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SOCIAL WORK REPORTS to CHILDRENS HEARINGS.

M. LITT. THESIS

DEPARTMENT OF SOCIAL ADMINISTRATION & SOCIAL WORK

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SUMMARY:

This thesis is concerned with the production and presentation of Social Enquiry Reports by Social Workers to the Scottish Childrens Hearings System. It seeks to provide an understanding of the perceptions of the people compiling these documents, and of the organisational constraints under which they work. It provides an analysis of Reports and suggests that a new approach is required in order to enhance the quality of reports and mobilise modern technology in pursuit of cost-effective operations.

Ch.I provides a detailed account of methodological problems encountered and of the ways in which these were met. It shows why the classic research design was not employed, and how a two centre design came to be adopted.

The kind of preliminary work which failed to evolve into a viable research project but which proved to have certain use values is given in broad outline, and the problems created by the Local Authority in respect of access arrangements is placed in practical and in theoretical contexts.

The develop ment of the three main schedules is discussed with particular reference to the questions of relevance, reliability and validity. Due account is taken of the statistical methods employed and of the analysis of the data.

It is shown how the work spawned a new model of Report and a general overview of the methodology is given.

Ch. 2 deals with the background to the Kilbrandon Report and demonstrates that the Report was the culmination of a long process of change dating back to 1927, and that in bringing forward the concept of a new style Juvenile Justice System Kilbrandon set in train a series of changes which affected the whole range of Social Services in Scotland.

Ch. 3 picks up the importance of this change and discusses the organisational settings of the Depts. and the kinds of responses which the workforce produce with reference to the core problem being addressed. It places this discussion in the context of the legal nature of the work and of the rights and responsibilities of those concerned in it.

Ch. 4 is an account of observations made of the work of the Hearings in one area, with reference to the contributions made by the reporting Social Workers.

Ch. 5 takes as a starting point the proposition that in order to understand the production one must first of all appreciate the perceptions of the producers. The analysis of the schedule dealing with the views and opinions of Social Workers about issues connected with the Hearings System is given in this context.

Ch. 6 then turns to the analysis of 158 reports from one area and 40 from another. It is held, on the basis of the evidence that the kind and quality of the observed deficiencies are cause for concern. Doubt is cast on previous work which attempted to explain this phenomenon.

Ch. 7 is the presentation of analysis of Reporter's files, in relation to certain offence characteristics. This is relatively new ground for research in this field, and there is a demonstration that it is a matter of considerable public policy importance.

Ch. 8 poses the question of the influence of S.E.R.s on decision making, with particular reference to the issue as to the weight which may be placed on content as against the often strongly worded recommendations in reports. It shows that there are certain in-built problems in the internal policies of the Reporter's Dept. and that Panels seem to follow strong lines in SERs but exercise considerable discretion where these are absent.

Ch. 9 argues strongly for new models and approaches to SER production and details of the work which brought about the 'Ayrshire' format. It goes beyond this in a postulation that would divorce the information

provided for the Reporter from the formal SER produced for the Hearing. It suggests that this would radically cut back on time spent in this task. It also suggests that it would provide an up-to-date model capable of computerisation which would eliminate much of the uncertainty and vagueness from this area of Social Work operations.

The final chapter draws together what are regarded as salient points and issues in an effort to place the problems with which the thesis has been concerned within the context of Social Assessment. In that it argues that if this is accepted then there is scope for the development of models and strategies which would effectively mobilise the strengths and skills of the Social Work profession in the production of Social Inquiry Reports of high quality and utility.

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Introduction

This thesis is concerned with Social Enquiry Reports and Social Work Service to the Children's Hearings System in two locations in the West of Scotland. Much has been written about Social Enquiry Reports (S.E.R.s), to employ the Scottish term, both in a U.K. and a U.S. context. What has to date received scant attention is the contribution made by Social Work in reports to the Hearings System.

The focus of this work is on young offenders. Fundamentally there are two reasons for this: One is that on a year-on-year basis, offending conduct, 'ground G' of section 32 of the Social Work Scotland Act 1968, provides the bulk of referrals to reporters and of all cases passed to the Panels for adjudication. Consistently, since the inception of the system in 1971 this has run at between 70% and 80% of the totals, with referrals under ground 'F' that he failed to attend school regularly without reasonable excuse' gaining ground. Secondly, there is a personal view that it would be quite wrong to ignore the peculiarities of offence commission in favour of some generalised 'welfare' view of the children referred. It seems to me that a good case exists for saying that in relation to straight welfare-related referrals, a similar study would be of value. This would have longer term advantages in that it would help point up the differences and the similarities in the two cohorts, and importantly, the ways in which the needs and problems of these children are dealt with by the reporting Social Workers.

This work deals with a four year period (1979-1982) and all comment is related to the position at that time. Between 1971 and 1983 there was a steady trickle of comment in periodicals and journals, with considerable press attention to the actual Hearings, and latterly custom-made video tapes purporting to show 'ordinary' Hearings in process. Of focussed research there has been a singular dearth, due to a number of factors. The Social Science establishment in Scottish Universities is relatively small; there is no long or strong tradition of legal and criminological research (outside Edinburgh) and the Social Work component of these faculties has not shown much in the way of research initiative. Certainly this particular aspect has not proved

to be a source of sustained interest or inspiration. The singular exception to that was the late Fred Martin of Glasgow, a strong and committed supporter of the system. In addition to two texts for Panel Training, he collaborated with Stanford Fox, on a U.S. State Dept. Grant Funding, to produce the sole piece of hard research (1981) on the Hearings. Prior to that, the contributions which marked academic interest were those of Bruce and Spencer (1976) which attempted to set out the operations of the system in terms of 'a theatrical programme and the dramatic personae'. The account provided was of four areas and while the authors drew heavily on their experiences and offered some positive pointers for development, the study, as such, lacked the kind of detail which ought properly to have been to the fore. In particular, the handling of the Social Work contribution left much to be desired. In 1978 Parsloe produced a comparative study, placing the Scottish arrangements in the context of English and American systems. Useful as this was, it completely left out the traditional links which the Scots have enjoyed with continental thinking, and, importantly, the contribution made to Kilbrandon by the Scandinavians. In the same year Morris and McIsaac took a much more critical look at the developments in Scotland, and raised some difficult and thorny questions. The question mark in their title was fully justified. This broad-based and critical review did not (and indeed was not intended to) deal with the issue of the Social Work contribution to the decision-making process, except in a general sense. However, it remains one of the few Scottish attempts actually to question the basic premise of welfarism in the deviance field; even as now seems clear, their view of 'the problem' was unduly optimistic, eg. in respect of the gravity of juvenile property offending.

Following this, Asquith (1983) focussed on decision-making in Hearings and Juvenile courts. This is a study which has its own importance, in that it attempts to establish the ideological bases on which decisions are made, and it deals with the Social Work Reports, en passant noting that Scottish S.E.R.s tended to be less informative than their English counterparts. In toto, therefore, in spite of the massive amount of publicity which this system has generated, the actual amount of real, hard research has been singularly low. Some of the un-published material is around, eg. McLean's MSc. dissertation for Glasgow

University on the work of Reporters, and McIsaac's 'Adolescent Offending' (1986), but this remains an area, which, in spite of its importance is shrouded in the mythologies constructed in the first flush of enthusiasm and now enshrined in the body politic as indisputable fact. The present task therefore is to attempt to shed some light on the particular aspect of the production and use of S.E.R.s, and to accept the implicit challenge in Martin et al (1981) that these were in the main well below acceptable professional standards. From this it is intended to attempt to make some conceptual sense of the S.E.R.s in the context of their contribution to the decision making process.

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Chapter I Methodology

This chapter sets out the principle methodological considerations which govern this thesis.

In a preamble the main areas of consideration are established and supported by reference to published work in this field, and by a comment on the two locations in which the substantive research was carried out.

- (i) a consideration of reports (New Town)
- (ii) improving practice, developing a new format for reports, and exploring a theoretical model.
- (iii) analysis of social workers' attitudes to/and knowledge of the system.

A second section states what is regarded as being the central problem being addressed.

A third section deals with the explorations which preceded the described research. These carry some methodological import and indicate how the writer arrived at a viable starting point in an unhelpful environmental climate.

In the fourth section the methodological issues around the access problem are detailed.

The fifth section is a brief statement on the position of S.E.R.s in Juvenile Justice systems.

Section six discusses the three schedules employed: S.E.R., Social Workers' Attitudes, and Offence Commission.

This incorporates discussion on aspects of the development of these instruments.

Section 7 comments on observations of Hearings in progress.

Section eight details the statistical analysis employed.

The final section takes some of the general issues with which the research has been concerned and offers appropriate comment.

1:1 Preamble: It is necessary to address the background of the present work in order to provide an introduction to the areas of research and to the linked nature of the various aspects considered. These are:

- i) a consideration of reports presented in one Scottish town, mainly by two locally based teams, over a four year period,
- ii) an attempt to improve practice among a selected group of social workers, employing formulations used in the reports analysis,
- iii) an analysis of attitudes and knowledge bases of social workers in the parent Local Authority Divisions from which the primary cohorts are drawn, and,
- iv) the presentation of a theoretical model, on which it is suggested, further practical application would produce enhanced performance.

The amount of criticism and comment in the literature over the past twenty five years is perhaps only equalled by the levels of assumption and impression displayed. Due reference is made to this in the body of the work. For present purposes however, certain milestones need to be identified in order to place the present endeavour in context, and to highlight the importance of the presentation, which is specific, detailed, and subjected to accepted statistical analysis.

We show how the present system of juvenile justice in Scotland came into being. The impact of legislative change was great and in context, the earliest signal that all was not well came, not from the Panels, but from the Sheriffs' Asociation. Rumblings there had been, the most notorious being that provided by Sheriff J. Aikman-Smith's dismissal of Social Work as 'Jennifers and Rosemary's' but it was only in its evidence to the Inter-Departmental Committee on the Probation Service (1973) that the Association displayed in considerable detail their concern at the practice deficiencies faced by those receiving reports. This provided the necessary stimulus for Social Work Services Group

(S.W.S.G.) to engage one of its Advisers (the present writer) in a review of some 500 reports submitted to Scottish Courts and Hearings from the Borders to Shetland, by Social Workers over a one month period. The result of that exercise was the publication, in 1974 of 'The Social Worker Reports'. Contemporaneous with this, Morris presented her report on the hearings to the Scottish Home and Health Dept, (S.H.H.D.). In respect of reports (75 cases) she wrote that it was difficult to say 'if what was missing was missing because the Social Worker had not got the information, or had forgotten to include it, or had deliberately omitted it'.

At a distance of more than a decade the S.W.S.G. document remains the sole attempt by a Government Department to provide detailed guidance on this area of work. It is a fact of life that the sole critical review of 'The Social Work Reports' has come from within the Scottish Office in the Curran & Chambers (1982) work on 180 SERs submitted to courts in the Tayside Region.

Co-incidental with the SWSG paper came Fred Perry's much-discussed monograph on English Probation Service reports (1974). It may be useful to note at this juncture that the small sample on which Perry based his findings and the undisclosed methodology from which he preceeded has never been seriously questioned. His work represents the British baseline in this field. Equally the Curran and Chambers study is clearly and un-equivocally skewed in respect of its sampling and methodology, taking as it did an 'East Coast' view of the problem and ignoring the Glasgow conurbation.

In a U.S. context there has been a mass of material following Keve's (1961) publication: again one notes the highly impressionistic nature of the offerings, which, in the main, tend to reflect shifts in policy and crises in practice. It is only in the Bar Association's Draft proposals (1980) and in the Cook County Guidance (Spica et al 1979) that a real sense of the practice shortfalls begins to appear, and the mounting concerns become obvious. It can be seen, by reference to these cross-cultural references that the issues addressed in this work do have a certain generality.

One emphasises the curious failure of Martin et al (1981) to produce a credible analysis of Scottish reports presented to Reporters and to Hearings. Here we have a well funded (U.S. State Dept.), well staffed, national study which developed a series of sophisticated analyses of the different aspects of the system's operations, yet in respect of the main vehicle on which decision makers depend for information and advice, what do we find? We find on P.156 'the general impression conveyed is one of a high frequency of rather piecemeal statements which in a substantial proportion of cases fail to organise and integrate the observations into a balanced whole' Beyond that? Virtually nothing. Such is the magnitude of the knowledge gap.

The intention of the present work is to close that gap by providing an analysis which at least addresses the questions and provides much needed clarity in respect of the content of reports and the bases from which they are constructed. This exercise was critically circumscribed by the restrictions placed on the writer by the Local Authority, and the methodology employed reflects this. It has to be said that nothing is claimed for the findings beyond what the sampling will support, but the important aspect of this lies in the fact that what is here is entirely capable of replication either in other small area studies or on a wider geographical basis.

1:2 The Central Problem being Addressed. This research addresses a problem which has been around for decades, but which has remained un-acknowledged by various writers who have, from one position or another, contributed to the debates on aspects of the Social Enquiry Report.

The problem may be stated as being one of reaching a conceptual point where the actual content of the SER becomes a knowable and quantifiable entity. Those who receive SERs expect them to be competent, consistent and reliable. Analysis is provided which tests that expectation in accepted professional terms and demonstrates that better productions are attainable.

This requires the setting aside of the hitherto largely impressionistic interpretations of reports. For example, Samuels (1973) thought that comprehensiveness at the expense of relevance was a feature of the contemporary report, without making any attempt to say just what he regarded as 'comprehensive'. In 1976 Blumberg suggested that reports simply re-circulated information furnished by the police and the prosecution 'refurbished in the patios and argot of social work.' Again there was no hard evidence to support the contention. Because of the low levels of approach to the question of the competence and relevance of the S.E.R., comment and opinion have simply rumbled on decade after decade. The requirement now is to attempt a specification of the social, domestic and personal characteristics of the subjects of S.E.R.s in the context of the reasons which bring them to attention. To do that requires focussed investigation into what exists in reports, its analysis and evaluation.

That, in itself is an incomplete exercise. When Pearce and Wareham (1977) said that the content of reports is only comprehensible in the context of the writers' purposes in preparing them and that the problem was one of gaining access to the understanding of these purposes, they were, in fact, identifying the necessary second strand in the resolution of the problem of the S.E.R., its content, purpose and meaning.

The third sequential strand in this is one of capitalising on the conceptual clarity achieved and devising a model, which both takes account of the realities of the professional capabilities of the writers, their social and organisational constraints, of the needs of the body commissioning the reports, and of the natural rights and responsibilities of those subject to investigation.

1:3. Preliminary Explorations. In approaching this topic there was an awareness that the work which preceded it had, as indicated, been of a highly impressionistic nature, and therefore there were few, if any clear precedents which could be followed. This meant that a series of explorations had to be undertaken, in order to find a path which, within the constraints of time, finance, and acceptability to the Local Authority, would be likely to lead to a viable research design and

project. The decision to deal with this aspect on the basis of a recognition of the new ground being broken and the interesting, but abortive avenues which, in a sense, surround the core area which came to be identified.

In the nature of research one is almost inevitably drawn into a number of situations which, in the initial stages, appear to offer developmental scope. While many of these are bound to be abortive, the activity and the discipline are not wasted, and providing the avenues explored are in the general direction of the main thrust of the research interest, a range of experience and useful knowledge are accumulated. This can be, and is of value as the project develops and the lines become clearer. Because some of the material so generated in the earlier stages of this research helped to clarify and elaborate issues which subsequently arose, the main lines which attracted attention are now indicated. There seems little point in over-long descriptions of these matters, but reference is given as seems appropriate in the circumstances.

In a general sense, a grossly neglected aspect of the handling of delinquency issues in Scotland, is the near denial within the Hearings-related professions that there is a criminological point of view which merits consideration. The 'welfare' rationale is not simply sufficient; it effectively denies a range of conceptualisations with a criminological base. Therefore the lure of a straight criminological study was more than attractive. The problem with this is simply that almost any area touched upon must take on the appearance of a replication study. In itself there is no objection to replication studies; indeed in a number of distinct fields there is a sound argument for such. Given the unproven assertions on which this system operates, the need e.g. for straight area studies, following Mays (1954) and Morris (1957) is very strong. It remains that the 'Kilbrandon thesis' has never been challenged in these terms. The logistical problems are not inconsiderable, and the availability of appropriate access to data, in respect of information held by the police and by social work would tend to make this a fairly difficult exercise. In addition, to make a useful comparative study, one would need to find an area which resembled the urban areas of the originals.

This, it is thought, adds very considerably to the problems of 'getting started'. None-the-less, as will be discerned from the latter part of this work, this kind of exploration did pay off in respect of some of the data arising from the S.E.R. survey. The point which is now made is that without the preliminary work and deliberations around the area this aspect could easily have passed unnoticed, as it seemingly did in, to take the two most recent examples, Martin et al (1981) and Asquith (1983). Yet this is of potentially great importance, both in a theoretical context and in terms of the development of service, whether that be social work, police or in the training and deployment of reporters and panel members.

Similarly, the whole issue of the kind and quality of offending conduct is apparently well recognised within police circles, but remains a virtually taboo subject within the ranks of, inter alia, social work educators and the products of their courses. Again, without the criminological background knowledge and experience none of this would have surfaced. Equally in respect of the issue of the property values in offences of theft and entering lockfast premises, a quite significant element of criminology enters into the calculations. The accepted wisdom is that children commit offences of no great consequence in terms of the values involved. It is, e.g. a central plank in the whole Kilbrandon argument (which has now passed into practice) that the quality of the offence 'doesn't matter - it's the welfare of the child that matters'. Now, beyond doubt the position in the 1920's and 30's reflected a clear pattern of trivia, and that has come to be accepted as a fact of life - fifty years on, with some odd consequences. Lemert (1970) in developing an argument for the non-prosecution of young offenders, on the grounds that it did more harm than good, coined the phrase 'Mickey Mouse stuff' - in short, an invitation to disregard the act and focus on other, potentially more 'interesting' aspects. No recently published work has taken up this issue, and as an interesting sidelight on how this affects good research, Martin scaled property offences up to £100 with no clear idea that this was a considerable under-valuation. Consequently it became for him an issue whose significance was not recognised. The preliminary period of this work involved picking this up, simply at a

level of "how do you know?" Finding the answer to that question proved to be a highly significant exercise, but it could easily have been missed, written off before any attempt at investigation.

Three lines of enquiry which required a disproportionate of amount of time and effort, and which brought very little gain in either knowledge or information were as follows: It seemed reasonable to ascertain if the panel members had generated views about the problems with which they are confronted in their day to day work, and to test out the hypothesis that over a period of time their perceptions of what it was they were doing and dealing with had shifted from the positions which characterised panel training. A questionnaire was devised with the help of a number of people, whose total panel experience amounted to more than a century. It seemed a well balanced and appropriate instrument for the purpose. It was dispatched to the 45 or so members in the area, with a view to an expanded exercise which would take account of a wider spread of membership. At the same time negotiations were completed for the same exercise to be undertaken with juvenile court magistrates in Tyne and Wear. The expectation was that the return rate would fall within the normal parameters of around 30% (Moser's opinion is that 'strenuous efforts are needed' to achieve this level of return (1969:179). In the event that was exactly the level achieved. The problem with the return was that for all practical purposes it was of little use. Responses were of a kind and quality which left one with feelings of near despair. When the S.C.C.L. responded to the Sect. of State's 1980 Consultative Document 'Panel members are ignorant and arrogant' it struck a chord of recognition! The real methodological problem which had not been recognised in the construction stage (and here one identifies the value of supervision which is in tune with the likely problem areas and can help avoid these pitfalls) was simply that the method employed was the wrong one. It is possible that had a schedule been administered (see subsequent comment on this aspect) a better i.e. more intelligible set of responses would have been obtained. However, given the complexity of attempting to re-trace steps and the fiscal impossibility of any work at this level in England, that had to be abandoned. It is suggested that the approach to specific groups of potential respondents is a methodological issue to which insufficient attention has been paid.

The possible problem in this may well be that if assumptions about the congruence between the researcher and the population to be surveyed are faulty, then the development of a postal questionnaire is fore-doomed to the lower levels of response; hence Moser's 'strenuous efforts'. On the other hand, if the congruence is actually high, i.e. the population's commitment to the topic is at a commensurate level, then this is a most economical and efficient way of obtaining the data. However that carries with it a whole range of issues which need to be clarified in advance of the project taking off. Some of these are, in real terms unknowable, as, e.g. how can one tell, in a test situation, just how people will respond to any given set of questions? Experience of attempts at securing co-operation in matters to which, on the face of things, every respondent ought to have responded with enthusiasm (teachers' and social workers' experiences in job hunting, being two more recent examples) have shown exactly the same response rates. For practical, and present purposes therefore, this particular line of enquiry had to be abandoned.

If one had been able to bring this to fruition then the gains, in terms of a comparison between the perceptions of Panel Members and Social Workers, for example, would have been significant.

Second: Much play has been made of the way the Hearings seem to generate feelings of good-will and satisfaction among those who come into the arena as 'clients'. One singular feature of all attempts to gauge this (Willick 1972, Parker 1979, Martin 1981) is that they have been based on interviews conducted immediately after, or close to the actual encounter with the tribunal. The issue which, in methodological terms, stands out is that what may be happening here is that a halo effect is being measured without any attempt being made to identify the potential for distortion which is inbuilt. In short, what is turned up suits the model - and it matters not whether that is couched in a negative mould (Parker) or in a positive one (Willick, Martin). It is a nice example of what may fairly be termed 'sloppy methods' - but not uncommon for all that. Accordingly, a test situation was set up to see if, at a distance of between 12 and 18 months, children and their parents would produce the same or similar results to basically the same questions. This was test-bedded with a group of parents and children

who knew about the system, but who had not necessarily been in trouble (although most had) and administered to 50 New Town families. What emerged was a quite-startling co-operation, there being no refusals, although some required a substantial amount of reassurance over the phone. The results were not of a kind which would have taken this project very far. What did emerge was a distinct contradiction of the positive view of the process. Parents, without exception, saw the whole exercise in negative terms; essentially as a process into which they had been sucked by virtue of their off-spring's misconduct. Significantly, one of the features in the design had been to differentiate between those dealt with at Reporter level and those dealt with by the panels. Offending children perhaps not unexpectedly, saw the process in terms of 'being caught', had some lingering feelings of being singled out, and had a range of views, in no way at variance with those recorded by Parker in the juvenile court setting. This was held to be too polemical for present purposes and on advice the line of enquiry was discontinued. It remains, in the view of this writer, a perfectly legitimate area of concern, but the climate within which one must function is not an un-important consideration for any researcher. There are some valuable lessons in this, and the writer came to develop a healthy scepticism about many of the taken-for-granted aspects of this whole field. Many of these assimilated attitudes do show through in the succeeding chapters of this work and the point is worth making that the perceptions which address any piece of research material cannot, for a variety of reasons, always be made clear, in the immediate context of the script. Therefore it is a reasonable point to make, that the kind of presentation in this field of operations (as with any other field of human activity) is subject to checks and balances, and the presented facts in any test situation are always subject to qualification and revision. This is especially true where the subject matter is capable of being changed over time. As Adriaansens (1980:61) points out 'the actor's orientation and the situation to which he is orientated' provides the division between subject and object; in other words when a time factor is introduced, the shifts in attitude of the subject takes account of his changed presentation of events, and therefore it is not un-expected to see this shift. What might be a more remarkable finding would be to discover no change over time. That would raise a series of questions which would

incline one more to a view that the 'Kilbrandon thesis' was after all correct. As things stand however, the only conclusion and support to be drawn from this particular exercise is that the respondents, both adult and children tended towards a view of their brush with the law which conforms to a pre-Kilbrandon conception of delinquency. That in itself was supportive in the work which stemmed from the preliminary research.

It would have been very interesting to see how the views of parents and children measured up to those of the writers of the reports which, in each case formed an important part in the 'round table discussion'. Again, this remains an area for future exploration.

1:4 The Problem of Getting In: Negotiating with the Local Authority.

Recognition has to be afforded to the problems associated with attempts to conduct research in Scottish L.A. Social Work Departments. The reasons for this are fairly complex. There is no tradition of research-related work in the Departments. The curious and pervasive influence of Social Work Services Group (SWSG) sponsored or conducted (often low-level, heavily-edited) investigations, the equally curious absence of contributions by Scottish practitioners to the literature, and the near absence of academic input or, seemingly, interest in criminological issues combine to create a cold climate for ventures of this kind.

Turning to the specific case of Strathclyde and the present proposal; here was a Department with a staffing situation of considerable fluidity, a recording system of rather doubtful validity, and a management structure of a very problematic nature.

Into this, one ventured with a degree of caution. In synthesis, the created dynamic of a research proposal has to be calculated in terms of the known factors and not in isolation. As will be shown, this in no way guarantees success. It may be that not enough attention is paid to this aspect in the all too large number of proposals which fail to get off the ground. In this Authority, one has initially to apply to a body rejoicing in the title of 'Research Advisory Group' (RAG) whose

declared, but unpublished purpose is to 'advise the Region on Research matters'. Seemingly its primary role is to prevent duplication of staff, time and effort. It is a matter of record that the original group introduced as RAG comprised a number of persons, not one of whom, with the exception of F. M. Martin, had ever, so far as can be ascertained, done any research; certainly none had achieved publication. Given the composition and power of this body, one is compelled to enter the proposition 'the unknowing in search of the unknown' as a serious methodological consideration. Its impact on the course of events is of more than passing interest.

Stage One: contact with the Senior Depute (Development) for 'advice as to how we approach the Department'. The response was a working lunch, to discuss the way forward. Present were the Depute Director, a Senior Social Worker and a Research Adviser. The Senior social worker confessed that he has without any research experience or knowledge, but that he was often used in this way, and felt embarrassed at being out of his depth. Presumably he was used in this way to preserve the much vaunted 'democratic model'. The researcher was new to the Department and to Scotland, was completely without knowledge of the provisions of the Social Work Act, the role, function or composition of the Panels, the function of the Reporter, etc. His interest in the proposal was therefore of somewhat limited value, or validity.

A pro-forma was required and in the words of the Depute Director "apply a broad brush, this will be saluted on its way past".

The employment of this approach instead of a straight forward written request, enclosing the pro-forma, is typical, if the writer's experience is valid, of social work practice where simple business acumen would serve the organisation and the applicant much better. The proposal which the Department was asked to consider was not a particularly complex or involved one. It had been suggested by Martin that there was a need for a small scale study of a specified area, serviced by a team or teams. His view was that this could be seen in the context of the large-scale national study, on which at that time he was engaged. As this fitted in with my own thoughts and, importantly, in the absence of financial supports for this enterprise, the proposal

was thus drafted. The suggestion was that we take as the base the Reporter's area office for a New Town Area, cull about 150 reports over an agreed period, match them with a similar number from randomly-selected teams in the four other Divisions of the Authority, the latter representing a control group against the test group in the New Town. That the views and opinions of the Dumbarton Division staff (the home base of the test teams) on Hearings-related issues be set against those of the teams from which the control reports had been taken. In brief, a simple test and control study in conventional terms, having two related components. The end results were to be offered to the Department along with such consultative inputs as may have been desirable.

Meeting RAG. This meeting showed up all too clearly the sheer lack of knowledge of developments in the deviancy field over the past decade. The Principal Officer (Research and Development) had objections to the proposal because I "would want to see our workers when they were busiest". There was clearly unease on two counts: The New Town was not the best area" Which then? ... silence. The idea of a random selection, seemed to create a distinct sense of uncertainty and discomfort.

Subsequent to that meeting I was requested to supply 'further information' which Martin, in a letter to the Depute Director castigated, accusing RAG of covering "every single item and some I don't even remember being raised". However, the request was complied with.

Problems Arise: The next shot came from the Research Adviser. They wanted a fresh proposal deleting the random element, and confining the study to The New Town.

The applicant now requested this proposal in writing and in submitting a new proposal, not employing the pro-forma, sought a meeting with the Director who delegated this to his Depute. Disquiet was now expressed about the Authority's handling of this matter and the applicant was informed that the Authority's officers were not members of RAG and that the CPAC member was there "simply as an observer". The composition of

RAG was then stated to be: three Professors (two Glasgow, one Stirling) representing social work and administration and psychology, two Senior Lecturers in Social Work from Technical Colleges, two of the Secretary of State's officers from SWSG, and that these members decided what research should be accepted by the Authority. This position, clearly at variance with what had gone before, was certainly suspect in terms of organisational responsibility and the inclusion of the Secretary of State's officers as decision-makers, certainly well beyond their official remit.

Ten months after the original request for facilities, the applicant finally met 'RAG' to be met with two urbane questions cum comments from the academics. That particular session lasted less than five minutes. One year from the original date the Authority agreed formally, two months after that the applicant was informed verbally that the CPAC had agreed, and three months after that was enabled to meet with the District Manager. In short, it took 17 months for the Authority to agree to this modest research proposal; modified to their own specifications.

Significantly, the District Manager had all the correspondence relating to this, albeit some had been marked 'Private and Confidential', while others were clearly not intended for circulation, and now he "would have to consult the Seniors about meeting staff".

Against this pattern of organisational inefficiency and bureaucratic incompetence has to be set the behaviour of the Reporter's Department. There cannot be any doubt that the initial matters raised by the Reporter's Department were raised in genuine good faith. Once the proposal had been accepted the local Reporter was advised in broad terms of the Authority's support for the proposal, and it was left to the Reporter and the applicant to work out the terms in which the work could proceed. The co-operation of the local Reporter both in terms of facilitating access to papers, providing information and importantly, as a mediator with the Panel was of inestimable value. The Regional and Divisional Reporters maintained an interest which was helpful and productive; the former, especially, was knowledgeable and concerned and provided a useful sounding-board on a number of occasions.

Negotiating at Local Levels: In keeping with the above, negotiations at local levels were marked by communication failures, inefficiency and bureaucratised behaviour. When, for example, a meeting was arranged with the Divisional Organiser and the District Manager the former failed to turn up until the end of the meeting when the whole of the discussion had to be reiterated. Three subsequent meetings with the District Manager failed to produce a meeting with the seniors; a meeting arranged with all the key personnel took place without the presence of the Divisional Organiser, and without the relevant papers having been passed from him to the others.

In developing the Social Workers' schedule, significant blockages were encountered. It took many months for the exercise to be approved by the Divisional Management Team (hence the importance of spelling out the experience of meeting, or rather not meeting these people) not on the basis of controversy or inherent problem, but simply at the level of 'the mills of God grind slowly'.

The relevance of this catalogue of managerial activity related to the problem of 'getting in'. With the growth of large scale bureaucratic structures it seems likely that the problem of 'getting in' will increasingly have to be met in methodological terms predicated to persistence, and determination. Otherwise, the consequences are calculated to be rejection for quite the wrong reasons: most likely a process of simply kicking the ball about until it gets lost. In short, the applicant becomes discouraged and departs. The cardinal message going back to these organisations must always be that the research has value, preferably in fairly immediate terms. For example, the spin-off from the present work of a new format for SER work has been a major bonus for this organisation in relation to its work with the Reporter and the Panel members. (It is noted in passing that although full information was available, the mode of communication to the workforce about the new format brought angry and bitter responses, see e.g. 'Strathclyde Care' for July, August and September 1982).

The case of Strathclyde Regional Council V. D. (1980 S.L.T. 34) provides interesting corroboration in respect of the ways in which the work force are divorced from knowledge about decision-making beyond

their immediate field-concerns. In this case, the procedure in respect of the assumption of parental rights was at issue. The sheriff in summing up said 'I was informed by Mr. McCracken and Mr. Gabbie as to the procedure which was adopted in bringing this matter to the Committee for its decision. It was that a case conference attended by the Area Officer; the Social Worker, residential staff and "someone from headquarters" to consider whether the making of a resolution should be considered. If they decided that it should, the matter is discussed at "senior management level" Neither was responsible for the precise items of the report which went before the Committee'

The decision to deal with the negotiations which preceded the fieldwork in this study, is prompted by the twin considerations: 1) that to understand and appreciate the operations at field-level, the way in which service delivery is defined, it is necessary to understand the ways in which decision-making proceeds at command-level: 2) The disquiet and unease felt in many quarters about Social Work, its manifest failure to deliver service which periodically produces Committee Reports: (Clark 1975, Auckland 1975, Barclay 1982 inter alia) overtly condemnatory statements (Brewer and Lait 1980) and the dissatisfaction among receivers of service e.g. Sheriffs, Magistrates, Panel Members, require consideration in terms of that body of officials at a higher command level who by virtue of their positions must be regarded as professionally and managerially competent.

These twin aspects may therefore be regarded in some respects as being micro, that of standard-setting and of observable competence within a large-scale organisation; and of being macro in that the profession has got to be seen as measuring up to societal expectations and its own claims to be a viable service-delivery vehicle. It will not do for e.g. the Assistant General Secretary of BASW to dismiss the criticisms of Brewer and Lait as "Social Workers know there are problems, but do not need outsiders pandering to right wing elements to tell us so" (Observer 26.8.80), nor in the present instance for the organisation to evade, prevaricate and shelter behind a corps of outside people in its dealings with one solitary, unsupported individual - however flattering in other circumstances that may have appeared.

What then can be extrapolated from this, in theoretical terms? Becker (1970:15) says that 'A problem that afflicts almost all researchers is getting in the problem has again been brought into the open by a renewed interest in the possible effects of allowing questionnaires to be administered to captive populations ... we have a heightened awareness that one need not co-operate with social science research. The problem of getting in has thus a new and increased saliency' Becker's further comment that little is known about the problem and 'This seems to me pre-eminently a problem for sociological methodology' is precisely the point of the present comment. Here we seem to have a situation where, in spite of the fact that the organisation has much to gain, the worry about the effects of impact on workers (an obvious target) or about any disclosure - never mind the promises made about confidentiality, access to the material and consultation - all or any produce a 'close ranks' attitude.

We simply do not know enough about the attitudes and expectations of command personnel to researchers; as Becker puts it 'the first order of business is to accumulate narratives of success and failure; searching them for clues to a comprehensive theoretical understanding. In a broader organisational context, Morgan (1957:199) notes that 'adherence to the rules becomes transformed into an end-in-itself, there occurs the familiar process of displacement of goals whereby an instrumental value becomes a terminal value' and the operatives find difficulty in adjusting easily or happily to new situations. In this, any research proposal must then be viewed with a certain amount of suspicious and growing hostility, as it is perceived as being a threat to the status quo. As Blau (1956:89) says 'Officials who find their security in strict adherence to the familiar routines, strongly resist change and are incapacitated by new problems that confront them.' There seems not much doubt that being confronted by this proposal put agency personnel into exactly that mould, and as such the response was within the theoretical parameters.

That line of explanatory argument gathers momentum as one gets into the realms of the production of reports, and an examination of the practice baselines of the practitioners; where the complexities of the conflicts

and tensions between power and control, between development and conservation create a situation where movement is, if not impossible, at least very difficult.

The importance of understanding the 'getting in' problem is that once understood, it provides a linking into the otherwise isolated, and consequently misunderstood, problems associated with the research areas, per se. In essence, we are back to the inter-related problematic nature of the organisation, within which lies the core problem being addressed. Hence, what we are seeing is not simply a communication problem but a more significant problem of what is communicated. Guetzkow (1970:544) refers to communications being 'leaked from level to level through contact individuals'. That, in terms, was the nature of the situation encountered.

It remains that the L.A., for reasons which were never articulated, was prepared to see work carried out in the New Town area, but was not prepared to accept the control element of the research proposal. Thus, at a stroke a simple proposition was elevated to a complex and unsatisfactory methodological problem.

In an effort to resolve it, Central Region were asked to provide the control element. This would have meant fresh, but not insoluble difficulties, because of differing structures, policies, etc. and would have entailed design modifications. However, in the event, the request was passed from the Directorate to the Training Officer, and from the Training Officer to the Research Officer. Responding to a number of phone calls and letters over a period of some months she undertook to consult Area Officers and report back. That just did not happen, and a response was never forthcoming.

Getting in: The Ayrshire Experience. Circumstances now took a hand in these matters. For some years I had provided Ayrshire with in-service courses and consultancy. I now approached the Divisional Management Team (DMT) with a request for aid in what now seemed a situation of little hope or potential. The main anxiety centered on the problem of attempting to work without any resources or contacts outside the one Division. Within the restraints of Regional policy, for in effect that

is what the RAG decision amounted to, the DMT were able to offer the use of one team, Ayr North, which had a good reputation for stability and practice, as an instrument in devising the Social Workers' schedule, and 25 current reports culled from across the Division for use in piloting the SER schedule.

Essentially what we were contending with was not the problem encountered in the literature of the subjects of study being difficult or unwilling, Becker (1970) Etzioni (1961) inter alia. Hammond (ed.) details a number of U.S. instances of this problem of organisational resistance and manoeuvres, in what Blum (1971: 177) described as 'collecting information under conditions of uncertainty, exercising moral responsibility in one's sociology'. Therein lies the answer to the obvious question 'Why go on with this unsatisfactory, and messy situation?'

Subsequent to these exchanges and arrangements (which seemed to the supervisor, if not the researcher, to provide a sufficiently satisfactory baseline), SWSG surveyed the Division's reports to Hearings, in respect of their "Review of Social Work/Panel Operations", which appeared in print in 1983. This proved to be highly critical of the Division and I was approached to see if I would provide 'a course for staff' on the issues involved. I countered this with a proposal for a randomly selected corps of workers be given time to work under my direction, in the construction of a new SER format and a set of guidance notes to go with it. I made these proposals since I knew of the defects of such course inputs, and the kind and quality of work produced. After a considerable discussion during which I made it clear that I wished to incorporate this in my research, - as it happens, it would have been impossible to undertake such a major piece of work in addition to all else at this time, without a substantial pay off.

The DMT were only able to agree nominated, but committed workers to this project. How far the Region played a part in the final decision was never made clear, but certainly the whole package did appear to have a hidden hand, if not pulling the strings, at least exercising a degree of control.

With the progress of the project, and the involvement of the DMT in the steering group (see post this section), it became possible to negotiate the application of the Social Workers' schedule to staff in selected locations, on a matched pairs basis, with the staff in Dumbartonshire.

Thus the final shape of the work, with a design geared to meet the only available scenario, with all its imperfections and pitfalls was arrived at.

Limited Access: The net result of the foregoing was a critical limiting of access arrangements. Whereas what had been sought was a reasonable, decent access to a representative cross-section of work and of workers, with a pronounced emphasis on the one, New Town cohort which was to be the main, central focus, What was eventually given was simply that alone, without the proposed random spread which would have made such a difference to the approach. Improvisation and opportunism thus became the key words, with, at the end of the line, work being undertaken well outside the 'agreed' range. Paradoxically the Authority had no hesitation in using the results of this 'un-official' activity.

It is a matter of some moment that the methodology which had to be employed was responsive to the limitations imposed. The situation was as stark as this: if I had not accepted the restrictive remit offered, none of this work would have seen the light of day. The choice was an invidious one. What has to be faced in the context of the 'getting in' problem is simple: accept the imperfect or depart. The gains therefore have to be evaluated in reality terms, with due reference to the importance of, and potential for, replication, rather than in terms of any massive, unified complete 'answer' to the problems addressed.

1:5 The SER In Juvenile Justice Systems

The concept of a Social Work service to the, or to a, Juvenile Justice system is not seen to be simple or straightforward, and some previous attempts in the field have made the mistake of proceeding as though it were. In a Scottish setting, one turns to the latest Scottish Office effort (1982) as an example of the way in which assumptions about e.g.

the knowledge bases of workers and of receivers are built into the research design and thus, at this level, the findings. This is not a problem peculiar to the Scottish system, or to its particular modes of service-delivery, but is a general problem to be faced as a critical methodological issue. In the terms formulated by Horowitz (1971:462) 'Does (the Sociologist) conceive of the world as problematic or as systematic? Those who start with the notion of a social system are concerned with filling in its parts with resolutions. They know the contours of society. They know society is reasonable. How else can one develop a system? In contrast, those who argue that the world, rather than its parts, must be made reasonable depend heavily on methodological predispositions. The universes of discourse in the problem and in the system are different.' It is in this that one sees the problems skirted (in e.g. Martin et al 1981) in favour of a view of problems which are regarded as being part of the 'perfect world' of a system which will by definition, somehow, sometime, get around to resolving them.

Alternatively, one can grasp the nettle and attempt to discern the nature of the social problem within its social context, because only within that context will the resultant study have a reality, meaning, and a utility.

Thus it was that attention turned to a particular phenomenon which is at one level a happy hunting ground for commentators and yet at another level, is a mysterious, untouched, untouchable and accepted part of a process which in a number of fundamental ways affects large numbers of children. A decision was taken to concentrate on the primary aspect of a Social Enquiry Report preparation and presentation. In this a fair amount of personal knowledge and experience was brought to bear.

It remains that the issue and the professional problem-area of information provision and assessment in juvenile justice is one of the most important, if neglected, in the field.

Reports in the Juvenile Justice System

Paradoxically this, under the heading of 'reports' in one guise or another is not new territory. What is new and a break with tradition is the identification that the topic cannot any longer be hived off and divorced from the constituent parts of the system, which present themselves as being problematic and fluid, rather than static and stable. Thus where Mathieson & Walker (1971), Perry (1974) and Curran & Chambers (1982) all fail, is to mobilise their analyses in this particular way. Equally when Pearce & Wareham (1977) question the relevance of further SER research, they fail to see the extended importance of development beyond the former somewhat sterile reports analyses, or indeed to observe the inter-related nature of the problems within systems.

It remains that in Scotland the silence has been almost deafening. When Curran (1982) says of the present writer that he was waged a "single handed crusade against the one line recommendations in reports", this simply denotes the paucity of interest in the problems of SER development.

Within that perspective and approach to the task, a model of research emerged. The problem began to assume definitional status well beyond the formulations of Perry (1974) or of SWSG (1974). Whereas both these had assumed that the provision of 'guidance' or 'format' was the answer, the issue which now came to the fore was basically one of enhancing decision-making by the raising of the qualitative standards of SER content. In short, the levels of specificity have to be raised, rather than to work to a set of assumptions that the writers are professionally au fait and that material not included, to take the obvious example, is of no importance. This in turn mounts an effective challenge to a set of arrangements which are ripe with slogan-based assumptions about the system, and about its treatment of the offender and his offending conduct.

There is a further paradox. Even outside this country there has been little work on the juvenile sector, with a heavy emphasis on adult courts and on adult offenders. Why this should be so remains a

perplexing question. It is thought that too many unfounded assumptions prevail in respect of the kind and quality of young offenders' action and the disposals awarded which do not merit the same consideration as do those of his older brother.

Given that the Juvenile sector continues to constitute a major problem for legislators and for administrators, to say nothing of the need for practice development, the task appeared to be well within the bounds of a specific and limited research study.

What a review of the literature (Moore 1984) has shown is that the erstwhile poorly-argued, heavy recommendation-biased SER remains as evident as ever. A survey of Juvenile Court reports in Nottingham (Moore 1983) showed all the old style defects and cliches well to the fore Plus ca change

Asquith was not overly impressed by what he saw in Juvenile court, although his focus was somewhat different from this. It seems reasonable to take a Scottish stance and to suggest that extrapolation to other Jurisdictions remains a clear possibility, with the cross-over points capable of definition. Exchanges with colleagues in U.S. (ref. Moore 1984) have shown quite clearly that poor quality reports - whatever standard is applied are endemic within reporting services. Even allowing for some doubtful methodology, Cohn's (1970) New York study provides ample supporting evidence for this. Therefore the practical import of the study is considerable, and productive of an understanding of the SER and of its preparation problems. In this it is worth noting that neither Martin (1981) nor Asquith (1983) actually brought home the centrality of the SER or the dynamics of its production.

The real problem is not simply one of constructing a model for the analysis of reports, valid though that is, but rather to take a more integrated view of the process at play. That includes a view of the 'focal concerns' of those who are charged with the day-to-day production of these documents.

As concepts of Juvenile Justice have developed, with the welfare of the offender being placed at the centre of the stage and with assessments of personality, environment and behaviour being radically upgraded, the need for SERs to offer these assessments has increased commensurately. In Scotland, with the Social Work Dept. being given a primary position by the Statutory provisions, the role of the Social Work operatives thus takes on an added significance: Social Work performance has become the yardstick for Social Work performance.

Whereas Perry (1974) and SWSG (1974) both argued in favour of what Perry termed 'a new format' as being the answer to a series of problems, present thinking leads to a rather more sophisticated view. It is argued that the core problems cannot be separated from the attitudes and practice-ideologies of their writers..... These, it is held, are formed in a constellation of pressures and beliefs which meet, conflict and clash. This may be regarded as a concentric paradigm which permits work to proceed from the outer rim with a narrowing attention to the core problem of the form and content of the submitted SERs.

Following Horowitz (1971) one sees the constituent parts of this complex system as being problematic, and therefore contributing to the complexity of report preparation and presentation. In the Scottish situation we have the complexity highlighted in the organisation and task perceptions of the two departments concerned, the Reporters Dept. and the Social Work Dept. Here we have two Depts. subject to the same Local Authority Committee, yet there is, almost by definition, different perspectives as to priorities and to the kinds of theoretical disciplines to which adherence should be given. Within that, there is almost a total confusion as to the role and responsibility of the Central Government Dept. responsible for both.

One adds to this the stances of the Panel Members (especially in their formal Associations) on professional questions, and the operations of the police service, which, on the surface subscribes to the official philosophy, but whose activity over time can be demonstrated to seek

and to take alternative paths when ever possible or convenient. Within that one then begins to find the SER being produced and presented within a complex and essentially fluid, rather than static system.

1:6 The Schedules employed in the research. There are three schedules to which reference is made in this work: a schedule dealing with the perceptions of social workers about aspects of work in a Hearings-related context, one dealing with the form and content of SERs and a third which mobilises data about the characteristics of offence commission. In the thesis, these are presented in that order, with discussion following. It will be appreciated that the actual work overlapped at certain points and that the most time had to be devoted to the analysis of the SERs.

Dealing firstly with the social workers' perception-schedule, the decision to apply this method rather than a postal questionnaire was prompted by the experience referred to in respect of a previous exercise with Panel Members. Given the built-in constraints of this work, it was only too clear that one could not afford low response-rates if the project were to go forward. Coyle's abortive venture (1986) in attempting to gauge the perceptions of Prison Officers about the Prison system makes the point very adequately.

The starting point of this exercise relates to the preparation, construction and presentation of reports to the client system (Reporters and Hearings); all else flows from that. Here is the unifying point of the thesis; we are concerned with the kind and quality of the information and advice offered to the receivers, and therefore the concerns relative to the perceptions of the people writing the reports must logically follow that line of enquiry. One immediately comes up against the Martin comment (1981:156) 'the general impression' (and again one notes the use of 'impression') conveyed is of a high frequency of rather piecemeal statements which in a substantial proportion of cases fails to organise and integrate the observations into a balanced whole'. This immediately raises the question of what it is Social Workers think they are doing. More specifically, from what baseline, do they produce the material under discussion?

i) The Social Workers' Perceptions Schedule was developed from a standpoint that if people subscribed to the same views, held the same attitudes, and shared common perceptions, it would be likely that their reports would share common characteristics. The two-Division-application of the schedule was intended to test that proposition.

A number of variables appeared to be of importance. Sex, age and experience were obvious and presented no great problem. There were, however, hidden factors which had to be considered. Might it be e.g. that the actual work location of the workers influenced his productions and his perceptions? Might it be that worker X produced model SER 'Y' because (casual factor) he worked in location 'Z'? Might it be that similar locations in disparate Divisions produced similar perceptions and attitudes?

With these considerations in mind, I developed a 'matched pairs' sampling rather than simply seeking a specified number of respondents from the two Divisions. Pairing off locations produced the following:

Cumbernauld and Irvine (new towns)
 Clydebank and Kilmarnock (industrial towns)
 Dumbarton and Ayr (County towns)
 Bearsden and Largs (residential areas)
 Duntocher and Auchinleck (large housing estates).

The analysis of material from the Social Workers' schedule employing the Wilcoxon Signed Rank test demonstrated that the variable referred to was not of a significant nature, and if we were to seek causal links in relation to perceptions and performance, the answer did not lie here. On advice, the findings and discussion have been excluded from the text as being negative and non-productive.

For present purposes, therefore, it holds good that the sampling of the Social Workers in the two divisions proceeded at a level of attempting to cater for skew and bias. The response rate was well in advance of what one might have expected, with no direct refusals, and an applied strategy of return visits to pick up absentees from the first office

visit. Some loss was occasioned by contact failure on these return visits and the possibility of avoidance mechanisms being applied cannot therefore be ruled out. This was work carried out in the context of an appreciation of the complex nature of the field task, rather than in any spirit of attempting to tie the respondents down to a rather pedantic, legalistic view of the task of servicing the system. As the Barclay Report (1982) pointed out, community social workers have 'a complex accountability to their employers, to their clients the nature of their accountability should be made explicit' (13:63). In a 1978 Report CCETSW said of social workers 'on further reflection it would seem that (they) were in fact experiencing much disquiet about what was perceived as a loss of autonomy as professional persons. They seem to relate to extensive change as the kind of work that has to be done.' (18:7) How far these workers had settled to 'the kind of work that had to be done' in the context of their 'complex responsibilities' provided the starting point for this exercise.

The constructed instrument had to reflect these concerns. It had to satisfy the criteria of being relevant to the issues being addressed, and of being capable of transmission to, and bringing responses from the respondents. It had to be capable of analysis in terms which met the objectives of the exercise, and had to carry, at least, a potential for replication.

The position from which this strand of the research started was an appreciation that, contrary to almost all previous work in this field, the products, the SERs, could not be seen in splendid isolation, removed from consideration of the views and opinions of the writers. I have referred to the Pearce & Wareham view of the problem of gaining access to the writers' purposes and understandings of these purposes. That, in essence was the core consideration in seeking the views and opinions of writers of reports.

The problem with this lay, initially, in the limited access arrangements to which reference has been made. It was clear that to attempt any work on the New Town basis alone would have been useless. A wider spread of respondents was required. Fortunately, because of other, ongoing contacts, it was possible to secure access to Ayr North

Team workers in the development stage, and they acted as a sounding board. The initial draft of the schedule was discussed with individual members of a large and possibly then the most experienced team in the Division. Points were raised, dismissed or modified until eventually I arrived at a point where I had an instrument which appeared to be viable, in terms of the perceptions of a respected and experienced group of practitioners, and of my own particular standpoint which was informed and influenced by the work on the SER schedule. That draft was then discussed, point by point at a full team meeting. Given the importance of this schedule, a further process of consultation was conducted with a group of practice teachers. This produced further modification in some aspects. At this stage it was piloted with a mixed group from Ayr and Dumbarton and practice teachers. The instrument proved to be acceptable and amenable to statistical analysis.

ii) The SER Schedule. Certain core considerations presented themselves in the initial period of attempting to conceptualise a schedule calculated to meet the demands of this situation. Perhaps the first thing which requires to be said is that with all the out pourings on the general issue of SERs, there has been a singular failure to identify the possible and relevant components of reports. Significantly, it was left to the Streatfield Committee (1961) to produce a possible, court-orientated formulation. Since then there has been nothing, save those of Perry (1974) and SWSG (1974), paralleled in the U.S. by Spica et al (1979). The general question therefore related to a model of information and advice calculated to serve the system being addressed. That required an appraisal of what is referred to as 'the Kilbrandon theses' i.e. that set of ideas which emanated from, although not necessarily contained in specific form in the 1964 Report.

Secondly the question of reasonableness, by which is meant addressing the question of what would be reasonable to expect to find in SER in this area, at this time? It would, it is contended, have been unreasonable to expect to find reports which mirrored those of the English Crown Court, or to reflect the ethnic element found in Cohn's 1970 study in New York. Rather, it is contended, the content expectation had to conform to the needs and the aspirations of the

system being addressed. Accordingly, the instrument was intended to reflect an understanding of these matters and an experienced practitioner's appreciation of what is, on a case by case basis, possible in the investigation of social and domestic circumstances. In illustration, one may make the point that the notion that it is not possible or practicable to seek information about family finance was never seriously entertained.

A series of issues was thus to the fore, which, appear in, or ought to appear in, SERs and which are calculated to feature in the decision-making process.

Further, the demands on the writers, both legal and philosophical, in the overall context of the organisational demands on them, were kept firmly in mind.

In advance of any field work, theoretical and practical issues had to be resolved. Given the presumptive nature of much of what has appeared in the literature, a baseline had to be established, rather than be taken as a 'given' in the situation under review. The severely practical issue revolved round the adequacy of any instrument constructed, in relation to the presented reports. It is argued that, e.g. one has to be aware of the possibility of error being inbuilt, not least because of the experience and enthusiasm which was brought to the project. The error factor is not peculiar to this. Garfinkle (1967) has suggested that the 'countless decisions' which have to be made in creating and organising data are, in principle, subject to a kind of uncertainty, and in that sense there has to be a margin for both error and for personal bias. What can be done, given an awareness and a degree of humility, is to endeavour to eliminate bias and cut back on error which accrues from misconception and misplaced reliance on previous findings or views. The essentially grey area, the absence of 'right' or 'wrong' ways to approach the problem is at one and the same time a comfort and a problem. One must in the final analysis rely on personal choice, in Becker's terms 'we choose the framework that seems most congenial to us, and who's to argue?'. (1970:21). Choices have to be made. In this exercise the choice was made in the necessity to

develop a framework which would, over time and with a flexibility inbuilt, be available for purposes of replication. Therefore the need for as comprehensive an instrument as possible was of some importance.

There are no hidden assumptions in the instrument, as presented. Care has been taken to test out the included factors, and to eliminate those of a presumptive or pejorative nature. It would, in the present climate, have been entirely feasible to construct a negative schedule geared to a 'knocking' of the present Scottish arrangements, but such was not on this agenda.

The hypothesis on which the schedule was constructed was one of change brought about by enhanced educational preparation and a clearer view of what it is the Department are called upon to deliver than would have been possible in the pre-reorganisation period. The reality base is thus established. That hypothesis requires to be developed.

Development can best take shape through a process of testing, rather than, as we have seen in England over the past decade, a running debate in the Courts and in the journals. Equally in context, the presentation of data subject to analysis is calculated to carry more weight than lengthy discussion. In the nature of such enterprises, the hypothesis develops in process, rather than emerging *à la* butterfly-fashion, ready for application. In this context one notes Whyte's (1955:323) comment about social performance being as it were, a moving picture rather than a still photograph. In that sense, as the data becomes available, as impressions give way to opinions, as fact influences thought, hypothesis develops.

The schedule was designed and developed with these considerations in mind. It was intended to reflect a knowledge of and a sensitivity towards the position of the report writers in their specific situation.

In that spirit the actual formulation that was applied was seriously thought through, talked over with practitioners and receivers and reviewed in the light of these consultations. What one sought to achieve was an instrument which reflected purpose and mirrored the reality of practice, at an acceptable professional level. Among persons knowledgeable about these matters there would be no real

controversy that the range of issues identified represents a cohesive statement about the matter under review. With no rank ordering implied or intended these are, broadly:

- a) Family finance
- b) Family composition
- c) Social and domestic status
- d) Referral history of family - if any
- e) General areas of concern disclosed by the investigation
- f) Specific details of the child in his social context
- g) Indicators of home conflict
- h) Offending patterns and details
- i) disposal possibilities.

The schedule was constructed with these guidelines in view and the indicated range of inquiry constitutes the body of the data collection process and the analysis of it.

The vagueness of most reported studies, to which reference has been made, may be the result of the failure of the writers to come to an appreciation of the social phenomenon they are attempting to study. Morris's (1973) seeming bewilderment about the actual content of the material is a good example of this. There has been a marked tendency to generalise before the particular has been established. On the other hand there is the well recognised propensity among practitioners to be very defensive about their work (see e.g. the correspondence in the J.P. following the publication of Perry's 1974 study, or the Moore and Moore article in 1984). The importance, therefore of creating a useable instrument which spans these concerns is considerable. It is stressed that this is a dynamic field, and that the keywords are development and reflective change.

Trial applications of early drafts demonstrated that in three major areas, education, finance, and offence there was a serious lack of congruence between the expectation that the reports would be susceptible to analysis in the terms indicated here. Application outside the test area showed this to be a common situation. The problem then faced was one of either a critical modification which

would effectively hide significant gaps in information with the consequent effect on any assessments offered in the SERs, or to proceed on the basis that the information could be obtained and should be included, and thereafter to draw whatever comment and conclusion from the data analysis that the completed exercise would support. It was this latter course which was adopted.

A pilot exercise was conducted on the basis of a random sample on a 1977 baseline supported by a similar cohort drawn from the other location serviced by the New Town reporter and the 25 reports from Ayrshire previously referred to. This was shown to be satisfactory, with the qualifications noted above. The Reporter's files were, in every case, adequate for the complete data to be drawn.

The first step in getting started in the New Town was to see just how the referred children were allocated, within the available disposal channels. Table 1:1 shows the spread of this allocation procedure for the years 1978 and 79.

Table 1:1 Allocation of Child Offenders in the Sub-Division.

Year:	Child Referred to:-									
	Fiscal		Reporter		Formal Police Warning		Informal Police Warning		N=	
	M	F	M	F	M	F	M	F	M	F
1978	93	13	133	15	37	9	71	11	334	48
1979	79	9	127	15	36	9	131	17	373	50

A number of factors thus came to the fore. There was a potential for referrals to the Reporter to be from the Fiscal or from the Sheriff Court, which would necessitate reports being submitted, and the child being referred to the Panel, either for advice or disposal. By no means would all children referred to the Fiscal come to the Reporter, or to Social Work. A number would be for Road Traffic Act violations, a number would be marked 'no pro' on the grounds of the offence being too trivial for prosecution. A number, referred to the Reporter, would be marked 'no further action' with no report called for. Therefore in making decisions about sample-size and distribution, the following course was adopted.

From a point of the maximum possible number, the yearly average was calculated to be in excess of about 200. It seemed reasonable to estimate initial reports required to be in the order of about 150-160 p.a., allowing for data loss. It was therefore decided to aim for a 50% random sample over 12 months (1978-1979).

A file search for the period Sept. 1978 - Aug. 1979, produced 158 files which were completed and which were concerned with initial offence referrals. A 50% random sample was drawn, and followed by a straight run of available files Sept. 1980 - Mar. 1981 for a further 79, thus the complete sample of 158 New Town cases; it should be said that New Town related to the location of service and not necessarily to the domicile of the offender, which was, in all cases, within the sub-division. It should be noted in the New Town context that there was a certain loss of data as a result of cases being eliminated from the Reporters files, when the subjects attained their 16th birthday, who on that day were not subject to supervision or had a Court or Hearing appearance pending. In the event this data loss was not significant, but it was important to ensure that it did not create a skew or imbalance in the findings. That was achieved by an awareness of the problem and a checking mechanism at the appropriate stages in data collection.

The initial intention was to base research on a classic model, on what J.S. Mill called 'the method of difference' where it was planned to see if observed characteristics in area 'A' would be absent in areas 'XYZ', and from this to draw attention to such phenomena as appeared to merit attention. This, of course was frustrated by the RAG decision to confine the research to the New Town and necessitated a change in method. The opportunity to use and incorporate the Ayrshire project work into the design required a further shift and re-think as to the possible end-product. In short, the development of a theoretical model began to take shape.

The Ayrshire opportunity had to be grasped, and in spite of the singular weakness of the imposed restrictions, the work was tailored to fit the situation: what may fairly be termed 'the art of the possible.' The validating experience lay in the quite extensive samples drawn from

the New Town offices, in all, encompassing the work of the area over a four year period, and taking account of, inter alia, staff turnover and Regional directives and pressures. This also took account of any 'Hawthorne effect' in the project, which initially was seen as being of some possible significance.

The Ayrshire sample: The six workers nominated were each asked to provide reports, prepared immediately prior to the start date of the exercise. We now had a sample of 40 SERs. The twin tasks were to subject these to the scrutiny of the SER schedule, and following from that to use the results to improve the kind and quality of the SERs being produced. It was recognised that they were in constant communication with their respective teams and therefore, any movement would be reflected in the thinking and practice of the team members, long before any Departmental instruction was issued. The number of SERs in this was fixed at a manageable number for the purposes of individual discussion; secondly, it was a sufficiently large number for the group to take on in a second stage exercise, that of preparation under supervision; thirdly, the total of these two elements met the needs and demands of the DMT for early completion and the production of a revised format.

Phase one was therefore the analysis and review of submitted SERs.

Stage two was the discussion in advance of preparation of reports, and the subsequent decision-making process as to the amount, nature, validity and reliability of information gained in the interview stage, and from that, the best and most effective presentational strategy.

The net effect of this discussion, analysis, discussion, decision-process was to provide a significant and reliable validating procedure in respect of the schedule. The effectiveness of this was, if anything, heightened by the flow and interchange between the group and the constituent teams during the life of the project.

In the initial stage (i.e. the original 40 SERs) once analysed, the results were shared amongst the group. The whole operation was thus geared to a strictly practice-orientated presentation. The analysis of this material is presented in the text.

The theoretical importance of the strategy employed lies in its power to make real for the operatives the issues in given situations - in effect, the application of learning-theory to research-methodological-objectives. The value system of the operatives, the much discussed but ill defined 'social work values' was mobilised. In this, it cannot be claimed that 'values' are not the province of the researcher: one must, as Edel put it (1966:219) 'have an element of discrimination or judgement thinking or holding it as desirable in situations where the relationships are varyingly and complexly patterned'. Certainly, in Social Work, to ignore the values and importance of relationships as between the researcher and his respondents is to invite trouble. It was in this complex that the research took on the pattern of analysis, description, discussion, causal-explanation, evaluation.

The form of the evaluation, in keeping with the drive to develop skills and an appreciation of the philosophy of the model, was developed from the causal-explanation stage, as it became clear that the expectations of the organisation and of the receivers were less than clear, much less co-ordinated. The workers were therefore thrust back on their own resources in terms of developing a model with which they could be comfortable. In this we were attempting to meet what Fairweather adequately described as 'the goal of social innovative experiments to compare the effectiveness of new sub-systems in solving a selected social problem. The social sub-system which is the unit of research in experimental social innovation can only be clearly understood in terms of its functional properties the outcome of a sub-system is dependent on the individuals who participate in it and the social context in which it operates.' (1968:77)

The internal consistency of the method was enhanced by the rigour of the application, with the added discipline of having to satisfy practice in the final, new-style SER submitted to Reporters and to Panels, and subject to the added scrutiny of the steering group, both these bodies being represented.

Its external consistency was secured by the width of the sampling across time and by cross-reference in the two areas, and by the nature of the final production exercise. Final validation came in the form of the decision by the Region to meet its policy objectives by the adoption of the model as the approved Regional form to be employed.

iii) the Offence Commission Schedule. The third schedule necessary for the analysis relates to offence commission. It is the commission of the offence which brings the subject and the writer into contact, and which creates the professional bond for the duration of the decision-making process. It is that which gives it its unique importance. The SER schedule pilot run showed quite clearly that the reports would not yield sufficient information to enable any meaningful comment to be made about offence commission, or add significantly to the available knowledge of circumstances pertaining thereto. At this stage it was decided to use the available information contained in the Reporter's files, and in particular, to pay regard to information supplied by the police to the Reporter, bolstering the analysis by reference to the social information held in the SERs. The practical and theoretical importance of this approach lies in the fact that the individual SER could be significantly enhanced by recourse to the material indicated. The objections of the Social Workers interviewed that they were not permitted access to this material is clearly a legal nonsense, but given that access to the Reporter's files in Ayrshire was denied to me for these purposes I do not discount the practical realities of the representations made in this respect.

The schedule deals with the broad offence circumstances, drawing on experience and theory in respect of the various aspects, location, time, seriousness, values in property offences, recovery of goods, type of property favoured in offences. The methodological importance of this approach in a Scottish context is precisely that it cuts right across

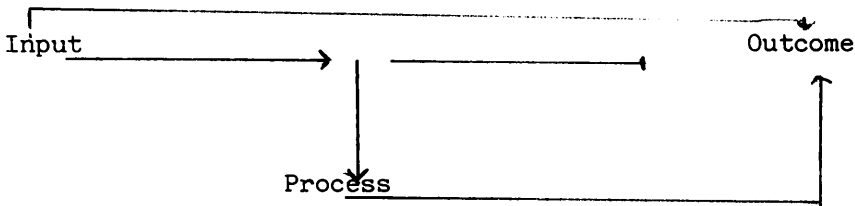
the much valued 'it does not matter what he has done, it's his welfare that matters' approach within Social Work and the Hearings. As such, it requires to be taken as a serious challenge in a field which is of critical importance in the battle against juvenile criminality.

This schedule proved to be considerably easier to construct than the other two which have been described. Here was a known and quantifiable situation, where there is well-founded history of endeavour in criminological research. As indicated, the preliminary work on this was done when the SERs failed to show satisfactory levels of information. Two points, however require clarification. The first is that the concept of seriousness in property offending was critically extended beyond the Martin (1981) ceiling of £100. The second is that in deciding what was 'serious' in offences against the person one had to have recourse to the hard evidence of the police report, so that the insertion of stitches rated a wound 'serious' or to cite one recorded example the offence which caused a girl to spend four days in hospital following a fight was deemed to be 'serious', and another's causing concussion was similarly graded.

Development of a Model of Social Enquiry. The second stage lay in developing a model of social enquiry which would take practice beyond the state encountered in the field-work detailed in this work. As indicated, this was taken forward in the Ayrshire exercise. The model proceeds from that point, and from the premise that theory cannot be divorced from practice, nor practice from theory. It is desirable to attempt to finalise such work as this by a demonstration of unity, showing how the twin arms of well-grounded theory and informed practice operate. In this one draws attention to the way in which the Ayrshire model found acceptance, compared with, to take the two obvious examples, Perry's 1974 form and that of the same year put out by SWSG.

Lachenmeier (1973:248) makes the point that 'faulty identifications cannot make good hypotheses'. Equally, of course the converse is true. This leads back to the issue of response sets, procedures and

opportunities. There is a range of stress/strain factors which critically affect outcome goals and displays of credible performance. Empty & Lubeck (1971) have categorised this as:-



The model has a certain utility as it shows the way in which 'process' e.g. in the institutional blocks encountered, can and does, act as impediment to the realisation of outcome goals, as defined in the original 'input' by which we mean the theoretical point of departure.

Essentially what is intended in the new model is nothing less than the demonstration that theory addresses practice, is addressed by practice, and in turn re-addresses practice. That it threatens the quill pen attitudes and practices encountered simply makes and underlines the point.

It remains that we now pass from a descriptive phase of social research. No longer is the task to describe practice, it is to change it. The present task is to mobilise the knowledge gained and to present a model which capitalises on it and suggests a marriage with a range of new technologies which ought now to be readily available. The intention is simply to point a way forward.

The indices are provisional, but do reflect the finding of this work and indeed the substantive literature in this field. The model would go a long way towards meeting the vexed question of managerial control over SER production and quality. It would further aid the process of enabling research to be valued as a tool of social work and social policy in an area rich in ambiguity and uncertainty. The model is derived from two, related sources. The first is the SER schedule.

Having worked this up, it would be wasteful simply to neglect its potential use-value, or to ignore its validated potential as an instrument with a practice-applicability. That provided the framework, the conceptual base both for the work in Ayrshire and for the itemised approach which is the core of the model. The second relates to the experience which the Ayrshire project generated. Here was a situation, where, if there was to be movement, the workers had to be part of the planning and the activity. Much was learned from this experience, but for present purposes, the central point is that it was shown that to succeed, there had to be a marriage between clear structure which had defined parameters and an agreed measure of personal autonomy in the selection and use-presentation of material. That has been retained in the model. Previous attempts at 'checklisting' SER work, e.g. the Scottish Probation effort of the late 50's, failed largely because they were 'handed down' and secondly, because they did not afford this degree of personal selection and decision in the handling of material. The conclusion which must be drawn is that the devising and upgrading of models has to carry a reasonable amount of skill-promotion as well as serving the larger consideration of ensuring a socially-acceptable service-delivery. Without the former, it would seem, the latter is unlikely to emerge.

1:7 Observing the Hearings. A necessary part of the research programme was the observing of Hearings at work. Under the Rules, and in accordance with normal practice, observation was of a non-participatory nature, Hearings were attended over the whole of the research period in the two locations at which the New Town workers would most likely be present and/or submit reports. In Ayrshire the Hearings were attended to provide a comparative yardstick, in terms of process, and the contributions of social workers and those of parents and children. Some of the experiences gained from these Hearings are included in the text as illustration and support of comment or survey material. This was regarded as a necessary rounding experience, for to take the example of material missing from reports, (following Morris (1973) and Morris and McIsaac (1978)) if it was provided in verbal exchange at the Hearing, then the surveyed reports, and indeed the whole generality of views around this, would require to be radically re-thought. In the event the observed situations were as previous commentators had

described Hearings (Bruce & Spencer 1976, Brown & Bloomfield 1979, Martin et al 1981) and no corrective proved to be necessary, or to be in evidence at any Hearing.

In this and in more general aspects one found that the Whyte precept (1955:303) "'Go easy on that 'who' 'what' 'why' 'when' stuff. You ask those questions and people will just clamp up on you. If people accept you, you can just hang around, and you'll learn the answers in the long run without even having to ask the questions.'" If one refers to the Hearing aspect on P.12, the value of this in relation to the Panel member's comment at the end of the case becomes quite apparent. By the same token, much of the material accruing from Panel members in respect of offence commission came about in the same fashion.

1:8 Data Analysis. The scope and the parameters of this thesis have been established in the foregoing sections. The data acquired in the fieldwork was analysed and is presented in the body of the work. The schedules referred to in the text as source material are to be found in the appendices: schedule I 'Social Workers' Perceptions' at appendix I, schedule II 'SER Analysis' at appendix II and the Offence Commission schedule III at appendix III. This section deals with the data analysis on a chapter by chapter basis.

In ch. 3 a baseline in respect of the Social Work operation in the two Divisions is established by using data from schedule I. (Tables 2-8 inc). Table 3:I is an abstract from the official SWSG statistics. This demonstrates the variable practices referred to in the text.

The use of the data from schedule I is supportive of the main thrust of this part of the thesis; namely that organisational arrangements are determinants in service delivery. The data was selected to demonstrate key workforce perceptions of issues around service delivery in the Hearings related areas. The statistical analysis using chi squared test of significance is an appropriate test for this data as it is essentially of a non-parametric nature.

The abstraction of data for Ch. 3 enables an evaluation of the body of Sch. I to be undertaken. Here we have material which touches very closely the core elements of the relations between workers, the organisation and service delivery on the one hand, the client system (Reporter and Hearing) and the children and parents subject to investigation on the other. Employing null hypotheses to the questions posed in Ch.3 provides a useful and useable confidence base for the body of the material which appears in Ch.5. There is a demonstration of construct validity in that the issues raised are highly complex and the fact that the respondents were able to provide the material easily and comfortably demonstrates the relevance of the schedule to their own work and concerns for the complexities of practice.

Ch. 6 is the vehicle for the utilisation of the data from the Social Enquiry Report schedule. Here the material is employed to examine the content of reports and in particular to test the viability and completeness of the material contained therein.

It had been anticipated that the reports would be capable of sustaining the examination of offence characteristics (Ch. 7), and with some minor reference to the Reporter's file system, an analysis of possible influence of the SER on decision-making (Ch.8). In the event, the early work in this area showed quite clearly that that would not be feasible due to reports being deficient in this kind of information. Accordingly recourse was to the Reporter's file system where both the police reports, and the decisions were easily picked up. In the same way, the reference to school reports in this work came from the same source.

