

Review of Societal Attitudes of Children
for the Scottish Child Abuse Inquiry

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1. Executive Summary

Introduction to review

This review explores societal attitudes to children during the period 1900 to 2015 and was commissioned by the Child Abuse Inquiry in 2016. The review aims to capture relevant themes and developments during this period which relate to societal attitudes to children. The review is structured around four time periods: 1900 to 1948; 1948 to 1965; 1965 to 1995; and 1995 to 2015.

Attitudes to children and childhood

Children did not have the same status as adults during the period of the review. Instead, childhood was seen as a life stage with particular characteristics. These understandings of childhood informed adult attitudes to children, including those towards children in care and in religious contexts, with children often viewed negatively or stigmatised. New understandings of childhood emerged from the 1980s onwards and were complemented and influenced by commitments to children's human rights.

Scotland from 1900 to 2015

A review of societal attitudes to children has to acknowledge the major changes that Scotland experienced during this period. The health and wellbeing of the population improved and educational opportunities increased. Changing employment patterns, family structures and economic shifts had a substantial impact on children and their families. The experience of poverty was a constant throughout the period from 1900 to 2015 although the nature of poverty changed.

Post Victorian Scotland 1900 to 1948

The presence of poverty, poor housing and limited access to education at the beginning of the twentieth century led to the growth of charitable interventions which were intended to respond to concerns about the wellbeing of children and took action where children were seen as being neglected by their families. There was little public understanding of the extent of neglect and abuse in the early years of the twentieth century. By the 1920s and 1930s, the physical wellbeing of children had improved

although poverty was still prevalent in Scotland. Families were smaller and the number of child deaths had substantially decreased. The work of child psychologists and psychoanalysts contributed to a greater understanding of children's minds and wellbeing with child guidance clinics established in Scotland. Legislation in the 1930s provided an indication that attitudes to children were changing, with increased legislative protection and a focus on child welfare.

The developing state: 1948 to 1968

The family was the cornerstone of post-war societal renewal with intervention for those who were seen to be 'problem' families. Children were regarded as fundamental to the effective working of the new family unit although they were still not prominent in terms of their individual needs and rights. Children's voices were still largely unheard. There was a lack of opportunities for children's experiences to influence childcare practice or society more generally. The voices of children in care continued to be absent.

The role of the state in supporting children and families increased from the 1950s to the late 1960s. Knowledge of child development influenced parenting advice and professional practice. There were better understandings of abuse and neglect including 'battered child' syndrome. Physical punishment was still used but there was increasing attention to other approaches to discipline within families.

Social work and child welfare: 1968 to 1995

This period of state-led interventions had a strong focus on the professionalisation of social work with media and public interest in cases where child welfare had been seen to fail. An understanding of the need to engage children so that their views were heard was beginning to emerge, as in the practice of the children's hearings. However, the practice of listening to children or providing them with opportunities to share their experiences was still limited.

Children with experience of care and families living in poverty were stigmatised because of their circumstances although there was more known about the complexities of social disadvantage. There was an increase in understandings of

child abuse, including sexual abuse in the 1990s, with much higher public profile to cases where professionals had been seen to fail. The end of the period saw emerging attention to children's rights although there was not extensive awareness among policymakers and practitioners until the mid-1990s when the Children (Scotland) Act 1995 incorporated children's rights principles.

Becoming more child centred: 1995 to 2015

The period from 1995 to 2015 was underpinned by major legislative and policymaking change which had a focus on children and young people. This period saw a move to child-centred policies and strategies, such as the *Getting it Right for Every Child* approach¹, now enshrined in the Children and Young People (Scotland) Act 2014 along with duties for children's rights and wellbeing.

At the same time, there was growing understandings of the impact of neglect and abuse. Significant attention was paid, in comparison to earlier periods, as to how children's voices were heard in systems and processes. Children and young people highlighted that they experienced negative attitudes and stigma and discrimination in some situations. At the end of the period in 2016, the Scottish Government had committed to a review of care to be driven and informed by the views of care experienced children and young people.²

Conclusion

There have been major changes in societal attitudes to children in the period of the review. Children are no longer 'rescued' by charities or sent from Scotland abroad without their permission. It is now embedded in legislation and policy that children have the right to have their views listened to and taken into account in the decisions that affect them. There is a much greater understanding of the need to secure children's emotional, physical, social and mental wellbeing, a knowledge shared by parents, professionals and policymakers. However, experiences of poverty, abuse and neglect and how these are regarded by society continue to be areas of concern.

¹ Getting it Right for Every Child <http://www.gov.scot/Topics/People/Young-People/gettingitright>

² Independent Review into Care System <https://news.gov.scot/news/independent-review-into-care-system>

Although this review has identified a literature which covers many areas of interest for the review, there remain gaps, particularly in children and young people's accounts for most of the period.

2. Introduction to review

Introduction

This review considers societal attitudes to children in Scotland from 1900 to 2015. It was commissioned in 2016 to contribute to the work of the Scottish Child Abuse Inquiry and complements other research undertaken as part of the Inquiry's activities.

Structure of the review

In order to manage the long timespan of over a century, the review is structured around four time periods: 1900 to 1948; 1948 to 1965; 1965 to 1995; and 1995 to 2015. The time periods have been chosen to link with major legislative change in Scotland, specifically the Children Act 1948, the Social Work (Scotland) Act 1968 and the Children (Scotland) Act 1995. The review concludes in 2015 with the Children and Young People (Scotland) Act 2014.

The review aims to capture relevant themes and developments during this period, taking the following into account:

- if, and how, attitudes to children have changed over time
- to consider changes during this period and their relevance to the interests of the Inquiry
- to consider relevant issues such as the age of children and their evolving capacities; the separation of families; and understanding among professionals of changing attitudes to children.

What are societal attitudes

Societal attitudes have been interpreted as the contribution of members of the public, professionals, institutions and organisations to attitudes prevalent during the period. In turn, the review considers how these attitudes did, or could have, influenced everyday understandings as well as childcare and welfare practice relating to

children and young people. As the NSPCC (2016) points out, understanding attitudes is important because they influence and underpin human behaviour.

How childhood is understood has changed over different time periods and across different settings (Buckingham, 2000). This means that examining attitudes to childhood has to take account of these shifts and changes. At the same time, how society understands childhood is also built into the work of institutions and culture, and present across education and child welfare services as well as all other facets of society (Moss and Petrie, 2002). This perspective has underpinned the review.

Reflecting on social attitudes

There are a number of challenges in exploring societal attitudes. First and foremost, a review over a long period of time cannot do justice to the range of attitudes over the period of 115 years or explore the diversity of perspectives at any one time. It can, however, provide signposts to key trends in societal attitudes to children and young people and their relationship to how children and childhood were understood.

It is also important to acknowledge that our twenty first century perspectives can influence our understanding of children's lives in the past. What was regarded as appropriate at the time may no longer be viewed in the same way in contemporary society (Elsley, 2007). As Dingwall et al (1984) point out, definitions of childhood and societal attitudes to children have varied and need to be viewed in their historical context. It is necessary, therefore, to ensure that an understanding of the past is not critiqued without understanding broader issues at the time. Ferguson (2004) suggests that understanding how children have been protected at different points in history has to include an analysis of what went on in particular periods and 'the concepts of risk, childhood, time and space and technological resources available' to protect children in those times (2004: 23). In considering child migration, Lynch (2016) adds another perspective, suggesting that it is not helpful to view modern childcare practice as 'progressive' and the practice of the past as 'morally distant' and less enlightened.

This review aims to contribute to a layered understanding which takes these factors into account and complements the work of other reviews undertaken for the Inquiry.

Shifts in attitudes over time

Examining societal attitudes over time is undertaken with the expectation that there were major changes and this review, unsurprisingly, does point to significant shifts during the period. These shifts are reflected in increasing recognition of children's needs and their agency and, for example, an improved understanding of abuse and neglect.

It is less straightforward to identify when attitudes changed as they generally evolved over a period of time, with the associated challenge of identifying what contributed to these changes and how they influenced policy, practice and behaviours towards children. In some instances, major events provided an opportunity to collectively reassess previously held societal perspectives. The experience of the Second World War, for example, led to a nation-building project with the family at its centre. In the post war period, the founding of the welfare state and the enacting of major children's legislation, the Children Act 1948, contributed to a closer examination of the role of the family in society and a focus on families, particularly those that were seen as problematic (Hendrick, 2003).

In addition, attitudes are not necessarily restricted to one time or context. Children have not had any significant power or voice for most of the period of the review (Abrams, 1998; Hendrick, 2003; Elsley, 2007). Although changing attitudes have influenced legislation, policy and practice so that children's best interests and their right to have a say in decisions that affect them are now better recognised, children and young people, particularly those with care experience, point out that they still have negative experiences which undermines their agency and wellbeing at the end of the review period (Together, 2016).

Finally, the review has taken into account that all people did not hold the same or similar attitudes. There is little way of identifying how much support different perspectives have had historically, and whether these attitudes changed at the same pace during their evolution. Majority and minority perspectives were not measured during most of the period of the review and it is therefore complex to assess their

influence over attitudes to children and childhood. Drawing on a range of literature, however, has helped to provide interpretation.

Availability of evidence

There are challenges with undertaken analysis of child welfare practices and associated attitudes over time. Hill et al (1991) suggest the problem with exploring ideas of child welfare is that 'the evidence from past eras is often scanty and indirect' (1991:182). It can lead to selective understanding of the past in terms of the evidence that is sought. Stevenson (1998) suggests that there has not been a great deal of historical reflection on child welfare practice in Britain and the diversity of this practice makes it difficult to generalise key ideas and themes. Kendrick and Hawthorn (2012) in their scoping project in care in Scotland between 1990 and 2005 found that there was a 'fragmented' picture in records and other information. This review has found limited reflective literature which can contribute to understanding the history of child welfare and societal attitudes to children in Scotland and has therefore explored a broader literature, identifying discussions of relevance on attitudes to children.

Evidence based on the experience of children

During most of the twentieth century, there was little research in Scotland on children's experiences and no major surveys of societal attitudes relating to childhood. Even in the twenty first century, a report by Scottish non-governmental organisations states that there was a lack of research exploring attitudes to children (Together, 2016). This paucity of evidence focusing on attitudes meant that the review was not able to rely on a discrete literature.

The review considered the limited body of historical research on children in Scotland (for example, Abrams, 1998; Stewart, 2006) as well as research on the history of childhood focusing on the UK (Cunningham, 2005; Hendrick, 2003; Heywood, 2001; Pollack, 1983). It has considered literature or documents on childcare and welfare written during the relevant period or which reflects on practice retrospectively (for example, Ferguson, 2004; Hill et al, 1991; Stalker, 2014; Stevenson, 1998). It also explored limited evidence reflecting children and young people's views and

experiences where this is available (Elsley et al, 2013a) including adults' reflections on childhood experiences (Magnusson, 2006; Shaw, 2011).

Finally, the review has considered the body of literature which has explored understandings of children's lives and childhood, drawing on writings on the sociology of childhood and children's rights which are relevant to the experience of childhood in the UK (see for example, Archard, 1993; Franklin, 1986; Jenks, 1996; Mayall, 2006; Qvortrup et al, 1994). This literature has helped to inform an understanding of what attitudes were prevalent during different periods, including concepts of childhood based on child development, beliefs that children have inherent characteristics because they are young, and a focus on children's agency, capacity and their human rights.

Children's perspectives

The best starting point for a review of societal attitudes of children is the perspectives of children themselves. However, there is not an extensive literature on children's direct voices and experiences with an absence of a significant body of research into children's lives and childhood generally until more recently (Abrams, 1998; Hendrick, 2003). This is confirmed by a previous review of attitudes to children between 1950 and 1995 which found that there is limited availability of research material relating to children in Scotland and literature which has explored the experiences of children (Elsley, 2007).

Children's views are generally not captured in research on societal attitudes as these attitudes remain the preserve of adults, omitting the perspectives of younger contributors. The absence of children's voices is not surprising as adults are the custodians of the history and records of children's lives (Hendrick, 1994). Children's voices and experiences have therefore been mostly hidden. This is particularly significant when considering the views of children who have been marginalised, stigmatised or have experienced abuse or neglect.

