

LOCAL GOVERNMENT RESTRUCTURING AND THE MANAGEMENT OF THE CHILD PROTECTION SYSTEM

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INTRODUCTION

Scotland has a distinctive local government system which has evolved through a number of reforms. It also has a distinctive system for child protection which has its origins in the 1960s and its roots in local government. The 1995/96 local government restructuring threatened to disturb these roots. And service specific reforms promised more change for child protection.

In the second half of 1996 we interviewed senior managers responsible for child protection services in ten of the new local authority areas. Our aim was to record a 'snap shot' of their views on the impact of the local government reform on the management of their services. This article discusses the views of senior managers following brief descriptions of the child protection system and the restructuring of local government.

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THE KILBRANDON REPORT AND THE CHILDREN'S HEARING SYSTEM

Radical reform of the legislation governing the parameters and framework for child protection came in 1968. The 1964 Kilbrandon Report, in its review of the system of juvenile justice in Scotland, recommended a radical departure from what had been before. Its proposals included the setting up of the Children's Hearing System. Essentially for children and young people who offended, it was also for children in need of care and protection, although it was always believed that these would be a minority of cases. The Report was accepted by Government in its entirety and introduced in the form of the 1968 Social Work (Scotland) Act (Stone 1989).

In the new system, there was to be a complete separation of responsibility for deciding on guilt or innocence from responsibility for deciding on appropriate welfare measures (Asquith 1992). Whether a child was an offender or in need of care and protection, the key consideration was the welfare of the child (Asquith 1992; Stone 1989). The system was characterised by a high level of family participation in the process and the involvement of lay members of the community in making the decisions (Murray 1989).

The Children's Hearing System was to be locally based. Following the reform of local government in 1975, Children's Reporters were appointed at senior levels in 12 entirely separate departments (SCRA 1996a) in the Regional and Islands Councils. The Reporters had operational autonomy, and the new departments had 'near complete professional autonomy' (SCRA 1996b).

At the same time as setting up the Hearing System, the legislation also provided for the creation of a new organisational structure for social work. The legislation actually went further than the Kilbrandon Report recommendations by bringing together various social services into unified social work departments, thus heralding the birth of the child protection system as we know it.

THE CHILD PROTECTION SYSTEM

Many disciplines, organisations and departments are necessarily involved in the discovery, investigation, assessment and treatment of children who have or who may have suffered abuse and neglect. This network includes Police,

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Social Work, the Reporter, Health, Education, the Sheriff, the Procurator Fiscal and a variety of Voluntary Organisations (The Scottish Office 1989). Each has its own duties, responsibilities and ways of working in relation to child protection.

The Reporter receives referrals mainly from Social Work, Education and the Police, but anyone can make a referral. The main concern of the Reporter at the point of referral is whether there is sufficient evidence to suggest a child might be in need of compulsory measures of care and if so to call a Hearing. It is the responsibility of the Hearing, made up of 3 lay panel members, to either discharge the case or decide that a child is in need of compulsory measures of care (The Scottish Office 1989).

It is the duty of the local authority to enquire into information or referrals suggesting a child may be at risk and to take steps to protect the child from further harm. If it is thought that a child is in need of compulsory measures of care, social workers have a duty to pass the information to the Reporter.

For many children who have been abused or are caught up in the child protection system, a crime will have been committed. While the Hearing and Social Work Department have a duty to investigate to ensure the protection of the child, the Police have a parallel and separate duty in such cases to investigate the circumstances and to report them to the Procurator Fiscal, who is responsible for deciding whether or not to institute proceedings (The Scottish Office 1989).

The Police will also pass information to the Reporter regarding children who are vulnerable whether or not there are grounds for prosecution. The local authority has a duty to inform the Police if a crime has been committed to allow the Police to start the investigation, interview witnesses and collect evidence.

The Health authorities have a large part to play at every stage of the child protection process. Health visitors, doctors and Community Paediatricians are important in prevention and at the early disclosure stage. They are also involved in making a comprehensive assessment, which aims to satisfy both the child's clinical needs and also any forensic requirements. Health services also offer ongoing physical and psychological health care for the abused child.

