Social Work History Network


The main aims of this paper are to examine similarities and differences between the reorganisations of services in England and Wales on the one hand and in Scotland on the other, and to consider their effect on the contemporaneous process of bringing together associations of social workers to form the British Association of Social Workers. There are three accompanying papers. Paper B, “The Social Work (Scotland) Act, 1968”, was given by Vera Hildleston to a meeting of the Network in Edinburgh on 3 November 2006. It is accompanied by Paper C, a short note on the Scottish Children’s Hearings system as established by the Act. Paper D, on the formation of the British Association of Social Workers, is a revised version of an article originally published in “Professional Social Work” in 2000.

The unification of social work services in Scotland

The legislation which unified services in Scotland was the Social Work (Scotland) Act, 1968. Services in England and Wales were brought together under the Local Authority Social Services Act, 1970. The Scottish reorganisation was considerably more comprehensive than the English. It gave local authorities a general duty to promote social welfare; it integrated the probation service into the local authority social work service; and it introduced at the same time a much more radical reform of juvenile justice than had been introduced in England and Wales by the separate and never-to-be-fully-implemented Children and Young Persons Act of 1969. It was also achieved more quickly. It is interesting to consider why this was.

Origins of the Seebohm Report

Vera Hildleston says in Paper B, “It is arguable that the Social Work (Scotland) Act had its genesis in the 1948 Children Act”, and a similar claim could be made for the Local Authority Social Services Act. The Children Act applied both to Scotland and to England and Wales, and its primary purpose was to make proper arrangements for the care, by local authorities, of children deprived of a normal home life. It did not, however, give children’s departments¹ a duty to prevent the need arising for them to look after a child in the first place, and throughout the 1950’s the child care service argued for such a power. In October 1956, the Home Secretary² set up the Ingleby Committee, and asked it to consider whether local authorities should “be given new powers and duties to prevent or forestall the suffering of children through neglect in their own homes.” The Committee reported in October 1960.³ Many of its recom-

¹ The Children Act established local authority Children’s Committees and Children’s Officers (the chief officers of children’s departments, accountable to Children’s Committees). Field social workers in these departments were known as Child Care Officers. The service provided by children’s departments and related voluntary agencies was known as the child care service, and is not to be confused with what later came to be called “childcare” services.
²Child care services in England and Wales were until 1971 the responsibility at central government level of the Home Office.
³ Report of the Committee on Children and Young Persons (1960), HMSO, Cmnd.1191
mendations were enacted in the Children and Young Persons Act, 1963, but not recommendation 4, which urged “the importance of further study by the Government and the local interests concerned of the reorganisation of the various services concerned with the family.” The Committee considered that to combine them into a single unified family service might well be the best long-term solution. The then Conservative Government does not appear to have taken this recommendation up, but in August 1965 the Labour Government announced in its White Paper, “The Child, the Family and the Young Offender”, the setting up of a small interdepartmental committee. The Seebohm Committee was appointed in December of that year “to review the organisation and responsibilities of the local authority personal social services in England and Wales, and to consider what changes are desirable to secure an effective family service.”

Reform of Juvenile Justice and its relation to reform of the personal social services in England and Wales and in Scotland

The 1965 White Paper had announced a set of radical proposals for dealing with young offenders and children in need of protection. These bore some relationship to the Scottish proposals in the Kibbrandon Report, in that they were based on a welfare system of juvenile justice, but the actual system proposed differed considerably.

Vera Hiddleston in Paper B shows how the reorganisation of services in Scotland grew out of a need, recognised in the Kibbrandon Report, to establish a “matching fieldwork organisation” to provide the services which the new welfare-based juvenile justice system would require. In England and Wales, while the Ingleby Report’s unified family service proposal and ideas for a reform of the juvenile justice system briefly came together in the 1965 White Paper, as mentioned above, the two subjects were thereafter treated separately. The proposals in the 1965 White Paper aroused strong opposition from Magistrates, who dealt, in the juvenile courts which the White Paper would have replaced, with the great majority of young offenders. These proposals were dropped and replaced by others, less radical, in a second White Paper, “Children in Trouble”, published in 1968, which retained a significant role for the juvenile courts. The need for reform of the juvenile justice system was much less obvious in England and Wales than in Scotland, where there was no uniform system, and specially constituted juvenile courts existed only in the four major cities.

Two camps

This tracing of the genesis of the Seebohm Committee from the Ingleby Report through the 1965 White Paper does not, however, tell the full story. Whilst the White Paper sprang in part from the recommendations of the Ingleby Report, it owed more to a pamphlet, “Crime, a challenge to us all”, published in April 1964 by a group,

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4 In particular, in section 1, “It shall be the duty of every local authority to make available such advice, guidance and assistance as may promote the welfare of children by diminishing the need to receive children into or keep them in care ... or to bring children before a juvenile court.”

5 See Paper B.

6 The most significant proposal was that children aged ten but under 14 should not be prosecuted for an offence, but could be brought before a juvenile court as being in need of protection on the ground of having committed an offence, and could then be placed under supervision or, if their welfare required it, in care. Provisions to this effect were enacted in the Children and Young Persons Act, 1969, but were not brought into force.
chaired by Lord Longford, which included several Labour politicians who later became Ministers in the subsequent Labour Government. The proposals in this pamphlet, for a welfare-based juvenile justice system working closely with a local authority family service, were generally supported by the Home Office, where Alice Bacon was Minister of State, and by child care service interests. They aroused concern, however, among social workers and social policy academics who were concerned for the development of services for people who did not belong to families with children. An ad hoc group representing these interests was set up in 1964. It had close links with the National Institute for Social Work Training, which had been established in 1961 with Robin Huws Jones as its Principal, and it mobilised the concern of the Ministry of Health, which oversaw the work of local authority health and welfare departments. The Ministry of Health would subsequently (17 October 1968) be brought together with the Ministry of Social Security (itself the product of a merger in 1966 of the Ministry of Pensions and National Insurance with the National Assistance Board) to form the Department of Health and Social Security, under a new Secretary of State (Richard Crossman) with the broader title of Secretary of State for Social Services. This title represented Crossman’s inheritance of the function of social services “overlord”, which predated the amalgamations of ministries. The Home Office Children’s, Probation and Prison Service Departments had always remained outside the remit of the “overlords”, and the Home Office had an important role in social policy issues. Thus, in 1965, two social work and social policy interest groups, with different views as to how the local authority personal social services should be developed, found themselves allied with two different ministries, each with an interest in assuming responsibility for the resultant local services.

The Seebohm Committee

The Seebohm Committee was the way out of the conflict between the Home Office and the Ministry of Health. Its members included Bee Serota from the Longford Group, and Robin Huws Jones and Professor J N Morris from the Ad Hoc group. It held its meetings at the National Institute for Social Work Training, a venue which, although independent of Government, suggested a leaning towards the Ad Hoc group and the Ministry of Health. On the other hand, its terms of reference seemed to imply that it would recommend the kind of family service which the Ingleby Committee and the Longford group had in mind, which might be described as an enlarged children’s department. Such a service would have provided a wider range of welfare services to

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7 They were, in addition to Lord Longford himself, Alice Bacon, Gerald Gardner, Anthony Greenwood, Margaret Herbison, Elwyn Jones, James McColl, Reginald Prentice and Bee Serota.

