

HOME OFFICE

The
Probation and
After-Care Service
in England
and Wales

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LONDON

HER MAJESTY'S STATIONERY OFFICE

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The Probation and After-Care Service is a key agency in modern penal policy, and there is a wide interest in it both in this country and overseas.

This booklet traces the development of the Service from its early beginnings, and outlines its current functions. It examines the present position of the Service in providing a social work service for the criminal and civil courts and the penal institutions, and reviews its role as a rehabilitative and controlling agency dealing with all kinds of offenders.

Historical Background

As with many of our social services, the Probation and After-Care Service has its roots in the 19th century. Like many of them too, it had a Christian inspiration which influenced its development for many years. It was in August 1876 that the Church of England Temperance Society appointed its first "missionary" to attend certain metropolitan police courts and to try to reclaim some of the drunkards who, in those days, appeared before them in appallingly large numbers. Within a year another missionary was appointed—these first two were ex-guardsmen of the Coldstream Guards—and, from then on, the number of missionaries steadily grew, both in London and in other large towns.

Initially, the missionaries dealt only with those convicted of drunkenness, but heavy drinking was obviously associated with other types of offences, and quite soon their work as extended to include all kinds of offenders coming before the courts. The small stipends of the first missionaries were met from charitable funds, and at that time and for a number of years to come, they were expected to undertake temperance propaganda work as well as provide a service to the courts.

The criminal courts had long enjoyed a common law power of releasing offenders under a recognizance to come up for judgment when called upon. The Summary Jurisdiction Act of 1879 confirmed these powers in the magistrates' courts (in those days they were termed police courts), and the practice developed of releasing offenders on condition that they kept in touch with the missionary. In some instances the missionary stood surety for the offender—this was termed "missionary bail"—but he was seldom expected to meet the surety should the offender be in trouble again. His first task was usually to persuade his charge to sign the pledge, which was a written undertaking to abstain from alcohol or to use it temperately. After that, he either kept in touch with him personally or passed him over to voluntary workers in the parish in which he lived.

The Probation of First Offenders Act of 1887 extended to more serious offenders the courts' powers of binding over, but it did not make any provision for compulsory supervision. This essential element of a true probation system had been instituted in Massachusetts in the United States in 1881, and pressure began to develop from penal reformers in this country for the Massachusetts system to be introduced here. These reformers were principally concerned about the continuing practice of imprisoning children, and

they looked to a properly constituted system of probation to put an end to this.

The penal reformers had their way when, in 1906, a radical Liberal government was elected to office. One of its early pieces of legislation was the Probation of Offenders Act 1907, which came into force on 1st January 1908. The Act made provision for offenders released on recognizance to be supervised by probation officers, if the court so ordered. Magistrates for each petty sessional division were empowered to employ these probation officers, who were to be paid by the local authority in which the court was situated. Nearly all police court missionaries of the Church of England Temperance Society—they numbered some 120 by then—were appointed as probation officers. The Society continued to pay their salaries where they worked full-time, and any fees they received were paid over to the Society. Other religious denominations had supplied missionaries on a small scale, and some of these too were appointed probation officers. Outside the large towns, it was normal to employ part-time officers only, and the scale of remuneration—usually by fee per case—tended to be very small indeed.

The Act of 1907 was a minor one, and yet it turned out to be of the greatest importance. Its impact upon the development of probation systems in other countries has been far-reaching. The United Nations publication "Probation and Related Measures" describes it as: "the classic embodiment of the principles underlying the probation system in widespread parts of the world".

But the Act did not make the appointment of probation officers compulsory. As a result, the development of the probation system was uneven. In some areas, principally the large towns, the system prospered, but elsewhere little was done. In 1912, the National Association of Probation Officers was founded on the initiative of Sydney Edridge, the then Clerk to the Justices at Croydon. Small and ineffective in the beginning, the Association was eventually to wield considerable influence. The other important development during and immediately following the first world war was the growing interest of the Home Office in the Probation Service.

The Criminal Justice Act of 1925 provided the Service with a new administrative structure. The small petty sessional divisions employing probation officers in the county areas were invited to come together in combined areas, and the Home Secretary was empowered to meet half the cost of probation officers' salaries and expenses. Moreover, all criminal courts from the Assizes downwards were enabled to have the services of a probation officer, and the employing

committees were required to appoint enough officers to meet their needs.

During the thirties, the Probation Service continued to develop. There were black spots, as a Departmental Committee which reported in 1936 graphically revealed, but the movement was forwards, fostered by the Home Office and urged on by the National Association of Probation Officers.

By 1941, the last of the police court missionaries had been absorbed by a public service based on local probation committees of magistrates financed jointly by local and central government. The Criminal Justice Act of 1948 provides the administrative structure on which the present Service is substantially based, and rules made under the Act have defined this in greater detail. The Service was examined exhaustively by a Departmental Committee which reported in 1962, when the pattern of its development was generally approved.

Since then, there has been a steady accession of new duties, and a widening of outlook and function. The Service now provides a social work service not only for the courts, but for the prisons and other penal establishments too. It has, moreover, a major responsibility for the supervision and rehabilitation of offenders in the community.

Composition and Organisation of the Service

The Probation and After-Care Service even today is not large. It numbers (March 1973) some 4,086 whole time officers and 102 who are employed part-time. Between one-quarter and one-third of these officers are women. At the head of the Service are 68 chief officers who are designated principal probation officers. They are assisted by deputy and assistant principal probation officers and senior probation officers. These supervisory ranks represent some 20% of the Service. Probation officers are public employees but they are neither civil servants nor local government officers. They are employed by area committees, known as probation and after-care committees, composed largely of local magistrates. The probation areas are based on local government administrative areas, and they vary quite widely in size. The principal officer is responsible to his committee for the efficient administration of his area and for the provision of a satisfactory service to the courts, penal establishments and the public.

