CABINET

WHITE PAPER ON THE CHILDREN AND YOUNG PERSONS ACT 1969

Note by the Secretary of State for the Home Department, the Secretary of State for Wales, the Secretary of State for Social Services and the Secretary of State for Education and Science

We attach for the information of our colleagues copies of the White Paper, Cmnd 6494, on the Children and Young Persons Act 1969 in response to the Eleventh Report of the Expenditure Committee for the Session 1974-75.

The White Paper is to be published at 2.30 pm on Wednesday 26 May 1976.

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J M
D E
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Department of Health and Social Security
Department of Education and Science

Children and Young Persons
Act 1969

Observations on the Eleventh Report
from the Expenditure Committee

Presented to Parliament by the Secretary of State
for the Home Department, the Secretary of State
for Wales, the Secretary of State for Social
Services and the Secretary of State for
Education and Science
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INTRODUCTION

1. The Government welcome the Eleventh Report of the Expenditure Committee, published in September 1975, on the Children and Young Persons Act 1969. Since the Expenditure Committee first began to consider the subject in December 1973 the Government have themselves reviewed the working of the Act. Both studies were motivated by the same serious concern about juvenile crime, and about the operation of the law and the treatment system.

2. The greater part of the statement of the Government's views which follows is taken up, inevitably, with detailed comments on the Committee's individual recommendations, in which the Government put forward a number of specific proposals aimed at improving the operation of the Act. This does not mean that the Government see the response to the problem of juvenile delinquency exclusively or even primarily in terms of statutory arrangements for dealing with children who break the law and come before the courts. The Expenditure Committee make a similar point in the concluding passage (paragraph 167) of their Report, where they remark that no legislation can be expected to have a significant effect on the general level of delinquency and general juvenile misbehaviour. The underlying personal, social and environmental factors are too complex and too deep rooted to be readily susceptible to influence by legislative means. Other aspects of social and economic policy must play an important part—even though it may not be an easily demonstrated or measured part—in making or marring the adjustment of young people to the demands made on them, and the opportunities created for them—or, more importantly, not created for them—by society. The quality of parental care; the support that society gives—financially and in other ways—to parents; the kind of housing available for families, especially in our inner urban areas, and the environment in which it is set; educational provision; recreational and other leisure facilities; the job opportunities available to young people, especially those who leave school early and with few skills; all these aspects of our national life, and others besides, undoubtedly have a bearing on juvenile behaviour. All are matters of Government concern, difficult though it may be, especially in our present constrained circumstances, to bring forward proposals for rapid improvement. To do more than list all these factors would be beyond the scope of the present statement. Nevertheless, they are part of the wider context that must not be forgotten in a quest for an improvement of the statutory arrangements for dealing with juvenile offending.

3. As regards these statutory arrangements, the Government's broad conclusion, which is in line with the Expenditure Committee's, is that, though much remains to be done to make the Act fully operative and effective, and although a small number of highly publicised cases have given cause for concern, the framework provided by the Act for dealing constructively and humanely with children in trouble remains a fundamentally sound one. At the same time, the Government fully recognise and share the widespread anxiety that is felt, especially by magistrates,
about the continuing problem of how to cope with a small minority, among delinquent children, of serious and persistent offenders. It is in this area, as the Expenditure Committee observed, that present measures under the Act are felt to be falling short.

4. There is, and has for a long time been, a basic dilemma here in our policy towards juvenile delinquency (and, indeed, it is reflected in penal policy generally). On the one hand there is a strongly felt and understandable demand for the public to be protected from serious and persistent, albeit youthful, offenders. On the other hand there is a widespread revulsion against holding young people in secure custody, especially custody of the kind that resembles prison. This reluctance is reinforced by the accumulated evidence over the years that custodial treatment has very disappointing results.

5. The 1969 Act did not create this dilemma. The provisions in it which would do most to shift the balance away from custodial sentences have not yet been implemented and, for the most part, must for the present remain so. The courts still have available to them the sentence of borstal training for young persons aged 15 and 16, and detention centres for boys aged 14 and above. They can still send boys and girls aged 14 and above to prison service establishments on remand. The Government accept these facts with reluctance, especially in view of their serious consequences for the planning and provision of the services which are the responsibility of the Home Office Prison Department. However, the Government attach particular importance to the phasing out of remands of juveniles to prison establishments at the earliest opportunity and propose to end such remands for girls of 14 almost immediately. Particulars of the Government's proposals are given in paragraphs 13 to 21.

6. The Act has been much criticised for what is seen as the loss of control over juvenile offenders represented by the former approved school order, for which the care order, as administered by local authorities is felt by many magistrates and others to be an inadequate substitute. This criticism tends to overlook the fact that approved schools were not secure; the considerable amount of absconding that took place from them; the poor "success rate" measured by reconvictions; and the strong criticism expressed of the isolation of the schools from the mainstream of child care. Nevertheless, the Government acknowledge that magistrates in particular do not feel full confidence in the care order, particularly for those minority of cases where they feel society needs to be protected from serious and persistent offenders. The Government's proposals in response to the Expenditure Committee recommendations 3 and 4 accept that the courts have a claim to a greater say in what becomes of such children whom they place in local authority care. Proposals to this effect are in paragraphs 23 to 30; the working of the arrangements proposed would be reviewed after a year. The position should also be eased by the increase in the amount of local authority secure accommodation assisted by direct grants under the new power in the Children Act 1975, and by concerted efforts to make the best use of the accommodation available (paragraphs 41 to 43).
7. Additionally, in comments below on particular recommendations the Government propose to seek improved measures for the enforcement of unpaid fines (paragraphs 32 to 34), and to improve the effectiveness of supervision orders (paragraph 59). They stress in paragraphs 61 to 62 the importance attached to intermediate treatment and the need to press ahead with its development.

8. All these proposals will, the Government hope, serve to reassure magistrates and others that the Government are determined, even within present financial constraints, to make adequate provision for the enforcement of the law and the firm handling of difficult juvenile offenders. The Government are equally determined to provide adequate provision for the welfare of the children themselves, which is largely entrusted by the Act to local authority social services departments. Here the Government fully acknowledge the difficulties that local authorities face and have faced ever since the Act came into operation in 1971. Since that time local authority social services departments and the local authority system itself have been reorganised. As the Expenditure Committee point out, it was only in 1973 that the bulk of the former approved schools became community homes under the control of local authorities; the buildings were often in the wrong place and in poor condition; and authorities have had little time to assimilate this major addition to their social services responsibilities. There is no doubt that to enable them to carry out their duties under the Act local authorities needed and still need extra resources, in terms both of buildings (in particular, secure accommodation) and of staff (both for field and for residential work). Local authorities have wished ever since 1971 to invest more in capital schemes for the care of children than central government’s loan sanction priorities allowed. From April 1975 the decision was made to give loan sanctions according to local authority priorities rather than to reflect in a rigid formula the priorities of central government. This has resulted in a marked shift in priority towards a proportionately greater share for children of a reduced personal social services capital budget.