8 Geraldine Aves, David M Jones, Robin Huws Jones, Professor Jerry Morris, Timothy Raison, Barbara Rodgers, Margery Taylor, Richard Timuss and Lewis Waddilove.

9 This section draws heavily on “The Creation of the British Personal Social Services, 1962 – 1974” by Joan Cooper, Heinemann, 1983, which is an invaluable source of information on the service reorganisations in Scotland, England and Wales and Northern Ireland. Joan Cooper was the last Chief Inspector in the Home Office Children’s Department and the first Director of the Social Work Service of the Department of Health and Social Security.

10 According to Cooper (op cit).

11 The other members were Frederic Seebohm (Chairman), Sir Charles Barratt, Lady James of Rusholme, Walter Lane, Peter Leonard, Roy Parker and M R F Simson. The interests represented were local government, the magistracy, medicine and social-work and social-policy academics.
a wider range of children, their parents and other carers, but would not have provided services to other adults. The Association of Children's Officers favoured this course. The Association of Child Care Officers in its evidence to the Seebohm Committee took up an intermediate but somewhat egocentric position, advocating a development in which a family service based on enlarged children's departments would progressively assume wider personal social service functions through phased transfers of responsibility.

Richard Titmuss (one of the authors of the Scottish 1966 White Paper and a member of the Ad Hoc group) had, however, already advocated a bolder approach in a lecture given in April 1965.\(^{12}\)

In considering this question of structure it is fashionable at the present time to argue the case for Family Service Departments. As I understand it, the core of this new Department would be the Children's Department to which would be transferred certain other responsibilities at present carried in many areas by welfare departments.

I must say I am not happy about this proposal, and for the following reasons. In the first place it is too family-centred and child-centred partly, I suppose, because of our historical preoccupation with social pathology in the form of (what have been called) 'multi-problem families'. While all social work must take account of the primary importance of family relationships, and of helping families as well as individuals, we have to remember that a large number of 'needs' arising in the community are not essentially 'family needs'; mentally ill migrants, elderly widows and widowers, the isolates and childless, unmarried mothers and other categories of people who, in an increasingly mobile society, might well hesitate before turning to a 'Family Department'. What is common to them all is the need for services irrespective of age, family background and relationships. If this is accepted then it follows that we require Departments of Social Service at the local level.

Secondly, I suggest that the conception of a Family Service Department is not broad enough. Important welfare responsibilities, both residential and domiciliary, might well remain outside the province of a Family Service Department. By contrast, a Social Service Department could well embrace all the work of Children's Departments and Welfare Departments (or sections) and substantial 'welfare', social service and mental health responsibilities at present carried by other departments - chiefly Health Departments. The research results of a number of studies carried out in recent years which have analysed the 'needs' of clients of these departments all emphasize the importance for the better servicing of 'need' of a broader organizational framework. At present, local government is burdened with too many small departments and too much 'balkanized' rivalry in the field of welfare.

Thirdly, I am doubtful whether a Family Service Department would effectively bring together within one administrative structure all social workers in the employ of a single local authority.

The Seebohm Committee, reporting in July 1968,\(^ {13}\) followed these proposals to the letter and used the concerns of the Ad Hoc group to dispose in short order of the limi-

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\(^{13}\) Report of The Committee on Local Authority and Allied Personal Social Services (1968), HMSO, Cmnd. 3703
tations imposed by its terms of reference. We decided very early on in our discussions that it would be impossible to restrict our work solely to the needs of two or even three generation families. We could only make sense of our task by considering also childless couples and individuals without any close relatives: in other words, everybody.  

The Report listed the services which the Committee wished to see included in their proposed Social Service Departments. These were the child care service, welfare services provided under The National Assistance Act, 1948, education welfare, child guidance, home help services, adult training centres, day nurseries, mental-health and other social work services provided by health departments and the social welfare work then undertaken by some housing departments. The Report also recommended, however, that the new departments should have “responsibilities extending well beyond those of existing local authority departments”, and it made important suggestions about how Social Service Departments should approach their work. They “must be concerned with the prevention of social distress”, providing “services aimed at giving more help when an individual or family passes through transitional epochs and has to make radical changes in roles, adjustments and attitudes” and “extra concentration of effort and resources on specific geographical areas of comprehensive high risk”. The Committee’s proposals should be seen “as embodying a wider conception of social service, directed to the well-being of the whole of the community and not only of social casualties, . . . encouraging and assisting the development of community identity and mutual aid”. “Implicit in the idea of a community-oriented family service is a belief in the importance of the maximum participation of individuals and groups in the community in the planning, organisation and provision of the social services.” “Above all, the development of citizen participation should reduce the rigid distinction between the givers and the takers of social services.”

The Committee recommended that “there must be one central government department responsible both for the relationship between central government and the social service departments and for providing the overall national planning of these social services, social intelligence and social research,” but did not say which of the competing departments this should be. In rejecting the Ingleby-Longford family service department model, the Committee might have seemed to be aligning itself with the Ministry of Health. The Home Office, however, saw itself as the lead department for social policy and community development issues, and the Committee appeared to envisage a similar lead role at the local level for Social Service Departments.

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14 Cmd. 3703, paragraph 32.
15 Note that, the Report referred to Social Service (not Services) Departments, stressing the general and abstract notion of giving service, rather than the provision of various discrete services.
16 Cmd. 3703, Chapter XIV, Prevention.
17 Cmd. 3703, Chapter XVI, The Community.
18 Cmd. 3703, paragraph 637.
19 In the 1980’s and 1990’s, the link between social services and health services came to be viewed by most commentators as of prime importance. In 1968 the view was that the development of the personal social services would be helped by their separation from health services, and that collaboration between the two was a promising way forward.
From the Sebohm Report to the Local Authority Social Services Bill

There were two main issues. First, would the Government implement only an administrative reorganisation of services, or would it introduce legislation promoting the Sebohm Committee’s wider vision, and extending local authorities’ responsibilities by including a general duty to promote social welfare, as in Scotland? Second, would the Report be implemented at all? Non-implementation of the Report seemed a distinct possibility. Local authorities were looking for more freedom from central government, particularly freedom to decide how to manage themselves. This had been advocated in the Maud Report, and the Sebohm Committee’s recommendation that each local authority should be required to appoint a Director of Social Services and a Social Services Committee, with strictly defined functions, and that the Director’s appointment should require, at least during the first twelve months, confirmation by the Secretary of State, was the kind of control from which authorities were seeking to be freed. Also, a Royal Commission on Local Government was sitting. It reported in 1969, and it was argued that reorganisation of the personal social services should await that report’s implementation, or least the Government’s decisions on it. Within local authorities, there was particular opposition from most Medical Officers of Health, for whom the Sebohm proposals would have involved a significant reduction of responsibilities, and they were largely, though not universally, supported in their opposition by the medical profession.

