Since 1997, reducing child poverty has been a key target of the UK government. Child benefit increased substantially, in contrast with the 1980s, tax credits were introduced and programmes adopted to help parents and young people into paid work. The Holyrood administrations developed a range of measures to tackle social inclusion. Included within the *Social Inclusion Strategy* of 1999 was an ambitious target to end child poverty 'within a generation'.² Recently the Scottish Government has expressed interest in having control over the benefits system (currently a reserved matter) so it can do more to address poverty. Similarly NHS priorities include tackling health inequality.

Prevention and early intervention

For many decades the notion of prevention has been prominent in relation to child health and vulnerable children. In recent times this has been formalised into levels and tiers ranging from primary action with the whole population to specialised measures for groups most 'at risk'. During all three parliamentary sessions expansion of early years provision, including Sure Start, has been supported for its preventive value, as have early learning and employment assistance. In the youth crime field, the slightly different idea of early intervention proved attractive north and south of the border. A prominent theme has been the employment of standardised risk assessment tools to identify children likely to embark on long-term offending, and then engage them in specialist programmes. Getting it Right for Every Child encourages early identification of children at risk of offending and preventive work with them. An alternative approach has been to embrace

community-level crime prevention. The present SNP administration supports this, emphasising better agency co-ordination and public involvement.

Interprofessional and inter-agency co-operation

The CSA 1995 placed responsibilities for children's welfare on the whole local authority, not just individual departments. Children's services plans were originally produced by local authorities in consultation with other relevant agencies. Recently this has been strengthened by the requirement for all agencies to produce together integrated plans. Co-operation and joint working, where necessary with a lead professional to co-ordinate, are among the core components of Getting it Right for Every Child. An 'integrated assessment framework' has been developed for use by all the main professionals working with children. The aims include more consistent and transferable case recording among key agencies and better information sharing, subject to permission and confidentiality safeguards. The hope is to improve inter-agency and even intra-agency communication about all children and avoid duplication, and in particular to ensure that knowledge about children at risk is shared promptly and effectively. Legislation in 2004 required other relevant agencies to assist education authorities in relation to children with additional learning support needs, while funding has been used to encourage joint planning by police, local authorities, reporters and others in youth justice teams.

Being tough on crime and quasi-crime

A duality has been evident in New Labour policies and rhetoric towards children, with many echoes of previous Conservative policy. With regard to younger children, the emphasis has been on children's vulnerability and support for parents. With respect to older children, there has been a tendency to demonise them and to fail to see young people's viewpoints, which is at odds with ministers' avowed wishes in other contexts to listen to and be seen with young people. (By contrast, the SNP Government has made very positive statements about young people, and about the need to avoid demonising them.) The Scottish Executive followed the English example in introducing legislation to address anti-social behaviour by young people and to restrict their association in groups. These changes were seen by many as antithetical to the principles underpinning children's hearings, and in fact very few anti-social behaviour orders or parenting orders have been made with respect to children. Government money allocated for intensive support services was intended for young

people subject to compulsory electronic monitoring, but in practice local authorities devoted many of the places in support services to similar young people not being monitored.

Influences on policy

The factors and processes that affect public policy making are multiple, complex and not always transparent. The following have been evident in Scotland:

Political considerations

On many issues related to children, divergent views are not related strongly to party allegiance and many politicians have expressed commitment to cross-party consensus or guarded support, as in a recent parliamentary debate on child protection. Nevertheless, significant differences have been apparent in certain areas (such as crime and educational assessment). The 'minimum necessary intervention' principle included in the CSA 1995 derived in part from Conservative mistrust of state intervention, although this also appealed to others on somewhat different grounds, such as concern for parents in poverty. The desire to empower parents, community and business representatives was embodied in provisions for school governance in the 1980s and 1990s.

Perceptions of public opinion

Perceptions of public opinion naturally affect politicians, especially on subjects that have been much criticised by relevant professionals, such as anti-social behaviour and asylum-seeking children.

Scandals and inquiries

As in England and Wales, Scottish policy concerning vulnerable children and the whole concept of child protection has been shaped by media and political responses to child abuse tragedies. Until the late 1980s, Scotland had not witnessed a major scandal, although it was affected by the series of English inquiries into child deaths from Maria Colwell onwards. When a high-profile media event did erupt in Orkney, this concerned a somewhat different aspect, namely alleged multiple sexual abuse, as in Cleveland. This led to Scotland's first major inquiry and the resulting Clyde report of 1992. A second (Kearney) report appeared in the same year. This was unusual in focusing on decision making and the relationship between social work teams and children's hearings

(in Fife). Both these inquiries fed crucial issues into the Child Care Law Review of the early 1990s and the CSA 1995, resulting in such measures as a greater role for the courts in child protection and a requirement for local authorities to consult with hearings before proceeding with adoption plans for children subject to a compulsory requirement.

