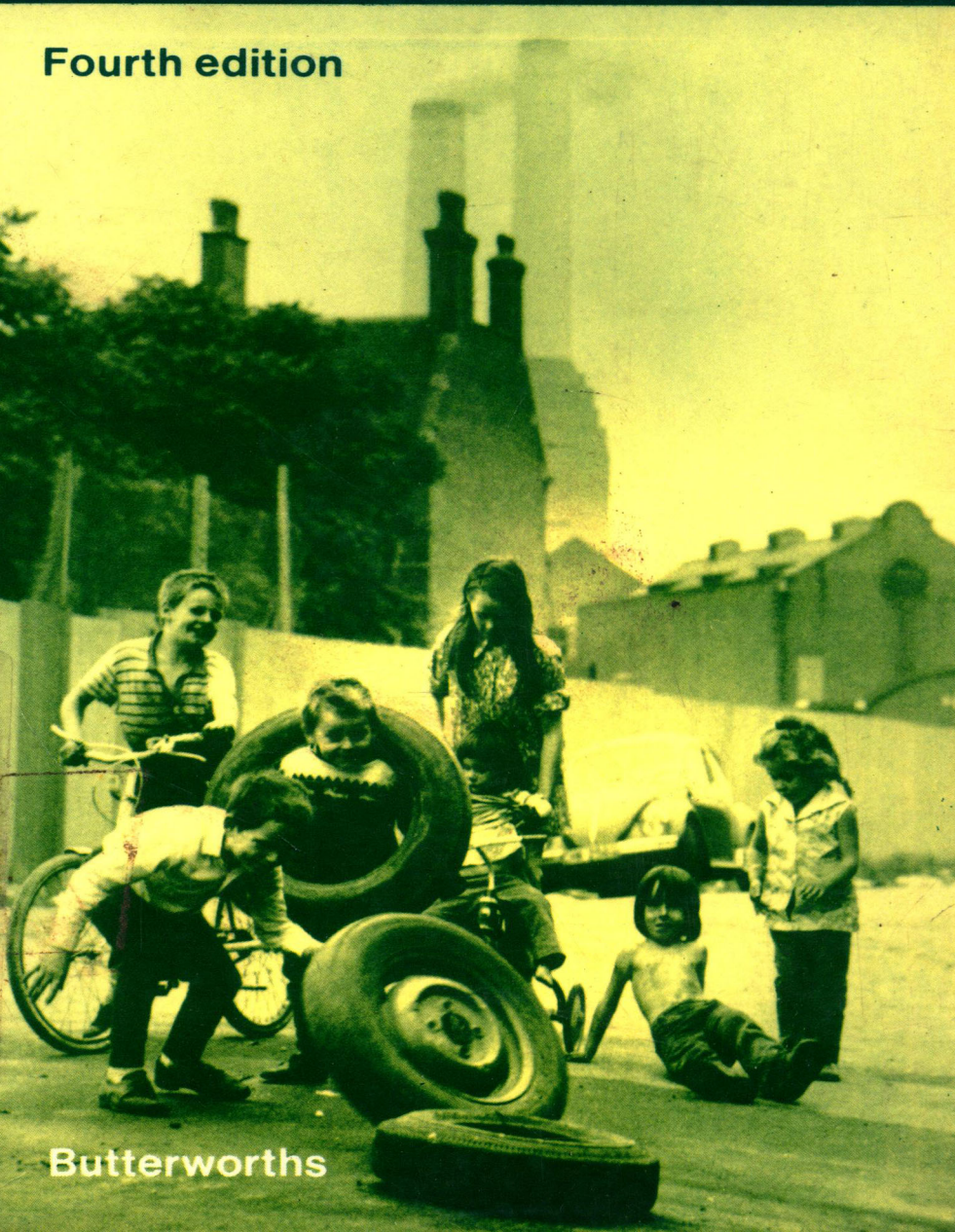


Leeding's Child Care Manual for Social Workers

Fourth edition



Butterworths

CHILD CARE MANUAL FOR SOCIAL WORKERS

FOURTH EDITION

BY

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1980

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**CHILD CARE MANUAL
FOR
SOCIAL WORKERS**

