Bulletin of the Social Work History Network

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In this issue: to coincide with the Social Work History Network's event marking 25 years since the implementation of the Children Act 1989 in England and Wales, Keith Bilton, co-founder of the Network, examines the century of child care law leading up to the landmark legislation

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Editor: Sarah Matthews
Sub-editor: Stephen Martineau

About the Social Work History Network

The Social Work History Network (SWHN) exists to explore the nature and growth of social work in order to inform contemporary policy and practice. Founded in 2000, it is an informal network of social workers, historians, archivists, researchers, educators, students, and social work policymakers. The Network meets three or four times a year in the United Kingdom to discuss papers given by invited speakers. Meetings are open to all. The *Bulletin of the Social Work History Network* is an e-journal: it is available on the Network website and via email to those on the mailing list.

To join the SWHN mailing list or to confirm your attendance at a meeting please contact: stephen.martineau@kcl.ac.uk

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Editorial

Sarah Matthews

Editor, *Bulletin of the* Social Work History Network

Published just ahead of the seminar organised by the Network to celebrate the twenty fifth anniversary of the implementation of the Children Act 1989, this edition almost exclusively focuses on social work with children. Other, contemporary events, also make this issue timely; the announcement in the Queen's speech of the Children and Social Work Bill which, if passed as drafted, affords the Government a number of new powers affecting how social workers will be trained, how the profession is to be regulated and also allowing local authorities exemption from legal duties, including some sections of the Children Act 1989 and the Children Act 2004. Providing historical context in the light of these proposed changes is then highly salient.

This issue begins with a piece written by Jane Tunstill, who spoke at a Network event marking the fiftieth anniversary of the Child Poverty Action Group (CPAG). Her article reflects on the critical friendship between CPAG and social work. Collaboration on behalf of children, especially poor ones and their families is, Jane writes, a fundamental aspect of this relationship and is underpinned by the albeit contested debate about the ongoing role of social work with children. This deliberation, based on judgements about moral worth and material need along with the reform of individuals, not systems, echoes the relationship between membership of CPAG and the professional association, the British Association of Social Workers. Jane makes a call for a renewal of the campaigning aspect of this relationship to include the robust lobbying of parliament. In the month when Birmingham City Council announces moves towards Trust status, this call may well be a timely one.

Keith Bilton's history of child care legislation provides a solid core to this edition capturing in remarkable detail the changes that have happened in the law as they relate to the prevention of cruelty and the protection of children since the first piece of legislation to do just this, implemented during the reign of Queen Victoria. Much legislative activity has been realised since that time and of course there is more proposed. Keith's article takes us through this in chronological order whilst also illustrating the themes which repeat and which also resonate today. It will be of interest to orientate these changes in light of what is now being proposed. Keith's piece is a fantastic historical resource which provides this context and a much needed synopsis.

This edition also introduces Jess Wagner. In her piece she debates the impact of Serious Case Reviews on current practice in social work with children, echoing a talk by the Steering Group's own David Jones. This is again a timely inclusion given the announcement of the scrapping of locally commissioned Serious Case Reviews and their replacement with a centralised learning framework. I was honoured to have the opportunity at the beginning of this month to be present at a well-attended and received talk by Jess on this very topic. The overwhelming concern is that findings repeat (whether these are in adults or children) but also, that social workers are carrying out difficult work in difficult circumstances. A worrying aspect of the current Children and Social Work Bill is the shift from protection of the public to the punishment of practitioners. Among the Reviews Jess discusses in her piece is that of Dennis O'Neill. Our classic book review, again provided by Dave Burnham, is that written by Terence, Dennis' brother. Perhaps not to be judged as an academic text as such, this book nevertheless provides a vivid account of Terrence's experience and as Dave suggests a powerful insight which should be read alongside the Monckton report into Dennis' death, albeit this is not at the moment publicly available. We hope to return to this topic in our next edition when Ian Butler discusses media representations of such cases, including Maria Colwell.

Our social work pioneer on this occasion is Edith Mudd. As the only piece in this edition not directly concerned with social work and children, Andrew Sackville nonetheless brings to life a remarkable picture of an almoner. Reading the detail provided by Andrew, I have no doubt that Edith would not mind being the sole representative. In turn, the influence she had is acknowledged here and is an interesting and inspirational read.

In my last editorial I promised to provide an update of the pre-conference event which was led by the Special Interest History Group of the European Social Work Research Association in Lisbon, March, 2016. This session, both well-attended and received, contained some fascinating papers concerning the purpose and reason for archiving social work records including the debate about to whom they belong. There was also an interesting paper on the interface between current practice in social work and the past. I can also take this opportunity to report that the Network is to collaborate with Professor Cree at the University of Edinburgh to provide a similar event in advance of the Conference in spring 2018 and which is to be hosted in Edinburgh. I am delighted that we will be able to combine with our European colleagues to do so and trust that with such advance notice we will be able to attract a range of Network members. With reference to archives, members will also be aware that the website continues to develop and we hope provides helpful reference. We plan to add the Network's own archives in the coming year,

accessible to all with an interest in doing so.

I have also received my first letter as editor. Thank you Keith for that amendment to Chris Helmsley's article in our last edition. It is a helpful correction which I know Chris has welcomed. Please do take time if you also wish to comment on this or earlier editions, on other activities which the Network has provided or is developing or, if you have any ideas of your own. The Steering Group welcomes such input.
My thanks as always go to Stephen for the work he puts in behind the scenes. It does not go unnoticed.

Last, but not least, I want to acknowledge the input of Judith Niechcial and Dave Burnham who have both decided to stand down from the Steering Group and whose expertise is acknowledged here. Their contributions to the Network and to the Steering Group have been noteworthy and I want to pass our thanks on to them.

Sarah Matthews, Co-ordinator of the SWHN, is a qualified, registered social worker and currently heads the Social Work Degree programme for The Open University in the North West of England and in Yorkshire.
sarah.matthews@open.ac.uk | @sao_sarah

To the Editor

Chris Hemsley in her very informative article on Tilda Goldberg (2(2): 12-15) writes that Tilda was a member of the Seebohm Implementation Action Group. As a senior member of the staff of the National Institute for Social Work, Tilda Goldberg would have had opportunities to influence the work of the Seebohm Committee while it was sitting. Robin Huws Jones, the Principal of NISW, was a member of the Committee, and it met in NISW's premises, Mary Ward House. Tilda was not, however, a member of the Seebohm Implementation Action Group. SIAG was set up as a lobbying group after the Seebohm Committee had reported, on the suggestion of Tom White, who became its chair. I was its secretary. It was set up to work alongside the Standing Conference of Organisations of Social Workers in pressing for implementation, and it brought together social work associations and those representing the relevant local government chief officers, that is the Association of Children's Officers, the County Welfare Officers' Association and the Association of Directors of Welfare Services.—*Keith Bilton, 7 January 2016.*

In brief

Recent meetings

In November 2015 a packed meeting heard from Prof Ian Butler on Colwell, scandal and the press, Prof Jane Tunstill on the Clwyd Inquiry, and David N Jones on the troubling history of Serious Case Reviews. Presentations from the event are up on the Past Meetings page of the Network website.

In January 2016, the archivist at Bethlem Museum of the Mind, Colin Gale, recounted the fascinating story of one Edwardian patient's experience in the asylum system of the day. He was joined by Nick Hervey who discussed the Alleged Lunatics' Friend Society. Both of their presentations are up on the Network website.

Nick Hervey and Colin Gale at King's College London

In April 2016 at a special meeting held in conjunction with the Child Migrants Trust, David N Jones of the Network, Margaret Humphreys CBE, OAM and David Hinchliffe discussed this country's child migration programme. About fifty people attended the event that was held to coincide with the exhibition on the topic at the V&A Museum of Childhood.

Following the discussion there was a screening of *Oranges and Sunshine*, the film based on Margaret Humphreys' work.

Margaret Humphreys, David Hinchliffe and David N Jones at the V&A Museum of Childhood

Helen Bolderson

The renowned researcher in the field of social policy and specialist on social security died in March. Birkbeck, where she was latterly Hon Research Fellow, has set up a page featuring recollections of her from colleagues and friends.

From the journals

Martin Campbell, Senior Lecturer at the School of Psychology and Neuroscience, University of St Andrews assesses two pieces of Scottish legislation: the Lunacy Act 1857 and the Adult Support and Protection Act 2007 – examining the law's approach to the regulation of care for adults at risk of harm, then and now. Campbell, M. (2016) 'Adult protection in Scotland in 1857 and in 2015: what have we learned?', *The Journal of Adult Protection*, 18(2): 96-108.

CPAG and social work: reflections on a critical friendship

Jane Tunstill

Jane Tunstill spoke at the SWHN meeting in September 2015, on CPAG's 50th anniversary

Current wide ranging legislative and administrative changes being made to national policy in respect of both *child poverty* and delivering *social work services*—worrying enough in their own right—pose powerful inter-related challenges to any aspiration towards a progressive social policy agenda. Indeed it may be argued they carry distinct echoes of the 1834 Poor Law, with regressive consequences for both poverty policy and social work provision, especially through the classification of poor people into '*deserving*' and '*undeserving*'. The history of social and political responses to poverty in the United Kingdom is suffused with the passing of judgements about moral worth as well as calculations of material need. In earlier eras, the former have often dominated policy and overshadowed empirical data about the existence of need. Assessments of both 'character' as well as 'need' have of course historically been the province of social workers, or their voluntary visitor predecessors. Child Poverty Action Group (CPAG), which, in 2015, celebrated its fiftieth anniversary, had its roots in the perennial struggle between the two concepts. No social policy era could therefore be more relevant than the present for reflecting on the historical relationship between social work and CPAG. Dictionary definitions of critical include: 'saying when something is wrong; very important; and considering carefully' (Longmans 2016). These characteristics are clearly discernible in the historical and the current interaction between CPAG and social workers.

Poverty, poor parents and the state

The current policy 'reforms' being implemented by the 2015 Tory government highlight challenges for both the poverty lobby *and* social work stakeholders: both groups operate at the boundary between state and family responsibility for the welfare of children; and both share responsibility to challenge inequality and injustice. However, of course, it is local authority social workers who have statutory powers to compulsorily intervene in families as well as offer support on a voluntary basis.

From the early recorded beginnings of the *social work role* in the nineteenth century there is an obvious dichotomy between 'modifying individual behaviour', and 'alleviating adverse material circumstance'.

'*There can be no doubt that the poverty of the working classes of England is due, not to their circumstances…but to their improvident habits and thriftlessness. If they are ever to be more prosperous it must be through self-denial and forethought'* (Charity Organisation Review 1881, cited in Mooney 1998).

The new century solved little:

'As things are now, we have machinery by which the state in its capacity as co-guardian coerces parents and urges on them duties, which unaided, they cannot perform. Parents are to feed, clothe and house their children decently or they can be dealt with by law. But

when, as a matter of fact, it is publicly demonstrated that millions of parents cannot do this, and that children are neither fed, clothed or housed decently, the state which is guardian in chief, finds it convenient to look the other way, shirking its responsibility, but falling foul, in special instances, of parents who have failed to comply with the law.' (Pember Reeves 1913)

By the 1950s, Harriett Wilson, who was to go on to found CPAG, was highlighting the plight of poor parents and the pressure on social workers to reform individuals instead of systems, sometimes on the basis of inappropriate, often oppressive theories and assumptions:

'The social work profession was trying to lift 'the problem family ' out of the sterile field of biological determinism in psychiatric terms ….I questioned the assumption of Elizabeth Irvine et al that poor people are poor because they are immature, and I suggested we should alter the environment in the first place before trying to treat the condition of 'immaturity'.' (Wilson 1959, p. 118)

It was within this context that CPAG was founded in 1965 and its recorded origins reflect Wilson's success in establishing an early collaboration between 'poverty experts' and community-focused social work managers. In 1964 Wilson had invited a group of individuals to a meeting at Toynbee Hall to discuss the then Labour government's exclusion from the Queen's Speech, of any provisions to address family poverty. These attendees were selected by Wilson because they were working in various occupations that brought them into contact with poverty. They included *academics* (Peter Townsend, Brian Abel-Smith, Tony Lynes, John Veit-Wilson); *senior social workers* (Barbara Drake and Beti Jones were both Children's Officers); *figures from the voluntary child care sector* (Fred Philp, Stephen Wyatt and Geoffrey Rankin from Family Service Unit); and *writers* such as Audrey Harvey and Margaret Wynn (Wilson & Veit-Wilson 1993).

But the tension between reform of individuals or systems persists, and social workers are all too easily selected as the target of unfair criticism from hostile commentators, rather than as Wilson had seen them, as partners in the process to reform systems as well as support individuals. Stevenson (2004) was critical of stereotypical thinking about either side of this debate:

'What Clare Winnicott was hitting up against was a vision for social change which involved radical and fundamental alterations to the social structure and power relations within it. To proponents of this ideology, Clare and others like her appeared to stand for psychic conservatism, for a world view which urged people to adjust to the status quo and which used psychodynamic theory to that end. Put baldly and simplistically, the charge was – new style social workers think only about relationships and not poverty. This was profoundly unfair.'

The moral acceptability of social workers assessing poor and/or homeless parents as inadequate and removing children from their homes still remains a matter of current, if contested, topical debate:

'There may be a partial correlation between disadvantage and poor parenting but there is not a causal link. I reject entirely the sometimes expressed view that removing children from unsatisfactory homes is about victimizing poor families… I am not suggesting that the role of disadvantage and inequality in exacerbating poor parenting and child neglect or abuse should not be discussed at university. But it is vital that social work education for those working with children is not dominated by theories of non-oppressive practice,

empowerment and partnership…' (Narey 2015, pp. 11-12)

Such provocative statements only underline the relevance of a continuing partnership between CPAG and social workers. Identifying some of the factors which helped establish it may be helpful for future collaboration.

