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SOME SUGGESTIONS FOR
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Foreword

Some Suggestions for Training

The following notes have been prepared by the staff of the Central Council for Education and Training in Social Work at the request of the Department of Health and Social Security. Their purpose is to put forward some suggestions for the training of those involved in the work of Juvenile Courts. It is not intended that the notes (applicable only to practice in England and Wales) should serve as a guide to the Children and Young Persons Act, 1969. Social workers and others who wish for a guide to the legislation are referred to the HMSO publication, 'Part I of the Children and Young Persons Act, 1969 — A Guide for Courts and Practitioners'.

Emphasis has been laid throughout the notes on the training needs of field social workers, but it is expected that residential social workers — the staffs of assessment centres and community homes — will have similar needs and the suggestions for training will therefore be relevant to them.

CCETSW *July 1974*

The Social Worker in the Juvenile Court

When the Children and Young Persons Act, 1969, is being discussed, the misleading impression is sometimes given that the Local Authority social worker is a newcomer to the juvenile court. The established role of the former Child Care Officer in the courts is often forgotten. Nevertheless, it is true that the new Act has greatly extended the Local Authority social worker's responsibilities, and this extension has come at a time when the unification of local authority services, the recruitment of many inexperienced and untrained social workers and the promotion of many of those with experience, has severely tested the capacity of the new departments to put into effect new legislation for dealing with children before the courts.

Identifying the Training needed

Some critics argue that deficiencies in the operation of the Act result from inadequate training given to social workers. If in-service training courses can be provided, it is argued, the teething troubles will soon be resolved. These notes are intended to help departments develop such training programmes. It is, however, crucially important for those aspects of the problem which cannot be resolved through training, and which demand other approaches, to be recognised.

The implementation of the 1969 Act calls for readjustment on the part of all concerned — magistrates, clerks, police, probation officers, and local authority social workers. Each group must re-examine its role in the new situation and will need to be given opportunities for some re-education. Equally important will be the informal meetings which can be arranged between the groups, outside the immediate court situation, so that they may get to know each other, to learn to understand each other's

point of view, and to monitor the workings of the Act at local level. In particular, it would seem desirable for magistrates' clerks and social workers to consider whether they could devise some machinery for following up a child's progress and feeding back the information to the court concerned in a decision on a particular child.

In some instances, the probation case committee is being taken as a model*, although it is important to remember that it owes its existence to statute (1). Local authority social workers have no such legal obligation to meet the magistrates. Nonetheless, the then Secretary of State (2) has said that social workers should at least notify magistrates of those cases where the court has made an order with the intention that the child should be removed from home and where the local authority subsequently decides to allow the child to remain at home. In addition, many would doubtless welcome the opportunity to inform clerks and magistrates about local problems, about treatment resources, and about the successes and failures of the children in whose lives the decision of the court has played a significant part.

Meeting the Training needs of the Social Worker

Providing the sort of co-operation outlined above is being introduced, in-service training for social workers can play a major part in raising standards of professional practice in the juvenile courts. Many departments have already mounted programmes, but there will be a need to repeat these for newly appointed staff or those transferring from specialisms which did not involve court work. These notes draw upon some of the experience to date, and may help training officers to extend and improve their programmes. The notes also suggest training exercises that could be mounted to further the understanding of those social workers who have already attended a course providing a basic introduction to court work.

*Local authority social workers have joined probation officers at case committees in some areas but such practice needs very careful consideration of its advantages and disadvantages.

The CCETSW has already published a paper (3) outlining the pattern of staff development opportunities which it hopes will increasingly be provided for social workers. These present notes should be viewed in the wider context of that paper.

Differing needs of Social Workers

Training programmes must vary in response to the individual experience, ability and general training of the social workers concerned. It may be useful to distinguish five main groups:

- a newly appointed untrained social workers;
- b trainee social workers;
- c newly appointed trained social workers;
- d social workers transferred from other work in the local authority social service departments, which provided no experience of court work;
- e social workers who transfer from other types of social work agencies.

a Newly Appointed Un-Trained Social Workers

Newly appointed untrained social workers cannot be expected to practise competently and confidently in the juvenile court setting, nor can a brief course on this component of their work compensate for their lack of wider knowledge, understanding and skill as social workers. Departments may normally prefer not to use such staff in the court setting, or only under the closest supervision and support from experienced colleagues. Clearly the following suggestions for training can only constitute a small part of their induction into the department's total work load.