The gathering of children's perspectives and experiences has only become more prevalent in the last decade of the twentieth century and the beginning of the twenty first century (see, for example, the Children's Parliament and the Scottish Youth

Parliament)³ and this also applies to the experience of children in care (see *Who Cares? Scotland*)⁴. More evidence has been gathered on children's lives through longitudinal studies and surveys in the UK. In Scotland this has included the *Growing up in Scotland*⁵ study which has focused on following cohorts of young children through childhood since 2003 and the biennial Scottish Schools Adolescent Lifestyle and Substance Use Survey (SALSUS) which provides data on substance use and lifestyles among secondary school children.⁶ However, there remain gaps in evidence on children and young people's perspectives (Elsley et al, 2013a; Together, 2016).

Accessing evidence from Scotland and elsewhere

This review has drawn on literature and evidence that relates to Scotland where possible. In the absence of an extensive literature on Scotland, the review has also drawn on a selection of relevant texts relating to England and the UK, taking into account literature where the context is broadly the same but the legislation, policies or practices may differ. Murray and Hill (1991) point out that the philosophies underpinning children's services across Britain were often similar in the twentieth century up to the early 1990s but the ways in which they were implemented could lead to different outcomes.

More generally in terms of the history of people in Scotland, Abrams and Brown (2010) suggest that socio-economic and other changes were common to people in Britain and Western Europe whilst recognising that some factors were specific to Scotland. The review therefore draws on Scottish literature where it is available, with reference to UK evidence where appropriate.

³ Children's Parliament <http://www.childrensparliament.org.uk/about-us/publications/>
Scottish Youth Parliament http://www.syp.org.uk/recent_publications

⁴ Who Cares? Scotland <https://www.whocarescotland.org/>

⁵ Growing up in Scotland <http://growingupinScotland.org.uk/about-gus/background/>

⁶ SALSUS <http://www.gov.scot/Topics/Research/by-topic/health-community-care/social-research/SALSUS>

3. Attitudes to children and childhood

Introduction

This section considers ideas of childhood which have been influential during the last century and into the twenty first century. It explores different understandings of what childhood is and highlights their relevance to this review.

A historical perspective on childhood

Children did not have the same status as adults due to their age and minority status during the period of the review. Instead power inequalities between adults and children were present throughout the twentieth century in Scotland (Abrams, 1998). This is not surprising. Stein points out that childhood has long been viewed as a time when children do not have power and are dependent on adults around them (Stein, 2006). Mayall (2006) suggests that the separation of children's lives and childhood from those of adults has a long history and that children have been always been a minority social group with experience of social exclusion.

This lesser status is significant when considering the implications for child welfare and care during the review period and whether children's needs and rights were adequately protected and supported by the adults around them.

Understandings of children and childhood

It is necessary to consider what meanings children and childhood have for adults in order to understand society's attitudes (Jenkins, 1998). New understandings of the meanings and experiences of childhood emerged over the last thirty years. These have been influenced by the work of writers on children and childhood and by children's human rights as defined in the United Nations Convention on the Rights of the Child (United Nations, 1989). These new understandings have focused on the agency of children and their capacity to be fully acknowledged as persons in their own right. This view of childhood is in contrast to more traditional perspectives which suggest that children's value lies in their future roles as citizens and that they are subject to the power of adults around them, in their families, in communities and in society generally (Hill et Tisdall, 1997). Frost and Stein (1989) suggest that children

were the focus of the good intentions of society as a minority group but were also oppressed by adults, without a voice and subject to exploitation.

Characteristics of childhood

Children have always been seen as having specific characteristics because of their status as children (Archard, 1993; Cunningham, 2005; Hendrick, 2003; James et al, 1998; Heywood, 2001; Jenks, 1996; Mayall, 2006; Qvortrup et al, 1994). Childhood has been viewed over the centuries as a time of innocence and vulnerability which requires adult protection (Cunningham, 2006). It also has been regarded as a life stage which needs instruction and education so that children grow up to be effective adult members of society (James et al, 1998).

Understanding these perceptions informs our understanding of societal attitudes. Childhood has been perceived as a specific stage of human experience which requires intensive intervention by adults and the institutions concerned with children's wellbeing. Rose (1989) suggests that childhood is the most highly governed part of the life course. The extent of these adult contributions has grown through the twentieth and into the twenty first century. Understanding the connections between societal attitudes to children and professional approaches is therefore important because of the nature and extent of these interventions, particularly for children with experience of care.

Childhood as a time of transition

Children have traditionally been regarded as adults-in-waiting or 'human becomings' without the same rights and agency that adults have (Qvortrup et al, 1994). In this understanding of childhood, children are in the process of transition to becoming fully-fledged 'human beings' as adults. Children are seen to be less powerful than adults and without the capacity to be significant contributors to society (Hill and Tisdall, 1997; James et al, 1998; Mayall, 2006).

A view of childhood as a time of 'becoming' rather than 'being' has implications for every aspect of children's lives. How society perceives children and childhood has been built into the work of institutions and their culture (Moss and Petrie, 2002). Compulsory education, for example, is based on a premise that children need to

formally learn in order to be prepared for adult life and their future economic and social contribution (Mayall, 2006). On the other hand, legislation now prevents child employment (with limited exceptions), giving children the right to be in education rather than employment during childhood (Heywood, 2001).

In other areas of children's lives, this has led to differences in how children are treated which are contentious. For example, the position in Scotland in 2017 is that children do not have the same protection under the law from assault as adults (Together, 2016). The concept of 'justifiable assault' (where a parent has right to physically punish a child with certain restrictions) remains on statute in Scotland. Children in this area therefore continue to have lesser rights than adults (Together, 2016).

Diverse ideas of childhood

Different ideas permeate understandings of childhood and influence attitudes. These varied ideas are often diametrically opposed and are longstanding, reflected in past societies as well as in the present (Cunningham, 2005; Higgonet, 1998). They have contributed to how children have been treated and regarded across different aspects of their lives, influencing childcare, family structures, services and religion (Heywood, 2001; Cunningham, 2006; Hendrick, 2003; James et al, 1998). Heywood, a historian of childhood, describes how twinned and opposing themes of 'depravity' and 'innocence', 'independence' and 'dependence', 'nature and nurture', 'age and sex' have been applied to childhood and are present across different contexts and time periods (2001: 32-42):

Did children come into the world innocent, or with the stain of original sin upon them? Were children like a blank sheet at birth, or did they arrive with a number of innate characteristics in place? Should they experience a 'short' or a 'long' childhood: in other words should they be cosseted in their families or launched into the world of adults?

(Heywood, 2001:32)

Children have been marginalised because there is an emphasis on a perception of their vulnerability and their innocence (Qvortrup, 2005). They have been viewed as 'empty vessels' or 'chattels' who require instruction and in need of strict discipline (Cunningham, 2005; James et al, 1998; Jenks 1996). By contrast, children and young people have also been seen as troublesome, or in extreme situations as evil (James et al, 1998).

Childhood is not always as seen a mitigating factor for those whose behaviour is seen to be inappropriate or does not meet social norms. Instead children can be demonised and seen negatively (UK Children's Commissioners, 2008). Adults' accounts of childhood experiences of residential care in Scotland indicate that these attitudes were present, with some describing their experience as being seen as 'delinquents', 'liars' and as 'sinners' (see Shaw, 2011).

Discrimination in childhood

Children experienced discrimination because of their age throughout the four periods of the review. Their status as children excluded them, in many instances, from being protected when they were vulnerable and did not provide them with individual, cultural and institutional spaces where they could speak out, share concerns or seek redress (see accounts in Shaw, 2011). This has been recognised in contemporary analysis of children's lives, specifically in child protection and care contexts (Thomas, 2000). There, however, remain modern day situations and societal perspectives which regard children negatively without significant agency accorded to them. Morrow (2007) suggests that this view of children is still dominant in spite of changes in how children and childhood are seen.

Attitudes to children in care

These perspectives on childhood are important when considering the experience of children who have been looked after by the state. As a result of their age, children were traditionally seen as vulnerable and inexperienced with restricted, limited or no capacity to have a say in their own lives or with opportunities to contribute to wider society (Hendrick, 2003). For some groups of children, such as children in care, this perspective was particularly prevalent.

In both the earlier and later periods of the review, children who were looked after in care settings were stigmatised because of their status living away from their family home (Abrams, 1998; Shaw, 2011). Some adults, recalling their time as children in care had positive and warm experiences, some had mixed and changeable experiences while others had very poor, harsh and abusive experiences (see Magnusson, 2006; Shaw, 2011).

The assumption was that, even in more recent times, children in children's homes must 'have done something wrong' (Abrams, 1998:78). In reflecting more widely on the experience of those who had experienced child sexual abuse in institutions, Colton et al (2002) state that young people's experiences reflected attitudes which saw young people as 'troubled and troublesome' and a threat to society. Stein (2006), in a consideration of inquiries into abuse, highlights that many children in residential care did not have adults available to them who could help when they were abused.

Ferguson (2007) suggests that having an understanding of the concept of child abuse and understandings of children is important for historical reflections on institutional abuse. Writing specifically about the experience of children who were abused in Irish reformatory and industrial schools, he suggests that children were viewed as those who had to be redeemed. At least some of these elements are noted in accounts of those who have been in care in Scotland with adults recounting experiences (see Shaw, 2011).

Negative attitudes to children in care were also present more recently. Care experienced young people in Scotland have spoken out about their experience of stigma and discrimination and the consequences for their wellbeing and future opportunities.⁷

⁷ Who Cares? Scotland <https://www.whocaresscotland.org/who-we-are/media-centre/press-releases/a-national-campaign-that-aims-to-end-the-discrimination-that-young-people-in-care-face/>

Attitudes to children in religion

Religion has been a major influence on Scottish society, and in turn on childcare and welfare, for a substantial part of the twentieth century (Abrams, 1998; Murphy, 1992). Many of the charitable and philanthropic activities of the immediate post Victorian period were founded by those who adhered to religious beliefs which in turn influenced the delivery of their services (Abrams, 1998; Magnusson, 2006). Many other the charitable providers were faith based (Abrams, 1998; Kendrick and Hawthorn, 2012).

Understandings of childhood have been prevalent in religious perspectives (Bunge, 2012; Heywood, 2001; Lynch, 2016). Zelizer (1994) suggests that there was a process by which children were excluded in the last century and childhood was 'invested with sentimental or religious meaning' (1994:11). The concepts of innocence and original sin associated with children have been part of the Christian traditions (James et al, 1998; Heywood, 2001). Bunge (2012) suggests that many forms of Christianity have in different ways expressed the 'notion that children, in some sense are sinful creatures and moral agents' (2012: 63). This, he suggests has 'often warped Christian approaches to children and led in some cases to child abuse and even death' (2012: 63).

This perspective can be contrasted with another view of children in religion which implies that children are 'pure and innocent'. However, this can in turn deny children's 'growing autonomy and accountability' (Bunge, 2012: 63). In addition he points out that Christian theologians have emphasised that Christians should see it as a duty to care for children who lived away from their families, as 'orphans and poor children'. He suggests that the Christian community has emphasised duties and responsibilities of children in honouring and obeying their parents, fearing and loving God, studying, and love and service to others. Bunge says that adherence to these duties and responsibilities has sometimes resulted in 'narrow and destructive understandings of children and our obligations to them' (2012: 76).

An understanding of religious views on children and childhood is therefore important to consider although there is not an extensive body of literature on these perspectives in Scotland.

The age of childhood

In this review, the definition of a child is a person under the age of 18 years. This is in line with the definition used in the United Nations Convention on the Rights of the Child (UNCRC, 1989).

What is understood to be the period of childhood has changed over the last century. This has been demonstrated in Scottish law. In the 1908 Children Act, for example, a child was under 14 years and a young person was between 14 and 16 years unless otherwise stated (Norrie, 2017). In the contemporary period, legislation generally refers to the United Nations definition of a child although there are exceptions. As Hill and Tisdall point out:

The boundaries between childhood and adulthood in modern Britain are multiple and indeterminate, with the teen years constituting a broad period of transition. There are different legal times when children are able to undertake activities from marriage, to sexual activity, paid employment and voting.
(Hill and Tisdall, 1997: 3)

These boundaries around the traditional ideas of the age of childhood have continued to evolve. Young people aged 16 years and over can now vote in Scottish and local government elections. New duties apply to public authorities following the Children and Young People (Scotland) Act 2014. These give additional access to support for young people leaving care up until the age of 26 years, recognising the needs of young people who have been looked after into young adulthood.