CPAG and social work: the evolution of a working partnership

The chronological overlap in the organisational histories of CPAG and the social work profession was very helpful to their working in collaboration. The pursuit of a progressive family policy by CPAG and of a progressive model of social work practice with children and families by social workers, both took place—contemporaneously—within the context of a specific policy context. (Packman 1975; Hall 1976; Holman *et al.* 1998; Bamford 2015). Largely facilitative *policy* variables—in no particular order—included Seebohm re-organisation (Hall 1976); the growth of the women's movement (Statham 1978; Wilson 1980); and the expansion of higher education. From the point of view of *models* of social work, an earlier UK embrace of an American imported (largely psychodynamic view) had begun to be questioned and a home-grown radical social work movement began to emerge. (Corrigan & Leonard 1978; Frost & Stein 1989).

In many ways all of these developments were mutually reinforcing. For example, a growing number of social workers could be said to be in search of an *ideological home*. CPAG was seen to offer one, through its concern to alleviate child and family poverty and its campaigns in favour of family support. There were important crossovers of philosophy and knowledge between the two communities of interest. Whilst the over-representation of poor families on social work caseloads may have been an embarrassing fact to be taken for granted in earlier decades, in this new social policy culture, it began to be rightly acknowledged by *some* social workers as a major form of injustice:

'The social deprivations which result from the maldistribution of resources often mean that some families are at a severe disadvantage when trying to provide their offspring with satisfactory upbringings…greater equality would reduce social disadvantages and so create an environment which encourages the capacities and better elements in all parents. (Holman 1988)

One tangible organisational development turned out to be crucial in the evolution of an evolving partnership between social workers and CPAG (as well as the wider poverty and housing lobby)—the formation of the British Association of Social Workers (BASW). The debut of a generic professional social work association in 1970 opened up collaborative campaigning possibilities which the existing, and largely progressive Association of Child Care Officers had been denied. One powerful factor in the CPAG/social work 'relationship' was the overlapping local and national membership of BASW and CPAG. Both organisations were based on a network of local branches, which facilitated a range of lobbying activities and meant it was possible to draw both on local case data as well as national policy data. These campaigns often involved the same individuals, i.e. social workers who were simultaneously CPAG and BASW members. Furthermore, it appears from the records of these sorts of activities (see below: *Equality for Children;* and the *In Need Implementation Group*) that individual workers were able to maintain their professional identity at the same time as acting as campaigners for reform.

Equality for Children was an informal alliance of organisations, including Family Rights Group (FRG); CPAG; Children's Legal Centre; Commission for Racial Equality; National Child Minders Association (NCMA), Blackfriars Settlement; National Council for One Parent Families; and BASW, who came together to submit evidence to the Select Committee on Social Services, which was chaired by Renee Short, and whose 1984 report underpinned much of the philosophy of the 1989 Children Act. Such confidence may have been supported by the political and professional culture of the time.

One key feature in this policy landscape, was the formation of the BASW Poverty Special Interest Group in 1972, by Sheila Kay, a charismatic and highly respected social worker and anti-poverty worker based In Merseyside. Sheila was then director of the Liverpool Personal Social Services Society, and had a long successful social and community work career. The Special Interest Group brought together BASW members who shared a serious concern with poverty and its consequences for their clients. In spite of her untimely death in a hit and run road accident at 46, the group's 'BASW activity' and collaborations with other organisations, helped raise the profile of poverty and inequality as an issue for social work, within and beyond BASW.

Such 'ground floor initiatives' were inspired and supported by both progressive social workers and social policy academics. So CPAG plus some BASW members had more influence than they at first grasped and crucially social workers could access a frame of reference which privileged material need as well as psychological and emotional need:

'Professional achievements included work on accreditation of social workers, a code of ethics and the 'new professionalism', including client participation and case recording. Policy achievements included work on reform of mental health and child-care legislation and campaigns on poverty and social security and constraints on social services expenditure… as a small professional association in a developing field with other powerful stakeholders, it has achievements where alliances with other stakeholders and commercial operators are established.' (Payne 2002, p. 969)

1975 Act campaign and FRG

The campaign against the 1975 Children Act is a good example of evidence based collaboration between CPAG and BASW. There was widespread concern within the profession about the aims of the 1975 Act. Opponents saw that one effect of this Act would be to increase the rate and speed of child removal from their families without including any provision for family support or preventive work. Robust lobbies of parliament were mounted jointly, by BASW and CPAG members; their representatives gave committee evidence and branch level meetings were held to protest against an Act, widely seen as unfair to poor people. As part of the (ultimately unsuccessful) campaign, CPAG published what was to become a 'seminal' pamphlet, *Inequality in Child Care*, by Bob Holman.

So, whilst not the only source of opposition, CPAG was very important in this period in providing a new socially critical dimension, which began to be available to social workers some of whom incorporated it in their assessment of need and risk in individual families. Indeed, Fox Harding (1982) identified a new grouping of social workers and lawyers etc. to whom she gave the title 'Kinship defenders'. These were defined as adopting a perspective which emphasised the importance of the birth family, the need to

keep it intact, and the need for the state to be active in supporting them through the provision of various services, not in undertaking coercive action against (often poor) families. Furthermore, these 'anti-Act' campaigns had so effectively highlighted the issue of poor parents experiencing the removal of their children and lacking the means to challenge it, that CPAG established and hosted a new charity in 1974. Family Rights Group was launched by a group of lawyers, social workers and academics, all concerned about how families were treated when social services were involved with their children. It works with parents whose children are in need, at risk or are in the care system and with members of the wider family who are raising children unable to remain at home. In future policy periods, subsequent campaigns were able to draw on BASW, CPAG and FRG support in the context of social worker attempts to refocus policy and practice towards prevention and family support, even before the design of the 1989 Children Act. Within the implementation period of the 1989 Act, BASW initiated further campaigning which involved CPAG representatives. Indeed the *In Need Implementation Group* report was publicly commended by Virginia Bottomley MP, the then Minister.

Welfare Rights and Social Work

From the point of view of social workers who were seeking to put new more progressive ideas into practice, it was CPAG assistance in their access to welfare rights knowledge and skills which perhaps received their greatest appreciation. The socially critical culture in the 1970s had encouraged questioning of the tendency to remove children from their environments rather than enable more families to stay together. At the same time little evidence existed of social worker confidence in their ability to facilitate access to the resources which might help achieve this. Only a tiny handful of local authorities had staff devoted to welfare rights advice (Fimister 1986), even though research showed that social workers themselves were hungry for proper knowledge to help clients obtain benefits (Gregory 1988). By the late 1970s only two or three authorities had what could be described as even the beginnings of welfare rights units and the Association of Metropolitan Authorities (AMA) didn't take welfare rights very seriously until it set up an advisory group in the early eighties (Westland 2016). It was expected that specialist social workers on disability would deal with such matters, and that for families, help could always be obtained from the Citizens Advice Bureau, and various voluntary advice bodies, some of whom incorporated advice and help in alleviating poverty. Traditionally the Family Welfare Association (FWA) had had a big role in finding funds from charities for poor people, but in the 1970s to 1980s, even it had embraced the psychoanalytic ethos.

CPAG became a major source of knowledge for social workers in this area, at both the individual case level when they needed advice, but as importantly in training and staff development terms. It was not uncommon in the 1970s for qualifying social work courses to require welfare rights competence to be assessed as part of a social work qualification and CPAG staff could be hired to provide specialist training input. The Welfare Rights Handbook became a key feature in social work offices, and the CPAG quarterly journal, *Poverty*, carried an eclectic mix of informative articles of relevance to the social work task. The contents list on Autumn 1973 for example, included: The Tax Credit Report; Simplifying Means Tests; The Use of Social

Workers; The Feeling of Poverty; as well as, in each edition, the Welfare Law Section.

Looking backwards to look forward

So from the above brief record it can be argued that the partnership over previous decades between CPAG and social work has delivered a degree of modest—at least attitudinal—success. Poverty campaigners and some social workers have learned from each other, and, refusing to accept an inevitable choice between the two, have worked together in the interests of children *and* their parents. Crucially, in a policy arena such as social work, the role of knowledge can be seen to be crucial, comprising as it does interaction between values, empirical data and skills. Since the beginnings of a CPAG/social work partnership, the knowledge base for social work has expanded to include the impact of poverty on parenting and children's welfare, a process, which can perhaps best be summarised as 'reframing the knowledge base by reframing the questions'. Harriett Wilson's own research played a key role in all of this, as have a number of empirical studies in the United Kingdom as well as interest in work from abroad (Wilson & Herbert 1978; Holman 1973; Schorr 1975; Handler 1973).

For some, if not all social workers, this has helped legitimate a professional concern with *family poverty* as well as *family dynamics*. If this 'new ideology on the block' has helped undermine pejorative assessments of poor parents, there is however no shortage of current challenges for its survival. The domination of the current risk dominated approach in child care policy and practice is evidenced in the unprecedented rise in care applications (Puffett 2016). Negative attitudes towards poor families are reflected in the 2016 Budget tax credit debacle. In 2015, the Welfare Reform and Work Bill began its chequered passage through parliament. It includes clauses to remove both the statutory target to eradicate Child Poverty and the statutory commitment to measure and report on the proportion of children living in poverty. In March 2016 peers voted to require the government to report on an *income measure* of child poverty as well as measures such as 'worklessness' and 'educational attainment'. It is an indication of the otherwise punitive nature of the Bill as a whole, that Lord Freud could celebrate the fact the Lords had succeeded in protecting a definition of poverty linked to income (HL Deb 7 March 2016, vol 769, col 1070).

2015, the year of CPAG's fiftieth anniversary also saw the closure of The College of Social Work. A government sponsored quango, the college had been set up in 2011 to take on some of the functions of the late General Social Care Council, terminated by the Coalition Government in 2010. In the same time frame, high profile and contested changes were and continue to be made by government to the structure of social work training, with a new elite training programme for child care workers, Frontline, in the process of national implementation.

In the current policy era, there is considerable public and professional tension as to the appropriate allocation of state and parental responsibility for the welfare of children, and especially poor children. It is clear that politicians now aspire to far greater control of the professional value systems of social workers, who in turn will require considerable moral courage to try to change the direction of policy. BASW has a vital role to play in leading this *re-ownership of courage* for its members and campaigning for a socially just deal for children and families. And it would be

no less than fitting, if 2015, CPAG's fiftieth birthday, can be seen a few years hence, to have ushered in a new era for partnership campaigning with BASW and all those social workers who aspire to a just deal for the children of poor parents and their families.

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A century of child care law: 1889 to 1989

Keith Bilton

Exactly one hundred years before the Children Act 1989, Queen Victoria signed into law an Act for the Prevention of Cruelty to and Protection of Children. It was a response to pressure from 31 local societies for the prevention of cruelty to children, the first of which was founded in Liverpool in 1883. Later in 1889 most of them came together to form the National Society for Prevention of Cruelty to Children (NSPCC). The Act made wilful cruelty to a child (boy under 14 or girl under 16) an offence. The child of a parent convicted of such cruelty could be removed from that parent's care and placed in the care of a relative or some other 'fit person'. Industrial schools and charitable institutions were to be regarded as fit persons. The courts were also empowered to authorise a child's removal to a place of safety if there was reasonable cause to believe that she or he was being ill-treated or neglected. Committal to the care of a fit person remained part of child protection law until 1969, when fit person orders and approved school orders were replaced by care orders. Place of safety orders remained an essential part of the legislation until 1991, when the 1989 Act's implementation replaced them with emergency protection orders.

Also in 1889, a Poor Law (Amendment) Act gave Boards of Guardians a power to assume a parent's rights and powers over a child if that parent had deserted the child. Ten years later, the power was extended to cover orphan children and those whose parents were disabled, in prison or unfit to have their care. This provision, too, lasted, with various amendments discussed below, until 1991.

Other nineteenth century Acts gave similar powers to voluntary organisations. The Reformatory Schools (Youthful Offenders) Act 1854 gave those schools a power to detain children against the wishes of their parents. The Custody of Children Act of 1891 was drafted by a House of Lords standing committee composed of three judges, and is a model of clarity. The first section reads:

'Where the parent of a child applies to the High Court or the Court of Session for a writ or order for the production of the child, and the Court is of the opinion that the parent has abandoned or deserted the child, or that he has otherwise so conducted himself that the Court should refuse to enforce his right to the custody of the child, the Court may in its discretion decline to issue the writ or make the order.'

The Act also authorised the Court to deny the issue of a writ to anyone seeking to remove a child from a trustworthy institution or a benevolent society. It thus allowed the High Court to protect what Dr Barnardo called the 'philanthropic abduction' of children. So here again, as with the 1889 Prevention of Cruelty to and Protection of Children Act, are examples of lawmakers responding to charitable and voluntary initiatives, and in fairly dramatic ways, giving a surprising degree of power to reformatory schools, and limiting the power of *habeas corpus* applications.

In the century which followed, care proceedings were invented and developed, and public responsibility for the care of children deprived of a normal home life was assumed by the state and vested in local authorities, who were subsequently given responsibility for providing family support services to prevent the need for children to come into care. By 1969 it was possible for a child to be placed in the care of a local authority in four different

kinds of court proceedings—care proceedings in the juvenile court, criminal proceedings in the juvenile court, divorce proceedings and wardship. Children could also be received into care without court proceedings, and, where grounds existed, local authorities could then take over a parent's rights and powers. The Children Act of 1989 made sweeping changes to the law which had gradually developed over these hundred years. As a result of these changes, an application in the family court for a care or a supervision order became the only means by which a child could come into the care of a local authority.

