CHILD PROTECTION IN GREAT BRITAIN: A SURVEY OF RECENT TRENDS,
WITH PARTICULAR REFERENCE TO THE PATTERNS OF CO-OPERATION
BETWEEN STATUTORY AND VOLUNTARY CHILD WELFARE AGENCIES

by
Kathleen Ann Constabaris
Robert John Frederick
Doris Catharine Lennie
Elaine Elizabeth Lovecky

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School of Social Work

The University of British Columbia, Vancouver 8, Canada.

Date 15. 5. 64
ABSTRACT

The social welfare services of the western nations are administered in almost all cases through a combination of voluntary and statutory organizations. The patterns of the relationships subsisting between these two kinds of welfare agency exhibit wide variations from one country to another, and between one area of service and another within the same country. Although there is an extensive literature on the subject purporting to state the nature and scope of the roles peculiarly suited to each of the two kinds of agency, it is not in fact apparent either that the claims of attributions on which this literature rests are valid or that the activities of the agencies themselves conform in a regular way to the model.

The present study deals with one area of welfare services in one jurisdiction, namely child welfare service in England and Wales at the present time. It attempts to determine what the character of the relationship between private and public organizations in the field of child welfare is, to evaluate the relative advantages and disadvantages of that relationship, and to offer a number of hypotheses designed to explain the idiosyncrasies of the relationship. It is conceived as one of a number of projected studies, all of which are to be concerned with assessing the plausibility of conventional accounts of the public-private relationship, with the identification of the principal causes of the relationships that are actually observable, and with contributing to the development of a theory of the matter which would assist in the formulation of realistic, efficient and logically consistent methods of organizing and administering social welfare services.

The main findings of the study are that: 91) marked differences in the relations between private and public welfare agencies exist even between the constituent parts of a single area of service, — in this case, between delinquency, adoption, protection and recreational services within the single area of child welfare; (2) these differences seem as often as not to be the result of historical accident rather than of principled adherence to a coherent view of what the private-public relationship ought to be; (3) the problem of explaining the sources of the historical accidents in question does not appear to be amenable to any general mode of explanation in the present state of our knowledge of the subject; (4) gross inefficiencies in the administration of child welfare services are a common consequence of unwillingness or inability to come to terms with the problems arising from the co-existence of private and public organizations.
ACKNOWLEDGMENTS

To Mr. Adrian Marriage, our thesis advisor, and to the many overseas agencies who so graciously fulfilled our requests for information, we wish to acknowledge our appreciation and thanks.
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Juvenile Delinquency defined. The indivisibility of child welfare.
JUVENILE DELINQUENCY DEFINED

In the opinion of W. David Wills, former Borstal employee and author of the book, "Common Sense about Young Offenders", juvenile delinquents are "young offenders between eight and seventeen, whose way of life is in general at variance with what is acceptable to society at large, and who are repeatedly guilty of offences with, (in general), a moral connotation." ¹ The delinquent behaviour of these young people frequently gets them into trouble with the law; but whether or not they are apprehended by the law, they are still delinquents if, as Mr. Wills says, their behaviour runs contrary to what society deems appropriate. What is commonly called delinquency, is essentially a process of involvement. This is a social process of differential association and identification, and is really not basically different from that process whereby a youngster becomes an active and participating member of a club or group. The difference lies not in the basic process but in the standard behaviour pattern of the group with whom he becomes aligned or involved, if you like. Group membership is a dynamic thing and an individual joining a delinquent group moves, depending on the hold the group has on him, on

the experiences confronting him, and on the choice he makes as a result of the hold and the experiences, either in the direction of crime, or towards conventional behaviour.

**THE INDIVISIBILITY OF CHILD WELFARE**

Although juvenile delinquency is a distinct province of child welfare, it has an indivisible connection with the other provinces of child welfare, and should therefore never be considered in utter isolation. The kinds of conditions such as family disorganization, precipitate social change, the moral uncertainties of the age, which give rise to or are associated with juvenile delinquency, are the same kinds of conditions which give rise also to dependency, neglect and other problems of child welfare. Hence, there is an imperative need for the boundaries between the different child welfare services, (including those which deal with juvenile delinquency), to be kept fluid, and for the highest possible level of co-ordination between the various services, whether they be publicly or privately sponsored.

**STATUTORY AND VOLUNTARY RELATIONSHIP DEFINED AND DESCRIBED**

In Britain a widespread partnership between statutory and voluntary agencies is a modern conception of social welfare. The statutory agencies are agencies authorized and supported by public authority with specific mandate and responsibilities, and with more specialist and professional staffs on the whole than the voluntary agencies which are devised from and supported by a "diffused concern of private
citizens for certain aspects of public welfare". Small voluntary agencies are largely staffed by unpaid volunteers, although the larger voluntary services do depend greatly on a core of professional staff. Between the major voluntary agencies and the statutory agencies there is a kinship - the two services have in view purposes of the same kind. The public authorities rely on voluntary organizations either to supplement the work of their own officers, or to undertake such other services as fall into the framework of voluntary organizations, such as research projects, prison visiting, family welfare, and they, (the statutory agencies), give financial help to that end. It could be said that the special province and strength of voluntary services is their direct and personal relationship to the individual or small group. It could also be said that the special province of the statutory services is with material means and environmental conditions. But these statements are only partly true - there has been and is overlapping of the one into the province, if you like, of the other: i.e. the voluntary services have been and are active in providing and encouraging material facilities, and the statutory services also have been and are encouraging themselves with problems of individual welfare. At the present time both the public and private agencies would accept the criterion that the test of their work is the extent to which it enables individual men and women to achieve personal integrity, health and welfare.

In Britain the whole apparatus of statutory services derives from the work of early voluntary associations which in turn derive their services from the work of the churches. The Christian Church, both before and after the Reformation, was the inspiration and support of nearly everything we now call social services. Britain owes to the Church the beginnings of education, hospitals, arrangements for relief of the poor and the handicapped. The Church encouraged and drew upon private charity, individual or group, to carry out its good work while it kept most of the administrative powers. Until the nineteenth century the State took very little, and in some cases, no part in services to the needy until the century was well under way and the needs of a new individual society in the midst of plenty forced the State to become more provident in the matter of social services - services armed with more authority, and far more extensive in scope than those provided by the combined efforts of church and private charity. From this point in history on, the intervention and action of the State in every field of health and welfare grew rapidly. However, the present day statutory position of the social services was not accomplished in a single step. It was preceded by a long period of action by a voluntary association of private citizens in all fields of social service towards, first and foremost, mitigating individual human suffering, and towards bringing about social change in governmental policy. All the efforts of this association of private citizens, which had its origin about one hundred and fifty years ago, were directed towards broad social objectives such as better housing for the poor. The work of
these people marked a new development in Britain's social awareness and marked the ability of that awareness to affect deliberate social change. The efforts of these voluntary societies, having their origin in the Church and spreading to secular groups, finally acted as a propulsive agent to the State, which began providing its own instruments for bringing about social change.

THE DILEMMA OF THE VOLUNTARY AGENCIES

Although volunteers, both individuals and societies, did much to mitigate the suffering of many, some of their number saw the eventual necessity for State intervention when the scope of public suffering became too big and unwieldy for patchy and piecemeal mopping up operations. However, the majority of voluntary bodies did, and still often do, retain an attitude of resentment towards the statutory services for "taking over" so to speak, their rightful functions. For a long time the voluntary bodies had considered themselves, and were in turn, looked upon as the sole protectors of the deprived. Particularly in the field of child welfare did they feel this way. With the increasing legislation on behalf of children in 1933 and especially in 1948, meaning that the State was assuming more and more responsibility in this area, the voluntary bodies began to feel threatened in their position of supremacy. After almost a century of dominance they, after 1948, were no longer the major sponsors of services and they did not take to this kindly and found it difficult to adjust to the idea that the local authority, "hitherto considered as hardly deserving of the status of colleague in child care services had,
(after 1948), some supervisory responsibility for children in child care".  

However, beyond the threat to the prestige of the voluntary agencies, was the threat to their very existence caused by the movement of statutory agencies into most basic functions of voluntary care. The voluntary agencies were in a dilemma. On one hand was the possibility that if they responded and acquiesced to the changes resulting from the introduction and broadening of statutory services, this might be proclaiming their secondary position and cause them to lose the public support they had formerly enjoyed. On the other hand, in view of the large amount of statutory expansion, was the possibility that they might not be able to justify their duplication of statutory functions. Samuel Menscher says "the inability of voluntary agencies to resolve the dilemma between their traditional role and the demands of the current situation has greatly limited their adaptability and consequently the possibility of their forming a constructive relationship with statutory services."  

How does the foregoing affect services to juvenile delinquents? What is the relationship between the voluntary and the public agencies in this area? To examine this it is necessary to take each service existing for the young offender and describe the existing relationship between public and private agencies insofar as possible.

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2 Menscher, Samuel: Ibid, Page 76.
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THE ORIGINS OF THE JUVENILE COURT IN ENGLAND

The common way of dealing with juvenile delinquents, no matter how young they were, before 1908 and the establishing of juvenile courts, was to sentence them to prison cells and birching for no matter what offence. There was very rarely any differential treatment, although prior to 1908, there were a number of statutes which allowed the courts to deal with children in other ways besides imprisonment. There was the beginning of a probation system, there were industrial schools and reformatories, but only the more forward-looking and enlightened of the juvenile courts used these methods. The die-hards kept on using the traditional resources - prison and beatings. With the 1908 Children Act all this began to change. In the past fifty years there has been a complete revolution in the methods of dealing with juvenile delinquents both on a public level and on a private one, though statutory provision has paved the way for, and set the course and co-ordinated the efforts in some cases, of voluntary action. The juvenile courts which determine the fate of young offenders, through the years, have been relying increasingly upon treatment and education for these young people rather than upon punishment per se. In other words, the courts are gearing their sentencing of delinquents to what will help them in their future lives - to rehabilitative training and education. In sentencing delinquents the courts have recourse to a variety of instruments and resources, but before describing them and the public-private relationship existing in them, let us first consider the juvenile court itself - one instance of increasing public recognition of its responsibility for the fate of its troubled young people.
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JUVENILE COURTS DEFINED AND DESCRIBED

Juvenile courts today, to deal exclusively with juveniles, as defined by the Children Act of 1908 are summary magistrates courts - i.e. they are courts presided over by lay magistrates and ordinarily try the less serious offences. However, in the case of the juvenile court, the term summary has a wider meaning. All offences of whatever nature, (with the exception of homicide), are (as of 1959), tried by the juvenile summary courts. These courts meet in a room or building apart from the regular rooms or buildings where adults are tried, in order to protect the young offender "from contamination through contact with criminal courts and especially with adult offenders."¹ (As of the 1963 Children and Young Person Act, juveniles are tried in the same courtroom as are adults - a retrograde step to the very contamination of adult offenders avoided prior to this Act). The 1963 Act will not be examined in this paper as will not other legislation or events improving services to delinquents after 1959, except in passing.

Courts dealing with children and young offenders from eight to seventeen are a matter of interest to every person concerned with children's welfare in any capacity, as in the administration of justice in summary courts - e.g. teachers, social workers, staffs of social agencies and of statutory departments, magistrates' clerks, lawyers and, of course, magistrates themselves. Each of these persons or bodies approaches the matter from the aspect with which he is most

familiar: - the child, the family, social services, the law and the administration of justice. Some of these individuals, bodies and services are more interested and aware of the treatment of the young offenders, some are more aware of the need to preserve civil liberties. This makes for some confusion of purpose which is further added to by the introduction of examples from other countries whose legal systems, cultural heritage and political history bear no resemblance to the British systems' heritage and history.

As stated previously, the present (1959) juvenile courts are courts of summary jurisdiction and are governed exclusively by acts of Parliament. There are other summary courts dealing with adults and hearing particular types of cases - the domestic summary courts hearing summonses for desertion or failure to provide support. The greater bulk of the work of the juvenile court is concerned with indictable offences - criminal charges, e.g. larceny. To understand the procedure of these courts it is necessary to look at the procedure for trying criminals in the ordinary summary (adult) courts. The courtroom in which the proceedings take place in a magistrate's court is usually imposing - more so than it need be, for the proceedings are fairly economical of time and simple. The room must be large enough to hold the Bench, consisting of from two to seven magistrates, most of whom are lay; (In the juvenile court the number of magistrates sitting on the Bench is usually three, one of whom should be a woman - or, two women may sit alone.); the Bench's clerk, who is a lawyer - a professional; the court officers; the parties and their representatives and witnesses; representatives of the press and in an adult court a reasonable number of the public. In
addition to accommodating all these persons, arrangements for seating of the participants in the proceedings will have to be made. - e.g. the members of the Bench and their clerk should sit close enough to confer on the case without being overheard and yet not so close as to cause crowding and discomfort. The clerk must not be so close to the bench members that he appears to be participating in the deliberations of the magistrates, yet close enough for consultation with his magistrates - clearing up points of law, etc. The witnesses giving evidence need to be visible and easily audible both to the Bench and to the parties concerned and their legal representatives if any.

For the simplicity of the proceedings many of the magistrates' courts are too imposing - in many cases the Bench sits several feet off the floor of the courtroom while the clerk is suspended half-way between the floor and the Bench. The defendant comes at the bottom of this arrangement - on the floor. In juvenile court this latter arrangement does not usually apply. Some attempt is made to have the defendant near to the Bench - to make the atmosphere more informal, but the result is not entirely in line with the needs and capacities of children in trouble. Usually everyone is arranged around a large board-room table in a small room - defendant, parents, social workers, the local authority members of the press, police, the magistrates' clerk, and the magistrates; and in these circumstances it is difficult to maintain proper distance or avoid crowding. It is confusing here for the juvenile to know who his judges are, whereas in an adult magistrates' court there is no possible doubt in this matter. Often children confuse the clerk with "the Judge".
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In addition to the court room itself, there will need to be rooms adjoining where the parties concerned can consult their legal representatives; places where witnesses can wait until they are called; places where, in an adult hearing, prisoners can be held until their cases are heard and places where magistrates can gather together before and during a case to consult and to consider their verdict. As well as accommodation for all the aforementioned, there will need to be office space for the clerk and his assistants to attend to the endless paper work there is attached to courts.

ADULT MAGISTRATE AND JUVENILE COURT PROCEDURE

To consider the procedure in an adult magistrates' court which, with some modifications, is duplicated in a juvenile court. The clerk of the court reads a short statement of the accusation against him to the defendant and the defendant is then asked whether he pleads "guilty" or "not guilty". If he pleads "guilty", then it is likely that only a brief and formal account of the case against the defendant will be presented, after which the Bench will proceed to announce the sentence. If the defendant pleads "not guilty" it is a different matter entirely and takes much longer to deal with. First, the prosecution will call their witnesses, who give evidence; then the defendant is invited to question these witnesses. If the Bench decides there is a case to answer, the defendant is asked to give his answers. He can do this in one of two ways at his preference:—either by going into the witness box and swearing an oath in which case he may be questioned about what he has said, or anything else relevant; or he may choose to simply tell his tale from where he is standing, in
which case he cannot be questioned beyond being asked to clarify something he has said, the meaning of which is not clear to the Bench. Whichever way he chooses to answer, he may next call in his support his own witnesses, if any. After the Bench has heard both prosecution and defence, they decide whether to convict or acquit the defendant, and then publicly announce their decision. The decision to convict and the subsequent passing of sentence comes after hearing the defendant's record and whatever information is known about him or may be obtained for this purpose.

The foregoing procedure is somewhat modified in juvenile courts - e.g. charges are explained in simpler terms to children so that they might understand them, and more gentleness of manner is employed to encourage the very young and timid to take part in the proceedings.

Before examining some of the merits and demerits of the juvenile courts and following this with first the legislation which, over the years, has brought the juvenile court to its present position and then the methods of treatment at its disposal, let us consider for a moment the justices serving on the Bench of the juvenile courts.

**SELECTION OF JUVENILE COURT JUSTICES**

As mentioned previously, the juvenile court panel must consist of at least two lay justices (the professional or Stipendiary Justice may sit alone), but not more than three, one of whom must be a woman. As of 1959 the Justices serving on the juvenile court panel are chosen by the whole body of Justices for the petty sessional division, from amongst themselves. They are required to be people concerned
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for the welfare of children - people in youth work, parents, a sprinkling of, (not nearly enough,) social workers, and interested and prominent business people concerned with voluntary child welfare. By Rules made under the Justices of the Peace Act in 1949, Justices are required to retire from the juvenile court panel at the age of sixty-five. The most suitable age for a Justice's first appointment to the panel is between thirty and forty, and no one, it is recommended, should be over fifty on his first appointment. The Rules clearly intend that the Justices on the juvenile panel or Bench be in the normal age range of experienced parents or grandparents, but no older. By the Juvenile Court Rules of 1954, Justices are selected from all the Justices of each district. They are appointed for three years and a chairman and deputy chairman are elected by those appointed. In London the Justices of the juvenile courts are nominated by the Home Secretary and are chosen from the lay magistrates of the County of London.

MERITS OF THE JUVENILE COURT SYSTEM

The present method of operation of the juvenile courts in Britain exhibits a number of admirable features among which are the following:

1. Children may not be removed from their homes against the will of their parents, without a Court Order.

2. Parents have the right to appeal to a higher court if they object to a Court Order.

3. Children may not be kept in custody a day longer than necessary without a Court Order, therefore some Courts sit on holidays to avoid this. This means long hours of pressured work for the Courts.
4. Children are presumed innocent until they are proven guilty, and they have the right to tell their side of the story when there is conflicting evidence, and the right to cross-examine police and others testifying against them. Children who are too young may have adults conduct their defence for them.

5. The Juvenile Court Bench may not act on information acquired outside the Court and the Justices must convey to the parents and child the contents of the written reports which influenced their decisions - such as reports of investigations into school record, home background, health and character. The information for these reports is now gathered by the local authority Children's Department and by the court probation officer in most areas.

6. The present Juvenile Court Bench must be satisfied that a child under fourteen knew what he was doing was wrong before finding him guilty.

7. Magistrates of Juvenile Courts do not prejudge or take sides and they must accept criticism from higher courts if they fail in their duties for some reason.

8. The present day Juvenile Court is served by probation officers who are, for the most part, trained social workers.

9. The Juvenile Court provides a meeting ground for all the social agencies concerned with the child and his family.

10. The Juvenile Court is able to command the services of specialists in different fields, as we shall see later, and it can take decisive action and enforce these decisions.

WEAKNESSES OF THE JUVENILE COURT SYSTEM

1. Understaffing of the whole system and of the individual Juvenile Courts.

2. Small and crowded courtrooms.

3. Inadequately furnished and small waiting rooms.

4. Too little understanding of courtroom procedure by the children and their parents, and too little time, with the pressure of many cases, for the authorities to do a proper job of interpretation of the procedure to them.
5. Poor understanding of procedure leads to timidity and sometimes downright fear in some cases. This timidity and fear might very well interfere with the way the child conducts himself in his responses to inquiries made to him.

There are those who feel that if non-criminal matters - e.g. children in need of care and protection, beyond parental control and truanting, were removed from the jurisdiction of the court and dealt with by a special court or Statutory Welfare Committee, many of the problems and weaknesses mentioned here would not occur. Perhaps the authority taking over the function of the Juvenile Court in those matters of care, protection and truancy could appoint a panel of experts - social workers, psychologists, educationalists, perhaps a minister, under the chairmanship of a lay assessor, to examine and discuss each case and decide what action is necessary to take in each child's best interests. The action taken may be something which the present set-up is not geared to provide, and it would have the force of law.

The Ingleby Committee in 1960 suggested that the age of criminal responsibility be raised from eight years to twelve years and if this were done then all children under twelve could be dealt with by this special authority. Another suggestion which might eliminate a weakness occurring today is to provide special training for Juvenile Court Magistrates. At present the Rules provide only for selection of those who seem best suited and experienced for the work. There are voluntary courses arranged for Justices but nothing laid down as a hard and fast rule.

Would it not be a wise move to have some social workers as regular members of Juvenile Court Benches? There are other weaknesses in the Juvenile Courts which will be brought out when we proceed later to a
discussion of some of the services which the Court is empowered to use, and the way in which it uses them.

STATUTORY CHANGES AFFECTING THE OPERATION OF THE JUVENILE COURT SINCE 1933

Let us examine some statutory changes since 1933 which affected the Juvenile Court's operation, increased its power and brought, in most cases, more protection and better services to the children it served.

The principal provisions of the Children and Young Persons' Act of 1933 concern court procedures with respect to children, especially the requirements for juvenile courts and the handling of young offenders. Procedures began to be instituted, and provisions began to be made in 1933, which were not even envisioned in 1908 when these courts were first established. Many of the provisions made for diagnosis and treatment, both educational and social, fall right outside the penal system.

The Children and Young Persons' Act of 1933 stated that no child under the age of eight can be guilty of any offence. The child between the ages of eight and fourteen is also exempt from criminal responsibility unless it can be proved that he knew that what he was doing was wrong. The youngster between the ages of fourteen and seventeen (over fourteen and under seventeen) is called by the Act a "young person", and is held criminally responsible, and liable to more severe treatment. When he reaches the age of seventeen, the young person becomes an adult and is tried in the adult courts but the courts have some restrictions put upon them in dealing with the young adult.
With the passing of the 1933 Act, juvenile courts were defined as magistrates courts specially constituted to deal with young delinquents as we have seen earlier in this paper. Also we have seen that the procedure followed in the magistrates' courts is applied in the juvenile courts with some modifications - e.g. one of the Rules of the Act - Rule 5 allows the parent or guardian of a child or young person to help him to conduct his defence including the cross-examination of the prosecution's witnesses. Rule 6 directs the Court to explain the charge to the child in simple language he can understand. Pressure of too many cases and understaffing as we have seen do not always give the Bench and their clerk time to follow this Rule adequately. An important section of the Act - Section 59 (1) deletes the terms "conviction" and "sentence" and substitutes the terms "finding of guilt" and "an order made upon such a finding".

Another facet of the Children and Young Persons' Act, Section 47, provides that a juvenile court must sit in either another room or another building from other courts in order that the juveniles served may not be contaminated by adult offenders.

Still another section of the Act, Section 49, forbids newspaper reports of juvenile proceedings to reveal the name, address, school, or any particulars liable to lead to the identification of the child or young person concerned in the proceedings either as a defendant or witness.

The court trying juveniles must consist of not more than three magistrates all of whom are "specially chosen because of their aptitude in dealing with children and for their interest in juvenile
Section 44(1) of the 1933 Act says that every court dealing with the young people under seventeen must have real concern for their welfare and must remove them from undesirable surroundings and find proper provision for their education and training.

Section 57 of the Act says that a juvenile may be sent to an approved school for training and education or committed to the care of a fit person, under a fit person order, if found guilty of an offence for which an adult could be sent to prison. But a child under eight years must not be sent to a school unless for some reason he cannot be suitably dealt with at home. A child (under fourteen) remains at a school for three years or for four months after school leaving age, whichever comes later; a young person (between fourteen and seventeen) under sixteen remains at a school for three years and if sixteen or over until he is nineteen. In the meantime he may be released on license. (This will all be dealt with more fully when I describe approved schools.)

Also, according to Section 57 of the 1933 Act, all juveniles found guilty of criminal offences may be placed on probation, discharged conditionally, or discharged absolutely.

By Section 54 of the Children and Young Person's Act of 1933, a delinquent juvenile may be held (detained) in a home up to a month if found guilty of an offence for which an adult could be sent to prison, or if he has failed to pay a fine. Section 55 of the Children and

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Young Person's Act 1933, allows the courts to order that any fine imposed on a juvenile found guilty of a crime may be paid by his parents or guardians.

Section 48 of the Act further protects the juvenile by stating that if a young person or child has been on probation or has been discharged conditionally by the court for an offence, and then when he is seventeen he commits another offence, this offence may be dealt with in juvenile court again, even though the person is now an adult legally.

Following the recommendations of the Curtis Committee which met in 1946 as a result of the fact that no single national department had responsibility for child welfare in England and Wales, some significant changes were wrought in the treatment of children and young persons, by the Children Act of 1948. The recommendations of the Committee said in essence that "the scope of public supervision should be broadened to extend child life protection provisions to children over nine and up to sixteen boarded out by parents or relatives; to all children taken into care by foster parents without reward and whether for adoption or not; to all children in voluntary homes, through registration and inspection of all facilities".

The Committee also said that the degree of responsibility should be extended by enforcing local authorities to receive into care all children committed by a court, and "to accept guardianship over all orphans without a legal guardian and children deserted by their parents."


2 Ibid. p. 63.
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It was stressed that boarding out of children in foster homes was essential, but the quality of placement and supervision of that placement should be raised by improving training of staff and administration, and by more careful selection of them.

One very important recommendation was that the ultimate responsibility for child welfare work should be under one national department and that this department should have power and authority over both local authorities and voluntary organizations.

At the local level, all child welfare services, the Committee recommended, should be centralized in one department under one council committee created specifically for that purpose. This committee should answer only to the national department responsible for services for children. At the head of this local Government department, called the Children's Department, should be a person - a children's officer - a specialist in child care approved at the national level. She must have no other duties. The Committee stressed that every effort should be made to keep a child in its own home unless that home was proved unsatisfactory. When the child was to be placed by the local Children's Department, the department should consider first adoption, then boarding out, then residence in institutions in the community. It was recommended by the Committee that each type of placement should be improved.

The Committee felt that though the approved school had a place in the training of delinquents, the juvenile courts should have more flexibility in the type of commitments they made - e.g. being able to commit some delinquents to the care of the local children's department, just as they committed neglected and destitute children for care to that
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authority.

The Committee further felt that remand homes should be used for short stay purposes only as places for study and observation, not for punitive purposes. They also felt that responsibility of the local children's departments for after-care of the children in their custody should be clearly laid down, and a regular after-care program developed, including improvements in vocational opportunities for children.

The Children Act of 1948, following the Curtis Committee's recommendations, required the local authorities - that is the counties and county boroughs, to provide care for children up to eighteen years if this proved necessary - i.e. if they are orphaned, deserted or if their parents are incapable, either temporarily or permanently, of supporting them properly. Care by a local authority is a final public responsibility, but it is not intended in any way to relieve parents, relatives or friends of their responsibilities. In fact one of the duties of the local authority or children's department is to make sure that parents or relatives carry out their responsibilities satisfactorily. A further duty of the local authority, as a result of the Act, was to act as a fit person and provide care for those committed to them under fit person orders from the courts, in cases of parental cruelty, neglect and moral danger to children. In acting as a fit person, local authorities are given permission to pay for the costs of education or training of the young persons up to the age of twenty-one who have been committed to them, where the parents are unable to assume this responsibility. Where the parents can pay, they are required to do so, or at least contribute to the maintenance
of their children up to the age of sixteen at least. When children reach sixteen and find full-time employment, they then become responsible for their own maintenance.

By the Act of 1948 local authorities must provide care in a boarding out home, or in a home managed by a private organization, or in a home run by the local authority. Voluntary homes and boarding out homes are, under the 1948 Act, subject to inspection and regulation by the Home Office. Also, the after-care of children over fifteen (school-leaving age), but under eighteen, who were in the care of a voluntary organization up to school-leaving age must at this time be taken over by the local authority in whose area the children live. In this regard cooperation between local authorities, and between local authorities and voluntary organizations is required. There must be arrangements made between these organizations and bodies for the giving of information about children moving from the area of one organization or body into the territory of another organization or body. As the Curtis Committee recommended, every local authority is required under the Act to set up a children's committee and appoint a full-time children's officer with the consent of the Home Secretary.

The Children Act of 1948 created the Advisory Council on Child Care which was made up of especially qualified persons to advise the Home Secretary on the carrying out of his duties under various child welfare statutes. The chairman and secretary of this Council were appointed by the Home Secretary but other members for special sub-committees were appointed by the advisory council on nomination by the Home Secretary.
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Until 1958, Parliament was obliged to pay grants not in excess of fifty percent of their expenses, to local authorities, for the operation of the work of the local children's department, including expenses of remand homes, approved schools and children sent to approved schools. Parliament also, until 1958, had to continue to pay proportionate grants of the national government to the local governments for children received into care under fit person orders. After 1958, however, block grants to local authorities were made by the Home Office for remand homes and approved schools. Also, the Home Office under the 1948 Act was empowered to inspect all premises for children, run by local authorities, all foster and adoptive and receiving homes and the children in these homes.

In the same year, 1948, the Criminal Justice Act was passed in Britain. This Act applies more directly to the service of delinquents than does the Children Act. It empowers the Home Secretary to provide three new types of facilities for delinquents: remand centres, detention centres and attendance centres. I will discuss these provisions more fully later in this paper - after I have completed the review of the legislation. Suffice it to say that the Home Secretary retains by this Act the broad rule-making power over remand homes, remand centres, detention centres and attendance centres.

Under the Criminal Justice Act of 1948 the power to send young persons to prison is restricted. A juvenile court may not commit a young person under seventeen to prison, nor may the assize courts or quarter sessions send a young person under fifteen to prison. If, however, a young person is committed to be tried at the quarter sessions with a
view to sentencing him to Borstal, he may, by virtue of the Magistrates' Courts Act of 1952 Section 28, be sent to a remand centre and failing that to prison, if the court feels he is too unruly to be sent to a remand home.

The Magistrates' Court Act of 1952 has many more sections which apply directly to juvenile delinquents.

Section 21 says that any child (under fourteen) must be tried by a summary court, whatever the crime - except homicide. If he (the child) has been charged with homicide, he must be committed to assizes. Neither the child nor his parents can claim trial by jury. If, however, a child is charged jointly with a person fourteen or older, the magistrates may commit them both for trial.

Section 20 of this Act (1952) says that a magistrates' court may deal with a young person over fourteen charged with any indictable offence with the exception of homicide if it appears expedient so to do, and if the young person has consented to summary trial. If he refuses to be so tried, proceedings before the juvenile court continue as a preliminary examination.

Section 25 of the Act says that a young person charged with a summary offence for which, if he were an adult, he would receive more than three months in prison, has the same right as an adult to ask for trial by jury.

Section 107 of the 1952 Magistrates' Courts Act prohibits magistrates sending anyone under seventeen to prison.