More recent inquiries have, sadly, again highlighted defects in assessment and communication surrounding child deaths (such as Kennedy McFarlane in 2000 and Caleb Ness in 2001), prompting a three-year child protection review and reform programme, as well as affecting policy documents on assessment and recording. The Soham murders in England prompted strengthening of safeguards in recruitment procedures and the creation of new offences and orders to protect children from sexual harm.

Media revelations of mistreatment in residential care, many related to incidents elsewhere in the UK, had an impact on the Skinner report of 1992 and the later creation of a Scottish Institute for Residential Child Care. However, the particular commitment of ministers and officials has probably been equally important in the special prominence given to residential provision in Scotland. Revelations of long-standing abuse at Kerelaw residential school revived interest in historical abuse, covered by the recent Shaw report.

Internal consultations

Most major legislation has been preceded by some form of consultation, while other policy strategies and frameworks have evolved in dialogue with non-governmental stakeholders. It has been suggested that the New Labour approach has been more consensual than the previous Conservative Government, but it has also used discussions to co-opt support for similar policies that were formerly opposed (for example, in relation to education reforms). The CSA 1995 was preceded by extensive consultation and receipt of expert opinion, particularly through reports of the Scottish Law Commission and Child Care Law Review. The degree of consultation has varied in subsequent initiatives. The Children's Hearings Review and Getting it Right for Every Child consultations revealed continuing widespread support for the basic principles of the Kilbrandon approach and for mechanisms to aid inter-professional co-operation. Developments in policy for schools have usually been informed by expert review groups, as in relation to exclusion and the curriculum.

External legal influences

Whereas the 1960s and 1970s saw a marked divergence between Scotland, England and Wales in children's legislation and systems for dealing with care, protection and youth crime, developments since the 1980s have been more similar – although with the sharp contrast between hearings and youth/family courts remaining. Significant elements in the CSA 1995 were borrowed from the 1989 Act (for example, in relation to children in need, child protection orders and duties towards looked-after children). Similarly, the Anti-Social Behaviour (Scotland) Act 2004 was largely derived from its Westminster equivalent. In these and other instances, though, important modifications were made to adapt to the Scottish context and particularly children's hearings.

Under a Sewel Motion, the Scottish Parliament may adopt a piece of Westminster legislation. This applied to the Adoption and Children Act 2002, which was originally designed only for England and Wales.

The UNCRC has not been incorporated into Scottish law, but its articles have been frequently invoked, including by the Scottish Commissioner for Children and Young People. The Ministerial Vision for Scotland's Children asserts that its language is consistent with the convention. The UK's Human Rights Act has had some particular implications in Scotland; for instance, encouraging changes in the role of children's reporters³ and access by children attending hearings to reports about them.

Timing

Since major legislation is not enacted very frequently, the precise timing will not only be affected by the above considerations, but will in itself influence the outcome. A statute may take account of current concerns on a matter that was not prominent earlier or later. The gap between the 1989 Act mainly affecting England and Wales and the CSA 1995 meant that the latter could take account of some developments that the earlier legislation could not, for example in the area of disability.

Empirical evidence

The Scottish Executive expressed commitment to evidence-based policies and, notably with respect to youth crime, the What Works? agenda. Policy documents including Getting it Right for Every Child emphasise the importance of agencies focusing on positive outcomes for children. Understandably, evidence has been chosen and interpreted selectively

and taken into account within the context of other considerations. It is also possible to question the evidence base for certain policies. Moreover, the relatively low population and research budget means that only a limited numbers of relevant studies have been carried out in Scotland. Structured programmes to encourage young people to desist from crime and intensive support programmes have been funded partly because previous research, often American or English, has shown these to be 'effective'. On the other hand, a number of evaluations have been commissioned, which have supported the extension of pilots, perhaps in modified form, as with youth courts and integrated community schools. By contrast, the Fast Track initiative for children's hearings was not rolled out as planned, partly because officially generated data about offending suggested it was not reducing crime, although the processing of cases was much improved. Cost also influenced that decision.

(See Table 1 on page 6 for examples of influences on the CSA 1995.)