The Children Act 1908

The Children Act 1908 unified and extended previous legislation, and it was the subject of the third edition of *The Law Relating to Children*, that ever-expanding textbook known to subsequent generations of child and family social workers as Clarke Hall and Morrison. This is Sir William Clarke Hall's introduction to that third edition:

'There is no fact more striking in the history of the progress of all systems of jurisdiction than this, that laws were, in the earlier stages of the civilisation of every nation, enacted, not so much for the protection of the weak as for safeguarding the rights of the strong. In no branch of the law is this fact more manifest than in that which relates to the most helpless subjects of the Crown, viz., its children. While the development of the legal status of the peasant, from that of a mere chattel appurtenant to the manor upon which he was born, to the full rights of citizenship, was long since assured, the legal status of the child has remained until very recent times almost unchanged. Although the law decreed that a child on reaching the age of seven years was subject to the same penalties as an adult citizen, it denied to the same child almost all a citizen's rights. ... While no remedy existed for the wrongs, however great, of the child, should that child transgress the law but once, he found that, though it gave him in most instances no protection, it likewise showed him no mercy; the boy of eight years only was doomed equally with, and for the same offences as, the adult man of forty, to the extreme penalty of death. Only by slow and painful degrees has it become recognised that the criminality of the child is a thing different, alike in kind and degree, from the criminality of the adult, and needing, therefore, different treatment; hence the Industrial School Acts and the Youthful Offenders Act. Similarly it has become recognised that the child is something more than a mere chattel whose body may be sold to work for unlimited hours in helpless slavery; hence the Factory Acts and the Mines Regulation Acts. Finally, it has become recognised that the child has a right to food, to cleanliness, to a life free from the fear of wanton ill-usage and to some degree of parental care and consideration; hence the Prevention of Cruelty to Children Acts, culminating in this great charter of the helpless, the Children Act, 1908.' (Hall & Pretty 1909)

The Children Act 1908 – the juvenile courts

The Act established the juvenile courts, which lasted until 1991, when their criminal jurisdiction was transferred to the new youth courts and the 1989 Act was implemented. By s. 111 the juvenile court was to sit either in a different building or on a different day or time of day from any ordinary sitting, and attendance was to be restricted. Introducing the Second Reading of the Children and Young Persons Bill in 1932, Oliver Stanley said of these provisions:

'The setting up of a different court to deal with the offences of children and young persons from the court which deals with the crimes of adults was one of the novel features of the 1908 Act. It was in principle revolutionary, but in form it was rudimentary. … Under this Bill the following changes will be made. They will not be the same, but different magistrates, different in the

sense that they will not be chosen from the ranks of the ordinary magistrates, but from a panel of those magistrates who have been selected for their knowledge and interest in work of this kind. It is essential that that should be done, because the success of the system largely depends on choosing whether the right treatment for a child is school or probation; and the magistrates should have a real knowledge of the opportunities which the various classes of school offer and of the benefits that can be got from probation in various cases. It will be left to the Lord Chancellor to prescribe rules for the selection of a special panel of magistrates to sit in juvenile courts and a special chairman to preside.' (HC Deb 12 February 1932, vol 261, col 1171)

The Children Act 1908 – child protection

Introducing the Children Bill on 10 February 1908, Herbert Samuel, Under-Secretary of State for the Home Department, said:

'The present law for the protection of children and the treatment of juvenile offenders is in some confusion. It is spread over a large number of statutes, and it urgently needs consolidation. Experience has shown the need of a considerable number of amendments and extensions of the law. The Government have decided … to ask Parliament to enact, in one large and comprehensive measure, a thorough codification, and amendment of the law relating to children. A Bill of this scope could not, in a crowded session like this, expect to pass into law unless it commanded, more or less, the favour of all sections in the House, and we have, therefore, excluded from it all the subjects which might properly be described as controversial.' (HC Deb 10 February 1908, vol 183, col 1432)

The Act therefore provides a snapshot of the law on child protection and child offenders as it stood at the time, insofar as it reflected a broad consensus in the House of Commons.

Part II of the Act—Prevention of cruelty to children and young people—covered offences against children, provided for children in such cases to be taken to and kept in a place of safety for the duration of the criminal proceedings, and, following the conviction of the offender, authorised the court to commit the child to the care of a relative or other fit person. It preserved, however, 'the right of any parent, teacher, or other person having the lawful control or charge of a child or young person' to punish them. Section 12 defined cruelty as wilful assault, ill-treatment, neglect, abandonment or exposure of a child in a manner likely to cause unnecessary suffering or injury to health. Subsequent sections dealt with offences relating to the prostitution or seduction of a young girl, allowing children or young people to be in brothels, exposing children under seven to risk of burning and causing or allowing a child or young person to beg.

Part IV replaced all previous legislation on industrial and reformatory schools, some 15 Acts in all, except for a few sections applying to Ireland and Scotland. It also brought in the initial version of care proceedings. As Oliver Stanley recalled in 1932:

'It was one of the most revolutionary proposals of the Act of 1908 which for the first time allowed a court in this country to entertain and consider cases in which no offence had been committed, but in which the circumstances made it desirable that the child should receive protection.' (HC Deb 12 February 1932, vol 261, col 1178)

Protection took the form of sending a child, if under 14, to an industrial school or of committing a child under 16 to the care of a relative or other fit person. Any person could bring a child before the court, although it was primarily the responsibility of the school authorities to do so, and the police authority had a duty of last resort if no-one else was acting to protect the child. These proceedings

were the starting point which eventually led to the 1989 Act's formulation 'suffering or likely to suffer significant harm'. Unlike that formulation, they reflect contemporary views of what were the social evils most blighting the lives of children.

The evolving grounds for care proceedings, 1908 to 1969

The cases which the court was empowered to consider under the 1908 Act were those of children who had been found: begging or receiving alms; wandering and homeless; wandering and having either no parent or guardian or one who did not exercise proper guardianship; destitute and having no parent who was not in prison; under the care of a parent or guardian who by reason of criminal or drunken habits was unfit to care for them; frequenting the company of any reputed thief or any common or reputed prostitute; living in a house of prostitution; or, finally, found to be the daughter of a man who had been convicted of certain sexual offences. If this appears to be a somewhat random list of precarious situations, that is in part because these 'care proceedings' were seen as a supplementary way of protecting children, additional to the power in Part II to place children with a fit person if their parent or guardian had been convicted of an offence of cruelty, but it also reflects an approach which responds to various different situations in which children had been found and which caused public concern. It did not concentrate attention on the effect on a particular child. The definition of cruelty in s. 12 is interesting in that, although it required proof of a defined act, or acts, of assault, ill-treatment, abandonment, exposure or neglect (which might of course be a failure to act), it then required, not proof of unnecessary suffering or injury to health, but only the *likelihood* that such harm would result. It was therefore to that extent preventive in intent, although here again the 'likelihood' qualification allowed magistrates to base their decisions on their general view of what was harmful to children rather than on the actual effect on the child before them.

Apart from an amendment in 1910 to extend references to the prostitution of a young girl to include cases in which no money changed hands, child protection law remained much the same until the Children and Young Persons Act 1932, an amending Act which was soon followed by the consolidating Children and Young Persons Act of 1933. I have quoted above Oliver Stanley's tribute to the 1908 Act's empowering the courts to protect children without any offence either by or against them being prosecuted. He went on to say of the 1932 Bill:

'By this Measure we extend that principle. In the first place, we extend the age from 16 to 17, and we abolish these special categories, substituting one wide definition which we believe will be sufficient to bring in a number of cases which to-day are brought in only by greatly straining the law. I should like hon. Members to realise that when we are dealing with cases of this kind there is no question of ignoring the facts as regards substituting the State for the parents, or breaking up family life, because the fundamental basis in a matter of this kind is that parental control should be adequate, and that such action is legitimate when the proper parents or guardians are either unwilling or unable to exercise … parental control.' (HC Deb 12 February 1932, vol 261, cols 1178-1179)

The 1932 Bill's 'one wide definition' (s. 61(1) Children and Young Persons Act 1933) defined a child or young person in need of care or protection as being: either (a) one whose need for care or protection arises from their having no parent or guardian, or from their parent or guardian being either not fit to exercise care and guardianship or failing to do so, with the result that the child was falling into bad associations, or exposed to moral danger, or

beyond control; or (b) one against whom specified offences had been committed, or who was in the same household as either a perpetrator or a victim of those offences; or (c) one whose parent's vagrancy prevented him or her from receiving efficient elementary education. References in the 1908 Act to children found begging, wandering or destitute were swept up by a declaration in s. 61(2) that these situations constituted evidence of the child's being in moral danger. The 'one wide definition', although more comprehensive than the 1908 Act's long list of particular circumstances, was clearly in reality three definitions, and even then the first of them, particularly in the light of s. 61(2), was something of a portmanteau. There is no fundamental movement away from the 1908 Act's approach of listing various social evils from which children should be protected. Oliver Stanley's observation that 'the fundamental basis in a matter of this kind is that parental control should be adequate' was intended to counter objections to state interference in family life. It is reflected in the requirement in the Act that a child's need for protection must be seen to result from parental inadequacy or failure. This created a problem in delivering justice through care proceedings, to which only the applicant and the child, and not the child's parents, were parties. The requirement to find parental fault or inadequacy meant that parents might be found blameworthy in proceedings where they had no right to defend themselves, but if this requirement were to be removed, then the compulsory removal of children without establishing parental fault or inadequacy would also be seen as creating injustice. Parents were later given a limited right to rebut allegations made against them, but it was not until implementation in 1988 of the Children and Young Persons (Amendment) Act 1986 that they were given full rights of participation and access to legal aid.

The 1933 Act also stated, perhaps for the removal of doubt, that local education authorities were deemed to be fit persons and that children could, therefore, be committed to their care, and it gave these authorities responsibility for bringing care proceedings.

The 1933 Act definition remained in force throughout the 1930s and 1940s. In 1952 an amending Act extended the definition to include a child or young person who was 'ill-treated or neglected in a manner likely to cause him unnecessary suffering or injury to health'. Under the previous Acts, such a child could be made the subject of a fit person order only after successful prosecution of the offender. This change was significant; it indicated that care proceedings were no longer seen as a gap-filling adjunct to prosecutions for cruelty to children.

Children and Young Persons Act 1963

This Act is chiefly remembered for its first section, which authorised and required what had become known as preventive work, but s. 2 was a further rewriting of the grounds for care proceedings. Children were in need of care, protection or control if they were either not getting the care, protection and guidance that good parents might reasonably be expected to give, or were beyond parents' control, and if in either case they also came into one of the following categories: falling into bad associations or in moral danger; likely, through a lack of care, protection or guidance, to experience unnecessary suffering or a serious effect on their health or proper development; victims of a Schedule 1 offence or living in the same household as such a victim or a perpetrator; girls living in households where another member had committed or attempted to commit an offence under s. 10 of the Sexual Offences Act 1956. The words 'not receiving such care, protection and guidance as a good parent might reasonably be expected to give' represented an attempt to present the procedure as a seeking of objective facts rather

than a testing of parental culpability. The new wording represented some movement away from the dominance of a list of social evils in that it required the court to be satisfied that the child was not being properly cared for or protected or was 'beyond control' before it could go on to consider whether he or she fell within one of the by-now-traditional categories.

The 1963 Act also prevented parents themselves from bringing their children before the juvenile court as being beyond their control. Only the local authority could thenceforth bring such a case. A parent could ask the court to direct an unwilling authority to do so.

In between the 1963 Children and Young Persons Act and the 1989 Children Act, the Children and Young Persons Act 1969 sought primarily to reform the way in which young offenders were treated, but it also produced a further recasting of the grounds for care proceedings. The new wording referred to avoidable prevention or neglect of the child's proper development, avoidable impairment or neglect of her/his health, and to the child's being ill-treated, exposed to moral danger or beyond control. The court had to be satisfied of one of these, and also 'that he is in need of care or control which he is unlikely to receive unless the court makes an order'. It is notable that in this Act there was no mention of the care that might reasonably be expected of 'a good parent' (1963) or of 'a parent' (1989). Instead, the Act required that any neglect, impairment or prevention of health or proper development should be 'avoidable', and that adequate care or control should be unlikely if the court did not intervene.

Welfare and justice for offenders: the 1933 and 1969 Children and Young Persons Acts

The period from 1908 to 1969 saw both a separation of care proceedings from the prosecution of offences against children and a bringing together of proceedings for the protection of children with the prosecution of young offenders. The Children and Young Persons Act 1969 turned out to be the high water mark of this latter process. The 1933 Act had already brought together the industrial and reformatory schools into a single category of approved schools, and created the approved school order, which was available to the juvenile court both for children and young people in need of care or protection and for those who had committed offences, and sat alongside the fit person order which was similarly available in both care and criminal proceedings. The 1969 Act replaced both the approved school order and the fit person order with the care order. It also charged local authorities, acting through regional committees, with bringing together their own children's residential homes with the approved schools into a single system of 'community homes'.

The 1969 Act (as enacted but not as implemented) also gave priority to the protection of children over their prosecution. The 1963 Act had raised the age of criminal responsibility from eight to ten. Section 4 of the 1969 Act said: 'a person shall not be charged with an offence, except homicide, by reason of anything done or omitted while he was a child.' This was not the same as raising the age of criminal responsibility to 14; unlike children under 10, those aged 10 but under 14 could still be guilty of offences, but those offences could not be prosecuted. Instead, s. 5 included children and young people who were guilty of an offence in its revised definition of children in need of care or control (which meant of course that they had to be at least 10 years old). It also placed restrictions on the prosecution of young people (aged 14 but under 17), but retained provision for them to be committed to the care of the local authority. Probation orders on young offenders were replaced by supervision orders, which were also available to the court in care proceedings.

