

## **Introduction**

Section 1 of the Children and Young Persons Act 1963 (CYPA 1963) allowed local authorities in England and Wales to provide material assistance to prevent children being received into their care or to facilitate the return of children from care. Its provisions are enduring, having been expanded in Section 17 of the Children Act 1989. Using material from the UK's National Archives, the article examines debates among policy makers that framed the development of Section 1 of the 1963 act and locates them in the intellectual traditions of idealist thought that saw a role for state intervention if it helped to shape the classical liberal subject – responsible, self-sufficient and independent (of the state).

This article is the first to use archival material to understand the introduction of Section 1 of the CYPA 1963. There is literature examining the implementation of Section 1 assistance (Heywood and Allen, 1971; Handler, 1973; Jordan, 1974; Hill and Laing, 1979; Hill 1989) and its location in preventative social work (Packman, 1981; Thoburn, 1993). It, however, does not examine in detail debates framing its introduction and tends to understand it as an artefact of material pressures, rather than understanding the ideas that framed it.

## **Research method**

The author examined 99 files held at the UK's National Archives. The files were selected using keyword searches. Some were specific to policy making in relevant areas (for example, 'Curtis Committee', 'Ingleby Committee', 'Children Bill' and 'Children and Young Persons Bill'), while others were broader, such as variations of 'deprived family', 'problem family', 'material assistance' and 'social work'. The searches were limited by relevant date parameters, none of which preceded 1940, or was after 1970.

The files primarily related to the Curtis and Ingleby committees (discussed below) and debates among policy makers (including politicians) framing the introduction of the Children Act 1948 and the Children and Young Persons Act 1963. These contained a range of material, including minutes of meetings; notes and letters between civil servants, and between central and local government officials; correspondence between government ministers, and between them and civil servants, and evidence submitted to the Curtis and Ingleby committees.

The value of using records held at the National Archives to inform understandings of policy-making is not clear-cut. The idea of the ‘cult of the archive’ (Jordanova, 2000: 186), for instance, points to difficulties with the view that archives are repositories of ‘the most reliable, objective, and truthful raw material’ (Booth, 2006: 92). Critics argue they should be understood as being politically and socially embedded, rather than being neutral, and they are not particularly reliable or truthful. Records held at the National Archives are rightly problematised for being incomplete and, for ‘honourable or dishonourable reasons’, as not being neutral (Lowe, 1997: 248). They are also framed by both administrative and political concerns, which affects what is recorded and how, and they help provide an understanding of administrative processes, rather than the causes and effects of policy (Booth and Glynn, 1979). Such observations have led to a questioning of whether archives produce ‘any more than marginal gains in historical understanding’ (Lowe, 1997: 254).

Such criticisms are particularly associated with the records of what Lowe (1997: 241) calls the ‘core executive’ (Prime Minister and Cabinet). There is recognition that ‘lower level’ records – those of government departments and those upon which this article draws – are less affected by such issues (Booth and Glynn, 1979; Lowe, 1997). The criticisms must

also be balanced against what the National Archives' records offer, particularly at the 'lower level'. Lowe (1997) argues that such records are important because of the variety of information they contain upon which policy is developed; they provide discussion of, and refinement to, the decisions of 'core executive'; they hold records that, because they are not for circulation, are more likely to contain the forthright views; and often from them a departmental view, rather than individual ministers' and officials' views, can be discerned.

This suggests that if the concern is with ideas and debates within governments that shape policies, it is necessary to be questioning of the material held, but that it also provides a 'wealth of evidence on the preparation of policies' (McDonald, 1990: 344). In this context, the records of the National Archives can be understood as helping to provide the "real evidence" (Lowe, 1997: 255) framing the development of powers enabling local authorities to offer material assistance to households where there was a possibility their child(ren) would be removed to care or to help facilitate the return of children from such care.

### **Idealism, classical liberalism and post-WWII social welfare**

The meaning of liberalism has changed over time. In the 19<sup>th</sup> century its early definitions related to generosity and open-mindedness were joined by what Williams (1976) describes as 'political liberalism' and Ryan (2012: 24) as 'classical liberalism'. Ryan (2012: 24) notes that such liberalism is denoted by 'limited government, the maintenance of the rule of law, the avoidance of arbitrary and discretionary power, the sanctity of private property and freely made contracts, and the responsibility of individuals for their own fates.' For this article, this definition of liberalism is important for at least three reasons. First, it suggests that classical liberalism did not mean the absence of government intervention. Second, it points to potential

tensions. When, for instance, might government action be considered more than limited and/or arbitrary? And how might it be thought to impact upon personal responsibility?

Third, such issues framed considerations of British social policy in the transition between the 19<sup>th</sup> century poor law and the ‘welfare state’ of the mid 20<sup>th</sup> century. In his exploration of ideas informing British social policy between the 1860s and the 1970s, for example, Offer (2007: 3) argues that there is essentially a ‘fundamental... distinction to be made in social theories’ between those which suggest the ‘good society’ will be achieved indirectly through the outcome of the decisions of free individuals and those who suggest it can be achieved directly through ‘pushing [people] in a particular direction in their conduct’. The end – the ‘good society’ - was the same. The means, however, was different. Pinker (1971, 1976) describes the different approaches as individualist and collectivist. That distinction has come to inform social welfare theories, with the development of post-WWII social welfare in Britain being seen as a consequence of a shift from individualism to collectivism.

