

CHILDREN STILL IN TROUBLE?

SHIRLEY BECKE
LEO GOODMAN
JOAN D. COOPER
J. L. BURNS

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THE ROLE OF THE POLICE
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THE CHILD IN COURT
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DILEMMAS IN ASSESSMENT AND TREATMENT
Joan D. Cooper

PROBLEMS OF THE COMMUNITY HOMES
J. L. Burns

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THE AUTHORS

Cdr. Mrs. SHIRLEY BECKE, Q.P.M.
Commander in the Metropolitan Police

LEO GOODMAN, LL.B.
Barrister; then Senior Chief Clerk of the
Inner London Juvenile Courts

Miss JOAN D. COOPER, C.B.
Director of Social Work Service in
the Department of Health and Social Security

J. L. BURNS, M.B.E.
Principal of Kingswood Schools, Bristol;
Hon. General Secretary of the Association
of Heads and Matrons of Community Schools

THE ROLE OF THE POLICE

SHIRLEY BECKE

I do not know of anyone who seriously considered that the 1969 Children and Young Persons Act would stop children committing crime, running away from home or "homes", truanting from school and generally being a considerable problem to police, welfare authorities, education authorities and the community at large and—not least—to themselves. So the title of this series of talks, "Children *Still* in Trouble?" should surprise no-one—with or without a question mark. It is more in the light of a progress report—an assessment of what has been done already and a frank appraisal of the methods which we are using—that I regard these lectures.

Every service looks at the problems from a different point of view; we all have our separate areas of responsibility. We tend to think that our own problems are the most immediately important, if not the most difficult to solve. During the past two years I think each service has tried very hard to work with all others for the common purpose—which is to protect and help juveniles who are at risk and to protect the public.

The public are seldom considered enough in this context, so do not let us overlook them because

1. the public are the losers when their homes are broken into and their property stolen;
2. the public foot the bill for the work being done and should expect value for money;
3. if no good results are achieved then the public will have to go on footing the bill for more prisons, more probation officers and bigger police forces as the present juveniles reach adulthood.

The public therefore—if they cannot approve of the results of new and enlightened ideas—may well make their voices heard as taxpayers and ratepayers. For this, if for no other reason, their interests must be considered. The proper protection of juveniles at risk and the appropriate treatment of delinquent juveniles constitute one of the most important aspects of crime prevention. It is infinitely more effective than persuading people to put better locks on their doors and windows.

The Size of the Problem

Let us first of all examine the size of the problem. How effective is our present implementation of the 1969 Act?

Arrests For Indictable Crime

	1970	1960	1950
Children (10-13)	8,931	4,409	3,351
Young people (14-16)	13,599	5,991	3,195
Total	22,530	10,400	6,546

So in 1970 the 1950 figure was trebled and the 1960 figure was more than doubled. The figures for 1971 show a further upsurge.

Children (10-13)	10,006
Young people (14-16)	15,936
Total	25,942

When thinking of these figures please remember that these are the arrests—there is still the whole of the “dark area” of crime. The figures in fact do not include either those crimes not reported to the police—or those crimes which have been reported but, because they are undetected, it is not possible to prove the age of the offender. In some cases of undetected crime it is possible to make an informed guess. For instance, a burglary where cash and a transistor radio are left and antique silver stolen is not likely to have been committed by juveniles. But the converse does not necessarily mean that a young person below the age of 17 is concerned.

It is possible that the rate of detection for juvenile offences is higher than for crimes committed by adults. Working on the premise that juvenile offenders are less practised, less crafty, or less informed, then it might be supposed that intelligent, trained investigators should manage to solve more crimes committed by them. But this cannot be proved. So let us take the percentage clear-up as one-third of the total of crime reported—which is about the average clear-up rate for all crime in London.

From this we can deduce that approximately 67,500 indictable offences were probably committed by juveniles in the London area in 1970. In 1971 the comparable figure of 25,942 juvenile arrests suggests a possible 78,000 indictable crimes committed by juveniles. You may wonder why I am harping on crime figures in this way, but I think it is urgent and important that, before looking at what is being done to help the situation, the total effect of crime committed by juveniles should be appreciated. Some of the offences are very serious ones, including murders, manslaughter and robberies, but most of them are burglaries and thefts from houses, cars, shops. Offences against property—yes—but not until you have had your own house broken into can you appreciate the upset and shock caused to the owners, particularly women. These vast impersonal figures mean misery for many families who are the losers, quite as much as the shame and misery caused to the families of the young thieves.

The Commissioner of Police for the Metropolis in his report for 1971 highlights the problem: “The number of arrests for young persons is still growing at a higher rate than that of adults. The age

group 10-13 had 1,270 more arrests than in 1970, the total reaching 10,006. The number of persons between 14-16 who were arrested was 15,936, 17.2 per cent more than the previous year.”

Further on in the report he states: “The tendency of young criminals to operate in gangs, both with others of their own age-groups and with adults has continued to grow. A total of 7,314 (17 per cent of the total arrests of persons under 21) were in gangs whose members were all less than 15 years of age.”

There is another problem with juveniles which aggravates the situation. During 1971 3,626 persons from London were recorded as missing. These were persons who had been missing for more than 48 hours, and for whom concern as to their safety was felt. Of these 293 boys and 222 girls were under 14 years of age and 714 boys and 1,357 girls were between 14 and 17. At the end of the year 136 persons were still recorded as missing. Many of the 2,450 wandering children who had been returned to their homes, however, are the children of unhappy and inadequate home backgrounds, and many of them appear as care cases before the courts. A child away from home, with time but little money, is very prone to commit crime.

This then is the problem in brief.

Has the 1969 Act Helped to Resolve the Situation?

But perhaps we should ask ourselves—what are we trying to do? Have the crime figures gone down? The answer is patently: No. Has the number of missing young persons decreased? No. There has been an increase of nearly 700 over the previous year. Has it become easier to deal with the problem because of increased facilities? Here again I think the answer is No; and we must, of course, look in detail at the possibilities of treatment outlined by the Act and, even more important, provided in fact.

Everyone who deals with the young rapidly comes to the conclusion that, however delinquent they may be, they are, in the American term, “smart”. Very soon they have, from chat with their friends, listening to psychiatrists and social workers, summed up the possibilities of any situation and acquired sufficient of the jargon to inform one that they are “deprived” or cannot “relate” well and they are quite knowledgeable about their own “motivation”.

The question of what to do with a child under 14, who continues to commit offences whilst already the subject of a care order, is a difficult one. Is it worthwhile to bring the child before a court on each occasion? The court can do no more than continue the care order. It can be argued that, if the police tell the local authority the facts, they are in a position to alter their treatment without going to the court. Should this be done?

Arguments against are:

1. The child must appreciate that to commit an offence is to be liable to prosecution, and that the law and the public matter. (This is, at the moment, an unfashionable attitude.)
2. The child must be given the right to defend himself—which he can do in court.

3. The fact that there are a number of findings of guilt may well be relevant when borstal training becomes a possibility.
4. No child should be able to say: "Oh—a care order. Yes, I'm licensed to steal at least until I am 14".

In the memorandum on a survey by the Social Work Service—put out by the Department of Health and Social Security in July 1972—this point is dealt with in the final paragraph:

"When a boy aged 10-14 or a girl aged 10-15 who is already the subject of a care order commits an offence, or a further offence, it lies in effect with the local authority to make any changes in care or control which this behaviour shows to be necessary; the court, having already, by a care order, conferred on the local authority power to restrict the child's liberty to such extent as the authority consider appropriate, can do no more if the child is charged with a further offence, since the child is not of an age for committal to a detention centre or to borstal. Therefore, when a local authority learn that the arrangements they have made for a boy or girl of this age, already committed to their care, have not prevented him or her from coming to the notice of the police in connection with an offence which may lead to prosecution, the local authority have a particular duty to examine those arrangements with a view to exercising a closer form of control. The child, his parents, and the police may then be made aware what action the authority have taken or propose to take and that, whether or not there is a charge, the arrangements for his care will be reviewed in the light of his behaviour. This may also be brought out in court if a charge is made (and this is entirely a matter for the police) so that the magistrates are not left with the incorrect impression that further offences by the subject of a care order are treated by the authority as matters of little account."

This is good sound advice—for it is perilously easy for both courts and police to think that they would have dealt a great deal more efficiently with a problem, if it had been their responsibility!

So what have police done to try to help the situation?

Juvenile Bureaux

Most of you, I am sure, will know about the juvenile bureaux by which the Metropolitan Police strive to avoid taking children before a court. This system was worked out at the time of the white paper, *Children in Trouble*.

When certain conditions are fulfilled a young offender is formally cautioned by a chief inspector; the parents are present.

The conditions are:

1. The child must admit the offence—and the offence must be fully capable of proof in a court if need be.
No one must be allowed to think that this cautioning procedure is an easy way out in a difficult case.
2. The parents, the child and the loser must all agree to this way of dealing.
3. It must be the opinion of the juvenile bureau, after consultation with the local authority and the education authority and after

enquiries into the home background, that a caution would be in the best interests of the child.

4. Where two or more children are concerned together in one offence, they will be dealt with in the same way—either all will be cautioned or all will go to court.

A decision as to whether a juvenile should be summoned or cautioned will always have a subjective element to it. It is only possible for guidelines to be laid down.

In 1971, 11,213 cautions were given, about 30 per cent of the cases dealt with by the juvenile bureaux.

The most difficult area is where two or three children are concerned together in an offence. The ring-leader is a youngster who has previously been cautioned and it is clear that a further caution would be ineffective. The other children, however, have no previous history of offences, the home background is such that (but for the ring-leader) the case would be dealt with by caution. At the inception of this scheme it was agreed that in cases of this sort the same action should be taken in respect of each of the children, so that all should appreciate the fairness of the decision. One can argue the merits of such a policy either way. I would, myself, like to see more flexibility but this is strictly a personal view.