The Children and Young Persons' Amendment Act of 1952 modified the law in several respects. Some of these modifications apply
to juvenile delinquents: e.g. special reception centres for the care and study of children under twelve remanded there by the courts were provided to take the place of the ordinary remand home. With the establishment of these centres it is possible to keep certain children away from bad influences which might be found in remand homes. Also, by this Act the courts are empowered to transfer children under twelve from remand homes to special reception centres and vice versa.

Another modification of existing law came with Section 5 of the 1952 Amendment Act which empowered the courts to make approved school orders without the consent of the local authority. Before this Amendment Act the practice of the courts had been to name the approved school. Section 6 provides that where the court has been informed that a classifying school is available, the child shall be sent there to stay until it is determined what approved school would best suit him. However, if the court considers it undesirable to send a specific child to a classifying school and knows of a particular approved school whose managers are willing to take this particular child, it may so order the child sent directly there.

POWERS OF THE COURT

In the foregoing, I have dealt with statutory changes, and Committee recommendations in service to children, primarily delinquent children, up to 1955. Hopefully, the foregoing has served to illustrate the galaxy of powers placed at the disposal of the magistrates. Let us summarize them:

The magistrates of a juvenile court trying a child found guilty of an offence for which any adult could only be fined may discharge a child or young person either absolutely or conditionally; may place him
on probation; may fine him; may send him to either a detention centre or an attendance centre; may order his parents to pay costs. If the magistrates employ any one of the first four methods in dealing with a delinquent juvenile, they may order him through his parents to pay damages.

If the child is found guilty of an offence for which an adult may be sent to prison only (no fine), the magistrates may send him to an approved school; may commit him to the care of a fit person; may send him to a remand home; may put him on probation.

These powers of the court can be divided into two groups. The first group represents the punitive powers of the court; the second group represents its less punitive powers. In the first group are imprisonment (only when all other methods fail) for those between fifteen and twenty-one; remand homes; detention centres; attendance centres; fines. In the second group are absolute discharge; conditional discharge; fit person orders; classifying schools; committal approved schools; Borstal committal; probation. Although committal to an approved school or to a Borstal is punishment in one sense, it is also in another sense treatment as it offers the young offender training and education so that he might become a more useful citizen on his discharge.

REMAND HOMES

The shortest form of punitive detention that is available to the children's court is detention in a remand home. The 1939 Act stipulates that this resource is to be used only when all other methods are found to be unsuitable. The stated purpose of the remand home is to
detain temporarily, children who are waiting for the final disposition of their cases by juvenile court; or who require further observation by the skilled staff of the remand home before a decision can be made by the court; or who are waiting for a vacancy in an approved school.

Remand homes are small and local in character; they are not to be confused with remand centres which are not yet in existence, but are envisioned for the purpose of observation and assessment by a team of experts, whose report will help the court to decide what kind of treatment to order. Some remand homes - e.g. Stamford House Remand Home in London - already do this; but their primary function really is to "retain possession of the body until it is required elsewhere." As of January 1, 1955, local authorities operated fifty-one remand homes: thirty-six for boys, fourteen for girls, and one mixed home. Ten nationally approved voluntary homes were used for a few children, but the operation of remand homes is a public duty. Prior to January, 1955, many substandard remand homes, administered by voluntary efforts, existed.

The work of Remand Homes is organized in full awareness that there is need for programs in education, recreation, and assigned tasks. Their staffs are comparatively large and include both professional and non-professional persons. Often the head of the remand home is a psychologist; provides consultation in submitting reports to court. In addition to a medical admission examination, regular medical services

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1 Wills, W. David, Common Sense About Young Offenders, page 110.
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are available. The staff also comprises teachers, crafts and games instructors, and houseparents. The superintendent submits the reports of all these staff members concerning the behavior of the child, to the court, as well as his own evaluative report. A medical report and a probation officer's report regarding the child's family, personal, and school history are also submitted.

The staffing of remand homes has been improved by refresher courses, which are offered by the Central Training Council in Child Care in co-operation with several local education authorities. Staffs of approved schools and probation hostels are also invited to participate in these courses. One great advantage of such training programs is that they give the staff members opportunity to discuss common problems.

The financing of remand homes, which usually serve several local authorities, is complicated and poses an administrative problem. One system of financing was based upon each local authority contributing on a per capita basis. Until 1958, half the costs for remand home operation, within each local authority, were borne by the Treasury grants; since that year block grants were substituted.

Prior to 1955, plans were made to expand the number of remand homes to accommodate different age groups. However, since there has been a drop in the remand school over all population, nothing has been done in this regard. Neither have the provisions been implemented in the 1952 Children and Young Persons (Amendment Act) for the establishment of special reception centres for the care and study of children under the age of twelve; as a result the younger children, to
their detriment, are often exposed to the more hardened young offender. Since one of the functions of the remand homes is to punish, the regime must be strong enough to fulfill this function; yet benign enough to instruct and inform constructively.

DETENTION CENTRES

No young person between the ages of fourteen and seventeen may be sent to a remand home as a punitive measure when a detention centre is available. As we have seen previously, detention centres were provided for under the Criminal Justice Act of 1948; they are administered and financed by the Prison Commission and not by the Children's Department. These centres are intended to administer "short, sharp shock" treatment to their inmates, whose stay is normally up to three months, and cannot be longer than six months. These centres cannot be used for those who have served a term at a Borstal institution. Detention centres are used by the courts only if other methods of dealing with the young offender seem inappropriate; they are used for the older delinquent, but not one who has been so seriously delinquent as to have served a term in Borstal.

It is difficult for the staff to plan a regime for a detention centre when its population fluctuates so much; some being committed for one month, and others as long as six months. The regime is brisk, invigorating and disciplined; it is no doubt intended to make the inmate aware that it is a punishment. The whole day from 6:15 a.m. to 9:00 p.m. is planned to eliminate the possibility of "loafing" and includes academic classes, craft classes, trade classes, organized sport activities, and
chores and repairs. The detention centres concentrate on a non-punitive type of training with emphasis upon education and rehabilitation; it is interesting to note however, that young people have much disliked returning to this centre - in fact, feared it.

Both remand homes and detention centres have a separate board of visitors in accordance with the Criminal Justice Act of 1948. Two members of these boards are to be justices of the peace. The function of these boards is established by the Home Secretary. The law requires board members to visit the inmates of the homes and centres frequently, to hear complaints and to report these to the Home Secretary at their discretion. Members of these boards, by statute, have the right of access to the remand homes and detention centres at any time - a much broader inspectorial power than most advisory boards are given. This is a reflection of the belief that these boards of visitors are more than advisors; they are indeed "watchdogs of administration."¹ This is aptly illustrated in their authorization of the exact punishment for each offence, even though the law spells out the exact type of corporal punishment to be administered for certain serious offences in the institution.

ATTENDANCE CENTRES

Up to 1955, there were thirty-two attendance centres in existence in England and Wales. These centres are intended for boys

¹ Kammerer, Gladys, British and American Child Welfare Services, Page 74.
between the ages of twelve and seventeen who have committed an offence for which, if they had been older, they would have been sent to prison. The administrative responsibility of attendance centres is vested in the Children's Department of the Home Office. The law limits maximum attendance at these centres to twelve hours, distributed in periods of three hours per day, usually a Saturday every other week. The brisk regime at the attendance centres—physical training, crafts instruction, first aid lectures, boys' club activities—is determined by the Home Office but administered locally by policy department officers. These officers are appointed regularly by the Home Office Children's Department, on the recommendation of the chief constable in the different localities. They are renumerated above their normal salary for this work, and are allowed to vary the program to fit the local setting. The police attempt to work closely with local youth organizations, which are part of their program, and encourage the boys to participate in the various organizations when their attendance at the centres is no longer an obligation.

Juvenile court magistrates were at first reluctant to use these centres, being doubtful of their usefulness. However, the centres have gained in popularity and are often used as a mild punishment, intended to be of a constructive and rehabilitative nature. Attendance centres are not intended to be a substitute for probation or for approved school training, but rather to occupy boys during the attendance period "in a manner conducive to health of mind and body."

The only punitive factor about the centres is that they require boys to give up four of their Saturday afternoons.

FINING

The final punitive measure meted out by the juvenile court magistrate is fining. Since this practice is only indirectly related to this study, it will suffice to note that courts use this method in about two-thirds of all non-indictable (petty) offences. The practice of fining is intended to instill in the young person, responsibility for his actions. Ironically enough, up to 1959, the parents of children under fourteen were obliged to pay the fine imposed by the court on the child. The object of this was to bring home to the parents their continuing responsibility for their children.

The second group of powers the magistrates court has are the less punitive and, in most cases, more treatment and rehabilitative oriented. These include absolute discharge, conditional discharge, fit person orders, classifying schools, approved schools, Borstal institutions and probation.

ABSOLUTE DISCHARGE

Absolute or unconditional discharge is usually used for a trifling offence - e.g. riding a bicycle after dark without a light, or "hitching" a ride on a moving vehicle. This disposition is rarely used except when the magistrates are certain that the child is normal, with a reasonably good family background. The use of this power may be detrimental if the child is sent to a remand home for a week so that investigations
can be made before a final decision is arrived at. The absolute discharge is seldom given by the court without the magistrate pointing out to the boy the stupidity or maliciousness or foolhardiness of his deed. This action can be successful if applied to those children who have stable family backgrounds and have committed no other offence.

**CONDITIONAL DISCHARGE**

Conditional discharge may be described as absolute discharge with a little "stiffening" added. For example, the chairman of the juvenile Bench may discharge a child with a warning - "If you commit any other offence in the next twelve month period, you will be liable to be punished for both that and this one, for which we are discharging you now."

The absolute discharge in its essence, believes in a child; the conditional discharge takes all the virtue out of the discharge and in effect, "casts doubt both on the courts wisdom and on its belief in the child. Trust which is not absolute is worse than no trust." If the court feels that a child needs help, probation would be more beneficial, but, as we shall see later, probation officers are so over-worked that this suggestion, though admirable in theory, is not altogether a practical one.

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1 Wills, W. David, *op. cit.*, page 129.
FIT PERSON ORDER

A "fit person order" is brought into use when a child's home is so unsuitable, as to require removal and placement in a substitute home. In addition to those children in need of care and protection, a fit person order is also used with children who have committed an indictable offence, which in adult court would entail imprisonment.

Fit persons have the powers and duties of the child's parents, until the child reaches the age of eighteen. It is not often that an individual citizen will take the responsibility of a fit person, so, more often than not, this duty falls to the particular local authority's children's officers. The children's officer has several alternatives at his disposal for the care of the child turned over to him. He may, and does wherever he can, make use of foster parents. In cases where it is not possible to provide a foster home, the child will be placed in a children's home, or may in difficult cases if the child seems in need of special training, be shifted by the local authority to an approved school following application to a juvenile court for permission to do this.

The Home Secretary is given broad inspectoral powers over local authorities, and rule-making powers as to children committed to fit persons. The power of the Home Secretary extends to discharging a child from the care of the person to whom he has been committed, if that person does not fulfill the specifications of the Home Office.

The Treasury is obliged to reimburse the local authority for all expenses he has incurred in discharging the responsibility as a fit person, or in addition to the proportional grants of the national government to the local governments.
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CLASSIFYING SCHOOLS

The court has access to six classifying schools in England and Wales: four for boys and two for girls. The classifying school is used to assess or to classify a youngster, in order to arrange his placement in the most appropriate approved school.

Since British legislation permits separate accommodation and treatment of children on the basis of their faith, Roman Catholic children are not sent to classifying schools. Upon being found guilty of an offence, the Roman Catholic offender is sent directly to an approved school of his faith.

The first classifying school was established in 1943, without benefit of legislation, but simply by administrative action. The law was amended in 1952 whereby the classifying school attained legal recognition. As of 1958, the court must, by order of the Home Office, commit a child who is being sent to an approved school firstly to a classifying school for assessment. However, if a classifying school is not available the child is sent directly to an approved school.

Because local authorities were slow to report to the wishes of the Home Office to establish classifying schools, the Home Office turned to the board of managers of voluntary approved schools. Therefore, each classifying school is governed by its own voluntary board of managers and is in no way under the sponsorship of the local authority. The operational costs of classifying schools falls directly on the Treasury.

There is a good deal of co-operation between classifying schools and approved schools. Each classifying school receives a weekly report on the vacancies of every approved school in its region.
information naturally influences the decision as to where to send the
individual. Further co-operation between classifying schools and
approved schools is shown in that the heads of classifying schools invite
the managers of approved schools to sit in on classification conferences.
The Home Office facilitates the co-operation between these two types of
schools by holding, from time to time, meetings of their managers and
heads.

The permanent staff members at a classifying school
include the headmaster, (usually an educational psychologist), the matron
(a nurse), teachers, housemasters and housemistresses, office and
maintenance staff. An educational psychologist, a medical doctor, and a
psychiatrist are employed on a part-time basis. Only one school out of
six had a permanent psychiatric social worker in 1955.

Classification involves two phases: assessment and allo-
cation, the method used being the conference. The material discussed
at this conference is the result of psychological testing (intelligence and
performance testing), mechanical aptitude testing, and psychiatric social
work interviews with the young offender and his family. In very serious
cases, the diagnostic report of a psychiatrist is included, along with the
reports of the school teacher, the matron, the medical doctor and voca-
tional staff (reporting on work attitudes). The assessment conference is
presided over by the psychologist and attended by the principal, the deputy
principal, the houseparents involved with a particular child, and the
psychiatric social worker involved.

The allocation conference (allocating the boy or girl to an
approved school), is presided over by the headmaster or principal, and
is attended by the deputy warden, the schoolmaster, each child's house­
master or housemistress, and a representative from one of the approved 
schools in the district. Sometimes the psychologist is asked to clarify 
or elaborate on a boy's or girl's report at the conference; sometimes 
the offender himself is involved in the conference to state his preference 
or interest in training. The time for classification varies between three 
weeks and eight weeks.

Sir Basil Henriques, one of the best known juvenile court 
magistrates in England, expresses two main objections to classifying 
schools. Firstly, in the opinion of Sir Basil, the assessment process 
should take place at remand homes so that the child would not have to 
suffer by moving twice before he reached the proper approved school. 
However, if the remand homes did assessments for approved schools, 
special personnel would have to be added to the existing staffs. This 
would entail considerable expense, not to mention the difficulty, if not 
the impossibility, of acquiring special staff for each remand home. 
Secondly, Sir Basil feels that classifying schools in deciding what app­
roved school the child should go to, is usurping the power of the judic­
iary. On the other hand, classifying school staffs do have the proper 
qualifications in the social sciences necessary to make such decisions.

APPROVED SCHOOLS

Approved schools had their origin in the early nineteenth 
century "ragged" schools established by philanthropists for neglected 
children in danger of becoming delinquent. From the ragged schools 
evolved the industrial schools which, up to 1933, received into care those
Children committed by the courts for care and protection. Prior to 1933, reformatories had been established for training juvenile delinquents committed by the court for offences. Today these two institutions no longer exist; the 1933 Children and Young Person's Act merged the two into one category - the approved school, which receives both types of children formerly served in separate schools. However, ninety percent of the population of today's approved schools are juvenile delinquents and the remaining ten percent are judged to be pre-delinquent. This system is widely criticised and points up a real lack in the British child welfare program. Why are there not homes, residential schools and hostels for these pre-delinquent children in their own localities so that the parents can visit them? Secondly, why is there not more preventive and protective work done with the parents by the local children's departments to hold families together and to help to rehabilitate parents so that they might receive their children back into the family, upon their discharge, with more love and understanding? This would minimize (hopefully) the possibility of recurring mischief on the part of the child and the possibility of the child once more being taken away from his parents.

As of January 1st, 1955, there were one hundred and twenty-seven approved schools in England and Wales under Home Office supervision. Twenty-six of these smallish schools were managed by local authorities and one hundred and one were under private or voluntary boards of managers. (As of August 28th, 1963, there were one hundred and eighteen approved schools, eighty-four for boys and thirty-four for girls, twenty-seven managed by local authorities and ninety-one managed
Approved schools are residential, existing for children and young offenders whom the courts believe need a fairly long period of educational and rehabilitation training away from home. The training given and the character of the schools vary widely. In general education, approved schools follow fairly closely the curriculum of the ordinary primary and secondary schools.

For the boys and girls over the school leaving age there is vocational and trade training given of all kinds - e.g.: metal working, woodworking, horticulture, farming, shopwork, mechanical training, to name but a few. (There are also three nautical schools now.)

In addition to the educational and vocational training there are music and art instruction, clay-modelling, leather tooling, toy-making, cane work, clubs of various kinds, swimming, boxing, table tennis, tumbling, debating and discussion groups. Repairing and rebuilding of the old buildings that house them is another popular activity for the boys in approved schools.

In many respects such as sports, hobbies and recreations; in formal education; in holiday leave; in the provision of spending money for those who are in good favor; in the club type of association found in some schools - the "houses" (which are groups containing boys from all dormitories and units bound together for competitive sports) the approved school resembles an English boarding school.

The comparative freedom and frequent home leaves (if the home is suitable) for the boys' schools do not apply to the girls' schools because of the moral danger to girls left to their own devices. However,
they may have two leaves a year and just before they leave the school they are tried out by the day in a job. If they are successful and come to no harm they are discharged on license.

There are no "mixed" schools but the schools do specialize in many other ways besides the question of which sex they cater for. Two of the chief classifications are age and religion. To take age:- there are junior schools for boys from eight to fifteen on entry; intermediate schools for boys from thirteen to seventeen; and senior schools for boys from fifteen to nineteen years of age. The overlap in ages is due to the fact that a child may be required to stay a maximum of three years or until a particular birthday. (The ages differ slightly for the girls.) No boy remains in an approved school beyond the age of nineteen.

In the sphere of religion there are schools which cater for Jews and for Roman Catholics.

As well as age and religion there are other specialties. Some schools, particularly the senior schools, put a heavy emphasis on a particular trade or vocation. These differ from school to school. The classifying schools take these specialties into consideration when they are assessing a boy for, and allocating him to, an approved school.

There is no uniform staffing pattern for approved schools. The director of each school is a headmaster with all the requirements set by the Education Ministry for qualified teachers and headmasters. As a rule the deputy headmaster is also a teacher. In addition to these two members of the staff there are also other qualified teachers and vocational instructors (craftsmen and shop foremen), housemasters and housemistresses with, sadly enough, no specialized social work or social science
training, although at one time this was a requirement for the job laid down by the Home Office; but since trained people were in short supply this requirement was dropped. Other members of the staff are a matron (either a dietitian or nurse), an assistant matron, a school office clerk and a maintenance and domestic staff. Farm schools usually have a bailiff in charge of the agricultural program and a number of farm labourers. There is no full-time chaplain in the school, no social workers and no group or professional recreational leaders. However, a local medical doctor and a local dentist make weekly visits to the school per arrangement. An additional staff group, whom I will discuss later, are the welfare officers (fifty in all England). These people are attached to individual approved schools to supervise children out on licence.

Recently a very small beginning has been made in the introduction of professional treatment in approved schools. By 1955, three boys' approved schools had added part-time psychologists and psychiatrists to their staffs. One of the girls' schools had had psychiatric treatment as a part of its regime for emotionally disturbed girls since 1949.

Each approved school, whether it is operated by a local authority or a voluntary association, has its own board of managers which has vested within it the power to determine policy and program and select staff. Not all private or voluntary approved schools are tied to a denominational religious group or charity organization; some were organized by groups of individuals with no backing but their own, who recruited board members from those in the community feeling the same way as themselves about starting an approved school. In order to start
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such a school the newly appointed board of managers must be certified by the Home Office. This certificate may be revoked at any time if the operation of the school is judged unsatisfactory by the Home Office upon inspection. In like fashion the board of managers of schools run by the local authorities must be approved by the Home Secretary.

Inspection of the educational side of approved school work is administered jointly in England by the Home Office Children's Department Inspectorate and the Inspectorate of the Ministry of Education. This plan of joint administration is carried on without friction. Local education authorities may be brought into relationship with approved schools in particular localities, only when approved schools send pupils to regular council schools in the locality for further academic work or if the approved school obtains, on a part-time basis from the locality, a teacher for commercial subjects or some such other subject for which it does not require a full-time teacher.

No part of the cost of operating an approved school falls on any voluntary body - all costs are borne by governmental agencies. The Home Office estimates the annual per capita cost for all approved schools in the country and this figure is known as the "flat rate". The flat rate is allocated to each school on the basis of its estimated inmate load - the Home Office paying half the flat rate, and the local authority having children in any school paying the other half. The Home Office also pays to each school the difference between the flat rate and the actual expenditures of the prior year by the school. Local authority-operated approved schools tend to be a little more expensive to operate than voluntarily managed ones because the latter are not charged by the
local authority children's departments which undertake after-care supervision. It is not clear yet what affect the new block grants (1958) will have on the system of financing approved schools.

Parents are required to make contributions to the approved schools for the care of their children in the same way that they are required to contribute to children's departments for other types of care given by the latter. The courts can order parents to pay the approved school for the care of their child and it is up to the local authority responsible for financing the child's approved school training, to enforce this order. Some local authorities enforce this order well, others are lax in their enforcement of it.

BORSTAL

When the juvenile courts form the impression that none of the instruments at their disposal seem suitable for a particular young person (boy) but feel that borstal might be the answer, they must commit him for trial and let the quarter sessions decide what is to be done with him. Relatively few young persons are affected by this, as the writ of the children's court runs only to seventeen and a boy has to be sixteen to qualify for Borstal which deals with an age group from sixteen to twenty-one.

A Borstal sentence may only be passed after the Court is satisfied that this sentence is expedient for the young person's reformation so to do and will be instrumental in preventing further crimes being committed. Also, Borstal sentence may only be passed after the Court has considered a report, by the Prison Commission, of the physical and mental state of the offender.
The sentence is for four years, up to three years of which only can be spent in an institution - the remainder of the sentence is after-care. (The minimum time in an institution is now six months and the maximum time two years, followed by two years after-care.) After sentencing, the boy goes to a classifying centre where careful investigation leads to a decision as to which Borstal institution will best suit his needs. The Borstal institutions vary considerably, in the rigors of their discipline in the nature of the buildings, in the type of work or trade training, and in the degree of confinement. There are "open" and "closed" institutions. The hardened, tough youth will be sent to a "closed" institution while the seemingly milder, more amenable and promising type may be sent to an "open" institution. As in prison, a boy may earn a modified sentence with good conduct. Few boys ever complete their full sentences.

The Borstal system took its name from the village of Borstal, Kent, where the early experiments on boys between sixteen and twenty-one were carried out in 1902 in an old convict prison prior to the passing of the Prevention of Crime Act, 1908. This Act authorized the establishment of small Borstal institutions for the training of young offenders between sixteen and twenty-one who appeared in need of such discipline. The Borstal institution represented the latest extension of the reformatory system. There are now twenty-three of these institutions.

Borstal provides a brisk rigorous and industrious regime, thought to be bracing and invigorating and this is coupled with a careful study of each inmate's needs.

The system's purpose is to train wayward lads to be self-contained men. There is a considerable variety of trade training of very
high quality, but it unfortunately gets very little recognition on the outside, although that is in no way the fault of the Prison Commissioners. In addition to the high calibre trade training, there is also an excellent recreational and crafts programme.

The staff of Borstal institutions is made up of house-masters, a great many of whom at the present time are social workers; group counsellors; trained school teachers and vocational people. Much of the actual teaching is done in evening classes, four or five evenings a week by four hundred professional teachers provided by arrangement with the local authorities. There are twelve full-time, and ten part-time tutor-organizers in the system, whose time is spent in a mixture of teaching and organizing.

Additional staff are maintenance people, cooks and clerical personnel. Unfortunately, only three training institutions have regular attendant and visiting psychological and psychiatric staff, but several have visiting psychologists and clinical psychologists, and medical doctors and nurses.

Borstal is totally a state financed and operated plan, but the voluntary associations figure very prominently in one aspect of the sentence - the after-care aspect. However, as this paper is concerned only with children and young offenders between the ages of eight and seventeen, the after-care of Borstal inmates will not be discussed in that section of my paper.
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PROBATION

I would like now to consider the final order, and sometimes the most important order, that a juvenile court can make in relation to a young offender and that is the probation order. A probation order requires that the child or young person be under the supervision of a court employed probation officer for not less than one year, nor more than three. This order may be carried out while the young offender is living at home, or if the court feels it is necessary for the future welfare of the child that he be removed from his home, while he is residing in a special home - a probation home or hostel.

The English probation system can be traced to the latter half of the nineteenth century to the Church of England Temperance Society, whose aim was to curb the tendency in many to take strong drink. As the most common place to find the habitual criminal was the magistrates' court, the Temperance Society appointed from their membership missionaries to attend sessions of the London Courts in order to assist and befriend those whom drink had brought low. These missionaries, although they had no official status, were encouraged by both the magistrates and the police, when it was seen that their efforts were not without results. As time went on these missionaries became familiar figures in court and the police and magistrates began to look to them for help with other problems besides drunkenness. Matrimonial difficulties, employment problems, and all kinds of social questions which could not be properly dealt with on an official basis began to be passed over to the Police Court missionaries. From London where the missionaries began their court work, the enthusiasm for using these people in difficult and
puzzling cases soon spread to other large cities. Soon, too, other than Church of England Temperance Societies began to do court work. Thus were the foundations of the probation service laid some thirty years before its official recognition in this country - i.e. in 1907 with the passing of the Probation of Offenders Bill. What had been a voluntary service offered to the courts became one the courts could officially use and pay for. The numbers of these officially appointed probation officers grew and grew until eventually most of the larger courts in the country had appointed them. At first some of them continued to be financially supported - partly from church funds and grants in aid from the State and local authorities in order to make up their full salary. But later, after the Criminal Justice Act of 1925, probation officers became publicly financed servants of the court. Each divisional court was required to appoint one or more officers.

As the status of probation officers has changed, so also has their work. After the Act of 1908 instituting juvenile courts, the emphasis on work with young people on the part of the probation officers became more marked. Now more probation cases come from the juvenile courts than from any other courts. The probation officers also work very actively in marriage counselling, as the instability of the times seems to have caused an increase in the instability of marriages and consequently the flow of people seeking advice to save those marriages. Government committees of enquiry have recommended the greater use of the trained probation officer in this difficult marital work. Further, recent legislation (1957) has decreed that probation officers, in addition to all their other duties, shall be responsible for the after-care of certain offenders.
released from prison, approved schools and Borstal institutions. The probation officers' training must be geared to the variety of work he is likely to be called upon to perform. Since 1946 probation officers under thirty have been required to undertake a full-time social science diploma at a university, before proceeding with specific probation training which is from nine months to one year in duration and consists of lectures on psychiatry, psychology, criminology, law, casework, social administration, after-care, human growth and development, and marital counselling.

The Bench of a juvenile court always considers probation as a possibility and is anxious to make the order whenever it honestly can, as the magistrates feel that probation is a positive and forward-looking approach to juvenile delinquency and can, in many cases, affect much better results by establishing friendly relationships and setting good and realistic examples, than can many of the other actions or orders that they (the magistrates) have recourse to.

AFTER-CARE

I would now like to consider briefly after-care as it applies to juvenile delinquency, putting most of the emphasis upon after-care of juveniles licensed from approved schools.

"Responsibility for after-care is divided as to administration and therefore represents the weakest link in British administration of care of juvenile delinquents."¹ The reason for the division is that the

¹ Kammerer, Gladys M., British and American Child Welfare Service, page 357.
responsibility for the after-care of its charges is in the hands of each approved school which accordingly makes its own arrangements. This results in no over-all uniformity of arrangement even in supervising all the children from a single school. The Home Office does not supervise this aspect of care closely enough, nor does it make any attempts to correlate, nationally, efforts in this regard.

One must consider after-care within the framework of committal itself. A child less than fourteen at the time the court commits him may be detained in an approved school up to three years, or until he reaches the age of fifteen years and four months, whichever of the two is longer. A young person over fourteen years at the time the court commits him may be held for three years, or until he is nineteen, whichever is longer. A child who is released before his period of detention is completed has been approved for release by the board of managers of the school, on the recommendation of the headmaster or headmistress. If the child is released while still serving the first year of his detention, the board of managers must obtain the approval of the Home Secretary. The licensing period for a child runs from the date of his release to the end of his detention period. When that period is completed, a period of supervision begins, lasting three years or until age eighteen for those under fifteen when licensing expires and until age twenty-one for children over fifteen when licensing expires - whichever is longer. Thus, there are two stages of after-care.

Britain has two major administrative resources for after-care of juveniles licensed from approved schools. They are the Probation Service and the local authority children's departments. Each of these
services have highly trained personnel, particularly the former, but they are not used enough. Many approved schools have their own welfare officers, quite often untrained, and they prefer to use them rather than request help from either of the aforementioned services. This is unfortunate because often the welfare officer finds it difficult to visit the child in his home setting, either because of geographical distance or school policy, and thus an opportunity for follow-up casework with the child and his family is missed. A local authority worker has a splendid opportunity for just such work, an even better one than the Probation officer who is so pressed for time.

It has been suggested that there is a great need for officially appointed trained social workers at prisons, Borstal institutions and approved schools to help the inmates with problems and difficulties with which the welfare officers and officials of these institutions have neither the time nor the skill to cope. The social workers could be in close touch with the appropriate after-care organizations to inform them of the progress each child they will serve, is making. They could also inform themselves of the backgrounds of the children in their particular institution either by direct contact with the families or by consultation with family and child welfare agencies or officers who might be involved and "start at once to deal with home difficulties, personal anxieties and the question of employment."¹

The link between the worker in the institution and the appropriate worker outside the institution, in addition to providing the former with valuable information of help to him in his work with the child, may also pave the way for adequate after-care, as the after-care worker will receive the child into his care knowing something of his problems, his hopes and aspirations for the future.

EVALUATION OF PUBLIC-PRIVATE RELATIONSHIP

In the foregoing description and analysis of the services to juvenile delinquents in England and Wales, one fact becomes clear - the unity of direction given to all such services by the Children's Department of the Home Office. Even in institutions managed privately - i.e. some approved schools and all classifying schools, the Home Office keeps close and continuous supervision and has been instrumental in obtaining in these institutions, a high level of professional service over the years.