TO MY WIFE
With gratitude
for many years of care

FOREWORD

This is the 4th edition of Mr. Leeding's Child Care Manual. It concerns itself with a wide spectrum of the social policies and the structure of services in England and Wales relating to children and young persons and their families; the focus is on young people under 18 years of age who are in trouble and in need.

The social policies and background and the relevant law are interwoven. The law of the land is a "body of enacted or customary rules recognised by a community as binding"; this body of rules reflects from generation to generation what is thought to be justice. "The nearest we can get to defining justice" writes the Master of the Rolls, Lord Denning, "is to say that it is what the right minded members of the community—those who have the right spirit within them—believe to be fair. Law and Justice are treated as inseparable."

This is most clearly shown in the oath the Queen herself must take at her Coronation. She is asked by the Archbishop of Canterbury, "Will you, to your power cause LAW and JUSTICE in MERCY to be executed in all your judgments." This applies to all subjects of the realm.

To implement Law, Justice and Mercy it is necessary to understand the social background and origin of a law; it is necessary to be conversant with the law and furthermore to subscribe to the discipline of the law. This Manual provides this knowledge and is therefore commended to parents, Probation Officers, Social Workers, Teachers and Youth and Community Workers, indeed all those dealing and working with children.

An overall picture is given of Preventive Work in relation to families and children experiencing difficulties, the Protection of children, the work of the Courts and the care and control of young people thereafter.

Some of those seeking to help children and young persons in a preventive role perhaps through community activities or through personal relationships, find their role a complex one if and when the child or young person appears before a court. Inevitably there is a change of emphasis in the relationship if Law, Justice and Mercy are to be wisely administered, while, at the same time the helping adult must with sensitive social work skills sustain the relationship with the family and the offender. The care of the individual, the control of the individual and the implementation of Law and Justice with Mercy, are surely not incompatible.

The comprehensive social panorama and the clear, concise and detailed teaching on the law given in this Manual should enable those committed to working for and with children to be better able to carry out their complex

task of acting positively in the child's best interests, and at the same time safeguarding the precepts of the law.

The Baroness Faithfull, O.B.E., D.Litt., M.A.

November 1979

PREFACE

The third edition of this book took into account those sections of the Children Act 1975 which were in operation at the beginning of 1976. The last three years have not seen the introduction of a "comprehensive adoption service", or of custodianship, the intended alternative to adoption; but in that time there have been important changes in adoption procedures and in legal provision for children, specially for those in local authority care.

The "welfare principle", though not entirely new, has stressed the importance of the wishes and feelings of any child when a decision is being made about his care. Such a decision can only be made within the bounds of what is lawfully possible. Recognition of this has enabled social workers and their legal advisers to develop a close partnership which has become an outstanding feature of child care practice.

Another outcome of the welfare principle is the realisation that a child may need to be represented in care and similar proceedings by someone other than his natural parents. So far such "separate representation" is severely limited but it may be expected to expand as further sections of the 1975 Act are brought into operation. For social workers this will bring the challenge of working directly with children – of all ages – and of being able to interpret to courts, to colleagues, to solicitors and perhaps to parents what their "wishes and feelings" really are.

I am indebted to the Gloucestershire County Council for permission to quote from their Community Care Programme, and to their Chief Executive for advice in the writing of Chapter 1. My thanks are also due to a number of former colleagues in Gloucestershire who have helped in various ways; and to the Director and staff of the Association of British Adopton and Fostering Agencies for many kindnesses received.

Chalford Hill,
Glos.
June 1979

A.E.L.