The point I wish to make, however, is that 11,213 children who might have appeared before the courts, did not do so—at least on the occasion in question. But this still left a total of some 14,500 children appearing before the juvenile courts of Greater London in crime cases.

Lack of Accommodation

The memorandum on a survey by the Social Work Service, which I mentioned before, gives a very useful account of the way in which local authorities are becoming competent to deal with the enormous burden of juvenile work with which their welfare departments now have to cope.

May I say, straight away, that my complete sympathy lies with the local authorities. I think that the task they have been given to do is almost impossible with the facilities of bricks and mortar and manpower which they have at their disposal. But if progress is to be made it is necessary to assess the problems. I hope that you will not suppose that, because I am a police officer, I wish to "lock up" all young people who transgress the law. This, I assure you, is not so.

Nevertheless, there is a desperate shortage of secure places in London for the detention of children and young persons. You will agree with me, I hope, that a police station is not a suitable place in which to detain children for more than the minimum period. Yet during January 1972 (and this is an average month) 100 boys and 37 girls were kept in London police stations for one night or more, because the local authorities could not find accommodation for them.

Of the 100 boys 28 were absentees from various institutions and 56 were charged with serious crime and were not bailable. Some of these latter were already the subject of care orders and were absentees. In the case of the girls 14 were absentees, 12 were possibly to be the

subject of care proceedings, and only one had been charged with a criminal offence and was not bailable.

In each one of these cases the local authority had been contacted but could not help—not because they did not want to but solely because there was just no suitable bed available in the whole of London. In many cases some sort of security is highly necessary. It makes a complete farce of the whole situation if a child can never be got to court, because he/she cannot be stopped from walking out of the community home. On one recent occasion, a boy who had been in a police station for two nights was taken before the next available juvenile court on Monday and was remanded to a *police station* to appear at the appropriate court on Wednesday. The court had been informed that there was not a secure place available in any community home in or near London.

Police stations do not provide even the minimum facilities for caring for the young, and the detention rooms which have to be used are in that part of the station used for the charging of adult prisoners. Soundproofing is not (certainly in the older police stations) a feature of their construction. The sights and sounds can be unedifying, to say the least.

To help this situation a small unit has been arranged and will open shortly where a very small number of non-violent children can be cared for in secure conditions, overnight, away from the main police station, to which it is attached. It will only scratch the surface of this problem, and the problem is not one for the police at all, in the ideal situation.

You will note that I said that this was a unit for the non-violent child. The boy (or girl) who is violent and is prepared to commit violent crime is a particular problem with which we are ill equipped to deal. I illustrate the point by a story. A 14-year-old girl was the subject of a care order. She was a big girl—strong and well developed. She was an absentee from residential treatment and was wanted by police in connection with a robbery with violence. Walking down a street a young woman child care officer, who was concerned with the case, met this girl. She knew the position, knew the girl was wanted and said, "Hello, Mary—I want to see you, come to my office this afternoon", and walked on. She informed the detective in the case, who said: "Why didn't you bring her to the police station or *take* her to your office?" "I couldn't", said the young child care officer.

The training given to children's workers does not, I believe, prepare them either mentally or physically to tackle a non-co-operative potentially violent youngster. I hesitate to suggest that judo should form part of the training—but I do think that those who deal with children of this kind, if they are going to retain the respect of the child, have got—one way or another—to ensure that they can do what is necessary and what they set out to do.

I know that the ideal is to persuade the child to co-operate—to seek to make contact at some level at which a meaningful relationship can be achieved. But all this is a dream if the child in question cannot be kept in one place long enough for anyone to make contact—let alone a relationship.

I saw the record of a juvenile—a girl, as it happens—who, since

February 1970, has been missing from home, community homes, etc., 86 times. The pattern seems to be that she stays long enough to have a good sleep, freshen up and have a meal, then she is off again. It may be some weeks before she is again traced—so that the amount of time she has actually been physically in the care of the authority in two years is about two months. The amount of time and effort involved, and the cost, are disproportionate to any good purpose achieved.

I think perhaps positive ill rather than good is the net result in such cases. I am sure it is quite wrong for any youngster to feel that he or she is defying the law. It is a most unhealthy thing and denies to the youngster any possibility of settling down even if he/she becomes heartily sick of the whole thing.

The number of children and young persons continuing to cause trouble whilst in care is fairly substantial; but this is to be expected when one considers the situation.

During the six months from June to November 1971, in London, 310 children and young persons committed offences whilst in residential care, of whom 57 offended more than once. Compared with this, 263 juveniles, in care but living at home, committed further offences and of those 45 offended more than once. It is neither desirable nor sensible to read anything into a comparison of these figures—there are too many variables—but if one regards this period of six months as average one can put the total number of children in care continuing to commit offences as 1,146, which is 4.4 per cent of the children dealt with during 1971. It is a small hard core of troublesome youngsters—and if one talked to most police officers they would, I believe, guess it to be a higher percentage. It seems more!

Of all the juvenile offenders in 1971—

9.2 per cent had one previous caution.

1.7 per cent had more than one caution.

18.5 per cent had one previous finding of guilt only.

7.8 per cent had one finding of guilt and one caution.

2.1 per cent had previous findings of guilt and more than one caution.

60.7 per cent had no *known* previous offences.

Here again too much can be read into these figures—it would not be right to say that cautioning is more efficacious than proceedings because 9 per cent had a previous caution and 18 per cent had a previous court appearance. The child who is cautioned should be less likely to be material for recidivism than a child whose home background and circumstances made a court appearance more appropriate.

Conclusion

So what should be the assessment of how the 1969 Act is working? I believe that weaknesses are:

1. lack of facilities—bricks and mortar and staff—to enable the Act to function properly. I know regional planning is going on but the position now is grossly inadequate.
2. lack of intermediate treatment—and lack of residential treatment with sufficient security to ensure the young person stays.

3. lack of training in child care workers to fit them to cope with some of the problems of delinquency.
4. lack of some type of order which could be made by juvenile courts as a last resort in those few cases in which it is quite clear that a care order has failed—for those under 14.

Perhaps this last would not be necessary if the first three could be attended to. It would be a great step forward if plans for the treatment or accommodation of children could be governed entirely by what is most appropriate for the child—and not only by what is available.

In this context the position of the approved schools, who now have the right to refuse to take the more difficult juveniles or to take them back when they have absconded, presents a particular problem. The most disruptive elements—and those most in need of residential treatment—are sometimes returned to quite inadequate homes, only because there is no residential establishment prepared to take them.

I think that the greatest weakness of all is that the determined youngster can make rings round the provisions to care for and reform him—certainly in his younger years—and this will perhaps give him a contempt for the law which may well be his undoing after his 17th birthday.

There is one grain of comfort in that youth has always been troublesome; in the years after 21 the figures for crime, in age groups, go steadily down.

It has always been so. As Shakespeare says: "I would there were no age between sixteen and three-and-twenty, or that youth would sleep out the rest; for there is nothing in the between but getting wenches with child, wronging the ancientry, stealing, fighting".

THE CHILD IN COURT

LEO GOODMAN

I AM delighted that I have been given this opportunity of talking to you tonight—delighted but also saddened because some two years ago I was invited to give at an ISTD weekend conference what I thought would have been the definitive lecture on this particular legislation. Yet here we are assembled and still talking about the Act. To make matters worse, I notice that there is another weekend conference to follow, so that I am no longer confident that I have all the answers or even have a true picture of what has been happening in juvenile courts up and down the country.

Why is it that we are still discussing legislation which was passed some three years ago? In part I feel it is because there is much that remains to be implemented and much that is still in the transitional stage. But in large measure it is because we have failed to resolve in our minds the issues which are raised by the Act, which John Watson described as the grandchild of one government White Paper and the child of another. Do we really want to reduce the number of children coming before the court? Is the court the right place to deal with children in trouble? Do we want to "treat" the juvenile offender or is there also a need to punish him? We have moved some way towards resolving these doubts. I remember that when a system of cautioning juvenile offenders was first established in the metropolitan area it was seen by some as usurping the function and authority which belonged to the court and no one else. I think it is true to say that this attitude no longer exists. The cautioning of children is accepted, and yet the principle behind the idea of caution forms an essential part of the philosophy which is embodied in the 1969 Act. I sincerely hope that we will begin to accept that this legislation can be made to work without ignoring the problems which we are here to discuss.

Tonight then I want to discuss and explore the ways in which magistrates and local authorities can work together to achieve a more effective operation of the Children and Young Persons legislation; the ways in particular in which the magistrates can help local authorities in dealing with the delinquent and those in need of care. I think it is important to grasp, right at the outset—and it is implicit in what I say about working together—that the object, the aim of both parties is the same. They share a common purpose. Sadly this community of interest is sometimes obscured, sometimes ignored.

Before we can begin to discuss, in practical terms, the way ahead, I think it is necessary to clear away some of the myths, some of the doubts and some of the suspicion which have developed and which have from time to time made it seem that, far from seeking the same goal, the two sides are drawn up, opposing each other in battle order. No one side can claim to be free from error in this respect.

Social Workers and the Court

What then are these confusing factors? Let me start with the local authority. Many social workers approach the court with some ambivalence. I think, to put it in social work terms, they have a problem about authority. The probation officer is on the whole happy in his position as an officer with responsibility to the court. Perhaps this is because by tradition he cannot escape this responsibility; and the existence of case committees outside London, the probation rules, which require him to report breaches of probation, all reinforce this attitude. I suspect that there is more resistance amongst the local authority workers to their role as "an agent of social control". Of course it is true to say that there are an increasing number of "generically trained" social workers and I have no doubt that the probation service is not totally devoid of its problems in this respect. However, I do remember the considerable excitement that was caused when an answer to a query from a probation officer in some legal journal evoked the reply that a probation officer was not an officer of the court, and therefore could be asked to leave the court during the hearing of a case. I think the correspondence which this answer provoked was significant in pointing to the distinction between the probation officer's attitude and that of the local authority social worker. Yet, more and more, implementation of the Children and Young Persons Act will add to the problem; it is the social worker who must work within the terms of a court order and be responsible to the court—the court, that is, in its embodiment of the public interest as well as the interests of a particular child or family.