However, at the local level, there is no joining link because of the private management of the approved and classifying schools. This results in variations in the types of after-care services depending on the individual boards of managers and "cannot be said to improve the quality of administration of this aspect of children's services." \(^1\)

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I am not suggesting by the above remarks that there is no place for voluntary effort in services for juvenile delinquents; I am merely pointing out that on the local level fragmentation of administration begins. Voluntary organizations have a constructive part to play at the present time in bringing services to young offenders, and will no doubt continue to do so in the future. "The combination of statutory responsibility with voluntary effort is essential for a creative approach to the satisfaction of human needs."

CONCLUSIONS

The use of lay magistrates is itself a notable - not to say outstanding - example of a combination of public service by private citizens and the work of statutory bodies. It is not the triviality of the problem or its small proportions that leads to the use of "volunteers" rather than paid (stipendiary) magistrates; it is the explicit recognition of the access this arrangement provides to reserves of experience, talent and good will in the ranks of "ordinary" citizens.

One would, in any case, expect that the scope of voluntary action be limited in a field of service that has the most direct connection with one of the fundamental (if not the fundamental) functions of the State, viz. the maintenance of public order through the enforcement of the criminal law. Where non-statutory agencies and private persons are involved, it naturally tends to be in ways that are more circumscribed

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and regulated by law than is probably the case in other fields. Never¬
theless there are at least two major examples (which have been de¬
cribed in this chapter) of the important part that private action can play
even in a field like this: the approved schools and probation. Both were
"private" in origin, and the former still is to a large extent. Another
example of the important part private action can and is playing in the
field of juvenile delinquency would be the classifying schools (which also
have been described in this chapter).

One can observe in this field, as in others, the familiar
trend to the progressive transfer of responsibility for service from private
bodies to public ones. Whether this trend permits one to predict the
eventual disappearance of private efforts, or merely its persistence in
alternative and novel forms, it is not easy to decide. Personally, how­
ever, I feel (as I have alluded to previously) that the presence of private
bodies is essential for the complete satisfaction of human needs.

One can note also the common practice for the State to
"yield" to private bodies in matters seeming to do with the subject of
religious upbringing and instruction. This sectarian basis of much
private action is an important and interesting phenomenon, and is prob­
ably indicative of certain basic value orientations in western societies.
It calls out for historical and sociological investigation and research.
CHILD PROTECTION IN GREAT BRITAIN: A SURVEY OF RECENT TRENDS, WITH PARTICULAR REFERENCE TO THE PATTERNS OF CO-OPERATION BETWEEN STATUTORY AND VOLUNTARY CHILD WELFARE AGENCIES

Part I - INTRODUCTORY REMARKS
Scope of Survey; When Protection is Required; The Meaning of 'Voluntary'

Part II - GROWTH OF RESPONSIBILITY OF THE LOCAL AUTHORITY
The Acts of 1932 and 1933; The Act in Brief; Conditions Leading up to and Including World War II; How the Responsibility was Divided; Prevailing Attitudes towards Deprived Children; Residential Nurseries; The Wartime Hostels Scheme; The Care of Children (Curtis) Committee; Findings of the Curtis Committee; The Children Act of 1948; The Children's Department; The Advisory Council of Child Care; Training and Programs; Refresher Courses; The 1948 Act and Its Effects on the Voluntary Organization

Part III - THE GREAT VOLUNTARY SOCIETIES
The N.S.P.C.C.; Voluntary Work with 'Problem Families'; Official Attitudes Toward the Voluntary Societies

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CHILD PROTECTION IN GREAT BRITAIN: A SURVEY OF RECENT TRENDS, WITH PARTICULAR REFERENCE TO THE PATTERNS OF CO-OPERATION BETWEEN STATUTORY AND VOLUNTARY CHILD WELFARE AGENCIES

Scope of the Survey

The time range of this survey will be roughly from 1935 to 1962, and the jurisdictional purview will be limited to England and Wales. Since children can be considered in need of care up to the age of twenty-one years, the age limits will be from birth to legal maturity.

When Protection is Required:

In the ensuing discussion of child welfare legislation, the legal justifications for extending protection to a child are examined in detail. As a rough guide to the principles underlying such justifications however, the words of Lord Beveridge will do as well as anything we know of.

Most children happily find all their needs, other than for education, and similar technical help, met for them within their homes or through their parents. There are some for whom this normal provision through the family fails. These children
are to be found in two places, some outside their parents' homes, some in their homes. 1

The Meaning of 'Voluntary'

As a rule, the typical voluntary agency mentioned in this paper will be recognized as an organization, set up to meet a particular social need, which, though it may be receiving financial aid from statutory sources, still remains accountable to private groups of citizens other than -- in any formal sense -- to a government department or committee. Penelope Hall is more explicit, stating that:

The term 'voluntary social service' ... is used here to denote organized social service activity which is in the main independent of government control--'private enterprise in the service of mankind' as Lord Beveridge describes it. This is not the same as volunteer service, which is service undertaken by individuals without remuneration. The volunteer helper may, and frequently is, to be found working in connection with a voluntary organization for social service, but he may also be found as a school manager, member of an area advisory committee of the National Assistance Board, or hospital management committee, or serving on the local council. On the other hand, voluntary organizations may, and do, employ full- and part-time salaried workers, but this does not affect their essential character, which depends on the fact that they owe their existence to the initiative and continued support of individuals and groups and not the State. 2

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Actually, it can be shown that many voluntary organizations in Britain today do in fact owe their continued existence to the state. (A prime example would be the National Society for the Prevention of Cruelty to Children.) The reasons for and the consequences of this apparent contradiction will be discussed more fully below.

GROWTH OF RESPONSIBILITY OF THE LOCAL AUTHORITY

The Acts of 1932 and 1933

Two pieces of legislation of paramount importance to the concerns of this study were enacted in 1932 and 1933. Both incorporated many provisions of the Children's Act of 1908. The Children and Young Persons' Act of 1933 consolidated some provisions of the Public Health Act, the major provisions of the Act of 1908, and the five outstanding parts of the 1932 measure. Because so much of the legislation which followed in later years harkened back to the 1933 Act, it would seem appropriate that we list its more significant clauses. The account which follows is based on official summaries, published by the Ministry of Health. 1

Pertaining to those who undertake or propose to undertake the reception of children for reward, and all foster parents:

1 The reader more interested in the general picture, than in legislative detail, is directed to page 11, on which a summary of the act will be found.
1) The intended reception for reward of a) children under the age of nine years must be notified, prior to reception to the proper authorities.

2) The period of notification on reception is changed from being required 48 hours after reception to a) in the case of the initial reception of a child, not less than seven days prior to reception; b) in the case of any other child, not less than 48 hours before reception; c) in the case of a child already being cared for, without reward, within 48 hours changing to an undertaking to receive for reward; d) in an emergency admission, notification within 12 hours after reception is a valid defence; e) notification of change of residence must be given at least seven days prior to such change, except in case of emergency, when notification may be given within 48 hours after the change; f) notification of the death or transference of a child must be given within 24 hours.

Notification under this section, of the child's death or transference must be given to the person from whom the child was received as well as to the local authority.

3) Manner of Notification: Notification may be given by registered mail to the local authority, coroner, or individual person concerned, at the place of business of the former, or the last known address of the latter.

4) "For Reward": Providing for care "for reward" is to be deemed such if there be any payment or gift of money or money's worth, "or promise to make such, irrespective of whether there is any intention of profit or not".

5) Time of Notification: Previously the time limit for prosecutions for failure to notify was held to be six months from the beginning of the time of failure to notify. Consequently, prosecuting was difficult because this whole period might have elapsed, prior to discovery of failure to notify. Such failure is now made "a continuing offence" so that the six months' limit may apply to the end of the period of failure to notify.
6) **Women Visitors**: At least one of the Infant Protection Visitors retained by each local authority must be woman. Where only one person is appointed she must be a woman.

7) **Home Visiting**: The scrutiny, advice and direction of the visitor is to extend not only to the nursing care but also to the general health and well being of the child in order to assimilate the work of the infant protection more closely to child welfare services.

8) Power is given to enforce by legal action, the limiting of the number of children kept in any foster home. Compulsory conditions also may be imposed, wherever the total number of children in care exceeds a specified total.

9) The local authority is given power to secure the removal of children in unsuitable premises or environment, or with unsuitable foster parents. (The classes of persons described as unfit for such placements include those unfit by reason of old age, inebriety, immorality or criminal conduct, or for any other reason, unfit to have the care of a child.) Detrimental environment as well as unsuitable foster parents or premises are recognized as ground for action both before and after reception. Persons convicted under the Prevention of Cruelty to Children Act of an offence of cruelty must receive the written sanction of the local authority to keep any foster children.

10) The local authority instead of the visitor is made responsible for applying to a Court of Summary Jurisdiction for an order for removal of any child to a place of safety—the authority's power to issue such order only on application of a visitor is rescinded. However, on proof of imminent danger to health or well being of the child, a single Justice may make an Order on application of a visitor or other appointed or authorized person and if need be may exercise that power ex parte.
11) Advertising: It is made an offence to publish an advertisement by an individual or a society which does not state truly the name and residence or office of the person or society respectively. The local authority is enjoined to make arrangements for scrutiny of local newspapers and for investigating relevant advertisements in order to enforce this section.

12) Other Provisions: Notice to the Coroner of the district "in which the body lies" must be given within 24 hours of a child's death by the person who has had care of the child. An inquest is required unless a satisfactory certificate of a duly qualified medical practitioner is produced. Section 7 of the Act of 1908, with regard to insurance remains unaltered. No one accepting for care any child falling within these provisions, may have an insurable interest in that child's life. Any insurance or attempt at insurance of a child's life is an offence on the part of the person insuring and of the company or agents issuing the policy.

This consolidating act was passed by the British Parliament and came into force November 1, 1933. Called "an Act to Consolidate Certain Enactments relating to Persons Under the Age of Eighteen Years", the act is found in chapter 12, of the British Statutes, Part I, 1933.

Further regulations pertaining to the act are the following:

Part I: Cruelty to Children

This part I is a re-enactment with little or no change of the existing law which deals with the prevention of cruelty to children, and with definition of exposure to moral and physical danger.
Part II: The Employment of Children

The major emphasis here lies in the insistence that local authorities are to conform to certain minimum national standards. In the new Act, children under twelve cannot be employed except in light agricultural work. Local education authorities may make by-laws regulating this. A child may be employed only two hours a day on school days. A child is a person under 14, or who attains age of 14 during a school year. The exception is children singing in choirs, paid or not, are not deemed employed.

Employment of Children in Entertainments

No child is to take part if a charge to the audience is involved. Certain concessions follow, including entertainments for charity.

Dangerous Performances

This section protects children from being trained as acrobats and contortionists without special licence.

Employment Abroad

This section protects children from being used as entertainers outside of England.

Street Trading

Power is given to the local authority to make by-laws regulating or prohibiting street trading by persons under eighteen.

Part III of the 1933 Act deals with the protection of children and young persons in relation to criminal and summary proceedings. Besides setting up the constitution of juvenile courts, Part III describes Methods Treatment, and an extension of the system of boarding out by means of
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committal to the care of the local authority as a fit person. It then goes on in (section 62) to deal with Boarding Out: ...A child or young person found to be in need of care or protection may be committed to the care of any fit person whether a relative or not who is willing to undertake the care of him. If, therefore, the child or young person in question has a suitable relation or friend who comes forward and offers, to the satisfaction of the court, to take care of him an order can be made committing the child or young person to his care.

But there are many cases, where—though no relative or friend appears—there may be still the possibility of finding someone with some suitable home where the child or young person may be boarded out. The Act provides for this situation by declaring that a local authority shall be deemed to be a fit person (section 76) and orders may be consequently made committing children and young persons to the care of the local authority if they are willing to undertake that responsibility. The intention of Parliament was that children and young persons so committed to the care of a local authority should be boarded out with suitable foster parents.

Part VI of the Act is supplemental and definitive in character. It purports that:

- A "child" is defined as a person under the age of fourteen years, and a "young person" as a person under the age of seventeen years of age.
- The "local authorities" referred to throughout the Act are defined by section 96 reading, that subject to modification for the city of London, "those powers and duties shall as respects children, be powers and duties of local education authorities for elementary education, and, as respects other persons, be powers and duties of councils of counties and county boroughs". A general order of the Home Secretary authorizes the N.S.P.C.C. to institute proceedings for bringing before the court any child or young person in need of care or protection.

Concerning boarding-out, the regulations specify that:

Arrangements for Boarding Out: "the local authority shall make arrangements for every child or young
person committed to their care to be boarded out as soon as possible with a suitable foster parent. Not more than two foster children shall be boarded out in the same home at the same time unless all the foster children are brothers or sisters or brothers and sisters. Not more than one foster child shall be boarded out in a home in which any other child or young person is placed with the foster-parent either permanently or temporarily, nor shall any foster-child be boarded out in a home in which there is more than one child or young person so placed. A foster-child shall not be boarded out or be allowed to remain boarded out in a home in which there are more than four other children or young persons resident.

No foster-child shall be boarded out with any person who is at any time or who has been within 12 months preceding in receipt of poor relief, and if a foster-parent at any time receives poor relief every foster-child boarded out with him shall be withdrawn from his care.

No foster-child shall be boarded out without a certificate of a medical officer as to his bodily health and mental health and condition and as to suitability for boarding out. A foster-child shall not be boarded out or be allowed to remain with any a) persons who have at any time been convicted of an offense which renders him unfit to be a foster-parent, or b) a person occupying or residing in premises with license for sale of intoxicating liquor.

Before receiving a foster-child to be boarded out with him, a foster-parent shall sign in the form in the schedule to these rules or in a form to the like effect an undertaking in duplicate, one copy of which shall be retained by the foster-parent and the other by the local authority.

On the delivery of the foster-child to the foster-parent he shall give a written acknowledgement of having received the child into his custody and other articles, such as clothing which accompanied the foster-child.

A foster-parent shall not become or continue to be a party to any contract for the purpose of insuring the payment to him for his own benefit of a sum of money upon illness or death of a foster-child boarded out with him and where the local authority have reason to believe that the foregoing prohibition has been infringed the foster-child shall be immediately withdrawn from the foster-parent.
Religious Persuasion: In accordance with the provisions of section 84 (3) of the Act, a local authority in selecting the person with whom a foster-child is to be boarded out shall, if possible select a person who is of the same religion as the foster-child or who gives an understanding that the foster-child will be brought up in accordance with that religious persuasion.

Supervision and Visiting: The local authority shall arrange for every foster-child to be visited within a month of his being boarded out and thereafter as often as may be necessary but not less frequently than once each three months.

Where a number of foster-children are boarded out in the same locality the local authority shall if practical, appoint a Committee of not less than three persons, one at least of whom shall be a woman, who shall visit by one or more of their number each foster-child at the times required and shall make such arrangements as may be entrusted to them for the care and supervision of the foster-children.

Provided that where the locality is beyond the area of the local authority, the local authority instead of appointing a Committee, may enter into an arrangement for these purposes with the local authority of the locality.

Medical Care: The local authority shall arrange that medical attention, including dental treatments, shall be available for each foster-child. Every foster-child shall within a month of his being boarded out be carefully examined by the doctor who will be responsible for his medical attention and a full report of such examination shall be forwarded to the local authority.

Placing for Employment: When a foster-child has passed the age at which he is not required to attend a public elementary school, the local authority shall make arrangements in consultation when desirable with the foster-parents, for placing him in suitable employment.

Where a foster-child has been placed in employment and cannot conveniently continue to reside with the foster-parent, the local authority shall make suitable arrangements for his care and supervision.
The Act in Brief

The Act of 1933 defines a child or young person in need of care or protection as one a) who has no parent or guardian, or a parent or guardian unfit to exercise care and guardianship, is either falling into bad associations, or exposed to moral danger, or beyond control, or is ill-treated or neglected in a manner likely to cause him unnecessary suffering or injury to health; or b) who has been a victim of a specified offence (including cruelty or a sexual offence) or is a member of a household in which such an offence has been committed and requires care or protection; or c) in respect of whom a vagrant has been convicted for preventing him from receiving education.

Concerning cruelty, the statute makes it an offence punishable by fine or imprisonment for any person over 16 years of age, wilfully to assault, ill-treat, neglect, abandon or expose him—or cause any of these things to be done to him—in a manner likely to cause him unnecessary suffering or injury to health.

Following 1933, almost every year saw some amendment or addition to the act, or a newer version of it. In 1938, the Infant Life Protection provisions of the 1932 Act (part V), were amended by the Children and Young Persons Act of 1938. This act extended the powers of Juvenile Courts to allow them, when revoking a fit person order, to substitute a supervision order instead. It also improved the machinery to deal with
truancy cases, and the law was modified in respect to the special constitution of Juvenile Courts in the Metropolitan Police Area. Each new act or section of it however, brought few really radical changes in the treatment of children in need of care—not, that is, until the Children Act of 1948. Since the latter piece of legislation is so important, a clearer understanding of the conditions and attitudes which prevailed at the time, and of the historical events which helped to shape the act, are needed.

Conditions Leading up to and including World War II

How the Responsibility was Divided

Up until 1948 no single government department had exclusive responsibility for child welfare, which, on the contrary, was shared between a number of different public authorities. Children who had been before the courts for delinquency or because they were in need of care came under the jurisdiction of the Home Office. The Ministry of Health supervised Poor Law local government units for the utterly destitute child. Handicapped children came under the Ministry of Education, while mentally defective children came under the Board of Control. Lastly, the war orphans were the responsibility of the Ministry of Pensions, as it was felt they should not be stigmatized by contact with a
workhouse. If, however, children were received into homes operated by voluntary workers and societies, they came under Home Office supervision. Boarding out of children was arranged locally by education authorities who were also responsible to the Ministry of Health for enforcement of "child life protection" provisions. (This refers to inspection of private homes where children under nine years of age were taken into foster care as a result of arrangements made privately by their families.)

One result of divided responsibility in any field is administrative evasiveness. Local authorities were able to refuse to receive children who had been committed to their custody, and sometimes they did so. Such refusals placed heavy responsibilities on the voluntary societies, which, with their quasi-missionary rationale, were hard put to it to refuse any child.

Prevailing Attitudes towards Deprived Children

Two reasons may explain public indifference to the plight of the deprived child before the investigations of 1946. One may lie in the pattern of divided responsibility described above, which made it almost impossible to assign the obligation to improve services to any one government department; the other may be the character of public attitudes toward needy people generally, which were still
heavily influenced by the Poor Laws of the nineteenth century. Under this influence, there was a disposition to hold that statutory bodies were expected to provide shelter for children who came under their protection, but not substitute homes. Audrey Wilson, describing the attitudes of the pre-War era, writes:

In some cases it was still assumed that such children should be grateful for anything done for them; that they were a burden to the ratepayers; that they should be kept under control, taught their duty to their betters and be assigned ranks in unskilled labour as soon as possible. When placed in a job they were expected to fend for themselves. If, later, such children drifted into crime, produced illegitimate offspring, showed no initiative, or alternately displayed a marked grudge against society, no one regarded such behavior as the result of treatment received.  

The War years ushered in new threats to the physical and moral welfare of children, not only because of the dangers of air attacks and the like, but also because of the almost inevitable deterioration in family life which resulted from the unsettled circumstances of the time, especially among those whose ability to cope was marginal in ordinary circumstances. Evacuation of children from vulnerable centres of population moreover, brought the problems of the deprived child to the notice of the people who had hitherto known nothing of such matters. Social standards were rising, (full employment, for example, was:

achieved for the first time in British history during World War II), and the nation began to expect and experience standards of health care and economic security which fifty years earlier had been available only to a fortunate few. 

A concerned awareness of the need of every child for personal affection and care was percolating down from the remote heights of expert psychiatric opinion to the levels of the popular press. The subject became a matter of public comment and debate and there was a diffuse sense that something ought to be done. In this generatively propitious atmosphere, a number of novel and path-finding projects were created, and some of these deserve a more detailed inspection.

Residential Nurseries

Set up originally by the "Save the Children Fund", a voluntary organization, in co-operation with the Ministry of Health, there were twenty-eight such nurseries in England, Wales and Scotland by 1944. The Fund co-operated with the Ministry of Health in finding suitable country houses in relatively safe reception areas; close liaison was maintained with the Ministry by the Fund's officers; and the nurseries were staffed in accordance with the Ministry's regulations.
Another line of activity of the Save the Children Fund was concerned with protecting children whose mothers had to work away from home. Nurseries and nursery schools were established in areas where official help did not exist or was still inadequate. Where the nurseries were in areas vulnerable to aerial attack, air raid shelters were provided by the Fund.

Even under the mass evacuation scheme, many children still remained in London, spending night after night in air raid shelters with their families. Save the Children Fund workers organized and equipped playgrounds in the shelters—thus initiating the service which was later to be established on a more permanent footing in their Junior Clubs section.

The Wartime Hostels Scheme

Seeking to find the solution for the problem posed by those evacuated children whose emotional or social difficulties made the usual boarding and foster-home arrangements impracticable, the Ministry of Health set up a hostel scheme which was financed by a 100 per cent grant to each county council, although each council was expected to develop the kind of service best suited to local need. Hostels were organized for the residential care of children who had come from broken or unhappy homes, and treatment was given by a visiting team of psychiatrist and psychiatric social worker,
both of whom were to be resident in the locality in question. The average length of stay ranged from two to four years, it being felt that these particular children were in need not so much of a substitute home as a primary home experience. Although this was a statutory venture, it was administered partly by voluntary help, in that the county council appointed a committee of residents to be responsible for the operation of the hostels. It is interesting to note parenthetically, that an administrative arrangement like this is a good illustration of the British practice (deplored by some American authorities) of having a team of "experts" reporting to a team of laymen, who in their turn, take a direct and often personal interest in the children served.

The Care of Children (Curtis) Committee

The exposure to public view of the conditions under which so many children were living that the evacuation scheme made possible caused a widespread feeling of national uneasiness. In 1943, the Women's Group on Public Welfare, jointly with the National Council of Social Service, published a study of child welfare entitled Our Towns—a Close-Up. Then in July 1944 a letter to The Times from Lady Allen of Hurtwood, a Chairman of the Nursery Schools' Association, called attention to the plight of children deprived of normal parental care. This letter was followed by others,
some supporting the work of the orphanages, but many
describing regimes of inexcusable harshness and a systematic
lack of personal attention and affection for the children
involved.

Some time after the publication of Lady Allen's letter
a child, Dennis O'Neill, died while in the care of one
authority but boarded out under another. Interest in the
condition of children in care was greatly intensified by
the disclosures made at the inquest on his death in January
1945. It was found that the boy had died of acute cardiac
failure following violence applied to his chest and back
while he was in a state of undernourishment and neglect. At
the ensuing trial at Stafford Assizes in March 1945, Gough,
the foster-parent, was found guilty of manslaughter and
sentenced to six years in prison. His wife, convicted of
neglect, was imprisoned for six months.

The publicity resulting from this trial resulted in the
government setting up a "Care of Children Committee", the
prime task of which was "to enquire into existing methods of
providing for children who from loss of parents or from any
cause whatever are deprived of a normal home life with their
own parents or relatives; and to consider what further
measures should be taken to ensure that these children are
brought up under direct conditions best calculated to
compensate them for the lack of parental care." The Committee
was soon re-named the Curtis Committee, after its Chairman Miss (later Dame) Myra Curtis, the Principal of Newnham College, Cambridge.

Findings of the Curtis Committee

One of the Committee's major findings was that in many children's "homes", the conditions prevailing were nothing less than appalling. They mentioned the lack of individual attention, lack of spontaneity, untrained staff, scarcity of toys, the herding together of children in large groups, and the absence of healthy and regular contacts with the outside world. Children were often housed with the elderly, sick and mentally deficient, as in the following account.

An example of this kind of motley collection was found in one county. An old Poor Law institution providing accommodation for 170 adults, including ordinary workhouse accommodation, an infirmary for senile old people and a few men and women certified as either mentally defective or mentally disordered. In this institution there were twenty-seven children, age six months to fifteen years. Twelve children up to the age of eighteen months were the children of the women in the institution, about half of them still being nursed by each mother. In the same room in which these children were being cared for was a Mongol idiot, aged four, of gross appearance, for whom there was apparently no accommodation elsewhere. A family of five normal children, aged about six to fifteen who had been admitted on a relieving officer's order, had been in the institution for ten weeks. This family, including a boy of ten and a girl of fifteen were sleeping in the same room as a three year old hydrocephalic idiot, of very
unsightly type, whose bed was screened off in the corner. The fifteen year old girl had been employed dusting the women's infirmary ward. These children had been admitted in the middle of the night when their mother had left them under a hedge after eviction from their home. No plan appeared to have been made for them. Another family of three children, aged eight to twelve, were sleeping in the 'nursery' part of the building. They had been brought into the institution on a 'place of safety' order. We were told in the education and public assistance offices that their case would shortly be considered with a view to further action, but they had already been in the workhouse for four months. We were told in another county that in some of the institutions of this area there was nowhere to put the older children to sleep except in the adult wards. Children had occasionally been sent back to their homes in which they had been neglected because it was thought better for them than the conditions under which they would have had to be cared for in the workhouse.  

One of the main deficiencies in the child care program to be emphasized by the Curtis Committee report was the lack of training for staff, both voluntary and paid. Behind this, Audrey Wilson suggests, lay "...the tacit assumption that their work was neither important nor difficult enough to necessitate training." 2 (Following the setting up of the Central Training Council in Child Care in 1947, training courses for boarding-out visitors and child care officers were established in certain universities, and up to the end of 1954, 412 women and 24 men had been awarded

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1 Report of Care of Children Committee (1946),H.M.S.O., para. 140.
2 Wilson, op. cit., p. 28.
the Council's certificate on satisfactorily completing their year's training.)

Beveridge, commenting on the findings of the Curtis Committee, observes that they concentrated on

...children in public institutions or in voluntary homes, whether the latter are maintained by philanthropic organizations or conducted as businesses. The total number of children thus coming under review was 125,000 of whom about 40,000 are in local authority institutions, about 40,000 in voluntary homes and 45,000 in other places including Approved Schools, remand homes and Approved probation homes and hostels for juvenile offenders, and a great variety of foster homes. Some, both of the Approved schools and of the foster homes, are maintained by public authorities and some by voluntary agencies. Altogether of the 125,000 children probably half are now in the care of a public authority, and half in the care of a voluntary agency.

In examining the public institutions kept especially for children the Committee was not quite so gloomy, but it was by no means cheerful. The buildings were unsuitable in a number of ways, with stone floors, half-tiled walls, hard wooden chairs and plain wooden tables. Long dormitories housed row upon row of white counterpaned beds, no other furniture being in evidence except a bedside locker. The large numbers of children being cared for made individual care in many institutions virtually impossible. Rigid systems of segregation were often in force, so that a child would spend most of his time in the society only of his own sex and age group. When the number of children

1 Beveridge, op. cit., p. 235.
came to thirty or more, strict discipline was the order of the day. If one child talked in bed, this could lead to a general uproar. Audrey Wilson, commenting on this barracks-like existence, writes:

This vicious circle of large numbers, strict discipline, fear, suppressed or repressed natural feelings, was all too often surrounded by another one—this time a physical one of a high wall and locked gates around a group of Homes. The compound would contain the school, church, stores, playing field, swimming bath, laundry, garden, nursery for young children, so that there was apparently no necessity, and often, no opportunity for children to go beyond the locked gates until they left the Home.... Statutory children's Homes were considered places of shelter, and logically, it was imperative that all children should be protected and not allowed to run away. Although children could not be blamed for the misdemeanours of their relations, in fact 'the sins of fathers were visited upon the children'. Except by the enlightened, illegitimate children were stigmatized; the boy whose father was in prison would not be allowed to forget it (ostensibly lest he should follow in the parental footsteps), the girl whose mother was a prostitute might be reminded that she herself should be wary of immorality. The idea was that children had to be protected against the viciousness that was in them and firmly trained into other forms of behaviour. Again, it is only fair to add that home conditions, before the children came into care, had often made them tough, certainly disturbed, and sometimes vicious and perverted. In many cases the staff were afraid of them and sometimes for their own self-preservation had to maintain very strict control. Any sign of kindness was regarded as softness by both boys and girls and an avalanche of disorder would follow. Such control, of course, led to problems of deceit, stealing, cruelty, sex perversion and incontinence, but the connection between the two was not perceived. Moreover, when numbers were so great, and material conditions so hard, it was difficult for the staff to be kind; that some did achieve a warm
relationship with their children was a tribute to their outstanding personality and large-heartedness. 1

There were occasional exceptions, where a progressive authority or an inspired official had succeeded in keeping his charges' needs uppermost in mind. But this was far from the common run of things.

In turning to the homes maintained by voluntary organizations, the Committee found a variety of sponsorship which extended from the three large societies, each caring for thousands of children in homes established all over the country, to—at the other extreme—small villa homes managed by a local committee and financed by a local charity for seven to ten local children.

Among the three large societies referred to, Dr. Barnardo's Homes, at the time of the Committee's Report, maintained some 7,500 children, the Catholic Child Welfare Council was responsible for about 14,000, and the Church of England Children's Society accounted for more than 6,000. There was also the National Children's Homes, at that time having more than 3,000 children in its direct care, and with responsibility for another 1,000 for whom it was making adoption arrangements. There were also four smaller agencies—the Shaftesbury Homes, the Arethusa Training Ship, the Jewish Board of Guardians, and the Children's Aid Society,

1 Wilson, op. cit., pp. 28-29.
which were associated with the larger ones through the National Association of Children's Homes.

The Curtis Committee summarized its impressions of the voluntary homes in the following manner.