When local government is reorganised in April 1974, the Probation and After-Care Service will undergo parallel changes. Generally the areas of administration will be enlarged and at the same time reduced in number.

Four-fifths of the cost of the Probation and After-Care Service, including the cost of the probation training scheme, is borne by the Exchequer, and one-fifth by the local authorities. The Home Office is the government department concerned with the Probation Service, and the Home Secretary is responsible to Parliament for its efficiency and development. Much of the contact of the Home Office with the Service is through a small inspectorate, which co-operates with the committees and their chief officers, and which plays a part in the initial training of probation officers and in their professional development after appointment.

The Service values its relative independence of both central and local government. One of its major functions is to provide a social work service for the courts, and it is appropriate for the judiciary to have the services of an agency independent of the executive.

The Environment and Home Office sub-committee of the House of Commons Expenditure Committee conducted an enquiry in 1971 into the Probation and After-Care Service. It stressed in its Report that the Service plays a vital role in the treatment of the offender, and said that on the evidence given to it, it could see no reason for a change in the independent status of the probation service in England and Wales.

The Major Duties of the Service

The Probation and After-Care Service has a number of functions arising from its duties in the courts and its responsibilities towards offenders in the community and in the penal establishments. Its major duties are:

- (a) The supervision of persons subject to probation orders, supervision orders, and money payment supervision orders.
- (b) The provision of an after-care service for offenders released from penal institutions who are on licence or who request after-care on a voluntary basis.
- (c) The provision of a social work service in prisons and other penal establishments.
- (d) The preparation of social enquiry reports for the courts in criminal and in civil cases.
- (e) The provision of a marriage counselling service.
- (f) The provision of a divorce court welfare service.

At the close of 1971 there were 130,070 persons under the supervision of probation officers. The following table shows the numbers in each category:

		Money Payment		
Probation	Supervision	Supervision	After-Care	Total
68,155	23,165	6,874	31,876	130,070
52.4%	17.8%	5.3%	24.5%	100%

Probation Orders

The first statutory duty placed on probation officers was the supervision of offenders subject to probation orders. This function is still a major one, since probations make up a large part of the average probation officer's caseload. A probation order can be made in respect of any offence, except one for which there is a fixed penalty. (These are very few in number: they include murder, treason and one or two other rarely prosecuted crimes). The seriousness of the offence is otherwise not material, nor is the number of previous convictions, nor the age of the offender except that he must be at least 17 years old. The court is required to have regard to all the circumstances before making the order, and much of the background information is provided by the social enquiry report presented by the probation officer after the defendant has been found guilty.

A probation order cannot be made without the consent of the offender. The court has the duty of explaining to him in ordinary language the effect of the order and of any requirements it may contain, and he must positively accept these. He must understand that if he commits a further offence or if he fails to comply with any of the requirements in the order, he may be dealt with for the offence for which he has been put on probation, as well as for any other offence he has committed.

Probation in the legal sense is not a sentence. Thus it cannot be made the subject of an appeal. The Criminal Justice Act 1948, reproducing the words of the 1907 statute, enjoins the probation officer to "advise, assist and befriend" the probationer. Nevertheless, coupled with this helping role, there is also an element of control. Probation is not a soft option; it is a form of professional treatment within the community. It serves to protect society as well as to help the offender.

The Morison Committee defined probation as: "the submission of an offender while at liberty to a specified period of supervision by a social case-worker who is an officer of the court: during this period the offender remains liable, if not of good conduct, to be otherwise

dealt with by the court". The word "supervision" is open to a number of interpretations. Most probation officers would not be content with simple authoritative restraint, although this may play a part. A deeper purpose, through social casework and with the use of community resources, is to help the probationer to develop qualities which will enable him to adjust to the demands of society and become and to remain a happy and useful citizen.

Requirements of the Order

The only necessary requirement of a probation order is that the probationer shall be subject to the supervision of a probation officer for a prescribed period. This period may not be less than twelve months nor more than three years. The commonest period imposed is two years. (Of the orders which terminated in 1971, some 65% were for a two year period.) The court may include in a probation order any requirement it considers necessary to secure the offender's good conduct and to prevent a repetition of further crime, provided the offender consents to it. There are certain standard conditions which are normally imposed. These require the probationer to be of good behaviour, to inform the probation officer at once of any change in residence or employment, to keep in touch with the probation officer as directed, and to receive visits from the probation officer at his home.

Other important and not infrequently used conditions are a requirement as to residence and a requirement to accept mental treatment. Probation is essentially treatment in conditions of freedom. Nevertheless, some offenders may be helped to respond to probation by being given initially a stable and supportive environment in which limits of conduct are implicit, where they can adjust to living with contemporaries and others, including those in authority, acquire basic ideas about social behaviour, and find and keep suitable employment. For this purpose homes and hostels have been developed by voluntary bodies, for the accommodation of men and women as a requirement of a probation order. They are approved by the Home Office, which periodically inspects them, and much of their cost is met from public funds. The probation committee covering the courts from which the probationers are sent, pays a flat rate fixed by the Home Office. The probationers themselves, where they go out to work, make a contribution, the remainder being met from Exchequer funds. The distinction between a hostel and a home is that in the former the residents go out to ordinary employment, and in the latter they work on the premises, at least for a portion of their period of residence. The period of residence ordered must not exceed twelve months, and it is normal for the

period of probation to extend beyond this, so that the probationer is still subject to supervision when he leaves the establishment.

Each home or hostel caters for a prescribed age-range. The lower age-limit is seventeen. In the past, hostels and homes had an upper age-limit of twenty-one, but an increasing number of hostels is now being provided for older people. Probation and after-care committees have been empowered to provide and administer these hostels.

Courts may also in certain circumstances include in probation orders requirements of residence in non-approved hostels and in private houses too, and probation committees are able to make contributions to the cost.

Since the passing of the Criminal Justice Act of 1948, it has been possible for the courts to include in a probation order a requirement that the probationer submit to medical treatment with a view to the improvement of his mental condition. Such a requirement may involve either residential or non-residential treatment. The offender must give his consent to the requirement, and the court must be satisfied that arrangements have been made for the intended treatment.