There are then social workers who unfortunately see the court as a degradation symbol, a purely punitive exercise; who feel that it is wrong, or are otherwise unable, to impose authority on their clients. Of course, much of the work of a local authority—reception into care, the preventive work under the Children and Young Persons Act 1963 or 1969—has been done without the authority of a court order. It is only since the Act of 1969 that the duty of the local authority in respect of children in their care, to further and develop the best interests of the child, has been modified so that, in the public interest, the authority must consider what steps it should take to deprive a child of his liberty notwithstanding that duty, laid upon them by the Children Act 1948. The social worker, then, needs to understand and to come to terms with his role *vis-à-vis* the court.

The Changed Role of the Magistrate

The role of the magistrate also needs to be understood and it also has changed, I would suggest, as a result of this legislation. The Home Office Guide to Part I of the Act expresses the point neatly and

concisely: "the court fixes the limits within which treatment is given". The treatment within these limits is very much a matter of local authority discretion. The magistrate's role, then, is not that of the social worker; to be sure he has to have regard to the welfare of the child, but the role is primarily to act as an impartial tribunal to decide judicially whether there are grounds for intervention and then to set the limits of treatment. I think it is necessary that there should be no confusion over this issue, that social work cannot be done from the bench. This means, of course, that the decisions about the type of care that a child needs can be taken (subject to safeguards which I shall deal with later) outside the courtroom with its pressures (the length of lists, the difficulties of communication between bench and parent and child).

The feeling that the role of the magistrate has changed is not always expressed positively. Instead of an acceptance of and working towards better relationships, better understanding with the other part of the team, there is often the feeling expressed that magistrates are now powerless. What does this mean? At present there are more options for disposal available to the juvenile court than ever before. It is true that there is power to withdraw the attendance and detention centre orders from juvenile courts, but they still exist. It is true that the care order no longer ensures that a child will be detained in an institution, but it is not a true picture to regard local authorities as exercising purely arbitrary decisions in this respect. The magistracy has expressed considerable concern over the subject of a care order, too young for borstal or detention centre, who continues to offend. I have, as nearly everyone here tonight has, experience of the type of case with which magistrates are from time to time faced—repeated offences whilst in care, with the court powerless to do anything but conditionally discharge. While this is a disturbing picture and one that has been adequately described elsewhere, I have searched for the facts and figures which would give concrete reality to these impressions.

Children Sent Home?

If it is said that the operation of the Act is responsible for a significant increase in offences by children committed to care, because a number of them are allowed in the exercise of local authority discretion to remain at home, we must be able to establish whether this is so. Comparisons are obviously difficult but I repeat that so far I have not seen or been able to discover any evidence to support that contention. Nor, may I hasten to add, do I believe that one should make the assumption that is implicit in the statement "*allowed to remain at home*". The recent memorandum by the DHSS on a survey by the Social Work Service had this to say: "The survey despite particular inquiry on the point could find no evidence that children committed to care on remand or the subject of interim care orders were sent home by any authority as a matter of routine. Cases in which such children had been sent home proved on investigation to be attributable to special circumstances, such as the illness of a parent or to lack of a vacancy in any residential establishment considered by the authority to be suitable."

When a care order was made, local authorities' practice varied more widely. It was nevertheless found to be comparatively rare for children, the subject of care orders, to be returned home direct from court. Investigation showed that when this course was taken it was almost always because no residential placing, considered by the local authority to be suitable, could be obtained immediately, and that when such a placing was found the child left his home to go to it. The survey found rather more instances of children who had been placed in residential care on the making of the order being returned home within a short period.

Generally local authorities do not take the exceptional course of returning to their own homes children whom the court expected to be treated in a residential setting except on a considered view—based perhaps on further assessment or on a change of circumstances—that this is the best available course in the interests of care and control or as a temporary measure pending further arrangements for residential care.

I have taken the liberty of quoting extensively from this memorandum because it is important to remember that, in the absence of a more sophisticated and detailed review, this is the only piece of evidence we have and, to say the least, it must carry as much weight as the impressions which we can all derive from particular instances in particular areas. To be sure there are qualifications expressed and there is a need to explore the attitudes towards and knowledge of the approved school system that exists within the social service departments, but nevertheless there is no suggestion of comparatively arbitrary decisions on the part of woolly-minded social workers who purport to know better than the experienced magistrate what the child's needs are.

Magistrates and Social Workers

It is important also to note that the passage I have quoted serves to emphasize (and I realise this may be unpalatable to some) that the role of the magistrate has changed and that within the terms of a care order there is sufficient flexibility to make a further assessment or take into account a change in circumstances. While it would be foolish to deny that discretion in this respect may be exercised incautiously, unwisely or wrongly, it is also foolish to ignore the benefits to the child and society generally which may flow from the new approach. At a comparatively trivial level I can well remember any number of instances in the past when a remand home superintendent would ring me up at the court and ask permission to take a child to a family wedding or to some examination. It was frustrating to reply that a court had no power to authorize any such arrangements, and that the remand home must take a calculated risk and bear full responsibility for any absconding. Today the position is different and there would be few who would wish it otherwise.

I hope that these preliminary observations will enable us to look with greater clarity at the genuine problems affecting magistrates and the problems faced by local authorities which affect their performance in relation to children coming before the courts. Any discussion of this

nature demands, as I have suggested, facts and figures not emotions, an understanding of the role that the courts play. There is no room for the sweeping generalizations that are so often heard—the attitude that I call the “mini-skirted social worker syndrome”, which expresses a sense of frustration with the ineffectual, inexperienced worker who, manipulated by her sophisticated mature clients, allows young vandals the freedom to roam the streets while they richly deserve to be lingering in borstal.

On the other side of the coin, I must tell you that I have found a profound and distressing ignorance of the way in which the juvenile court works, expressed by the attitude that the court has nothing to offer but a punitive approach. I remember being asked to address a group of social workers who were studying the function and role of the courts with particular relation to its punitive aspect. I had agreed to give this talk and when I received a confirmatory letter it seemed to me, such was the jargon used, that I was required and expected to give no less than a doctoral dissertation on the sociology of law. I must confess I went to the meeting totally unprepared and it seemed to me they had chosen completely the wrong person. It was obvious that it was no use giving my “Women's Institute” talk on the juvenile courts. I had thought of starting by asking them, “Well, how do you see the courts?” but I settled for a straightforward question, “What do you really want me to talk about?” We were all pleasantly surprised to find that there was considerable curiosity about the constitution and composition of the court, the way in which justices were appointed and the legal procedures involved.

The Effects of Seebohm

Now this really does bring me to my first point. When I am asked what I see as the main problem confronting the juvenile courts today I feel it is a problem which has its roots as much in the Seebohm reorganization of local authority social services as in the implementation of the Children and Young Persons Act. The courts are faced with departments containing, on paper at any rate, as many as 150-180 social workers any one of whom may have responsibility for children coming before the courts. We know that departments are in many cases under strength and we know that there is considerable mobility of staff. Reorganization has meant therefore a considerable number of changes—for example, in the supervisors that a child may have. It is by no means uncommon for a child to have a number of changes of supervisor and to come to court with a report presented by a worker who is comparatively unfamiliar with the child and family. Inevitably the department must present itself as being out of the picture and, for example, unable to keep the court informed as regards school or work situation. Of course, the quality of supervision must also suffer and this does not bode well for the future. The mobility of staff and the shortage of staff also have led, I feel, to the comparatively inexperienced worker dealing with cases in court—inexperienced in years of service and inexperienced in terms of court work. With a large “generic” department the number of court cases in which an individual worker is involved may be small and the opportunities for

familiarization with the court are correspondingly few. When one combines this with the attitudes we have discussed earlier the effects can be quite catastrophic.

I am given to understand that the pace of growth and development of the social service departments is such that fieldwork staffs are expected to more than double by the end of the ten-year planning guide lines. This expansion takes place in part because of the mounting pressures and priorities, not of children but the mentally ill, the chronically sick and those in need of adequate housing. Wastage rates are high and shortfall is at present some 11.5 per cent. There is a serious shortage of experienced, qualified staff to meet the needs of these departments, and just ahead is the reorganization consequent on the Local Government Act 1972. Not long ago I sat on an interviewing committee to appoint an experienced social worker for work in relation to intermediate treatment. One applicant was still pursuing his studies and his experience consisted of his placements during the one year of his course. We asked why he thought that he had the qualities we were looking for. His reply was, I think, illuminating: "I was told that within two years I could expect to command an executive position." This, I feel, illustrates in a vivid fashion what the chairman of the child care and family social work section of the British Association of Social Workers said (amongst other things) in a letter to *The Justice of the Peace*: "Therefore qualified (staff) are being appointed to management posts and newly qualified and inexperienced staffs are being asked to provide the services to clients."

The Need for Training

Many of the reactions to so-called poor social work that are found in the court setting are attributable to these factors rather than to anything else. I would not subscribe to the theory that social workers are inadequately equipped by their training to deal with the difficult delinquent. But I do feel that there is a need for in-service training to take account of the particular difficulties we have mentioned. This is not solely, I venture to say, something for the local authorities but a matter which should involve close co-operation with the magistrates and their clerks. Many of you will be familiar with the position of magistrates' courts where a probation officer will have free access. Essentially this access should be seen to be available to all social workers, and they must at the same time be encouraged to make use of it.

There are often imagined conflicts between legal rights and welfare; there is often a need to understand the procedures of the court. This avenue of communication may help to resolve these conflicts and give the practical advice which is not available elsewhere. Courts and clerks to justices too can be made aware of the way in which the administration of justice impinges on the social workers' clients. I know that I am digressing a little but I hope you will allow me to stress that very often changes in the law, judicial precedent, will have far-reaching implications for social work. Here is a chance for these implications to be discussed and explained, and in this atmosphere one feels more confident that the attitudes I referred to earlier will be replaced by something that will contribute far more to the welfare of those

coming before the courts. In some courts dress and physical appearance are considered to be of some importance. It is by communicating in this informal way that social workers can learn what is required, not only in the way of dress but, perhaps more importantly, what is expected in, e.g., the content of social enquiry reports and the conduct of cases generally.