In the main, homes run by the voluntary Committees and organizations expressed the sincere and general desire of their founders to do good to those in special need, and to make provision for the homeless child at a period in the nation's history when the statutory services were not as developed as they are today. Although often hampered by large buildings which made difficult the individual relationships so necessary to the full effectiveness of their work, there was no indication that as a group the voluntary homes fell below the general level of child care now obtaining throughout the country. In many instances they were well above it. (Para. 227)

The principal recommendations of the Curtis Committee were:

a) That responsibility for the care of deprived children at the central government level should be in one department.

b) The central department should be empowered to make rules under which children might be boarded out or maintained in institutions, these rules being applied to voluntary organizations equally with local authorities.

c) That all voluntary homes should be registered with and inspected by the central department, but that subject to general rules and to this inspection, voluntary organizations should be free to continue their present activities in the care of children.

d) That each local authority should set up a Children's Committee and appoint a Children's Officer with adequate staff to deal with the care of deprived children.
The publication of the Curtis Committee's Report was followed within eighteen months by the introduction of a Bill in Parliament which was designed to implement almost all the Report's major recommendations.

The Children Act of 1948.

This act embodied the recommendations of the Curtis Committee, chief of which was the creation of the position of Children's Officer together with the new correlative departments of government. It also placed squarely upon the local authorities the duty of taking into care children who had been committed to their custody by court order. This implied that the governments of counties and county boroughs had the duty to provide care for children up to the age of eighteen should their welfare require public care,—by virtue of their being orphaned or deserted, or their parents being temporarily or permanently incapable of 'providing for proper accommodation, maintenance and upbringing'.

The Care of Children Committee had recommended also that provision should be made for deprived children through adoption, the boarding-out of children and residential children's homes—in that order. Regulations laid down since the Children Act of 1948 have made it illegal to show a profit from the fostering of children, although remuneration for clothing and food is allowed by the local authority or
voluntary organization responsible. (Special payments can be made for unusual circumstances.) In practice this results in some economy of operation, because boarding-out is much cheaper for the authority than the setting up of residential care in the form of children's homes.

There are important provisions under the Children Act respecting the quality of care that local authorities must provide for children-in-care. The Home Office has regulatory powers over boarding out of children by the local authorities, and if the need arises, it can arrange to provide, equip and maintain children's homes.

Although the Home Office retained a general overall responsibility, the councils of counties and county boroughs were designated: the "local authorities" for the purposes of the act. Every local authority had the obligation to establish a Children's Committee to discharge its functions under the act. Included here was the duty of appointing a Children's Officer to carry out the work of the committee. Since this Children's Officer was to be the key person in local administration his or her appointment had to be made in consultation with the Secretary of State.

Such local Children's Committees, as they came to be called, were to be made up predominantly of the elected members of the local authority. This nucleus had the right to co-opt non-elected persons who were particularly suited for such work—in other words to co-opt willing volunteers.
Until 1958 Parliament continued to have the obligation of paying grants to local authorities, not to exceed fifty per cent of their expenses, in connection with children taken into care. Inspection powers held by the Home Office applied to all the premises maintained by local authorities including foster homes, adoptive homes and receiving homes, as well as the children therein.

Authorities were also instructed by the act to set up Reception Centres where children would be taken on arrival in care to receive medical examinations and psychological tests and be observed by resident and non-resident staff. After being admitted to a reception centre, a child might be transferred to an intermediate home, and from there a foster-home or long-stay home. From either of these, he might again be moved—this time to another foster-home or another children's home. If the child has trouble adjusting to the adults in charge of him he may make a variety of moves; but these moves must, to conform to the spirit of 1948 Act, be caused by a real emergency rather than an administrative whim.

The Children's Department

A creation of the 1948 Act, the Children's Department is a major division of the Home Office, the Parliamentary head of which is a minister who holds by virtue of this
office a senior membership in the Cabinet. A civil servant holding the title of Assistant Undersecretary heads this Department. There are four divisions: 1) Child Care; 2) Juvenile Courts and Adoption; 3) Approved Schools; and 4) the Inspectorate.

The first three Children's Departments concern themselves largely with the development of standards. These are expressed and codified in regulations called Standing Orders—a form of delegated legislation called statutory instruments. They come before Parliament and within a certain time become law if they meet with no objections there. The fourth division—the Inspectorate—acts as liaison between the national government and the local authorities and voluntary organizations.

The Advisory Council on Child Care

Another statutory product of the 1948 Act is an Advisory Council, the members of which are appointed by the Home Secretary so as to secure representation from every field of knowledge having to do with child welfare. Members of this Council also constitute a non-statutory advisory committee, the Central Training Council which concerns itself with the many kinds of training and staff development needed to meet the higher standards required by the 1948 Act.
Training Programs

The training for child care officers consists of a one year course which is open to suitable people with social science degrees or with certificates in teaching, health visiting, social work or similar fields. The courses are seldom full because of the paucity of people with the prerequisite education. People without such educational requirements for the child care officer course but with other desirable qualifications, are eligible for a preliminary year of training at Bedford College (University of London) or the London School of Economics and Political Science. Students enrolled in either phase of the training scheme are eligible for Home Office grants.

Following the Central Training Council's recommendations, the Home Office also sponsored a long and a short course for houseparents. This move stimulated many local children's committees to develop courses of their own for houseparents in their districts. In 1954, nine such courses were given—five by local authorities through their local education departments, and four by voluntary organizations for their own staffs. The Central Training Council's "letter of recognition" is awarded to successful applicants. By the end of 1954, 900 women and 150 men had received such formal acknowledgements.
Refresher Courses

Up to the end of 1954 thirteen brief courses had been held for child care officers already employed who had not had the necessary educational background to register for the regular training program. By that date, 323 persons had attended.

Many houseparents were already employed at the time of passing of the act, and for these people, intensive refresher courses of from ten days to three weeks duration have been given. Most of the courses are of a general nature (e.g. child psychology, home and garden management) but a few are designed to deal with specialized aspects of the work of houseparents, such as the problems of "managing" disturbed children.

Commenting in 1957 on the effects of the training programs, Audrey Wilson wrote:

Happily, co-operation between all workers in the child care service has improved during the past seven years. During their training, both child care officers and houseparents are enabled to see something of each other's work and to appreciate the possibility and difficulty of it. Many child care officers have previously worked as houseparents and this gives them a greater understanding of their colleagues who are working in children's Homes. Occasionally the outside workers transfer from boarding-out to children's Homes, but this is not often the case as most of them prefer the freedom of non-residential work. 1

1 Wilson, op. cit., p. 24.
The 1948 Act and Its Effect on One Voluntary Organization

With its strong emphasis on co-ordination of the work of public and private child welfare agencies, the Children's Act of 1948 placed control of voluntary agencies firmly under government control. This it did in a variety of ways, but chiefly through the new inspection powers and personnel of the Home Office.

Many of the private child welfare agencies had enjoyed a semi-autonomous status before the proclamation of the 1948 Act, and none more so, perhaps, that the National Society for the Prevention of Cruelty to Children. The Society derives its powers from a Royal Charter which directs it to "prevent the public and private wrongs of children" and to enforce the law for their protection—and this responsibility often entails immediate emergency action, unhampered by statutory protocol. Thus the Society can range freely over the whole field of problems involving children, without first checking to see which statutory authority might properly be involved.

Yet it was semi-irresponsible powers like these that the act was intended to control. The Society was accordingly informed by the Government that N.S.P.C.C. Inspectors would now come under the supervision of the Inspectors of the Children's Department of the Home Office. The Society was given the choice of agreeing voluntarily to this arrangement or of having the Government enforce its ruling.
with an Act of Parliament. The Society agreed. On the national scene, the Home Office Inspectors were to have no control over the Society's officials, but the latter were henceforward under obligation to report on matters needing rectification to the Children's Department, there to be considered further in concert with the Director.

Even with the 1948 Act however, the N.S.P.C.C. retains much of its traditional independence on the local scene. ¹

THE GREAT VOLUNTARY SOCIETIES

The continued existence and activity of voluntary organizations in this field is evidence of the persistent vitality of a certain evangelically-oriented concern with the moral welfare of children which is a distinctive tradition in British social life. State provision of child welfare is aided and supplemented in various ways by a great number of these voluntary bodies, both those of long-standing such as the N.S.P.C.C. and those of more recent origin like the Family Service Units, founded during World War II to work with problem families.

Such venerable institutions as the Dr. Barnardo Homes, the National Children's Homes and the Church of England

¹ There is a fuller discussion of the history of the work of the N.S.P.C.C. below. See pp. 33-36.
Waifs and Strays Society (later re-named the C. of E. Children's Society) all saw the light of day in the late nineteenth century. They were founded by fervent church men or lay members who had been moved to action by the dreadful conditions of child neglect which came in the wake of the Industrial Revolution. These are now constituent societies of the National Council of Associated Children's Homes, with which a large number of smaller voluntary homes have also affiliated themselves.

The National Society for the Prevention of Cruelty to Children acknowledges a similar origin, having been founded by Benjamin Waugh, a lay Evangelical preacher whose crusading spirit was largely responsible for, among other things, the establishment of juvenile court legislation in 1908.

The N.S.P.C.C.

The N.S.P.C.C. began as a London Society in 1884, but had extended its scope to that of a national body as little as five years later. In 1895 it was incorporated by Royal Charter, having assigned to it two main purposes: 1) to prevent the public and private wrongs of children and the corruption of their morals; 2) to take action for the enforcement of laws for their protection.
The N.S.P.C.C. has had rough passages in its history. Once it brought a libel action and won it; another time it had to request formal inquiry into its administration in order to clear its name of vilifying charges and it succeeded in this action too. And it has lived with the problem—always capable of provoking embarrassment or acandal—of justifying its interventions in people's domestic privacies.

In the early days the Society even had to provide justification for expansion. Whenever it suggested the formation of a chapter in a new town, that town would vociferously proclaim the absence of any conditions which would imply a need for the services of the N.S.P.C.C. Happily, the cases of appalling brutality which were common in the early days are now rare, chiefly because the general standards of competent parenthood have risen. Most of the cases reported to the Society today would have passed unnoticed in the harsher days of forty or fifty years ago.

The cases typically dealt with by the N.S.P.C.C. today involve such things as excessive drinking, gambling, indifference, filth, brutality, and occasionally the suicide of a single parent. In every case the Inspector enters the home not to punish but to rescue the children, and most of the time this can be done by helping the parents.

The Society has also played a part in extending the scope of its laws to protect children. Until 1889 there
was no general Act dealing with children's rights. In that year, the N.S.P.C.C. helped to secure passage of the first "Children's Charter", which asserted that "no person having the custody, charge or care of a boy under fourteen or a girl under sixteen might neglect or ill-treat such a child in a manner likely to cause it unnecessary suffering."

This act also removed the requirement that a child give evidence on oath. (There had been cases where the child had been too young to understand the nature of an oath, and consequently had not been able to give evidence.) The original "Children's Charter" has since been developed, of course, in many ways, notably by the Acts of 1894, 1904, 1908 and 1933. All these measures owe much to the continued efforts of the N.S.P.C.C.

In the year 1960-61 the N.S.P.C.C. dealt with nearly 40,000 cases, involving a total of over 112,000 children. In a quarter of the cases, the parents themselves sought advice about the proper care of their children.

Most cases are brought to the notice of the Society by the general public. A substantial number of cases are referred by police, school authorities or other officials, and a few are discovered independently by the Society's inspectors in the course of their work. Parents were prosecuted for neglecting or ill-treating their children in only 354 cases (less than one per cent); the corresponding number in 1901-02 was 2,839.
The N.S.P.C.C. employs men inspectors and women visitors. Each inspector is responsible for the investigation of all alleged child neglect or cruelty found in his area and for taking appropriate action—if necessary, after consultation with his local branch secretary, to whom he reports all his cases. Where prosecution is proposed, the case is referred to headquarters. The honorary branch secretaries, who are often solicitors or members of other professions, therefore take an important share of the work. There are in all over 50,000 voluntary collectors and other auxiliary personnel who are not directly engaged in the personal work with parents and children.

When it appears from the inspector's initial visit to the home that maternal inadequacy is the cause of the trouble, he may ask a woman visitor to take charge. The women visitors receive a special training to enable them by regular visiting and supervision to educate as well as to encourage mothers in methods of hygiene and home-making. Each visitor takes cases from two or three inspectors and her case load is limited to 25. Unlike the inspector, the woman visitor does not wear a uniform.

Voluntary Work with 'Problem Families'

Social work with families who are consistently unable
to manage their lives satisfactorily, and whose standards of home life and child care give cause for concern, has been undertaken, in Britain as elsewhere, by many social agencies; but none has been so closely associated with this field of social work as the Family Service Units. A voluntary organization, its workers undertake intensive casework with families in their own homes in four areas in London and in several other English cities—Birmingham, Bradford, Bristol, Leicester, Liverpool, Manchester, Oldham, Salford, Sheffield, Stockport and York. Each unit consists of five to ten social workers, men and women who live in the local area and centre of work. Each worker is responsible for giving personal help, friendship and supervision, often over lengthy periods of time, to anything between 12 and 25 families at a time. The units receive both referrals and assistance from the local authorities of the areas in which they work.

**Official Attitudes Toward the Voluntary Societies**

Following the 1948 Act there was an understandable public reaction to the effect that the voluntary societies had had their day, and that "the state" could now assume all responsibility for child welfare. But the inveterate and double-edged British habit of doing everything by halves
reasserted itself. On August 3, 1950, following the publication of a joint circular (see below) from the ministries involved in child care, urging full co-ordination between public and voluntary agencies, an editorial statement with the title "Authorities and the Child" appeared in The Times. Its painstaking judiciousness is probably representative of the present state of official opinion in Britain.

The circular exhorts every local authority to assign to one officer the duty of co-ordinating the various local services concerned with the welfare of neglected children. It is not explicitly stated that this is to be the Children's Officer appointed under the recent Act, but perhaps there is here no need of rigid uniformity. What is important is that the co-ordinating officer, in bringing about regular meetings of the representatives of the local services, is charged to include those of the voluntary organizations working for child care. This recognition of the value of private benevolence from which the whole impulse to better the condition of children has come is no more than their due; but it is not always made. Though it would be unwise to assume that the fervour that goes into the voluntary service cannot be matched by paid officials, there is much to be done for children by private agencies which the administrative machine is bound to do less well, and sometimes cannot do at all. Statutory powers which strengthen the hands of public servants within their defined limits, may correspondingly paralyse them once these limits are overpassed; the more conscientious the official in discharging the duty laid upon him by law, the more diffident he is apt to be in assuming a duty that the law has not mentioned. If the initiative now taken from Whitehall helps to keep the voluntary associations alive, and fosters friendly co-operation between their highly trained workers and administrative experts possessing a different range of accomplishments, it will be beneficial beyond its immediate object.
of co-ordinating welfare duties where they have tended to diverge or overlap. 1

TRENDS AFTER 1948—SUBSEQUENT PAPERS AND LEGISLATION

The Co-ordination Circular of 1950

On July 31, 1950, the Home Office with the Ministries of Health and Education issued a joint circular to local authorities urging upon them the importance of co-ordinating whatever resources might be available in their areas for the help of children who were neglected or ill-treated in their own homes. The circular said:

If effective help is to be given at an early stage, it is essential that there should be co-ordinated use of the statutory and voluntary services.... The Ministers are convinced that it is by means of co-ordination that this complex problem can best be dealt with. Without co-ordination, information may not reach the service which could be of most assistance until valuable time has been lost. 2

The circular went on to recommend that co-ordinating committees be created in each local authority, each having a chairman whose appointment was to be made locally. Any expenses incurred for co-ordination were to be chargeable


2 Circular 157/50 (Home Office), Circular 87/50 (Ministry of Health), Circular 225/50 (Ministry of Education), July 31, 1950.
to the Children's Department. The chairman was to call together at regular intervals, representatives of statutory and voluntary welfare agencies, to discuss their common problems and decide which of the local services could best meet the needs of a particular situation. These co-ordinating committees focussed much of their attention of 'problem families', often working with local Family Service Units. These committees were to be in addition to the already established local children's committees.

Many local authorities have set up such committees, and have asked members of the N.S.P.C.C. and other voluntary agencies to serve on them. The committees depend for their success very largely on the ability of the designated officer and on the kind of lead he gives. The "designated officer" is usually found to be the local children's officer, if this position has been filled.

Effects of the 1948 Act Seen in Estimates

The 1951-52 Select Committee on Estimates, Child Care, drew attention to the considerable discrepancy between the cost of boarding-out and of residential care. It therefore stressed the need of boarding-out in the alleged interest both of child welfare and economy. In deference to this indication of what Whitehall is likely to favour, pressure is sometimes exerted on a child care officer to go beyond
the bounds of good homes in her area and employ marginal or isolated foster-homes. But since the larger statutory and voluntary homes have been disbanded to make way for smaller "cottage-type" homes of twelve or fewer children, some experts feel that modern "residential" care is often preferable to foster-care, even if it is somewhat more costly.

1952 Amendment to the Children and Young Persons' Act (1933)

Major sections of the 1933 Act spell out fit person orders. The 1952 Act defines "need of care and protection" broadly, thus giving local authorities more leeway for individual interpretation. They were now required to bring before the Juvenile Courts children and young persons who, they had been informed, were in need of care or protection, unless, after investigation, they found such action unnecessary. (The family might quickly mend its ways, upon investigation, or alternate sources of care be quickly found. Another important amendment in the 1952 Act gave authority to bring children and young persons before the Juvenile Court who might be in need of care or protection for reason of ill-treatment or neglect without thereby creating a commitment to prosecute the parents or responsible adults in a senior court. In this Act the Home Secretary is given broad inspection powers over local
authorities and regulator's power in regard to the administration of "fit person" orders. The Home Secretary also has power to discharge a child from the care of the person to whom he has been committed.

The Children Act, 1958

This Act is concerned chiefly with provisions for the care of foster-children. It states it to be the duty of persons taking a foster-child into their care to notify the local authority if the child is below the limit of compulsory school age or if his care and maintenance are undertaken for reward for a period exceeding one month, whenever such persons are neither relatives nor guardians of the child in question.

Block Grants

That same year Parliament established a system of block grants for child care work in counties and county boroughs. These new general grants are for two year periods, but may differ in amount in each of the two years. For the first year the total appropriation was to be £291,250,000, a sum which constituted 55.5 per cent of the total to be spent by both national and local governments.
The quality of co-ordination between statutory and voluntary child welfare agencies is both measured and assisted by the nature of the financial arrangements between them. In Britain, the design and maintenance of these arrangements are greatly facilitated through the good offices of the National Council of Social Service.

Founded in 1919, the Council promotes co-operation on an area basis by means of the rural community councils in country areas, the urban councils of social service in the towns, the county councils of social service, and area councils of social service which may not be geographically co-extensive with existing county lines.

Local committees which deal with special services are free to accept or reject the help offered by the Council. But the Council has been entrusted with and has wielded a powerful economic sanction in some areas where it has been the official agency for the disbursement of certain government funds. It can, therefore, impose conditions and insist on the maintenance of certain minimum standards for any agency requesting assistance.

An unstable financial base is one of the most serious problems facing voluntary organizations, and it has become increasingly serious now that new fund-raising methods are needed to compensate for the virtual disappearance of the
benefactions of wealthy patrons. "Universal" canvassing is now the order of the day, and with it has come a more urgent need for co-operation in fund raising among voluntary agencies. In Liverpool, the joint efforts of the Council of Social Service and Personal Service Society have led to the development of the United Voluntary Organizations. With the co-operation of industrial management and trade unions, this collective body is able to garner weekly pennies from between 60,000 and 70,000 persons working in approximately 550 firms. The money is then distributed among the local charities associated with the scheme. Distributions are handled by means of a scheme approved by the Council of Social Service—the amounts for each charity being worked out by a committee of the city's leading chartered accountants and a leading actuary. A prominent feature of the campaign is to keep subscribers constantly informed of what their money is being used for. So successful has this scheme proved in Liverpool that other cities, notably Manchester, are organizing similar money-raising schemes upon the same model.

Grant-aid is another source of financial support which voluntary bodies are eligible to receive from either the central government or from local authorities. Funding arrangements of this kind however, raise serious questions about the scope they leave the voluntary organizations for the innovatory and unorthodox activities which are supposed to be among their prime reasons for existence.
The Cost of Care

The average weekly cost in the fiscal year 1954-55 of maintaining a child in a boarding-home was £1. 10s. 4d; in the following year it was estimated to have risen to £1. 12s. 1½d. For children in local authority homes the comparable figures were £6. 1s. 4d and £6. 9s. 9d. Rather less was paid by local authorities for their placements in voluntary homes, as the quoted costs for these were £2. 18s. 11½d. and £3. 2s. 9½d. respectively. (The voluntary figures do not include administrative costs.)

Parents are not necessarily relieved of financial responsibility for their children in care. If they are financially able to do so, they are required to contribute to the local authority for maintenance of their children up to the age of sixteen.

The National Aspect of Financing

Grants-in-aid covering regular operating costs to any local authority are usually forthcoming from the Home Office (Children's Department) even if a particular authority has failed to conform to national regulations. But when it comes to approval of plans for local capital construction,

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1 Children in the Care of Local Authorities in England and Wales, Great Britain Accounts and Papers, Vol. XXXVI, 1955-56.
the Home Office holds the upper hand. In this way, the Children's Department is able to set and enforce national standards in the construction of children's institutions. Moreover, powers of this kind can often be used with far greater versatility than might be guessed from their formal scope; and it may be imagined that getting money for a building sometimes involves getting approval for certain other things at the same time!

THE OPERATION OF ONE LOCAL AUTHORITY—THE LONDON COUNTY COUNCIL (L.C.C.)

The London County Council has the most elaborate and the largest local authority organization in Britain.\(^1\) Its Children's Committee has twenty-four members, including the L.C.C. chairman and deputy chairman. Fourteen of the members must be elected councillors, and seven are co-opted members. The elected councillors are named to the committee each year; the co-opted members serve an indefinite term of office. The chairman is elected for a three-year term, is a member of the majority party, and is experienced in the work of the Children's Committee. Co-opted members are not selected by the Committee; the Committee may make

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1 The L.C.C. has recently been assimilated to a new and comprehensive structure of government for the entire greater London area. Details are not available at the time of writing.
suggestions on this score, but the elected government of the L.C.C. actually appoints the co-opted members. Party considerations enter here, as the L.C.C. is a testing ground for political issues of national importance. Kammerer describes the typical children's department in the following manner.

Just as each local authority works out its own children's committee pattern for the direction of the various types of institutions and functional programs stressed by that authority, so the internal organization of the Children's Department in each British local authority reflects local needs. Those local authorities which are large enough to operate the full scale of child welfare facilities ranging from reception facilities with clinical psychologist staff all the way to approved schools and educational staff may be expected to present a more complex departmental structure reflecting the variety of functions. If a large area is covered, geographical factors also enter into structural considerations.  

Figures cited by Kammerer indicate that on July 31, 1954 there were 2,258 persons employed by the Children's Department of the L.C.C., 1,900 of whom were residential or homes staff, 231 administrative or clerical staff, and 127 visitors or supervising field officers directing casework. A rough indication of the number of children served is seen in the figures for January 1, 1955, when 4,968 children were in institutional care (of whom 428 were in approved schools operated by the L.C.C.) and about 2,000 were boarded out in foster homes.

The administrative structure of the L.C.C. Children's Department, headed by a children's officer, features three departmental units under this officer's direction. These are headed by a Chief Assistant Children's Officer, an Administration and Establishments Children's Officer, and a Chief Inspector of Child Care.

After the Children Act of 1948 the L.C.C. permitted the local Health Department to continue its work of investigation into foster homes—a duty performed by this department under the Child Life Protection requirements before the act.

Specialization occurs in the assignment of cases among L.C.C. field staff. There are "generalist" caseworkers who find foster homes and place children in them, in addition to placing children in institutions. Besides these, there are special duties officers—some of whom specialize in juvenile court work or adoptions investigations. Others might specialize in the after-care work carried on with adolescents released from L.C.C. approved schools.

The L.C.C. operates such a vast number of children's institutions, including enormous grouped cottage homes with schools on the grounds, that they need an internal departmental inspectorate to work exclusively with their staffs and check on programming.
Voluntary Agencies Contributing to Child Welfare in L.C.C.

Authority: The Children's Care Committee

In the early years of the century, voluntary children's committees grew up in some school districts in Britain. At that time the emphasis of these committees was on feeding the school children, many of whom came to school inadequately nourished. Today their concern is for the unhappy, maladjusted child. Interpretation of the National Health Act to the children's parents is another facet of their responsibilities. Their work today is carried on in the area served by the L.C.C.

A unique arrangement has been worked out in London with these Care Committees. The L.C.C. employs a staff of about 60 trained social workers as organizers of the committees, which for their part are composed of voluntary workers (some 2,670 in all). The committees are attached to both primary and secondary schools, or groups of such schools. Their duties, besides those mentioned above, include visiting children's homes in connection with any problem that might involve boarding-out, making recommendations for boarding education, and, when the child has left school, helping to place him in work placement. The Care Committee worker plays an important part in putting the school-leaver in touch with facilities for further education, vocational training and recreation. If difficulties arise over jobs, the voluntary worker, guided by a social worker, visits the
home; and her confidential reports to the employment officer do much to bridge the gap between school and earning a living.

The life history of the Child Care Committees demonstrates an interesting possibility in the evolution of a voluntary agency. When they were founded they drew their funds from private voluntary donors. Now financed by the government, they recruit the vast majority of their staff from voluntary sources; so that they have, in effect, become a government agency staffed by private volunteers.

**Family Services in London**

The L.C.C. has estimated, on the basis of a survey made in 1955-56 of all families in the County with children under five, that 1.43 per cent of such families were "problem families"; or, more often, potential "problem families". The Council therefore appointed, for an experimental period, workers whose duties were to lie exclusively with those families who had become an object of concern as a result of contacts with health visitors, the schools, the welfare department, or in other ways.

Among the voluntary organizations concerned, the London Council of Social Service, in association with the National Institute of House Workers, has organized home advice groups to help mothers who have been evicted, or otherwise made homeless, to achieve more satisfactory
standards of homemaking and child care during the time they are living in temporary accommodations provided by the local authority.

SOME OTHER ASPECTS OF CHILD CARE

Aids for Illegitimate Children

According to the National Council for the Unmarried Mother and Her Child (N.C.U.M.C.), fifty per cent of unmarried mothers go to voluntary agencies for assistance before and after their child is born.¹

Under the National Health Service Act, the special services therein provided for the unmarried mother and her child are the responsibility of local authorities, as part of their general duties towards mothers and young children. But the denominational religious agencies were the first in this field, working from what—with Biblical warrant—we may call a traditional Christian compassion for a group considered by many people to be beyond the pale. Local authorities often still prefer to discharge their responsibilities by subsidizing, in various ways, the workers

¹ This figure, combined with other illegitimacy figures to follow, were gleaned from an unpublished paper supplied to the writer by the N.C.U.M.C.
and mother and baby homes provided by the voluntary bodies. A few local authorities employ special social workers of their own for this job, but out of 160 mother and baby homes in England and Wales, only about 30 are directly provided by local authorities.

The "moral" workers, particularly those of the Church of England (which provides its own training program) provide a casework service throughout the country. Mothers who do not contact voluntary agencies usually go to almoners, child care officers, and other local authority workers. Some appear to get no help from social workers at all. The policy of the welfare department of the N.C.U.M.C. is to refer the many who apply for help to the most appropriate local welfare workers, and to offer legal, financial and other services to social workers for the benefit of their clients. Direct help is to be given by the Council only where the client will not, or for some reason cannot, be referred.

The Homes Provided

The most prominent institutional figure in this field is the Church of England. A network of homes is provided throughout the country by local Diocesan or Deanery Committees working independently, with the Church of England Council for Social Work retaining a co-ordinating function. The Roman Catholic organizations, the Salvation
Army, the Free Churches and certain non-denominational bodies also provide homes.

A surprising variety of homes is available. The majority, known as "mother and baby homes" provide pre- and post-natal care, with a normal stay of six weeks before the child's birth and six weeks after. The mothers will usually be confined in hospital, though there are a small number of maternity homes with lying-in facilities which are generally reserved for the very young unmarried mothers. There are "shelters" designed mainly for girls in the earlier months of pregnancy. These girls can later be transferred to mother and baby homes, or to any of small number of ante-natal hostels which provide both accommodation and certain kinds of remunerative work. There is also a very limited amount of post-natal accommodation where the mother can live in with her child as a resident but go out to work during the day.

Some mother and baby homes admit all types of unmarried mothers, including married women having an extra-marital pregnancy; some specify a first pregnancy only, or cater for a particular age group; one home run by the Church Army for the L.C.C. caters for young schoolgirls and provides a full school programme under a qualified teacher.

There are approximately 48,000 illegitimate births in England and Wales each year. It has been estimated that about one third of these children are born to cohabiting parents. The mothers of a further third are cared for by
their families, often with statutory assistance. The remaining third (approximately 16,000 unmarried mothers) need special help, which may often include residential care.

The gradual increase in the percentage of illegitimate births since 1955 has been associated with a growth in the number of precisely that class of young unmarried mothers who are most likely to need residential care. Reports from all over the country indicate the increasing strain on the capacities of these homes, and correlative difficulty in placing certain categories of unmarried mothers.

The Part Played by N.C.U.M.C.

Because the N.C.U.M.C. is non-denominational in character, it has succeeded in remaining detached from the sectarian rivalries of the various voluntary religious groups working in this field, and has thus been able to fill an important integrative and catalytic role. It was largely owing to pressure from this organization that the Legitimacy Acts of 1926 and 1959 were passed. (These laws enabled the child born of an unmarried mother to be subsequently legitimated by the marriage of his parents. They also led to the introduction of the shortened birth certificate, available to everyone, which conceal the fact of illegitimacy).
A comparatively youthful body (founded in 1918) the N.C.U.M.C. is vigourously active both in research and in the representation of the needs of its client constituency at social and child welfare conferences. It has sponsored comparative studies of social policies for unmarried motherhood in other countries, and has regularly pressed for the adoption of more liberal policies at home.

The Twenty-Four Hour Nursery

A comparatively recent innovation in the provision of assistance to the mother who may be the sole wage-earner in a family and is involved working shifts or late hours (e.g. bus conductresses and cafe workers), is the device of a residential nursery where a child may stay for five and a half days a week, returning home for the weekend. Such nurseries are now being maintained by local authorities in industrial areas like Birmingham, where a twenty-four hour nursery is run by the Medical Officer of Health. Others who may benefit from such a scheme are unmarried mothers, and mothers confined to hospital whose husbands are working out-of-town.