Social workers and their associations were quick to agree on the goal of full implementation of the Sebohm Report, but they faced a difficult task in arguing against these interests. Within the Government, Home Secretary James Callaghan was in favour of legislation; Richard Crossman, Secretary of State for Social Services, showed little interest. A particular problem was posed by decisions by a number of local authorities, particularly in London, to merge their health, welfare and children’s departments under the direction of the Medical Officer of Health. These reorganisations usually amounted to little more than subordinating the Children’s Officer to the Medical Officer of Health. (In many authorities the Chief Welfare Officer was already so subordinate.) They were, however, presented as improving on Sebohm by going beyond it. Ministers warned privately that if too many authorities followed this course, the Government would not do battle with them by implementing the Sebohm Report.

The Standing Conference of Organisations of Social Workers (SCOSW) was not in a strong position to lead or co-ordinate pressure from social workers for implementation of the Report. It was, as its name implies, primarily a meeting ground for its eight member associations, and had few resources. It had not been in the habit of obtaining general permissive mandates from the associations and acting on them. A further problem arose from the experience of the National Association of Probation Officers, one of the member associations, in connection with the Social Work (Scotland) Act. NAPO had been opposed to the absorption of the Scottish probation service into departments of social work. It had, however, joined with the other seven

20 Management of Local Government (1967), HMSO
22 The only serious disagreement within the profession concerned the Committee’s recommendation that their proposed social work training council should be accountable to Ministers. See Paper D.
23 See Paper D.
organisations in arguing that, if departments of social work were to be set up, they should be based in the Counties and in the four Counties of Cities (Aberdeen, Dundee, Edinburgh and Glasgow), and not also in the Large Burghs. The conviction among social workers at that time that the Burghs would not have the resources to take on this responsibility was very strong. NAPO had therefore agreed to join in a SCOSW statement on this one issue, at the same time making clear its commitment to the retention of a separate probation service. The fact that this joint statement existed was, however, promptly used in the Standing Committee on the Bill by Bruce Millan MP, then a junior Minister in the Scottish Office, to cast doubt on the strength of NAPO’s commitment. Although generally favouring the Seebohm recommendations, NAPO was, therefore, wary of joining in a campaign for their implementation, lest the Government should be considering including the probation service in the reorganisation.

SCOSW did, however, campaign for the introduction of legislation, and the Home Secretary and the Social Services Secretary jointly received a SCOSW deputation.

At the suggestion of Tom White\(^\text{24}\), and with SCOSW’s approval, the Seebohm Implementation Action Group (SIAG) was formed to add further weight to this campaigning. It brought together the SCOSW member organisations most closely concerned, the Institute of Social Welfare, and three chief officers’ groups: the Association of Children’s Officers, the Association of Directors of Welfare Services and the Society of County Welfare Officers. SIAG organised a range of pressure group activities, including a deputation to James Callaghan, a mass lobby of Parliament by social workers, a set of “speakers’ notes” on Seebohm, and numerous contacts between social workers and their MPs. Some ventures were less successful; a planned series of letters to The Times from eminent people stalled after the first letter.

At ACCO’s annual conference, its South Wales Branch had proposed that the Association should blacklist any local authority which combined its health, welfare and children’s departments. Following tense behind-the-scenes negotiations, the Branch accepted an amendment giving the Association’s Executive Committee discretion in deciding whether to blacklist an authority, and a resolution to this effect was adopted. As a result, there were discussions with about half a dozen authorities which, despite government advice to the contrary, either had carried out or were proposing such amalgamations. Only one, the London Borough of Sutton, was actually blacklisted. This action appears to have been sufficient to stem the tide until February 1970, when the Government introduced the Local Authority Social Services Bill. In Sutton there was committed support for the action from social workers who were prepared to resign their posts; action in other authorities might well have proved ineffectual, and “successful” blacklisting damages services.

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\(^{24}\) Tom White was a past President of the Association of Child Care Officers and one of ACCO’s representatives on SCOSW. It would be difficult to overestimate his influence and effectiveness in the campaign to secure implementation of the Seebohm Report. At that time Deputy Children’s Officer for Lancashire, he had been much involved in the Labour Party, having been chair of the National Association of Labour Student Organisations and a parliamentary candidate. He chaired the Seebohm Implementation Action Group, and nearly all of the ideas which it attempted to put into effect were his.
The Local Authority Social Services Bill in Parliament

Compared with the Social Work (Scotland) Bill, this Bill was a disappointment. There was no general duty to promote social welfare and no broadening of local authorities’ responsibilities. Various local authority functions whose inclusion in the new departments the Seebohm Report had recommended — child guidance, education welfare, housing welfare services — were omitted. The financial memorandum attached to the Bill predicted that the sole extra cost of the Bill to local authorities would be the salaries of the new Directors of Social Services. It seemed clear that agreement had been reached between the Home Office and the Department of Health and Social Security that the personal social services which those two ministries oversaw should be merged, that there had been no similar agreement with the Department of Education and Science, and that the Treasury’s approval had been conditional on costs being minimal.

The social work organisations, while happy that the Bill had appeared, were disappointed, but not surprised, by its limitations. The Government had never responded positively to arguments for a general power to promote social welfare, and civil servants had suggested that such a clause would be merely declaratory. At a late stage, Margaret Dobie, General Secretary of the Association of Psychiatric Social Workers, and I (as Secretary of the Association of Child Care Officers) went to see Martin Russell, a senior Home Office civil servant. Martin Russell drew attention to the two paragraphs of the final chapter of the Seebohm report — Conclusions. These, he said, were the only paragraphs written in bold type, and were the most important. They called for a Bill “to establish a unified social service department within each major local authority…. at the earliest possible date”. He summarised this as, “We need a Bill, a machinery Bill, and a machinery Bill quickly. And that,” he said, “is what you are going to get.” This, according to Joan Cooper, was the position which the Civil Service had adopted from the outset as the only practicable means of steering legislation through the difficulties of limited parliamentary time, a dispute between government departments and the need to defend against the not unreasonable criticism that the reforms could pre-empt decisions yet to be taken on the reorganisation both of local government and of the NHS.

The Bill was indeed a “machinery” Bill. It instructed each local authority (Counties, County Boroughs, London Boroughs and the City of London) to establish a Social Services Committee, listed the Committee’s functions, required each authority to appoint a Director of Social Services, gave the Secretary of State power to prescribe requisite qualifications for Directors and, pending this prescription, authorised him to prohibit the appointment of a person as Director, and required authorities in exercising their social services functions to act under the general guidance of the Secretary of State. The need for a social services department was implied by a duty on each authority to provide adequate staff to assist the Director in the performance of his functions. The Bill also provided for the establishment of the Central Council for Education and Training in Social Work (CCETSW).

25 Meaning that it would not give local authorities any actual new duties: the opposite of the view taken by the same government over the Scottish legislation.
26 Cooper (op cit).
At the Committee stage of the Bill in the House of Commons, the Conservative opposition supported the principles behind the Bill, by which they meant that they approved of local authorities bringing together their social services functions. They did not, however, support central government direction of local authorities' internal arrangements. They therefore managed to oppose practically all the Bill's provisions while declaring their support for it. They also argued that the legislation should await decisions on the report of the Royal Commission on Local Government. As the Committee Stage progressed, it became increasingly clear that the Prime Minister was likely to seek the dissolution of Parliament and a fairly early General Election, and that the Bill might, therefore, fall. To speed its passage, backbench Labour MPs on the Committee were instructed not to speak. In this way, the Government managed to get the Bill through all its stages in the House of Commons. None of the amendments sought by the social work lobby was achieved. There was no general duty to promote social welfare, and no extension of the list of services to be transferred to Social Services Departments.