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School age children spend more time with teachers than with any other adult apart from parents, and Education has a key role to play in the identifying of abuse and its prevention. Many voluntary sector agencies are also key players in the network of child protection agencies, with some providing mainstream statutory social work services.

THE CHILDREN'S HEARING SYSTEM IN THE MID-1990S

Such is the success of the Children's Hearing System in Scotland that in almost 30 years of its existence few strong voices have been raised in favour of a different system (Asquith 1992). 'What is also remarkable is that the institutional framework for supporting children and families ... has been largely unchanged since it was introduced in 1971' (Asquith 1996).

The system has developed and changed in response to a quickly changing external environment. However, its principles and values - giving children the right to be heard and involved in decisions being made about them in a system concerned principally with their welfare - have remained intact. Stone (1995a) observed that the Kilbrandon Report's status amounted 'almost to a sacred text'.

The system has survived and developed under Conservative Governments otherwise largely unsympathetic to welfare-based solutions and systems. Yet the Hearing System has faced some challenges and challengers. From the beginning there has been concern about the extent to which a system based on welfare and concerned with the best interests of children can also protect from interference in family life (Asquith 1992).

The need for independent monitoring, the absence of appeal, and the lack of legal representation for children, have all been raised as issues, almost from the beginning. The interface between Hearings and the Court has also caused problems (Asquith 1992; Murray 1989). And 'the co-ordination of the Hearing System and educational services still has a considerable way to go' (Stone 1995b).

The population of children passing through the Hearing System has changed enormously. Kilbrandon could not have envisaged the system dealing with the numbers of care and protection cases it currently deals with. The phenomenon of child sexual abuse was barely acknowledged as existing at all when the early legislation was drafted. Between 1982 and 1992 the number

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of cases referred to Reporters on non-offence grounds increased by 197% (The Scottish Office 1994).

The issue of resources has been around since the beginning. The Kilbrandon Committee envisaged the need for a wide range of services being available to meet the very different problems faced and posed by children going through the system. They believed the success of the system depended on the availability of a range of resources to meet these different needs. The availability of suitable volunteers is critical to the operation of the Hearings themselves (Stone 1995b).

Also, until relatively recently, the Hearing system had not yet been tested by any of the complex, high profile child abuse cases that had led to public inquiries south of the border. The Orkney Inquiry (The Scottish Office 1992a), the Fife Inquiry (The Scottish Office 1992b) and the complex child care case in Ayr changed all that. Yet perhaps what emerged from these cases was simply these earlier concerns, but this time writ large (Asquith 1992).

There was pressure for some time to update the legislation to take account both of these concerns and the UN Convention on the Rights of the Child. And at the point of reorganisation, the Reporter's service was dealing with both the new structure imposed on it by the Local Government Act, and the many changes to the Hearing system itself contained in the Children (Scotland) Act 1995.

THE MANAGEMENT OF CHILD PROTECTION AND INTER AGENCY WORK

It is taken for granted nowadays that rather than have individual agencies acting alone to fulfil their duties and responsibilities in relation to child protection, the interests of the child will be best served by agencies working together (Hallet 1996). Indeed, a multi-agency response to child protection has been consistently advocated by Central Government since the 1970s: 'a multi-disciplinary approach can minimise the risk of unnecessary duplication of enquiry and ensure decisions are reached on the basis of full information' (The Scottish Office 1989).

Health, Social Work, Police, Education, the Sheriff, the Procurator Fiscal, the Reporter and the Voluntary Sector increasingly work together within jointly agreed frameworks to co-ordinate tasks and ensure a coherent response. The

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child protection system, then, consists of these individual departments and agencies, overlaid with a management system to facilitate good inter-agency working and underpinned by inter-agency training. This management system has developed enormously over the years, growing from a system of relatively small, informal groupings and informal guidance to become much larger and more formal.

There is now a nationally co-ordinated system which includes area Child Protection Committees (CPC) with senior representatives from all the departments and agencies concerned with child protection. These Committees have a role in developing, planning, monitoring and evaluating child protection policies, practices and procedures across and between agencies.