Children may be admitted to these nurseries at a minimum age of six weeks. Although as many as a third of the total capacity of 30 children may be day children, infectious illness has not posed a serious problem. In
certain cases, however, the matron has been known to maintain a sick bay over the weekend. Staffing is a problem for such a nursery, although the Birmingham venture has been approved for training student nurses specializing in nursery work.

Training Homes for Mothers

Training in home-making is available to mothers who have been found guilty of neglecting their children by the courts. A training course for mothers who have been given a prison sentence of three months or more for child neglect was started in 1952 in the women's prison in Birmingham. A similar program is now in operation at Holloway Prison in London, where a part of the premises has been especially adapted and provided with the type of equipment likely to be found in the women's homes. The 12-week course provides both practical and theoretical training in elementary homemaking and child care.

Alternatively, mothers convicted of child neglect may be placed on probation with a requirement to reside, usually for four months, in a home where they can be instructed in the care of their children and homemangement. They usually take their children under five years of age with them and when they return home the mothers remain for a period of time under the supervision of the probation officer.
This type of training is provided at the Elizabeth Fry Training Home in York, and Crowley House in Birmingham. In addition to mothers who have appeared before the courts these homes also take mothers for whom a period of rest and training may avert a breakdown of family life. At Brentwood Recuperative Centre in Cheshire, the work is wholly preventive. All these homes regard after-care by the body sponsoring the mother's stay as an essential part of the rehabilitative process, and the results achieved through this insistence on follow-up have been encouraging.

THE CURRENT SCENE: SOME REPRESENTATIVE STATISTICS; THE INGLEBY REPORT

A summary, if crude, notion of the current patterns of child neglect (as they impinge on the social services at any rate) is derivable from figures published in a White Paper of 1956.

The number of children without parents is very small (340)—less than one per cent; and less than two per cent (718) have experienced the death of their mothers. On the other hand, 2,761 were deserted by their mothers and 3,088 came in under a fit person order. By far the biggest number, 24,005 needed care because of the incapacity of parents or guardians.

1 Children in the Care of Local Authorities in England and Wales, Great Britain Accounts and Papers, Vol. XXXVI, 1955-56.
More recent statistics are furnished by John Stroud, writing in September, 1963. He says:

The latest Home Office figures show that on March 31, 1962 there were 63,648 children in care (England and Wales). During the twelve months previous 47,471 children came into care and 46,019 were discharged—a total of 93,490 decisions involving the utmost delicacy and care. In addition to all these, cases where child care officers were concerned but alternative arrangements were eventually made involved a further 57,044 children; and child care officers acted as guardians ad litem on behalf of 13,259 children. 1

Stroud goes on to protest the overwhelming burden of responsibility implied in the new Children Act of 1963. This Act came about as a result of the work of the Ingleby Committee. 2

CONCLUSION

What general tendencies can be discerned in the present relationship between public and private child welfare agencies in Britain? It will be abundantly evident even from this brief account of the recent history of the

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2 The work of this committee (whose research covered the period from December 1956 to October 1960) stressed the responsibility of the local authorities to prevent or fore­stall suffering (through neglect) of children in their own homes.
subject and our skeletal description of the current structure of services, that the voluntary agencies are continuing to play not merely an important but an integral part in the field of welfare programming with which we have been chiefly concerned. Whether this is more the outcome of legislative and administrative adaptation to historical circumstance than of an articulately conceived and systematically implemented plan of "partnership" is a question which few people would answer in the same way, even if all the evidence requisite for an answer were available. But if this problem is put on one side, the observation can still be made that the private agencies appear to constitute one of the significant sources of energy and creativity in at least one area of the British social services, notwithstanding the present scope and elaborateness of governmental involvement.

The main issue for the future seems to hinge on whether the private agencies can avoid becoming subservient as they become increasingly dependent on public funds, and otiose as the governmental services become more professionalized, sophisticated and versatile. Many expert students of the subject have grave doubts as to the probability of this. As Penelope Hall writes:

Even in a welfare state, there are tasks to which private individuals concerned to further the well-being of their fellows may still feel themselves called, but many such organizations have fallen on difficult times, and are hard-pressed to find the wherewithal to continue their work, since costs are rising, and sources of income drying up. Consequently, they are coming to rely more and more on grants-aid
from local authorities and central government departments and it may be that, except on a very limited scale in pioneer or very controversial work, the days of the strictly voluntary organization—that is, an organization working absolutely independently without state or local authority assistance of any kind—are at an end. The emphasis today is on partnership, a partnership in which the central government, the local authority and the voluntary organization all have their parts to play, and in which the State, recognizing the value of the work of the voluntary organization, assists it to play its part. Hence the State and the local authority give financial support to the voluntary body and so help to establish its status as well as making its continued existence possible; in return they make use of the machinery it has built up, and benefit from the tradition it has established. 1

Lord Beveridge too, although a fervent advocate of the value of "voluntary action" hints that the days of the voluntary organization, in the traditional sense, are numbered. He says:

Voluntary action is needed to do things which the State should not do, in the giving of advice, or in the organization of the use of leisure. It is needed to do things which the State is most unlikely to do. It is needed to pioneer ahead of the State and make experiments. It is needed to get services rendered which cannot be got by paying for them. 2

Yet Lord Beveridge is uncertain as to where support for this voluntary action will come from. He concludes:

1 Hall, op. cit., pp. 350-351.
2 Beveridge, op. cit., p. 302.
The general public up to the present have shown themselves more ready to give for familiar humanitarian purposes than for new social experiments, typified by the Citizens' Advice Bureau or the Marriage Guidance Council. In the unequal society of the past the promoters of experiments could interest wealthy individuals to donate. They may find it hard to secure enough private givers in the future. The State on behalf of democracy may have to do what the aristocracy did before.  

1 Beveridge, ibid., p. 317.
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ADOPTION

The Relationship Between Statutory and Voluntary Adoption Services in England and Wales

by

ELAINE ELIZABETH LOVECKY

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CHAPTER III

ADOPTION

ADOPTION SERVICES AS AN INTEGRAL COMPONENT OF A CHILD WELFARE PROGRAM

Within the many parts of a comprehensive child welfare program, adoption services represent a major method of providing care for the child whose parents are unable to do so on a long term basis. Whatever accidental variations it may exhibit, the essence of adoption is to be found in the formal, legal transference of the customary rights and duties of natural parents to some person or persons applying to assume care of the child. For children deprived of a home and in need of social protection, adoption may be one of the best of all possible dispositions; and indeed, it was explicitly declared to be so by the Curtis Report of 1948:

We wish to emphasize the extreme seriousness of taking a child away from even an indifferent home. The aim must be to find something better - indeed much better - if it takes the responsibility of providing a substitute home. The methods which should be available may be treated under three main heads of adoption, boarding-out, and residence in communities. We have placed these in order in which they seem to us to secure the welfare and happiness of the child.¹

Persons wishing to adopt children in England and Wales may do so: (a) by making application to a licenced adoption society or the Childrens' Department of the local welfare authority; (b) by arranging to receive a child through a "third party", i.e. any person who acts as an intermediary between the natural parents and the persons wishing to adopt; or (c) by a "direct placing", whereby the mother or legal guardian places the child with the adopters without an intermediary. Each of these arrangements is regulated by law, and each involves certain differences of legal sanction and procedure.

The risks for the child inherent in adoptions arranged either directly by the mother or by a "third party" have been a prominent feature of the history of adoption practices in Britain. It was primarily as a response to this problem, as well as to clarify a long-standing uncertainty concerning the rights of the natural parents, that the present system of legal controls and safeguards has evolved. The significance of this fact --- as we shall show more fully below --- is that the subject of adoption tends to be dealt with in Britain as a problem of post factum surveillance rather than as a "creative" welfare service. This approach is perhaps nowhere more clearly and revealingly in evidence than in the requirement that in every adoption case the court hearing the application appoint a "guardian ad litem" who has the responsibility of reporting to the court on the continuing suitability of the adoption placement as a home for the child.  

1 The specific duties of the guardian ad litem regarding the report to court are spelled out in the Adoption Act, 1958.
Depending upon the choice of the adoption applicants, an adoption hearing may take place in either a juvenile court, a county court, or a high court. In juvenile court, the hearing is before a magistrate, and the presence of both the child and the adopters is required in court. The hearing in county court is before a judge who has wider discretionary powers in the conduct of the hearing than does the juvenile court magistrate, and may use these powers to waive the requirements concerning the attendance of the parties concerned. The application in high court is before a Judge in Chambers, and in these cases it is the practice to appoint the solicitor representing the adoption applicants as the guardian ad litem.¹

ADOPTION LEGISLATION IN BRITAIN

Although adoption was not made the subject of explicit legislation until 1926, a number of informal arrangements existed prior to that time whereby people took into their homes children who had not been born to them. In some instances a legal agreement was entered into by the adopters and the natural parents,² but there was no legal protection beyond this for any of the parties concerned. The eventual emergence in the third decade of the twentieth century of a law which put the subject in some kind of rational order was the result of a variety of special circumstances and interests.

The First World War's immense casualty lists brought to public notice the plight of large numbers of "war orphans"; while its

1 Fewer than one percent of all adoptions go through high court; most applications are heard in the lower courts, where costs are much less.

ephemeral sexual encounters called a somewhat more reluctant attention to a different group of "war babies". The short-term response to this increase in the number of children needing homes was the arrangement of adoptions by three types of organizations: associations specializing in service to the unmarried mother; some of the large children's societies, such as Barnardo's and the Waifs and Strays; and a new category of voluntary organizations known as 'adoption societies', represented in 1919 only by the National Children Adoption Association and the National Adoption Society.

As these organizations widened the scope of their work in the adoption field, hazards of an unregulated placement system became progressively apparent, sometimes with tragic clarity and force. Children placed in this fashion were exposed not only to financial exploitation and personal abuse, but also to serious legal discrimination. The adopted child had no legal status in the family in which he was raised, and he was unable to obtain a birth certificate in the name by which he was known. At the same time, adopting parents were defenseless against future claims of the natural parents, who remained the legal guardians of the child. Natural parents for their part, even if they desired to relinquish the child, could at any time be asked to resume responsibility for him. In the face of this impossible situation, a demand arose for some means of protecting the rights of all parties involved in the mounting number of de facto adoptions.

In August 1920, a committee under the chairmanship of Sir Alfred Hopkinson was appointed to consider the advisability of legal recognition of adoption and the form that it might take. The committee
reported in 1921, unequivocally recommending legal adoption. Between 1922 and 1924, six bills providing for legal adoption were submitted to Parliament; but not one of them reached the statute books. The strange propensity of the subject of adoption to excite violent differences of opinion had the simultaneous effects of aborting legislation, but of keeping the issue alive. Accordingly, in 1924 a second committee, under the chairmanship of Mr. Justice Tomlin, was appointed to examine the problem. The Tomlin Committee submitted a draft Bill which later formed the basis of the 1926 Act.

The Adoption Act of 1926 was chiefly concerned with identifying those elements in the circumstances of the adoption applicants and the child which were to serve as the conditions which must be satisfied before an Adoption Order could be granted. The infant to be adopted was to be under the age of twenty-one, a British subject residing in England or Wales, and unmarried. Adoption applicants need not be British subjects but must be resident and domiciled in England or Wales and at least twenty-five years of age, (although age qualifications were modified in the case of relative adoption). A male applicant alone could not adopt a female child except in very special circumstances. Before an Adoption Order could be granted the consent was required of every legal person who was a parent or guardian of the infant, or who was liable to contribute to the support of the infant.  

1 There were certain very special circumstances under which the last requirement could be waived, but they need not detain us.
The court was empowered to dispense with the consent in cases where the persons whose consent would ordinarily be required had abandoned or deserted the infant, could not be found, were incapable of giving such consent, or -- although in fact liable to contribute to the support of the infant -- had either persistently neglected or had refused to contribute such support, or was a person whose consent ought, in the opinion of the court, to be dispensed with. The consent to adoption was to assign parental status to a specified person whose name and address were to appear on the form. Finally, the Act provided that some person or body was to be appointed as guardian ad litem, to represent the interests of the infant before the court.

The Act of 1926 had the effect of codifying and legalizing a system of child placement which had been prevalent for years in a de facto form. It was based upon the assumption that the parties involved were aware of one another's identity, even to the point that the natural parent was required to be present in court to give consent to the adoption. Written adoption consents were revocable by the parent up to the time that the Adoption Order was granted. The Act reflected a timid approach to adoption and accomplished little beyond legal acknowledgement of the status of the adopted child.

Ten years elapsed before the question entered the legislative realm again. A Parliamentary Committee, under the chairmanship of Florence Horsbrugh, was appointed in 1936, to examine the methods used by the adoption societies and to make recommendations regarding the means by which their activities might be supervised or controlled. The report of this committee led, in course of time, to
the Adoption of Children (Regulation) Act, 1939, which (like much other intended legislation) did not come into effect until June 1, 1943 because of the delays occasioned by the more pressing business of the War.

This Act stipulated that adoption arrangements could be made only by registered adoption societies or by properly constituted local authorities. Registration of the adoption societies was made the responsibility of the local authorities. Steps were taken to control the activities of adoption societies by making registration conditional upon satisfaction of certain standards of procedural rigour: the backgrounds of both the child and the applicants were to be investigated prior to placement of a child, and each adoption case was to be reviewed by a Case Committee; natural parents were to sign a memorandum indicating that they understood the meaning of adoption; and a probationary period of three months was appointed before the applicants could petition for the issuance of an Adoption Order. Applicants were required to apply for an order within six months of placement, and if they failed to do this, or if an Order was refused, or if the adopters were found to be unsuitable, the child was to be removed. Penalties were provided for violations of these regulations, and registration (which had to be renewed annually) could be cancelled.

Only one section of the Act dealt with "third party" adoptions. It was established that if a child were placed, other than through a registered adoption society or a local authority, the third party was obliged to notify the local authority in whose area the adopters resided seven days prior to the child arriving in the home. Children under the age of nine placed through an intermediary would
remain under the supervision of the local authority until an Adoption Order was granted. In contrast with the regulations for adoptions arranged through an adoption society, there was no legal provision for a probationary period in either third party or local authority placements. In third party placements, moreover, there was little provision for assessment of the suitability of the adopters. The court could issue an Interim Order to permit the guardian ad litem to review the adoption placement more thoroughly than was possible in the seven days. But if such an adjournment was not made, an Adoption Order could be applied for and granted at any time after placement, with no more than a superficial and perfunctory inquiry.

The Act also prohibited adoption advertisements by individuals, and ruled that no one other than a local authority could give or receive money in connection with adoptions except with the express consent of the court.

The Act of 1939 did not meet the need for decisively new adoption policies that were so obviously required, but instead combined three divergent codes of adoption services in an unequal and unstable amalgam. While standards of service were established for adoption societies, adoptions arranged by third parties (comprising, as it happened, the vast majority of placements) remained unregulated. Apart from the responsibility for registration of adoption societies, the role of the local authorities remained unclear; and the statutory provision which stated that local authorities might arrange adoptions was interpreted in a variety of different ways.

It was chiefly owing to the promptings of the adoption
societies that in 1945 a committee, under the chairmanship of Mr. Justice Gamon, was set up to examine the defects in the existing law and to make recommendations for its improvement. The Gamon Report was published in 1947, and many of its recommendations subsequently became law. Adoption services, moreover, could not fail to benefit from certain critical developments that were occurring at this time in the field of child welfare in general, notably in the wake of the Curtis Report of 1948 which, among other things, proclaimed adoption to be the most desirable disposition for children in need of permanent homes. The crucial piece of legislation to emerge from this period of change, of course, was the Children Act of 1948. Aside from its other merits, it served as a point of reference in the reorganization of adoption services; and by making it mandatory for every local authority to set up a child welfare department staffed by a full-time Children's Officer, the Act brought about a dramatic enlargement of the capacity of these local authorities to provide direct services to children and their families.

The Adoption Act of 1949 took another step in the direction of uniformity of practice by requiring a probationary period of three months in every case of adoption. Its most far-reaching innovation, however, was its attempt to provide for the "absorption" of the adopted child into the family as if he were "born to the adopters." In the first instance, it provided for concealment of the identity of the adopter from the natural parent by allowing the adopters to be referred to by a serial number on the consent form. Since a general consent to adoption cannot be taken in England and Wales, a specific consent could
now be given without disclosing the applicant's identity. The natural parent was no longer required to be present in Court, consents signed before a Justice of Peace being now admissible as evidence. In an effort to ensure that the mother would adhere to her decision once the child had been placed for adoption, consents could not be taken until the child was six weeks old. Furthermore, once the parent or guardian had signed consent to adoption, he could not remove the infant from the home of the adopters while the application was pending except by leave of the court. The consents necessary to proceed in adoption were narrowed to parents and guardians and persons liable to contribute to the child's support under order or agreement. At the same time, the grounds on which the court could dispense with a consent were narrowed in the case of "persons whose consent ought to be disposed with" to respondents who could not be found, or who were incapable of giving their consent, or were "unreasonably withholding" consent. The parent or person giving prime consent could specify the religious persuasion in which the child was to be raised.

Certain gains in civil status were also secured for the child. A child adopted by a citizen of the United Kingdom and Colonies automatically acquired citizenship from the date of the Adoption Order if he had not possessed it before. Each adopted child was registered in his new name in the "Adopted Children Register", and was given a "birthday" if his real one happened to be unknown.

It was not until the passage of this Act that adopted children could be treated in law as the adopter's children in matters of inheritance. Before this, adopted children could not inherit any part of
the estate of an adopter who died intestate, nor could the adopter inherit in the case of the death of the adopted child.

The four Acts dealing with adoption were consolidated in the Adoption Act, 1950.

In 1953 adoption law and practice was reviewed by a parliamentary committee chaired by Mr. Gerald Hurst; in 1958, the main recommendations and conclusions of this committee's report were embodied in the Act which governs adoption practices at the present time.

Under this Act, local authorities were empowered to remove children placed for adoption in unsuitable homes. The applicant is required to return the child concerned to the adoption society or local authority within seven days after receiving notice from the authority of the intention to terminate the placement, or written seven days from the date the application is refused or withdrawn. The minimum length of notice to local authorities of an intended placement on the part of a "third party" is extended by this Act from one week prior to the actual placement to two. However, should the child be placed in circumstances involving an emergency, then notice may be given not later than one week after the child has been placed. Section 41 of the Act empowers local authorities to interdict would-be adopters in third party placements if, in the opinion of the local authority, the proposed placement seems likely to be detrimental to the child. The would-be adopters can appeal such a decision in juvenile court, but if their appeal is not successful, the court can make an order for the child's removal. In the disposal of consents, the category involving
abandonment, neglect and persistent ill-treatment of the child was broadened to include those persons "who had persistently failed without reasonable cause to discharge the obligations of a parent or guardian."

The adoption legislation of England and Wales reveals a fragmentary approach to the subject; and this in turn is no doubt the outcome of the successive influences of the attitudes characteristic of different historical epochs. In the 1920's, for example, although the need for legal protection of the parties to an adoption was widely recognized and clearly seen, the safeguards actually provided were tentative and inadequate --- pinned down to a level of ineffectuality by the fear that to go any further would encourage immorality by allowing the unmarried mother to dispose of her child with excessive ease.

Although the 1926 Act was motivated partly by a well-meaning desire to improve the lot of the homeless child, its accomplishments in this regard were modest, not to say meagre. It was not until the Act of 1949, that the rights of the adopted child were made a central concern of the law. Prior to this time, children were not held to be full members of the adopted family in matters of inheritance, and adopted children could not inherit property unless specifically named in the will. Similarly, the property of the child, in the event of his death, passed to his natural parents; and in the event that the natural parents could not be located, the property passed to the Crown rather than to the adoptive parents.

An attempt to establish some uniformity of practice in the field is intermittently in evidence, but the attempt is not systematically conceived or sustained, least of all in regard to the irrational
duality of the treatment of the local authorities and the voluntary societies. A three month probationary period for children placed by adoption societies was established in 1939, but this same provision was not extended to children under the supervision of local authorities until 1949. Similarly, when an Adoption Order was refused in the case of an adoption arranged by a society, the society was required by the 1939 Act to remove the child from the home; yet it was only under the 1958 Act that refusal or withdrawal of an Adoption Order permitted the local authority to terminate the placement.

Embedded in English adoption law are a number of provisions which are bound to give rise to serious concern when one considers the momentous consequences of committing a child to the care of two people upon whom he is going to be dependent for a major part of his chances of happiness in life. Married couples are not required to adopt jointly, and although the consent of the spouse of an applicant is required, it can be dispensed with in cases where the marriage partner cannot be found or is incapable of giving his consent, or in cases where the husband and wife are separated on what is presumed to be a permanent basis. None of this is calculated to secure uniformly competent and suitable adoptive parents for the dependent child. Single persons are still legally eligible to adopt children. Consents cannot be taken until the child is six weeks old, thus delaying placement of the child in those instances (far from uncommon) where the natural mother

1 Great Britain, Adoption Act, Section 5 (4), 1958.
is willing and able to reach a decision well before this point.

On the other hand, it is possible for a natural parent -- either mother or putative father -- to adopt the child either alone or jointly with a marriage partner, and by this means to protect the child from the opprobrium of illegitimacy. In the case of an unmarried mother, for example, it is possible for her to change her name, adopt her own child, and obtain a birth certificate for the child which contains no evidence that he was born out of wedlock.

ADOPTION SERVICES PROVIDED BY ADOPTION SOCIETIES AND LOCAL AUTHORITIES

It is of a piece with the typical patterns of development of the British social services that adoption services should have been provided in the first instance by voluntary effort. The first adoptions were arranged under the auspices of large children's homes as early as 1869, when the National Children's Home was founded. Following the First World War, with its symbiotic problems of a marked increase in the numbers of dependent children and large numbers of parents bereft of their sons, together with a decline in the moral acerbity of popular attitudes towards illegitimacy, the demand for adoption services rose sharply, and there was a mushroom growth of adoption societies.

The Hurst Committee Report ¹ classifies adoption societies under three main headings: those whose function is limited to bringing together adoption applicants and children who have been

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accepted by the society for adoption; Children's Homes, (both large, national associations and small, locally based denominational societies) whose original function was to arrange placement for children in their care, but who in recent years have extended their services to other children; and "moral welfare" associations, whose adoption work is undertaken chiefly in connection with services to unmarried mothers.

The geographical distribution of adoption societies is markedly uneven, so that some areas may be well provided with adoption societies while others may have few or none. The county of Kent, for example, does not have a single registered adoption society within its boundaries, while a stone's throw away in the county of London there are several.¹ This uneven distribution has occurred chiefly because adoption societies tend to have been set up where strong local currents of opinion - generally religious in character - have sharpened the perception of the need for such services. The societies themselves differ widely, some being large in scale and national in scope, others being small and local. Sectarian adoption societies may give heavy emphasis to the religious aspects of adoption, and accordingly deal with applications only from those professing the same faith; though some will accept applications from the members of other churches if satisfied that the home will provide an acceptable religious environment. There are no specifically Jewish adoption societies, but Jewish adoption applicants can obtain a child through one

¹ Kornitzer, Margaret: Correspondence
of the larger non-denominational organizations.

Within the framework of the law itself, the adoption societies are free to formulate their own policies; and this they sometimes do along very divergent lines indeed. The determination of the criteria of fitness in adoption applicants, for example, is substantially a prerogative of each society; and, as a result many idiosyncratic variations are to be found in the standards used. Ironically, of all the organizations involved in adoption services, it is the voluntary societies which are most strictly controlled by law. Yet the Hurst Report ¹ of 1954 made it quite clear that there was a wide range of differences in the interpretation of the Adoption Societies Regulation Act (1943) in regard to such matters as visiting and the methods used by and the degree of responsibility accepted by the Societies’ Case Committees.

In spite of the whimsical variations in their policies, the voluntary societies provide a limited and stereotyped range of services. Kornitzer reports that if the child is unhealthy or has a serious congenital defect, is the offspring of an incestuous relationship, or is of racially mixed parentage, it will not be accepted for adoption.² Neither could the societies be said to have shown an extravagant willingness to extend themselves on behalf of the parent offering the child for adoption:

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¹ Hurst Report, op. cit., page 68
² Kornitzer, Margaret, op. cit., page 78
The liability of the societies for the care of children whom they are trying to place is limited, for the mother or other guardian is responsible not merely until the baby is handed over but until the adoption order is made. If the adoption fails for any reason, the mother may be asked to take the child back at short notice. ¹

The Hurst committee ² found that there were two commonly voiced criticisms of adoption societies. Firstly, societies were frequently found to be placing children in areas too remote to make regular visiting by their own staff a possibility, yet at the same time failing to make arrangements for some other suitable person to visit the adoption home. Secondly, few of the adoption societies made a practice of employing properly qualified professional workers. The Hurst Committee's view was that the principal reason for this second defect lay with the societies' inadequate financial resources.

The local authorities, for their part, have assumed an important role in the adoption field only in comparatively recent years; and even at that, they have yet to succeed in integrating that role with their other child welfare services.

When the first adoption legislation was enacted in 1926, local authorities were given the dual responsibilities of arranging adoptions for children in their care and acting as guardian ad litem. But at that time they lacked the qualified staff to do either properly. Hence, for the twenty years that passed before the Children Act of

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¹ Ibid, page 78.
1948 made it possible to organize such work through the new Children's Officers, adoptions for children in care were arranged by a variety of local government departments: the statutory duties of the Welfare Authority were performed by the Health Department, guardians ad litem were usually chosen from the Education Department, and registration of adoption societies was carried out by the Treasurer's Department.

The adoption services provided by the local authorities at the present time include the supervision of adoption placements, the arrangement of adoptions, and the registration of adoption societies.

In its supervisory capacities, the local authority has three distinct functions.

1. Welfare authority. Upon receiving notice of an intended placement by a third party, the authority must inspect the proposed home, regardless of whether the child is to be adopted, and take action according to the situation found.

2. Supervising agency. Whenever notice of intention to apply for an Adoption Order is received, but prior to the actual lodging of an application in court, supervision is to follow, (even in cases where the child has been placed directly by its mother or guardian, or where the mother is herself going to adopt the child). The supervising authority, in English law, is a respondent to the adoption application, and the authority's report has therefore to be submitted in court.

3. Guardian ad litem. At the time that an adoption application is brought before the court, a guardian ad litem is appointed to represent the interests of the infant. The duties of this position are to undertake a detailed examination of the adoption placement and to submit to court a report concerning these findings.
The major portion of the adoption work of local authorities is in supervising, in one of the above capacities, every adoption that takes place. In many instances a local authority will undertake both guardian ad litem and supervising duties.

Welfare authorities are legally empowered to arrange adoptions but whether or not they do so is optional. Many local authorities limit their adoption work to children in care, though a few do arrange adoptions for children not in their care as well. The issue of whether or not local authorities should arrange adoptions is one upon which Children's Officers most often disagree. Some are of the opinion that it is an important part of their work, but others feel that if they were to have a hand in the actual placement of children, it might affect their impartiality in guardian ad litem duties.¹

The Hurst Committee² found evidence that the Children's Officers of some local authorities were accepting and placing children on their own initiative without consulting the appropriate Children's Committee. The Hurst Report also found that some local authorities were placing children in homes outside their jurisdictional boundaries without investigation of the home or notification of the local authority in whose area the home was situated. A similar criticism was made of the defective provision for supervisory visiting after the placement had been effected.

¹ Kornitzer, Margaret, op. cit., page 85.
² Hurst Report, op. cit., page 7.
One not altogether objectionable consequence of the fact that the local authorities are not so closely controlled in their operations as the adoption societies, is that adopters who are above the age limits acceptable to adoption societies, but who nevertheless desire safeguards not provided by private placements, are often successful in obtaining a child through the local authority.  

The variety in policy and uneveness of service exhibited by the different voluntary organizations is characteristic also of the work of the local authorities. As Kornitzer says:

> It is not at all easy - indeed, it is impossible - to lay down that local authorities do this or children's officers do not do that, in connection with adoption work. From place to place interpretation of the law and of an authority's duty may vary. Children's Officers are still feeling their way administratively. Mr. Kenneth Brill, Secretary of the Children's Officers' Association, pointed out at the Health Congress at Southport in 1951 that "No member of a local authority's staff can speak for the opinions of local authorities generally."

In view of both the variety and quality of services offered by the local authorities and voluntary organizations, it may not be without significance that over the whole country only about one quarter of the adoption orders granted are in respect of adoptions arranged by societies or local authorities.

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1. Kornitzer, Margaret, *op. cit.*, page 43.
2. Kornitzer, Margaret, *op. cit.*, page 86.
THE RELATIONSHIP BETWEEN STATUTORY AND VOLUNTARY AGENCIES IN THE ADOPTION FIELD

The structure of the present British "welfare state" has been assembled partly from components created expressly for the purpose, and partly from materials lying to hand in the form of the existing voluntary services. According to Hetherington, whose views are in many ways typical, the relationship between the statutory and voluntary bodies is characterized by identity of purpose but complementarity of function, with the work of volunteers supplementing that of the authorities, who in turn assist the voluntary bodies financially. Newman, in a similar view asserts that the partnership existing between the statutory and voluntary bodies is one of the striking features of the British social services, pointing out, however, that there is a marked uneveness in the quality of this partnership from locality to locality. The question raised by the facts reviewed here, however, is whether the discrepancy between the model of "partnership" and the reality of something manifestly less harmonious is not so great as to cast doubt on the very credibility of the model. The question is posed with particular sharpness in regard to the matter of the financial relations of public and private bodies.

1 The issue of whether Britain does in fact have a welfare state is discussed by R. Titmuss in "The Welfare State: Images and Realities", Social Service Review, March, 1963.


