

Section 21 Notice – Moray Council

Part C – Prevention and Identification

Appendix 2 – 1930 – 1996

Information regarding this time period can be found in submissions parts 1 and 2. In addition, the following relevant legislation and examples of local policy have been found within County Council minutes.

1929

- The association of Psychiatric Social Workers (The organisation we know as the British Association of Social Workers was formed from this in 1971)
- The Local Government (Scotland) Act 1929 (Transference of the administration of the Poor Law from churches to Councils)

1932

- Children and Young Persons act – 1932 (Placing responsibility for children and young people with the local authorities and the introduction of supervision orders)

1937

- Children and Young Persons (Scotland) Act 1937 (The legal introduction of foster care and children's homes)

1939

- Start of Second World War

1944

- The Education Act is passed (Defining the right to free primary and secondary education. Also the introduction of schools for children with disabilities)

1945

- Dennis O'Neill dies (Fostered child murdered by his foster carer. Notably a precursor to the complete renovation of the foster care system as a result of the public outcry. A lack of information sharing was highlighted as critical.)
- End of Second World
- **Key document** – *'Who's Children'* is published – 1945 Lady Allen Hurtwood about conditions of children's institutions.

1946

- National health Service Act & National Insurance Act – 1946 (Establishment of free health care)

1947

- The Monckton report and regulations on the boarding out of children – 1947 (Brought local authority accountability into effect. No child could be fostered by a person with a criminal conviction or be in an environment that was likely to be detrimental to them. Children were to be visited by schedule and a doctor was to complete a medical every year – echoing our foster care system as we know it today)
- Curtis Committee report is published – 1947 (recommending training for residential staff and for 'boarding out officers')
- **Banffshire County Council Minutes, 1946-47, p.42**
"22nd April 1947
Social Welfare Committee
14. Boarding out of Children
 The Director indicated that draft new Regulations in connection with the Boarding-Out of Children had recently been prepared by the Scottish Education Department and the Department of Health for Scotland and that the observations of the Association County Councils had been asked thereon. The Director was asked to prepare observations on the new draft Regulations for submission to the next Meeting of the Committee."
- **Banffshire County Council Minutes, 1947-48, p.42**
"11th November 1947
Social Welfare Committee
6. Boarding out of Children
 There was submitted Scottish Home Department Circular No. 6663 dated 9th October 1947, and the Children (Boarding-Out etc.)(Scotland) Rules and Regulations 1947 dated 1st October, together with a report thereon by the Director and the further report by him on difficulties encountered in the boarding out of children, copies of Director's reports having been circulated among the Member of the Committee. After due consideration the Committee agreed that the Director of Social Welfare Services be the Officer appointed under Article 17 of the Regulations, to assist them in their duties under the Regulations, and that the District Social Welfare Officers be the Local Officers appointed in their various Districts under article 14. The Director was instructed to arrange with Local Authorities in whose areas Banffshire children are boarded for the supervision of the children in accordance with Article 15 of the Regulations. In regard to the examination of and reporting on children by medical practitioners as laid down in Article 19 of the Regulations it was remitted to the Medical Officer of Health to have the matter raised with the Medical Practitioners Society and thereafter to report. The Committee further agreed that as an initial step towards resolving the difficulty in finding suitable foster-parents a general increase of 2/- weekly in the allowances payable in respect of children boarded-out in Banffshire should be given with effect from 19th December 1947, being the first pay day following the next County Council Meeting. The necessity for the provision of a Children's Home at the earliest possible date was acknowledged and agreed to in principle by the Committee."
- **Banffshire County Council Minutes, 1947-48, p.42**
"14th November 1947
Schools, Sub-Committee

9. Boarded-out Children (Children Act Cases)

Letter from the Director of Social Welfare intimating that it was proposed to make a general increase of 2/- per week in respect of Banffshire boarded-out children on the understanding that, where a child receives a dinner at school, the guardian meet the cost from the extra allowance. Agreed to recommend that the additional payment apply to children committed to the care of the Education Authority with effect from the 19th December 1947."