By the early 1990s all of the Regional Councils had produced procedural guidance for the different professionals involved with child protection. There were and are Regional Child Protection Registers to help identify children at risk of likely further abuse, and multi-disciplinary case conferences to assess risk and identify children in need of registration (Waterhouse and McGhee 1996).

AN INVESTIGATION-LED CHILD PROTECTION SYSTEM

A number of high-profile cases and enquiries since the early 1980s -from the Maria Colwell case in 1974 (DHSS 1974) to events in Cleveland in 1987 (DHSS 1988) - contributed significantly to the development of the child protection system. This has been variously characterised as formal, procedure led, as giving a high priority to the investigation of allegations of child abuse (Hallet 1995), as concerned with the identification of children at risk, and as the allocation of child protection cases (Waterhouse and McGhee 1996).

There are many benefits to a child protection system with a focus on investigation, with complex procedural guidelines and sophisticated inter-agency arrangements - for example, in terms of a standardisation of response, in enabling a considerable volume of work to be dealt with in a routinised way, and with most children involved in the system protected from abuse.

As Hallet has pointed out, although inter-agency working 'is mandated by central government, required by local agencies and indeed widely practised, it is in fact very difficult to achieve (Hallet 1996). And every inquiry report

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from Colwell (DHSS 1974) to Cleveland (DHSS 1988) has highlighted the problems of communication and inter-agency work. The Cleveland Inquiry Report concluded that the reasons for the crisis there were complex, but included, 'lack of a proper understanding by the main agencies of each others' functions in relation to child sexual abuse' (DHSS 1988).

However considerable effort was put in by all the key agencies to strengthen this key area and inter-agency training was developed as a vital support of the system. By the mid 1990s, much progress had been made in terms of agencies working together. In relation to police and social work, a balance between the investigation of crime on the one hand and the protection of the child on the other was largely being achieved.

FROM INVESTIGATION TO FAMILY SUPPORT

If there are benefits to such a system there are also some drawbacks and there was debate about these in Scotland just before reorganisation. This was partly in response to growing practice knowledge but also reflected recent research into the nature and extent of child abuse, and into the workings, the effect and the outcome of social work intervention in relation to child protection.

A study of the system in England by Gibbons et al (1993) highlighted that six out of seven children who entered the child protection system at referral were filtered out of it without being registered. And in a high proportion of cases, investigations led to no action at all - no intervention to protect the child and no family support service. In only 4% of referrals were children removed from home under a legal order during the investigation (Quoted in Department of Health 1995, p.69) Given that a child protection investigation is usually traumatic for a family, stigmatising and bound to have an influence on any future relationships between the child protection services and the family, it raises questions about why so large a net is being cast to catch so few fish (Department of Health 1995)

Another concern about a child protection system with complex procedures and sophisticated inter-agency arrangements is that social workers may be less able to exercise their professional judgement (Hallet 1995; Waterhouse and McGhee 1996). And a system that puts an emphasis on investigating whether abuse has occurred does not encourage practitioners to enquire into whether and what services are needed. Such a system tends to encourage practitioners to think in terms of child protection or family support, but not

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both. It also encourages practitioners to think in terms of registration as a gateway to services to limited child care resources (Waterhouse 1996). Waterhouse and McGhee (1996) argue, 'in a system where public accountability remains uppermost, a high proportion of resources is inevitably tied up in assessment and surveillance and services with a preventative or social education focus have become a secondary priority'.

By 1993-4, while practice, procedures and formal systems remained relatively intact and seemed difficult to shift, the terms of debate were changing. Recent debate focused on trying to find a better balance between child protection (finding out if the child has been abused) and family support (doing something to help the child).

The recent debate raised issues about the importance of looking at child protection in the context of the whole of a family's needs. Waterhouse suggests 'that perhaps the question for the future is not just how we can find those children who are likely to be seriously injured or abused by their carers but how all children in need can be supported and protected by our society' (Waterhouse 1996).