Whilst a probationer is under treatment as a resident patient, the probation officer remains in friendly contact with him. The probation officer is also in touch with the doctor in charge of the treatment, and is responsible for any application to the court for discharging or amending the requirement. He will be involved in discharge arrangements for the patient, and during the period of treatment, either he or a colleague for the home area is likely to be in touch with the family to provide social support both during and after the period of treatment.

The Supervising Court

The magistrates' court for the area in which the probationer lives is designated the supervising court, and it is a probation officer assigned to this court who is responsible for exercising supervision. Should the probationer move, supervision is transferred to a probation officer for the new court area. At any time during the currency of the order, the supervising court—but no other court—may amend the probation order, by cancelling one or more of the requirements or by adding to them. It may not however reduce the probation period, nor extend it beyond three years from the date the probation order was made. The probationer's consent is necessary for any amendment except one that discharges or reduces the period of a requirement. Application for amendment is normally made by the probation officer, but it can be made by the probationer himself.

The supervising court is empowered to discharge the probation order at any time it deems appropriate. There is one exception to this discharge power being exercised by the supervising court, and this is when a higher court, when making the probation order, reserves to itself the power of discharge. Either the probation officer or the probationer may make application for the order to be discharged. The merit of this provision is that it prevents a probation order being continued unnecessarily. Should the supervising court consider that actual supervision has become unnecessary, but still wish to retain a sanction in respect of the offender, it may substitute for the probation order an order of conditional discharge, the condition being that the offender commits no offence between the making of the new order and the expiration of the probation period.

Breach of the Order

If a probationer fails to comply with any of the requirements of his probation order, he may be brought back before the supervising court. If a breach of requirement is proved, the court can sentence him for the offence for which he was placed on probation, or, if the order was originally made by a higher court, it may commit him to that court to be sentenced. However, if it wishes the probation order to continue, it can impose a fine of up to £50 or order him to undertake some form of community service. If the offender is under 21, it can order him to attend an attendance centre for a prescribed period.

If the probationer is convicted of another offence while he is on probation, the probationer may be sentenced for the original offence as well as for the new offence. The court has power too to make a new probation order for the original offence. It may however, if it sees fit, take no action at all and permit probation supervision on the original probation order to continue.

Implementing Supervision

Probation supervision is a most flexible instrument, and the probation officer is able to implement it as seems appropriate for each individual case. He may develop the supporting aspects of the situation or he may place more emphasis on control, with the sanctions in the forefront of the relationship. He may require frequent meetings with the probationer, and insist on regular visits to him at his office. On the other hand, he may place more weight upon working with the family, attempting to influence the attitudes within the family group. He may work in some instances on the simple level of welfare provision, helping perhaps with clothing, accommodation and employment. Alternatively, he may use his relationship with

the probationer—and here we are in the realm of social casework in its fullest sense—to help him (the probationer) towards a deeper understanding of himself and his attitudes to his family, his friends and to society in general. Many offenders are at odds with authority. The court represents authority and so to a certain extent does the probation officer. He will often try within the probation relationship to help the probationer to understand his feelings about authority, so that in due course his attitudes may change. Even quite small adjustments of attitude can be reflected in more acceptable and constructive behaviour over a wide field.

The individual relationship between probation officer and offender is not of course the be-all and end-all of probation work. Committees are able to provide funds for probationers and other persons for whom probation officers have responsibility to attend camps and adventure courses of various kinds. Some probation officers like to work with groups: groups of offenders, groups of parents, and sometimes groups of wives. The dynamics and the therapeutic effects of the small group have attracted interest in recent years, and the group has proved a valuable tool in the hands of probation officers trained in its use. Probation officers generally try to bring to the help of the offender all the resources of society which can further his rehabilitation, and they are increasingly recognising the importance of encouraging the local community itself to develop facilities beneficial to the offender.

Supervision Orders

Supervision of Juveniles

The supervision order was introduced by the Children and Young Persons Act 1933. As amended by the Children and Young Persons Act 1963, it was applicable to children and young persons brought before the juvenile court who were deemed to be in need of care or protection or control, or who were failing to attend school. The Children and Young Persons Act 1969, parts of which were brought into effect on 1st January 1971, has abolished the probation order for persons under seventeen, and has replaced it with the supervision order for all those appearing before the court, including persons found guilty of an offence. At present, (April 1973), the local authority is required to supervise children subject to supervision orders who are under twelve. For those of twelve and over, the court is able to choose either a local authority social worker or a probation officer to exercise supervision. In due course, the dividing age is likely to be raised by stages to fourteen. Probation officers have

worked with children before the court for many years, and have a long experience of working with the family in order to help to rehabilitate an individual member of it. Good relationships exist between local authority social workers and probation officers, and increasingly they will share a common basic social work training.

The supervision order differs from the probation order in that no consent is necessary before it can be imposed. It ranks in the legal sense as a sentence and may be the subject of an appeal to a higher court. It normally contains requirements very similar to those which are usually included in a probation order. The supervised person is required to keep in touch with his supervisor, receive visits from him at his home, and not to change his residence or employment without informing his supervisor. There is an added flexibility, however, in that the supervisor may bring the supervised person before the court at any time. There is no need for a breach of the order to have taken place or a fresh offence committed. If the juvenile's interests demand it (for example, if his home circumstances have deteriorated) he may be brought back before the court and a fresh type of order made. In due course, when the local authorities have had the time to develop it, there will be a new form of treatment, known as intermediate treatment, which the court will be able to include as a requirement of a supervision order. Intermediate treatment is something halfway between residence in an institution and supervision at home. It may involve short periods of residence away from home, and its precise form will be decided by the supervising officer. Probation officers, who will act as supervisors for many of the supervision orders, are likely to take a great interest in this form of treatment. There is already a considerable expertise in the Service in providing group experiences of various kinds, ranging from simple camping to pony-trekking, boating and mountaineering holidays. The Rainer Foundation, which developed from the Police Court Mission, has for many years provided residential courses for probationers at their outdoor pursuits centre at Hafod Meurig in Wales.

