

User Outcomes and Children's Services Reform: Ambiguity and Conflict in the Policy Implementation Process

Bob Hudson

Visiting Professor in Partnership Studies, School of Applied Social Sciences, University of Durham
E-mail: bob.hudson@durham.ac.uk

The reforms to children's services in the UK brought in by the Every Child Matters Green Paper and the subsequent Children Act 2004 represent the most significant change in this area of social policy since 1948. The policy approach has two distinguishing features – an 'outcomes led' approach rooted in the views of children and young people about what constitutes 'wellbeing' in their lives, and a partnership approach that recognises these outcomes can only be achieved through high levels of inter-agency and inter-professional working. This article suggests that the two features may be in tension, and that during the process of implementation there is a danger that user defined outcomes will be re-interpreted to fit in with other organisational and professional agendas. The analysis draws upon Rick Matland's framework for exploring the impact of conflict and ambiguity respectively upon the implementation process.

Introduction

Children's services in England are currently undergoing their most radical transformation in 50 years. What has become widely known as the *Every Child Matters* reforms stemming from the Green Paper of that name (Chief Secretary to the Treasury, 2003) took shape as the Children Act 2004, and implementation is now at an advanced stage. The trigger for these changes was the inquiry by Lord Laming into the tragic death of Victoria Climbié (Laming, 2003), which repeated the messages of many earlier such inquiries about the inadequate nature of communication and information sharing amongst relevant professionals. The Green Paper argued that children's needs are complex, rarely fit neatly within one set of organisational boundaries and that the categories around which services are organised are overlapping, fluid and in some cases blurred. The radical solution was felt to lie in an outcomes-based approach rooted in a 'whole systems' model.

The *Every Child Matters* reforms constitute the epitome of rational decision making, with everything flowing from an outcomes-led approach. Consultations with children and young people were said to have identified five key outcomes that shape well-being – being healthy, staying safe, enjoying and achieving, making a positive contribution, and achieving economic well-being. This might be characterised as partnership for a purpose – all activity is to be judged by the extent to which it contributes to achievement of the five outcomes. It all suggests that the needs of service users and families will be set at the forefront of coordinated activity. But how far is this likely to happen?

Table 1 'Every Child Matters': aims and outcomes

| Outcome | Associated Aims |
|------------------------------|---|
| Being Healthy | <ul style="list-style-type: none"> • Physically healthy • Mentally and emotionally healthy • Sexually healthy • Healthy lifestyles • Choose not to take illegal drugs |
| Staying Safe | <ul style="list-style-type: none"> • Safe from maltreatment, neglect, violence and sexual exploitation • Safe from accidental injury and death • Safe from bullying and discrimination • Safe from crime and anti-social behaviour in and out of school • Have security, stability and are cared for |
| Enjoy and Achieve | <ul style="list-style-type: none"> • Ready for school • Attend and enjoy school • Achieve stretching national educational standards at primary school • Achieve stretching national educational standards at secondary school |
| Make a Positive Contribution | <ul style="list-style-type: none"> • Engage in decision-making and support the community and environment • Engage in law-abiding and positive behaviour in and out of school • Develop positive relationships and choose not to bully and discriminate • Develop self-confidence and successfully deal with significant life changes and challenges • Develop enterprising behaviour |
| Achieve Economic Wellbeing | <ul style="list-style-type: none"> • Engage in further education, employment or training on leaving school • Ready for employment • Live in decent homes and sustainable communities • Access to transport and material goods • Live in households free from low incomes |

Outcomes in children's services

First and foremost, local services will be expected to demonstrate how far their work improves the outcomes for children as laid out in the original Green Paper and subsequently developed in the 'Change for Children' review of December 2004 (HM Government, 2004). Five outcomes are identified, each with five associated aims as shown in Table 1 below.

The five outcomes have been given legal force in the Children Act 2004 as the central components of wellbeing and the purpose of cooperation between agencies. They are central to the programme of change, and have generally attracted widespread support.