Staff shortage may clearly affect the quality of supervision, the quality of care which can be given. Magistrates are genuinely concerned with the standards of care and if there is a need to increase staff, to expand further, these difficulties must be explained and co-operation sought to resolve the situation. We are all aware of the demand for increased physical resources, new buildings, secure accommodation; these may well be necessary, but they require trained staff, both residential and non-residential. One feels that the success of any venture with children depends on a high ratio of staff to client and we need to explore whether there is a bottle-neck in the provision of trained staff.

The Need for Physical Resources

I want to return to the demand for increased physical provision. We are committing boys to detention centres and borstals where a more suitable disposal might be to a community home, and the courts are using these alternative provisions sometimes for unsuitable cases because the social workers concerned can offer no provision in a community home. I understand that there are some 400 vacancies in approved schools—call them community homes if you will—in the south-east. Allowing for longer periods of assessment and the availability of other residential establishments, there does seem to be a reluctance to accept and deal with the "difficult young person" who in former days would willy-nilly have been committed to an approved school. If these schools are now to have a chance of succeeding with this category of offender it is surely appropriate to examine what staff ratio is required and what conditions of service and reward will attract staff of the right calibre. The "transitional" status which these institutions currently enjoy cannot help to establish and develop the regime of treatment which is needed for disturbed adolescents. While I would urge that regional planning committees take special heed of those who see a need for additional provision, I have no doubt that in order to reduce the "failure rate" of these institutions just as much attention needs to be paid to the quality and number of residential staff. And, after all, if we can reduce the failure rate, we can reduce the number of children coming before the courts. Courts need then to be able to make the disposition of first choice, and the Children and Young Persons Act does not prevent that from happening; it provides the machinery in regional planning. We must still wait and see how regional planning committees have coped with this task, and of course it will take some time for plans to be translated into concrete reality.

Now there are some who feel that the inability of magistrates to commit reduces in some ways the effectiveness of the court. I am not so sure. I am familiar with the type of case that is in mind—the 14-year-old boy who for whatever reason is not placed in a community

home, although the subject of a care order, who reappears charged with an offence or offences which are serious and disturbing. It is often agonizing to conditionally discharge because there is nothing else one can do by way of sentence. And magistrates rightly have regard to the public interest and are sensitive to the public reaction to such cases. Sometimes these offenders are absconders from approved schools—no new problem. Sometimes, as we have seen, there is difficulty in placing them; some no doubt are at liberty because it was felt right that they should be treated within the community. I do not see any evidence to suggest that local authorities approach these cases without paying heed to the public interest as well as to the needs of the child and his family, but I do think that we should remember that courts tend to operate a "tariff system". I do not say that this is wrong; I think it is seen as fair. Yet by the time a local authority receives a care order the offender may well have been cautioned, conditionally discharged, fined and possibly supervised. I have no doubts about the next step being a care order, but our expectations of a local authority must be realistic. We expect success, possibly without any prior contact with the child on the part of the authority. We may have a right to expect containment, but then containment within the existing approved schools and borstals did not have a significantly high success rate. We should remember that offences by approved school absconders were not uncommon and we should seek to establish the numbers of such cases and compare their reappearance rate with that for boys who do not find a place in residential establishments.

The point I am making is that there was little to give confidence, in the days of the approved school order as such, that this would successfully curb crime. It could be anticipated that boys would offend again, and the success of the approved school could not be judged on the "success rate" alone as measured by reappearance within one to three years. Nor should we judge the success of the care order solely by the rate at which children committed to care continue to offend. In dealing with the "difficult" boy the local authority is to an extent dependent upon the goodwill of the approved schools, and with time I feel sure that the relationship between the two bodies will be such that the need to contain in order to treat will be understood and met. I am not convinced therefore of the need for a "residential care order". However, I am convinced that the statutory review of children in care needs to be effective (and this is time-consuming) and needs to be carried out in a way that will enable the courts to feel that repeated offences are not just ignored. It is encouraging to see that the Department of Health and Social Security have recommended that, when a local authority learns that its arrangements for care have broken down, in the sense that a child continues to offend, the authority has a particular duty to examine these arrangements with a view to exercising a closer form of control. The court, not least of all, should be made aware of what action will flow from this review.

The Need for Communication

I cannot pass from this topic without saying that the court's concern—and this has had statutory force for many years—is the welfare of

the child, and one problem which magistrates face is in being unable to follow up their cases. It is not just a question of a sentimental interest. Magistrates need to know what effect their orders have; they need a certain feedback, and the annual statistics are a crude form which in my view is insufficient. I am not suggesting that we need the equivalent of probation case committees but I feel that there should be regular meetings between magistrates and the social service departments so that each party can discuss particular types of cases, what the policies of the department are, what their resources are, how they propose to deal with particular problems, and perhaps to discuss also individual cases so far as they highlight any shortcoming, failures or misunderstandings. This is by no means a novel idea, but my experience leads me to the conclusion that if these meetings, formal or informal, were encouraged there would be a useful interchange of ideas and they would produce a more effective performance.

I mentioned earlier the Department of Health and Social Security survey which showed that difficulty over finding suitable residential placements was often the cause of the subject of a care order remaining at home for the time being. This sort of meeting could well explore what the local authority means by "suitable" so that those responsible for making the orders can avoid the sort of sparring that from time to time occurs in the court setting. It may also give the opportunity for magistrates to seek the answer to the meaning of that rather mystic phrase "a controlled environment" which so often figures in social enquiry reports presented to the court.

This kind of communication is vital, and the contacts which individual social workers may make will give them the assurance which they too need, will give them increased confidence in the decisions of the magistrates.

I have mentioned the need to attempt a systematic "feedback" for magistrates and the need to give increased confidence in the decisions of magistrates. I think that most magistrates would agree that training, which for some years now has been compulsory, does not and should not stop with the initial introduction to magisterial law and practice which new magistrates receive. Most committees responsible for training arrangements will include talks by the director of social services or some senior member of his staff, at a later stage. Sentencing exercises play an important part in equipping the bench for its work. It would be helpful to provide, as part of the training programme for a juvenile court panel, a continuing service of information on the resources which local authorities have available. Each bench should have the means to know, e.g., what hostel facilities for boys are available, and a knowledge of these matters should enable a bench to come to their decisions with greater certainty.

In a large authority there is little enough contact, as I have already indicated, and there should be an opportunity for the senior workers as well to develop their experience. An increased emphasis on training needs to be matched by personal contacts.

Statutory reviews then, while welcome, must not be regarded as exhaustive of an authority's responsibility. One feature of the legislation which needs to be mentioned, and where there has been a reduc-

tion in "powers", is that the review is carried out by the authority itself and not by an independent body. I should like to enquire how this function is carried out. If the courts are not in this respect to be the guardians of the liberty of the individual, and if we confer on local authorities the responsibility for the care of juveniles, I would ask that this function be discharged with great care and that, for example, in appropriate cases there be adequate representation of parental views. Much of the concern that has been expressed about the Act is concern over the wide powers that have been conferred and it is right that we ask these questions and seek an answer.

Now, what other concerns have arisen that bear on the way in which we treat children before the courts? One matter that attracts considerable but not too favourable publicity is the committal of young persons to prisons. Commander Becke, in the first lecture in this series, touched on part of the problem when talking of the number of children detained overnight in police stations. It is sad that magistrates are still forced in certain situations to commit to prison. I say "forced" because I have never experienced anything but extreme reluctance on the part of magistrates to certify a young person as unruly and therefore authorize remand in prison rather than in care. All too often courts are being asked to certify as unruly not because remand homes cannot contain a juvenile but because there is no place available. Again this is no new problem, but let us hope that the planning committees set up under the Act are active in ensuring adequate reception and assessment facilities.

Now I have tackled some of the matters which seem to me to be of importance—the shortage of trained workers, the lack of experience and familiarity with courts and court procedures, the need for further training and understanding, the need to secure adequate standards of care and supervision, the lack of physical resources and the crying need to open up channels of communication at all levels. I see from the leaflet advertising this series of lectures that I "will emphasize the need for close and effective communication between the courts and the other agencies concerned". If what I have said has not convinced you of this then I have failed miserably. But I hope that I have managed to get my message across and, if I have, then I hope you will share with me a certain confidence for the future.

DILEMMAS IN ASSESSMENT AND TREATMENT

JOAN D. COOPER

I SHOULD like to begin by paying a tribute to the ISTD for arranging this series of lectures to enable the Children and Young Persons Act to be studied from varying perspectives. This Act can too easily be seen as a receptacle for all our anxieties about children in trouble at a time when society itself is going through a troubled period and social change is so rapid that stable patterns of behaviour and stable systems seem elusive.

Reorganisation of the Personal Social Services

Any view of the operation of this Act can only be a distorted one unless it is seen in the larger context of the reorganisation of the personal social services which took place in 1971. On a short-term view, it is arguable that the Children and Young Persons Act, 1969, would have had a more propitious start if it could have received, for a few years, the concentrated attention of people experienced in working with children before the local authorities became embroiled in reorganising their personal social services. And it is a justifiable concern that during the last two years much time and energy have had to be devoted to setting up new organisational patterns, to job-hunting, to making new contacts, to learning new skills and to extending the breadth and depth of knowledge needed for helping people of all ages and conditions. Nor has it been easy to maintain acquired knowledge and skill and direct them appropriately. With the prospect of the reorganisation of local government itself and of the National Health Service in 1974, these changes, taken together, seem little short of a systems revolution.

The Children and Young Persons Act, essentially evolutionary in concept and design, was caught up, in implementation, in much wider and far reaching changes in the organisation of services to meet the needs of a wide variety of people with social problems. In the short term, these changes have dislocated well established links of communication among magistrates, police, probation officers, local authorities and their officers. The predictable misunderstandings and conflicts which inevitably occur during change have had to take place not within familiar settings, where the rules are well established, but often with different and unknown people working in a different setting. But this is a short-term view and there is another side to it if we look at

the principles behind the creation of the personal social services and relate these to the Children and Young Persons Act.