The 1969 Bill was politically contentious. Although it was passed into law, ss. 4 and 5 were never implemented, and changes were soon made to differentiate what were termed criminal supervision orders from those made in care proceedings. The situation was therefore that the criminal law relating to children was little changed, but they could now also be committed to the care of the local authority as offenders in care proceedings, without having been convicted. This new power also proved contentious, and it crystallised a 'justice versus welfare' debate. Its critics referred to it as 'individualised justice' and described it as an indeterminate sentence, which could be imposed in cases where it would be grossly disproportionate to the seriousness of the offence committed. Its defenders saw it as a 'welfare' decision, designed to meet the child's needs. They also argued that children appearing before the courts as offenders shared many characteristics with those who were in need of care, protection or control. They may not have realised how similar their arguments were to those used by Oliver Stanley in 1932 in explaining the proposal to merge the industrial and reformatory schools:

'The object is the same in dealing with both [groups of children], namely, when they get outside, to give them a good chance of making decent citizens … I know that some people feel that it is unwise, and perhaps unfair, to mix up in the same school those who are there as punishment for an offence and those who are merely there for their own protection— that it means that the poor neglected child is contaminated by the bad young offender. The fact is that the distinction between the two is largely accidental. The neglected child may only just have been lucky enough not to have been caught in an offence. The character of the child who has been suffering from a long period of neglect at home, or a long period of evil surroundings, is much more likely to have been seriously affected than the character of the young offender who is perhaps in the school as the result of one short lapse into crime. We do not believe that either will suffer from being in the same school.' (HC Deb 12 February 1932, vol 261, col 1180)

Oliver Stanley also hoped that the reform would:

'do away with the kind of headline one sometimes sees in the newspapers to-day— Five Years for Stealing Five Shillings. When you look at it, you see it means that a boy has been sent to an industrial school for five years. We want to get away from that sort of cash value of crime, a kind of tariff, one year for one shilling, two years for two, three years for three. We want to make the public realise that it is no good sending boys to a school at all except for a period long enough to turn them into decent citizens when they leave.' (HC Deb 12 February 1932, vol 261, col 1181)

In 1988, the Lord Chancellor, Lord Mackay, introducing the Children Bill in the House of Lords, explained that the power to make care orders in criminal proceedings was being abolished because it made local authority care seem like a punishment. So there is no doubt which side won the argument.

Summary: grounds for a fit person or care order – 1908 to 1969

Legislation to protect children by removing them from home began as responses to the demands of charitable organisations. The earliest form of care proceedings began as an adjunct to the prosecution of adults for cruelty. Grounds for placing a child in the care of a fit

person or in an industrial school focused more on the child's situation than on its effect on the child. Over time, references to particular sets of circumstances were removed, although 'falling into bad associations' lasted until 1963 and 'moral danger' until 1989. References to the effect, or likely effect, on the child became more prominent. Parental absence, failure or unfitness was in the 1908 Act a requirement in some of the grounds for a fit person order, but not in others. By 1933 we find a requirement to show that, where a child is in moral danger, falling into bad associations or beyond control, this results from there being either no parent or an unfit or failing parent. The 1963 Act was the first to organise the grounds for a fit person order into two separate sets of requirements, the first relating to parenting (children either beyond parents' control or not getting what a good parent should provide) and the second to the effects on the child. The 1969 Act also framed the grounds as a dual requirement, but one expressed rather differently. The first set of requirements focused on what was happening to the child, on avoidable adverse effects on her/his health and development, and on whether s/he was being ill-treated, or was in moral danger or beyond control. If one of these tests was satisfied, the court had then to consider whether the child needed care or control which s/he was unlikely to receive unless the court made an order. The fitness of parents came in only by implication; *what* makes the neglect of the child's health avoidable, and *why* in the absence of a court order is the child unlikely to get the care s/he needs? The second test for the first time required the court to consider whether an order was actually necessary.

Wardship

Wardship is exercised by the High Court as part of its inherent jurisdiction, deriving from powers exercised on behalf of the Crown, and distinct both from the common law and from the application and interpretation of Parliament's statutes and subordinate legislation. The practice of placing a child who is a ward of court in the care of the local authority, justified by the High Court by the argument that the child protection statutes left gaps which its inherent powers could lawfully fill, was given statutory endorsement by the Family Law Reform Act 1969, which authorised the Family Division of the High Court to place a child in the care of a local authority 'in exceptional circumstances making it impracticable or undesirable for a ward of court to be, or to continue to be, under the care of either of his parents or any other individual'. (Similar wording in other Acts authorised courts hearing divorce proceedings to commit a child to care.) From the 1970s onwards, local authorities' use of wardship applications increased considerably. This development was not without its critics. These quotes from Dingwall, Eekelaar and Murray (1983) give a flavour:

'Wardship actions are expensive and time-consuming for local authorities and the uncontrolled judicial discretion threatens to subvert the libertarian compromise on state intervention as it is embodied in the various Acts of Parliament creating the governing charters for the child protection system. ...The point, surely, is that the court's role in care proceedings is to review the applicant's case by reference to the defensibility of the agencies' actions in the context of the definitions established by Parliament. It should not be the function of the courts to second-guess the legislature and substitute their own predilections for those enshrined in statute. ...Rather than encouraging the growth of wardship, then, we would prefer to see its use restricted by reforms

to care proceedings within a unified child care statute.'

The charge of threatening to subvert a libertarian compromise, which presumably is a contention that the wardship process did not adequately limit the courts' powers to remove children from their parents, would be more convincing if the authors had produced any evidence which might tend to suggest that the Family Division was moving in the direction of placing wards in local authority care solely on the basis of predicted advantage to the child. Nor was there, I think, any evidence that the basis on which the wardship court made decisions could be described as 'their own predilections'. The accusation of second-guessing the legislature cannot be sustained after the implementation of the Family Law Reform Act 1969. As applied to the previous period, it is perhaps a moot point as to whether the High Court had found gaps in the statute law which Parliament would have wished to fill, or had come up against the limits which Parliament had decided to set to the powers of the courts. On the other hand, the authors' preference for a reform of care proceedings within a unified child care statute was met by the 1989 Act, and the Act more than met their preference for limiting the use of wardship to place children in care by disallowing it altogether. Section 100 of the Act, which does this, comes towards the end of the Act, and it made its appearance rather late in the process of preparing the legislation. In noting that wardship was expensive and time-consuming, Dingwall, Eekelaar and Murray may again have shown some prescience. Joan Cooper, the last chief inspector in the Home Office Children's Department and the first Director of the Department of Health and Social Security's Social Work Service, told me that this use of wardship was abolished simply and solely because it was too expensive. Given what has happened to the cost and length of care proceedings under the Children Act 1989, this is now somewhat ironic. Now that the adequacy of the Act's grounds for care proceedings has stood the test of time, and in the light of changes to the judicial system and the transfer of jurisdiction in care proceedings from juvenile court magistrates to judges, one might argue that what has happened in terms of process is that the old forms of care proceedings under the 1933, 1963 and 1969 Acts have been replaced by something more resembling wardship hearings.

The assumption of parental rights and duties

In 1889 Poor Law Boards of Guardians were given a power to assume parents' rights and powers (there was then no reference to their having duties as well as rights) in respect of children whose parents were dead, disabled, in prison or unfit to care for them. The Boards of Guardians were abolished in 1930 and their functions were transferred to local authority public assistance committees. In 1948 the power to assume parental rights was re-enacted as part of the child care functions of local authorities which stood referred to their new children's committees. Parental rights and powers in respect of a child in the authority's voluntary care could be assumed if the child was an orphan or if a parent had abandoned the child, or suffered from a permanent disability preventing her/him from caring for the child, or 'was of such habits or mode of life as to be unfit to have the care of the child'. Unless the parent had already agreed to surrender her/his rights, the power could not be exercised in the face of a parent's objection without a court order, and the court then had

to be satisfied both as to the legal grounds and that the assumption of parental rights and powers was in the child's interests.

The grounds for assuming parental rights were extended by the Children and Young Persons Act 1963 to apply if a parent was suffering from a mental disorder 'rendering him unfit to have the care of the child'. The effect of this was that, while a parent's physical disability had to be permanent in order to meet the statutory grounds, a mental disorder did not. Another new ground was added 'that the parent or guardian has so persistently failed without reasonable cause to discharge the obligations of a parent or guardian as to be unfit to have the care of the child'. A child whose parent's whereabouts had remained unknown for at least twelve months was to be deemed, for the purposes of assuming parental rights, to have been abandoned. This gloss on 'abandonment' was not conducive to good practice. It was expected that Child Care Officers would try to rebuild and maintain links between children in voluntary care and their parents, but neglect of this task could very easily result in a parent's disappearing from view and, in due course, being lawfully deemed to have abandoned the child, irrespective of her actual intentions.

The Children Act 1975 at last acknowledged that what was being assumed was 'parental rights and duties', not just 'rights and powers'. It further extended local authorities' powers by permitting them to assume parental rights and duties if the child had been in care throughout the previous three years. It also gave authorities a power to require 28 days' notice of intention to remove a child from care once the child had been in care for six months. A resolution assuming parental rights and duties could be passed during the period of notice, thus preventing the child's removal. A final change to the procedure was made by the Health and Social Services and Social Security Adjudications Act 1983 (known as HASSASSA). Parents who had agreed in advance to surrender their parental rights now had to be notified that a resolution to that effect had been passed, thus gaining the opportunity to object to the resolution and have the matter decided by the juvenile court. All previous changes to this legislation had strengthened the position of the local authority; this was the first and only change in the other direction.

By 1975, the procedure for assuming parental rights and duties had become contentious. The voluntary nature of reception into care had been central to the values of the child care service since 1948, and the Children Act of that year had made it a duty to seek to restore the child to his or her family, or more precisely to a parent, guardian, relative or friend, subject only to this being consistent with the child's welfare. This did not mean that it had to be better for the child than anything else, simply that it had to be, in Winnicott's well-known phrase, 'good enough' (Winnicott 1958). It was, of course, accepted that some children who had been received into care would need to be protected from a return home which would clearly be damaging for them, and that in other cases parents were never going to be able to provide a home for the child. Allowing local authorities to require 28 days' notice before a child who had been in care for six months could be removed seemed, however, to many social workers too great an inroad into the voluntary nature of care under s. 1 of the 1948 Act, and, coming on top of the 1963 Act's provision that abandonment could be inferred from twelve months' loss of contact, the power to assume parental rights on the sole ground of the passage of time, even of so long a time as three years, seemed to obscure a need to examine in such cases why it was that the child had been in care for so long, and in particular whether poor practice was to blame. There was

also justifiable concern that the executive arm of the state (in this case local authorities) had in practice too much power, with no guaranteed oversight by a court. The power had initially been given in 1889 to poor law boards of guardians, and exercised over the children of paupers, whose rights were given little consideration. The 1948 Act introduced a requirement on the local authority to inform parents, unless they had already agreed to it, that their rights had been removed from them, giving them an opportunity to object and thereby to oblige the local authority, either to let the resolution lapse, or to go to the juvenile court and ask them to uphold it. At least, in those cases that went to court, it was the local authority and not the parent who had to make the running and to satisfy the court of their case, but many parents needed help to understand what was happening and how to protect their interests, and they did not always get it. Justice under the procedure depended too much on good social work practice.

With the implementation in 1991 of the Children Act 1989 the power of local social services authorities to assume the rights and duties of parents simply disappeared, leaving care proceedings as the only course of action available as a means of pursuing a similar goal.

Prevention, family support, child rescue and public care

The 1889 Prevention of Cruelty to and Protection of Children Act was, as its title implies, seen as preventive, in that it sought to prevent or deter cruelty to children by criminalising it. Other Acts of the late nineteenth century were concerned with child rescue; they empowered the courts to refuse to order voluntary children's societies to return children to their parents, and allowed boards of guardians to transfer to themselves the rights of parents of children in their care. Both the 1889 Act and the Custody of Children Act 1891 were responses to pressure from voluntary organisations. The Victorian state was relatively unwilling to invade the privacy of family life. By 1908 William Clarke Hall felt able to write only that 'the child has a right...to *some degree* of parental care and consideration' (my emphasis).

The state's contribution to the care of children was confined to what was offered under the poor laws, that is the workhouse and outdoor relief. Although the Poor Law approach of preventing destitution by deterrence made it an unlikely vehicle for a more positive preventive service, poor law relieving officers did in fact deliver a service of that kind through the use of outdoor relief to preserve families from total destitution without breaking them up. For children coming through the courts, the state was dependent for their care on the voluntary industrial schools and on private individuals willing to act as 'fit persons'. The growing participation of local authorities can, however, be traced in the legislation. The 1932 Act declared local education authorities to be 'fit persons', and in the 1933 Act many subsections of s. 84, which is headed 'Fit Persons', are addressed to local authorities. What one might now call 'proto-care proceedings' under the 1908 Act could be brought by any person, but care proceedings under the 1933 Act could be brought only by 'a local authority, constable, or authorised person'. The NSPCC was, and continues to be, the only person so authorised, but has since the 1980s not used this power. The 1969 Act did not change this, but, with the introduction of the care order, the local authority became the only body in whose care the child could be placed.

The welfare state legislation of 1944 to 1948 provided a new context for the state's role in safeguarding and caring for children and supporting families. The National Assistance Act 1948 opened with the words: 'The existing poor law shall cease to have effect', and the Children Act of the same year required local authorities to set up a new structure (a Children's Committee and a Children's Officer supported by an adequate staff) to look after both the children until then in the care of their public assistance committees under the poor law and the children committed to their education committees' care by the courts. The 1948 Act required local authorities to receive into their care any child whose parents or guardian were prevented by any reason from looking after them, if this intervention was necessary in the interests of the child's welfare. The word 'receive' was significant, and it underlined the voluntary nature of the service. Once a child was in care (and this applied equally to children committed to care under a fit person order) the local authority was under a duty to further her/his best interests and 'to afford him opportunity for the proper development of his character and abilities'. There was also a duty to seek to restore the child to the care of a parent, guardian, relative or friend, so long as this was consistent with the child's interests.