The decision to base the SER analysis on a split-half sampling (random '78-'79, run '80-'81) was made on the basis that this provided for a most rigorous statistical analysis. The argument in favour of this approach is also one of economy. As Moser (1969) has pointed out this is of considerable importance. The excellent records maintained in the Reporter's office made the task easier than it might otherwise have been, and as shown the actual loss of data was quite insignificant. Accuracy in the tabulation of the data was ensured by adequately prepared work sheets and coding arrangements.

In the main the material on which one worked was of a non-parametric nature, and it was appropriate therefore to employ non-parametric statistical tests. Complying with normal convention the chi-squared (χ^2) test was used extensively. It was planned to use a uniform multi-cell design for maximum power-efficiency, based on the separate categories under review. In some cases (e.g. in respect of considerations of single parenting and disturbed families in Ch. 7 & 8) because of small numbers it became necessary to combine cells in order to maintain the necessary numerical limits. The results are judged, in accordance with normal practice at the 5% level of significance, although as will readily be seen from the text that in many instances some findings are well beyond this cut off point.

In situations where there are not clear linear relationships between variables one must seek ways to deal with the characteristics that are of interest. It is often easier to rank than to attempt to measure. One useable measure of rank correlation is the Spearman-Rank correlation coefficient. This measure takes on values from -1 to $+1$, just as the correlation coefficient (r) does. A value of Rho equal to 1 indicates perfect agreement, while a value of -1 indicates that the ranks of "x" are in exactly the opposite order to those of "y". A value near to zero indicates that the ranked factors are independent. This measure was particularly appropriate in respect of some of the data in this study and was used on the terms outlined above (see e.g. Table 5:3).

In other circumstances (e.g. in Ch. 5 where the concepts of the 'round-table discussion' and those of the Social Work Assessment are brought together from different tables, 3:7 and 5:3) it was desirable to see if a correlation exists between two distinct variables. Here we employ the term 'correlation' in regard to changes in one being associated with changes in the other. We do not imply that any correlation however strong is an indication of a causal relationship. Correlation (r) is not, in this work, employed to point towards causal relationships but rather to direct attention to circumstances which, of themselves may point to factors within the general relationship (in the instance given, that of the investigative and Hearings processes).

In some instances in the text it was appropriate to employ either of these techniques as the sole measure, in others it was useful to re-enforce the X2 tabulation with a reference to a level of correlation.

Where it seemed appropriate the text is supported by diagrams and bar graphs as illustrations of the points under discussion.

Such conclusions as are drawn from the data relate to the material and experience of the research, where wider comment or indication is provided, it is done on the basis of supportive evidence and experience

General Issues. The foregoing has set out the scope of this research and the development of the three main instruments employed in the field work, along with the two-stage development of a new model report of social assessment for the Hearings system. It remains that some more general comment on the situation within which the work was undertaken is required. There is also scope for reflection on methodological considerations which at various points governed thought and action.

Of fundamental importance was the R.A.G. decision to limit access. This immediately created a methodological problem in respect of the New Town. Given the difficulties of one-centre research, a compounding factor lay in the question of the representative nature of the town. Might it be that factors peculiar to the town, such as schools, all modern, reasonably staffed and equipped, housing stock, invariably of good standard, the high level of general amenities would influence the findings? If a similar study were to be carried out elsewhere would it yield different results? How far could such a study provide external and general validity? These problems found solution in the emergence of a second centre (Ayrshire) and in the two-Division Social Workers' perceptions exercise, which at least provided a test as to whether the New Town workers differed from their counterparts in the parent Division (Dumbarton) and from those in another Division: in short a question as to whether location and its influences modulate attitudes and perceptions. Findings of no significant differences would help to explain practice and provide indicators for the formulation of theory of some general use in this field.

Essentially, therefore what emerged was a concept of the inter-related nature of the content and form of presentation of SERs and the bases of attitude and knowledge of those preparing them. The thrust in the direction of seeking to establish the kind and quality of offences of the subjects of these reports opens up a kind of a post-kilbrandon view of the social problem being addressed by the Hearings system. The validity and necessity of dealing with the SER in this way is illustrated by the following quotations, one U.S. based, the others Scottish.

Referring to the work carried out by Cohn (1970) Townsend et al said "She found a general spottiness evident in the pre-sentence reports: a Probation Officer might focus on a sensitive factor on one case, and then ignore it altogether in the next. As the result, she concluded that the Probation Officer was unaware of the importance of the criteria he was actually using". In a Scottish context Martin et al (1981), "piece-meal presentation", while Curan (1982:35) quotes Social Workers on report content as "as much home background as you can get". "the more information you can get on the individual the better", and a Sheriff who felt that SERs were a value to him because "all information is helpful". In this context Asquith's comment (1983:205) takes on a particular relevance. "The search for information on which to base decisions is influenced as much by how information is sought, as it is by what information is available Information about a child has no meaning independent of the process by which it is produced". Thus, the importance of an analysis specific to the Hearings is allied, with and indeed is inextricably linked to the attitudes and the perceptions of the Social Workers engaged in the task of SER production. The major research question in this is a complex one. On the one hand there is inbuilt in the Scottish arrangements, a whole ethical framework based on the Kilbrandon Report (in the context of SERs see, for example, Hiddleston 1975, 1982) to which Social Workers are expected to subscribe. On the other hand, there is the more recent and much more complex debate about the very nature of social work epitomised by the differences in perception about the ways in which the task and the problems could be most effectively met, in the Barclay Report and in the Pinker Minority Report (1982). Dependent upon which of these roads one takes, the perceptions of Social Workers relative to the task in

hand changes. This complicates the less than simple dilemma inbuilt in the Scottish situation. That is the basic one of 'control and/or care', which in common with other welfare jurisdictions, this system poses for those who would seek to provide service. Therefore, in seeking to find out what they do, the questions relative to what they know, what they believe, must first be answered.

A second strand relates to levels of juvenile offending. Beyond the scope of this work is examination of the effects of intervention or otherwise on the delinquent careers of the young offenders brought into its ambit. What is of considerable research interest and potential importance is the levels of crime-commission being dealt with. For a decade post the implementation of Part III of the 1968 Act attention has focussed on the 'success' of the Hearings as measured by the number of youngsters processed through the system: a fall in gross numbers equates success, a rise is cause for concern and for alarm. There are, of course, more important issues than this crude level of value judgement. It is a matter for comment, that prior to the Glasgow University research, no findings were available as to the levels of offence-commission as measured by the property values involved. The quite seriously erroneous 'Kilbrandon' view that 'an offence is an offence is an offence' and that all that matters is the welfare of the child, takes no account of the realities of crime in the community. Incidentally, Kilbrandon was under no illusion about the need for control as one of the proposed new system's options. "Within the range of measures authorised by law, it would have the widest discretion in their application.... the widest discretion to vary or to terminate the measures initially applied and where appropriate to substitute others" Para. 73). W. R. McGregor, then Regional Reporter for Strathclyde, in a widely reported speech (April, 1983) contended that one of the effects of the welfare approach had been the creation of Fagins who used youngsters for serious crime against property and dropped them once they became subject to Panel measures, recruiting others in their stead. The research issue therefore is one of levels of seriousness of crime being dealt with by a welfare orientated system; the core question being, are the kind and levels of juvenile crime the same or similar as that which engaged the attention of the Kilbrandon Committee? Information on that is of considerable value in the

creation of public policy, and if found to be other, poses issues for the system qua juvenile justice in its relationships with the Police, with Social Work and with the community it seeks to serve.

In essence, there is a social policy issue in that if what Kilbrandon perceived to be the societal problem has changed in kind and quality, then it becomes a matter for debate as to the shifts and changes which would be required to counter these shifts. The present task is to see what qualitative change is discernible, and to ascertain if the social assessments offered measure up to the realities of the situations effecting the individual children under investigation. It is regarded as axiomatic that no child can be regarded in isolation from the activity which places him in context with the community of which he is a member. The research then falls into two distinct parts; a theoretical part bolstered by the empirical evidence, and a practice part which places theory in context, and tests some of the more common assumptions.

To avoid confusion, any piece of research must adopt a particular perspective, determining the placing of emphasis and the selection of material from the mass available, but it is also important to establish the background of theory against which the research is set. In this work theories of organisation, legality and criminology belong to the background; the perspective is one of social work assessment and service to the system, based on modern concepts of these terms.

Social Workers in the System

In seeking to establish the perceptions of Social Workers of the system, it was deemed to be important to focus on issues which are of every-day concern in job performance, assuming an acceptable level of professional competence, understanding and commitment. In this there was a recognition of what Puchett (1971) referred to as 'The rules employed by the researcher for assigning meaning to objects and events should be isomorphic with the meanings of his subjects. That is, the language system of the researcher and his subjects should be in correspondence if the researcher hopes to measure with an acceptable degree of validity the meanings assigned by men to objects in the

social world'. Inevitably the encountered problems fell within the range recognised by Schutz (1938) who argued that there exists 'an almost impenetrable barrier between the constructs used to give meaning to everyday life and those used by the scientific observer'. The bridge between these two seemingly conflicting statements is provided by a recognition of the ways in which the legal and organisational definitions of jobs become distorted in the everyday workplace decision-making process. Thus, the observer must adhere to acceptable definitions of task which acknowledge those set forth as organisational and professional objectives. In so doing he risks raising criticism of both the organisation if it fails to provide the promised service, and of the workforce if it fails to measure up to its own professional standards. In the construction of the schedules, due regard was paid to these factors. In practical terms this has its own importance, because failure to surmount Schutz's 'impenetrable barrier' would mean a failure to come to terms with the construct realities of the social situation under review.

One illustration is provided by the worker who was embarrassingly ignorant of the legal provisions and swept this aside with the comment "this is not important for me; you see I am into family therapy, - that kind of thing isn't my scene". The value of laying bare this kind of discrepancy between organisational rationales of practice and the actual operational model is that the assumptions that interactional problems between Social Worker and client are predicated by organisational constraints is open to quite serious question. As the above illustration demonstrates, interactional problems exist not only as between worker and client, but as between worker and the system, with the child and family qua client being thrust into a 'done to' situation, rather than 'worked with'; because of the deviation of the worker from the organisational and legal definitions of task. Becker (1970:199) sees this type of behaviour as being derived from and dependent on the mechanisms of development of interest in skill and the mechanism of acquisition of ideology, the first operating to produce identification in the area of task commitment, the latter operating to produce commitment to occupational title, and clearly as, in the case of Social Work, where the influences of peer groups are of greater and

more immediate import than that of management, the emphasis will shift toward ideology, as defined and accepted, at the expense of commitment to task as defined organisationally and legally.

The research task ~~is to~~ attempt to make sociological sense of presentational realities while at the same time holding fast to the structural realities on which the operation under scrutiny is based.

Room (1979:243) summarises his argument on the 'perennial and ubiquitous mediation of welfare professionals' as being, in part, 'the welfare professional may exploit the aura of his expertise and position to define need and priorities with little reference to consumer preferences or even to overt political debate' and in context the research task is one of holding on to what constitutes consumer i.e. system priorities and to the fundamental philosophical constructs within the overt political debate which must take account of the importance and level of juvenile criminality within the community.

The acceptance of massive and diverse responsibilities by the unified departments gave rise to the general purpose, generic Social Worker who, on the basis of the perceived need of the Department to provide for a range of needs and to meet a variety of problems within the community, was expected to perform at a standard level of competence within the totality of the Department's responsibilities. Indeed so prevalent has this become that specialist workers have been refused promotion on the grounds that they lacked "generic experience". In this situation it becomes relevant to seek to gain some knowledge as to what the perceptions of Social Workers servicing the system are about the provisions under which the system operates and as to their own roles and responsibilities in relation to the decisions which are made at various stages regarding children who come to notice. Crucial questions concerning Social Work are inherent in the system. The responsibilities given to Social Work, the wide ranging flexibility granted to individual workers and their intrusion into the actual decision-making processes demand, a priori, of each individual working for the system, a sound basic knowledge of the legal provisions and requirements within which the child is dealt with and professional diagnostic and assessment skills commensurate with the task of

providing what the Kilbrandon Committee referred to (para 233) as "informed and skilled advice channelled through a central agency". Part III of the Social Work Act placed the Social Work Department and individual Social Workers in a central position within the system. At a stroke it removed any lingering notion that Social Work was a hand-maiden of the courts. The fact that any child placed under supervision for whatever reason becomes de facto in care of the Local Authority is ample proof, if such were needed, of the importance of the Social Work contribution.

Accordingly, individual workers must display a range of knowledge and skills commensurate with the importance of the job they are doing. There really is no way that this system can function at the level envisaged by the Kilbrandon Committee and legislated for in the Social Work Act unless this is clearly demonstrated on a worker-by-worker basis. Within the system a number of assumptions has grown up about both the nature of delinquency within communities and the methods whereby delinquent children may be handled. Many of these have now become institutionalised: the cool reception which the Secretary of State's 1980 Memorandum received may well be accounted for by this fact. The Consultative Memorandum made a number of fairly modest proposals for strengthening the Hearings in dealing with young offenders, but these were not well received. None of its proposals found favour with the system's operators and all were rejected by the respective bodies, Panels, Reporters and Social Workers. It became clear from the published responses that all were firmly wedded to concepts of delinquency and to methods of dealing with the problem which did not admit of any change that seemed to 'water down' the pure Kilbrandon doctrine.

A central tenet of the Hearings system relates to the ability of individual Social Workers to assess situations and people and to make recommendations about disposals. Because of the power wielded by Social Workers in this situation it is right that the premises from which they proceed should be questioned. It was the intention to seek to establish the levels at which Social Workers appreciate the legal features of the system, their own responsibilities and roles within it, and the kind of perceptions which they bring to the tasks created for

them by Part III of the Act. This posed a methodological problem in that the researcher had a choice: he could either take a 'sane system' approach, and e.g. regard missing information in reports as some form of normality "the Social Worker saw fit not to include it" or he could adopt a more eclectic stance and raise valid research questions "why limit offence values to £100?". This latter path appeared to be the correct one, albeit not one calculated to conform to certain organisational perceptions of service-delivery. This whole field is what Gouldner (1971:29) called 'the domain assumptions' 'they remain in the background ... they are, as it were, silent partners in the theoretical enterprise'. One has to come to terms with the reality of not being able to meet all considerations, from almost every standpoint, and yet of being prepared to see through the valid research concerns to which attention has been turned.

Methodological approaches.

One now has to see how different methodological approaches can be utilised in a resolution of the core problem of a multi-faceted organisational situation with a specific concern for one particular aspect of it.

First there is the mobilisation of existing knowledge. The assumption that researchers start 'from scratch' is often, and probably usually quite erroneous. If one has an interest in the topic, and in related topics, the start line becomes clearer, the time spent gaining basic understanding is radically reduced.

Second, there is the mobilisation of existing or potential contacts. In a situation, such as the one described, the range of perceptions and views is calculated to be wide and not uniform. Therein lies both a strength and a danger.

Third, adequate library resources, capable of supporting the particular thrust of the project must be readily available.

Fourth, there is the problem of gaining access to the data and personnel of the agency: 'getting in'.

Fifth, there is the decision about the forms of approach, and about the instruments to be used. Arising from this is the question of the employment of appropriate statistical formulae.

The final check point is in relation to the presentation of the results. There is in this an important issue of judgement, which can have impact on the final presented material.

The considerations of the study are concerned with perceiving the System as a system, and within that, of seeing the contribution of Social Work in providing reports as being a sub-system. This required consideration of the main area in respect of a number of issues. It was important to have regard to questions of possible skew caused by demographic features, by staff inputs from local educational establishments, by possible variable induction practices, etc. I would argue, from this, that the construct validity of what emerged was high, and in extension the small scale exercise in an English Juvenile Court was found to be well served by the SER schedule.

Because of the care exercised in the construction stages, there is a high congruence between the instruments employed and the elements of the system under review. In this there is an appreciation of the importance of starting with sound definitions of the problem being addressed. This may be illustrated by reference to Quinney's (1971:209) definition of the 'crime problem'.

'Crime is first of all a state of mind. Any discussion of crime necessarily begins with this assumption. Apart from a subjective assumption, crime has no meaning as objective phenomenon, social problem, or subject of study. In order for the phenomenon of crime to exist, there must be a construct of crime. The construct must then be associated with specific social behaviours. The association of construct and social behaviour constitutes the social problem. Inquiry into crime and the crime problem pre-supposes prior social definitions'.

It is in this sense that the 'social definitions' of the problem of the referred child under Ground G of S. 32 of the '68 Act have been met. That social definition has permitted conceptualisation and analysis to go well beyond the confines of the notional 'his welfare' and 'we are here to help you' of report writers and Panels. That in turn has enabled the core elements of the research, SER content and Social Workers' perceptions to be taken further in analysis and discussion than has been possible hitherto, employing the kinds of criteria which characterise Scottish writing on this. The importance of removing any possible ambiguity or doubt about the nature of the behaviours which bring the child to notice and which constitute the bond between child and report writer is very high. To take Quinney's paradigm in transliteration, the problem may be defined as 'welfare need' but the behaviours are those which society has consistently defined as 'crime'. It is only within that understanding that the problem can be approached meaningfully. By the same token, it is only within that understanding that SERs can begin to realise their full potential as communications from one person to another about a third. in this system-context.

This provides the primary focus for the work, in that it provides a certain unity as among the three central components, SERs, the writers and the behaviours which form the bridge between them and the children and parents subject to their attentions. In this the starting point is that of Kilbrandon (para 16) 'the severely practical daily task calls for a high degree of skill and a special quality of insight and understanding'. The SER task has been adequately defined by Streatfeild (1961), SWSG (1974) and therefore the general validity of the range of matters covered is not at issue. In that, the variables in the situations reviewed must receive due attention in order to qualify the results as professional assessment. Thus the face-validity of the analysis is established by the reference frame.

The content-validity of the measure rests on the adequacy by which the domain of content is sampled, Philips (1971:16). The adequacy is demonstrated by the success and by the failure of the samples to measure up to the domain of content employed which in itself correlates well

with previous attempts at analysis (e.g. Perry 1974, Cohn 1970 and with theoretical formulations (Keve 1961)) and practice instructions (U.S. Courts Administration 1965, SWSG 1974, Spica 1979).

There is considerable theoretical and practical importance in the establishment of an instrument whereby replication in the specific cultural environment addressed can be undertaken, and from that whereby modification of existing practice becomes a live and realisable possibility. Martin's comment (1981:73) entirely makes the point. 'The quality of reports varies greatly and it would be absurd to suggest there is anything standardised about them. Some reports are excellent when judged by the highest standards: they represent a balanced view ... and are constructed with the specific requirements of panel members in mind. But at present it must be said, reports that reach this standard are in the minority. The same must be said of the quality of the recommendations'. But nowhere does Martin et al. attempt to define 'highest standards', hence the importance of this instrument. Equally the employment of SWSG (1981) of 'acceptable' reports runs into the same methodological morass of a lack of definition and baseline.

The construction of the instrument employed in this study has regard to that situation and to the need to develop useable mechanisms for the enhancement of the Social Work contribution to the decision-making process. The instrument develops a construct validity which yields what Phillips (op cit) referred to as 'predictive and explanatory control over the phenomena under study', it provides a useable hypothesis for test and re-test in this area of work.

The study indicates, and as explained in the text, can do no more than indicate, the level at which the formulation derived from the analysis could be capable of generalised employment and the benefits to be derived there from. The external validity of this argument is consistent with the position outlined above, relative to the accepted positions which reports occupy within justice systems. It follows that this has a congruence within the phenomenon which it addresses. This shows the acceptability of the instrument as a possible way forward, to meet the criticisms of SWSG (1983) 'the lack of analysis the lack of precision and detail' in reports. The problem is fundamental to the

working of the system as it is at present understood. The credibility of Social Work is tied to the inbuilt challenge of making inputs which are capable of being specified, and having so specified these, it is argued that the structure of the decision-making process, as between Reporter and Panel, requires different styles of input to reflect the range of decision-making responsibility carried, respectively, by each.

Hirschi and Selvin (1967:69) argue on this theoretical issue that 'Conclusions of considerable theoretical importance often depend on highly debatable assumptions about causal order'; certainly, conclusions of very considerable practical and theoretical importance hinge on crucial questions of devising a means and method whereby the kind and quality of reports to Reporters and Panels reach a satisfactory and enhanced standard. As Wootton (1959:324) commented 'The moral seems to be that it is in their role as the handmaidens of practical decision that the social sciences can shine most brightly'. This, it is contended, can only be if the Service is consistently working towards enhanced understanding of the system being serviced and of the individuals who come within its ambit. In essence this is work in a fluid and dynamic field rather than in a static and enervated one. To this end the findings of the research contribute.

The survey of Social Workers' perceptions provides a validating point external to the reports' analysis. This has a certain unique character, but it does address the core question of these reports being the product of people who do have attitudes, views, knowledge, bias, constraints and professional concerns. There is no known comparable work in a Scottish context, nor indeed any other to which direct cross reference can be made. This does nothing to alleviate the problem of validity and reliability.

What can be said about this is that there is recognition in the literature of the nature of the problem. Pearson (1975:127) refers to 'the shared understandings and beliefs of an occupation, its 'collective representation' of reality - are rarely made articulate even though they sometimes approach the status of a world view' Everett Hughes has suggested that professional socialisation puts the subject into a kind of 'professional daze'. In the case of Social Work

Mills (1943:171) put it even more harshly 'Social Workers have an occupationally-trained incapacity to rise above a series of cases'. This exercise was an invitation to them to do something more than reflect concerns for 'a series of cases'.

The centre-piece of the schedule reflects an appreciation of the need for the profession to have a wider view, and to recognise that in Mills' terms 'many personal troubles cannot be solved merely as troubles, but must be understood in terms of public issues' (1959:226).

Thus by raising questions about the nature of the 'Kilbrandon ethic', the perceptions of respondents of the system, and of their own place in it, are elevated beyond 'a series of cases'. An acknowledgement of the realities of their own situation, training, work pressures, management influences, etc. made possible the construction of an instrument which was capable of addressing the appropriate 'public issues'. This was validated by a range of informed opinion, from inside the Dept. and from within the Hearings system. The internal validity of the instrument was of importance, because, without a high degree of internal validity, this exercise would speedily have run into the sand of a 'series of cases'. The previous illustration of the worker sheltering behind 'I'm into family therapy' is a good demonstration of what could have happened. As it was, the exception proved the rule.

The basic question concerning this research is that facing any similar investigation. For the receiver, how valid, how reliable are the matters investigated, the results obtained and presented? What weight ought to be put on these results; in short, can the work be accepted as credible and useful?

What must be said in this context is that it would be naive to expect 'this' work to produce the same results, the same findings as 'that' work, even if both had, ostensibly been concerned with the same issues. In a comparable situation the differences in the findings of Merton et al (1957) and Becker et al (1961) on medical practitioners in hospital settings caused Becker to comment 'If two studies uncover such differences the result is anomelous only if we insist that things

called by the same name therefore are the same.' (1970:40) This problem assumes even greater proportions when, as in the present instance, there is such an absence of appropriate reference points.

Most published work on SERs has been characterised by a free floating, impressionistic approach with a singularly marked emphasis on the relationship and influence of reports on sentencing in adult courts. (Hood 1962, Perry 1974, Hein, McWilliams and Pease 1978, Moore 1980 inter alia.) What has been done here has been to elevate higher level discussion to take account of the social realities of production and of the specific needs and aspirations of the receiving agents.

Throughout, there has been an effort to meet the criteria of Schwartz and Alwin (1971:632) 'The researcher must ... be capable of being both curious and rigorous at the same time be capable of engineering in the sense of conducting empirical scientific research with adequately developed criteria and he must be capable of acting with understanding and insight towards the phenomena he observes.' There has been a demonstration of what Lodge (1967:55) referred to as 'methods must be tailored to the problem and the general situation ... (and) a better appraisal of the problems themselves, before deciding how to tackle them'.

In summary: This work entails an appreciation of the subject area in terms of the methodological issues in a range of related fields. It is primarily and initially concerned with a knowledge of the existing and appropriate literature, and proceeds from a standpoint that a failure in many, if not most of the existing studies lies in the limited view of the authors in respect of the place of social enquiry in the administration of justice, and of the roles of organisational constraints in the development of models.

It moves to a specific analysis of the problems of 'getting in' (Becker 1970) in a spirit of what Gouldner (1962) saw as the problem of a 'value free sociology' unless the value relevance of sociological inquiry is made plainly evident, unless there is some bridge between it

and larger human hopes and purposes, it must be scorned as word-mongering' and on that basis proceeds to develop along a continuum of avenues.

It dicusses various channels ~~which~~ for one reason or another were discarded in whole or in part, but retain a certain utility in relation to the spectrum of concerns.

The much neglected problems of 'getting in' are dicussed in terms of administrative mechanisms, inter-management/staff tensions and broader organisational needs.

The metholology develops specific schedules which are designed to take account of the practice-issues, the levels of training and education of staff, and perceptions of their varied roles in 'generic' departments.

The development of insights leads to the development of a model of report which is intended to carry the practice and the skills of the practitioners well beyond the present modes of operations.

A consistent methodological theme is that the work is, essentially addressed to real issues and concerns. It is, 'value free' in that it mobilises knowledge and experience in the pursuit of a viable pattern of discourse. There is a critique which addresses real and important decisions which on a day to day basis affect the lives and life chances of the children affected by the intervention of Social Work and the Reporter.

The statistical work employed is such that the interested reader may with some facility see the thrusts being developed and appreciate the points being made. Central to this, in keeping with the foregoing is a drive to inform, rather than create bifurcations.

Methodologically, the work draws these strands together to create a concerted view of the whole which exposes some of the problems and misconceptions of the system under review, and suggests a rational way forward for the providers of social information to the system.

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Chapter II. The Genesis of a System

This chapter discusses how the present system came about with particular reference to the shift towards a welfare approach and a deliberate blurring of the distinctions between crime and welfare need.

This baseline created philosophical problems for Panel Members, Reporters and for Social Workers alike, but these tend to remain hidden, remote and clouded by what has come to be known as 'the panel ethic'.

These issues are regarded as scene setters, important in themselves, and vital to the discussion on Social Enquiry Reports and the attitudes and views of their writers which follow.

Chapter II

The Genesis of the System

The Committee under Lord Kilbrandon, appointed in 1961, embarked on a full scale, comprehensive survey of Scottish Juvenile Justice. The Report (Comm. No. 2306) published in 1964 set the scene for far reaching innovations not only in the Juvenile Justice field but also in the delivery of welfare service and in the management of that area of work which had hitherto been the preserve of the Probation Service in Scotland.

It is important to see Kilbrandon, the subsequent White Paper 'Social Work and the Community' (Comm. 3065) and the creation of the Social Work Departments under the Social Work (Scot.) Act 1968 in an historical context. The Committee was called into being and reported at a time when the thrusts of the caring professions in the child care and delinquency fields were heavily influenced by psycho-analytic theories, with emphasis on the attempts by individual workers to effect change and better social functioning in the individual 'client' - be that 'client' child or adult, - by 'insight giving' and the establishment of 'therapeutic relationships'.

Wootton's scathing attack (1959) on attitudes in social work, 'aims at once so intimate and ambitious' was more than offset by the texts then used in training for the professions. 'In gauging whether a client would be helped ... it was important to remember all that he brought to the situation, natural endowments, and patterns of behaviour ... memories, ways of forming and using relationships, attitudes ... education ... beliefs ... values and never to be forgotten, his unconscious' (Cunliffe 1955) is a fair summation of the attitudes and approaches current at the time.

Kilbrandon could have called for a strengthening of existing services and could have identified the concomitant societal ills and evils which all too clearly required radical remedial action. In a country which suffered (and suffers) a 'top of the League' position in respect of bad housing, unemployment, alcohol abuse, slum schools, under-achievement

in education, inadequate medical services at almost every level, hospitals which in the main are relics of Victorian and Edwardian eras, Kilbrandon and the White Paper adopted positions which, if seen in isolation, would appear to be calls for some kind of action, some kind of reasonable, kindly response to the needs, and the problems posed by small but interesting groups of youngsters in a well-balanced, socially-adjusted society. The follow-up reports (Edinburgh 1969, S.W.S.G. 1971) and contributions to the debate retained, with a remarkable solidarity, this conformist view. The Kilbrandon comment (Para 246) for example 'There is no doubt a need for further development in the existing services offering advice and guidance to adults in personal and other difficulties' hardly conveys a sense of the iceberg of social need which is now accepted as commonplace. The White Paper adopted a very bland approach to the whole question of social need within this community and whatever rationale may be presented for Kilbrandon's failure at least to sound a warning note, there can be none for Government which chose to disregard the social structure within which its creation would increasingly be a beleaguered bastion of high hopes and unfulfilled promises. Much of the present unease and dissatisfaction stem from this original failure in perspective. As Merton (1957:425) has pointed out "The appeal to education as a cure-all for the most varied social problems is deep rooted ... yet it is none the less illusory for all that ... Education may serve as an operational adjunct but not as the chief basis for any but excruciatingly-slow change in the prevailing patterns." So too the trap was sprung for the Kilbrandon Committee and for the drafters of the legislation; 'the promotion of social welfare' (S.W.(S) Act 1968) had a distinct 'social education' flavour. It was, and is, significantly short on hardware.

1. The Special Juvenile Courts:

Prior to the implementation of Part III of the Social Work (Scot.) Act (Sects 30-58) in May 1971, the Juvenile Court system was a curious hotch-potch which must have confused all, not least the children and parents who came into contact with it.

The Kilbrandon Committee estimated that the distribution of work in 1962 was broadly as follows: Sheriff Courts 32%, Glasgow Police Court 33%, Burgh Police Courts 16%, J.P. Courts 7% and the Special Juvenile Courts 16%. In essence, the court before which a child appeared was determined by geography, complicated by the fact that not all had civil and criminal jurisdiction. The Sheriff Court exercised a concurrent jurisdiction with the Special Courts, but this was limited by the 'special circumstances' of individual cases. (Weir v. Cruickshank 1959. J.C. 94).

Thus the significant achievement of Kilbrandon lies in the substitution of the single system of Childrens Hearings for the Court System, or more properly Systems. Within that the Special Courts are of particular interest.

The Special Courts represented an early attempt to bring Scotland into line with the English and Welsh Juvenile Court systems. They arose directly as a result of a recommendation in the Departmental report on Protection and Training (Morton 1928) and legislative provision was made in the Scottish Children and Young Persons Act 1937 (S.50) which substantially re-enacted the provisions of the 1933 English Act. The dichotomy between the Sheriff Court, albeit acting within the Children and Young Persons Act provisions - exclusion of public, limitation on Press reporting, separate hearing from adult lists, etc - where a qualified lawyer sat alone, and the J.P. Courts manned by lay people was considerable. It was heightened by the nature of the method of selection of Justices. Unlike the English system where Justices are appointed by the Lord Chancellor, advised by local Committees, and are very broadly representative of the political climate within the area, the Scottish Justices were drawn from the ranks of elected members and appointed to the Juvenile Bench by the Secretary of State. In spite of the basic differences in English and Scottish legal procedures, the 1908 Children Act applied on a U.K. basis, with a clear inbuilt thrust for the establishment of separate Juvenile Courts attached to the Justice of the Peace Courts, geared to the separation of the young from adults appearing before the Criminal Courts, with broad educational, reformatory aims instead of the offence-punishment ethic of the adult Courts.

The drive in England and Wales for Juvenile Courts, using the lay justices (and in passing it is worth noting that Justices opt for service in the Juvenile Courts, within a broad identification of interest via the Magistrates' Courts Committee, which is comprised of their fellow-Justices), was markedly absent in Scotland. For example, when the Morton Committee reported in 1928 it commented on the fact, that 20 years on, the majority of juvenile cases were still heard in Sheriff and Burgh Courts.

Responding to the Morton Committee recommendations, four areas, Ayr, Aberdeen, Fife, and Renfrew set up 'special juvenile Courts'. These were established in the 1930's but there was no further development of these. Grant (1971) makes the perfectly valid point that 'It is almost certain that had more L.A.s in Scotland adopted the system of Juvenile Courts envisaged in the (1937) Act, the system of Childrens Hearings would have been unnecessary.'

That the Special Courts could have provided the basis for a satisfactory system has never been questioned, Kilbrandon's dismissal of the or a Court system stemmed from the expressed desire to depart from the criminal justice model 'Criminal procedure ... is clearly well adapted to determination of questions of fact ... statute law introduces a further set of considerations. A Court dealing with a juvenile is required to have regard to the welfare of the person before it. "Welfare" is, of course irrelevant to the question of determination of innocence of guilt, and relates to the second stage ... namely the forms of treatment appropriate'. (Para 50). In acknowledging the compromise arrived at in the Juvenile Court as between punishment and welfare, the report argues (Para 54) that the stigmatising effect of Court proceedings militates against 'early preventive measures: 'punishment cannot be extended beyond the individual offender, the "crime - responsibility - punishment" concept prevents the imposition of measures not commensurate with the gravity of the offence.' And further, 'punishment is once-and-for-all, while treatment can be altered to suit the needs of the individual.'

The Committee commented that 'the conflict between the welfare and preventative concepts inherent in the criminal law system as applied to juveniles, while it would not be wholly eradicated, would be reduced considerably, in the eyes of the parents if less frequently in the eyes of the child (emphasis added).' It thought that Court procedures militated against early preventative measures and against individualisation and subsequent alteration of treatment measures once applied. This line of argument was clearly destined to take the Juvenile Justice System away from the concepts of equity and was to pose questions in the minds of both those subject to the Hearing's measures and to observers, on the question of children's rights and in particular the questions of personal responsibility and the right to punishment. (Fox 1975, Morris & McIsaac 1978, and Grant 1982). As Caldwell put it (1961) 'No Court, not even a Juvenile Court can be just a therapeutic agency. It is and must be a moral agency as well. The child has been stigmatised as a moral violator of the values of his society. This is what the people want and expect. In fact the Court must act in this way if it is to promote the re-habilitation of the child'. This is the position from which, philosophically, Kilbrandon attempted to escape. The horns of the dilemma were stated (paras 43 and 48) '... four distinct types of court ... witnesses who appeared before us urged the adoption of a uniform system or short of that, a reduction in the number of existing types of Court'. The problem was political and organisational. Political because to retain a Court and the preference must have been for either the special Juvenile or some similar, immediately ran into the problem of the vested interests of the elected member J.P.s and the critical problems of their removal and replacement with the English style J.P.s.

2. The organisational models:

Organisationally, there were four sub-systems, operating within the ambit of the criminal (and civil) justice system, all subject to the authority and control of the Crown Office, but operating at distinct levels of quasi-autonomy.

Evidence to Kilbrandon identified flaws in each and that section of the report (para 48-9) dealing with this, if deficient in analysis, is heavy with implied criticism. What Kilbrandon was seeking was a single bureaucratic structure capable of supporting the philosophical underpinnings of a welfare system, while at the same time escaping from the political trap which the existing sub-systems posed.

Three types, following Weber (1969) presented themselves:

- (1) The Sheriff Court was in a special sense operating *sine ira ac studio* (without bias or favour) depersonalised 'achieving that condition which is acclaimed as its peculiar virtue, namely the exclusion of love, hatred and every personal, especially irrational and calculable, feeling from the professional task'. The professional was at work, administering the law and emphasising the law violation element in judgement. Kilbrandon became convinced that the guilt/innocence issue was for the majority of no real importance, the ritual dance of prosecution and defence, the application of O.W. Holmes' 'sporting theory of justice' clouded the real issue, that of treatment. The assumption that what brought youngsters before the Courts was treatable, was not questioned. It was acknowledged (para 16) that there was 'a broad acceptance of the soundness of existing methods (but) little positive evidence as to their general effectiveness or otherwise'. The Committee response, having dismissed supervising or fining parents, corporal punishment and restitution, was to opt for a social education model which 'would entail nothing less than the formation in every area of a treatment authority' (para 39). Clearly the precision and bureaucratic competence of the Sheriff Court would not easily square with this line of approach.

In purely practical terms the weight of work which this would have placed on the Sheriff Court would have been insupportable and in fact the potential lessening of the load as envisaged by Kilbrandon was seen in the White Paper (para 82) as 'the reduction in demand will enable them to reduce delays in hearing cases'.

In contrast to this, the part played by the lay justices in Scotland has never been of major significance; instead the Sheriff has been the major historical figure. Dating back to the reign of David I the Sheriffs occupied a central position in the enforcement of laws while the office of Justice of the Peace was an English import under James I/VI in 1609 (Walker 1969). The J.P.s never enjoyed either the power or prestige of their English counterparts in spite of the fact that one of the first acts of the United Parliament was to establish a Justices' System in Scotland.

(2) The lay Magistrates: represented a form of 'Khadi Justice', exhibiting a peculiar juxtaposition of rigorous subordination to tradition on the one hand and a sphere of free discretion and grace of the ruler on the other. Weber's 'It is written - but I say unto you' seems to fit the kind of justice dispensed at this level. The support structures within the 'Khadi' system were variable, with staff being appointed by local Councils, and thus, for Kilbrandon-type purposes, lacking any central control point with a capacity for direction and development.

3. The Special Juvenile Courts: The Special Juvenile Courts represented the third of Weber's types 'empirical justice operating outside the rigidities of the 'bureaucratic' or the value - judgements of the 'Khadi', on the basis of 'analogies and reference to, and interpretation of, precedents.' Richardson (1971) makes the point 'The more my experience grew, the more I saw the similarity, between my role as judge and my role as doctor. The first resemblance was the inadequacy of information available on which to base a diagnosis; this was not due to any large extent on failure to obtain information which existed - far more often it was because the necessary information did not exist ... I was forced to the conclusion that we look at juvenile delinquency through a very dark glass. But surely doctors live daily with just this kind of ambiguity? I believe this is one, albeit rather uncomfortable, reason why some medical men should serve on Courts or Panels'. This represented a 'charismatic model guided primarily by sacred traditions without finding therein any

clear basis for the decision of concrete cases.' (Weber op cit). Whatever the form of tribunal, this remains, at best, an imprecise art of the possible, and Richardson's subsequent illustrations of the cases and disposal dilemmas strike an all too familiar note, whether in a Juvenile Court or Childrens Hearing context. It is pertinent to recall his comment that 'if society really is serious about the rehabilitation of these youngsters so often cruelly deprived of their birthright, then society will have to be prepared to pay more for the necessary services'. Richardson, one feels, would be very much at home in a Children's Panel Annual meeting. These special Courts could have been developed. It would have meant the grasping of the difficult nettle of the Scots J.P. system, the relaxation of procedural rules, and the staffing at a realistic and professional level of the support structures.

(Richardson's account of Aberdeen shows a distinct part-time, second team approach). There is also a recognition that the philosophy of the juvenile court is no mere borrowing from chancery or common law but is a development of the ideologies of the child welfare movement.

The Kilbrandon decision to turn away from court-based systems was a tacit acknowledgement of the inherent problems. The presented solutions of the Panels (para 92) resemble so closely what one might expect in relation to a juvenile court panel as to be worthy of comparison.

The Kilbrandon criteria

- (1) specially qualified either by Knowledge or experience to consider the childrens' problems.
- (2) appointments should be such as to ensure a woman at each hearing.

The Juvenile Court Panel criteria

- (1) selected for interest in and knowledge of children.
- (2) Juvenile court rules stipulate a Bench of three, one of which must be a woman.

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| <p>(3) voluntary part-time, willingness to serve regularly and 'for a continuous period of not less than three months annually'.</p> | <p>(3) Justices are required to sit at least 26 days per year.</p> |
| <p>(4) the appropriate authority to submit a list for selection to the Sheriff.</p> | <p>(4) Appointment by the Lord Chancellor via local advisory committees.</p> |

As the Kilbrandon report admitted (Para 95) 'such arrangements bear certain similarities to those governing the appointment of the Juvenile courts in the four areas under section 50 Children and Young Persons Act (s) 1937. In these areas however the membership of the Juvenile courts is drawn from the body of the Justices as a whole. Our proposals are in no way linked with the appointment of Justices and pre-suppose a system of direct appointment by the Sheriff.' In short, that kind of peculiar virtue, *sin ira ac studio*, was to be mobilised but not in direct face-to-face dealings with children and their parents. The White paper, (Para 77) stiffly indicated a rejection of this, and of course the legislation followed a quite different path, (S.W. (S) Act 1968 schedule 3 Para 3) with the creation of the Panel Advisory Committees. Kilbrandon was towards that end of the continuum of those who believe that only by minimizing the rules can the philosophy of the Juvenile Court gain full expression. If it is accepted that in a Juvenile Court the State is not prosecuting in the normal way but is concerned about protecting, offering care or protection and diverting the child into gainful, productive and acceptable social behaviour patterns then the logic of that position was the abandonment of the kind of penalties hitherto in force, and the introduction of a 'treatment tribunal' amply described in the report (Para 72) as a 'duly constituted public agency authorised to deal with juvenile offenders. Within the range of measures authorised by law it would have the widest discretion, appropriate to the needs of the individual child'.

There were other, fairly deep-seated reasons which prevented a straight shift, however desirable, in the direction of the English-style Juvenile Court. T.B. Smith (1954) has made the important point that 'But for the Union with England, Scotland might well have codified, at least her Civil Law, in the early 19th century, like those countries with which she had close affinities in legal thought ... the possibility of fixing the orientation of Scots Law by codification really passed when, during the 19th cent. many new legal situations common to both England and Scotland resulted in the development of what was, in effect British Law. In this development Scots and English solutions affected each other reciprocally and a general codification in one country alone ceased to be a practical proposition'. It can be argued that Scottish legislation or U.K. legislation affecting Scotland has tended to lag behind and to be a mirror image of English measures and needs, the prime example of this being the Criminal Justice legislation of 1948, 1961, 1967 and 1973 and 1949, 1963, 1975 and 1977 respectively.

The Scots view of Scottish justice may well still be summarised by Stair's 'in its nearness to equity, plainness and facility in its customs, tenors and forms, and in its celerity and dispatch in the administration and execution of justice may well be paralleled with any Christendom' (Walker 1955). That is more than amply reflected in the prevailing view of the operation of the Childrens Hearings where the enthusiasm for the form of the Hearings is often confused with the actuality of Panel decision-making and its implementation in respect of the individual child.

'The problem is discussed in a friendly unhurried way - hence the need for ten or so comfortable chairs, a large table and a cheerful room. We're getting more adept at putting the right questions to clients these days. The children leave the room if we want to discuss anything that might shock or upset them, but they come back and we arrive at a decision with everybody present.' (Morgan 1972). It is within this framework that the arguments of the advocates of the system and its early cautious critics, such as Grant (1971) whose initial assessment

ran 'It is not possible to regard this new system as revolutionary: it is more accurate to look upon it as evolutionary, and not even the end-product of a process begun some time ago' must be set and balanced.

The considerations in the Kilbrandon Report which in essence constitute the rationale of the new arrangements and have been elevated within the system to the status of 'the Panel ethic' deserve consideration.

There is no reason why welfare provision should not be made on the basis of agreed criteria, and eg. the Social Work Act's provisions, both in terms of S.12 'promote social welfare' and the S.15, S.16 provisions as amended by the Children Act S.73, S.74, coupled with the present non-criminal grounds of referral under S.32(2) Social Work Act as amended by S.83 of the Children Act '75 do provide, in precise terms, such a framework. There is an area of considerable doubt if the linking of an offence, whatever its nature, with broad, blanket 'welfare treatment' powers, is desirable. Richardson (1971) in what must be seen as a final curtain call of the Juvenile Court Bench wrote, 'I confess that a majority of the children and their misdemeanours aroused little concern in me; most come from intact homes, had caused no more than minor, transient irritation in their victims and were members of decent, wholesome families who showed no less and often more distaste over the whole incident than the victims, and who seemed to me to be perfectly competent to prevent recurrence by the usual blend of care, concern and training'.

The issue is not new, nor is it peculiar to Scotland. The well-founded desires of the Kilbrandon Committee that a child should not be disposed of simply 'for mere infraction of the criminal code' were basically those characterising the processing of delinquents since the 1899 developments in Cook County. The Cook County Juvenile Court with its 'special judge, separate Court room and records, the informality of its proceedings, the absence of indictment, pleadings and jury (unless asked for by one of the parties or ordered by the judge) and the appearance of defendants on summons rather than by warrant' (Caldwell 1961) remains the hallmark of juvenile justice. As Tappan (1949:7) comments, the legal roots of juvenile justice are to be found in the early English Court of Chancery, which was, by the 15th century, well

established. It was more flexible than the Common Law Courts and carried power of parents patriae, power of guardianship, over children who lacked adequate remedy at Law. Chief Justice Stern was not referring to the Hearings but to the Juvenile Court when he said 'the proceedings are not in the nature of a criminal trial but constitute merely a civil enquiry, looking at the treatment, reformation and rehabilitation of the child. Its purpose is not penal but protective ... the state is not seeking to punish but to salvage ... and safeguard'.

3. From theory to practice: The Kilbrandon report was quite specific in what it desired. It wanted a reform of the methods of dealing with children, the introduction of a new type of tribunal and 'a matching field organisation'. It was quite clear as to where the proposal might lead '... If these arrangements are to be effective, we consider that they may be expected to result in a wide use of continuing supervision of the delinquent child within the community and in some cases in a greater readiness to apply residential training measures involving removal from home at much earlier stages than apply at present.' (Para 76). Had the 'matching field organisation' the 'Social Education Dept.' become a reality, it might well have been that the effects would have taken a shape more in line with that description than with what actually became the reality under the Social Work Depts. Morris (1974:364) takes the view that the Report and the Act are examples of legislation by euphemism. 'Euphemisms are frequently used to disguise the true state of affairs, to pretend that things are other than they are. Courts become tribunals, probation becomes supervision and approved schools are renamed residential establishments. But few are deceived by these verbal devices.'

This downgrades, if not ignores, the real and substantial changes in the form of adjudication adopted and it may in fact be suggested that the changes are merely in the form of the words of the arrangements, and not the substance of them.

Instead of increasing the number of offenders being brought into the system on the basis of 'a wider use of continuing supervision' quite the opposite was achieved. Whether that is necessarily a bad thing is

very doubtful provided certain criteria are satisfied. If what is deflected is a cohort of low-level, petty offenders, then so much the better. There is no evidence that official intervention is effective or useful at levels of offending which have persisted (and presumably will persist) so long as there are children and shops from which chocolate can be pilfered, gardens from which apples can be stolen, or like-minded young citizens who invite street-corner punch-ups which are forgotten and forgiven within days if not within hours. However, once the child moves into more dangerous territory, the issue of official action becomes live and meaningful at a social level. It is important, for the child, for his parents and for the community that reality principles do operate and are seen to operate.

There are twin philosophical pillars on which this work stands. One is that the juvenile justice machine must take note of infringements of the legal code, unless these are of such a trivial nature as to make such unnecessary. In all such cases the issue for decision is one of whether the individual requires the application of measures of social control. One form of social control is simply to be made accountable to a responsible body and to have to face that body in respect of the delinquent act. Within that, the individual is entitled to the safeguard of his fundamental legal rights: the right to deny the allegation and to have it heard before a properly constituted court, acting within the strict legal rules, the right to competent legal advice, the right to confrontation and legal cross examination, the right, in principle, against self-incrimination.

Only when the person concerned knows and accepts that these are his rights and willingly foregoes any or all in an exchange for a fair hearing and a determination are we entitled to deny him the right to punishment.

Secondly, any child who comes to official notice for whatever reason, has a right to receive aid and assistance commensurate with the quality and kind of his social, domestic and/or educational problems.

These two principles are not contradictory, but complementary. What they do not admit are assumptions that the child needs 'treatment' 'support' or as Morris et al (1979) put it 'high levels of intervention' simply on the basis of offence commission unsupported by clear evidence of existence of welfare need capable of being defined and met. The notion that an offence equates 'something wrong' simply will not do. As Matza (1969:134) wrote 'why should they insist, as they frequently do, that it is not what he did - which strikes delinquents and others as a sensible reason for legal intervention - but his underlying problems and difficulties that guide court action? Why do they say they are helping him when patiently they are restricting his freedom of action and movement ...?'

In a Scottish context Gordon's (1969) formulation is akin to the position taken here. 'A child who persists in being honest in spite of parental rejection is not a danger to society, but he has a right to be properly looked after; a child who persists in being dishonest despite parental care is not in need, but society may be in need for dealing with his dishonesty'.

The concept which was envisaged by Kilbrandon, blessed by the White Paper and brought to fruition in the Social Work Act was well placed in the generality of continental thought and action. The uniqueness of the Scottish venture lies, not so much in the originality of its conception and execution, but in the very fact that Government was prepared to step outside the clearly defined institutional boundaries both in terms of form and content and significantly in the way in which people were recruited to service the system.

4. Unsought Consequences: However radical the Kilbrandon proposals appeared, the fundamentals being sought were those which had characterised the Juvenile Courts since the Cook County innovation in 1899. The important, unsought consequences was the abolition of the Probation Service and the creation of the multi-purpose Social Work Depts.

With the introduction of Part III of the Act (May 1971) there was a certain disquiet with the new arrangements: a disquiet which quint-essentially found expression within the ranks of the Sheriffs and the Police. The Probation Service had been integrated into the new departments, many of its members found not merely new and challenging tasks but promoted posts at levels undreamt of within the erstwhile Probation Service. The professional association retreated across the Border with ill grace and grave concerns for its field of competence and expertise.

Disquiet and concern then centred on those areas of work which were directly associated with criminality, whether adult or juvenile. When in 1971 the Sheriffs Association, and the (then) Scottish Branch of the Institute for the Study and Treatment of Delinquency proffered evidence to the Expenditure Committee on the Probation Service, that tended to be the culminating point in what was less of a campaign and more of a skirmish around the issues of a service to the Courts.

Complaints there were, of a nature which did not augur well for the delivery of an important part of a unified service. It seemed indeed that NAPO's critique (1966) of arrangements, quoting the Morison Committee report (1962) "A principle cause for the failure of the Probation Service to develop in Scotland as it should have done is that it has been regarded not as a Court service but as a relatively minor Local Authority service" was to be a reality beyond the fears of the writers. As though to emphasise the failure and stress the downgrading of this work, the annual publication of the Government department responsible, Social Work Services Group, "Social Work in Scotland" went from noting in 1972 "A continuing decline in the use of probation", to a complete failure in 1973 to mention probation and in 1974 to a paragraph on "Social Work in Penal Establishments". Writing in 1978 this commentator said "Since the implementation of the Social Work (Scotland) Act, the Scottish Office has pursued a probation and after-care policy reminiscent of Walpole's policies toward the American Colonies, namely, one of neglect. As Walpole left practical matters largely in the hands of the English and American merchants, so the Scottish Office has been content to leave the Local Authority Social

Work Committees to their own devices ... and as the Vice-Chairman of the largest Social Work Committee in Scotland said 'we are not in the business as a Social Work Department to service the legal profession'".

If the adult segment of the control mechanism had run into serious and persistent problems due directly to the new arrangements, what of the new system of juvenile justice, the harbinger of change, the *raison d'être* for all that happened in, and following, the implementation of the Social Work Act?

The point of departure for the Kilbrandon Committee, the remit which they were given was specific "To consider the provisions of the law of Scotland relating to the treatment of juvenile delinquents and juveniles in need of care or protection or beyond parental control and in particular, the constitution, powers, and procedures of the Courts dealing with such juveniles, and to report." From that narrow base flowed the massive organisational changes which, since 1970 have been the hallmark of Scottish Social Work. The specific concern to which the Committee, in a remarkably well-argued report, directed attention: a complete overturn not only of the procedures by which children were dealt with, but the abolition of the Juvenile Courts, the distinction between "offenders" and "in need" deliberately blurred, moved Scottish Juvenile Justice clearly into the forefront of welfare-based legislations.

A significant feature of the first decade of the new system was the dichotomy between those who saw it from the standpoint of more clearly-defined legalistic tribunals, as a soft approach to the problems of juvenile crime and delinquency, and those who in defence of this form of decision-making sought increased resources in the provision of facilities which would enable youngsters to be separated from adverse environments, with little demand from either side for clarity about what it was that society required, or the effectiveness of past or existing methods of dealing with youngsters.

The acute phenomenon was of large numbers of youngsters being adjudged to be in need of compulsory measures of care, living in areas where, in Richard Titmuss's words "The forces of a powerful and pervasive

tradition may exert their greatest influence" yet largely for the period of the order lacking any real contact with the supervisors. They were, so far as may be ascertained, no better or worse at the end of it than those removed at very considerable expense for longer periods to residential establishments across the country.

5. The development of Social Work services: Once the White Paper had set the tone for movement beyond what Kilbrandon had envisaged for a comprehensive children's "Social Education Department" service, the stage was set for the creation of larger, more comprehensive Social Service departments within the existing Local Authority structures. The Rowntree Report (1969) showed quite clearly that there was a significant short-fall in manpower, both relative to trained personnel and overall. Of the 959 persons employed in L.A. social services and probation departments (ie. a ratio of one L.A. worker to 5420 population) professionally-qualified accounted for; in Child Care 1:5, in Probation 1:1.6, in Welfare 1:7, and in Mental Health 1:8. The rationale, in organisational terms for the creation of unified departments, if the grand design of the White paper was to be achieved, was inescapable. As the Rowntree Report commented (p.6) 'We have little sympathy for the argument that the Social Work Act should have been held back till the rest of the administrative framework (of local government reform) was completed ... meantime an immense amount of good work and hard experience can be achieved ...'

The development of Social Work service may thus be seen in two distinct phases. The first phase was encompassed between the implementation of the 1968 Social Work Act and the 1973 reorganisation of Local Government.

Under phase one, workers from the disparate disciplines were inducted into newly-created departments, and introduced to a range of practice situations outside the range of their previous expertise. Probation Officers took children into care, Mental Health Officers wrote Social Enquiry Reports, Child Care Officers found themselves grappling with the intricacies of parole. Local Children's Panels came into existence, and reporters were appointed for the 52 constituent authorities. Training began to feature as a policy issue, both at the

level of securing training for unqualified personnel, of whom in 1971, there were 650 in field service (S.W.S.G. 1972) and at the level of training new entrants to the profession. At this point there were 348 Scottish home-based students studying for a Social Work qualification in Scotland, a further 120 having completed training in 1971.

Phase two, which opened with the implementation of the 1973 Local Government Act, following the Wheatley Report (1972), brought together the L.A.s into eight large regional authorities and three island authorities, ranging in size from Strathclyde's 2.5 million population to Shetland's 17 thousand. Organisationally it created large scale bureaucracies with tiers of management and structure which are still regarded, not least by politicians, as problematic. The creation of eg. vertical and horizontal management structures at Regional, Divisional and District levels with something less than clarity as to where decision making responsibility lies, is a prime example of this. This latter period saw a cut back in the number of untrained field personnel in post, a radical increase in the numbers of trained staff and in the numbers of students on training courses.

In 1981 there were more people in promoted posts than had comprised the entire work force in 1969; main grade staff had increased to 1780, 93.5% were qualified. Alongside this there was a discernible pattern of drift from the profession, accounted for, in the main by the departure of young married women and others attracted to new pastures which had the appearance of being greener. In 1981, 274 main grade workers left (1:6 of the workforce) and were replaced by 349 others (SWSG 1982). In that year alone there was a 16% turnover of staff.

As patterns of work developed, as the new departments began to form ideas of what and how they would deliver service, it became quite clear that the Hearings-related work, especially SER production was to be one of the major tasks, both for the Depts., and for individual workers.

Summary.

From a position of seeing the historical basis of the Scottish system the chapter moves to a discussion of the developments and attempts to change the structure of the Juvenile Court in the pre-war years. It discusses the theoretical models and suggests that the move towards a model based largely on continental practice became almost inescapable with the failure of the 'Special Juvenile Courts' to be more widely adopted.

Changes in the model brought wide ranging changes in the organisation of Social Work Services and largely unforeseen problems and pressures for the Departments and for their operatives.

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Chapter III. Servicing the System: Social Workers and their Reports

The situation presented at the end of the preceeding chapter may be seen as representing the generality of the period under review. Notably, Social Work Education has attempted to equip its students for the realities of work in Local Authority Departments. In recognition of the range of tasks awaiting them, education has assumed a broad 'generic', but more accurately 'generalist' nature, which is not without its critics. Within that context, this chapter examines the production of reports and their submission to the decision-makers from the stand-point of the writers.

It contains four sections. The first of these deals with the organisational context of Social Work within which these reports are prepared and presented. It draws certain conclusions from personal observation and appropriate references in the literature.

The second section carries the discussion forward in terms of the emerging professional issues which affect service-delivery in this field. It draws on examples from the medical and probation services to show the importance of the professional approach and the conflict which can arise within organisations. This section opens up a field of discussion regarding the sexual composition of the workforce, and draws some parallels with other employment situations.

The third section deals with the relationship between the report in its legal framework and the rights and responsibilities of the worker, the child and the parent. The 'grey areas' which have bedevilled this whole field are explored and the views of the workers put in context.

The fourth section is concerned with the role of the Social Worker as Adviser, both to the reporter and to the panel. It highlights the views expressed on this topic and provides an introduction to the following chapter which relates to observed practice.

I. The Organisational Context:

There are aspects of the role and function of Social Workers in delivery of service to the System which require to be seen from a unified position of theory and practice. A number of illustrations are provided and SER abstracts given from the areas during the study period. It is believed that there has been some movement in respect of certain aspects of management since this work was finalised, and no attempt is made to comment on these, except perhaps to say that the 1985/6 Strathclyde reorganisation ran into precisely the kind of trouble which the senario depicted here would lead one to think almost inevitable.

The general pattern of induction is that the Social Worker is brought into an organisational matrix which identifies and defines the range of tasks to be performed. The worker is identified by the organisation as a person who, by virtue of having completed a recognised course of study and having obtained the approved certificate of qualification, has a capacity to perform these tasks.

Prior to 1982/3 these candidates had, in the main, served an 'apprenticeship' period with the organisation. Outside the University sector, it was a characteristic of this group that they needed to study part-time in order to obtain the necessary qualifications for entry to courses. There was a certain expectancy that women would not remain in post for more than about three years post-qualification, leaving for a variety of domestic reasons: pregnancy, children changing schools, husbands changing jobs, or simply that they did not find it possible to cope with the demands of job and home. It has even been suggested that some took the training and job with specific financial targets in view and having attained these, quietly withdrew from Social Work. Certainly, personal observation over a number of years failed to discern any significant return to post once the ostensible reason for leaving had been met.

Within the organisation this pattern created a climate where promotion was weighted heavily in favour of male workers. Consequently a structure of a male heirarchy with an imbalanced workforce emerged.

While there has been a radical increase in Scottish Social Work Department staffing from 15,000 (whole time equivalents) in 1971 to 27,000 in 1981, the proportion engaged in fieldwork has risen from 16.5% in 1971 to 22.8% in 1981 (SWSG 1983). The number of field staff (Seniors, Social Workers, Assistants and trainees) in 1971, was 1,168 (an increase over the 1968 figure provided by the Rowntree Report of some 209 or 21.8%). In 1981 it had risen to 2,892. This represents an increase over the 1971 figure of 147% and an increase over the 1968 figure of 201.3%. Put another way; for every Social Worker in 1971, there were 2.9 in 1981. For every Senior in 1971 there were 3.7 in 1981. It would seem a reasonable expectation that service-delivery should reflect change over time in terms of a 94% qualified staff. In particular, in the present context, one might expect to see a level of work which reflected training, preparation, and supervised quality control.

Within the ethos and departmental growth which has been described, the workers tend towards the identification of what it is they are in business for, which is self-defining and skewed towards the patterns which emerge from this study. The importance of the 1980 SWSG Report on work for the Hearings is that it (unintentionally) reveals a situation where service-delivery lacks any manifestation of quality control or direction.

McKinley (1972:132) has pointed to the long established penchant of researches to occupy themselves with the individual characteristics of clients, and says 'it is now clear that organisational phenomena may be as highly related to utilization behaviour as personal characteristics' and further that 'bureaucratic ideology and regulations come to be learned by employees, thus limiting service to particular clients'(134).

It is within that kind of analysis that clarity in this context has to be sought. It is however doubtful if, as McKinley elaborates his thesis, clients are 'in revolt' against the delivery system; certainly not so far as this area of operations is concerned. However, one would agree with the general line of argument (following Haug and Sussman 1969) that:

- 1) the general expertise of practitioners is thought to be inadequate
- 2) their claims to altruism are thought to be unfounded
- 3) the organisational delivery-system is thought to be defective and insufficient
- 4) the system tends to exceed the legitimate limits of its power.

It is a doubtful proposition if clients perceive this to be so, or if they do have sufficient personal resources to articulate their feelings and mobilise support for their views.

What was observed is not peculiar to a particular office, or its Division, but is a structural feature of organisations which has a quite particular connotation for the delivery of service.

Within the organisational structure shop floor activity takes on a vital and commanding importance. It is worthy of note in passing that while the team meeting flourishes at the level of a toy-town soviet, that is not reflected upwards in terms of organised, legitimate unionised activity, which on the basis of knowledge and intelligent analysis ought to be challenging the structures with which they, and the community, faced subsequent to the 1973 re-organisation. Instead, the Union response is to clamour for its maintenance when reinforced economic pressures have indicated otherwise. Herein lies some indication of the inability of these professionals to make professional assessments of their own situations.

Wareham (1977:52) suggests that 'real' social work has to be defined in relation to the circumstances in which Social Workers find themselves, and as such, practice is always susceptible to agency function. In this area the circumstances in which the Social Workers find themselves and agency function are not in conflict, but require re-definition, clearly communicated, regarding the content and context of sound professional practice.

In respect of the S.E.R. submission, the Reporter is in a situation of having to make a decision of critical importance, on the basis of presentations which are at best inclined and focussed in certain ways, and at worst ill-serve his purposes because of the cursory nature of the reported investigation. The assumptions are that the investigating Social Worker has made a thorough-going investigation, even when the evidence is scant in support of that assumption.

In terms of organisation, it may be said that there are potentially three ways in which this aspect may be approached with a view to improvement.

Firstly: The adoption of stricter management-style demands on the workforce for quality inputs.

Secondly: A planned strategic refusal on the part of Reporters to accept work which falls below acceptable standards, which would have to be defined. This runs into immediate trouble because the Reporter is in a weak position, both structurally within the local authority organisation, and legally in terms of the statutory remit. On a legal basis, he stands in a position of being able to require reports, but not able to reject or object to what is offered.

Thirdly: By taking the problem out of the cockpit of demarcation and the command/support structure of the area team and seeking solutions at an institutional level.

Merton (1957:347) has commented, in relation to reference groups within structures that 'Those occupying the uppermost ranks in complex groups or organisations cannot keep in direct touch with all those in all other strata. It is not only that this is physically impossible; even if it were possible, it would be organisationally dysfunctional. For if they are to preserve the structure of authority, they too must work 'through channels'. Otherwise, as Simmel and others have in effect noted, they will undermine the authority of those intermediate to the topmost authorities and the lower echelons of the organisation'. This in part adds to the counter-argument in respect of the first two propositions. In this respect Etzioni (1961:128 et.seq.) has provided

a useful paradigm of organised responses to activity challenge. He has raised the issue of 'compliance and consensus' and lists six points to this kind of innovative change.

1. Consensus of general values: In the circumstances of a large and complex organisation and a small coherent and integrated group of workers, it can be claimed that there does exist a consensus on general values. Whether these general values are correct in the context of statutory responsibility or interpretation of function, is an open question, but it is unlikely that there would be a conflict as between the organisation and the staff group on this issue.

2. Consensus on organisational goals: The immediate problem is that the goals of the organisation are ill-defined, and given the weakness of the statutory remits, established goals in relation to one aspect of service-delivery are subject to re-definition even within the top echelons.

3. Consensus on means, policy and tactics: Etzioni points out en passant 'once the goals are agreed upon', in the situation viz social work, that cannot be taken as a given feature; indeed as indicated, the reverse is true and therefore the likelihood of achieving any consensus on means, policy and tactics is less than good. Given the wide and varying range of duties and responsibilities, coupled with the stark fact that many Social Workers did not come into the profession to do specific kinds of work, (par excellence, work with offenders) this is hardly surprising but remains a core problem for innovative change.

4. Consensus on participation: 'Lower participants can be viewed as continuously deciding whether or not to participate in the organisation'. Where their focal concerns are in conflict with proposals for participation, development of practice is stunted and thus accepted, internalised, restrictive practice creates an antipathy to participation; consensus is unlikely to be achieved.

5. Consensus on performance obligations: An obligation to interview working parents creates a problem, with a dichotomy inbuilt as between organisational expectations of task performance, a willingness to

employ flexi-time and worker intransigence on this with blocks on overtime working, etc. What, in essence, constitutes the day's work in social work terms?

6. Consensus on cognitive perspectives: Where there is a want in any of the five foregoing areas, it is likely that there will be a failure to achieve consensus on what Etzioni terms 'an agreed-upon act of canons for empirical test'. It seems clear therefore that progress in effecting innovative change in this area of operations is not simply a matter of producing an efficient and professionally-competent format. The real issues which must be met and thrashed out are those noted in an organisational context; removing the individualised virtuoso presentation, the group adherence strategy, the imprecise, poorly articulated or unstated organisational requirement, in favour of clarity, objectivity, precision, accountability, credibility and the creation of a consensus about the value of the sphere of work and the ways in which the best results can be obtained.

Howe (1979) comments 'what Social Work does could be described as a 'role job' in which social work has an institutionalised normative framework, with duties and rights ... such a role is intended to carry out the aims and functions of the agency. Moreover, these functions can be performed with more or less skill, efficiency and effectiveness. In other words, to carry out such functions effectively, there is an incentive to develop practice skills'. But that cannot occur in isolation. The inputs have got to be clear and quite specific. Enthusiasm has got to be transmitted.

The major concern in attempting to affect assessment and reporting is in relation to decision-making which has at times quite critical implications for the individual child. If decision-making at reporters' level is to transcend present practice, which almost amounts to the reporter's thumb being the best predictive instrument available, then the investigative work which is carried out in his name has to be systematised. It is important to make the point that we do not know what actual presentations are made by investigating Social Workers in initial enquiries. One chance encounter in a high security unit with a history of less than happy 'client' experiences was that the Social

Worker greeted the young offender with 'Hi, Jimmy, it's great to see you again'. Whether Jimmy shared this view is open to doubt, but the important point is that of presentation of self and of task. It is open to question if current presentations are satisfactory, and therefore, the quality of the resulting reports must be held to be equally questionable. It becomes pertinent to argue that a primary task for the system must now be to bring to the assessment task a level of sophistication. There is a need to bring to a common standard of acceptability the assessments provided, eliminating the confusion of initial reports and composite offerings designed to serve all purposes; reporter, panel, assessment panel, custodial remands, etc.

As things stand impressions can rule, and as it was with the erstwhile Juvenile Courts, what happens to a child remains variable, in that the combination of systemic factors, police, reporter, social worker, school, will effectively ensure process in terms of local practice.

The published statistics (S.W.S.G. 1979) show clearly this to be the case at Regional level.

TABLE 3:1 Rate per thousand children in population referred to Reporter and Hearing by Region : 1979

Region	Referred to Reporter	Referred to Hearing	Referrals to Hearings as % of referrals to Reporters
Western Isles	4.7	1.6	34
Shetland	4.8	2.9	60
Dumfries & Galloway	7.6	3.3	43
Orkney	9.9	2.8	28
Grampian	10.0	3.2	32
Borders	11.1	4.5	45
Tayside	12.8	5.9	46
Fife	12.9	6.1	47
Highland	13.9	6.4	46
Central	14.5	5.8	40
Strathclyde	14.4	8.6	59
Lothian	15.3	6.5	42
Scotland	13.6	7.0	51

Source - S.W.S.G. Childrens Hearing Statistics - 1979

The size of the Strathclyde child population clearly skews the national figure. If held constant, then the resultant figure for the rest of the country falls to a mean of 42%. It is known that within regions variable practices operate. For example, one area reporter rejects all projections not in favour of sending cases to the Hearings whereas in the New Town, the allocation of 'no action' decisions runs around 30%. It is highly significant in this context that the Lothian referral rate to the reporter is in excess of that for Strathclyde, yet the referrals to Hearings falls significantly short of the former. This would in turn indicate a variable police practice coupled with significant Reporter and Social Work policies being operative.

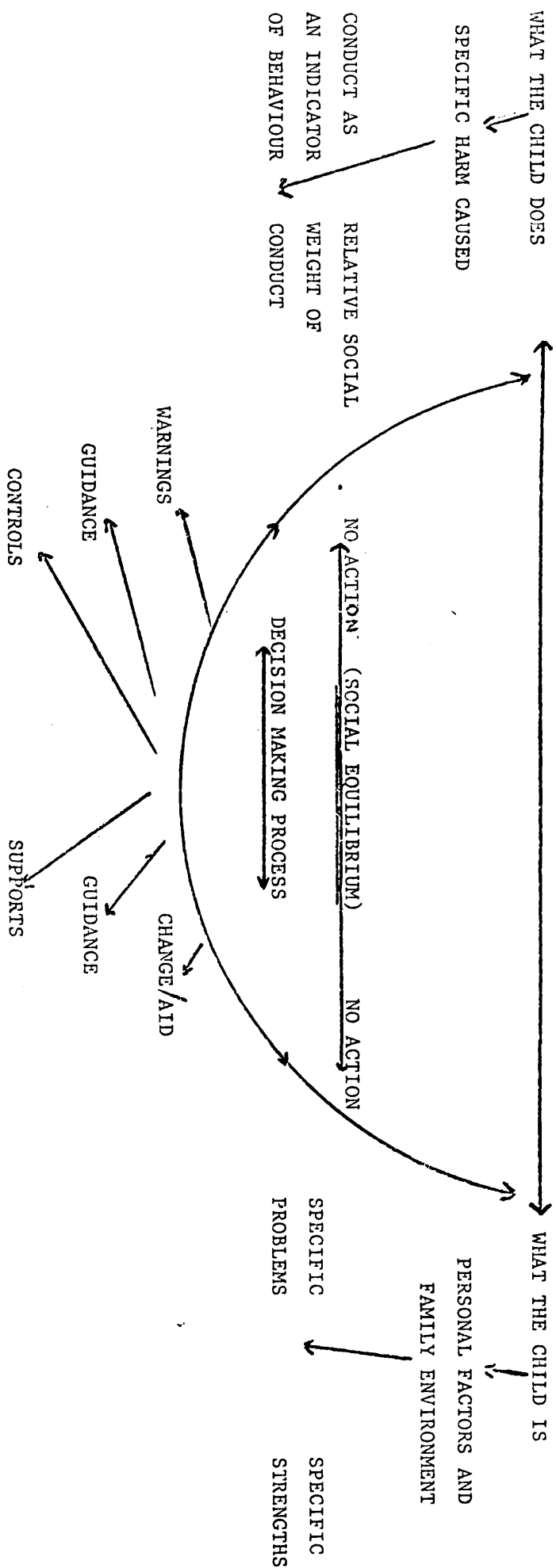
Certainly within regions, and quite possibly across the country, this variable practice could progressively give way to a rational approach with accepted weightings in respect of key issues, and providing a more structured and scientific approach to assessing situations and needs in the decision-making process.