b Trainee Social Workers

Trainee social workers, similarly, lack the necessary wider experience, understanding and skill, and it is questionable whether responsibility for court work should be entrusted to them, except working through an experienced colleague.

c Newly Appointed Trained Social Workers

Newly appointed trained social workers differ in the extent to which they have been taught about law, are familiar with the work of the courts, and possess a detailed knowledge of procedures for dealing with children in need of care. In the past, many qualifying

courses have offered training for employment in one or more specific services. With the establishment of one training body (CCETSW) qualified social workers are all eligible for the same award (CQSW) but courses still retain specific emphases and, indeed, will be encouraged to develop electives within the overall structure of the course. For these reasons, it is important to check with each newly trained social worker the areas in which he has minimal knowledge and experience, and to take action to increase his expertise where necessary.

d Social Workers transferred from their work

Social workers transferring from other work with the same or a similar department without previous involvement in the courts are the group to whom the suggestions on page 6 will relate most closely, on the assumption that they simply need help in applying their experience and skills within a new framework.

e Social Workers transferred from other agencies

Social workers who transfer from other social work agencies will differ widely in their experience in court work. Those coming, for example, from hospitals or voluntary agencies may have little or no experience of the courts, or indeed of the practice of social work within a legal structure. Their need may be broadly similar to those in (d) above. On the other hand, former probation officers will be familiar with the courts and relevant aspects of the law, although it does not follow that they have no need for help in reorientation in a new setting. The role of the local authority social worker in the court is different from that of the probation officer*, and the latter should be helped, by means of training, to make the transition.

There is, then, a need to evaluate the training required by different groups of social workers. In practice this will often involve personal tutorials, the planning of individually tailored programmes of study, visits, reading and discussion. Where enough staff share a similar need, more conventionally structured programmes may be appropriate. One further group of staff may need help — those at

*For example, in supervision orders the Local Authority is the designated supervisor; in those cases where it is appropriate for a probation officer to supervise, an officer "appointed for or assigned to the Petty Sessions and named in the order" is the designated supervisor.

senior level responsible for the Department's work with children before the courts. These notes do not attempt to meet their needs, which require much more extensive study, but the effectiveness of the social worker appearing in the court will largely depend upon the support of senior colleagues with expert knowledge of the care of children and the legal provisions for them.

Suggestions for Content and Method in a Training Programme

According to the needs of the individual social worker, some or all of the following areas of study might be included in his training programme:

- 1 Roles within the court setting, court procedures and giving evidence.
- 2 The social worker's report to the court.
- 3 Legislation affecting professional duties.

It would be helpful if, in addition to this, discussions were arranged on such topics as the place of courts in the social structure, the relationship with the judiciary and the extent to which the courts affect the social workers' role.

1. Roles within the court setting, court procedures and giving evidence

To the uninitiated, a court is a bewildering place. With some explanation, the carefully defined pattern of roles and relationships can become a fascinating study. As a first step, there is a need to identify people in court, their titles, what they do and how they relate to each other. They include magistrates, their clerks, barristers and solicitors, police officers, probation officers, ushers, the press, the children or defendants, and the parents or guardians of the children. As the social worker learns about them, he can begin to see his own role more clearly.

One or more of the following teaching methods might be selected:

a The Clerk of the Court may arrange for a court in session to be observed. He may also, circumstances permitting, arrange a short informal meeting between the

social workers and the magistrates at the end of the court sitting. The observers might also be asked to prepare, for subsequent discussion, brief comments on the cases before the court and the proceedings.

b **Group Discussions** can be arranged to which one or more of the participants in court is invited to describe how he sees his role and the task of the court from his perspective. Such discussions may be planned mainly for the instruction of the social workers, or they may be structured to provide a mutual learning experience, for example, for magistrates and social workers, or police and social workers.

c **Role playing and other simulation exercises** have also been found to be useful learning methods but require careful planning, with clear objectives in mind. Training officers or tutors without experience in these teaching methods would be well advised to seek out a teacher familiar with them and ask for some hints. Otherwise an imaginative method may misfire. However, the examples contained in the Appendix may be useful. Such exercises may be planned to include all participants for whom training is being provided, or some may act as 'audience', or again, some such exercises may usefully be tape-recorded for subsequent commentary and discussion. Further exercises might be planned to encourage the social worker to think about such matters as:

- i supporting a client through the stress of a court appearance;
- ii presenting a report;
- iii giving oral evidence, including the constraints imposed by the Rules of Evidence and cross examination;
- iv communication with others (e.g. the clerk) while the court is in session.