Supervision Orders following Domestic Proceedings

Both the divorce court (under the Matrimonial Proceedings and Property Act 1970) and the magistrates' courts (under the Matrimonial Proceedings (Magistrates' Courts) Act 1960) may make an order that a child in respect of whom a custody order has been made should be under the supervision of a probation officer. Such orders enable the probation officer to keep a general eye upon the upbringing of the child, and where there are difficulties he is able to help with the arrangements for access to the child by the parent who has not been granted the day-to-day care and control.

Money Payment Supervision Orders

Magistrates' courts are empowered under the Magistrates' Courts Act 1952 to place offenders under the supervision of a suitable person, usually a probation officer, while they are paying fines or making other payments to the court. An offender under 21 cannot be sent to prison for the non-payment of a fine unless a money payment supervision order has been made, or the court is satisfied that such an order is undesirable or impracticable. The function of the probation officer is not to collect the money, but to ensure that the offender makes his payments properly. Simple admonition or advice are applicable in most cases, but sometimes more extensive help may be necessary. A money payment supervision order is not a substitute for a probation order, and it finishes directly the payments are completed.

After-Care

From the earliest days, the police court missionaries showed a positive concern for the discharged prisoner. In some of the large towns the mission to the police courts was combined with a prison gate mission. Prisoners were met on the morning of their discharge, were given breakfast and good advice, and, where possible, continuing contact was made with them. At Birmingham and Liverpool, premises were acquired outside the prison gate for this purpose.

The campaign preceding the passing of the Probation of Offenders Act 1907 was, as we have seen, directed against the imprisonment of children, and thus the emphasis of the Probation Service in its early days was on working with and for young people. Indeed, for many years it was through the Children's Division of the Home Office that central government exercised its interest in the Service. Because of this emphasis on work with children, involvement with the needs of ex-prisoners did not develop. Following the setting up of Borstal institutions in 1908, probation officers were often asked to act as borstal associates and to concern themselves with after-care, but even this work was not regarded as their main task. In recent years, however, without detracting from the work with young probationers, the emphasis in the Service has moved increasingly towards the older offender, and towards the prisoner and ex-prisoner.

After-Care on Licence

The Criminal Justice Act 1948 created two new forms of prison sentence—Corrective Training and Preventive Detention—involving compulsory licence on discharge, and it was the probation officer, acting as the agent of the Central After-Care Association, who was

required to undertake supervision during the period of licence. The Central After-Care Association was also responsible for borstal after-care, and again it was the probation officer who undertook the day-to-day supervision on discharge. Young prisoners who were under twenty-one on sentence were yet another category subject to compulsory supervision on discharge exercised by the Probation Service on behalf of the Central After-Care Association.

It became increasingly clear as the work developed, that it would be more satisfactory if the Probation and After-Care Service communicated directly with the prisons and borstals, and in 1967, the Central After-Care Association ceased its operations and the direct responsibility for all after-care on licence devolved upon probation and after-care committees.

The 1948 Criminal Justice Act had instituted a new kind of penal provision for the young offender. This was the detention centre which provided a short period of brisk training. Initially, there was no after-care on release from detention centres, but the Criminal Justice Act 1961 remedied this by providing for a twelve months period of compulsory supervision on discharge, to be exercised by the Probation Service.

The specific categories of compulsory after-care from penal institutions for which the Probation and After-Care Service is now responsible are as follows:

1. Borstal after-care
2. Detention centre after-care
3. After-care for certain offenders discharged from psychiatric hospitals
4. After-care for persons released from prison on licence. These include:
 - (a) Young prisoners who are under 21 on sentence
 - (b) Young offenders convicted of grave crimes
 - (c) Recidivists subject to an extended sentence
 - (d) Life sentence prisoners
 - (e) Prisoners released on parole licence

Persons in these categories are all subject on release to a licence with certain definite requirements, and they are liable to recall if they are in breach of them.

Parole is for our penal system a new provision, instituted by the Criminal Justice Act 1967. It is not a new idea however; it was advocated in this country by penal reformers as long ago as the end of the

last century. The Probation Service is closely involved with the process of parole, not only in the supervision of parolees, but in their selection too. Probation officers and prison welfare officers provide information to assist in parole decisions. Moreover, there is at least one principal or senior probation officer on the local review committee at each prison, and these committees have a duty to report to the Secretary of State as to suitability for early release under the scheme. The central Parole Board, which makes the actual decisions as to parole, also includes among its members representatives of the Probation and After-Care Service.

Voluntary After-Care

Except for the still comparatively small group of discharged prisoners subject to supervision on licence, there was until recently little help available for the discharged prisoner apart from that provided by the local discharged prisoners' aid societies, which were voluntary bodies, with only limited resources. The Home Secretary's Advisory Council on the Treatment of Offenders examined the position, and in its Report published in 1963 it recommended the amalgamation of compulsory and voluntary after-care into one common Service. Thus in 1965, the Service, which had its title extended to that of the Probation and After-Care Service, assumed a responsibility for all such voluntary work with ex-prisoners. Probation Committees became responsible for taking a comprehensive view of the whole range of after-care needs and services, with the same concern for the after-care offered as a voluntary service as for compulsory after-care on licence. To fit their name to their new enlarged task they were designated Probation and After-Care Committees by the Criminal Justice Act of 1967. Through their principal probation officers, they seek to act as co-ordinators of all after-care activity within their areas, concerning themselves with the various kinds of provision available for discharged prisoners and their families, and stimulating voluntary bodies, public agencies and ordinary men and women where appropriate, to contribute to the work.