1948

- Universal declaration of Human Rights
- **Banffshire County Council Minutes, 1947-48, p.42**
"4th February 1948
Schools, Sub-Committee
18. Children Bill
 Copy of the Bill presented to Parliament with a view to providing a comprehensive service for the care of children who have not the benefit of a normal life. Noted."
- Children's Act 1948 aimed to simplify the regulatory mechanism in which children were accommodated away from home. Within Scotland, children received a diversity of care depending on the route to accommodation provided.
- **Banffshire County Council Minutes, 1948-49, p.34**
"2nd July 1948
Social Welfare Committee
9. Children's Bill 1948
 The Director reported that this Bill was expected to be passed into law today (2/7/1948) and was operative from 5th July 1948. As the County Council had not yet had the opportunity of considering the measure and making the necessary administrative arrangements, the Director proposed that he should continue to make the necessary payments due and the supervisory arrangements. The Committee concurred."
- **Banffshire County Council Minutes, 1948-49, p.17**
"22nd September 1948
Residual Functions, Sub-Committee
13. Children's Committee
 It was agreed to recommend that the Children's Committee to be appointed by the Council under section 39 of the Children's Act 1948, consist of eleven members of whom at least two be women provided that such two women members need not be members of the Council and further that the Chairman and Vice-Chairman of the Committee be members of the Council. The quorum to be four."
- **Banffshire County Council Minutes, 1948-49, p.17**
"25th November 1948
Children's Committee
1. Welcome to First Meeting
 Provost Falconer welcomed the members to the inaugural meeting of the Committee, indicated that the principle duties of the Committee would be to administration of the functions of the Council under the Children Act 1948 and expressed the confident hope that in view of the experience of the members in work

requiring similar sympathetic and generous yet careful attention the best interests of the large family of children now entrusted to them would be well attended.

- **2. Cases Sub-Committee**

The attention of the Committee was directed to the fact that it is desirable, except in exceptional circumstances that the case details in regard to children under their care, which often contain much information of a confidential and intimately personal nature, should be discussed in private and with the object of attaining this the Committee appointed a Sub-Committee which will consist of the whole members of the Committee and which will meet in private.”

1949

- Criminal Justice (Scotland) Act 1949

1959

- **Moray and Nairn Joint County Council Minutes, 1959.** No page numbers
5th January 1959
Children’s Committee (Joint)
Children Act 1958
4. There was submitted the Children Act 1958, which received Royal Assent on 1st August 1958, and which makes provision for the protection of foster children and amends the law relating to the conditions governing the adoption of children. The terms of the Act were noted.
- **Moray and Nairn Joint County Council Minutes, 1959.** No page numbers
2nd March 1959
Children’s Committee (Joint)
Matrimonial Proceedings (Children) Act 1958 (Commencement) (Scotland) Order, 1958
3. There was submitted the Matrimonial Proceedings (Children) Act 1958 (Commencement) (Scotland) Order, 1958 which brought into force, on 1st January 1959, the provisions of part II of the Matrimonial Proceedings (Children) Act 1958 (Commencement) (Scotland) Order, 1958 extending the powers and duties of the Courts in Scotland in regard to the custody, maintenance and education of children in connection with actions of divorce, nullity or separation. He terms of the Order were noted.
- **Moray and Nairn Joint County Council Minutes, 1959.** No page numbers
27th April 1959
Children’s Committee (Joint)
Children’s Act 1958 – Circular from Scottish Home Department
4. There was submitted a circular and notes from the Scottish Home Department relative to the Children Act 1958, which came into force on 1st April 1959, and which makes provision for the further protection of foster children. The circular and notes were remitted to the Children’s Officer for attention.
- **Moray and Nairn Joint County Council Minutes, 1959.** No page numbers
1st June 1959
Children’s Committee (Joint)

Boarding-out of Children (Scotland) Regulations 1959

7. There were submitted the Boarding-out of Children (Scotland) Regulations 1959, which come into operation of 1st August 1959 and which apply to children boarded-out by local authorities and voluntary organisations and provide among others for an increase in the number of visits paid each year on such children. The terms of the regulations were noted and remitted to the Children's Officer for attention.

"13. DELEGATION OF AUTHORITY

There had been circulated a joint report by the Directors of Social Work and Law and Administration and the Reporter to the Children's Panel recommending that there should be specific delegation to officials of certain statutory powers and duties to obviate the possibility of decisions being challenged in court of technical grounds. After consideration, the Committee agreed (a) that the authority's powers and duties contained in the following legislation be delegated to the Director of Social Work or the Director of Law and Administration of the Reporter to the Children's Panel as stated:

To the Director of Law and Administration Sections 16(8), 33(3), 79, 90, 81 and 82 of the Social Work (Scotland) Act, 1968;