Summary

Children did not have the same status as adults during the period of the review. Instead, childhood was seen as a life stage with particular characteristics and as a time of transition to adulthood. Understandings of childhood informed adult attitudes to children, including those towards children in care and in religious contexts. New understandings of childhood emerged from the 1980s onwards and were complemented and influenced by commitments to children's human rights. The premise of more recent perspectives is that children should be seen as persons in their own right.

4. Scotland from 1900 to 2015

The period of the review is extensive. It is helpful therefore to briefly highlight the changes that Scotland experienced during this time.

From the beginning of the twentieth century to its end, Scotland experienced substantial shifts in the health and wellbeing of the population, the changing role of the state at UK and Scottish level, advances in communication and technology as well as economic influences from outside Scotland (Abrams and Brown, 2010). At the same time, it also experienced the consequences of major national and international events such as two world wars, changing patterns of industrialisation and changes in political structures.

Some of these affected the rest of the UK and Western Europe but others were specific to a Scottish experience (Abrams and Brown, 2010). Murphy (1992), for example, suggests that poverty, the dominance of a Calvinist religious tradition, and the influence of both on education are significant to understanding Scotland. He states that there were often unsympathetic attitudes to what was perceived as individual failure and an education system which was not child-centred. Instead it was often 'formal, repressive and knowledge-based (Murphy, 1992; 11). Family structures changed with changing attitudes to marriage and the role of women (Brown, 2010, Thane, 2010). Abrams (2001) states that family forms were affected in Scotland by 'several waves of rural depopulation, urban transformation and industrial growth and decline' (Abrams, 2001: 195).

The shifts in Scottish society substantially affected the everyday lives of children and their families in a multitude of ways. In turn, these influenced attitudes to children and their families.

5. Post Victorian Scotland: 1900 to 1948

Introduction

The first period of the review covers nearly fifty years including the end of the Victorian era, two wars and a period of major social and economic change. Scotland moved from a time when children were beginning to have legislative protection in the 1900s to much greater policy intervention in the 1930s which focused on their welfare and protection.

The period ends in 1948 after the Second World War. The collective experience of the war and the experience of children's evacuation provided evidence of the impact of poverty and deprivation on children and families. It contributed to a post war commitment to major nation building and the establishment of the welfare state with an explicit focus on families.

Charitable responses to children

In the Victorian period, the Poor Law provided the dominant response to poverty and destitution. Children who were homeless and destitute were placed in industrial schools or in reformatory schools in Scotland if they were young offenders (Kendrick et al, 2015).

Legislation in the latter Victorian period had begun to protect children in the areas of labour, education and the justice system, laying the foundations of systems for protecting children (Murphy, 1992). By the late nineteenth century, charitable responses were developed in response to a failure of the existing Poor Law mechanisms to support those who were in need, with orphanages and children's homes established by philanthropists and charities during the last half of the nineteenth century (Murphy, 1992; Lynch, 2016).

The 'child rescue' movement was interested in protecting children but not in maintaining the privacy of families, particularly poor families (Pollack, 1983). Such initiatives in Scotland included the growth of large and smaller residential institutions run by charities or faith-based organisations and the continuation of the practice of

children being boarded out who were then mostly placed in rural communities (Abrams, 1998; Magnusson, 2006).

These charitable organisations tended to be run by those who had strong religious convictions (Abrams, 1998; Lynch, 2016; Magnusson, 2006; Murphy, 1992. Allen and Morton (1961) writing about the early work of the NSPCC in England and Wales, state that people in Britain at the end of the nineteenth century were more aware of social problems and 'their responsibility to under-privileged members of the community' (1961:15). At the beginning of the twentieth century, the Poor Law did not provide a basic standard of living for those from the working class in Scottish cities (Devine, 1999).

The state began to play a greater role in the later Victorian period with more attention to the welfare of children and less on reform which focused on moral behaviour (Hill et al, 1991). By the beginning of the twentieth century, the status of children had begun to improve with their needs increasingly being recognised through greater access to education and to provisions which supported their physical health and wellbeing.

Post Victorian years

The 1908 Children's Act was a significant step forward for the welfare of children (Hill et al, 1991; Norrie, 2017). Juvenile courts were established in recognition that children needed different treatment from adults and with an emphasis on rehabilitation (Martin 1979b). However, in the years between 1908 and 1961 when Lord Kilbrandon reviewed care and justice approaches to children in Scotland, there were only four courts established which had a focus on young people (Hill et al, 1998). Children were not necessarily receiving special consideration in Scotland (Martin, 1979b). Everyday practice did not reflect the aspirations of the 1908 Act.

Stewart (2006) identifies several distinct qualities of child welfare in Scotland during the first part of the twentieth century; an emphasis on the practice of boarding out (as opposed to placing a child in residential care); different approaches to education and psychology; and a child guidance movement which developed during the 1920s and 1930s. By the 1930s children were healthier with access to a better diet, housing and

child welfare services (Ferguson, 2011). This meant that attention could be paid to children's needs beyond their physical wellbeing. It included new interests such as the importance of play and the establishment of youth organisations (Cunningham, 2006). Generally, the 1930s saw the beginning of more contemporary understandings of childhood. Experts in childcare were of the view that corporal or physical punishment of children was likely to be harmful rather than helpful (Cunningham, 2006). However, the practice was still common.

Understanding of child abuse

An understanding of childhood and the needs of children permeated the centuries (Pollack, 1983). It was not something that simply arrived in the twentieth century. Child abuse cases were reported in newspapers from the eighteenth century onwards and there was awareness of cases and practices where children were maltreated and vulnerable and where this was seen to be excessive (Bingham and Settle, 2015; Pollack, 1983). This included awareness of the harsh use of physical punishment in Scotland (Norrie, 2017).

Child neglect dominated as the form of harm done to children in the early part of this period in Britain and Ireland (Ferguson, 2011; Murphy, 1992). Allen and Morton (1961) writing of the early work of the NSPCC, discuss cases related to destitution but also neglect. Child neglect was seen to be based around notions cleanliness and dirt, focusing on whether homes were hygienic and children properly cared for or if children were neglected because of alcohol abuse or other reasons (Ferguson, 2011). Although there was concern for child welfare at the beginning of the twentieth century, there was not the same attention to child abuse as a problem which required attention (Parton, 1979). The focus instead was on 'child-saving' and in particular on the nature of delinquency, neglect and their relationship to the problem family. Although the term 'sexual abuse' was used in the 1860s, the term was not widely used until the 1980s (Bingham et al, 2016).

Children in need of protection were conceptualised as innocent children but also as 'objects of fear and disgust' (Ferguson, 2011: 16). A focus on offences against children was 'often confused with other moral anxieties and prohibitions.' (Bingham et al, 2016: 4).

Child poverty

Poverty was recognised as a significant problem for Scotland before the advent of the welfare state. The 1908 (Education) Scotland) Act, was not solely about education. It also introduced school meals and medical inspection (Stewart, 2010).

Poverty was still widespread in the 1930s (Murphy, 1992). Children's malnourishment was still a concern with free milk being introduced in urban areas in Scotland by the health campaigner Boyd Orr with the claim that over one third of the population could not afford basic food (Stewart, 2010). The impact of the 1920s recession meant that many families struggled. In the 1930s diseases related to poverty such as rickets were still prevalent (Stewart, 2010). Poor and inadequate housing in both urban and rural areas was a major issue and not all families had access to sanitation (Stewart, 2010). Adams (1998) states that boarding out, the practice of placing children with other families, was intended to break links between children and their parents together with the experience of urban poverty. Children in turn were often treated badly or seen as outcasts. Children who were neglected were viewed as pauper children in the 1900s but were identified as children in need a few decades later (Paul, 2001).

Attitudes to children from 1900 to after the First World War

At the beginning of the twentieth century, children's status had changed with changes in the law on child labour and compulsory schooling (Ferguson, 2011). In spite of these changes, children were still expected to be silent and were without a voice at the beginning of the twentieth century (Cunningham, 2006).

Hendrick (2003) suggests that there were unclear and confusing adult attitudes to children in Britain in the first sixty years of the twentieth century with the state not interested in taking significant action on physical abuse. This was not due to indifference but because the focus was on the family (Hendrick, 2003).

By the 1930s, children had lost their economic worth as child labour but had acquired new sentimental worth as children (Ferguson, 2011). Characteristics akin to those of contemporary childhood emerged during this period. This included increased dependence by children on their parents and 'economic and sexual

inactivity, and absence of legal and political rights' (Ferguson, 2011: 28). These changes were, at least to some degree, reflected in legislation. For example, in the Children and Young Person's (Scotland) Act 1932, the age of criminal responsibility was raised from seven to eight (Martin, 1979b).

The emphasis on childhood between the wars resulted in a greater understanding of children and childhood than previously understood (Hendrick, 2003; Stewart, 2006). By the end of the Second World War, children were viewed as more important both as citizens of the future and as members of families with more liberal attitudes to children (Hendrick, 1997).

A focus on children's minds

The two decades between the world wars were times of major growth in psychological research and practice. These in turn impacted on understandings of children and childhood. These new ideas were given added weight by the establishment of a network of child guidance clinics, with thirteen clinics established in Scotland before the Second World War (Stewart, 2006). These clinics had a focus on child psychiatry with approaches underpinned by medical approaches to children's mental health and were a significant influence on attitudes to children between the two world wars (Stewart, 2001). Dr D.K Henderson, who worked in both child guidance clinics and in the connected discipline of psychiatry, noted in the 1930s that although physical health was dealt with through school clinics, attention was not paid to the mental health of children (Stewart, 2006).

Child guidance had a powerful place in pathologising childhood and putting a focus on children's minds as well as their bodies with the intention of curbing childhood in its most troublesome manifestations (Stewart, 2006). The Catholic Church was also involved in the child guidance clinics movement in Scotland, particularly in the well-known Notre Dame Clinic in Glasgow. Stewart (2006) points out that this religious role identified Scotland's relationship with child guidance clinics as different to that of England. Attention to children's emotional lives grew with this developing knowledge of psychology, psychoanalysis and psychiatry but this did not give prominence to the wider concept of listening to children.

Attitudes to families and parenting

New ideas about child rearing began to evolve during the 1920s (Cunningham, 2006). These ranged from those who believed in the control of children to those who suggested that parents should be aware of children's feelings. In the interwar period, magazines and parenting books became more widely available for parents, reflecting a shared public shift from a focus on children's bodies to their minds (Stewart, 2010).

During the 1930s, experts in childcare were of the view that corporal or physical punishment of children was likely to be more harmful rather than helpful (Cunningham, 2006). However, the practice was still common. Hill et al (1981) suggest that some historians view parenting practices as harsher in the past but other accounts, based on direct sources of information, suggest that many parents were kind and caring.

The beginnings of children's rights

Although an exploration of the impact of children's rights is more pertinent to the last thirty years of the twentieth century, it has a longer pedigree going back to after the First World War although there was not a wide understanding of children's rights for the majority of the first half of the twentieth century.

The law had begun to incorporate very early notions of children's rights principles in the 1908 Children Act (known commonly as the Charter) (Hill et al. 1991).

Internationally, children's rights became prominent after the Assembly of the League of Nations adopted the Geneva Declaration of the Rights of the Child in 1924 which identified, among other considerations, that a child 'must be given the means for its normal development both materially and spiritually' and 'must be protected against every form of exploitation'.⁸ However, knowledge of children's rights, as known today, did not appear to have any wider societal influence on attitudes to children in the 1920s and 1930s. More influential was the growing understanding of child development and the influence of psychology and psychoanalysis.

⁸ Geneva Declaration of the Rights of the Child (1924) <http://www.un-documents.net/gdrc1924.htm>

Child migration

By the late nineteenth century, charities, including faith-based organisations, in Scotland and Britain had begun to make use of child migration. Children were sent to British Empire countries including Canada, Australia and fewer numbers to other countries in the empire. This programme was regarded by charities as a cost effective initiative at a time when children's homes and orphanages were at high levels of capacity. It also had other purposes. Child migration provided an opportunity to transform children who were seen to be problematic into productive citizens of the empire at time when there was government interest in populating the empire with British citizens (Bean and Melville, 1989; Paul, 2001).