There remained the House of Lords, and it became clear that the Bill would fall unless the Opposition in the Lords agreed to facilitate its passage. Lord Sandford, who was leading for the Conservatives on the Bill in the Lords, called a meeting of interested parties to assist them in determining their attitude, and at this meeting the County Councils’ Association representative raised local authorities’ objection to being instructed to appoint specified committees and chief officers. It was not clear that the Conservatives would agree to let the Bill go through. Although they had supported it in principle, the position they had taken in Committee would have been more accurately served by killing the Bill, and using the subsequent Local Government Act 1972 to remove the obstacles preventing local authorities from choosing their own approaches to unifying their personal social services. In the event, the Opposition did not oppose the Bill in the Lords, and indeed co-operated in ensuring its rapid passage.

**Implementing the Local Authority Social Services Act**

The Conservative Party won the 1970 general election. In October of that year they announced that the Secretary of State for Social Services, Sir Keith Joseph, would be the responsible Minister, and that the Home Office Children’s Inspectorate and the Social Work Officers of the Department of Health and Social Security would be merged into a new DHSS Social Work Service. The implementation date chosen was 1 April 1971. In fact Directors of Social Services took up their posts on various dates from 1 January 1971, with the last one not coming into post until April 1972. Sir Keith Joseph remained as Social Services Secretary until 1974, throughout the period of Edward Heath’s administration. Contrary to the prediction in the Bill’s Explanatory and Financial Memorandum, the establishment of Social Services Departments

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27 Bill Molloy, Labour MP for Ealing, continued to speak. His colleague Eric Moonman explained that the Whips had exempted him, recognising that he would have been unable to comply.

28 The main obstacles were the requirements in the Children Act 1948, repealed by the Local Authority Social Services Act, to appoint a Children’s Committee and a Children’s Officer.

29 Harry Thacker in Leicester City was the first to be appointed, followed by Tom White in Coventry.

30 This was in the London Borough of Harrow, an authority which had for some years had all its social services under the oversight of the Medical Officer of Health. Its first appointment of a Director of Social Services had not won the Secretary of State’s approval.
created or coincided with a demand for substantially increased expenditure. The Chronically Sick and Disabled Persons Act 1970, the result of a Private Member's Bill which was supposed to be financially neutral, had a similar effect. The Secretary of State instructed local authorities to prepare Ten Year Plans based on an assumption that social services budgets would grow by ten percent a year, and growth in the period 1971 to 1976 was in fact substantial, although the general experience of those working in SSDs was that demand always outstripped it.

The Scottish and English reorganisations – differences

To summarise:

- In Scotland the proposals grew out of a need to service a new welfare-based system for dealing with children in trouble, and it was the absorption of the probation service which made this possible, creating, perhaps at some cost to services to adult offenders, a strengthened family service within the new Social Work Departments. In England and Wales, in contrast, the view was that the resources of the child care service would have to bolster less developed social welfare services for adults. The effect was that the resources available to build the kind of family service envisaged by the Ingleby and Longford reports were, initially, perhaps weakened. The implementation in 1971 of the Children and Young Persons Act 1969 and of the Chronically Sick and Disabled Persons Act 1970 appeared as external challenges to the new departments, and not as integral parts of the improvement in service the reorganisation was designed to deliver. In Scotland the principal beneficiaries of the reorganisation were children in trouble and their families; in England and Wales they were people with disabilities.

- The opposition in England from lay magistrates to proposed reforms to the juvenile justice system and from local authorities to government prescription were either absent or less strong in Scotland.

- Although the social work voice was stronger on the Seebohm Committee than on the Kilbrandon Committee, the position was at the next stages reversed, in that the subsequent Scottish White Paper, *Social Work and the Community*, was drafted by social workers and their supporters.

- The Scottish reorganisation was more ambitious, incorporating the Probation Service and giving local authorities a broad statutory duty to promote social welfare. The spirit and philosophy of the reforming agenda were reflected in the legislation in Scotland but not in England and Wales.

- One of the reasons why change in Scotland was more radical was that services were less developed in Scotland, and there was less defence of the *status quo*.

- Above all, the process in Scotland was driven by a government minister (Judith Hart) and leaders of the social work profession who worked together on the basis of shared values. In England and Wales the process was managed,

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31 See also Paper B
with great competence and without much commitment from politicians, by civil servants, who had to steer it through very tricky waters.

The Local Authority Social Services Act – what difference did it make?

The Act paved the way for the reorganisation of the National Health Service in 1974\textsuperscript{32} by separating the management of social work in the fields of mental health and social welfare from medical and nursing work, and thus simplified the subsequent process of transferring local authority health staff to the new Area Health Authorities. If the Local Authority Social Services Bill had not survived the dissolution of Parliament, the reorganisation of the NHS would, however, still have taken place. What then would have been the fate of the personal social services? A case would have been made for transferring some or all of them into the NHS, but local authorities would have resisted this strongly, and probably successfully, as a serious reduction of their functions. Central government might then have left the organisation of the personal social services to be sorted out as a consequential matter arising from NHS reorganisation, after the reorganisation of local government itself in 1973.\textsuperscript{33} In the meantime, the continuing Home Office Children’s Department would have concentrated on the implementation of the Children and Young Persons Act 1969, and the DHSS’s social work officers would have been similarly involved with the Chronically Sick and Disabled Persons Act 1970. At the local level, the considerable challenge of implementing these Acts, and the growing preoccupation of medical officers with their future in a restructured NHS, might have distracted attention away from local social service reorganisations. The new County and Metropolitan District authorities set up in 1973 would in all probability have been freed from their predecessors’ obligation to appoint specified committees and chief officers for these functions, but bringing them together under a single chief officer would have been the obvious course.

Service reorganisations and the unified professional association

It has been suggested on occasion that the formation of BASW was a response to the creation of SSDs.\textsuperscript{34} It was, however, on 22 February 1963 that the Standing Conference of Organisations of Social Workers was formed with the objective of establishing, within five years, a unified national association of social workers, based on a minimum standard of qualification. The adoption of this objective therefore preceded the Kilbrandon Report, the setting up of the Seebohm Committee and the Scottish White Paper \textit{Social Work and the Community}. It is difficult to find evidence of significant advocacy of unified social services departments before 1965. The desire for a unified association sprang from a view of social work as a single discipline or profession irrespective of the structuring of its fields of practice. The development of applied social studies courses, preparing students to practise social work in a range of different fields, was both an expression and a reinforcement of this view. The international perspective was also relevant. The International Federation of Social Workers would accept only one member organisation from each country, and stipulat-

\textsuperscript{32} National Health Service Reorganisation Act, 1973
\textsuperscript{33} Local Government Act, 1972
\textsuperscript{34} Bob Holman, for example, has written that “the drawing of several welfare occupations into one department also led to the birth of the British Association of Social Workers.” (\textit{Child Care Revisited: The Children’s Departments 1948-1971}, ICSE, 1998, p117)
ed that its member organisations should be open to all qualified social workers. In practice some latitude was allowed, and SCOSW was accepted as the UK member organisation, despite having only organisations, and not individual social workers, in membership. It may appear now that the separate associations were in the end pushed together by the prospect of Social Services Departments, but it was in July 1967 that the Standing Conference resolved "to proceed immediately with negotiations for the formation of one association of trained social workers with the aim of agreeing a constitution by 1st July 1968". In the event it took another two years, but there were many issues to be settled, some of them contentious, and, at the end of the process, a constitution to be written and negotiated. The time spent enabled the leaders of the separate associations to build up a sufficient degree of trust among themselves, and to achieve a situation in which the memberships were willing to wind up the associations to which they belonged and transfer their assets to BASW.