Fundamentally, it is only when the criteria for an acceptable mode of investigation and communication within the system at the point of initial investigation have been met that the vexing problem of unacceptable, low level reports to Hearings can be approached. The model presented at the conclusion of this work, attempts to bring into the decision-making process a conscious deliberation of the factors in the case. It would insist on a weighting of the contradictions of the factors in the case, as between what the child does, and what the child is. As things stand, when faced with these contradictions, the investigators retreat into platitudes or rejections. It may be that the fairly hefty failure rates of supervision can be accounted for by the failure of supervisors to think laterally and perceive the child as doing and being, so that the omni-present acceptance of the child as being, in failing to accept him as doing, is both the key to failure and a prescription for it.

Diagrammatically thus:

Figure 1.

The Balance of Contradictions Model of Social Inquiry



The complexity of the service model presented is essentially one which requires an organisational perspective, and which has the capacity to recognise that the investigative work in respect of the individual child has an important and integral place in the organisation's response to the system for service and in its requirement of its own personnel for appropriate professional inputs to service delivery.

2. PROFESSIONAL ISSUES:

These matters bring to the fore the question of professionalism within this work force. All previous efforts to provide status by the creation of National bodies have failed. It is notable that in 1983, the latest idea being floated was for a Royal College of Social Work. In the absence of a validating body or tradition of compliance with a body of principles respected by the community at large, Social Workers individually and collectively have been thrown back on primary regulating mechanisms, which in turn are reflected in their practice. Lacking the essential 'obedience to the unenforceable' (Seymour 1959) which characterises the professions and their parent bodies, they respond to, and are guided by, the enforceable regulators of the informal, by immediate pressures of their peers and by the formal and no less pressing structures of their Union.

The Social Worker's 'focal concerns' to use Miller's (1958) terminology are centered on issues which, while they have implications for service-delivery to clients, are not directly addressed to these. A very considerable input of social work energy is invested in re-structuring the ways in which they work and in consolidation. The ways in which service is delivered cannot be categorised as 'right' or 'wrong', but it is remarkable that decisions to operate as long-term and short-term teams, to provide for an intake system, should become not only the occasion for lengthy team decision-making sessions, but the occupational focal concern of those engaged in it. Notions of career and job-fulfillment are circumscribed by induction and re-induction into an occupational situation where the primary service-delivery function is subservient to a set of contingencies which deflect the individual's perception of professional self away

from her service-delivery function towards an introspective perception which views the occupation of being a Social Worker as more important than doing social work.

The conceptual conflict arises in attempting to equate the observed practice with Klein's (1965) definition of 'a body of knowledge, long training to acquire skill at proper standards, high standards of performance and conduct and the power to exclude those who do not conform ... work frequently done without supervision and without the constant presence of others doing similar work.' They tend rather to conform to the picture of the unionised professional, which as Prady (1965) demonstrated, identifies himself as a low status person, carrying little authority who identifies poorly with a professional association concerned with high professional standing, but highly with a unionised activity focussing on pay and conditions. It is no accident that this is so, given the historical context.

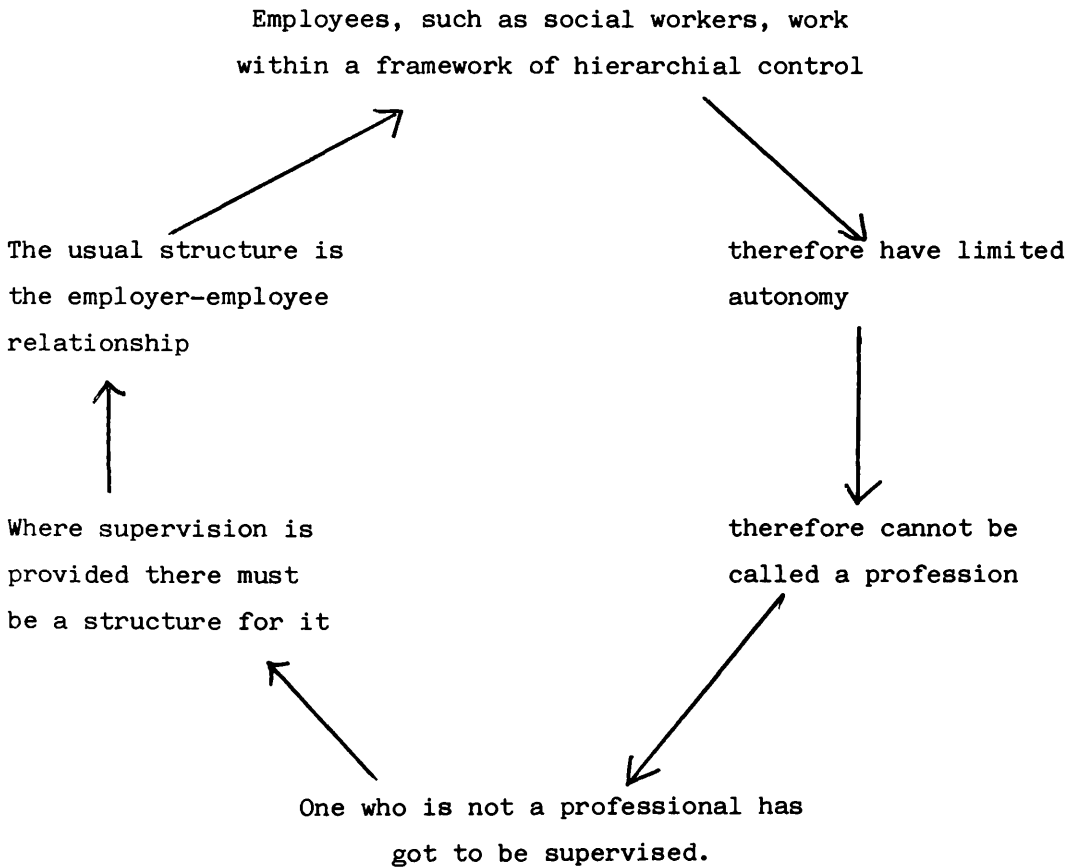
Indicative of the position of Social Workers is the observed differences between them and Probation Officers in their presentation of what Becker and Carper (1956) called 'occupational personality'. There is a tendency within social work to identify with structural change and innovation within the organisation. In the Probation Service the tendency is to identify with modes of service and the likely effects of change on these.

Purvis (1973) comments that 'a high level of commitment is fundamental in that it provides the driving force and motivation to carry the individual through the long years of professional socialisation ... It is commonly assumed that professional service and a bureaucratic structure are incompatible since the restraints of the latter would hamper the professional's autonomy'.

Kornhauser (1962) suggests that the interdependence of the bureaucracy and the professions creates multiple centres of power which tend towards equilibrium, a balance between the conditions conducive for creativity and those conducive to control. She then makes the point that 'commitment to a professional career inevitably makes the professional 'inner directed'. She secularises the Protestant ethic.

The concern with 'doing' as opposed to 'being' with 'future' as opposed to 'present' time with 'deferred' as opposed to 'immediate' gratification ... occupational success becomes the sign of self-worthiness ... If Max Weber were alive today he would probably say that the professional represents the last bastion of the Protestant ethic".

Gkastonbury et al (1980:120) suggests that there are issues of personal and organisational responsibility which impinge on this. They express it thus:



Within that, it is easy to discern potential for a power-conflict and deflection from the role-task of the professional.

Support for this position may be found e.g. in the expressions of individuals who, on return to the organisation, regard taught material on Social Work methods as 'inappropriate' 'time poorly spent'; as one informant put it 'if you don't conform to the way the team operates you would become quite isolated and quickly lose friends'. Others recognise this, if but instinctively, and have sought to preserve their own standards by working in fairly isolated country offices, or in hospitals, and by resisting all efforts to move them into the larger units. Others who have entered such units and have pursued work patterns in keeping with a presentation of expertise, and have adopted occupational personalities projecting self-images of specialist functionaries, have been described by Seniors as, e.g. 'difficult' and as needing 'to come to terms with what we are trying to do'.

In contrast, within the Probation Service, the presentation of occupational-self is heavily biased towards service-delivery and high level, individualised professional skill. Both occupational groups are engaged in working with people albeit the Probation Service would more readily subscribe to the notion that they are in the 'people-changing business'. P.O.s are subjected, even under the restructured Service, to a fairly simple accountability system. A group of five or six officers is supervised by a Senior Probation Officer, a group of five or six S.P.O.s by an Assistant Chief Probation Officer who is responsible both for the management of his geographical area, including finance, and for the overall professional performance of each officer. The Chief Probation Officer and his deputy or deputies occupy a position analagous to that of the Regional Directorate in Social Work.

Unlike the Social Worker, each Probation Officer is appointed specifically and individually to service the Magistrates' Courts in a named Petty Sessional Division or Divisions and is directly responsible to the Probation Committee and accountable in individual cases to the Courts. His occupational behaviour is heavily influenced by his sense of personal responsibility, reflected in the high level of recording in the Service and of the levels of staff supervision and record scrutiny by Seniors and A.C.P.O.'s. The language employed by Jarvis (1969:5) is indicative of the sense of personal responsibility and the regard

afforded to it: 'Probation Officers are servants neither of Central nor of Local Government. They are employed by Probation and After-care Committees'...

The P.O.s presentation of occupational-self is reflected in the focal concerns which are apparent in individual contact and in the issues which come up for debate at N.A.P.O. and C.P.O. annual conferences. Essentially, these relate to service-delivery, to the development of skills, the use of community resources, volunteers, the availability or otherwise of money for projects, and in these fields interesting comparative features are to be found. (see e.g. Policy Paper approved at 1982 N.A.P.O. Annual Conference).

Individually, Probation Officers have accepted responsibility for recruiting and training volunteers, for working with, and in some cases creating voluntary groups to organise and run homes and hostels. This latter feature was institutionalised by changes brought about in the 1973 Criminal Justice Act which enabled Probation and After-care Committees to form themselves into hostel management Committees. They have been prepared to accept responsibility for service-delivery in ways which have affected their individual recognition by Judges, Magistrates and by the Committees for whom they work. They have been enabled to do this because within these structures are broad recognitions of the professional responsibility and accountability carried by the individual.

However, this pattern shows signs of weakening. The introduction of work-loading schedules whereby the officer is held accountable to the senior for a specific number of hours weighted work per month would have been unthinkable some years ago. To that extent professionalism within the service is weakened and it would be difficult to equate this organisational practice with the Klein definition of the professional.

In relation to a group of Probation Officers, Lynch (1976) noted their 'degree of autonomy in the work situation, which they used in the general interests of the clients and in maintaining professional interests ... Individuals are recruited by the organisation to be used as means, but people respond as individuals and bring their own sets of

needs into the situation'. He commented upon the way in which officers focussed on the more difficult cases, refusing to pass work to colleagues when overworked. 'The criterion in each case was whether it was 'good' for the client to be moved, rather than 'good' for the officer'.

The more recent debates centering on professional conduct within the medical profession which involved individual persons in decision-making and risk-taking would validate this view of the professional as decision-maker and risk-taker even when the consequences are calculated to bring some element of conflict or censure from the employing body. Conflict of this kind is to be expected in professions. Where professional concerns come into conflict with organisational priorities or policies, the professional is obviously in a situation of some delicacy. Paradoxically, within Social Work the organisation would welcome professional initiatives but is met with restrictive practices.

In Social Work the identification of self is designated by a series of configurations over which the individual has little real control. He/she becomes a member of, identifies with, and uses the rhetoric of the area team. Burke (1953) has identified the 'rhetoric of medicine' in that the apparatus of the clinician's surgery serves not simply as useful tools, but as demonstrations of professional skill and competence as 'the patient might feel himself cheated if he were given a real cure but without the pageantry'. The Social Worker has no tools on display. At one time the presentation of professional-self rested on a middle class mode of dress, desk and telephone, emphasis being laid on coolness, detachment, and implied knowledge of human behaviour. This has given way to another presentation. Clients are no longer respectful of the 'doing good' professions. The inherent knowledge that they are paying, if indirectly, for service has created a much less respectful and a more demanding clientele. Responding to this the Social Worker's rhetoric has changed. Dressing down, adopting postures which are calculated to protect the team and the team member from criticism or demands for better service have become the norm. Presentation has moved to one of over-worked, pressurised, and socially-active people.

The inherent conflict may be seen, e.g., in the response to organisational goals, such as the Member/Officer Group Reports in Strathclyde, on Child Care, Offenders and Addiction. Here policies are frustrated at the level of the area team, derided as 'the priority of the week', or if taken seriously, for example, aspects of the Child Care Report, then other services have suffered 'we do practically nothing but Child Care'.

In illustration of this 'what's best for the client v. restrictive practices' theme is one example from the New Town office.

A SER read "He has been on a Home Supervision Order for some period of time and it would have been hoped that a Social Worker might have been able to effect some change with regard to school attendance. Up until November 1982 this has not happened due partly to industrial action affecting this case, and secondly, a number of changes affecting Social Workers have led to an un-coordinated approach to this case".

Workers' Views and Opinions: It becomes difficult to escape from a view of operations which is characterised by a certain crudity in the ways in which Social Workers approach their tasks and their charges. There is a strong thread running through all the surveyed work which suggests a rush to disposal and a crude 'supervision stops similar incidents' type philosophy, with little real evidence that theory is translated into practice and that the factors and features of young offenders do come under scrutiny and consideration in the formulation of 'action plans'.

Davis (1982) put it thus: 'Give Social Workers half a chance, and they will reinterpret legislation in ways that make their working life easier (enable them to focus their attention on low - or middle-risk juveniles, for example, rather than on the hard core), increase their chance of career-progress and promotion by leading to the creation of new projects within which they can be profitably employed as specialists), and lead to larger numbers of marginal offenders being taken into care - wholly contrary to the aims of the politicians at the outset'.

It might therefore be a consideration that Hearings related work should be given over to a separate, specialist agency, in order to free workers and the organisation for other demanding welfare tasks.

In order to test this proposition the respondents in the two Divisions were split into those whose previous experience before joining the Social Work Dept, had been 'social-work related', i.e. had been in one of the caring professions, whether as trained or as un-trained personnel and those who came to social work from industry, commerce or other similar occupations, un-related to the delivery of a social work service.

Table 3:2(i) shows the spread of opinion in this. It is noteworthy that there was no significant difference in the finding; it therefore seems reasonable to say that the workforce is unified on this question and regards the essentials of the present mode of service-delivery as being satisfactory.

Table 3:2(i). Social Workers' opinions about specialisation by a separate agency, by the previous experience of the respondents.

Opinion that the S.W.D.

would benefit from a specialist agency taking over Hearings-related work:-	Social Work Related Experience.	Non-Social Work Related Experience.	N=
Agree	10	10	20
Disagree	21	37	58
Don't Know	1	1	2
N=	32	48	80

X2 1.310 D.F.I. no. stat. diff.

Source: Schedule on Social Workers' Perceptions

Table 3:2(ii) Social Workers' Opinions about specialisation by a separate agency, and benefits to clients, by previous related experience.

Opinion that clients would benefit from specialisation by separate agency	Social Workers' Previous Experience		N=
	Social Work related.	Non-Social work related.	
Agree	17	8	25
Disagree	18	32	50
Don't Know	-	5	5
N=	35	45	80

X² 6.8575 D.F.I. P < .005

Source: Schedule on Social Workers' perceptions

Table 3:2(ii) shows that there is less certainty among respondents as to the likely benefits accruing to clients under such arrangements. Those with previous Social Work related experience were equally divided while those with no prior Social Work experience were clearly of a mind that clients would not benefit.

Table 3:3 Social Workers' perceptions of effectiveness by opinion about availability of work force.

Opinion:- quality would improve if
more in post:-

Quality of job performance rated:	Would improve	Unlikely to improve	Will not improve	N=
Excellent	6	-	-	6
Fairly good	34	8	8	50
Poor	12	3	2	17
(D/K 4)				
N =	52	11	10	73

X² 0.8383 D.F.I. No. stat. diff.

Source: Schedule on Social Workers' Perceptions

Note: Three respondents commented that 'the quality of the job is not a dependant variable. Interest in the job is more important than numbers'.

The importance of Table 3:3 lies in its underlining of the views of the workforce as being not motivated in terms of the older professions but which are heavily influenced by industrial-style unionism. Something of these views are shown in Table 3:3 where effectiveness is linked with the number of operatives in post. There is at least the possibility that this points towards Prady's 'unionised professionals'.

Hinton noted (1973:79) 'The inner life of the workshops provided a basis from which bargaining at workshop-level was bound to occur ... shop meetings, the weapon of a ca'canny, refusal to teach apprentices ... joint action - all these forms of shopfloor activity were practised in Mid-Victorian times.

This provides a partial explanation of the 'inner life' of the Social Work Dept.. The complexities and the observed weaknesses of management have created a new definition of what constitutes 'caring' in professional terms, as the foregoing case illustration shows.

In the present context it is noted that the constant refrain at Hearings is 'we are here to help you' never 'we are here to affect control over your behaviour', in spite of the clear recognition by Kilbrandon that the control element was an essential ingredient in the package. The persuasive message stems from Panel training and from observation of practice. It is heavily reinforced by statements in S.E.R.s which, again and again, define purpose in terms of 'help', and 'support'. In short, what Social Workers came in to Social Work to do is fairly reflected: the question which is posed is, is this what the System and society require of Social Work in the complex and demanding task of controlling delinquency?

Table 3:4 shows the way the workers perceived the Hearings-related tasks. The significance of the distribution lies in the volume and the recurring nature of the task as highlighted by S.E.R. production. 20% of the respondents rated S.E.R. preparation as 'most' or 'more' while only 4.5% rated this as 'less' or 'least'. The corresponding figures for 'supervision' were 19% and 5% respectively. All other features of involvement, attendance at Hearings, institutional visits and internal contacts (office consultations, contact with reporter, or similar) fell well below these levels. Ratings of 'most' or 'more' ran at 10% while 'less' or 'least' rated 40%.

Table 3:4 Time spent on Hearings Related Work (all respondents)

Task defines as:	Time spent classified as:				N=
	Most	More	Less	Least	
S.E.R.					
Preparation	25	33	7	6	71
Supervision	37	18	14	2	71
Attendance					
at Hearings	6	6	22	39	73
Institutional	6	12	29	24	71
Contacts and					
Internal					
Consultation					
N=	74	69	72	71	286

X² 28.96 D.F.I. P <.001

Source: Schedule in Social Workers Perceptions

Note: The response shortfall from the 80 respondents is accounted for by answers which could not be classified by reason of ambiguity or ratings which amounted to 'don't know' answers.

Table 3:5 shows how the Social Workers see Hearings related work in terms of its importance, by the volume of such work in their workloads.

Table 3:5 Importance attached to Hearings-related work by volume in workload.

Importance related as:	Volume in workload related as:				N=
	50%+	about 50%	25-50%	under 25%	
Exceptionally					
Important	-	2	4	-	6
Very Important	2	4	9	21	36
Important	6	4	11	10	31
Useful	-	-	3	2	5
Routine	-	1	-	1	2
Interferes with other work	NIL RESPONSE				
N=	8	11	27	34	80

X² 1.0796 DF.1 No. stat diff.

Source: Schedule on Social Workers' Perceptions

This shows no statistical difference in the views held as between those with weighted Hearings-related caseloads and those doing less of this work.

It is clear that this work is highly rated. It also seems clear that there is a certain commonality in the volume of work which comes to the individual worker, within the spread shown. The significance of this, is that it creates a picture of recurring work defined as important by those undertaking it, about which it would be reasonable to expect specific knowledge and competent professional performance.

Given the current criticisms about the kind and quality of S.E.R.s and the complaints by Panels about the lack of supervision, the projection of this work as comprising a major task component and being time-demanding poses some critical questions concerning the issue of service-delivery. One might reasonably expect to find consistent standards of excellence compensating for other deficient performances. It remains that the highly critical appraisal of service to and for women imprisoned, by Carlen (1982) is mirrored by Ford (1982:82)

'supervision requirements have had to compete for the attention of Social Workers ... Priorities are still set either implicitly or by default and supervision orders ... do not always head the list'.

The Workforce in Context.

The professional issues which have occupied the presentation in this section require to be seen in the context of a view of the actual workforce, and the widely held view of a predominantly-female profession. In the two Division sample it was found that there was a median age of around 33 yrs. In Ayrshire, 34.4 and in the New Town's Parent Division, Dumbarton, 36 years.

Table 3:6(i) Social Workers by Age and Sex in Two Divisions

Social Workers		Division			
Aged:	Ayrshire		Dumabrton		N=
	M	F	M	F	
Under 30 years	5	11	10	6	32
30 years - under 40	6	2	6	8	22
40 years - under 50	5	4	1	4	14
50 years and over	1	3	3	5	12
N=	17	20	20	23	80

X2 5.3573 D.F3 No. stat. diff

Source: Schedule on Social Workers' Perceptions

Table 3:6(i) shows the spread by age and sex in this representative sample from the two Divisions. The under 30 age group makes up 40%, the 30-49 age group 45% of the total. This indicates a rather older core of workers than one might have expected. Equally it is of some interest to note that women constitute 57.5% of the total, 50% of the 30-49 age group and 53% of the under 30's. This would suggest that the sexual imbalance in the in-post workforce is not as great as might otherwise be suggested.

In the context of the sexual distribution of the workforce shown (Table 3:6(ii) the comment by Wolf and Fligsteinnd (1979) is worth noting. They contend that women have much less authority than men, regardless of what aspect of authority is considered. Women with children have low status, men with children high status; Men's educational

qualifications give them authority, not so women. Certainly the distribution of jobs in the two areas under review would support the view that men are more likely to be promoted than women.

The phenomenon of the feminisation of the workforce is now well recognised in other fields. Heritage (1980:289) in dealing with insurance and banking links the progressive expansion of a short-term female labour-force to the down-grading of the 'profession' and the proletarianisation of previously highly-regarded occupations. He makes the point that these women, while formally entitled to promotion opportunities can be relied upon not to take advantage of them. There is generated a series of low-level expectations of career and task satisfactions. This is relevant to the observed situations and provides a starting point for a discussion on service-delivery which is calculated to produce the kind of results commented upon.

The advantages to the employer of following this kind of employment strategy is, simplistically, substantial. An undemanding workforce, performing routine tasks and a high turnover in staff keeps incremental salary levels lower, and enhances promotion prospects for men. The situation becomes self-perpetuating, and as has happened, the public identification of the Service becomes, what one observer referred to as, 'a job for wee wifies'. Whereas the organisation (and the workers) point to increased numbers as being a solution, the greater the number of 3 and 4 year transients recruited, the greater the problems field management has in providing a service which measures up to acceptable professional standards.

Walton (1975:190) demonstrating the growth of the Social Work profession from 1921 to 1951 cites the increases of 1,000% and 700% of men and women in post and couples this with the disparity in wastage rates, women outstripping men 2:1 in the Child Care Service, and succinctly summarises future trends as:

- i) women will continue to be discriminated against in senior line management jobs.

- ii) Senior women will continue to be single or married without children.
- iii) If any brand of Social Work activity previously dominated by women becomes attractive to men, it will come to be dominated by men.
- iv) women will tend to be appointed as training officers.
- v) women will continue to play a key part in Social Work education.

Supportive as this is of the preceding argument, his guidelines for determining allocation of tasks (p.260) pose very considerable questions about the viability of the demands placed on women in the context of the authoritative work for the Hearings.

'Indications for male role	Indications for female role
A) Dealing with men and boys	Dealing with women, girls and young boys
B) authority/control directive interaction	Non-directive/therapeutic
C) administrative/finance	Non-managerial, except training
D) Local Authority Service (pre-re-organisation)	Hospital or Voluntary Agency
E) -----	Contact with people 'in need'.

Table 3:6(ii) shows the spread of experience across the Divisions. There is a good spread of people, especially those under 30 years, with higher education and perhaps less industrial and commercial experience than one might have expected. A remarkable feature is the relative absence of either past Child Care or Probation Service experience. This is accounted for, firstly, by the way in which the personnel of the services were promoted, post 1968, and secondly, by the fact that retirement has removed many of those who otherwise would have been found 'in the ranks'. The importance of this clearly relates to the loss of inherited knowledge and practice skill. It would seem a

reasonable assumption that we are fast facing a concept of Social Work which will be self-defining in terms of those in post owing little to the previous disciplines and practices and much to what the present incumbants offer by way of practice experience and example, with the 'generic', generalist view of job performance being much in evidence.

Table 3:6(ii) Social Workers by Age, Sex and Previous Experience -
Dumbarton and Ayrshire combined.

Social workers Previous Experience	Under 30 YRS		Aged 30-49		50+		N=
	M	F	M	F	M	F	
Included:-							
College of University (Exclude basic S.W. Training)	10	11	2	2		1	26
Child Care	5			2			7
Probation /Health					2	1	3
Services	2	6	2	3		5	18
Industry	6	2	5		3		16
Commerce/Sect, Clerical	2	4	2	2		2	12
Personnel	1	1				1	3
Other	6	2	1	5		3	17
NONE	1	2		2			5
N=	33	28	12	16	5	13	107

X² 29.05 DF.1 P <.001

Source: Schedule of Social Workers' Perceptions

In Table 3:6(ii) the 80 workers surveyed produced in some instances more than one 'previous experience'. This is reflected in the total of 107 responses.

3. Reports, Rights and Responsibilities

There is a certain degree of uncertainty about the rights and responsibilities of Social Workers in producing reports for Reporters and Hearings. Whereas, in the Scottish Court system there is absolutely no ambiguity in as much as the accused has a right, until either he pleads or has been found guilty, to refuse to co-operate, but not thereafter (Moore and Wood, 1981:51), in the Hearing system, because the technicality is to 'agree the grounds of referral' and the presented rationale is one of the provision of 'guidance, help, care or control' the prevalent assumption tends to be: report first, consider later. The request for a report and the Local Authority's responsibility to provide comes at a point when 'the Reporter has arranged a Children's Hearing'. But the arranging of a Hearing in no way ensures that either the child and parents have been properly advised as to the legal propriety of the grounds as stated, or that they are accepting of them, as stated. Thus the situation, pinpointed by Goodwin (1979:41) easily arises where 'the Reporter in Strathclyde requires a report in every instance without qualification ... (and further) these reports are requested before the Hearing is arranged and are used by the Reporter to decide whether to call a Hearing'. As Goodwin says there is no compulsion on families to co-operate but 'it must be admitted that most families seem to be unaware that they can refuse to give details to the Social Worker'.

When one adds to this a Departmental dictat 'this we do', it seems highly unlikely that Social Workers, in the main, will espouse a line of 'but you have the right', especially as that will entail both an explanation and possibly a repeat visit to prepare a report.

This creates a complexity which may well belie the much-vaunted discussion/decision procedures which are the alleged hallmarks of the present arrangements.

When parents and child agree the grounds of referral they are agreeing to matters stated by the Reporter as constituting the case to be heard. In respect of an offence, what they are agreeing is that an offence, as stated, was committed by the child. What has to be determined is

whether, because of this, the child is in need of compulsory measures of care. As S.32(1) puts it 'a child may (emphasis added) be in need of compulsory measure of care if ... (g) he has committed an offence'.

At the point of the Social Work investigation there is an ill-defined assumption that as the explanatory leaflet says 'the Social Worker may have told you about how the Children's Hearings Work'. While no direct statutory responsibility is laid in the Social Worker to do so, and indeed the advice tendered by Social Workers may at best be suspect because of their own lack of knowledge, it is one of the features of the system that the family are inducted into 'the round table discussion' via the Social Work presentation and by her presentation of self. This is complemented by the chairperson's likely, "And you know Mrs. Y the Social Worker, of course". Thus parents and children are inducted 'informally' into a formal decision-making process which has the power to command their presence and to make dispositions affecting the liberty and the nature of the education received by the child, and further, to subject the family to Social Work intervention over a period of years.

A central problem created by the system of advance reports is simply that the writers proceed beyond discussion to determination and to postulate disposal. The number of children who agree grounds as stated without knowledge of, or benefit of advice as to mens rea/actus reus, even on the limiting definition favoured by Smith (1962) 'voluntary conduct of the accused resulting in breach of the substantive law' remains problematic. Fox (1975) has instanced the overt pressures on children to agree while Brown (1979:13) provides examples of 'only the experts, the Social Worker or the amateur Social Worker in the guise of the panel member know what is being decided and why. Not only is the offender as a person under examination according to expert criteria of which he has no knowledge, but his family, his environment and his behaviour in, and attitudes towards, school are all assessed in ways that are (by definition) beyond the reach of common sense'. A priori, and in a Kantian sense, from cherished prejudices, views about what should happen to the child are formed before the tribunal has agreed with the parent and child that the necessary conditions, i.e. a need

for compulsory measures of care exist. In structural terms the adjudicators are influenced towards disposal before they have determined the need for intervention.

Of itself, this situation is not new. What is new is the casual acceptance of it, on all sides, without regard to the fundamental rights of either parent or child.

In an American context, Caldwell (1961) took a view that the 'pre-hearing investigation ... tends to become the hearing itself - a process during which the facts are gathered and the decision re disposition reached, even before the Court has determined whether the child is delinquent. Indeed his mere presence in Court may be interpreted as presumptive evidence that he is delinquent and may easily be inflated to conclusive evidence, if some personal problem can be discovered and dilated upon by the Probation Officer'.

In the Gregg decision (1969) the Supreme Court came down on the side of permission for reports to be prepared before a plea has been entered or conviction obtained: they may not be submitted to the Court before that time'. In a Hearing context the 'we are here to help you' input which tends to come earlier, rather than later in the proceedings, distinctly re-enforces the impression that his presence is indeed 'presumptive evidence' not only that he is delinquent but that he has personal problems susceptible to help which can be provided, across the table, and subsequently.

In the system under review, the process is compounded by the availability of these reports, coupled with an absence of clear restriction of panel members having preliminary 'informal' discussions either with or without the Social Worker qua adviser, the balance appears to be distinctly tipped in favour of forms of prior decision making. Given this rather unusual flexibility in a system of communication calculated to produce 'client' involvement, and given the pre-conditions, (and conditioning) of the Social Worker's investigation, the question of access to the finished product by the parents and child assumes an immediate importance. The negative skewing of the present model could at least be adjusted by providing

access in advance of the Hearing to parents, in equity with panel members. As things stand the presentation is unlikely to be such as to create problems at the Hearing for the Social Worker.

This appraisal takes account of the Kilbrandon Committee's emphasis on a move towards a concept with 'preventative action against potential delinquents' (Para 54) and 'a procedure which from the outset seeks to establish the individual child's need in the light of the fullest possible information, as to his circumstances, personal and environmental' (Para 78), and the personal view put forward by Lord Kilbrandon (1966) '... if society requires that an outside agency interests itself in the problems of these children, that agency ought to do so as far as possible through the existing machinery, if I may so call it, namely the family'.

The practices which have developed under the aegis of S.W.S.G. (e.g. the rules and the sponsored training) are not seen to encompass either the ideals of the Kilbrandon Report or to ensure that the 'existing machinery' is fully engaged except in the formalistic sense indicated.

The White paper's clear indication at para 65 that investigation by the Social Work Dept. would proceed at the point where 'the Reporter receives notices about children who may (emphasis added) need to be brought before the Panel'. The White Paper was silent on the question of the right of refusal at this point, or indeed about the people's concerned being consulted about the passage of information held, or acquired by the Social Work Dept.

The importance of the principle enshrined in this proposition was emphasised by the Grant Committee Report (1967)' certain practices appear to us to be dangerous ... a (probation) report may contain statements purporting to be factual ... which may in fact be controversial.'. This was overturned, so far as the Hearings were concerned from the point of inception through to the implementation of the practice model.

Some quite bizarre examples of this manifested themselves in the course of the fieldwork. One example was of a S.E.R. presented to a New Town Hearing. Headed 'Offence: Housebreaking. 2 Charges', it related to a referral from the police of a Breach of the Peace. The circumstances, as outlined by the Reporter to the Hearing, were that the boy was alleged to have been spitting in a telephone kiosk, and on being reprimanded by the P.C. had replied 'I'm not f...ing spitting'. Next stop, the police station.

The S.E.R. made no mention of this, i.e. the substantive matter on which the boy appeared, but had a lot of space devoted to 'two housebreakings'. It then moved on to 'his response to supervision'. It said 'as he has broken his contract I can see no alternative but a List D school'. Chairman commented 'I see from the Social Work report that there may be something else you want to tell us about?' Boy: 'They say I was acting as look-out for 'X' when he broke into a house, but I wasn't, I wasn't even there'. Social Worker: 'But he's still broken his contract, we have awful problems when he won't keep to his contract. I think he's got to face up to things and this order just isn't working at all'. A flurry of exchanges produced 'the contract' which was set forth in the following terms:

CONTRACT BETWEEN JAMES ----- MR. Mc ----- SOCIAL WORK
DEPARTMENT AND ----- ASSESSMENT CENTRE.

1. James will attend school regularly and punctually.
2. James will obey all school rules and the instructions of his teachers.
3. If James feels he is being treated unfairly at school or has any problem at school, he will discuss it with his guidance teacher.
4. Should James have a particular problem which he feels unable to discuss with his guidance teacher, he will bring it to the attention of his father who will notify either his Social Worker or Centre Staff.

5. James will behave in an orderly manner in the school playground.
6. If James has any sickness which will affect school attendance, Mr. Mc----- will report it to the Centre.
7. James will not consume alcohol.
8. James will not be involved in any offence.
9. James will tell his father where he is going and will be home each night by 10.30 p.m.

If James has made prior arrangements with his father to attend a disco he is allowed out until 11.15 p.m.

10. James will only associate with friends of whom his father approves.
11. James will not stay out overnight.
12. James will not go near the house where he spent his time when playing truant.
13. Mr. Mc----- will report any breach of the contract to the Centre immediately.
14. James will visit his Social Worker regularly (once a fortnight).
15. James will return to the Centre any time he is instructed to do so.
16. James will be admitted to the Centre for a determined period for any breach of the Contract.
17. Should James continue to breach the contract a Children's Hearing will be requested and a period of residential training will be recommended.

After about 30 minutes argument about which bits of the "contract" he had or had not broken, the referral was discharged. As the party left the room one of the Panel members muttered 'Even Moses only had 10 commandments'. The worrying aspect of this quite bizzare scenario was that the 'contract' was not simply typed up for use with this individual child, but was a duplicated copy. Subsequent enquiries of the Assessment Centre revealed that following assessment, it was common practice to issue these 'contracts' to children who were placed on supervision.

Discussing the de minimis principle Moody and Tombs (1982:63) quote one Fiscal '... a police panda car manned by a somewhat vigilant twosome passed a crowd of youths one of whom was heard to say 'Cheerio Pigs'. He was immediately arrested for Breach of the Peace and detained overnight. In my opinion that was not a breach of the peace and I marked it no pro (there is) trivia which it appears to me not as in the public interest to prosecute, certainly not when one considers the cost involved in prosecution'. Whether it is in the interests of the individual child to be processed through the juvenile justice system for like offences remains a very open question.

The evidence suggests that the way in which Social Workers gather information is limited and tends towards a neutralised format and with specific and predictable foci and biases. While this may be seen as a fairly general phenomenon (Ford 1972, Perry 1974 and Bean 1974) the problem in the Hearing is made infinitely more complex by the nature of the process whereby the information is gathered, the dissemination of it and the denial of access to it by the people most intimately and immediately affected by it - the child and his parents. It is within that situation that Social Workers develop practices of showing reports to people, with all the subsequent potential for mixed messages referred to.

The information is not only limited, it remains privileged in a sense in which investigation to Courts could not be. It is circulated and used in subsequent decision-making on the declared basis of '(the Hearing) will tell you (the child) what is in the Social Workers report, if they think it would be helpful to do so' (emphasis added).

One is struck by the similarities to the U.S. practice indicated by Parsloe (1978) "Children traded their procedural rights in return for treatment ... Courts were more concerned with 'what a child is, than with that he has done', the Judge and Probation Officers had a superb confidence that they could tell what a child was, and if necessary, turn him around".

It is an interesting comment on this that following on the Gault decision (1967), 'In some jurisdictions, reports indicate an upsurge in requests from counsel to be present at all times when juveniles are being interviewed or questioned, including contacts initiated by Probation Officers for the purpose of pre-disposal investigations'. (Fant 1969).

In her study Morris (1973:70) noted that 'decision making ... involved gathering together from 'a variety of sources, information about a child's actions, character and family and seeking to piece this information together so that a clear picture emerges. Decisions then depend on the nature of this picture ... The Children's Hearing agreed with the recommendations made to them by Social Workers in 56 out of 65 cases (86%) ... we cannot distinguish sharply between the roles of these various groups within the decision making process'. The reason for this lack of definition lies in the absence of procedural rules governing the input of advice, making clear the distinction between advice and decision-making in the two phases of agreement about the grounds of referral and about the need for compulsory measures of care, and consequent upon the latter, the type, kind and possible duration of such measure. The composite parcel of advice, straight reporting on social circumstances, and presumptive recommendations with all too little by way of safeguard in a checking procedure, creates a situation with at least a potential for dubiety.

This is not to deny that the purpose of the Hearings, namely, assessment of the child's needs and prescription of measures calculated to meet them, require inputs of professional expertise well beyond those available to the erstwhile Juvenile Court. Whereas the court was required, in dealing with the child, to have regard to his welfare, the

Hearings System is dedicated to identifying and making provision for his welfare needs, and regarding the offence commission as being symptomatic of that need.

The Kilbrandon idea of a matching field organisation reinforced by the Chief Adviser's Working Group Report (1971) has not materialised.

While in individual cases, reference is made to psychiatrists or the child remanded in custody for reports, in the main the assessment and information vehicles are clearly identified as being Social Work and the school. It follows that the standard of inputs from these sources should be of a quality commensurate with the demands of the situations they seek to serve.

Posing the question 'What considerations lead the Hearing to their decision? S.G.S.W. (1971) answered 'A Hearing studies the various reports on the child's health, education and background, enters into careful discussion with the Social Worker, the parents and the child himself and so tries to build up reasons why he behaves as he does ...' This represents an odd juxtaposition of participants but which, perhaps with, an unintentional clarity, places the concept of decisions being made, as against arrived at, in perspective.

The S.W.S.G. guidance (1974) made reference to the salient points in the Rules: that the report is not confidential 'in the sense that the people concerned are kept in ignorance of what it contains' but avoided the real issues of the role of the Social Worker in ensuring that the essentials of the report are conveyed to the child and parents, except in the comment with reference to Rule 17(3), that 'matters detrimental for the child to know about his parents or the parents to know about each other should not be disclosed in open session'. While the guidance clearly saw a positive role for Social Workers in 'preparing the family for the Hearing' there remains the singular absence of clarity and/or official guidance about the role and function of the Social Worker in respect of the material collected and collated for the Hearing. As it is, Social Workers are left, at times, with areas of critical decision-making. Small wonder that Bruce and Spencer (p84) found 'a surprisingly large number of Social Workers sat silent throughout the Hearing: and gave the disappointingly frequent answer 'I

have nothing to add to my report'. This response came as a rebuff to the Hearing members and as something of an irritant to families since they had not even seen the report'. But what a splendid opportunity for Social Workers to present a verbal precis of what they had written! How to activate a Hearing without even trying, especially in the light of the S.W.S.G. exhortation to provide comprehensive information and informed opinion!

Theoretically, the information, the assessment and value-judgements offered by the Social Worker would be subject to scrutiny and evaluation by the Panel in open session, working in partnership with the parents, and unless sensitive areas were being touched upon, the child. Interestingly this process downgraded the school's contribution to a secondary level, in contradiction to Kilbrandon's thrust for 'a Social Education' base to decision making, whereas the importance of the educational component was recognised both in the earlier C & Y.P. legislation and in the thinking which underpins the present arrangements.

The hidden agenda contained in these reports may be even more damaging than the presentational problems noted. The problem of, and potential for, errors in factual material, the upgrading of impression, supposition and rumour has received considerable attention in the U.S. and eg. the American Bar Association has urged that all derogatory information about the offender, used at sentencing (emphasis added) should be disclosed. If 'used in reaching a decision' is substituted for 'sentencing' then the passage has a certain validity in the Scottish model under discussion.

Dickey (1979) has noted that 'commonly ... little information is revealed through the plea procedure, the pre-sentence report is the main source of factual information'. In the context of his concern Dickey says that 'there will be changing emphasis on certain kinds of facts as sentencing criteria change from treatment considerations to considerations of fair and certain punishment. These concerns will, if in reverse order, affect the pre-sentence report in Juvenile

jurisdictions, the Gault (1967) and Miranda (1966) decisions having established the applicability of all safeguards afforded in the adult court for juveniles facing the courts'.

As the emphasis in the Scottish system shifted from offence/punishment to need/treatment, the requirement for enhanced evaluative information became crucially important, but the relevant safeguards remained, at best, unclear. As practice becomes more entrenched, the issues of rights become even more important. It was in response to kindred problems that Packer (1966) commented 'Judicializing each stage of the process enhances the capacity of the individual to challenge the operation of the process'. It is precisely because of this absence that Social Workers in their 'adviser to the Hearings' role are in and are calculated to remain in, positions of doubtful legality and where they often offend against the best principles both of natural justice and their own professional standards of practice.

4. The Social Worker as Adviser:

The issues as between crime commission and welfare were, in the Hearings as designed, deliberately blurred. The phenomena of growth, in the size of the organisational structures and in the number of Social Workers involved, and in the number of adjudicators in any given area made for a situation of flux. The boundaries between Child Care and what formerly had been termed Probation in Juvenile Justice were in consequence equally blurred. With this, the round table discussion, the 'decision arrived at' mode made for an operational uncertainty in the Social Worker qua Adviser. In contrast to the increasing use, as a time-saving device, of liaison officers in English Courts, the emphasis, and pressure was towards a model of individual report-writers being present at the Hearing although the S.W.S.G. Memorandum referred to 'a representative of the Department who may be the report-writer'. No real guidance has even been forthcoming as to the role of the attending Social Worker. His presence is by definition 'a good thing'.

Previous experience of attending Hearings in various parts of the country, in a capacity of S.W.S.G. Adviser with responsibilities in this field, had shown a range of practice in relation to the presence

and participation of the Social Worker. Certain provisional views were formed, which when the process of Hearing observations were undertaken for present purposes, came together as a formulation of role-models to which practice conformed. In this situation three role-models may be seen. The first is where the Social Worker is there to speak when spoken to, i.e. to clarify points in the report. The second is where he/she adopts a 'children's advocate' role i.e. actively espouses the cause of the child. The third is where he/she assumes equality with the panel members and adopts a participating role.

The first of these positions conforms to the adviser's role and as such has the merit of being clear and unambiguous. It requires explanation and clarification for the parents and child. It has to complement the explanation given by the Social Worker when she visits to prepare the report, otherwise confusion arises.

The second position is one not infrequently adopted by Social Workers who perceive it to be an essential part of their function. It runs into the problem and the difficulty of being in a role which is neither defined nor sanctioned and with which the Panel may have difficulty in coping.

The third position, justified in terms of the 'informal' process has the effect of placing the Social Worker in a unique position in a formal decision-making process. Unique, in that if he/she actively participates in the decision-making process, this is done without any responsibility as a decision-maker. His/her subsequent contact with the child and family is of necessity, as a deliverer of service, as an agent of the Panel, to whom in the event of difficulty with either child or parent, reference back will be made. Thus the adjudicator becomes the servant becomes the prosecutor becomes the adjudicator.

Table 3:7 shows the division within the sample of views about decision-making. Of the strictly legal stance 'that decisions are a matter for the Panel', only 21% agreed. That decision was a matter of following professional advice', only 20% agreed, while over 56% thought it 'a matter for the 'round table' discussion'. Observation of Hearings in both locations supported the findings of both Bruce and

Spencer (1976) and Martin et al (1981) that in a majority of cases Social Workers made little contribution to the discussion: 'I have nothing to add to my report'. Equally, if decision were to be a matter for discussion then presumably parents, the child and Social Worker could out-vote the Panel. There is not the slightest doubt about either the statutory intention or the practice of Panel decision-making. However, this finding does point to a certain conceptual skew and perhaps to a failure to observe the realities of everyday life.

Table 3:7 Social Workers' Views on the Decision-Making Process
by Division.

Decision Making Described as:-	Social Workers based in:		
	Ayrshire	New Town	N=
Matter for the Panel alone	5	12	17
Matter for Round Table Discussion	22	23	45
Matter of following Professional Advice	7	6	13
Don't Know	3	2	5
N=	37	43	80

X² 2.3485 D.F.I. No. Stat. diff.

Source: Schedule on Social Workers' Perceptions

Asquith (1983) shows quite clearly, comparing Panel and Court, that the decision-making rests equally with these bodies and while there appears to be a difference in the rhetoric employed, there is little scope for doubt as to the similarity of the decision-making, as distinct from its forms. In this Asquith points to 'Nevertheless, although reports, as we have seen, were not considered to be so generally informative in Scotland, and despite the greater opportunity for discussion at the actual hearing, Social Work participation in the interaction, surprisingly, was almost as low as it was in the Juvenile Court ... Panel Members seem to direct little of the discussion specifically to them' (P.190). Martin et al (1981:261) note the same phenomenon 'It is however of interest that despite the fact that 92% of Social Workers feel that they have a function at Hearings which can be described as

'representative of the client,' the oral contribution by Social Workers at observed Hearings was usually slight, and certainly substantially and consistently lower than that of other participants'.

One respondent suggested that forms of verbal exchange in the resolution of problems was poorly understood by the clients and that the 'lecturing' presentation of Panels accentuated the problem for child and parents alike; hence the need for the Social Worker to act for and with 'the clients'. This makes a certain sense of the practice of Social Workers' preparing child and parents in the initial interview stages, for the adoption of specific roles in the Hearing, re-enforcing this at the stage of showing them the completed report, but in fact 'cooling' them, grooming them for the ordeal of the Hearing.

In the Hearing this is followed by signals as to role performance, filling in performance gaps, mediating the more strident Panel contributions. The 'nothing to add to my report' contribution is simply one device for keeping discussion at an approved level, so that a moralising run-through of the grounds of referral and the school report need not be encouraged, nor is there need to cut it short, providing the recipients maintain respectful, non-aggressive and co-operative stances. If they deviate from that, then the Social Worker needs to play a more definite and directive role. Thus it is that however busy they may be, individually they attend 'their' Hearings and as shown, the liaison role provided for in the statute is neither approved nor practised, although the sheer expense of time entailed in the prevailing practice must be a considerable burden on the Department.

In the 2 Divisions' survey, there were only nine dissenters from the view that the presence of the reporting Social Worker is essential at the Hearing. The reasons put forward for this were entirely predictable:

Because questions can be answered,
 because it's an extension of work with the family,
 to elaborate on the report,
 to participate, the writer has the feel of the matter,
 an opportunity to demonstrate support for the family;
 being a fair, representative sample.

Social Workers as advisers has received no definition and such is the operational content that in a decade no case has been raised on appeal in this particular. The blanket assumption made by the Kilbrandon Committee about need and welfare provision found expression in statute and in the operational definitions adopted by the Hearings System. These have left Social Workers compliant tools in situations, in which, by the application of even the most fundamental tenets of their profession ethic, e.g. the client's right to self determination, and the safeguarding of clients' rights, they ought to be raising critical objection and facilitating challenge to specified procedures. The issue is much more complex than we are led to believe by those who see it merely as a divide between justice and welfare. Rowe (1972) pointed to the intelligent layman's view that they fear the Social Workers because they think that in the desire to affect treatment aims, too low a value may be set on the right of a family to be free of interference as soon as possible.

Doubt is now cast on the assumption that, in the main, Social Workers do have treatment aims and goals. If such exist, in any coherent conceptual form, it would not be unreasonable to expect to see them expressed in reports, as reflections of present activity and/or intended courses of action, based on reality principles. Instead one found a preponderance of vague cliches of which the ubiquitous 'support' was writ large. The impression formed was of nebulous drifts into and out of client-situations, with little in the way of positive or dynamic interventionist-strategies being propounded.

In these reports there was a number of recurring themes 'family circumstances and problems', 'breakdown in family relationships', 'support and help', 'a need to accept responsibility'. What was missing was the necessary demonstration of drive and initiative which would be

required to make these concepts alive and meaningful in the context of the decision-makers being addressed. There was a notable absence of what may be seen as the other side of the coin, namely that of a need for the exercise of control, direction or restraint. Notable too was the absence of identification of what effect collaborative effort might have on the agenda as between parents and the S.W. Dept.

A well-recognised problem during this period was the situation where children were under 'Order' but clearly not under 'Supervision'. In an effort to gauge staff reaction to this, the question was posed 'If you had a child under 'order' and for whatever reason were not seeing him or his family, what would you do? The responses are shown at Table 3:8.

Table 3:8 Social Workers' Response to situation where child on Order not seen, by Division.

Response to situation given as:	Division		
	Ayrshire	Dumbarton	N=
Hold on to case	3	2	5
Request Review & Nominal Supervision.	7	8	15
Review - Discharge Order.	17	14	31
Put on Unallocated List.	0	0	0
Other	10	9	19
N=	37	33	70

X2 0.1407 D.F.I. No. stat. diff

Source: Schedule on Social Workers' Perceptions

The interesting feature of these responses lies in the total absence of responses to 'put on unallocated list'. Previously this had been a wide-spread response to these situations, with case-files literally being lodged in bottom drawers, children not seen, and then at reviews a series of reasons being trotted out for the failure to supervise. Management then decreed the abandonment of this practice, obviously intending that if an order existed it should be honoured. The response indicates the ability of the workforce to find ways round this. From a

casework-standpoint the option 'request nominal supervision' would be the most practical and professionally-acceptable one allowing for a sharing of a reality-situation with both Panel and family. It has the merit of permitting access within the Order to the S.W. Dept. by the parents, while at the same time facing them with a formal responsibility to alert the Social Worker to any situation requiring attention. Only 21% of the respondents saw this as a viable course of action. The 27% who saw 'other' options open to them, were heavily in favour of forms of team-action which were designed to safeguard the worker, and not, interestingly, to provide forms of supervision.

In a general sense, before the discussion moves to a more detailed consideration of the surveyed work, it has to be said that the S.E.R. is the gateway to community-based services, it is the gatekeeper of custodial measures, it is also a crucial instrument in gauging the approaches, the stances, and above all the activity-base from which its compiler intends to proceed with the individual child.

Summary: This chapter provides a wide view of the Social Work operation in context, drawing together the necessary organisational strands with those of professional and occupational concerns and then linking these to the relevant practice-issues. It demonstrates, by illustration and by analysis that these strands cannot be segregated but must be regarded as forming a complex unity if the contribution made by Social Work to the work of the Hearings is to be properly understood. It employs this framework to introduce the ways in which this work impinges on the Departments, and also to show the ways in which the workforce perceives the issues under review.

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Chapter IV. The Advisers in Action.

This chapter describes direct observation of Social Workers at Hearings, dealing with children and reports for which they were responsible. It provides illustrative material gleaned from attendance at Hearings in the New Town administrative area over a three-year period. In the nature of things, the same workers appeared in different cases, and the specificity of the provided material is analogous to a snapshot rather than to film of performance.

The later section of the chapter is given over to the development of a typology under the heading of 'a zone of indifference'. This typology is intended to provide an explanation for encountered practice and in so doing, draws upon supportive evidence.

1. The Hearings Observed. Practice in this area is for the Social Worker to wait with the family in the ante-room until the case is called. This underlines the community of interest between Social Worker and family: they arrive together, they leave together. As happens, Hearings run late, and so they suffer the waiting together. On one occasion because of transport difficulties, the remanded child arrived one and a half hours late. The Social Worker simply waited with the family. The point is that the office is but three minutes walk, under cover, from the Hearing room, and indeed, within the Reporters accommodation there is ample space for workers to pursue their own work-interests, record-maintenance, etc. but this appeared to be an un-exploited facility.

A perplexing feature of what was seen to be a general pattern, was of women appearing in outdoor clothing, which they retained, in spite of high room temperatures and despite the fact that the two Depts. were adjacent and therefore accessible in lighter attire. The impression was of reluctant attendance, although there may well have been some attempted 'identification with clients' by the adoption of these practices.

In the Hearing Room: There is a number of aspects which require to be commented upon. The contributions of workers to the discussions were variable; in many cases the impression gained was that they saw the process as being one which did not excite their professional enthusiasm.

1) In one, a male Social Worker kept interrupting the Panel, directing attention away from the discussion on the offence (car theft) to 'my concern is about school attendance' 'You will notice my report comments on the social problem'. When the chair-person eventually took issue and raised the question of an updating of the information relative to school attendance, the response was that there hadn't been time to contact the school since writing the report. He managed to convey the impression of defence counsel, albeit one badly-briefed and poorly-equipped for the task in hand.

2) In a second, a boy had been reported upon by a female Social Worker who throughout remained aloof, confining her comments to 'I've nothing to add to my report'. It was she who initiated the family vote of thanks to the Panel and ushered the parents and child out of the room.

The submitted report said 'he does not appear to have delinquent tendencies and would not benefit from Social Work intervention. The responsibility for not becoming involved in similar offences must rest with him'. The report went on to describe the home situation where father had been unemployed for 5 years (there were six children in the family) as 'finances seem satisfactory, there is no reported debt.'

The importance of the terminology used is noteworthy: 'would not benefit' 'responsibility must rest with him' 'seems satisfactory' 'reported debt'. This is hardly the language of a system concerned with care and control; it is hardly the language of a pain-staking detailed investigation - almost irrespective of the intended location of the finished product purporting to be a social investigation conducted at professional level. In the Hearing none of these assumptive features of the report was referred to, certainly not by the Social Worker, and the general thrust provided by 'the responsibility

must rest with him' was eagerly seized and elaborated upon by the Panel. It is perhaps in this context that Panels see the Social Work operation as 'good' and 'supportive' but that begs questions as to the proper function of the specific Hearing or indeed of the professional adequacy of the advice tendered.

3) In another case, when discussion became heated on the issues surrounding the offence, the Social Worker was drawn into the implications of these, and eventually withdrew with a rather hurt 'I didn't think it was that serious', and seemingly oblivious of a 20% truancy in the period under review, kept insisting 'he has good hopes of his Highers and is fond of school'.

4) A Social Worker, reporting on a 14 year old boy, under supervision for the previous six months, and now appearing for a Breach of the Peace, wrote scathingly about the single parent mother's refusal to leave work 'to look after her children'. She travelled about thirty miles each day to work as a clerkess in a hospital. The boy, it was noted, 'has trouble with his mother and with his female teachers ... it is time to consider a List D placement' The Hearing discussion centred on the desirability of a placement which had a record of 'manly sports' "where he would feel more at home". The Social Worker focussed on these "positives", but neither he nor the Panel made any reference to the possible problems of, or towards authority in persons of the opposite sex.

The validity of McClure's (1980:59) police contact's comment 'Social Workers are usually out of touch with realities' assumes a certain piquancy. Bourbon attitudes of learning nothing and forgetting nothing seemed sadly, all too prevalent.

5) Perhaps the most telling example of over-involved, unprofessional behaviour is provided by the case of 'Simon'. Simon (14) was before the Hearing on a referral grounded in property offences. He was currently on supervision, having previously been warned by the police, and certain other matters having been marked 'no action' by the reporter.

After considerable discussion, which amounted to a rationalisation of the statable propositions that

a) Nothing was calculated to terminate his conduct pattern while the environmental influences remained as they were, and
 b) parents and boy had reached an impasse in their relations where viable communication had become a near impossibility; it was agreed by Panel, parents and boy that removal from home represented a reasonable and indeed inescapable next step. The Social Worker disagreed. She contended long, and with increasing passion that Simon should not be removed, and eventually had to be lead from the Hearing room, in tears. It is not possible to find or mount a reasonable or rational professional explanation for this, which must be seen as standing in stark contrast to the fundamental tenets of professional behaviour at a level of knowledge about the system and its legal basis and functioning. One can but pose the serious question as to what advice is, on a day-to-day basis, tendered to parents if this is the level of perception held by operative. It poses significant questions relative to agency-responsibility for competent forms of service-delivery.

6) The 'client' defender' syndrome was very much in evidence, typified by the worker who almost monopolised the available time with lengthy and uninterrupted contributions on the value of individual supervision as against 'more problematic group situations' - essentially a plea for the subject of his report not to be removed from home. The boy concerned was clearly on a wavelength which appeared to encourage the worker in his approach 'Jimmy (the Social Worker) knows ...' 'Jimmy will tell you'. Interestingly this high-level interactive exchange was devoid of reference to the actual deviant conduct which necessitated the respective parties coming together.

Dress and deportment: One expected to find Social Workers at the Hearings presenting themselves in ways which reflected their representative function. A wide variety of presentations of self were made and, because of the absence in the literature of comment on this, attention was directed to it.

A useful reference point lies in the established principle of probation practice that officers attending Courts should dress in accordance with Court practice, largely as an identification with the Court and as an emphasis of their 'officer of court' role. The question of dress has been taken to extremes, as e.g. in the case of the High Court Judge, in all his 17th century regalia upbraiding a solicitor for appearing in a pink shirt, but it remains an important consideration if dress and deportment are matters worthy of attention. Moore and Wood (1981:36) comment that 'Social Workers should ensure that their general demeanour is calculated to reflect the professional nature of their task, and the fact that they are representing the Department in this particular setting.' In general it is held that that ought to feature in day-to-day Hearing experience. This is not a trifling or inconsequential matter, because the impact and impression made by visual and sensory communication is often greater and more enduring than that made by the written or spoken word. Indeed, the latter can be devalued by the former to a significant degree. At the extremes, one noted the two following examples. A neatly dressed worker who carried a single file which he immediately opened and laid on the table, conveying a sense of purpose and respect. He answered questions in a brief, direct and factual way; in all, the presentation was one of competence and purpose. The second example was of the Social Worker who looked as though he was considerably worse-off than the unemployed father of six who came with his son. He was dressed in suit, collar and tie. The Worker sported a sweater which bore a row of plastic badges, each about two inches in diameter, carrying the slogan 'Protect the Fox for Fox Sake'. This advocate of animal protection was, however, in a minority of one during this period of observation.

It may be said, in context, that the Hearings represent a setting where what is required is a sensitivity to needs and a willingness to adopt and identify with the institutional-setting being serviced. What was observed tended to indicate an insensitivity and a fundamentally low perception of these matters.

What is conveyed to 'clients' and to observers alike is that an important part of the system's functioning is seen to be, at best inconsistent, and at worst, out of step with the primary elements, i.e.

the Reporter and Panel members. The evidence suggests that Social Workers, irrespective of their approach, except that the 'law enforcement' one seems to be in singularly short supply, subscribe to a generalised 'client-identification/defender mode of presentation of self. In that there seems to be little appreciation of the realities faced by children coming face to face with authority, when the reasons are offence related.

Observation supports the view that there is an ambivalence in the ways in which Social Workers approach children and parents. On the one hand there is the omni-present 'defender' style presentation, on the other there is an almost built-in rejection of the child as a person in need of help, with the 'he must accept responsibility' kind of input. The ambivalence is carried beyond that. There is a very real expectation that these predominantly working class people can be brought into an essentially middle class forum and be expected to meet, or be inducted into, role models based on high levels of verbal ability. When they fall short, as they do, Panel members become frustrated, and as one rather cautiously put it 'these discussions never really get off the ground, they just sit there and we have to do all the work'. As Kagan (1977) put it 'a middle class tendency to remind the child that victories or defeats are the results of his efforts or deficiencies, rather than the vicissitudes of fortune (and that) the self is supposed to generate plans and fulfill ambitions'. At the point where that fails to materialise the system's operatives retreat in the ways shown, and the whole thing falls into scenarios where 'done to' is a better description of the decision making than 'arrived at'.

The Comments Book: In the area there is available to Panel members a "comments" book in which they may record anything that seems to them, either individually or as a panel of three, to be worthy of note. It is for the Reporter, periodically to collate these comments and pass them, as appropriate to the Divisional Reporter, the S.W. Area Manager or to any other concerned individual. While there is no duty laid upon the Reporter in this respect the practice is now quite common, and has its origins in the earlier practice of Panel members keeping a

"complaints" book in which they recorded their various complaints, usually about the inadequacy or absence of S.W. reports and the non-availability of places in List D schools.

In the present instance there is a number of laudatory references to schools and to individual Social Workers for reports submitted or work undertaken at an approved level. In the main however, the tenor of the book is one of ill-concealed criticism of Social Work: for its failure to deliver reports in time for Hearings, for failure to include up-to-date factual material, for 'sketchy and uninformed' reports. One entry relates to the behaviour of the Social Worker at the Hearing, the Panel members objecting to her placing her feet on the table and rocking her chair back on its legs. The Reporter was able to produce fairly acrimonious correspondence between himself and the Social Work area manager on some of these issues.

Disagreement and conflict are not unknown as between Courts and service agencies, but e.g. the Probation Service experience has been that issues arising are solved usually with accommodations being made on the clear basis of the need for service-delivery to match the requirements of the Court. What seems to characterise this present situation is a failure on the part of Social Work to respond in terms which would acknowledge the need. Instead, a 'running battle' syndrome appears to take over, with discernible evidence that over a period of time, 'plus ça change, plus c'est la chose'. The institutionalisation of the 'Comments Book' is fairly clear evidence that rather than seeing disagreements and problems as transitory and infrequent, the expectation is quite the reverse. It came as a surprise to find this volume properly bound with the title inscribed in bold lettering, indicative perhaps of an expectation of permanency.

2. A Zone of Indifference: This concept is an attempt to explain observed behaviours, and the more generalised, and puzzled comments of other observers of the process under discussion.

Repetition of performance, report by report, Hearing by Hearing with a standardised response set for the problems of each child involved creates a pattern of organisational behaviour. This manifests itself

in standardised SER formats and in a non-involved presentation at Hearings. The inducted person qua Social Worker comes to the task with a general expectation that certain rank orderings prevail, and is quickly brought to a personal identification that pressures are created and that these 'interfere with work'. Many appear to move into a 'zone of indifference' with considerable ease. It is more acceptable to use formats, to be quiescent, to supervise passively than to innovate in SER preparation, be active in supervision, to be involved in educational difficulties, engage in household management explorations once the child becomes subject to supervision.

Report-writing and Hearing-attendance thus become routine aspects of the general task. Within the gamut of matters which come to the Area Team some are well received, others are badly received and there is a broad span of others about which something has to be done in order to meet administrative commitment and deadline, but which do not promote any substantial interest or input.

Of the matters which are well received the provision of a welfare service to the elderly clearly qualifies, while immediate crisis work, like housing or finance command attention. Penal after-care, the 'undeserving client group' does not. The providing of Reports is largely inescapable. The argument is that Social Workers fall into specific moulds of report writing so that they meet what they see to be objectives which are calculated not to bring them into conflict with Courts or with Panels. Thus, in a Court setting they go for a 'sentencer out of court' model of Report whereas maybe what they ought to be doing is to present some of the real problems which offenders present.

Contrary to this, in a Panel situation they go for a moralising 'support' style of Report which, as with the Court SER, leaves the real issues virtually untouched. In this respect they operate within a 'Zone of Indifference'. This, in toto, is probably the most threatening type of referral for Social Workers, although its importance is well recognised. (see table 3:4)

The 'zone of indifference' enables the volume of work to be encompassed within the laid-down strategies, it enables the worker to function comfortably within the sub-unit of the organisation, and it enables hearings to proceed in orderly ways with little disruptive inputs from Social Workers and with the child and parents not full participants, but receivers of the handed-down decisions. This is essential to the preservation of a presentation of the child having 'failed on supervision' when he appears on further offence-related grounds of referral, and makes disposal by removal from home easier, more acceptable, when the 'zone of indifference' is unpenetrated by either panel or parents.

One strand of the Kilbrandon philosophy was that the gravity of patterns of offending were indicative of the gravity of the child's personal situation. It therefore seems insupportable that assessments should be made without due weight being attached to these, given at the point of contact the child is in conflict with the norms of the community, and time and time again, with those of his own family. However the adoption of a 'soiled/spoiled innocence' ideology, makes possible the maintenance of the 'zone of indifference.' This ideology displays the child as having been led astray, of having fallen into bad associations (terminated by the time the Social Worker gets into contact). Thus the 'soiled innocence' presentation moves to one of 'spoiled innocence' where manifestly, he has let down the family and failed the supervisor. The 'spoiled innocent' can be rejected into a variety of residential situations, mainly into sub-cultural cohorts of like spoiled and stigmatised youngsters.

Within this ideology it becomes, not simply possible, but routine practice to grade serious criminal activity as 'an isolated incident', committed by a 'quite reserved boy' who 'does not require any further supports'. It becomes possible to dispose of educational problems manifesting themselves in patterns of children voting with their feet and staying away from school, by reference to 'failed to pay attention to my advice and it may be that the only way to combat his truancy would be to consider placement in a List D school'.

There is a broad area which has received much attention in the literature regarding the role of the Social Worker or Probation Officer in disposal as it affects sentencing. Davies (1974) thought that report writers were good at 'second guessing'. Perry (1974) noted, as have others, the correlation between recommendations and sentences imposed. Curran's Scottish study (1982) tended to support the view that Social Workers see Reports as 'assisting the court in sentencing'. In no instance did they see other factors e.g., indicate Social Work resources, basis of future work, provide information for Penal establishments, as being even remotely as important as this, and in only three out of 435 did 'present the needs of the accused' feature as the sole use or function as seen by the writers.

Carlen's (1982) study of women prisoners leaves little to the imagination in this respect; her direct quotations from sentencers, prison officials at every level, police officers, Social Work/Court liaison officers and the prisoners themselves constitute a formidable catalogue. She comments (1982:140) on ... "the critics of genericism, which since 1968 has formally been the major organisational principle of the Social Work Department's ... In Local Authority Social Work departments genericism was seen as inevitably involving a continuous ranking of needs and identifying priorities ..."

One is drawn to Thompson's (1980:195) description of a certain type of Marxist in this context 'able to perform imaginary psycho-dramas in which each outbids the other in adopting ferocious verbal postures, while in fact falling back upon a very old tradition of bourgeois elitism ... The practical importance of these 'internal emigres' remains considerable, in disorganising the constructive intellectual discourse...' Thus that median group, aged 18-30 year old males, which comprises the hard-core problem for the Courts is not highly regarded as suitable cases for Social Work intervention. Equally the poor offer of Probation for offenders aged 30 years and over is striking, in spite of the known social problem areas encountered by this group. (Parker 1966, Horu 1965, Hammond 1963 inter alia). The discrepancies associated with the younger age groups cannot be accounted for except as deliberate allocations which cast serious doubts on the acceptance of the Kilbrandon philosophy when these youngsters appear before the

Courts. By this one is, of course, referring to the poor rates of Probation Orders and the commensurately high rates of committal to penal institutions to which report writers subscribe in their Reports to Courts. This is the physical manifestation of the model referred to in the opening paragraphs of this section.

There is broad support for the proposition that within the model, Social Work has re-defined the concept of Probation to fit the pattern of acceptability indicated. In a one year study in Edinburgh, Wood (1975) and in a follow-up study in 1980, found that Social Work actively sought probation for welfare female cases, and mounted arguments for such, but actively shunned what Wood regarded as 'cases which in the Probation Service were regarded as bread and butter material' so that male offenders who would, by his criteria, have been regarded as normal risk cases, and would at least have had a proposition mounted in favour of probation, were relegated beyond the 'zone of indifference' and positive recommendations made for either imprisonment, borstal or detention centre, by the reporting Social Workers. This in turn was reflected in the skewing of requests for reports from the Bench.

Wood commented 'Thus, only very rarely, do we get a Probation case we do not ask for: the unanswered question is how many not recommended for Probation might have been suitable?' The positions adopted by these commentators are reflective of their views that a social work service ought to be reaching out for 'difficult and problematic cases,' 'that there ought to be a conscious, deliberate drive to cut back on the levels of incarceration. This is of a different order from simply harking back to the 'good old days' of the Probation Service; it is an acknowledgement that the skills, techniques and resources available could be mobilised in this direction. The behaviour of Social Workers relative to what they regard as the pressure of workloads, while in operational terms not capable of support, is important, determining as it does the levels of task-performance and the inhibition of professional development. It finds curious analogies in the behaviour of war-time pilots. Jones (1978:177/243) recounts a belief among German pilots that the British had a radar capacity to misdirect them (due to one navigational error which had been picked up and used in

propoganda), and a subsequent belief among British pilots that the Germans could 'see' bombs in aircraft (in fact bombers were differentiated simply by virtue of speed and noise, loaded or unloaded). In both cases the performance potential of the affected group suffered. The importance of organisational appreciation of explanation as distinct from description of the observed phenomena, and within that, the failure to apply correctives, e.g. by monitoring performance, record scrutiny, task definition, is writ large.

From an Australian vantage point, Smith (1982) speculates on the place of Social Work as a profession in the post-industrial era, and comments '... entrants into Social Work generally conceive of the profession as a life-style as opposed to a job of work. For them, satisfaction in work-activity is an integral part of their life-philosophy. They have usually rejected industry and technological occupations on the basis that they can only offer careers, which for them, as individuals, would mean splitting their sense of social existence. But this split sense of existence is projected as their professional perception of the social reality which lies outside Social Work. Work is either conceived as a separate part of other people's social existence, or not an integral part of other people's philosophy ... for Social Work the better world is to be achieved through better human beings or systems. The source of error in the present problematic world is seen as 'wrong actions' from wrong decisions; change is to come through making better decisions'.

Neither Smith nor the present writer accepts the thesis that Social Workers should be paid, as professionals, to be rather than to do and the problems posed by the former in seeking ways to integrate Social Work into an increasingly complex technological society as a functioning entity, find some echoes here, but importantly, his identification of the prevailing mode is one into which the model of a 'zone of indifference' fits with considerable ease.

In context, the importance of the present unit for service-delivery i.e. the Area Team, is not to be underestimated. The view of Smith and Ames (1976) is of some interest. They challenge the underlying assumptions of the value of the Area Team and in respect of the

foregoing say that "professional Social Workers tend to hold 'notions of the needs and problems' of clients and prospective clients that are very different from those held by the (potential) clients themselves" (and that) 'the form in which service is provided may frequently be perceived as inappropriate by those who might utilise them'. In an American context Briggs noted (1973:8) ' The team does not assign caseloads in such a way that each worker is given complete responsibility for assisting a given case. Instead, every client's social service needs are divided up to ensure that each team member works at meeting only one or a few of them ... He (the client) may however, experience face-to-face contact with only one team member, while the other team members are engaged in servicing him behind the scenes'. One can but speculate at the possible implications of this model for team meetings, and indeed how service can possibly be delivered at the level of second-hand communications set up as an act of deliberate policy.

Rees (1978:108) has approached this phenomenon from the standpoint of seeking to establish the 'moral decision-making' inherent in Social Work - client contacts.

Adopting traditional criteria for the acceptance of clients within professions on the basis of a triage in labelling out potential clients as either 'not so deserving or undeserving' as against the 'deserving', he postulates that there is a range of assessing activity on both sides before a contractual arrangements can be arrived at.

However, he grants that 'Social Workers have discretionary powers. There are few written or statutory rules to which they adhere (and further that) operationalising agency traditions and policies influence their assessment of priorities. They hold assumptions about desirable roles for Social Workers, about rewarding work, about resources being almost always available in some cases and usually unavailable in others. They make sense of these job issues through the development of practice-orientated ideologies, those sets of ideas about categories of cases and means of dealing with them'.