The child migration schemes of the Victorian period, which continued into the 1960s in much smaller numbers, were influenced by an understanding of children as 'vessels' to be formed so that they could grow into good citizens who had broken away from the deprivation of their family lives (Swain, 2015). As Paul (2001) points out:

Relocating vulnerable children before they had succumbed to the inexorable criminal temptations wrought by poverty and family circumstances, emigration was the first and necessary step in the re-formation of the child's identity.
(Paul, 2001:122)

These initiatives tended to position parents negatively, stigmatising them and not provide the motivation or opportunity to negotiate contact with their children (Abrams, 1998; Bean and Melville, 1989; Lynch, 2016; Paul, 2001; Swain, 2005). Little attention was given to children's physical or psychological needs.

The figures for child migration from Scotland are not known but Abrams (1998) suggests that 7000 were sent from Quarriers, with smaller numbers from other homes. Accounts from adults of their experiences as children who were sent abroad highlight that they often did not know where they were going and why and that they did not have the opportunity to say goodbye to family members (Bean and Melville, 1989; Paul, 2001, Magnusson, 2006). Children were not, as a matter of policy,

placed with siblings or friends and ongoing contact with families back in Scotland and Britain was not encouraged (Magnusson, 2006). At a time when other children were being removed from employment, child migrants were often placed in situations where they worked in households or as farm labourers (Magnusson, 2006; Paul, 2001). Instead, children were expected to be deferential as well as 'physically wholesome, grateful, productive and (hopefully) pious' (Bunge, 2016:110).

Concerns raised by professionals in Scotland (Magnusson, 2006) and in other countries, particularly Canada in the 1920s (Paul, 2001) highlight that there was not unequivocal political or professional support for the schemes. The 1948 Children Act included provision for regulation by the Home Office but by the mid-1950s, the Home Office and the new children's services departments were opposed (Paul, 2001). The larger state role in care and protection post war sat alongside a changing view of childhood 'as a stage in life to be defined, protected and if possible elongated' (Paul, 2001:138). By the late 1950s, child migration had ceased in Britain with only Barnardo's maintaining the practice into the 1960s (Paul, 2001).

Disabled children

The first institutional response to children with physical disabilities in Scotland was in the 1870s (Hutchinson, 2004). This was based on a premise that an 'imperfect' body and mind' was viewed as defective and 'requiring repair' (Hutchinson, 2004: 31).

By the late 1870s, it was realised that there needed to be different services to respond to the range of children's disabilities (Hutchinson, 2004). The charities which established homes and institutions for disabled children had a common aim; that children could become adults who were able to support themselves, both physically and spiritually, although the reality was often very different. As with other charitable institutions established in the last part of the nineteenth century, the philanthropists and founders were committed to characteristics and ideals such as 'respectability, religious devotion and temperance' (Hutchinson, 2004: 35). These values were promoted to children.

These institutions had different attitudes to children's health with some expecting children to be in good physical health in order to contribute to their output in terms of

making good while others had a medical focus. As in other institutions, children's voices were not heard except in the reports of the work of the institutions where their contribution was seen to help raising funds (Hutchinson, 2004).

Summary

The end of the Victorian period was an era of major industrialisation, which was accompanied by the expansion of the British Empire, both of which brought significant societal change to Scotland and the UK. However, philanthropists, politicians, churches and wider society in Scotland increasingly regarded the presence of high levels of poverty, poor housing and limited access to education as social ills which needed to be remedied (Abrams, 1998). These perspectives led to the growth of charitable interventions which were intended to respond to concerns about the physical, moral and spiritual wellbeing of children and directly intervened where children were seen as being neglected by their families.

Generally, there was little public understanding of the extent of neglect and abuse in the early years of the twentieth century. However, newspaper coverage of court cases and the work of charities across Britain show that there was awareness of circumstances where children were maltreated (Bingham and Settle, 2015; Pollack, 1983).

By the 1920s and 1930s, the physical wellbeing of children had improved although poverty was still prevalent in Scotland (Brown, 2010). Families were smaller and the number of child deaths had substantially decreased. The work of child psychologists and psychoanalysts was contributing to a greater understanding of children's minds and wellbeing with child guidance clinics established in Scotland and elsewhere in Britain (Stewart, 2006). Parallel to this, there was a growth in publications providing advice to parents about parenting (Hendrick, 2016). Legislation in the 1930s provided an indication that attitudes to children were changing, with increased legislative protection and a focus on child welfare (Murray, 1983).

6. The developing welfare state: 1948 to 1968

Introduction

By the middle of the twentieth century, Scotland had gone through a period of major social, economic and cultural change. Employment patterns, family structures, changing prosperity and continuing poverty, alongside evolving concepts of faith and morality, were profoundly affecting Scottish society (Abrams and Brown, 2010). The Second World War had a major impact on British and Scottish society, bringing to an end the main tenets of approaches developed in the Victorian period and its associations with the stigmatising Poor Law.

The development of the welfare state was the major post war project, based on a strong desire to rebuild the country socially and economically (Lockyer and Stone, 1998). The new commitments resulted in major social policy changes in welfare and childcare in both Scotland and across the UK (Murphy, 1992; Holman, 1998). For the first time, the state was prepared to take on more responsibilities for the needs of families and individuals in the areas of health, education, income and welfare (Fox Harding, 1997).

Towards the end of the war and in its immediate aftermath, there was a rash of legislation with the aim of bringing about social change. The 1944 Education Act, the 1945 Family Allowances Act, the National Health Service Act, the 1946 National Insurance Act and the 1948 National Assistance Act were all regarded as major building blocks of the welfare state with the aim of democratising and sharing benefits across the British population (Cunningham 2005, Murphy, 1992).

An emphasis on children and families

Children and their families were beneficiaries of these post war shifts in Britain and Scotland and were more prominent in the minds of politicians and policymakers (Heywood, 2001; Murphy, 1992). In the 1930s, there had not been major public concern about children's maltreatment. However, by 1945, child welfare and, by association, child neglect, had come to the fore.

This was influenced by the experience of war and, more specifically, evacuation which was seen to have had a major impact on public understandings of the needs of children and families in Britain and in Scotland (Cunningham, 2006; Heywood, 2001; Murphy, 1992; Stewart and Welshman, 2006). There was an urgent need to look after children who could not return to their homes (Hendrick, 2003). Surveys of the experiences of evacuees and the families they had been sent to, mostly in small towns and the countryside, revealed the poverty of many evacuated children and their families. However public attitudes were not always positive. Allen and Morton (1961) describe a view of evacuated families in their history of the NSPCC, focusing mainly on England and Wales:

‘now suddenly, vast numbers of these families were scattered throughout the community and their filthy habits, their maladjustments, their irresponsibility, and their neglect of children came as the greatest of shocks to those who saw these evil things for the first time.’

(Allen and Morton, 1961: 51). ‘

This view of families as morally and physically neglectful, underpinned by a visceral sense of their dirt and lack of cleanliness, is one that Ferguson (2007) suggests is how ‘problem’ families were seen.

In Scotland, the experience of wartime evacuation led to extensive debate about the prevalence of poverty and social conditions, particularly in urban areas of Scotland (Stewart and Welshman, 2006). The report *Our Scottish Towns: Evacuation and the Social Future in Scotland* produced by the Scottish Women’s Group on Public Welfare (1944) and complementary to the English *Our Towns* report (Women’s Group on Public Welfare, 1943), called for the family to have more prominence post war Britain.

The Scottish report highlighted differences between the experience in Scotland and the rest of Britain but both English and Scottish reports asserted the importance of child guidance, nursery schools and closer home school contact, reflecting a more child-centred approach to children’s wellbeing (Scottish Women’s Group on Public Welfare, 1944). Residential schools were seen as having a role in reducing juvenile

delinquency while child guidance clinics had a role in assisting children with learning difficulties (Stewart and Welshman, 2006).

The Scottish report had one significant area of difference to the English *Our Towns* report: it did not attribute the conditions of children to poor parenting or other social failings (Stewart and Welshman, 2006). Instead, analysis of the evacuation programme provided an opportunity in Scotland to consider approaches which emphasised the structural nature of poverty and its impact on children and families rather than behavioural factors (Stewart and Welshman, 2006). It highlighted the poor health of evacuated children, problems with bedwetting and with children's behaviour, and drew attention to the high number of families living in overcrowded homes. Attention was drawn to the difference between rural and urban experiences and social class and a suggestion that socio economic factors had to improve (Stewart and Welshman, 2006).

Changing attitudes to children

The findings of the two *Our Towns* reports signalled a change from the first half of the twentieth century which had seen an increasing focus on the interests of children through legislation and services but without the significant developments which could meet children's specific or universal needs. Hendrick (2003) points out that children did not have a voice in these developments in the first half of the century. They were still voiceless and silent in 1948, not influencing the post war commitments to childcare and child welfare (Hendrick, 2003).

Families were now smaller across Britain (Thane, 2010). With fewer children, there was greater attention to the quality of children's lives and less focus on their physical wellbeing. In the area of health, the wellbeing of Scottish society had improved from the first half of the century as a result of social and economic changes (Smout, 1987). By 1950, children's death rate for those under one years of age had dropped to 40 in 1000 in Scotland (Smout, 1987). This was a dramatic change. Before the First World War, children's death rate under one had been 100 in 1000. Before the Second World War it was 77 out of 1000 (Smout, 1987). Housing had improved although conditions were still poor for many. A quarter of the Scottish population lived in two rooms or less in 1951, compared to half of the population in 1921

(Devine, 1999). There was limited sociological research at Scottish universities so there was no evidence to inform insights into the situation of children and families in Scotland (Murphy, 1992).

Post war, the harsh punishment of children in Scotland was still prevalent at home and school and was approved of by the public (Murphy, 1992). Discipline in Scottish schools was harsh and included corporal punishment (Lockyer and Stone, 1998). Although there was increased focus on juvenile delinquency elsewhere in Britain, Murphy (1992) suggested that Scotland remained 'relatively impassive and philosophic over apparently minor juvenile troubles' (1992: 120). Instead, the greater concerns about crime and young people gave rise to debates about the most effective ways to deal with young offenders (Murray and Hill, 1991). In Scotland, a welfare approach which took adverse life factors into account was accepted as the framework through the work of Lord Kilbrandon and his committee (Asquith, 1983; Murray, 1983). This was in contrast to different discussions in England which had a perception of a young offender as a 'miniature adult' to be dealt with by the law (Packman, 1981).

Generally, the predominance of approaches which were psychological meant that there was a focus on the immaturity of children rather than their competency (Heywood, 2001).

Children in care

The Children Act (1948) gave primacy to the child's interests in a way that had not been the case previously, with a focus on the individual child and their welfare (Ball, 1998; Packman, 1981). A principle was that children in care were to be 'treated as good parents would look after their own children' (Stevenson, 1998: 154) with care available up to the age of 18 years. Care away from home was to be avoided where possible and children's services were to undertake work with families.

The practice of boarding out continued in Scotland with children experiencing both good and harsh care (Abrams, 1998). Alongside this was similarly mixed experiences of residential care. Murphy (1992), for example, describes remand homes for children between eight and 18 years as places that were the 'small, semi-

slum backwater of childcare in Scotland' (1992:106). In 1961, the Scottish Advisory Council on Child Care highlighted the poor quality of care but, says Murphy, 'the poor staffing, repressive regimes and bad traditions persisted' (1992:105).

It is apparent from the scanty evidence that is available that little attention was paid to children's views and experiences (Shaw, 2007). Magnusson (2006) points out in her book on Quarriers that there were few policies and procedures to stop a cottage-mother or father from abusing children in this period. If, as she states, 'excessive cruelty' was kept quiet then 'sexual abuse would have been concealed to an even greater extent.' (2006:194). Adults recounting their experiences as children talked of being scared and fearful, subject to harsh punishment, cruelty, 'psychological warfare' and control by adults who were house parents (Shaw, 2011). Contributors note variously that their experience was that 'we were there, not to be seen, not to be heard, not to be taught anything' and 'we knew very clearly we were not the wanted children' (2011: 20).

Developing trends in child welfare post 1948

Murray and Hill (1991) describe four trends in welfare from 1948 up to the 1960s, suggesting that policy in Scotland was broadly similar to England and Wales. These trends were: the linking of juvenile offending to child welfare; the increased state role in child protection; a focus on foster care rather than residential care; and more attention to professionalisation and how services were coordinated.