The setting up of Social Services Departments did, however, raise a number of issues for the British Association of Social Workers. The vision of its founders had been of an organisation whose members would work for a variety of employers in a range of different settings, sharing common or related qualifications, purposes, values and skills. The setting up of local authority Departments of Social Work and of Social Services created the impression that these were the places where social workers worked. While in Scotland Social Work Departments probably employed the majority of practising and qualified social workers, this was certainly not the case, at least before 1974, in England and Wales, where qualified social workers working in the Probation and Aftercare Services and in hospitals, child guidance clinics and voluntary organisations, not to mention social work teachers in universities and colleges and central government advisers and inspectors, substantially outnumbered those in Social Services Departments, who were in turn substantially outnumbered within those departments by unqualified practitioners (and some members of other disciplines) in field, residential and day settings. (The transfer of hospital-based social workers to Social Services Departments in 1974 modified this situation.) This was a difficult position for the new association, which found itself being miscast as a service association for Social Services fieldwork employees - not the role for which it had been formed. The contentious issues which arose in its early years were related to this conflict of roles. The pursuit of statutory registration for social workers emphasised the view of the association as a professional body. The pressure for open membership and for a trade union role sprang from perceptions of it as a service association.

Keith Bilton

8.3.08

35 The main issues addressed and the stages through which the negotiations progressed are summarised in Paper D.
36 See Paper D.
Paper B
Social Work History Network

The Social Work (Scotland) Act 1968

Paper given by Vera Hiddleston at Edinburgh University on 3 November 2006

It is arguable that the Social Work (Scotland) Act had its genesis in the 1948 Children Act, which was part of the post-war welfare reconstruction. I think it is fair to say that the Children's Department was the first independent social work organisation within the local authority. Its effect was dynamic. The Act produced, at least in England and Wales, many strong social work departments often led by women, training courses which trained significant numbers, and an active professional association. It was strongly supported by the Home Office whose Central Council for Training in Child Care, led by Clare Winnicott, a psychiatric social worker (PSW), was a key influence, and was trusted by the profession.

Despite the fact that Scotland as a whole did not see the Children Act as particularly relevant - after all, the tragedies which triggered The Monckton Report were in England! - and many of the new departments continued the Poor Law tradition, (the new Boarding Out Regulations did not come out until 1959), it could not but be influenced by the growing number of Child Care Officers (CCO's) with training and professional standards.

The first child care course in Scotland started in 1960 at Edinburgh University, and I was one of three student supervisors selected, together with Janet Lusk from the voluntary sector and an unfortunate CCO planted in Edinburgh Children's Department, which still dressed its CCO's in uniform. The course was staffed in the University by Megan Browne and Vivienne Laughton already engaged there in medical and psychiatric social work training. They were both to be key figures in policy-making in Scotland, having the ear of the Scottish Office. Both were also members of the Probation Advisory Council, and Megan chaired its Training Committee, advising on the recruitment of and establishment of the one-year course for new Probation entrants in 1960.

Meanwhile, a seminal report had been published in 1959 by a committee chaired by Eileen Younghusband, its remit "to inquire into the proper field of work and the recruitment and training of social workers at all levels in the local authorities' health and welfare services". Social Workers with training were virtually an unknown quantity in the Scottish Health & Welfare services. Apart from Kay Richards at Edinburgh and a PSW in Ayrshire, I know of no others.

The report recommended three grades of worker:
- Professionally qualified and experienced workers who would deal with problems of especial difficulty;
- General purpose social workers for people who required sustained help from trained social workers;
- Welfare assistants for people with obvious needs who required practical help.
Welfare assistants would undergo specified systematic in-service training and work under the supervision of a social worker. For the general purpose social worker there should be two-year training courses outside the universities. In my view, if the Younghusband pattern had been followed, many future problems would have been avoided. However, staff were seconded enthusiastically to the new two-year courses.

So the 1960's saw a changed scene in the Scottish social work services, and staff were becoming increasingly aware of the shortcomings of these services. Generic courses at universities meant that specialist social workers were training together.

Into this maelstrom in 1964 came the Kilbrandon Report, which did not have a social worker on its committee, but did have members very knowledgeable about the issues involved e.g. Fred Stone, Norman Murchison. Its remit was "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..."

This report was the foundation of Scotland's Children's Hearings system\(^{37}\), the legislation enshrined in the Social Work (Scotland) Act. It was fully endorsed by social workers. Those who had experience of the existing juvenile courts, four different types, were in no doubt of the need for reform. To take decisions out of the court system except for establishing guilt or innocence, and appeals, albeit subject to the continuing discretion of the Crown in exceptional cases, was revolutionary, and in line with current social work philosophy.

The concern and energy of social workers were, however, focussed on that part of the report entitled "The matching field organisation". This was to consist of the Child Care Service and half the Probation Service, who would practise "social education" in a Social Education Department of the local authority under the Director of Education. Education had of course been greatly valued in Scotland since the days of John Knox, and social work was not widely understood, so the recommendations of the committee were not entirely surprising.

Departments of Health and Education were sometimes referred to as nurturing organisations, but Children's Departments had tasted freedom, and did not intend to surrender it lightly. They looked for more, not less power, and saw this achieved in a unified social work service. In their response to Kilbrandon the Association of Child Care Officers (ACCO) wrote "What is 'social education'? It seems to us quite clear that social work goes much beyond the boundaries of social education and cannot be embraced by it even considered in its widest sense." It looked at the inadequacies of Children's Departments. "Child care in Scotland is underdeveloped in terms of staffing, training, casework practice and the provision of accommodation for children", and went on to recommend "Measures more radical, more logical than proposed by the committee, viz. all the social services should be concentrated in one department". By a remarkable coincidence of political philosophy, broader administrative developments and key personalities, social workers' responses to Kilbrandon were to start a process which culminated in the Social Work (Scotland) Act of 1968. Judith Hart was the relevant Minister at the Scottish Office, and she was advised by Megan Browne,

\(^{37}\) A description of the Children's Hearing system as it was when established is given in the appendix.
Kay Carmichael and Richard Titmuss. It is difficult to imagine a more favourable climate. The process was to take four years. 1966 saw the White Paper "Social Work and the Community", and 1968 the introduction of the Social Work (Scotland) Bill in the House of Lords.

In order to lobby effectively, ACCO invited the Standing Conference of Organisations of Social Workers to join in a group known first as the Parliamentary Group, and then as the Professional Working Party. The organisations which joined were ACCO, the Association of Social Workers (ASW), the Institute of Medical Social Workers (IMSW), the Moral Welfare Workers' Association, and the Society of Mental Welfare Officers. I chaired the group and Kay Richards was one of the representatives of IMSW. Keith Bilton acted as our London liaison. We lobbied the political parties in the House of Commons, and orchestrated the lobbying of constituency MPs. We prepared briefs for government and opposition. Today such work would not merit mention, but in the 1960s it was unknown in social work.