The argument that there is a 'search for moral character' which Rees tabulates (118) is heavily weighted by the Social Worker's 'practice-orientated ideologies' in favour of the 'labelling-out definitions' when placed in juxtaposition with the client's 'orientation of seeking help.'

Given that, as a generality, the child offender and his parents are poorly orientated towards 'seeking help', their chances of positively affecting the 'moral decision-making' and the creation of a 'moral character' are almost inevitably cast into negative moulds. In marked distinction, the positive casting of children facing grounds of referral, which by their nature fall into welfare categories, is a noted feature of the system. The client's perception of having to ease his way carefully into 'deserving' channels, or out of the 'zone of indifference', is amply illustrated by the comment of one prospective adopter; "adoption workers, on the whole, are not sufficiently conscious of the feelings of hostility and resentment aroused by their disregard of the meaning of wasted time for applicants - feelings which can never be expressed, openly or otherwise, for fear of offending the omnipotent worker. There can be few situations in which we feel as totally dependent on the skills and personality of the worker ...' (Timms 1973:26). On the other hand where the client actively associates with the professional interests and concerns of the worker, as distinct from the converse, then the movement forward is smooth, positive and lacking in criticism of the professional service. This is well demonstrated in the account of 'Fostering - the experience of a single woman' in the cited work, significantly the client was perceptive, articulate and consciously engaged in an activity where 'moral character' was easily and quickly established and maintained through periods of intense difficulty.

As Rees points out (1978:117) 'Social Workers were pleased to provide a simple service to people who had maintained and valued their independence and were unlikely to make other demands', whereas what Social Workers regarded as evidence of low motivation for change became 'the catalyst ingredient affecting each worker's decision to limit his responsibility rather than improvise further.' This view follows the critical assessment made by Davies et al (1974:99) of Probation

officers and their probationers. 'Strategy begins with the principle of self-determination for the individual probationer, apparently in the expectation that if he is unable (with a limited amount of social work help) to resolve his environmental difficulties, it is unlikely that the Probation Officer will be able to resolve them for him.' The difficulties presented by child offenders are of a nature which, as they have demonstrated, they are unlikely to resolve for themselves and therefore, following Davies, it is unlikely Social Workers will resolve for them.

What Social Work has done has been to promote an image of its operations and operatives which has conveyed clear unambiguous messages of stress, strain, pressure and a range of other complementary signals, so that any discerned failure to deliver service in any area of work, or to any particular client is instantly covered by the belief-system which has been constructed. It is within that paradigm that explanations are sought for the observed phenomena of important and discernible, indeed obvious, indications of the need for some form or forms of social action to be brought into play for, on behalf of, and about the child under investigation who fails to measure up to the moral character test.

What is observed therefore, is not the pursuit of objectively defined, corporate organisational goals, but the forms of response which have been generated by people working at client-task levels. What Strauss (1964) termed 'operational philosophies', the mediated practice-delivery, diverges from the rhetoric and belief-systems of the organisation which then, because of absence of control and knowledge about the actual practice, drifts into defensive positions respecting the indefensible. Examples of this at macro and micro levels: The somewhat blunt criticism of Social Work performance for the Hearings in the Strathclyde document (1978) resulted in a public attack by the Director of Social Work on the Regional Reporter whose unfortunate task it had been to present the document. The real and live issues in the Report relative to late reports, poor liaison, non-existent supervision etc., all of which were essentially organisational, departmental concerns, were swept aside in a defensive onslaught.

At a lower level, there is a wealth of correspondence on file, mostly couched in formal, stiff terms, and some which strikes an acrimonious note, from the Reporter in the New Town to the Social Work Department, addressed in the main to the Area Manager, but replied to variously by him, Seniors or individual Social Workers, concerning reports and manifest failures in agreed matters, in individual cases.

Without exception, the Social Work responses are defensive and high in explanation. They do not admit of failure or of action calculated to deal with failure, so that the organisational, departmental and official concerns of the agency are subordinated to the practice-ideologies of the workers and accepted as the realities of the situation by the agency personnel charged with the maintenance of standards and the discharge of Departmental policies. The Social Workers have responded to the challenge of delinquency by reducing referred behaviour to the status of trivia and by producing trivial, if pompous, investigative reports. They adopt common standards and apply common criteria, disregarding the injustice of treating unequals equally. The incidence of recommendations of 'no action' 'no need for intervention' 'should be brought to a Hearing but no further action' in these samples was high. A fair example of the convoluted semantics employed is provided in the following '.... because of this (parental chastisement) and the fact that the matter has come to the attention of the Children's Hearing (which at the SER stage it manifestly had not) 'I consider it most beneficial not to make a supervision order but to make it clear to him that the responsibility to refrain from further offending rests with him.' When married to statements such as 'the parents do not believe that his involvement is as described in the referral' one is left with enforced feelings that justice in its most basic forms had been a casualty of the present arrangements.

What has developed is a model where well-established rhetoric is preserved and is very much in evidence, but where the processes of activity with and for the child are very much subordinated to the worker's need and/or desire to function within the paradigm outlined here. Genuine assessment-skills are discounted in the pulls and pushes within the work unit, professionalism declines and a 'zone of indifference' develops.

Summary. This chapter describes the observed performance of Social Workers in a specific situation over a period of time. It shows a distinct pattern of low level inputs to the work of the Hearings, with much that raises serious questions about the professionalism of the operatives. It then attempts to provide a model of practice based on the structures within which service is delivered, drawing upon appropriate supporting evidence, and postulates that the work is undertaken within 'a zone of indifference'. This paradigm fits well with known attitudes and responses to situations and is supported by the findings of the Social Workers' perceptions Schedule. It provides answers to questions about performance at a theoretical level which hitherto have simply been the points at which observers and analysts of the System have thrown up their hands in despair. It provides a significant key to the understanding of what otherwise remains problematic and tends to be discounted as individual and discrete pieces of behaviour.

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Chapter V. Social Workers: Their Views and Opinions.

This chapter outlines what Social Workers said they thought about the Hearings and Reports. It extends the subject matter raised in Chapter 3 which focussed mainly on the Departmental organisational issues which were seen to impinge on Hearings-related work, with a particular focus on SER production.

The material in this chapter adds further to the concept of 'a zone of indifference' developed in Chapter 4. It prepares the way for a discussion on the contents of SERs in Chapter 6.

The disclosures made here go a long way towards clarifying the 'mysterious' elements referred to in Chapter 4.

The material which is derived from the Social Workers' opinions schedule is presented in sections: i) their views of the effectiveness of the informal Hearings' approach, in combatting delinquency, ii) a breakdown of the views expressed in respect of some key legal issues and the importance of these on professional practice, iii) the views expressed concerning children and the Hearings, iv) Social Work Training as a preparation for work in this field, and, v) their views of the advantages and disadvantages of the present arrangements.

In chapter 3 the question of roles in authority settings was discussed in the context of Walton (1975), Heritage (1980) inter alia, respecting male 'authority' and female 'non-authority' roles and tasks. That line of questioning is carried forward as seems appropriate, alongside considerations which require the focus to be on differences, if any, in the two Divisions. Tables 5:2, 3 and 5(ii) deal with the former, while Tables 5:1, 5(i) and 6(ii) are concerned with Divisional foci. Table 5:6(i) is an analysis of certain aspects taking account of the qualifications of respondents, following CCETSW's medium-term goal of a graduate profession, while 5:4(ii) takes age as the analytic element.

i) The effectiveness of the informal Hearings' approach: It is a matter of more than passing importance to discern the views and opinions held by those servicing the system about its effectiveness.

We know that among Panel members there is a strong feeling of identity with the Hearings system; what has been much less clear has been the views of the Social Workers servicing it. Accordingly, across the two divisions workers were invited to give opinions about the basic issue of the effectiveness of this approach, compared with the more formal ways which characterise court proceedings.

Table 5:1 shows the results of this. It demonstrates the strength of the belief-systems current in this cohort. Less flatteringly it shows a significant knowledge gap in relation to the statistical material published by SWSG, which casts this particular aspect in a rather less rosy light. The negative view of the courts is of some interest when seen in context of the findings at table 5:4 which tend to show a fairly poor grasp of some fundamental legal concepts.

In an attempt to see if location influenced opinion, i.e., if working arrangements across boundaries might have an effect, this was tested, holding sex, age and qualification constant.

Table 5:1 Opinions as to the effectiveness of Hearings approach,
by Division.

Opinions given as:	Division:		
	AYRSHIRE	DUMBARTON	N=
Better Results than Court Action.	20	20	40
About the Same Results	8	14	22
Less Good Results	3	7	10
Don't Know	6	2	8
N=	37	43	80

X² 1.685 D.F.I. No Stat. Diff.

This correlates well with Table 3:7 ($r = 0.47$)

Overwhelmingly opinions were in favour of the system, identifying with the proposition that the Hearing in itself acts as a behavioural corrective. Faced with a question as to why this might be, responses were in the main of a predictable nature 'treatment orientated' 'not there to punish kids' 'help the parents to see where they are going wrong'. However some contributions went considerably beyond this; e.g.

'the value of having an inbuilt check and guidance system makes it better' 'Delinquency is mainly about anti-authoritarian approaches'. Those who were less convinced of the values of the system tended to concentrate on the lack of a general deterrent within a 'person-specific situation' 'Kids get used to the chat-piece and the word goes around', 'I just don't think it works the way they say it does'.

Table 5:1 shows that there is no statistical difference in the two Divisional settings; in other words there is a certain commonality in the opinions expressed. This would encourage one to think that the work itself has a degree of common experience and expectation. This is in contrast to the situation referred to in Ch. 2 in respect of the erstwhile Juvenile Courts, and conforms to reasonable expectations of the Hearings system.

From a consideration of effectiveness measured in terms of work location, one turned to a larger question, that of the relative effectiveness of Court, Hearings and Social Work activity. It was intended to test the views of respondents on this matter, and it was regarded as a question which held more general implications than did the previous one, and was one which was more likely to be influenced by age and sex than by work location. Might it be that men of certain age groups, e.g. would hold more 'punitive' views than would women of another age group? Table 5:2 demonstrates that in this there was no statistical difference in these groups. In all groups there was a clear signal that they regarded Social Work activity as the most effective determinant of future conduct.

Table 5:2. Views as to the effectiveness of Court, Hearing and Social Work activity as a determinant of future behaviour, by age and sex of Social Workers.

	Age and sex of Social Workers.				
	Age under 40 years		Age over 40 years		N=
View held that:	M	F	M	F	
Hearing was most positive feature	3	2	1	2	8
Court appearance was most positive feature	2	1	1	2	6
Social work actively was most positive feature	18	17	7	11	53
Don't know	4	7	1	1	13
N=	27	27	10	16	80

X² 0.0543 D.F.I. No. stat. sig.

Source: Social Workers' Perceptions Schedule

What needs to be emphasised in this context is that the subscription to this view of Social Work activity as a determinant of future conduct leaves the question of the virtual rejection of challenging and problematic cases very much in the air. A number of instances is produced here which show the 'rejection syndrome' to be well in evidence. One is almost inevitably thrown back on the concept of the 'zone of indifference'.

Attention then turned to what they saw as being the factors likely to influence Hearings in their decision-making. Table 5:3 demonstrates the emphasis which is placed on behaviour as against the gravity of the individual act which brings the child to notice. While there is a fine balance to be preserved in this area it is quite clear that the respondents were well on the side of those who consider, to employ a form of shorthand, that 'it's not what he has done, it's what he is', or more correctly, what the reporting Social Worker perceives him to be, that is important.

Table 5:3 Factors influencing Hearings' decisions: opinions as to relevance by sex of Social Workers.

Influencing factors listed as:	Male	Female	No=
<u>HIGHEST</u>			
i) Gravity of offence	8	7	15
ii) Child's previous record	5	7	12
iii) S.W. Assessment	15	14	29
iv) Impression made by child & parents	7	9	16
<u>HIGH</u>			
i) Gravity of offence	3	6	9
ii) Child's previous record	13	9	22
iii) S.W. Assessment	8	12	20
iv) Impression made by child & parents	11	10	21
<u>LOW</u>			
i) Gravity of offence	17	11	28
ii) Child's previous record	6	10	16
iii) S.W. Assessment	6	7	13
iv) Impression made by child & parents	6	9	15
<u>LOWEST</u>			
i) Gravity of offence	7	13	20
ii) Child's previous record	11	11	22
iii) S.W. Assessment	6	4	10
iv) Impression made by child & parents	11	9	20
DON'T KNOW	2	6	8
N=	37	43	80

Source: Social Workers' Perceptions Schedule

Table 5:3 subjected to the Spearman Rank Test produced a value of $P.(rho)=0.378$. This suggests that there is a split as between "tough" men who incline towards emphasis of the offence, and "tender" women who favour more 'welfare views', but the finding is not one which would support a strong, heavy division along these lines. (X2 Test showed no statistical difference). What does emerge from the Table is the overall emphasis on the value of 'Social Work Assessment.' In the category of 'Highest Influencing Factor' for example, 46.25% of the men saw Social Work Assessment as being 'Highest'; as against only 10% who rated the gravity of the offence as a 'Highest Influencing Factor' in

Hearing-decision-making. At the other extreme, only 16.2% of men saw Social Work Assessment as being 'Lowest Influencing Factor', while women rated this at a level of 9.3%.

This pattern was reflected when one turned to the matters of the gravity of the offence, where men saw it as 'Highest Influencing Factor' at a level of 21.6%, and women at a level of 16.2%.

Similarly, the impact made on the Panel by child and parents was seen by men as being of a low influencing order, 19%. regarding it as among the 'Highest Influencing Factors,' while it rated 29.6% in the 'Lowest' category. Women saw this in terms of 20.9% placing it in the 'Highest' bracket, while the same % saw it as being one of the 'Lowest'.

This tabulation tends to suggest a certain duality of view, with on the one hand a strongly-held view that 'the round table discussion' was the main factor in decision-making (see Table 3:7, where 59% of men and 53% of women chose this as the most important factor in the decision-making process), and on the other, a view that Social Work Assessment was the 'Highest Influencing Factor' in decision-making.

If these two factors are taken together (round table discussion, as per Table 3:7 and Social Work Assessment as per Table 5:3) the correlation between men and women is $r=0.648$. which would tend to suggest that the practice of being a Social Worker does have a certain influence across sexual boundaries.

The views expressed about the gravity of the offence in this categorisation conforms to the generality of the foregoing, and provides a useful insight into the ways in which this factor is dealt with in the reports (Ch. VI).

ii) Legal Provision and Professional practice:

If a practising Social Worker would seek, in the course of her/his professional duties to service the system, it would be a reasonable assumption that she is conversant with the statutory powers, their

scope and limitations by which her operation is sanctioned, and equally that she is conversant with the rights and responsibilities laid upon parents and children by these same statutory sources. Such assumptions however are subject to challenge, and the indications are that they may be very wide of the mark; that Social Workers in practice proceed from a pretty flimsy knowledge-base and are guided less by the letter of statute as by a set of pre-conceived ideas about their own roles and general abilities to 'do the right thing'.

The legal provisions for the Children's Hearings system are laid out at Part III of the Social Work (S) Act 1968 with amending legislation pertaining to children who attain the age of 16 years during the continued hearing of a case. (SW(S) Act '72). The major concerns respecting children before the Courts are consolidated in the Criminal Procedures (S) Act 1975, with certain important expansions contained in the Criminal Justice Act (S) 1980 which also carries qualification respecting certain other matters in the 1975 Children's Act.

There can be little doubt that the intention of the drafters of the Social Work Act intended to create a piece of legislation which had the merit of being clear and concise. Time has shown that in certain respects the very brevity which commanded itself initially, created problems of definition, but in the main the Act remains among the most intelligible pieces of legislation. In this respect, Tables 5:4(i) and 5:4(ii) show quite surprising levels of ignorance about the legislative areas which on a day-to-day basis can be regarded as being the core element of work in this field. What is displayed is a kind of 'folksie' wisdom which does not encompass, to any great or respectful degree, the very provisions which sanction practice, and which are the basic safeguards of the child at risk. Significantly, the graduates in the samples did not display any greater knowledge than did their non-graduate colleagues.

Table 5:4(1) and (ii) hold age, sex and Division constant, and take the award of the CCETSW C.Q.S.W. to be the 'basic' qualification, and Degree or Social Science Diplomas to be 'higher' qualifications. It was regarded as being of some importance to effect this type of

analysis, as clearly if it could be shown that there was a significant difference between these two groups that would have a bearing on the policy issue of 'a graduate profession'.

Specifically, it is a matter of some concern, that in both Tables, what is displayed is an unacceptable level of knowledge and appreciation of the importance of the governing legislative measures. In all aspects of the areas touched upon in this section in the matter of identifying the actual Sections of the Statutes the numbers who did not know outstripped those who did. In the matter of identifying the Acts it must be a matter for comment that in the 'basic' qualified group even this fairly fundamental piece of knowledge was beyond so many; 66% in respect of 'the conditions under which a child may be prosecuted'. Overall the 'higher' qualified group did little better, with e.g. 68% being unable to identify the provisions for custodial measure.

In Table 5:4(iii) attention turned to the matter of children appearing before the courts. It was intended to test knowledge about the powers of Courts in dealing with children, not least because of the very forthright ways in which Social Workers couch their 'recommendations' in SERs when the subjects are children. Sex, qualification and location were held constant in the pursuit of a split along age lines. It was held that given the findings in Tables 5:4 (i) and (ii) it would not be useful to continue the analysis in the terms employed in these tables. Equally, analysis across the Divisions showed a pattern of no statistical difference. The question which then presented itself was one of regarding age, i.e. possibly longer experience, as a factor which might produce differences in result.

Table 5:4(i) Some Legal Points Concerning the System
By Qualification of Respondents

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LEGAL POINTS	BASIC QUALIFICATION			HIGHER QUALIFICATIONS			N=
	Known By Sect.	Known by Act	Not Known	Known By Sect.	Known by Act.	Not Known	
Power to Order SER	2	32	17	3	16	6	76
Ground of Referral	8	27	16	6	12	7	76
Conditions Under which Child May Be Prosecuted	2	15	34	-	14	11	76
Response N =	12	74	67	9	42	24	228

$$\chi^2 = 0.288 \quad \text{D.F.I.} \quad \text{No Stat Diff.}$$

Four respondents declined to complete this section of the Schedule, on the grounds that they were unqualified and had no formal tuition in this aspect.

Source: Social Workers' Perceptions' Schedule

Table 5:4(ii) Knowledge of two Statutory Provisions, which authorise custodial Measures, by Basic and Higher Qualifications of Respondents.

Provision.	Basic Qualification		(N=)	Higher Qualifications		N= 76
	Known	Not Known		Known	Not Known	
S.206 C.P.(S)A.	16	35	(51)	8	17	(25) 76
S.413 C.P.(S)A.	20	31	(51)	8	17	(25) 76
Responses N=	36	66		16	34	152

$X^2 = 3.271$ DF.1 P 0.05

Source: Social Workers' Perceptions Schedule

Four respondents declined to complete this section of the Schedule on the grounds that they were unqualified and had not received formal tuition in this aspect.

Table 5:4(iii). Social Workers' knowledge of Courts' Powers in dealing with Children, by age of Respondents. (76 Respondents).

Known Powers of Court to:	Age of Respondents:				N=
	Aged under 40 years.		Aged 40 years & over		
	Known	Not Known	Known	Not Known	
Make a Probation Order	21	31	15	9	76
Fine	6	46	8	16	76
Order Residential Training	25	27	23	1	76
Admonish or Discharge	3	49	15	9	76
Response N=	55	153	61	35	304

$$X^2 = 10.273 \text{ DF } 2 \text{ P } < 0.005.$$

Source: Social Workers' Perceptions Schedule

As with the preceeding 5:4 Tables there were four respondents who declined to complete this section of the Schedule. Those who responded with "Refer back to the Panel" have been classed as 'don't know'. These amounted to 9 in the under 40 age group and 3 in the 40 and over group.

The difference in the age groups are notable, with the older workers displaying considerably more knowledge than the younger group. It may be that experience and length of service accounts for this. We have established (Table 3:6(ii)) that previous experience in the disbanded disciplines of Probation and Child Care is not a common feature of this age group. Another factor which may be taken into account is that within the geographical area there is one CQSW course which tends to take older entrants and which also tended, at the period under review, to place a certain emphasis on the matters touched upon here.

A number of people surveyed in this survey had, in fact come from that particular course, and there may be a certain skew in this finding. Overall, however, the fact that in any group of Qualified Social Workers one can find under 50% who actually know what power a court has

in making a Probation Order, a mere 18.5% who know that children can be fined for a criminal offence, or only 23% who realise that Courts have the power to discharge or admonish children, is almost, but not quite, beyond belief.

It is in the context of 'recommendations' that concern mounts, and it has to be concluded, on the evidence, that in advising Reporters and Panels, the conclusions regarding disposal are, at best, suspect, for if they do not know what can legally be done, and under what circumstances, then how can they advise on what ought to be done, within the legalities of the system?

Podgorecki (1974:314) has pointed out that knowledge of the law is a feature of 'those better situated socially' and links this to the view that 'knowledge of the law is a means of effective action where there are intricate relations ... the man in the street has limited knowledge of the secondary rules which describe the norms of legal procedure'. Within the work undertaken for the Hearings system, with parents and children, there is an inbuilt need for Social Workers to be conversant with and knowledgeable about the legal aspects of their own functions and the disposals in which both the Hearings system and they deal. Again it is extremely difficult to come to terms with displays, not simply of a knowledge gap but with the, at times, total ignorance of these trained operatives, respecting provisions which on a day-to-day basis they employ, and which affect the life-chances and opportunities of those youngsters who come to notice by virtue of offence-commission, irrespective of the gravity of the referral.

The view which becomes almost inescapable, is that what Social Workers are concerned about, in dealing with young persons on alleged offence-grounds is not that they have breached the substantive criminal law, but that they have, by a behavioural-process breached a norm. The lack of knowledge displayed about legal provisions and issues coupled with their undoubted enthusiasm for working in this field, poses a contradiction which can only be resolved in terms of an acceptance of the normalisation concept.

The viewpoint of the Ingleby Committee (1960 Para. 8) 'there are children who seem incapable of behaving properly or of conforming to recognised standards of behaviour and some parents who appear to give up the difficult task of controlling them ... It is the duty of the community to provide through its Social and Welfare Services the advice and support such parents and children need' provides a neat summary of the process of normalisation embraced by the respondents. It provides a rationale, a sufficient rationale, for practice, and within that practice a disregard for the legalities within which they operate and because of which these children come to their notice. The observed responses tend to support the view expressed by Foucault (1977:304) 'The judges of normality are present everywhere. We are in the society of the teacher-judge, the doctor-judge, the social worker-judge; it is on them that the universal reign of the normative is based and each individual, wherever he may find himself, subjects to it his body, his gestures, his behaviour, his attitudes, his achievements ...'

Within perceptions shared by the organisations and by the practitioners of the ethos and operational thrusts engendered by the Social Work Act, 'the infamous act' as Carlen (1983) terms it. The problem is insoluble, given present policies and practices under the generic banner. If one looks at the more recent criticisms, e.g. Martin et al (1981) on reports, 'piecemeal statements fail to organise and integrate' or Grant (1982) on procedures at Hearings 'nothing less than an indictment of the way the system has been operating for the past decade' in the context of the present findings, then there are indeed good grounds for deep concern.

The prevailing influence of practice settings is calculated to off-set the attempted induction into professional moulds by the training institutions, variable though these are. The relevance of this point is reinforced by the finding in relation to legal knowledge. While e.g. Campbell and Wilson (1972:209) estimate that the practicing solicitor used his technical knowledge of the law for less than one hour per week, they stress the use of 'totally routinised legal knowledge'. It is in the sense of being able to apply specific knowledge of a given and recurring situation, and of applying a routinised knowledge to the general problem that Tables 5:4 (i), (ii)

and (iii) shows just how far the cohorts drawn from these two Divisions fall short of acceptable practice. It may be that this shortfall is a necessary prerequisite for the adoption of 'normalisation' strategies, in that competence and ease with the legalities would almost certainly preclude the adherence to suspect practice.

Given that they occupy a position of central importance in the system and wield enormous influence in the decision-making process, coupled with their implied responsibility to offer guidance as to the rights given by the statutes to child offenders and parents, precise legal knowledge is a necessary pre-requisite for practice.

Far from being removed from Social Work practice, these judicial issues are the underpinnings without which professional practice within the system becomes a shell, a masquerade, and ultimately promotes, not service, but disservice to both clients and to the host community. It becomes a very questionable exercise for Social Workers to be concerned about a child, to pose as children's advocates, etc., when in fact they proceed from a basis of quite extraordinary ignorance of the legalities which order their operations. As one Social Worker in the study area put it 'We do it (the work) because the Reporter says we have to do it'.

It is a reflection of much of the foregoing that when asked to provide a rating for factors thought to influence Hearings decisions, the configuration provided at Table 5:3 emerged.

Without clarity of perception about these matters which are regarded as being germane to good professional practice, it is doubted if the Social Worker can approach the intricate task of working for the Hearings or for the Courts; or indeed if the children concerned can begin to receive anything but a rough kind of justice, before actually facing panel or court.

The main legal considerations: The essential elements, for present purposes, are as follows:

i) By virtue of S.38 the Reporter has a right to request information in relation to 'such initial investigation as he may think necessary'. The Act is silent on the right of the Local Authority at this point to divulge information held, regarding the child or family and one (professionally acceptable, if not the only professionally acceptable) position would be that such information be imparted with the consent of the person or persons concerned.

ii) having arrived at a decision to proceed to a Hearing, the Reporter is entitled (S.39(4)) to request from the Local Authority 'a report on the child and his social background and it shall be the duty of the Local Authority to supply the report which may contain such information from any such person as the Reporter or the Local Authority may think fit.' This potentially directive role for the Reporter is neither well understood nor actively applied.

What is clear from these two sections is that, initially, the onus for investigation is clearly, and without any ambiguity, on the Reporter. There is no reason why, e.g. he should not use the Police report, or school report in extension to elicit views as to whether the child's situation merits a Hearing being called. The Social Work Department need not at this point be involved, except, as indicated above, where information is held and with consent, transmitted to the Reporter. Practice, as shown, has developed along other, potentially less healthy lines with Social Workers being given a pre-eminence at the investigative stage.

In respect of ground "G" 'that he has committed an offence', the importance of precise Social Work knowledge may be summarised thus:

Called upon to prepare a report the Social Worker is in a position to discuss her position with the child and parents. Such explanation would probably run along the lines of the Social Worker explaining that at this time she is in possession of a notification to the effect that Jimmy did on Sunday 5th April, in the dwelling house situated at 1 Black St., steal £5, the money belonging to J. Bloggs of that address and that she understood that a similar notification had been dispatched by the Reporter to the parents and school. She would indicate the

Reporter's responsibility to consider the possibility of seeking to establish if the child may be in need of compulsory measures of care. But the Reporter has only to decide whether these may be necessary.

At this point two distinct and separate issues require elaboration by the Social Worker.

1. That the child and parents agree the grounds i.e., that they agree that the act as charged was committed. It is no part of the Social Worker's function to persuade on that, merely to establish the reality. In the child and/or parents do not accept the grounds as charged the Social Worker ought to withdraw, suggesting that they ought to seek legal advice prior to the date of the Hearing: no report has been prepared, no information held by the Department will be transmitted to the Reporter. However, experience runs along other lines with legally incompetent levels of 'informality' taking over.

2. She needs to make clear (assuming that the initial hurdle has been overcome and the child and parents agree the grounds) that it is for the Hearing to decide if the child is in need of compulsory measures of care. She may be competent enough to elaborate on this by talking about the method employed by the Hearing in arriving at that decision; discussion, consideration of reports, etc., but fundamentally these twin requisites must be met, and in order so to do, the investigator must perforce be conversant with the statutory basis on which the entire proceedings are based, the range of alternatives open to the child and parents and the likely consequences in respect of alternative courses of action by the parents; taking care not to go beyond the remit or to be regarded or interpreted as exerting pressure either to conform or to dispute the grounds of referral. It is only having met these twin criteria that a Social Worker may proceed to conduct an investigation leading to the writing and submission of a Social Enquiry Report.

The issue of compulsory measures of care is a crucial one. Nowhere in the Act are compulsory measures of care defined. S.32 defines the conditions which must be satisfied if a child is to be deemed to be in need of 'compulsory measures of care'; such conditions being that the

grounds of referral be either accepted or if denied, proven in the Sheriff Court (S.41(1)). S.32(3) says 'For the purposes of this part of the Act "care" includes protection, control, guidance and treatment'. 'Treatment' remains the shadowy concept noted elsewhere, but may usefully and logically be regarded as treatment which falls under the 'social' head and stops short of medical or psychiatric treatment and indeed S.46 specifically deals with referrals to the Sheriff of children who ought in the opinion of the Hearing to be considered under Part IV of the Mental Health (S) Act 1960. There is an important codicil at S.44(4) which requires of the Hearing, in respect of the child thought to be in need of assessment due to disability, to refer that matter to the Education Authority in addition to any course they may otherwise take.

In context therefore, the Social Worker should know that in order for the question of compulsory measures of care to be considered the grounds should be agreed or found. Further, she should be aware of what for the child in question compulsory measures of care would mean. She, the Social Worker, does not have to prove, nor to disprove anything; what she must be clear about, and capable of transmitting, is, given specified features in the child's situation, certain measures capable of specification are worthy of discussion, while certain others, in the case in hand, are not.

The professional Social Worker engaged upon work for the Hearings therefore has a cluster of concepts which she associates with compulsory measures of care.

1. The agreeing or finding of grounds of referral.
2. The known, and provable issues of concern in the circumstances of the child.
3. Clarity as to whether these may be subsumed under any of the heads: protection, control, guidance, treatment, referral under the Mental Health Act, referral to the Education Authority under S.44(4).

4. Whether the projected measure or measures will be applied in the community, solely by the S.W.D., jointly with the school or other agency or agencies; and if so which; or whether the projected measures will require the removal of the child from home; and if so to which establishment, with what precise aim in view.

The achievement of good professional practice is only possible given conceptual awareness of the statutory provision. It might with some force be argued that any intelligent layman, faced with a Social Worker recommending courses of action in respect of his child would be somewhat apprehensive if these basic criteria were not met, and seen not to be met.

For children who by virtue of either the nature of the offence or a prosecution decision, appear not before the Hearing, but before the criminal courts, other considerations apply.

The general consideration of 'did he do it - as charged?' remains of paramount importance. The concern here shifts slightly, in that the report is most likely to be prepared pre-conviction, the Court having made its decision on the constituent elements of the offence and having decided accordingly. Where Social Workers repeatedly fall flat (metaphorically) in writing for Courts is in their failure to recognise strict liability offences where no intent element need be recognised or required. They persist in attempting pleas of mitigation 'sorry for what he has done, did not realise that ... etc' where such is not competent. The situation in respect of children is, if more complex, comprehensible.

The courts are charged to have regard to the welfare of the child (S.127 & 371 C.P. Act '75) 'Every Court, in dealing with a child brought before it as an offender, shall have regard to the welfare of the child and shall in a proper case take steps for removing him from undesirable surroundings.' The courts may impose any order or penalty on a child that they would on an adult, subject to the following provisos. They may not order Community Service on an offender under 16 yrs, they may not imprison but they may fine, make Probation Orders, or

order residential training (in lieu of the power to imprison) or may refer back to the Hearing for disposal. The choice open to the sentencer is therefore of a different order from that of the Hearings. By the same token, the considerations in the mind of the sentencer is wider-than those in the minds of the Panel members or Social Workers at hearings, albeit the governing consideration is as stated above.

The importance of reporting Social Workers being alive to this fairly fundamental jurisprudential principle is, if anything, underlined by the fact that the Sheriff is required to seek advice of the Hearing on any child appearing before him, who is subject to such orders. The Social Worker is thus in the somewhat privileged position of firstly advising the advisers and subsequent to that having her report placed before the Sheriff for consideration. Given the traumatic experience of the possibility of removal from home, it ought to feature large in the knowledge of reporting Social Workers.

The position which was incorporated into the C.P. (S) Act '75 is as follows: There are two separate residential disposals possible, one available under S.206(2) of the C.P.(S) Act '75 as substituted by S.44 C.J. (S) Act '80, to courts of solemn procedure, one at S.413, available to the Sheriff Serving Courts.

'Where a child is convicted and the court is of the opinion that none of the other methods of dealing with the child is suitable sentence him to be detained for such period as may be specified in the sentence.' (S.44). The other provision empowers Sheriff courts to summary jurisdiction to 'order the child to be committed for such period not exceeding two years as may be specified in the order ... for the purpose of receiving residential training ...' There is a qualitative difference and distinction in these orders, the former is of a nature where release before termination of sentence is a possibility subject to the decision of the Parole Board. Such releases would automatically be under Social Work supervision and control in terms of the Parole Licence (S.206 C.P.(S) A75 S44 C.J. (S)A 80). The latter provision however is a static order in that no legalised provision is given for early discharge. What in effect happens is that the child may be afforded a 'long leash', permitted to return home,

usually under informal arrangements with the Social Work Department and is technically, still in residence until the expiry of the sentence. In the event of re-offending, the person on parole, would by virtue of the parole licence be subject to re-call either by the Secretary of State on being notified or by the sentencing Court. The '413' child, in contrast would be in exactly the same position as any child under residential supervision, and would be dealt with at a Hearing without any further reference to the original Court of sentence.

The relevance of the findings of Tables 5.4(i), (ii) and (iii) have to be seen in this context, and from that a consideration of practice becomes possible.

It is accepted among Social Work theorists (Specht & Vicary 1977) that situations tend to be presented to Social Workers which promote response-sets calculated to provide service for clients who have the ability to make their needs known and are able to demand service; whether by verbal assault, recourse to management or to elected officials. Secondly, service is provided by statutory order so that Courts etc. receive service at the expense of the queue of deserving needy, or thirdly, the personal circumstances of the client, or his situation promote a personal response in the Social Worker and thus service is provided. Where any of these features coincide, the service delivery element is enhanced.

Consideration of what might be seen as being appropriate for Social Work attention would, by common consent, follow a typology which takes account of:

1. Meeting a material crisis, providing help or aid. This may be seen as ranging from direct aid with clothing, footwear, furniture, cash, to help with applications for aid, service, employment, clarification of a number of legal or administrative matters.
2. Providing supports in the maintenance of a given social family, or community situation. People who are in a state of conflict of greater or lesser degree, and for whom change, removal, or flight are not

viable alternatives may require, seek and welcome the active intervention of a skilled person in support of their position or as a mediator with the controlling elements of that situation.

3. Aiding the processes of personal development and maturation.

While the attacks made on the psycho-analytically trained and jargonised Social Worker of the mid 60's have subsided and while the over-pronounced features noted are seldom in evidence, the need for aid in selected cases remains and the appropriate interventionist techniques hold good.

4. Social control. The social control element in Social Work is, to a large extent, downgraded by Social Workers. It remains that one of their primary tasks under statute is that of social control. The S.W.(S) Act refers to control as being one of the constituent elements present in any decision to make a supervision order 'to submit to supervision in accordance with such conditions as they might impose' (S.44(1)(a)). It remains that the implicit nature of the social control inbuilt in the Hearing processes, however much denied by Social Workers, is important and at times immediate, for those who come to attention under the offence ground.

With the processes now under review, live considerations of the application of good professional practice are paramount. The ubiquitous 'need for support' or its numerically more frequent 'no need for support' is but a strand in the assessment of situations for the real, contractual client, the agent of the justice system who orders the report, and from that, the meeting of the requirements and needs of the tribunal considering the matter. The blinkered and erroneous view which transmits itself in reports is that the client is the child, his needs are largely seen to be reducible to issues of 'support' even in the absence of what is meant, or could be entailed in 'support'.

Therefore the professional practice is not simply suspect. In the absence of clarity of perception in the individual worker about the baselines as laid down by the statutory requirements and ordinances, it becomes something of a jargonised avoidance of a series of real live situation where, if 'support' is one possible consideration, others, like control, stimulation, enabling, require to be brought into the

balance. None of these professional concerns can be activated in a knowledge vacuum about the legal provisions governing the service-delivery. Absence of conceptual awareness and clarity about the nature and needs of the primary client group, those ordering Reports and making orders, inevitably means that service to children and families is distorted and the Social Worker perceives 'clients' under statutory order to be of a lesser quality or importance than other more deserving cases.

The stand taken in this section may be summarised thus:

The provisions which directly relate to the functioning of social workers are neither difficult to locate and understand, nor are they at variance with what may be regarded as good professional practice: namely

1) that the worker proceeds on the basis of a remit which is properly ordered and is capable of transmission to the potential recipient of the proposed service:

and

2) that the potential recipient has the right based on adequate information and explanation, to reject the proposed service, and in so doing accepts, consciously the consequences of that action.

3. Children at Hearings: Social Workers views. It was of some interest following the findings on legal knowledge, to discern the views of the Workers on the children on whom they were reporting. SERs are, in the main heavy on 'support' type references, with a common disregard for the action which brings the child to notice (see Ch. 6). One therefore sought to elicit the opinions of the writers as how they perceived these children as actors within the Hearings system. The results were, revealing, as they showed a kind of split, or duality of view of the children. If the SERs are heavy on 'support' then there are hidden views held by the writers. These amount to a number of clear contradictions which are shown in these Tables.

Table 5:5(i) shows the views of Social Workers towards decision-making, so far as the children are concerned. There is a clear contradiction between the views expressed (Table 3:7) about the nature of the decision-making process and the Social Workers' perceptions of the children's views of it.

Table 5:5(i) Social Workers' views on Children at Hearings, by Division.

"Children at Hearings"	Social Workers based at:		N=
	Ayrshire Divisions	Dumbarton	
Come prepared to work towards a resolution of problems.	5	3	8
Regard the proceedings as part of the law and order tariff system.	29	39	68
Don't know	3	1	4
N=	37	43	80

X2 2.3664 D.F. 1 No stat. Diff.

Source: Social Workers' Perceptions Schedule

There was scant doubt, following Table 5:5(i) as to the views of Social Workers on whether children coming to the Hearings 'know and understand the principles and ethos of the system' and it is this 'anti' view of children's preparedness (or ability) to work within the Hearings room that poses considerable questions in relation to the comments on these children which appear in their reports.

Tables 5:5(1) and (ii) provide a different viewpoint of the opinions held in respect of children at Hearings. On the first we have a Divisional analysis which shows that there is no statistical difference on the question posed. On the second the question was angled slightly, it is of interest that the result is supportive of the question in its original form (Table 5:5(i)).

Table 5:5(ii) Social Workers' Views on Children at Hearings by sex of respondents.

Children know and understand the ethos and principles of the Hearing.	Men	Women	N=
True in all cases	-	2	2
True in most cases	5	3	8
True in the minority of cases	16	13	29
True in very few cases	10	11	21
Not true	6	7	13
Don't know	-	7	7
N=	37	43	80

X² 7.4098 D.F.3 P < 0.05

Source: Social Workers' Perceptions Schedule

There was a difference between men ('tough') and women ('tender') ($\rho = 0.46$) but also a clear common identification that what 'set the scene' was the introductory work undertaken by the Social Worker on his or her initial visit. This found expression variously as "they (families) haven't a clue, and we have to get them to realise what's expected", to a more sophisticated analysis of "Well it's really the Bernstein thesis writ large, these people (Panel members and families) don't talk the same language and with few and notable exceptions they would be lost trying to cope with Hearings, if we didn't provide this kind of service to them". There was a common agreement that families who had been through the processes got "quite skilled at playing the Panel game" as one put it.

The seeming contradiction can be accounted for in respect of the processes in which the reporting Social Workers are engaged, and these views on the process of decision-making are precisely those which they have been brought to accept, while the latter respecting children are more likely to be those brought about by observation and experience over time and in dealing with a range of offender situations.

4. The Training aspect: one ingredient of every Social Work training course is the legal aspects of situations within which Social Workers will operate; this, in the nature of things is a variable, some courses placing greater emphasis on particular aspects of it than others,

Notwithstanding, there would be common agreement that the provisions of Part III of the Act are basic to each and every Social Work course in Scotland; examiners and students alike are well aware of the demands which the system places on the Departments and on individual Social Workers.

Respondents (both Divisions) were asked to rate the preparation made by Education Courses for work with the Hearings.

Table 5:6(i) Preparation for work in Hearings system by College and University; by Basic and Higher Qualifications.

Preparation regarded as:	Basic Qual.	Higher Qual.	N/A	N=
Very good	3	2		5
Good	12	3		15
Adequate	14	3		17
Inadequate	12	8		20
Poor	3	4		7
Very poor	4	4		8
N/A			8	8
(English Trained/ qualified Pre '68 Act/unqualified)				
N=	48	24	8	80

X2 2.9173 DF.2 No Stat. diff.

Source: Social Workers' Perceptions Schedule

Table 5:6(1) shows a spread of opinion with a tendency, in both the graduate and non-graduate sectors to see ample scope for improvement. Two reasons most commonly advanced for this were that the law and legal studies were either taught by lawyers, 'lawyer's law', who had insufficient grasp of the social issues, or by Social Workers who had inadequate grasp of the legal issues. What then emerges is the ill-digested 'Kilbrandon philosophy'.

So far as follow-up in in-service training is concerned there were marked differences in the two Divisions holding qualification constant.

Table 5:6(ii) Preparation for work with Hearings system, by
Departmental Inservice Courses in two Divisions.

Inservice Preparation regarded as:	Division		N=
	Ayrshire	Dumbarton	
Very good	6	1	7
Good	8	0	8
Adequate	7	2	9
Inadequate	2	0	2
Poor	4	3	7
Very poor	2	1	3
None	8	37	45
N=	37	43	80

Significant by observation.

Source: Social Workers' Perceptions Schedule

Here was a situation where two constituent parts of the same organisation charged with the same responsibilities for service-delivery may be seen to be making different Inservice training provision. If, in the Division, 86% of respondents could claim not to have had any Inservice training this must be regarded as something other than administrative oversight or 'waiting their turn'. The correlation co-efficient for the two cohorts in this sample is $r=0.502$.

If one then turns to the question of Inservice provision as against College preparation (Tables 5:6 (i) & (ii)) a correlation co-efficient of $r=0.279$ is arrived at. Clearly this result is skewed by the Dumbarton figures, but nonetheless one is drawn to the conclusion that there may well be considerable scope for a quite radical improvement in Inservice training to ensure a more focussed and reliable service to the Hearings system.

The major themes emerging from the question 'what improvements would you like to see in training, as a preparation for this work' may be summarised as follows:

a) Joint training with Reporters and Panel members. Many respondents were clearly unhappy with the disparate nature of training as among the three branches of the system. The validity of the argument can hardly be gainsaid, indeed given that most Social Workers entering the educational courses, will come without any prior contact with the system, and that Reporter training is something of a problematic variable, it remains that the only unified system of training and preparation relates to Panel members.

b) There was strong support for the plea that Report preparation should feature more positively on training courses, particular emphasis was placed by a number of people on the need to ensure that practice elements of courses contain more provision in this respect.

c) This was linked to a variety of suggestions which were couched in terms of 'in-depth practice' 'make theory and practice marry up'.

d) The need for more specific and focussed teaching in regard to legislative provision, and the rules on 'what the Reporter is supposed to do' was prominent, although as this question followed on those respecting legislative provision, it may well be that the focus was to some degree, generated by the present exercise.

5. Advantages and Disadvantages of the System: Social Workers' Views:

Respondents were asked two questions about the present arrangements. They were asked 1) to identify the main advantages, and 2) the disadvantages of the present servicing arrangements. Rather surprisingly most found it difficult to articulate, and the responses fell into a number of categories which would be difficult to reduce to specific statistical formulae. Social Workers tended to see the advantages of the system in terms of their own work and involvement, identifying such things as the Social Work contact with family, the community base of Social Work, the availability of a comprehensive range of help and methods for families brought into contact, because of the referral. Allied to these were ideas about the values of Social Work information to Panel members, the value of the Hearings' informality, described by one as 'a humane approach'. Four respondents were unable to identify any advantages in the present arrangements.

The disadvantages were seen to be related to 'lack of resources' - in no instance was this defined and to pressure on Social Workers, by reason of numbers of referrals and/or because of time factors associated with the work. Beyond this, Panel members were not held in high esteem 'they just don't understand ...' 'their treatment talk and their punishment actions ...' and conversely 'they just can't see the need for a strong tariff line which has a deterrent value..' (this was linked to the work which Panel decisions brought to Social Work).

'There is a complete absence of any corporate view, as between Teachers, Social Workers and Reporters'... Two respondents could give no views on the disadvantages of the present system'.

Summary. This chapter provides the core findings of the Social Workers' Perceptions Schedule. It shows a level of ambiguity in respect of the views held about the effectiveness of the Hearings as a corrective, as against the influence of Social Work activity as a determinant of future behaviour. On the one hand, there appears to be a belief in the 'magic' of the Hearing process, while at the other, there is a commonality of view that what really matters is the work put in by Social Work in shaping future conduct.

In respect of the main legal provisions governing their work this group displayed a serious and worrying weakness. It is a matter of concern that people who, on a day-to-day basis, are acting out the terms of the statutes, affecting the life styles and chances of large numbers of children clearly do not know these legal provisions.

From this, one turned to the views held about children at Hearings. The findings showed that there was a split between the 'pro-child' view in SERs and the basically 'anti-delinquent' stance articulated. There also emerged a view that one of the Social Work 'jobs' was to prepare the child and parents for their 'Panel performances', on the grounds that they were not capable of dealing with this situation without this kind of aid and preparation.

There was a mixed view of the preparation by training establishments for this work and a clear split as between the two Divisions in respect of Inservice training programmes.

They were in some difficulty when asked to talk about the advantages and disadvantages of the system with some actually being unable to specify either.

Overall the findings displayed here tend to reflect a certain 'folksie' view and would suggest a rather low level induction process with little in the way of specific, hard factual information and instruction. The fact of the matter is, of course that there has been, not simply a massive increase in staffing, over, e.g. the 1973, pre-reorganisation baseline, but also a quantum leap in the educational processes associated with the CCETSW programmes. Consequently we are driven to a conclusion that the low levels of knowledge displayed, particularly in respect of legal issues, and the kinds of 'double think' shown in respect of the Hearings where we see strong support coupled with a considerable degree of cynicism about both the processes of the Hearings and about the ways in which children respond, are a kind of sub-cultural manifestation which is handed down and passed on in the induction process and which becomes reinforced by day-to-day experience. As such it is unlikely to be corrected by either an increase in staffing levels or by educational programmes.

The effect of these combined factors on the influence brought to bear on the individual young offender coming to notice may well be summarised by the description provided by Matza (1964:115) "a continuation of impoverished economic position, a marginal scholastic record, a particular kind of disrupted family situation, a current infraction of burglary and two past citations for auto theft yields a disposition. What disposition? If we ask court agents they will honestly and appropriately answer that it depends. On what does it depend? It depends on other factors. On what other factors? Well, perhaps on a diagnosis of the child's personality, but that too depends. On what does that depend? Ultimately it depends on the needs

of the child. And on what do these needs depend? Eventually we come to the final and only possible answer. It depends on the professional training, judgement and experience of the Court agents".

Chapter V Social Workers: Their Views and Opinions

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Chapter VI. The Form and Content of Reports.

This chapter proceeds from the consideration of the perceptions of the writers of reports in the areas concerned with this work to a detailed analysis of the surveyed reports in the New Town and from the Ayrshire Project in 1981. It takes as being axiomatic that reports should be of a professional quality, that the information carried is of a nature that is conveyed clearly, un-ambiguously, and is focussed towards the concerns of the receiving tribunal.

The chapter moves from a review of theoretical inputs and recent research to an identification of what is regarded as the very core of the reviewed material, that of the nature of the SERs and of the deficiencies which have generated so much heat, and yet, which remains an area of considerable absence of definition. The deficiencies of the surveyed material is set forth in advance of the detailed analysis and discussion.

The analysis is sub-divided into four sections for ease of reference. The ordering of the material is not suggestive of any rank ordering, as the presentation in any individual case may dictate the primacy of one or other aspect, depending on circumstances.

These sections are given under the following heads:

1. An historical note.
2. Some research findings.
3. Key deficiencies in the surveyed reports.
4. Analysis of the samples.

1. An historical note. The development of SERs in a U.K. context has had a firm foundation in Juvenile Justice, dating from the 1933 and 1937 Children and Young Persons Acts.

The purpose or intention of these reports was never seriously questioned or subjected to scrutiny, beyond the periodic inspections carried out by Home or Scottish Office Inspectors. The crop of research reports on the topic has been a recent phenomenon. Decision-making was

held to be a clear judicial responsibility, with the applied term 'Social Background Report' in Scotland placing this in true perspective, as intended by the legislation.

As expertise began to make itself manifest, Reports tended to include veiled indications of what the writers thought should happen: 'the court may wish to consider a course of action which will not deprive him of liberty and which would entail a measure of supervision' 'the court may be helped in knowing that if a financial penalty were to be imposed it would be met from his pocket money'. So far as Local Authority workers (Children's Department post 1948/9 Acts) were concerned, the issues were clearer in care and protection cases, with decisions often a straight question of remaining at, or being removed from home. In the nature of the respective services, less freedom was invested in Child Care Officers than in individual Probation Officers. The C.C.O. was clearly a Local Authority Department employee, decisions were made at Departmental level, and it was not uncommon in the earlier days for Reports and even routine correspondence to be signed by the Children's Officers. This was in contrast to the responsibility carried by the individual Probation Officer who was appointed and assigned for duty in a designated Court area. The dichotomy can be explained, at least in part, by pressure of stark financial considerations in Children's Departments and by their absence in Probation. While the tariff extended from Absolute Discharge through to Approved School, there could be a certain flexibility in Probation work, denied to Child Care Workers faced with situations which had to be met on a 'leave or remove' basis.

Development in Reports and in report writing and presentation is associated with the recommendations of the Streatfeild Committee (1961) and those of the Morison Committee (1962). Both provided guidelines as to areas of concern which ought properly to occupy report writers, and at the same time sounded cautionary notes in respect of writers operating within existing knowledge boundaries. Curiously, beyond Home Office circulars referring to these recommendations, no official guidance had been produced prior to 'The Social Worker Reports' (S.W.S.G. 1974). This was still the case in England and Wales up to

1986 (See H.O.CIR 92/86 and the 1988 DHSS publication.) In Scotland there developed a broad stereo-typed report format based very largely on what had been developed by the Scottish Probation Service.

The arguments put forward by the Streatfeild Committee favouring the expression of opinions by report writers gave way to 'recommendation' and as will be discussed, this is, and remains a source of some contention.

Following the integration of the Child Care and Probation Service into the Social Work Departments post the 1968 Act, there is a common appreciation that specific specialist skills were thrust into the melting pot of generic Social Work. A significant development which affected the whole service delivery structure was the introduction of the Hearings system in April 1971, requiring as it did written Reports on each and every child coming before the Hearings. Beyond doubt, this caused major problems which ought to have been but which apparently were not, highlighted by the originators and planners. An example of this is to be found in 'Social Work in Scotland' (1969) where the rhetoric surrounding Assessment and Evaluation completely misses the fact that this was to be seen as a major chore by the work force of the new Departments, who displayed considerable concern for the pressure which the work was seen to bring to them.

However, in respect of reports from Social Work, the S.W.S.G. guidance (1974:1) spoke of 'new and imaginative opportunities for Social Workers in the spirit of Kilbrandon ... (in this) important and extensive area which has evoked from time to time comment and criticism'. While there were, and are, certain inhibitions relative to the submission of reports to Sheriff Courts, the opportunities presented by the creation of a new body of lay people, sans inheritance, for the development of investigative reports geared to the needs of, and possibilities inherent in the new system, appeared to be very substantial.

Writing in the Prison Medical Journal (1975) Moore said 'We (S.W.S.G.) are seeking new dimensions in the role of the S.E.R. and are concerned that the challenge of assessment in this field is accepted, and a genuine expertise built on the basis of emerging needs rather than on

older and more traditional models'. There was ample reason for concern. The main criticism lay in two directions: 1) the paucity of viable disposal methods available, or more accurately pointed to by reporting Social Workers and 2) the failure of Social Work to deliver Reports on time. An example of the latter lay in the Strathclyde Officer Member Group Report (1978): 'The Committee were repeatedly given examples of late Reports ... The Reporter regularly advises the Social Work Operations Sub-Committee on the number of late Background Reports and the following Table indicates the situation at the end of 1977'.

Table 6:1 Late Reports within Strathclyde: 1977

Argyle & Dumbarton	Glasgow North	Glasgow South	Lanark	Ayr	Renfrew	Regional Total
83	401	290	217	63	188	1242

Reports overdue i.e. Beyond 28 days from request:

0 - 1 Month	326	Regional Total
1 - 2 "	105	" "
3 - 4 "	66	" "
5 - 6 "	13	" "
Over 6 "	8	" "
TOTAL	518	" "
% Overdue	41.7%	" "

Source: 'Childrens Hearing System in Strathclyde
S.R.C. 1978.

The Committee then proceeded to indulge in some very spurious statistical analysis, dividing the total number of reports by the total work force to state 'In short, Social Workers in Strathclyde are producing less than one report per week, i.e. 0.96 reports'.

The British Association of Social Workers suggested (Strathclyde Report 1978) (inter alia) that 'the Reporters should use more discretion in selecting cases on which to call for Background Reports', a somewhat curious stance from a body which has devoted so much time and energy to what it regards as Social Work professional issues. As the wording of the Social Work Act clearly intended a role in no way dissimilar from that which had characterised operations in the Juvenile Court, and as initial information sent by the Reporter to parents and children (Appendix 4) is clearly indicative of the need for Social Work investigation, the stance attributed to B.A.S.W. is therefore of little real consequence. The available evidence suggests that (1986) the problem of 'late reports' persists across the Country.

2. Some Research Findings: In the Hearings, Social Workers were initially in an unrivalled position since the receivers had been both unacquainted with previous models and also they had been trained and inducted into the system on the basis of the spirit of Kilbrandon for 'informed and skilled advice channelled through a central agency' (Para 233). The opportunity to develop the kind of models referred to above was not quickly recognised, nor has there been substantial evidence of their being forthcoming. What has happened is that Panel Reports have tended to be longer and more descriptive without, in essentials, providing more real information or assessment. Primary support for this position may be gathered from the fact that Reports tend to focus, to the exclusion of all else, on descriptive material about the family and the child as family member, at a 'he says' 'mother tells me' level, with little in the way of extended enquiry extraneous to the specific family-based interview or reference to existing Departmental records. There is scope for thinking that Report writing as part of the assessment skills of the individual worker is far from the high levels to which the system aspired on its inception. Curran's (1982) study, while focussing on the courts, clearly showed that many of the areas of concern which prompted 'The Social Worker Reports' are still current and seemingly well-entrenched. Curran (1982:55) described these reports thus 'Workers rarely give any indication of the veracity of the information in their reports ... childhood described as being happy ...

told me she had a normal and happy childhood'. Curran designates these modes of description and 'the second-hand values of such information' as 'low intensity words'.

One significant American study which, while focussing on the traditional use of Reports as a means of categorisation, amply demonstrates the credibility gaps is provided by Cohen (1970). Cohen's work is remarkable for its uncritical acceptance of data deficiencies in work which purported to show correlations between social and psychological variables and court dispositions in a cohort aged 16-19 years. The sole areas in which the Reports showed comprehensive coverage were age, race and religion. In all other areas the discrepancies were of a range which places the findings of the present study in context. In short, the indicators point to a generality of practices which add up to Reports which are high on impression and low on relevant, factual, verified material.

Employing a comprehensive analysis schedule for a 300 report sample, Cohen produced a range of Tables, accepting 'not reported' status in surprisingly large degrees for crucial variables, without picking up the relevance of the missing material in the context of decision-making.

A singular problem in employing SERs as a vehicle for analysis was succinctly summarised by Morris and McIsaac (1978:104) 'there was a mass of 'soft' data which was impossible to quantify ... Information was not systematically collected or presented, and it was impossible to assess whether a particular piece of information which was missing was missing because it was not known, because it was considered irrelevant to a particular child's difficulties or because the Social Worker forgot to include it'. Martin et al (1981:156) in their survey note 'the general impression conveyed is of a high frequency of rather piecemeal statements which in a substantial proportion of cases fail to organise and integrate the observations into a balanced whole'. The core argument in this present study is that the professional task should and must encompass these matters, but whatever the reason or reasons, it remains that the deficiencies exist.

3. Key deficiencies on the surveyed Reports. As the foregoing shows, the common feature of research reports and commentaries has been the identification of shortcomings and deficiencies in SERs, all too often the research reports have been presented in vague and uncertain terms. That provides the rationale for providing a resume of the kind of deficiencies which were encountered in this study, as a preface to the content analysis of the Reports.

The typology of 'The Social Worker Reports' (1974) which proceeded from a broad-based family concern through the immediate aspects of the child in situ. to a consideration of the matter which brought him to notice is a useful conceptual framework in the present context. The following are seen to be core elements in the Professional Report which in these cases fell well below the required standard of professional competence in presentation and interpretative comment.

i) Family-functioning. Little evidence of attempts to provide the reader with clear conceptual linkage between the known and observed patterns of family functioning and the discreet behaviour which brought the child to official attention is given. There is little evidence of appreciation of family dynamics, with information provided in isolated, compartmentalised ways.

ii) Family Finance. The absence of detailed analyses of finance and financial problems (if any) raises the question if, in individual cases this was even discussed.

iii) Child's Pocket Money. Almost totally ignored.

iv) The Family in Social Enquiry: some key variables. The analysis isolates a number of key social and personal variables for examination. The findings show a level of disregard for these at a number of levels: and the very low reporting of e.g. alcohol consumption, a clear problem issue in the West of Scotland, is indicative of low-level investigations and, it is thought, low-level understanding of the inter-related nature of social problem issues.

v) Disturbed Behaviour in the Child. The expectation that SERs would report on indications of, or the absence of, disturbed behaviour in the subjects of Reports proved to be wide of the mark. It was an area of considerable deficiency in the surveyed Reports.

vi) In Respect of Behaviour and Leisure in the children reported upon, very much the same pattern emerged. The presentation of a 'good boy at home' was used as an effective cloak to mask discreet behaviours which ought to have raised serious questions about the clear discrepancies between the two presentations of home life and social behaviour.

vii) SERs proved to be less reliable than School Reports when dealing with behaviour and achievement in school. It is clearly a matter for the individual Report Writer to liaise with the school and, in very much the same way as family information is required to be interpreted, so too the school assessment of the subject should be subjected to appraisal and appropriate comment. The 'good boy at home' kind of approach just will not suffice for this crucial area of the child's development.

viii) Selective Reporting. This study can do no more than identify the possibility of patterns of selective reporting in SERs. The available information suggests that Social Workers 'tailor' the inclusion or exclusion of certain aspects of previous client contact to suit the tenor of the report. It looks as though this may even assume a certain patterning within locations, as distinct from the manifestation of the proclivities of individual workers. The evidence will not support more than this, and without recourse to Dept. records, nothing further can be said on this matter. However one does come back to Morris and McIsaac's bewildered comment about Social Workers 'forgetting' to include material.

Tables 6:2(i) and (ii) and Fig 7 identify core deficiencies in the surveyed reports.

The levels of omission which are highlighted by the Tables set the scene for the ensuing discussion. The analysis of these Reports cannot do other but focus on these indicators, providing, as they do, both a corrective and an explanation of the vagueness which has characterised so much of the work which has preceded this study.

Approaching the task of SER analysis therefore necessitated an acknowledgement of the problems likely to be encountered. However, the analysis was intended to perform two basic and inter-related tasks: 1) to provide a profile of the young offenders and their families, noting significant features which conceivably might have a general applicability, and 2) to provide an account of the validity and viability of the Social Work Reports on which decision-making is heavily dependent. As will be shown, the observed report deficiencies and the presentational foci of the writers tend to define the parameters within which decisions are taken. In a number of subject areas there are displayed, not simply omissions but statements purporting to be factual which did not corroborate with other evidence available.

The writer's view is that there is nothing which may dictate the form of an individual report, except the circumstances of the person concerned. The formulation set down by Streatfeild (1964: Para 333-6) holds good: 'the circumstances of individual cases vary widely, and a report should not follow a stereo-typed form ... (it should include) detailed histories about relevant physical and mental conditions; and assessment of personality and character'. An American viewpoint (AM. Bar. Ass. 1970:33) took a similar stance 'it is obviously unrealistic to attempt to force a Social Enquiry Report into a mould suitable for all cases. The depth of analysis and the information which is required for an intelligent disposition in respect of one simply is not going to be required for another; what is both unnecessary and inappropriate for many offenders at the same time is essential for others. The intensity of the investigation and the length of the Report should in fact reflect the background of the offender and the difficulty of the correctional problem which he presents'.

Reports to hand tend to follow the distinct stereotyped format not unusual in Scotland. The major concern is not simply that forms have been adopted to convey information, but also that the forms employed serve to reinforce scant and inadequate assessment by the writers, thereby failing to serve both the tribunals or the children.

FIGURE 2
Deficiencies noted in New Town Reports

1978-9 Random Sample
1980-1 Sample

204

Year
1978-9

Year
1980-1

FINANCE	67			
	65			
FAMILY	28		44	
	26		32	
CHILD RE:-	32		32	
	20		34	
A) Education	32		9	
	20		14	
B) Personality	32			
	34			
C) Offence				
D) Other				

χ^2 2.8325 D.F.1 no Stat Diff
Source. SFR Schedule.

χ^2 2.8325 D.F.1. No stat. diff.

Table 6:2(1) Deficiencies noted in SERs % in Samples.

Deficiencies noted under:	New Town Ayrshire Project		
	Year:		
	1978-9 %	1980-1 %	1981 %
Finance	83	84	25
Family Details	33	35.5	20
Re child:			
A) Education	25	41	45
B) Personality	43	55	52.5
c) Offence Commission	43	41	70
D) Other	18	11	2.5

X2 5.118 DF.3

No significant Diff.

Source: SER/Schedule Survey

Table 6:2(ii) Deficiencies in Reports: Range and Distribution
(New Town Only)

A) Range:

Failure in No. of areas	0.	1.	2.	3.	4.	5.	N=
N=	8	32	42	32	30	14	158

B) Distribution:

Noted area of deficiency:-	i)Finance	ii)Family	iii)educ.	iv)Perso- nality	i)Offence
Distribution Frequency:	i)	ii)	iii)	iv)	v)
1)	26	1	1	2	2
2)	32	11	8	19	11
3)	30	13	9	22	25
4)	30	15	20	19	24
5)	14	14	14	14	14
N=	132	54	52	76	66

Source: SER/Schedule Survey

4. Analysis of Samples. The analysis provides the substantive detail and verification for the resume in the preceding section. First of all it deals with the broad aspect of family functioning.

i) Family-functioning. From the premise that family membership and functioning are of primary and basic importance, attention turned first of all to that aspect. The New Town samples shared with the Reports from the Ayrshire Project a distinct pattern of children coming from 'normal' two-parent families. The stereotype of the 'Panel kid' as a member of a one-parent family or of a family disturbed by virtue of step-parenting or cohabitation was far from the prevailing mode. These Reports followed a set format of setting out the family membership, whether at home or away, with an overriding tendency to list chronologically, with ages, schools attended, and to include the names of persons married and/or living away. In one case this extended to

ten people, five of whom were away from the home. In another it included the name of a person in Australia. This information was, in the truest sense, sterile, in that it was not used, but was provided simply as a rote and in the most routine fashion.

Where, as happened, individual circumstances merited comment, these were, on the whole, put in simply and solely as isolated pieces of information. Examples of this were in relation to drink problems, real or suspected, and to changes in cohabittees. What one desired to see, and what, it is contended, Reporters and panel members need to see is these isolated comments carried forward into a detailed analysis of their meaning and importance for the child, and in particular, in the context of the referral to which the SER is addressed.

Report: A youngster, on supervision with previous offences recorded. 'As knowledge increases so does concern (the mother's co-habitee) admits to buying as much canned beer as they can afford ... recognises he has a drink problem, mother does not admit she has a drink problem at all, or that she drinks ... their limited abilities coupled with their indulgence leaves me to believe that they have little control'. The report then failed to capitalise on the evidence of parental ambivalence, something in the order of 30% absences from school and a school report comment 'he couldn't care less', but it said of the lad that 'he is reluctant to discuss his family'. One salient feature in this Report, which has been established as thematic in the samples, was the singular failure to even comment upon the offence - theft of 42lbs of fish. Incredible as it may seem, to steal 3 stone of fish merited no comment.

From this general, but highly important presentational criticism, the analysis moves on to consider the ways in which the households, their composition and status, were presented. Table 6:3 shows the usual occupation of Heads-of-households in the New Town samples and in the initial reports considered in the 1981 Ayrshire project. As indicated, the patterns presented were of higher, rather than of lower occupational status.

Table 6:3 Usual Occupation of Heads of Households as shown in SER

Occupation:	New Town		Ayrshire Project
	1978-9	1980-1	1981
	%	%	%
Managerial	6.3	6.3	10
Skilled	26.6	29.1	25
Semi-skilled	34.2	15.1	25
Unskilled	6.3	15.1	20
House	2.5	3.2	10
N/K	24.1	31	10
N=	100(79)	100(79)	100(40)

Source: SER Survey Schedule

Amongst the children referred on offence grounds, children of unskilled workers appear to be in a minority. One factor in this may be the related decline in the unskilled sector, i.e. the actual number of heads-of-households holding down jobs capable of being labelled 'unskilled' in the sense that builder's labourers are unskilled as distinct from a range of semi-skilled machine minders, is such that the kind of conceptualisation which has characterised criminological research in this respect may now be effectively outdated, or becoming so. The discrepancy between the New Town samples where unskilled featured at levels of 6.3% and 15% respectively against the 20% in Ayrshire, may be indicative of the composition of the respective populations, but overall the patterns of the unskilled being under-represented are worthy of comment. At the points when these Reports were compiled the employment situation was, if not booming, at least stable, and in the New Town not a major cause for concern, whereas the traditional pattern of this being a social problem is adequately reflected in the Ayrshire project.

It is a matter for comment that in the New Town 34.8% of these reports were so deficient in information that even such basic data could not be gleaned from them. In Ayrshire the figure was 25% (Table 6:i).

Table 6:4 Occupational Status of Heads of Households

	New Town		Ayrshire Project	
Occupational Status:	1978-9	1980-1	1981	N=
In: Full Time Employment	71%(56)	64%(50)	10%(4)	110
Full time Educ. or Training	1.5%(1)	1.5%(1)	22.5%(9)	11
P/T Employment	-	11%(9)	22.5%(9)	18
Unemployed	19%(15)	15%(12)	27.5%(11)	38
Sick or incapacitated	2.5%(2)	3.5%(3)	7.5%(3)	8
Hospital or Prison	1.5%(1)	2.5%(2)	-	3
Other	5%(4)	2.5%(2)	10%(4)	10
N=	100%(79)	100%(79)	100%(40)	198

Source: SER Survey Schedule

As the employment pattern has moved away from the relatively full employment pattern projected in the New Town samples, the importance of investigator's directing their attention to the realities of finance, incoming and outgoing, is of front-line importance. What is to be guarded against, is the presentation of a description of past employment and trite comments about 'money being a bit tight due to the present situation' or similar euphemisms.

It remains that, in both the locations from which material was drawn, these families could have been drawn randomly from the general population. It is a perplexing anomaly, that as they come to notice, so too do they depart, with little in the way of elaboration introduced in relation to core elements of family-functioning, and even when the starkly-unusual family situation does come to light, it is dealt with at the same bland level of superficiality which either denotes failure to investigate or a denial of the right to know.

The potential importance of the information gathered, is germane to the idea of a thorough-going investigation designed to serve the purposes of the system. The children in a family situation provide a yardstick whereby the personality and behavioural characteristics of the child under review may be gauged. Observation and inquiry into the various aspects of functioning will show patterns which may either be at variance with family norms, or are well in keeping with these. Thus, the seemingly inexplicable becomes explicable. The child with health problems in a healthy family, the low level school attender, poor achiever, in a family with a history of such is set in context. The line of inquiry is established on firm ground and pursued within the framework and context of the primary functioning group. By such investigative procedures, the adherence to retailing bewildered comments from child and mother about delinquent conduct gives way to analysis of aspects of functioning which in a true sense places the individual delinquent act in a secondary place, in favour of the development of a meaningful analysis. By the same token, the ritualistic presentation effectively prevents the second stage of a potential Social Work interventionist strategy from ever being made clear or being offered to families. The proposed involvement of the family group in a serious analysis may well throw into bold relief unmet, unidentified social and personal needs, capable of being met with societal aid and help. A front line preventative strategy for delinquency control within the ambit of the Social Work Department's basic remit to promote social welfare thus begins to take shape.

These Reports showed family membership which broadly appeared to be within the normal range for the West of Scotland. The number of dependent children in the home, excluding the child subject to notice was as follows:

Table 6:5 Number of Dependent Children in household, excluding subject of report, by parental situation.

No of Children:	2 Parent Families			Disturbed Families		
	New Town 1978-9	Ayrshire 1980-1	Project 1981	New Town 1978-9	Ayrshire 1980-1	Project 1981
None	% 12.7	19	7.5	16.6	12.5	25
One	% 26.6	32.9	39	22.2	31.25	25
Two	% 26.6	20.4	28.5	22.2	18.75	25
Three	% 19.0	16.5	10.7	16.6	18.75	16
Four	% 6.3	10.1	3.5	16.6	12.5	8
More Than Four	% 6.3	1.3	7.1	5.5	7.5	-
N/K	% 2.5	-	3.5	-	-	1

Source: SER Survey Schedule

The information failure in this is considerable, and an important dynamic is lost because of the failure to mobilise the information. The Gleucks, as far back as 1950, discerned that the siblings of delinquent children were more likely to 'regard with indifference or even hostility' the offending member (28.2%) than were the siblings of non-delinquents (7.2%) (1950:128). Edelston's (1970:142) view that 'the boy or girl is a member of a "society of equals", increasingly so as he grows older, whose approval or disapproval matters a great deal even when considerably different from that of father-figures. In the desire to conform, and the power of ostracism for those who do not, we find the beginnings of adult-style social pressure and susceptibility to public opinion'. In the context of the societal changes which have occurred (and are occurring) in the world of childhood, it would seem to be a matter of very considerable importance to attempt to discern the views of those members of a 'society of equals' to the conduct and problems of the child under investigation. This, these reports singularly fail to do. They showed a similar lack of awareness of the importance of this dynamic, and clearly this dimension in the field of Social Enquiry is something to which attention should be directed as a matter of primary concern. The findings point to an absence of conceptual clarity in the investigations which tied in well with the views expressed in responses on the Social Workers' Schedule (Ch. 5).

Disturbed Families. The frequency of family patterns outside the normal two-parent model was, in keeping with the incidence of such families on the DHSS register. Not surprisingly, they tended to comprise un-supported mothers with young children, with some indications in Reports that financially and emotionally situations improved when male figures entered the home. This tends to discount the conflict theories around the negative influences of cohabitees and step-parents, but one would not entirely set aside the possibility of reporting gloss without quality in-depth analysis of particular situations.