The Children Act 1948, which applied to England, Scotland and Wales, provided the legislative impetus for change, following on from the work of two committees which had been established in response to the House of Commons request for an inquiry into conditions in residential homes. The Clyde Committee on Homeless Children in Scotland (Clyde, 1946), and the Care of Children Committee in England and Wales, led by Dame Curtis (Curtis, 1946), considered in detail the situation of children who lived away from home with a preference for foster rather than residential care.

Murphy (1992) points out that the Clyde's Committee's statements about children are useful to interrogate. For example, the Committee suggested that children who were 'backward or maladjusted' should not be placed in 'homes where there are normal children' (Clyde Committee, 1946: Para 99).

The act signalled a change in attitudes to children at a legislative level, reflecting new understandings of the psychology of children and their development with a move away from predominant focus on the physical wellbeing of children (Hendrick, 1997) to one which was more attentive to their 'psychological and emotional requirements' (Stewart, 2001: 45). However, Murphy (1992) states that although the act was a liberal and important act, it did not affect the wider provisions of the Children and Young Persons Acts of the 1930s and so prolonged 'the major dichotomy between the deprived and delinquent child for a further two decades in Scotland' (Murphy, 1992: 33).

Progress in Scotland post 1948 Act

The 1948 Act provided a theoretical commitment to a new welfare regime staffed by professionals with a focus on children and families. It was some time before child welfare services developed sufficiently so that they reflected the spirit and duties of the act (Stewart, 2001). Murphy (1992) suggests that there was not the same interest in post-war reform of childcare in Scotland and it was not implemented in the same way as in England. Instead, a part time and piecemeal approach to children's services was adopted in comparison with England (Murphy, 1992).

In spite of this hesitant start to post war children's services, children were seen as important for the future of the nation in Scotland and Britain (Abrams, 1998). This was manifested in ongoing commitments to the family through the provision of health and welfare services across Britain. However, although greater attention was given to children, it did not mean that society had become more child centred or that children's individual needs were prominent (Cunningham, 2006). Children's interests were framed within the context of the family, implying that their individual agency and their views and experiences were not central.

The move away from taking children into care meant more focus on preventative work with the family (Murray and Hill, 2001). By the 1960s, the Children and Young Person's Act 1963, which applied in England, Scotland and Wales, gave local authorities the duty to provide advice, guidance and assistance to families in order to reduce the need for children being taken into care. This included giving material and

financial help to families, resulting in a ten-fold increase in families who were given financial aid in the period 1964 to 1968 in Scotland (Social Work Services Group, 1969). Local authorities were given the duty to provide assistance to families in order to keep children out of care (Murray and Hill, 1967; Titmuss, 1967). Murphy (1992) points out that there was less attention to standards of care in residential care because most of the children were boarded out or in voluntary homes.

Attitudes to the 'nuclear' and 'problem' family

The centrality of the small 'nuclear' family (Parton, 1985) was in sharp contrast with the negative view of the 'problem' family, who were seen as not complying with norms around 'good' parenting (Hendrick, 2016; Welshman, 1999). It was thought that with more services, families who were 'troublesome' could be changed (Hendrick, 2016). Murphy (1992) points out there is not much written on the situation of the 'problem' family in Scotland in this period although it was a concept well understood by professionals.

The welfare state, in its family orientated incarnation, did not necessarily create a more supportive and accepting environment for those seen as problem families in Britain and Ireland. Ferguson (2007) suggests that instead it:

'intensified the obsessive, highly driven concern with dirt, smell and (dis)order and exclusionary impulses attached to child protection apparent since its late nineteenth-century beginnings'
(Ferguson, 2007: 133).

Children in problem families were seen as 'other', in need of 'retraining and reforming' with others to be protected from their negative influences (Ferguson, 2007). The continued presence of these attitudes reflected a long tradition of stigmatising attitudes to children in care or in need of protection. In Shaw (2011), adults identified a range of experiences from their experience of care in one institution in Scotland. Some were positive while others identified that they were treated in ways that were stigmatising and negative. As one participant states 'You were made to feel you were nothing short of the dirt on a shoe.' (Shaw, 2011: 25).

An increasing concern for children's welfare also meant that there were new ways of responding to the needs of young people who offended (Murray, 1992). As in other areas of child welfare, similar policies existed across Scotland, England and Wales until juvenile justice began to change and organisational structures evolved in the 1960s (Murphy, 1992). There was increased attention to what was termed as 'juvenile delinquency' in Britain with a focus on young men (Hendrick, 2003; Lockyer and Stone 1998). Juvenile delinquency was approached more philosophically in Scotland than in England (Murphy, 1992).

Child development and attitudes to children

A greater understanding of children's wellbeing, building on the work of Burt, Isaacs and others, evolved in the 1950s and 60s through the contribution of sociologists, psychologists and psychiatrists (Hendrick, 1997). This work was influential in the work of childcare professionals and in the perceptions of the general public. However, the dominance of psychological approaches also suggests that children were regarded as immature, undermining a view of their children's capacities (Heywood, 2001). Abrams (1998) points out that child welfare services in Scotland did not go through a period of change and have a great emphasis on a child's mind until the 1960s.

Ideas of bonding and attachment were seen as highly significant for the experience of children in care with the theories of Bowlby and others especially influential (Stevenson, 1998). Bowlby suggests that in cases where children were removed from home, a delay in returning them could result in a permanent impact on the relationship between parents and children (Bowlby, 1953). Training was therefore essential for those working in child and family welfare (Bowlby, 1953). Stevenson (1998), discussing practice across Britain points out that the theories of Bowlby on attachment led to the closure of many residential nurseries.

Although the new knowledge and disciplines did have wide influence on professional practice, Stevenson (1998), writing on the influence of Bowlby and Winnicott on the practice of social work from 1948 to 1970 in Britain, says that this knowledge and skills did not necessarily have a major influence on children's social workers.

There were different groups working in the area of child welfare prior to reform in Scotland (Lockyer and Stone, 1998). These included volunteers in hospitals, a small number of psychiatric social workers, probation officers, welfare officers and patchwork network of children's officers. The authors point out that there was not a focus on integrated working. Titmuss (1967), writing more generally from a British wide perspective as an academic in social administration, states that the skills of trained social workers were fragmented and there needed to be a shift to social services that were integrated. He writes that:

The accepted purpose of social work (and the welfare services) is to help the individual who is inadequate or disturbed to develop his ability so that he may play his part in society
(Titmuss, 1967: 11)

Children's rights began to develop prominence internationally with the United Nations adopting the Declaration of the Rights of the Child in 1959. Although the UK was soon to be a signatory to the European Convention on Human Rights, human rights obligations were not in the Act. Ball (1998) points out that the 1946 Curtis Committee focused on welfare not rights. However, Stewart (2006) suggests that there was movement in positive attitudes to children's rights with Rose (1989) suggesting that the Act did herald a new attitude to children.

Understanding of child abuse

Murphy (1992) points out that child abuse was 'not so developed as a professional, popular or media concept' in Scotland and Britain in the period up to the 1960s (1992: 102). Instead, the term 'child neglect' was used across child welfare environments until the 1960s (Ferguson, 2011).

This focus on physical neglect, safety and moral upbringing was prevalent until the work of Kempe and others identified 'battered child syndrome' in the early 1960s (Kempe and Helfer, 1980). Parton (1979) notes that medical professionals developed their interest in this form of abuse but social workers continued to focus

on neglect and family casework. For example, Allen and Morton, writing in the early sixties about the work of the NSPCC, identify three forms of neglect; physical neglect, neglect of a child's safety and thirdly, 'neglect of a young person's moral upbringing and care' (1961: 89). The importance of this definition of physical abuse, however, was that it did not focus on the supposed deviance of the family (Parton, 1979).

Disabled children

Attitudes to children who were disabled began to evolve in this period. Stalker (2014) highlights that the ethos of 'normalisation' which emerged in Denmark and Sweden in the late 1950s and 60s, 'promoted the idea of an 'ordinary life' and a disabled person's right to enjoy a similar lifestyle to other citizens. This was recognition that children who lived in institutions:

shared the same needs and feelings as any other children and had a right to similar experiences in terms of living in a family or homely environment and enjoying meaningful relationships with significant others.
(Stalker, 2014:4).

Kilbrandon was concerned about disabled children and the Kilbrandon report references the needs of disabled children. The assumption, says Stalker (2014), was that disabled children should have the same rights as other children.

Summary

By 1945, Scotland, along with the rest of the UK, was embarking on the development of the welfare state which would leave behind the remnants of Victorian Poor Law and many associated attitudes (Hendrick, 2003).

The family was to be the cornerstone of post-war societal renewal with intervention for those who were seen to be 'problem' families. Children were regarded as fundamental to the effective working of the new 'nuclear' family unit although they were still not prominent in terms of their individual needs and rights (Cunningham, 2006). Children's voices were still largely unheard and absent in society and there was a lack of opportunities for children's experiences to influence childcare practice

or society more generally. The voices of children in care continued to not have a high profile. There was a perceived threat from 'delinquent' youth with a concern about crime rates (Murray and Hill, 1991).

The role of the state in supporting children and families increased from the 1950s to the late 1960s. Knowledge of child development such as attachment theory influenced parenting advice and professional practice (Bowlby, 1953; Hendrick, 2016). There were better understandings of abuse and neglect including 'battered child' syndrome which emerged from the United States and influenced childcare practice (Kempe and Helfer, 1980). Physical punishment was still used but there was increasing attention to other approaches to discipline within families (Newson and Newson, 1965).

7. Social work and child welfare: 1968 to 1995

Introduction

In 1968, the role of local authorities was enshrined in legislation through the Social Work (Scotland) Act 1968, providing for the development of a social work profession and the establishment of the children's hearing system.

The work of Lord Kilbrandon in the 1960s provided the foundations for the children's hearing system, providing a major shift in attitudes focusing on a child's needs. Generally there was a refocusing on the negative consequences of poverty in the 1960s and more attention to the impact of poverty on families in Britain (Abel-Smith and Townsend, 1965; Holman, 1998).

The following decades of the seventies, eighties and early nineties saw a formalisation of childcare practice in Scotland accompanied by the development of understanding of the impact of abuse, including sexual abuse, on children (Murphy, 1992; Hill and Tisdall, 1997). These developments were given added impetus by major inquiries into child deaths and neglect (Asquith, 1993). The period concludes with the Children (Scotland) Act 1995 which reflected a shift to a child centred focus and a more overt commitment to the principles of children's rights.

Changes in families

There were major changes in family structures in the UK and Scotland in these decades (Brown, 2010; Cunningham, 2005; Thane, 2010). From 1970 onwards, there were fewer people marrying for the first time, a rise in numbers of people divorcing and remarrying and more cohabitation in Scotland (Brown, 2010). There was a political and welfare focus on single parents in the UK (Cunningham, 2006; Hendrick, 2016; Thane, 2010)

By the 1990s, 36% of Scottish children were being raised by families outside marriage (Brown, 2010). More children than before were being raised in single person households. Women were working in higher numbers in Scotland (Brown, 2010). There was a focus on women's rights, both in the workplace and society and

there was increased awareness of domestic violence. At the same time, there were major changes in patterns of employment with a decline in traditional industries and higher levels of unemployment (Brown, 2010). All these changes were highly significant in a Scottish context.

Political attention given to families who were disadvantaged continued to be framed negatively in some contexts. As Parker states, speaking at a Scottish Children and Family Alliance (SCAFA) conference in Scotland, there was a long history of viewing the parents of children who needed care as 'feckless, immoral, irresponsible or vicious' (Scottish Child and Family Alliance, 1984:13). This view sat alongside a major focus in this period on preventative work with families in order that children would not be removed from their homes (Martin, 1979a).

Approaches to child welfare after 1968

Responses to the needs and wellbeing of children had common elements across the UK between 1948 and 1968. However, Scotland's approach to children's services began to evolve in different ways to the rest of the UK with the publication of the Kilbrandon report (Murphy, 1992).

The basic premise of the Kilbrandon committee was that children who appeared in juvenile courts had similar needs to those who needed care and protection (Committee on Children and Young Persons [the Kilbrandon Report] 1964). It was the first time that decision making about guilt or innocence was separated from the responsibility for deciding what was appropriate for a child (Murray and Hill, 1991). The predominant view in Scotland was that children who 'came into conflict with the law deserved understanding and an individualized regard for their welfare.' (Murray and Hill, 1991: 275). This signified a major change in professional attitudes to children. Martin (1979a) states that:

The principles and procedure of the children's hearing system involve a degree of movement away from a simple 'crime and punishment' philosophy.' (Martin, 1979a: 117).