The effects of devolution

A practical consequence of devolution has been that the Scottish Parliament has had more time to consider far more bills than had been possible before at Westminster, so that there has been greater scope for specific or frequent statutory innovations or changes. This has enabled attention to a wider range of matters in more detail, although some have criticised the excess of legislation and repeated alterations (for example, to school exams).

Devolution has strengthened the capacity to moderate or differ from UK government policies, even on reserved matters, in both small and larger ways. The social exclusion agenda and unit south of the border was pursued in Scotland using the marginally but significantly different term 'social inclusion'. The emphasis was the more positive one of promoting inclusion rather than combating exclusion. The 'respect agenda', actively pursued in England, had little effect in Scotland, while the Labour–Liberal Democrat coalition embarked on its own attempt to change culture and attitudes by programmes seeking to support multiculturalism and challenge sectarianism. The UK government was avowedly balanced in its approach to immigration, but the tone of statements and measures was primarily defensive, whereas the Scottish Executive's Fresh Talent Initiative placed a positive stress on attracting migrants as a response to the (small) decrease in the Scottish

Table 1: Influences on the Children (Scotland) Act 1995

Type of influence	Example of effects on the Act
Separate Scottish tradition	<ul style="list-style-type: none"> Retention of the Children's Hearings System Modification of concepts imported from England to take account of this Development of roles of safeguarders (still local authority-recruited) rather than creation of a single agency like CAFCASS in England and Wales
English and Welsh models and terminology	<ul style="list-style-type: none"> Introduction of the concepts of 'children in need', 'looked-after children' and Emergency Protection Orders from the Children Act 1989
UN Convention on the Rights of the Child (UNCRC)	<ul style="list-style-type: none"> Strengthening of children's participatory rights Shift from the concept of parental powers to parental responsibilities
Inquiry reports	<ul style="list-style-type: none"> Requirements for local authorities to consult with hearings about permanency planning Greater role for sheriffs in emergency child protection Expansion of safeguarder role
Consultations and legal reviews	<ul style="list-style-type: none"> Linking of public and private children's law Redefinition and clarification of parental rights and responsibilities
Political and economic considerations	<ul style="list-style-type: none"> Failure to incorporate the UNCRC as part of the legislation Minimum necessary intervention principle Duty imposed on hearings to consider the public interest when deciding about young people who offend Limited powers for aftercare for young people Local authority duties to provide information to the public and service users
Research evidence	<ul style="list-style-type: none"> Local authority duties to promote family contact, when consistent with the child's welfare Requirement to take account of child's welfare throughout childhood
Timing	<ul style="list-style-type: none"> Addition to 'children in need' of the category 'children affected by disability', which had been omitted from the 1989 Act

population. On the other hand, the Executive was passive in relation to Home Office policy on detention of children in prison-like circumstances at Dungavel Immigration Removal Centre and dawn raids to deport families, which evoked opposition from local children, as well as teachers and the Scottish Commissioner for Children and Young People.

The SNP, which since May 2007 has led a minority government, has ultimate aims of Scottish independence rather than devolution. However, as

it lacks an overall majority, the new government has been circumspect. On many children's policies it has continued the strategies of its predecessor, including the Curriculum for Excellence; Getting it Right for Every Child; the foster care and kinship strategy, early years provision and youth work. Specific policy innovations include measures to reduce school class sizes, although probably the most significant change has been the decision to switch funds from ring-fenced initiatives (see below).

The implementation of policy and service delivery

The allocation of responsibilities for children at government level (formerly the Scottish Office, then the Scottish Executive and currently the Scottish Government) has changed frequently over 21 years. For a long time, services for children and families were divided among at least three different departments concerned with education, justice and health, with social work as a distinct section. Following devolution, the Scottish Executive brought education and children's issues together in the same department and also established an overarching children and young people's unit. It created an external 'expert' advisory group on children, eventually discontinued. The SNP Government, elected in May 2007, has reduced the number of departments and renamed them as directorates. Despite this amalgamating approach, education and children are again separated.⁴

The Conservative UK government, which was responsible for the Scottish Office prior to 1997, tended to be critical of local authorities and promoted the role of the independent sector and a range of providers. The New Labour administrations at Holyrood modified this into a more ostensibly neutral stance. Its Best Value principles suggested that decisions about service provision should be based on careful consideration of who could provide a high-quality service at a reasonable cost. The Scottish Executive drew up an agreement with the voluntary sector. It also encouraged partnerships, as opposed to competition between statutory and voluntary agencies, with collaboration a condition of the Changing Children's Services Fund introduced in 2000.