LOCAL GOVERNMENT AND CHILD PROTECTION

The Kilbrandon Report regarded child protection as a matter of local provision, and the system which resulted was rooted in local government. The main local government role passed to the new expanded Social Work Departments which grew out of the 1968 Social Work (Scotland) Act rather than to the specialist branches of Education Departments which Kilbrandon proposed (Stone 1995a). The 1966 White Paper which preceded the Act was issued in October, five months after the Wheatley Commission had started its work determining the future shape of local government in Scotland. The Wheatley Report (Royal Commission 1969, para. 373) noted the difficulties faced by witnesses in this area, and that 'apart from the Department's evidence', and the report of the Seebohm Committee south of the border, 'we had very little to draw on' in considering the future shape of Social Work. The Report broadly endorsed the view of the Scottish Office Social Work Services Report that generally Social Work authorities should have populations between 200,000 and one million (except for the 'remoter areas of Scotland' which 'may call for special arrangements'). However this endorsement was based on a general discussion of Social Work. The

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Wheatley Report gave little consideration to the developing child protection system.

The local government system which emerged from the Commission's recommendations to be implemented in 1975 contained three types of local authority: 53 Districts, 9 Regions and 3 all-purpose Islands Councils. The 12 councils for the Regions and Islands were the Social Work authorities. They ranged in population from the giant Strathclyde, covering nearly half of Scotland's five million people, to the smallest group of islands with barely 20,000.

These 12 councils were also the providers and supports for the other key local government dimensions of the Kilbrandon system, and it may be that this facilitated the development of effective inter-agency working. The Children's Reporter was a senior employee of the local authority who could come from a wide range of professional backgrounds. S/he had operational autonomy from the local authority. The Reporter's Service lacked the standardised training and structured careers paths (Milne 1994) which might have encouraged a greater degree of homogeneity. Under the Wheatley System the Reporter's Service was a very local one.

The Police were directly attached to the Regional Councils throughout most of Scotland, the exceptions being the Highlands/Islands and Lothian/Borders areas where joint arrangements were put in place. And Education was a function of the 12 councils with each being required to appoint a Director and have a committee for this, the largest of all local services.

Local Child Protection Committees were set up in all 12 councils areas. They provided an 'invaluable forum for facilitating inter-agency working and understanding in child protection' and 'created a culture in which multi-agency training has come to be recognised as a necessary prerequisite to effective collaboration'. Membership of the Child Protection Committees varied in size and scope to reflect local circumstances, but Social Work, Education, the Reporter, the Police, and the Procurator Fiscal were represented on all 12 committees (SWSG 1996).

THE 1996 LOCAL GOVERNMENT REFORM

By the mid-1990s, when local government restructuring was again on the agenda, the Kilbrandon System remained very much intact. It had developed

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considerably since its implementation but its main elements and its underlying philosophy remained largely unchanged (Stone 1995a and 1995b). High profile, controversial cases in Fife and Orkney led to some criticisms of the operation of the system in the early 1990s (Whyte 1996). The Finlayson Report (1992) on the role of the Reporter questioned the consistency of Scots law with the concepts of rights contained in the UN Convention on the Rights of the Child (which was adopted by the UK in 1991) and discussed the relationship between the Reporter's service and local government.

Despite this continuity of experience, the particular needs of the child protection system were not discussed in the Scottish Office consultative documents on local government reform. However, this same point could be made of most local government services; the consultations assumed the 'principle' of unitary local government and focused primarily on the number of all-purpose councils.

Prominent amongst the reasons advanced for the reform were: ending the confusion and friction between Regions and Districts, and bringing all local services under the control of one council in each area. The latter point is particularly important in the light of the corporate aspirations of the 1995 Children Act (SCLC 1996)

The structural reform which emerged to be implemented in 1996 retained the three Islands Councils for Shetland, Orkney and the Western Isles. In mainland Scotland the Districts and Regions were abolished and replaced by 29 all-purpose councils. As far as local government units are concerned, the 1996 reform involved a number of types of change process (Fairley 1995). At service level, including the local government services involved in child protection, a wide range of changes took place some of which were little discussed at the time.

The Islands Councils were retained and in their cases there was the most stability and continuity, although they were affected by changes to the Reporter's service. In the Borders, Dumfries and Galloway, Fife, and Highland the new councils were based on former Regional boundaries. In these cases there was considerable stability for the former Regional services of Social Work, Education and Police, though the first two were subject to the management provisions of the new Act, and the new councils were affected by changes to the Reporter's service.