The National Association for the Care and Resettlement of Offenders (NACRO) was constituted in March 1966 as an association of voluntary societies to stimulate and co-ordinate voluntary effort in the field of delinquency and after-care, and to foster close co-operation between the voluntary and statutory services. It is in the field of voluntary after-care that volunteers recruited by the local service have so far been most used, and their work in London has been developed in close co-operation with NACRO. An important

task of the principal probation officer is to develop machinery for recruiting and training these volunteers and for the provision of on-going support.

An important function of the voluntary agencies has been the setting up of after-care hostels for the accommodation of homeless ex-prisoners. These houses vary widely in type and in size and are designed to meet specific needs. They receive some financial support from the Home Office, and the local probation and after-care service is represented on the management committee of each of them, and designates a liaison probation officer who is involved in the selection of residents.

Implementing After-Care

Although compulsory after-care carries with it the sanction of return to the penal establishment, and is in effect part of the sentence, its purpose is to provide a further stage in the rehabilitative process. In many ways it has much in common with the after-care extended on a voluntary basis to all discharged prisoners. Both forms of after-care demand more than the provision of material help. Clothing, accommodation and employment are very important, but just as important are friendship and moral support in surmounting the difficulties in the outside world. Many prisoners have personality problems. Some have long-standing ones that may have been instrumental in bringing them back to prison time after time. The probation officer may try to help them to understand and overcome these problems, and this may require the building up of a close and deep relationship. Some are so socially inadequate as to be incapable of sustaining themselves outside without the closest support. They may be very dependent, and contact during the early days of release at least, may have to be very frequent indeed. Other discharged prisoners, however, may need little or no help. It is part of the probation officer's skill to determine each individual's need and to try to meet it. Yet the offender's need, vital as it is, is not the only criterion. With all persons on licence, but with violent offenders and with life-sentence prisoners especially, regard must be had to the safety of the community. The probation officer must be quick to sense when things are going wrong, and, in consultation with his superiors, must act promptly if warning, and, in the last resort, recall, are necessary.

It has been said that after-care should begin at the commencement of the sentence. Probation officers make this a reality by arranging interviews for offenders in the cells at court immediately after

sentence. Where the prisoner has a family, they quite often follow this up by visiting the home, and discussing with the wife her immediate problems and any longer-term help she may need. Throughout the sentence, in many cases, they keep in touch with the family and with the prisoner so that, when the time for discharge arrives, problems are understood, plans have been made, and the vital relationship between officer and offender and family has already been forged. In some areas, the Probation Service has set up prisoners' wives' groups which meet regularly in informal surroundings. They provide a source of mutual companionship and support for women who often feel isolated, ostracised and lonely.

Prison Welfare

Prison welfare officers are a comparatively recent addition to the personnel of prisons. A Committee set up by the Home Secretary published a Report in 1953 which recommended that prison welfare officers be appointed to help prisoners with personal and domestic problems, to pick out those likely to benefit from friendship and assistance when released, and to prepare case histories and make constructive plans for discharge. A number of welfare officers were appointed—they were employed by the National Association of Discharged Prisoners' Aid Societies—and following another Report in 1963, this time by the Home Secretary's Advisory Council on the Treatment of Offenders, welfare officers were appointed to more prisons. By the end of 1965 more than 50 prisons had welfare officers, but they were still a small group, comparatively isolated, and with no career structure and little professional support.

It was accordingly decided that from 1st January 1966, the existing prison welfare officers were to be brought into the Probation and After-Care Service, and that each probation committee was from then on to be responsible for the staffing of the welfare departments of prisons within its area. Since then, the establishment of prison welfare officers has been progressively increased. Every prison has at least one welfare officer, and in most prisons there is a small team of officers headed by a senior prison welfare officer. The provision of social workers for all detention centres, borstal allocation centres, remand centres and girls' and some boys' training borstals is a more recent duty which has fallen to probation and after-care committees. The welfare officers and social workers are seconded to the institution for a period of from two to five years, and they rejoin local probation offices when the period of secondment is completed.

Function of the Prison Welfare Officer

Probation officers are still in the process of developing their contribution to the treatment and training of prisoners and trainees in prison service institutions. They form a vital link between the institution and the outside world. They help the prisoner make realistic preparations for discharge, and encourage him where appropriate to accept help from the Probation Service. They have special functions with regard to release on parole, preparing reports for the local review committee, and co-operating with the supervisor in the field as to the nature and extent of arrangements for release, particularly with regard to accommodation and employment. They are the professional social work advisers within the institution, and form an integral part of the prison team whose purpose, under the jurisdiction of the governor, is to work towards the rehabilitation of the prisoner. They encourage the inmates to maintain contact with their wives and families, and encourage the families to keep in touch with the offender. They are available, at visiting times, to meet the families and try to help them with their problems. This can sometimes best be done by developing an individual casework relationship with prisoners. This involves a casework contact with prisoners at regular intervals, trying to help them towards a greater understanding of themselves and the way they function in society. This form of intensive casework is in its experimental stage and is only fully successful with the co-operation and participation of other members of the prison staff, but it has considerable potential, given the requisite time and skill.

The governor has overall responsibility for the prison, and the welfare officers are accountable to him. However, it is the principal probation officer who is responsible for the standard of their professional work. They remain probation officers and are members of the local probation service. They attend probation staff meetings and in-service training courses and, except for a small environment allowance, have similar conditions of service to the field officers. If prison welfare officers are to play a fully effective part in the rehabilitation of offenders, then their numbers, which have grown quite rapidly, must be increased still further. Already, however, their impact is significant. Already, too, the influence of those who have had prison welfare experience is percolating through the Service, giving further depth to probation officers' understanding of the criminal. In view of this development, it can be expected that experience of social work in a penal institution will form a normal part of a probation officer's career.