This idea, however, is problematic. A number of analysts (Harris, 1992, 1999; Thane, 2000; Whiteside, 2014) suggest the development of the post-WWII welfare state, was as much located in individualist concerns with classical liberalism, as it was with the new, collectivist philosophies. Harris (1992), for example, points to Plato’s ideas in the *Republic* as being important where ‘individual citizens found happiness and fulfilment... in the development of “mind” and “character” and in service to a larger whole’. In such ideas state provision could be justified if it occurred within an ethical context of reciprocity and its purpose was rational – ‘the promotion of independent citizenship in the recipient’ (Harris, 1992: 128), and providing a basis of ‘collective liberty’ (Whiteside, 2014: 34).

Such ideas were central to idealist thought from the 1870s. The idealists – who included such British welfare luminaries as Helen and Bernard Bosanquet, Beatrice and Sydney Webb, T.H. Green, John Hobson, Leonard Hobhouse and R.H. Tawney and Richard Titmuss (Harris, 1989, 1992; Offer, 2007) – were informed to various degrees by such ideas: an “‘ethical’ individualism” in which individuals were considered ‘to be part of a moral unit, society, and a society could, and should, be guided towards spiritual advance by rulers in tune with the ‘general will’ of that society” (Offer, 2007: 3). While there was disagreement amongst idealists as to whether that guidance should be given by the state or charity, Offer (2007: 95) argues that such ideas maintained a ‘cultural hegemony’ in social policy and public administration through to the 1970s. Central to idealism was the view that the neither charity, nor the state could make people moral. Morality could be willed, possibly with persuasion, but it could not be forced. Offer (2007: 109) cites den Otter (1996):

...an act that is compelled or committed out of fear of penalty cannot be a moral act. None the less the state could provide an environment for all its members that would ‘enable them to live as good lives as possible’. By defining in this way the moral function of the state, idealists provided a persuasive rationale for increased state intervention in new areas of social and political reform.

Such ideas helped to address the question of ‘how can [people] live in large groups and yet remain free?’ (Harris, 1992: 141) Harris (1992) argues that for idealists social policy helped address this question through its focus upon character. The continued emphasis upon character was not so much a means of testing morality, but acting ‘as a stimulus to independence and

political emancipation' (Harris, 1992: 141). Character was not assumed, but something that could be encouraged through social policy.

This focus upon continuity in the intellectual basis of social welfare provision in the post-WWII welfare state provides a useful framework for understanding the introduction of material assistance in Section 1 of the CYPA 1963. The themes that helped to shape it, most notably individual and familial liberty, issues related to the size and scope of the state, and their relationships to the material basis of child 'neglect' can be understood as a being constructed through an enduring classical liberalism – limited state action to 'will' morality (independence, responsibility, self sufficiency), while discouraging immorality (fecklessness, irresponsibility).

Such observations may not seem particularly novel. Dingwall et al. (1984: 212), for example, at least in part, placed their analysis in what they describe as 'social regulation in the liberal state'. Their focus, however, was different – concern with potential tensions between protecting children from their parents and protecting parental freedom. And the historical broadness of their analysis leads to some conclusions that the more detailed work in this article contradicts. The idea that the Children Act 1948 was outside of (classical) liberal concerns in the shift from the poor law to the welfare state being such an example.

### **Material support and the Children Act 1948**

The Children Act 1948 was important (Dingwall et al., 1994; Holman, 1996; Cretney, 1998; Ball, 1998; James, 1998). From the perspective of later ways of viewing the purposes of social work it was, however, limited as it 'did not deal with the question of prevention' (Parker, 1983: 212). A consequence of this was it made no mention of the ways in which

local authorities might provide material assistance to families either to forestall children being removed to care or to facilitate their return to their kin.

Why there was a lack of focus upon prevention and material circumstances in the Children Act 1948 was related to the contemporary focus upon children who were ‘deprived of a “normal” home life’ (Secretary of State for the Home Department et al., 1946, para. 7). Cretney (1998) argues there were four factors that led to the establishment of the Curtis Committee (discussed below), whose work influenced the Children Act 1948 – WWII evacuation schemes ending; the effects of the abolition of the poor law on the 37,000 children under the care of Public Assistance Committees<sup>1</sup>; a public campaign associated with Lady Allen of Hurtwood and magistrates’ protests about conditions in London County Council remand homes. These four factors excluded a focus upon children being in their own homes. By definition, concerns with the ending of evacuation, with children for whom Public Assistance Committees had responsibility and those in remand homes were focused upon children already separated from their parents. And the concerns in Lady Allen’s campaign also focused upon such children. Allen suggested a need for a public enquiry to examine the condition of children ‘being brought up under repressive conditions that are generations out of date.’<sup>2</sup>

That public enquiry – the Curtis Committee – focused upon children who were not living with their parents or relatives. Hence, the committee reported that it had been unable to consider ‘children who through suffering from neglect, malnutrition or other evils, are still in their own homes under their parents’ care’ (Secretary of State for the Home Department et al., 1946, para. 7). It recognised though, that in the period before a child’s removal from their home they ‘may indeed be said to be deprived of “normal” home life’, and this had raised in

committee members' 'minds and in those of many of our witnesses<sup>3</sup> the question whether this deprivation might not have been prevented' (Secretary of State for the Home Department et al., 1946, para. 7). The Curtis Committee, however, felt unable to make recommendations on action to prevent children being received into care because this was outside of its terms of reference. Reflecting these, the majority of evidence the committee received was more concerned with educating and training mothers once their child(ren) had been removed, than preventing the removal of children.<sup>4</sup> Nevertheless, the committee report did suggest that: 'Every effort should be made to keep the child in its home...' (Secretary of State for the Home Department et al., 1946, para. 447).