The 1948 Act led to a transfer of responsibility, and particularly of *financial* responsibility, from the voluntary children's societies to the state. Voluntary societies over a period stopped receiving children into their own care at their own expense, and instead provided placements for children in the care of local authorities. This concentration of responsibility in the hands of the local state continued with the transfer of approved schools, most of them provided by the voluntary sector, into the public system of community homes, and with an increasing number of authorities acting as adoption agencies. All this was in tune with the climate of the times, which was favourable to public sector planning and provision.

The whole thrust of the 1948 Act implied a need for preventive family support work. It referred, not to parents who were culpable or who had unreasonably failed in their responsibilities, but to parents who had been *prevented* from providing for their children. This clearly pointed to the desirability of addressing their circumstances. Similarly, the duty to try to restore children to their families implied a preference for preventing the need for the initial separation and underlined the need to work with families while their children were in care. The 1948 Act therefore contained the seeds of the preventive duties laid on the child care service by s. 1 of the Children and Young Persons Act 1963. The two Acts together supported a movement in child care social work away from child rescue and towards family support. The integration of child protection work into this approach put social workers in a better position to identify those situations in which family support stood little chance and removal from home was required.

Up to this point, the picture seen through the legislation is one of a society in which the state was moving away from a deterrent role and its child welfare function was steadily developing, and in which there was confidence in the public bodies and public servants involved. Whilst on the one hand statutory grounds for removing children from their parents, and for preventing their removal from local authority care, were being progressively extended, there was also a growing recognition that the social problems which beset children and parents could be and were being

addressed, diminishing the need for child rescue. The framing of family support work in the 1963 Act as work to diminish the need for children to come into care identified it as a task for child and family social workers, and gave it a social casework component which complemented community and wider social policy contributions, and helped social workers to highlight the interrelationship of intra-family and social problems.

In the Children Act 1975 there were early 'straws in the wind' suggesting that things were changing. The introduction of a period of notice of intent to take a child in voluntary care back home suggested that child rescue approaches were gaining ground. In the matter of trust in professionals, the Act seemed to face both ways. Checks on the individual case work of adoption agencies (child welfare supervision of placements by local authorities and the appointment of guardians ad litem) were reduced, but, following the publicity given to the death of Maria Colwell, a new provision required that, if the local authority did not oppose an application for the discharge of a care order, a guardian ad litem should be appointed. The difference in attitude resulted from the passage of time. The adoption proposals had been under discussion since 1969; the 'Maria Colwell section' was added late in the Bill's passage through Parliament.

The 1975 Act has often been misrepresented as being a response to the inquiry into the death of Maria Colwell, in the same way that the Children Act 1948 is often portrayed as a response to the death of Dennis O'Neill. In both cases the genesis of the Act long preceded the tragedy with which it came to be associated, but the tragedies were adopted as symbols and used to promote the passing of the legislation. There is, however, another connection between the case of Maria Colwell and the Children Act 1975. Maria Colwell's story was presented in the press as a 'tug of love' between her mother and her foster parents, and the Act's extension of local authority powers to assume parental rights was similarly presented as enabling them to better manage such 'tug of love' situations.

Law and discretion

Throughout these hundred years, there has been little doubt that the intentions of child care law were benevolent and that its stated objectives were benign. The challenge has always lain in their implementation, as instanced for example in the continuing tension between family support and child rescue. One of the drivers behind the 1989 Act was concern with what the law did *not* require, a concern that it had few stipulations about the preservation of links between a child in care and her/his family, and little to say about consultation with child, family and significant others in the planning of children's lives. Although there was a fair degree of consensus about the requirements of good social-work practice in these areas, which is reflected in the new requirements of the 1989 Act, it was clear that actual performance fell short, and the view was taken that reliance on professional discretion was not enough, and that principles needed to be expressed in legal requirements. Although the Act does not use the words, 'partnership with parents' became a popular shorthand expression of one of its instrumental principles.

The Children Act 1989 – care proceedings

The hundred years from 1889 to 1989 saw child welfare legislation generally developing in an incremental way. Exceptions were the Children Act of 1948, which established a new public service with a duty to further the best interests of children in its care, and the Children and Young Persons Act of 1969, which would have radically changed the law relating to child offenders if it had been fully implemented. Because it was not, the child welfare system in England and Wales has substantially diverged from the system in Scotland, where a welfare-based system of hearings largely replaced criminal proceedings against children and young people in 1968.

The 1989 Act was in many ways a radical new departure, but its formulation of the grounds for care proceedings shows a more evolutionary approach. The source of its statement of what an applicant for a care or a supervision order needs to show can be seen quite clearly in the 1963 and 1969 Acts. In the 1963 Act, the applicant has to show that the child 'is not receiving such care, protection and guidance as a good parent may reasonably be expected to give, or ... is beyond the control of his parent or guardian.' The 1989 Act has: 'The care given to the child ... not being what it would be reasonable to expect a parent to give him, or the child's being beyond parental control.' The one difference of substance here is that the yardstick the court is to use is no longer 'a good parent' but simply 'a parent'. (William Clarke Hall in 1908 referred to a child's entitlement 'to some degree of parental care and consideration'. To *what* degree remains, probably advisedly, undefined.) The 1963 Act refers to a likelihood for the child of unnecessary suffering or of a serious effect on his health or proper development. These references to suffering, health and proper development are, in the 1989 Act, collapsed into the overarching concept of significant harm. It must be shown that the child 'is suffering, or is likely to suffer, significant harm.' But 'harm' is later defined as 'ill-treatment or the impairment of health or development,' which takes us back to previous formulations. So far, we have the same two-stage procedure as in the 1963 Act, although in the reverse order. The 1989 Act then adds a third stage, restraining the court from making any order unless it considers that this would be better for the child than making no order at all. While this third stage is somewhat similar to the second stage in the 1969 Act's formulation—the child needs care or control which he is unlikely to receive unless the court makes an order—it actually goes a lot further. All previous legislation had appeared to assume that if a care order was made, the child would get the care s/he needed, or perhaps to indicate that it was not the court's business to look beyond the making of the order and enquire into the way in which the executive arm of government intended to go about its business. (After all, in the days of fit person orders, Parliament had declared local authorities to be fit people to look after children, and since the 1969 Act courts have been unable to place the child in the care of anyone else.) The court now has to consider both what will happen if it does not make an order and what will happen if it does. The presumption that under a care order the child will get the care s/he needs is reversed, and the onus is on the local authority to show that it can and will make things better for the child.

The Children Act 1989 therefore requires the court, to a much greater extent than before, to attempt to look into the future before making an order. To assist with this, the local authority is required to produce a child care plan for the court. Unsurprisingly, the length of care proceedings has increased enormously, and subsequent legislation has placed a six-month time limit on them. In the 1960s, six months would have seemed an inordinately long time for the outcome of care proceedings to remain unknown and for the child to remain in a state of legal insecurity.

The Children Act 1989 – wardship and divorce

In this Act divorce courts' powers in exceptional circumstances to commit a child to the local authority's care are abolished. Instead, the court, if it thinks that such action may be necessary, must direct the local authority to investigate the child's circumstances, and it is then up to the authority to decide whether or not to apply for an order. The Children Act's provisions are primarily based on the recommendations of the Review of Child Care Law, produced by a joint team from the Law Commission and the Department of Health. The abolition of wardship as a means of placing a child in local authority care was not one of them. It found its way into the Bill at a relatively late stage. Section 100 starts by repealing s. 7 of the Family Law Reform Act of 1969, but also goes on to confront the High Court's inherent jurisdiction, presumably anticipating that the High Court might at some future date once again find a gap even in the so-carefully-drafted provisions of the 1989 Act, and might once again steer its inherent jurisdiction through the gap and commit children to care. This the Act precludes.

The Children Act 1989 – custodianship

The 1975 Act introduced custodianship as a legal relationship between a child and her/his carers which gave something approaching the security of adoption, although custodianship orders were revocable, without transferring legal parenthood. The concept was developed in the late 1960s by the Association of Child Care Officers (1970) and adopted by the Houghton/Stockdale Committee on Adoption Law. It was not implemented until December 1988 and was rather quietly abolished by a line in Schedule 15 (Repeals) to the 1989 Act which reads '1975 c. 72. Children Act 1975. The whole Act.' By 1989, all other provisions of the 1975 Act had been replaced by two consolidating Acts, the Adoption Act 1976 and the Child Care Act 1980. Given that twenty years passed between the invention of the concept by child care social workers and its implementation, it may be that few practitioners were by then familiar with it. Even so, it did not get much of a chance. Something very similar to custodianship was re-invented in 2002 under the name of special guardianship and enacted by amendment of the 1989 Act.

The Children Act 1989 – the courts, and offences committed by children

The year 1991 also marked the end of the juvenile courts, which had since 1908 heard both care and criminal proceedings, an arrangement which had facilitated the attempt in the 1969 Act to move towards a fusion of the two. Care proceedings moved to the family court, which was given a unified jurisdiction over both public and private family law cases, and criminal prosecutions of children and young people went to the newly-created youth courts. This

development reflected a growing disinclination to treat young offenders as being children in need. Social work with young offenders, having passed from the probation service to social services departments, was now transferred along with other disciplines into the youth offending teams. Court powers to place children convicted of offences in local authority care had their origins in Acts of 1854 and 1857, authorising courts to send them to industrial and reformatory schools. These powers were extended over the years, and, as a result of the partial implementation of the 1969 Act, care orders could be made on children and young people found guilty of an offence in both care and criminal proceedings. All these powers were abolished in the 1989 Act. These changes took England and Wales still further away from Scotland's approach.

The Children Act 1989 – care and family support

The preventive duties in the 1963 Act are replaced in Part III (Local Authority Support for Children and Families) of the 1989 Act by a wider general duty of family support, more precisely a duty to safeguard and promote the welfare of children in need and to support their families. Children in need are defined as those who are disabled, or whose health or development are at risk unless they or their family receive help under this part of the Act. The voluntary reception of children into care under the 1948 Children Act (re-enacted in the consolidating Child Care Act 1980) is replaced, also within Part III of the Act, by a duty to 'provide accommodation' for children 'in need' if no-one has parental responsibility for them, if they are lost or abandoned, or if the person who has been caring for them is prevented from providing them with 'suitable accommodation or care.' Children in need aged 16 or 17 must be provided with accommodation if their welfare is otherwise considered likely to be seriously prejudiced, and there is an additional discretionary power to provide accommodation for any child, whether 'in need' or not and even if someone with parental responsibility is able to accommodate her/him, if it would safeguard or promote the child's welfare.

The recasting of the 'preventive' duty as 'support for children and families' was intended to broaden the duty to encompass a wider range of families and children and of kinds of support, and many valuable services were developed under this legislation in the 1990s and the 2000s. The years following the market failures of 2008 have, however, shown that the power of legislation to ensure a satisfactory level of service provision is limited. The removal of the expressed link between providing family support and diminishing the need for care has weakened the connection between family support and social work (although it is difficult to see that this was inevitable). Social work with children and families has been increasingly concentrated on child protection.

The relabelling of reception into care as the provision of accommodation was intended to remove stigma from this service and, among other objectives, make it a more acceptable description of the provision of short periods of care for disabled children to give their parents some respite. It is, however, a somewhat emotionally cold term to use to describe caring for children. And stigma is rarely successfully addressed by a change of vocabulary. The 1989 Act also abandons the use of the word 'receive' in this

context, a word which practitioners once regarded as highly significant. A duty to 'receive and look after' a child would perhaps have better summarised the local authority's duty than the duty to 'provide accommodation for' her or him. The President of the Family Division, Sir James Munby, has recently condemned a practice of taking children into accommodation with no evidence of active parental consent in an attempt to get around the six-month limit on the duration of care proceedings. Both accommodated children and children in care (a term which now applies only to those on care orders) are now referred to as children who are 'looked after by a local authority,' and 'looked after' is a better term than 'accommodated,' but unfortunately there is no noun meaning 'the state of being looked after.' The placing of the duty to provide accommodation within Part III of the Act, classing it as a family support service, was of course intentional, and is to be seen as a positive, albeit not at present successful, step, in line with the policy of working in partnership with parents. The sharp distinction thus made between accommodation and care was perhaps a less positive consequence. Following the separation of child and parent under a care order, intensive work with parents with the aim of reintegrating the family is often appropriate, but the clear separation in the Act between care and family support more readily favours the view of the care order as the first step towards permanent separation.

Some concluding thoughts

I have tried to trace the main outlines of the development of child care law in the hundred years before the passing of the Children Act 1989. Charitable and philanthropic initiatives and campaigns led to child protection legislation, which in turn demonstrated the need for an enhanced role for the executive arm of the state in bringing cases before the courts and looking after children. Increased state responsibility reduced the role of the voluntary sector, which became to some degree an agent of the state. In the 1950s and 1960s the voluntary children's societies seemed to have failed to move with the times, and to have ceded to local authorities their role as pioneers. Legislation gave local authorities added powers and responsibilities and increasing monopoly. In the 1970s voluntary societies began to reclaim a pioneering role, and ministers' confidence in the public sector began to wane. This followed a rather brief period in which it appeared that central government was putting more trust in local authorities. A new era of local managerial and corporate planning competence, with the centre providing support and collaboration rather than inspection, was heralded. It did not last for long. From 1976 onwards, the broad social democratic and one-nation-Tory consensus known as 'Butskellism', which since 1940 had presided over a steady reduction in inequality in the United Kingdom, fell apart, and there was a movement towards neo-liberalism which, by the early 1990s, was bringing in the private sector as a provider of social care services while leaving financial and statutory responsibility with local authorities.