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Chapter 1

RESPONSIBILITY FOR CHILD CARE: ENGLAND AND WALES

SUMMARY

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CHILD CARE AS PART OF PERSONAL SOCIAL SERVICES	1
Government; Voluntary organisations: Local authorities; Other bodies and organisations.	

CHILD CARE AS PART OF PERSONAL SOCIAL SERVICES

In general terms child care may be defined as a blend of legislation and practice which inspires the social care of children and young persons under the age of 18. It has a long history, but the modern concept developed after the Second World War, when the Curtis Committee¹ report was followed by the Children Act of 1948; this established a social service specifically for children who for various reasons were unable to live with their parents under normal home conditions. This service led inevitably but gradually to a concern for the families of such children. That concern helped to shape the concept of the "community based and family oriented" service proposed in the report of the Seebohm Committee.² But there is still, in 1979, the International Year of the Child, a recognisable entity known as "child care"; the Children Act of 1975 has given it new significance and importance within the personal social services provided under the Local Authority Social Services Act of 1970. There are three partners in the social service enterprise, the Government, the voluntary organisations and the local authorities.

1. GOVERNMENT

For many years, both before and since 1948, successive governments have been initiating and sponsoring progressive legislation in the interests of children; all child-care functions in England are now carried out under

the general oversight of the Secretary of State for Social Services, through the Minister for Personal Social Services and the staff of the Social Work Service based in London and at regional centres throughout the country. The tasks of the Social Work Service are set out in Circular DSWs (79) 1. Child-care functions in Wales are under the general oversight of the Secretary of State for Wales who also has the support of a Social Work Service. The functions of the police, the courts, and the probation and after care service, however, are still within the purview of the Secretary of State for Home Affairs.

2. VOLUNTARY ORGANISATIONS

Child care was largely pioneered by voluntary organisations, many of which are still very much concerned in it and are making an increasing contribution to the service as a whole. Most of them are in membership of a National Council of Voluntary Child Care Organisations which enables them jointly to consider current problems and to co-operate in many and various ways. A voluntary organisation is defined in the Children Act of 1948 as "a body, the activities of which are carried on otherwise than for profit", but is not "a public or local authority". Clearly, such organisations have no obligation to exist, or to undertake child-care work at all. They are free to provide such services as they think necessary or desirable, and have already initiated new experimental schemes and carried out original research of benefit to the service. For these voluntary organisations, child care is still a specialist service, indeed the only specialist service for children in difficulties; as such, it strengthens and supports the more wide-ranging social services of local authorities.

Although voluntary organisations are independent of both the Minister and local government, some of their activities are subject to the Regulations which apply to local authorities, for instance with regard to the boarding-out of children in their care and the conduct of community homes; the advice of the Social Work Service is available both to voluntary organisations and to local authorities.

3. LOCAL AUTHORITIES

The duty of implementing social service legislation falls mainly upon local authorities, and there are many statutory requirements which are binding upon them, but not on voluntary organisations. Since local government was re-organised in 1974, there have been seven different types of local authority ranging from parish councils (community councils in Wales) to metropolitan counties. Only four types of local authority have social service responsibility, however, these being the Common Council of the City of London, the London boroughs, the non-metropolitan counties and the metropolitan districts.³ Of these, the last-named are "all-purpose" authorities, the others being "most-purpose" authorities which do not provide all services. No local authority has power to delegate social service functions to a council of a different type, though there are a number of

services in which there is consultation and co-operation between the councils of non-metropolitan counties and non-metropolitan districts. Some of the latter were county boroughs prior to 1974 and as such had full responsibilities for personal services, including child care. Current proposals for "organic change" would restore the former position but have met with considerable opposition. The present structure of local government may not be ideal from a social services point of view but supporters of the *status quo* do not consider that it will be improved by premature and piecemeal change.