The purpose behind the reorganisation of the personal social services was to provide a "community based and family oriented service to all". This purpose represents a new awareness about individual need in a family and community setting. Each person is not simply a teenager, a mother, a blind or deaf adult, a homeless single person or an elderly relative but someone who, almost always, was placed since birth somewhere within the social institution of the family. Personal social services, if they aim to support the individual, must help him to achieve a satisfactory life within our society, but must support him in his family and with his family. In contrast, it may be argued that one of the reasons why we need to develop, in an industrial society, so many services to supplement those which used to be performed regularly by the family is that, with social mobility, families are breaking up and individual achievement may be hampered by loyalty to and support for a family, and there seem to be increasing numbers of people of all ages who receive relatively little help and support from their families. This unsupported group stands out because its members pose the most severe problems and, in the past, society has tended to add to their isolation by removing many of them from the community and placing them in isolated institutions.

The Long-Term View

One of the objectives of the Seebohm Committee was to organise services in such a way as to strengthen their capacity to promote the reintegration of these isolated people into the community and to secure that the services enabled the community to accept these people realistically and without too much strain. We are moving away (not only as regards children) from half a century of methodology which focused on the individual. Both the Children and Young Persons Act and the Local Authority Social Services Act are in tune with the general trend of legislation and the development of informed opinion over the last decade or so. These have emphasised the aim of avoiding removal from the family and locality whenever this is realistic but offering support to the family. This is not just ideology or a sentimentalised view of the family but a recognition that isolation of an individual is not a good indicator for effective treatment and a recognition that we depend upon the family. The social services would break down if they had to provide all the help which families traditionally render.

In industrial societies, the family is under considerable strain. May I draw attention to a few projections for the future which underline the need for a dynamic approach to the personal social service? This is the long-term view—and it required structural reorganisation. Between 1971 and 1981 the numbers of persons aged 65 and over are not expected to increase by as large a percentage as they did between 1961 and 1971. But this picture is misleading because within this age group the elderly aged 75 and over, despite their lower numbers, currently fill four times as many places in homes, and receive perhaps twice as much help from the domiciliary services, as those aged

65-74. The numbers aged 75 and over are expected to increase by 22 per cent in the next ten years, compared with an increase of 13 per cent in the last ten. Our success in keeping people alive provides a challenge at the other end of the age range too. It is not possible to be precise, but in each of the youngest age groups there are probably some 20,000 children alive today—about 2½ per cent of all the children in the age group—who would have been stillborn or who would have died in infancy in the conditions prevailing 20 years ago. Most of these children may make no special demands, but some of them are likely to need more than the average share of care and attention both from the health and the personal social services. There are other changes too: unemployment of young persons; children born abroad immigrating with their parents or rejoining them after a lapse of time; families uprooted by slum clearance or other internal migration, and the increased employment of women outside the home.

There are families with problems at either end of the age scale and in between—I have not mentioned the mentally ill who cover a wide range and are increasingly being treated in the community. My point is that what helping services we can provide are needed across age and condition. When the personal social services were amalgamated at local level, and the extent of need was revealed, a very real anxiety was produced for social workers. They had to weigh the needs of an elderly or blind person, a mentally ill person, an abandoned child in hospital, or a child in the community as in competition with each other for scarce skills and scarce finances. In the long run, they will be helped by an organisation which can command a greater variety of services and a more flexible use of them.

The Child and his Family

Now let us turn to the subject of our special interest tonight and consider the child and his family in the new situation supported by a family-orientated service in the local authority. The social worker really is better placed, when a child is in trouble, to take into account the whole of the family circumstances which may be contributing to the child's difficulties. The child may be reacting to the stresses caused by another family member, there may be a harassed or mentally ill mother, a delinquent or rival brother, there may be an alcoholic or chronically ill father or it may be that overwhelming anxiety is engendered in a large family living permanently on a limited income or threatened by homelessness. There is too little time and energy to encourage the child to make full use of educational and other opportunities and all too soon the child misses out, thinks of himself as a failure and begin to seek excitement in delinquency. The interaction between problems in the family and the behaviour of the child have been known for long enough. There is now an opportunity to see the problems in the round and to treat them in the round through the resources of one department. But, in taking this wider and deeper look, social services departments are well aware that they have a duty to the public as well as to the child and that they are answerable to the community through our system of local democracy. And, if per chance they should forget, the mass media will soon remind them!

The Complexities of Assessment

Prediction is the basis of control, and accurate assessment is the basis of prediction. Assessment, not only of the child as a person but of all that has contributed to his personality and behaviour, is becoming a more complex and time-consuming process. The social institutions, the beliefs and values and the traditional ways of thinking and behaving common to any given local community are crucial elements for the development of any individual who belongs to that community. The loss of this "cultural comfort" and the translation to a new social situation where values, habits and ways of behaving are alien and strange is a form of deprivation which can be severely disabling. We have learnt to recognise that the loss of important people, particularly the parent, in the lives of children can be crippling and we are now recognising that cultural dislocation is another severe loss which may lead to damage. It is obvious that the child from the hills of Jamaica is subject to cultural shock when translated to an urban culture in a large city but, though a lesser change, it is not easy for an indigenous child deeply embedded in the culture of one city street to adapt to institutional life in an alien environment. Our deeper and broader knowledge about the development and behaviour of children and their families should be affecting our ways of assessing their needs and responding to them. But changes cannot be effected smoothly without close and continuous communication between those who diagnose, those who judge and those who treat. Unfortunately, in the situation of reorganisation that I have described, this process of communication has not always been adequate. The immediate task is to improve it so that specific incidents which cause concern to the magistrates or to the police can be discussed openly and honestly but in an atmosphere which recognises that there is a new law, a different organisation and a growth in knowledge and skill. Not all the decisions taken will have been wise ones but neither will all be found to have been perverse.

There is another factor which is making the diagnosis and assessment of a child's needs a more complicated and a longer process. This is that the facilities of the health and education services are increasingly being used for children who are in difficulties. The school psychological service and the hospital out-patient clinic make increasingly sophisticated and flexible assessment possible. In the child's interest, it is important that sufficient time should be taken to secure a synthesis of the various diagnostic insights to arrive at the correct selection of the most appropriate skills, methods and resources with which each individual should be served.

It has been comfortable to have a relatively limited process of diagnosis, a relatively limited system of treatment and to send a child away from the surroundings in which he found himself in trouble, but we have to face the fact that the child's problems are not helped if, as often happens, he simply goes on getting into trouble away from his home area. The chances are that he will become still more alienated from and rejected by his family and his local community and yet, in the majority of cases, it is to them that he is going to return. There are undoubtedly severe difficulties in trying to treat delinquent children in conjunction with their families and nearer their homes but there is

a new concept for which the expansion of police cautioning has proved helpful. And this is that all those involved in the home setting or in the residential setting should act in concert as part of the same team, participating in a constant process of assessment and treatment for the length of time that the child needs them.

Flexibility in Residential Provision

The replacement of the approved school order by the care order has been followed by some changes in the use of approved schools, and I want to refer briefly to these. As is generally known, some approved schools are at present considerably under-occupied. This, however, must be put in perspective. At 30 November 1972, there were 5,394 boys in the schools and 1,915 vacancies. Before the Act came into force, that is on 31 December 1970, there were 6,148 boys in the schools and 1,347 vacancies. With a capacity of around 7,000, there are 600 vacancies more than there were before the approved school order was abolished. Quite apart from the difference the Act may have made, a fluctuation of 600 in demand over a period of two years is nothing unusual in the history of the approved school system. The existence of 1,915 vacancies does not mean that there are 1,915 boys who need approved school treatment and are not getting it. What it means is that the trend of rising committals which was expected to persist throughout the 60s, and to meet which the system was expanded, did not in fact persist at all. From 1967 there was a falling trend in the use of the schools, and in the first two years of the new Act—so far as initial experience of a new situation is anything to go by—the use of the schools continued to fall for twelve months and then levelled out with some recent indication of a slight rise. At schools which are particularly under-occupied—and this varies very much from one school to another—the staff have, naturally, not been kept up to full strength. Otherwise, the schools have been kept in operation as going concerns so that Regional Planning Committees—whose establishment for this precise purpose was announced in the 1968 White Paper—can decide how far the present apparent surplus capacity is really surplus against their estimated future requirements in a regional, community home, context. The choice is not, as under the former approved school system it would have been, between keeping the school for its existing purpose of long-term treatment with education on the premises, and selling it off. Thanks to the regional planning system introduced by the Act, the Regional Planning Committee can, subject to the agreement of the managers if the school is a voluntary one, arrange to use it for any purpose within their responsibilities for children and young persons—for example as a centre for observation and assessment or for intermediate treatment. This is likely to be done in some cases. On girls' schools, I need say no more than that the number of girls in approved schools on 31 December 1970 was 961 and the latest figure is 930 on 30 November last.

The machinery for operating a process which allows more flexible and adjustable usage has been introduced but we are, just now, in the rather delicate period of change when we can see the turn at the end of the road but have not quite reached it. At the end of this road

there will be more secure places available, both for treatment and for boys and girls who are awaiting a further court appearance or require assessment. This is not because the Act, or the attitude of the managers of open approved schools, has created any new need for secure accommodation. It is because the Act, for the first time, provides a means of meeting a long-recognised need. As experience in approved schools and remand homes amply demonstrates, some very difficult boys and girls can be contained and indeed helped in open conditions, given sufficient staff equipped with appropriate skills. But it has long been recognised that, for some boys and girls who come before the juvenile courts, secure accommodation is essential if treatment is not to consist of an uneasy peregrination from one open establishment to another, interspersed with lengthy periods on the run. It has equally been recognised, though not embodied in the law until the 1969 Act, that recourse to Prison Department establishments in such cases ought to be progressively reduced; and the development of secure facilities outside the Prison Department system was accordingly initiated about ten years ago in the form of secure units in a few remand homes and approved schools. For the proper development of such facilities, however, systematic joint action by local authorities on a regional basis is essential, and now that the 1969 Act has given us this we can get ahead, as the regional plans which are now before the Department show.