This was enough for the Ministry of Health to criticise the Home Office's draft content for the Children Bill 1948 as neglecting the Committee's suggestion for preventative services. It also pointed to the forthcoming Women's Group on Public Welfare's (WGPW, 1948: 127) report, *The Neglected Child and his Family*, that it (and the Home Office and the National Assistance Board<sup>5</sup>) had supported with staff and which was to argue that: 'Provision of household equipment should be permitted out of public funds under certain safeguards' (WGPW, 1948: 127).

The Ministry of Health's preference was for local committees that could provide for children who had both been received into care and those who required care 'in his [sic] own home.'<sup>6</sup> While the Home Office saw the development of such a preventative service as 'undoubtedly... desirable,'<sup>7</sup> it argued it would not be possible to get the required legislation in place before the poor law was finally abolished by the National Assistance Act 1948. A delay in legislation would mean a continuation of the poor law for children, which the Home Office argued, would be resented.<sup>8</sup>



While the Ministry of Health was not convinced by such arguments,<sup>9</sup> concerns about timing were addressed when the Children Act 1948 was introduced on the same day (5 July) as the poor law was ended by the National Assistance Act 1948. A consequence was that prevention, and hence the ability of local authorities to help relieve the material needs of families, were neglected in it. As a result, civil servants acknowledged that the Children Act 1948 would have to be followed by further legislation. Such legislation was not sought in the immediate post-WWII period. It took a further 15 years and a conjoining of concerns regarding children neglected in their own homes, with those relating to juvenile delinquency, for local authorities to be given powers to materially support families.

This can be explained by the fact that the Home Office had fundamental concerns with the extension of preventative powers to local authorities. Its preference was for voluntary sector, rather than state, provision. Sir Alexander Maxwell, the Home Office Permanent Secretary,<sup>10</sup> for example, was reported as feeling that ‘there may well be scope for voluntary effort (e.g. W.V.S [Women’s Voluntary Service<sup>11</sup>]) in this field [preventative work], possibly... in co-operation with Health Visitors who are perhaps the people best placed to detect the need at a sufficiently early stage.’<sup>12</sup> Maxwell’s arguments were typical of what Loader (2006: 561) describes as ‘Platonic guardianship’ that framed the mid-20<sup>th</sup> century work of the Home Office. Central to this was a concern with civility and constraining the purview of the state. In his belief in intervention Maxwell was an idealist, but one for whom charitable, rather than state, intervention was preferable. Arguably though, his position was contradictory. In the 1940s there was concern that the Women Voluntary Service’s version of voluntarism ‘in which volunteers were directed and controlled by the state... leant itself to a

potentially totalitarian extension of state power, rather than to the liberal defence of freedom' (Hinton, 1998: 29).

Ministry of Health officials were not convinced preventative work could be left to voluntary effort and thought the use of the Women's Voluntary Service would be resented.<sup>13</sup> Reflecting one of the difficulties with archives, it is not recorded why this would be resented and by whom. Officials at the Ministry of Health also felt that Women's Voluntary Service involvement would also be inherently inefficient. It would, they argued, 'never occur' to health visitors to make contact with the Women's Voluntary Service. And, unusually for a ministry that consistently argued for an enhanced role for health visitors in the 1940s and 1950s, it had the prophetic view that 'in a few years time children's officers would have come to be regarded as the obvious and best qualified persons to undertake preventative work of this sort'<sup>14</sup>.

### **A need for material support?**

That the Children Act 1948 did not address what local authorities could do in preventative terms was problematic because, as was pointed out to the Ingleby Committee by the Fisher Group (discussed below), in many ways it encouraged such work.<sup>15</sup> This raised the issue of what local authorities could do to improve the home life of children. In the winter of 1949 the Home Office's Children's Department<sup>16</sup> expressed concern to the National Assistance Board that an inability on the part of local authorities to incur expenses for the material support of households was making it difficult for them to fulfil their duties. In preparation for its Circular no. 15/1950,<sup>17</sup> for example, it argued that an inability to pay fares to enable children to go to live with relatives or to allow a relative to travel to them, and to pay for bedding, was preventing local authorities from acting in the 'best interests of a child' and securing 'an

important saving to public funds.’<sup>18</sup> It was claimed by the Home Office that a lack of powers for local authorities to provide material assistance was preventing them from fulfilling their responsibilities under Section 1(3) of the Children Act 1948 – ‘to endeavour to secure that the care of a child is taken over by his parent where this appears to be consistent with the child’s welfare.’<sup>19</sup>

The Home Office was trying to establish what responsibility the National Assistance Board had for the provision of such needs. It was alluding to the Board’s powers to award discretionary ‘special expenses’ to relieve the ‘exceptional needs’ of National Assistance recipients. The difficulty was the classical liberal traditions that National Assistance had inherited from the poor law. Families where the ‘breadwinner’ was in full time paid work were excluded from poor relief because of a concern that if they were paid poor relief, their virtue and wages would be detrimentally impacted (Grover, 2011). Such concerns also framed post-WWII social security provision. Hence, one of the difficulties in the 1940s and beyond was the likelihood of a substantial number of families where the neglect of children in their home could be prevented through material support, but the National Assistance Board could not help because the families were excluded from receiving social assistance by their work status.