With regard to the organisation of children's services at local level, the Scottish Executive and now Government has encouraged collaboration, but deliberately refrained from specifying how local authorities should structure their departments. Since local government re-organisation created 32 unitary authorities in 1994, some have established joint children's services combining education and social work, while others have kept these two separate and/or devised other combinations. The Scottish Executive did not follow the English example (post-Laming report) of imposing universally a system of children's trusts, including health services, or overall directors of children's services. The Scottish Executive's 21st century social work review reaffirmed this profession's central role in childcare and protection. Individual

authorities have continued with diverse arrangements. Glasgow recently established joint teams, including health, in Community Health and Care Partnerships.

Scotland has been affected by the global trend towards the use of targets, performance indicators, standards and strengthened inspection systems, sometimes accompanied by league tables. Although distinct in their nature and effects, these have often been collectively characterised as 'managerialism'. The explicit aim is to improve the quality and accountability of services, but they also represent a means for central government to seek to control local government and other agencies. Financial conditions and incentives may be deployed to help increase compliance.

This approach to centralised control of local government and services was pioneered by the Conservative Government at UK level and further developed under New Labour. From the start, Scotland has resisted some of the measures introduced in England and Wales, such as the National Curriculum and frequent standardised tests. Instead, a less prescriptive curriculum was introduced by means of guidance, at first covering the five to 14 age group. In 2004 this was replaced by the Curriculum for Excellence, covering the age range three to 18 and further 'decluttered'. The SNP administration has broadly continued with this. The new Scottish Government has committed itself to simplifying performance-reporting systems by local authorities and schools, a process the previous administration had begun in its later period.

From 1997 to 2007, the Scottish Executive quite often provided ring-fenced money for favoured programmes (see Table 2 on page 8). Commonly, these were piloted in certain areas for a fixed period, though if successful, a programme might be extended to other areas or 'rolled out' to the whole country, as happened in 2004 with restorative justice police warnings.

Many of the services funded under these initiatives were run by voluntary organisations, although with the funding commonly directed through local authorities. The additional funding and often the specific programmes were welcomed in many quarters. On the other hand, such initiatives usually had restrictive access criteria and many were only available in a few localities. Criticisms have been voiced about the lack of co-ordination across initiatives and absence of long-term vision. Moreover, a number of projects and even whole agencies closed down when funding was withdrawn or reduced. With a few exceptions

Table 2: Examples of Scottish Executive initiatives (started 1997–2007)

Note: 'Initiatives' includes funding streams focused on a broad target group (such as children or young people who offend) and specific programmes with a more specialist client group and approach.

Name of initiative	Nature of initiative	Geographical scope
	Ring-fenced general funding streams	
Sure Start Scotland	Services offering early years care and support for vulnerable families	Across Scotland
Social Inclusion Partnerships	Multi-agency projects to promote social inclusion, each targeting a particular population group	A number of local areas across Scotland
New Community Schools	Provision of multiple services within school clusters to raise educational achievement and promote social justice	37 pilot projects
Youth Crime Prevention Fund	Financial support for voluntary organisations to run reparation, mediation, restorative justice, diversionary and early intervention programmes	Across Scotland
Unified Voluntary Sector Fund	Three-year grants for organisations working with children, young people and families	Across Scotland
Getting it Right for Every Child pathfinders	Projects to develop inter-agency, child-centred services, following Getting it Right for Every Child principles	Five local authorities
	Targeted initiatives with dedicated funds	
Starting Well	Intensive health visitor-led service providing support to new parents	Glasgow
Fast Track	Quick processing and dedicated programmes for young people who persistently offend	Six local authorities
Youth courts	Special judicial arrangements for young people in their mid-teens who offend	Two court areas
Intensive Support and Monitoring Services	Intensive support and monitoring to young people who offend	Seven authorities
More Choices, More Chances	Enhanced careers advice and vocational opportunities for young people to reduce the proportion not in education, employment or training	Over 100 schools
Primary to secondary transition programmes	Additional staff and methods to promote literacy and numeracy	Three local authorities
Education of looked-after children	Support for educational achievements of young people in residential and foster care	Across Scotland

(such as a new child obesity programme), the SNP has discontinued this approach, which it portrayed as micro-managing, and re-channelled the funds into the general allocation to local government as part of its new concordat with the Convention of Scottish Local Authorities. This leaves local authorities with more discretion to spend the money as they think fit, although some authorities and voluntary organisations that benefited from the previous earmarked cash have indicated they must now cut services.