9. As regards resources, it will be appreciated that most of the Expenditure Committee’s recommendations relate to the provision and development of various forms of treatment and care which are the responsibility of local authorities. Whatever views the Government may express, the final decision on these matters rests with the authorities themselves, and in any event it must be accepted that, in present circumstances, constraints on resources will constitute an obstacle to rapid implementation. The Government have agreed that authorities should not be pressed to undertake tasks which require resources to be used at a greater rate than provided for in public expenditure planning; and the recent Public Expenditure White Paper (Cmd 6393) shows that the total of local authority expenditure will be falling over the next few years, though within this there will be a growth of personal social services revenue expenditure of 3.8 per cent. in 1976/77 and in the following three years of 2 per cent. per annum. Capital expenditure has, however, had to be considerably reduced from the level originally planned for 1976/77. The
personal social services budget is already under great pressure from an increasing elderly population with a 23 per cent. growth over the next 10 years in the number of elderly over the age of 75. The children's services are also under pressure: the number of juveniles under 17 found guilty of indictable offences, or who have admitted such offences without court proceedings being taken, has grown from 118,883 in 1970 to 184,491 in 1974—an average annual increase of 11.6 per cent.; the number of children staying in care has recently been rising at the rate of about 2.5 per cent. a year; and we are likely to see an increase in the time spent on cases of non-accidental injury.

10. Against this sombre background the Government see the task of improving the working of the Act as one which has to be undertaken within broadly the present legislative framework, and within human and material resources which, though much increased since the Act came into effect, cannot continue to grow as fast as many would wish. The Government do not believe that a solution lies in changes in the powers of the courts that would erode the responsibilities of local authorities to provide for the treatment and control of young people committed to their care. Nor, even if there were an unrestricted supply of additional resources for the implementation of the Act, would the Government think it right that it should be devoted to a massive programme of residential provision—though there are particular gaps in provision, detailed below, the filling of which deserves a high priority. On the contrary, the Government share the Committee's view (paragraph 167) that there should be, within the framework of the Act, a major shift of emphasis towards non-residential care including supervision, intermediate treatment and fostering.

11. Above all, in the Government's view, the task is one that calls for greater mutual understanding, consultation and co-operation among all those who share responsibility for helping children in trouble and protecting and reassuring the community. Specific proposals in response to recommendation 36 (paragraphs 80 to 83) outline arrangements for consultative machinery at local level, buttressed by a new national advisory body to stimulate and advise on local machinery and to supply a continuing evaluation of the working of the Act. Consultative machinery cannot solve all problems, especially where there are real differences of perception of objective, and dilemmas that cannot be simply resolved: but it can go a long way to relieve anxiety and remove misapprehension, and ensure that energy and resources are applied to the common task.

12. To sum up, the Government see the overriding need as being a renewed and sustained effort to make effective use of existing—and by no means negligible—powers and resources, with a particular emphasis on improved mutual understanding; increased community involvement; and a greater acceptance of parental responsibility, and of the part which can be played by teachers, social workers and others. There is no panacea, except a recognition that everyone in the community can help or hinder, individually or collectively, through the part they play in handling the problems of particular children.
OBSERVATIONS ON INDIVIDUAL RECOMMENDATIONS

1. That the practice of remanding young persons to adult prisons shall cease forthwith (paragraph 23).

13. The Government accept this recommendation in principle and are determined to implement it in practice. It is already the case that all but a tiny minority of those young persons of 14, 15 or 16 who are remanded to prison service establishments go to remand centres rather than "adult" (ie local) prisons. Indeed, on 31 March 1976 there were only 6 boys and 2 girls on remand before trial in local prisons; and this is about an average figure. The majority of young persons are held before trial in remand centres: on the same date, the remand centres held 118 unconvicted boys and 3 unconvicted girls. They stay in remand centres, on average, for about four or five weeks—although because of congestion in the courts it can sometimes be a good deal longer than that.

14. Remand centres are used primarily for young men and women between the ages of 17 and 20, but they have always provided special facilities for those under 17 and still do so. Remand centres are in almost all circumstances more suitable for juveniles than the local prisons, and arrangements are already in hand to ensure that the need for an occasional remand to a local prison is still further reduced. New remand centres for young men (each providing 60 places) at Rochester and Norwich will be open within the next 12 months: and the availability of these places will still further reduce the number of boys under the age of 17 who have occasionally to be held in local prisons. Work is also proceeding on a new remand centre in the East Midlands, at Glen Parva, and there are plans for further accommodation in the South East. All of these centres will be capable of providing special facilities for the under 17s if necessary. But the provision of new places at Rochester and Norwich should, in itself, be enough to ensure that only in West Wales and the Welsh Border, where the courts are served by Shrewsbury local prison, will it be necessary occasionally to commit a boy to a prison establishment other than a remand centre. New committal arrangements will be notified to courts to ensure that this is the case. If, in any circumstances, a boy between the ages of 14 and 16 is received on remand at Shrewsbury (or, for exceptional reasons, at any other local prison), the prison will be required to report this fact at once to the Home Office, where consideration will immediately be given to the possibility of arranging a transfer to a remand centre. As is already the case under existing reporting arrangements, a transfer to a remand centre will be arranged as a matter of course, unless there is good reason to believe that the move would cause serious inconvenience to the boy's family, friends, social worker or legal adviser.

15. In short, therefore, the position about untried boys of 14, 15 and 16 is that until such time as their remand to prison service establishments can be phased out completely (in accordance with the provisions of the 1969 Act) those who are so remanded will be held in remand centres rather than local prisons unless there are exceptional circumstances justifying the other alternative.
As regards girls, the only local prison which receives girls under the age of 17 on remand is Holloway, where the reception of juveniles is notified in accordance with the arrangements already described. But this local prison covers such a large part of the country (almost the whole of England and Wales south of the Wash and excluding the West Country) that transfer to a remand centre (i.e. Pucklechurch or Risley) is often judged impracticable. Furthermore, it would be uneconomic and prodigal of scarce resources to consider providing more remand centres for girls who, in accordance with the principles of the 1969 Act and the spirit of the Expenditure Committee's report, ought not to be in the prison system at all. The Government must, therefore, rely on local authorities to make it possible to end remands of girls to Holloway. Local authorities in the areas which it serves have, in fact, a number of building projects providing secure accommodation in observation and assessment centres, either exclusively for girls or for both boys and girls, already under construction or about to start. Nineteen extra secure places in these centres should be coming into service during 1977. Meanwhile, thanks to the co-operation of the London Borough of Hillingdon and subject to the agreement of the London Regional Planning Committee, certain works are to be undertaken at an observation and assessment centre in Hillingdon. When these are completed in two or three months' time it should no longer be necessary, at least as far as the London Region is concerned, to remand girls to Holloway save in exceptional circumstances. They have also agreed for a limited time to take, whenever possible, girls from elsewhere until the other facilities currently planned are built. The Government hope that this, together with what is said about boys in paragraphs 14 and 15 above, will make it possible to comply substantially with this recommendation.

That covers the position on remands to "adult" prisons, but it cannot be too strongly emphasised that it is Government policy to phase out the remand of juveniles to any prison service establishments, including remand centres, by stages as soon as the local authorities bring into use alternative facilities. As a first step, the remand of 14 year old girls to prison service establishments (including remand centres) will cease as early as possible this year.