It was not beyond the National Assistance Board’s powers to award relief to people in full-time work in ‘cases of urgency’ (Section 11 of the National Assistance Act 1948), but, and once again denoting continuity with the classical liberal basis of the poor law, any such relief would be given as a loan to be repaid, rather than as a grant (Grover, 2011). There was an obvious difficulty and one that was lost on the implementation of Section 1 of the CYPA 1963 that allowed local authorities to loan money to the poorest households. If parents were

so poor they were unable to afford fares or bedding (or any other household items required for the 'adequate' care of children), would indebtedness to the state help them to fulfil their responsibilities to their children? Such a policy, although consistent with the preference for individual responsibility, sat uneasily with the observation that debt was one of the main problems facing households where children were in danger of being neglected (Stephens, 1946; WGPW, 1948).

Discussion about Home Office Circular no. 15/1950 were also framed by classical liberal concerns with interconnections between the power of the state and the responsibilities of individuals. At the Ministry of Education there were at least three concerns. First, a connection was made between material resources, responsibility and the care of children:

If family responsibility is to be strengthened the parent must be held responsible for the child's [sic] welfare and behaviour and sanctions must be imposed if this responsibility is not met. The parent cannot however exercise this responsibility unless he [sic] has freedom and unless he has control of sufficient material resources and has incentive and access to advice and education. Such freedom and responsibility cannot be given without running the risk of mistakes and misuse; this price we must accept.<sup>20</sup>

The quote suggests idealist thought framed views at the Ministry of Education. It points to the idea that the state could not make people moral, but could provide an environment (a material one in this case) in which people could act in a morally responsible way. If parents did not have the resources to exercise their responsibilities, it would be difficult to hold them responsible for not fulfilling them (for instance, in the neglect of their children). A

potentiality was that parents might not be protected from an unjustifiable use of state power – the sanctioning of parents who had little chance of protecting the welfare of their children because of their poor material circumstances. Second, there was suspicion of the potential for the state to extend its activities. The view that ‘a new service of snoopers even with social science training must be avoided’ was strongly expressed, with particular concern that the state should not have unfettered access to individuals’ homes.<sup>21</sup> And, third, and similar to views at the Home Office, it was felt that ‘only voluntary and unofficial work... can hope to do anything real and human’ and that the ‘likelihood of the social worker doing more good than harm, even if and when neglect can be defined and diagnosed... [was] very doubtful indeed.’<sup>22</sup>

Home Office Circular no. 15/1950 (para. 15) outlined the circumstances in which the funding received by local authorities from central government could be used to support children. It noted that the Children Act 1948 did not allow local authorities to incur expenditure on items such as beds and bedding, furniture and other household equipment, but that the National Assistance Board was ‘prepared to consider giving assistance of the kind where the parents are already in receipt of, or eligible for, a National Assistance grant.’ These instructions reinforced the exclusion of people in (full time) work, despite the fact that the National Assistance Board had informed the Home Office that it would be prepared to consider such expenses under section 11 of the National Assistance Act 1948.<sup>23</sup> It is, therefore, unsurprising that concerns continued about where the boundaries between the responsibilities of local authority Children’s Departments and the National Assistance Board lie.<sup>24</sup>

The financial and legal implications of which institution had what responsibilities made challenging boundaries between local authorities and the National Assistance Board inevitable. The financial implications were heightened by increasing costs that local authorities were facing as a consequence of increasing numbers of children being received into care (55,000 in 1949; 64,500 in 1952, Packman, 1981: 54). Such trends increased pressure upon local authorities to defer costs to the National Assistance Board. They also pointed to the potentialities of preventative work to reduce costs by reducing the number of children received into care (Select Committee on Estimates, 1952).

Such potentialities were being demonstrated through the practices of both voluntary organisations, most notably the Family Service Unit<sup>25</sup>, and local authorities. From the late 1940s specialist case workers were employed by some local authorities working on similar principles to the Family Service Unit, including, the close supervision of material assistance (Packman, 1981; Starkey, 2000). Packman (1981: 61) also notes how some children's departments acted as 'go-betweens' for the National Assistance Board and voluntary organisations, while others 'built up their own stores, persuading church congregations, local traders and their own foster parents to hand on discarded cots and prams, clothing, toys and household goods and even food at Christmas.' In this sense, they were acting as the 'voluntary family case-work agencies had always done' (Packman, 1981: 61).

It would be wrong, however, as Packman seems to be hinting, to suggest that doing preventative practice and providing material support in the 1950s led to its codification in the CYPA 1963. As we have noted, there was a classical liberal-informed resistance to extending the reach of the state. And, given that many local authorities were already doing such work,

often in close cooperation with the voluntary sector, why would central government incur the additional cost of enabling them to do preventative work and to provide material assistance?