In the background, the relationship between the judiciary and the executive was also changing. In the second half of the twentieth century, the courts significantly developed administrative law to scrutinise the lawfulness of acts of the executive (Ministers of the Crown, civil servants acting on their behalf, and local

and other authorities and tribunals discharging statutory duties or exercising public functions). Ministers who disapproved of this development called it judicial activism. Sir Stephen Sedley, a former Lord Justice of Appeal and author of a history of English public law (Sedley, 2015), takes a different view, presenting it as a judicial reawakening after a period of somnolence, a somnolence which he traces to the effects of the 1870 Northcote-Trevelyan reform of recruitment into the civil service. 'For the first time the departments of state were now headed by an intellectual meritocracy from the same schools and universities and clubs as the judges themselves. They could be trusted to advise ministers well and to implement policy soundly. In the long sleep of judicial review which followed, the civil service acquired previously unimagined levels of unchallenged power.' (Sedley, 2011). In the 1950s and 1960s, for the families and children caught up in it child care law meant in effect what local government officers in children's departments, having sometimes referred to *Leeding's Child Care Manual* or to *Clarke Hall and Morrison*, said that it meant. Most of the decisions they took remained outside the scrutiny of the courts, and Juvenile Court magistrates generally accepted their advice.

In the period from around 1970 onwards, judges have developed administrative law from a narrowly-based application of prerogative orders, deriving from powers of the sovereign to quash or prohibit unlawful executive actions and to order the performance of statutory duties, into a more broadly-based jurisdiction seeking to restrain the abuse of executive power. The development of wardship, another prerogative power, as an element of child protection law can be seen as part of this judicial development of administrative law, even though in this case it was developed as a way not of restraining but of assisting the executive arm of government. The tone of s. 100 of the 1989 Act suggests that ministers nevertheless saw it as another example of out-of-control judicial activism.

The Children Act 1989 resulted from an impressively thorough root-and-branch review of the law, which led to a number of fresh conceptions and expressions of objectives and procedures. While the same local authorities as before are responsible for looking after children and providing family support, although they are increasingly expected not to do it themselves, the courts have changed considerably. Instead of juvenile courts presided over by magistrates hearing care and criminal cases, we now have family courts in which judges dispense public and private law. The family courts sit at the centre of what is often referred to as 'the family justice system', and local authorities sit at the centre of the family support, child care and child protection system. The 'presumption' of no order in s. 1(5) of the Act significantly increases the interconnection between the two systems. Planning for the child's care is now also a matter for the family justice system, but only at the point where the local authority is seeking a care order. Once the local authority has got its care order it is able to plan, in consultation with children, parents and others, without input from the court, so the court has only a time-limited opportunity to exert its influence. Meanwhile, it is usually in the interests of the child, whose wellbeing is the aim of the exercise, for the period of uncertainty represented by care proceedings to be over as soon as possible. Could this be seen as a rather unsatisfactory half-way house between

the old juvenile court system in which the planning of care for a child was left to the local authorities and the High Court's exercise of continuing jurisdiction in wardship?

The outsourcing of service provision has now reached a point where most child care placements, whether in residential care or in families, are now provided by the private sector, replacing both local authority and voluntary society provision. Field social work services, which include the investigation of allegations of child abuse and neglect, the bringing of care proceedings and carrying case accountability for the wellbeing of children in care, have until now been provided directly by local authorities, a small number of experiments with independent 'social work practices' having been tried and failed. Regulations have now passed through Parliament which will allow all child protection and child care functions to be delegated under contract to not-for-profit organisations, which may be set up for this purpose by commercial firms, and David Cameron has expressed a hope that by 2020 all children's social work will have moved out of English local authorities. This will not be a return to Victorian dependence on philanthropic and charitable provision; responsibility for financing the service will continue to lie with the local authority, as will notional responsibility for quality and outcomes, but it is not credible to argue that individual case accountability can be exercised through the medium of a block contract. It will mean in effect that the family courts, and the social workers of Children and Family Court Advisory and Support Service (CAFCASS) who serve them, will provide the state's only direct contact with individual children and families. There may be issues here of constitutional significance.

Keith Bilton co-founded the Social Work History Network.

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Social work practice: historic lessons from Serious Case Reviews

Jessica Wagner

Jessica Wagner is a Lecturer in Social Work at Staffordshire University

Having worked at the front line in children's social work services for the best part of ten years, I can confirm that practice has changed significantly during this time. What used to feel more 'hands on' is now led instead by case management, commissioning and performance management. However, what has not changed, I believe, is the passion and enthusiasm of those who enter the profession; practitioners' willingness to do well, work with and on behalf of service users and to protect and safeguard the most vulnerable within society. I advocate that most social workers do not wilfully ignore and neglect people or abandon good practice, even though it is precisely this that is frequently questioned and examined, often in the limelight of the media and the public.

I often wonder how it is, that despite the passion I see, messages from research and changes to frameworks, legislation and practice guidance, Serious Case Reviews repeatedly report that practice has gone wrong. I also wonder why, despite all the changes and reactions to the outcomes of Serious Case Reviews, we still see the same issues arising? These thoughts led me to consider the messages of historic Serious Case Reviews and examine how and if they have changed in the face of the changing nature of social work and its organisational and statutory frameworks. This article is an initial attempt to scope the facts and ideas, and consider where the social work profession may be heading.

Ferguson (2008) observes that best practice is a timely concept and is dependent on timely circumstances. The changes to practice that our profession has seen over the past decades reflect that what was deemed good social work practice in the 1970s, may no longer be applicable today. Therefore it is important to remember the context of social work when examining historic information and to consider that contemporary standards are not necessarily comparable to former ones. Adams, Dominelli and Payne (2009) outline that effective social work practice requires the consideration of three aspects: values, knowledge and skills. Whilst the utilisation of the three aspects may seem simplistic in application, it is the balance of these aspects that is crucial to good practice and potentially crucial to achieving good outcomes for vulnerable people. It is perhaps when this balance is disturbed, in addition to the impact of external factors, that we find failings of practice.

One of the first public inquiries concerned Sir William Monckton's report on the death of Dennis O'Neill in 1945, who was killed by his foster carers. The key messages in Monckton's (1945) Review are akin to those heard today: a 'lamentable failure of communication of material facts' amongst agencies (p. 16), lack of regular visits, the child not seen and spoken to alone and issues of record keeping (p. 16). Interestingly, the Review also found concerns and acknowledgements about staffing and

resource levels that played a part (Monckton 1945, p. 16). Monckton (1945) also referred to what we now call the 'rule of optimism', by outlining that 'there was too great a readiness to assume that all was well without making sure' (p. 16) combined with a failure to ask the right questions and a tendency to take information at 'face value' (p. 16). This 'rule of optimism' continues to be a key feature of Serious Case Reviews today, evidenced in, amongst others those concerning Jasmine Beckford (Corby 2005), Peter Connelly (Haringey LSCB 2009; Laming 2009) and Daniel Pelka (Coventry LSCB 2013). Whilst ethical ideas such as partnership working, respecting others as equals and empowerment are rightly considered essential to good practice, it is my belief that a failure to balance the ethical element of good practice with the other two (knowledge and skills) may lead to the rule of optimism. This in itself reflects the complexity of realising 'good practice' and the potential for human error.

The death of Dennis O'Neill strongly influenced the development of the Children Act 1948 along with the introduction of new policies and procedures governing child protection, yet, despite more regulation and increased local authority powers, the deaths continued. Maria Colwell in 1973, Jasmine Beckford in 1984 and Kimberley Carlile in 1987 all died at the hands of carers or parents. The messages from the Reviews echo those of Monckton's earlier work: a lack of communication amongst agencies, failing to share information and a lack of case oversight are mentioned in all three inquires, whilst failure to see the child alone and the rule of optimism is mentioned as a factor in two (Department of Health and Social Security 1974; London Borough of Greenwich & Greenwich Health Authority 1987; London Borough of Brent 1985). Interestingly, organisational factors feature in these reports too. Concerns about understaffing, resource levels, high workloads and practitioner's stress levels as well as inadequate support system at a time of a notable increased demand of services are highlighted. Comparing these historic messages with today's Serious Case Reviews indicates that the profession has already identified and highlighted issues of resources some decades ago. The Department of Health and Social Security also undertook a review of a number of child abuse inquiries from 1973-1981 and equally found some similar messages; difficulties in balancing care and values versus control and authority, issues of interagency communication and information sharing, the rule of optimism and readily accepting information face value, lack of staffing, recruitment and retention, resources and professional support (Department of Health and Social Security 1982). The introduction of the Children Act 1989, deemed the biggest overhaul of child care legislation, aimed to address some of the issues raised such as a need to see the child, clear responsibilities for local authorities with duties and powers and clear outlines on what can and cannot be done. Although the legislation was deemed to be robust, it did not prevent child deaths from reoccurring.

After Victoria Climbié's death in 2000, the Laming inquiry found similar messages to those echoed in earlier Reviews such as a lack of communication, the rule of optimism, the child not being seen and spoken to alone and poor recording and assessments (Laming 2003). It is surprising that despite the efforts made and the implementation of new legislation, the key issues have not changed. The Children Act 2004 brought renewed emphasis and duties to see children alone and renewed the pledge of agencies working together. We also have seen an attempt to clarify each agency's role and responsibilities through the Working Together to Safeguard Children (2005) guidance, which has frequently been amended since. Yet, cases of child death continued with no less infrequency with what appears to be a renewed public

interest. Reviews into the deaths of Peter Connelly, Khyra Ishaq and Daniel Pelka echo once more the same key messages with little change in content. This may beg the question whether the implementation of legislation and practice guidance has indeed addressed the issues identified. The Munro review of child protection in 2011 perhaps offers some explanation. In addition to some issues related to training, experience and practice failings, she identified some organisational issues, in particular those of bureaucratisation of social work and the time taken away from practitioners to fill in forms, as opposed to developing working relationships with children and families (Munro 2011). She also identified that the standardisation of services impacts on the quality of individual assessments, that practitioners' autonomy was compromised. Furthermore, she suggested a need for serious investment in preventative services, and highlights government funding restrictions likely to be reflected in local authority cuts and further stretching of resources as a concern. Finally, there is also an outline of the need for effective support systems, specifically in terms of administrative support, which in turn may be reflected and may address the issues raised on retention and recruitment of social workers (Munro 2011). Munro made a number of recommendations based on the review, some of which have been implemented to address issues in practice, training and supervision as well as one concerning resources and support. However, social workers' voices today and surveys undertaken by the British Association of Social Workers (2012), Hardy (2015) in *The Guardian* and Schraer (2015) in *Community Care* still highlight concerns about a lack resources, support to staff, retention and recruitment of qualified workers, workload management, stress levels and adequate organisational support, indicating that little change seems to have been achieved here. Yet, despite the evidence repeatedly highlighted by the Reviews, current cuts and budget constraints aligned to austerity measures are resulting in calls from employers for more agile and mobile working from home or in offices, to hot desking, and the freezing of posts despite increasing referral levels and demands. Moreover, forms and processes have not changed significantly, despite the call from Munro to review the bureaucratisation as a key recommendation. Even more so, with calls from the government for social workers to be more accountable and suggestions that they may be liable to criminal charges and prison sentences (Stevenson 2015), the cuts in welfare spending and the resulting reduction of statutory services in favour of privatisation and charity commissions is confusing, as it is unlikely to ease the burden of already overstretched services, but indeed likely to add more pressures, leading to more room for errors. Given a timely consideration, I would argue that child deaths have not significantly decreased, however they also seem not to have significantly increased. In times of austerity measures and restriction on resources, this seems somewhat reassuring, and may indicate a hard working profession and commitment of social workers to do their best, despite the pressurised circumstances, to protect vulnerable people.

The Department of Health and Social Security (1982) helpfully outlined that the 'practice emerging in the review [the study of child abuse inquires] is not one of gross errors or failures by individuals on one single occasions, but a succession of errors, minor insufficiencies and misjudgements by a number of agencies … together with circumstantial factors beyond the control of those involved' (p. 28). This is further explored by Munro, who observes that 'risk management cannot eradicate risk; it can only try and reduce the probability of harm. A big problem for society (and professionals) is working out a realist expectation of professionals' ability to predict the future and

manage risk' (Munro 2011, p. 41). As professionals, it is important to remember that dealing with people will always carry the margin of 'human error'. Whilst practice does need to improve in some areas, it is equally important to acknowledge that this is unlikely to be achieved, despite best intentions, if the organisational support networks are not in place or indeed ineffective and underdeveloped. In turn, those can only flourish if they receive public and thus governmental support and recognition of the complexity of work and the need for investment in the right, potentially politically uncomfortable, areas. The governmental direction to date, some may argue, is in opposition to this and as such the social work profession may need to be prepared for a time of challenge and less welcome changes.

Jessica Wagner is a Lecturer in Social Work (Staffordshire University) and an Associate Lecturer for Social Work (Open University).

Jessica.wagner@staff.ac.uk | J.wagner@open.ac.uk | @JessWagner377

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Edith Emily Mudd (1863-1941) – pioneer almoner

Andrew Sackville

Introduction

Writing in 1961, E. Mobberly Bell noted that Edith Mudd's contribution to the profession 'was of considerable importance and has perhaps been underestimated' (Bell 1961). Whilst the pioneering work of Mary Stewart and Ann Cummins has been justly celebrated in print, other pioneer almoners have been somewhat overlooked (Cullen 2013; Morris n.d.). In 1989, I presented the story of Thomas William Cramp—the forgotten man in a female occupation (Sackville 1989). In this short piece I want to focus on the activities of Edith Mudd, another pioneer almoner, who has tended to take a back seat to other better known early almoners. Yet, as I hope to demonstrate, Edith Mudd amassed a considerable number of firsts within the hospital almoning occupation, whilst at the same time living an interesting and exciting life.