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In the remainder of Scotland, and for most of the population, the Regional and District councils were replaced by new councils which were similar in their geography to the old Districts - as in the cities, for example - or by entirely new organisations, as in North and South Lanarkshire and Aberdeenshire. Viewed from the perspective of the regional services, the change process was one of 'disaggregation'. Where the new councils approximated to districts, there were problems first of dividing up the large services, then of combining the different organisational 'cultures' of the former Districts and Regions. The entirely new entities had the most complex type of change to manage. They had almost everything to do 'from scratch', though the other side of the coin was that they perhaps had the most scope for innovation.

SERVICE LEVEL CHANGE - COHERENCE OR FRAGMENTATION?

At service level different change processes were set in motion. The most obvious change for Social Work and Education was the increase in the number of responsible local authorities from 12 to 32. This affected costs in different ways. First each council needed some management structure for its departments, and so overall the number of such structures increased. On the other hand most councils set out to have slimmed down management structures and avoid some of the bureaucracy which characterised the larger Regions. In the areas of the larger Regions some economies of scale may have been lost in activities like centralised purchasing. On the other hand where decentralised decision-making better reflected local circumstances it may have increased efficiency.

The new councils were required to appoint Chief Social Work Officers rather than Directors, and were not required to have Directors of Education. Professionals from both areas opposed these changes fearing a weakening of service presence within the management teams of the new councils. The restructuring did not require that committees be set up for Social Work and Education. This provided an opportunity to innovate and many councils experimented by combining services which previously were distinct.

Scottish Office advice (SWSG 1996) on the future of Child Protection Committees offered five possible arrangements which ranged from an independent Committee for each council area to one Committee for each police area. The circular observed that, 'It will be up to different agencies to

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agree arrangements best suited to their particular circumstances. Different models could exist in different parts of Scotland.'

The Reporter's service was removed from local government and established as a new executive, non-departmental public body, known as the Scottish Children's Reporter Administration (SCRA), based in Stirling. Some 140 Reporters and 160 other staff (SCRA 1996a) transferred from local authorities to the SCRA and were brought into a more centralised structure. The SCRA's first year revenue budget of £10.1m represented a 'marginal increase' (SCRA 1996b).

In general the SCRA established a post of Authority Reporter for each of the new councils (except in Glasgow, which had six Reporters), with responsibility for case practice in the area and for liaison with the children's panel, the local authority and other agencies. The Authority Reporters are overseen by and accountable to seven Regional Reporter Managers for Central, East, Glasgow, North, South East, South West and West regions. In a determined effort to 'maintain and rebuild constructive working relationships with local authorities' the SCRA maintained its network of 37 offices and some 60 other centres used by children's panels. The SCRA observed (1996b), 'it is hard to see how we could be more local *in operation*' (emphasis added).

The police forces were left unchanged by the 1996 restructuring. This meant continuity in the areas where the new local government units were similar to the old Regions or Islands - Dumfries and Galloway, Fife and the Highland and Islands. Elsewhere the 'disaggregation' of the regions required the police forces to report to new joint boards set up by the new councils. In Strathclyde, the changes required a joint board of 12 new councils. This prompted the Chief Constable to observe in 1996 that 'Strathclyde Police is now the only organisation with a strategic view over all 12 unitary authority areas and therefore clearly has a role to play to assist the new councils and other agencies in working together' (Orr 1996). The new arrangements left the police in a looser relationship with local government in most of Scotland. They reported to joint boards, but no longer had the close relationship with particular councils which had existed in the Regional system.

A brief examination of the local government child protection services indicates a possible contradiction at the heart of the 1996 local government restructuring. Viewed from the perspective of local government units, the change seemed to promote coherence and a more corporate approach by

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setting up unitary councils. Indeed these qualities will be vital to the effective implementation of the 1995 Children Act. However, viewed from the perspective of the child protection system, the change looks much more complex. There is centralisation for the Reporter Administration. There is apparent stability and perhaps some empowerment for the Police. There is greater potential diversity in organisation and management for Education and Social Work. And different arrangements for the Child Protection Committees are emerging across Scotland. Any fragmentation of the system would clearly carry implications for its effective management, accountability, (Alexander 1991; Alexander with Orr 1993), strategic direction, efficiency and costs.