Once again, the intervention of a high profile individual provided the catalyst when pressure was brought to bear on the government by an ‘ad hoc group drawn together by [a] common concern for “the family.”’<sup>26</sup> It was led by Rosamond Fisher, whose status as a moral entrepreneur was elevated in the eyes of policy makers by her Archbishop of Canterbury husband. The group was arguing for greater co-ordination of support for families, and for earlier preventative work. In a letter to *The Times* it noted that many ‘social services not only fail to preserve, but in many cases, actually tend to break up the family.’<sup>27</sup> For what became known as the ‘Fisher group’ this was problematic because its ‘belief [was] in the fundamental importance of the family as a basic unit of society.’<sup>28</sup>

The Fisher Group felt that ‘there is an urgent need for re-orientating the social services towards the maintenance of the family, which neither the Children Act of 1948 nor any other Act specifically seeks to do’ and that a committee of inquiry was needed to examine the ‘causes of family breakdown, with positive recommendations for their prevention and alleviation.’<sup>29</sup> The group argued it had no moral axe to grind about ‘problem families’. It was ‘more concerned with the far larger groups of less spectacular family malfunctioning, matrimonial discord and inadequate child nurture.’<sup>30</sup> It was arguing for a universal service – a ‘comprehensive family service’ – that would prevent ‘last resort services’ from being distracted from their ‘proper sphere’ and enable them to operate more effectively, something they could not do in the context of their being ‘no basic family and child welfare service... as a front line of defence.’<sup>31</sup>

### **Material support and Section 1 of the Children and Young Persons Act 1963**

There were reservations about the Fisher Group's demands. At the Ministry of Education, for example, it was feared they would lead to the creation of 'yet another category of social worker.' Its preference was for making 'use of the services which are already working with the family (particularly the health visitor).'<sup>32</sup> Nevertheless, and conjoined with concerns expressed by the Magistrate's Association<sup>33</sup> of the need for a review of the work of juvenile courts and the treatment of children they dealt with, the government set up the Ingleby Committee with two distinct terms of reference. The second is most important to this article: whether local authorities should 'be given new powers and duties to prevent or forestall the suffering of children through neglect in their own homes' (Secretary of State for the Home Department, 1960, para. 1).

Only 11 of the 179 pages of the Ingleby Report focused upon this issue. For some (Donnison, 1962; Handler, 1973), this meant the issue of local authority powers *vis-à-vis* material assistance was an 'afterthought'. A more likely explanation of its relatively brief treatment is that by the time the Ingleby Committee reported (1960) the idea of providing children with support in their own homes was not particularly controversial, although not controversy-free. As noted, many local authorities were already working with children 'deprived' in their own homes, and the social case for preventative work and the provision of material support had arguably been made by both state and voluntary institutions (Stephens, 1942, WGPW, 1948). It was certainly visible in the evidence presented to the Ingleby Committee.

Despite resistance from the Ministry of Health and health-related institutions,<sup>34</sup> there was a great deal of support for powers related to the provision of material assistance from



organisations representing both local authorities and social work professionals. The Association of Municipal Corporations, for example, supported the provision of ‘advice, guidance, help and material assistance’ because it was ‘generally accepted by all engaged in social work that it is to the advantage of all concerned that “the family” should be preserved as an integral part of our social system.’ It suggested such support was already provided, but ‘in many cases perhaps without proper sanction.’<sup>35</sup> The Association of Childcare Officers felt that Children Departments should be given ‘explicit authority’ to prevent the neglect of children in their own home, including the ability to ‘spend money, where desirable in the interests of forestalling family breakdown, on material help.’<sup>36</sup> Its suggestion was a consequence of its observation that while existing legislation allowed for children to be returned to their parents, it did not allow for support once they had returned.<sup>37</sup>

Of the Ingleby committee’s 125 recommendations only four related to the issue of whether local authorities should be given new powers to address the neglect of children in their own homes. They had the potential to be controversial. Allowing local authorities to provide material assistance could have led to the accusation that it was returning to them a poor relief role that had been abolished with the introduction of the National Assistance Act 1948 (an argument made by Jordan, 1974), and that in doing so it challenged the role that other social welfare institutions had, notably the National Assistance Board and local health boards.

The idea that allowing local authorities to provide material support represented a return to poor relief was not discussed in any of the documents examined. This is unsurprising. Post-WWII social policies were presented as being a shift from poor law traditions. Suggestion that Section 1 support was a return to the poor law would have been

inconsistent with such discourse. However, as we have seen, Section 1 support was also framed by continuing classical liberal ideas that were more generally shaping support for the income poorest people in the mid-20<sup>th</sup> century. In this context, Section 1 support was uncontroversial because of its intellectual familiarity in idealist thought that while not reintroducing the policies of the poor law was framed by similar ideas regarding relationships between the state and the individual.

Despite a continued demand from the Ministry of Health that its preventative efforts under the National Health Service Act 1948 be recognised, the view that Section 1 support trod on the toes of other areas of government is also not easily supported. The National Assistance Board, for example, did not see the extension of local authority powers as being particularly contentious. It did not take much persuading that the proposed powers would provide something different to what it did and that they would not duplicate its work. The Treasury took a little more convincing. However, it too was not particularly resistant to the idea of local authorities providing material assistance, even when the nature of that assistance was extended by the Home Office from ‘providing essential household equipment such as bedding, and pots and pans where the family has none and help is not forthcoming from other sources’<sup>38</sup> to include support to ‘help a family clear its arrears of rent, or pay bills in order to prevent essential services such as gas and water being cut off.’<sup>39</sup>