Social Enquiry Reports

Criminal Cases

The sentencing of offenders is a complex task. The culpability of the offender, while still taken into account, is no longer the only consideration. The court may seek to deter or reform the offender, to protect society, or to deter potential offenders; in fact to influence future events. Many sentences represent a mixture of these considerations. These broader objectives of the modern judiciary demand a wider range of information about the offender: about his history and circumstances, the forms of disposal available and their likely effectiveness. It is mainly to probation officers that courts look for this information.

The intervention of the police court missionary was in nature of a plea of mitigation. He saw himself as putting in a good word for the offender to save him from imprisonment. The position today is far different. The probation officer's social enquiry report is a carefully prepared written document. Its purpose is to help the court to decide the best possible way of dealing with the case in the interests of the community and the offender. It is an impartial, professional appraisal of the offender and his situation. In presenting it to the court, the probation officer is not a witness for the defence or for the prosecution: he is an impartial officer of the court, and his report forms part of the court's dossier on the case.

A social enquiry report will normally deal with the personality of the accused, and his social and domestic background. It will give details of education and training, and for the older offender it will be concerned too with employment. Leisure interests and friends and associates are often covered, and health and physical and mental disabilities are also important. The report is based on careful enquiry into the facts, but it is concerned with feelings and attitudes too. The probation officer is not bound by rules of evidence with regard to hearsay; he can tell the court what other people have told him. He may give his opinion as to how the offender should be dealt with, but the court is of course not compelled to accept this opinion: it is offered as a professional assessment of how, with a view to his reformation or deterrence, the offender may best be treated. The sentencing decision remains entirely with the court.

The preparation of social enquiry reports is a highly skilled and time-consuming activity. On average it may take four hours to gather the information and to write the report which is based upon it. It may involve visiting the offender in prison or in a remand centre or in a children's home. If he is not in custody, it may mean seeing him at

home or in the probation office on more than one occasion. The family is usually visited, and there may be contacts with schools and youth clubs or employers. In respect of children, attendance at case conferences of other social workers may be involved, and there may also be discussions at the child guidance clinic. As well as understanding and insight, considerable tact and discretion are required. No pre-trial report is ever prepared on an accused person unless he consents to it. It is necessary initially to explain to him—or if he is a child to his parents—the nature, range and purpose of the enquiry, and he or the parents must be specifically asked whether there is any objection to its being made at this stage.

Except in trivial cases, the juvenile courts are required to consider a social enquiry report. The adult courts are not compelled to do so, but nevertheless they do receive reports, prepared either before or after the trial in many cases. The Home Secretary has advised that a sentence of borstal training, a sentence of detention in a detention centre or any sentence of imprisonment on a woman should not be passed unless a report has been considered. He has offered similar advice as regards the imposition of a sentence of imprisonment of two years or less where the offender has not received a previous sentence of imprisonment or borstal training, and he has also endorsed the long-held view of the Service that, before a probation order is made, a social enquiry report is necessary.

The social enquiry report has a further use after sentence has been passed. If the offender is given a prison sentence, copies of the report are passed on to the prison governor and the prison welfare officer of the receiving prison. If the sentence is one of borstal training, a copy is sent to the borstal allocation centre; and, where the offender is sent to a detention centre, copies of the report are transmitted to the warden and to the social worker of the centre concerned. The reports help in bringing to the notice of the authorities any immediate problems the offender may have, and they assist too in the arrangements for treatment. Where a prisoner is eligible for release on parole, a copy of the social enquiry report is included in his parole dossier. In respect of life sentence prisoners, probation officers prepare for the Home Office a special post-sentence social history which supplements any social enquiry report which may have been prepared.

Domestic Cases

Probation officers also prepare reports in civil proceedings. The magistrates' courts have an important jurisdiction in domestic matters. When they are dealing with questions of custody of or

access to children, the justices may have insufficient information to make a satisfactory decision, and they are empowered to request a report on the circumstances of the parties and their children, so that they may arrive at the best possible decision. Another form of "domestic proceeding" heard by magistrates is the application for consent to marry. Persons over sixteen but under eighteen, where the parents have withheld permission, may apply to the court for consent to marry. The court may need to know more of the background and attitudes of those concerned before it reaches a decision, and may ask the probation officer to prepare a report dealing with these matters.

In the divorce courts, the Probation Service also provides a reporting service. Each divorce court and divorce county court has an officer assigned to it who is designated the divorce court welfare officer, for that court. The court is empowered at any time to refer to the court welfare officer any matter arising in matrimonial proceedings which concerns the welfare of a child. The welfare officer is normally asked to provide reports to assist the court in reaching a decision with regard to custody of or access to the children concerned. He may not make all such reports himself. He will often function as a liaison officer, arranging for other probation officers to make the enquiries, furnishing them with the necessary preliminary information from the court files, maintaining contact with the court officials and filing the reports with the court in time for the hearing. The provision of a welfare service to the divorce court is a developing side of the probation officer's work.

Adoption Enquiries

The high court, county court or juvenile court, when considering an application for an adoption order, must appoint a guardian ad litem with the duty of safeguarding the interests of the child. In the county court and the juvenile court, the guardian ad litem is either a probation officer or a local authority social worker. The local authority is more frequently used for this duty, but nevertheless, a probation officer is appointed in a substantial number of cases, and always when the local authority is an interested party in the adoption and is thus precluded from acting as guardian ad litem. The main duty of the guardian ad litem is to investigate all the circumstances relating to the proposed adoption and to make a report to the court. The report, which is invariably in writing, is confidential to the court.

individual, if society through its many official or voluntary agencies can be brought to care for its unfortunates, then much good can result. Probation officers are increasingly recognising this need. One outcome of this has been the recruitment in most areas of volunteers working with offenders under the supervision of probation officers. These volunteers are of all ages, of both sexes and of all strata of society. They undertake a short induction course run by the local probation service, and then are assigned to one or more cases under the control of individual officers, who retain the ultimate responsibility. The volunteers offer time which the probation officer may not have available. They offer concern and friendship, which can in certain cases add an extra dimension to the probation officer's work, in that it is unpaid and is motivated by an obvious desire to help. The probation and after-care service is also experimenting with employing volunteers to help debtors appearing before the county court.