The whole systems imperative

The breadth of these outcomes implies a huge coordinated effort – indeed an initial account of progress and intentions portrayed the signatures and photographs of no fewer

Table 2 Sections in the Children Act 2004 requiring partnership working

| Section | Description |
|---|---|
| Section 10: The Duty to Cooperate | A duty is placed on Local Authorities to make arrangements to promote cooperation between agencies in order to improve children's well-being defined by reference to the five outcomes, and a duty on key partners to take part in those arrangements. It also provides a new power to allow pooling of resources in support of these arrangements. |
| Section 11: The Duty to Safeguard and Promote Welfare | Creates a duty for the key agencies who work with children to put in place arrangements to make sure that they take account of the need to safeguard and promote the welfare of children when doing their jobs. |
| Section 12: Information Sharing | Allows further secondary legislation and statutory guidance to be made with respect to setting up databases or indexes that contain basic information about children and young people and their families. |
| Sections 13–16: Local Safeguarding Children's Boards | Requires that Local Authorities set up statutory Local Safeguarding Children's Boards, and that the key partners take part. |
| Section 17: The Children & Young Person's Plan | Establishes a single plan to replace a range of current statutory planning. |
| Sections 18/19: Director of Children's Services and Lead Member | To be appointed by Local Authorities and to be responsible for, as a minimum, education and children's social services functions. Local Authorities have discretion to add other relevant functions such as leisure or housing if they feel it is appropriate. |
| Sections 20–24: Integrated Inspection | Require an integrated inspection framework to be established by the relevant inspectorates to inform future inspections of all services for children. |

than 17 secretaries of state and ministers (HM Government, 2004). The scale of the remit is probably best seen in the Children Act itself. The first nine clauses are concerned with the establishment of the Children's Commissioner, and there are some miscellaneous changes to such things as private fostering in Part 5, but the bulk of the Act rests squarely upon systematic rather than *ad hoc* partnership working. This is shown in Table 2.

The ambiguity-conflict matrix

The question to be explored here is the relationship between these two policy imperatives – put simply, is it feasible for a complex range of national and local agencies and professions to put service users at the forefront of their interaction and negotiation? In addressing this question, use will be made of Rick Matland's 'Ambiguity–Conflict Matrix' (Matland, 1995). For Matland, the policy implementation literature has been unhelpfully split into two major schools – top-down and bottom-up – with a tendency for the former to study relatively clear policies, and the latter those policies with greater inherent uncertainty. He goes on to suggest that this difference has two features – ambiguity and conflict – and that

Table 3 Matland's ambiguity-conflict matrix (adapted)

| | Low Conflict Administrative Implementation | High Conflict Political Implementation |
|----------------|--|--|
| Low Ambiguity | <ul style="list-style-type: none"> • goals are given and a means for problem solving is known • a central authority has the information, resources and sanction capability to enact the desired policy • implementation is hierarchically ordered with each link receiving orders from the level above • policy is spelled out explicitly at each level and there is agreement on responsibilities and tasks • relatively uniform outcomes at the micro-level across many sites | <ul style="list-style-type: none"> • there is conflict over both goals and means • the implementation process is a key arena for conflict • implementation outcomes are determined by the distribution of power • compliance is not automatically forthcoming • low ambiguity ensures that monitoring of compliance is relatively easy |
| High Ambiguity | Experimental Implementation <ul style="list-style-type: none"> • outcomes depend largely on which actors are involved • variation in outcomes from site to site • outcomes are hard to predict • opportunities for local entrepreneurs to create local policies • compliance monitoring mechanisms are of limited relevance • the policy may become a low priority | Symbolic Implementation <ul style="list-style-type: none"> • ostensibly implausible combination • salient symbols can produce high levels of conflict even when the policy is vague • outcomes will vary across sites • outcomes will depend upon the balance of local coalition strength • policy ambiguity makes it difficult to monitor activities |

building a more effective model of implementation requires evaluation of these policy characteristics.

Policy conflict will exist when more than one stakeholder sees a policy as directly relevant to its interests and when these stakeholders have incongruous views. Such differences can arise regarding either the putative goals of a policy or the implementation schedule and activities. *Policy ambiguity* can refer to ambiguity of goals and means. In top-down models, goal clarity is an important factor that directly shapes policy success, but one of the ways to limit conflict is through ambiguity. Ambiguity also affects policy means, for example when there are uncertainties about what roles various stakeholders will play in the implementation process. Building on this, Matland proposes his *ambiguity–conflict matrix* with each quadrant showing the type of implementation process and the central principles determining outcomes for this type of implementation. This has been adapted to describe more fully some of the key features within each quadrant (Table 3).