One view at the Treasury was that it ‘should resist the provision of material help, other than household equipment’,<sup>40</sup> but this was easily countered from both within and outwith. Others in the Treasury recognised that the new powers were unlikely to duplicate the work of the National Assistance Board because, first, they would only be used in circumstances that were outside those with which legally the National Assistance Board

could deal – where, for example, ‘even though the bread-winner is in full time employment the family has got into financial difficulty and voluntary help is not always available.’<sup>41</sup> And, second, because of an understanding that the payment of discretionary additions to National Assistance recipients were primarily made to older and sick people, rather than families with children.<sup>42</sup> While the National Assistance Board ‘took the view that... it would be wrong for any body other than the Board to make regular payments affecting the recipient’s normal living standards there was no objection to desirable measures being taken in an emergency to help a problem family over some particularly difficult situation.’<sup>43</sup>

The philosophical basis of allowing local authorities to grant material assistance was to cause more concern. It has been argued in this article that debates about the powers of the state to intervene in familial life in the mid-20<sup>th</sup> century were framed by classical liberal concerns in idealist thought with balancing a need for personal and civic responsibility with a desire to constrain the size and scope of the state. This issue was conjoined with a concern that households would be compelled to accept preventative interventions. The most vocal proponent of such concerns was the Minister of Health, Enoch Powell. Powell is described by Turner (2008: 94) as being concerned in the 1960s by ‘the contempt shown by the state for individual freedom,’ a theme that was visible in his concerns with the development of preventative work and the provision of material assistance by local authorities. Powell thought the giving of ‘charitable gifts and grants from a public service other than the National Assistance Board’ was ‘inherently controversial’, for he could not ‘believe that there is any deserving “material need” which cannot already be provided’.<sup>44</sup> He felt there was a need for more co-ordination of existing services, rather than new legislation, which he saw as potentially duplicating existing powers. His concern in this instance was with the efficacy of a policy that sought to increase the reach of the state.

In addition, Powell was unwilling to be associated with developments that might in practice lead to increased compulsion in social welfare policy. The Deputy Secretary of the Ministry of Health<sup>45</sup> (Dame Enid Russell-Smith), for example, pointed out to the Home Office in a critique of a draft paper it had prepared for the Cabinet's Home Affairs Committee<sup>46</sup> that 'if the wording of [a] revised paper could more clearly express the H/O [Home Office's] intention... to place a duty on local authorities to put themselves in a position to offer all necessary help to parents of children who might be neglected but not to compel anyone to accept that help, some of the Minister's [Powell's] difficulties would be removed.'<sup>47</sup> She was later able to report that a further draft of the paper 'is intended altogether to remove any apprehension of arbitrary interference in family life & to present the new proposals primarily as an extension of powers to offer help (not to enforce its acceptance).'<sup>48</sup>

Similar sentiments were expressed by officials at the Treasury, who were concerned in the context of evidence which they argued suggested 'even indifferent parents are more successful in bringing up emotionally well balanced children than first class institutions' that:

It would seem a very doubtful principle to increase the powers of Government central or local to take children out of the care of their parents against their will. And one can only hope that the considerable enlargement of the powers and duties of local authorities to prevent or forestall the suffering of children through neglect in their own home will be interpreted as meaning powers to help the parents and not powers to compel them.<sup>49</sup>

The issue identified a tension in idealist thought framing the discussion of the implementation of the recommendations of the Ingleby Committee. On the one hand, the idea pushed by the Home Office was that prevention and the provision of material assistance in particular was an important means of encouraging self-help and individual responsibility and, in the longer run, would diminish state intervention as families became more self-reliant (important elements in idealist thought). The Home Office, for example, informed the Treasury that the policy was ‘directed towards making failing families self-reliant and preventing the family break-up which can result in individual members of a family becoming a burden on one or other of the existing services of the welfare state, and in particular to preventing children having to be taken in care.’<sup>50</sup> On the other hand, was a concern that expanding provision would merely lead to an engorged state, duplicating provision and unnecessarily and arbitrarily intervening in familial life.

The implication of the literature focused upon support provided by Section 1 of the CYPA 1963 (Handler, 1973, Jordan, 1974; Dingwall et al., 1984) is that its aims were essentially concerned with parents passing classical liberal mores onto their children. This was undoubtedly the case. However, it is also the case that it was framed by a desire to protect families from the unbridled power of the state. Soon after the passing of the CYPA 1963 officials at the Home Office were discussing how local authorities would be informed of their new duties. At the outset, this involved a consideration of whether guidance: ‘should say anything about the dangers of developing preventative work too far, e.g., the possibility that officials might intervene in private affairs too much or of spending a disproportionate amount of time and effort on preventative work.’<sup>51</sup> When published the Circular explained to local authorities that Section 1 of the CYPA 1963:

does not give power to intervene in family difficulties or domestic problems unless there is some reason to suppose that these may create a risk of children having to be received into or committed to the care of a local authority. Nor does it give power in any circumstances to impose guidance on parents who are not willing to receive it.<sup>52</sup>

The circular did not attempt to say how local authorities should implement Section 1 of the CYPA. Local authorities would organise their policies, rather than being directed by central government.<sup>53</sup>

### **Conclusion**

This article has focused upon the introduction of Section 1 of the CYPA 1963 that allowed local authorities to provide material assistance to families where there was a possibility that children would be removed to their care. It has argued that in an administrative sense Section 1 support might be understood as a consequence of deficiencies with earlier legislation and growing support for preventative services. However, Harris (1992) warns that a focus upon material pressures can only ever provide a partial analysis. Hence, this article has examined Section 1 assistance in debates about the intellectual basis of the development of the post-WWII welfare state. It has argued that such assistance can be understood as being framed by continuing classical liberal concerns that were central to idealist thought.