Areas in which prisons are situated use some of their volunteers to befriend prisoners who are homeless and friendless and otherwise have no contacts in the outside world. The relationship formed in this way can often be used to encourage the prisoner to accept help when he is eventually discharged. The formation of groups for the wives of prisoners has already been mentioned, and helping with the running of these groups is another activity in which volunteers are being profitably employed.

Administration of the Service

The Central Authority

The Home Secretary is responsible to Parliament for the efficiency of the Probation and After-Care Service, and he has power under the Criminal Justice Act 1948 to make rules for its effective administration. The Probation and After-Care Department of the Home Office has a probation inspectorate, headed by a principal inspector, which advises the Secretary of State on the field work practice and organisation of the Service. The inspectorate does not interpret its functions in a narrow or formal way, and advice, encouragement and stimulation form an essential part of its contact with the Service.

An independent Advisory Council advises the Home Secretary on matters concerning the organisation and development of the Service. It has an independent chairman, and the membership comprises representatives the Service itself, together with a wide range of persons from many fields who are associated with the various aspects of the work of the Probation and After-Care Service.

Probation and After-Care Committees

The unit of administration for the Service is the probation and after-care committee, which is responsible for the organisation of the Service within its area. There are at present 78 probation areas in England and Wales. The largest cities form single probation areas. The rest, including five in Greater London, are combined areas composed of petty sessional divisions combined into units of reasonable size, based in many places upon the administrative county. In the single area, the probation and after-care committee consists of magistrates, usually nine or twelve in number, appointed by their fellow justices. In the combined area, the committee is composed of magistrates from all the petty sessional divisions comprising the area, and also includes representatives of the Crown Court. Committees for both single and combined areas have powers of co-optation, and indeed must by law co-opt as members a limited number of non-justices with knowledge or experience of the after-care of discharged offenders. The secretary of a single area committee is the clerk to the justices for the petty sessional division concerned. For a combined area it is usually the clerk of the County Council.

When the reorganisation of the Service consequent upon local government changes has taken place, all areas (except the City of London) will be combined areas.

The probation and after-care committee exercises a general supervision over its probation officers' work. It appoints its officers, pays their salaries and expenses, provides them with clerical assistance, with accommodation and any necessary facilities. It assigns officers to the courts in the area, which include not only the magistrates' courts but the divorce court and the superior criminal courts. It exercises a general oversight over after-care provisions for ex-prisoners within its area, encourages the work of voluntary bodies in this field, and appoints and uses volunteers. It is responsible for staffing the welfare departments of the prisons with seconded probation officers, and for seconding probation officers as social workers to the girls' borstals detention centres, borstal allocation and remand centres within its area.

The committee works in co-operation with the Home Office. It also co-operates closely with the local authorities in its area, one of whose treasurers is treasurer to the committee, and it is through the machinery of his department that probation officers receive their salaries and allowances. The same local authority also provides the services of its architect. In a combined area, based on a county, relationships are particularly close, since the committee's secretary is usually the Clerk of the County Council.

The Principal Probation Officer

The committee's chief officer is the principal probation officer. (His designation is shortly to be changed to 'chief probation officer'.) He is responsible for the leadership, organisation, supervision and control of the local Service. He advises his committee on all matters relating to the Service, which include the establishment of both probation and clerical staff, the assignment of probation officers to courts and penal institutions, the location of officers, and the provision of office furniture and equipment, motor cars and other facilities. He is responsible for the standard of casework in the area, and generally for the service given to the courts, to penal establishments and to the public. He has a responsibility for the professional development of his staff, and he advises the committee on the confirmation of appointments of recently appointed officers. Through him, the committee exercises its responsibility for developing prison after-care projects and for guiding and stimulating voluntary bodies in this field. He has a continuing responsibility for the professional content of the work of probation officers including those seconded as welfare officers and social workers to the penal establishments in his area.

Other Senior Staff

In the larger areas, principal probation officers are assisted by assistant principal probation officers and there are also some deputy principal probation officers. Assistant principals usually exercise responsibility for a section of the staff or for one particular aspect of the work. In all but a very few areas there are senior probation officers responsible for leading and supervising the work of a group of officers—normally five or six—who operate as a team serving one or more courts or a district. A most important function of the senior officer is to offer regular casework consultation to the members of his group. He is the channel of communication between headquarters staff and the probation officers, and he usually has administrative responsibility for one or more offices.

A small number of senior probation officers has been appointed who exercise specific functions, such as responsibility for training, and liaison work with the superior courts.

Within a prison there is a senior prison welfare officer, where the size of the staff warrants it, and he has similar leadership, consultative and administrative functions. He is responsible to the principal probation officer for the professional work of his group, and to the governor for the general contribution of the welfare department to the work of the prison.

The Probation Officer

The work of the individual probation officer carries considerable personal responsibility. The senior staff exercise an enabling and consultative function, which is vital if the individual officer is to be able to operate efficiently. There are some decisions—such as whether to recommend the recall to prison of a parolee or a life sentence prisoner on licence, or when to request the discharge of the supervision of a person released on licence from a borstal or a detention centre which it is both helpful and necessary to share with a senior colleague. Within the ambit of this general supervision, however, the probation officer has a wide area of individual responsibility. To a certain extent, he is left to organise his own working day. He prepares and signs reports to the court, and is personally responsible for them. The casework plans for each of his cases are largely within his own discretion, and he is responsible for their success or failure. In interview in the office, in the home, in the court, in the prison cell, it is his skill and his initiative which are paramount. His senior officer is available for consultation at regular intervals, and this is essential with work in which the pressure of dependence, aggression and emotional manipulation and involvement is ever present. For the most part however, it is the individual officer whom the client meets, the court hears and the prison staffs see, and it is therefore on his ability that the Probation and After-Care Service is judged.