Although ambiguity and conflict are presented as dichotomous, this is strictly to simplify the exposition. Matland emphasises that the theoretical constructs are *continuous*.

As a policy gradually moves across a dimension, for example, from low to high conflict, the implementation process is expected increasingly to show the characteristics of the quadrant being moved toward, and decreasingly to show the characteristics of the paradigm being moved away from. However, he argues that: 'There is no tipping point at which a slight move up or down causes a radical shift from one type of implementation to another' (p.159).

How can this matrix help us to understand children's services reform, especially the apparent primacy afforded to children, young people and their families or carers? At the time of writing there has been little published analysis of the *Every Child Matters* changes, other than some early official monitoring (Education and Skills Select Committee, 2005) and some initial analysis of the nature and scale of the partnership remit (Hudson, 2005). The changes can be seen as having several key components – those concerned with desired policy *outcomes* (the five outcomes identified above), those concerned with policy *means* (the measures shown in Table 2), and those concerned with *user engagement*. At the level of policy rhetoric, the first and last of these will be the ways in which partnership working is tailored to the views and needs of service users, with the policy *means* providing the vehicle through which this will be achieved.

The user engagement imperative

The user engagement measures themselves consist of three main elements – the five outcomes, the appointment of a Children's Commissioner for England, and a general injunction to involve children, young people and families. Although ostensibly a strong triumvirate, each has weaknesses.

Operationalising the five outcomes

The vehicle for breathing operational life into the five outcomes is the new Integrated Inspection Framework (IIF), which was the subject of intense early development. The formal consultation documents (Ofsted, 2004a,b,c,d) were published in December 2004 with a deadline of the end of February 2005. A summary of responses to the consultation was published in May 2005 (Ofsted, 2005), followed by publication of proposed guidelines (DfES, 2005) and a further final period of consultation that lasted until June 2005. No other part of the reforms received such attention, and the first round of integrated inspections started in September 2005.

Responses to the 2004 Discussion Paper included the view that the outcomes were unduly aspirational (Ofsted, 2004e) – an important caveat, for outcomes need to be seen as capable of achievement if they are to motivate the relevant contributors. The breadth and ambition of the identified outcomes contributed to a related concern that there were not enough reliable performance indicators to determine whether progress was being made. The response to this concern was to develop five aims associated with each outcome (shown in Table 1 above) and to then attach targets or indicators to each of them. It is at this point that the devil can be found in the detail, for the crucial issue is the extent to which the targets and indicators reflect the outcomes.

An important tension unfolds here between the aspirational nature of the aims and outcomes, and the principle of 'proportionate inspecting'. The May 2004 Discussion

Paper (Ofsted, 2004e) stated that:

Judgements about service contributions made under the Framework will be consistent with relevant national service standards and performance indicators associated with them. (p. 8)

For practical purposes this means the measurement of outcomes is to be restricted to existing standards, indicators and targets across the relevant partner agencies. This is an important restriction, since it is questionable whether existing measures have the necessary breadth to capture the new aims and outcomes. 'Being Healthy', for example, is described in the Green Paper in terms of avoiding negative behaviour, 'enjoying and achieving' seems to be reduced to school attendance and achievement, while 'making a positive contribution' has been largely cast as the avoidance of anti-social behaviour. A further effect of the reliance upon existing standards and indicators is the high use of education measures as compared with those of other core partners.

The Children's Commissioner

The role of the Children's Commissioner for England is defined in statute as 'promoting awareness of the views and interests of children in England'. This differs from the remit of many other Children's Commissioners in Europe (including those in the devolved administrations of the UK) whose remits are framed in terms of promoting and protecting children's rights in accordance with the United Nations Convention on the Rights of the Child. During the passage of the Children Act through Parliament, the purpose of the Commissioner for England's role was the subject of extensive debate, with many commentators arguing that, as well as being out of keeping with existing Commissioners, anything other than a rights-based role would lead to a weak Commissioner who differed little in effect from children's charities.