To the Director of Social Work Sections 12, 13, 15, 17(3), 20(1), 20(2), 20A, 21, 22, 23(1), 24-29, 37(1A), 39(4), 44(5), 47(1), 67(2), 48(2), 67, 68 and 76(3) of the Social Work (Scotland) Act, 1968; Rules 11(1), 11(2), 12(1), 12(2) and 13(1) of the Reporter's Duties and Transmission of Information etc. (Scotland) Rules, by the Social Work (Scotland) Act, 1968, and Section 7 of the Children's Act, 1958; Regulations 2, 7, 11-17 of the Boarding Out of Children (Scotland) Regulations, 1959; Sections 7(1)(b), 25(3)(a), 34, 35, 37, 46, 48, 91 and 91(2) of the Mental Health (Scotland) Act, 1960; and the duties of a local authority under the Mental Health (Guardianship) (Scotland) Regulations, 1962;

To the Reporter of the Children's Panel Rule 29(1) of the Children's Hearings (Scotland) Rules, 1971

And (b) that future legislation be reported to the Social Work Committee for decision as to delegation."

NOTE: This is not to say that the above is a comprehensive list of all of the legislation that was applicable, or that this is the full list of people to whom power and duties were delegated; or that up until this point there was or wasn't anyone who was designated with such duties (there's nothing recorded to state that this did or didn't happen at the time these things came into effect)

1960

- **Key Document** - Ingleby Report published – 1960 (looking at preventing the suffering of children living at home)
- Mental Health (Scotland) Act 1960
- **Moray & Nairn County Council Minutes 1960,**
"5th September 1960
Children's Committee (Joint)
Mental Health Act, 1959 – Circular form Scottish Education Department

3. There was submitted circular from the Scottish Education Department directing attention to Section 10 of the Mental Health Act 1959, which came into operation on 15th July 1960, and which lays a duty on Scottish Local Authorities, acting as parent to a mentally disordered child, to arrange for visits to be made to the child on their behalf if he is admitted to a hospital or nursing home in England and Wales. The terms of the Circular were noted and remitted to the Children's Officer for attention."

1961

- McBoyle Committee established – 1961 (Looking at the prevention of neglect of children living at home)

1961

- Kilbrandon Committee established – 1961 (Radical overhaul of the Scottish Looked after Children system and the creation of the children's panel)

1963

- Criminal Justice (Scotland) Act 1963
- Children and Young Persons Act 1963 (establishing a duty of the local authority in respect of the care of looked after and accommodated children)

- **Moray & Nairn County Council Minutes 1963**, p.508

"7th October 1963

Children's Committee (Joint)

The Children and Young Persons Act 1963 (Commencement No.1) Order, 1963

3. There was submitted the Children and Young Persons Act 1963 (Commencement No.1) Order, 1963, made on 12th September 1963, and which brings into operation 1st October 1963, certain provisions of the Children and Young Persons Act 1963.

There were also submitted relative circulars from the Scottish Education Department. The terms of the Order and circulars were noted."

1964

- Kilbrandon report published – 1964
- **Moray & Nairn County Council Minutes 1964**, p.61

3rd February 1964

Children's Committee (Joint)

The Children and Young Persons Act 1963 (Commencement No.2) Order, 1963

5. There was submitted the Children and Young Persons Act 1963 (Commencement No.2) Order 1963 which brings into operation the remaining provisions of Parts I and III of the Children and Young Persons Act 1963. The terms of the Order were noted.

1965

- **Key Documents** - Poor and the Poorest paper published – 1965 (an economical view of the welfare reforms under Beveridge)

1966

- **Key Documents** - Social work and the community published – 1966 (White paper looking at the structures of local authorities in Scotland)
- First screening of Cathy Come Home – 1966

1967

- Criminal Justice Act 1967

1968

- **Key Documents** - Seebohm Report - 1968 (Led to the establishment of Social Work departments within Local Authorities)
- Social Work (Scotland) Act 1968

1969

- **Key Document** - Rowantree report – 1969 (Report on the Social Work (Scotland) Act)
- 1969 – *Wheatley Report*:
<https://api.parliament.uk/historic-hansard/lords/1969/oct/14/local-government-in-scotland-the>

The Report proposes to replace the present system by a two-level structure, consisting of 7 regional and 37 district authorities: these 44 authorities would assume the functions of the existing 430 county, town and district councils. This proposal is made in order to satisfy two essential requirements: first, the need for authorities with sufficient resources and power to enable them to provide services effectively; and secondly, the need for local people to understand and to feel involved in the operation of the democratic process.