2. The Social Worker's Report to the Court

The Social Worker needs to understand the purpose of his report, namely to provide a professional assessment of the personal and social situation of the child which, if possible, gives an opinion about the best disposal of the case.

The way written reports are presented may vary slightly from area to area, but the social worker needs to learn the basic structure:

a Personal details of the client, e.g. age, position in the family, education, health, etc.

b The family's accommodation and financial position.

c The history of the child and his family, e.g. past experiences that enable the court to understand better the present situation. Relationships within the family and to the community.

d Factors leading to the court appearance and their significance e.g. the predisposition to delinquent behaviour and factors precipitating a delinquent act.

e An assessment of the child and his situation drawing upon the above information, the social worker's observations and the opinions of parents, teachers, etc.

f The social worker's professional opinion as to the appropriate action required to further the welfare of the child, having regard to the court's powers and limitations and its duty to the public.

There is clearly a need for basic facts to be presented accurately, and the social worker should indicate to the court where it has not proved possible to check the information given. Similarly, the distinction between fact and opinion should at all times be clear in the report.

Many social workers will need help in writing concise straightforward English that is free from professional jargon and not liable to ambiguous interpretation. They must also be alerted to the possibility that they may be called upon to substantiate or expand upon their opinion in court. Thus, the development of skills in oral, as well as written, communication becomes important. Where social workers lack confidence or skill in speaking in formal situations, this might be cultivated by role playing or by other means, e.g. asking them to address a training group or arranging a debate.

There are also other issues with which the social worker

may need help in the preparation of his report, e.g. how to discuss it with the client and his family; its confidential nature and who should and should not be allowed to see it; the ethical and professional considerations of reiterating opinion expressed in the reports of others. These are just some of the questions to which the social worker, depending upon the extent of his general training will need to be introduced.

Appropriate methods of learning how to prepare a report again vary and the following are just a few suggestions:

Understudying — The inexperienced social worker might accompany an experienced colleague when conducting interviews with his client. Then the two workers could write up their reports separately and compare notes.

Role Playing — This might be used in two ways. Students might be asked to play the child, his parents, his teachers etc., (again with detailed briefing) and be interviewed by each of the social workers individually and in private. Each social worker could then write up his report. These could then be circulated and discussed in a group. In addition, a comparative exercise might be undertaken in which reports about the same case are prepared for a court, a psychiatrist or another social work agency. This will help to identify the distinctive purposes of report writing.

Alternatively, one social worker might be deputed to conduct the interviews while the remainder observed. Each could then criticise their colleagues' approach and/or write up their own report on the case. Again, these could be circulated and discussed. (See also Appendix — Exercise III).

Magistrates or their clerks might be invited to criticise some of the reports thought by the group to be more successful and this might lead to a wider discussion of the magistrates' expectations of reports and of the social worker.

3. Legislation Affecting Professional Duties

Clearly, the social worker needs a thorough knowledge of those sections of the Children and Young Persons Act 1969 that govern his duties and affect his client, but a

wider knowledge is essential including provisions contained in:

The Children and Young Persons Acts 1933 and 1963.
The Children Acts 1948 and 1958.

The CCETSW has recently published the report of a study group on the teaching of legal studies to social work students (4). As appendices, the report lists section by section the law that defines the professional duties of the social worker in all aspects of his work, and recommends literature for students and reference material for practising social workers.

Many social workers find the law difficult to learn, and lectures alone may not ensure a thorough knowledge. Written handouts help, and some agencies have prepared algorithms*. These can reinforce the teaching in lectures, but it is important to check the accuracy of notes or algorithms by seeking expert legal advice.

It is often said that law only comes to life when you have to use it. Thus teaching, perhaps through lectures, needs to be applied, for example, in role playing as discussed above.

Tutors may be reluctant to adopt the style of the classroom by putting questions to the group or by setting tests, but some methods of testing knowledge may help to reinforce learning and reassure the social workers that they have acquired an adequate grasp of the essentials. Informal multiple-choice questions may be a useful way of testing some areas of knowledge, but more can be learned by presenting case situations, for written discussion. This method ensures that the social workers are familiar with the legislation to which they have to refer.