The future programme for phasing out will inevitably depend upon progress by local authorities in providing the additional facilities required, and this depends on their giving these facilities a high priority in their loan sanction capital programme. The power taken by the Government in the Children Act 1975 to make direct grants for this very expensive accommodation should speed this process. However, in view of the severe constraints on public expenditure, the Government accept that local authorities cannot be expected to cope with the very large number of juveniles (nearly 4,000 in 1974) who are remanded before trial to prisons or remand centres, and that the phasing out time-table will have to be subject to the fullest consultation with local authorities.

The Government share the Committee's concern that certificates of unruliness, authorising committal to a prison service establishment, should
not be issued unless they are necessary, particularly in view of the fact that only about half the young persons remanded in this way in fact receive custodial sentences. They have even considered the possibility of requiring local authorities to pay for juveniles remanded to prison service establishments: but this would be a cumbersome process and would require legislation. They would prefer, therefore, to rely on the powers taken in the Children Act 1975 to prescribe in regulations, criteria which are to be met before any certificate is given. Consultation on the form and content of these regulations has begun. This includes a survey conducted during February by questionnaire to the courts, seeking information about the circumstances of offences and the characteristics and previous history of the accused in cases leading to the issue of an unruly certificate. The draft regulations will be subject to the usual process of consultation: the Government have it in mind that they shall, *inter alia*, require the court before issuing a certificate to be satisfied by a written statement from the local authority that there is no suitable accommodation available within the community homes system safely to contain the young person until his date of reappearance. The Government also intend to invite local authorities to establish procedures to limit applications for unruly certificates, perhaps by requiring such applications to be approved personally by, for example, the chairman of the authority's social services committee.

20. The Bail Bill now before Parliament, which provides for a statutory presumption in favour of the grant of bail to unconvicted persons, will apply to juveniles. This measure, when enacted, should result in some reduction in the number of children and young people committed on remand to local authority care and, by releasing places in residential observation and assessment units, should have some effect in easing local authority problems generally in providing for juveniles on remand.

21. The Government hope that, by attacking the problem on this wide front, worthwhile progress can be made in implementing the intentions of the 1969 Act with regard to prison service custody during the next 12 months. But the immediate ending of all juvenile remands to prison department establishments (ie remand centres as well as prisons) would not be practicable except by asking the community to tolerate the risk of a substantial number of serious offences being committed by juveniles awaiting trial and of their failing to appear for trial. This would not only defeat the ends of justice and be publicly unacceptable but could be more damaging to the welfare of the young people themselves than a remand to a prison department establishment.

2. That more educational resources be allotted to remand centres to which children of compulsory school age are remanded (paragraph 23).

22. The Government accept this recommendation. Most young people in remand centres, who are there, in the average case, for no more than 4 or 5 weeks, already receive more than the two hours education a day mentioned in the Committee's report as the provision in some centres; and some receive as much as six hours a day, five days a week. There are,
however, isolated cases where only two hours education a day is provided and some where only four hours is provided in a whole week. This must be a matter for particular concern in the small number of cases where remands extend for long periods. It is recognised that more educational resources are needed to provide full-time education for all those of compulsory school age who are remanded to remand centres and their provision will be provided by a redeployment of the prison department's educational service wherever possible. The quality and quantity of education provided in remand centres is, of course, directly related to the number of young people present there and as this number is reduced it will be possible to provide better educational services for those who continue to be committed.

3. That when a care order is made agreement should be reached in court between the magistrates and social workers concerned on what should be done with the child. If the agreed course should prove impossible or undesirable the social worker should notify the court (paragraph 24).

4. That when a juvenile already the subject of a care order appears before a court charged with an offence the court shall have the power to make, if it thinks fit, a "secure care order" requiring the local authority to place the juvenile in secure accommodation for a period not less than that specified in the order (paragraph 25).

23. These two recommendations reflect the Committee's concern about how decisions are reached on the treatment provided for children who are put into the care of local authorities by magistrates, especially about the treatment of the small minority of children who commit very serious offences, some of them repeatedly. The Magistrates' Association in their evidence to the Committee emphasised their inability to protect the public from what they described as "a minority of tough, sophisticated young criminals".

24. The Government see, first and foremost, a need for better co-operation and understanding between the courts and the local authority social workers and have consistently encouraged all authorities concerned with the Act to set up the necessary machinery. In their view, this is the only way to remove the uncertainty which exists among some magistrates about the basis on which social workers reach their decisions; the point is dealt with comprehensively in the reply to recommendation 36. The liaison arrangements referred to there should include regular opportunities for magistrates and social workers to meet to discuss the treatment outcome of individual cases or groups of cases.

25. As regards proceedings in court, the Government would be unwilling to contemplate a procedure which would blur the lines of responsibility between the court and the local authority. A juvenile court is not, and cannot be, a child welfare department, and it is of great importance that local authorities should accept and shoulder undivided responsibility for
looking after difficult or dangerous young people who have become their charge by reason of the court's decision. Moreover, the Government see drawbacks in the particular form of consultation enjoined in recommendation 3 which goes much further than the need to improve the courts' and the social workers' understanding of each other's roles. By restricting the local authorities' discretion it would undermine the concept of the care order, and limit the authorities' responsibility for determining and providing the proper treatment of young people placed in their care. The court is not a suitable setting for a detailed discussion of what should happen to juveniles. The social worker appearing in court would rarely be able to commit the local authority to a course of action in respect of a particular child at the time when the child is before the court, that is in advance of the post-trial observation of the child and full assessment of his needs.

26. At the same time, the Government recognise that many juvenile court magistrates have much experience of the problems and needs of juvenile offenders, and also that in the process of the court hearing, which includes the consideration of detailed reports about the offender, the court can form its own considered view in the light of all the circumstances of the offence and the offender about a suitable disposal.

27. With these considerations in mind the Government take the view that when a care order has been made the magistrates should be able, in the minority of cases which cause them special concern, to make a recommendation to the local authority concerned about what should be done with the child, including a recommendation that he or she should be placed in secure accommodation. This should be possible whether or not the boy or girl was already in care when the case was heard.

28. Since such a recommendation would constitute a contribution to the assessment process it would be inappropriate to announce it in open court; it should, instead, be conveyed by the clerk of the court to the local authority. Such recommendations would carry weight with the local authority who, following post-trial observation of the child and full assessment, would notify the court of their decision and the reason for it. The decision regarding placement and treatment under a care order would, however, remain wholly within the discretion of the local authority.

29. The Government also suggest that magistrates, in these and other cases of particular children in whom they are interested or about whom they feel special concern, should notify the local authority that they wish to receive within a stated period a report on the arrangements that have been decided upon. Because of the pressure on local authority social service departments it will be essential that arrangements of this kind should not be introduced without consultation between the magistrates and the local authority concerned and that they (like the power to make a recommendation) should be used selectively. If the magistrates wished to do so they would raise individual cases on which they had received reports at the next consultative meeting in the area. The matter would not be brought back to the court unless the child committed another offence, and in these cases
the court would be free to comment on the full circumstances surrounding the case and on any disagreement between the court and the local authority.

30. If the best use is to be made of these procedures it will be important to ensure that they are used sparingly and operated with the minimum administrative complexity. With this in mind the Government would propose to review the operation of these arrangements after a year.

