CABINET

RESPONSIBILITY FOR THE CARE OF DEPRIVED CHILDREN

MEMORANDUM BY THE MINISTER OF EDUCATION

THE memorandum by the Lord Privy Seal (C.P. (47) 80) concludes that central responsibility for the care of deprived children should be concentrated in the Home Office. I do not agree with this conclusion. My opinion is the same as that expressed by my predecessor at an earlier stage in the discussion of this matter, namely, that central responsibility should be vested in the Ministry of Education working through the Local Education Authorities. I believe that the welfare of the children will be best served by this arrangement, and that the arguments in its favour have not been adequately met in the Lord Privy Seal's memorandum.

2. Paragraph 5 and onwards of the memorandum by the Lord Privy Seal set out a number of arguments which purport to tell in favour of the Home Office. In my view, these arguments, as set out in sub-paragraphs (a) to (e), are open to substantial criticism. In particular, I wish to draw attention to the following points:

(a) The provision of a substitute home is additional to and distinct from the provision of health services or education. True as this may be if a narrow meaning is given to education, it is not an argument for one central department (or for one instrument of local administration) rather than for another. In fact, though the provision of a substitute home may be distinct from education, the whole tendency in recent times has been to recognise that it is a natural addition to and development of educational administration. It is, for example, the Local Education Authority which has the duty of bringing children in need of care and protection before the Courts and of boarding out those committed by the Courts to its care; it is the Local Education Authority which can, and in a number of important areas does, perform the duties of the Public Assistance Authority in finding substitute homes for children; it is the Local Education Authority which has the duty to provide and maintain approved schools and remand homes. It would thus be in keeping with the current trend of development for central responsibility to be entrusted to the Ministry of Education, whose present job is of such a kind (covering boarding schools of many varieties, child guidance clinics, youth clubs) that the extra job would be a natural addition. On the other hand, only one of the Home Office's present activities (a portion of its Children's Branch work) makes the Home Office seem suitable; most of its other activities make it, at any rate in appearance, unsuitable.

(b) The essence of providing a home is to treat the child as an individual and the Home Office staff, by tradition and training, are well able to do this. While I do not dispute that the Home Office staff are qualified for this task, I have no evidence which suggests that they are better qualified than the staff of the Ministry of Education which in its day-to-day work is accustomed to undertaking a large amount of individual case work. And it is of the essence of the Education
Act that the Ministry of Education, Local Education Authorities and their officials should consider each child as an individual, should take account of home conditions and work in with parents where they exist (personal record cards, for example, are now being kept for each child throughout his school life). The technique required for the new job would therefore be a natural extension of the technique required for present work.

(e) The Children's Branch of the Home Office have always had a general responsibility for furthering the welfare of children in all respects not the specialist concern of other Departments. These words imply that education should be regarded as a specialist service. In one sense, of course, it is. But it deals with many more aspects of the welfare of many more children than have ever been the concern of the Home Office. Some examples showing the wide range of these aspects are listed in paragraph 7(a) of the Lord Privy Seal's memorandum.

Further, that memorandum states that "all children who for any cause are brought before a Juvenile Court come within the Home Office sphere of responsibility." But the numerous school attendance cases which may now come before those Courts are the primary concern of the Local Education Authorities and the Ministry of Education.

(d) It is suggested that the Curtis Committee themselves leaned to the view that responsibility should be given to the Home Office. It should be remembered, and indeed it is evident from the frequent references in the Report to education as "mental training," that few, if any, of its members had accurate knowledge of the present day education service. Even so I cannot agree that paragraph 434 of the Report necessarily implies an opinion against central responsibility passing to the Ministry of Education.

(e) There is no evidence that the administrative difficulties involved in transferring responsibility for deprived children to a Department other than the Home Office would be as great as is alleged. They would certainly not be insuperable. In any case, they should not be allowed to count by comparison with the welfare of the children. And it seems to me fundamentally wrong deliberately to subordinate the interests of the children so as to use them as guinea pigs for experiments which may be hoped to result in penal reform.

3. I take strong exception to the statement in paragraph 9 of the Lord Privy Seal's memorandum that "we do not believe that the views of Local Authorities in this matter are primarily influenced by regard for the needs of the children concerned." In my experience Local Authorities, and Local Education Authorities in particular, have a deep concern for the welfare of the children for whom they are responsible. I am sure that Local Education Authorities in taking their very firm stand against the Curtis recommendation for ad hoc Committees have been concerned with the children's good rather than with their own aggrandisement. Their fears that in practice ad hoc Children's Committees would often turn out to be Public Assistance Committees in a new dress are genuine and cannot be lightly dismissed.

4. Finally, we cannot disregard the question of administrative man-power. I am convinced that the improvement we all wish to see in this social service can be achieved with substantially greater economy of man-power if the work is added to the present responsibilities of His Majesty's Inspectors of Schools and the Ministry of Education, than if (in the words of the Government statement proposed in C.P. (47) 80) "a new and enlarged Children's Branch [is] created in the Home Office with an expanded inspectorate organised on a regional basis."