*An algorithm is a diagrammatic presentation of the decisions permissible within a particular Act, enabling the reader to work out, step by step, the alternative courses of action that may be pursued.

Teachers

In planning a training programme to cover all or some of the above topics there should be no lack of people with relevant experience and expertise to contribute — social workers who have a long association with the work of juvenile courts, and magistrates, clerks, police officers, probation officers, etc. It must, however, be remembered that none of them is a teacher and that it is necessary to brief them in advance so that they can draw upon their experience in the way most helpful to the students. At the same time the training officer, or whoever is tutor to the course, needs to be present at all sessions so that material can be inter-related and applied, and improvements can be made for future programmes.

Conclusion

This paper has a narrow focus; the report of the Council's Study Group (5) outlines more fully and more broadly the legal knowledge required by social workers in a range of types of agencies.

The Council's staff would welcome comments on the usefulness of this paper and whether similar notes would be welcomed when social workers' duties are being extended in other ways. If so, it might be possible to prepare notes to precede, or at least coincide with, the implementation of new legislation.

References:

- 1 *Criminal Justice Act 1948, Sch. 5, Para. 2(2).*
- 2 *Speech by the Rt. Hon. Sir Keith Joseph to the Magistrates Association January 13 1973.*
- 3 *CCETSW Paper 1 "Creating Opportunities for Staff Development". 10p per copy from the Council.*
- 4 *CCETSW Paper 4 'Legal Studies in Social Work Education' — report of a study group chaired by Prof. Nigel Walker. Price 75p.*
- 5 *Op Cit.*

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*Reprinted together in CGETSW Paper 7 – *The Social Worker and the Courts. Available from CGETSW, Clifton House, Euston Road, London, N.W.1.*

APPENDIX

Three Suggested Exercises

The three exercises suggested below are based on learning through role play. This is only one of a variety of methods which may be used and, as indicated in the main text, lectures, seminars and visits of observation will equally have a place in any training programme. In respect of testing knowledge and helping social workers to become familiar with the relevant legislation, there is value in using question and answer type exercises based on case studies.

Exercise I Aims

To enable social workers to 'experience' the court setting and procedures.

Preparation

Allocation of roles – magistrates, the defendant, clerk, police, etc. Preparation of papers – the evidence to be presented (dependent upon whether the child admits or denies the allegations), court reports, etc.

Method

- Magistrates enter.
- Clerk checks names, reads charge, etc.
- Evidence (given by police, solicitor, etc.) taking oath.
- Child and parents respond to evidence.
- Magistrates consider whether the case is proved and announce their decision.
- Presentation of reports – if case is proved.
- Magistrates withdraw and then return to make an order, explaining to the "Court" the reasons for their decision.

Exercise II Aims

To enable social workers to 'feel' what it is like to be in different roles in the court setting.

Preparation

Allocation of roles, either predetermining, or allowing participants to decide 'who' they will be, e.g. –

Magistrates:

1 Chairman, Mrs. A. – wife of bank manager, aged 50, sitting with

2 Mrs. B. — secretary of local chamber of commerce, aged 38

3 Mr. C. — Trades Union official, aged 43.

Similarly other roles, with participants knowing in advance something about the person they will 'be'.

Deciding on 'case' to be heard and length of exercise — e.g. will 'court' hear whole case, or will exercise start with presentation of reports, or at some other point?

Method

1 The 'hearing' with participants attempting to behave in a manner consistent with the role which they have assumed.

2 Discussion after, giving opportunity for participants to share what it 'felt' like to be the clerk, the parents of the child, the policeman/woman. How, in these roles, they perceived the actions of others.

Exercise III *Aims*

To enable social workers to consider the particular skills needed in preparing a social enquiry report.

Preparation

Allocating roles

a to the social worker

b to the client and his or her family

c to school teachers or other involved persons e.g. family doctor.

Setting out the situation. This may either be a situation in which the family is already well known to the Department or one in which no previous contact has been made. Both situations will demand different considerations in the preparation of the report. In preparing the exercise, the participants (without allowing either the 'social worker' or the 'family', etc. to see the other's brief) will require information about:

a the actual situation as known to the family

b what the social worker knows so far and how long he has to prepare his report. (Without allowing either party to see the other's brief).

Method

1 'Visit' by social worker to family home.

2 Contact with the child's school, etc.

3 Discussion, to include some discussion of the report the social worker could prepare for the court on the information obtained.

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