Undoubtedly the Scottish MPs were impressed. Hugh Brown (Glasgow Provan) said, "I have been very impressed by the quality and ability of the social workers who have been putting pressure on us about the Bill. I respect their sheer professionalism". The Earl of Dalkeith (Edinburgh North) - "I frankly state that on no other Scottish Bill have I received such a volume of papers, memoranda and literature of all sorts."

In fact the principle of a comprehensive service did not have to be strongly argued. There was no political opposition, and no fierce counter-attack from Directors of Education and Medical Officers of Health. Stress was laid on the unhelpful overlapping of services and the difficulty for service users in knowing where to seek help. It was pointed out that social workers could be deployed more effectively if they were all in the same department since, though specialist knowledge was required, they shared the same basic skills. "Social Work in the Community" was a slim document making statements rather than spelling out and exploring issues.

The Act itself focussed on drawing together relevant children's legislation and providing for the Children's Hearing system. The legislation for the other services came mainly under the National Health Service (Scotland) Act, 1947, and the National Assistance Act, 1948, as well as the Mental Health (Scotland) Act, 1960. The generality of the Act, the widening of the scope of the local authorities, was dealt with in section 12, which read,

"It shall be the duty of every local authority to promote social welfare in their area by making available advice, guidance and assistance on such a scale as may be appropriate in their area, and in that behalf to make arrangements and to provide or secure the provision of such facilities (including the provision or arranging for the provision of residential and other establishments) as they may consider suitable and adequate ...."

It goes on to deal with assistance in cash or in kind.

The focus on assistance in cash when the Act came into force almost overwhelmed the new departments, but the most significant provision was the duty to promote social welfare. Some groups (e.g. disabled people) felt that their needs required to be more fully spelled out, but the Scottish Office felt strongly that it was right to give the broadest possible scope to avoid falling into the traps of previous legislation which restricted pioneering and community work. ASW stated in its comments on the White Paper, "We feel there is a danger in a report which has set out so clearly the social work functions relating to children that the need for high quality social work for the
elderly may be overlooked." In fact, as we know, faced with enormous pressures, the distinction was made between "statutory" and "non statutory" work. Nevertheless, as Liz Timms and I discovered in researching this theme for BASW in 1990, some very creative community work exists, such as I found in Inverness-shire based at the Fort William Training Centre and at Dalmore House in Ardmurichan. The White Paper and the Bill included the Probation Service within the new comprehensive service, and the Professional Working Party made a strong case, both philosophical and practical, for its inclusion, but the Service itself was strongly opposed, although a vocal minority, estimated at a third, disagreed. They were supported by a number of Sheriffs38. There was a real concern that local authorities would not encourage service far offenders. But around half the offenders on probation in Scotland were juveniles, and the new service badly needed the Probation Officers, the most numerous of all, to staff the departments. Despite a narrow vote in the House of Lords, 48 to 46, the Probation Service was included.

A major part of the legislation was of course concerned with the reformed system of juvenile justice. I re-use the quotation from John Mack. "One is reminded of the mighty precedent of the reformation, complete and drastic in Scotland, moderated in England to a broadly conservative adjustment of ecclesiastical and dynastic loyalties." It is a social treatment model and as such completely chimed with social work methodology in the 1960's. The involvement of the community through panel members was at one with the recent re-emergence of community work. There was surprisingly little debate in Scotland, in part because the existing system was difficult to defend, but there was general concern about the rising numbers in juvenile delinquency. With prescience Alick Buchanan-Smith declared in the Commons debate, "I think. . . that we are kidding ourselves if we think this Bill will prevent the type of child I have described getting into trouble. I accept that this Bill is a great step forward in helping the treatment of the young person once he has gone wrong, but it does not deal with the sources from which his delinquency stems. Therefore....... I hope that this Bill will not be regarded as a universal panacea for all our social problems, and the problems of the source of crime, as it may well be made out to be."

What was lacking in the White Paper and in all the evidence I have seen was any kind of creative consideration of the kind of service the Children's Panels might expect. The nearest I could find was in the evidence of ASW (Edinburgh and East). "We would like to underline the complexity which lies behind many apparently minor episodes of anti-social behaviour and the need for the social worker responsible for the initial inquiry to be of a very high calibre. We feel that it is essential for this social worker to have had considerable experience of casework with parents and children in order to fully recognise the importance of the medical and psychiatric aspects as well as the social factors." The emphasis was, however, to be on the development of the generalist, not the specialist, and the Hearing System suffered accordingly. In their evidence to the White Paper, ACCO had stated, understandably safeguarding professional standards, "We consider it vital that the emphasis on training should not lead to the quality and standards being reduced." ASW thought that courses should be generic to equip workers to be mobile and flexible and that in-service orientation would have to be devised for the trained worker wishing to move from one speciality to another. They pointed out that training would require to place emphasis on administrative skill,

38 The Sheriff in Scotland is a professional judge sitting in a court of first instance.
but at the same time this must not lead to the assumption that promotion and administration should be equated. All laid emphasis on the need for a Training Officer. It was never envisaged that specialists should disappear in favour of generic workers. ACCO in evidence to the White Paper had attached an administrative chart which made this clear.

Much effort and money were put into the development of training by the Scottish Office. In this sphere we were undoubtedly hampered in Scotland by being ahead of reorganisation in England. Our qualifications were national and as such had to wait for the setting up of CCETSW in 1970.

But maximum attention was paid to the appointment of the Directors of Social Work. ACCO wrote at greatest length on this theme since there was widespread belief that local authorities' Children's Committees had been inadequately briefed by their chief officials, a belief reinforced when ACCO met the Glasgow Children's Committee. The Professional Working party noted, "We know of examples of the appointment of an unqualified Children's Officer while qualified applicants were not interviewed by the Children's Committee". In effect the Bill proposed that ultimately the qualifications required of Directors of Social Work would be prescribed by the Secretary of State, and that meantime he would vet the list of applicants.

In re-reading the debate in the House on the second reading of the Bill, one is struck anew by the enormous goodwill and support. Social workers certainly achieved all they could have wanted. Mrs Ewing said, "This is a most ambitious and important Bill!" How ambitious was still to be seen. The range of conflicting demands was enormous on fewer than a thousand social workers in local authorities in Scotland in 1968, of whom only 292 were qualified, of whom 180 were Probation Officers who had one year's specialist training.

Given this, the achievements were remarkable.

_Vera Hiddleston_


**Paper C**

**Children’s Hearings as established by the Social Work (Scotland) Act**

The juvenile courts system of England and Wales was not well established in Scotland, and at the time of the Kilbrandon Report there were only four specially constituted juvenile courts. These were in the four major cities of Glasgow, Edinburgh, Aberdeen and Dundee. Elsewhere, children were prosecuted in a variety of local Police, Baillie and Sheriff courts.