Family Background

Edith Mudd was born in Storrington, Sussex in 1863, the third child of Barrington Richard Mudd, and his wife, Anne Burnand Golds. Edith's father was a surgeon and physician, with qualifications from both Edinburgh and London Universities. Edith's uncle, Francis Mudd, was also a surgeon, as were Edith's two brothers—Barrington William Mudd, and Frank Burnand Mudd. The evidence is clear that Edith grew up in a privileged household in Sussex, which usually included an assistant surgeon, a governess, up to three servants, and a groom. But, Edith also suffered loss in the early years of her life. Both her sisters died young—Ellen Sarah Mudd, died aged 7 in 1866, and Margaret Syer Mudd, died aged 10 in 1878. It is apparent that Edith lived in a household dominated by medical men. The household moved to Hove in 1891, but by the time of the 1901 census, Edith was living on her own, and was described as a lady of independent means. Between 1904 and 1910, her main address was Artillery Mansions in Victoria Street, London, and from 1911 to 1939 she used the address 52, Lower Sloan Street as her registered voting address. She still however identified with Sussex, and when she died on 27 March 1941, her address was given as West Worthing, Sussex[1].

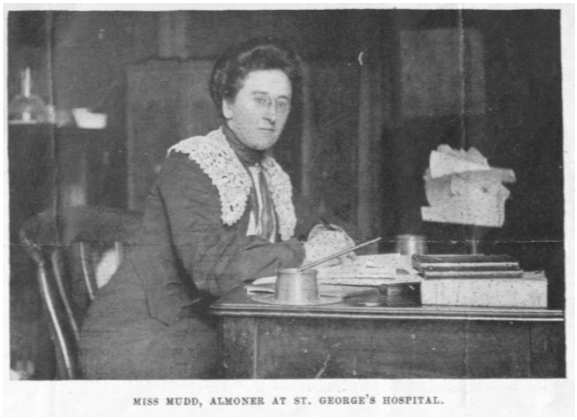
Edith's mother died in 1896, and this appears to have been a spur to Edith to seek some form of employment. She was already an accomplished pioneer woman mountaineer, which I will discuss later in this article, and her search for employment took her towards hospitals, where Mary Stewart had started as the first almoner at the Royal Free Hospital in 1895. The establishment of the role of the almoner, and the influence of the Charity Organisation Society (COS) and its Secretary, C.S. Loch, has been well documented elsewhere (see Sackville 1989; Mudd 1910). Following the establishment of almoner posts at the Royal Free Hospital

and at the Westminster Hospital, both with financial support from the COS, the third hospital to appoint a lady almoner, and the first hospital to finance such a post from its own resources was St. George's Hospital, then located at Hyde Park Corner, London, and on 9 April, 1899, Edith Mudd started work in this post.

Edith Mudd and St. George's Hospital

Edith had undertaken 'training' with the COS, spending six months working with Maud Brimmell at the Royal Free Hospital, to prepare herself for this new role. Initially, she appears to have adopted the same working pattern as other pioneer almoners—seeing and assessing large numbers of outpatients to determine their eligibility for free medical treatment in the hospital. She operated from a small screened area in the main reception room of St. George's Hospital, and was expected to fit in with established hospital practices and time-keeping in determining out-patients' eligibility for treatment.

However, it is clear from her reports and from correspondence preserved in the British Association of Social Workers (BASW) archive, that an initial honeymoon period soon came to an end, and Edith's own views and ways of working were giving rise to tensions and disagreements with some members of the Board of Governors of the hospital. Some of these disagreements have been discussed by Mobberly Bell in the 1961 history, but I am going to focus on two statements from Edith Mudd to the Governors of the Hospital, which I believe capture the flavour of the relationship more effectively[2].



MISS MUDD, ALMONER AT ST. GEORGE'S HOSPITAL.

The first statement is dated October 1901. Edith Mudd commences by setting out what she sees as three different forms of 'out-patient abuse'. Her tone is quite belligerent, and it implies that the governors would be better informed if they spent some time themselves in the outpatient department! She complains that she is being criticised for spending too much time on relief work, rather than enquiry work, and she suggests that the Governors fail to understand the complexity of her task. Whilst she recognizes that there may be some abuse of free medical treatment by a small minority who could pay for their treatment, she indicates that she is equally concerned about the power of subscribers to the hospital funds who can get their servants treated without payment, when the servant's wages would allow them to pay for their own treatment. She illustrates some of the problems of treating patients at the hospital, and then returning them to the same home conditions which were a major factor in causing their illness. Significantly, she uses the example of patients suffering from tuberculosis, a topic she will return to in later writings. She concludes her statement to the Governors by stressing that she had stated her methods of work from the start, implying that they were aware that she felt her role should include support for patients, as well as simply determining eligibility.

It is clear that many of the Governors were unhappy at being lectured to by a woman. Edith Mudd had kept C.S. Loch informed about these developments, and he offered her limited support in her campaign. A compromise between Edith Mudd and the Governors was agreed, where a clerk carried out an initial sifting of the out patients, with Edith dealing with a much reduced workload. This proved beneficial to both Edith and to the growing almoning occupation, since it demonstrated the potential of working with a more limited number of 'cases' in greater depth.

The second statement to the Governors is dated November 1902. This statement is objecting to the Governors' plans to define the role of the almoner. She feels that her integrity as a worker in being challenged. She resents being called 'haphazard' in her approach to the work, and she stresses that her enquiry work is more thorough than any other London hospital. She believes that tensions have risen because of demands being made from the Sunday Fund that all prospective patients should be questioned about wages—a task performed by a clerk appointed to do this task. But she claims that the untrained clerk simply promotes deception, by asking straight out what a patient earns, whereas she has a good working knowledge of local wage rates for a wide range of jobs, and is far more likely to be able to spot any deception. We know from correspondence preserved that on this occasion she had more support from medical men on the Board of Governors, and she was able to weather this storm. She continued to work at St. George's for another eight years, training many other almoners during this time. Her students included Anne Cummins, who was to have a major impact on the development of the occupation in later years.

Edith Mudd – pioneer almoner in the provinces

In 1910 Edith Mudd moved to Leeds, with an assistant, Miss Beckett, and a student almoner, Miss Marx. This was the first time a trained almoner had moved out of the major London hospitals. The team worked in three hospitals: the Leeds General Infirmary, the Public Dispensary, and the Women's and Children's Hospital. In her first Report of her work Edith commented that housing conditions were deplorable and as bad as in London; the majority of houses being of the back-to-back type. Her description of conditions indicates a person who was well aware of the circumstances under which her clientele lived. She was particularly concerned about child welfare, and the large proportion of children who suffered from rickets, due to a lack of milk in their diets. She observed that children seldom walked until they were three or four years old, and a common sight in the back streets of Leeds were races between children of up to four or five on their behinds, because they could not walk, urged on by admiring spectators, the winner being rewarded with pennies (Marx 1953; Anning 1966).

Edith Mudd's appointment to the Leeds hospitals was originated by the Chairman of the General Infirmary, without apparently consulting the medical staff concerned, which meant that many of the hospital staff were initially antagonistic to Edith and her team. However she found an ally in a Mr. Sharp, who had recently been appointed COS Secretary in Leeds, and who had established a Children's Committee to coordinate a number of bodies and individuals who were disbursing much uncoordinated, if greatly needed, charity. The almoners did nearly all their own home visiting; twenty visits a day would be quite normal. Edith used this experience in her

writings (see the next section) to raise awareness of home conditions and to argue for Almoners to be more involved in their community.

Edith Mudd remained in Leeds for four years before returning to London. Miss Beckett moved on to the Royal Victoria Infirmary at Newcastle-upon-Tyne in January 1913, thereby establishing a pattern of gradually extending the influence of almoners in the provinces.

Edith Mudd's own articles on the role of the almoner

Edith Mudd was encouraged by C.S. Loch to write about her work and in 1904, in a book edited by Loch, Edith contributed a chapter on 'Charitable Action in Phthisical Cases' (Mudd 1904).

In this, Edith advocates a more or less complete change of life after the working-class patient leaves a sanatorium. She contrasts the treatment of the poor with the care, comfort and the warm sedative climate which the rich can enjoy, and which will prolong their life or keep the disease in a quiescent stage. She reviews what is known about the TB bacillus, commenting that it thrives in dark, ill-ventilated surroundings. It can be combatted by pure air and sunlight, and thus it should be seen as a preventable disease. Edith recognized the importance of sanatoria treatment, but argued that for this to have long-term benefit, the patient should return to a home free from insanitary conditions, one capable of through ventilation and light, and s/he should have plentiful and good food until such time as he is able to provide this for himself. Edith compared treatment in France and Germany to that in the United Kingdom. She particularly noted that there were more sanatoria in Germany, and she was critical of the lack of such provision in the United Kingdom. Finally, she argued for drastic action to be taken against persons who spat in public, and would therefore spread disease. Realizing that this would be a contentious suggestion, she claims that 'we are often more tenacious about the liberty of the individual subject than observant of the good of the majority' (p. 35).

The article reveals much about Edith and her general views. She is critical of existing practice; knowledgeable on medical treatment; displays a wide knowledge of research and practice in other countries, especially in Germany; gives practical advice on what can be done; and is quite assertive and radical. She argues strongly for one visitor to be responsible for a 'case', over sixty years before this principle was accepted by the Seebohm Committee; and in an example of good academic writing, she uses an example of good practice at the end of the article to drive home her points.

A second article by Edith appeared in the Charity Organisation Review in July 1910, where she wrote about 'Home Visiting from the Hospital' (Mudd 1910), based on her experiences in Leeds. She expressed her concern that much illness among the working classes is so frequently the result of some social problem—bad housing, bad ventilation, bad feeding, and that to treat it with medicine and advice only was beginning to be recognized as unscientific. The medical treatment should be linked to some curative treatment in the home. She reviews the work of the almoner, and then turns to her ideas for home visiting.

She strongly believes that no 'case' is 'unhelpable', and that the solution to many problems lies in linking up sources of assistance with the case. Assistance is not just financial, but the time and trouble taken to devise 'plans of restoration'. She prioritizes the types of cases which need visiting. Initially these should be those of young babies. She reflects that when she

had commenced work eleven years previously, there were few resources to help such families. However, in the intervening years several initiatives had emerged to help such cases—the Babies' Welcomes and Maternity Societies, the Invalid Children's Aid Association, the Medical Inspection of Children of School Age, and the Children's Care Committees of the London County Council. In addition there were, by 1910, district nurses, health visitors and sanitary inspectors. This had led to a dramatic drop in cases of ill children attending the out-patients departments of hospitals. The second group she discusses are patients suffering from tuberculosis. In both cases Edith stresses the need for cooperation between agencies, and for planning and prevention.

Edith Mudd and the Hospital Almoners' Committee

I have discussed the formation of the Hospital Almoners' Committee in both my PhD thesis and in working papers available on the web (Sackville 1990; 1986). Edith Mudd clearly took the initiative in forming the Committee and the Committee initially met at her home address in Artillery Mansions, London.

It was on 9 October 1903 that four almoners—Edith Mudd of St. George's, Maud Brimmell of the Royal Free, Miss Miller Jones of the North-East Hospital for Children and Helen Nussey from the Westminster—met under the chairmanship of Edith to discuss suggestions for forming a 'Committee of Almoners to discuss the possibilities and difficulties of the work'. The records of this meeting and the related correspondence make it clear that the initiative for forming such a Committee came from the almoners themselves, and the minutes of their early meetings exude a certain confidence and determination.

The first formal meeting of the Almoners' Committee then took place on 25 November 1903. At this meeting the Committee clarified its relationship with the COS—it would send its minutes to the Medical Sub-Committee of the COS, and it elected Miss Clutton (already a member of the COS Council) as its representative to that Council. The meeting then turned somewhat appropriately to a discussion on 'the ends and aims of an almoner's work'. Here it was agreed that the general aims of almoners were:

- to reduce the number of casualty patients,
- to interview the patients to discover if the Doctor's advice can be satisfactorily followed,
- to encourage thrift

The almoners also agreed that the wider aim should be 'to look all-round the question and try to get to the root of the difficulty in dealing with each patient'. Here they aimed to increase the patient's sense of responsibility. Even at this early stage, Helen Nussey felt that they should not be judged just on their ability to reduce the number of outpatients, but should be far more concerned to improve the condition of the sick poor.

This concern with clarifying the role of the almoner was one of the major concerns of the Almoners' Committee. They discussed their role in relation to the Poor Law (February & March 1904); the Invalid Children's Aid Association (April & June 1904); Inquiry and Relieving Officers (September 1904); the Provident Medical Association & Friendly Societies (April 1905); and, local COS Committees (October 1905 to March 1906). In all these cases the almoners felt it necessary to exercise caution in their criticisms of other occupations, whilst at the same time wanting to assert their independence and

particular contribution. Some of these early debates also reveal differences of opinion between the early almoners. For example in March 1904 Ann Cummins (then training as an almoner) adopted a very moralistic stance—stating that she thought the disgrace of applying to the Poor Law should be emphasised in all cases 'except perhaps those of the very old and infirm', and regretting both the attitudes of the poor in regarding Poor Law Relief as their right, and the heavy burden in consequence put on the lower middle classes and the poor themselves through high rates. Edith Mudd, so often the more liberal voice, took a contrary view arguing that hospitals should take important cases from all types of background, including the Poor Law. This is not an isolated instance of disagreement, but reflects strongly held differences of opinion within the early almoners' group.