5. That consultation between police and social services departments should be intensified in those areas where it is weak (paragraph 35).

31. The Government welcome this recommendation (which relates to consultation before a decision is taken whether or not to prosecute a juvenile). It reinforces advice relating to local liaison and co-operation given by the Government to the field services operating the Act. The great majority of police forces have special arrangements for dealing with juveniles, and the emphasis of the Act on consultation between the police and the social services departments of local authorities has proved a powerful stimulus to the setting up of juvenile bureaux. The staff of a juvenile bureau are responsible for gathering information about juveniles suspected of having committed offences from the relevant agencies, i.e. the social services department, the probation service and the education service, and an officer from the bureau usually visits the child’s home. In the light of the information gathered, the officer-in-charge of the bureau decides whether proceedings should be brought, a formal caution administered or no further action taken. It is usual practice for the police to inform the local authority of the names of juveniles cautioned so that any necessary support or voluntary supervision may be given. The machinery for consultation between police, social services departments and other services concerned, is essentially a matter for local arrangement and will be a suitable matter to be considered within the framework of the consultative machinery, proposals for which are fully described in the comment on recommendation 36.

6. That there should be a sanction for non-payment of fines in the shape of an attendance centre order, the possibility of which should be made clear at the time the fine is imposed (paragraph 38).

32. The Government share the Committee’s concern regarding sanctions in the event of non-payment of a fine imposed on a juvenile. But the Committee’s recommendation presents a problem. The junior attendance centre system covers only the main centres of population; and because travelling must be kept within reasonable bounds, coverage of all smaller towns and rural areas would not be practicable even if resources for expanding the system were amply available—which is not the present position (cf comment on recommendation 10). Moreover, there are no junior attendance centres for girls; the extension of the system to include girls is not at present in contemplation since, the question of resources apart, the numbers are not such as to make centres even in large cities a viable proposition. The Government doubt whether a fine enforcement
sanction available only in respect of boys, and even for them not in all parts of the country, would be accepted as equitable.

33. There is no entirely satisfactory solution to this problem, but with a view to ensuring that some further action is available to the courts in all cases of persistent non-payment of fines by juveniles, the Government propose that a court should be given the power by legislation in these circumstances, either to order the defaulter to attend an attendance centre (where one is available) or to require the defaulter's parents to pay the fine or ensure that their child does so. This would mean giving the court a power either to bind over the parent to ensure that his child complies with the court order (similar to the bind-over power in section 7(7)) or to transfer the fine to the parent or guardian of the child concerned. In the latter case, the parent would become subject to the ordinary procedures for fine collection and enforcement, and the protection for the person liable to pay which they embody. It would always be open to the court to require the parents to pay, if this seemed appropriate, even where an attendance centre was available.

34. Before resorting to any of these measures of enforcement outlined above, the court would have had to bring the juvenile defaulter before it for an inquiry into the reasons for non-payment, and would need to be satisfied that the default resulted from refusal, and not inability, to pay the fine. Before making the defaulter's parents responsible for payment, the court would have to be satisfied that in all the circumstances the requirement was a reasonable one.

7. We recommend that the transfer of responsibilities from the probation service to the local authority social service departments be halted until such time as the latter have adequate trained and experienced staff to handle the problem (paragraph 39).

8. That courts be enabled to nominate either probation service or social service department as supervisor irrespective of the age of the child. We realise that this may need legislation (paragraph 39).

35. The transfer of responsibilities for supervising children (ie juveniles under the age of 14) from the probation service to the local authority social service departments has already been halted for the present because some local authorities are not able to undertake the additional commitment with their existing resources. However, any prolonged delay would have serious repercussions for the development of the work of the probation service in relation to older offenders. A similar consideration arises on recommendation 8. Both recommendations rest on the view formed by the Committee that, at least at present, the probation service is better experienced and better equipped to deal with delinquency than local authority social workers. In the Government's view the answer here lies in building up the training, skills and experience of the local authority service. To give the courts a free choice between the two services in every case of a child who
requires supervision could inhibit the local authority service from gaining necessary and valuable experience in supervising juvenile offenders. It would place on the probation and after-care service an additional burden which it could not shoulder without detriment to its existing planned commitments (themselves increasing) in respect of older offenders.

9. That courts should be enabled to impose sentences of detention in a detention centre for any period between two days and three weeks in addition to the existing sentences of three and six months (paragraph 46).

36. The Government are not persuaded that there is a place, in the range of dispositions available to the courts when dealing with juveniles, for shorter periods of detention than the present minimum three-month period, reduced as it is to six-and-a-half weeks through the award of one-half remission of sentence. As doubtless the Committee recognised, there are strong arguments against a very short period of custody, especially for young offenders. The Government consider that it is wrong to impose a custodial sentence so short that it is likely to be seen, either by the offender or by the staff of the establishment concerned or by both, as having only a punitive intent. Moreover, the introduction of offenders with very short sentences into an establishment catering primarily for offenders serving rather longer sentences could have an adverse effect on, and distract attention from, those in the latter category.

37. There would in any event, be substantial practical difficulties in providing a period of custody anything like as short as the two-day lower limit proposed by the Committee. The existing junior detention centres have wide catchment areas, leaving some courts several hours journey from a centre. The cost of transport and (more particularly) escort staff would be disproportionate if the period of stay were very short. Moreover, the existing stock of places (which in present circumstances and against other pressing demands for prison department resources cannot be increased) is scarcely adequate for existing demands. It follows that juveniles serving very short sentences could be accommodated only if these sentences displaced, and were not additional to, the existing three-month sentences; and even then it is likely that extra staff would be required to cope with the extra work involved in receptions and discharges.

38. The Government believe, therefore, that it would be both unrealistic and undesirable to empower the courts to impose sentences of detention on juveniles which in practice would run for less than six weeks.

10. That attendance centres be retained and that, where possible, the system be extended (paragraph 49).

39. The Government's existing policy for junior attendance centres is to see them as a useful sanction and the Expenditure Committee's endorsement of this policy is welcome. The system would already have been expanded in the past two years, had resources been available. Plans for
expansion in a number of areas have been drawn up which can be implemented if resources become available.

11. That capital expenditure plans of local authorities for community homes should be submitted for approval through the Regional Planning Committees which should append their observations as to the impact of the proposal on regional plans (paragraph 54).

40. The procedure recommended is, in fact, that adopted by the Government in the preparation of the 1975/76 capital programme. Applications by local authorities for inclusion of projects in the programme were submitted simultaneously to the appropriate Regional Planning Committees (RPCs) and the Department of Health and Social Security. Regional priorities were, following consultations within RPCs, notified by them to the Department. A national programme was then prepared by the Department on the basis of local authority and regional priorities. A similar practice was followed in Wales by the Welsh Office. The preparation of the programme for 1976/77 has followed a like pattern.

12. That priority should be given to ensuring that there is some secure accommodation in every area; RPCs should devote consideration to the possibility of making existing accommodation secure as a temporary measure (paragraph 81).