Idealism was in many ways a compromise between, on the one hand, the potentiality of intervention and, on the other hand, ensuring the freedom of families from unwarranted and arbitrary interventions. This can be observed in Section 1 of the CYPA 1963. It was a modest development that extended the powers of the (local) state. It had moral purpose, framed by an ethical individualism, to help provide the environment in which parents were

able to accept their social obligations by being in a position to ‘adequately’ care for their children. It was, as noted above, concerned with ‘making failing families self-reliant and preventing the family break-up’.<sup>54</sup>

It was also supposed to protect the liberty of parents and families from unwarranted state intervention. Without the support provided by Section 1 of the CYPA 1963 there was a danger that parents would be held responsible for something (neglect) for which they could not be expected to take responsibility because of their poor material circumstances. Any subsequent sanctioning of neglectful parents without some support to improve those circumstances could be understood as being an unwarranted exercise of the state’s power. However, and somewhat contradictorily, to also preserve the liberty of families it was believed that parents should not be compelled to accept the offer of material assistance or to engage with the offer preventative work.

The principles of idealist thought, however, did not easily transfer into practice. The view that Section 1 of CYPA should operate in a way that protected familial liberty was soon questioned. Given the concern of Section 1 support with the neglect of children, the fact that local authorities did not have finite resources to spend upon material assistance and Section 1 support was discretionary, its authoritarian drift (Heywood and Allen, 1971; Handler, 1973; Jordan, 1974) was perhaps predictable. It was visible in the work of the pioneers of preventative work and the use of material assistance, such as the Pacifist Service Unit,<sup>55</sup> which Starkey (2000: 32) describes as practising ‘a controlling style of social work’, and in the views of some representative bodies of local authorities ideas on compulsion.<sup>55</sup>

## Notes

1. Public Assistance Committees were local authority committees that replaced Poor Law Boards of Guardians in 1929. They were responsible for the administrative functions that had previously been under the remit of the poor law.
2. Allen made the case in a letter published in *The Times* newspaper (15 July 1944).
3. The County Councils Association (representing the interests of County Councils to government and parliament), for example, argued for ‘help – even compulsory help’ for ‘derelict or problem families’, involving social workers giving ‘practical instruction in home-making, house-wifery, parentcraft, housecraft and the like arts which are commonly little understood by parents of this class.’ It argued this approach was preferable to the removal of children, which merely encouraged further irresponsibility by relieving parents of their responsibility to raise their children (*County Councils Association Executive Council, 24<sup>th</sup> October 1945*, para. 51, NA MH/102/1451B). County councils are an elected form of local government covering sub-national divisions in England and Wales (counties).
4. A typical submission came from the National Federation of Women’s Institutes, the representative body for local Women’s Institutes. Domesticity and women’s roles in it were central to its work (NA MH/102/1451A).
5. The National Assistance Board was responsible for administering National Assistance (a means-tested form of financial relief for the poorest people and families) that was introduced in 1948 as replacement for the preceding forms of social assistance that had replaced poor relief from 1929. The Home Office was responsible for domestic policy in areas such as immigration, law and order and security. The political head of the Home Office is known officially as the Secretary of State for the Home Department. The



Women's Group on Public Welfare was constituted by representatives of women's voluntary organisations. Its concerns were with women's and children's welfare.

6. Internal minute, Ministry of Health, 1 November 1946: 3, NA MH/55/1662.
7. Home Office to Ministry of Health, 7 October 1947, NA MH/57/437.
8. *Public Assistance Children (Institutional and Boarded Out)*, September 1946: 1, NA MH/55/1662.
9. Ministry of Health to Home Office, 6 November 1947, NA MH/57/437.
10. The most senior civil servant in a government department.
11. Established in 1938 it helped support preparations for WWII. Its role expanded during the war to include some related to social welfare issues (for instance, organising centres for displaced persons and the various needs of evacuated children). After the war it continued to provide social welfare and community services.
12. Home Office to Ministry of Health, 22 November 1947, NA MH/57/437.
13. Ministry of Health to Home Office, 29 November 1947, NA MH/57/437.
14. Ministry of Health to Home Office, 29 November 1947, NA MH/57/437. Children's Officers were employed by local authorities in Children Departments following their introduction in the Children Act 1948. They discharged all duties related to children introduced by the 1948 Act.
15. Home Office circular no. 160/1948 (para. 5, NA AST/7/947) noted: 'Where a home can be so improved that it is unnecessary to remove the child from his parents or that a child who has been taken away for a time can properly be restored to his parents' care, the advantage of this course is unquestionable.'
16. It had policy responsibility for the care of children living outside of the familial home.
17. The circular was the consequence of the findings of a working party of officials from the Ministry of Education, Ministry of Health, the Home Office and their Scottish

counterparts. It concluded that there was a need for greater coordination between statutory and voluntary organisations to support children neglected in their homes (*Children neglected in their own homes. Report of the inter-departmental working party*, 26 April 1950, NA ED/147/434).