With the rising costs of new and expanded services, together with the declining effectiveness of the traditional methods of raising funds, voluntary welfare agencies in England are now dependent upon statutory subsidies for their very survival. In the child welfare field, the pattern of subvention now in force was established by the Children Act of 1948. This Act set forth four types of public grant to the private agencies: "token subsidies" in recognition of the value of a voluntary service to the community as a whole; subsidies of a cost-sharing variety to assist with voluntary programs which the public authorities wish to encourage and from which they hope in some way to benefit (such as staff development and training schemes); payments of the per capita or pro-rated kind for services rendered to individuals for whom the authorities have a responsibility; and payments for integral service programs which a voluntary organization is providing on a delegated basis on behalf of a public authority.¹

The administration of these subsidies, however, is closely bound up with the question of the existence, in any given case, of a statutory responsibility for their provision; if the grant is permissive and not mandatory, the subsidy may vary both in amount and reliability. The extent of the subsidy is also dependent upon the amount that can be levied from the consumers of voluntary services in the form of fees or donations.

Direct subsidies in the child welfare field are usually granted to voluntary societies by local authorities. Central government subsidies by contrast, are selective in character, and usually limited to national bodies for work which falls outside the direct service field, or to special projects of various kinds. The result has been to place the voluntary organizations in a precarious and unsatisfactory financial position.

The financial relationship between statutory and voluntary bodies in adoption services is positively poor. The income of the voluntary adoption societies is heavily dependent on voluntary contributions. Adopters are asked for donations when adopting a child but adoption societies cannot charge a fee for arranging adoptions. In some cases societies may obtain a discretionary grant from a statutory local authority to help them with their work, but they are not subsidized by the Home Office. Those adoption societies which function as part of a church "moral welfare" organization or of a large children's home derive their revenues from the parent body.

The financial position of the voluntary societies was described by the Hurst Committee as follows:

This committee did not feel that it could make any recommendations with regard to the field of operation of adoption societies and their carrying out of visits, or to the employment of trained workers, because it is clear to us from the evidence we have received that most societies are financially unable to carry any further burdens. The effect of such recommendations, would be to close down a number of societies. ¹

¹ Hurst Report, op. cit., page 10.
The legal framework of the service aspects of the statutory-voluntary relationship was set out in the Adoption (Regulations) Act of 1939, now incorporated in the 1958 Adoption Act. Standards of service were established for voluntary societies which were to be enforced by the local authorities through registration. Unless an adoption society was so registered, it could not arrange adoptions. Under the Adoption Act of 1958, registration of an adoption society can be refused if the society is not a charitable association, if the activities of the society are not controlled by a responsible committee of members, if any person employed in the society for the purpose of arranging adoptions is not a fit and proper person to be so employed, if the number of persons employed is insufficient to maintain the activities of the society at acceptable levels, or if any person taking part in the management or control of the society, or any member of it, has been convicted of an offense under the Act. A registration authority can at any time cancel the registration of an adoption society on any ground which would entitle the authority to refuse an application for the registration of the society. Regulations governing the procedure for notification of an adoption society when a local authority proposes to refuse or cancel registration, and provision for appeal by the society, are contained in Section 31 (the Secretary of State is empowered under Section 32 to make regulations regarding the conditions to be met in the adoption work of local authorities.) A local authority can at any time require a registered adoption society to produce any books, documents, or accounts relating to its manner of discharging its duties.
Although adoption societies are legally obliged to have sufficient staff for the efficient performance of all the tasks they undertake, they are often compelled chiefly because of lack of money, to request local authorities to inspect homes and supervise children outside the area within which a given society may be operating. This help is usually willingly given, but the authorities take the position that the societies ought to do their own work whenever they can, and they will not, for example, approve adopters on behalf of adoption societies. On the other hand, a Children's Officer may ask an adoption society to make the necessary arrangements in cases where local authorities have a number of babies who can be made available for adoption.

The formulation of policies for the regulation of child welfare services administered by local authorities --- and the process of regulation itself --- is vested by Parliament in the central government. The service role of the central government is exclusively of an indirect nature, being confined to such matters as supporting national programs which will assist the local authorities in carrying out their duties, e.g. personnel training programs.

Statutory authorities over the years have acquired a powerful influence over the policies of private agencies, chiefly because of the poor financial position of the voluntary agencies. During the 1940's, however, there was a movement towards a coalition

1 Kornitzer, Margaret, op. cit., page 90.
relationship among the various adoption societies as they perceived the need to make recommendations on matters of adoption policy as a group, rather than an unco-ordinated aggregate of individual bodies. A number of meetings and conferences were held in connection with which the National Council of Social Service played an important organizational role. At a conference in May, 1950, the Standing Conference for Societies Registered for Adoption was formed, to co-ordinate informational, research, and adoption practices. All existing adoption societies are members of the Standing Conference. This organization holds regular meetings to discuss matters of adoption policy and practice, and its collective views are communicated to the appropriate departments of government. The Standing Conference also sends representatives to the Association of Children's Officers meetings, and conversely, a member of the Children's Officers Association is delegated to the Standing Conference.\(^1\) An annual conference is held by the Standing Conference, which is attended by adoption workers from public and voluntary agencies all over the country.

**ASSESSMENT OF THE RELATIONSHIP**

The vast majority of adoptions in England are arranged at the initiative of private individuals, either through third parties or by direct placement of the child by his guardian. So far as the local authorities and the adoption societies are concerned, the major part of the work of adoption placement is done by the latter, even though these

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\(^1\) Moore, Joyce, Senior Adoption Officer, Dr. Barnardo's Homes, Correspondence.
societies administer only a small proportion of the total adoption services. The local authorities confine their activities, for the most part, to the supervision of adoption cases.

The physiognomy of the relationship between statutory and voluntary bodies in the British social services is deeply rooted in the past. To examine the historical sources of this relationship, however, would require an analysis of the political, economic, and social philosophies and conditions of the times in a detail which is beyond the scope of this present study. In the briefest terms, one could say that the relationship in question, until recently, was characterized by a dominance of the voluntary services, the rapid growth and wide ranging activities of which were such a prominent feature of the social life of Britain in the nineteenth century. Of this phenomenon, Beveridge has written:

The nineteenth century in Britain was a time of private enterprise, not only in pursuit of gain, but also in social reform. In the nineteenth century many men made fortunes for themselves in meeting the needs of their fellows. Many others, driven by social conscience to attack want, squalor, ignorance, disease and illness, inspired or created societies and institutions to serve their aims.¹

The combination of cataclysmic social and economic changes and a dogmatically implacable philosophy of laissez-faire made this period of British history a time of profound hardship for the common people; and it was to alleviate these sufferings in the only

¹ Beveridge, W., Voluntary Action, Unwin Brothers Ltd., Great Britain, 1948, page 13.
institutional forms the political doctrines of the age could sanction that the voluntary societies arose. As Madeline Rooff says:

As industrial, social and demographic changes high-lighted poverty and distress, morality and religion combined to encourage private philanthrophy. At the same time the class structure determined the pattern within which the well-to-do should become the benefactors of the 'lower orders'.

During the twentieth century, however, the centralizing forces of advanced industrialization, changes in the power relations of the social classes, and autonomous developments in our views of the role of the State, have resulted in a major increase in the responsibilities and scope of government.

The legislative articulation of this trend in the field of adoption (and in other fields of child welfare) was signalized by the passage in 1948 of the Children Act. With the creation of Childrens' Departments called for by this Act, the local authorities (as the branch and level of government most directly involved) became strategically engaged in the adoption field. In deference to this decisive extension of the scope of the public services, the voluntary societies have been compelled to undertake a radical reorientation both of their philosophies and their activities. The survival of these organizations in the era of the welfare state is in fact dependent upon their very ability to do just this.

The moral and religious preoccupations which were so characteristic of nineteenth century voluntary action are persistently

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strong even today, particularly, perhaps, in a field like adoption where concerns of this sort seem so much more cogent than in many other fields of social service. The majority of adoption societies still have a religious bias in their work and an ecclesiastical element in their organization. Most of the sectarian agencies are avowedly concerned with serving those of their own faith. The national societies will accept applications from people of any religious group, but have set their faces firmly against the professedly non-religious.¹ The most fervent exponents of the religious approach are perhaps the "moral welfare" associations, since one of their principal aims is to urge the merits and claims of the Christian way of life upon their clients. Many of these moral welfare associations are registered adoption societies.

The undisputed secularization of contemporary life, however, must surely lead us to ask whether this approach to adoption work is not at least a little unaccomodating, and from some points of view, even arrogant. As Beveridge observes:

That there has been a loss of religious influence is certain. That this means a weakening of one of the springs of voluntary action for social advance is equally certain. The lives of the pioneers show how much of their inspiration for service to society most of them owed to their religious belief. Diminished influence of the Church must be taken as one of the changes in the environment of voluntary action.²

Religious orientations nevertheless remain as an important influence in the British social services. With the

¹ The society will want to know that the applicants have a sincere religious belief and that they will arrange for their adopted children to have religious instruction. Adoption societies do not accept atheist applicants.

² Beveridge, W., op. cit., page 225.
"welfare state" assuming responsibility for the satisfaction of basic needs, the churches have concentrated, in framing their role, on the importance of the spiritual and personal aspects of social welfare for both clients and workers. In 1941, a "Churches group" was established by the National Council of Social Service. The objective of this group was to integrate church work in the community through the participation of church members in the social services and the involvement of church representatives at both the national and local levels of policy making. Since the formation of this country-wide organization, a number of similar groups have been established at the local level.

The role of the government in this field is still not a matter of clear agreement in Britain. Quite apart from the fact that there are those who question the very propriety of making adoption services a part of the work of government, the long delayed entry of the local authorities into the direct service field has meant that there has scarcely been time to work out a detailed plan for the effective, day-to-day collaboration of public and private organizations. A truly hostile critic of the British system might say that it preserved the worst features of private welfare (e.g. sectarian tendentiousness and hand-to-mouth financing) and the worst features of public welfare (e.g. perfunctory services and procedural formalism). As we have said already, it is small wonder that most adoptions are still arranged on a "third party" basis.

The administration of adoption services today is also affected by the peculiar British belief that the guardian ad litem should be a person different from the local authority or adoption society
worker who placed the child; a belief which rests on the assumption that this affords the only means of ensuring an objective report to court. It is difficult to see why the presumption of competence and impartiality which must exist to give sanction to the work of the person making the adoption study should not also be applied to that person in his capacity as an agent of the court. In both cases he is acting as a representative of the interests of the child. What occurs in practice is that adoption applicants are required to participate in eligibility-orientated discussions with two different workers, once before and once after placement.

Another serious short-coming in British adoption services derives from the widespread resort to "private" arrangements, itself a probable consequence of the poor quality of the "official" system. As things presently stand, this practice almost inevitably means that there is little or no investigation of the suitability of the applicants before the placement of the child. Although the duties of the guardian ad litem during the probationary period are conducive to good adoption practices if an assessment has also been made prior to the placement, the results can be devastating for the child if it becomes necessary to say at the end of the probationary period that the adoption cannot be recommended. And this turn of events is made very much more likely when pre-placement investigation is lacking. It was not until the 1958 Act that the power even to remove the child by the local authority was granted. Up to that time, the child could remain in the home of parents who had been publicly proclaimed unsuitable in court. Although the home lay under the supervision of the local authority until
the child was eighteen years old, this was only with a very modest view to ensuring that the child's welfare was not being threatened in the somewhat stark terms of the Children and Young Persons Act of 1933.

CONCLUSIONS

The case for assigning responsibility for adoption services exclusively to either the adoption societies or the local authorities is not a strong one on either side. It is impossible for the small number of societies presently in existence to cover the needs of the whole country; and even now, their uneven distribution necessitates participation by the local authorities in those areas where there is no adoption society. If, on the other hand, adoption services were made the responsibility of the local authorities alone, the standards of adoption services could decline even below present levels unless there were major internal administration changes. In balancing the respective claims of their various child welfare responsibilities, the one against the other, local authorities have a natural tendency to accord adoption a low priority, for the simple reason that their resources are exhausted in doing jobs for which (unlike adoption) they have an inescapable statutory responsibility. Just how hard-pressed they are at the present time is graphically illustrated by the following item from the "Local Authority News" feature of Child Adoption (the official journal of the Standing Conference of Societies Registered for Adoption).

Mr. J. B. Chaplin, Birmingham Children's Officer informs us that his department has re-opened its lists for applicants to adopt a child. The application list was closed during 1962, partly on account of the very considerable number of people waiting to adopt,
and partly owing to an acute staffing situation.¹

The reader is reminded that Birmingham is the second largest city in Britain!

If the relationship between statutory and voluntary organizations in the field of adoption is to become the "partnership" it is so often and so glibly said to be, there must be decisive improvement in at least three main areas.

1. Uniformity of Practice. To curb arbitrary variation in services, joint consultation is required in the discussion of common problems, the assessment of public needs, the provision of information about the scope and direction of current activities, the tasks of standard-setting and the formulation of policies aimed either at changes in legislation or at improvements in programs extending beyond the bounds of statutory obligation.

2. Co-ordination of Services. The Hurst Report ² revealed that many registration authorities take little interest in the work of the societies registered with them and make little use of the information which the Adoption Societies Regulations require be annually furnished to them. To prevent wasteful overlapping of services and socially harmful gaps in services, habits of mutual indifference such as these must give way to systematic and principled co-operation.

3. Financing. Both the existence and the nature of the statutory-voluntary relationship will hinge upon the development of a fair and

¹ The Standing Conference of Societies Registered for Adoption, Child Adoption, Spring/Summer, 1963, page 35.

² Hurst Report, op. cit., page 10.
viable system of fiscal procedures. The precarious financial position of the voluntary societies seriously impairs the range and quality of their present services, and the same budgetary predicament has important consequences for the calibre of staff engaged in the provision of those services. Effective adoption work is impossible without qualified staff in adequate numbers. Regular financial grants to the voluntary societies are therefore imperative if the British system of adoption services is to remain predicated, as it now is, on the principle that public bodies should make those services possible and stipulate what they are to be, but that private groups should have the job of actually providing them. Even when criticism is withheld concerning the design of the house, one may observe that it is still not possible to make bricks without straw.
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Table 2. Number of Members and Financial Resources of Voluntary Youth Organizations .................. 40.
Chapter 4. Public-Private Relationships in a Few Selected Areas of Service to Children and Youth in England and Wales

The first three chapters of this study have dealt with public-private relationships in three major areas of child welfare: Neglect, Adoption and Juvenile Delinquency. The aim of this present chapter is to provide a representative survey of those existing welfare services to children and youth in England and Wales which cannot readily be brought under any one of the major conventional classifications. Out of a myriad of such services we have selected several typical groupings which are believed capable of shedding light on the relationship between voluntary and statutory services. These broad areas will be subdivided into specific sections which are illustrative of this relationship.

The six areas chosen are:

1. Services dealing with the employment of children and young people.
2. General Services affecting children.
3. Services for Mothers and Young Children.
4. Services for School Children.
5. Recreation and Holiday Services.
6. Services for Special Groups.

These six areas, in some ways, represent a continuum in that the first two areas are provided almost totally by statutory bodies; the middle two by both statutory and voluntary agencies; and the last two by voluntary, though with increasing intervention by statutory bodies.

It is well known that during the 1940's in England, beginning even before the end of the Second World War, a series
of measures were passed which reorganized and improved the whole range of social services to children. These included not only the Family Allowances Act of 1945, but also the Children Act of 1948, which stood out as the first important legislation in England entirely devoted to the welfare of the child deprived of normal home life through the absence or incapacity of his parents or guardians. Besides these there were the National Health Service Act (1946) and the Education Act (1944), as well as others with a more indirect relationship to children's welfare, such as the National Insurance Act of 1946.

We shall observe, in the following review, the influence of this and other legislation on the range and scope of voluntary activity in relation to statutory services for children and youth.

**Part I. Employment of Children and Young People**

The laws on the employment of children in England and Wales are contained mainly in the Children and Young Persons Act of 1933, as amended by the Education Acts of 1944 and 1948. In general, the Act imposes a considerable number of restrictions on the employment of children under school-leaving age, but gives local education authorities power to make by-laws modifying or supplementing the statutory provisions in certain respects. Thus, the Act prohibits the employment of a child until he has attained the age of 13 unless authority is given in local by-laws for him to be employed by his parent or guardian in light

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1 Children in Britain, revised April 1962, British Information Services, Canada.
Agricultural or horticultural work.

A general provision in the 1944 Education Act is that if it appears to a local education authority that a school child is being employed in such a manner as to be prejudicial to his health, or otherwise render him unfit to obtain the full benefit of his education, it may, by notice in writing served upon the employer, prohibit him from employing the child, or impose such restrictions upon his employment of the child as appear to be expedient in the interests of the child.

Young people under 18 employed in industrial premises (factories, workshops, slaughter-houses, shipyards, docks and warehouses) are protected by the Factories Acts, which are administered by the Ministry of Labour and enforced by its Factory Inspectorate. The hours that young people between 16 and 18 may work are limited to 48 in a week and nine in a day, although some overtime is allowed (up to six hours a week but not more than 100 hours a year nor more than 25 weeks a year). Young people under 16 are limited to 44 hours a week. Adequate intervals for meals must be arranged for young people, and girls may not be employed at night. The hours of work of young shop-workers are also limited to 44 hours a week for those under 16 and 48 hours for those between 16 and 18 (under the Shops Act, 1950). Limitations have also been enacted for the employment of young people in miscellaneous occupations, (such as errand and lift boys, van boys and the like) under the Young Persons (Employment) Act, 1938.

Apart from the general restrictions on lifting, carrying or moving anything so heavy as to be likely to cause the child
injury, some local authorities, particularly in rural areas, have adopted by-laws that prohibit work involving heavy strain (in particular, pulling sugar beets) or work under the control of a gang master, and make various other provisions for safeguarding the child's health and welfare, e.g. by requiring that medical certificates as to fitness be obtained.

The Children and Young Persons Act, 1933, prohibits young persons under 16 years from engaging or being employed in street trading, but local authorities are given power by the Act to make by-laws that permit young persons between the ages of 15 and 16 to be employed by their parents in street trading. Local authorities may also make by-laws regulating or prohibiting street trading by persons under the age of 16. Most by-laws of this kind provide, among other things, that if a juvenile employment committee can find more suitable employment for the young person concerned within a reasonable distance of his home, or if he is regularly engaged or employed in some other full-time occupation, this shall be a ground for refusing the application.

The Act of 1933 makes special provision for children taking part in entertainments. (It does not relate merely to employment.) It provides that a child under the age of 12 may not take part in any entertainment in connection with which any charge, whether for admission or not, is made to any of the audience.

More recently the Children and Young Persons Act, 1963, based upon the recommendations of the Ingleby Report, 1960, has

1 Children in Britain, op. cit.
made it a requirement that "... a child of 13 (14 where compulsory school-leaving age is raised to 16) or more but still of compulsory school-leaving age, will be required to have a license in order to take part in a performance for which an admission charge is made and for all radio, or television or film appearances. The license is to be granted by the local authority as a mandatory duty provided that it is satisfied that the child is fit to take part in the performance, that proper provision has been made to secure his health and kind treatment, and that his education will not suffer." To guard against financial exploitation, a condition may be imposed that earnings be paid to the county court or to trustees. The Home Office will prescribe general regulations about dressing rooms, lavatories, hours of work, approved lodgings, and so on. After the middle of 1964, according to this new legislation, appearance in pantomime or "shoddy touring troupes" will be impossible for children. The problem, of course, was to balance the need to prevent exploitation of young performers with the desirability of providing them with experience.

This brief summary of legislation tells us nothing about the provision of employment services for youth in Britain. The role of the State here is carried out through the Youth Employment Service which is under the general direction of the Central Youth Employment Executive, staffed by officers of the Ministry of Labour and the Ministry of Education. The purpose of this service is to help young people leaving school and young workers under

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1 "Children in Entertainment", Social Service Quarterly, Winter, 1963
2 Ibid.
18 years of age at the start of their working life. The joint executive is appointed by the Minister of Labour, who is responsible to Parliament for the Youth Employment Service as a whole.

Locally the service is operated in most areas through Youth Employment Offices established by local education authorities in accordance with the schemes submitted by them to the Minister of Labour and approved by him. In those areas where such schemes are not in operation, the service is operated by the local office of the Ministry of Labour.

The main functions of the service are to collect and disseminate information on careers, provide talks in schools, give vocational guidance, find suitable employment and keep contact with young workers to help them settle down.

The youth employment officer interviews each 15-year-old school-leaver individually during his or her last term to advise on the choice of employment which, as nearly as possible, matches his or her capabilities and offers full scope for training and progress under satisfactory conditions. A member of the school staff is generally present (interviews are usually held at school) and the parents are invited to attend. The officer is supplied with a confidential school report on health, general ability, educational attainments and special aptitudes to guide him in advising each boy and girl.

Vocational guidance includes advice on vocational training facilities, including the apprenticeships and training schemes now set up in over 100 industries. There is a scheme of grants

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to assist selected boys and girls to train in industry away from home if they are unable to obtain suitable employment within daily travelling distance.

The youth employment officer not only puts young people who require the service in touch with prospective employers, but also maintains contact with young workers to advise them about any problems connected with settling down in their work.

The value of the Youth Employment Service is widely recognized in Britain, and both young people and employers are using it to an increasing extent, although its use is entirely voluntary. The service, which was reconstituted under the Employment and Training Act, 1948, is well established for 15-year-old school-leavers. There is still scope for development of its work for older school-leavers.

This is where the voluntary youth organizations come in. They are very much concerned at present about this gap in the Youth Employment Service. The Boys' Club movement has been particularly active with its "Adjustment to Industry" courses through which over 12,000 boys have passed. In the same vein, in July 1963, three hundred delegates from the Boys' Club movement met at Sheffield for a two-day conference, sponsored by the National Association of Boys Clubs, with the theme "Boys at Work".

These examples illustrate the observation that the voluntary youth organizations and clubs evidently feel that they have an important role to play in the matter of services to

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2 Ibid., pp. 4-8.
working boys. When we turn to the section on the Youth Service below, we will have a more complete picture of their relationship to statutory bodies.

Part II. General Services to Children

In this section we will be looking at a variety of financial arrangements to help families which thereby indirectly benefit children.

Family allowances are benefits which have been provided by the State since August 1946 under the Family Allowances Act of June, 1945. Over 3½ million families in Great Britain are receiving allowances and the number of children on whose behalf they are paid is about 5½ million. An allowance is paid for each child in the family (including an adopted child), other than the first or only child below the age limits. The age limits are 15 years for children who leave school at that age, 16 years for those who are handicapped, and 18 years for those who remain at school or are apprentices. The amount is 8/- a week for the second child, and 10/- for the third and each subsequent child in a family.

Family allowances are paid from the Exchequer, and their object is to benefit the family as a whole; they belong to the mother, but may be paid to either the mother or the father. There is no insurance qualification, and parents who are not British subjects or who are British subjects born abroad may claim

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1 Children in Britain, op. cit., p. 18.
allowances if they satisfy special residence conditions.  

Other financial arrangements, which indirectly benefit children are the National Insurance, Industrial Injuries Insurance and National Assistance schemes.  

The National Insurance scheme makes provision for those insured in case of unemployment, sickness, death, injury or retirement.  

There are also a number of special allowances to protect children whose father or mother (contributor) is killed as the result of an industrial accident or prescribed disease. These allowances are designed to be flexible and meet the needs of various circumstances and situations.  

Finally, the National Assistance scheme makes provision for dependent children under 16, graduating the amount according to age.  

Other financial arrangements to help families are War Pensions and Allowances, which benefit children of widows of service men, war orphans, and children of war disablement pensioners; Income Tax Reliefs; and Liabilities. Regarding the latter it is important to note that Family Allowances and widows' and orphans' pensions and allowances already mentioned are part of taxable income (except that allowances for the children of war widows are exempted as a special concession). Thus social security benefits, though paid equally to all eligible citizens,

1 Ibid.  
2 For a fuller account of social security provisions see the Central Office of Information reference pamphlet Social Security in Britain, available through the British Information Services.  
3 Children in Britain, op. cit., p. 20
regardless of their income, are of most value to those paying a low rate of tax on a small income or with too small an income to pay tax at all.

Part III. Services for Mothers and Young Children

(a) Maternity and Child Welfare Services

Maternity and Child Welfare Services were already well established before the National Health Service Act of 1946. Local authorities have had power to provide such services since 1918, thus developing the movement that had been started in the few voluntary infant milk depots established between 1899 and 1905 for the weekly supervision of babies under two, and later carried on in schools for the mothers.

The Maternity and Child Welfare Service is of particular interest as an example of a close relationship, as it has been from its inception, between statutory and voluntary bodies.

Madeline Rooff has pointed out that

The early success of the movement was due in large measure to the cooperation between a group of medical officers of health and their local authorities on the one hand, and voluntary organizations on the other. At a later stage the central authority was included in the partnership. The combined schemes put infant welfare on a sound footing, while the voluntary element helped to build up the essentially personal character of the service. The Maternity and Child Welfare Service became, especially in the urban areas, one of the most popular and generally acceptable of the social services.¹

The nature of this partnership will become clearer from an account of the scope and structure of current services.

The National Health Service makes free provision for ante-natal and post-natal care for expectant mothers and for confinement at home or in hospital. There has been constant effort in recent years to integrate the health services for mothers and children with the tripartite structure of the National Health Service.

Health visitors, who are nurses with special additional training, advise expectant mothers on all aspects of pregnancy and child-bearing and give parents advice on the nurture and management of children up to five years of age, when the children come within the scope of the School Health Service and may well be supervised by the same health visitor in her capacity as school nurse. This advice is given either in the local authority maternal and child welfare centres, hospitals, general practitioners' surgeries, or in their own homes. Almost every baby is visited by the health visitor, following notification of birth to the Medical Officer of Health.

The welfare centres are now part of the advisory and preventive services of the local health authorities. General practitioners, assisted by domiciliary midwives, increasingly undertake the clinical ante-natal care of patients in their charge, leaving the welfare centres to arrange instructional and relaxation classes. More than three out of five mothers receive some ante-natal supervision at welfare centres or under arrangements made by local health authorities, and about three out of five babies under one year taken to the welfare centres.

Originally the centres were mainly concerned with the

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1 Social Services in Britain, op. cit., p. 14.
narrower objects of ensuring that the child made reasonable physical progress. Today the aim is to provide a much wider range of help for parents and their children. This includes special follow-up clinics for premature infants and other infants requiring special care; the early detection of mental and physical handicaps and help to parents on seeking medical advice and treatment; anticipatory guidance work by which factors likely to cause emotional disturbances in the child are detected and tackled early; and a complementary modern health education program with up-to-date teaching methods embracing all aspects of child development. A priority dental service is available for expectant and nursing mothers and children under five years of age. Maternity and child welfare centres also act as distribution points for the national dried milk and vitamin preparations under the Welfare Foods Service.

In order to dramatize the significance of the Maternity and Child Welfare Service, Madeline Rooff has pointed to the fact that "... in 1900, of every 1,000 children born, 154 died during the first year of life. By 1950 the infant mortality rate had fallen to 29.9." She has explained this fact as follows.

The service developed during a period of increasing awareness of social needs and a considerable rise in the standard of living. It was to be expected that mothers and children would share in the general improvement of social conditions. Nevertheless, experience had shown that such general progress was not necessarily accompanied by a reduction in the infant mortality rate unless special care was taken. Much credit is due to

1 See Part VI on services to Special Groups.
2 Rooff, M., op. cit., p. 29.
the maternity and child welfare movement which for fifty years, inspired the work of the centres, helping by sustained effort to improve the services offered and to educate the mothers and sometimes the fathers, to take full advantage of the facilities.  

Thus, Rooff is pointing to one of the traditional roles of the voluntary agency or principle, i.e., to help those needing services to use the existing ones. She says that today (1950), although standards have vastly improved, "... there is still a call for vigilance and propaganda". She also notes that:

The early stress on the desirability of a proper link between hospitals, voluntary organizations and local authorities is still relevant. The need for coordination of all the services relating to the welfare of mothers and children is a matter of particular concern since the National Health Service Act, 1946, threw the question into prominence.

In other words, what Rooff is saying is that with improved services and legislation the need for voluntary action often increases rather than diminishes; partly because of the apparent and real complexity of the services and also because of new gaps which appear.

At this point we should mention that this movement grew out of a number of distinct but closely related practical ventures such as the first tentative efforts to appoint health visitors; the various projects to secure the early notification of births, etc. Rooff describes a number of the early examples of effective cooperation and the barriers that had to be overcome.

1 Ibid.
2 Ibid.
3 Ibid.
4 Ibid., pp. 34-35.
In the pioneer phase she explains that "... no great advance could be made until the various local experiments were more broadly based". The First World War, as a threat to survival, quickened the interest in the movement while at the same time administration was tightened up and the quality of voluntary and statutory effort was more closely scrutinized. Voluntary organizations were warned that they would earn a grant only if their work was "coordinated as far as was practicable" with the public health and school medical services of the local authority.

Although the expense of the war increased and many social services were reduced, the increasing value placed on infant life led, between 1916 and 1918, to a considerable increase in the number of infant welfare centres, both statutory and voluntary.

The Maternity and Child Welfare Act, 1918, though permissive, was also popular with the local authorities and made possible a considerable extension of the movement in the inter-war years. Grants, mostly payable to local authorities, were extended to cover a number of services including hospital treatment of children up to five years of age, lying-in homes, and the cost of a home help service. Eventually the provision of food for expectant and nursing mothers and for children under five was sanctioned and grant-aided. Creches and day nurseries, convalescent homes, homes for the children of widowed and deserted mothers and for illegitimate children (mostly provided by voluntary agencies)

1 Ibid., p. 41
2 Ibid., p. 46
3 Ibid., p. 47
4 The Maternity and Child Welfare Service was not made a duty for the local authorities until the passing of the National Health Service Act, 1946.
were all included in the scheme, while provision was made for grant-aid for experimental work (whether by local authority or voluntary agency) concerned with the health of expectant mothers, nursing mothers and infants and children under five. One of the conditions of grant-aid was the requirement that the work should be linked with that of the local authority. Coordination at the local level was thus greatly facilitated by government action, and in the process, greater responsibility was being given to statutory authorities.