41. Regional planning committees and local authorities are already aware of the need for more, and a more even spread of, secure accommodation, as the present building programme shows. It is because of the shortage of such accommodation, particularly in observation and assessment centres, that there is often no alternative to a remand to a Prison Department establishment for a boy or girl of 14, 15 or 16. It is the Government’s declared policy that this undesirable practice should be ended, and steps already taken and plans for further action to achieve this are described in the reply to recommendation 1. But the abolition of this practice could be hastened by a concerted effort on the part of all the agencies concerned to provide secure remand facilities, reserve them for cases where the need is indisputable and keep such remands as brief as possible. There is no doubt that the shortage of secure accommodation is also reflected in the increasing number of 14 year old boys in detention centres and of 15 year olds in borstals, and in the numbers receiving more than one such sentence.

42. The high cost of secure accommodation and the number of trained experienced staff it needs have deterred some local authorities from undertaking to provide it, particularly since it is seldom that an authority requires more than a few places for its own use. The Government will make the fullest possible use of the power in the Children Act 1975 to make direct grants for the provision of secure accommodation in order to remove this difficulty and so encourage authorities to provide more secure places as quickly as possible. The new power, which will cover revenue commissioning costs where appropriate, will be used positively to remedy the current uneven distribution of this type of accommodation and to encourage co-operation across local authority boundaries.
43. The Government would be glad for local authorities to consider the possibility of adapting existing buildings, but previous experience of adapting buildings for this purpose has been discouraging.

13. We recommend the construction of secure wings in ordinary community homes which could be used for remand as well as for treatment places (paragraph 81).

44. This is a matter for the local authorities. It is Department of Health and Social Security and Welsh Office policy that additional secure places for remand purposes should be provided as part of, or in the grounds of, existing or new observation and assessment centres and that additional secure places for long-term treatment should be similarly provided in community homes with education on the premises. Regional plans generally conform with this policy. However, any attempt to provide remand and treatment facilities within a single unit would present difficulties in terms of the staff, facilities and types of treatment required, since the needs of children requiring long-term treatment in security are different from those of children on remand. In addition, the stability of homes which seek to provide long-term treatment is likely to be jeopardised by frequent short-lived visits of highly disruptive children.

14. That more strenuous efforts should be made to bring back into the service professionally qualified or experienced staff on a part-time basis with flexible hours (paragraph 88).

45. The Government welcome this suggestion and will certainly continue to encourage local authorities and voluntary organisations responsible for community homes to make it easier to employ professionally qualified or experienced staff on a part-time basis. The use of part-time residential staff has, of course, to be carefully planned in the interests of the children in view of the higher degree of continuity essential in residential care.

15. That social workers should be encouraged to move from one field to the other as circumstances allow (paragraph 96).

46. The Government share the view of the Committee that the movement of social workers between residential care and field work should be encouraged. Such movement will be stimulated by the policy of the Central Council for Education and Training in Social Work (CCETSW) to integrate the training of field and residential social workers which the Government support. Movement will also become easier when more combined field and residential work courses leading to the Certificate of Qualification in Social Work are set up. Progress will, however, depend on the availability of resources.

16. That residential staff should not necessarily live on the premises (paragraph 96).

47. The Government will encourage local authorities and voluntary organisations to consider whether an approach on these lines could help to solve their problems in staffing community homes. It will, however, be for individual
authorities and organisations and the heads of homes to decide upon the implications, in terms of management and the quality of treatment, of a reduction in the number of staff required to live in, bearing in mind, for any particular establishment, the needs of the children and the physical arrangements for their accommodation and control. Providing staff accommodation has sometimes been found to be an aid to recruitment, and the lack of it has, it is said, led some homes to reduce the number of places available for children. However, it cannot in general be necessary for a high proportion of staff to be resident, as distinct from being available during the night for the care and supervision of the children.

17. That the present capital programme should stand, but RPCs should undertake a fundamental examination of their programmes and resources before any more new buildings are proposed (paragraph 96).

48. The Government accept that the present regional plans, approved in 1973, now need revision. Discussions have already taken place with Regional Planning Committees on the form revision should take and the policy priorities to be taken into account in it, as a preliminary to the issue of guidance.

49. The Committee also refer to the plans in the 1975/76 capital programme, for building over 2,000 new places in community homes. In the event the changed economic conditions necessitated a reduction in this programme. Nevertheless, while some authorities are not going ahead with projects that carry expensive overheads, high priority must continue to be given to completing those additional places in community homes which provide observation and assessment, education on the premises and secure accommodation which were proposed in the 1973 regional plans. It is also essential that better use should be made of the existing accommodation. While the pressure on such accommodation continues to be heavy the Regional Planning Committees have a crucial co-ordinating role. The appendix sets out the numbers of additional places in community homes, broken down by regional planning areas, to be provided in projects already submitted by local authorities.

50. As the Committee point out, a critical constraint in residential work, and also in field work with children, is the shortage of staff, especially those with the necessary training and experience. In recent years it has been increasingly difficult to staff residential establishments of all kinds, probably because of improved working conditions in other sectors. The Committee suggest that the fundamental difficulty is that young staff are unwilling to live in and work unsocial hours. These are management problems but the solutions are expensive. As the Committee point out, it would be folly to build homes that cannot be staffed.

18. That some social workers should be encouraged to specialise in the field of juvenile delinquency (paragraph 97).

51. This is a matter for the local authorities and CCETSW. It is also in line with a recommendation of the Working Party on Manpower and Training for the Social Services, for the development of post-qualification training to
ensure adequate specialist expertise in the personal social services. While the Government support the Committee's recommendation in principle, they feel that the need is less for specially trained social workers working full-time with children in trouble or at risk, than for social workers dealing with such children to have ready access to specialist advice and expertise within the social services department. They therefore accept the need for suitable training and other arrangements to be made to enable some social workers to gain experience in this field.

19. That attention be given to ensuring that social workers are trained in court procedure (paragraph 97).

52. This is primarily a matter for the local authorities, but the Government agree that social workers who are likely to have to appear before a juvenile court should receive training in court procedures. Some training in court procedure is already given to social workers on most qualifying courses and although their lack of experience in this field was once a serious problem the situation is gradually improving. Two papers published by the CCETSW in 1974 and recommended to local authorities by DHSS have made a significant contribution to this. The CCETSW are at present considering in what way the training currently provided can be developed further.

20. That the community homes for each RPA should recognise a responsibility to find a place within the area for even the most difficult child and their heads should form a committee to decide to which home such a child should be sent (paragraph 103).

53. The Government share the Committee's concern about children who are difficult to place, and DHSS Ministers have on a number of occasions, in particular at conferences with Regional Planning Committee (RPC) Chairman, urged those RPCs which have not already done so to make regional arrangements for placing such children.

54. There are grounds for thinking that, despite calls for more accommodation, some specialised community homes are not being used to their full capacity and that their use is not confined to children who need to be placed in them. Despite heavy investment and increased demand the numbers actually accommodated in these community homes have not risen. Some authorities providing homes have not clearly defined the roles and functions of those homes and have allowed the heads to exercise a discretion on admission that goes beyond a necessary professional discretion. There is a problem here, as the Committee themselves recognised, since they specifically refrained from recommending that heads of homes should lose the right to refuse to take a child. The problem is, of course, greatest for those authorities which do not have sufficient community homes places of the right type to meet their needs.