Evidence about policy impact

It is very difficult to make definite connections between national policies and the circumstances or behaviour they seek to influence, since these are normally affected by a multitude of other social and economic processes, making it hard to draw firm conclusions. In addition, quite a lot of evidence is officially produced and so may lack objectivity and be subject to changed criteria. Scotland lacks the population and resources to fund a wide range of independent evaluations, compared with England and the USA.

Nevertheless, it is valuable to examine evidence about some of the key phenomena that have been targets of policy, provided great caution is used about conclusions as regards cause and effect. Overall, the data suggests that there have been considerable improvements in many respects over the last 10 years, especially with regard to poverty, but there is still cause for concern about a number of aspects of children's lives, some of which have worsened, as the following brief overview indicates.

Poverty

In 2007, the Scottish Executive claimed that 100,000 children had moved out of relative low income since 1998–99, a reduction of one-third.⁵ An independent report by the Joseph Rowntree Foundation⁶ confirmed that child poverty had increased significantly in the 1980s and early 1990s, but had fallen by about one quarter since 1997. The report attributed the main changes to increases in family benefits and tax credits, with parental movement into work a significant secondary factor. However, child poverty rates remain high compared with other western European countries.

Quality of life and health inequalities

Children's health has improved over the last 21 years in many respects, ranging from oral health to infant deaths and accidental injuries both at home and on the roads. However, major inequalities persist, while the gap in life expectancy related to relative affluence

has grown. The prevalence of certain conditions has increased in recent decades (eg diabetes, cancer and obesity). Some risky types of behaviour, such as drug and alcohol use, have increased and are at high levels, but cigarette smoking by young people has decreased considerably in the last 10 years. Statistics suggests that mental health problems and self-harming have increased among young people, although this may be partly a product of greater awareness and reporting.

Wellbeing

An international survey of children carried out by UNICEF⁷ revealed that children in the UK as a whole reported lower levels of happiness and less satisfactory relationships than in most other countries. The numbers of children from Scotland were too small for separate analysis, though these indicated that peer relations were better than elsewhere in the UK.

Educational indicators

There has been a significant increase in the proportion of children attending early years provision. The percentage of pupils gaining five or more Standard Grades⁸ at credit level has grown substantially from 38 per cent in 1998–99 to 48 per cent in 2005–06.⁹

The number of school exclusions has increased slowly, but the vast majority are short term.

The proportion of school leavers entering further or higher education has risen gradually in recent years to 54 per cent in 2005–06.¹⁰

The number of young people aged 16 to 19 not in education, employment or training has fallen in recent years, though remains above the UK average.

Child abuse and protection

Referrals to children's reporters on care and protection grounds have increased regularly since the inception of the hearings system in 1971 and now significantly outnumber referrals on offence grounds (a reversal of the pattern in the early 1970s). For under-fives, the number of such referrals doubled from 1997 to 2007. It is hard to know how much of the increase reflects the real incidence of child abuse and how much results from greater awareness, preparedness to take action and more frequent identification. The numbers of children subject to an initial child protection case conference and on local authority child protection registers has also grown recently, though such figures can be affected by awareness, procedural and definitional changes.

Offending by young people

The main statistics on this matter are compiled by the Scottish Children's Reporter Administration, based on referrals it receives from the police about alleged offences, most but not all of which are subsequently admitted or proven. The number of offence referrals increased by about one quarter between 1996–97 and 2005–06, although the growth decelerated after 2004 and numbers fell by seven per cent in 2006–07 compared with the previous year.

The number of children looked after away from home

Figures for children and young people placed in residential and foster care over the last 21 years show fluctuations that are not clearly related to changes in policy and professional practice. A decrease from 1988 onwards was reversed in 1993. The subsequent rise ended in 1999, after which numbers have fallen slightly again.

The consequences of targets and performance indicators

It is possible to claim that centralised targets have altered agency priorities and behaviour in ways that have contributed to some of the improvements for children noted above, although this is not easy to demonstrate or disprove. At a procedural level, the time taken by police and reporters to deal with offence referrals to children's hearings has substantially reduced since standards about timescales for processing referrals were introduced and intensive pressure applied (plus some additional funding). Arguably, closing the gap between an incident and its consequences benefits all concerned, including young people.