The theoretical issues which are opened up by this pattern are central to the debate on the influences of the home and particularly the working class homes on delinquency. The tendency has been to ascribe to the working class the defined status of delinquent, delinquency-producing and delinquency-prone. The work associated with self-report studies, (e.g. Short and Nye (1958) Dentler and Monroe (1961) and McDonald (1969)) has cast a certain doubt on the traditional view. What comes through from this displayed pattern is that the range of family situation encompassed by the processes of the system and reaching the stage of requiring SERs is well beyond the limits of the traditional view. The complexity of the situation requires consideration to be given in detail to the position of the individual family. It also requires the acquisition of some fairly basic information about the locale being serviced which helps to make assessments valid in a social context. For example, in relation to the New Town, population around 53,000: D.H.S.S. provided the following analysis of the work load of the local office:

'The available statistics break down as follows (1981)

Total Live Load ... 6,522.

Supplementary Benefits to Persons
over pension age ... 2,412.

Supplementary Benefits for
Registered Unemployed ... 2,978.

Others ... 1,132'.

One-parent families are thought to comprise 11% of the live load. They comprise 10.1% of the New Town Samples in the analysis of SERs.

This tends to cast doubt on the, e.g. Social Work Dept. view of 'panel kids' as being 'neglected' by reason of parental break-ups although there is comment on the influence of this type of thinking in the next chapter. In the present context, however, it is worth noting Andry's (1960:iii) comment 'the hypothesis that there is a greater tendency for delinquents to have suffered from dual-parental separation than for non-delinquents, proved negative' and his subsequent comment that there was a greater degree of defective leadership among the parents of delinquents than among those of non-delinquents, carries its own importance in this discussion.

Within that there would seem to be adequate support for the contention that more attention should be paid by reporting Social Workers to family finance, that a number of the families would come within the purview of the State Benefits system, and as such are in need of a range of help and advice: a situation which is calculated to have increased in gravity since the report analysis was undertaken, and one which is hardly likely to show immediate or radical improvement.

Thus at a level of seeing the child at risk in his or her primary setting, that of the family, the evidence suggests a weak appreciation of the importance of establishing a reality baseline and of recording this in terms meaningful to the decision-makers. As will be shown, the gaps existing in Reports are such as to suggest a failure to identify the issues rather than a conscious, deliberate decision to exclude items as not being germane to the needs of particular children subject to investigation. There is, therefore, prima facie evidence refuting the Morris and McIsaac rather charitable view given earlier, that the failures may be 'because it is irrelevant to a particular child's situation' or indeed due to the reporting Social Worker's 'forgetting it'.

In this context it is of some interest to note the expressed views of the Officer Member Group on Child Care 'Room to Grow' (1979:89) "... the generally accepted view that most children requiring compulsory

measures of care are disadvantaged children, perhaps through poverty, unsatisfactory family relationships or inadequate services ..." The evidence here would suggest some rather subtle problem areas not susceptible to stereo-typing.

It is of considerable importance to recognise the real and pertinent problems which may be present in homes, to use Gleuck's phrase 'broken under the roof', and which can usually only be uncovered by patient and skilled interviewing. As Rose aptly pointed out (1967) 'Prediction ... happens all the time whenever we make any kind of diagnosis, whether expert or not (and quoting Wootton (1959) on the Gleuck's) ... modest in the final assessment of the function of their own predictions (and a) greater faith in their intuitive judgement'. The expectation of finding analysis of family situations in the Reports tended to be thwarted by description based on and grounded in cliches at the expense of expression of diagnosis or evaluation, and hardly modest, in Rose's terms.

Complex Families. Complex family situations which in the nature of things - and this appertains as much to Juvenile Courts as to Children's Hearings - require to be subjected to close scrutiny. There is evidence which points to some fairly perfunctory dismissals of families.

Report: 15 year old boy, grounds of referral 'assault' (no further details) mother and three dependent children living with stepfather (or so stated to be), she having divorced her husband, some time, unstated, previously. The family situation outlined as given, with the comment 'He (stepfather) is himself divorced and due to some unresolved financial problems with his previous wife, he is presently separated from Mrs. A. while he resolves this situation'. Beyond that, no analysis of interpretative comment is offered. It should be said, at the outset, that the poor use of language in Reports was found to be a very common feature as the quotations used illustrate.

There were instances where flashes of insight into critical areas of family-life were displayed but seldom were these followed through, and a critical component in the decision-making process must be the ability of those receiving Reports to see beyond the stated facts and, at times, the side-tracking conclusions drawn.

ii) Family Finance. In respect of actually setting the scene by providing a detailed picture of the family, its income sources, amounts of available finance for family supports, debt details, and appropriate comment on these matters, these Reports were, even by the expected standard, found to be poor in detail and in presentation.

It was e.g. only by a process of deduction from comments made in Reports, which indicated things like occupational status, that one was able to make deductions about the families from which the Report-subjects came. It can be said that the New Town samples tended to cluster in the top quartile of earnings, given combined incomes, and that the Ayrshire Project group of families tended towards the median. Here then were two situations where the expectation that children would come from the lower end of earnings scale families was not realised.

Attention turns to the issue of family finance in Reports. Of the 158 reports analysed in the New Town samples, only 27 (17%) actually stated family income. Financial details, if obtained with a clear analytic intent, provide a statement about present attitudes and standards: the level of debts, clubs and pleasure spending relative to net income, the pattern of expenditure, priority rating and general ability to handle money. The management of household affairs, the level at which the tasks are simply left to the wife, or shared, the way in which money is made available and for what purposes, all tend towards a picture of family functioning. It also provides a basic yardstick against which to measure change. If the poverty-line family suddenly acquires an affluent life style, or even a noticeable improvement in standards, is this by virtue of a bout of 'club fever' the results of which are likely to rebound and bring further problems to the family (and conceivably to the Department) or is this the result of criminal activity, or by what other means has the situation improved? Without the initial awareness, the ability and the willingness to investigate

and make some analysis of the investigation, the notion of intervention is surely of little more than a shiboleth in the repertoire of a professional group already overburdened with jargon.

These reports dealt with finance in dismissive ways and the presentations left little, if any doubt that there was at a general level no focussed attempt to come to terms with a basic and fundamental aspect of family life and functioning. 16.5% of the New Town sample were so deficient in information as to make any assessment impossible, the position being actually worse (26%) in respect of one-parent and disturbed-family situations. The question which now arises is simply: if the financial situation of the family under investigation is potentially suspect or hazardous, is it more or less likely to receive Social Work attention?

An example of encountered practice:

Report: Father employed as storeman, Mother as part-time domestic, four dependent children in the family, no other income. 'There is no shortage of income and no financial difficulties are apparent'. No statement of income or assessment of family finance was given in this report, and this treatment of finance is typical of the Reports surveyed over the four year period.

Family Debt. Just as family finance has been treated, so too was the issue of possible family debt. The most frequent and telling phrase encountered was 'there is no reported debt'. Whether that meant there was no debt, that the issue had been raised and denied or simply, to take the English usage at face value, the respondent had not reported any debt, is an open question.

The analysis showed this issue under the following heads:

Table 6:6 Family Debt in SER

Level of Debt Assessed as:	New Town	Ayrshire Project	
	1978-9 %	1980-1 %	1981 %
A heavy burden	3.8	2.5	57.5
A moderate burden	1.3	1.3	22.5
A light burden	7.7	2.5	15.0
Not a burden	42.3	25.2	2.5
N/K	44.9	65.8	2.5
N=	100%(79)	100%(79)	100%(40)

Source: SER Survey Schedule

Interesting and important support for the position posited above is provided by the Ayrshire Project which clearly showed 'heavy debt' to be a major component in the family situations and further that the failure to record in this area can be reduced significantly.

Again, encountered practice produced samples:

Report: Father employed as a lorry driver, Mother housewife, three dependent children, two unemployed teenagers in the family, the family financial position was dismissed as 'finances are a bit tight at the moment, due to unforeseen circumstances'.

Report: 'There are quite a few financial problems and Mrs. M. finds these difficult to cope with, often using her sons to give help'. This formulation referred to a single parent with two sons; the one (14) subject to the Report, the other sixteen year old in the Services. What these problems were or how she 'used her sons' was not shared with those receiving the Report.

It is worth noting that this Report referred to the Mother as being 'unstable ... a history of attempted suicide ... when boy was charged she slashed her wrists' and went on to say that there was no need for a supervision order as B 'had agreed to start voluntary supervision and I hope he will call at the office after school'. The Panel made a supervision order under S.44(1)(a).

The material produced showed that there were quite specific areas of real and potential hardship within the group of youngsters referred. However, the presentation of the information was not in any instance taken beyond the point of being retailed as information and exceptionally, comment. If one accepts that the keynote of both the general Social Work function under the Act's S.12 'promote (emphasis added) social welfare by the provision of advice, guidance and assistance' and the needs of the Juvenile Justice system to act in the best interests of the child, consideration must then be afforded to the anomalous situation pertaining within one Regional Social Work Department and, by implication, across the country. On the one hand, the employees who carry the main and foremost responsibility for client contact and service delivery forbear to enquire about finance when investigating problematic situations, or, as shown, do so without any evidence that, beyond the supply of information, they make use of it to promote social welfare at a fundamental level.

On the other hand, the employing authority campaigned against the 1980 Social Security Act, to the point where 'over 100,000 neat buff coloured official postcards will be distributed by the G.P.O. Claimants will be invited to sign the reverse side of the card and send it to their D.H.S.S. office. The claim on the card reads 'Dear Sir, I may be missing out on benefits and wish to claim:

- * Supplementary benefits including additions for heating, diets, laundry, wear and tear, and HP
- * a grant for clothing, footwear, bedding, household goods and fuel.
- * Please send me a visitor and form A124 and, if appropriate, deem this a claim
- * please backdate this claim to the date of first entitlement'

The levels of underclaiming are well recognised to be quite massive and 'it seems clear that right across the community, single parents, families, the unemployed and the redundant are underclaiming, or, more

accurately, being improperly assessed for benefit' (Oliver and Mellings 1980) ... 'The assessment failure is one that the Social Work Department shares with the D.H.S.S., and is little short of a matter of public concern that Social Workers enter, on a daily basis, and in very substantial numbers, homes where these problems are in clear evidence, with a legal entitlement to conduct in depth investigations and with the clearest statutory responsibility to actively do something about problems encountered.

At two distinct levels the investigation of family finance is important. Firstly: If the situation of the child is to be placed in a correct and realistic perspective, the starting point must be one of 'where the client is'. Ostensibly, the investigators are in business to seek information which will enable decisions to be made as to the need for Kilbrandon's 'social education which essentially involves the application of social and family case work' (Para 35). What then would have been the possibilities of remedial action, if as indicated, the investigators had accepted their responsibilities and moved purposefully, with the families, into the field of attempting to secure benefits and entitlements? Secondly, to seek answers or even indicators as to the needs of the child at levels of personality without prior regard to the conditions within which he and his family live, move and have their being, seems a curiously ill-considered and professionally suspect strategy, yet such is the reality encountered.

The explanations proffered by workers related to 'confidentiality' 'civil rights' and 'it's a bit embarrassing to ask'. It remains that the evidence from the New Town points to a fairly radical failure to devote time to an important aspect of family functioning.

From Ayrshire three examples can be given to demonstrate how this issue can either be handled or fudged.

Example i. Income tabulated, followed by 'No H.P. commitments or debt, income is more than adequate. X and Y both receive £3 per week pocket money.

Example ii. Income tabulated, followed by 'There is a situation of chronic financial difficulty due to father's poor work-record and an inability to manage. The present commitments appear to be in the order of rent arrears which are being paid off at the rate of £4.50 p.w. Pocket money for the children is at the rate of 35p p.w., but as this is supplemented virtually on demand little can be said except that it is an indication of the general trend in money management'.

Example iii. Single parent, unemployed 16 year old and 4 dependent children. Income stated as 'State Benefits' followed by 'Money is in short supply but the family has adjusted to the situation which is of long standing'.

The examples provided alongside the statistical work show the ways in which these basic matters are presented. It will be seen that far from providing clarity and depth they do rather the reverse, with a pronounced tendency to obscure, by virtue of what is obviously a fairly common practice, of simply not covering the necessary ground, in the investigation.

iii) Child's pocket money. In these reports (both locations) there was a curious failure to devote space to any consideration of the amounts of pocket money received by the children on whom the reports were being compiled. This aspect is returned to in the next chapter, in the context of a discussion about property-offending. What requires to be stated now is quite simply that the writers of these reports apparently did not question the importance of the child as being a person with normal needs and aspirations generated by a consumer society. It seems strange that there should be an expressed concern for 'his needs' and yet have this primary need so clearly and obviously ignored in the SER.

Investigation of the series of low level thefts ought to at least begin with the basic issue of where the child stands in relation to legitimate goals - illegitimate means. (Cloward and Olhan 1960).

Report: Two girls, acting in concert, steal a number of woollen garments, concealing them about their persons and are apprehended on attempting to leave the store. 'This isolated incident has left Jenny pretty frightened, she is unlikely to repeat it'.

Report: Girl steals items of clothing from the same store. The home background is solid middle class with evidence of material prosperity. The offence is presented as 'an isolated incident' without any evidence of investigation as to why the girl should behave in this way.

These, fairly typical low-level property offences lend themselves to investigation about the levels of finance and its availability to the child. Without that basic consideration, the follow-through becomes almost inescapable, and completely fails in individual cases to consider legitimate goals - illegitimate means. This becomes an institutionalised Social Work perception of offence commission. At almost any level of conceptualisation, explanations for such behaviour can be sought at levels of:

- a) the existence of a theft-prone establishment, subject to subcultural definitions within groups and classes of school children and
- b) the existence of a group of children, who are offence-prone, who will accept opportunity in an effort to achieve goals which otherwise would be beyond their reach.

The former, if correct, requires clarity of identification as between police, social work, education and store management with liaison functions established and preventative strategies developed. The latter requires investigation in individual cases of the amounts of money received, the expected use thereof: e.g. are girls expected to buy small clothing items, toilet necessities, etc., are boys expected to provide items for football, entry to matches, train fares associated with this, etc., as against actual use?, e.g. a particular feature of West of Scotland school children aged between 13 and 14 is the heavy consumption of sweets and soft drinks, their use of tobacco transcends

experimentation and there is substantial evidence to suggest alcohol consumption at levels which give rise to concern in the field of public health administration.

iv. The Family in Social Enquiry: some key variables. A number of key variables was isolated as being substantially what is required to support statements about family-functioning in Reports. There was a high level of fairly generalised statements about family and child-functioning in reports from both areas; what was missing was a form of detailed analysis which would bring to attention the kind of factors which might help explain behaviours and relationships. The low levels of information available in these Reports is indicative of the general failure to produce relevant, verified comment on the social situations of the children on whom these Reports are written. It would be as important to show the absence of certain of these factors, in order to dispel doubt or uncertainty, as it would be to indicate their presence in family situations.

Table 6:7 % Frequency with which a range of social & personal variables featured in SERs in the New Town and in Ayrshire.

<u>Variables re child:</u>	New Town		Ayrshire
	1978-9	1980-1	
Disturbed behaviour	15%	24%	42%
Alcohol consumption	4%	2.5%	5%
Tobacco consumption	4%	1.5%	2.5%
Pocket Money	29%	17%	7.5%
Attempt in SER to explain child's behaviour.	52%	24%	62%

<u>Variables re parents:</u>			
Conflict between Parents	23%	10%	15%
Violence between Parents/ towards children	13%	5.5%	37.5%
Problems re. Heavy Drinking/Mental Health	21.5%	8%	15%
General Financial Problems	14%	9%	25%
Unmet Social Need	30%	27%	48%

New Town Samples $r = 0.7$ Ayrshire sample. $r = 0.48$.

Source: SER Survey Schedule

Table 6:7 shows the range of variables under review and the levels at which the respective SERs dealt with them. If, as is claimed, the system's processes are geared to 'finding out what's wrong' then it becomes almost imperative for the social investigation to pick up, positively or negatively, such things as the question of disturbed behaviour, with such supporting evidence as may be available. It was remarkable that in the school reports there were numerous cited incidents which would at least have merited comment in the SER.

So far as the child's, what may be seen as his 'out of doors; functioning' was concerned, the Reports were quite deficient in comment. It is enough to point to a mere 1.5% in the '80-81 sample which bothered to mention tobacco consumption to make the point.

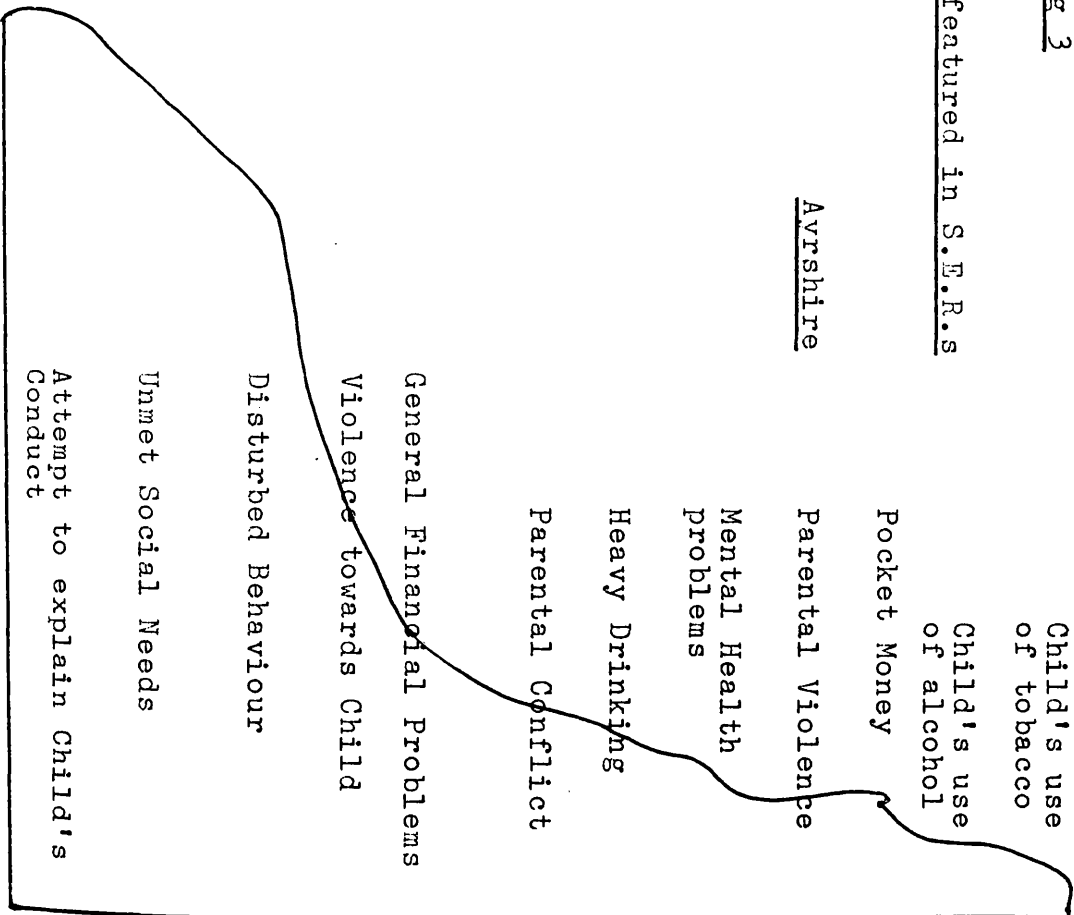
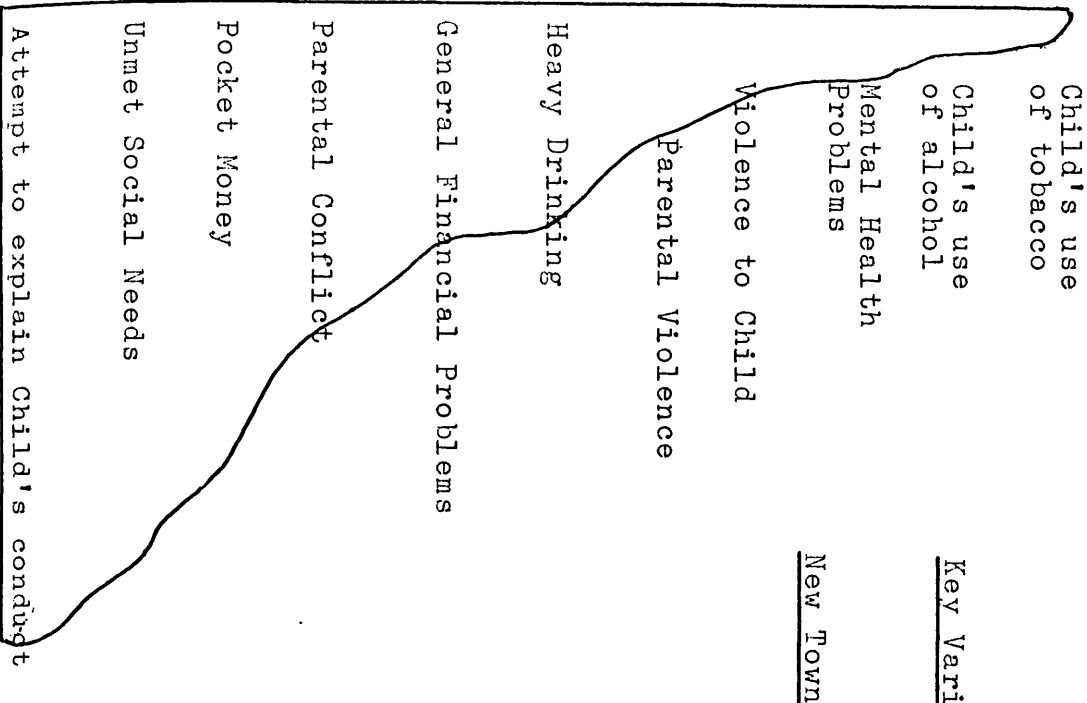
In respect of variables in the parental area, matters were little better. There seemed to be a general reluctance for the SERs to raise important issues, or if raised, to communicate the results of discussions with parents to the receivers of the Reports.

It is noted that the correlation between the handling of the variables re. child and those relating to parents was high (0.7) in the New Town as against a low correlation (0.48) in the Ayrshire Project.

Fig. 3 shows the general trend and also the divergence in practice in the two areas.

One very significant aspect of this analysis lies in the references in SERs to 'unmet social need' and at the same time the almost total failure to provide specification of just what that entailed. For example, one New Town Report referred to 'money being a bit tight' without making any effort to quantify or elaborate upon that very loose statement. That really was not untypical.

There were too some rather odd manifestations of Social Work insights into the situations being investigated. In the Ayrshire Project there was a generally pessimistic view of the communities within which the Reports were prepared, even if, as one suspects, the levels of alcohol and tobacco usage were in excess of the reported indices. In the New Town, in contradiction to claims of full employment and higher incomes, there was a general picture of unmet social need, in rather vague terms, with a radical down-grading of other listed variables, e.g. mental health, drink problems and child abuse. The latter is particularly odd, because during the currency of the research there was a considerable concern in the Social Work office about the incidence of reports of child neglect/abuse. Importantly, this seeming volume did not merit reaction in these Reports or become a subject of referral to the Reporter. As may be seen from Fig. 3, this featured much larger in the Ayrshire reports, albeit there was no hint at any time of an area crisis in this field.



Another very singular feature of this analysis is that in the Ayrshire sample, children under sect. 44 supervision featured in SERs at a level of around 25% whereas in the New Town both samples yielded low single figure percentages, indeed low single figure cases.

In all this, the possibility of selective reporting is not ruled out but it does seem very strange that so few of the children subject to investigation should be within the Social Work ambit. Equally, the incidence of children coming from families where conflict with the law had brought penal sanction and/or order were few indeed. This is discussed in more detail at sub-section VII 'Children and Families known to S.W.D. ...

This whole issue transcends any mere debate as to whether Social Workers 'forgot' to include information or excluded it as an act of either Departmental or personal policy. It is absolutely germane to an understanding of the nature and core-importance of the process of social investigation for this particular system.

It is only within an understanding of the crucial nature of competent investigative work that meaningful understanding of the significance of the facts which come to light and the displays made by the significant interviewees can be appreciated.

It is within an inter-play of relationships of which these kinds of variables are integral parts that investigation begins to take on a meaning and social purpose. To achieve that, however, an understanding of that concept is essential. The following illustrations reinforce the point made above.

Hirschi's (1970) argument that delinquency is associated with lack of parental communication and sympathy, laxity of parental supervision and absence of adult role-models, is almost a precise prescription for the forms of investigation work necessary in these cases, although as Johnston (1979:21) points out 'actions speak louder than words (and) parents may espouse conformity while modelling all kinds of manipulative, dishonest, violent or destructive behaviour in the presence of impressionable offspring'.

Stacey and Davies (1970) suggest that 'for the majority of children the first experience of alcohol comes from parents, and takes place in the home. Early drinking for most children is supervised by parents or adult relatives or friends. As the child grows older, more drinking takes place out of the home. It is important therefore that youngsters bring to this situation ... a set of controls which will enable them to properly regulate their drinking habits'. The importance of alcohol consumption for this age group is amply brought forth by Dight (1972:83) who claims that 'the higher the current levels of alcohol consumption, the younger the age at which informants tasted their first drink' and further (91-93) that the earlier the age when drinking becomes a normal habit, the more likely it is that consumption will be heavy.

Any discrepancy between money received, expected commitment and actual patterns of consumption with particular reference to tobacco, alcohol, gambling would lead to provision of information and analysis, which at one level would enable some child offenders to be taken out of this particular area of concern. For others it would indicate the need for some form of corrective method, whether by virtue of compulsory measures or more directly by revealing the need for dialogue within the family and for remedial action in terms of perceived need in individual cases.

The latter possible strategy is one which is demonstrated by White and Peddie (1980) who produced evidence that in dealing with a chronic truancy problem, contact with parents is effective. The parents of 43 pupils with Friday absences were written to. The letters were couched in friendly terms pointing out the problem and asking parents to contact the school. Fewer than half replied (well within the expected range) but there was a marked change in attendance. Of the 43, 34 showed a marked improvement in attendance and 4 had perfect attendance for the rest of the session. Similar effective strategies could be developed, but only on the basis of focussed, knowledgeable investigative work which begins with simple questions like 'How much pocket money do you have?' 'Tell me about how you spend it' 'How much do you think you really need every week?' Thus, if investigation commences from the reality premise that the child lives and moves in

the real world, then his or her personal finances becomes one of the issues. If the 'isolated incidents' of theft can be attributed to legitimate goals - illegitimate means because of a kind of basic shortage of cash, then that opens up a whole field of discussion. It seems highly unlikely that any meaningful dialogue can take place re, e.g. tobacco and/or alcohol consumption or potential abuse unless the discussion starts from a reality base. Equally it is difficult to comprehend how the social welfare of the child can be discussed in a vacuum.

Attention turned to indications of disturbed behaviour. Of the New Town reports 20% noted behaviour. In Ayrshire the figure was 42.5%. This is not to say that delinquency is a treatable condition or that of necessity it equates disturbed behaviour, but given the indicators provided by the school reports, it was reasonable to expect to find follow-up comments in the SERs, in terms of patterns of behaviour which would attempt to place the stated referral in a behavioural context. From that it was sought to establish linkage between disturbed behaviour and serious illness and as indicated the correlation (all samples) while present, $r = 0.6$, is not much in evidence where reports refer to both $r = 0.3$. It remains one of the areas where considerably more work needs to be done, and the results of investigation, whether positive or negative, clearly stated.

Table 6:8 Incidence of disturbed behaviour and serious illness in reports' subjects.

	New Town	Ayrshire Project		N=
	Year:			
	1978-9	1980-1	1981	
Incidence of disturbed behaviour noted:	12(15%)	19(24%)	17(42%)	48
Incidence of serious illness noted:	6(7.5%)	11(14%)	5(12.5%)	22
Incidence of both being recorded:	5(6%)	4(5%)	3(7.5%)	12
N=	23	34	25	82

X2 3.4008 DF.2 No. stat. sign.

Source: SER Survey Schedule

In this, it is held that at a basic level there should be reference in a SER to the health of the child. Good investigative techniques require that the health of the child be checked out. Devoeped, competent practice has tended to deal with this in cryptic terms, unless contra-indications are manifest. 'Normal birth, no history of serious illness, no indications of disturbed behaviour'. In this the investigator, conversant with the importance of nail-biting, enuresis, hyper-activity, etc., transmits to those receiving Reports the fruits of her professional work. These Reports failed to provide evidence that the ground had been covered. It is notable that in the New Town samples 66% (105) contained explicit statements that behaviour at home was acceptable while in rspect of leisure pursuits 41% (65) recorded constructive leisure, 23% (37) non-constructive leisure, while a further 35% (55) made no mention of leisure at all. As will be seen from Table 6:12 the Ayrshire reports showed some discrepancies, tending to focus on problematic or cause for concern behaviour with a fall back relative to leisure, on a par with the New Town samples. In this, there should be positive identification, otherwise omission must leave doubt in the mind of those receiving Reports as to whether the issue has been covered in investigation, or if omission equates absence; a problem which is recurring throughout this research, as in those which preceeded it.

Table 6:9 Some key variables in reports: Behaviour and Leisure.

	New Town		Ayrshire Project	
	Year			
	1978-9	1980-1	1981	
i) Behaviour Rated as:	%	%	%	
Acceptable	59.5	72.7	52.5	
Problematic	20.3	12.7	30.0	
Cause for Serious Concern	6.3	3.8	10.0	
N/K	13.9	11.4	7.5	

X2 10.522 DF.4 P 0.025

	New Town		Ayrshire Project	
	Year			
	1978-9	1980-1	1981	
ii) Lesiure Rated as:	%	%	%	
Constructive	49.4	34.2	17.5	
Non- constructive	27.8	21.5	20.0	
N/K	22.8	44.3	62.5	
N=	100%(79)	100%(79)	100%(40)	

X2 2.955 DF.4 No. stat. sign.

Source: SER Survey Schedule

A feature of the investigations was the acceptance of the 'good boy at home' presentations and the easy translations of these into fairly stereo-typed categorisations within Reports. Equally the accounts of school stemming from the same sources bolstered the generally favourable picture. Comparing Social Work Reports accounts of school conduct and progress with School Reports would indicate that the latter are more reliable: in the case of the former we have interviews of whatever depth or levels of competence which almost invariably are

reduced to 'she says', and in the case of the latter there are Reports which, however intemperate the language employed, are backed by hard factual data re. attendance and actual achieved standards.

The Social Work Reports of school behaviour in the New Town samples correlate poorly with School Reports of achievement $r = 0.10$ while those of Ayrshire do little better at $r = 0.36$.

Thus what we see here is, broadly, children who are depicted as behaving well but who massively under achieve.

Table 6:10 Behaviour and Achievement in School: SER and School Reports.

i) School Behaviour in SERs:

	New Town		Ayrshire Project	
	Year			
	1978-9	1980-1	1981	
Behaviour rated as:	%	%	%	
Good	44.3	29.4	2.5	
Bad	27	12.7	7.5	
Indifferent	11	16.5	15	
N/K	17.6	21.5	75	

ii) Academic Achievement in School Reports:

	New Town		Ayrshire Project	
	Year			
	1978-9	1980-1	1981	
Achievement rated as:	%	%	%	
Good	24.1	19	5	
Bad	55.7	16.5	25	
Indifferent	11.4	38	67.5	
N/K	8.9	26.6	2.5	

$r = 0.10$ (New Town)

$r = 0.36$ (Ayrshire)

Sources: SER Survey Schedule and School Reports

The presentation of school attendance in SERs is very much at variance with the general view of the schools. Significantly the Ayrshire sample comes much nearer a school view.

However it is likely that the findings indicate just how far the Social Enquiry has to go if it is to achieve a level of confidence in dealing with a period of a child's life which, if nothing else, occupies, or ought to occupy, a considerable portion of his waking hours.

vi Social Work and School Reports

The Social Work Reports showed consistent patterns of presenting the child's view of school and school-related behaviour without reference to the perceptions held by the school and indeed, surprisingly, without the slightest regard to the fact that information from the school would be placed before the Reporter and Panel.

The generality was of one of the child's stating he had no particular problems and was working for his 'O' levels.

The realities of the discrepancies between the on-the-spot assessments by Social Workers and the presentation of observed behaviour backed by evidence from the schools is significant and persuasive.

The pre-eminence afforded to Social Work at decision-making means in effect that action which ought to be taken on educational evidence and grounds is all too frequently relegated to homilies and/or threats about the need to go to school. Essentially, education is enforced as being necessary, compulsory and by implication distasteful, if not actually of no real use to the child in question. When the education of the child is so reflected, this must be one of the saddest comments possible about the lost opportunities of a system founded on the principles and ideals of social education.

Examples of the SER presentations in context of school comments:

1) SER: 'In a supportive family ... mother says his school work is not as good as it might be. She is puzzled by this as he is an avid reader. He spends a lot of his time playing with the dog'.

School: 'Referred to Educational Psychologist (18 months previously) there has been a steady deterioration, a lack of interest and enthusiasm. Parents were asked to help (with a school problem) they did nothing - no attempt to contact the school or acknowledge the letter'.

Social Work recommendation. 'No action'. Disposal 'referral discharged'.

2) SER. on boy on referral for theft of glue: 'says he has truanted on a few occasions'

School: 'lazy, uninterested, poor performance, truancy (approximately 18% of previous session) sleepyheaded and theft within the school'.

Social Work recommendation: 'Panel but no further action' Disposal 'Referral discharged'.

3) SER. no comment on educational issues. 'this incident in no way reflects his normal behaviour'.

School. 'troublesome, tends to stir up trouble without being caught, has no interest in school, uninterested'.

No Social Work recommendation. Disposal: 'Discharged'.

4) SER. on boy whose mother was on probation, made no comment on family relations or dynamics, nor on educational issues.

School made mention inter alia, of boy having run away from home, of having previously broken into the school and having been reported to the police with no further action having been taken (because of Social Work being involved with the family by virtue of the mother's probation)

Social Work recommendation: Discharge. Disposal: Discharge.

5) SER: 'Peter's attendance at school has improved dramatically as can be seen from the School Report, his attendance for the few weeks to mid January was perfect. His attendance since that time (3 weeks) has also been perfect'.

School: '... too few attendances to form any real opinion ... quiet, sullen, unco-operative, never been known to smile - a very 'deep' boy - parents appear to have control; has been referred to Child Guidance'.

Social Work recommendation: 'As Peter now realises the likely consequences of his actions, no further action needs to be taken.'

Disposal: marked 'No action'.

6) A demonstration of the effectiveness of an alternative mode is provided in the case where the school comment 'would not give him a position of responsibility ... There has been theft from teaching staff and the parents were contacted about this 2 months ago' was actively picked up by the Social Worker and thereby brought into the forum for open discussion with the child and parents.

7) A prime example of the school's ability to identify problems and point to the need for further social investigation is provided in the school report which said 'his work is slap dash. He seems constantly unsettled and on edge. The tension may well have its roots elsewhere. A thorough enquiry would be needed'. The lad in question was a member of a disturbed family, one of five such children, on his first referral; no previous Social Work contact with the family, yet the SER failed to pick up this issue, being rated in the present analysis as being deficient in information relative to: finance, personality, offence, and leisure. At the same time it noted that the child's behaviour was 'causing some concern to the parents' but because of lack of liaison with the school, or lack of sufficient perceptual clarity to pick up the school reference, the referral was discharged, the report having recommended a formal police warning.

Table 6:11

The School in Social Enquiry Reports (%)

	New Town	Ayrshire Project	
		Year	
	1978-9	1980-1	1981
i) School Attendance			
Rated as:			
Good	50.6	55.7	7.5
Bad	35.4	8.9	20.0
Indifferent	8.9	15.2	22.5
N/K	5.1	20.3	50
N=	100%	100%	100%

Source: SER Survey Schedule

As Table 6:11 shows the predominant presentation in SERs (New Town) is one of 'good attendance' while in Ayrshire, if comment was going to be made it was likely to focus on the existence of school attendance as a problem. Significantly however 50% of the latter Reports made no mention of attendance at all, effectively leaving it for the School Report to deal with the issue. Arguably, if Social Workers are not going to liaise with schools then the most open and honest way to deal with this is by simply to leave the matter to the school, to be picked up by the Reporter and/or Panel. Once that strategy is consciously adopted then the implicit claim to be the advice medium, to have fully considered the issue is breached, and a new set of considerations ceding parity of expertise to schools, becomes operative. That has potential implications for the role and presence of the school at Hearings.

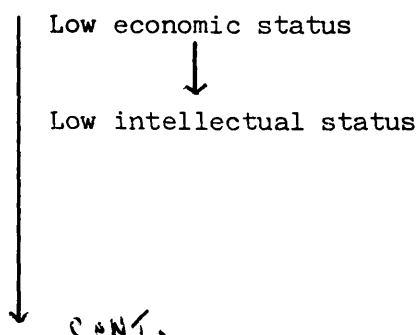
Mayers, in a study of Community Homes with Education (C.H.(E)) noted in respect of the experimental C.H.(E) and the controls, the basic information received on cohorts of children, from the Regional Assessment Centres (1980:53). These children showed some discrepancies especially in respect of physical violence, aggressive behaviour and excessive drinking. Where the groups came together was in areas such as persistent truancy (although the experimental hard-core group rated more highly) and educational needs where it is stated that 'all three groups show that a general remedial and vocational course is the most desired and appropriate' with something in excess of 25% of the

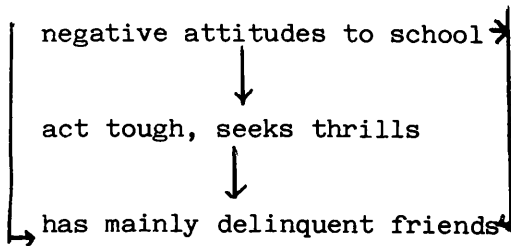
controls having a reading age below their chronological age and displaying at a 62%-64% level arithmetic age below their chronological ages.

Such findings, coupled with known levels of achievement in Borstal boys (see e.g. Stratta (1970)) would suggest that the discrepancies noted here are important and that these issues, fundamental to successful social functioning, ought, as a matter of course, to be picked up and subjected to rigorous scrutiny. This would of necessity entail both a closer co-operation between the Social Work and Educational Services and a greater appreciation of the particular areas of concern in the respective services.

As the foregoing shows, analysis of the School Reports, in the context of SERs disclosed an interesting pattern where attendance, behaviour and achievement, as recorded by the schools for the purposes of the Reporter and/or the Hearing, is variable. Within that lies considerable scope for the development of programmes calculated to serve the child in trouble in ways which would enhance potential and future performance, especially if these views were, on a case by case basis, brought into juxtaposition with reliable assessment of home conduct and behaviour.

McDonald (1969:34) notes the absence of studies in relation to association of academic achievement and the commission of delinquencies. 'But since committal to institution is often as much a result of a bad school record as a bad police record, the association of low academic achievement and delinquency is a foregone conclusion'. In support of this she presents Toby and Toby's developmental pattern of delinquency,





which at least has the merit of attempting to tie in factors which in this analysis are so clearly seen to be disparate and not infrequently contradictory from the stand-point of those reporting.

Some of the issues relate to the investigators being alive to the dangers of simplistic explanations which almost inevitably lend themselves to a fresh set of labelling techniques. Murdock and Phelps (1972), developing their thesis that 'the relationship between commitment to school and involvement in leisure activities is by no means a simple one', differentiate between "street cultures ... rooted in inner urban neighbourhoods and are based on the characteristic leisure-activities of working-class male peer groups. These typically include 'mucking about with me mates', scratch football, going to cafes and pubs, dancing and going to 'the match' on Saturday" (defined in this writer's experience, when in contact with authority, as 'doing nothing') and 'pop media culture based on activities, values, and roles which are sponsored by those sectors of the mass media which are produced primarily for adolescent consumption'.

It is thought however that these youth cultures are not, with the passage of a decade, as clearly differentiated, and there is scope for the belief that a degree of moderation has taken place. Sugarman (1967) defines Youth Culture as 'the culture of the non-mobile working classes, the downwardly-mobile and those who cherish hopes of mobility along channels where the criteria of school do not apply ... Youth Culture is the new opium of the (teenage) masses'. He further argues that the differentiation between the conforming, school-focussed, essentially middle-class and middle-class orientated youth and the non-conforming youth culture is likely, on the U.S. model, to grow. The reality of the present situation is certainly that an increasing number of youngsters is being thrust, willy nilly, into the downwardly-mobile strata and therefore regard should be paid at

realistic levels to perceptions of self. This is perhaps more important now than ever before. Consequent upon this, the attention afforded to achievement and attainment in school, in the Reports is, or could be of significant importance, both at a level of diagnosis and at a level of purposeful decision-making and planning, not least in conjunction with families and with schools.

The importance of using school experience as a pick-up point in investigation outside the specific school context is less well appreciated than it might be. The stereo-typing referred to is, in fact, reinforced by the failure on the part of the investigating Social Worker to make contact, and to seek an interpretation and integration of the views being put forward by the school.

Sharp (1981) classified what he termed 'classroom dissent' as being either 1) an individual message, by the pupil about himself: the latecomer who ostentatiously makes 'an entrance'. 2) a pedagogic message, that the subject or the quality of teaching is not accepted: 'she treats me like a kid, why can't she treat us like adults?' in Sharp's phrase, "dissatisfaction with aspects of the school experience" and/or 3) a social-relationship message: the pupil is at odds with a social situation which is at some level, school focussed.

Sharp's assessment that (among children) 'poor attainment due to "dopiness" is despised whereas 'poor attainment due to "mucking about" is acceptable', makes the point.

Sharp goes on "dissent cannot be dismissed as mindless hooliganism, immaturity, poor upbringing or some similar vilification; it is a meaningful response to their experiences of schooling (and) reveals the individual's personal difficulties within the classroom group. Subtle interpersonal strategies and anxieties; it reminds us that the conduct and style of teaching seems to generate resistance more readily than enthusiasm," He provides the rationale for the development of specific understanding by the investigating Social Worker, and a formulation whereby this understanding could be translated into individual and departmental strategies, reflected in the kind and quality of Reports

submitted. It is nevertheless clear from the examples given that school perceptions of what actually constitutes 'the trouble' can be exceedingly sharp and insightful.

What is required is that maladaptive responses, in the classroom or in the general context of school be seen as a potential failure in the processes of socialisation, coupled with factors and features like the onset of puberty, outside social pressures (so that e.g. mother's account of the deviant act is by definition, inadequate) are clearly seen in context by both Social Worker and School. The concomitants of low-level social adjustment and development should thus be brought into a correct focus of an integrated system of investigation. This issue is well illustrated in Warren's (1966) work where a categorisation of delinquent types programmes is formulated. In this particular, the following typology: Warren's code names having been deleted in favour of the descriptive labels supplied:

Type:	School Programme:
A) Unsocialised	Clarify for teachers the ineptitudes, help predict behaviour, try to give perspective on problems and long range treatment plan. Offer the teacher support.
B) Immature conformist	Communication between agent (i.e. Social Worker) and School is crucial. School should be part of information retrieval, so that behaviour is known... Efforts should be made to gear school programme to subject's capabilities.
C) Neurotic, actor-out	The first problem relates to the neurotic nature of the delinquency, school is a secondary issue

It is precisely within that stage of identification and task-focus that the social investigative work for the system could begin to have a profound meaning for those that it touches. The ways in which Social

Work attempts to influence the decision-making process, by recommendations in Reports and by the kind of deflective mechanisms employed must justify considering if there might not be a propensity to see the Hearings process as an adjunct to Social Work activity and/or policy.

At an extended level of conceptualisation, the presentation of these young offenders and their families as being involved in 'isolated incidents' with 'no need for outside intervention' makes no contribution to a preventative thrust at a level of social education and provision at points where there is a demonstrable need of both. The possibilities are ignored, unrecognised or rejected for whatever reason. The soft, uncritical and dismissive appraisals under discussion, if correct and replicated across the board would undoubtedly mean a radical re-appraisal of the use, and need for Prison Service facilities, ten years on. In micro terms they correlate poorly with the observed phenomena of life in areas within the New Town, where far from appreciating the laid-on amenities of a high standard environment, there is a pronounced focus on destruction, with noticeable increases in both the quality and virulence of graffiti which is singularly lacking in either wit or originality.

Children come from these areas, not deprived in the sense that the older slum properties were deprived of basic amenities, and suffering from gross over-crowding in sub-standard early Victorian squalor, but deprived in the sense that when the inhabitants moved, they brought with them the problems of perception and attitudes to life and to their fellows which are being transmitted to their children. A recognition that 'social education' is not simply a piece of the Kilbrandon phraseology which somehow got lost in transit, but a viable, meaningful and socially-important component to which Social Work, and Social Workers in individual cases, must pay attention and to develop the necessary skills and strategies is clearly a high priority in delivery services via the Hearings.

VII Children and Families Known to the Social Work Dept. Some children on whom Reports had been prepared were already known to the Social Work Dept. The ways in which they entered the system prior to

present delinquencies is shown at Table 6:12(i). The Ayrshire Project cases are given in order to present a comparative view of the processes.

Table 6:12(i) Offending Child First came to Notice, by Reason of Referral. (New Town and Ayrshire Project).

Child First Came to Notice:	Offence	Truant	Reason of Referral Beyond Control or C/Protect.	N=
<u>Under 12 Yrs</u>				
i) 1978/9	2	-	3	5
ii) 1980/1	1	-	3	4
<u>Ayrshire 81</u>	9	-	3	12
ii) 12 yrs-Under				
<u>14 Yrs.</u>				
1978/9	7	-	1	8
1980/81	1	-	1	2
<u>Ayrshire '81</u>	3	1	2	6
iii) <u>14 Yrs & Over</u>				
1978/9	2	-	-	2
1980/81	-	-	-	0
<u>Ayrshire '81</u>	1	-	1	2
N=	26	1	14	41

$X^2 = 0.0730$ D.F.I. No Sig. Diff

Source: SER Survey Schedule

Table 6:12(ii) Ratio of Children Known previously, in samples:

	Year		
	1978-9	1980-1	Ayrshire Project 1983
Under 12 years	1:16	1:20	1:33
12 and 14 years	1:10	1:40	1:7
14 years and over	1:40	-	1:20

It can thus be established, firstly, that on the evidence available from the Reports, the predominant mode was for the offence referral to be the entry point of the child into the system. The disparity between the Ayrshire figures and those of the New Town do however cast serious

doubt on an acceptance of the first-time referred presentation. There exists a possibility at least that what is presented is tailored by the writers in terms of what they regard as being the needs of individual situations; so that, in total terms, there can be no assurance that a failure to mention previous contact equates no previous agency referrals. In short, the present writer would be prepared to go somewhat beyond the range of possibilities mentioned by Morris and McIsaac. By the same token the families noted in Reports as being known to the Social Work Department showed a remarkable consistency in certain respects in the New Town, and significant variations with the Ayr sample.

Table 6:13 Families Known to Social Work Department:

% in Samples:

	Year		Ayrshire Project
	I	II	
Family known by reason of:	1978-9 %	1980-1 %	1981 %
SER	26.5	27.8	30
S12 application	59.4	53	2.5
S15-16 (Child Care issues)	60.7	55.6	5
S44 Supv (Childrens Hearings)	7.5	2.5	25
Matrimonial Problems	11.3	-	-
Family Problems	17.7	10.1	12.5
Child Currently on Supv.	5	2.5	25
Probation, Parole, A/C Licence	7.5	3.7	12.5

Source: SER Survey Schedule

Even allowing for the small numbers in the Ayrshire sample, it has to be set against the fact that these Reports came on a non-selective basis, and therefore one can point to the considerable discrepancy between the Sect. 12 applications on the one hand and the identification of Court and Penal Orders on the other. One notes too, the close similarity in the rates of SER production contacts within these groups (Table 6:13). When one allows for overlap in referrals it

FIGURE 4 Families Known to Social Work Department by Reason of Stated Categories of Referral

(New Town)

$X^2 = 7.374 \quad DF_4 \quad P < 0.05$

1978-9

Child Care Issues	(44)		(42)					
S.12	(48)		(47)					
S.E.R.s	(22)							
Family Problems	(8)							
Matrimonial Problems	(14)							
S44 Supervision	(19)							
Probation After-Care etc.	(3)							

1980-1

$X^2 = 7.374 \quad DF_4 \quad P < 0.05$

seems clear that, to put this no higher, reporting practice appears both variable and selective. In the nature of the present enquiry this can be identified simply as a grey area within the practices described. In the New Town samples, the pronounced skew is shown in Fig 4. This would tend to support the above discussion.

There is within the Social Work Departments, and within sub-units of Departments, a truly remarkable disparity of views and practice as to the use of 'section 12' money. This resource, established under S.12 of the 1968 Act was seen to be, in a vague way, of an enabling nature, relative to the promotion of social welfare. What has happened is that, virtually on an area-by area, office-by-office basis, differential criteria have grown up as to how this money is to be employed. In the present context there are curious manifestations of control. In Ayrshire where, as shown, financial problems feature large, the use of S.12 money is seemingly not a front runner in Social Work strategy. At the other extreme, in the New Town where, according to the reports finance is not a major problem, the use of S.12 money is one of the predominant features of the presentation by the writers. This is supportive of the view that the material collected and/or presented is, for whatever reason, highly selective.

Mawby and Fisher (1982) in a study of Social Service Department records in Bradford found that only 19.1% of the young offenders at the point of contact with the police were known, i.e. had social service department records - "In a large number of cases, the files allowed us no further information with which to assess the development of the child as a person, rather than as someone who 'happens' to be a member of a family with problems" and further "in about half the cases where there was a file, it would not have been possible, subsequent to the offence, to have found in the records any mention of any crime committed by the juvenile offenders.

Social Work records provide little information on past behaviour or offending which would be available either for decision-making on the current offence or in the future" (emphasis in original).

One can but comment that in relation to future use of these SERs, whether in Social Work referral terms or in terms of subsequent social investigation very much the same thing can be said.

Summary: What the survey analysis revealed, is by the standards employed, extremely suspect and worrying. A possible objection to what may be regarded as a purist view of practice, is in the acceptance of a position summarised as 'if it's not in the report it can be taken as being of no great consequence'. In essence this is an assumption that the investigation has been complete and competent and that the Report is essentially problem-focussed and by definition, if matters are excluded, it may be taken that they do not feature on the provisional agenda, as drawn up by the Social Worker. This argument fails on the basis of the evidence of very substantial matters of concern in specific cases, directly connected with 1) the reason for the referral, and 2) the welfare of the child, not being picked up, and the very considerable discrepancy which has been shown to exist as between Social Work and school perceptions, evidence of police awareness of problems and of problematic areas and issues, again neither picked up nor commented upon in the Social Work report.

It is therefore suggested that there ought to be in every Report:

- i) detailed information and comment about family; relationships, conflict, problems and finance. The structure and form of the report ought not to leave these issues in doubt.
- ii) a detailed and specific analysis of the child's functioning, his behaviour, his attitudes, his responses, his health, his maladaptive practices; an overview of the child as a person.
- iii) a specific, focussed appraisal of the social functions of the child; at home, relations with each parent, with siblings, in peer group, in school and in the context of the wider community within which he too must live, move and have his being.
- iv) analysis of the receipt and development of all pocket money, whether earned or given, and in particular the use of such money in relation to the possibility of the use and abuse of tobacco/alcohol and/or drugs (of whatever variety).

v) clarity and precision in respect of previous Dept. contacts is desirable and necessary in order to avoid the possibility of selective reporting in SERs.

In a general sense the Reports reviewed in this chapter fall well short of anything which might be seen as professionally competent and comprehensive. The general point which arises from the foregoing discussion was neatly summed up by the New Town Reporter when he commented "we have a Rolls Royce of a system running on two star petrol". That is so at variance with the generality of the uncritical views expressed by commentators from within the system that it rates a mention. It accurately reflects the impression conveyed by the surveyed Reports in this study. It also raises important general questions about the functioning of this child-focussed method of dealing with delinquent behaviour. The problem is not new; the attempted solution is not new, as Mead (1918) adequately pointed out.

Mead (1918) pointed to the dichotomy within the justice system of attempting to meet the demands of society in protecting itself from criminal attack and dealing with the individual criminal, which he characterises as 'the criminal does not seriously endanger the structure of society by his destructive activities, and on the other hand he is responsible for a sense of solidarity ... the criminal Courts may be essential to the preservation of society, even when we take account of the impotence of the criminal against society ... the Social Worker in the court is the sentimentalist, and the legalist in the social settlement in spite of his learned doctrine, is the ignoramus'. He goes on to say that if we undertake to deal with causes of crime in a fundamental way, and as dispassionately as we are dealing with the causes of disease ... 'it is of some importance to consider what sort of emotional solidarity we can secure to replace that which the traditional procedures have supplied'. And further ... 'The Judge sits down with the child who has been committed to the Court, with members of the family, parole officers, and others who may help to make the situation comprehensible and indicates what steps can be taken to bring matters to a normal condition. We find the beginnings of scientific technique in this study in the presence of the psychologist and medical officer who can report upon the mental and physical

condition of the child, of the Social Workers who can report upon the situation of the families and neighbourhood involved ... Out of this arises a much fuller presentation of the facts that are essential for dealing with the problem that can possibly appear in a criminal court procedure that aims to establish responsibility for a legally-defined offence with the purpose of inflicting punishment. Of far greater importance is the appearance of the values of family relationships, of schools, of training of all sorts, of opportunities to work, and of all the other factors that go to make up that which is worth-while in the life of a child or an adult.'

Translating the Mead and Kilbrandon philosophies into practice, however requires this competent, reliable and comprehensive report-service. Without that, or as has been displayed, a service which raised all too many questions about its validity, it becomes difficult to see how the subsequent delivery of a preventative and remedial service can be delivered.

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Chapter VII. Some Offence Characteristics

The common reason for all the cases included in the samples was that the individual child had been brought to notice by virtue of Section 32 of the Act 'that he has committed an offence'. It is a matter of more than passing comment that the analysis of offence characteristics could not be undertaken with the sole, or indeed with the major focus on the SERs submitted by Social Workers. Much of the material in this chapter was gained from the police reports which comprise part of the Reporter's file. The offence analysis follows from the review of the child and family given in the last chapter. It is argued that a 'complete' SER ought to be of a nature that this type of information and an 'offence-awareness' should be well to the fore in any assessment offered under this head.

The analysis follows the basic and fundamental rules for offence assessment. It is a curious fact of life that so much weight is attached to Social Work opinion and advice, yet the very act which brings the child to notice, his pattern of offence behaviour, is dealt with in vague and dismissive ways. It raises the question as to the worth of these Social Work opinions which must now be seen as being of questionable value.

The material in this chapter demonstrates that the patterns of offending reviewed fall well outside Lemert's 'Mickey Mouse' type of offending which is popular, and indeed, a common Panel view of Juvenile Crime. Equally, the time factor in offences, the joint enterprise element and the money values of stolen property all lend themselves to interpretations other than those which inform most utterances about and on behalf of, the Panel System.

The core material in this chapter is gleaned from the police reports in the New Town Reporter's files. As indicated in Chapter I, it was not possible to replicate this in the Ayr project, and accordingly there is a certain information loss. The material is nevertheless brought together in a way which retains the primary focus on the work of the Social Workers engaged with the individual cases.

For many, indeed perhaps for most Social Workers, there is an honest and sincerely-held belief that the offence for which the child comes to notice is 'of no importance'; that the Reporter or the Panel, in dealing with him are not concerned with what he has done, but simply, are concerned with 'what's wrong with him'.

In seeking to find in their Reports accounts of offending, of the disposal of property, of essentially competent handling of one central component of the referral, one is likely to be frustrated. To understand this, it is necessary to take seriously the proposition which prefaces this comment, and to appreciate that on a case-by-case basis, the belief system is calculated to be re-inforced, rather than challenged, by Reporter and by Panel performance.

Offence Location.

Firstly, in seeking to establish a base from which to proceed, the classical stance of the area study, Shaw (1929), Shaw & McKay (1931) Morris (1957), in relation to the location of the offence and the domicile of the offender was acknowledged. This was pursued in relation to the issue of when the offence was committed and the associated variable of companionship in its commission.

Table 7:1 shows the spread of offences, with the town centre a prime target for the young shoplifter coming a poor second to property offences in housing areas. This tends to confirm known offence characteristics. (see e.g. Morris 1957), with the not inconsiderable venture into the industrial zone accounting for most of the serious property offences, largely on the basis of availability of the desired items and the presentation of opportunity.

Table 7:1 Offence Location from Offender's home: (New Town)

Offence Location:	Distance from home:				
	Under 1M	1M, under 3M	3M & Over	NK	N=
Town Centre	14	20	4	-	38
Housing Area	53	25	1	2	81
Industrial Zone	11	14	2	-	27
Park/open Space or Other	7	-	2	-	9
N/K	1	-	-	2	3
N=	86	59	9	4	158

X² 9.205 DF.2 P = 0.01

Source: Survey Reporter's Files

The spread of location by distance conforms to expectation, with heavy weighting attached to offences within a three mile radius of home, and with offences committed in housing areas predominating. Morris (1957:26) points to the localising of offences, 'In areas, most of the juvenile offenders lived in a fairly homogeneous area and attended two particular schools. Over half of them were under 14 and most of their offences were highly localised larcenies'. Where, of course this present locale stands out from the traditional area study is that here there is no rundown, seedy slum areas, but, although there is an area close to the Town Centre, locally regarded as 'poor', there seems not to be any particular preponderance of delinquent groupings here as distinct from other Town areas. The incidence of town centre offences (24%) is largely accounted for by two factors:

1) the only location of shops which qualify as targets, is in the town centre. This discounts the small, mostly owner-staffed street corner shops, where surveillance is tight and opportunity limited. 2) Youngsters habitually hang about the town centre. At night they whizz around the arcades on bicycles, congregate at the chip shop and (given the cover and heat) see the Town centre as defensible space, so that the risk of assaults, e.g. located here is high.

The housing area classification includes schools, a prime target for property offences. Where the industrial zone features, the distance factor is less important than might be, as it sprawls along one side of

the town and is well within the distance-scale calculated. The Social Work manager has a theory that young offenders are likely to be new arrivals, that delinquency is some sort of settling-in process. However there was a number of contra-indicators to this in the research. Firstly, he was unable to do other than say that he 'had a theory'; secondly, there was no indications in his workers' SERs, or indeed in School Reports, that this was a causal or significant factor. There was nothing in the police reports which would have turned attention to this. Furthermore, in discussions with the Reporter and with Panel Members this never came up as a topic. Finally, in the preliminary work referred to at Ch I there were no indications that this featured as a concern in the thinking of the parents interviewed.

The known negative effects of re-housing on large 'out of town' estates, characteristic of the '50s and '60s (see e.g. Young and Willmott 1962:121 et seq) cannot entirely be discounted, but it has to be set against the realities of this situation where the planned environment and the quality of the housing stock in the newer locations is better than in the earlier, now rather run-down area close to the Town centre. Consequently doubt is cast on this 'theory', but if it is accurate, then evidence of increased delinquency ought to be apparent on the two new 'East' and 'West' estates within a fairly short period of time.

Table 7:2 Age of Offender by Time of Offence

Commission (New Town combined samples)				
Time of Commission of Offence:	Aged:			N=
	12 yrs or under	13-14 yrs	15 yrs + Over	
0600 till 1200	8	5	4	17
1200 till 1800	10	30	13	53
1800 till 2400	11	34	16	61
0000 till 0600	-	1	2	3
N/K	5	10	9	24
N=	34	80	44	158

X² 7.554 DF.6 No Stat. diff.

Source: Survey Reporter's Files

Time of Offence

Analysis of time factors by age of offender produced few surprises (information from police reports) with offence commission being predictably spread over from early morning to late at night with some weighting towards evening offending and three separate offences (property) being committed between midnight and 6am. What begins to emerge at this point in the analysis is the influence on the figures of the 13-14 yr. old age group.

Table 7:3 Day of Offence by Time of Commission (New Town)

Time of Commission	<u>Day of Offence</u>				
	SUN	SAT	WEEK-DAY	N/K	N=
00-1159 hrs	4	1	12	-	17
1300-1759 hrs	4	16	29	4	53
1800-2359 hrs	6	15	32	8	61
0000-0559 hrs	1	-	2	-	3
N/K	9	-	6	9	24
N=	24	32	81	21	158

$\chi^2 = 1.793$ DF.3 No Stat. sig.

Source: Survey Reporter's Files

Table 7:3 shows that, holding age and involvement status constant, there appears to be a rough balance between offences committed at week-ends and those committed during the week. It had been anticipated that week-end offending would be quite substantially in the majority, on the grounds that parental control is likely to be lessened, for a number of social reasons: parents out of home, engaged in entertaining within the home, a relaxed, holiday - no homework atmosphere etc. However this seems not to be a significant feature in patterns of offending.

Table 7:3 gives a broad indication of the situation; however the fact that in 12 of the police reports, while the time of offence was given, the day was not, in 9 neither time nor day was given, and in 15 the day was stated but not the time, places the statistical finding of 'no significance' in a certain perspective. Perhaps, in context, the best one can do is to say that for the SER writer there is an important area for consideration in the consideration of the day and timing of offences.

Age and Involvement.

The peak age of involvement is around 13-14 years. This conforms to the pattern established within the criminal statistics for many years. What seems to be significant is that the long-held view that the peak age coincided with the year immediately prior to school leaving is not confirmed. McKissack (1967) in relation to this asked, if 1) it is likely that the offences of 13-14 year old boys are more likely to be reported to the police. 2) It is likely that the police are more efficient in detecting 13-14 year olds. 3) It is more likely that a 13-14 year old will be prosecuted, once detected?

The evidence from this study would indicate negative responses to question 3 while a probable answer to questions 1 and 2 lies in the observable presence of this age group, especially where their behaviour is likely to bring them into conflict with societal norms and/or the law enforcement agency. The spread of ages correlates well with the national figures (S.W.S.G. 1983) and combining the samples this is shown thus:

Table 7:4 Involvement Status by age of Offender (New Town combined samples)

<u>Involvement Status:</u>	<u>Aged:</u>			N=
	12 yrs & under	13-14	15 & Over	
Sole participant	3	15	5	23
Engaged with one other	12	33	18	63
Engaged with two others	7	18	13	38
Engaged with more than two others	12	11	6	29
N/K	1	3	1	5
N =	35	80	43	158

X2 1.4184 DF.1 No stat. sig.

Source: Survey Reporter's Files

Table 7:4(ii) Involvement Status by Age of Offender: Ayrshire

Involvement Status	<u>Age of Offender</u>			N=
	Aged 12 yrs & Under	13-14 yrs	15 yrs & over	
Sole participant	1	1	8	10
Engaged with one other	4	5	2	11
Engaged with two others	4	4	4	12
Engaged with more than two others	-	1	1	2
N/K	-	5	-	5
N=	9	16	15	40

Source: Reporter's Files

Table 7:5 Ratios of Age ranges in Offence Commission referred to
Reporter

	12 yrs & Under	13-14 yrs	15yrs & over
New Town Combined Samples	1:4.5	1:1.95	1:3.67
Ayr Project Sample	1:4.5	1:2.5	1:27
National Figures (S.W.S.G. 1983)	1:4.3	1:2.2	1:3.2

Sources: SER Survey Schedule and S.W.S.G.
Stat. Bulletin

The tables concerning involvement status confirm the findings of all known studies that delinquency is predominately a shared occurrence. The spread of involvement in both the New Town and Ayrshire appears to support the generality of this view; if cognisance is afforded to the solitary offender, the findings assume a considerable importance (1:6.8 New Town, 1:4 Ayrshire).

Here we have two locations and a time span of four years, where the findings suggest that offending conduct is generally a shared experience with one or more others. Table 7:5 shows that there is a very close similarity in the age-range ratios in these two locations with the National figures provided by S.W.S.G. in the Statistical Bulletins. It could be argued that it does not suit S.W.S.G. to provide information on offence involvement characteristics (as being somehow anti-Kilbrandon/welfare) but that if it did, then those figures would tally with the figures given here.

The conceptual problem which this addresses is that from the point of being identified by the police as 'offender', the child is seen in a kind of splendid isolation. The centrality of most offences being shared activity is pushed aside in the rush to see if 'there is something wrong with him' in highly individualised terms. The system tends to cloud the nature of this shared activity in favour of other, highly personalised, and 'person specific' formulations.

This raises the question if the commission of a delinquent act is, of itself an indication that 'something is wrong'. If the answer to that is in the negative, on the basis of a thorough-going investigation, is it in the interests of the child (or of the community) to go through a process which says to him, in effect, 'we have examined you and find nothing wrong' which he then translates into any one of a number of signals from: 'green light for further offending', 'close shave, take more care': to 'shock to the system, I'm being classed as a thief, this won't do?' What needs to be said in relation to this is that there is no clarity within the system as to which precise message the offender is supposed to be getting.

The intrinsic system weakness is that the essentially 'person specific' presentations from Social Work onwards are not clearly co-ordinated to give single messages, assuming levels of natural delinquency; nor, if the present exercise is anything to go by, is the question of involvement ever likely to feature as a specific component in the presentations made by Social Work. Consequent upon that, the highly personalised focus of the Panel cannot get to the root of the matter. Dealing with involvement as peripheral and, if observation is a guide, tending to place the child subject to attention, almost by definition, as an accessory, the real culprit is, in some magical fashion, almost invariably "out there" somewhere.

Offences against the person:

The referrals which relate to offences against the person were characterised by a spread of seriousness with emphasis on those of a less serious nature. The numbers were too small to permit more than a passing reference, and Table 7:6 indicates the rather minor nature of most reported conduct.

Table 7:6 Offences against the person. New Town (combined samples) and Ayrshire Project.

Offence rated as:	New Town	Ayr Project	N=
Severe Injury	5	-	5
Moderate Injury	4	-	4
Slight Injury	4	2	6
No Injury	13	4	17
N=	26	6	32

The one significant feature to emerge was that of the 26 New Town cases 10 (38.5%) came from what I have termed 'disturbed families' while of the 6 Ayr Project cases 2 (33%) were so classified. This is rather at variance with the pattern emerging from the analysis of property offences referred to at Table 7:8 and may therefore have some significance.

The larger question of family disturbance on children manifesting overtly aggressive behaviour is not capable of elaboration on the basis of available information. What can be said from the New Town samples is that in the main, the offence behaviour was petty and impulsive, youngster against youngster, the exceptions being worthy of comment. In several cases there were allegations of group activity with very blurred accounts in the police statements as to why the victims had been attacked; in one case there were allegations of pick axe handles and pieces of wood being brandished about, but in the main these offences relate to fist fights and verbal abuse. In only one case was there direct evidence from the police of the girl subject to complaint being well beyond parental control, and the offence as such being an indicator for some form of action. There is none-the-less (see e.g. the section on school reports) some scope for the view that there are forms of violence behaviour present in some incipient forms, bullying etc. which conceivably ought to receive more attention than is, evidently, the case. There is in this, par excellence, a demonstration of what Downes and Rock (1971) referred to as 'The issues of defining and enforcing the criminal law are now regarded as in themselves problematic and not objectively given'. But when the Kilbrandon philosophy becomes for the police, the modus operandi; however

problematic the criminal behaviour may be; the thrust is towards getting something done vis-a-vis an observed situation, in terms of social, remedial, or preventative action. In turn there is a counter in the argument (Downes 1966, Lemert 1967, Matza 1964, Hirschi 1970 inter alia) that delinquency is omni-present but what comes to the surface of official notice is, by definition, what receives attention. In this context Gouldner's view (1968) of 'powerless officials trapped in the logic of bureaucracies they inhabit' is not without a certain, on-the-street relevance, both for Police, Social Work and beyond, in the identification and processing of this somewhat problematic cohort of delinquents.

Social Work coverage of cases concerning offences against the person:

There is a considerable importance attached to offences against the person, out of proportion to the actual numbers involved because of the levels of serious violence which is processed through the adult criminal courts. Clearly the question which is around is one of attempting to see if incipient violence in these youngsters is an indicator of any real personality disturbance or malfunction, susceptible to treatment or correction. It was at this level that one looked at the coverage by Social Work in SERs of this type of offence referral. The generality was one of ignoring the kind and quality of the offending conduct with a commensurate concentration on the needs-real or supposed - of the offender. Hardly surprisingly, this approach was reflected in the Panel deliberations and decisions.

Two cases in illustration:

Case: Social Work report 'The offence (of assault) is denied and there is no need for any compulsory measures, nor would he benefit from being brought before a Hearing'. Case referred to Panel. Decision recorded as 'Grounds disputed. Decision to discharge the referral because it would not be beneficial to him or to his parents to bring him before the Sheriff for proof.'

Case: No details given of the offence, much play made in the Social Work report of 'Father has previously sought our aid, this is more effective than it would, should it be shifted to a statutory basis'. Hearing decision recorded as 'Discharged, Voluntary supervision thought to be more effective than it would be if made in a statutory basis'.

There is in this some grounds for a concern that what is happening in specific cases - and it would not be a generalisation on the basis of the evidence - is that potentially difficult issues are being 'ducked' by the Panel because of a failure on the part of the Social Work report to provide adequate leads and prompts. Thereafter, what takes over is what may be termed the moralising model, where the moral homily is substituted for a genuine investigative attempt to seek and to establish what the true needs are in the situation, as distinct from the kind of presentations instanced.

Property Offences:

There was a concern to see if the range of offences against property conformed to any particular pattern, and in this, if they could be set in the framework of Lemert's 'Mickey Mouse stuff' (i.e. trivia) view of juvenile criminality, and in context, in the framework of the oft-expressed panel view 'it isn't what they have done, it's their welfare needs that matter'. The former finds much support in the literature of past decades (Mays 1956, and McDonald 1969 in a British context); the latter owes much to a poor appreciation of the Kilbrandon philosophy and a kind of folksy and corrupted Freudian view of delinquency (in its pure form, see Friedlander 1959, Glover 1960 and Edelston 1970).

The treatment afforded by Kilbrandon to the young offender had a distinct nuisance-value offence-linked-to-personal-unmet-needs flavour. Significantly the present position, which may well have changed over time is of a different order. Martin et al (1981:88 et seq) refer to offence seriousness, rated from zero to £100+. The present work assumed a wider range, on the initial expectation that some offences

could well spill over beyond a notional top figure of £100. Such proved to be very necessary, and indeed under-valued the realities, as the following shows.

The indications are that the contribution made by children to substantive crime is considerable. The police figures for the Region (Table 7:7 clearly reflect this).

Table 7:7 Child Offenders in the System 1976-1983 (Strathclyde)

YEAR	1976	1977	1978	1979	1980	1981	1983
FORMAL POLICE WARNING	5547	4788	4720	4449	4078	3323	3797
INFORMAL POLICE ACTION	9350	5966	6112	6787	7453	7791	6694
REF. TO FISCAL	6596	6205	6152	5884	6279	6438	6622
REF. TO REPORTER	11722	10067	8376	7396	8200	8946	8707
N=	33215	27026	25360	24516	26010	26498	25820

SOURCE: Chief Constable's Annual Reports 1976-1984 incl.

The facts are there, the clear evidence is available and yet we experience inputs to the system which read as though the authors were completely ignorant of the sheer gravity of the juvenile crime problem, both in terms of the larger issues and at times, in terms of the dangers for the individual child. The seeming knowledge-vacuum becomes institutionalised with policies of not permitting details of offence commission to appear in SERs, of countenancing productions which consistently fail to mention, let alone highlight, patterns of conduct or to correlate with pertinent comments made in school reports. It is difficult to see how Departmental policies relative to real promotion of welfare in this sector can be made and implemented on the evidence of these productions.