The Act set up a new system of children’s hearings, staffed by local lay people who were appointed to Children’s Panels (on the advice of Children’s Panel Advisory Committees) and given appropriate training. The decision to bring a child before a Hearing lay with an independent official, the Reporter to the Children’s Panel. Reporters were initially recruited from among lawyers and social workers, though lawyers came to predominate. (One of the lawyers who became a Reporter was Donald Dewar, who later became the first First Minister of the Scottish Parliament. As an MP, he had served on the Standing Committee considering the Bill, before losing his seat in 1970.) The Reporter’s job was to receive reports of children thought to be in need of “compulsory measures of care”, these being children who were thought either to have committed an offence or to be in need of care. Having inquired into the case, the Reporter could take no action, refer the child or family to the Social Work Department for voluntary help, or bring the child before a Children’s Hearing. The Hearing was not a court of law and could proceed only if the child admitted the “grounds”. If the case was contested, the Reporter had to seek to prove the grounds in the Sheriff Court. If the grounds were proved, the case was returned to the Hearing. The Hearing could either order supervision in the community or place the child in the care of the local authority, naming the establishment, or foster home, to which the child was to go. As long as the child remained subject to one of these “compulsory measures of care”, the Hearing would keep the child’s case under review. The Hearings were supported by social workers from the Social Work Department, who would present a report on the child and family and offer advice as to what action might be appropriate. The Hearings were reasonably formal in the sense of being conducted in an orderly fashion, but deliberately distanced from the style of a court. Hearing members, child, parent(s), reporter and social worker sat at the same oval table, those present were introduced to one another, and no police were present. Lawyers were not normally present as legal aid was not available. Each child’s case was heard separately, by individual appointment.

The key features were, therefore, the absorption of responses to offending behaviour into a welfare system, the focus on the needs of the child rather than on the particular incident which had triggered formal intervention and the almost complete break with the previous court system. A number of children committing more serious offences were, however, excluded from the Children’s Hearing system and dealt with in the Sheriff Courts.

Although a number of changes have been made since, the system survives.

*Keith Bilton*

*14.2.08*
Paper D
Social Work History Network

The formation of the British Association of Social Workers

BASW was established on 14 June 1970, and the United Kingdom joined the many other countries throughout the world in which social workers were represented by a unified professional association. The members of seven separate associations had accepted a draft constitution for the new association negotiated by their representatives, and had voted in general meetings to dissolve their organisations and transfer assets to the new body. Many members had a long and strong attachment to their former associations, and there was natural apprehension about whether the degree of unity which seemed to have been achieved through protracted and at times difficult negotiations would be demonstrated within the new body. But there was at least relief that the negotiations had been brought to a successful conclusion.

It had taken a long time to reach this point. On 22 February 1963 seven associations set up the Standing Conference of Organisations of Social Workers (SCOSW), with the objective of establishing, within five years, a unified national association of social workers, based on a minimum standard of qualification. They were The Association of Child Care Officers (ACCO), The Association of Family Caseworkers (AFCW), The Association of Psychiatric Social Workers (APSW), The Association of Social Workers (ASW), The Institute of Almoners, soon to be renamed The Institute of Medical Social Workers (IMSW), The Moral Welfare Workers’ Association (MWWA) and The National Association of Probation Officers (NAPO). An eighth association, the Society of Mental Welfare Officers, joined in 1964.

Social Workers at that time had a rather wider range of employing agencies than now, with separate local authority departments for children’s and health and welfare services, and hospital-based social workers employed by the NHS. While each association tended to represent a particular field of work, the ASW was avowedly “generic”, and was the successor to the British Federation of Social Workers, an earlier (1930’s) attempt at unification. APSW, too, had members working in a wide range of settings, united by their qualification in mental health social work, and social workers working for voluntary organisations and in the teaching of social work were to be found in most of the associations.

A unified association was seen as a logical outcome of the increasing movement of social workers between different fields of social work and of the development, on postgraduate courses, of generic training. Initially, it was thought that unification might best be achieved by the associations working together within SCOSW on matters of common concern, and work of this kind continued in SCOSW throughout its life. By 1965, however, a clearer focus on the strategy and mechanics of unification had developed. In meetings between SCOSW’s General Purposes Committee and the executive committee of each member association the options of a federation of associations, a unified association working alongside continuing specialist associations and a unified association with specialist sub-sections were considered. In November of that year SCOSW set up its working party on the future organisation of social workers, whose report was published in November 1966 as SCOSW Discussion Paper.
No. 2. It suggested alternative constitutions for a federation and for a unified association with eight specialist sub-sections (equivalent to the eight existing associations) and discussed the advantages of each. Seven of the member organisations voted in favour of a unified association; NAPO preferred a federation. On 14 July 1967 SCOSW resolved "to proceed immediately with negotiations for the formation of one unified association of trained social workers with the aim of agreeing a constitution by 1st July 1968".

Subsequent discussions and negotiations reduced the proposed eight subsections to four sections: General Health (Section 1), Mental Health (Section 2), Family and Child Care (Section 3) and Treatment of Offenders (Section 4). It was envisaged that the new association would pursue its key interest in professional development and practice both in its four sections and generically. This commitment to a twin track approach was essential to ensuring the support of the SCOSW associations. Despite NAPO's decision to continue in being all four sections, including Section 4, were in fact set up within BASW, both as an assertion that probation work was part of social work and to cater for those individual probation officers who decided to join BASW.

NAPO's decision not to join BASW was by no means a foregone conclusion. In 1968 its annual conference voted in favour of a unified association, and there would always have been a majority for the proposition that probation practice is a form of social work. What NAPO was strongly against was the absorption of Probation and After-Care Services into a general local-authority social service function. This was already happening in Scotland, and Probation Officers were probably correct in fearing that, if they did not maintain their separate professional association, this would have been misconstrued from outside as a sign of their willingness to accept a similar service structure in England and Wales (although in fact the absorption of the Probation Service by local government in England and Wales was never seriously considered).

There were many other issues to be resolved through negotiation before BASW could be formed. They included: membership criteria; control of entry into the profession; governance; local organisation; trade union activity; membership for chief officers; publications.

**Membership criteria**

SCOSW's original and renewed declared purpose was the creation of a unified association of trained social workers, and those associations which already restricted membership to qualified members would have preferred to continue in this way. They believed that entry qualifications were a key element in defining the boundaries and nature of the profession. Other associations however insisted that their unqualified members or associate members should not be excluded. It was eventually agreed that all full members of constituent associations, and all associate members in social work posts, would be offered "blanketing-in" as Members of BASW, and that unqualified practitioners, of whom there were many, would in the future be eligible to join as Associates, with voting rights in their local Branches but not at national level.
Control of entry into the profession

The decision that, once members of existing associations had transferred into BASW, Membership would be restricted to those with recognised qualifications, expressed a clear view about entry into the profession. Who would control the award of qualifications? APSW and IMSW had course-approval functions, and their decisions were accepted for salary purposes in the NHS, but it was fairly clear that BASW would not be able to exercise this kind of power in other fields of social work where training was already promoted and approved by statutory or government training councils. Disagreement surfaced over a recommendation in the Seebohm Report that social work training should be controlled by a national council responsible to government ministers. ACCO and NAPO, both accustomed to such an arrangement, supported it. APSW and IMSW opposed it, arguing that universities would not submit to political control and that social work training would be driven out of the university sector (then a more restricted part than now of the higher education system). They favoured an independent statutory council, and their arguments won the day. CCETSW was set up in 1970 as a statutory body accountable to the Privy Council and not to ministers. BASW’s constitution, however, gave the Association power to approve training courses or programmes, preserving the Association’s power to control eligibility at least for Membership, though not for employment. In practice BASW always accepted CCETSW’s course-approval decisions.