Critics have stated that managerialist measures detract from local autonomy and professional judgements. Research on both the prescriptive English national curriculum and the softer guidelines in Scotland has shown that compliance may be resentful or presentational, while other responses include ignoring, modifying and subverting the specifications. League tables for schools, hospitals and other institutions have been accused of oversimplified comparisons, which have shown differences in outcome without taking into consideration differences in starting point. They may distort professional activities in a negative way. For instance, it has been suggested that the police now spend less time actively dealing with youth crime than in the past because of the time demands of record keeping, while at least in some areas prosecutions of young people have risen

to meet targets, with reduced discretion to adopt more constructive informal action. The Scottish Government is currently giving consideration to the way youth crime is measured. Use of the *Looking after children in Scotland* materials¹¹ illustrates the pros and cons of top-down prescription. Encouraged but not mandatory, the forms have been perceived to help improve practice and communication, but they also pose a substantial administrative burden.

Conclusions

The last 21 years have witnessed much continuity and gradual change, with the maintenance of distinctly Scottish institutions, such as the school examinations and children's hearings systems. Both before and after devolution, legal and policy measures have been transposed from south of the border. Some have been accepted or welcomed, but others – notably with respect to youth crime and anti-social behaviour – have been resisted and adapted to the more welfare-oriented Scottish context.

For the last 10 years, the presence of a Scottish Parliament has made possible considerably more legislation than previously. Partly because the Labour Party has been dominant for most of this period at both Westminster and Holyrood, major disparities in policy have not been evident and devolution has largely reinforced pre-existing differences rather than forged new ones.

Policies at both levels of government have shown a mix of long-term strategies and many short-term changes. The former include UK-wide measures to combat child poverty and the Scottish strategy to improve service co-ordination based on a common sense of principles and assessment, now being taken forward under Getting it Right for Every Child. Short-term funding and inconsistencies in direction characterised some of the targeted initiatives with ring-fenced money favoured by the two Holyrood administrations between 1999 and 2007, such as Fast Track Children's Hearings and Intensive Support and Monitoring Services.

It is very early to judge the consequences of the recent advent of the SNP Scottish Government. So far on children's issues it has continued with the broad aims and principles of previous policies, but has exhibited a marked shift away from the central direction of specific projects via targeted funding streams, towards local authority discretion on how to achieve generally agreed outcomes. It remains to be seen if this will produce more continuity of funding for non-statutory services and consistency in long-term planning. There are dangers that diversity of funding and varied

commitment to fundamental issues like child poverty will heighten inequality.

Recent elections and opinion polls suggest that in a few years we may see a very new political scenario with a strengthened SNP government in Edinburgh and a Conservative government in London. This would have major implications for the integrity of the UK and for many major policy directions. Experience suggests that in certain areas such as youth crime and education, Scotland could well take a different turn from England. However, further major divergence with respect to children's policy more generally is less likely, in part because there is a considerable degree of international consensus on core principles, outlined in the UNCRC, although the precise mechanisms for implementing these are of course subject to considerable variation. Furthermore, for some time Scotland has witnessed broad cross-party support for the main principles and thrust of children's policy, albeit with disagreements on some particulars.

It is to be hoped that in due course the UNCRC will be incorporated into Scottish law, so that its provisions can be acted on formally as well as informally. It is also important for children to have access to independent advice, advocacy and complaints services when they need it. This could involve an extension to the responsibilities and resources of Scotland's Commissioner for Children and Young People. Future policy should ensure that more concerted attention is given to previously neglected groups, such as disabled children and young people, and to early support for children at risk of harm or offending. The commitment to reduce child poverty should be reaffirmed, and this should be a core commitment in all local authority outcome agreements.

Endnotes

1. All references to 'children' should be taken to include 'young people' up to the age of 18.
2. *Social Inclusion Strategy* (p. 9), Scottish Government
3. Children's reporters are professionals responsible for deciding about and processing referrals and for giving advice to children's hearings.
4. In the Education and Lifelong Learning Directorate and the Children, Young People and Social Care Directorate.
5. The criterion was based on household income 60 per cent or more below the median level.
6. Palmer, G, McInnes, T and Kenway, P (2006) *Monitoring Poverty in Scotland*, Joseph Rowntree Foundation
7. UNICEF (2007) *Child Poverty in Perspective – an overview of child well-being in rich countries*
8. An examination normally taken around the age of 15 or 16.
9. *NCH Scotland Factfile 2007–08*
10. *NCH Scotland Factfile 2007–08*
11. Wheelaghan, S and Hill, M (2000) 'The Looking After Children Records System: an evaluation of the Scottish pilot' in Iwaniec, D and Hill, M (eds) *Child Welfare Policy and Practice*, Jessica Kingsley, London

as long as it takes