Murphy (1992) points out, however, that the positive approach of Kilbrandon was not reflected in cultural attitudes towards families experiencing difficulties. Instead:

In child care, policies of deliberate segregation of children from their families were by no means unknown, and the authorities who genuinely practised family involvement and preventative work were by their very paucity notable (Murphy, 1992:128)

The Social Work (Scotland) Act 1968, which followed the work of the Kilbrandon committee, was welfare-oriented and its approach to the system of juvenile justice differed markedly from England (Martin, 1979a). Murray and Hill (2001) point out, however, that the professional philosophies were not markedly different: instead there were different structures and operational approaches.

The Social Work (Scotland) Act 1968 gave rise to increased demands on staff and services. In 1969, there were only 112 social workers with professional qualifications across the range of social services in 50 local authorities (Martin, 1979a). By the late 1970s, staff numbers had grown with the highest numbers of staff in residential services. There were 180 children's homes and residential nurseries but only one in three officers in charge had professional qualifications of any kind. Martin (1979a) points out:

...residential care operates on a round-the-clock basis. Its potential impact on the quality of life of its clients is therefore very great, and it is perhaps the more surprising that it employs such a low proportion of qualified staff.' (Martin, 1979a: 98).

The professional focus was on child care services and trying to prevent family breakdown (Martin, 1979a). There was an increased focus as the decade progressed on sharing information between social work departments, GPs and hospital specialists, the police and voluntary bodies to co-ordinate decision-making (Martin, 1979a). However, there is little mention of children's perspectives in this period of social work innovation and change.

Reviewing approaches to child care

The Social Work (Scotland) Act 1968 continued to be the basis for child care services in Scotland over the next two decades although legislation such as the Children Act 1975 and the Adoption (Scotland) Act 1978 made changes which were relevant to children in care and in adoption (Hill et al, 1998).

The Scottish Child Care Law Review Group, appointed in 1988 found that the law did not need major revisions at that time although it did make recommendations for changes (Hill et al, 1998). However, the Orkney inquiry report, published in 1992, highlighted shortcomings in child welfare about Scotland and raised public and professional concern about poor quality care. Asquith (1993) states that the reports of the Orkney and the Cleveland inquiries found that it was challenging to both protect children's rights and support parental rights and responsibilities. There needed to be better training of professionals and greater commitment for agencies and professionals to work together to meet the challenges of childcare (Asquith, 1993). Inquiries had a major impact on social services but Hill (1990) suggests that that their influence has been 'distorting and disproportionate' with a focus on professional failures rather than other better practice (Hill, 1990:210).

A white paper, *Scotland's Children*, was published in 1993, following England's example in reforming child law (Scottish Office Education Department, 1993). This set out principles to incorporate 'the philosophy of the United Nations Convention on the Rights of the Child' (Scottish Office Education Department, 1993: 6). The resulting Children (Scotland) Act 1995 replaced the Social Work (Scotland) Act 1968 across many areas of childcare and brought about a major shift from parental rights to responsibilities (Hill et al, 1998).

Attitudes to children

Children made the transition to being adults in a shorter period of time up to 1973 than in the decades afterwards (Cunningham, 2006). This was partially due to education reform. Children were staying longer in education with more young people going on to further and higher education than ever before (Cunningham, 2006; Hendrick, 2003; Heywood, 2001).

Welfare based approaches to children dominated with child centred and then child rights approaches emerging later in the 1990s (Heywood, 2001). Hendrick (1997) argues that understanding attitudes to children in the period from the 1960s to the 1980s is difficult as there was not the central focus on the child in the first half of the period. Although there was more respect for children's rights there was still very limited professional and societal understanding of children's rights (Cunningham, 2005; Hendrick, 2003). There was a move away from religious perspectives which saw children as culpable and a continuing interest in psychological approaches to understanding childhood in Britain (Hendrick, 2003).

Legislation reflected changing attitudes to children in Scotland among policy makers. The focus of the children's hearing system on the best interests of the child and the ability of children and family members to participate in hearings was indication of a significant change (Hill et al, 1998; Murphy, 1992). It signalled a shift from the previous period where there was little evidence of children's views been taken into account (Shaw, 2007).

There were other indications that attitudes to children were changing. The report of a high level working group in Strathclyde Regional Council (1979) provides a detailed analysis of the situation of children and families and recognises the importance of children as 'the hope and future for members of society'. The report commits to children's rights and to a positive role and place for children in society, recognising at the same time a 'child's vulnerability and dependency on adults' (Strathclyde Regional Council, 1979: 2).

These were positive steps and Shaw (2007) confirms that the Social Work (Scotland) Act 1968 strengthened measures for listening to children through children's hearings. However, he points out that, although there were additional provisions for children to be listened to in the Children Act 1975 and the Social Work (Residential Establishments - Child Care (Scotland) 1987 regulations, the rights of children were not significantly taken into account until the Children (Scotland) Act 1995 (Shaw, 2007).

By the mid-1990s, there was a greater move towards ensuring that children's voices were reflected in systems and processes through the Children (Scotland) Act 1995. There was a focus on the development of new legislation for children, which included new approaches to child care, putting children at the centre.

Understanding of poverty

There was a more sophisticated understanding of poverty from the 1960s onwards with a focus on family poverty (see for example, Abel-Smith and Townsend, 1965; Holman 1988; Wedge and Prosser, 1973). The influential National Children's Bureau report, *Born to Fail*, considered the impact of inequalities on children in Britain, identifying factors which contributed to a definition of social disadvantage (Wedge and Prosser, 1973). These included children living in a one parent or large family, the family being badly housed and living on low incomes.

The study found that one children in every 16 in their survey sample, based on the National Child Development Survey, was disadvantaged in Britain but the figure for Scotland was the highest with one in 10 children disadvantaged (Wedge and Prosser, 1973). The authors found that disproportionate numbers of children in care came from disadvantaged backgrounds compared with those that were not. The problems confronting families were 'numerous and overwhelming' (Wedge and Prosser, 1973: 59).

Sir Keith Joseph, the Conservative Secretary of State for Social Services for the British government, drew attention in 1972 to the 'cycle of deprivation', focusing on families' failings as opposed to their lack of financial resources or inequalities (Hendrick, 2016; Holman, 1988). Families that abused were seen, within this construct, to pass on negative parenting and child rearing approaches from one generation to another (Holman, 1988).

There were still societal attitudes that viewed families in poverty as having specific characteristics., Rose suggests that policies and practice for those who were poor and oppressed provided the minimum necessary so that 'social control' was exerted over 'potentially troublesome sectors of society' (1989: 123). Parker describes a societal view that children in public care came from families that were poverty

stricken, were single parents and lived in deprived families (Scottish Child and Family Alliance, 1984). Their circumstances were regarded as determined by societal structures with children in care sharing the experience of common adversities.

Strathclyde Regional Council's report from its strategic working group in the late 70s recognises the impact of unemployment, poor housing and poverty on children, stating that there should be 'positive discrimination' for children in care so 'that they have every opportunity to compensate for the disadvantages they have experienced' (Strathclyde Regional Council, 1979: 27).

The growing recession of the 1970s and the rise in unemployment up until the 1990s had a major impact on families. During the 1980s and early 1990s, there was a re-emergence of the notion of the 'deserving' and 'non-deserving' poor (Hendrick, 2003). Hendrick suggests that this was because policies focused on families rather than children:

...they [children] are held in relation to the behaviour of their parents' so that the consequences of being identified as 'deserving' and 'non-deserving' perfectly captures the secondary status of the child in all areas which are impacted on by financial considerations
(Hendrick, 2003: 181).

Children and families who came to the attention of child protection agencies were those with experience of poverty and other forms of social exclusion (Ferguson, 2004:137). The profile given to poverty encouraged social workers to consider more closely the relationship between poverty and care (Holman, 1988).

Attitudes to children in care

The number of children in residential care and foster care dropped in the 1970s with further falls in the 1980s (Kendrick and Hawthorn, 2012). Although significant changes in approaches to care took place after the Social Work (Scotland) Act 1968, there was still a prevailing policy of child rescue in order to place children in better environments (Hill et al, 1991; Holman, 1988). However, society was more 'child

centred and more benign towards children' (Hill et al, 1991:182) in spite of 'basic diverse patterns of adult-child interaction' not changing significantly (Hill et al, 1991:185). A report by Strathclyde Regional Council highlights the contradictions at the time, suggesting:

The issue of the rights of children in care is controversial. Rigid professional viewpoints, expert opinions and advice must be balanced with the wishes and feelings of the child

(Strathclyde Regional Council, 1979: 4)

Shaw (2011) suggests that from the 1960s onwards, changing attitudes and values in society were reflected in the practice of children's care homes in Scotland. For example, in Quarriers, children had more personal space than previously. Children were staying in care for shorter times and other services such as a psychologist and youth leader were available (Shaw, 2011). Other improvements meant that children were able to have greater responsibilities and more links with the wider community (Shaw, 2011).

These changes have to be balanced against the negative experiences of adults with experience of care as children who contributed to the *Time to be Heard* pilot forum (Shaw, 2011). They speak of the stigma of being a 'nobody' and of not being able to tell adults about physical, sexual and emotional abuse (Shaw, 2011). As one contributor states 'it was a sign of the times that kids were not listened to—so they got away with it' (2011:31).

Strathclyde Regional Council's report states that children in care experienced isolation, stigmatisation and were set 'apart from the ordinary life of the community' (Strathclyde Regional Council, 1979:30). The report goes onto to say that:

The public still appear to have a picture of Children's Homes being filled with 'poor orphans' or 'bad children'

(Strathclyde Regional Council, 1979: 37)

Although there are not extensive accounts from children at the time, it appears that the negative and stigmatising attitudes seen in the post Victorian period of the early twentieth century continued to have a resonance alongside more positive attitudes to children in care.

Attitudes to disabled children

There were changes and improvements in meeting the needs of disabled children in the 1970s (Stalker, 2014). The Education (Handicapped Children) Act 1970s, identified that all children had the right to attend school. Parents of disabled babies had access to support services, and did not have to leave children long-stay hospitals (Stalker, 2014). The provision of special schools had expanded greatly from the period after 1946 with 2000 children in 1979 at special schools in Scotland (Martin, 1979c). Martin points out that there was a shortage of provision for 'more able handicapped students' with poor provision having low academic standards and a lack of stimulating environments in schools (Martin, 1979c).

Respite care was developed from 1980s onwards. At the same attitudes to disability began to shift with the development of a social model, as opposed to a medical model, of disability (Stalker, 2014). This distinguished between impairment, 'a physical, sensory or cognitive limitation' and disability 'referring to the social, material and cultural barriers which exclude adults and children with impairments from mainstream life' (Stalker, 2014: 3). Research about disabled children had to rely on the views of parents and professionals until the late 1990 and these perspectives often focused on negative perspectives on bringing up a disabled child (Stalker, 2014).

Development of children's rights

There was a growing interest in children's rights in the late 1960s and 1970s among a discrete group of professionals. Views varied from those who argued for children's liberation from adult oppression to those who sought greater societal understanding of children's position (Archard, 1993; Franklin, 1986; Hendrick, 1997; Hill and Tisdall, 1997).

Although there was not a wide understanding of children's rights, there were examples of children's rights being profiled in the context of support for marginalised and disadvantaged children during the late 70s and into the 1980s (see Strathclyde Regional Council, 1979). Generally, however, social work and childcare literature did not explicitly consider children's rights until the late 1980s and 1990s (Elsley, 2007).

Progress on children's rights was given impetus by the International Year of the Child in 1979 (Hendrick, 1997). This provided global leverage for the development of an international human rights convention which focused solely on children's human rights. The Convention on the Rights of the Child was adopted by the United Nations in 1989 with the UK Government ratifying it in 1991 (UNCRC, 1989). The high profile of this treaty signalled a major change in both international, UK and Scottish attitudes to children's rights (Cunningham, 2005; Hill and Tisdall, 1997). This, along with developing sociological understandings of childhood (Archard, 1993; Jenks, 1996; Qvortrup et al, 1994) began to shift a focus on how children and childhood were regarded, giving rise to debates on the rights and agency of children.