Governance, trade union activity and local organisation

Many of BASW’s predecessor organisations had no formal legal corporate status, being simply unregistered associations. While this gave them maximum freedom to conduct their affairs as they wished, it left their leading members and staff in a vulnerable financial position, potentially individually liable without limit for any debts or damages incurred by the association they were running. It was therefore agreed that the new association must have a legal corporate status. A persuasive consideration was that those associations which were already “incorporated” could not lawfully have passed on their assets to an unregistered body. There is no form of corporate status under British law which is explicitly designed to meet the needs of a representative professional association. NAPO was registered with the Registrar of Friendly Societies as a trade union, and NAPO representatives argued that this form of registration is in practice well suited to the needs of a professional body. Some of the other associations, however, saw trade union status, (though not participation in the negotiation of salaries and conditions of service) as incompatible with the nature of a professional body. The rejection of trade union status was a further obstacle for those Probation Officers who favoured a unified association. NAPO was not impressed by the idea of an association negotiating on behalf of their members without the legal immunities which trade unions then enjoyed.

A Royal Charter was considered to convey the wrong image, as well as taking too long to obtain. That left as the only possibility incorporation under the Companies Acts as a company without shares, with liability limited by a guarantee, obtained from its members, to contribute up to £1 each towards any debts outstanding in the event of its being wound up. A problem with Companies Act status is that control of the Association rests firmly with its Directors (in BASW’s case its Council members), and that ordinary members’ powers in law to use general meetings to direct its activities
and policy are limited. BASW has attempted to overcome this difficulty by giving members additional rights in the By-Laws, which form part of its constitution.

One of the perceived advantages of a unified association was that, with its larger membership, it would be able to operate at a more local level. It was therefore agreed that local branches should be an important part of the new Association’s structure, and also, after some discussion, that they should have some ability to influence decisions taken at national level. Direct representation of the Branches on the Council was rejected as entailing an excessively large central body in which proper discussion would not be possible. Thirteen Regions were therefore devised as groupings of Branches, each of which would have one representative on the Council. It is interesting now to note the acceptance that Scotland, Northern Ireland and Wales could be treated as Regions alongside ten English Regions. The four Sections were also each given a representative on the Council, as were the Standing Committees. These Standing Committees were seen, along with the Branches, as an important unifying force, balancing the special interests of the Sections. They covered such matters as professional development and practice, education and training, salaries and service conditions, parliamentary and public relations and international relations. They represented areas of activity which the associations wished to entrench constitutionally into the concerns of the new body.

Membership for chief officers

At a late stage in the negotiations it was proposed that a special section be created within the association for chief officers. Those making this proposal argued that in the future structure of the personal social services chief officers would almost certainly set up their own association, which would compete with BASW for influence, unless they were offered reasonable facilities within BASW for pursuing their particular interests. Readers will note the increasing influence of ADSS over the subsequent years. At that time, however, the main objection to this proposal was that it would have involved offering full Membership to future chief officers irrespective of whether they were qualified in social work. The agreement on qualifications for membership of BASW had been reached with some difficulty, and could not withstand an exception of this kind.

Publications

Kay McDougall, who chaired SCOSW from 1965 onwards, had started an independent journal, *Case Conference*, in 1954, as a contribution to the pursuit of the goal of a single association of social workers. She now donated this journal to BASW as a basis for its own new monthly journal *Social Work Today*. The associations also ceased publication of their journals, transferring their goodwill to *SWT* and to the proposed quarterly *British Journal of Social Work*. There was one exception. ACCO took the view that advertising revenue to BASW would be increased if more than one monthly journal was published. When this suggestion was not accepted, it set up an independent organisation to continue publication of its monthly journal. (It did not enjoy much success. *Social Work Today* was overwhelmed with job adverts. An early decision was taken to publish its BASW News insert fortnightly, and *Social Work Today* itself became a fortnightly after one year, and later a weekly. The *British Journal of Social Work* is still in BASW’s ownership, though now published for us by OUP, and enjoys
a world-wide reputation as a professional journal of high academic standard.)

... and afterwards

In the Association's early years, three issues in particular proved contentious: statutory registration of social workers; open membership; and trade union status.

Statutory registration

SCOSW had published a discussion paper on the registration of social workers, and its proponents saw it as a necessary element in the maintenance of standards of practice through the regulation of practitioners. Opponents saw it as elitist and divisive. Initially contentious, it became accepted policy, and eventually came to pass, though not in the self-regulatory form in which the Association initially envisaged it.

Open membership

Open membership was never an issue during the discussions which led to the formation of BASW. The commitment was to work towards the formation of a single association of qualified social workers, and the live issues were (i) the "blanketing in" of unqualified members and associates of existing associations and (ii) whether unqualified practitioners should be wholly excluded from the new association or be allowed some form of associate status. The pressure from members for equality of membership rights for both qualified and unqualified practitioners arose unexpectedly quickly, and reflected the speed with which BASW found itself operating in a context significantly different from that in which it had been set up. Within a short period BASW was seen by many of its members much less as an association of people working in a variety of employment settings but sharing a common qualification and much more as an organisation primarily representing those who worked in Social Services and Social Work Departments. It is interesting that pursuit of statutory registration and open membership, which were initially seen as conflicting policy objectives, were later both accepted.

Trade Union Status

Many members wanted the association to be a trade union and to negotiate their salaries. It is conceivable that BASW might have been set up as an organisation legally able to claim trade union status, that is as an association registered with the Registrar of Friendly Societies. This would not have committed it to trade union activity (BU-PA, for example, is a "friendly society") and that is why it is conceivable. The argument in favour of this status was that it would best reflect the nature of the organisation as an association both owned and controlled by its members. The argument against was that the significant assets of the IMSW, a company limited by guarantee, could not then have been transferred to BASW. Having trade union status, however, must not be confused with having negotiating rights. The evidence from BASW's predecessor associations suggested that organisations of social workers had always been keen to acquire and exercise negotiating rights whenever there was any chance of this, irrespective of their trade union status. Probation Officers worked in a separate service which had no functions other than probation work and had its own negotiating machinery. NAPO was therefore the obvious body to provide the majori-
ty of staff side representatives. In the NHS, the negotiating machinery reflected the
traditional strength of professional groups within the service, and included a number
of joint committees for different professional and technical groups. APSW and
IMSW had seats on the relevant joint committee, and saw this involvement in negotia-
tions as an important part of their work, although both opposed NAPO's suggestion
that the new association should have trade union status. In local government, by con-
trast, both the employers and the dominant trade union, NALGO, shared a
determination to keep negotiating arrangements centralised and not to let different
occupational groups in local government negotiate on their own separate behalves.
Groups which tried to achieve this, such as the Association of Local Government En-
gineers and Surveyors and the National Guild of Residential Officers, were quickly
defeated. Those who advocated trade union status for BASW may not have under-
stood the local government industrial relations context, or may have underestimated
the industrial muscle and determination needed to modify it.

*Keith Bilton*

*14.2.08*