A change in administrative method marked the new relationship: all voluntary agencies applying to the central authority for grant-aid were required to do so through the local authority, or if not, to send the local authority a copy of the application at the same time as it was sent to the local government Board. The Board noted with satisfaction the increase in the number of centres and gave much credit to private enterprise for this advance.

The post-war economic difficulties resulted in a cutting of all social service including the Maternity and Child Welfare Service. However, voluntary enterprise had eased the situation by establishing certain pilot centres. The Ministry had gradually been concentrating responsibility upon the local authorities, and, financially, the process was completed by the passage of the Local Government Act of 1929. The Exchequer grants to voluntary associations were to be replaced by an annual contribution from the appropriate local authorities who were to receive a block

1 Ibid., p. 50
2 Ibid., p. 51
grant from the Treasury. This caused considerable heartburning among the voluntary organizations. They feared financial loss and lowering of standards with the withdrawal of central inspection. In fact there were safeguards, and the Ministry took precautions to see that the voluntary organizations should receive not less than the amount received in standard years.

Just prior to the Second World War, reports showed a total of 3,261 centres, of which 2,433 were provided by local authorities. Only in the provision of residential homes were the voluntary organizations in the lead, with over a hundred homes for mothers and babies compared with less than 10 provided by statutory bodies. The Minister of Health continued to call attention to the value of voluntary action in providing a variety of services.

The second stage in the development of the voluntary organizations was marked by an extension in range and by an attempt to coordinate the work of the many national voluntary societies which had sprung up. In this section of her book Madeline Rooff describes the efforts of these societies to coordinate their activities, "...a federation, occasionally by amalgamation and, more rarely, by the decision of an association to leave the field to other agencies who were doing similar work". She refers to a number of efforts on behalf of such noteworthy organizations as the Central Council for Infant and Child Welfare (later the National Council for Maternity and Child Welfare), The National Baby Welfare Council, the National Association for

1 Ibid., p. 52
2 Ibid., pp. 57-62.

In her summary of the work of these societies and her review of trends towards amalgamation, Rooff points out the difficulty of finding a way among "... these multitudinous societies which were so frequently given to changing their titles and extending their aims". She says that one of the most difficult problems to be faced by an energetic voluntary society is to decide when its work is done, when it is time for it to retire altogether, or to sink its individuality and amalgamate with a kindred society. Within the Maternity and Child Welfare Movement the national societies seem to have been keenly aware of this issue and to have done much to secure coordination.

In the years following World War Two the effect of the National Health Service Act on the work of voluntary organizations was very important. In the first place, the Minister took over the control of most of the hospitals and some of the convalescent homes. Regional Hospital Boards, each covering a wide area, were created, and voluntary bodies had to establish a new relationship. Medical practitioner services were organized at a local level under Executive Councils, and every mother now had the choice of attendance by a doctor (and, when required, a gynaecologist) in addition to the centre, clinic and midwifery services for which the medical officer of health was responsible to the local health authority. Thirdly, the local authority had extended powers and duties: all counties and county boroughs now had an obligation

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1 Ibid., pp. 62-65.
to provide maternity and child welfare services and they became responsible for a number of ancillary services, particularly domiciliary nursing and home help, of direct concern to mothers and children. Provision was made, as in previous legislation, for cooperation between statutory bodies and voluntary organizations.

The reaction of voluntary associations to the Act was naturally guarded. On the one hand they saw that much of their early work was completed; the need for local centres and clinics was established. But, on the other hand, there were examples of indifference or complacency where the medical officer of health was ignorant of the work of voluntary organizations, or felt that health visitors could do all that was necessary. The hostility of a medical officer might prevent a recommendation to the local authority to grant-aid a voluntary organization or to make use of its experience on an agency basis.

The chief need was to ensure that the various schemes for the welfare of mothers and children worked smoothly. Divided responsibility, in fact, made the question of coordination urgent, and we find both statutory and voluntary agencies concerned with the means to this end. As Rooff points out, "... it is typical of the partnership today that, while the Ministry's pamphlets set out clearly what services are provided, they look to the voluntary bodies to persuade parents to use them. It was the 'personal note' which helped whenever new ideas needed to be made popular or well-tried methods reaffirmed." 1 Hence, voluntary action for maternal and child welfare, whether in institutions or in the community,

1 Ibid., p. 75
far from becoming redundant with the extension of the National Health Service, is still in great demand: both the old and the new voluntary organizations seek all the support they can get, financial and personal, that they may the better fulfill their functions as partners with the statutory bodies in carrying out social policy.

It is obvious from this brief historical picture of the development of the present maternity and child welfare service, that voluntary societies have played a prominent role and that their continued close relationship with statutory bodies depends upon their active participation in schemes for the development of the social services: only so can they speak from experience and invite confidence.

We are also made aware that the voluntary organizations are under considerable strain financially as, "... grants from trust funds are usually on a short term basis, for an experimental period; payments from statutory bodies are dependent on the good will of the authority; the public is not always enlightened in its charitable giving and some of the less spectacular work has no immediate appeal." Not all statutory bodies, for example, are as cooperative as the London County Council, which as a local authority has continued, in spite of expanding its own services for mothers and children, to subsidize voluntary maternity and child welfare services.

In general it has been the mothers' and babies' homes, and the organizations arranging recuperative holidays, which have

\[1\] Ibid., p. 291.
lost most since the National Health Service came into effect in 1946; and their case alone would serve to illustrate the manner in which voluntary societies may wither away when the state moves decisively into a field of service in which they could, in theory, continue to play a useful part.

(b) Welfare Foods Service

This exists to ensure that all expectant mothers and young children are able to obtain the milk and other basic foods necessary for their healthy development, and that such development not be impeded by simple considerations of cost. The service began in the early days of the Second World War when the National Milk scheme was started in 1940. It was decided in 1946 to continue the extended scheme as a nutritional measure.

Expectant mothers, children under five, and handicapped children under 16 who are unable to attend school or a training (occupation) centre, can get a pint of milk a day for 4d. from their milk suppliers. They can also get national dried milk at an equivalent price as an alternative to liquid milk, and orange juice, cod liver oil and vitamin A and D tablets at cost prices from the welfare foods distribution centres run by local health authorities.

(c) Vaccination and Immunization

Arrangements for vaccination against smallpox, diphtheria and poliomyelitis, without charge, as part of the National Health Services, are made by all local health authorities; in addition,

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1 Children in Britain, op. cit., p. 21.
most local health authorities have similar arrangements for vaccination against whooping cough, and many for vaccination against tetanus. BCG vaccination against tuberculosis is available to certain children.

(d) Nurseries and Nursery Schools

There are some 550 day-nurseries for children under five in Great Britain that are provided by local health authorities or voluntary associations working with them. There are also over 600 private or factory nurseries which must be registered with the local health authorities -- a requirement which applies also (in accordance with the Nurseries and Childminders Regulation Act, 1948) to persons who "mind" for reward more than two children under five years of age of whom they are not relatives (as defined in the Act), from more than one household. There are also public and private residential nurseries, both kinds being subject to inspection.

A small proportion (about one in 10) of children attend nursery schools or classes; the age range in the former is normally two to five, and in the latter, three to five. A separate and self-contained nursery school is the ideal. Few new nursery schools have been provided since the Second World War, for it has been necessary first to increase the provision for children of compulsory school age. In 1960 there were 454 nursery schools maintained by local education authorities in England and Wales with 21,757 pupils and 963 teachers; there were also 197,273

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1 Ibid.
2 Ibid., p. 22.
children under five years of age in maintained primary schools. In addition, there were 20 direct grant nursery schools with 747 pupils and 41 teachers. There were also a number of private nursery schools.

Because statutory intervention has been concentrated mainly on children of school age, voluntary societies have continued to experiment, almost without aid, in the field of maternal and child welfare. An example of an experiment in Social Therapy, begun in 1950, is "Brentwood", which aims at discharging a preventive function in regard to the problem of the working class housewife and her children. Its major aim is to provide for those mothers who need a holiday away from their children by maintaining the children in a well run nursery for a three week period, thus enabling the mother to recuperate at her leisure and to see her children only when she wants to. Brentwood remains an entirely voluntary endeavour, receiving no financial assistance from statutory sources and being dependent on payments from its guests or referring agencies. Hence, in order to operate securely it would need to have a regular grant from either central or local government.

It is not only voluntary societies that experiment, however. In 1953 the City of Leeds' Infant Welfare Department, together with the West Riding County Council and the Leeds' Maternity Hospital, cooperated in an experiment to ensure continuity of nursing care for the infant returning home from a maternity ward.

1 Ibid.
hospital. The service begins when the hospital informs the health department of babies due to be discharged who are considered to need special nursing supervision. It is then the responsibility of the supervisor of midwives to allocate one of her staff to care for the baby, and there is a team of special nurses, who are also trained midwives, employed fulltime on the followup care of these infants.

Another experiment, started in 1951, also shows that it is not only voluntary agencies which pioneer. Southmead Hospital, Bristol, created a new infants department in which 28 babies up to six months old, could be nursed in cubicles for one or two babies. There was also accommodation for 12 mothers to sleep in cubicles built at the end of the ward with their own sitting room, kitchen, bathroom and lavatory. By this means the mothers during their stay in hospital would learn a great deal about the management of the child.

These experiments in the maternal and child welfare field by local health authorities are thus making it more difficult for voluntary societies, interested in the same field, to sustain their claims to a uniquely innovatory and pioneering role.

Part IV. Welfare of School Children

(a) School Health Service

Regular medical examinations and dental inspections are provided free through the School Health Service to every child

2 Ibid., vol. v, no. 5, p. 196.
attending a school maintained by local education authorities. School clinics deal with minor ailments but treatment requiring specialist services is arranged through the National Health Service. Dentistry is provided through the School Dental Service. Medical examinations under the School Health Service may also bring to light children who require special education by reason of disability of body or mind.

The School Health Service is in no way intended as a substitute for the National Health Service, and parents of school children are as free as any other citizens to avail themselves, on behalf of their children, of all that the latter has to offer. At the same time the State recognizes (and has recognized for over 50 years) that special medical care, both preventive and curative, is essential to the welfare of growing children. Thus, although the School Health Service is closely coordinated with the National Health Service, it continues as a separate entity organized by the local education authorities, subject to regulations made by the Minister.

(b) School Welfare Services

Since the early days of this century voluntary children's care committees, intended as a link between school and home, have been attached to a number of primary schools in Britain. In London, however, the organization is unique in that the London County Council employs trained social workers to organize the care committees. They recruit and train the voluntary care

1 See Part VI on Special Services to Groups, particularly Child Guidance.
2 Children in Britain, op. cit., p. 22.
committee workers (about 2,670 in all), act as a link with other
departments of the London County Council, and are available to the
voluntary workers for consultation and discussion. The committees,
which are attached to both primary and secondary schools or groups
of schools, are appointed "... to deal with all matters which
affect the welfare of the child outside the school curriculum". These
duties include visiting the homes of the children to advise
parents about medical treatment recommended by the school doctor
and to see that it is carried out, to give advice and information
on other school welfare services, and to follow up on recomman­
dations for the child to be educated away from home. Care
committee workers cooperate closely with teachers, school atten­
dance officers and youth employment officers, and have a valuable
role in helping neglected and maladjusted children.

Out of school hours, the older children may belong to
one or more of the youth organizations. The younger children
may join junior branches of the same organizations. Clubs specially
designed for children over five and under 15 have been started
by the Save the Children Fund, managed by full-time wardens or
by parents and local residents in consultation with an experienced
organizer from the Fund. Play centres and "adventure playgrounds"
are organized under a full-time leader by some local authorities
and residential settlements. Some of these play centres were
established primarily for those children from two to five who

1 Ibid.
2 See Part V on Recreation and Holidays.
3 Adventure playgrounds are open spaces intended for children's
use and provided with unconventional apparatus to allow imaginative
play.
were brought to the doctors because they were "suffering" from a behaviour problem. (See Part VI on Services to Special Groups.) Other popular resources are the Saturday morning cinema clubs for children and special sessions arranged by museums and libraries. (See Part V on Recreation Facilities.)

The Save the Children Fund mentioned above is an example of an international voluntary organization, with headquarters in London, which has engaged in pioneering activities for children in England and Wales as well as many other parts of the world. Its activities are very miscellaneous. For example, in large cities in England it has provided nursery play groups, junior clubs with an increased emphasis on practical training through the Duke of Edinburgh Award Scheme and the Outward Bound Trust; the International Holiday Home for Children, Hill House Inworth Essex, which concentrates on inter-racial groups of needy children from industrial centres in the U.K. It also operates a residential open-air school for girls, and another for maladjusted children. (See Part VI on Services to Special Groups.) Its policy is "child rescue first, followed by child welfare and child development", hence it has concentrated much of its energy in recent years on other parts of the world where

2 Started in 1956 (for boys) with the aid of a grant from the King George VI Foundation, and was extended to girls in 1958. It was designed by the Duke of Edinburgh to offer incentives and further opportunities to young people (boys 14-19, girls 14-20).
3 The Outward Bound Trust maintains five "schools" offering 26-day "character-building" courses for boys and girls.
it feels the children are in greater need. In 1961 alone it distributed over £100,000 among various Commonwealth countries. Its main source of income continues to be voluntary gifts from supporters in the U.K. and the Commonwealth. In Commerce and Industry in 1961, its penny-a-week appeal raised £183,703.

The Save the Children Fund has collaborated since its inception with many voluntary agencies, and some have even affiliated with it. One example was the National Under-Fourteens Council, which sprang from the initiative of a group of people concerned with the growth of juvenile delinquency among school children. One of its chief tasks was to organize training courses for youth club leaders. The S.C.F. was running four of these clubs in London, a like number in the provinces in 1951 and at that time was appealing for more premises and funds. They, along with other national organizations, had their wishes granted a decade later when the Minister of Education accepted the recommendations of the Albemarle Report.

Part V. Recreation and Holidays

(a) Recreational Facilities

The use boys and girls made of their leisure time out-of-school or after-working hours was until recent years regarded as outside the sphere of government, unless it transgressed law and order or came within the ambit of formal education. The guidance of young people in purposeful recreation was left to

1 Ibid.
2 Ibid., vol. v, no. 1, 1951, p. 33.
3 See Part V.
individuals and voluntary bodies which felt called upon to undertake it.

However, with Britain's legacy of old industrial towns and large urban areas, high demand for land for agriculture and for building, and an acute post-war housing shortage, it is not surprising that the Central Advisory Council for Education (England) should have reported in 1948 a serious deficiency in provision for the free-time needs of school children, in spite of some devoted efforts to meet these needs.

Many of the New Towns and post-war housing estates since then have been planned with a due proportion and suitable distribution of playing fields and community buildings. A number of urban local authorities have adopted in principle a standard of small playgrounds at half-mile intervals, and at least one, the City of Plymouth, has achieved this aim. Schools built by local education authorities are required to have playgrounds and (except for infants' schools), playing fields of an area proportionate to their numbers.

The King George VI Foundation has provided centres for the training of sports coaches, leaders and instructors in each of the four countries of the U.K., as one of the schemes for the benefit of young people on which it spent nearly £1,200,000 of the money contributed to the King George VI Memorial Fund. It also made a grant of £100,000 to the London County Council for the hostel block of the projected National Youth and Sports

1 Social Work in Britain, op. cit., p. 64.
2 Children in Britain, op. cit., p. 25.
Centre at the Crystal Palace. Local projects to remedy past deficiencies by the acquisition of playing fields and playgrounds are being promoted as funds permit. Local authorities have power to use public funds for such purposes, and the National Playing Fields Association, a voluntary body, gives advice and grants to local authorities and voluntary schemes.

Other recreational facilities for children are the children's cinema clubs, which utilize the special children's films of the Rank Organization and the Children's Film Foundation for regular Saturday morning performances; special library facilities; special museum facilities; etc.

In general, then, with local authorities moving into the area of recreation more and more, we have a new partnership developing between the voluntary agencies and the statutory bodies. In the next section we will deal with this in greater detail.

(b) Youth Services (Clubs and Youth Organizations)

The object of the Youth Services in England and Wales is to provide for the leisure time activities of young people and to offer them opportunities, complementary to those of home, formal education and work, for discovering and developing their personal resources, so that they may be better equipped to be responsible members of a free and civilized society.

A study of the existing youth services and the partner-

2 Ibid.
3 Ibid.
4 Social Services in Britain, op. cit., p. 32.
ship that exists between voluntary and statutory organizations, proves to be very illuminating, as in this area the voluntary services play a very prominent role. They are often referred to as the "backbone" of the youth services, and some foreign observers have felt that in this field especially "... Statutory and voluntary bodies are actually in business together, rather than distinctive operations towards common goals."  

In recent years, however, particularly since the Government committed itself to doing something about the "youth problem" and undertook to provide more money to the existing organizations, there has been an anxious debate as to whether these organizations were making the best use of their present resources. Before we look at the effect of this debate, we must first examine the structure of the Youth Service in England and Wales.

Responsibility for youth services in England and Wales is shared by the education departments, local education authorities, voluntary organizations and the churches. There is no attempt to impose uniformity, though there is the fear on the part of some voluntary services that increasing government intervention may result in this. The heterogeneity of these services is a natural outcome of the fact that most youth organizations developed spontaneously during the course of the last century in response to miscellaneous voluntary efforts. Between the two

1 Ibid.
World Wars, some of the local education authorities tried to help and coordinate voluntary work in their areas through Juvenile Organization Committees. In the 1930's the State also began to promote social and physical training and recreation and in 1939 brought into being what is now called the Youth Service as a partnership of voluntary organizations, local authorities and central government. The status of youth services as an essential part of the educational system of Great Britain was confirmed by the Education Act of 1944.

The education departments provide grants-in-aid of the administrative and training work of national voluntary youth organizations to help meet the costs of training full-time youth leaders and of the premises and equipment of youth clubs provided by voluntary bodies.

Local education authorities cooperate with voluntary organizations in their areas; most give financial help and lend premises and equipment; most also employ youth organizers to help in the promotion and encouragement of youth work. Where voluntary services are considered inadequate, local authorities themselves organize youth centres and clubs. Most local authorities have appointed youth committees on which official and voluntary bodies are represented.

In addition to such grants as are received from the State and local authorities, voluntary organizations may receive help

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1 See Table 1, page 37.
from charitable trusts for the furtherance of special projects, notably from King George's Jubilee Trust and, during the years 1953-60, the King George VI Foundation, which distributed nearly £1.2 million from the memorial fund in remembrance of the King. The greater part of the funds of the voluntary organizations is, however, raised by their own efforts.

In 1958 the Minister of Education, aware that the Youth Service needed to do more to assist young people, appointed a committee under the chairmanship of Lady Albemarle, to review the situation and to advise on steps to be taken. The Minister accepted in principle the Committee's recommendations, published in its report in February, 1960, and announced immediate increases in financial help for the headquarters of national voluntary organizations, a building programme of £7 million to be started in the next three years, more grants to voluntary projects, including experimental ones, and immediate steps to increase the number of trained full-time leaders. In January 1961 a National College for the Training of Youth Leaders was opened at Leicester. The Minister is advised by a Youth Service Development Council.

This government action was met with mixed feelings on the part of those concerned. On the one hand it sparked a great new interest in the problems of youth with a resulting enthusiasm

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1 Established in 1935 to advance the welfare of the younger generations; the Trust Fund is applied for the benefit of the young people of the U.K. King George V sanctioned the inauguration of the Trust by the then Prince of Wales, and the dedication to it of the nation's gift of approximately £1 million, subscribed as a thank offering to mark his silver jubilee.

2 See Table 1, page 37.
on the part of many voluntary organizations, but there was room for doubt and fear as well. T. R. Batten, writing in the summer of 1960, wondered whether the traditional purposes of the existing organizations were still valid.

The Committee had had three main aims:²

(1) to justify the need for a Youth Service in an affluent society; (2) in view of the failure of the existing services to attract so many of the over fifteens, to analyze the contemporary scene and the attitudes and outlook of young people today; (3) to make workable proposals for policy, machinery and, to a certain extent, performance.

It criticized a system "... which gave the benefits of social education to those who remained within the sheltered environment of an educational institution and made the most niggardly provision for those whose need was so much greater. This need was only partly recognized by the 'learning for leisure' concept of further education; between the ages of 15 and 21, young people still had to learn how to live in an adult world."³

Batten saw the need for leaders of youth organizations to find meaningful ways of satisfying "... the natural desire of today's young people for more independence, more control of their own affairs, and more recognition from adults of their approach to adult status."⁴ Recognizing the problem that at least 60 per cent of all young people stay outside the clubs and that "... no one was doing anything about it," he proposed a solution in terms of the Youth Organizations joining forces with the people's organizations.

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1 Batten, T. R., op. cit.
3 Batten, T. R., op. cit.
4 Ibid.
on the new housing estates and exerting pressure on the local authorities who were mainly responsible for the development of the new estates.

This was not the first time that someone had spoken of the need for voluntary youth organizations to scrutinize the work they do lest they use their small reserves in mere replication of the statutory services and those of other voluntary societies. This, in fact, is the main thesis of L.J. Barnes who in 1948 shocked many voluntary agencies with his report on *The Outlook for Youth Work* which to many people appeared to amount to a proposal for a "... Root and Branch Bill in the field of administration, ... of the voluntary organizations engaged in youth work".

Brew agreed that there was a problem of over-lapping, but for him this was a point of departure for considering the question of how to bring about a reorganization of the Youth Services so that they could turn their main energies towards experiment, pioneering and research. He pointed out that "... voluntary youth work has suffered three draining operations since 1939". He refers to the following: in 1939, Circular 1486, which had the effect of transferring many excellent club leaders to the administrative youth work of various local authorities; in 1944, the Education Act, which converted excellent youth organizers into further Education Officers; and in 1948, the Children Act, which drained off both club leaders and organizers into the new

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1 Ibid.
3 Ibid.
Brew raises further questions which are germane to the concerns of this study. He argues that the "... centre of gravity in youth work has changed," claiming that for many it has become a method of further education. Yet he thinks that much of the day-to-day work of the Youth Service must of its nature be voluntary, and since he appears to believe that most people would be reluctant to serve as volunteers for a statutory body, he is understandably concerned at the uncertain and devitalized condition of the agencies. He sums up his ideas on this issue by proclaiming the need for a "Central Commission" and a system of training which would do away with a great deal of duplication in the training of volunteers. This latter problem is inevitable when there are a vast number of youth organizations, all doing essentially the same work, but otherwise uncoordinated and unrelated.

Inasmuch as Brew was writing fifteen years ago when there was widespread fear among the voluntary agencies that the government was going to take over the Youth Service, it is instructive at this point in time to consider how far events have justified those fears. The pattern of the relationship that has in fact emerged is perhaps exemplified in the area of the Youth Service that we examine next.

That area is the Boys' Club Movement, which has been greatly enhanced since the main recommendations of the Albemarle

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1 Ibid.
2 Ibid.
Report were accepted by the government in 1960. Prior to this there had been a period of more than 20 years during which almost no building for the Youth Service was permitted. During these two decades, the spokesman for the Boys' Club Movement, the National Association of Boys Clubs was very active in supporting those clubs, especially in the new housing areas, which were determined to obtain reasonable premises. Hence, the Association, during one five-year period (1955-60), financially assisted over 100 such schemes.

Because of this work and also because of the completion of a nationwide survey of the need for new Boys' Clubs, the N.A.B.C. was fully prepared when the Ministry of Education adopted its policy of expansion. With special funds obtained from the King George Jubilee Trust and the Ministry of Education, the N.A.B.C. assisted this new policy by appointing a team of officers to concentrate on development work.

The result was that by the end of 1961 the schemes proposed by the local authorities and voluntary organizations totalled nearly £14 million, while the building ceiling allocated to the Youth Service had only reached £7 million by the end of March, 1963. Accordingly, the Minister decided that from 1963-64 onwards, local authorities would be required to submit priority lists after consulting voluntary youth organizations. He also decided that schemes excluded from the programme approved up to March 31, 1963 would be returned to their sponsors to take their

2 Ibid.
chance when the 1963-64 lists were prepared by local authorities. (See Table 1 below.)

Table 1. Boys Clubs Building Schemes Awarded Ministry of Education Grants

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Schemes</th>
<th>Total Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1959-60</td>
<td>18</td>
<td>£180,000</td>
</tr>
<tr>
<td>1960-61</td>
<td>32</td>
<td>£298,000</td>
</tr>
<tr>
<td>1961-62</td>
<td>75*</td>
<td>£761,000</td>
</tr>
<tr>
<td>1962-63</td>
<td>75</td>
<td>£723,000</td>
</tr>
<tr>
<td>1963-64</td>
<td>40</td>
<td>£662,000</td>
</tr>
</tbody>
</table>

*(including 13 schemes costing £163,000 in the "crash" programme for the designated development areas) But in 1963-64 there were 55 schemes costing £650,000 which failed to get into the programme.

These changes in government policy were very frustrating and discouraging to the voluntary youth organizations. Moreover, they were seen as a threat by the voluntary organizations in that when competing with the local education authority schemes they did not feel assured of impartial and equal consideration by the Ministry. The voluntary viewpoint is explained not only by reference to disappointment at the lowering of the Youth

1 The 1963-64 building ceiling remained at £3 million. A breakdown of 75 per cent shows
57 local authority projects costing £917,000
40 boys clubs projects costing £662,000
54 projects from all other voluntary organizations costing £756,000.
Compare these figures with those shown in Table 1, above.

Service Building Ceiling but also by reference to the following consideration.

It has always been the practice in the Youth Service for the Ministry of Education to give direct capital grants of up to 50 per cent of the cost towards approved schemes of voluntary bodies. Local authorities have permissive powers to supplement these grants by up to 25 per cent of the cost. A substantial proportion of local authorities do not exercise it at all or only ... to a limited extent. But in favorable circumstances a boys' club can receive 75 per cent of the cost of a building and equipment to be raised from voluntary sources.

However, the report goes on to explain that it was very unlikely that the local authorities, having been criticized (as they always are!) for the level of the local rates, were going to add to their expenditures by exercising permissive powers to grant-aid the capital expenditures of voluntary organizations. (This would follow from the Albemarle Committee recommendation that after five years the Minister should cease to give capital grants to voluntary bodies and that they should thereafter look to their local education authorities for such help.)

Thus the threat to voluntary organizations appears to be very real, and one which the N.A.B.C. sees as having serious implications for future progress and voluntary initiative, particularly in regard to the club organizations which are most concerned with the 14-20 age group, and hence a "major step to a state-run Youth Service".

In spite of this "watchdog" attitude, it should be mentioned that since local consultation went into effect (1963-64), voluntary

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1 Ibid.
2 Ibid.
projects have amounted to 60 per cent of the total allocated, and in 1964-65 there has been an increase of £1 $\frac{1}{2}$ million over the 1963-64 programme with nearly half of this sum going to voluntary projects.

On the face of it these figures look satisfactory, but they have not stilled criticism from the voluntary organizations. For example, Chris Brasher, editor of \textit{Challenge}, (published by the N.A.B.C. has this to say about these events of 1963-64.

"The local education authorities are not operating the consultative principle and ... quite urgent schemes are not getting the consideration they should. Nor are the voluntary bodies always acting in union." He also urges caution about the figure of 60 per cent of Ministry funds which is said to have gone to voluntary bodies, saying that

... it does not mean that the same people who only got 20 per cent previously now have three times as much. A number of other factors operated in the 1963-64 building programme which were not relevant before. Until a breakdown of the figure is available there is some justification for believing that it does not represent quite so rosy a picture of the success of joint consultation as, on the face of it, would seem the case.

In general, then, we see that a great deal of suspicion has been aroused within the voluntary youth movement by the legislative changes of the past few years. It is not difficult to see why the youth service is in such a state at the present

\footnotesize{\begin{itemize}
\item[3] \textit{Ibid.}
\end{itemize}}
time. There are a vast number of voluntary organizations engaged in "character building" and they all need funds to carry on and expand their work with children and youth. We have seen how dependent the National Association of Boys' Clubs has become on grants from the central government, local education authorities, and the charitable trusts. The same conditions prevail with many other large national youth organizations.

Table 2. No. of Members* and Financial Resources** of Voluntary Youth Organizations

(England and Wales)

<table>
<thead>
<tr>
<th>Organization</th>
<th>Adolescent (14-20) Membership</th>
<th>Total Membership</th>
<th>Conditional Grants from Min. of Ed. £</th>
<th>Voluntary Sources £</th>
<th>Total Income £</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boys Brigade</td>
<td>25,129</td>
<td>81,768</td>
<td>5,500</td>
<td>56,409</td>
<td>61,909</td>
</tr>
<tr>
<td>Boy Scouts Assoc.</td>
<td>88,355</td>
<td>445,242</td>
<td>10,000</td>
<td>167,848</td>
<td>177,848</td>
</tr>
<tr>
<td>Church Lads Brigade</td>
<td>5,363</td>
<td>13,778</td>
<td>1,975</td>
<td>15,539</td>
<td>17,514</td>
</tr>
<tr>
<td>N. A. B. C.</td>
<td>114,459</td>
<td>137,959</td>
<td>43,000</td>
<td>83,900</td>
<td>126,900</td>
</tr>
<tr>
<td>Girls Friendly Soc.</td>
<td>4,005</td>
<td>22,227</td>
<td>3,250</td>
<td>15,449</td>
<td>18,699</td>
</tr>
</tbody>
</table>

** All financial figures from Annual Reports of Organizations, 1962-63.

The above figures serve to show a number of interesting relationships. The N.A.B.C., which has almost 84 per cent of its

1 The N.A.B.C. and the N.A.Y.C. (National Association of Youth Clubs) have the largest membership over school-leaving age (See Table 2, above.)
membership between the ages of 14 and 20, received over four
times as much financial assistance from the Ministry of Education
as any of the other youth serving organizations. It is note­
worthy that this amount of £43,000 represents over a third of
its total income for that year, but that this grant was conditional,
i.e., for the training of full-time club leaders and the starting
of new Boys' Clubs. Thus these figures serve to remind us that
it is the voluntary youth organizations which are engaged in
work on which the Ministry puts priority that are the most
heavily subsidized.