LEGISLATION FOR CHILDREN'S SERVICES: THE CHILDREN (SCOTLAND) ACT 1995

Before the 1994 Local Government etc (Scotland) Act was implemented, separate legislation affecting local authority children's services was passed. The Children (Scotland) Act was given Royal Assent in 1995. Part I of the legislation was implemented in November 1996 with the bulk of the legislation (Part II) implemented in April 1997.

The local authorities we studied were in the very early stages of settling down after the process of restructuring. The effect on a local authority of having to deal with this at the same time as preparing to implement a major new piece of child care legislation cannot be over stated. Throughout the process of re-organisation, local authorities have engaged themselves in the massive task of making representations around the content of the Children Act and responding to the myriad of Government consultations on the Regulations and Guidance relating to it. Currently they are engaged in the process of planning, providing training and gearing staff up to deal with the new legislation. Current inter-agency and departmental guidance in relation to child protection is in need of updating to take account both of re-organisation and the new legislation. This is a difficult task in the context of the resources available to Councils to implement the legislation and also in the context of Regulations and Guidance which were not expected to be finalised until very close to implementation.

The Children (Scotland) Act itself has received a mixed response. It is widely held to have introduced a number of significant and welcome changes. It updates the legislation and takes account of the UN Convention on the Rights

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of the Child to a certain extent: for example, it has shifted the emphasis away from the rights of parents, these now only existing to enable parents to fulfil their responsibilities as parents (Cleland 1995). There is also an emphasis in the legislation on the need to take account of children's views in relation to any decision being made about them. And the Hearing can now exclude parents if necessary. The principle of participation can be seen at various points throughout the legislation (Cleland 1995).

However, the legislation has been criticised for not having a clear philosophy of its own. Nor is it based on a restatement of Kilbrandon and the welfare principle. In 'at least three major areas' - the assumption of parental rights, the exclusion of an alleged offender from the home, and the general powers of Sheriffs to make decisions on disposal - 'responsibility seems to pass more to the Sheriffs' (Stone 1995b), and with this shift some fear that the Kilbrandon principles are being weakened.

THE VIEWS OF SERVICE MANAGERS

The interviews revealed, across the range of professions and organisations, a very strong commitment to the Kilbrandon system and to its underpinning welfare principle. Interviewees repeatedly told us that what mattered most was 'the best interests of the child', and that this had been the central concern in the management of change during 1995-6. There was also a very strong commitment to inter-agency working and to inter-agency training as key supports of the system. Most interviewees felt that the system had worked well and that it had generally been effectively managed. The Social Work and Police interviewees in particular stressed that the system had been flexible enough to evolve and adapt to the broader changes in society. A number of interviewees commented on 'the real and positive effects for families' which had been achieved through the child protection system. Social Work managers felt that the system had been very effective in raising public awareness of the issues, and had 'brought child protection into the mainstream'. The large Regional Councils were felt to have provided some uniformity of approach and standards across their areas.

However there were criticisms. One interviewee said that 'eventually child protection took on a life of its own ... the focus was too much on child protection issues to the detriment of other areas of work which are just as important'. Others felt that the management and operation of the system may at times 'have lacked balance', tending to prioritise investigation and

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intervention over the more pro-active and developmental roles of prevention and education. Where this was believed to have been the case, it was explained by a well-intentioned and professional 'eagerness to protect children'. A few interviewees argued that there were 'glaring difficulties' in the existing child protection system, even though they felt that it had performed well. They pointed to perceived problems of natural justice, difficulties in taking children's views on board, and the complexity of the system, particularly when viewed from the perspectives of children and parents.

CONTINUITY FOR CHILD PROTECTION

A working group drawn from the existing Child Protection Committees, the Scottish Office and the Crown Office offered advice in 1996 on how best to deal with Child Protection Committees in the context of local government restructuring. It argued that 'the process of setting up new committees will be easier to manage if there is as much continuity as is possible between the old and the new' (SWSG 1996). The interviewees told us that they had worked hard to ensure as much continuity as possible for child protection services. Many of the interviewees said that they had been apprehensive about the broader reform process and fearful that child protection services would be badly affected. Alongside their commitment to the welfare principle they had placed a strategic objective to 'maintain the level of service' for child protection. These two managerial policies provided powerful pressures to maintain the status quo and to minimise short-term change.