55. Where the problem is purely a local one the solution, in large measure, lies in social services departments developing stronger controls over the specialised community homes for which they have recently become responsible. Where the problem is one of sharing between two or more authorities the need is clearly for closer co-operation under the umbrella of the RPC. There is a
growing awareness of this problem within regions, some of which have already
taken steps to solve it which are producing positive results. A committee of
heads to decide which of them will take a child in need of treatment would
be one way of dealing with part of the problem. On the other hand, the heads
will not always be aware of the full circumstances surrounding a particular
child’s admission and a better solution could be a panel representing a number
of interests including the heads. Different areas may need different solutions
and it is for local authorities, through RPCs, to choose the best strategy for
their purpose.

21. That more should be done to encourage RPCs and local authorities to
produce more imaginative plans and to stimulate the development of inter-
mediate treatment in those areas where it is inadequate.

56. This is the accepted policy of the Government, who recognise that the
difficulties in the residential sector already referred to underline the importance
of developing non-residential treatment. The 1969 Act itself enables local
authorities to develop intermediate treatment—intermediate that is between
helping a child in his home and removing him from it. There is a growing
understanding of, and enthusiasm for, the new techniques that are being
evolved. Progress has been slow, however, and the numbers provided for in
this way are still totally inadequate.

57. The Government are promoting the growth of intermediate treatment
and, to this end, a circular will be issued to local authorities later this year
in which RPCs and authorities will be urged to bring intermediate treatment
schemes up to date and to widen the range of facilities which they embody.
In the meantime, a series of conferences on intermediate treatment is already
taking place within regions at which field workers exchange ideas and compare
and discuss various schemes of intermediate treatment. In addition the Social
Work Service is concentrating on the development of intermediate treatment
in areas where the need is greatest and is studying and disseminating information
about schemes and projects of special interest.

22. That the Department should make it clear to the local authorities that
money can be spent on intermediate treatment for children in care and
children at risk, whether or not they are subject to a court order, and that
the local authority may make facilities available for children under super-
vision who express a willingness to take part in intermediate treatment
(paragraph 117).

58. The Government welcome this suggestion. There appears to be no legal
barrier to doing what the Committee suggest; indeed some authorities already
do so. Discussions will be held with the local authority associations to agree
what needs to be done to assure the other authorities that they may safely
follow suit, where resources allow.

23. That:

(a) When making a supervision order the court shall have the power to specify
conditions with which the subject of the order must comply (such con-
ditions being similar to those attaching to a probation order).
(b) For a breach of any of these conditions the supervisor shall be able to bring the juvenile back to court which shall have the power to deal with the matter, if it thinks fit, by way of a fine or an attendance centre order, whilst continuing the supervision order.

(c) When the court proposes to make a supervision order, the conditions of the order and the possible consequences arising from a breach of those conditions shall be explained to the juvenile, and his consent and that of his parents or guardians obtained before any such order is made (paragraph 119).

59. The Government fully share the Committee’s view of the importance of supervision as a means of dealing with juvenile offenders without removing them from home. Like the Committee, the Government are anxious to increase the effectiveness of the supervision order and, as a consequence, the courts’ confidence in it. The Government recognise that a power to include conditions in a supervision order, and to impose sanctions for breaches of the terms of the order, could have a part to play in attaining this object. At the same time it is necessary to keep in mind the possible effect of such changes (which would require legislation) on the way in which supervisors carry out their duties under the Act, and the Government would clearly need the considered views of local authorities and others. It would also be necessary to consider the likely effectiveness of sanctions for breach of a supervision order. With these considerations in mind, the Government will seek views on the Committee’s proposals, and on the general question of supervision, from local authorities and others concerned.

24. That community homes, particularly those with education on the premises, should be used for day, as well as for residential care (paragraph 123).

25. That local authorities should make greater provision for day care in their budgets (paragraph 123).

60. The suitability of a community home as a day care centre would depend upon the circumstances of the home and it must be for local authorities to decide whether a particular home could effectively be used for day care. Subject to this the Government encourage the use for day care of community homes which are observation and assessment centres where children usually stay for only a short period; indeed some recently provided centres include facilities for day assessment. The provision of day care in other kinds of community home is still in an experimental stage. In general a community home with education on the premises is intended for those very difficult children whose needs require concentrated care away from home in order to equip them for return to their home and perhaps to prepare them to undertake a day care programme. To provide for these children and to take in other children on a daily basis would make heavy demands on staff and might detract from the standard of care provided for the residents. These difficulties need further examination; the Government will encourage local authorities to continue to experiment with the mixed use of suitable homes in order to test the practicability of providing day care in long-term residential settings.

26. That urgent attention should be given to non-residential forms of care: intermediate treatment, day care, supervision and fostering.
61. This recommendation is primarily for implementation by local authorities. The Government regard it as a key one. The development of non-residential forms of care and treatment must be seen as a priority. ("Non-institutional treatment" might be a better term, since short periods of residential care combined with supervision and other help in the community is one promising alternative to long-term care in an institution). Institutional care is now so expensive that it ought to be reserved for children whose needs cannot be met in any other way. The Government are helping in various ways, including grants under the Urban Aid programme, grants to voluntary organisations and promotional work. Guidance on financial aspects is being prepared. A firm indication of the Government's commitment to intermediate treatment was given in the joint circular on the Rate Support Grant Settlement 1976/77. The need now is for vigorous local action. The Government hope that local authorities will interest themselves through corporate management in the co-ordination of services for this purpose, as well as consulting other agencies.

62. The Government, therefore, take a keen interest in, and are encouraging the development of, intermediate treatment and are keeping in close touch with such experimental projects as the Hammersmith Teenage Project organised by the National Association for the Care and Resettlement of Offenders and with the experiments in Kent and Reading in professional fostering. Efforts will be made to encourage authorities generally to follow the example of the most progressive in developing these alternative forms of care. A Working Party on Fostering Practice was established by DHSS in 1974 and has produced a "Guide to Fostering Practice" which will be published in the near future. In addition DHSS and the Central Office of Information have produced new leaflets and posters which have been issued to local authorities to help them recruit new foster parents.

27. That experiments in fostering disturbed juveniles should be set up in each Regional Planning Area. Particular efforts should be made to recruit to this work those women social workers who have left their jobs to raise families (paragraph 129).

63. The Government will commend this recommendation to local authorities. It has been estimated that about 5,000 children in the care of local authorities, who are now living in residential accommodation, could benefit from fostering if suitable foster parents could be found. The problem is particularly difficult in relation to very disturbed children because they require from foster parents a profound appreciation of their special needs. Most authorities pay enhanced rates of boarding out allowance for such children as a means of compensating for the additional skill or emotional and physical wear and tear that fostering demands.

64. The Working Party on Fostering Practice, in their guide, suggest recruiting as foster parents for disturbed children those who already have appropriate experience, such as married women who were formerly social workers, teachers or nurses, and who now wish to resume work in their own home.