1970

- The Scottish Institute of Human Relations is established
- British Association of Social Workers is formed
- Local Authorities Social Services Act 1970

1971

- British Journal of Social Work launched

1972

- Chronically sick and disabled persons (Scotland) Act 1972

1973

- Local Government (Scotland) Act 1973
- **Key Document** - Children who Wait (1973) Rowe and Lambert, BAAF is published
- Maria Colwell dies - Report into the death of Maria Colwell published (All agencies involved in her care were criticised. A lack of information sharing was noted as critical.)

1975

- Children Act (UK) 1975 (A move towards adoption as a permanent solution to children in care)

1979

- Change of national government and the first female prime minister Margaret Thatcher – 1979 (a move of national focus to individual responsibilities, choice, freedom and the market)

1981

- Scarman Report – 1981 (highlighting racial disadvantages between the police and black communities in London)

1984

- Mental Health (Scotland) Act 1984
- Jasmine Beckford dies
- Heidi Koseda dies
- Tyra Henry dies
- **Key Document** - John Patten guidelines for child abuse cases are published

1985

- **Key Document** - A child in trust is published

1986

- Kimberly Carlile dies
- Launch of Childline
- **Grampian Regional Council Minutes 1986/87, p.953**
Social Work Committee
5. Child Abuse – revised procedures
The Committee noted a booklet containing revised procedures to deal with actual and suspected child abuse which had been approved by the Regional Standing Committee on Child Abuse. It was agreed that a press conference be arranged to introduce the procedures at which the Chairman, Director of Social Work, Reporter to the Children’s Panel and Professor AGM Campbell, Consultant Paediatrician, Department of Child Health would be present.
- **Grampian Regional Council Minutes 1986/87, p1098**
Guidance for Staff Dealing with Children in Care
The Sub-Committee noted a statement of guidance prepared for staff dealing with children in care in accordance with the recommendation of the Working Party on the running of children’s homes which had been approved by employees’ organisations and would shortly be issued to residential and field staff.

1987

- **Key Document** - Who's Child? Public enquiry into the death of Tyra Henry is published
- **Key Document** - A child in mind: protection of children in a responsible society. Public enquiry into the death of Kimberly Carlile.
- Cleveland child Sexual Abuse Case
- **Grampian Regional Council Minutes 1987/88**, p.1199
16. Violence against social Workers

With reference to Minute of Meeting of 13 August 1987 (Branch 31 p. 260), there had been circulated a report by the Working Party of members and representatives from staff groups, trade unions and professional associations set up to consider and make recommendations on the development of a regional policy and code of practice on the prevention and handling of violence towards Social Work Department staff.

The Committee (1) approved the Code of Practice on the prevention and Handling of Violence together with the introductory section and agreed that it be issued for implementation, (2) requested the Director of Social Work to report on the progress made in developing local strategies in accordance with paragraph 3.1 of the code, (3) approved the Incident Report Form for immediate use, (4) agreed that incidents of violence continue to be monitored at officer level, (5) agreed to recommend to the Finance and General Purposes Committee that insurance cover be extended to include compensation for temporary disablement of £100 per week and payment of medical expenses, (6) requested the Director of Social Work to report on the financial implications of implementing all of the recommendations in relation to security and alarm systems, including physical alterations to buildings and improvement of reception areas, (7) requested the Directors of Social Work and Manpower services to report on the training required for staff who might face situations of violence and for staff providing counselling, (8) agreed to review the resource implications of implementing local strategies after a period of six months and in particular, the costs of selective working in pairs in cases of potential violence and the extent of night cover in residential establishments, (9) requested the Director of Social Work to report regarding the circumstances when refusal of service might be necessary, (10) agreed that Working Party meet again after 12 months to review progress, and (11) agreed that the members of the Working Party be thanked for their considerable efforts when producing the report

1988

- Cleveland enquiry published
- **Key Document** - Griffiths report published – 1988 (Report looking at the provision of community care services)

1989

- UN Convention on the Rights of the Child established

1990

- Rochdale child abuse enquiry

1991

- **Key Document** - Pindown report (An enquiry reporting on use of restraint in care homes for children and young people)
- Orkney child abuse and enquiry

1993

- James Bulger dies

1994

- Local Government etc (Scotland) Act 1994

1995

- Children (Scotland) Act 1995
- **Key Document** Child Protection: Messages from research published (Paper by the DoH looking at the policies and practice of Child Protection)