Although 'domestic issues', such as the role of the Almoner and their relationship to the COS, tended to be discussed at most meetings between 1903 and 1907, the Almoners' Committee did spend a large amount of time discussing broader social policy issues. For example in November 1904 the Report of the Committee to Consider Physical Deterioration was the main topic of discussion, and in February 1906 the Unemployment Act featured on the agenda. Similarly developments in other areas of medicine received attention, particularly, in this period, the concern with tuberculosis and the development of maternity work. In general the almoners limited their concerns to discussion, although in January 1905 they did draft and publish a card of advice on the best form of milk supply and the feeding of babies, which was to 'be sold to intelligent mothers at the cost of 1d'. This again was a result of an initiative by Edith Mudd. The pioneer meetings of the Almoners' Committee also served an important social function of offering fellowship and support to each other. Mutual problems could be discussed and information could be exchanged. In November and December 1905, the specific cases of one almoner are even discussed. The group of almoners and interested others reconstituted themselves in May 1905 and changed their name from the Almoners' Committee to the Hospital Almoners' Committee. This pioneer stage really came to an end in 1907, when there was a major change in the membership of the Hospital Almoners' Committee, and this was itself linked to the conflict and tension then existing between the Committee and the COS, about the role of almoners in appointing new almoners to other hospitals.

The almoners responded to the COS establishing an Almoners' Selection Committee (without Almoner representation) by setting up their own rival selection committee, and C. S. Loch had to intervene. Following informal negotiation, a compromise was reached where the proposals for the Almoners' Selection Committee were withdrawn by the COS, the Almoners' Committee agreed to dissolve their rival selection committee, and in its place was created the Hospital Almoners' Council. This Council reported quarterly to the Administrative Committee of the COS and to the Almoners' Committee. It comprised five members, two of whom were elected by the Almoners' Committee, with a new secretary, Captain Morse. The brief of the Council was 'to select almoners for hospitals, to arrange for their training and generally to promote the appointment of competent hospital almoners'. Thus the almoners won their battle for an independent Council, with elected almoner representation; although this did mean that from 1907 up to 1945 two 'professional' bodies 'representing' almoners existed,

causing confusion in the minds of almoners themselves. The Almoners' Council reconstituted itself in 1911 as the Hospital Almoners' Council, and again in 1921 when it became the Institute of Hospital Almoners. This body concentrated primarily on selection, training, and certificating almoners; with an associated public relations function of attempting to persuade more hospitals to appoint almoners. Although practising almoners were in a minority on this Council, they did exert a tremendous influence on its development. Meanwhile the Hospital Almoners' Committee tightened its membership rules, and became composed only of trained and certified almoners, changing its title in 1920 to the Hospital Almoners' Association.

Developments in medical treatment, and in the provision of voluntary services in the period before World War One affected the almoners' role. This can be demonstrated in the early 1900s with the increasing concern with tuberculosis, and the development of both sanatoria and convalescent homes, as two stages in the treatment of this disease. It was seen as part of the role of the almoner to arrange periods of convalescence, and the early almoners rapidly formed an important network for exchanging information on what facilities were available. Another early area of work was in the area of maternity work, particularly in view of the national policy concern about infant mortality and the health of future generations of the population. These two areas were of particular concern to Edith Mudd, as I have demonstrated in the previous section.

Edith Mudd and World War One

When she returned to London from Leeds, Edith did not return to St. George's. There are few records of what she actually did during the First World War, but it is clear that she took on a major role as 'Lady Superintendent' of the Park Royal Canteen, run by the Ministry of Munitions. The Park Royal Munitions Factory was built on the fields of the Royal Agricultural Showground in Brent, with one of the units there employing over 7,000 workers, mainly women. The canteens had initially been initiated in 1915 as part of Lloyd George's 'prohibition campaign'—to keep munitions workers out of pubs, and to keep them sober for their important and often dangerous work (Woollacott 1994). Edith was awarded the MBE in the King's Birthday Honours, for services connected with the War. Details of the award appeared in the London Gazette for 7 June 1918. After the war Edith didn't return to almoning, even though she remained on the list of almoners until her death in March 1941.

Edith Mudd – pioneer woman mountaineer

Edith Mudd had been climbing in the Alps from as early as 1898, and, when the Lyceum Alpine Club for Women was formed in 1907, Edith Mudd was a founder member, and the first Treasurer (1908) and the Secretary of the Club from 1909-1910. Records of the early years of the Club report on her involvement in a debate about the appointment of a President for the Club. Queen Margherita of Italy, another pioneering woman Alpinist, had been nominated, and it appeared that Edith Mudd had been instrumental in approaching the Queen via her friend the Comtessa di Campello, with whom she had been staying. However there was not enough support within the club membership to appoint the Queen, and Edith Mudd was at pains to assert that she had never made a formal request to the Queen. The incident does however indicate

the wide range of women with whom Edith Mudd came into contact.[3]

Another climbing friend was Mary Ann 'Cottie' Sanders O'Malley, the sweetheart and biographer of the Everest pioneer and 'hero', George Leigh Mallory. Sanders and Mallory, together with Edith Mudd amongst others frequently stayed in Snowdonia in the winter months to practise snow climbs. In 1911 Cottie O'Malley's family were financially ruined, and Edith Mudd helped Cottie get a job as an Assistant Secretary in the Chelsea Branch of the Charity Organisation Society. She also introduced Cottie's sister Helen to William Beveridge, who assisted her in getting a job in one of the Labour Exchanges he was instrumental in establishing.[4]

Before the First World War, Edith's climbs centred mainly on the Alps in France, Switzerland, Austria and Italy, although she also climbed Table Mountain in South Africa, and engaged in winter climbs in Norway. Edith Mudd continued to climb after the conclusion of the First World War, and her expeditions which had been limited to Wales and the Cairngorms during the war, now expanded to include climbs in Kenya and Uganda. There are no entries in the lists of climbs after 1923, although the memoirs of Cottie O'Malley record that she still met her friend Edith Mudd at the Alpine club in the period 1924-27. In her obituary it was claimed that a peak in the Alps had been named in her honour, but since the naming of peaks in honour of any individuals is not allowed by the Alpine Club, it is likely that this was an informal naming arrangement among the women mountaineers.[5]

Edith Mudd – as a person

Within the various records it is possible to capture glimpses of Edith as a person.

In the obituary published in the Hospital Almoners' Association Year Book for 1941, the author identifies her adventurous spirit and keen interest in people as inspiring her to break new ground, particularly in the sustained after-care of people with tuberculosis. The obituary mentions her work as an almoner, as an organizer of canteens in the war, and as a pioneer mountaineer, and claims that Edith Mudd's 'charm and strength lay in her youth of mind, and the width and diversity of her interests, coupled with a rare power of detachment'. These interests included Sussex folklore, as well as practising water and metal divining! The obituary concludes with a short paragraph which captures one view of Edith:

'One could want no better or more stimulating companion on any adventure mental or physical than Miss Mudd. Those who had the good fortune to work with or be trained by her, could not but appreciate and benefit from her marvelous capacity for giving responsibility and freedom of action, together with unfailing loyalty and support when it was needed' (Hospital Almoners' Association Year Book for 1941)

Similar comments appear in the 1961 book on Almoning by Bell, a 'very unusual woman, she had a fine infectious zest for life which made her a stimulating companion, and a gift for entertaining. Those who still remember her tell of her delightful luncheon parties, her beautiful clothes and her lovely rings. She attacked her work with the greatest gusto, bringing to it something of the spirit of an amateur, in the best sense of that word.'

Conclusions

This short article has drawn on a variety of sources to illustrate the life and activities of one of the pioneer hospital almoners in the United Kingdom. It has shown how a woman from a privileged background used

her knowledge, skills and enthusiasm to confront the male medical establishment and facilitate the development of a more caring and informed approach to supporting young mothers, patients with tuberculosis, and the general working class in their access to, and use of medical resources. It records her pioneering efforts in setting up Almoners' Departments both in London and in the regions; in establishing a representative body for Hospital Almoners; and in facilitating a more radical voice within a fairly conservative occupational group. But the article also records her energy and commitment in facilitating pioneer women mountaineers, her part in the war effort of ensuring women workers were adequately fed and cared for; and her support and concern for friends and for her trainees/students. She deserves to be recorded as one of the major actors in the development of medical social work, and not just as a 'bit-player', a position she has often assumed in previous histories.

Andrew Sackville is an Emeritus Professor at Edge Hill University, Lancashire.

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[1] I have used the census returns from 1841 to 1911, the Polling Registers up to 1941, and other family history records, to build up this picture. These records are often overlooked in the construction of histories.

[2] Statements held in the BASW Archive at the Modern Records Centre, University of Warwick. Reference A1/4:3a (25 October 1901) and A1/4:6 (17 November 1902).

[3] Records of the Lyceum Alpine Club, established for Women Mountaineers in 1907/08. I am indebted to Glyn Hughes, Honorary Archivist of the Alpine Club for his assistance in locating these references. See also Brown (2002).

[4] O'Malley, M.A. (under pseudonym of Ann Bridge) *Everest Dream – A Novel of Friendship.* This is an autobiographical novel, which has just been edited and reissued (2015). I accessed a digitized version at: http://www.everestdream.blogspot.co.uk.

[5] Record of Edith Mudd's climbs between 1898 and 1923, preserved in the Archives of the Alpine Club.

Book review

Dave Burnham

Our book review re-examines classic texts. Here, Dave Burnham discusses *Someone to Love Us* by Terence O'Neill

It could be argued that the voice of victims of child abuse (in all its forms) is taken more seriously than previously—although often their narratives are controversial and still dismissed. It is, however, accepted now that some, many, children, suffer terribly at the hands of adults—which was not the case fifty years ago. There is today a complete literary genre of awful childhood experiences, which at least confirms that such things happen. Some of these tales are poorly written or simply maudlin; others, Michael Seed's *Nobody's Child* for instance, are well worth looking at. But one of these, *Someone To Love Us,* by Terence O'Neill (2010) is not only a strong account of a boy brought up in care, it also sheds light on Britain's 'original' national child care scandal; the death of Dennis O'Neill in 1945. This book would not be credited as academic evidence—detailed conversations in the book must have been constructed, perceptions of the boy have been fleshed out by the man. Terence did however research his own history, the trial, police records and newspaper cuttings. And, he is honest enough to admit to not remembering the names of several people mentioned in the story. But whatever route Terence took with the book, there is an authenticity about it. The official account, Sir Walter Monckton's report, at 21 pages, is a model of clarity, painstakingly plotting the course of the six months from the placement of the three boys, Dennis, Terence and Freddy in July 1944 to the death on 9 January 1945. The press reports are voluminous, but curiously unsensational. Terence's book is told entirely from his point of view: so uniquely, I think, we have available the official story and the human one; a comprehensive narrative of a slowly unfolding tragedy.

Neglected for years by their parents, Dennis, Terry and toddler Freddy, the middle three of eight children, were taken into care in 1939 and boarded out. Terence paints a vivid picture of the years up to June 1944, when they lived with an older couple first, then a grand lady, Mrs Connop, whose maid, 'Ginger' did the caring. This is not a sorrowful tale, but is full of the scrapes and fun of many a boy's childhood. Terry emerges as an imaginative, irritating, naughty child deeply dependent on Dennis, three years his senior. They are a team, rely on each other and think when they were moved to Bank Farm in June 1944 that the Goughs are just rough and ready. Soon Mr Gough's unpredictability and rages scared them. The seeping, strengthening sadism of Gough and his wife over a six month period is told well, as farm work turns into hours of chores a day, and food is only ever bread and margarine. Sarcasm and threats turn into regular violence—'stripes' on the hand for misdemeanours (chewing at a raw swede, trying to drink from a cow's udder). First there were ten 'stripes', then fifty, then more. At the end Dennis was more than once 'bathed' naked in a water trough outside, then forced to wait till allowed in; all this in December. He had a chest infection, sores on his legs, was terribly undernourished and after a vicious

beating on 8 January did not wake up the following morning: he was 12.

The tale of the trial, with huge pressure on Terence, kept in ignorance of much of what was happening, is harrowing—no careful video links for child witnesses then.

The final third of the book covers the consequences of these experiences, the regularly changing placements and emotional legacy of Bank Farm. Terence reports being unable to hold a job, walking out if crossed, falling into an annual depression around Christmas, taking to drink. His wife and, now adult, daughters stuck by him—and his processing of the past, associated with writing the book, has clearly helped him. He even returned to Bank Farm and the tiny bedroom where Dennis died.

There are recognisable themes:

- Children never being told of decisions about them—not just by officials, but by anybody.
- The number of placements and the yo-yo emotions associated with moving between caring family homes and rule bound institutions.
- Although Reginald Gough's beatings were by far the worst, the punishments meted out later to Terence in homes (beating, deprivation of food) bore a sinister similarity to Bank Farm practices.
- The rich collection of characters involved in child care: the careful, kind leaders, the charismatic role models, the thoughtless, the demanding bullies.
- The still silence of the scared children in the face of adult authority.
- The years of guilt Terence felt after Dennis' death about what he might have done to save him.
- The official emphasis on attempting to place the boys with a Catholic family, even though, as Terence said until he was in care he'd never been to church in his life.
- The heartlessness of the press.

Most notably, during the boys' six month stay there were perhaps ten visits by various officials, a Boarding Out volunteer, two senior Shrewsbury Council officials, an 18 year old clerk from Newport and social workers dealing with other foster children at the Goughs. Not one of these people went upstairs to the freezing room where the boys slept on a straw pallet with one blanket. Monckton recommended some changes in Boarding Out visiting, but his report is most notable in proposing that people should simply do their jobs properly—seeing where boarded out children slept for instance had been expected for fifty years by then.

Someone To Love Us must be read with Monckton. They are two sides of the same coin. But although there must be other copies, I was only able to find the Monckton Report in the British Library. I wonder if the brief and incisive Monckton report is due a republication?

Dave Burnham's latest book, The Social Worker Speaks: A History of Social Workers through the Twentieth Century *was published in 2012.*

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