28. That in cases where the main cause of concern is a child's failure to attend school the education welfare service should be able to be designated supervisor. To this end we recommend that education welfare officers should receive more training (paragraph 136).
65. This recommendation is accepted in principle. There is no legal obstacle to education welfare officers undertaking supervision by arrangement with the local authority even though the supervision of that work is the responsibility of the social services committee of the authority whereas the oversight of the work of such officers is usually the responsibility of the education committee of the authority or in inner London boroughs the Inner London Education Authority.

66. The practicalities of involving education welfare officers in the work of supervision are for assessment by authorities in the light of the staff available, of the circumstances of individual cases, and of management implications, but the Government see no objection in principle to the use of education welfare officers for this purpose; on the contrary, the practice has much to commend it. The Government do not, however, propose to bring forward legislation to empower the court to insist on the use of education welfare officers in specific cases; in their view the choice of supervising officer is best left to the local authority.

67. The promotion and provision of training for education welfare officers is for CCETSW and for local authorities who, through the Local Government Training Board, have endorsed the training proposals in the Ralphs Report. This report proposes the development of elements designed to meet the needs of the education welfare service within basic qualifying courses in social work and this is being considered by the CCETSW. The report also makes recommendations for in-service training on which action has already been taken by the Local Government Training Board.

68. As is explained in paragraphs 90 to 91 of the Home Office Guide to Part I of the Act, it was intended that the Act should give legal endorsement to what had already been the administrative practice, in not bringing proceedings in the juvenile court until efforts had been made to resolve the situation without recourse to them.

69. It was foreseen in consequence that evidence to establish the care or control test might often consist, as is put in the Guide, of "an account of the unavailing efforts which have been made to secure the child's attendance at school by other means, and of the reasons why any further efforts are unlikely to be any more successful".

70. It was not envisaged that in every such case a care order would result. The Act provides for a number of other possible outcomes—such as an order binding over the parents, or a supervision order, with or without intermediate treatment—one of which might well be more appropriate in an individual case in dealing with the complex problem of truancy. Nor was it envisaged that a
community home with education on the premises was necessarily the right place for a child whose main difficulty is failure to attend school.

71. The Government recognise that there is some uncertainty about the interpretation of the care or control test in relation to truancy and intend to discuss this with representatives of the interested bodies, and to consider the need for further guidance in the light of these consultations.

30. That school heads should be informed as of right of every child who comes to the attention of the police or local authority (paragraph 138).

72. Attention was drawn, in paragraph 98 of the Home Office Guide to Part I of the Act, to the need for close liaison between social services departments, education departments and schools. The spirit of the present recommendation is, therefore, welcome; some head teachers are known to feel strongly that existing liaison arrangements are less than adequate. The Government are not persuaded, however, that a system of compulsory notification would constitute the most appropriate way of bringing about the necessary degree of co-operation; a statutory requirement on the police, for example, to notify head teachers of every child who came to their attention would seem to represent a considerable burden of work, and it is not clear that the benefits would be commensurate. The Committee's objectives would best be met, in the Government's view, through locally agreed procedures which are fully accepted by all the services concerned as meeting their legitimate requirements, and it is hoped that authorities, in consultation with the police, will re-assess the adequacy of present arrangements within their areas in the light of the concern which the Committee has voiced. The Government will consider whether a re-statement and expansion of the existing guidance would be helpful.

31. That a unit be set up to monitor the working of the Act. If staff with the necessary expertise are not available in the Department of Health and Social Security they must be seconded from the Home Office Research Unit (paragraph 145).

73. The Government accept the need to monitor the working of the Act more effectively. They propose that, at the national level, standing inter-departmental machinery should be set up to do this and to co-ordinate the research programmes of the Departments concerned. Its functions would include the servicing of the National Advisory Council referred to in the answer to recommendation 36, in particular by assisting the Council in its tasks relating to the arrangements for local consultation proposed there.

74. The Home Office Research Unit is currently responsible for research into the operation of juvenile courts and other matters affecting children and young persons for which the Home Office is responsible. When other Home Office responsibilities for children and young persons were transferred to the Department of Health and Social Security a number of related research projects on the residential treatment of juvenile offenders were in progress and responsibility for them was left with the Home Office Research Unit. The last of these has now been completed and the Department of Health and Social Security
are commissioning new projects in this field. A group of Home Office, Department of Health and Social Security and Welsh Office officials meet at intervals to co-ordinate the research programmes of the three departments. Officials also attend from the Department of Education and Science and Scottish Office.

75. With the agreement of the local authorities the method of collection of national statistics and other data on the exercise of their responsibilities for treatment under the Act is being re-organised. A new system of returns of information about children in care was introduced from 1 April 1976. The new return will be a considerable improvement because it will show the ages, reasons for being in care and time in care, of children in various types of accommodation. The Home Office, the Department of Health and Social Security and the Welsh Office are considering how best to ensure that this and other information needed for improved monitoring is collected and made available. It is hoped that new arrangements for collecting data about the use being made of community homes which will provide a common data base for the Government, Regional Planning Committees and local authorities, will also come into operation this year.

32. That the staff of community homes should be enabled to undertake the after-care of children where appropriate (paragraph 149).

76. The Government consider that social work support and after care is of vital importance and that there should be full co-operation between the staff of the community home and the field social workers in the child's home authority. The community home staff need feedback about the child's progress after discharge just as the field social worker responsible for the case needs full reports about the child's progress in the home. It is for local authorities to consider how this necessary co-operation is achieved, and the recommendation will be brought to their attention.

33. That police and Directors of Social Services should meet together in each Region with a view to evolving procedures to reduce the amount of paper work involved in each case and to shorten the interval before a child appears in court (paragraph 157).

77. The Government share the Committee's concern about present delays in bringing juveniles before the courts, particularly in London. Consultations between the Inner London juvenile courts, the Metropolitan Police and directors of social services have already achieved some improvement, and delays now are due primarily to staff shortages and pressure of work in social services departments and in police juvenile bureaux. The liaison arrangements referred to in the reply to recommendation 36 would be an appropriate means of considering these matters.

34. That the issuing of explanatory leaflets in easily comprehensible language to children appearing before juvenile courts and to their parents should be standard practice (paragraph 158).
78. The Government welcome this recommendation, which reflects existing court practice in a number of areas. Consultations have already begun with magistrates’ courts on extending it.

35. That a pilot duty solicitor scheme be established in a juvenile court in one of the major urban areas in order to obtain a clearer idea of the effectiveness and cost of such a scheme (paragraph 139).

79. Duty solicitor schemes are organised by individual local law societies, under the aegis of the Law Society, not by central government. A scheme specifically for juveniles is to be introduced at the Balham juvenile court, serving the London boroughs of Wandsworth and Lambeth, in June this year. If successful, it will be extended to other inner London boroughs. Of the other 74 voluntary duty solicitor schemes, half say that they provide services for the juvenile court. There is also power under section 2 of the Legal Aid Act 1974, in cases where a legal aid order has not been made, for a solicitor within the precincts of the court to appear for an accused person and to be paid under the legal aid scheme if the court approves. As a respondent, a juvenile is already entitled to legal aid on his own application, or on that of his parent, while a court itself may grant legal aid without any application. Section 21 of the Powers of Criminal Courts Act 1973 provides that a juvenile cannot be sent to a detention centre, or sentenced by the Crown Court to borstal training, unless he has been legally represented. In 1973 nearly 16,000 juveniles were granted legal aid, and only just over 1,000 applications were refused. Although this represents only a fraction of the total number of cases, many involve non-indictable offences, and most are dealt with by way of absolute or conditional discharge or a fine. The Government consider that the law is adequate to make legal aid and advice and legal representation available for juveniles where it is required, and that it cannot be claimed that in serious cases any substantial number of juveniles fails to obtain these services. The explanatory leaflets referred to in the reply to recommendation 34 should help to ensure that juveniles and parents are not left in ignorance of their entitlement in respect of legal aid and legal representation, and it is hoped that the development of duty solicitor schemes for juveniles will improve the situation still further.