In the event, an amendment to the Children Act 2004 stipulated that the Children's Commissioner 'must have regard' to the European Convention on the Rights of the Child (ECRC) in discharging his or her duties. The Education and Skills Select Committee (2005) stated that it was unconvinced that a role primarily defined in terms of promoting children's views would be as effective in practice as one focused on promoting children's rights in accordance with the ECRC. Other concerns have focused on the likely independence of the Commissioner for England. The Children Act 2004 gives the Secretary of State power to direct the Commissioner to conduct an inquiry into a particular subject. The appointee for England will also be under an obligation to consult with the Secretary of State before undertaking any inquiry or investigation. The potential for political interference worries many, and has been perceived as something which fundamentally undermines the neutrality and likely effectiveness of the role, as well as being out of step with the position of comparable Commissioners of other countries.

The engagement principle

The *Every Child Matters* Green Paper (HM Treasury, 2003) was bold on this matter, stating that:

The creation of an organisation defined by its client group rather than professional functions offers an important opportunity to involve children and young people in decision making . . . The

Government is committed to providing more opportunities for children and young people to get involved in the planning, delivery and evaluation of policies and services relevant to them. (p. 78)

In practice this has been limited at the national level to the creation of a Children and Youth Board consisting of 25 young people who will advise the Government on children's issues and of which little has been heard. Meanwhile, at local level, genuine engagement of young people is proving predictably difficult. In the case of schools, research conducted for the Home Office (Hine, 2004; Hine *et al.*, 2004) found that – contrary to the ideals enshrined in the five outcomes – the biggest complaint by children was that they were not listened to, and that their views were not treated with respect. Although some schools had councils or other systems for consulting children, many children believed them to be tokenistic. And in the case of the Children's Fund, which has a specific brief to develop participation as part of its service development, the national evaluation concluded that the views of children and young people had only a limited impact on decisions about public services (Department for Education and Skills, 2004).

The policy means imperative

If the user engagement has been dealt with relatively weakly, what has been developed more strongly is the agenda on policy *means* – the complex array of structures and processes outlined in Table 2. It is in these areas that a plethora of guidance has been issued, in which major local restructurings have been instituted, and where highly paid new posts have been created. As local agencies have scrambled to meet deadlines on setting up new children's trusts, merging their education and children's social care functions, appointing directors of children's services, and developing complex information sharing systems, the user engagement imperative has taken a back seat.

At national level, as argued above, the urgent need to operationalise the five outcomes for the purposes of integrated inspection, has resulted in a dilution of the outcomes to match organisational capacities and priorities. In the meantime, the key policy in the world of education – the *Five Year Strategy* (DfES, 2004a) – seems to be pulling in a different direction to the inclusive agenda of the *Every Child Matters* approach. The emphasis in the former is on the autonomy of schools, including encouragement to adopt foundation status, with an implied diminution in the role of local authorities, whereas the focus of the latter is on an area-wide arrangement of services delivered through partnership arrangements.

Applying the ambiguity-conflict matrix

Matland's ambiguity-conflict matrix can help to explain these variations in the implementation process, both in terms of what has happened to date and how things might change in the future. Table 4 attempts to plot the key dimensions of the *Every Child Matters* changes in terms of the matrix.

Table 4 Conflict and ambiguity in the 'Every Child Matters' reforms

| | Low Conflict Administrative Implementation | High Conflict Political Implementation |
|-------------------|---|---|
| Low Ambiguity | <ul style="list-style-type: none"> • creation of children's trusts • merging of education and children's social care functions • appointment of directors of children's services • development of the integrated inspection framework • development of common assessment framework • setting up local safeguarding children's boards • development of strategic planning framework | <ul style="list-style-type: none"> • creation of the children's commissioner post |
| High Ambiguity | Experimental Implementation <ul style="list-style-type: none"> • identification of the five outcomes • involvement of children and young people | Symbolic Implementation <ul style="list-style-type: none"> • development of new information sharing arrangements |

Conclusion

It has not been possible (neither was it the purpose) in this article to examine all the *Every Child Matters* dimensions of change fully. Rather the focus has been upon one dimension of the changes – the user engagement imperative – with a view to establishing the implementation significance of this, as opposed to the *means* of policy implementation. Table 4 does however reveal several important points:

- *The focus of implementation activity*: In traditional top-down style, the balance of implementation activity is in the 'low-ambiguity–low-conflict' quadrant – *administrative implementation*. This is largely the domain of *policy means* – issues upon which, in principle, there is a high degree of consensus, and where implementation is a matter of specifying tasks, responsibilities and timetables on the part of a central authority. It is also the quadrant within which state agencies, national and local, will feel most comfortable – the traditional terrain of structure, process and regulation.
- *Treatment of the user engagement imperative*: The bulk of this domain was, at least initially, left in an ambiguous position, with the result that conflict was low – the *experimental implementation* quadrant. In the 2003 Green Paper the five outcomes were presented as self-evidently desirable and couched at a high level of generality, whilst the need to involve children and young people in the decision-making process was referred to only as a passing expectation. As long as things remain in this position, much will be left to local discretion and there is the likelihood that this domain will be seen as less urgent than the development of the policy means.
- *Movement between the quadrants*: Matland's matrix is dynamic, not static, and issues can shift between quadrants, with subsequent implications for implementation. This happened early on in the case of the Children's Commissioner, where early enthusiasm

for the concept dissipated as the restrictions on the role became evident – in effect, a shift from the *experimental implementation* to *political implementation*. It might also be predicted that once the constraints being placed on the way the five outcomes are to be interpreted become more widely appreciated, this too may shift into the *political implementation* quadrant.

The *Every Child Matters* proposals had, on the whole, an enthusiastic reception from most stakeholders, including service users and the groups that represent them. The views, needs and interests of children, young people and their carers seemed to be placed at the forefront of reform, and the emphasis upon an outcomes-led approach seemed to indicate an important shift in models of policy formulation. However, the policy implementation process has inevitably been the arena in which a clearer sense of direction is formed, and it is here that *administrative implementation* has taken precedence, with the principle of user involvement and engagement characterised more by *experimental implementation* or *political implementation*. However well-meaning and committed the Children's Commissioner may be, the absence of a well-established model of children's citizenship in England will act as a curb on his impact. This all tends to confirm the view that partnership working continues to find it difficult to put user and carer engagement at the forefront of activity.

References

- Chief Secretary to the Treasury** (2003), *Every Child Matters*, Cm 5860, London: The Stationary Office.
- Department for Education and Skills** (2004), 'Children, young people, parents and carers' participation in children's fund case study partnerships', Research Report RR602, London: The Stationary Office.
- Department for Education and Skills** (2004a), 'Five year strategy for children and learners', London: The Stationary Office.
- Department for Education and Skills** (2005), *Children's Services Inspection Regulations*, London: The Stationary Office.
- Education and Skills Select Committee** (2005), 'Every Child Matters', Ninth Report of Session 2004–5, HC 40–1, The Stationary Office, London.
- HM Government** (2004), 'Every Child Matters: change for children', London: The Stationary Office.
- Hine, J.** (2004), 'Children and citizenship', Home Office Online Report 08/04, London: The Stationary Office.
- Hine, J., Lemetti, F. and Trikha, S.** (2004), 'Citizenship: young people's perspectives', Home Office Development and Practice Report 10, London: The Stationary Office.
- Hudson, B.** (2005), 'Partnership working and the children's services agenda: is it feasible?', *Journal of Integrated Care*, 13, 2, 7–12.
- Laming, Lord** (2003), 'The Victoria Climbié Inquiry', The Stationary Office, London.
- Matland, R.E.** (1995), 'Synthesising the implementation literature: the ambiguity–conflict model of policy implementation', *Journal of Public Administration Research and Theory*, 5, 2, 145–174.
- Ofsted** (2004), 'Every Child Matters: inspecting services for children and young people', a discussion paper, London: The Stationary Office.
- Ofsted** (2004a), 'Every Child Matters: inspecting services for children and young people', discussion with stakeholders: summary of responses, London: The Stationary Office.
- Ofsted** (2004b), 'Every Child Matters: the framework for inspection of children's services', draft for consultation, London: The Stationary Office.
- Ofsted** (2004c), 'Every Child Matters: joint area reviews of children's services', proposals for consultation, London: The Stationary Office.

- Ofsted** (2004d), 'Every Child Matters: annual performance assessment of council children's services: proposals for consultation', London: The Stationary Office.
- Ofsted** (2004e), 'Every Child Matters: inspection of children's services: key judgements and evidence', London: The Stationary Office.
- Ofsted** (2005), 'Every Child Matters: a summary of the responses to the consultation on new arrangements for the inspection, assessment and review of services for children and young people', London: The Stationary Office.