In respect of property offences one turned first to the question of the families from which these young offenders came. Three rationales are given for this: it is the starting point of all surveyed SERs, therefore it becomes important to see if there is a particular relevance in this; it is of interest to see if there is any difference in this cohort as compared with those referred for offences against the person; it is useful to see if the 'Panel kids' referred to by the L.A. S.W.D. headquarter staff (ref to methodology section 'getting in') do come from 'disturbed' families.

Table 7:8 classifies offences with reference to family situation.

Table 7:8 Property Offences by Parental Situation: New Town (Combined Samples)

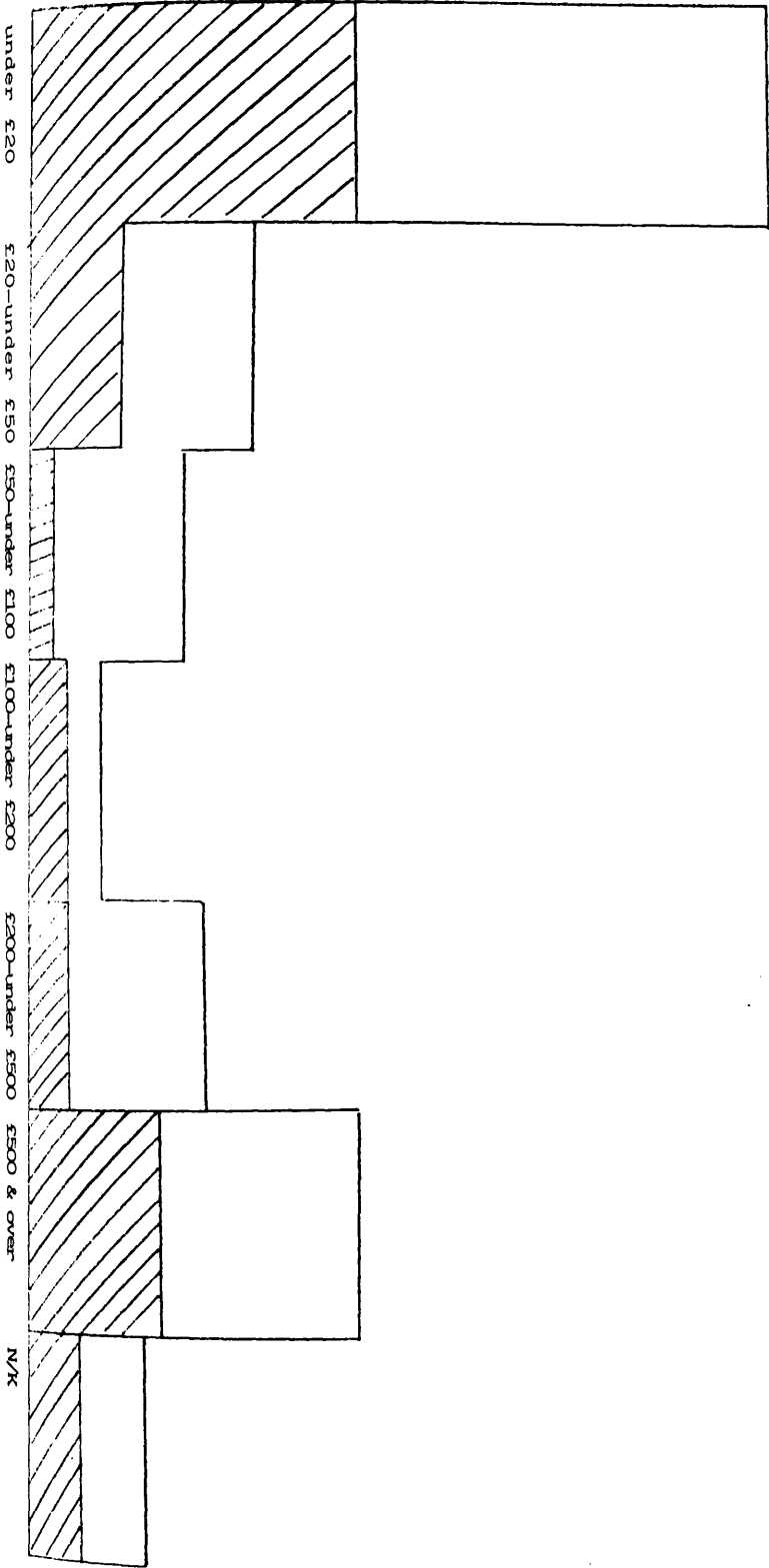
Property Valued:	Parental Situation			N=
	2 PARENT	SINGLE PARENT	DISTURBED FAMILY	
under £20	40	6	3	49
20 under £50	11	1	5	17
50 under £100	11	-	1	12
100 under £200	6	-	-	6
200 under £500	11	1	2	14
500 & over	21	1	2	24
N/K	8	2	-	10
	108	11	13	132

Sign. at 0.001 level

Source: Reporter's File and SER Survey

There is no evidence here that either in offence volume or in seriousness that the children of 'disturbed families' make any greater contribution to the crime problem than might be expected; indeed it might be that the incidence is actually lower than the volume of such families in the community might be expected to contribute. It is however of some interest to note that when correlated with offences against the person one found that there was a low correlation $r=0.386$. It is precisely this kind of manifestation in practice situations to

Figure 5 PROPERTY OFFENCE VALUES: NEW TOWN



Year 1978-9

which, it is suggested the attention of the Report writers ought to turn. If, as I would argue, the patterns of property offending fall within 'normal' limits, i.e. are shared experiences with like-minded youngsters, are we seeing other indicators of either disturbed personality or the influences of disturbed family relationships in the offences against the person group? It is impossible to tell from the submitted material, but the question remains, and should feature in the SER explorations, and in Panel deliberations.

In respect of offences against property the indicators from the tables and Fig 5 . show that the incidence of offending and the spread of money values is at variance with commonly held beliefs. The initial hypothesis was that offences would show high correlations with family situations, with fairly clear patterns of offending associated with what was seen to be the conspicuous consumption patterns of the age group, satisfied by illegitimate means; with fairly minor nuisance-value type of attacks on public property, mostly schools, featuring as the major damage component. The findings hardly support this view but raise questions about the levels of sophistication of property offences dealt with within the hearings system. Figure 5, shows the distribution by property values of these offences.

On the basis of the information provided by the police referrals, an effort was made to place this in a socially-significant context, holding the money values involved constant. Offences are thus categorised as Mickey Mouse stuff, if on the listing, what is stolen or damaged appeared to be socially insignificant even if the actual money values attached would indicate otherwise. Conversely, a housebreaking where what was stolen (tools) by a 12 year old is classified as socially significant.

Table 7:9 reflects the foregoing. The spread here would not support a view that these property offences are in the main committed because of what, using a shorthand, one may refer to as Kilbrandonish situations, but rather as falling within a normal spread of opportunistic offending with, at least some inbuilt indicators that juvenile criminality is moving away from being predominantly petty nuisances, to something much more serious.

TABLE 7:9

PROPERTY OFFENCES

Seriousness by type of offence and Family Situation (New Town)

Table 7:9.

OFFENCES CLASSIFIED AS:

OFFENCE TYPE	MICKY MOUSE STUFF		SOCIALLY SIGNIFICANT		TOTALS		N=
	Disturbed Families	Normal Families	Disturbed Families	Normal Families	Disturbed Families	Normal Families	
Theft of:-							
CONSUMER DURABLES	9	28	2	14	11	42	53
EQUIPMENT/ STORES/TOOLS/ DISPOSABLES/ MONEY	3	9	2	23	5	32	37
THEFT OFFENCES NOT CLASSIFIED	-	-	-	8	-	8	8
DAMAGE CAUSED AND R.T.A.	3	2	3	16	6	18	24
DAMAGE CAUSED NOT CLASSIFIED	-	-	2	8	2	8	10
N=	15	39	9	69	24	108	132

$$\chi^2 = 33.6175$$

DF. 2

$$P = 0.001$$

SAMPLE

RESEARCH'S FILE SURVEY

Table 7:10 Preferred Objects in Property Offences by Location

<u>Preferred Objects:</u>	<u>Location</u>				
	New Town		Ayr		N=
Money	17	(13%)	13	(38%)	30
Alcohol	8	(6%)	2	(2.5%)	10
Tobacco	8	(6%)	-		8
Other materials, consumer durables, tools, etc.	99	(75%)	19	(56%)	118
N=	132		34		166

Sign. at 0.001 level.

Source: Reporter's File Survey

Table 7:10 shows the way in which the perceived, preferred objects in property offences are spread.

There appears to be a significant difference in the theft of money as between the Ayrshire sample and those of the New Town. While information in the New Town was gained from the police reports, and that in Ayrshire was from Social Work reports, the difference may be attributable to the possibility of Social Work bias in presentation. It is however a feature which would repay more and wider study. What the data show is that, even allowing for the above, what may be regarded as the desirable consumer durables of the teenage group do not, of themselves, feature as the predominant preferred objects in property offences.

The listings as given, show quite clearly a range of thefts from premises which fall well into the ambit of sophisticated deliberate crime as distinct from the mindlessness of school breaking, theft of pencils and crayons, so beloved of the Juvenile Courts of yester-year

... e.g. Mays (1958:118) deals with a cohort of youngsters who are engaged in truly Mickey Mouse stuff 'brown sugar might be eaten but a 2lb bag of white sugar sold for cash.

Stolen property can usually be sold to better-off or older boys and the proceeds used to buy coveted luxuries or to pay for admission to the cinema'

Morris (1957:152 et seq.) provides case histories 'he responded by stealing a £1 note ... for which he was charged with larceny'.
'stealing from Mother and staying out all night ... her delinquency was scarcely criminal'.

'larceny of a cycle ... Probation 1 year'.

'Larceny from gas meter ... residence in Probation Hostel'.

'larceny groceries from a doorstep .. Probation 2 years'.

'larceny growing fruit ... Probation'.

'we went up to a local (chocolate factory) and went through some coats and took some matches and cigarettes and fourpence and some chocolate and then we left...'

A feature of Morris's samples is that these poor, benighted youngsters all had one thing in common, a set of environmental circumstances which ought to have been dealt with at a level of care and protection but which, in the fashion of the time, were subject to official action and concern only when the youngster actively did something to bring himself to notice. The importance of these scenarios in relation to Kilbrandon type thought can hardly be stressed too highly, as indeed the time factors associated with each - 1957 and 1961-1964 would support this view.

Andry (1960:96-96) refers to 'told the writer in strict confidence that he had just stolen a toy from Woolworths ... the majority of non-delinquents told the writer that their favourite stealing episodes involved stealing fruit from shops and carts ... The features which seemed to distinguish most of the delinquents from the non-delinquents kept stressing that, a) they would only occasionally steal and b) that they were scared of being caught ...'

As far back as 1925 (P15) Burt was arguing that 'delinquency is, at bottom, a social rather than a psychological concept. A child is to be regarded as technically a delinquent when his anti-social tendencies appear so grave that he becomes, or ought to become, the subject of official action.' Burt's cases are well within the parameters indicated: what changes is the overt, dire poverty which he portrayed and which is subject to social forces and ameliorated in the latter cited works: 'Tony had been the subject of repeated complaints by shopkeepers and coster-mongers near his home ... a wizened little imp with the face of an old man and the body of a child. Clad in the cast off garments of some tall adult (P.79)'.

'persistent truant ... a typical slum monkey ... tattered clothes and grimy shirt....' (p.302)

'at the age of ten he started his career of secret and successful thieving ... gas meters and forcing chocolates and cigarettes from slot machines on railyway stations.' (p.340-341)

Compared with these catalogues of 25 and 60 years ago, the present scenario is somewhat different.

Table 7:11 shows the distribution of offence victims by property values. It is in context of this tabulation following Gibbs (1971:224) that, however capricious and irrational legal and extra-legal norms may appear to be, the inescapable conclusion is that some acts are criminal or deviant for the very specific reason that they are proscribed. The point is made that it is pointless to ignore the kind and quality of the act which brings the child to notice, especially when the act is one proscribed by the law and by the social mores of the community. It emerges from Table 7:11 that the three main target areas are: a) shops, where the preponderance of 'under £20' property offences occur. (53% over the two periods). b) schools and public buildings where there is an even spread across property values, with a median value of around £200, given that some of the top-end values spill over into £3,000 plus, c) Industrial and commercial premises, where the preponderance of offences (51%) fall within the 'serious property offence' bracket of being valued at over £200.

TABLE 7:11

OFFENCES AGAINST PROPERTY - VALUES AND VICTIMSNEW TOWN (SAMPLES COMBINED)OFFENCE OCCURRED AGAINST:

Property valued: (by year)	Person	Shop	House	Public Building or School	Commercial or Industrial	Multiple	N/known	N=
Under £20	6	26	5	4	8	-	-	49
£20 - under £50	1	3	6	6	1	1	-	17
£50 - under £100	-	3	-	9	-	-	-	12
£100 - under £200	3	-	1	2	-	-	-	6
£200 - under £500	2	1	1	3	6	1	-	14
£500 and over	2	1	-	4	8	9	-	24
N/K	-	1	1	2	3	1	2	10
N=	14	35	8	30	31	12	-	132

Source: Reporter's File Survey

These data require to be taken seriously, certainly within the area to which they relate. It would not be going too far to suggest that 'throughgoing investigations' might be expected to show a developing concern for patterns of offending which by any standard can only be regarded as serious. When coupled with the mystery of what actually happens to stolen property, this is indeed a matter for some public concern.

There are reasons for thinking that this has an applicability beyond the immediate discussion. It is known, for example that the Regional Social Work Committee receives similar statistical information from the police, and at least one police officer of senior command rank holds the view that these children are, at least in some cases, being used, in the certain knowledge that the present system will adopt predictable and non-punitive/non-deterrent strategies and that a procession of youngsters can be used and discarded by these operatives over a lengthy period of time. If this argument is to be off-set, then satisfactory answers are required to the questions: What do children aged between 12 and 16 years, acting in twos or threes, do with a range of goods and artefacts stolen, and secondly, why do they go in for these types of theft? A singular feature of this analysis is the comparative absence of the recidivist offender. As shown, of the 132 property offenders only ten make multiple charge appearances. The Reporter has commented on his experience that there is not a cohort of persistent, returning offenders but a steady through-put of new arrivals whose parents are in the majority of cases respectable, caring and concerned people. If what we were seeing was a stream of Mays/Morris/Andry/Burt, type youngsters, the explanation would flow easily and comfortably. But the displayed reality is such that the welfare - needs typology must give way to considering where the crime commission aspects of individual offenders and individual offences in their social context come to the forefront of public awareness and administration decision making. A worrying aspect of this is the failure of the police to produce these 'Fagans' in court, having once apprehended the 'Oliver Twists'. It remains however that the disregard for the quality and kind of the act which brings the child to notice means that those who would deal with him cannot grasp more than segments of his social reality and what is disregarded or downgraded is really of fundamental importance.

Summary: this chapter has taken a number of salient issues which are of fundamental importance in the decision-making process, whether that be at Reporters level or at the level of a formal Hearing. It has shown, by reference to available and quite legitimate source material that the SER, which purports to present "a throughgoing analysis" of the child's situation could easily be critically enhanced, and could therefore more adequately serve the decision-making machinery of the Hearings system.

This review of cases clearly demonstrates that there is an iceberg of serious offending and of property theft in which the stolen goods are not recovered; nor seemingly are they/or the losses sustained by their owners, of any concern to the Workers who contribute the SERs on the child-offenders. These matters, and the surrounding scenarios which cast considerable doubt on the notions of 'panel kid's' a la the RAG presentation of one parent families, are of considerable practical import.

Chapter Vii Some Offence Characteristics

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Chapter VIII. The Influence of SERs on the Decision-Making Processes

While it is recognised that in each case there will be independent variables having a bearing on decisions, the evidence of high correlations between SER 'recommendations' and decisions reached is such as to leave strong feelings of something more than casual linkage. As in previous SER studies the influence of the SER 'recommendation' on decision appears to assume a very considerable importance.

The questions posed by the very shortcomings revealed in the previous chapters are such as to highlight the core question 'how useful, how influential are SERs in the process of reaching a decision in cases which come to the Reporter?'

In the course of the data collection, a considerable time was spent in the New Town Reporter's office, and in the Hearings. The following discussion is founded on observations made and on the data abstracted from completed case files, including the SERs referred to in preceeding chapters.

Basically, there is a problem which cannot be resolved at this level, and which is calculated to haunt the entire SER field adinfinitum. The problem is this: we simply do not know, nor can we know if the receivers of Reports are, in a fundamental sense, influenced by the contents of SERs or by the 'recommendations' contained therein. There has been a heavy emphasis in reported studies on the latter at the expense of the former, hence this presentation. The problem remains and has to be lived with, but that is not a reason for ducking the issue. What can be done is to delineate the positions of the decision-makers and to discuss the material with which they are presented by the reporting Social Workers.

1. The Reporter as Decision-Maker:

The Kilbrandon Committee (Para 98) thought that the 'reporter' (their term) should combine 'a legal qualification with a period of administrative experience relating to the child welfare and educational services'. He would, in the Committee's view be independent in his decision-making role, as to whether a case proceeded to the Panel or not. He would, as the Report (Para 103) succinctly put it, be responsible for:

- A. All decisions as to initial referrals,
- B. the handling of appeals against the Panel's decisions,
- C. administration of the Panel's business.

In the event, the people who manned the service spanned the legal, and broadly Social Work professions, with no fixed qualification established and the appointment on an area basis resting with the local authority, subject to the approval of the Secretary of State, (S.W.(S) Act S.36). In this arrangement there was a broad acceptance of the Kilbrandon proposal; indeed, given the historical background of public prosecution in Scotland such an office became both essential and administratively inescapable. The power of the Reporter to proceed or otherwise in individual cases stemmed directly from the freedom given to the public prosecution service in Scotland. Smith (1962:208) has taken the view that the prosecution system in Scotland works 'with exemplary efficiency and fairness ... in the country of five million' and the model for the Reporter's office was therefore to be one which well fitted the historical pattern, with the necessary degrees of independence and security of tenure attached to the office.

The Reporter uniquely combines in his role a number of related functions. In his primary Fiscal/Juge d'instruction role he makes 'prosecution/professional decisions. Unlike the Fiscal, but like the Juge he may interview the offender and parents with a view to reaching a decision. In the same vein, there is nothing in the Act which would bar him from seeing any other person as an aid to reaching a decision.

'The function of the juge d'instruction is to take responsibility for the collection, examination and investigation of all evidence relating to a particular case and thereafter to decide whether or not the case should be remitted ... his personal views of the guilt or innocence of the accused are of no relevance.' Sheenan (1975:49)

In this general context, it is quite clear, both in terms of the statutory intent and in practice, that Reporters do operate in a quite independent way, however much individually they may be influenced by e.g. police or school reports or by Social Work information. It is a matter of significance that the operational role of the Reporter is distinctly based on an existing Scottish legal model, however much this has been blurred in the public presentation of the system and in the day-to-day operation.

In his decision-making role the Reporter follows closely the broad considerations governing the work of the Fiscal when offences are involved. He must decide:

- 1) Whether the facts disclosed in the information constitute a crime (if committed by an adult according to the common law of Scotland, or in contravention of an Act of Parliament). Thus the 'grounds' per S32(2)(G) S.W. Act 1968) as amended.
- 2) Whether there is sufficient evidence in support of the facts to justify the institution of proceedings.
- 3) Whether the act or omission is of sufficient importance to justify proceedings in pursuit of 'the need for compulsory measures of care'.
- 4) Whether there is any reason to suspect that the information is inspired by malice or ill-will on the part of the informant.
- 5) Whether there is sufficient excuse for the conduct to warrant the abandonment of the proceedings. (Renton and Brown 1972)

In this there is less of the rule-of-thumb decisions implied by some writers in that if the offence criterion is not satisfied, then the Reporter, or his informant must, of necessity seek grounds beyond those constituted by the alleged offence, or abandon the proceedings.

Some Reporters regard the Social Worker at the stage of gathering information for Reports as an adjunct to their investigative role. This applies both in general terms, in that the Report is expected to support the decision to proceed but and more specifically so in cases where the child and parents decide to deny the grounds.

There is a view at Reporters' level that the Social Worker once into a situation ought to pursue her enquiries, a) in proffering advice as to the consequences of a denial and/or b) of actively seeking other grounds on which process could be taken. The justification for this has more to do with the enthusiasm of Reporters for their job than with the letter or the spirit of the statute. It remains that Social Workers operating at low levels of legal and administrative knowledge actively connive at this practice, and this is reflected in Reports which while pressing on with the investigation, contain statements such as 'mother claims that Jennie was totally unaware of any offence being committed' ... to cite one example.

A Reporter would be foolhardy if he processed matters which he would not be prepared to pursue in Court in the event of the grounds being disputed. Therefore, before the Panel sees the referred child, before the 'round table' discussion, but after passing through the police screening process, the child enters a formal decision-making machine. He does so on the basis of a police notification to the Reporter of the offence 'as charged', and such supportive or supplementary information as the police may be able to supply.

Finlayson (1976:50-51) in making the point that the gravity, or trivial nature of the offence is not the sole criterion in decision-making says 'The total needs of the child must be considered. Nevertheless the nature of the offence is obviously of considerable interest to the Reporter in making his decision, and in addition to that, he will be

interested to know from the police report, the time of the offence, who the child's companions are, whether he is a leader, whether he appears to be led and all these matters which can come out in evidence. He must, of course, be satisfied on the evidence that he can prove the case in Court'.

The same writer makes the rather curious point (p.49) that the Reporter 'will require to decide on the basis of information which he has been sent or may obtain, whether the child is in need of care other than that provided by the parents themselves'. If this statement accurately reflects practice it raises questions about and around that very issue. If the Reporter has decided that such is the case, is he not wholly pre-judging the entire issue and thereby simply allocating to the Panel a limited range of decisions about the kind of care to be imposed? The Act clearly lays down that the discretionary power of the Reporter relates (S39(S.S. 1 & 2) to either the abandonment of proceedings, or 'no action', or the referral to the Local Authority for voluntary 'advice, guidance, and assistance'. All he can do, in either circumstances (S39(3)) is to arrange a Childrens Hearing 'to whom the case shall stand for consideration and determination'. The value of Finlayson's contribution relates to the necessity for clarity and precision to be retained in safeguarding the rights of the individual child, and as noted in context of the judge 'his personal views ... are of no relevance', his only function at this stage relates to establishing whether or not a prima facie case exists. So far as the Reporter is concerned the Act is ambiguous as to whether, at S39(3) his consideration of 'whether it appears to the Reporter that the child is in need of compulsory measures of care ...' relates solely to the alleged ground of referral at S32(G) 'that he has committed an offence' or is a prescription for the application of a 'double-barrelled' test, is open to question. Given that he is required to obtain Reports subsequent to having made a decision to call a Hearing, there appears to be some force in the contention that he is empowered to deal with the stated grounds and to stick within that framework.

Combinations of informal chats, waivers and Reporters deciding cases do leave a distinctly uneasy feeling that the Act, long recognised for lack of precision and definition, may well be putting children

seriously at risk of being subjected to a bureaucratic decision, which, however benevolent, is rubber stamped in a discussion within which he, and his parents, once they trade their right to Court hearing for "treatment", may fairly be seen to be in a situation of some anxiety. There can be no substitute for clarity of thought as to the prescribed limits and matriculous adherence to the application of the law as stated. Brown et al. (1979) raises serious questions on these issues and indicate that abuse appears to be both common and accepted in practice.

It remains that the operation of juvenile justice systems is characterised by the potential for the exercise of discretion which has inbuilt, almost as a guiding principle, that equals may be dealt with unequally, and unequals, equally. From that premise, it is important to adhere strictly to the Rules, hence the centrality of the Reporter's position.

Kilbrandon (para 98) saw the need for an official 'competent to assess the legal issues ... and the wider questions of the public interest'. The importance of these twin concerns has to be the forefront in a situation where the perceived needs of the child may often push them into the background. Bruce and Spencer (1976:116) note 'if on occasion their tactics appear questionable on grounds of natural justice, this was because of their concern for the welfare of the child', which highlights the delicate balance which must be preserved in every case.

The White paper (1966) referred to a 'prima facie case that the child needs some form of care or control because (emphasis added) he has committed an offence'; the Reporter's duties being defined as 'to decide whether or not the circumstances of each child found to be in trouble should be brought before the Panel, to organise its work and to present cases to it'. The provisions of S38 of the S.W. Act clearly gives to the Reporter the kind of discretionary power long vested in the public prosecution system in Scotland.

The required qualifications for the job are quite vague and have lacked structure. Had it been prescribed that this was a legal post and required legal knowledge then the position would have been clearer.

However it is a legal post, established by statute (S.36 S.W.A.) and it does clearly carry legal responsibilities and decision-making powers, and within the ambit of the task that of direct prosecution, where the grounds are disputed, is no small part of the task. The acceptance of the Reporter as a functionary of the Hearings system stopped short in some Courts where Sheriffs refused to recognise legally unqualified persons. Significantly no regard had been paid to this either in the Act or in the Rules. In the case of Kennedy -v- O'Donnell (1975. S.L.T. 235) a Glasgow Sheriff took this view and the issue passed to the Court of Session where Lord Wheatley upheld the decision. The situation was clarified by the amendments brought about by S.82 Children Act 1975 and by the Act of Sederunt (Social Work) 1980 which created and formalised the legal position of Reporters, of one year's standing, in the Courts.

A definition of the post has thus been secured; described by Bruce and Spencer (1976:36) as 'Lawyer, Social Worker, administrator and manager, the Reporter is a new professional'. It remains that the previous training and experience of the Reporter can be of considerable importance in the decision-making process, as this affects the broad strategic approach of the Panel and as it affects individual children.

Bruce and Spence (1976:84) cite one area where there was an established practice of the Panel's having 'a routine chat with the Social Worker prior to the Hearing'. When the Reporter was succeeded by a more legalistic person this practice was abandoned because 'it prejudiced the proceedings and could lead to an Appeal'.

McEwan (1979:38) instances the common practice of 'waiving rights' by the inclusion, on the spot, of further grounds and argues that McGregor .V.D (1977) was a massive hint for action at a high level on 'straight forward abuse'.

The position in the New Town is that the Reporter's attitude is that the 'waiving of rights' is insupportable; he has devised a rule-of-thumb to meet the situations which arise. The reasoning underpinning his practice is relevant to considerations of what the Hearing and by definition the Reporter, are in business for; namely the

consideration of the child's needs relative to 'Compulsory measures of care' in relation to the wider community and legal responsibilities. Following any initial referral which is taken up, any subsequent referral received is not notified to the child and parents, no mention is made of it at the hearing by the Reporter. However where the child or parent brings it up in the course of the discussion, the Reporter takes the view that the Panel have noted it in relation to a pattern of behaviour. He then marks that referral 'no action'.

Secondly, where the Hearing proceeds to make an order under S44, he marks the further referral 'no action' on the grounds that no useful purpose would be served by bringing the child back to a Hearing.

Thirdly, when the Hearing in dealing with the initial referral makes a 'discharge' decision without any knowledge of the subsequent referral, then he issues process for another Hearing in respect of the subsequent referral.

This has merit in that it is in keeping with the legal requirements and the Reporter's discretionary powers under the Act, that it takes account of the individual child's situation without either going for an overtly-punitive strategy with distinctly illicit overtones, or of being unduly pedantic in processing children who have been marked down by a recent panel appearance, irrespective of the outcome of that appearance.

Clear and precise though this is, it seems that it has never been transmitted to the S.W. Dept. and accordingly, threading their way through a maze of referrals and re-referrals, Social Workers produce the kind of faux pas encountered. 'When I was interviewing Jimmy he indicated that he had been involved in other matters of a similar kind'. That is picked up by the Panel and used 'I see the Social Worker says there may be something else you want to tell us about?' so that the informal waiver effectively takes over, and again not on the basis of either Social Worker's or Panel members' actively seeking to circumvent the legal rights of the child, but due to ignorance and misdirected enthusiasm.

The Reporter is for all practical purposes a second stage filter. An important component in this is his use of Social Work as his investigative arm. In the New Town office the Reporter's handling of the referrals shows a desire and an effort to discriminate purposefully, actively to work the system for the attainment of the best interests of the child. This has some curious manifestations. It is entirely within the legality of his office and the ethos of the system to proceed in some trivial cases and not to proceed in other more serious ones. This, in practice, results in e.g. children who stole cakes and sweets, valued at about 25p. from the corner shop, being processed all the way through a Hearing (with the referrals discharged), another boy who stole a tube of glue being similarly dealt with, with the same result. Another who discharged an air gun in the street provided a further example. In trivia there is a thread of continuous concern which is clearly identifiable under a welfare heading but which has little to do with juvenile justice. Beyond doubt, if faced with a referral rate of 'genuine' offenders on house and shop-breakings and car thefts, this pattern would have to give way because of the simple pressures of work-loading. But as things stand there is empirical evidence that even in the more crime producing areas, this pattern prevails, and must represent a comment, both on the nature and size of the juvenile crime problem and on the orientation of the Reporters in the discharge of their duties. The present arrangements are such as to lend themselves to the processing of a stage-army of pseudo-offenders, within whose ranks genuine cases of youngsters at risk in either, or both categories, get conveniently swallowed up and effectively lost in the labelling perspectives common to the Reports surveyed. The failure to deal with, at times, crucial aspects of the individual's situation; be that of offence, behaviour, or particular problems within the family, is a feature of the situation which will be well recognised by labelling theorists.

Of the cases that come to the Reporters from various referral sources, 35% of offence and 70% of non-offence grounds reach Hearings. Of these the Hearings make orders in 53% and deal with 7% already under order by 'no change' decisions. In 39% of the cases they make no orders. It is beyond the scope of the present work to do more than pose the question relative to the 60% who at some stage in the referral process after

being through the police procedures, are deemed not to be in need of any of the component categories of compulsory measures of care, beyond control of his parents, falling into bad associations, the nature of the offence, per se, failure to attend school, or requires care by virtue of being in need of protection, control, guidance or treatment.

There is massive diversion by the Police of youngsters who come to their notice; what they pass to the Reporter has at least some element of concern attaching to it. The argument put forward by R. McGregor, the former Strathclyde Regional Reporter, that more children ought to go to Hearings is based, at least in part, on a recognition of this fact. The indications are that often the points of concern prompting the police to refer children are neither picked up in liaison nor verified or discounted by independent investigation - they simply fail to feature in subsequent decision making. The use of police report material in Ch. VII is indicative of the iceberg of social indices and the availability of valid informed comment from this source. To this extent, applying the welfare criterion, diversion at Reporter and Hearing level may well be suspect. At the same time, the application of diversionary strategies based on more acceptable criminological criteria, e.g. Lemert's (1971) argument that exposure to official action is de facto an introduction to deviance or Ericson's (1975:57) presentation of the labelling perspective of "over-reacting, re-balancing the 'objective' reality scales of justice in favour of the criminal ... (as) after all the lesser evil"; lends itself to the criticism that the statutory and philosophical bases of the system are of a different order.

The Reporter's secondary functions call for the adoption of other roles. In his manager role he has to display a broad competence in handling routinely the volume of work and paper which crosses his desk. He has also to display a man-management capability if the routine work of the agency is to go forward. In the transmission of material to the Panel members, he must preserve a broad neutrality, so that whatever is relevant is transmitted. That includes any SER, once he decides to call a Hearing, whatever his own view of the contents may be.

At the Hearing which deals with the child, his function is implied in the Rules which focus on e.g. the chairman's discretionary powers (Rule 9) leaving scope for discussion as to what the Reporter is to do in ensuring that the procedural arrangements are observed. If there is a certain lack of clarity within the system, there is some evidence to suggest (Willock and Appleby 1972) that the 'clients' lack perceptual clarity, some referring to 'the receiver' or to 'the President', and while with the passage of time and usage this particular aspect has receded, it would be unwise to assume that 'clients' do perceive his role and function correctly, given the general uncertainties indicated here.

This may be accentuated where he acts for the Chairman in discharge of the latter's function at the Hearing. Grant (1974) portrays no overt role for the Reporter in his model, but he notes 'it seems that the word 'Reporter' should not be used without some explanation, as it can be confused in the minds of the family with journalists.'

While there has been a blurring of the exact procedures which should be followed, largely in the debate around 'round tables' and the 'best interests of the child', it remains that the system is, and ought to be accountable, in the same way that any court is accountable for the conduct of its business. The position of the Reporter as the sole paid official responsible for the management of the Panel's affairs and for the procedural correctness of each Hearing, in no way conflicts with the chairman's discretionary powers, which are exercisable only within the ambit of the statute and the associated rules. It is therefore one of being responsible as a controlling agent in a system which adopts an approach of informality. That approach should not be confused with the formal power of the Hearing or with the specific rights of the people appearing. But it is precisely in this grey area that e.g. the informal waivers noted becomes not merely possible, but probable.

The common view with which issue is taken is that the control of the Hearing and of the procedure adopted lies with the Chairman. This view is based on a literal interpretation of Rule 9(1) which provides that 'where not otherwise specified, the procedure at a children's hearing is at the Chairman's discretion'. (S.W.S.G. 1971). It is precisely at

the point where the chairman fails to conform to the letter of the law, in the instance under review, by departing from the laid down procedure under S42(1), that the Reporter adopts a public functionary role and must step in to safeguard both the formal interests of the child and the legal concepts which are under attack. The basic flaw lies, not in individual Reporters but in a legal framework which is deficient in definition of what the precise procedures are and of where ultimately responsibility lies.

Here then is a situation which is rich in ambiguity. It seems that the Reporters are in a situation where they, individually, create the operational pattern, and where, if the present situation is in any way typical, the ground rules are not communicated to the people who are expected to service and support the operation.

Within that, what comes as a surprise (but perhaps ought not to) is that the S.W. Dept. goes along, 'Mr. Plod' fashion churning out the same style of Report, recommending NFA. when, in fact there is a well-developed and coherent policy being operated, which in essence denies the validity of such postulations. They, of course haven't been told; the shape of their own operation is such that there is no apparent ability or facility to question the mis-match over a considerable period of time, between the lines taken in SERs and the process put in train by the Reporter.

A nice example of lost opportunity and the operational failure may be seen in the Strathclyde Report on Childrens' Hearings. The guiding principle displayed there appeared to be one of the left hand not knowing what the right hand was doing. The communications failure noted in the New Town is therefore something of a mirror image of a larger problem. While the cri de ceour of the 1978 Report was for "75 seconded Social Workers" ostensibly to ensure reports on time etc., the real advantage of such an arrangement would have been in the area of control and identification with organisational objectives as defined by the Reporter's Department as distinct from the multi-purpose strategies which characterise the present Social Work service-delivery structure. It would beyond doubt have led to the formation of a specialist grouping within Social Work, possibly operating on a 'pay and rations'

basis with the parent body, but functioning increasingly in quite specific ways relative to the perceived organisational needs of the Reporters and Panels. It is interesting that the Working Group should fix their ceiling figure at 75 Social Workers for a population of 2.5 million, including the heartland of the Industrial West where family size still outstrips the notional two children in the nuclear family, and as the study shows, large families are by no means a rarity. The 'at risk' child population in Strathclyde is, on 1980 figures estimated to be in the order of 177,414 male and 168,658 female children (Registrar General's quarterly return.) The notional figure of 75 workers was clearly not intended to provide service beyond the immediate needs and call of the Reporters and the Hearings.

Given that the Report was concerned solely with service to the Hearings and not with the whole of the Child Care Service, the figure of 75 when contrasted with the 586 Children's Departments and Probation Service personnel in Scotland in 1968 (Rowntree 1969) was indeed a modest estimate of needs, given the preponderance of work which could be seen as 'Hearings related' which occupied the specialists prior to unification.

However, over and above these macro considerations the lost opportunity to perceive and grasp the potential of a more integrated and focussed approach to servicing the system, is of quite staggering proportions.

2. The Panel, disposals and SER recommendations.

Observation of the Panel at work in the study area conforms to previous observations elsewhere and to views expressed in the literature as to the form of discussion and the presentations of the members.

In this area, the Hearings take place in a room in the Reporter's Department with an ante-room adjoining where 'the clients' if early, tend to sit or stand, in the foyer of the complex, not infrequently accompanied by the Social Worker. On entry into the Hearing room the child occupies the centre chair facing the panel, father to his right, mother to his left. The Social Worker occupies the seat at the

'bottom' of the table and the reporter facing him at the 'head' of the table with the chairperson flanked by two panel members facing the child and parents.

Introductions follow a set formula of 'I'm X, this is Y + Z, Mr. R. is the reporter and Mrs. S. the Social Worker you already know.'

The ability of individual Panel Members in the chair to handle the 'grounds of referral' vary in proportion to the complexity of the stated grounds. 'Did steal a tube of glue from Woolworths on Wednesday 19th January' presents no great difficulty; but 'contrary to S.195(1)(b) R.T.A. 1972, S.143(1) and S22(1)(a) of the same Act, not surprisingly poses problems. The feature of these situations is that, instead of directly asking the Reporter to outline the case against the child the tendency is to struggle on 'informally' before finally being rescued by the Reporter. This is followed by a well-rehearsed statement about the Hearings not being 'here to punish you but to find out what's wrong and to help you'. Invariably the core element of the ensuing conversation is offence related. In this, parental and child expectations of the justice system are fulfilled; the child has done wrong and somebody, duly appointed, is asking questions about a quite specific, identified and accepted wrong doing.

The relative lack of precision in presenting the grounds of referral constitutes some hazard that children may be processed whatever the strict legality of their acceptance of the grounds as stated, but there is some evidence to suggest that the Reporter does exercise a certain control in this respect, especially where the query or reluctance to accept the grounds is made explicit.

Informality finds expression in the ways in which information is dealt with 'How's school? By the way, I've a wee school Report here' with sometimes direct questions from that document, or other times oblique references, mostly to missed days without reasons.

The use of colloquial speech is high, so that the feeling of informality is accentuated. Examples may be seen by reference to cases:

- 1) Boy, on referral for taking and driving away and associated R.T.A. offences. Chairperson leads him into a short staccato account of the incident, punctuated by comments of 'I suppose you were laughing and giggling all the while - y'know' ... 'did you never think about what ~~you~~ were doing' ... 'Your father's pulling faces and no wonder, Y'know'.
- 2) Boy referred for stealing a tube of glue, is lectured at length about the dangers of glue sniffing, although there is no evidence of his having the habit: father is articulate and presents both a defence for the implications being made and a reasoned account of his own concern about a potential to drift into trouble so that there is established a community of concern which enables the proceedings to take a rather easy going and chatty turn with increasingly the options being progressively narrowed to one of 'discharge referral'.

In seeking for explanation of the enthusiasm of Panel members for the system, their belief in the efficiency of what the system does, and its superiority over traditional justice methods, it is necessary to attempt to see the realities which the Panel Members perceive. Whereas analysis of the official figures shows very wide discrepancies between the number of children who are brought within the official net and the number who actually reach the Panel, this reality is obscured from the average Panel Member. His view of the system is engendered by his observation of his own experience and performance within the system. He is one of a select body who, in trios, come together periodically to deal with 'the children's problems'. The fact that the trio changes each time he enters it, that he encounters old companions with whom he can exchange experiences or new ones whom he may impress as 'an old hand', indulge in some gentle self-congratulation, share concern, exasperation or anger at a particular parental performance, at childish attempt to 'pull the wool over our eyes', at a particular piece of Social Work failure or display of ineptitude, and in this, to confer and contribute to the 'comments book', gives a special feeling of belonging.

Halleck (1968:139) has raised the issues of 'professional dishonesty' in confronting adolescents. 'Professionals communicate a picture of themselves and their world as one in which only the highest type of standards and moral values prevail. The adolescent cannot understand this. His personal experience, his observational powers, and his intuitiveness all tell him that something is wrong ... he is painfully aware of the inconsistency or basic dishonesty of their approach.' This adequately describes a situation where the young person has not come 'for help' but has been sent by a compelling machinery which has been activated at the level of offence commission. Of this he is all too painfully aware and therefore the rhetoric employed is, at best, ill advised, and at worst received with an understandable degree of cynicism by the young offender. While this is by no means specific to Panel members, as the above quotation indicates, it is nevertheless an important consideration in respect of the impact and influence of Panel performance on a case-by-case basis.

As one experienced Panel member, on the point of resigning put it "I'm sick and tired of telling these kids what a good thing education is, they know as well as I do that their chances of a decent job are at rock bottom, whether they go to school or not. I just won't go on doing it".

Over time he perceives a succession of children and parents, who having been dealt with, are seldom seen again, except at reviews, when for the most part his shared judgement in making a Supervision Order is amply confirmed by the Social Work Report and by the position of the child. It matters not if the child's situation has improved, remained static or deteriorated, each presentation will serve to justify the decision to impose supervision. If it has improved, then supervision clearly is seen to work, if it remains static, e.g. patterns of truancy are much as before, then clearly Social Work is not being effective, the decision is not being enforced "but when we made the order we said specifically that he was to attend school regularly" to cite one instance. If it has deteriorated then the power of the Panel can be displayed either by removal from home, or to remand for Reports, but in

reality to impose a taste of institutional life, or by threat of what can happen; "we can drop a brick on you" is, even if not stated, clearly implied.

He deals with, on average 3 or 4 cases at a sitting; over time he perceives the panel to be working, to be effectively intervening in the lives of the children and families coming before it. The admix of offenders, truants, welfare, and reviews promotes the feeling of a generalised welfare problem approach; all the Reports he receives are geared to a welfare approach. He need not be bothered with the trammels of the justice machine. Once the child and the parent(s) agree the grounds, he can get on with the 'round-table' discussion. His shared belief is that he is getting to the bottom of the problem, and experience clearly points to the success of the heart-to-heart chat, the 'we're here to help you' approach. Virtually nothing in the course of his Panel service will disturb this view. He will become aware of a 'shortage of resources', of late Reports, or Reports not submitted, of children unsupervised, but fundamentally he and his colleagues are, by definition, doing a good job: the system works.

The processes of Panel sittings are such that a pattern of discontinuity is in-built, in as much as the three people concerned are unlikely to be consistently engaged together. As a consequence, the individual member formulates his 'Panel self' in the context of the conceptual frameworks given him and not in any developing 'practice team' sense, where, over a period of time, views and attitudes could be formed and firmed - he functions within a belief-system which is unchallenged and subject to few checks.

In this organisational scenario, the two constant factors which the Panel Member will encounter and come to reply upon are school and Social Work Reports. Within that constancy there has to be reckoned with a degree of stereo-typing and a level of competence which falls below acceptable professional standards. Given the meagre training afforded to Panel Members in deciphering Reports it is an open question if Members, in general, have the developed critical awareness to 'take these Reports apart' either in the comfort of their own homes or in the Hearing room. Thus, as in the samples provided here, the

'professional' offering does little to enhance the role performance of the Panel Member and he is, perforce thrust back on the belief creating and re-enforcing mechanisms noted above.

3. Recommendations and Decisions.

There is a further, rather curious official input which adds to the uncertainties of this situation.

The S.W.S.G., Statistical Bulletins separate the Reporter from the Panel in their decision-making roles, so that what is presented appears as discrete entities, the implication being that those referred on to the Panel do, by whatever definition is employed, merit consideration of compulsory measures of care, while those that were dealt with at Reporter level do not, In fact many of the Panel referrals are accompanied by Social Work Reports which speak of "needing a fright" or "needs to come to terms with his own situation" or similar euphemisms which do not seriously entertain the proposition that the child, by virtue of the social weight of the nature or quality of the offence, or by virtue of his personal circumstances, merits serious consideration beyond a ritualistic appearance at a Children's Hearing. The statistical presentation (S.,W.S.G. 1980 Table 8 and Table 10 (see Table 8:1)) if seen in unified terms, presents a somewhat different picture.

i)	Reporters: Decisions:	No Further <u>Action</u>	Refer to <u>Police</u>	Refer to <u>Soc. Work</u>	Refer to <u>Hearing</u>
		39.2	8.	4.4	48.4
(Table 8)					
ii)	Hearings' Decisions:	Discharge or <u>No Order Made</u>	Supervision <u>Order</u>	Residential <u>Supervision Order</u>	
		53.6	32.8	13.5	
(Table 10)					
iii)	Unified Pattern of Decisions:	No Action or <u>Order</u>	Referred to <u>Agency</u>	Order <u>Made</u>	
		65	12.5	22.5	

Source: SWSG, Children's Hearing Statistics 1980

In this context it is of some interest to interpose the disposal patterns revealed in the New Town samples.

It was found that, compared with regional and National returns, the Reporter sends more cases onward to Hearings; explanation for this is at two levels,

- 1) there has been a consistent pattern over a period of time of the local police's not referring the classic football in the street cases, so that eliminated from the Reporter's work-load is a potential volume of offences about which, almost by definition, he is not going to take further action. In passing the potential within police circles at local levels virtually to dictate the level, pace and volume of the Reporter's work should be noted and one significance of Table 8:1 and Fig 6 is precisely that. Fig 6 demonstrates from the National figures just how the volume of work coming to the Reporter is split. What effectively amounts to 'no action', whether by reason of a decision at Reporter level or by reason of no order being made at a Hearing, accounts for about 65%, while the 'action' decisions account for about 22.5%, with about 12.5% being referred back to the police or to Social Work. This, of course takes no account of the very substantial amount of

work carried out by the police warning system, which effectively cuts back on the volume which has to be processed by the Reporter, and mostly thereafter, reported on by the Social Work Dept.

- 2) this Reporter is well organised, punctilious in his office management and it is quite clear from the analysis and from conversations that he regards the primary decision-making role as being the Panel's unless there are some compelling reasons for not passing matters to them.

Table 8:2 Reporter's Decisions

Yrs	<u>No Further Action%</u>		<u>Ref to Agencies%</u>		<u>Ref to Hearings%</u>	
	1978-9	1980-1	1978-9	1980-1	1978-9	1980-1
	16.5	5.0	5.0	8.86	78.48	86.07

Hearings Decisions

Yrs	<u>Discharge or No Order Made%</u>		<u>Order Made%</u>	
	1978-9	1980-1	1978-9	1980-1
	70.9	52.94	29.0	47.05

Unified Pattern of Decisions

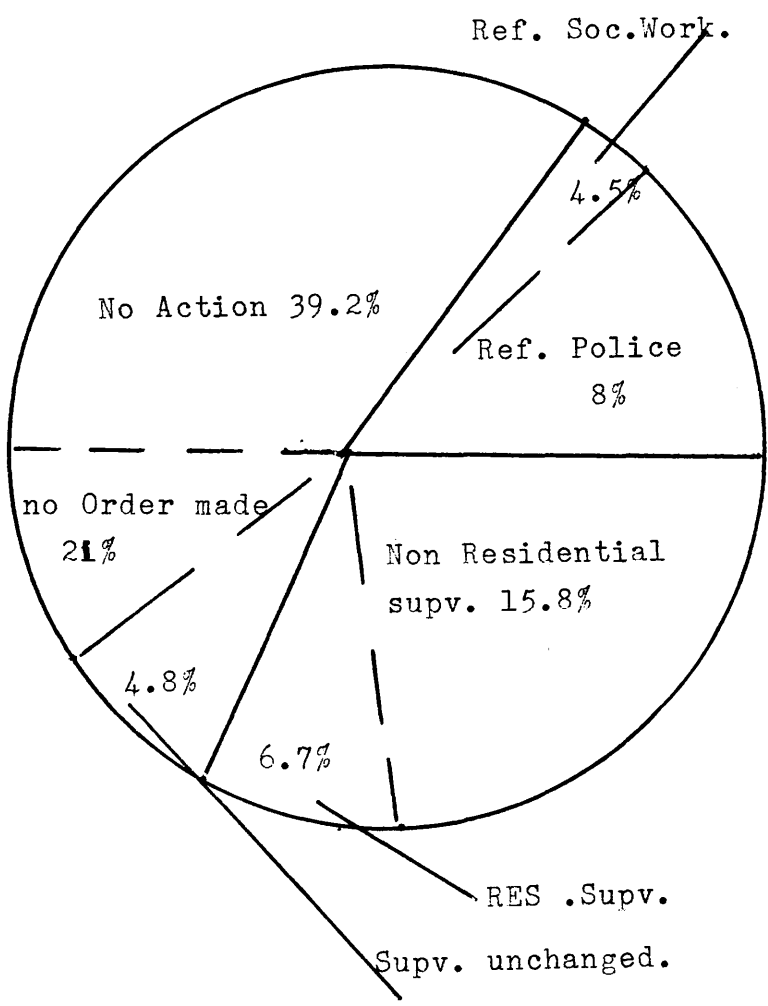
Yrs	<u>Discharge, No Action or Order Made%</u>		<u>Ref to Agencies%</u>		<u>Order Made%</u>	
	1978-9	1980-1	1978-9	1980-1	1978-9	1980-1
	72.15	50.6	5.0	8.6	22.78	40.5

Source: Reporter's File Survey

The correlation co-efficient between Tables 8:1 and 8:2 is $r=0.76$. There are certain significant elements in this analysis. One is that, of itself, an enhanced input from the Reporter to the Panel will not necessarily result in more orders being made, pro-rata. The discrepancy between the two samples is of some interest, the early sample showing levels of orders made significantly below the S.W.S.G.

Fig.6.

Allocation of Referrals by
Decision Taken.
(Childrens Hearings Stats.)



figure; in the later sample it rose to 4% above that figure, in spite of a substantial difference in the levels of Reporter's referrals to the Hearings.

Overall, the later period shows significantly more orders made, fewer 'no action' or 'discharge' decisions and a lower rate of referrals to agencies than does the S.W.S.G. analysis.

Within this there is scope for the application of diversion strategies by the Reporter, in respect of the considerable number of youngsters for whom supervision is never really a possibility and for whom on the basis of the available evidence a 'no action' or 'discharge' decision is almost inescapable. The in-built anomaly lies in the fact that for many, if not most of this group, there are at least two significant factors influencing the decision to process the referral.

One is that the police notification does instance matters which at least indicate cause for concern, the second is the School Report, which however intemperate the language, however stereo-typing the presentation does show a need and a cause for concern. If this latter is regarded dismissively and emphasis placed on the Social Work Report, which in this area tends to be heavy on 'non-supervision' advice, then predictably the 'no action' decision will reflect this. On the other hand, if as seems to be the case here, due regard is paid to the School Report as a primary tool in decision-making, then referrals onwards to the Panel will increase. From this, arguments about the negative effects of labelling into the system have to be off-set by the ethos of the system, with its single strand definition of need, when an offence is the subject of enquiry. The very real societal need is to provide a demonstration that conduct offensive to the community has been noted and that some direct official action has been elicited. While it is not a viable or honest role for the Panel to indulge in some rather spurious attempts at finding out "what's wrong" in order to 'frighten him' there is none-the-less a quite clear and specific function which now needs to be defined and acted out beyond the point where the police refer the matter to the Reporter. In this the conceptual and ideological breakthrough which the Secretary of State's (1980) Consultative Document presented and which was rejected will probably

come to be seen as a major lost opportunity. Moore and Wood (1981:86) say of this 'Its general tone would, as far as offenders are concerned, make the disposal possibilities much more in line with juvenile justice models, as distinct from the welfare orientated model which has characterised the Hearings to date'.

The ways in which the welfare orientated processes operate in the study area is shown in the following tables:

Table 8:3 Reporter's decisions by Social Work recommendation

Social Work Recommendation	Reporter's Decision						
	Year	1978-9			Year 1980-1		
	NFA	Ref to Agency	Hearing	NFA	ref to Agency	Hearing	N=
Supervision	-	-	16	-	-	20	36
N.F.A.	6	-	6	4	3	13	32
Discharge Referral	4	-	16	-	2	21	43
Seek further advice	-	-	2	-	-	4	6
Other	2	2	18	-	2	7	31
No Recommendation	1	2	4	-	-	3	10
N=	13	4	62	4	7	68	158

X1 3.066 DF1 P 0.05

Source: Reporter's File Survey

It will be seen from Table 8:3 that the Reporter disregards 'Discharge recommendations' at a high level. Of the 75 reports over the two periods which advocated either discharge or NFA, (47% of the total) 56 (75%) were referred to Hearings. Recommendations which were coded 'other' (20%) were those which were couched in linguistic forms which defied clear categorisation and were accordingly grouped together. These tended to be of 'need to pull yourself together' 'needs to be made aware that he can't go on like this' 'needs a good fright', which could either be interpreted as a recommendation for the Panel to get

into a moralising/frightening role, or that the Reporter or police should so do. What was common to these offerings was that Social Work saw no role for itself in deterring these youngsters from further criminality. The Reporter's response was massively (80%) to send forward to the Hearing.

What is clear from the foregoing is that if the Reporter were more in tune with the recommendations of Social Workers, fewer of these cases would go forward to the Hearings, but equally across the sampling, his decisions appear to be justified by the failure of the Panel to conform to a rubber-stamping exercise based on the Social Work report. This is, if nothing else, a healthy sign of an ability to think through the material presented and to arrive at conclusions based on the total perceptions gained by the Panel Members. In this may be some partial explanation for discrepancies noted in Table 8:3. If Social Work is nether saying 'Yes, compulsory measures of care ought to be considered' or 'No, there is no need for such' then the Reporter's response may well be simply to refer the matter onwards, with no more complex reasoning than that.

In the context of the Reporter's policy of onward referral:

Table 8:4 Hearings' Decisions by Social Work recommendations:

Recommended Course of Action	Action by Hearings				N=
	Supervision Ordered	Discharged			
	Year 1978-9	Year 1980-1	Year 1978-9	Year 1980-1	
Supervision	12	16	7	1	36
Discharge	-	2	18	16	36
N.F.A.	-	7	5	9	21
Seek advice	2	2	-	-	4
Other	1	5	9	8	23
No Recommendation	3	-	5	2	10
N=	18	32	44	36	130

Significant by observation

Source: Reporter's File Survey

Table 8:4 shows the disposals arrived at relative to Social Work recommendation. The use of supervision correlates with recommendations at $r=.48$, the two singular features being that if the Social Worker comes down firmly for either supervision (1:1.2) or for a discharge (1:1.05) then that course will be followed. The discretionary power of the Hearing is displayed where the Social Worker fails to do either of these things and indulges in attempts to fine tune her suggestions as to what ought to be the course of action adopted. When the present pattern is reduced to a straight choice between supervision or not supervision, taking account of both the Reporter's and the Panel's decisions then the following:

Table 8:5(i) Final Decision (Reporter & Hearing) by Social Work Recommendation.

Social Work Recommendation	Final Decision		N=
	Supervision	Not Supervision	
For Supervision	28	8	36
Not for Supervision	22	100	122
N=	50	108	158

Significant by Observation

Source: Reporter's File Survey

Table 8:5(i) is indicative of the fact that in general the views of Social Workers as expressed in their 'recommendations' are mirrored in the decisions reached, whether by Reporter or by panel. Leaving aside the Reporter's decisions not to refer onward, Table 8:5(ii) shows this in terms of recommendations and hearing decisions. Again, the correlation is of a high order.

Table 8:5(ii) Recommendations & Orders Made by Hearings

	Supervision		Not Supervision		N=
	1978-9	1980-1	1978-9	1980-1	
Social Work Recommendation	12	16	50	52	130
Hearing Decision	18	32	44	36	130

$X^2 = 9.43$ DF2 P .025

Source: Reporter's File Survey

Of children who are referred to the Hearings, Table 8:6 shows that a disturbed family child appears in parity, at Hearings, with the original referrals to the Reporter (23% and 21.5%). There is in this no evidence that the composition of the family influences decision.

Table 8:6 Hearings Disposals by Parental Situation

	Parental Situation				
Hearings	Two Parents		Disturbed Family		
Disposals:	1978-9	1980-1	1978-9	1980-1	N=
<u>Supervision:</u>					
i) Property Offences	15	19	1	5	40
ii) Offences Against the Person	3	1	1	1	4
<u>Discharge:</u>					
i) Property Offences	27	25	12	5	69
ii) Offences Against the Person	3	8	-	6	17
N=	48	52	14	16	130

X2 1.9352 DF2 No Stat Sign

Source: Reporter's File Survey and SER Survey Schedule

This area of operations is one where commonly a number of assumptions are made, and reference is made in this work to a stereo-typing of 'Panel kid' as being, pre-eminently, a child in trouble who is a member of a single parent or disturbed family. The findings of Martin et al (1981, Table 11:3 P. 177) are worth noting in context 'children in non-conventional family situations account for fully half the repeaters, compared with 42% of first appearances; all these children were very unlikely to be discharged when they had a previous history and those living with mother alone seemed more likely to find themselves in a List D school.' The possible range of variables around this are important in seeing the above (Table 8:6) in perspective. The low incidence of single parenting in the New Town may, e.g. make this a feature which is not at the top of the investigators' checklist, and is therefore downgraded in their Reports. Conversely where single parenting is seen to be a major social feature of locations, the converse response is calculated to be in evidence. In more crime-producing areas it is likely that the incidence of single parenting and acute poverty would, by virtue of their incidence be more visible in any Panel-referred population. Equally, where the social

mores of the investigators (and Panel members) are in tune with those of the area being serviced, a less pejorative view of disturbed family relationships is likely to be evidenced than will be the case where the population is viewed negatively, by the corps of people who, in essentials, are seeing it from the outside and who adopt a goldfish-bowl view of problems being encountered, and whose response is therefore more likely to be in line with the Martin et al findings, than with those presented here.

Table 8:7 Social Work Recommendation by Parental Situation

Social Work		Parental Situation			
Recommendation	2 Parents		Disturbed Family		
Year:	1978-9	1980-1	1978-9	1980-1	N=
Supervision	17	13	3	3	36
Discharge	17	12	6	8	43
Seek Other Advice	2	1	2	1	6
N.F.A.	16	10	4	2	32
Other	6	21	3	1	31
No Recommendation	3	6	-	1	10
N=	61	63	18	16	158

X² 7.4679 DF4 P < 0.05

Source: SER Survey Schedule

Table 8:7 may be interpreted thus, for the purposes of the present discussion. It would be open to the Reporter on the basis of the S.E.R.s received which are high on references to parental support, to go along with Social Work thinking and award a series of N.F.A. decisions to children in such families, retaining the disturbed family children on file. If that pattern were to be followed and his referral rate to the Panel reduced to the National figure of around 41% (S.W.S.G. 1983) then the actuality of the work of the Hearings in this area would take on a somewhat different cast.

Notionally he would be referring, if the two samples are combined, 64 instead of 130 cases, and, if the 'disturbed family children' are held constant, on the assumption that their family state is de facto, a

matter for consideration of compulsory measures of care, then their presence in that population rises from its present 21.5% to 53% (Martin et al as noted, say 42% of first appearances) and as such become in the eyes of the Panel very much at risk and almost by definition susceptible to processes which are in their very nature calculated to produce precisely the results which Martin et al comment upon.

The importance therefore of quite specific inclusion of what is referred to as the social and personal variables in Reports, is paramount. If the child is in need, and certainly if he is to be committed to forms of residential training then those decisions have got to be based on something more than the kind of presentations found in these analyses. The crucial factor is that a depth of inquiry and analysis has to be evidenced if crude labelling and damaging of children on the basis of re-offending, with scant, if any, weight being attached to the social value of the acts committed, and to stigmatising on the basis of family composition, is to be avoided.

Offence seriousness and disposal considerations:

So far as offences against the person are concerned, the numbers are too small to permit of detailed extrapolation. What can be shown is given in Tables 8:8(i) and (ii).

Table 8:8(i)	<u>Reporter's decision on offences against the person.</u>					
	<u>Reporter's Decision</u>					
	No Action		Hearing		Ref. Police	N=
Years:	1978-9	1980-1	1978-9	1980-1	(Both Years)	
Gravity rated as Severe Injury:	-	-	3	2	-	5
Moderate Injury	-	-	-	3	1	4
Slight Injury	-	-	1	2	1	4
No Injury	5	-	2	6		13
N=	5	-	6	13	2	26

Source: Reporter's File Survey

Source: Reporter's File Survey

Table 8:8(ii) Hearings Decision by Gravity of Offence Against the Person

Gravity rated as:	Hearing Decision				N=
	Supervision		Discharge		
	Year I	Year II	Year I	Year II	
Severe Injury	1	-	2	2	5
Moderate Injury	-	-	-	3	3
Slight Injury	1	-	1	1	3
No Injury	2	-	-	6	8
N=	4	-	3	12	19

Source: Reporter's File Survey

Table 8:8(i) shows the way in which the Reporter views these offences. If the offence is other than trivial, with no injury sustained, then it becomes a matter for the Hearing, irrespective of any other social factors brought to notice. It is therefore somewhat surprising that the procedures of asking for Reports at a pre-decision level is maintained, instead of communicating a straight policy decision to the police and to Social Work that such a policy does, in fact, exist and is operative. In contra-distinction to this, once the matter reaches the hearing the effectiveness of the Social Enquiry process becomes quite clear, with 79% over the two periods being discharged. The 'what the child is' as against 'what the child does' syndrome is massively weighted in favour of an almost complete disregard of the kind and quality of the conduct which brings him to notice. The core consideration in this is not a punitive or retributive one; it is that the potential for violence which so preoccupies sentencers subsequently appears not even to be under review when these cases come to notice, and as School Reports eloquently demonstrate, there is a level of barely-concealed violence and violence-potential, to which attention ought to be directed.

The serious property offender: Consideration of the serious property offender follows from the analysis of the 38 cases which appeared in the New Town samples under this head, defined as property valued at £200 or more placed at risk by the offender, whether in a single offence or in a series of related offences. Argument is founded on three inter-related propositions:

- i) the quality and nature of the offence should feature in the investigation and in the formal decision-making process.
- ii) consideration of the welfare of the child is consistent with a control of behaviour element in these processes.
- iii) societal concern for the protection of the person and property is an integral part of the decision-making within Juvenile Justice systems and the philosophy engendered by the Kilbrandon Report is not in conflict with that concept.

Of these 38 cases, 6 occasioned offences which placed at risk property valued at £1,000, or over, while the group as an entity accounted for 1:4.2 of all offences in the study area, and of 1:3.5 of property offences.

Numerically this group compares with that of property values under £20 at a level of 1:1.3, hence the importance of the consideration.

Table 8:9 shows how the Reporter disposed of these cases by values, holding family and personal circumstances constant.

Table 8:9 Reporters Decisions by Value of Property Offences.

Property Valued			Reporters Decision				N=
	No Action		Hearing		Ref Agency		
Year:	1978-9	1980-1	1978-9	1980-1	1978-9	1980-1	
Under £20	7	1	19	18	2	2	49
£20 under £50	1	1	8	5	1	1	17
£50 under £100	-	1	1	10	-	-	12
£100 under £200	-	-	4	2	-	-	6
£200 under £500	-	-	5	6	-	3	14
£500 & over	-	-	14	9	-	1	24
N.K.		1	4	4	1	-	10
N=	8	4	55	54	4	7	132

X2 4.712 D.F.4 No. Stat. Sign.

Source: Reporter's File Survey

Again we see the preponderance of what must be regarded as a straight policy option ie to transmit onwards to the Hearing, irrespective, save in a minority of cases, of recommendations to the contrary.

Table 8:10 Hearing decision on offences against property by value

	DECISION:				
Property valued at	DISCHARGE		SUPERVISION		
Year:	1978-9	1980-1	1978-9	1980-1	N=
Under £20	13	11	6	7	37
£20 under £50	6	3	2	2	13
£50 under £100	1	7	-	3	11
£100 under £200	3	-	1	2	6
£200 under £500	3	5	2	1	11
£500 and over	11	1	3	8	23
N/K	2	3	2	1	8
N=	39	30	16	24	109

Source: Reporter's File Survey. Cont. over.

X² 12.9267 DF6 P = 0.05

Source: Reporter's File Survey

Table 8:10 is indicative of the spread of decisions at Hearings, holding family and personal circumstances constant, which suggests no high regard but some attention paid to offence seriousness. The spearman - rank order correlation co-efficiency is $\rho = 0.61$. If placed alongside the recommendations made by Social Workers in respect of offence seriousness, for the most serious 24 offences in the samples it becomes quite apparent that, whatever else, social guidance is not predicated to considerations of the child's situation in terms of offence behaviour or characteristics.

Table 8:11 Serious Property Offences and Social Work Recommendation

Offence Property valued at	Social Work Recommendation				N
	Supervision	Discharge	N.F.A.	No Recommendation	
£500 under £750	1	6	1	-	8
£750 under £1000	1	5	4	-	10
£1000 under £2000	1	1	-	-	2
£2000 and over	1	2	-	1	4
N=	4	14	5	1	24

Source: Reporter's File Survey and SER Survey Schedule

The final disposals awarded taking account of both Reporter's and Hearing's decisions, is shown at Table 8:12 which correlates clearly with the recommendations made in the SERs $r = 0.96$.

Table 8:12 Serious property offences by Disposal (Reporter and Hearing)

Offence Property Valued at:	Final Disposal of case:				N=
	Supervision	Discharge	N.F.A.	Ref to Police	
£500 under £750	1	6	-	1	8
£750 under £1000	-	6	-	4	10
£1000 under £2000	1	2	-	-	2
£200 and over	2	2	-	-	4
N=	3	16	-	5	24

Source: Reporter's File Survey

Taking Social Work recommendations a step further and counting recommendations made in respect of non-serious (under £20) and serious (over £200) property offences, there is a significant thrust in the direction of non-supervision disposals $r = 0.99$.

Table 8:13 Social Work recommendations by offence seriousness: a comparison between serious and non-serious cases, by property values.

Social Work Recommendation	Serious cases (£500 and over)	Non-serious cases (under £20)	N=
Supervision	4	9	13
Not supervision	19	34	53
Seek other advice/ or no recommendation	1	6	7
N=	24	49	73

X2 0.7746 DF1 No Stat. Diff.

Source: Reporter's File Survey & SER Survey Schedule

Table 8:14 picks up the earlier issue of parental situation in respect of the serious property offender, and shows that not only does the disturbed family child make no greater contribution (25%) than might be expected, but that the much larger issues surrounding the serious property offence cannot with any confidence be written off in

welfare-needs terms, without a much more comprehensive review of the totality of motivation, level of involvement, modus operandi, disposal/recovery of property, etc.

Table 8:14 Serious property offenders by Parental situation

Offence Property Valued at:	Parental Situation			N=
	2 Parent	Single Parent	Disturbed Family	
£500 under £750	7	-	1	8
£750 under £1000	8	1	1	10
£1000 under £2000	-	2	-	2
£2000 or over	3	1	-	4
N=	18	4	2	24

Source: Reporter's File Survey and SER Survey Schedule

Table 8:14 tends to emphasise the circularity of the problem being faced. The welfare aspects of the individual child cannot, of course be ignored, but equally, it is contended, the seriousness of the problem he poses for the larger society cannot be dismissed, as we have seen it done in these SERs with, at times not even an acknowledgement of the core ingredient of the referral. The use-value of such Reports to Panels must be considered as being slight, if the Panel Members are in fact 'doing their homework' and attempting to discern just what it is that brings the child to notice.

It remains that the evidence from this survey (particularly in respect of table 8:10 and 8:11) do little to support the view of an awareness of these crucial issues. This is if anything underlined by Table 8:5 where it becomes abundantly clear that what ever else, the writers of SERs are not queueing up pleading for Supervision Orders. It is almost incomprehensible that, in the two samples, spanning four years we find a mere 21.5% actually raising the question of supervision. In the face of some pretty serious offending and some telling and worrying school-based comment about behaviour and even allowing for the operation of other unknown and unknowable variables in individual situations, it becomes difficult to accept as reasonable, such high levels of independent thought among Panels producing such high correlations with Social Work thinking.

The view which emerges from this is one of concern that the practice of Social Enquiry should be brought to a standard where it becomes realistic to refer to Social Inquiry, as being in every respect sharper and more professionally-gearred and focussed.

Summary.

From the position established in the previous chapters, the work moves to an examination of the problematic situation in respect of the influence of the content, as distinct from the conclusions drawn by the writers of SERs. It does so with twin foci in the New Town area; firstly in regard to the decision-making of the Reporter, and his use of SERs; secondly, in respect of the Panel in terms of the cases which reach them for determination.

The Reporters' policies in regard to offences against the person is reviewed against a backdrop of Social Work ignorance of these policies, and the effect of the oddity on practice is discussed.

In respect of Panel performance, indications culled from observation are provided in order to show the pattern of low level discussion which characterised this period and the issue of what Helleck (1986) termed 'professional dishonesty' is raised in context. Disposal patterns are presented, it being shown that in common with the National pattern there is a massive reliance on decisions which are not, in fact, activity-focussed. The recorded views of the reporting Social Workers as to disposal are shown it being quite clear that as these affect Reporter and Panel, overall the opinion of the writer is at least, a predisposing variable in most of the cases reviewed. One area of concern lies in the near-abandonment of offence criteria in this. The levels of quite serious property offending which are dismissed, without any reference to their intrinsic seriousness or to the issue of what actually happened to some very substantial quantities of stolen properties, is indicative of the ways in which this system has moved. This movement is accompanied by a pattern of Social Work avoiding supervision in cases where on a common-sense basis alone, one would see a need for Probation type supervision, simply on offence criteria, if on no other.

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Chapter IX. Social Inquiry: towards a new format.

This chapter attempts to capitalise on the reported work of the preceeding chapters. It provides a resume of the debate which has been taking place over decades, and links this to the preparation and presentation of reports in the present context.

It raises the question of the need for a new model of social inquiry, gives an account of the 'Ayrshire' model format, and from that argues for a completely new approach to providing information to the Reporter and improving the quality of formal reports to the Hearings.

The chapter is set out in five sections:

An introductory comment

A model for investigative work

Some present problems

The Ayrshire Project: producing a new format for SER

and Improving social inquiry technology.

An introductory comment:

What seems to be quite beyond dispute is that the present concerns are in no way unique or peculiar to the situation to which attention has been directed.

Mary Richmond (1916) defined the task of 'social diagnosis' as 'the attempt to make as exact a definition as possible of the situation and personality of the human being in some social need - of his situation and personality that is, in relation to the other human beings upon whom he in any way depends or who depend upon him, and in relation to the social institutions of his community'.

In 1918 E.J. Cooley, Chief Probation Officer for the Court of General Sessions at New York observed: the need for 'a scientific probation technique, drawing its inspiration from the realisation of significance of the task, obtaining its information in the vast laboratory of life' (Spica et al 1979).

The need for social investigation was placed on a substantial footing in the 1933 C. & Y.P. Act with its S.35(2) provision 'such information as to the home surroundings, school record, health and character of the child or young person' In a basic sense that has remained at the heart of the statutory requirements, refinements such as the Streatfeild criteria or the blurring of the centrality of the above by the S.W. (S) Act's vagueness (39(4)) 'a report on the child and his social background' notwithstanding.

The period of development, post the 1948 Children's Act, the 1948 and 1949 Criminal Justice Acts, up to the Streatfeild Report, was matched in the U.S. by vigorous debate on a series of issues surrounding social inquiry, indiscriminate as between the juvenile and adult sectors being serviced.

As early as 1950 Meeker and Hoffman were individually attempting analysis of pre-sentence reports and there followed on that a series of contributions relative to the issues of confidentiality. (Rubin 1952, Roche 1953, Sharp 1955, Barrett & Gronwold 1962). Keve's work (1961)

became a milestone in terms of professional standards, and the acknowledgement of the professional nature and importance of the task and of its contribution to the administration of justice was reached in 1965 with the publication by the U.S. Courts administrative office of its 'Pre-sentence Investigation Report'.