Since the personal social services depend so heavily upon local authorities, social workers who are employed in local government should have some general idea of the way in which the affairs of a council are managed, even though they may feel that this subject is rather remote from their day-to-day work. Some understanding in broad outline may help to explain how decisions about the use of resources are likely to be made, and why it is that not all demands for a particular service will be met. The current serious anxieties about the lack of resources for all local authority services (including the social services) have stressed the importance of making the best possible use of the main resources of land, manpower and finance, so that the investment may be of the greatest ultimate benefit to the community as a whole.

A *Committee Structure*

A local authority consists of a number of people who have been elected by the public to form a council; it is therefore a corporate body. As such, it is ultimately responsible for all the decisions taken in its name, but because of the vast range of its responsibilities, it has traditionally operated through a number of separate committees (most of which were established by statute). Each of these has delegated to it certain powers for the day-to-day performance of the duties of the Council as a whole. As new functions have continued to be entrusted to local authorities, so they have been delegated to the most appropriate committee. In this way there has grown up a concept of a number of specialist committees with sole powers to deal with specific subjects; this has become an accepted part of local government but it has been strongly challenged in recent years.

The specialist concept has been strengthened by the fact that local authorities once had an obligation to appoint a number of specified chief officers—for instance, a clerk, a treasurer, a chief education officer, a director of social services and a surveyor. When such a chief officer was appointed, it was assumed that he should lead a department, even though departments as such have no legal recognition in local government, and consist only of the facilities and staff provided to assist the designated chief officer in his work. It has always been assumed that a chief officer reports not to the Council, but to the committee whose special functions he carries out.

These trends led to a local government pattern of a number of separate committees, each served by a chief officer with his "department", having

its own professional skills and expert knowledge, but confined to only one aspect of the Council's overall activities.

It has therefore been very difficult in the past for a local authority to achieve unity in its internal organisation, since instead of co-operation there has been competition for resources; the system has tended to make the committees' interests more important than those of the community they serve.

B *Corporate Management*

As this has been increasingly recognised, and as local government has spent greater sums of public money, it has become clear that a different approach is essential. If a local authority is to function effectively, it must adopt a corporate scheme of management so that it acts as one entity rather than as a group of loosely allied committees, each with its own chief officer, and each, quite understandably, seeking the maximum resources for its own activities or services. A local authority, unlike a business organisation, cannot demonstrate its effectiveness by the amount of profit it makes, but it must find some other way of measuring the effect of its growing expenditure; in the final analysis this must be done by assessing the impact of its services on the well-being of the community at large.

With this in mind, local authorities have devoted a great deal of attention to management techniques designed to promote a corporate, rather than a committee, approach. These techniques have different names, for instance, M.B.O. (Management by Objective) or P.A.R. (Performance Analysis and Review), and they may have somewhat different methods; but they all have the same purpose, that is, to decide what the overall objectives of the Council are, how they can best be met, and how they are in fact being served by the multifarious activities of the Council's staff in the exercise of statutory powers. These questions naturally give rise to consideration of preference and choice. Which is the best way of meeting this objective? Is proposal A more important than proposal B? Given present resources, what is the Council's order of priority?

Clearly, this management approach cuts across the traditional pattern of entirely separate committees and specialist chief officers. Its implementation has many effects, of which two are mentioned here:

- i Chief Officers under the leadership of the Chief Executive are grouped into a management team, and *in that capacity* should consider the interests and performance of the Council as a whole, rather than merely representing their own service responsibilities.
- ii Committees work more closely to a central Policy and Resources Committee which, as its name implies, first agrees upon the Council's overall objectives and is then responsible to the Council as a whole for the best use of its resources of land, manpower and finance.

From these two innovations many others flow: the importance of research, the pooling of statistical and other information, uniform policies for staff recruitment and training, and methods of periodically reviewing

the actual performance of the Council in moving towards the objectives it has adopted.