Twenty-six of the largest of the national youth organiza­
tions, each with at least 10,000 members between the ages of 10
and 21, belong to the Standing Conference of National Voluntary
Youth Organizations, a consultative body. The purpose of the
Conference is "... to consider means of strengthening the voluntary
principle in youth work and of extending and strengthening the
constituent organizations; to make representations and recommen­
dations to statutory or other appropriate authorities; to appoint
persons to represent the Conference on external bodies when
required."  

Since its inception in 1936, the SCNVYO has worked closely
with statutory bodies and engaged in many activities in order to
fulfill this purpose. Recent examples have been its submission
of evidence to the Central Advisory Council for Education and to the
Albemarle Committee.

1 General Information Bulletin, published by SCNVYO.
2 It was created by the National Council of Social Service.
The work of the Conference is made possible by funds from the National Council of Social Service, subscriptions from member organizations, and a grant from the Ministry of Education.

The Conference has worked hard on behalf of its constituent organizations and has attempted to promote effective cooperation between the various partners in the Youth Service at local and national levels. This work has been complicated by the fact that the various voluntary organizations all aim at the broad goal of "character formation", and are much concerned with the importance of "spiritual values". However, the member organizations are generally well established ones with a long tradition of service to youth.

We mentioned earlier in this section that there was a marked conflict of opinion as to whether the existing youth services were keeping up with the changing problems of youth. Some of the organizations have been criticized for not going out to young people, and there is evidence of declining membership in some of these, particularly in the 15-18 age range. The Boy Scouts Association has had a drop of over 10,000 since 1962 and the Boys Brigade has also noted a drop in membership in spite of the fact of an increase in the population within the relevant age range in England and Wales. In general, those "uniformed" organizations which are run in connection with a church or a chapel have found it difficult to retain membership.

2 See Appendix A for details of size, etc., of member organizations.
after age 14 or to recruit new membership for the age range 14-20. Yet they all continue to promote their services and compete for funds with other organizations. The Church Lads Brigade, which is actually a part of the Church of England as well as a National Boys' Organization, is completely under the control of the clergy yet receives funds from the Ministry of Education. There are many other organizations of this nature which have sprung up in the past to meet certain needs and have survived into the present. Thus there may be good reason for the critics to question the efficacy of a youth service that has its roots in the past. And such questions have been raised with increasing insistence since the Albemarle Report appeared. Yet the stress on spiritual training and education which prompted the beginning voluntary youth services and which has remained at the core of much of the youth service is held to be the essence of the voluntary contribution even today. Many people agree with this statement by the Late Sir Hubert Llewellyn Smith:

For leadership in the club sense of the term is essentially a spiritual function and in matters spiritual the voluntary principle is and must remain supreme. If the spiritual character of club leadership be safeguarded I can see no limit to the possibilities of fruitful cooperation between voluntary and public action.

The evidence we have reviewed, then, on the changing nature of the partnership between voluntary and statutory bodies would appear to show that this traditional attitude carries

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1 Chairman, Council of the N.A.B.C. from 1936-1943.
progressively less real conviction, particularly among the local authorities; although a great deal of lip service is still being paid to it by almost everyone who speaks to the subject on conventional public occasions.

Part VI. Services for Special Groups

(a) Child Guidance

The child Guidance Movement in England and Wales cannot be understood without reference to the place it has occupied in the integrated structure of the British Social Services. Moreover, as Madeline Rooff points out, "... this movement affords an interesting example of pioneer work under voluntary auspices which became acceptable to statutory authorities after a period of experimentation." Space does not permit even a compressed account of the historical developments to which Rooff refers. In the most general terms, however, it may be said that it was the Child Guidance Council (initiated in response to the development of psychological medicine in the inter-war years and a growing appreciation of the importance of education in questions of mental health) which introduced to Britain from its place of origin in America the formula of the clinical team consisting of psychiatrist, psychologist and social worker. Later, acting in concert with a number of other organizations working in the same field, the Council was instrumental in forming an inter-clinic committee on which both voluntary and statutory bodies were represented.

1 Rooff, M., op. cit.
2 Ibid.
Although the first child guidance clinic was set up nearly forty years ago, it has only been during the last 10 years that facilities have been freely available throughout the country. In February, 1958 there were in England and Wales approximately 340 Child Guidance Centres or Clinics. This included all "sub clinics" where only occasional sessions are held and where the staff is usually drawn from the main clinics. Most of these facilities were provided by local authorities, the remainder by large hospitals and a small number of voluntary organizations.

The first measures affecting mental health which took the onus off the voluntary agencies were contained in legislation mainly concerned with other services, i.e., the Education Act, 1944, and the Disabled Persons (Employment) Act, 1944. The most important measure of direct concern to the mental health services was the National Health Service Act, 1946.

As Rooff points out,

The National Health Service Bill had been closely watched by all the voluntary organizations, for it would have wide repercussions on the mental health services. The Act made important administrative changes, bringing together the mental health services and the general health services under the

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1 Much of the credit for changing attitudes towards mental disorder and for improvements in the social care of the mentally disordered is due to the work of voluntary bodies, in particular the Central Association for Mental Health, the National Council for Mental Hygiene and the Child Guidance Council. The Child Guidance Council was instrumental in setting up, with the help of the Commonwealth Fund of America (a private benefaction established in 1918 by Mrs. Harkness of New York for "the welfare of mankind"), the first mental health course for training psychiatric social workers at the London School of Economics and Political Science in 1929.

single control of the Minister of Health. At first it looked as though the influence of the Board of Control was to be confined to its quasi-judicial functions, but in practice it was found impossible to separate the legal, administrative and medical aspects of mental treatment.

At any rate, mental hospitals, institutions for defectives, certain convalescent homes and some child guidance clinics were brought under the control of the Minister acting through his regional hospital boards. Local health authorities were now fully responsible for community care, and the association with the Poor Law and its relieving officers was finally broken.

Rooff, in her detailed and penetrating analysis of the role of voluntary bodies in relation to social policy refers to the National Association for Mental Health's contribution as a voluntary organization in the field of child guidance. It drew attention to one practical difficulty resulting from the new legislation. It sought for some elucidation of the position of child guidance centres administered under the Education Act and child guidance clinics administered under the National Health Services Act. The former were the responsibility of the local education authority, the latter of the regional hospital boards, and it seemed to the N.A.M.H. that the Ministry was drawing an unwarranted distinction between ascertainment and diagnosis and treatment. It urged that all workers be based on the clinic team and that the dichotomy in administration should not affect the treatment of the patient under a unified scheme. This drew an assurance

1 Rooff, M., op. cit., p. 159.
2 Some clinics remained under the control of the local education authorities.
3 Rooff, M. op. cit., 160-161.
from the Ministries concerned that no rigid distinction between clinics and centres would be drawn, but each should cooperate with the other when collaboration was in the best interests of the child.

This is only one example of the function of the N.A.M.H. in relation to one area of mental health at one particular point in history. There are many more which serve to show how, during the years of its voluntary service, it fulfilled its "role" of "... scrutinizing Bills and bringing experience to the task of suggesting amendments." ¹

After the passage of the National Health Service Act in 1946, the N.A.M.H. had still to convince many local authorities that cooperation with voluntary agencies was desirable and that such a partnership had a valuable contribution to make to a comprehensive mental health scheme. Nevertheless, the N.A.M.H. was still convinced that it had a part to play in the future in spite of the fact that much of its work was curtailed by the new legislation.

If proof were wanted of the substance of these claims, we should only refer back to the work of the Child Guidance Council as an example of voluntary action which showed the way for later statutory action and as an example of a private body which played a major part in many pioneering ventures in mental health. For instance, its publicity "... brought the treatment of behaviour difficulties in children to the notice of teachers and parents." ²

¹ Ibid.
² Ibid.
Also, for about 18 years it administered a scheme for the selection of trainees and the certification of training centres, awarding Fellowships in both psychiatry and psychology and thus making a contribution to the practical training of psychiatrists and psychologists.

For a long time there was little connection between psychiatrists working in mental hospitals (asylums) and the workers in clinics connected with the education service or with voluntary hospitals. Nevertheless, Child Guidance, with its propaganda among the local education authorities, followed up by loans of experienced psychiatric social workers, paved the way for the inclusion of psychiatric departments in mental hospitals. Conscious of the lack of coordination in the wider fields of mental health, the C.G.C. attempted, from the early 1930's, to coordinate the work of the voluntary associations. With one of the most vigorous and highly organized voluntary associations of the inter-war years, the Central Association for Mental Welfare and the National Council for Mental Health, the C.G.C. saw the advantages to the mental health service of coordination of all branches at a national level.

Today, as has been mentioned, child guidance plays a major and generally accepted role within the British Social Services. The National and School Health Services provide a comprehensive health scheme available without charge to everyone in Britain, resident or visitor. There are, as we have seen, three divisions:

1 Ibid., p. 121.
2 Ibid., p. 122.
a general practitioner service, a hospital service and a local authority service provided by the local government councils. Every child is eligible for inclusion on a general practitioner's list of patients and entitled to every type of medical treatment. Thus a child can be either referred by a general practitioner or seek a direct appointment to one of the child guidance centres in any large hospital.

The school health service is the most important of the local authorities' free medical services. It is intended to provide regular medical examinations and certain free treatments for all children attending schools maintained by local authorities. Its chief function is the assessment and subsequent care of handicapped and other pupils who are not "thriving" or "progressing" satisfactorily. Thus there is a close link between the school health services and the child guidance services. The school health service maintains its own clinics but can refer a child to a hospital, general practitioner, or medical consultant. Since child guidance is partly medical and partly educational, child guidance facilities are often part of the school health services. Frequently, the psychiatric service is provided by a hospital. In some cases, however, all the child guidance team, including the psychiatrist, are employed by a local education committee. Neither the hospitals nor the local education authorities have an explicit statutory duty to provide child guidance clinics or to see that they are provided.

In England and Wales the central government does not own any school, hospital or clinic. Educational staffs are employed
and paid by local councils who receive a monetary grant from the Exchequer. This is about 60 per cent of the total cost. The remaining 40 per cent is paid out of local property taxes (called "rates"). The hospital, general practitioner, and local authority services are controlled through regional hospital boards, boards of governors of teaching hospitals, executive councils and local health authorities. Grants from the Exchequer cover about four-fifths of the cost of the National Health Service. The balance is met by a transfer from the National Insurance Fund, staff superannuation contributions, and local property taxes.

As was pointed out in an earlier chapter of this study, the Children Act of 1948 compels every local authority to care for all homeless and neglected children in its area under the age of 18 and to give them every opportunity which is normally available to a child in his own home. The Children's Officer, we saw, maintains a close link with related voluntary bodies such as the National Society for the Prevention of Cruelty to Children, as well as with the child guidance clinics.

In England and Wales in 1955, about $\frac{8}{3}$ million children were eligible for child guidance, yet only in 300 received a local authority child guidance centre appointment. A committee set up by the Ministry of Education concluded that facilities were inadequate and recommended that they be trebled by 1965. Among its recommendations it stated that "... for the area of every local education authority there should be available a comprehensive child guidance service involving a school psychological service, the school health service and child guidance clinics, all cooperating..."
closely."

This statement is particularly interesting in the light of the fact that for over 40 years the burden was carried by a number of voluntary associations. The present state of enlightenment in Westminster is largely owing to the efforts of such organizations as the C.A.M.W. and the C.G.C., and they still play an important role in regard to the mental health of children, especially in their public education and liaison activities.

(b) Special Education

Organized work for sick and disabled children began over a century ago when the Shaftesbury Society, then known as the Ragged School Union, (founded in 1844 to give "a Christian education" to poor children in London) expanded its activities, first to arrange holidays for the handicapped, and then to provide clubs and home visiting for crippled children. In 1888 a Charity Organization Society worker set up the Invalid Children's Aid Association (I.C.A.A.) to provide systematic visiting and casework according to the Society's principles, but found that the Association's work would be meaningless without material help by way of hospital and convalescent treatment and the provision of nourishing food and necessary medicines and appliances. Although the expansion of the social services since then has increasingly met the needs of sick and disabled children for treatment and education and protected them from want, voluntary

1 Tyerman, M.J., op. cit.
2 Children in Britain, op. cit., pp. 30-31.
work has not ceased; but existing voluntary bodies have modified their activities and experimented with further developments, whilst new ones have been formed to break fresh ground. Hence, in this section we will be looking at the relationship of these two voluntary societies, as well as others, with the statutory services provided for children with special educational needs.

The Education Act, 1944, laid upon every local education authority the duty to provide sufficient variety of primary and secondary education to suit the different ages, abilities and aptitudes of the children in its area, and this was reinforced by a specific charge to have regard to the needs of pupils suffering from a disability of mind or body, and to provide special educational treatment for them; and by a further duty to find out which children in the area required such treatment.

In England and Wales there are ten categories of handicapped pupils for whom local education authorities must provide special educational treatment: blind, partially sighted, severely deaf, partially deaf, delicate, educationally sub-normal, epileptic, maladjusted, physically handicapped, and children suffering from speech defects.

A handicapped child can sometimes be given special educational treatment in an ordinary school, and no child who can be satisfactorily educated in an ordinary school is sent to a special school. Even so, there has been a considerable increase in special schools since the Second World War, particularly in schools

1 Ibid.
for educationally sub-normal children. Developments in this period have included a gradual reorganization of the schools for the blind and deaf with the object of sorting out and making separate provision for the partially sighted and the partially deaf, the opening of a number of boarding homes for children (most of them maladjusted or diabetic) in need of residential care, and the establishment of several schools for spastic and other very severely handicapped children, for whom no provision had previously been made. The upper limit of compulsory school age for children attending special schools is 16 years.

Of the existing special schools in England and Wales, practically all the day schools, most of the hospital schools and about two-thirds of the boarding schools are maintained by local education authorities; the remainder (including most of the boarding provision for the deaf and the blind) are under voluntary management, the fees being paid by the authorities who send children to the schools.

As mentioned previously, most of the pioneering work in the provision of special schools has been done by voluntary organizations, some being national societies and others small bodies set up for the specific purpose of running special schools. Very briefly we should mention that The Royal National Institute for the Blind has schools ranging from the Sunshine Home Nursery Schools to two grammar schools, one for boys and one for girls. The Church of England's Children's Society, Roman Catholic Orders, Dr. Barnardo's Homes, the Shaftesbury Society and the National Children's Home and Orphanage maintain special schools and boarding homes for children with various types of handicaps.
Other voluntary schools are under independent management, as for example, Moor House Residential School for children with speech defects, at Oxted, in Surrey -- a pioneer institution of its kind; the Mary Hare Grammar School for the Deaf, near Newbury, Berkshire; and several boarding schools for children with cerebral palsy.

Other services to handicapped children have also become statutory under the National Assistance Act, 1948, in which local authorities have a duty to provide welfare services for people who are blind, deaf, dumb, and others who are substantially and permanently handicapped by illness, injury or congenital deformity. Among services of value to children are those which "... include advice and guidance on personal problems and on any services which could be of help to the handicapped child, assistance in overcoming the effects of disabilities, provision of personal aids to living, and adaptations to the home, provision of holiday homes and generally of assistance in arranging holidays."

Within this context both the Shaftesbury Society and the I.C.A.A., as well as other voluntary societies, play an important role which is always changing with new needs, legislation and discoveries. We will begin our examination of statutory and voluntary relationships in this area by taking a look at the changing roles of some of the voluntary societies mentioned.

The Shaftesbury Society, which describes itself as having

1 Ibid.
2 Ibid., p. 32.
3 Ibid.
been "... in the forefront of the early battles for the underprivileged children and later for the handicapped child", also is proud of its present role as "... specialists in the maintenance of residential schools for crippled children". Dating back 120 years and having provided special schools for over 70 of those years, its claim is certainly justified.

However, because it is almost totally dependent on voluntary contributions, its work is constantly threatened. At present it operates seven special schools, some of which are pioneers in their field. It has had generous help from the Ministry of Education in the past but there is always the possibility of having operating expenses cut down, so that fund raising becomes an issue of great concern. At the same time, with the rapid expansion of services by local authorities, the Society has found at times that some of its schools have carried a number of vacancies. Hence, it is continually forced to adapt and change as government action takes over some of its work.

The I.C.A.A. is another society working mainly in the London area, which, before the inception of the National Health Service and other extensions of statutory responsibility for children's health and care, used to provide convalescence and other services for sick children on a large scale. Not only

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2 Ibid.
3 Between 1946-51 the local education authorities opened 121 new special schools, 90 of them boarding schools, an increase from 38,500 to over 47,000 children.
4 Children in Britain, op. cit.
5 Set up in 1888 by the Charity Organization Society and combining personal service of a high order with sound practical schemes, they were always ready to cooperate with other agencies whether voluntary or statutory.
did this organization, as well as the many other organizations mentioned, cooperate with statutory services for many years prior to enlightened legislation, but as Rooff points out, "... in many instances, they themselves made the necessary provision before it was available from public sources, and their educational work helped both to promote the welfare of the mother and her child and to create a responsible attitude within the community."  

At any rate, today the I.C.A.A. concentrates on running a small number of holiday homes and special boarding schools for certain types of delicate or handicapped children, as well as providing the associated social casework with these children's families. As in other branches of social casework, the association's skilled workers, relieved of much routine work to meet material needs, now devote more attention to the emotional problems which underlie illness.

Though the Education Act, 1944, gave fresh impetus to the work done in the past for handicapped children, some seeing it almost as a charter, voluntary action continues to be important. One example occurred in 1954 when the Croydon Group of the National Spastics Society opened the first nursery for spastic children in Great Britain. This voluntary society, with nearly 80 regional groups in England and Wales, is composed principally of the parents

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1 Rooff, M., op. cit., p. 63.
2 Children in Britain, op. cit.
of spastics, and as a young organization does pioneer work in
providing special educational facilities to spastic children,
who until lately were often considered ineducable. The nursery
is primarily for play and therapeutic treatment (physiotherapy,
speech therapy and so on). Another example of a pioneer venture
in the same year occurred under the auspices of the Royal National
Throat, Nose and Ear Hospital, to test methods of treating and
training deaf children under school age and to experiment in
educating parents in the management of deaf children. 1

The attitude of the National Deaf Children's Society
to the Education Act was that "... it relieved parents of the
financial anxiety of maintaining their children in special schools,
but not of the permanent anxiety of bringing up their children
to feel secure and happy in a hearing world." 3 Hence it sees as
its major purpose today the enlightenment of the nation and its
policy is the result of its determination to identify and proclaim
exactly what deaf children really need, regardless of whether
such needs are tangible. This society is wholly dependent on
voluntary funds (subscriptions and donations) and is concerned
with all matters affecting the emotional and social development
of deaf children. It came into being in 1944 (formed by a group
of parents) and in 1958 it was joined by six similar organizations
to form the present Society with its twenty Regional Associations

1 Ibid.
2 The Full-time staff consists of only five people. Throughout
the country the regional associations operate through voluntary
unpaid workers, mostly parents of deaf children.
4 Ibid.
throughout the country).

There are now more than 80 schools in Britain for deaf and partially deaf children, as well as units for the partially deaf in ordinary schools. Deaf children's education is obligatory from the age of five, and wherever possible begins earlier.

The Society's relationship to statutory bodies exists in its close work with the Ministers of Health and Education, the Home Office, the London County Council and the local authorities both in welfare and in the drive for better school buildings, modern equipment, better qualified teachers and better working conditions for those teachers, and the smaller classes which are essential for the best teaching. The Ministries and the London County Council have welcomed the initiative of the National Deaf Children's Society and they cooperate in the promotion of an annual course for non-teaching staff, Brains Trusts for parents, discussion meetings, exhibitions, and in achieving cooperation between parents, teachers and technicians in the improvement of supply and repair of hearing equipment.

Another role that this society has played in the past 15 years is in providing a Welfare Service extending throughout the whole country. It is a personal service of advice and help to parents and of guidance in availing themselves of the existing facilities for the care of deaf children. Arrangements made include holidays, escorts, foster homes, convalescence, grants in case of need, Christmas gifts and parties. Thus the Society, like many other voluntary bodies feels that it has many functions and many aims as yet unrealized in legislation.
Other services for deaf children include the Audiology Clinics, which are a number of well established clinics set up to start rehabilitation as soon as deafness is noticed. The unit at the Royal National Throat, Nose and Ear Hospital, which was set up in 1948, is now able to train pre-school deaf children and partially deaf children in normal schools in a manner according with their individual needs.

There are many other voluntary associations which have the needs of the deaf child at heart, including the Bedfordshire Association for the Advancement of Children with Defective Hearing, which is particularly interested in the need for better provision for the deaf-blind child.

Most of these associations work very closely together and with statutory authorities. The National Council for the Handicapped Child has as its major aim the provision of a framework for cooperation between voluntary organizations for the various handicaps.

It is noteworthy that at present in England and Wales there is no registration for deafness. This is a goal that voluntary organizations are still striving for. Latest reports, however, indicate that between 6,000 and 7,000 deaf children are in special schools. This is approximately twice the number of registered blind children.

When we look at the existing services for the blind we become aware that they are far superior to those for other

handicapped children. For example, in 1954-55, a comparison of subsidies to voluntary organizations shows £40,000 to voluntary societies for the blind and only £600 for the Society for the Deaf. This discrepancy is explained by Mencher in terms of the different types of direct subsidies available to voluntary agencies. In the example above we have an illustration of a common relationship between voluntary societies and statutory authorities in which the former act for the latter on an agency basis, thus sacrificing autonomy in order to gain funds.

There seems little doubt that services to the blind have reached a standard which is distinctly higher than that attained by services to other handicapped groups. And there seems little doubt either that the reasons for the difference are to be discovered, for the most part, in the accidents of history rather than any explicitly formulated political decision.

A similar observation can be made, for that matter, when we turn our attention to the gaps and inconsistencies within the services to the blind.

As Rooff says, "... the dependence upon charitable enterprise, with its local variations and unevenness of operation, has been characteristic of the development of the movement for the welfare of the blind in the 20th Century." Unlike the maternity and child welfare, and the mental health services, this movement has not been founded on a national effort to coordinate voluntary

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2 Rooff, M., op. cit., p. 173.
and statutory enterprise. Voluntary services for the blind have been built up for the most part on local interest, the national organizations concentrating largely on special activities such as the production of books, magazines, and apparatuses, or acting as consultants on questions of education, training and employment.

As statutory responsibility became the order of the day, local authorities were given increasing powers. Yet once more the extent to which action was taken depended on local interest. The quality and range of the services provided by local authorities have, in fact, shown very wide variations. Measured in terms of per capita expenditures on the blind, the uneveness has been startling. Diversity of service, both voluntary and statutory, throughout the country is still a characteristic feature of welfare provisions for the blind.

The same uneveness can be seen in the working relationships of the local authorities and the voluntary societies. This variation depends on many factors, not the least of which are the facts that some voluntary societies cherish a tradition of independence and some local authorities have determined to use their powers of control to the full, without reference to existing organizations.

A similar situation exists in regard to mentally handicapped children. It is the statutory duty of local authorities (County and County Borough Councils) to provide for the physical care of mentally sub-normal people, and they do this through training centres and workshops. Under the 1959 Mental Health Act they
are also required to provide hostels for long term care, although in many parts of the country this programme is only just beginning, with the result that services are often far from adequate. In the meantime, mentally sub-normal children who need custodial care are mostly provided for in psychiatric hospitals. Voluntary action in this field has had to overcome many obstacles throughout the years and has carried this vitality of temper into an era of expanded legislation. For example, the part which a voluntary organization like the National Society for Mentally Handicapped Children plays today is to "... increase public awareness of the problem of mental sub-normality, and to stimulate action of central and local government, to see that the provisions of the Act are appropriately implemented." ¹

The 300 local societies, within their own areas, provide advice and help for parents, social activities for mentally handicapped people, and generally "keep an eye on" the adequacy of local provision. As a national body they have promoted experimental or demonstration workshops and hostels and a holiday home; provided finance for research; and assisted in the development of public understanding through a number of national conferences. All their funds are raised through appeals conducted at both the national and local levels. Though statutory provision for mentally handicapped children in England and Wales is in advance of most countries in the world, this Society, through the coordinated activities of its 300 local societies,

¹ Solly, Kenneth, Deputy General Secretary, N.S.M.H.C.. (Personal communication to writer, Dec. 19, 1963.)
provides special care units, clubs and creches where children can be cared for and parents given some relief, sponsors and runs summer camps, holiday homes and training centres, helps parents to overcome their feelings of isolation by arranging social gatherings and discussions, and not least, provides amenities for those at present outside the mental health and welfare schemes.

The Mental Health Act, 1959, pointed the direction away from institutionalization toward community care. For many years prior to this enlightened change, voluntary societies pioneered in community care, and today, though the permissive legislation exists, nobody carries the clear obligation to provide the services in question. Only the pressure of local opinion can make the authorities fulfill their duty to these children: hence, the continued need for voluntary action.

The development of a child is an essentially indivisible problem and should ideally come under a single Ministry, preferably the Ministry of Education. In England the care of the severely sub-normal child comes under the Ministry of Health and is carried out in Occupation Centres run by the local authority health department. The scope of this provision, as in the case of the blind and the deaf, varies enormously between different local governments. Some neglect it entirely. Others have a record of astonishing progress and enterprise in a field that not long ago was written off as untillable.

1 Rooff, M., op. cit.
The concept of community care, so long promulgated by voluntary associations, has a long way to go before it comes to be a reality. Today, though the incidence rate of three severely sub-normal children for every 1,000 live births is not generally disputed, there is only one place in an occupational centre for every 4,000 of the population.

There are still many gaps to be filled. Among those attending special care units can be found spastics, maladjusted or psychotic, and other doubly handicapped children, some of whom may be of potentially high intelligence. At present in England there are only six centres where assessment and long term treatment of psychotic (autistic) children could be carried on. The N.S.M.H.C. feels that liaison with education departments might bring about provision of more suitable care and teaching of these children.

Besides National Associations like the N.A.M.H., the N.S.M.H.C., the I.C.A.A. and the Spastics Society, there are many private homes and home schools for mongoloid and other mentally handicapped children. (A typical advertisement reads as follows: "A Home School for Mentally Retarded Girls from 5-16 years, and a few small boys, run on progressive lines; happy atmosphere; training according to ability; music, handwork, loving understanding and discipline under principal with similar child.") There are many such private homes engaged in the care and education of handicapped children in England and Wales,

3 "Advertisement", from Parents Voice, op. cit.
operated by private individuals of varied backgrounds and skills. The fees vary according to the facilities and reputation. The Cheshire Home for Mentally Handicapped Children which welcomes "... severely retarded children for long or short stay periods," 1 charges seven guineas per week, inclusive. Another one, St. Margaret's, which describes itself as "... situated on high ground, immediate vicinity of delightful park, within easy reach of sea," 2 charges eight guineas per week, inclusive. Parents unable to afford these fees can apply to their local Medical Officers of Health for help.

E. D. Irwine, writing in the summer of 1959, lamented the elaborate mechanism of "certification", and expressed the hope that it would shortly be modified. Although this hope was soon to be gratified, there can be little doubt that the care of the mentally ill and handicapped has been bedevilled for years by the kinds of inflexibility exemplified in the notion and the practice of "certification". To cite Rooff yet again:

Three aspects of legislation inherited from a past which had little knowledge of causes and little understanding of treatment, made progress difficult: there was the legal confusion between lunacy and idiocy, the unfortunate association with the Poor Law, and the emphasis placed on certification and custody. 4

The costly effects of these confusions are vividly illustrated even in recent historical record. For example, in the last decade of the 19th Century, statutory intervention

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1 Ibid.
2 Ibid.
4 Rooff, M., op. cit., p. 82.
on behalf of feebleminded children may be said to have been initiated when a Royal Commission on the Blind, the Deaf and the Dumb drew attention to their hitherto neglected needs. There followed in 1899 the Elementary Education (Defective and Epileptic Children) Act, which for the first time gave power to School Authorities to provide education either in special schools or special classes certified by the Education Department. There was also power to board children out or provide guides or conveyance where necessary to enable defective children to attend school. Because this new legislation was permissive there was little action taken by local authorities until 1930, when the Mental Treatment Act empowered them to make provision for after-care and to contribute to the funds of voluntary associations formed for that purpose. During this period of inactivity the Lunacy Act, 1890, remained the principle legal instrument regulating the statutory procedure for the care of the insane. With the public authorities thus effectively hamstrung, it was as fortunate as it was necessary that the pioneering work be done by voluntary organizations. The Central Association for Mental Welfare (originally the Central Association for the Care of Mental Defectives) stood out in this period as it struggled against ignorance of and indifference to the plight of the defective and the insane. Yet during this first phase of its development it was helped, within the interstices of the law by the Board of Control, the Board of Education, and a few progressive local authorities; and as a result, the foundations of a three-fold partnership were well established.
The Board of Control, which was directly responsible to Parliament for the mental deficiency service, was working under the statutory limitations mentioned earlier, and had little power to give tangible aid to the C.A.M.W. during this phase. But through its encouragement it helped to raise standards and made a practice of commending the work of the voluntary organizations to the local mental deficiency authorities. When further grant-aid became possible it was ready to support the voluntary organizations and to strengthen the partnership already built up.

Unfortunately, as we have seen, this kind of cordial and fruitful relationship does not always exist between voluntary and statutory bodies. Misunderstanding, distrust and hostility are often the more apparent modes.

Today the majority of mentally handicapped children are first brought to the notice of the local health authority through the schools, when it is found that the education system can no longer benefit them. When a child has been found to be mentally sub-normal (on examination by a local authority's medical officer), the mental welfare officer, working under the direction of the Medical Officer of Health, visits the home and helps and advises the person and his parents or relatives. Thus the stage has clearly been readied at which the major responsibilities of referral, diagnosis, planning, and even care, are now assigned to public authorities. Yet at the same time, however diminished their function has become, the voluntary organizations still represent a repository of generous purpose, indigenous resources.

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1 Children in Britain, op. cit., p. 32.
and "political" skills which the public authorities would be wasteful, if not frivolous, to neglect. It is to be regretted that their style of service is too often that of standing and waiting.
## MEMBERSHIP STATISTICS

S.C.N.V.Y.O. Organisations in England and Wales

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