As attention switched to other aspects (on both sides of the Atlantic) it inevitably focussed on the relevance of recommendations.

Contributions showed quite clearly a high correlation between what the Report writers saw to be viable disposals and what the sentencers actually handed down. Carter (1966/1967) found 96% agreement on recommendations re probation, Cohen (1966) in Israel found 84.6%, Wilson in Sunderland (1963) assessed the influence of Probation Reports on the Magistrates Bench, at a level of 57% in the first year and 72% in the second. Hood in a follow-up study (1966) concluded that there was 'an encouraging trend ... in the ability to make use of Reports in sentencing'.

From that position the drive towards more and yet more analysis and comment: it would be invidious to list all the work from 1968 to 1982, but milestones are White (1971) Bean (1971 and 1974) Perry (1974) Hardiker (1975) Harris (1979) Curran & Chambers (1982) Moore & Moore (1982) Moore (1984) Wood (1986). It is important in context to note the relative absence of positive official guidance. Moore (1984) deals with this in respect of the H.O. circulars which seem to assume levels of competence commensurate with the task, a position first attacked by Harris (1979) but challenged in the Courts on more than one occasion. In contrast-distinction to the absence in Britain, with the exception of the S.W.S.G. document (1974), there has been a number of thrusts developed in the U.,S. over the years, which, while carrying some different emphasis; (Perry (1979) gives some illustration of the scope); are, in the main, directed towards what the Cook County Manual (1979) referred to as a need for 'greater uniformity' high quality and the courts will be assisted in understanding the problems, needs and concerns of the individual defendant, thereby arriving at an appropriate sentence'.

The generality of the position, adequately summarised by Freedman (1981) as 'SERs are prone to contain value judgements, to make unsubstantiated assertions and often to be based on assumptions which are unsupported by evidence. Writers of SERs know no more about the 'cause of the trouble' than do the rest of us. They tend to assemble information ... and often put it into language loosely drawn from psychoanalytic theory'. This is the starting point for the construction of a theoretical model of Report, which, while directed specifically at the Scottish situation, has obvious implications for practice and practitioners elsewhere.

It is necessary to make a distinction between investigative work and the 'finished article' i.e. the Report submitted to the Reporter, and that reaching the Panel. Where previous work has failed, had been in the lumping together of what are now seen to be quite disparate tasks requiring distinct and separate skills and inputs. Mathieson and Walker (1971) for example, make very sweeping assumptions about the investigative process as distinct from the preparation of the Report. The complexity of the investigative task is therefore of considerable theoretical importance. The SASD Report (1986) noted 'We consider that there is a place for Initial Enquiry and investigation by the S.W.D. on behalf of the Reporter but that its purpose and content needs to be much more precisely defined than it appears to be at present'. That places the present concerns in a practice context.

i) A Model for Investigative work: The tasks in investigative work can be differentiated as between what the Reporter requires for his decision-making purposes and what the Hearing requires, if the matter proceeds to that stage. While the investigation per se must proceed and be undertaken in a professionally competent manner, the levels, amounts of information and styles of presentation of the results are, by definition of the tasks and functions of the recipients within the system, of different orders.

The Reporter is required to make a single basic decision: to proceed or not; the Hearing has to decide what action, if any, is necessary; whether that action should be of a compulsory nature or otherwise. Given a 'standard style' Report; whether it is intended as an omnibus

offering to serve both Reporter and Panel, (Strathclyde) or an initial Report for the Reporter, revamped for the Hearing (Grampian), the problems remain constant. The Report writer's identification of task is directed towards models which focus on disposals in advance of decisions.

What now becomes necessary is to isolate the Reporter's function and to devise ways of mobilising Social Work effectively as his investigative arm, as a separate exercise from that of advising the Panel in a formal Hearing situation.

An important aspect in this is to provide for the possibility of varying perceptions being applied to the different items in the Report. Gross (1967) found that the lower the casework orientation of the reporting officer, the greater the expectation of agreement with the ranking of items, and conversely, the higher the casework orientation, the greater the expectancy of disagreement. It at least exists as a possibility that certain Social Work orientations may, in context, pose problems. Mathieson (1975) no doubt was expressing the opinion of many Social Workers when he said 'The search for external authority is becoming increasingly fruitless and the individual must try to find firm ground within himself. This realisation makes life more demanding and fulfilling', and certainly this represents the distillation of much of the 'no action' advocacy encountered in this study. Limont's response (1976) was very much to the point: 'If you can't conform, choose your own set of rules!'

The results presented in earlier Chapters are supportive of the view that practice is following the line of least resistance. There seems to be no general thrust for qualitative improvement. It was remarkable, e.g. that in not one single Report in the entire exercise did a Social Worker depart from the 'standard format' of presentation of material. The 'firm ground' which they have found is in adherence to an established set of investigative and presentational norms, so that, far from being freed to develop professional style and panache, high levels of conformity characterise the Reports offered to service the justice system. As Curran (1982:100) comments 'Social Enquiry

Reports read either as rather bland descriptions expressed in neutral, non-committal language or, more frequently, as lay accounts of 'good' or 'bad' characters.'

The essential ingredient in the Kilbrandon philosophy is that there is an integral link between the Social Work activity, from the investigative stage onward, and the formal decision-making components of the system. That makes for a freer mode of communication; it also requires considerably more in the way of lateral thinking by the investigating worker.

If the system is to be served by the investigation then that assessment, when presented, must take account of the possible range and complexity of the contradictions posed by the child offender. He must, a priori, receive justice, on that point Kilbrandon was clear and unambiguous. Therefore the investigation satisfies the justice criteria, in that it consciously deals with what it is he is alleged to have done, and his response to that allegation. Secondly, it addresses itself to the various issues around the need for a form or forms of intervention. That entails meeting the basic points of the analysis at Ch. 6. Thirdly it addresses itself to the conflict (if present) posed by the child's conduct, his needs and rights, and the needs and expectations of the community to have criminality contained and handled in ways best thought to affect the maximum change in the offending conduct.

Only within that paradigm does it make conceptual sense for recommendations to be offered or considered. As Chambers (op cit) says 'Given this apparent failure to articulate information with any clear theoretical framework, it is not surprising that many commentators point to the failure of Reports to link information logically to the recommendations which many Reports contain'. It is broadly on the premise that the philosophy of the system is not being subscribed to, as distinct from the rhetoric employed, and that the provision of an adequate formulation is within reach, that the question of a new format for the transmission and display of information and advice is presented as one way of enhancing the service function of Reports to the juvenile justice system.

ii) Some present problems: The development of present practice has followed models of presentation transferred from Court practices. They are ill-designed to meet the needs of this tribunal or of those lay persons servicing it. The work which preceeded the 1974 Social Work Services Group Guidance (Moore 1973) showed similarities existed, in the ways in which Reports were prepared and presented; for example a stereo-typed format, with lists of family members whether at home or away, a marked tendency to present the overall situations with scant reference if at all to finance, problems relating thereto, or the availability or use of money by the Report subjects, was common. Youngsters were seen as family members and little if any reference was made to social activity or contact outside the family. While School Reports were quoted at length, without regard to the fact that they would be available anyway, there was little to show that there had been contact with schools or with other outside agencies. Any notion of placing antipathy towards school in context was completely absent. Comment about leisure and associates was along predictable lines and omitted, inter alia, indicators that the writers had taken into account the effects of sub-cultural group influences. Personality assessment was absent save reference to 'he appears to be a good lad' 'his mother speaks well of him' 'a good lad at home'. There was a singular lack of appreciation displayed relative to the importance of behaviour patterns in context of present problematic behaviour. Health and intelligence were seldom mentioned (it may have been that this was an exceptionally healthy and un-Kilbrandonish cohort). Surprisingly, in a Scottish context, drink and alcohol-abuse appeared not to concern the compilers of these documents. Curran (1982) found mention of alcohol in only 32% of reports on adult offenders).

Offence characteristics were presented in brief, limited ways which could well be seen, if transposed to Court situations, as second pleas in mitigation, and indeed there was scant difference between Court and Panel Reports. The invariable recommendation seemed poorly supported by the substantive evidence.

The 1974 guidance, in respect of Reports to the Hearings, addressed itself to eight questions:

1. What is the problem for which the child has been referred for help?
2. How and when did this problem first arise and what brought it to a head now?
3. Is there just one problem or many? If many, how do they relate to each other and on which should the Hearing focus?
4. How do the child, the parents and the family view his problem, its causes and the part they might play in solving it?
5. What are their expectations of the Hearing and the Social Worker - are they realistic?
6. To what extent are they motivated to working at the problem? What efforts have they made to deal with the problem and with what success?
7. What resources do they have within themselves to deal with the problem?
8. What other resources are there available to help them?

These remain the essential pre-requisite for a focussed appraisal which could and should be shared among Panel Members, parents, child and Social Worker in open debate. It remains difficult to see how fundamental decisions can be arrived at with any measure of confidence or competence if the issue at the end of this section is not dealt with:- 'basic questions are those of how the child sees his own situation and how he sees his own way forward'.

The general approach adopted was calculated to engender 'genuine expertise built on the basis of emerging needs' (Moore 1975) in terms of 'While it is for the Hearing to decide and to dispose of the referral, it remains a Social Work function to indicate possibilities of disposal, calculated to serve the interests of the child and to preserve public confidence in the system' (S.W.S.G. 1974:18). The

realities of firm recommendations placed in the hands of the decision-makers, three days in advance of the Hearing, without adequate safeguards for the actuality of decision-making as distinct from the form adopted, remains a core problem.

As has been shown in Chapter 5, there is an implicit assumption that either the Panel would not be able to obtain this required information in discussion, or that the parents and child would be intellectually incapable of providing it in open session. The model goes beyond this, grave though that assumption is. It implies not a problem-solving process in the actual Hearing, but a created-knowledge-base, of necessity biased by the orientation of the writer and by definition accepted by the Panel Members as received information, from which they will proceed. Arguably, this presentational model is calculated not to encourage debate and discussion, but to channel and direct it at best, and more likely actively to stifle meaningful exchange. The parents are all too well aware that anything they may have said to the Social Worker will probably have been retailed to the Panel in advance of the Hearing. The Chairman's homily, far from providing opportunity to contradict or clarify, simply serves to re-enforce the feeling that something is being done to, not with, the offending youngster.

The complexity and less than subtle nature of this model of useage of Social Work leads to a formula being presented to the parents along the lines of 'Having considered the reports, information and circumstances, we feel that it is in your child's best interests that ...' McAuley (1979:40) takes this up as an issue of legality but for present purposes the intention is to argue that the heavy-handed inhibiting role created for, and accepted uncritically by Social Work, does nothing to serve either the best interests of the child, the true administrations of Justice, or in the ultimate, the societal interest in the reduction of juvenile criminality, as distinct from servicing the bureaucratic machine. What ought to be primary foci for Social Work participation becomes in effect ancillary and incidental, and this is heavily underlined by the limited view of disposal possibilities shared by Panel and Social Work. If the family are already known to the Social Work Department, the position is potentially even more circumscribed. The National Association of Probation Officers on the

publication of the White Paper (1967) saw something of this and put forward the view that a Social Worker could find himself in conflict with his own Department if he attempted 'to divorce professional role from the known policies of the Department ...' or if he 'spoke critically of the Department or suggested a course of action in conflict with the policies of his Department.'

S.W.S.G. (1974:15) attempted to deal with this, if obliquely, by suggesting that it would be 'a matter for mature judgement ... discussion between Social Worker and parents ... and the presentation of relevant information presented on the basis of mutual confidence'. This, while being an attempt to make the Report more acceptable and compatible with the family's presentation of self, in a holistic appraisal of the child's needs with some attempt at safeguarding rights and confidence, does fall foul of the mechanistic production of stereo-typed 'Social Background Reports'.

The Streatfeild Report (1962) liberated Report writers from a number of erstwhile limiting practices, and created a significant role for them in the decision-making process by permitting the development of the available skills of the writers for the benefits of the decision-makers.

The decisive influence of Streatfeild was that the Report opened the way to freedom of expression in what the writers saw to be viable disposal possibilities. What has tended to get lost with the passage of time, although usefully revived in the S.W.S.G. Guidance, is the Streatfeild criteria for the expression of opinion.

In the present context the scope for Social Work intrusion into decision-making was clearly both substantial and intentional. In theory, the major consideration is that of the best interests of the child. By statute, the Social Work Department is in business to promote social welfare (S12 S.W. Act). So, as the potential judicial/welfare conflict is absent, the corollary seems to be that Social Work is in the decision-making business, if the freedom, not merely accorded to, but expected by Social Workers is any criterion. Social Workers have shown no reluctance to put forward their own, and

conceivably the Department's notions about disposal and broadly the evidence would show that the acceptance of what the Social Worker says is high, higher indeed than comparable Court-based studies. (Ford 1972, Perry 1974, Bruce & Spencer 1976, Morris & McIsaac 1978, Brown 1979).

Significantly, the views of Social Workers confirm this assumption, Martin et al (1981:260) found views heavily predicted to 'providing the Hearing with objective information' and 'representing the client' while 'recommending and implementing decisions so as to comply as far as possible with the aims of the system' did not command the same strong support. Table 5:7 shows the strength of view in the present study in this respect.

The issues relate to 1) servicing the Reporter's initial needs for information and advice 2) the form in which the Hearings are advised 3) the content of the advice rendered and the viability of the suggested disposals. The central issue here is that, given the kind of Reports referred to in this study and in the related studies to which reference has been made, the single line recommendation must seriously be regarded as, not simply undesirable, but as a major source of concern. More recent English Appeal Court decisions (James v R., Smith & Wollard) would certainly subscribe to this evaluation. The position is one of seeking not merely to apply some kind of cosmetic to this practice, but to effect fundamental change in respect of the entire investigative and reporting procedure. There is a growing concern in reported research which tends to cast doubt on the overly-optimistic official stances towards this work, especially as this affects or is applied to decision-making in the justice models addressed.

iii) The Need for a New Model: The SER analysis showed a significant lack of relevant detail in the Reports. The form in which the Reports are presented tended to conceal the deficiencies and to give a veneer of respectability to what, in the main could not be regarded as other than low-level workmanship. There is not much doubt that the compilers perceived their efforts as being exercises in virtuosity. When placed

alongside the comments of one Panel Member 'we have never seen anything other than this, so we have to accept it at face value', the magnitude of the problem is brought to the fore. It has nevertheless to be recognised that the writers of these documents are to a large extent hostages to handed down tradition, and equally, it has to be said that for many the preparation during training, whether in college or in the field, simply underlines the existing practices, with singularly little in the way of theoretical exploration. In one Course, in the area, during the currency of this work, e.g., the whole topic was discharged in 1½ hours by a Social Worker, brought in for the purpose.

The development of Social Work practice from a pronounced psychosocial base (it was estimated that the 50% of the cases described by Mary Richmond (1916) presented 'clearly psychiatric problems' while another 15% carried at least the possibility of a 'psychiatric condition' (Heraud 1970:5) meant, in effect, that the way in which Reports developed followed the pattern of Reports prepared by Social Workers for Psychiatrists, and inter-disciplinary case conferences, and was in tune with the thinking and recording for their own purposes, of the writers. From a position, following the Streatfeild Report, when the wrapped-up veiled suggestions as to what the writers saw as being viable proposals, gave way to the expression of opinion based on experience and knowledge, Social Work moved to a position where 'I recommend' became the expected and standard format, with, it is suggested, no substantial development of the assessment factor on which these opinions are founded.

The problem with this position has not been one simply of language use; it has been that recommendations have been tagged on to the Reports, without any, or much evidence of the basis on which the recommendations were reached. Much of the discussion had centered on how far the decisions reached accorded with, or varied from, the recommended courses of action, until Perry's (1974) study which revealed a pretty poor pattern of workmanship in the construction of Reports. What development there has been in Scotland has followed the general line of the 1974 S.W.S.G. document but in real sense, the inheritance of the Panel system has been of models of Report which developed in the context of a certain tradition of Social Work practice and for a

court-based system. It is interesting that Martin et al (1981:152) note that the S.W.S.G. document 'is virtually unknown to practitioners'.

In England and Wales the growth of Reports for the Juvenile Court has not produced any radical increase in the number of youngsters coming into the community-care systems. Indeed, following the 'care oriented' 1969 Act, courts have developed disposal practices which rely heavily on penal measures. Parsloe (1978:154) shows a rise in committals to penal institutions which at detention centre and borstal levels was running at twice the 1969 figures. This has to be seen against a static use of supervision and an actual decline in the use of fines. Figures produced by DHSS in 1981 corroborate this view. In a Scottish context there remains a distinct unease about the Social Work operation and a widely-shared suspicion that the track record is less than impressive. The findings in the last chapter of SERs not picking up the obvious challenges of young offenders requiring supervision in terms, not of the ubiquitous 'support' but in terms of control, is but a pointer to a more general view which the S.W.S.G. Statistical Bulletins provide of the static use of supervision, ignoring the general trends in the Criminal Statistics.

Something of this climate needs to be grasped if an appreciation of the kind and quality of the Reports surveyed here is to be gained. The question which is now to the fore is one of attempting to change reporting practices and in so doing to alter the climate and the perceptions of the operators and the receivers alike.

The magnitude and the importance of the task may be gleaned from a brief review of the position as revealed in the Bulletins.

Table 9:1 % Referral Rates: Offence and Non-Offence. 1972-1983.

Year	Offence	Non Offence
1972	82.3	17.7
1973	81.8	18.2
1974	80.0	20.0
1975	S.W.S.G regard 1975 figures as unreliable	
1976	78.4	21.6
1977	80.0	20.0
1978	79.6	20.4
1979	74.8	25.2
1980	78.2	21.8
1983	78.0	22.0

Source: S.W.S.G. Annual Statistical Bulletins

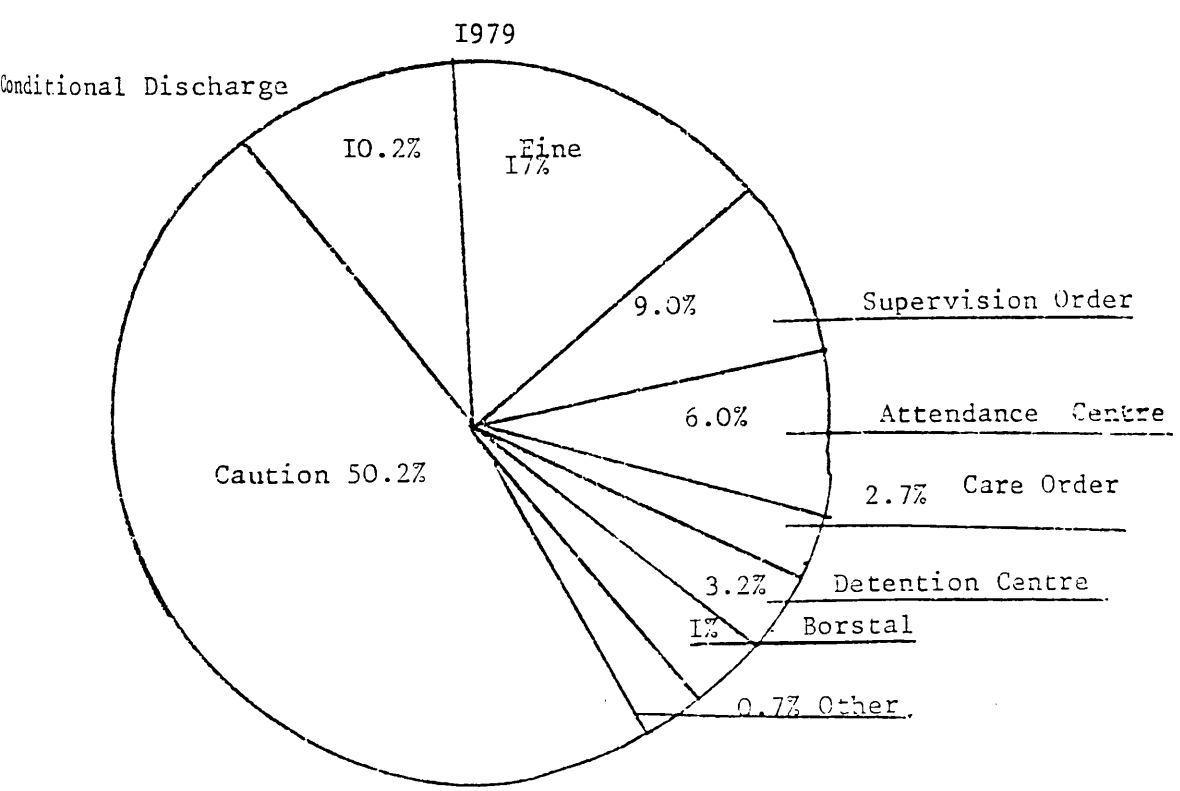
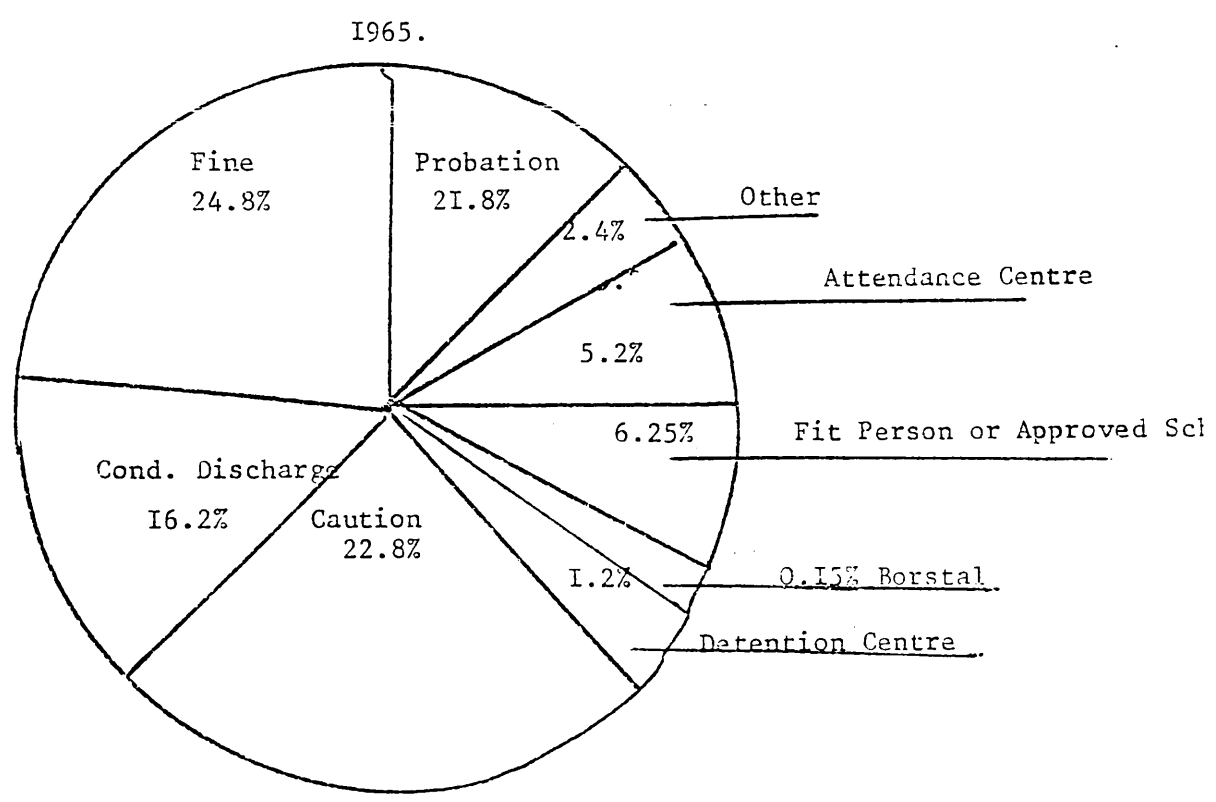
Table 9:2 Processing Offenders: 1972-1983

YEAR	Ref. to Reporter	Ref. Police, Discharged	S.W. NFA	Supervision Order made	RESIDENTIAL Supervision Order
1972	20669	14498	(70%)	4794 (23%)	1377 (6%)
1973	26418	19502	(75%)	5495 (20%)	1421 (5%)
1974	28184	21445	(76%)	5438 (19%)	1301 (5%)
1975	SWSG regard 1975 figures as being unreliable.				
1976	24823	18938	(76%)	4133 (16%)	1736 (7%)
1977	23340	17789	(76%)	3734 (16%)	1633 (7%)
1978	21533	16645	(77%)	3373 (11%)	1522 (7%)
1979	20873	16153	(77%)	3312 (13%)	1415 (7%)
1980	22303	18745	(74%)	2534 (11%)	1035 (4.6%)
1983	23291	19064	(81%)	2956 (13%)	1271 (5.5%)

Source: S.W.S.G. Stat. Bulletins. 1973-1984.

Table 9:1 demonstrates that the main burden of work is in relation to offending conduct. It is inconceivable in any other field (whether Social Work related or other) that so little developmental thought and action should be given to the main topic in the area of activity, as one can see is plainly the case here. Table 9:2 shows that there is a

sentencing & Cautioning of Juvenile Offenders for Indictable Offences. 1965 & 1979.



consistent pattern of feeding youngsters into and out of the system without any actual positive longer-term activity being programmed. Over the period under review, one sees a consistent pattern of use for the residential sector but a steady decline in the use of community-based measures. It becomes difficult to reconcile the positive shifts in Social Work training and staffing with the steady decline in the use of supervision - from 23% in 1972 to 13% in 1983. This has to be set against the growth of numbers referred (a rise over the period of 12.6%) and the increase in the use of the various discharge measures (a rise over the period of 31.5%).

Fig.7.. , demonstrates the position in England and Wales between 1965 and 1979. While the terms in use are different from those employed in Scotland, the patterns are remarkably similar. The use of supervision drops from over 21% to 9%, the discharge factor rises from 39% to over 60% while custodial usage holds reasonably constant.

Given that in both jurisdictions there is an inbuilt positive policy to provide and promote welfare, it does seem rather strange to find a consistent pattern of dismissal, not simply of the young offender, but of the opportunity to engage with him and with his family in an effort to, at least divert him from future brushes with the law.

This demonstrates the point and shows that the pattern of actively feeding out of the 'action system' a whole range of youngsters is little short of what may fairly be described as 'massive'. In the absence of the kind of knowledge about e.g. offence seriousness and family circumstances which is demonstrated in the foregoing chapters, it has become customary to apply a crude kind of labelling and assume that if the children were in one form or another, not made subject to measures of supervision then, by definition their 'needs' were not of a nature to require such measures. It becomes an almost classical 'Catch 22' situation.

The means of at least beginning to cut the Gordian knot is as follows.

We would take as a starting point an abandonment of present assumptions of the Social Work field service operatives as being 'professionals' in the sense of being able to operate as free, self aware, and self responsible people. A more reality-based model, which may be stated in the terms of Gladstonbury et al. (1980) which saw Social Workers as being servants of a tight bureaucratic machine, amply summarised in context by one respondent in the present study "we do this work because the Reporter says we have to", rather than savants of a developing-body of knowledge and related professional practice.

Accordingly, the pre-requisite for servicing the Reporter's decision-making is the development of a practice model within which there is a quality-control mechanism operative, which is not reliant upon the vagaries and internal upsets of the Social Work Department. In effect, and the Ayrshire Project provided good evidence that such is possible, what is now needed is a freeing from the so-called 'generic' caseload, of a corps of people with the interest and commitment actively to develop the practice of social inquiry, backed by a knowledgeable management and administrative support structure.

iii) The Ayrshire Project: Producing a new format for SER.

Faced with the task of improving SERs the device of employing a pro-forma was not the solution which immediately presented itself. The development of the concept was generated by experience, and while the 'front sheet' is by no means a new device (see e.g. SWSG 1974), having to go back to a fairly basic model did suggest that the problem being faced was of a more fundamental nature than one had previously supposed.

As indicated (ch. 1) the SWSG Review of the Ayrshire reports (1980) had been less than complimentary, and the workers brought together for this exercise were, in a real sense the Division's best hope for a regeneration of expertise.

The 40 SERs produced for examination and analysis were subjected to the SER schedule, as shown in Ch. 6. They then became the vehicle for change and the giving of insight. The process also provided a validation of the schedule which was much more searching than one could have hoped for, or envisaged, in the formative stages of the research, given the problems encountered.

The discussion on the various issues which surfaced, and which required correction and or elaboration, was marked by a sincere willingness to review practice and the possible reasons for what increasingly was recognised as less than satisfactory productions.

The 40 reports considered were of a literate quality which appeared to demonstrate both basic competence and a certain range of perceptions about the work. The impression gained from the sample, was primarily of a group of people who were applying themselves conscientiously to a task which had been well defined and whose boundaries had been established, albeit by verbal tradition rather than by precept. Their perceptions of the task conformed to this, so that, to take but one example, notional rights of privacy which had stopped them from conducting investigations into finance, even when, as demonstrated such investigation could give a much clearer picture of the child in trouble, gave way to focussed investigation. Their previous practice had shown, e.g. in relation to family finances:

a) Family with five dependant children depicted as 'the general situation reflects the low income of the family'. When this was raised as an issue, the worker concerned made enquiries as to the exact state of family finance. The family were functioning on a very low income. Clearly the 'right to privacy' was depriving them of much needed support which Social Work could (and indeed should) have been instrumental in supplying. Enquiries of the Regional Welfare Rights Adviser revealed that the family could qualify for D.H.S.S. benefits in terms of:-

Childrens' allowances, Family Income Supplement, Free School Meals and Milk, and Rent and Rates Rebate.

Almost at a stroke the family income jumped by around 75%.

The importance of the strategy under the discussion hardly requires elaboration, but the generality of the practice may be shown by reference to two other cases, taken from the same sample.

b) Single parent family (one child) income per week £18. Rent and fuel bill paid direct by the D.H.S.S. Dismissed in the report as 'reasonable standards considering her situation'.

c) A family situation described by the report writer as 'mother is a poor manager, the house is dirty and neglected' became the subject of close scrutiny as a group exercise. Analysis of the situation provided the following:

Father (railway worker) produced a low wage, 3 young children between 2 and 6 years, subject of report aged 11 years and an older brother aged 13 years. No evidence of welfare support grants (clothing, shoes, etc.), no record of any input from Social Work, either by way of S.12 help or of contacts made with voluntary bodies likely to help with furniture, etc. It seemed probable that the family would have been as well, if not better served if father had stopped working and existed on State Benefits and associated provisions.

Local knowledge of the area once applied, produced a picture of dependency on the corner shop. The nearest shopping centre, supermarkets and other outlets for cheap or cheaper food and household necessities, was about three miles away. To avail herself of these, mother had to take a bus and conceivably take the youngest child or children with her. The expense factor was seen to be substantial.

What emerged was a re-formulation of the home description, which encompassed the above, concluding 'In spite of the tremendous problems this family attempts to function without burdening the social services and Mrs 'A' deserves great credit for coping with her many and varied difficulties'.

The content of these reports conformed to the criticisms contained in the 1980 S.W.S.G. study; there were however, notable exceptions to this, and evidence of a potential for change, with a commendable use of language in some reports. It was noted in one that it encompassed within three paragraphs (160 words) more than has been found in many pages in other, unrelated, offerings to Hearings.

Disturbing as these illustrations are, the theoretical significance of the described practice is such as to discount any notion of this being simply slipshod or careless work. Matheison and Walker (1971:27) noted 'Some Probation Officers see their task as to prepare reports without undertaking any extensive involvement with the client during the enquiry period. Neither the offender nor his family will receive 'first aid' from the Probation Officer in the way of emotional support or material help. If there are obvious areas of difficulty these will simply be noted in the report with no attempt made to resolve or even modify them in the remand period ... The thinking behind this is certainly reasonable 'and later' (But) Rather than simply note these for the Court it is more prudent to attempt to examine them ... and by becoming involved, attempt to point the way towards some sort of modification or solution'. This dichotomy of view was effectively reduced by Daunton-Fear (1975) to one of "crisis intervention, per Caplan". The appropriate reference point (Caplan 1961) being that the client is in crisis, defined as an upset in the 'steady state', 'Homeodynamics' or 'equilibrium' and that this upset in the 'balance of forces' may be altered to a healthier level by relatively minor intervention. Beyond doubt it was to this theoretical aspect which Mathieson and Walker, and subsequently Herbert and Mathieson(1975) addressed themselves. The issue to which attention now turns is as to whether these kinds of situation can, with any moral or statutory justification be left to the discretion of the individual worker.

The described situations are not, however the definition is extended, 'upsets'; they are de facto stable states, but stable states which by virtue of the professional ethic, normal humanitarian, and not least the statutory responsibility to promote social welfare, require to be upset. Whether that upset entails 'crisis intervention' i.e. a relatively minor input of professional skill and know-how, or a more

sustained effort is really beside the point. It is fundamental to the issue of providing for the child that the basic needs of the family are met.

It may be difficult to conceive of Panels sitting down and moralising 'we are not here to punish but to help you' with facts of such abject poverty not even mentioned, yet such is the day to day reality. The rationale for re-formulating the terms on which these SERs were presented become inescapable. The kind of report seen in the New Town samples was in evidence here with family relationships, personal history and offence being dealt with in some fairly impressionistic ways. It was noted too that the broader community aspects were, for all practical purposes virtually ignored.

Assessments tagged on to the end tended to be, as SWSG had noted, simply a re statement of bits of the report, and invariably there was a 'recommendation' which if angled towards supervision followed the 'magic' formula, namely that supervision per se was a 'good thing' with no real attempt to reason this out in respect of the particular child. Exceptionally, there were glimpses of a better practice:

i) A report which ended with this passage:

'Assessment;

Despite the fact that I have questioned earlier the degree of closeness in the relationship between Don and his father, I feel that Don thought there was something special between them. I think that Don is still missing his father and that this factor can partly account for his behaviour.

His relationship with his mother, which involves his going shopping with her and for her, has been instrumental in much cruel teasing from the group of boys involved in the offence along with Don. They have called him 'sissy' and 'soft' and Don's involvement with them was probably an attempt to disprove this. Given these two factors and the fact that Don had been offering emotional support to Mrs A. since Mr A. left home, I believe that Don requires some support for himself.

I think that the best type of support would be from a male supervising officer in order that Don be offered a male from which to model his behaviour. The school report states that Don tends to be a leader amongst boys of his own age but tends to be led by older boys. This would indicate that a relationship with a male supervising officer could be instrumental in developing positively his leadership capacities whilst modifying his attitude towards the type of boy to whom he now looks for leadership'

ii) a report which actively questioned the rationale of bringing the child to the Hearing, not on the grounds that the child lacked support, guidance or whatever but that natural justice was clearly being flouted by the referral and the perceived needs were no greater than others in his immediate circle.

iii) By another which highlighted perculiarities in behaviour, and by,

iv) one which tended to show that where the perceived needs of the child related to the stated grounds of referral (care and protection) then the Social Worker displayed skill commensurate with that perception.

It became clear that the real task was to turn these workers towards investigations which were buttressed by a determination to secure the pertinent and available facts, and secondly to enable them to translate these into meaningful social assessments.

Two strategies emerged. The first was to individualise effort towards better work, and this entailed a process of discussion centered on a 'how do you know - go back and find out' technique. The second involved the creation of a Steering Group in the construction of an acceptable format for use by the Division. On the principle of the importance of the approval and content of 'significant others' the two chairpersons of the Divisional Panel, the Divisional Reporter, a District Reporter, and the Divisional Organiser (Field Services) were drawn in. From this emerged the format which was finally accepted for

use. Alongside this a set of guidelines was constructed and the group of Social Workers then proceeded to produce reports for Panels, under supervision.

The guidelines were deliberately aimed at the work level of the people concerned and were calculated to strike at the points identified as being most vulnerable.

The project guidelines:

"Following on the identification of the child (name, age, school etc.) the grounds of referral are to be stated in social terms. In short "CON. s3(1)(3) or Sect. 99 R.T.A. 1972 or Sect. 5 Ways & Means Act 1802" will not do. What is required is a statement which reflects the social reality of the grounds: for example, "Theft" might read "Stole spirits and cigarettes to the value of £50 from Blogg's supermarket at 11.30pm on Sunday, 12th inst other younger children aged 11, 12 and 13 were also involved".

A tabulated statement of the family in situ is to be presented, by relationship, name, occupation and income. Social Workers are encouraged to focus on the family members significant to the analysis, so that younger children may be recorded as "three children aged between 4 years and nine months" and absent members clearly shown separately (if at all) so that the social importance of the household family is not clouded by inappropriate and unimaginative listing.

This tabulation is to be followed by a brief statement about family finance, so that, for example, if rent arrears or hire purchase debt, or simply financial hardship are seen to be of importance then these are placed in perspective.

The front sheet is to be completed by a section headed Matters of Particular Concern. This is a summary in single sentence statements of what the Social Worker sees to be the problem areas.

For example:

1. There is a severe truancy problem.
2. There are indications of marital disharmony.

3. There are critical financial problems.

Thus the front sheet provides for the reader, in the initial reading, a statement relative to the reasons for the child being referred. It is intended to place the child in the context of his family and to display in fairly stark terms what the Social Worker regards as the problems necessitating a referral. Subsequent to that, at the Hearing it is intended to serve as an aide memoire in four important areas: 1) the circumstances of the grounds for referral, 2) the family situation, 3) any specific financial problems facing the family and, 4) in short summary form, the Social Work identification of what for the child represents problems or problematic issues.

The substantive report follows from this, and the Social Worker compiling it is required to address him/herself to three components. The first of these is represented as "family background and analytic statement".

Secondly, the report is to address itself to elaboration of the areas of concern noted on the front sheet. If a Panel Member reads on the front sheet that e.g. "there are serious truancy problems" he may with some confidence turn to the second section of the report for a detailed analysis of that statement. Thirdly, the report is to address itself to disposal possibilities.

Check Points:-

1. Get the family - get it right, do not worry too much about the names of schools which other children in the family attend, unless there is a significance. If some members are absent, ask yourself 'does the panel need to know that she is 'Jane (36) married, living in Edinburgh' or will 'one sister married and living away' suffice.

2. Finance. Do not be embarrassed at asking for details. Maybe Mum does not know how much her husband earns, but she knows how much she has to keep the house and how it is spent. That is probably very important, especially if she is up to her ears in H.P., clubs, etc.

3. Check out the referral with the reporter and/or the police. What has the child done? Does he admit the referral as stated? What advice should he be given by you? Check out his story with the known facts. Analyse, don't make 'second pleas in mitigation' - remember, you don't need to do that.

4. Check out with the school. If you are going to make a comment on school, make it a sound social comment, analyse it, tell the Panel what you think it means.

5. What does this kid actually do in his spare time? With whom does he do it? Is that important? Is he clubbable or not, or what?

6. If there are problems in the home; health, relationships, whatever, spell them out, if not, be specific, indicate that you have covered the ground.

7. Tell the Panel what you think the viable disposal possibilities are. Speculate on the effects/impact of each. If supervision, then what is it going to mean for this kid? If in doubt, remember: supervision has neither good looks nor magic, it is merely very useful. What about community resources - and I do not mean the lock up variety! Are there possibilities of pushing out the boat and proving new openings for constructive leisure? How many kids on your caseload possess a library ticket or are members of any organised youth activity? Is this youngster making the best of what potential he has? If not, What can be done for him?"

The supervision of the SERs produced under this new regime entailed checking the report with the worker concerned against the schedule items, thereby ensuring a quality control and at the same time providing in a live test situation an ongoing test of validity for the instrument.

From the point where four of the five components in the situation; the Dept, the workers, the Panel, and the researcher were satisfied with progress the format moved to general Divisional use. The fifth component, the Reporters, remained adamantly opposed to ANY change,

arguing, right to the end, e.g., that it was wrong to give Panel members information about family finance or to discuss general societal situations such as high levels of crime in an area "these things have nothing to do with them, they are only concerned with the child ..." as the Divisional Reporter succinctly put it.

We then moved to a consideration of review reports. For completeness this aspect is included in this account.

Review Reports:

A problem which has beset the system since its inception has been that the wishes of Panel members to see in reports review accounts of change over time has been thwarted by reports which present, often in considerable detail, the material of the initial report and which fail to address themselves to significant factors in the period under review. A twelve month period of supervision could easily be dismissed as "Jimmy has reported regularly and I have been in close contact with the home". Equally and more importantly, this style of report too often lays the total responsibility for so called failure at the door of the child and succeeds in directing difficult and trouble prone children away from community based measures of intervention by the blanket phraseology of a 'need' (undefined expect that the child is in further trouble) for a period of residential training.

The review reports submitted for analysis closely resembled the kinds of models noted above and certainly the Panel members on the steering group were clear that this was an area of considerable importance and one in urgent need of reform.

It was decided that the project review reports should proceed from the premise that the Panel members receiving them would have to hand the initial reports and any supplementary reports which were considered at the point of the order being made. Therefore, duplication of any material contained therein would be avoided. The review report would concern itself with change over time and in that would be an incomplete document, inasmuch as it would require to be read in conjunction with the reports which had preceded it. The immediate implication for the

Social Worker compiling such a report is that he/she has, a priori, to consult the previous reports whether prepared by him/herself or by another so that a process of reflective consideration is thereby set in train. The format of the new style review report (Appex. 5) which has emerged from the project contains four sections. Section one is entitled, the reason for review. In this the Social Worker is required to state why the review is being called and who is the prime mover. If it is a statutory twelve month review then it is hoped that the reporting Social Worker would feel free to insert some comment as to why action had not been taken sooner to bring the matter to notice.

The second section is concerned with significant family changes. What is intended, and what has become quite clear from the project as being attainable, is that, instead of simply re-stating the family circumstances as given on the original report, attention should be directed to significant changes since the first report was submitted, so that to make any sense of the review report the Panel member would of necessity have to have the original report to hand. At first sight this may seem unwieldy but essentially what is being attempted is that a comparative statement be made and that the reporting Social Worker be not deflected from that by any encouragement to spend time simply revamping the material which has already been presented and which can easily be scanned by the reader, especially if the format of the initial report is adhered to. Implicit in this is that the reporting Social Worker will be presenting a statement about real change in attitude and role within the family as well as directing attention to fairly basic issues like mother having stopped or started working etc.

The third section is concerned with contact with the child and family. This section is seen to be the kernel of the review report and is an attempt to meet the justified criticism of Panel members that it is difficult to gauge the effectiveness of orders made when little, if any, information is provided about levels of contact. The experience has been that far from inhibiting Social Workers this in a very real sense provides a vehicle for them to share with the Panel members a range of contact, work, and the conceptualisations which have been necessitated by the dynamics of particular situations. The evidence would seem to suggest that their previous style of report writing in

fact inhibited this, with the result that those receiving reports were both frustrated and thwarted in their desire to play a constructive part in dealing with individual children and with their problems.

The fourth section concerns the fulfillment of treatment plans. Whilst the writer has many reservations about the medical model in social work, particularly the adoption of medical terminology, it remains that when orders are made, they are made under this arrangement, on the basis of Social Workers actually stating what the likely social consequences of this course of action will be and therefore it is entirely consistent that in reporting back the Social Worker should give an account of how far the plans for action were realistic and how far implemented.

The project workers felt that in respect of review reports they should make some reference to a conclusion and recommendation, and this appeared to be a manifestation of their concern that where orders existed they should be seen to be responsive and responsible in relation to considerations which in essentials come down to either continuing the order or terminating it. At the point when the project terminated they were left with the proposition that they should abandon this position and instead should, at the end of each review report, attempt a statement which provided for the Panel and for the child and parents a summary of the events which had taken place, with some speculation as to the possible courses of action open in respect of a reasonable period of time. It is thought that if this line were to be followed it could result in undertakings being given by parents to the Hearings in respect of their own responsibilities and of plans of action in relation to the child's future behaviour which, given the Hearing's seal of approval, could very well be a most constructive contribution to bolstering parent participation.

Three foci for Reports:

The project tended to show that a response would be forthcoming from Social Workers, and that with enthusiasm and willingness, if they could be convinced, firstly, that the current models based largely on a handed down tradition are inadequate. Secondly, that any proposed

change would be acceptable to those receiving the reports. Thirdly,

that the proposed change makes significant professional sense.

Fourthly, that it has the support, encouragement and approval of their immediate management. It is at least possible that the way to achieve change is to effect operational response at a number of levels. What is done, or can be done at the level of training courses, quickly runs into the problem of being modified; often radically so, when the student enters the field and finds that his innovative interests have to be brought into line with local practice, and finds that practice leaves him with little save the exercise of techniques which seldom reflect either his skill, abilities or interests.

Accordingly three features were seen to be of primary importance:

1. To search out matters of concern.
2. To maximise Social Work input to the Hearings.
3. To promote discussion on a range of possibilities for disposal of the referral.

1. To search out matters of concern: It was recognised that the earlier problems encountered, of reports of poor literary ability, had lost momentum, and by simply encouraging Social Workers to increase the length of their reports, on the basis that more is better, could well be counter-productive.

It has been shown that the Social Work report can serve to conceal rather than reveal; by blurring the stark realities of family life by the use of euphemisms 'normal for the area' 'poor general standards', it enables the socially uncomfortable facts of life to be glossed over and attention directed to the 'problems' presented by the child. An example of this may be seen with reference to the extremely common situation of reports on young truants having a focus directed to the observed behaviour without reference to homes functioning at levels of primary poverty, where far from meriting criticism, hard pressed and demoralised parents need recognition that their social reality is unlikely to be conducive to adherence to middle-class standards, however desirable, or to perceptions of educational achievement. Thus the advice tendered to the Hearing is actively slanted to a view of the child's situation which skews the attention of the Panel away from the

real inabilities of the parents to encourage, let alone enforce the expected educational norm. There has in recent years been a considerable recognition of the value laden focus which Social Work brings to its tasks; (see e.g. the Barclay Report 1985). In this field the need for an awareness that while the Social Worker, by training and practice, tends to an identification of problems as being personalised and capable of resolution at a personal level, this is not necessarily the way in which his/her client perceives the same set of circumstances. For example, the rhetoric about the necessity for education and the advantages of securing competence in the basic educational skills while agreed to, lacks any conviction and is seldom backed by personal example and precept in the parents attending Hearings. People for whom education was a marginally important and enforced experience, produce children with a scant love of academic pursuits.

If the workers seek more detailed information and attempt to understand it in terms which make sense to the subjects of reports, the presenting problem becomes one of use and interpretation. Fundamental to the new approach is a presentational model which enables information to be distilled into succinct statements of fact, supported by clear reference with impression and opinion clearly differentiated.

2. To maximise Social Work input to the Hearings: There has been wide recognition in research studies that the contribution made by Social Workers at Hearings tends to be fairly minimal and the comment 'I have nothing to add to my report' appears to be a well used formulation. So long as reports remain prosy accounts of the youngster's needs and domestic situation, then so long will that situation continue. The capacity to analyse accounts of social situations is perhaps too lightly accepted and assumed in the councils of those who select and train Panel members; the day to day problem is considerable, especially when each report follows the same form and the context appears almost indistinguishable from others received in a steady stream over time. In seeking this form of presentational clarity, regard is paid to experience in Juvenile Courts where issues seen to be of importance to the Bench, or alternatively thought to be 'a hazard' and not to be brought to the attention of the parents and child, e.g. illegitimacy,

financial problems unknown to the husband, or domestic violence, tended, too frequently, in 'marked' reports to backfire to the embarrassment of all concerned. (Watson 1970) Accordingly the presentational format adopted is calculated to avoid either ambiguity or hidden messages.

3. To promote discussion on a range of possibilities for disposal of the referral: The single line recommendation presupposes that the reporting Social Worker has discounted the possible alternatives. Streatfeild took the view that reports should reflect the competence and knowledge of the writer and a problem which is identified is that assumptions are massively built around these qualities on the basis of 'I recommend'. It has been shown that, in respect of certain matters connected with the Hearings the knowledge base is low, and for present purpose it is regarded as very important for Social Workers to demonstrate the range and spread of their thinking.

The aim therefore is that in presenting reports, Social Workers should provide the Panel with a range of possible disposals and arguments for and against each. It is hoped that this will at least, in part, fracture the single line, limited tariff presentation.

The project showed that it is possible to inject enthusiasm, style and better presentation into reports. There is however the problem of forms and formats being institutionalised. Once the Hawthorn effect is removed the probability is that practice will slip into, albeit new modes, comfortable but essentially lower levels of performance, hence the importance of the Reporter's Schedule which would provide a check and a supervisory tool.

iv) Improving Social Inquiry Technology: The provision of a theoretical model which, for the first time separates out the needs of Reporters from those of Panels in the disparate decision-making processes, means, in effect that we are drawing attention to, and providing a fundamentally new approach to, the core problem of SER preparation and presentation. These practices require quite specific

technologies, by which I mean 'the specific study of a practical art'.
What requires to be changed and turned around is an inherited and very problematic model of practice.

It is a fact of life that Social Workers learn very largely from, and on the basis of, models existing and used in their agencies. There is, to take the obvious example, no logical reason why any Report should follow a set format, yet experience over the years of trying to impress upon students that the SER's form and content should reflect the needs and the situation of its subject, ran into the sands of agency practice, where the provided model - whatever its form - speedily became integrated into the student's practice.

What has been shown here exactly reflects what one would see in any Social Work office in Scotland; the form employed would differ, the colour of the paper used (and that is a perfectly serious point) the 'shorthand' identifying data prefacing the body of the report, would be different, but in fundamentals, the core would be a constant. That is the real explanation of the bewildered comments from commentators such as Morris and McIssac (1978).

The rationales, if such they can be called, for some rather antiquated models run from 'You have to do it that way' with blank stares being the sole reward for the fundamental question 'Why?'; to 'the Regional Reporter insists on Reports in this form'. It has remained a lurking suspicion that the said Regional Reporter would probably be the most surprised man in Scotland to find that he had such power over the officers of another L.A. Dept., which of course begs the question of the professional responsibility of the officers concerned.

I have reviewed the literature on this aspect, and I have shown (1984) the widespread concerns which, on both sides of the Border, this subject has aroused. In present context the complaints of Panel Members are too well rehearsed to do other than acknowledge their concerns in respect of late, non-existent and poorly constructed Reports which do little to enhance the Hearings process. This research has shown a widespread failure even to mention finance, to interview male parents, or to contact schools; and in general to retail the

child's and mother's tales in quite uncritical but highly "supportive" ways. In many, many cases the strong impression was that the subject of the Report was not even seen except in the presence of the mother! Clearly, in some instances not only would this be correct, but the only correct course. The question is, is that an acceptable stance in relation to e.g. quite mature 14-year-olds with substantive and sophisticated property offence referrals to be faced? I found this interviewing technique to be present even in a case of fire-raising with suspected undertones of a sexual nature.

The present Scottish arrangements present a quite singular, indeed unique opportunity to break out of the kind of practices referred to, and without being unkind to the Social Work profession, it has to be said that the need to abandon quill pen technologies is long overdue. Present practice is no different in 1986 than it was in 1960 and practice in 1960 did not look much different from that which had characterised the earlier offerings under the 1930's Children and Young Persons legislation. Why should this system with its distinctive needs and processes be saddled with outdated and quite problematic forms of communication, when, we must assume, under the C.C.E.T.S.W. aegis the practitioners have a range of enhanced and superior skills to be harnessed for, and to the task? The recurring problem with the presented offerings; whether as 'initial' investigations for the Reporter, as 'finished' products for the Panel, or as omnibus 'complete' Reports - whatever the end-user; is simply that no one can be sure if what seems to be missing is missing simply at a level of the writer not having covered the ground or for other more complex reasons. An example of this may be gleaned from the Ayrshire exercise where questions about family finance were excluded from reports because the writers thought that a) it was an infringement of civil liberties to enquire about money b) it was too embarrassing to ask, and c) it was likely that people would not divulge details of debt and difficulties, even if asked.

An expensive exercise: Around 1972/3 Martin Davies, then a Research Officer with the Home Office, conducted a survey on the time-factors involved in Social Inquiry. Davies's best estimate was that it required on average about 4-4½ hours to complete the professional task. That figure has now passed into the folk-lore and importantly, into the managerial thought processes of Social Work. The cost factor in that is pretty obvious but completely ignores the hidden costs, those of the typographical and transmission services. In toto therefore, this exercise on a case-by-case analysis is not to be lightly set aside in any serious discussion of cost-effective servicing of the Hearings system. Notionally, assuming that of all referrals reaching Reporters, something in the order of 20,000 per annum do require Reports, whatever their title, then the cost factor begins to assume proportions which ought to excite the attention of cost-conscious management. (That it has singularly failed so to do is another matter!) Given that of all the work coming to Departments, this represents only a small proportion, then the allocation of staff time to it has to be seen as a serious if unavoidable drain on available resources. In one known Glasgow area office (two teams) the new referral rate is currently (1985) running at between 400-500 per month. It seems fair to make the point that, in the main, the recording of material in any area offices comes a poor second to the perceived primary task of report production. It would be a fair guess that not less than 30% of all typing time is devoted to this. It is a matter of some interest that Edwards, the Strathclyde Director in his appeal to the Scottish Office for "15 Probation Officers" (Ways and Means I.T.V. 29/11/85 and Glasgow Herald 3/12/85) has linked this to four clerical officers. In what other area of Social Work activity is the demand for clerical support so great? Along side these strictly managerial considerations, important though they be, is the perennial and nagging issue of the quality and appropriateness of what is produced. Given Fred Martin's desire to hedge the criticism, it remains that his summary of reports, on a National basis, was reduced to a single paragraph. "... it would be reasonable to conclude that in more than half of all the cases examined, the Reports did not provide the Hearing with information on basic features of the child's growth and development which in terms of current professional opinion, might be held essential to any realistic discussion about his future. There is considerable variation in the

quality of reports. Overall however, the general impression conveyed is of a high frequency of rather piecemeal statements which in a substantial proportion of cases fails to organise and integrate the observations into a balanced whole". (1981:156)

How then might these problems be overcome?

Grasping the nettle: The model which is outlined in this paper is based on extensive discussions with Reporters of long and wide experience and on a small pilot project which actually produced working papers on which decisions were made, and subsequently, reports produced.

The essence of the matter and the core argument is as follows:

On a case-by-case basis Reporters need a range of social information on which to base their decisions, assuming the matter is one which simply on the basis of the referral they are unwilling to mark 'N.F.A.'

Secondly, they require specific, focussed, up-to-the-minute, soundly-based professional assessments of the individual child's situation and circumstances. It is a matter of some concern that varying levels of 'informality' in the form of letters and memos can be, and are presented in lieu of a clear professional assessments.

Beyond that the issue of "What happens next?" is at best blurred by variable practice across Regions, and as indicated above, the two basic models appear to fall within the 'omnibus' offering and the 'Initial Reports/Full S.E.R.'s' one. However, it remains that in either case the necessary investigative work is required. The cost analysis factors in that seem to be inescapable - even if one wanted to escape from a system of focussed, painstaking investigation, calculated at the end of the line to serve the best interests of the child.

Two fundamental questions remain. The first of these is simply one of how to ensure consistent, reliable, agreed information across the spread of Social Work orientations and practice patterns. The second is related to cutting back on the time/cost factor associated with the task.

Employing the schedule which follows a demonstration has been made which points the way forward on both counts.

- a) The professional time/cost factor can be reduced on average to about 2hrs 30 mins - 2 hrs 45 mins. That, in itself is an argument of some weight, given an estimated saving of two hours per Report over the 20,000 Reports likely to be required in any year in Scotland.
- b) The task of the Reporter is made more meaningful and child/problem focussed by the elimination of the intrusive and potentially skewing, if not actually misleading, stylistic presentations.
- c) His capacity to obtain specific clarification on points at issue are substantially enhanced by the precision and clarity of the instrument.
- d) Reports for hearings are of an enhanced and non-variable quality, conforming to the parameters of the schedule. There is, in extension, no reason why Panels should not have a print-out of the schedule as an aide-memoir, but maybe that is crossing another bridge ahead of time and for the present I would confine this to Review Hearings.

From the standpoint of Social Work the following:

- i) where no report is required by the Reporter for a Hearing, none is produced.
- ii) clear, specific, non-speculative information is filed, as appropriate, in each referred instance.

- iii) In extension of ii) the development of 'hands on' computer availability to individual Social Workers would mean, in effect, both consistency in practice and protection under the Data Protection Act.
- iv) A significant checking mechanism on the reported circumstance of referred children. This has twin aspects. At a primary level, changes over a period of time, whether in respect of real change or in the reporting of such by parents etc., immediately comes to the fore. At a secondary level, what is necessary is high level practice skills, and failure to display and produce on this model could not, for very long, be concealed from supervision or from management.

It will thus be seen that I am arguing for a quite radical reduction in the time/cost factor and for equally-radical displays, across children's situations as referred, of high levels of professional skills and expertise.

The practice implications: What has to be clearly understood without any ambiguity, is that this is not a checklist! I do not consider that the kinds of professionalism which I associate with what I know to be good Social Work practice, require a checklist. The checklist approach can be done by people with minimum interviewing skills and reasonable personal presentation; it is not however Social Work assessment. What this is, is a clear and quite specific sharing of information between two professionals, the Social Worker and the Reporter, about a common identified child, his situation and circumstances. It is a richer, a much fuller, sharing than any of the current productions. If this is doubted, then there is an invitation to apply a simple test. Employing the given schedule, mark off the items as shown against any available report, whatever its title or intended end-user ^Quod erat demonstrandum?

This instrument requires, a priori, the kinds of skills and orientations referred to, the mere fact of reducing complex issues, in the first instance to 'yes/no' responses makes the point rather than the reverse. Inter alia, one wonders if the plague of late Reports might be dealt a mortal blow by the employment of the instrument.

As cited, it is intended to take account of the child as actor; in other words to deal with that 80% plus of referrals which focus on his activity or lack of it. In relation to that important minority of cases under sect. 32(2) (b,c,d,dd,e and h) modifications would be required simply at the level of jiggling the referral data and references to take account of the child as recipient of neglect and/abuse, rather than as the actor or activator of the matter under scrutiny.

The Proposed Schedule:

Instructions: Tick, mark or comment as appropriate.

1. Parents marital status:

- a. Solemnised marriage.
- b. marriage by habit & repute.
- c. cohabitation.

If time factor is important, indicate.

2. Are there features of the union which should be noted. Yes/No
If so, indicate.

3. Re. Family finance:

- a. stated amount of family income (all sources) £
- b. are there deficiencies in terms of State or other benefits Yes/No
- c. If yes. Is SWD in process of dealing with these. Yes/No
- d. Family debt:
 - i. rent arrears £
 - ii. H.P./Clubs etc. p/w £
 - iii. other (state) £

Is comment required? Yes/No

4. Occupational status of parents F. M.
Comment required? Yes/No

5. General state of home. (Ring as appropriate)

Chaotic. Dirty. Untidy. Lived in but clean. Good. Very Good.

6. Dietary factors. Generally, under which head would family-feeding come?

- i) junk food
- ii) haphazard
- iii) adequate
- iv) consistently good

Does child have school meals Yes/No

7. Parental characteristics to be noted. (Ring as appropriate)

- i) conflict. overt/covert
- ii) alcohol problems F. M.
- iii) drugs F. M.
- iv) violence F. M.
- v) criminality F. M.
- vi) infidelity F. M.
- vii) other (state)

8. Parents relationship with child.

- i) positive
- ii) weak
- iii) negative

9. Has SWD previous knowledge of abuse or conflict between parents and child or other children Yes/No.10. Are there other parental factors to be noted?

If so, state briefly

11. Re. Siblings.

- i) If referrals under Sect. 32 a-i incl. indicate -
S32() name(s) year(s) 19
- ii) note all orders/licences held by SWD.
- iii) How is child's involvement viewed by sibs?
defensively/antagonistically/neutrally.
- iv) If voluntarily SWD involvement state briefly

12. Re. Child's Health.

- i) known illnesses to be noted Yes/No.
- ii) known defects to be noted. Mental/physical Yes/No.
Is comment required?
Is there evidence of incontinence/eneuresis/nail
biting/hyper-activity? (Ring as appropriate)
Is child known to CGC/psychiatric services/school
health service/other. (Ring as appropriate)

13. Child's consumption of:

- i) tobacco, rated as high/medium/low/none.
- ii) alcohol, rated as high/medium/low/none.
- iii) solvents, rated as high/medium/low/none.
- iv) other drugs, rated as high/medium/low/none.

14. Child's pocket money p/w (all sources) f

15. Use of pocket money rated as constructive/non-constructive.

16. Choice of companions rated as poor/positive/irregular or
fluctuating.

17. Child rated as leader/led.

18. Re. School

i) Child's attitude to school
positive/negative/non-committal. Does child's view of
school conflict with school's view of child? Yes/No.

ii) Parental attitude to school. Committed/not
committed/disinterested.

iii) If absenteeism has been identified, do parents regard
truancy as a factor? Yes/No.

iv) does child admit to
truanting? Yes/No.

19. Are there reasons to think that the provision of Sect. 44(4)
should be considered? Yes/No.

20. Re. Child's leisure. Constructive/non-constructive.
are there specific features to be considered? Positive/negative.

21. Assessment of behaviour at home. Acceptable/not acceptable.

22. Are there indications of disturbed behaviour? Yes/no.

23. If family known previously to SWD indicate reasons and dates
(Year)

24. Age of child when first contact with SWD.
First referral was for

25. If child on supervision when offence committed ..
Was supervision active or nominal?

26. If property offence, state child's explanation for any property
not recovered.

27. If OAP. Assess attitude to offence ...
Defensive/aggressive/passive.

28. Attitude to offending casual/defensive/shifts blame/evasive.
29. Does day/time/location/other factor/of offence warrant comment?
Yes/No.
30. Has the question of restitution (if appropriate) been raised?
If so, by whom?
Attitudes to restitution assessed as positive/negative/neutral.

The identifying data which prefaces the schedule would be in respect of the child, Age, DOB/ Address, School attended, Referral: Accepted/Disputed. , along with the names of the parents.

The name of the Social Worker concerned, with times of most likely availability would also be given at this point. This is for the use of the Reporter, as explained below. What we now have is a paper from which the Reporter can work. He is now faced with a series of specific questions germane to his investigation; what he has been supplied with is a series of answers to those questions, in simple straight-forward 'yes/no' terms, so that he comes to a position of knowing that there is a number of social issues which augur well for the child, and that there is a number of issues which are a cause for concern. It is then a matter for him to arrive at a balance as between these and to decide, on the balance of probability, whether the child's and society's interests can best be served by proceeding, or by voluntary action, or simply by marking the referral NFA.

There is nothing here which would on a case-by-case basis, prevent the Reporter's seeking elaboration from the Worker on any point in the schedule, on which he was unclear or required more information, but in the main what is being suggested is that the decision-making of the Reporter is essentially of a different nature and quality from that of the Panels and that he does not require the kind of offering which is, at this time, necessary for the latter. What he requires in the range of considerations is contained here.

It has the advantage of being consistently present, in every Report called for.

It is subject to check, on a point-by-point basis. Such checks could be, and indeed should be, on an immediate contact with the writer basis, rather than being subject to any formalised inter-departmental memo exchange basis; the latter being almost certainly productive of further delay and misunderstanding.

It has the advantage of professionalising the decision making at Reporters' level, by which is meant that at the present time there is a great deal of uncertainty about the consistency of Reporters across the board, in what and in how they make their decisions. For example, in one office at the time of this schedule's being deliberated, every referral was forwarded to the Panel, save the most trivial, and even then, some of the referrals onwards had a most questionable air. Within that, the Social Workers went through the charade of reporting, suggesting NFA etc., yet knowing that at the end of the day the matter would be sent forward to a Hearing, with all the inter-play and a discharge at the end of it all. Such can hardly be seen as professional, let alone good professional practice, to say nothing at this point of the gross waste of time and energy involved.

The nature of the consideration required of the Reporter, on receiving the completed schedule is such that there would be a significant deterrent to frivolous requests for Reports. There is a view among Social Workers, which has at least to be recorded, that some Reporters are simply lazy and use SERs as a convenient and easy, if slipshod, way to discharge their responsibility.

Secondly, as far as Social Workers are concerned, this schedule demands from them a consistent display of high-level assessment skills they would be required to do the job in the terms laid down. At a stroke one removes the doubts and difficulties which abound in this field.

There is no way that anyone could complete this schedule working at the levels which have been discussed and displayed in the foregoing chapters. What could be done would be simply to fabricate the

responses, but just as there is no way one can legislate for the 'bent copper' so too is there no way one can make provision for less than conscientious Social Workers: that is a problem well outside the scope of this discussion.

On a more positive, and less gloomy note, they would, across the board, irrespective of the personal predilections of Reporters, be assured that that which they were being requested to provide had, at a base-level, the necessary element of professional concern which requires the kind and quality of professional assessment inherent in the exercise.

Third, the SWD would have, uniquely, a form of assessment on file which lent itself to computerisation, retrieval and cross reference in respect of family situations and, importantly, change over a period of time.

As a corollary, the SWD would have, again for the first time, a means of checking, and of ensuring the appropriate levels of service delivery.

Even managers whose background does not lie in the fields of assessment ought to be able to employ their managerial skills in taking this as a baseline, and in record scrutiny, to identify the core issues which were to the fore when orders were made, and to raise the question as to what, if any response the SWD had made in the period under review, to resolving the problems.

The fourth point at which the instrument validates its use is at formal Review Hearings. I have dealt with the Review Report (post this point), but for the present, it requires to be said that the variable ways in which Reviews are handled does little to enhance the feeling of consistency in a system which appears to pride itself in its unequal treatment of equals. The issue of equity is a real and a live one, its resolution a matter of severe practicality.

On this basis it is suggested that, whatever changes may be affected in the style of Review Reports, at the point of Review the Panel members should be given the initial schedule, the initial SER and such Review Reports as may have been prepared. The point being made is that at the point of the initial Hearing they were provided with a comprehensive report, coupled with a School Report, inter alia., and on these bases they made a decision to subject the child to supervision. That in itself is a serious step with far-reaching consequences for the child and for the family, introducing, as it does, intrusive authority in the form of the SWD. Therefore, at the point of Review it seems right that there should be a full review, not simply a review of an agenda predicated by the reporting Social Worker, who is at liberty to highlight or deaden issues or developments. Under this arrangement we would have a total disclosure not only of the previous SER but of the fundamental thinking which prompted the Reporter to activate the referral in the first instance. It will be quite clear to anyone with even a passing knowledge of Hearings and the Panel process that armed with this level of information, and a built-in set of answerable questions, Reviews really could become reviews in a new and refreshing way which guaranteed something more than a prefatory bout of verbal fencing about 'responding' to supervision; without any agreement as to content and form of supervision, save perhaps some vague notion that reporting to the Social Worker equates with 'being supervised' and non-reporting equates 'being bad'. These notions crudely stated are nevertheless at the very heart of much of what passes for acceptable practice at all levels of the process.

What remains to be said in this context relates to the necessary instruction to be given to reporting Social Workers. A personal view, based, in part, on the Ayrshire experience, is that such instruction is absolutely necessary. It has the singular merit of being capable of presentation in a very brief form, if for no other reason than that what is required of the compilers is, at the initial stage, very uncomplicated. They are not required to do other, in the main, than to ring or tick, to answer 'yes' or 'no' to a series of questions to which they have, on the basis of records and interviews, very considerable and extended knowledge and information.

If more than that is required of them they will be asked for it, otherwise they need not spend time and energy in write-ups or detailed Reports. If required, then the clear unequivocal expectation will be that the offering will, and not will perhaps, cover in appropriate detail all the issues, positive as well as negative, so that there is no ambiguity in what has engaged their attention during the initial investigation.

The concern at this point must be on the development of a range of practice skills which are and can be, mobilised by Reporter's requests in respect of individual referrals. On a case-by-case basis, what is required is a demonstration, without regard to previous experience, location or 'team ethic' that any child deemed to be worthy of an investigation will receive the same painstaking care and attention as any other, without factors which have nothing to do with him or with his situation intruding and perhaps skewing the outcome and the quality of service given.

Testing viability: a small scale exercise. Employing two Social Work students at the end of their course it was agreed with the New Town Reporter that all new referrals would be handled by the students, working under the supervision of the writer. This was for a six week period. Each part of the information process was recorded and the work based on the Reporter's office with access to Social Work files as required.

Uniquely, this meant that all referrals, irrespective of any preliminary sift by the Reporter were subjected to investigation. The Reporter's estimate at the end of the period was that his task had been made more satisfying, but not easier or time saving.

He felt that he had arrived at about the same number of NFA/onward decisions that he might otherwise have done; where the difference arose was in the actual cases going forward to hearings. The increase in the quality of information available had shifted cases in unexpected ways. This was exemplified by the case of a 14 year old who had been reported for riding his brother's motor cycle, with all the attendant RTA offences tagged on. What the enquiry revealed was that he was still in

nappies, a source of embarrassment and problem of some magnitude to him and to his parents. Why these people had been unable to seek or to secure help was never satisfactorily explained, but it remains that what in the normal processes would have been marked NFA, or if transmitted to the SWD, would hardly have qualified for an investigation in this depth, was forwarded to the Panel with a supervision order being made with the minimum of discussion or debate.

The Reports required for the Panel were prepared on the 'Ayrshire' format, under supervision. They were well received and generated a considerable amount of comment.

Alongside this we had offered the same facility to the reporter in 'Riverbank'. During the Social Workers' Schedule exercise, it had been brought to notice that he almost invariably sent cases onward to the Panel, irrespective of content or circumstances. It was a matter of some interest to see if this pattern could be changed or modified.

In the event there was no change; the schedules were received and followed immediately by requests for Reports. Two particular aspects merit comment; one is that the reaction of Social Workers in the respective offices differed radically, or to be more precise, the reaction of those we were allowed to see differed greatly. In New Town there was a (not unexpected) blocking by the District Manager, and it remains an open question that if consultation with the workers had been possible it might have been possible to enlist a greater degree of support than was in fact the case. In Riverbank there was no such blocking and the team members were very helpful in early discussion as to the shape of questions, inclusions and exclusions. They felt that for the thing to have any chance of success it had to be seen by the Reporter as an 'outside exercise', and therefore the students became the work force.

Not only were the Riverbank Panel impressed with the Reports, the chairperson sought to involve the project in a 'campaign' to have all Reports to her panel so presented.

The results of the detailed record of activity by the students showed quite clearly that the time factor in writing SERs is of the essence, the actual time in getting to that stage accounts for about 60% of the notional 4/4½ hours taken. Hence the importance of the production of the Reporter's schedule. The actual consultation time required by the Reporter was marginal (or in the case of Riverbank, nil) the view being taken that there was no need when the core issue of process or not was so clearly addressed. I would not see this as being in any way a prospective uniformity but it may be that this would be the reality. A major gain was the verification of my view that the police were approachable and a source of considerable help. The problem proved to be, not one of reluctance, but one of abundance.

A disappointing aspect was that there seemed to be a marked reluctance to extend enquiries beyond the immediate family circle, and one noted that in no case was the school contacted in person, the telephone being the preferred medium. I do not pretend to understand why it should seem easier to make physical contact with police than with schools, but such did prove to be the case. Actual contact-time with respondents was surprisingly brief, in only one case did it extend beyond one hour. One explanation for this may lie in the operatives' not being familiar with the instrument. If at ease with it, it may be that interviews would flow more easily, but that is conjecture.

In all then, this aspect proved to be satisfactory and productive, and appears to offer a genuine way forward in the improvement of SER production.