It is an achievement of local authorities that, despite the burdens of reorganisation, the regional planning of community homes has gone forward steadily and we are now reaching the approval stage. Once the next stage is reached—that of implementing the plans, designing some new community homes, releasing the capital, finding sites, erecting buildings and training staff—then more realistic selection and appropriate placements will become possible. All this takes time but never before has there been an attempt at regional planning of residential provision for children ranging from the small group home to long-term treatment in physical security.

Intermediate Treatment

The second task of the Regional Planning Committees is to prepare schemes for intermediate treatment, that is residential or non-residential treatment not exceeding 90 days during a period of not more than three years when a court has made a supervision order in respect of a child of any age up to 17. The children affected may range from a child who has been neglected or abused to an adolescent offender who, in the judgment of the court, can be treated while remaining in the care and control of his parents but under the supervision of a social worker, with power to the social worker to arrange for the child to participate in activities likely to enrich his experience in human and environmental terms. Some proposals from Regional Planning Committees have already come in and others will shortly follow. This again is good progress. Once the schemes are approved, magistrates will have an additional choice at their disposal when they have a child in court. Intermediate treatment is a new concept. It requires planning and it will require new skills which will have to be

learned through trial and error on the part of the courts and the supervisors, and assessment and selection will again be vital to effective treatment. Implementation will engender a good deal of anxiety, variety of opinion, disagreement, experiment and innovation before a useful tool is created. The trouble is that once a new idea is promulgated, expectation is aroused and it is easy to become impatient over the stages needed to reach reality.

Cultural and Employment Problems

My next point can be regarded as, in some senses, a diversion though I make it in an assessment, selection and treatment context. I referred earlier to immigrant children and their difficulty of adaptation to a culture strange to them. If a coloured child gets into trouble (as an increasing number are bound to do, on the law of averages alone, for there are more of them and they have additional hazards to face in a culture strange to them) our diagnostic, assessment and selection procedures will need to reflect greater knowledge of cultural stress and to recognise either the strong family links or sometimes the dramatic and acute rejection when young people adapt to new values and habits more quickly than their parents. There is an opportunity here for using intermediate treatment to help these children at an early stage since for them there is the added problem that residential treatment, used inappropriately, may exacerbate the difficulty of cultural identification. The number of coloured children in approved schools is limited (448 or 6.2 per cent on a count taken a year ago) but it is high time we began to think more about the special needs of coloured and immigrant children. We all know that the employment which young people find following residential care is often casual or lacks good prospects and that the young person no longer has the support of the staff most familiar to him to help him manage the problems of adaptation to the role of employee. All too easily, he can quickly join the increasing numbers of unemployed young persons.

This question of employment for all young offenders is likely to be of greater significance as automation increases and jobs, particularly unskilled jobs, become scarcer. If we are to provide our young people needing care with a community service, then I believe we should give this problem of job-finding a long and careful look for girls as well as boys. In British society today the job one has is central to material well-being, personal satisfaction and social prestige to women as well as to men, to girls as well as to boys. The job a youngster gets is a very important thing to him in his life. In approved schools much emphasis has been put on training for future occupations and many boys, especially, have been well equipped on the road to a skilled occupation, but schools often had difficulty over making the fullest use of the youth employment services, perhaps halfway across the country from where the child lived. The deprived child often does not seem to know *how* to act as an employee. The place that can most easily provide a child with the interest, co-operation and support needed when he starts out in his job is his home. When a deprived young person is nearing employment age, it might be better for him that social work resources be provided that help the family and community

to tolerate and even to assist in his treatment, rather than to place him in an expensive residential treatment away from home. But the choice is not an ideological one. The thesis is that the choice can only be an informed one if it results from skilled assessment and selection followed by treatment appropriate to the individual.

The Children and Young Persons Act offered greater flexibility of treatment and greater integration of services for children in trouble. The reorganisation of the personal social services on the one hand increased the chances of family and community treatment but on the other hand caused a short-term interruption in relationships, problems of communication and difficulties in maintaining and developing quality of service for all groups, not only children, while new systems are being developed and new skills acquired. In the midst of all these changes, we are trying to apply new knowledge about human growth and development—knowledge we did not possess 30 years ago. We are not alone. Change and development are occurring in other countries too, notably in Scotland and America. It sometimes feels as though we were in a situation where the new is the enemy of the old and the old is the enemy of the new; but difficulties and differences, inevitable in a period of change, should not be allowed to stand in the way of recognition of some very real achievement, exciting developments in inter-professional teamwork and movement towards not only an effective but a sensitive and responsive service for children in trouble.

PROBLEMS OF THE COMMUNITY HOMES

J. L. BURNS

IN LOOKING at the working of the Children and Young Persons Act 1969 and trying to forecast likely developments in the future, it is, of course, quite impossible to do so without taking into account the circumstances in which the Act came on to the statute book and was put into operation. We also need to look at the historical perspective. Reading various comments in the press and elsewhere, particularly during the autumn of last year, one would have thought that the Act was a revolutionary affair. But this latest C.&Y.P. Act is quite clearly in the historical line of development of the 1908 Children's Act, the 1933 C.&Y.P. Act and the Children's Act of 1948. No less than 26 years ago the Curtis Committee¹ quite clearly envisaged a local authority department to care for all "deprived children". This department should in general terms concern itself to establish a single set of appropriate standards for the care of deprived children amongst whom, of course, were numbered those who had appeared before courts and had been committed either to the care of local authorities or to approved schools. As an example of the way in which the 1969 Act is not revolutionary it is possibly worthwhile recording that in the summary of recommendations in the Curtis Committee Report, paragraph 45 reads: "Approved schools should continue to be open to deprived non-delinquent children who would benefit from the regime". So the idea that approved schools should be open to children, no matter what might be the administrative reason for their being in care, predates the Curtis Committee. In fact, it has existed for 40 years since the Act of 1933. I think that we can, in fact, regard the process now codified in the 1969 Act as having been started by the pioneers of the early 19th century amongst whom of course was Mary Carpenter, who founded Kingswood Schools.

Miss Cooper has already referred in her lecture² to the possibility that on a short-term view it is arguable that the Children and Young Persons Act 1969 would have had a more propitious start if there had been a longer gap between its coming into force and the re-

¹ Report of the Care of Children Committee. Cmd. 6922. September 1943. H.M.S.O.

² See pages 21-28.

organisation of the local authority personal social services. Having mentioned this I will say no more about this aspect of the matter.

Problems of Placement

What I would like to do now is to look at some of the arguments which have been in the past, are now being, and I fear will continue to be carried on about the choice of placement of children in residential care. These arguments have particularly been about arrangements in approved schools which received children too late, for too short a time, and with the wrong attitude, i.e. usually for the wrong reasons. I think that no-one who knows the child care scene can possibly quarrel with the general tenor of this statement. Nevertheless, it is not surprising that the most vociferous arguments about residential placements have centred on approved schools and their methods. I sincerely hope that these arguments will not continue in the approved school field for they are so energy-sapping, so sterile, and so counter-productive that we can well do without them.

Magistrates are seen as the spokesmen for the public point of view. Many courts have used a tariff system, with a concept of increasing severity of penalty according to the court's view of the increasing delinquency of the individual child or young person as shown by his continued appearance before the juvenile courts. To those of us who have dealt with a substantial number of children in assessment situations—and in my case it amounts to thousands—it seems so obvious that a child's appearance before a juvenile court tells us much about what he is, what sort of needs he might have, and how they might best be met. When one looks at the child who appears before the court more than once, this inherently expressed need for assistance becomes clearer with each appearance. I would like to return later to what I mean by "need for assistance" in this context.

The C.&Y.P. Act 1933 asked the court to make an order in respect of the child or young person that was likely to be of assistance to him. Many courts have tended to interpret this as a demand that normal concepts of justice should be applied so that it was nothing unusual for the court to "give a child another chance", but to indicate that the next time he would "have to be sent away". It is more than doubtful that this application of an adult concept of justice-based standards has ever had much validity for socially deviant and maladjusted children and young people. This is simply because either their ideas of justice are not those of society as a whole or the adult concepts are not comprehended by the children. In addition to this there are other children who offend and continue to offend and reappear before the courts for the simple reason that what the courts regard as giving them another chance is, for these children, a question of being put back into the very situation with which they are unable to cope without help that is not forthcoming. Recently there has been created an impression that courts wish to continue with tariff and punitive measures and that there is a demand for more secure provision. Similarly there seems to be an expectation that due process of law plus the application of the available procedures laid

down by Parliament must necessarily and constantly produce the effect we want. This produces a demand that the local authority social services departments should ensure that a committed child never offends again. Society has produced delinquent children and it seems to me that our present-day society has got to live with the effects it has produced. There are, therefore, no instant solutions to the problem of delinquent children. Whether we are after rehabilitation, reformation, or simply an improvement of behaviour, it will take time. This, of course, is where proper observation, assessment and diagnosis come into the picture so that the most appropriate method of treating a particular child can be found as early as possible. Even given this opportunity we will not always be successful in doing this at once. Hence my personal thorough identification with the spirit of the 1969 Act which seeks a flexible system of child care.

Education and Social Work

May I now turn to another of the arguments which has been going on for so long and which has by no means been resolved. I think you will realise from what I said earlier that the argument about the powers of punishment which should or should not be available to courts is a non-argument in the sense that it is out of context. The other matter I wish to mention concerns the question of whether we should educate our children out of their bad habits or whether we should "social work" them into becoming better human beings.