18. Home Office Children's Department to National Assistance Board, 7 December 1949, p 1 (NA AST/7/947).
19. Home Office Children's Department to National Assistance Board, 7 December 1949, p 1 (NA AST/7/947).
20. Internal note, Ministry of Education, 17 August 1949, NA ED/147/434, original emphasis.
21. Internal note, Ministry of Education, 6 September 1949, NA ED/147/434.
22. Internal note, Ministry of Education, 27 September 1949, NA ED/147/434.
23. *National Assistance Board. Extract from Items of Interest December 1969* (NA AST/7/947).
24. For example, cases reported in NA AST/7/1313 and NA AST/7/947.
25. The Family Service Unit was the post-WWII incarnation of Pacifist Service Units which engaged in 'casework' that combined social and domestic education (often by example) and material assistance.
26. Rosamond Fisher to Home Secretary, 4 July 1955, NA ED/147/435.
27. Pre-published version of the letter in NA ED/147/435.
28. Rosamond Fisher to Home Secretary, 1 March 1955, NA ED/147/435.
29. Rosamond Fisher to Home Secretary, 1 March 1955, NA ED/147/435.
30. Rosamond Fisher to Home Secretary, 4 July 1955, NA ED/147/435.
31. Rosamond Fisher to Home Secretary, 4 July 1955, NA ED/147/435.

32. Internal memo, Ministry of Education, 11 July 1955, NA ED/147/435. Reflecting Health Circular no. 37/54 that highlighted the importance of work with families to prevent health-related family break-up, thereby avoiding the financial cost of the need to provide 'curative measures', institutional accommodation and of: 'Problem Families... reproduc[ing] themselves in the next generation and [their] cost [to] the community an expense out of all proportion to their numbers' (NA ED/147/435).
33. The representative body of Magistrates concerned with influencing policy making and supporting its members in the administration of the law.
34. On receiving a draft of the Ingleby Committee's terms of references the Ministry of Health noted it would 'resist the creation of any new special services for this purpose [the prevention of children being taken into care] which would overlap or take over the functions of local authorities under the National Health Service or the National Assistance Acts' (internal memo, 7 February 1955 NA MH/55/2399). The Society of Medical Officers of Health (representing public health officers working in local authorities) (*Memorandum of Evidence*, 19 March 1957, NA MH/55/2399) supported the extension of material support, but argued the 'central role of the health department in the field' should be preserved. A similar argument was made by the British Medical Association, the representative body for medical doctors (*Memorandum*, NA HO/330/90) and the Women Public Health Officers' Association (representing women working primarily in health-related roles for local authorities) (*Note of oral evidence*, CYP(CE) 14, 27 March 1958, NA MH/55/2401).
35. *Memorandum of Evidence to be submitted to the Government Committee of Enquiry*, CYP(WE)46, paras. 38 and 39, NA HO/330/88. In its evidence the association was representing the views of county borough councils.

36. *Memorandum*, CYP(WE)14, para. 33, NA HO/330/88. The association represented the interests of childcare officers working in local authorities and voluntary societies.
37. *Supplementary Memorandum*, CYP(WE)14A, NA HO/330/88.
38. Home Office to HM Treasury, 5 July 1961, NA T/227/1862.
39. Home Office to HM Treasury, 26 June 1962, NA T/227/1862.
40. Internal note, 11 July 1962, NA T/227/1862.
41. *Home Office Memorandum to the Home Affairs Committee*, H.A.(61)114, para. 15(b), NA CAB/134/1988.
42. Internal note, HM Treasury, 16 July 1962, NA T/227/1862.
43. Home Office to HM Treasury, 1 August 1962, NA T/227/1862.
44. Internal note, Ministry of Health, 30 March 1961, NA MH/55/2400.
45. The second most senior civil service role within the Ministry of Health.
46. A committee of the Cabinet considering issues (such as health and social welfare) important to home affairs.
47. *Note for the record Ingleby Committee*, 21 April 1961, NA MH/55/2400.
48. Internal note, Ministry of Health, 28 April 1961, NA MH/55/2400.
49. Internal note, HM Treasury, 7 September 1961, NA T/227/1862.
50. Home Office to HM Treasury, 5 July 1961, NA T/227/1862.
51. Internal note, Home Office, *Children and Young Persons Bill Clause 1 – Preventative work. Circular to Local Authorities*, 13 May 1963, NA BN/29/1627.
52. Home Office Circular no. 204/63, para. 8, NA AST/7/1748.
53. Lord Ingleby, for example, expressed the view that the committee he chaired ‘should [not] go on to advise local authorities on how to manage their affairs’ (internal note, Ministry of Health, 18 November 1959, NA MH/55/2399).
54. See note 50.

55. See note 3.

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NA AST/7/1313 *Children Act 1948: effects on national assistance*

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NA ED/147/434 *Problem families and child neglect*

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NA HO/330/88 *Association of Child Care Officers; National Council of Women of Great Britain; London Magistrates' Clerks' Association; Council for Children's Welfare; Association of Municipal Corporations; London Police Court Mission*

NA HO/330/90 *British Medical Association*

NA MH/55/1662 *Correspondence*

NA MH/55/2399 *Home Office (Ingleby) Committee on Children and Young Persons*

NA MH/55/2400 *Home Office (Ingleby) Committee on Children and Young Persons: recommendations; Children and Young Persons Bill 1962-1963*

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NA MH/57/437 *Care of deprived children: Children Act 1948*

NA MH/102/1451A *Care of Children Committee, (Curtis Committee): memorandum of evidence on the care of children, etc, submitted by Lady Allen of Hurtwood*

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