Where is the evidence?

With the passing of the Children Act 2004 in England, I am led to dwell on the process of policy development. This is the third major shake-up I have witnessed. The first was the Children and Young Persons Act 1969 which sought a better balance between welfare and justice for troubled children. The second was the Children Act 1989 that combined public and private law, provided a single impairment threshold and encouraged family support as a means of protecting children. The new legislation builds on these foundations and the substantial investment in practice since 1997. It also reflects the Laming Report. The result should be the establishment of children’s services, better inter-professional cooperation, refocusing towards preventive approaches and a common language to understand the needs of children and what happens to them.

Some contrasts are apparent in the policy thinking behind each of these reforms. The 1969 legislation had strong ideological overtones. The 1989 Act, in contrast, rested on strong conceptual thinking stemming from the Law Commission but extending through government to researchers and practitioners. Concepts such as the child’s best interests, the no order principle, concurrent jurisdiction and a single order for all children led the discussion and determined the detail.

The current legislation might be described as empirical in the sense that it reflects the observations of policy-makers – and to a lesser extent practitioners – not necessarily resting on proven data. Leaders of initiatives relating to issues such as parenting, mental health, anti-social behaviour and teenage pregnancy, have negotiated their concerns into the integration process. This has some advantages in that it ensures that the discussion focuses on problems that children and families experience, proposals fit with real politics and there is genuine cross-departmental government thinking.

But there are problems with this approach. Empirical observation tends to be uneven both in volume and quality, and its implementation suffers by default. Contributions from groups of people responsible for narrow policy areas can be conceptually unsophisticated as each vies with the others for attention, often at the highest political level. Whether this makes for good legislation remains to be seen. It will be 15 years before we know.

Voluntary childcare organisations are in the front line of this discussion. In my efforts to edit the journal of a major – and most would believe responsible – voluntary organisation, I try to achieve some balance between ideology, conceptual sophistication and empirical observation. This should be evident in this edition. Julie Selwyn and David Quinton present results from a major study of children requiring long-term stability; Peter Ward, Anna Ludvigsen and Jo Parnham and Gerald McCarthy offer less extensive but hopefully useful findings relevant to current policy issues, while Leslie Ironside and Caroline Archer and Christine Gordon give the benefits of their experience in dealing with difficult situations.

What is absent from this edition and from all three of the legislative waves mentioned is experimental evidence about what works, for whom and why. Maybe a later generation of policy makers will be more fortunate in having such evidence available. But for this to happen, those implementing the new law will have to act now.