My friend and colleague, Mr. Alun Evans, Director of Social Services, Somerset, speaking at the N.U.T. National Educational Conference³ in January said: "Almost all of us have our own interpretation of education. Some believe that it is learning about things or acquiring knowledge or skills; others have a more ambitious definition and believe it to mean the undergoing of valuable experiences which lead to growth in terms of intellectual, emotional, social and physical development. These are they who regard it as a preparation for life whilst the former category would regard it more narrowly as a preparation for work". My target for education in approved schools is growth—growth of intellectual, emotional and social capacity. I cannot distinguish that from the essential aims of social work. Thus I think those people who argue about an educational approach as against a social work ethic are wasting their time and ours. I would claim that this also applies to the suggestion that we should be therapeutic. I say that without defining the word "therapeutic", but I don't really mind whether one uses it in the wide category of "generally helping" or in its narrow technical meaning of a therapeutic community. Thus I regard social work, including residential social work, as a form of education and wish that we could get away from the arguments about the methods that ought to be used.

At Kingswood we spent much energy and many resources and suffered many traumas in carrying through a between-regime comparison to test theories about how to do our job. Already one paper⁴ has

³ See *Community Schools Gazette*, Vol. 66, No. 11, pp. 613-621. February 1973.

⁴ "The Controlled Trial in Institutional Research". Home Office Research Unit Report No. 5. H.M.S.O. 1972.

been published and another is in preparation. The results show that, given a comparable client population, there is virtually no difference in the eventual results. What we should be doing I think is to ensure that the aims for a particular child or young person are the most appropriate ones for him, so once again we come to the question of assessment.

Olive Stevenson, in a recent article in the *British Journal of Social Work*, has said that "arguments about the special characteristics of clients of certain agencies lead us up a blind ally so far as specialised knowledge is concerned". Brian Harrison,⁵ speaking at a British Association of Social Workers North Regional Conference held in April last year, said that he was "much more concerned with using knowledge which is common to all social work, to understand clients and to make good assessments; and to use the resources available in and to my agency to meet the clients' need for social work help". I warm to Mr. Harrison's statement in the context of the approved schools or special community homes. The recently issued discussion document⁶ prepared by the Working Party on Education for Residential Social Work set up by the Central Council for Education and Training in Social Work states that "since many still conceive of the social work profession as embracing distinct methods, . . . we would define (residential work) as: a method of social work in which a team of workers operates together with a group of residents to create a living environment designed to enhance the functioning of individual residents in the context of their total environment". This seems fine; but it appears to me to be unnecessarily constricted of both the theory of residential care and of actual practice. I am happier with Mr. Harrison's concern to use knowledge which is common to all social work to understand the clients and through that understanding make good assessment. After that we can then concentrate appropriate resources and skills to meet the client's needs for social work help. The question is, of course, how this can be done. In order to answer the question one must inevitably look at the various elements which are necessary to run a successful residential service.

The Elements of a Successful Residential Service

By "successful residential service" I do not mean one which runs without causing a public outcry, nor smoothly in the sense that nothing ever goes wrong in its institution. To run the service so that it carries on unnoticed by the general public should not be a major aim. It probably should not be an aim at all. In fact, I think that if this were to be one of our aims we would be failing to set up the kind of residential service that is needed. We need a residential service which no longer takes society's deviants and keeps them out of sight—if you like, out of the hair of the local community. If we merely do this all we shall achieve is to remove them from view and

⁵ Brian Harrison "A Practitioner's Viewpoint". "A Common Base for Social Work?" A report of a conference held at Otterburn 1972. North Regional Committee of the British Association of Social Workers.

⁶ "Training for Residential Work". A discussion document. February 1973. C.C.E.T.S.W.

keep them out of the way; we shall not be meeting our clients' needs for social work help. Surely the essential need of the clients in residential care is to be enabled if at all possible to return to a normal place in society? This means we must have community involvement.

This is one reason why I personally like the much maligned name "the public system of community homes". I am ready to concede that it is a cumbersome title; I am ready to concede that the words "community home" can mean almost anything. But the fact that it is the *public* system expresses what I believe should be the basic aim. As for the term "community home", I believe that it is an excellent title in that, as I have already indicated, without the interplay between the residential centre and the community, the residential centre will be unable to carry out the task which it should be doing. If there is such interplay it will lead to all sorts of complications and indeed confusions. But human life is full of complications, confusions and contradictions and our systems must take account of them.

Residential services which are "well run", in the sense that they can be said to be "seen and not heard", will be systems of client management designed not to meet the clients' needs but to protect society from knowledge of the problems.

Councils and senior staff concerned with the running of the new social services departments have already, often very painfully, become aware that it is impossible to avoid the local and in some cases the national live political issues of the day. That appears to be so if they are going to run a service which will satisfy the needs of their clients.

The C.C.E.T.S.W. discussion document to which I have already referred also talks about the provision of individual care programmes for clients in residential centres. Amongst other things it says that a decision to admit a client to residential care should be part of a carefully planned care programme and that amongst the activities involved in this planning there should be "a development of a care programme, on the basis of a diagnosis of the client's need, derived from information provided by the client, his family, social workers, welfare workers, psychologists, doctors and others". Again, I think that is a reasonable statement but it seems to me to fall short. I think it falls short when we are talking about child care and particularly that part of the residential child care services which will be dealing with the highly disturbed children, with whom the approved schools have had so much to do in the past. We cannot treat children in care as other than part of their families. Consequently, it would be foolhardy to set up a system, and treatment programmes to work within that system, which ignores the fact that a child is a part of an existing family. Obviously, there are some children who will never rejoin their families in the ordinary sense of that phrase. We must plan for and treat the children as members of the families even though temporarily the children are living apart from their families. This, of course, has enormous consequences for community homes. Although this has been recognised to some extent, it means a radical reappraisal must be undertaken to see whether or not the approved schools which will become special community homes are in the right

places and are of the right size. As evidence of this need one has only to look at the apparent contradiction which has been cited so often in the recent past by magistrates and others about unused approved school places. Very often the explanation of the apparent contradiction of empty places in training approved schools and long waiting lists in remand homes and classifying approved schools has simply been that the vacancies are in the wrong places and are provided for the wrong age groups of children, or the training or treatment provided where the vacancies are does not match the needs of the potential clients. Many years ago a working party report⁷ contained a series of recommendations, one of which was that children should be placed as near as possible to their own homes. Unfortunately at that time, due to various circumstances, a complex series of recommendations was in effect reduced to one only. That one recommendation was that children committed to approved schools should be sent to the school for their particular religious persuasion and age which was nearest to their own homes. This caused many of us a very great deal of professional unease. Now, with the demand that each children's regional planning area should through its planning committee set up a comprehensive public system of community homes,⁸ we should have the opportunity for the radical reappraisal and reorganisation of resources that we so badly need.

The Social Work Team

I would now like to turn to some more specific problems. I have already referred to residential social work as being a team exercise. Clearly the team must not be confined to the workers within the community homes. Many other people must be involved. The team must include the local authority social workers having responsibility for the children and the families. This, however, is a matter of professional practice, and therefore I refer to it as the narrower view.

There is, I think, an extremely important broader view of the team necessary for social work. This larger team involves at the one end the government Ministry which makes available appropriate resources such as funds and training. At the regional level there is the regional planning committee. At the local level it is the local authority and its members aided by their senior officials who are concerned. Such officials as the chief executive, the director of social services and the chief financial officer bear a heavy responsibility to ensure that the need for all appropriate resources is understood by the local authority. What can be made available must be applied to produce the facilities most needed.

The Strategy of Management

What are the facilities needed is a question which can be interpreted in two ways. Firstly, there is the broad strategic planning of the units within the service—in our context the community homes themselves. In more detail there is the question of staffing levels and

⁷ "Kingswood Classifying Area. Report of Working Party". 7.11.62. Unpublished.

⁸ Home Office Circular No. 137/1970. Children and Young Persons Act, 1969. Form and Content of Regional Plan. 12.8.70.

equipment and so on. The local authority member as an individual and as a committee member has a further very important role. The political difficulties that have been encountered by some social services departments are paralleled by the trials and tribulations which the then new Children's Departments had in 1948. These were resolved as the members of local authorities came to realise that looking after other people's children was not the same as looking after one's own. This realisation gradually led to a situation in good authorities whereby professionals of good quality, training and experience were appointed to do the actual work whilst the members of the authority itself backed them up with the resources they needed. This same role exists for the social services committee members and community homes managers especially for those concerned with special community homes. If these special community homes are to take their place within the local communities and use community resources—and it is my belief that this must be the case—then, inevitably, there will be times when conflict will arise between the local community and the residential community home. It is particularly then that the local authority as the management of the community home will have this cogent part to play. Much of this work has in the past been carried out by Ministers and officials of the Home Office Children's Department who have most certainly realised that no approved school could properly carry on its rehabilitative work if it was constantly open to harassment by the public at large or by an aggrieved parent.

I would now like to turn to the question of management in the technical sense of management of resources available, including the staff. There are two broad areas of concern, one long-term, the other short-term.

To take the first, the strategy of management of a community home must be to see that there is a coherent plan for the establishment, for long-term development of the home to equip it for the task which it has to fulfil and the role it is likely to need to fill in the future. This cannot be done in isolation from other circumstances. It must, for example, tie in with the regional plan. It must also tie in with the needs of local authorities particularly concerned with the home; and, in addition, it must tie in with the sociological developments of the particular neighbourhood. It must take account of the shift of population within the areas to which it is most closely connected. All these matters will involve the top management of the home and the local authority's senior social services officers. Similarly, the overall plan must take account of the development of physical communications. The completion of the motorways and trunk road improvements can soon make an enormous difference to the ease with which parents can reach their children and *vice-versa*.

Training and Treatment

In speaking of shorter-term management planning, I would like to refer back to the broad categories of children which I mentioned when I was discussing the apparent attitude of courts. In effect, I said that some children did not have the same ideas of justice as are enshrined

in the law whilst others simply did not comprehend the standards of the courts; others offend because by being given "another chance" they are merely sent back to intolerable situations.