In most of the council areas where our research was conducted, care had been taken to maintain the existing child protection register, the arrangements for inter-agency training, and the existing Child Protection Committee, albeit with a changed membership in the 'disaggregating' areas. However in one of these areas, joint arrangements were regarded as so fragile as to be 'hanging by a thread'. In most areas the continuity was regarded as likely to be temporary until such times as a review could be undertaken and the implications of the Children Act were clearer.

The Police (the agency which was least changed by the broader reform) played an important role in securing continuity. In most of the areas where key managerial and institutional arrangements had been preserved this was as a temporary measure, to protect the service during the wider reform and until such times as a thorough review was possible in the light of the priorities of

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the new councils, the available resources, and the new agenda to be presented by the 1995 Children Act. In areas where change had been more quickly embraced, and, for example, wholly new Child Protection Committees set up on the new council boundaries, our interviewees felt that this had been done to reflect the territorial and identity needs of the councils rather than on the basis of a thorough review of service needs. In one such 'disaggregating' area an interviewee expressed the concern that 'all the good aspects of the previous system, joint guidelines, specialist services, joint interviews, multi-agency work and youth strategy work - all the real gains are now in danger of being dissipated'.

In some 'disaggregating' areas the former divisional sub-committees were in the process of becoming the new Child Protection Committees. This was causing some confusion, the Police for example being unclear about the appropriate level at which they should be represented. The Police were also faced with the considerably greater resource costs of having to be present at a larger number of meetings.

MANAGERIAL CHANGES

The relative stability of the Police was an acknowledged factor in managing structural change. In a number of areas - we have already commented on the position in Strathclyde - the Police set out to provide strategic leadership at a time when they perceived the dangers of fragmentation. Interviewees in the Police and in Social Work felt that this new role had made the Police more powerful in the system. There was some apprehension in Social Work that this changing power balance could lead to the Police concerns for investigation, evidence and proof taking priority over educational and preventive work precisely at the time when there was general agreement across the system that it should become more developmental and less case-focused. However the Police interviewees seemed to be very clear about their roles within the child protection system and about the value of joint work and partnerships. One Police interviewee said that

our work is challenging. The preventive work of the social work agencies is more demanding and may be more important. Where we may fail in our tasks, they may succeed for families.

Perhaps the Reporter Service is the aspect of the system which has changed most across the whole of Scotland. The removal of the service from councils

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and the creation of the Scottish Children's Reporter Administration changed a key aspect of the system. The SCRA interviewees were mostly in favour of this development but had some concerns about its managerial consequences. One saw a possible weakening of inter-agency working because the Authority Reporter was centrally accountable and no longer enjoyed local autonomy. Another felt that the close relationship with local government was crucial but that clearly it had been weakened. The new situation was described as one of 'being an outsider. I am no longer invited to play a role in council decision-making'. One interviewee expressed the opinion that the centralised management of the SCRA could fundamentally change the nature of the service provided, as the Authority Reporter changed from being an autonomous manager to 'a technician with values'.

Similarly others felt less able to influence the Reporter's decision-making. The fact that liaison at local authority level tended to be with the Authority Reporter and not with his/her Reporter Manager seemed to confirm this for some local authority interviewees.

However, the central and national organisation of the SCRA was also expected to bring benefits. Interviewees felt that research, policy-making, the setting of standards, training, staff development and career opportunities were all likely to improve. The other professions interviewed generally felt that any benefits were likely to be outweighed by the loss of local autonomy and flexibility. One Reporter interviewee said that 'one positive aspect of the Reporter's Service which existed before reorganisation was that it did identify with and was flexible to local need'.

Some of the SCRA interviewees expressed concerns about the emergence of Child Protection Committees for the new council areas. These focused on the possible emergence of parochialism and even aspects of competition, and on the need to develop systems for dealing with cases which crossed Committee boundaries.