In the immediate period following ratification of the Convention on the Rights of the Child, children's rights began to influence legislation and policy including the Children (Scotland) Act 1995. A greater commitment to children's rights in care in Scotland was profiled by the influential report, *Another Kind of Home*, (Skinner, 1992). However, Hill et al (1998) suggests that discussions on children's rights were mainly rhetorical. In spite of a greater attention to children's rights, a welfare model remained dominant (Hill et al, 1998). Abrams (1998) suggests that children in care were not viewed as having rights until the 1980s.

There was greater attention to children's participation from the late 1970s and 1980s but there was little evidence that this was effectively embedded in professional practice (Elsley, 2007). Shaw (2007) points out that the regulatory framework during most of the period between 1950 and 1995 did not take children's views into account. The Cleveland Inquiry (Butler-Sloss, 1988) found that professionals did not listen to children (Asquith, 1993).

Understandings of child abuse

Understandings of child abuse increased significantly during the period, with a focus first on physical ill-treatment of children. Martin (1979a) highlights that there was intense interest in non-accidental injury in social services in Scotland in the 1970s. He suggests that social workers were in the position of having to make 'very complex professional judgements' and sometimes had 'genuine moral dilemmas' about taking cases forward (1972: 99).

Public attention, however, was focused on headline failures in child protection (Ferguson, 2011). The period from the 1970s to the mid-1990s saw a series of inquiries into the deaths of children in Britain which highlighted failings in social work and child welfare systems and processes and engaged public as well as professional attention (Stevenson, 1998). In the inquiries into child deaths which were to follow that of Maria Colwell in 1984, Stevenson suggests that there was:

a sense that children's needs, feelings and state of mind have been inadequately observed and interpreted by practitioners...
(Stevenson, 1998: 160).

There was not the same number of inquiries in Scotland as in England. Murray and Hill (1991) suggest that this was the case because of the smaller size of the country but also because internal inquiries and confidential reports were submitted to the Scottish Office. At the same time, referrals to the Reporter increased four times during the 1980s (Murray and Hill, 2001).

By the 1980s, the term 'child abuse' had been extended to encompass physical, sexual and emotional abuse along with neglect (Ferguson, 2011). A focus on child abuse in this period suggested that there was either an increase in awareness or cases had increased. Specifically, the existence and impact of child sexual abuse had begun to be acknowledged and children's accounts of abuse were beginning to be acknowledged (Hill et al, 1998; Nelson, 2016). Writing in 1998, Hill et al state:

Sexual abuse was thought to be rare as recently as the early 1980s, but is known to be quite common. Disagreements remain about what counts as sexual abuse and how to measure its incidence.

(Hill et al, 1998: 102)

In the 1990s this increased awareness of child abuse had shifted to the experience of children in residential care (Colton and others, 2002).

Attitudes to physical punishment

In the 1950s and early 1960s corporal or physical punishment of children, along with the prosecution of parents for neglect, was still seen as appropriate for families who were seen to be 'recalcitrant, inadequate and backsliding' (Murphy, 1992: 128).

These were attitudes which were generally held by the public and authorities although the Kilbrandon Committee, in its deliberations took a different course, which went against 'Scottish tradition and practice' (Murphy, 1992: 129).

Important studies by Newsom and Newsom in both the 1960s and 1980s showed a change in attitudes to parents physically punishing their children. In the 1960s, 95% of parents hit children and thought that they had the right to do so (Newsom and Newsom, 1965). This had dropped to 81% of parents in the 1980s with half stating that they should not hit children (Newsom and Newsom, 1989).

Corporal punishment was used in Scottish state schools until it was banned in 1986 following a European Court ruling. The Scottish Law Commission considered changes in corporal punishment of children in the early 1990s, pointing out that there had been 'a body of opinion in favour of abolishing or at least restricting the parental right of corporal punishment' (Scottish Law Commission, 1992:2.67). This recommendation was rejected during the passage of Children (Scotland) Act 1995 but was revisited in 2000 by the Scottish Executive when it consulted on the law relating to physical punishment (Scottish Executive, 2000).

Summary

This was the period of an evolving welfare state where state-led interventions had a strong focus on the professionalisation of social work with a strong media and public interest in cases where child welfare had been seen to fail. An understanding of the need to engage children so that their views were heard was beginning to emerge, such as in the practice of the children's hearings. However, the practice of listening to children or providing them with opportunities to share their experiences was still limited. Children with experience of care and families living in poverty were stigmatised because of their circumstances although there was an increased understanding of the complexities of their needs.

There was an increase in understandings of child abuse with much higher public profile to cases where professionals had been seen to fail. By the 1980s there was an emerging understanding of sexual abuse. The late 1980s and early 1990s saw increasing attention to children's rights with the United Nations Convention on the Rights of the Child (1989) ratified by the UK in 1991. There was some awareness of children's rights among policymakers and practitioners, but this was not extensive until the mid-1990s when the Children (Scotland) Act 1995 incorporated children's rights principles.

8. Child-centred approaches: 1995 to 2015

Introduction

The final period from 1995 to 2015 is framed by two major pieces of legislation for children and young people: the Children (Scotland) 1995 and the Children and Young People (Scotland) Act 2014.

By 1995, a changing approach to children's wellbeing in Scotland was reflected in the Children (Scotland) Act 1995. This approach was underpinned by greater professional attention to the need for child-centred approaches where a child was recognised as a person in their own right. There was more emphasis on the child's views as a principle to complement longer standing commitment to a child's best interests. At the end of the period, the Children and Young People (Scotland) Act 2014 incorporated duties in children's wellbeing and children's rights, with specific duties relating to looked after children and young people.

Scotland had the capacity to take forward more policy initiatives than ever before in this period, due to the legislative and policy powers that the Scottish Parliament acquired in 1999. This resulted in an intense programme of activity around legislation, policy and practice implementation between 1999 and 2015. Understandings of child abuse continued to evolve with sexual exploitation, online exploitation and emotional abuse gaining wider public and professional attention due to high profile cases and children and young people's changing use of online technology.

Approaches to childcare and well being

In 1997, a Child Issues Unit was established by the Scottish Office, followed by a Child Strategy Statement in 1999 and the appointment of Minister for Children and Education. This national policy leadership along with the development of a body of legislation, national strategies and reviews such as the report of the Child Protection Audit and Review (Scottish Executive, 2002) provided a focus on children from the late 1990s onwards. The Scottish Executive stated that it wanted to move away from a view of the child as 'vulnerable and needy, a passive recipient of rights- to one

which was rights focused and provided the ‘highest of standards’ (Scottish Executive, 2001:44).

At the same time, there was a growth in independent mechanisms to support children and young people such as the establishment of the office of the Commissioner for Children and Young People in Scotland in 2004.⁹ Children’s rights officers were established in some local authorities and independent advocacy services for children and young people developed, particularly for those who were looked after (Elsley, 2010; Who Cares? Scotland, 2017). These approaches, along with other children’s services, provided a growing body of child focused professionals and practitioners who had a primary role in providing independent advice and support to children.

The increased policymaking powers in Scotland resulted in greater scrutiny of policy and services for children. A series of inquiries, reviews and reports involving a range of public bodies examined both the failings and opportunities for improvements across different aspects of children’s services including those for residential, foster care and in child protection (see for example, Dyer, 2017; Kendrick, 2014; LACSIG, 2013; Scottish Institute for Residential Child Care, 2009; Shaw, 2007; Brock, 2013). These different initiatives had an interest in examining how children’s services could meet children’s needs with some informed by engagement with children and young people (see for example McManus et al, 2009).

The *Getting it Right for Every Child* (GIRFEC) approach was established in the first decade of the twenty first century as the underpinning approach to supporting children’s wellbeing.¹⁰ This culminated in the Children and Young People Act (2014) which includes duties for children’s rights, enshrines the *Getting it Right for Every Child* approach and has provisions for young people in care so that all those in residential, foster or kinship care can now choose to remain in care until they are 21

⁹ Children and Young People’s Commissioner Scotland
<https://www.cypcs.org.uk/?gclid=COezrs633tMCFE2T7QodJbMLlw>

¹⁰ Scottish Government *Getting it Right for Every Child*
<http://www.gov.scot/Topics/People/Young-People/gettingitright>

with support available from the Scottish Government up to the age of 26 years.¹¹

Understandings of childhood

Contemporary attitudes to children in the last twenty years are better recorded because of the substantial increase in information and evidence about children and childhood (see, for example, Together's annual State of Children's Rights reports¹²). The view that children are entitled to rights as human beings has been widely accepted since the 1990s (Hill and Tisdall, 1997; James et al, 1998; Mayall, 2002). Generally, there are now more ways of understanding children which enable them to be seen as more 'active, knowledgeable and socially participative' than in the past (Prout, 2005:7).

This perspective, along with the growth in understanding of children's rights, has promoted children's agency and has positioned children as with the capacity and right to be involved in shaping and influencing services (Mayall, 2002). It has provided the mechanisms for children to be more visible as commentators on their own lives (see Stafford et al, 2003). This understanding of childhood has become influential in policymaking and practice in Scotland and across the UK. The Scottish Executive's (2001) strategic document, *For Scotland's Children*, states, for example:

'A view is emerging across policy and practice that every child is an individual, that their best interests demands that we view their lives holistically and that in doing so we articulate and accord them a set of human rights as well as rights as service users.'

(Scottish Executive, 2001: 42)

Since 1995, there has been substantial focus on the importance of ensuring that children's views and experiences are listened to, and taken account of in decisions that affect them (see Scottish Children's Commissioner for Children and Young People, 2013; Stafford et al, 2003). Across these different sources of evidence,

¹¹Children and Young People (Scotland) Act 2014
<http://www.gov.scot/Topics/People/Young-People/legislation>

¹² Together. State of Children's Rights Reports 2010-2016
<http://www.togetherscotland.org.uk/resources-and-networks/state-of-childrens-rights-reports/>

children and young people consistently highlighted the importance of being listened to (Children's Parliament, 2016; Elsley et al, 2013a). Children and young people's organisations have created opportunities for children and young people to have their say about their individual and collective experiences (see, for example, the work of the Children's Parliament; the Scottish Youth Parliament; Who Cares? Scotland¹³).

The UN Convention on the Rights of the Child began to influence policymakers and professionals during the 1990s, providing the impetus for an increased understanding of human rights, specifically around children's right to have a voice in decisions that affected them (Hill et Tisdall, 1997). In addition, the government reporting requirements for the UN Committee on the Rights of the Child have required greater scrutiny of how well the government at UK and Scotland level were doing in realising children's rights.¹⁴ Scottish legislation has taken greater account of children's rights. Under the Children and Young People (Scotland) Act 2014, the government and public bodies have to report regularly on children's rights across its services.¹⁵

Although there has been a growth in awareness of human rights among children, not all children and young people were aware of children's rights. Forty four percent of children taking part in the Children's Commissioner's for Scotland *Right Blether* had heard of children's rights and the UNCRC (Scottish Commissioner for Children and Young People, 2011). Conversely, there is little known about adults' awareness of children's rights with no significant evidence available in Scotland.

Attitudes to children

Although there have been positive changes in attitudes to children as represented by the interest of public bodies and other organisations, children identified that they experience negative attitudes from adults, the media and society generally. Children and young people described where they were seen negatively by adults, e.g. as

¹³ Children's Parliament <http://www.childrensparliament.org.uk/>
Scottish Youth Parliament <http://www.syp.org.uk/>
Who Cares? Scotland <https://www.whocarescotland.org/>

¹⁴ See Scottish Government (2013) The 5th UK Government Report to the UN Committee on the Rights of the Child <http://www.gov.scot/Resource/0042/00426765.pdf>

¹⁵ Children and Young People (Scotland) Act 2014
<http://www.gov.scot/Topics/People/Young-People/legislation>

'troublemakers', as 'violent' and to be viewed negatively if from a 'certain neighbourhood' (Scottish Executive, 2001). The *State of Children's Rights* report for 2016 highlights that children and young people in Scotland reported that they experienced stigma and discrimination in different parts of their lives (Together, 2016). Almost two thirds of young people who participated in Youthlink's 2009 *Being Young* survey identified that they were discriminated against because of age (Youthlink, 2009). The UN Committee on the Rights of the Child in its Concluding Observations to the UK Government's report in 2016 pointed out that the UK Government still had to make progress in mitigating negative attitudes to children (Committee on the Rights of the Child, 2016).