I suggest that there are broadly two groups of children who come into approved schools and will continue to come into special community homes.⁹ There are children who are deviants in the sense that they acknowledge a kind of behaviour pattern with its own social values, which is antipathetic to that which the law stands for. The other group are children who are maladjusted, unadjusted, neurotic—call them what you will—children who have in common with each other a problem of living which they cannot solve for themselves. They need outside intervention and help which they cannot get from within their own families and immediate circle. This means there are two basic elements which we must cater for in our special community homes. One type of youngster can be thought of as well adjusted but anti-authority, whilst the other is ill-adjusted and willing to become adjusted.

The point about willingness to be adjusted is important because, in general, the first class of child is probably not willing to be adjusted in the direction society would like. It is possibly one of the greatest mistakes which social work and education can make about deviant children. Children who do not respond to normal standards are not necessarily willing to be directed and helped towards an accommodation with them. They need training institutions, whilst the maladjusted need treatment institutions. If one accepts any such distinctions then of course the argument about training, or rather education, and treatment immediately falls away. It also, of course, gives one an indication of the skills which need to be deployed in the various special community homes.

However, the implications are more far-reaching than this. Generally speaking a training institute can be described as one which is adult-directed in that the staff of the centre lay down the pattern of what is required of the trainees or pupils who are then expected to follow. Only when they have literally learnt their lesson are they allowed to depart. This approach can sometimes reasonably set goals which are to be reached before a child is allowed to leave the training institution. Such a residential centre can be run without too much contact with outside society. Thus, it is probably of little consequence where such an institution is situated; this is because the need for rapport and understanding with the immediate neighbourhood is not a paramount one. Such an adult-directed institution can be run smoothly, with the minimum of fuss, and in accordance with what is probably the majority view of the general public as to what an institution for deviants should be like—well-ordered, fairly regimented and not a nuisance to the community in which it is set.

In contrast the treatment institution needs to be one in which the client is very highly involved in participation in his own treatment and training programme. Probably these children will be highly reactive to their treatment and even if the institution is not being run

⁹ See "Delinquents Failed by the System". J. L. Burns, *Special Education*. Vol. 60, No. 1, March 1971.

as a therapeutic community (in the technical sense) there is probably a high degree of democratic involvement of the client body as a whole. Thus, this institution, in comparison with the training centre, is likely to appear to the outside observer to be ill-organised, probably scruffy, probably rather run-down and generally not in accord with the popular conception of an institution which is seeking or which should be seeking to reform delinquents. To some extent the difference between the two kinds of institution is a question of the degree of the stress laid upon particular factors and elements within the treatment and training programme.

In the treatment model the greater emphasis placed on the involvement of the client in therapy runs the risk of the client's reaction to the therapy becoming clear to the outside world, and may well seek for its client to enter into community activities such as youth clubs, adventure clubs, the local cadets, the sports centres, and any cultural and hobby activities available. In addition, the organisation of the place is likely to appear haphazard and contradictory with a distinct possibility that there will not be a clear distinction between, e.g. the classroom day and the rest of the day.

The net result of this is that, whereas the first kind of institution might with comparative safety be in a fairly populous area, the second, which is likely to be very dependent on the facilities and the goodwill of the local community, is by its very nature not so likely to be acceptable to the community. If it is put in the sort of area it needs, the consequence is that it is likely to come under much more pressure than a training institution. Because of this the practitioners in the second kind of institution will be specially in need of the support of the local authority, and it is likely that the most senior members of staff of these treatment institutions will have to spend a much greater proportion of their time in explaining their policies, efforts, objects and strategy to local people and others who could be a source of support and/or stress.

Peer Group Structures

It might be appropriate if at this point I said a word or two about the conduct of internal management. I have already defined what I mean by management in this kind of context. Many eminent sociologists have described total institutions.¹⁰ The kind of split life in an institution which Goffman describes is a very readily discernible risk in an institution such as a special community home. But we can see with great clarity that we have got to avoid this kind of split between client and staff which produces a non-productive "we/they" situation.¹¹ This is particularly so in the treatment model. It is my belief that we must work as far as we possibly can on peer group structures, with each boy being a member of at least two such groups. Thus the client would be a member of his own particular peer group in the school and of his own peer group outside the school in his home community. Similarly, the members of staff actually working in day-to-day contact with the boys must seek to become

¹⁰ See e.g. E. Goffman, *Asylums*. Penguin, 1968.

¹¹ See H. W. Polsky, *Cottage Six*. Russell Sage Foundation, 1962.

members of the boys' living group peer structures. I do not mean, of course, that members of staff must ape the boys' behaviour. What I do mean is that they must seek to become members of the same community as the boys, making it clear that their aims are the aims of the boys.¹² If the boys' aims are not acceptable as an appropriate norm in society then it seems to me that the right course of action for the staff is to gain the confidence of their clients so that the staff are able as members of that group to explain why the group's standards and behaviour are unacceptable, and then seek to modify them. This is where personality, training and skill come in. These skills are extremely difficult to learn and acquire and, above all, to exercise. In this context we ignore the lessons of group dynamics at our peril.

Similarly the members of staff in day-to-day contact with the boys must have some sort of leader who will probably be a member of the middle management group. The middle management group members would also be members of the staff-boy contact group. There would then be the senior staff of the institution. Putting this into present-day approved school language we are talking about the teachers and residential child care staff being members of the boy contact groups, the housewardens being middle management and the senior assistant, deputy head and head as being the senior staff. I find these hierarchical terms distinctly unhelpful and would like to find different terms that do not implicitly carry with them the idea of overall responsibility in the sense of overall power. I see a senior coordinator, not a head, as the senior of a number of consultants, e.g. I would see a place for middle management staff as leaders of boy contact groups and more experienced staff as consultants in such comparatively specialist areas as residential child care matters and education. The senior member of staff and his peer groups would take it in turn to be available for consultation throughout the functioning life of the institution. You will see that I am carefully avoiding the use of words emotive of the exercise of power in the traditional sense of ordering other people to do things. This is quite deliberate on my part. Ordering of people who should essentially be professional people forms no part of my pattern for the future. Having said that I fully accept that someone has to be properly responsible for the institution and obviously this would have to be the person we now call the head.

Summing up the Problems

As the notes of the programme of this lecture series indicate I was asked if I would try to pay special attention to the problems which exist between the community schools and other agencies concerned with social work. I hope that I have been able to give some clues as to my own thinking on these particular points and some indications as to how I think they might be solved. I have in no way tried to indicate what methodologies I think should be used in the community schools in the future. This is because I think it would have

¹² "Care and Treatment in a Planned Environment", Home Office Advisory Council on Child Care. H.M.S.O. 1970.

been impossible to do so in a lecture of this length. It really needs a lecture to itself even to explore the fringes of the possibilities. But I must mention the (unpublished) report of the Dartington Research Unit into the Sociology of Education, entitled "A Comparative Study of 18 Approved Schools Which Explores Their Stylistic Variety and the Commitment of Boys and Staff", 1972, which calls attention to the fact that approved schools have in the past paid too much attention to organisation, largely because of the structures of the system within which they have worked.

In an attempt to sum up, may I say that I see as the main problems of community schools their status so far perceived as that of a kind of junior penal institution wherein the ultimate sanction or deterrent available to the courts was exercised, and their isolation from the rest of the child care and the education systems. Further I think that there have been sterile arguments, e.g. about whether community schools should be educational or social work institutions. However, it seems to me that approved schools have suffered above all from a totally unclear definition as to their purpose. According to the 1933 Act, approved schools were to be provided for children to be sent to them by the courts.¹³ Nowhere in the Act is there a better definition of the approved schools' purpose than this. If one looks at the Approved School Rules¹⁴ one gets very little further help. Nothing specifically sets out the over-riding objectives. On the whole, the staff of an approved school have not been content simply to receive children sent to them and just to look after them. The staffs have nearly always wanted a much more positive role than this. Many have seized the opportunity to do this so that much pioneering work has gone on in approved schools.¹⁵ Most of it has been overlooked by both child care and education. Unfortunately, most work which has been recognised has tended to be in those schools which have been fairly highly selective of their population so that their ideas have been incapable of general application to the approved schools overall. This is not meant in any way to be a criticism of the people involved in any experimental school, but is simply a statement of what I perceive to be fact.

"The Public System of Community Homes"

There is an avowed object to provide through the means of the public system of community homes a flexible system of residential care for all children in need, no matter how their needs have come to public notice. Within this system the present approved schools are to be integrated. Practically all present approved schools will become community homes, most on 1st April, 1973, and the remainder on 1st October. The opportunity this gives us all is that community schools will be part of the general provision for children deprived of normal home life, deprived of normal care, deprived of normal control. I have tried to indicate some of the problems

¹³ Children and Young Persons Act, 1933. Section 79.

¹⁴ The Approved School Rules, 1933. S.R.&O. 1933, No. 774.

¹⁵ "Kingswood Schools, Bristol". J. L. Burns. *The New Era*. Vol. 53, No. 4, April 1972, pp. 103-110.

that will have to be overcome if we are to make a success of this. Success will call for great effort on the part of Government, local authorities, the staff of schools, the staff of social service departments generally and social workers; and, what is more, the whole of this vast array of organisations and people will have to work in concert as a team.

Perhaps I might conclude by saying that I welcome the changes. I look forward to the new era and I believe that it will work. The knack of making imperfect systems work is very much the sort of thing at which the British administrative and executive arms of government excel. I am sure that we will make the public system of community homes work, even though it is still to be made up of institutions owned and run by local government, institutions owned by voluntary bodies and run partly by them and partly by local government, and some run mainly by voluntary bodies. If I have a fear it is that, with a much greater local authority involvement in the management of community schools than has been the case in the past, there will be less opportunity for the charismatic leader to engage in progressive and even comparatively revolutionary work. We need experiment by such characters but some of this work will inevitably go wrong. However, unless such people are allowed and supported in their experimentation we will not learn and will thereby fail to take the opportunity to improve our methods. If we do not improve our methods we will fail the children who are our great responsibility.

END