Social Work and Education changed to different degrees in different parts of Scotland, with most continuity in the islands councils and the greatest restructuring in the 'disaggregating' Regions. Despite considerable earlier apprehensions, most interviewees saw positive advantages in the new unitary councils. In the new councils a greater, shared commitment to local areas was said to be emerging. It was felt that smaller, inter-agency teams may be more effective. Where Child Protection Committees had continued on a regional

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basis, the local government membership had increased to reflect the larger number of councils with Social Work responsibilities.

This increase in numbers was reported to be having interesting and unforeseen consequences. One interviewee said that 'we no longer claim that there's a single social work view'. Rather, different views would be expressed by different authority representatives. This helped the issues to be better understood and 'improved decision-making'.

The main concerns, which were shared by Social Work and Education interviewees, were that smaller councils would not be able to maintain some types of specialist service, and the general financial situation. One interviewee described the budgetary situation as 'devastating'. Another felt that child protection services were facing 'a funding crisis across Scotland'. There was widespread concern that moving towards a more preventive focus and implementing the Children Act would both need more resources when the reality was that local authorities were having to make cuts each year.

Education interviewees gave interesting comments on issues for the future of child protection services which were emerging from reforms underway in education. Under Devolved School Management, responsibility for more than 80% of the school budget transfers from the council to the school head. An unexpected consequence is that school heads now need, individually and collectively, to decide to support and purchase services which used to be centrally funded and provided by Regional Councils. School-focused advice and support for child protection are examples. One interviewee reported that 'we are having to work quite hard persuading schools that they should use the money in this way'. The role of the educational professional was perceived as moving away from the direct provision of expert advice to marketing in order to maintain the viability of the service. Another interviewee was concerned that 'child protection must feature in school development plans, but with devolved school management, school policies on this may vary'.

THE FUTURE OF INTER-AGENCY WORKING

There was a strong commitment to inter-agency working and a recognition that this had been of central importance to the success of the Kilbrandon system to date. Different views were expressed about the implications of local government change for inter-agency working. On the one hand the agencies were more diverse, particularly with the development of the Scottish

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Children's Reporter Administration. And the local authorities no longer bring together so many aspects of the system. This may create difficulties for inter-agency working. On the other hand it was felt that smaller teams with a stronger and clearer local focus might be more effective.

There were concerns about the future of inter-agency training. This was regarded as a vital resource. In the research areas it was provided at a regional level, with multi-agency funding. A number of interviewees expressed the view that this training was best provided regionally (and probably could not be provided locally) but doubted whether the current arrangements were robust. Some interviewees were concerned that the arrangements could fall because of more general difficulties which councils might experience in working together and that funding might be reduced as councils looked for ways to reduce costs.

THE 1995 CHILDREN (SCOTLAND) ACT

Almost all of our interviewees felt that the Children Act had made no impact on management structures and processes by the end of 1996, though one reported that 'our response was shaped by worries about the Act!' Most felt that it would have an impact and that it would be helpful in moving the system's focus to prevention and educational work. And some felt that the Act would 'at last force Social Work and Health a bit closer'.

In general the Act was seen as coming a little bit too hard on the heels of restructuring. Interviewees complained that they felt 'swamped by change'. On the other hand the Act was widely felt to provide a good opportunity and framework for reviewing the structures left in place after the 1995-6 transition.

Most interviewees were also concerned that the resources needed to secure effective implementation simply would not be available. Some interviewees felt that the Act had come at the wrong time - 'child protection is no longer a buzz word in local government'- and that this would undermine Social Work in the internal competition for local government resources.

CONCLUSIONS

The research suggests that, having approached local government reform with some apprehensions, the managers of the child protection system now see some very positive aspects in the new unitary council system, and believe that the Children Act could also provide opportunities. Concerns exist over services which, like inter-agency training, are best provided regionally, over the way in which the role of the Scottish Children's Reporter Administration may develop, and over the difficult budgetary situation. Overall the interviewees expressed considerable optimism about the future of the child protection system, provided adequate resources are made available. One summarised the managerial challenge: 'it would be to produce services which are genuinely locally accountable and which are not diminished because they are local, and which do not become insular and parochial'.

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