Although there is limited research evidence available on adults' attitudes to children, a report by Rocket Science (2007) for the Commissioner for Children and Young People found that research participants identified barriers towards working with young people which included a concern about the bad behaviour of young people although this was not necessarily based on experience. Anderson et al (2005) found that negative attitudes towards young people were balanced by concern for young people. The research found that:

If one wants to predict general orientations towards the young, it is much better to look to factors such as the extent of individuals' social contact with young people, degree of rurality and, especially, level of deprivation. ...
(Anderson et al, 2005: 33)

The report suggests that there were ambiguous attitudes towards young people, and that the level of inter-generational contact was important in order to address these attitudes (Anderson et al, 2005).

Drawing on research findings from England, Scotland, Northern Ireland and Wales, Bazalgette (2014) found that most children and young people had positive experiences of care. However, children thought that the public had a poor understanding of care, resulting in discriminatory attitudes to children in care and their stigmatisation (Bazalgette, 2014).

Stigma and discrimination against children with experience of care has been present throughout the review. In this period, children and young people stated that they had good care experiences but also pointed out that stigma and discrimination was still part of their care experience (Elsley et al, 2013a; Together, 2016; Who Cares? Scotland, 2017). The *Care and Prejudice* report published by the Children's Rights Director for England (2009) found that children and young people thought that the general public saw them as troublesome and uncontrolled.

Attitudes to poverty and families

Recent Scottish Government (2015) analysis of research exploring attitudes to poverty found that there were high levels of public support for action on child poverty with 98% of those surveyed in 2013 wanting this to be addressed. However, this was tempered by 72% stating that child poverty was caused by parents not wanting to work (Scottish Government, 2015). Over a quarter of respondents identified structural factors such as social security payments impacting on families. Abuse of alcohol or drugs was seen to be the major cause of child poverty in Scotland (Scottish Government, 2015).

Welshman (2012) points out that the notion of the 'problem' family has proved to be resilient from the late Victorian period to the current day. This has emphasised the connection between behaviour and poverty:

how these families have been defined over time, and the different attempts made to tackle them, tell us more about the people defining the 'problem', and less about the families themselves
(Welshman, 2012)

This suggests that attitudes to 'poor families' have remained embedded in society although these can wax and wane in their political profile (Welshman, 2012).

Understandings of child abuse and neglect

Although there was greater professional and societal awareness of different forms of abuse in the twenty years between 1995 and 2015, there continued to be situations where there was less known about the impact and experience of abuse. For

example, since 2000 there has been extensive professional, media and public attention given to cases of the sexual exploitation of children (Lerpiniere et al, 2013; Nelson, 2016).

Surveys of public attitudes have identified some ambivalence and contradictions in awareness about and reporting of child abuse and neglect. MORI research undertaken in 2002 found that adults were concerned about 'getting it wrong' when reporting abuse as they assumed that children would be taken into care but they would be more likely to take action when they knew those involved (Scottish Executive, 2002).

This is confirmed by other research. A survey of the public in the UK in 2011 found that many members of the public did not report concerns about neglect because of concerns about lack of evidence and whether children were actually experiencing neglect (Burgess et al, 2012). Burgess et al point out that although there was a greater understanding of neglect and more commitment to reporting neglect, there were structural barriers to responding to the needs of children:

A distance has developed between common-sense empathy with the unhappiness of hungry, tired, un-kempt and distressed children and an overly bureaucratic and anxiety-ridden system for reaching out to help them.'
(Burgess et al, 2012: 20).

However, a review of child neglect commissioned by the Scottish Government found that there was a better understanding of neglect than previously (Daniel et al, 2012). The review also found that practitioners identified that emotional abuse was more complex to evidence. In urban areas there was a 'cultural acceptance of neglect' with professionals potentially 'de-sensitised' by these local norms (Daniel et al, 2012: 36).

Evidence has shown that there is an awareness of the connection between abuse, neglect and poverty. Ferguson (2004) points out that children and families who come to the attention of child protection agencies are those with experience of poverty and other kinds of social exclusion. The review of child neglect found that some participants thought that more should be done to address living in neglectful

circumstances which was often accompanied by poverty (Daniel et al, 2012). A NSPCC survey found that public awareness of abuse and neglect is high and many have an understanding of the connections between poverty and abuse (Bentley et al, 2016).

The audit and review of child protection (Scottish Executive, 2002) found that practitioners were concerned about identifying which child-rearing practices were abusive (e.g. physical chastisement or care of young children by older children). The group leading the review suggested that a culture of 'not seeing' abuse or being concerned what would happen to practitioners if they reported it might lead to staff in range of roles not reporting abuse (Scottish Executive, 2002).

In the Scottish Executive audit and review of the child protection system in 2002, children and young people stated that they had mixed experience of being protected by services, some feeling better protected after intervention and others highlighting that they were more vulnerable. The report also noted that many children did not tell anyone about being abused (Scottish Executive, 2002).

Recent reviews show that there has been limited focus on children and young people's views and experience of child protection processes in Scotland and little information available about children and young people's views on online protection, sexual exploitation and trafficking (Elsley et al, 2013b). This experience is reflected across the UK (see Cossar et al, 2011). Radford et al (2016) point out that there is no prevalence study on child maltreatment in Scotland (Radford et al, 2016).

Sexual exploitation

Although there is now greater professional and societal awareness of different forms of abuse, including sexual abuse, there continue to be situations where less is known such as in the area of sexual exploitation with high levels of attention given to cases relating to the television presenter Jimmy Saville and to those in Rochdale, England (Lerpiniere et al, 2013; Nelson, 2016).

The NSPCC four nation report, *How safe are our children*, states that new forms of abuse such as online exploitation required society and professionals to maintain

vigilance and understanding (Bentley et al, 2016). Recent reviews show that there has been limited information available about children and young people's views on online protection, sexual exploitation and trafficking (Elsley et al, 2013b). This experience is reflected across the UK (see Cossar et al, 2011). In Scotland, the revised *National Action Plan on Sexual Exploitation* found that most parents did not know what sexual exploitation was and there was little knowledge of online grooming and abuse (Scottish Government, 2016). The government's action plan aims to

...address a range of factors including inequality, discrimination and objectification which supports a culture in which exploitation takes place.
(Scottish Government, 2016: 76)

Jay (2014), in her report on the Rotherham abuse inquiry, highlights that the police viewed children and young people who were sexually exploited and abused negatively. Children and young people's accounts or those of their parents and carers, where they were heard, were not acted on (Jay, 2014). Children and young people were ashamed or afraid to share their experiences, even when the extent of exploitation was uncovered and widely known. Many of the children and young people had experience of abuse and neglect as well as experience of other negative factors such as poor school attendance (Jay, 2014). Jay's report highlights a complex interaction of factors which contributed to poor levels of protection including negative and stigmatising attitudes.

Attitudes to physical punishment

There have been legislative, policy and societal debates about the physical punishment of children in Scotland and elsewhere in the UK over the last twenty years (Cunningham, 2005; Durrant and Ensom, 2012). The Scottish Executive consulted on physical punishment in 2000, highlighting in its consultation paper that public attitudes to corporal punishment change over time and that parents used physical punishment less than before (Scottish Executive, 2000). The Criminal Justice (Scotland) Act 2003 amended the law on physical punishment with some restrictions on its use although adults' physically punishing children was not made illegal.

Durrant and Ensom (2012) highlight that were changes in attitudes internationally to the physical punishment of children in the period between 1990 and 2012. They point out that evidence on the negative outcomes associated with physical punishment has grown. Recent research on the evidence in Scotland and the UK found that the prevalence of the physical punishment of children had dropped and public attitudes were turning away from its use (Heilmann et al, 2015). However, in spite of major shifts in societal attitudes and criticism of the UK from international bodies such as the Committee on the Rights of the Child (2016), the right of parents to physically punish their child has been retained (Scottish Government, 2013). Research has found that it is difficult to make a 'qualitative distinction between concepts of physical punishment and physical abuse' (Heilmann et al, 2015:35)

Profile has also been given to the physical restraint of children in care. Steckley and Kendrick (2008) point out that children and young people's experience and views on physical restraint were not adequately investigated although children and young people raised concerns. The UN Committee on the Rights of the Child (2016) criticised the UK for the continued use of physical restraint calling for the abolishment of:

all methods of restraint against children for disciplinary purposes in all institutional settings, both residential and non-residential, and ban the use of any technique designed to inflict pain on children
(Committee on the Rights of the Child, 2016: 39b)

Disabled children

Disabled children were more likely to be looked after and in residential care than children who were not disabled although there were no large research projects on disabled children in the UK which explored this in detail (Stalker, 2008). Disabled children were more vulnerable to abuse (Radford et al, 2016) although there was no extensive evidence on their experiences (Stalker, 2008).

A Scottish Government (2011) review of services for disabled children found that there were improvements with a more positive culture and practice towards disabled people and more proactive services. However, Together's *State of Children's Rights*

in Scotland (2016) reported that disabled children experienced stigma and discrimination.

Although there was considerably more focus on children and young people's views and participation in the period 1995 to 2015 than before, research suggests that this was not necessarily the case for all children. Disabled children said that they did not have sufficient opportunities to be involved in decisions about their own lives (Scottish Government, 2011). A review, focused on Northern Ireland but drawing on research from across the UK, states that the views of children with disabilities were not generally heard and where they were, this was often through their parents and carers (Dowling et al, 2012). This poor experience has however improved over the last two decades (Dowling et al, 2012; Stalker, 2014).

Policy relating to disabled children has often been presented in the context of children's vulnerability (Stalker and Moscardini, 2012), suggesting that attitudes to disabled children continued to lag behind those to non-disabled children. In education and across other areas, children's potential or capacity was not adequately recognised (Stalker and Moscardini, 2012). Disabled children and their parents and carers stated that their experience was of having to fight for services that met their needs (Scottish Government, 2011). Stalker and Moscardini (2012) note that parents and carers were seen as an important source of support by disabled children, suggesting that those without access to this form of support or other advocacy services could be less supported.

Summary

The period from 1995 to 2015 was underpinned by major legislative and policymaking change, following the devolution settlement in 1999 and the establishment of the Scottish Parliament. This period saw a move to child-centred policies and strategies, such as the strategic *Getting it Right for Every Child* approach¹⁶, now enshrined in the Children and Young People (Scotland) Act 2014 along with duties for children's rights and wellbeing.

¹⁶ Getting it Right for Every Child <http://www.gov.scot/Topics/People/Young-People/gettingitright>

At the same time, there was growing understandings of the impact of neglect and abuse. Significant attention was paid, in comparison to earlier periods, as to how children's voices were heard in systems and processes with children having greater access to professional advocacy and other forms of support. However, children and young people highlighted that they experienced negative attitudes from adults in some situations. Disabled children stated that they did not have enough opportunities to participate in their own lives. Those with experience of care stated that they experienced stigma and discrimination.

8. Conclusion

There have been major changes in societal attitudes to children in the period of the review. Children are no longer 'rescued' by charities or sent from Scotland abroad without their permission. It is now embedded in legislation and policy that children have the right to have their views listened to and taken into account in the decisions that affect them. Professionals working with children have access to more education, training and professional development than in the early part of the twentieth century when there was very little or no training for those working with children.

At the same time, twenty first century knowledge and understanding of children and childhood has expanded, moving beyond the limited concerns with children's physical needs at the turn of the twentieth century. There is a much greater understanding of the need to secure children's emotional, physical, social and mental wellbeing in the twenty first century. This knowledge is shared by parents, carers, professionals and policymakers. It is complimented by a greater commitment to children's agency and their rights. However, experiences of poverty, abuse and neglect and how these are regarded by society continue to be areas of concern.

Children and young people with experience of care are not regarded negatively in the contemporary period in the same way as children at the beginning of the period who experienced poor care and harsh treatment. On the other hand, care experienced young people in the twenty first century have spoken out about their experience of stigma and discrimination and the consequences for their identities and future opportunities (Who Cares? Scotland, 2017). This is counterbalanced by positive experiences of care in recent times and during the whole period of the review.

Although this review has identified a literature which covers many areas of interest for the review, there remain gaps, particularly in children and young people's accounts for most of the period. This has meant that in some areas, such as parenting practices and children's experiences within families, there is a lack of information and evidence which would provide further insights.

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