36. That liaison committees representing magistrates, teachers, social workers and probation officers should be set up in every local authority in respect of children and young people to discuss not only the progress of individual children in care or under supervision, but also more general matters such as the development of intermediate treatment. These committees should be able to require police officers to attend where appropriate (paragraph 161).

80. The Government wholly share the Committee’s view of the importance of the closest co-operation at local level among all those who share responsibility for the care and control of young people who get into trouble with the law. As the Committee recognised, there are clear indications that some at least of the present shortcomings in the operation of the Act are attributable to failures of communication and the lack of smoothly working machinery to ensure that each partner in the business of dealing with juvenile delinquency understands—even if he cannot always share—the objectives, priorities, constraints and problems of others concerned in the same task.
81. To this end, local consultative machinery is needed—and exists already in many places—to bring together, on equal terms, juvenile court magistrates, representatives of the local authority, and practitioners such as the heads of community homes, the police (including juvenile bureaux where they exist), teachers, field social workers (including education welfare officers) and representatives of voluntary organisations. The task of these local bodies will be to concern themselves generally with the detailed operation of the Act in the area where their members exercise responsibility, with a particular emphasis on mutual understanding and making the most effective use of the powers and resources available. One example of a particular role that they might play is in relation to the proposals outlined above (in relation to recommendation 3) for juvenile courts to be able, in selected cases, to make treatment recommendations and call for reports from the treatment authority.

82. The Government would not wish to prescribe any single pattern of consultative machinery: what will suit one area will not suit another, and it would in any event be wrong to disrupt, in the interests of narrow uniformity, existing arrangements which are judged by all concerned to meet the need. However, to assist and stimulate the improvement of communication at all levels, the Government intend that the Ministers concerned shall hold informal discussions at national level with the Magistrates' Association, the local authority associations and other national bodies, about the implementation of the Committee's recommendations, including their implications for resources. A particular objective in these discussions will be to consider the establishment of a national advisory council to ensure continued consultation at national level over the whole field. This National Advisory Council, in addition to providing a forum for the provision of advice to Ministers, would have as an important function the encouragement of the local liaison arrangements referred to above, and the formulation of advice regarding the forms that these might best take, drawing upon the existing experience of areas where fruitful discussions have already taken place between the services concerned.

83. The national advisory body might also wish to advise on the desirability of consultative machinery at regional level alongside the Regional Planning Committees (RPCs). Although some RPCs have made extensive use of the power of co-option, it seems likely that, elsewhere too, magistrates and representatives of other agencies and professions could make a useful contribution to regional planning.

37. That the Home Office should examine the legislation with a view to defining more clearly where the responsibility lies for offences committed by a child in local authority care (paragraph 164).

84. There has been a number of court decisions in recent years about the extent of a local authority's responsibility for the payment of a fine or compensation under section 55 of the Children and Young Persons Act 1933 in connection with an offence committed by a juvenile while subject to a care order. These touch upon two main points: first, whether the local authority is responsible, as far as the payment of a fine is concerned, for a juvenile who is in care but, by decision of the local authority, residing in a home not run by the authority
concerned or is with his parents; secondly, the nature of the responsibility for control of the child or young person when he is in a home maintained by the local authority.

85. Interpretation of the relevant statutes is a matter for the courts. The Government does not at present consider that an amendment to the statutes is called for, but will continue to keep under review the development of case law in this area.

38. That both individuals and voluntary organisations be encouraged to co-operate in intermediate treatment (paragraph 165).

86. This recommendation is accepted. The circular shortly to be issued to local authorities on intermediate treatment will emphasise the need to tap resources in the community suitable for providing intermediate treatment including facilities provided by voluntary organisations and the expertise and enthusiasm of individual volunteers. Authorities will be urged to seek the co-operation of such organisations and individuals.

39. That attention be given to the possibility of setting up Youth Advisory Centres on the Amsterdam pattern in this country (paragraph 166).

87. There are a number of voluntary organisations which provide advice, counselling and "drop-in" services in London and other areas, some of which are assisted by grants from public funds. Advice is also provided by Family Service Units and detached youth workers and through voluntary attendance at intermediate treatment centres. Voluntary organisations providing such services for young people include GALS (Girls Alone in London Service), Centre Point, Open-door, the London Youth Advisory Centre and the Samaritans. Central Government departments follow these initiatives with interest and are keeping their development under review.

40. That children in community homes be enabled to earn extra pocket money by helping with the running of these homes.

88. This is a matter within the discretion of the local authority or voluntary organisation responsible for the home as part of their general responsibility to ensure that the home is properly conducted. Their attention will be drawn to this recommendation.
community homes: building projects financed by loan

The tables below show the numbers of new places in community homes which on 14 May 1976 the local authorities were in the process of providing, and the stage reached in that process. The DHSS* is responsible for the allocation of the sums available for loan finance for capital projects for the personal social services including projects for children. The allocation procedure falls into three parts.

(a) The issue of the Department's list of projects provisionally approved

The Department selects from lists of projects supplied by local authorities, taking account of local, regional, and national priorities and according to the total sum likely to be available, those projects which on the basis of the information then available, would be likely to be approved. The next stage is for the local authority to formulate the proposal in greater detail and at an acceptable cost.

(b) The approval in principle of an individual project with the determination of a cost limit

Once sketch plans and cost limits are agreed the project is approved in principle, and the local authority can complete preparations in full detail and obtain tenders.

(c) Final approval

When a tender is received which they propose to accept, the local authority apply for final approval which enables them to raise a loan to the agreed cost of the project and start construction.

A project that has been approved in principle but has not reached final approval at the end of the financial year will, if the local authority so wish, have first call on the programme for the following year. Otherwise it will lapse.

The DHSS* are not directly involved in the planning or construction stages.

*The Welsh Office are the responsible department for such matters in Wales.
A. COMMUNITY HOME PLACES IN BUILDING PROJECTS WHICH HAVE RECEIVED FINAL APPROVAL
(as at 14.5.76)

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*Observation and assessment centres.

†Community home with education on the premises.
B. COMMUNITY HOME PLACES IN BUILDING PROJECTS WHICH HAVE RECEIVED APPROVAL IN PRINCIPLE
(as at 14.5.76)

<table>
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<th>Regional Planning Area</th>
<th>*O &amp; A Centres Places</th>
<th>†C.H.E. Places</th>
<th>Ordinary CH Places</th>
<th>Total Places</th>
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†Community home with education on the premises.

*Observation and assessment centres.