The second stage, although in practice it preceded the exercise just described, lat in the formal Hearings report format. The format which was developed is given at Appex. 5 in relation to discussion of the Ayrshire Project. In theoretical terms I amend the wording of some parts as adopted by Strathclyde, the main and certainly the most important being to delete the Social Worker's "preferred disposal" as this runs quite contrary to the central thrust of opening up, without circumscription, the areas around which disposals might usefully be

debated. By including this 'preferred option' I take the view that the SWD are attempting to retain that special position enjoyed by Social Workers in the 'recommendations' phase of SER production.

Summary. This chapter moves from a brief re-statement of the general position reached by research studies to postulate a need for a radical re-think in regard to what Social Workers can reasonably be expected to produce. It suggests a model of Social Inquiry which provides both for the specific needs of the Reporter in his decision-making role and for the formal Hearing. It is based on the concepts discussed in the thesis and on the practical experience gained in the Ayrshire Project.

The early stage of assessment is calculated to do two things. First it is calculated to serve the Reporter, and in a quite radical way, to free him from any vestiges of rubber-stamping attempts at stereo-typing the child or the behaviour which brings him to notice.

Secondly, it is calculated to be dynamic in the sense that Streatfeild intended all Reports to be, in that as knowledge expands and extends, so too should the lines of approach to situations and behaviours expand and extend. It is contended that we cannot stand still or be seen to be advocating any 'right model'. Social assessment, like life itself, is fluid, dynamic and susceptible to change. The real task is to recognise this and to promote models fo practice which have, in-built, a capacity to be pro-active and responsive to change in the situations being addressed.

Chapter IX

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Chapter X Conclusions

This work has covered a range of issues associated with the preparation and presentation of Social Enquiry Reports to Children's Hearings and for use by the Reporter in one area over a period of four years. It has also developed a new model report in the context of a project which is reported upon and from which data are drawn.

This chapter is a drawing together of some of the salient matters which have come to the fore in the course of the work, and which are presented as being a broad overview of the concerns which have been addressed in the foregoing chapters. In the nature of the topic, it is not possible to make a presentation which could conform to any notion that, in a classical sense, 'problem 'x' has been tackled and result 'Y' has been arrived at. What can be done is simply to identify those issues which command attention and to direct comment towards these in a broad context, while retaining the focus of the reported research.

The whole area of Social Inquiry work may be seen as being complex in that it requires the application of the range of skills associated with the practice of Social Work, and on a case-by-case basis no one can accurately predict just what level of which particular aspect of the Social Worker's training and experience is going to be called into play. Therein lies the core problem, for what researchers bring to the area of study will vary from person to person, and from project to project; hence the proliferation of articles and monographs on this topic over time and distance. Within that, the variable demands on the writers of Reports remain a constant. What has been attempted here has been an analysis of SERs which accepts the variable nature of the task, but which placed it within the parameters of accepted Social Work knowledge and skill, and which requires of the surveyed Reports no more than what has been achieved, or could be achieved within the confines of the organisational, and professional limits of the operatives working in the location under review.

The matters which are commented upon in this chapter fall within the following listing:

- i) The philosophical problem in SER work.
- ii) The form of reports.
- iii) The content of reports.
- iv) Offence characteristics.
- v) The presentation of reports to Hearings.
- vi) The integration of source material.
- vii) The influence of the SER.
- viii) Preparation for SER work.
- ix) Development of practice (I) a new format & (II) operational skills and techniques.
- x) Social assessment, a useable tool.

This final section represents a concluding statement and presents the broad spectrum of the encountered problems which fall within the ambit of the skills and techniques necessary for work categorised as social assessment.

i) The philosophical problem in SER work: In working for the Kilbrandon Committee's "new alternative" (para 72) Social Workers are immediately faced with a philosophical problem. The problem relates to an understanding of what Kilbrandon was attempting to do, and in delinquency cases, in understanding the meaning of "referral should be made to juvenile panels for one reason only, namely, that prima facie the child is in need of special measures of education and training". The widely used and quoted view that 'what he has done doesn't matter, it's his welfare that matters' is, by any standard almost too simplistic for serious discussion, yet it represents a kind of base-line for operations in this area. It is only by taking it seriously that one can account e.g. for some of the rather startling statements culled from SERs with which, this work is peppered.

There is, it is suggested, enough evidence to support the view that more needs to be done at a fairly basic level, to bring Report writers and their collaterals to an appreciation of the realities of delinquency as a social phenomenon which has to be taken seriously, and which may not be disregarded in favour of some rather spurious notions

about individual children (irrespective of the quality of their offending conduct and propensity to drift into criminality) needing 'welfare' while others do not.

In a sense the obverse side of this coin is that so long as present pseudo-philosophical stances hold, then so long will it be before any real attempt is made to test alternative delinquency-combatting strategies. It is an open question if what we are seeing here is some kind of unconscious application of non-intervention strategy, albeit not based on any notion that intervention is, by definition, bad and calculated to lead to more, rather than less, contact with official control agencies. Leaving aside the unacceptability of Social Workers' behaving as unthinking agents of a system poorly geared to dynamic understanding of the delinquency problem, the problem here is that it serves badly the very children it seeks to help. It seems more likely to bring into the control system petty, minor offenders, on the basis of real or imaginary 'welfare' considerations, rather than bring in others who do present real criminal potential and who could possibly benefit from attempts to generate remedial and positive social education programmes geared to their particular needs and situations.

ii) The form of reports: In samples of professional offerings to a judicial tribunal it was little short of surprising to find nothing in the way of original thought in the form in which information was conveyed. Neither in the Authority nor in the Area is there any known rule that Reports have to be set out on the prescribed form. It would be accepted among managers that on a case-by-case basis circumstances should, at least, play a part in the worker's decision as to how the information was to be presented. Indeed, even if the Dept. had laid down such rules, one would expect to find the professionals making individual decisions, and standing by them as a matter of professional judgement. That in no single instance did one find any deviation from the provided format says something about the absence of initiative or interest in the development of practice, or in the more effective presentation of the circumstances of the child, subject to the Report.

One can see the lure and attraction of the 'revised format' (Perry 1974, SWG 1974) but equally one recognises that this is, if anything, but a step on the road to improved standards. It is not, of itself, an answer to the problem of poor reporting practices.

The problem which is addressed is not that the workers use particular headed paper for Reports; it is that the climate for what they write is so readily to hand, and is created by the flat, un-creative expectation which is generated. Thus every Report started with a listing of family members, at home or away, ages, religion, etc. irrespective of the potential use-value or applicability of this kind of information. The flow of information was, thereafter, entirely predictable. Whatever the importance or weight of particular items, they found their allotted place in this mechanistic scheme of presentation. The overall effect was of dead-pan presentations, provision by rote, essentially lacking in enthusiasm, inspiration or insight.

The gap between the reports encountered and the models available (see e.g. Moore 1984:21 et seq.) is so wide as to make any notion of bridging it a near impossibility. For this reason the device of instituting a revised format in the Ayrshire Project was seen to be a viable vehicle for change. The provision of improved formats as interim stages in the development of practice is regarded as being near essential in this situation. The problem which is anticipated is that this too will become institutionalised 'you have to do it this way' and such drive and initiative as it possesses will simply be allowed to run into the sand.

iii) The content of Reports: It would be quite unrealistic to attempt to produce any finite statements as to what might or should constitute the content of a Report to the Children's Hearing system. What can be said with clarity and conviction is that the Report should mirror the circumstances of its subject, and that as a matter of principle it should cover the areas dealt with in the body of this work (Schedule on SER content). That requires an approach which deals with the presence of matters which are regarded as being of concern, and also which identifies others as not being of concern. In other words the

elimination of dubiety becomes a primary aim in compilation. It is axiomatic that Reports should be clear and appropriately concise, in the context of the matters under discussion.

The surveyed Reports displayed deficiencies; patterned deficiencies e.g. in respect of financial matters, in dealing with offence commission. They also displayed quite individualised deficiencies, e.g. in dealing with situations where the obvious was ignored in favour of the trivial, such as a woman who had slashed her wrists - written off with scarce a mention but much play made of schoolboy sons 'helping financially'. The Reports were not of a nature where one would employ Bruce and Spencer's term "extravagant or denigratory"; rather one saw them as being soft-centered and failing to provide the needed information which, it is held, could be available to the skilled investigator. Certainly they fell far short of Bruce and Spencer's informants' 'reports which were "venomous" and "slanderous"' (1976:118). They were, essentially, Reports which had a very long way to go before achieving the status of sound professional assessments of specific social situations requiring decisions to be made about the imposition of compulsory measures of care.

The Report is required to meet certain criteria. It has to address core questions posed by the very fact that the child has been referred. It needs to raise and answer questions as what that referral means, both in larger societal terms and in terms of its meaning and importance for the child and for his family. Beyond that, it needs to be able to present a picture of the child in his social environment: it may well be that in individual cases not all the gathered material is presented, but if deficient in any aspect the writer should be able, without undue effort, to supply the required information.

The Report is required to furnish adequate information on the sociology of the child, internal to his home functioning, external to his functioning at school, with mates, in clubs, or in his socialising failings.

It is required to deal with his psychological behaviours, in the family and beyond it. Indicators as to disturbance, if present, are all around. The task of the Report is to present these and to make sense of them. It is as pointless for a Report to attempt to give pseudo-profound explanations for observed psychological signals as it has been for the Reports with which I have been concerned to ignore them. Perhaps more damaging and dangerous is the Report practice of giving the signals and providing misleading pointers as to their meaning. A prime illustration of this latter practice is provided in the following New Town report: a boy referred on a charge of fire-raising. SER contained a fulsome account of this "quiet lad at home who spends a lot of time by himself in his bedroom". What the content of his solitary lifestyle was, or indeed the possible inference which might be drawn from it, was not simply missed, it was actively mis-construed, and instead of the Panel's being led to considerations of possible need and help, they were actually led away from what may have been the most important offer of assessment and aid.

None of this is suggestive of Reports occupying some sort of mystical high ground; rather it is an acknowledgement that they are essentially focussed on the real world occupied by the child which, even without the complications of offence referrals, is heavy going between the ages of ten and sixteen years. It is this simple, salient fact which seems to elude so many of the contributors to this study's analysis.

At one time there was a number of criticisms of the Russian author Yuri Trifonov (1925-1981) because, alleged his critics, he overemphasised the details of ordinary life. In reply, Trifonov wrote "Daily life is a great trial. It should not be spoken of with contempt as a lower aspect of human existence ... daily life is ordinary life, a trial in which morality is manifested and tested. The mutual relations of people are also part of daily life. We find ourselves in a bewildering and complex structure of existence, at the intersection of many ties, views, friendships, acquaintances, dislikes, psychologies and ideologies" It is somewhere within that splendid view of the sheer complexity of 'ordinary life' that the Social Enquiry Report finds its place, its meaning and its purpose.

iv) Offence characteristics: The way in which offence characteristics are handled, or more accurately not handled, by report writers is a cause for concern. In any logical interpretation of this phenomenon, a major problem is presented. The individual child is referred for reason 'Y'; the Social Worker is required to report on his circumstances; the decision-makers are required to decide on a course of action in respect of the referral. From no other source will they receive any information relative to the circumstances of the matter which brings the child to their attention. The Social Worker (whatever else she/he may bring to their notice) does nothing about investigating reason 'Y', except to retail 'sorry/pardon' noises made by the child and/or parent. On that basis the child is a) denied control measures, b) subjected to controls for a period of years, or c) sent away from home, most likely to an institution catering for delinquent youngsters. Not merely is this scenario illogical, it is a denial of natural justice. In essence, the child is being dealt with for reasons other than reason 'Y'.

Two rationales are given by Social Workers for this oddity. In the first place they claim that what the child has done is of no consequence; in other words the stated reason for his referral is not what they and the decision-makers are really dealing with. It this what they tell parents and children when they enter homes? Assuredly not. They tell them the reason for the enquiry is precisely because of reason 'Y'. In common parlance this would be termed 'a con game'. In the second place they say that they have no access or right of access to the information relating to reason 'Y', held by 'the authorities'. That is a patent nonsense. There is no ruling, nationally or locally, which would de-bar the holders of this information (Reporters and police) from divulging it to a Social Worker in the course of his/her investigative duties for the completion of a Report.

The result of the combination of these fictions is that an essential component in investigative work is relegated to a minor and often inconsequential place in the Report, irrespective of its true significance.

When "reason 'Y'" is translated beyond the 'ground G' of the Act into offence reality, which as has been shown can be of serious criminality, compounded by, in the case of property offences, missing property values which in an adult would excite considerable sentencing attention, the magnitude of this proposition becomes inescapable.

The obverse side of this coin relates to the individual offender. It is verging on the ridiculous to entertain a proposition that the true welfare of any child, in circumstances as indicated here, can be seriously considered in this kind of antiseptic fudging of the realities of his behaviour, of which a particular aspect has become a prime focus of official attention. The weight of the evidence in both New Town samples, reinforced by the vigour of the Ayrshire cohort in defence of the position stated above, and coupled with wide experience of the system outside the confines of this study, leaves one in no doubt that this is a matter which transcends any possible local variation. However, even if one considers this simply on a local basis, there is ample cause for the concern expressed here. It is held that to shift entrenched views and practices will require something more than the modifications in SER work which this work addresses.

This matter is at the very heart of the present arrangements. While it is possible to continue to deal with juvenile criminality in the manner described, almost on the basis of washing one's hands of the offenders when they reach the age of sixteen years, in larger terms the activity, and the policy (if such it can be called) runs into the very real problem that the young offenders become older offenders. As any student of the Scottish Criminal Statistics will agree, the volume of post-sixteen year old crime has not declined since 1970, and the introduction of the Hearings system; nor has the 'welfare' view of criminality yet taken root in the Adult Court System. One consideration is therefore to the fore: the juvenile system is required to work seriously to prevent youngsters graduating to the adult penal system. That is not an undertaking which can be accomplished in simple ways. It is, however, one which has got to be taken seriously in the case of every child coming to attention under 'ground G' of the 1968 Act.

v) The presentation of Reports to Hearings: A singular feature of the reported observations of Hearings has been the agreement that Social Workers perform poorly in this setting. (Bruce & Spencer 1976, Brown 1979, Martin et al 1981).

In this research there were many instances of the 'nothing to add to my Report' kind of presentation. Other presentations went well beyond a neutral model of professional input, with heavy 'client' identifications, while there was only one individual worker who qualified for what I have termed 'the Probation Officer model' in his presentations. By this is meant dress-conformity with convention, clarity in response, a lack of 'push' in either a 'prosecution' or 'defence' mode. There were instances of inexplicable behaviour, indications of which are provided in the text. Overall, the view formed was not of a well-organised, professionally-competent and aware body of people, but rather of a collection of individuals displaying idiosyncratic modes of behaviour, abusing rather than using the 'informality' of the Hearing Room. What is to be made of this? While the studies referred to contain comment on observed behaviour, none has sought to attempt to seek wider explanation or interpretation of it. Whyte (1955xvi/xix) says '... it is only when the structure of the society and its patterns of action has been worked out that particular questions can be answered. This requires exploration of new territory The general pattern of life is important, but it can be constructed only through observation of the individuals whose actions make up the pattern.'

Clearly any attempt to extrapolate from the observations made here may be subject to the criticism of being speculative, but the extended period of the observation entitles certain conclusions to be drawn in conjunction with other evidence, and in corroboration with other observations. Some beginnings have to be made in unravelling the puzzle of professionals in widely-separated instances displaying patterns of generally disappointing conduct in situations where the highest displays of professional competence and expertise are required. There are certain legitimate expectations of the individual and of the collective in the delivery of service to the Hearings system. In Goffman's words 'When an individual plays a part, he implicitly

requests his observers to take seriously the impression that is fostered before them. They are asked to believe that the character they see actually possesses the attributes he appears to possess, that the task he performs will have the consequences that are implicitly claimed for it, and that, in general, matters are what they appear to be, (One then turns to) the individual's own belief in the impression of reality that he attempts to engender in those among whom he finds himself'. (1959:28)

The 'impression of reality' which is being engendered in this setting is of the investigation of which the SER is the presented manifestation. It would be strange of the individual presenter did not want to make the best possible 'impression of reality', so that what is observed may fairly be seen to be 'the best foot forward'. Leaving aside overt and at times crass displays of ill-mannered discourtesy and sheer loutish behaviour, which deserve to be dismissed for what they are, one turns to the generality of failures to elaborate upon Reports when called upon to do so; of sullen retreats 'I didn't think it was that serious'; of attempts to cover up failures in communication 'well, he says he has hopes of six Highers'.

What is on display is a fair representation of the kind and quality of the investigative work carried out. It is inconceivable that professionally-sound investigative work should leave the investigator in a state of having nothing to add to a written Report, of being caught off-balance and at a clear disadvantage by the simple, common-sense reasoning and questioning of the average Panel member. Yet such has been the experience.

The realities of presentation point to the realities of investigation. The Reports which surface in the Hearing Room are to be regarded as the results, indeed as the best results, of investigators' endeavours. That is the stark reality to be faced. It seems quite pointless to continue with fictions about 'forgetting' or 'ommitting' particular pieces of information in individual Reports, unless one is referring to the omission of material, such as penal records, as a matter of deliberate policy or strategy, as has been raised as a possibility in the text.

In any contested case, before a jury, the evidence before one's eyes and ears conveys the truth of the matter. There is no claim that the truth is the whole or the total truth, but, overall, sufficient on which to rest a case. Such is the nature of the evidence and the legitimate deductions to be drawn from it in the matter of the presentation of these reports.

It remains a matter of some conjecture if the present arrangements whereby the writer of the Report is required to be present at the Hearing is the best possible model. It has been shown to be less than an operationally and administratively effective model. The question which is raised is simply that of whether a liaison officer scheme might not serve the system better. It is an attractive thought that a well-briefed, knowledgeable and interested worker should serve the whole run of Hearings, with the competence and authority to deal with such matters as come to the surface requiring Departmental attention.

vi) The integration of source material: A feature of the surveyed Reports was the way in which writers handled issues around school performance, attendance and behaviour. It became quite clear that the common practice was to take the comments of the child, and more exceptionally those of mother, as being sufficient for Report-purposes. These purposes extended to the forming of firm opinions about these matters, with the consequent skew which that placed on the general conclusions drawn. The problem which this poses is that in all too many cases there was a wide gap between the reported perceptions of the subject and the reports from school of actual performance and attainment, of documented lost days, of behaviour which ought, at least to have featured in the SER assessment, whether in confirmation or in refutation.

The possible reasons why Social Workers do not visit schools as a matter of common practice is really beyond the scope of this present work; suffice it is well recognised that such is the case. The consequent data loss is very considerable, interpretations are placed on certain matters which could be confirmed, or which could be placed in the context of 'on the other hand the comments made about ... are seen by the school ... '. The Panel could be better advised on some

quite pertinent matters. The seeming contradictions of the school and the subject being at odds about the realities of school work and behaviour ought to be removed from the Social Work presentation, or more correctly, where this arises, it ought to be present as a specific subject in the Report.

It is known that in at least one Edinburgh school meetings are held at the school in order to discuss and resolve the problems of perception and presentation. This has much to commend it, for obvious reasons. The other factor which is not so easily dealt with is that of the virtual exclusion (accepted and indeed self-imposed) of the school from the Hearing. There are twin aspects in this. One is that if the writers of School Reports were to be present and required to speak to their Reports, would they then modify the, often intemperate, tone of their Reports? No doubt the tone of Reports to hand accurately reflects the keen sense of exasperation and futility felt by the writers, but valuable as the content of the School Reports have been, one would have wished, in all charity, to have seen modified expressions, or better still, the writers turning up to face the parents and the Panel with the stark nature of school experience.

That represents the backdrop to the experience of seeing SERs alongside School Reports, or of making the analysis which is presented at Ch. 6. In the important matter of dealing with those matters which are components of the child's life, those of performance and attainment in school, the SERs of this study proved to be very weak. The weakness is in-built and accepted by the receivers of Reports, the overall 'child-as-client' and the 'client-defender' approach of the writers, all too often in the face of the evidence, left distinct impressions of inadequate understanding of the investigative task, and of generally poor workmanship. One felt that, to take the obvious case, experience of seeing the discrepancies between their own offerings and the clear stated evidence, e.g. in respect of lost school days, would have encouraged the writers to seek remedial measures for future reference. Such, however was not the case, the later sample being of no different quality from the earlier one.

The second area of failure in the integration of source material related to the Police Reports. It has been shown that the notions held by Social Workers that they have no right of access to this material is quite unfounded. Not only is the matter negotiable with the Reporter, but, as expected, in the New Town the Police were only too willing to have Social Workers contact them with a view to sharing information and impression. This is a valuable source of material for analysis and interpretation, as often the response of the child and/or parents to the Police; negative, antagonistic and immediate, has an importance which, by the time the Social Worker gets in touch has been modified and controlled, and is effectively hidden. In a word, it is not the right presentation to be made at this stage.

Reports would be considerably enhanced by an established form of communication between the services, which both preserved confidentiality and facilitated the work of servicing the system.

vii) The influence of the SER: The analysis of the New Town samples showed a situation of some complexity in the matter of SER influence in decision-making. In the first place there is the question of the influence which they have on the Reporter's decision-making.

It seems clear that in general, Reporters seek Reports before they actually decide on referral to the Hearing. In this the welfare focus of the Reports may, and probably does, mean that simply on offence seriousness criteria decisions are modified. This may be one explanation for the levels of N.F.A./Ref. to Police/Ref. to S.W. in the National Statistics. Arguably, if the strict statutory criterion is applied 'Where the Reporter has arranged a Children's Hearing in pursuance of the foregoing section, he shall request from the local authority a Report on the child and his social background, and it shall be the duty of the authority to supply the Report' (Sect. 39(4)SW(S) Act 1968.) the position is clear. However the confusion which has developed with the Social Work Dept's. being used to meet the Reporter's responsibility under sect. 38(I) to make 'such initial inquiries as he may think necessary', is such that the Report writers have been thrust into a situation where they are understandably

confused (and must confuse people interviewed) as to whether they are acting as the investigative arm of the Reporter (sect 38), or are compiling a report for Panel use.

As S.A.S.D. (1986:25) comment '... there is a place for initial inquiry and investigation by the Social Work Dept. on behalf of the Reporter, but its purpose and content need to be more precisely defined...'

In the New Town the confusion is compounded by the fact that the Reporter has policies relative to offence-type and seriousness, but these have not been communicated by the Social Work Dept. This means in practice that Social Workers address themselves to the question of there 'being no need to refer this matter to a Hearing', when, in fact that decision has already been made. Consequently their Reports, intended one can but assume, for the Reporter, are transmitted to Panel members. This is clearly an un-productive and un-satisfactory, if not simply messy, way of dealing with the children who come to notice.

Beyond that, in terms of reports which actually reach Hearings the influence of the 'recommendations' is largely in conformity with all previous studies in this field, with high correlations between recommended courses of action and the actual decisions reached. One significant variation lay in the way Panels treated comments which were not clearly and pointedly directed towards a particular course of action. Here one found considerable originality in Panel thinking, and an ability to grasp difficult and thorny issues. Another area where the Panel appeared to exercise independent thought was in relation to serious offences, where the SER was taking a soft line, soft-peddalling the gravity of the offence, the Panel showed itself capable of going against the recommendations which, in essence were geared to not having any Social Work involvement post the Hearing.

Overall these recommendations were poorly supported, either in the text or in the concluding paragraph of the report. They were simply tagged on 'recommendations' - a common finding in reports analyses, see e.g. Martin et al (1981) Curran & Chambers (1982).

In keeping with the views expressed about the need radically to revise and improve the qualitative aspects of reports, there is a commensurate need to have such conclusions as may legitimately be drawn from investigations presented in terms which broaden the conceptual scope of the decision-makers, rather than, as the present models do, restrict and circumscribe approaches to avenues available in decision.

Following the Ayrshire Project, it has been suggested (Moore 1984) that presentations of disposal possibilities should be made in terms of a programmed 'if (disposal) then (action) because (needs of situation)' covering as many disposal options as may be required. In this way, two desirable ends are achieved. The presumptive 'I recommend' single course of action is abandoned, and the writer is required to extend his/her thinking across the field, hopefully drawing together strands from the body of the Report in support of, or directing attention to the absence of need for, or the impracticability of each in turn.

Disposal of referral: It has been demonstrated that there is no reluctance to postulate disposals in these SERs: equally it has been shown that in the area of actually knowing what disposals are legally competent, there is a considerable knowledge gap. Herein lies a problem.

The ideas which have been put forward, in particular that there should be a discussion of all available/viable disposals in each case, would go some way towards meeting this difficulty, and would also serve to demonstrate, without ambiguity, just where Social Work thinking lay in relation to every child considered. It would cut back very considerably on the one-line-unsupported 'recommendation' syndrome. This whole strategy would require strong support from Management. It would also require a fundamental understanding on the part of the Reporters and Panel Members to bring it to fruition.

viii) Preparation for SER work: Part of the research methodology was to observe practice in the Hearings Room. This was allied to a) the SER analysis and to b) the survey of workers' perceptions of the system's operations. In part the exercises were directed towards issues which come back to teaching and training for this area of work.

High expectations of Social Workers have been raised since the inception of the system. One has but to look at the Chief Adviser's Working Party Report (1971) on 'Assessment of Children' to see just how high these expectations have been pitched. Observed practice, in the field, in Reports, in responses to the perceptions schedule, reflected poorly the thrusts of teaching and training - given that in the New Town parent Division it could hardly be claimed that training had been given for the majority and showed unacceptable levels of what might be described as an 'informal approach' to the task in hand. The conclusion which is drawn from this period of observation, supported by the comments of individual Social Workers, is that the preparation for this work is not at a required standard, and that much needs to be done in the fields of teaching and training to bring this to acceptable standards of professionalism. That requires to be moderated by the personal opinion that the very composition of this work force, and its disparate selection and training modules (CCETSW guidance notwithstanding), makes it doubtful if this can be regarded as being a viable or attainable proposition. Overall, this has to be seen in terms of the previous comment regarding the nature of the organisational/staff responses to the problems of service delivery in this area of operations.

Attention shifted to the views and opinions of the Social Workers, of the system, with particular reference to those which directly affected them. This survey showed a distinct pattern of low-level knowledge of the system per se, with a pronounced slant towards a kind of popular newspaper view of this corner of the world. Occasionally one encountered a deeper appreciation of the matters under review, but this was exceptional. Once into the more detailed aspects of the study, the demonstrations of knowledge-gaps became even clearer, to the point, on occasion, of embarrassment. The two particular things which tend to highlight this are those relating to legal knowledge and views of the children referred.

In the first, there was a critical shortfall in the basic knowledge required to function at an acceptable professional level. I have raised the question about the relevance of so-called 'recommendations'

for disposal in this knowledge grey area, on the basis of 'if they don't know what can be done - how then can they say what should be done?'

On the second point, there was a clear and distinct view of children which was far removed from the 'caring' images projected in Reports. The views expressed were more in line with a 'culpability' model than with a 'caring needs' one. Here then is a prime dichotomy: on the one hand a belief in the culpable child 'playing the system', on the other, Reports written, virtually tongue in cheek, at whatever level of consciousness.

The knowledge gaps are sufficiently worrying to be a very real cause for concern. This cannot, in my view be accounted for by any interpretation based on methodological skew. In any sample of professional workers, in any field one would be entitled to expect to find a clear knowledge and appreciation of the core statutes under which they worked and which governed and sanctioned their operations. In a wider context, it seems beyond reasonable doubt that there is at best, a very 'folksie' view and appreciation of the Juvenile Justice System (one must, in passing refer to the linkage between Court and Hearing, as being an integral part of the whole.)

Where then lies the blame and responsibility? It appears to me that the answer rests at a level of calling into question almost the entire edifice of service. At a departure point there is a majority of candidates who lack any previous education in the related fields of philosophy, law, social-administration and/or politics. Indeed many perhaps too many - need to study part time in order to gain the necessary Highers for entry onto courses. One course is actually geared down to three years to accommodate married women in contention of a two year course. The end product is a 'generic', all-things-to-all-men, Social Worker. Can there really be surprise that the findings are as shown, or that there is a major service delivery failing? The argument (in some ways outside the scope of this work) must inevitably hinge on questions of prior education, selection and specialisation.

Only at this point can the central issue of the Form and Content of Reports be addressed. The schedule which was used drew heavily on wide-spread research experience in both a U.K. and U.S. context. The issues raised would find acceptance in any informed forum and represent the core, central considerations in this field.

At a number of levels the findings were more in the nature of a shock than a surprise. One had been prepared for a heavy reliance of stereo-typed formats 'you have to do it that way'. What one had not been prepared for was the poor levels of conceptualisation on a range of pertinent matters affecting the individual child. Here were prime examples of low-level expertise being wrapped up in the approved phraseology, and passed, without comment or criticism, as the sole social assessments on children at risk. It has been shown that the deficiencies apply across the board, spanning law, sociology and psychology and not simply to the seemingly thorny problem of offence commission which in some miraculous fashion 'doesn't matter'. CETTSW have long cherished the aim of an all-graduate profession. While this in the writer's opinion would go some considerable way towards meeting the criticisms mounted here, two codicils are entered. One is that, if the evidence from graduates in the section referred to is regarded as being a guide, then considerably more attention would need to be paid to the matters under review on University courses. The second is that the pervasive influence of those in promoted posts 'we do it this way', would require to be countered at a formal level of management-intervention. Equally one sees scope for both CCETSW and SWSG taking a more active interest in the development of appropriate levels of conceptualisation and practice.

ix) Development of practice. (I) a new format. The model presented here is not the sole means of dealing with the problem of inadequate SERs. It is however suggested that it provides a way of ensuring:

- i) a practice model which delivers the required and specified information to the Reporter in a usable, open and coherent form.

- ii) the base for a Report-format, following the Ayrshire model, which provides the Panel with a range of information in greater depth and in more uniform ways
- iii) the provision of a range of disposal issues under review, on the basis of: IF (disposal) THEN (activity which would follow or be attempted) BECAUSE (details of circumstances or behaviour to be addressed.) (Moore 1984: Ch.2)
- iv) the provision of a tool for management in its advisory, supervisory and quality control functions.
- v) the provision of a data-base which is computer-compatible, and which would be relatively easy to code and programme.

The conclusions which are drawn from the exercises which produced this model are as follows. The present state of the art of, what we must now see as Social Inquiry is both imprecise and potentially damaging. The hidden factors are of a kind and nature that it seems highly unlikely that tinkering with the practice can or will produce the desired changes. It also has to be borne in mind that the operatives appear not to be in a position, or to have the necessary verve, to generate radical change. Change therefore has to come from without.

Secondly, the model has a high utility-value, calculated to do a number of disparate things, as listed above. None of the present models available can lay claim to such utility, nor can they provide the face and construct validity, the inbuilt coherence, Report by Report, which is now provided.

and thirdly, as the availability of machine intelligence grows in Social Work Depts. it seems little short of the farcical that SER production should remain in the age of the quill pen. Reports now are written and produced in exactly the same way as they were done in the 1950's, which differed little from what had gone before. What has changed, to a greater or lesser extent, is simply the linguistic forms employed. They cannot possibly be used in any meaningful way in developing, what are now immediately available, and revolutionary, aids in the analysis of material and thought as children and their families pass through the at times, labyrinth of the Social Work and associated agencies.

Development of practice (II) operational skills and techniques:

Throughout the presented work in the preceeding chapters there has been a thread of demonstrated lower level application of the required Social Work skills and techniques in the practice of social enquiry and in the presentation of the results of investigations to Reporters and to Panels. It has become clear that there is a need for some form of, what one might call, a revival of interest, in Social Inquiry work. It is hardly a coincidence that Scottish practice is marked by an almost total absence of contributions to the literature by Scottish practitioners.

During the currency of this research, e.g. there was not a single article over the name of a Scottish practitioner, and, as if to underline that, when Strathclyde adopted the Ayrshire format, what appeared (in the in-house sheet) was not a discussion on the practical or theoretical issues, but simply a series of moans about consultation and in essence 'what's wrong with the status quo' complaints.

It has been argued (Ch 3) that the sub-system of the present organisational arrangements are effectively the trend and limit setters. It has been made clear that this work is regarded (understandably) as being a drain on resources, both in terms of the teams, and importantly, in terms of the stamina of the individual workers. That, at one level accounts for poor, repetitive, practice. It is not work which is well regarded, but at the same time it is recognised that, unlike e.g. the mid 70's pressure to supply home adaptations, it is not going to go away. It keeps coming in, and there is some feeling that the better the performance the more demands the Reporter will make. Catch 22.

Alongside this organisational and administrative phenomenon is the question of the competence and willingness of the workforce. At one level there is a case to be made for presenting a scenario along the lines of 'if you have the skills - show them. If you haven't - get them.' That, of course, is too simplistic, but it does convey the very real dilemma which is inbuilt in the present service arrangements, where if one takes the corroboration provided by Martin et al (1981) for the present findings, what has been brought to light is something

more than a local aberration. What is required, as a matter of some priority, is a series of demonstrations that the profession is capable of productions which transcend those which have come to light in the various reserach studies.

It is important to remember that this is not simply a Scottish problem. All the indications point to a certain generality across jurisdictions and cultures. (Perry 1974, 79, Am. Bar Assoc. 1970, Harris 1979, Moore 1984 inter alia.). The problem therefore has to be regarded as being more of a serious, in-built structural problem, than of being some rather marginal, if interesting concern. It assumes quite germane proportions in terms of the abilities of workers to produce in keeping with expectations.

The view that has been formed is that the stance adopted by Perry (1979:106) '... Social Workers will have to continue with their informed guesswork and will continue to provide information that has relevance within their own professional framework ...' is no longer satisfactory. What is required is that there be a consistent display of expertise, and in instances where that is clearly seen (and can be shown) to be absent, that the operative be made to face the realities of workmanship which fails to measure up to the required standard. However that pre-supposes a period and a process of standard-setting and a joint user/management approach to remedial measures. The 'comments book' approach will not achieve this objective. The first casualty of such a process would un-doubtedly be what Coffee has called 'the presumption of regularity' (1975) by which we take it to mean the kind of acceptance afforded to the material subject to this analysis, on the basis of what one senior Strathclyde manager referred to as 'better than what we had in Motherwell before re-organisation'. In this kind of acceptance of the un-acceptable, one finds what computer scientists refer to as the 'GIGO effect' - garbage in, garbage out. If what is expected of people is low level, then who's to complain when they produce low level work?

It is in that sense that remedial change in practice cannot be advocated or brought about by more conventional, softer, proposals, easy though it would be to suggest that more taught-inputs and/or joint

Panel/Social Work training would be effective. From this distance there can be no objection to any such initiatives, but the core considerations will remain until the nettle has been grasped. The shape and the form of the nettle is as outlined in this work.

x) Social assessment, a usable tool: In drawing together the various trends of this work, one has been concerned to emphasise the importance of the role occupied by the SER in this particular system. In essence what is under review is the process of 'social assessment' by the writers. The use-value of the productions are in direct ratio to the level of assessment-skill brought to bear and made available. Whatever the reasons in individual instances or in particular units for practice which at times could hardly qualify for the term 'assessment', the core consideration remains that the required quality is knowable and known. It is held, in the present context, that the SER schedule provides a framework within which appropriate assessments for this purpose are capable of realisation. The criteria established in the SER schedule provide a reality-base for assessment. Deficiencies in presentation are calculated to ill-serve any, but the strongest, Panel. Such SERs reflect poorly on the professionalism of the writers.

In terms of social assessment, the core items addressed may for convenience and brevity be seen under the following heads:

- i) Family circumstances
- ii) The child as person
- iii) The child as actor
- and iv) Disposal of referral.

i) Family circumstances. All developed Juvenile jurisdictions are heavily dependent upon the family as an instrument of correction and re-alignment in dealing with the erring child. While the means of securing the necessary information on which the tribunals may proceed varies from country to country, the striking thing is that, whatever the means employed, the desired end-product varies hardly at all. Kilbrandon recognised this, and indeed one of the existing features which the Report was at some pains to retain was precisely the element

of Social Assessment. Kilbrandon clearly wished to mobilise the family as an instrument of first-line importance, and no negation of this proposition is known.

It seems therefore reasonable to place this as the foremost item on the scheduled agenda. In so doing, one wished and expected to see, in a majority of cases, sufficient detailed information as to make the exercise valid and informative. That has, in a most singular way, been the most significant feature of the whole work. Here we have encountered a solid mass of evidence which points to practice which is not geared to the production of hard-core, detailed information on the family as a functioning unit, as a potential for good in the child's life, as a societal unit with stresses and strains, open or otherwise to remedial activity itself, even as a source or potential source of anti-social, anti-authority attitudes in the child.

Instead we find, in the main, weak, insipid and potentially dangerous accounts of family: dangerous in that if they fail to discern the obvious then what chance is there that they will un-earth the hidden, the flawed and the damaging?

The SER analysis shows beyond any doubt the dismissive handling of finance and the failure even to assure readers that there were no problems of mental health, drink, drug-dependency or abuse - this, in a world where increasingly, these phenomena are to be regarded as common if not prevalent. How then are these assessments to be rated?

The analysis showed a certain lack of sensitivity in regard to parent/child relationships. Surely one of the cardinal features of any social assessment would be to ascertain the views and feelings of the fathers of these children? Why then are such assessments in such short supply? The answer would seem to lie, like Gaul, in three parts. Part one is in sheer ignorance. These operatives simply do not know that their job extends to that level of work. Secondly, how can they do it if fathers work, and are not available during the 'working hours' of between 10am and 4pm? The reality is as stark as that. And thirdly, I would suggest there is a world of difference between the cosy chat

with mothers about 'school' and 'how he gets on at home' and a serious discussion with working-class men about their responsibilities and possible failures in parenting.

Can it be seriously contended that the evidence does not point to a soft-centered, come-easy-go-easy, and essentially basically un-caring approach to this most vital of tasks in a welfare orientated system?

ii) The child as a person. What is required in this section of a SER is the provision of a portrait of the child. (See e.g. Wood 1986:26). This in no way means that the writers are expected to 'blind their readers with science' in the sense of burdening the SERs with ill-digested jargon - there being a surfeit of such already in evidence. It does however mean a radical up-turn in the quality of the work undertaken, both at the interview stage and at the stage of attempting to make social science sense of what has been obtained and observed.

There is doubt if the second of these stages, the 'thinking stage', takes up much of the time of the compilers of these documents. They read as straight retail accounts of what they have been told. It has to be repeated; this kind of reporting does not require extensive training and preparation, nor does it qualify for the appellation 'professional'. It reads as the production of persons with a capacity to conduct consumer surveys on behalf of cosmetic companies. The real clue to the mystery of what is put in or what may have been left out lies in this precise identification of the 'second stage' of preparation. Nowhere is the gap in concepts so apparent as in the area of the 'child as person'. Here is the kernel of the whole report, of the entire case, of the very *raison d'etre* of the proceedings under the Kilbrandon umbrella. Unless the SER grasps the concept of the 'child as person' and deals with it in a manner which does justice to the child in physio psycho and sociological aspects, then it fails to qualify as a competent contribution to the delicate task of dealing with the child and with his problems. Nor, in extension, can it hope to deal with the problems he presents to the community, whether in the larger or smaller terms.

The case-material which this study presents is simply indicative of what was uncovered in the whole. It seems highly unlikely that some curious influence, some ingested chemical substance provided the hidden ingredient which marked these SERs, in two distinct areas, over an extended period of time, as to be so a typicatypic and peculiar as to be unworthy of serious consideration as a fair, representative example of what one would find in a more generalised sample.

Of what then might such a portrait consist? The schedule clearly identifies the component parts of such a presentation. The need to state (and in most cases, it is thought little more would be required) the position relative to birth, normal illness and potential inherited defect would serve the decision-makers at a primary level of identification. It would, importantly, serve any professional seeking to do subsequent business with the case, as a result of decision arrived at. Such conceptualisation is not however within the teleology of these writers.

Beyond that there is a need to pick up the presence or absence of overt signs of stress. For example, bitten and torn finger nails tell their own story; the presence of white spots on the nail indicates the possibility of an anaemic condition - but only if the practitioner looks for the signs. That analogy of the Chinese 'barefoot doctor' comes to mind, but leaving aside any training input on this line, it is a matter of some consequence that 'trained observers' should seemingly be incapable of even picking up G.P. practice from their own experience and mobilising it for their own use.

It would appear logical to proceed from this in a line of investigation which took on board aspects and manifestations of behaviour and attempted to make from the information and observation a behavioural sciences' analysis of the whole. This need not be a splitting, but rather a unifying of the three sciences noted, drawing from each as required and as circumstances dictate. What emerges at the end of that line is a statement of value and of worth, which places behaviour in a behavioural context. As a point of departure it is suggested that the items of the schedule be seen as the core around which the profile could be built. As I have indicated, there are two distinct areas in

this which are crying out for development: one is the concept of bringing together the strands in an attempt to categorise in broad terms the patterns of observed behaviour, leading, hopefully to a structured approach to case management along the lines of the Warren typology, given at Ch. 6. The second line is the slightly more problematic, but nevertheless important one of trying to come to grips with the influences of fundamental chemistry on the body and on behaviour. Work is now sufficiently advanced on this theme (Bryce-Smith 1986 inter alia) for it to be integrated into the investigations and assessments under review. If e.g. effective modification of behaviour can be effected accidentally in an American prison by reducing radically the amounts of 'junk food' as part of a drive to reduce running costs, and if anorexia nervosa can be cured chemically, why are we behaving in Social Assessment as if Mary Richmond were still attempting to establish a credible presence for Social Work? Not only does quill pen technology rule, but thinking is almost totally moribund. Who suffers from this? The client, in the shape of the Reporter and subsequently the Panel suffer from inadequate workmanship. The ultimate loser is of course the person concerned - the child.

iii) The child as actor. There is a specific part of the SER which must address the activity which brings this child to notice at this time. He does not come to official attention in a social vacuum. Yet reading some of these offerings, one would be forgiven for thinking that such was the case, so bereft of pertinent offence commission detail are they.

The child's perception of the activity which brings him to notice - and an important feature in this is the time lapse between action and official activity (see SASD 1986) is of vital import in trying to understand his activity and the pulls and pushes which preceeded and prompted it. Goffman has helped us to see the ways in which behaviour may be seen and interpreted (1959:77) 'We tend to see real performances as something not purposely put together at all, being an unintentional product of the individual's unselfconscious response to the facts in his situation' being as fair a description of the descriptions provided in the SERs as one could wish for. But as

Goffman goes on to point out 'if the performance is to come off, the witnesses must, by and large, be able to believe that the performers are sincere.' For that to happen there must be, a priori, a healthy scepticism and a knowledge that what is being observed is a performance and that the performer has a clear vested interest in convincing and influencing the 'audience'. I remain doubtful if these youthful actors have to work as hard at that task as they ought to. We do not see hard critical appraisals of criminal activity, much less do we see accounts of the disposal of the proceeds of crime - it seems almost as in a dream world that the reality of the child's active life is of no concern in attempts to promote his 'welfare' which all too often remains a shadowy, vague notion to which lip-service must be paid.

Vernon (1964:7) makes the point that 'much as the ordinary processes of perception serve to sort out our complex physical environment into a lot of stable objects, so we see people as motivated beings, like ourselves, which constitute his personality. A reciprocal interaction occurs between any two persons: each realises that he is being observed and evaluated by the other, and tries to behave in such a way as to create a favourable impression of his personality; at the same time he tries to penetrate the disguises of facades that the other is displaying.' It is precisely at the level of 'the ordinary processes of perception' that these assessments appear to be constructed; here there is little real evidence that the 'disguises or facades' of those interviewed are penetrated. It would be of considerable interest to know if the respondents were in the same relation to the interviewers' disguises and facades; one suspects not.

Edelson (1952:115 et seq.) arguing against the rather purist Freudian classifications of Friedlander, postulated the need for broad classification 'simple to follow ... in socially recognisable terms', and in elaboration, provided the following: 'Delinquent behaviour explicable on psychological grounds - four sub headings:

- 1) Benign delinquencies e.g. anti-social mischief due to high spirits.
- 2) Simple character defects: temperamental instability. Absence of satisfactory standards or self-discipline.

- 3) Anti-social behaviour based on social and environmental problems.
- 4) Neurotic reactions ... a diagnosis to be of value should carry with it both implications for treatment and indications for a prognosis'.

In a basic sense this is what is missing from these assessments; the feeling that a professional with a particular grasp and understanding of a range of social and psychological phenomena is grappling with the complexities of the situation presented by the individual and his delinquency. Quinney (1970) has made the point that 'one of the basic assumptions in the study of criminal behaviour is that behaviour in violation of the criminal law also represents deviation from other norms. Methods must be developed to determine the correspondence between deviant and criminal behaviour'. In this the adherence to some recognisable theoretical position is of the essence. In assessment, there must be a clarity respecting the theoretical position of the assessor. Without this it becomes valid to deny to the submissions the title of 'assessment'. There is scope for the view that what has been observed is simply the record of a meeting between two parties where in a generalised way the behaviour of a child was discussed. Dornbush et al (1971:69) observe that 'Children are likely to be less sophisticated, less able to conceal material, and perhaps less motivated to conceal the impression they make on the interviewer ... (and) will be less guarded ... they talk less than adults and use simpler concepts. This simplifies our task of developing reliable content analysis procedures.' (emphasis added). Thus it may be seen that there are certain generalities in this field of work which are not by any means peculiar to the workers whose Reports have featured in this study. Within that, it is recognised that because of these generalities the identified problems can be approached from a perspective of education and training; not least from those who carry responsibilities for quality-control and development. The essential feature is that there is a stable generalised situation which can be used in the context of the productions of individual team members and which can be employed in coming to terms with team-practices and attitudes which are regarded as being less helpful than one would wish to see. It is in this more generalised view and approach to the problems of report production that the best hope rests.

The conclusion which is reached in all this is that the required levels of social assessment are within the grasp of adequately-prepared and committed professional workers. There is a certain generality about the whole matter which encourages the view that progress can be made. The important thing is to retain the perspective of the Report processes being within the ambit of Social Assessment, and to see Social Assessment as being within the practice skills of the Social Work operatives, engaged in the important task of providing Reports of high professional quality to the Juvenile Justice System.

Summary. From the mass of material generated in this research some salient points are selected for concluding comment. It has been stated that the nature of the activity with which this study has been concerned is such that, almost inevitably, variable foci will be brought to bear in research studies. Allied to this is the problematic nature of which aspect of the Social Worker's repertoire of skills knowledge and techniques will be brought into play report by report.

The design of the research has sought to take account of this peculiarity, and to present the findings with this in mind.

Accordingly, the issues discussed in this chapter span the range of considerations subjected to analysis and discussion. It appears almost axiomatic that one cannot treat any particular aspect or part of the SER process without reference to other parts of the process and to aspects of the receiving system.

Conclusions are drawn in respect of understandings of the 'Kilbrandon philosophy', it being held that there is a need for a complete re-appraisal of the influence on SER productions of some rather ill-digested notions about what the Kilbrandon Report saw as being 'the reason for referral' when the conduct bringing the child to notice is offence related.

From that standpoint other issues centreing on the form and content of reports are discussed. It is concluded that much needs to be done to bring these offerings to a level where they qualify for the title of 'professional assessments'. This is regarded as being a problem which

transcends any notion of, e.g. providing courses, or improving in-service inputs. It is seen to be a multi-faceted operation which will require the attention of management, CCETSW, SWSG, and the collaterals within the Hearing system.

Certain conclusions are presented in respect of the influence of SERs, but in the nature of things these can do no other than provide indications from the study: suffice perhaps that there is a certain similarity with other related findings, over time.

Comment of a somewhat critical nature is made about the behaviour of Social Workers in the Hearings room, this is obviously an emotive subject but there is no good reason for not dealing with it.

Equally, the clear and persistent failure of the workers in the study to deal adequately and professionally with the matter of information held by other agencies, notably education and police, comes in for criticism.

Alternative means and methods of dealing with this are presented as a conclusion of some importance.

The projected use of new ways of handling information for Reporters and reports to Hearings follow the general line of the discussion in ch. 9.

In a concluding statement it is argued that the evidence of this study coupled with other work lends credence to the idea that as an overview of the matters discussed the best approach is to regard the problems encountered as falling within the ambit of the concept of social assessment. As such there is a sense in which the issues can be generalised and progress made towards resolution on a long term and, hopefully, permanent basis.

Chapter X Conclusions

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APPENDICIES.

- I. Schedule: Social Workers' Perceptions of
 Hearings Related Issues.
- II. Schedule: Social Enquiry Reports Analysis
- III Schedule: Offence Commission Characteristics.
- IV. Leaflet 'To Tell You About the Hearings.'
- V. Project Model Report Forms.

SOCIAL WORKERS Perceptions of Hearings Related Issues.

1)	<u>M/F</u>	<u>Age:</u>	SSW/SW/TSW/ASW/FT	1	2
2)	<u>Qualifications:</u> None/C.Q.S.W./ Dip./Degree/			3 - 5	
3)	<u>Experience Prior to S.W.</u> (Discount C.Q.S.W. Training)				
	College or University				
	Child Care/Probation/Welfare/Personnel				6 - 8
	Industry/Commerce/Other				
4)	<u>How much work comes to you in respect of Hearings:</u>				
	More than 50% of all work			0.	
	About 50%			1.	
	Between 25% - 50%			2.	9.
	Under 25%				
5)	<u>How would you classify this in terms of time</u>				
	<u>spent</u> - from most to least:				
	S.E.R.			0.	10.
	Supv.			1.	11.
	Time of Hearings			2.	12.
	Institution contacts			3.	13.
	Consultations			4.	14.
	State Other			5.	15.
6)	<u>Would you regard this work as:</u>				
	Exceptionally important			0.	
	Very important			1.	
	Important			2.	16.
	Useful			3.	
	Routine			4.	
	an interference with other more important work			5.	
7)	<u>In your opinion would it be better for</u>				
	<u>the SWD if this work was undertaken by</u>				
	<u>a separate, specialist agency:</u> Yes/No				
	17				

- 8) In your opinion would it be better for clients if this work was undertaken by a separate specialist agency: Yes/No 18.
- 9) In general terms which of these statements most closely reflects your own view:
- 1) S. Wkrs. do an excellent job with children under supervision. 0.
 - 2) S.Wkrs. do a fairly good job with children under supervision. 1. 19.
 - 3) S. Wkrs. do a poor job with children under supervision 2.
10. If 3) then: S. Wkrs. make little if any impact on children under supervision:
- Agree/Disagree 20.
11. In your opinion what are the main advantages of the present arrangements for providing service to the Hearings: 21.
22.
23.
24.
25.
12. In your opinion what are the main disadvantages of the present servicing arrangements: 26.
30.
13. Which of these statements most closely resembles your own view:
- The quality of S.W. service will improve when there are more S. Wkrs. in post. 0.
 - The quality of S.W. service is unlikely to improve if there were more S. Wkrs. in post. 1. 31.
 - The quality of S.W. service will not improve irrespective of the number of S. Wkrs. in post. 2.

- 14) Under which sections of which statutes would the following be found:
- 1) The power to order S.E.R. for Hearing 32.
 - 2) The grounds of referral
 - 3) Definition of 'compulsory measures of care'.
 - 4) The conditions under which a child may be prosecuted in Court. 35.
- 15) What do you understand the provisions of S206 Criminal Procedures Act to be:
- 36.
- 16) What do you understand the provisions of S413 of the same Act to be:
- 37.
- 17) As a preparation for work with the Hearings was your training by College or University:
- Very Good 0.
 - Good 1.
 - Adequate 2.
 - Inadequate 3. 38.
 - Poor 4.
 - Very Poor 5.
- 18) As a preparation for work with the Hearings is your in-service training:
- Very Good 0.
 - Good 1.
 - Adequate 2.
 - Inadequate 3. 39.
 - Poor 4.
 - Very Poor 5.
 - None 6.

- 19) Specifically what improvements would you like to see in training, as a preparation for this work: 40.
- 44.
- 20) In combatting delinquency, do you consider the Hearings informal approach is likely to achieve:
- | | | |
|---|----|-----|
| Better results than court action | 0. | |
| About the same results as court action. | 1. | 44. |
| Less good results than court action. | 2. | |
- 21) Would you say why this might be: 46.
- 48.
- 22) Which of these statements most closely reflects your view:
- | | | |
|---|----|-----|
| <u>The interaction at a Hearing is the most positive feature in determining a child's future conduct.</u> | 0. | |
| <u>The court appearance is the most positive feature in determining a child's future conduct.</u> | 1. | 49. |
| <u>The decision making process is a matter of semantics.</u> | | |
| <u>The most positive feature in determining a child's future conduct is the S.W. activity with him.</u> | 2. | |
- 23) Children coming to Hearings know and understand the principles and ethos of the system:
- | | | |
|-----------------------------|----|-----|
| True in all cases | 0. | |
| True in most cases | 1. | |
| True in a minority of cases | 2. | 50. |
| True in a very few cases | 3. | |
| Not True | 4. | |

- 24) Would you say that the presence of the reporting
S. Wkr. is essential at the Hearing:
Yes/No 51.
- 25) Why do you think this is so:
52.
54.
- 26) Does the statutory provisions make allowance for
other arrangements. If so, what are they?:
Yes/No/Do not know 55.
- 27) Please rate in priority the following:
Hearings decisions reflect the gravity of the offence. 56.
" " " child's previous record.
" " " S.W. assessment of child.
or The impression made on the Panel by child and parents. 60.
- 28) When you recommend or express opinion about the
need for 'a period of supervision' what are the
general areas likely to be your focus of attention:
Prompt: e.g. 61.
material conditions
insights
delinquency prevention
school attendance 66.
- 29) If you had a child on supervision and for whatever
reason, were not seeing him or his family, would you:
1) Hold on to the case 67.
2) Ask for a review, explain the situation and
request nominal supervision.
3) Put on the 'unallocated list'.
4) Ask for a review and have the order discharged.
or 5) Other (State)

- 30) Which of these statements reflects your view:
- | | | |
|--|----|-----|
| Decisions are a matter for the Panel alone. | 0. | |
| Decisions are a matter for the round-table discussion. | 1. | 68. |
- or Decisions are a matter of following the professional advice and assessment offered to the Hearing.
- | | | |
|--|----|--|
| | 2. | |
|--|----|--|
- 31) Rate the following in importance:
- | | |
|---|-----|
| 1) Reviews are an essential safeguard for the child | 69. |
| 2) An important casework device. | |
| 3) A chance for the Panel to show it's in control. | |
| 4) A routine to meet statutory requirements. | 72. |
- 32) If you were asked to make changes in the present system, what would they be?:
- | | |
|--|-----|
| | 73. |
| | 76. |
- 33) When criminal conduct is the reason for children coming to Hearings, is it your view that:
- | | |
|--|-----|
| 1) They come, prepared to work towards a resolution of problems. | |
| or 2) Regard the proceedings as part of the law and order tariff system. | 78. |
- 34) What powers has a court in dealing with a child offender:
- | | |
|--|-----|
| (ring as answer) Prob/Fine/Res.Train./ABS. DISC/ | 79. |
| (Note all other) | |
| Don't Know | 82. |

Appendix II. Schedule II.
Form and Content of Social Enquiry Reports Analysis.

Location	A/New Town.	AGE:	Male/ Female.
1)	<u>PARENTAL SITUATION:</u>	2 Parent	0.
		M. + SP.	1.
		F. + SM.	2.
		M. + Co. Hab.	3.
		F. + Co. Hab.	4.
		M. (SP.)	5.
		F. (SP.)	6.
		Other (State)	7.
2)	<u>ECONOMIC POSITION:</u>	Assess 0.	Stated 1.
3)	<u>ECONOMIC POSITION:</u>	Over £6,000 P.A.	0.
		Over £4,000 - Under £6,000	1.
		Over £2,500 - Under £4,000	2.
		£2,500 or Under	3.
4)	<u>FAMILY DEBTS:</u>	N/K	0.
		A heavy burden	1.
		A moderate burden	2.
		A light burden	3.
		Not a burden	4.
5)	<u>USUAL OCCUPATION OF HEAD OF HOUSE:</u>	State:	
6)	<u>AT HEARING HEAD OF HOUSE WAS IN:</u>		
		1) Full-time Educ. or Train.	0.
		2) Full-time Employment	1.
		3) Employment Part-Time	2.
		4) Unemployed	3.
		5) Sick or incapacitated	4.
		6) In Hospital	5.
		7) In Prison	6.
		8) Other (state)	7.
		9) N/K	8.

7) NO. OF DEPENDENT CHILDREN IN HOME

<u>EXCL. THIS CHILD:</u>	None	0.
	One	1.
	Two	2.
	Three	3.
	Four	4.
	More than four	5.

(OFFENDING CHILD FIRST CAME TO

<u>SWD NOTICE:</u>	Under age of 10 yrs.	0.
	10 yrs. - Under 12 yrs.	1.
	12 yrs. - Under 14 yrs.	2.
	14 yrs. - Under 16 yrs.	3.
	If this Hearing first then N/A	4.

9) (IF PREVIOUS) REASON FOR FIRST REFERRAL:

Offence	0.
Truant	1.
Beyond Control	2.
In need of C. or P./B.C.	3.
Family Problems	4.
Other member offence	5.
Other (State)	6.

10) WAS 1ST REFERRAL:

Within last 6 months	0.
Between 6 - Under 12	1.
Between 12 - Under 24	2.
24 or over	3.
Not Known	4.

11) WAS CHILD ON SUPERVISION WHEN

<u>OFFENCE COMMITTED</u>	Yes/No
--------------------------	--------

12) FAMILY KNOWN TO SWD BY REASON OF:

	S.E.R.(s)	0.
Indicate }	S.12	1.
all known }	S.15/16	2.
	F.S.O.	3.
	Prob.Order	4.
	B.A.C.	5.
	D.C.Lic.	6.
	V.D.Lic.	7.

Parole	8.
S.44 Supu.	9.
Matrimonial	10.
Family Problems	11.

13) IF S.E.R. IS DEFICIENT INDICATE:

<u>RE:</u>	Finance	0.
	Family	1.
(Child A) Education	2.
	B) Personality	3.
	C) Offence Potential	4.
	D) Other	5.

14) S.E.R. NOTED RE. CHILD:

Serious Illness Yes 0. / No 1.

15) BEHAVIOUR AT HOME:

Acceptable	0.
Problematic	1.
Cause for serious concern	2.
N/K	3.

16) LEISURE:

Constructive	0.
Non-Constructive	1.
N/K	2.

17) SCHOOL ATTENDANCE:

Good	0.
Bad	1.
(In different	2.
N/K	3.

18) SCHOOL BEHAVIOUR:

Good	0.
Bad	1.
Indifferent	2.
N/K	3.

19) ACADEMIC ACHIEVEMENT:

Good	0.
Bad	1.
Indifferent	2.
N/K	3.

20) INDICATIONS OF DISTURBED BEHAVIOUR:

Yes 0. No 1.

21) INDICATIONS OF ALCOHOL CONSUMPTION:

(If over 13 yrs.) Yes 0. No 1.

22) DIET TO TOBACCO:

Yes 0. No 1.

23) SPECIFIC DETAILS OF POCKET MONEY:

Yes 0. No 1.

24) DOES S.E.R. ATTEMPT TO EXPLAIN

CHILD'S BEHAVIOUR Yes 0. No 1.

25) INDICATE CONFLICT BETWEEN PARENTS:

Yes 0. No 1.

26) INDICATE VIOLENCE BETWEEN PARENTS:

Yes 0. No 1.

27) INDICATE VIOLENCE BETWEEN PARENT(S)

AND CHILD: Yes 0. No 1.

28) DIAGNOSED MENTAL ILLNESS

IN PARENT(S): Yes 0. No 1.

29) HEAVY DRINK PATTERNS:

Yes 0. No 1.

30) GENERAL FINANCIAL PROBLEMS:

Yes 0. No 1.

31) DOES SER. COMMENT ON SPECIFIC

UNMET FAMILY NEEDS: Yes No

32) DOES IT RECOMMEND:

S.O. 0.

R.S.O. 1.

Suspended S.O. 2.

Ref. to Ed. Dept. 3.

Seek other advice 4.

Other (State) 5.

No recommendation 6.

OFFENCE COMMISSION Characteristics.

- 14) DAY OF OFFENCE:
- | | |
|----------|----|
| Sun. | 0. |
| Sat. | 1. |
| Week day | 2. |
- 14) LOCATION OF OFFENCE:
- | | |
|--------------------|----|
| Town Centre | 0. |
| Housing area | 1. |
| Industrial complex | 2. |
| Park or open space | 3. |
| In: School | 4. |
| House | 5. |
| Shop | 6. |
| Other (State) | 7. |
- 34) DISTANCE FROM OFFENDERS HOME:
- | | |
|----------------|----|
| Under 1 mile | 0. |
| 1 - Under 3 m. | 1. |
| Over 3 m. | 2. |
- 44) OFFENCE WAS AGAINST:
- | | |
|---------------------------|----|
| Private Person (Adult) | 0. |
| (Juvenile) | 1. |
| Commercial Firm | 2. |
| A dept. of the L.A. | 3. |
| A dept. of the Government | 4. |
| N/K | 5. |
- 54) PREFERRED OBJECTS IN PROPERTY OFFENCE:
- | | |
|------------------------|----|
| Money | 0. |
| Drink | 1. |
| Tobacco | 2. |
| Radio or Record Player | 3. |
| Other (State) | 4. |
- 64) IF RESTITUTION OR COMPENSATION
- | | | | |
|----------------|----------------|---------------------|----|
| <u>AGREED:</u> | <u>AMOUNT:</u> | £5 or Under | 0. |
| | | Over £5 - Under £10 | 1. |
| | | £10 - £20 | 2. |
| | | Over £20 | 3. |
| | | Not Appl. | 4. |

8) DISPOSAL:

S.O.	0.
R.S.O.	1.
Disch.	2.
Susp. Supu.	3.
To Ed. Dept.	4.
Other (State)	5.

9) OFFENCE: AGAINST PROPERTY
STATE VALUE OF PROPERTY

Stolen or damage caused £ _____

10) IF AGAINST PROPERTY INDICATE:

Against	Person	0.
	Shop	1.
	House	2.
	School	3.
	Factory	4.
	Other	5.

11) IF AGAINST PERSON: State degree
of injury caused:

Severe	0.
Moderate	1.
Slight	2.
None	3.

12) SUBJECT WAS:

Sole participant	0.
Engaged with one other	1.
" " two others	2.
" " more than two others	3.

12) IF OTHERS ENGAGED, WERE THEY

DEALT WITH:

By Court	0.
Hearing	1.
Reporter	2.
Police	3.
N/K	4.

13) OFFENCE TOOK PLACE BETWEEN:

0600 - 1200 hrs.	0.
1200 - 1800 hrs.	1.
1800 - 2400 hrs.	2.
0000 - 600 hrs.	3.

14) REPORTER'S DECISION ON REFERRAL WAS:

- | | |
|-------------|----|
| No Action | 0. |
| Hearing | 1. |
| Ref. to SWD | 2. |
| Police | 3. |

15) DECISION MADE ON BASIS OF:

- | | |
|---------------|----|
| S.E.R. | 0. |
| School Report | 1. |
| Police Report | 2. |
| Other | 3. |

16) IF OTHER CONSULTED STATE:

8. The hearing may decide that no compulsory help is needed and will then discharge the case.

If the hearing think your child requires compulsory guidance, help, care or control, a supervision requirement will be made. This may require your child to be under the supervision of a social worker, while he remains at home. The hearing may also make a supervision requirement with the condition that your child lives away from home for a time, perhaps with a relative, or in a children's home, foster home, residential school, or hostel.

Sometimes the members of the hearing may wish to have more information before making a decision and may continue your child's case to a later date. They may require the child to attend for further reports, for example at a child guidance clinic or hospital.

Sometimes it is necessary for the child to live away from home for a short time in order to obtain fuller information so that the hearing can come to the best decision.

Can you appeal against the decision of the hearing?

9. You or your child may appeal to the sheriff against the decision of the hearing. The appeal has to be made within three weeks. You may have the help of a lawyer and his fees can be paid by Legal Aid if you are entitled to it. If you are considering making an appeal, the Reporter or social worker can give you more information about how to go about it.

How long does the supervision requirement last?

10. Supervision does not last for a set period of time. After a certain time a children's hearing will consider your child's case again. This kind of hearing is called a *review* hearing. A review must take place within a year of the date when the supervision requirement was made. But any time after three months you or your child can ask for a review. The social worker can ask for a review at any time.

At a review hearing the supervision requirement may be ended, continued or changed if this is thought now to be more helpful. After each review hearing you have the right to appeal against the decision, and to ask for another review hearing after a certain time.

aring consider it is necessary for your child, but no longer. Any supervision requirement ends automatically when your child reaches the age of eighteen.

Will your child have to disclose in future that he has appeared before a hearing, for example when applying for a job?

11. Generally speaking, no, but there are a few exceptions. If the grounds for referral included an offence and these grounds were either accepted by you and your child or established by the sheriff, then your child will enter what is known as a rehabilitation period. If the hearing decides to discharge the case, the rehabilitation period will last for six months. If the hearing makes a supervision requirement the rehabilitation period will last for twelve months or until the end of the supervision requirement, whichever is the longer. At the end of the rehabilitation period, and provided that he has committed no further offences, your child will be rehabilitated. His offence will be regarded as "spent".

If, during the rehabilitation period, a prospective employer or anyone else with a legitimate interest enquires whether your child has appeared before a children's hearing for an offence then the answer must be "Yes". If the same question is asked after your child becomes rehabilitated, however, then it is in order to answer "No" in most cases. There are some exceptions to this but these exceptions do not apply unless the person asking the question makes it clear that, by reason of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, spent offences are to be disclosed.

The reporter can give you more detailed information about rehabilitation if you require it.

THIS LEAFLET COVERS SOME GENERAL POINTS ABOUT CHILDREN'S HEARINGS

If there are any questions about procedure which you would like to ask please contact the reporter or the social worker.

Your child is to attend a children's hearing. Along with this leaflet you will receive a notice requiring you and your child to attend a hearing and a statement of reasons (called the grounds for referral) why the child is to attend the hearing.

TO TELL YOU ABOUT THE CHILDREN'S HEARING

Why is your child to go to a hearing?

1. The decision that a child is to attend a hearing is made by the reporter to the children's panel for your area. Any children who may be in trouble because, for example, they have broken the law, failed to attend school, are neglected or unruly, are reported to him. He will already have gathered some information about your child, perhaps about his schooling, his health, and family circumstances. The reporter considers that your child needs the kind of help, guidance or control which can be arranged by the children's hearing.

Before the hearing a social worker will meet you to prepare a social enquiry report on the child and his circumstances. You may already have met the social worker and had an opportunity to talk over any problems which you and your child are facing at present.

The purpose of the hearing is to consider any difficulties which your child may be having, and whether any of the measures which the hearing can arrange would be helpful.

You will receive a copy of the statement of the reasons (known as "the grounds for referral") why your child is to attend a hearing.

At the hearing you and your child will be asked if you accept the statement of the grounds for referral, and you may object to all or part of it

Who must attend the hearing?

2. The forms sent to you with this leaflet give the place and time of the hearing and will make it clear who is required to go to the hearing.

Normally both parents and the child are required to be there. There are serious penalties for failing to attend a hearing which are detailed in the notes on the forms.

If there are good reasons why you cannot attend please contact the reporter at once

Can you take anyone with you to help?

3. You may bring someone to help you at the hearing if you wish—for example, you might like to bring a relative or friend, or another person such as

a youth leader, a teacher, or someone from your church, who knows you or your child well. Each parent and the child may bring someone different to help and indeed in certain cases the chairman of the hearing may require that the child is separately represented. You may bring a lawyer as your representative but any fees he might charge would not be covered by Legal Aid.

What happens when you go to the hearing?

4. When you and your child arrive at the place where the hearing is to be held, you may be asked to wait until the children's hearing is ready to see you. When you are called into the hearing, you will meet the three members of the hearing who will be dealing with your child's case. The members of the hearing are chosen from a children's panel who are carefully selected volunteers who are given training to deal with children's problems. The reporter will also be there and a social worker, possibly the one whom you have already met beforehand. The hearing takes place in private and is not open to the public.

Although news reporters have a right to be present, the law prevents details of the names, addresses, schools, or any other particulars from being published in such a way as to identify your child.

How does the hearing proceed?

5. One of the members of the hearing acts as the chairman. He or she will explain the statement of the grounds for referral sent to you by the reporter.

He has to find out if the child understands this statement and if you and the child accept that it is true. If you all accept that the statement is true, the hearing will go on to deal with your child's case and make a decision.

In some cases the hearing will proceed if only part of the statement is accepted.

What happens if you or your child do not accept the grounds for referral?

6. The hearing will not go on with your child's case that day. The members of the hearing may decide to discharge the case altogether or they may ask the reporter to arrange that the case be heard by the sheriff.

Within a few weeks the sheriff will hear the witnesses and decide whether the statement is correct or not. As with the children's hearing, any appearance before the sheriff is in private. If the sheriff decides the statement is correct, he will send your child back to a hearing, who will meet again to decide what should be done. On the other hand, if the sheriff decides the statement is not correct, he will discharge the case.

You may have a lawyer to help you when the case goes before the sheriff, and the lawyer's fees will be paid by Legal Aid if you are entitled to receive it. If you are unsure of how to go about getting help from a lawyer, the reporter or social worker should be able to give you information. Alternatively, you might wish to contact the sheriff clerk at the sheriff court house or the local Legal Aid Committee for your area, whose address is available in the telephone directory.

NOTE: The hearing has to be sure that the child understands the statement of the grounds for referral. If he does not understand it, for example because he is a baby or very young child, the hearing must send the case to the sheriff whether or not you, as the child's parents, accept the statement.

What does the hearing take into consideration?

7. The purpose of the children's hearing is to decide whether any compulsory measures of protection, control, guidance and treatment would be helpful to your child. In making this decision, the members of the hearing will consider not only what has happened to bring the child before them but also the social background report prepared by the social worker and any other available information such as a school or health report. They will usually discuss with you what is in the reports and they will also consider what is said at the hearing. They will want you and your child to talk things over with them, and to know what you think might be done. They may wish to talk to you and your child separately. They may ask your child to leave the hearing while they talk to you. They may wish to see the child alone but will only do this with your agreement. You have a right as the child's parents to be present throughout the hearing. The members of the hearing are anxious to discuss the situation with you as fully as possible as this will help them in reaching their decision about your child.

Appendix V.

PROJECT MODEL REPORT

Name. Date of Birth. / /

Address School Attended.

Religion.

Grounds of Referral:

Family Details:

Relationship. Name. Age. Occupation. Income & Source.

Significant facts re. family (in brief)

Financial situation (in brief)

Matters of particular concern (list)

Report compiled by

Date of Hearing / /

Date of case completion / /

Outcome

Points to be covered in the substantive report:

- i) Family Background with analytic statement
- ii) Matters of Particular concern (expanded)
- iii) Possible disposals, inc. one considered most appropriate.

Project Model Review Report.

Name.

Date of birth / /

Address (& home address if different)

School

Religion

Reason for Review

Significant family, or other changes since last Hearing. (Itemise)

Changes in Social Worker/Dept. (Itemise)

Report compiled by

School Report obtained

Date report completed / /

Yes / No

Date of review / /

Date obtained / /

Outcome

Substantive report to be based on availability of previous reports to
Panel members.