C *The Local Government Act 1972*

This kind of thinking was going on in a number of the former local authorities before re-organisation and it was realised that the formation of new authorities under the Local Government Act 1972 would present a great opportunity for radically changing the traditional patterns. The Secretary of State for the Environment, together with the then local authority associations, set up a Study Group in May 1971 and in 1972 received its report, entitled *The New Local Authorities: management and structure* (usually known as Bains Report). This contained a number of recommendations which were fitted into the framework of the Local Government Act 1972, operative from 1 April 1974.

As a result of this Act, local authorities now have wider discretion with regard to the appointment of specified committees and designated chief officers, but, contrary to the Bains recommendations, are still required to appoint a *Social Services Committee* and a *Director of Social Services*. The import of the Act, however, is to give authorities greater freedom in the management of their internal affairs and there is much to encourage the adoption of the corporate approach even though a "special" committee and chief officer must be appointed for social service functions.

Corporate management, however, is not without its problems; a chief officer may have less than full control of such matters as research, staffing, and training of his own staff, because these are looked upon as resource services provided centrally for the whole of the local authority's organisation; in some cases he may not even have ready access to the powerful Committees which determine policy; or he may not understand the reasoning behind their decisions.

D *Standing Orders*

All local authorities make rules, known as Standing Orders, governing the conduct of the Council's affairs, and specially such matters as the appointment of Committees, delegation to them, and to officers, of the Council's powers, procedure at meetings, and the making of Financial Regulations. The Standing Orders are the instrument by which the Council sets out the ways in which it operates within the overall authority of the Local Government Act.

E *Committee Procedure*

The committee procedure in any local authority is a matter for the authority to determine and may, therefore, take different forms. Many local authorities have adopted the recommendations of the first Maud Report with the result that sub-committees have been greatly reduced in number or abolished altogether. In these authorities, day-to-day decisions are taken by the permanent staff of the departments, within a system of delegation. The Committee itself may meet only quarterly, and confine itself to the discussion of policies and principles, including the use of

resources allocated to it by the Council. In such authorities, it is unlikely that social workers will attend the meetings of the Committee unless there is some matter of policy arising in connection with a particular case or unless they have been co-opted either personally or as union representatives.

In other authorities, where sub-committees exist, they are usually concerned with a section of the Committee's work, such as the administration of homes, and may receive detailed reports from members of staff who are directly involved with the matters to be discussed or, they may have oversight of a service within a part of the Council's geographical area.

Some Social Services Committees have found it advisable to set up a small standing sub-committee to deal with matters of urgency, complaints from the public, or cases of particular difficulty referred by the staff for detailed consideration.

Officers of the authority are not members of the Committee or of sub-committees; they have the duty of tendering advice to the members and reporting on subjects of interest or concern. Officers cannot therefore vote, or speak to a motion, though they may be asked to give their views on any item on the agenda. Under the Local Government Act 1972, authorities have wide powers for the delegation of responsibility from the Council to committees and from committees to sub-committees or to officers.

F Finance

One of the central functions of a local authority is the approval of an annual budget, by which money is allocated to the various services and objectives. Like any other budget, it is made up of income and expenditure.

Income is derived partly from miscellaneous sources, including the charges made for some of its services, but mainly from the rates levied upon householders, and from the Government Rate Support Grant. This grant amounts at present to over 60% of total income and should in theory enable an authority to make its own decisions about the services it will provide. The government grant is calculated annually and is based on a "needs" element, a "resources" element, and a "domestic" element. It takes into account for each authority various population factors such as age distribution, school-age children, one-parent families, and the number of households lacking basic amenities. While there are a few services which receive a specific amount of grant, the police service for instance, the grant is made primarily in respect of an authority's total services and is not earmarked for particular purposes.

Expenditure can only be properly incurred under the various statutes which lay duties on the Council, and must be kept within the budget, once approved. All expenditure must be certified by the appropriate Chief Officer, and is subject to the authority's Financial Regulations, to internal audit, and to the annual audit of the Government Auditor.