Recruitment

The quality looked for in potential probation officers, in addition to a wish to work with people, is above all else a mature, resilient and stable personality. Good intelligence, a good general education, some varied life experience, some experience of other forms of social work: all these are valuable too, together with flexibility of mind and a capacity for listening to and understanding others. People with these attributes are well suited to go forward to acquire in training the specific knowledge and skills required of a probation officer. The minimum age for appointment as a probation officer is 22, so a student cannot be sponsored for training until he is old enough to be able to take up a post at the end of it.

Training for Entry to the Service

Responsibility for the promotion and recognition of courses for the training of social workers, including probation officers, rests with the Central Council for Education and Training in Social Work which

was established in 1971 as a single independent and statutory central training council for social work training in the United Kingdom.

Different types of training are provided to meet the needs of applicants of varying ages and qualifications. For those with a recognised university qualification in social studies or a degree in another subject there are post-graduate courses in applied social studies or social work lasting between one and two years. In addition, the Extra-Mural Departments of certain Universities, together with a number of Polytechnics and other Colleges of Further Education, offer non-graduate courses in social work for students who are aged at least 20 at the start of training. Candidates should have qualifications at the ordinary level of the General Certificate of Education or its equivalent and, if under the age of 27, may also be required to hold passes at 'A' level. Older applicants are expected to have experience of social work or in work affording a sound background for it. The normal length of training is two years.

Students taking a professional course of training for appointment to the probation and after-care service are designated trainee probation officers and are paid a trainee salary. Additionally, there are tax-free allowances for books and stationery, and a special allowance for students who are residing during training away from the home which they are maintaining for their family.

Students who complete training successfully receive the Certificate of Qualification in Social Work of the Central Council for Education and Training in Social Work.

Fuller information about training and the salary and allowances payable is given in the publication "The Probation and After-Care Service as a Career", which is obtainable on request from the Home Office or from the principal probation officer in each area (address in telephone directory).

In-Service Training

The first year of service is intended, as far as possible, to represent a continuation of training. At the end of this period, after an assessment of the probation officer's work by the principal probation officer, his appointment is normally confirmed.

The professional development of the probation officer does not, however, finish there. The Service has four regional training officers, whose function it is to organise in-service training courses—many of them residential—in cooperation with universities and other educational establishments within their region. Moreover, the

Home Office itself arranges certain in-service courses, for example, for tutor officers and newly-appointed senior probation officers.

The principal probation officer bears responsibility for the professional development of his staff, and within probation areas there is regular casework supervision organised largely by senior probation officers, and programmes of staff meetings and conferences. Each officer's capacity is regularly assessed, so that he may be aware of his strengths and his weaknesses. The aim is always to support the officer and to enable him to develop professionally.

Conditions of Service

The conditions of service of probation officers are governed by statutory Rules made by the Home Secretary who is guided by the recommendations of the Joint Negotiating Committee for the Probation Service. This Committee consists, on the employer's side, of representatives of the local authorities, of the Central Council of Probation and After-Care Committees and of the Home Office. The staff side comprises representatives of the National Association of Probation Officers. The Rules on certain points are general only, but the Joint Negotiating Committee has made detailed recommendations on their implementation. These recommendations, together with the Rules themselves, are contained in the Code of Conditions of Service 1971. This Code is not mandatory (except insofar as the Rules themselves may be) but probation and after-care committees and local authorities are expected by the Joint Negotiating Committee to honour it. In certain matters, however, committees have a discretion as to how they interpret it, and thus conditions of service (though generally not pay) still vary somewhat from area to area. The conditions are to a large extent comparable to those pertaining to local government officers, and probation officers subscribe to local government superannuation schemes.

Development of the Service

It used to be an adequate description of the probation officer to say he was the social worker of the courts. This is still true, but it no longer represents the whole picture. Social work in prisons and other penal institutions, and after-care for all types of offenders, whether on a compulsory or voluntary basis, have extended the work of the probation officer beyond the immediate ambit of the courts. The Service is now established as an agency for controlling and rehabilitating offenders in the open; not just those guilty of trivial offences but offenders of every kind. With the increasing use of probation

for the more serious offences, and with the development of after-care and parole, the Probation and After-Care Service has become an important agency in the war against crime.

There are under the supervision of probation officers at any one time more than three times the total number of offenders in all the different kinds of penal establishments put together; and these range from quite young first offenders to recidivist criminals, with many previous convictions, who have served long sentence of imprisonment. Some of them, as we have seen, are life sentence prisoners released under supervision. A few are major criminals who may be among those offenders released on parole. Many others are lesser offenders, inadequate persons who will always be to a certain extent dependent on others. Some are difficult and uncooperative and a small number are aggressively hostile. At the opposite end of the scale, however, are many anxious to accept the offer made to them of help and friendship and support. Society has to learn to live with its offenders, and they in their turn have to live in society. The probation officer is the link through which offenders can be helped to resume their place in society to the benefit of all.

Our penal establishments are seriously over-crowded. It is expedient and ultimately more constructive to try to deal with more offenders in the community. To this end, the Probation and After-Care Service is continually looking for ways in which to make its work more effective. The Research Unit of the Home Office is engaged in a major long-term evaluation of the work of the Service, both outside and inside the penal institutions, and it has already published a number of interim reports on its findings. Parole is already proving a success. The Service is at present considering with the Home Office ways of experimenting with more intensive supervision and different kinds of supervision for certain offenders. Hostels for offenders are increasingly being diversified to meet particular problems, such as alcoholism and drug-dependance. A promising development is the setting-up of hostels for adults. These may be provided directly by probation and after-care committees, as well as by voluntary bodies in cooperation with the Service.

Committees have a new power under the Criminal Justice Act 1972, to set up and administer day training centres, which offenders attend as a requirement of a probation order. They are also empowered to provide bail hostels to accommodate, outside prison, persons remanded by the courts. These arrangements are to be the subject of experiment in a few areas before they are applied to the country as a whole. The Act also enables committees to make other forms of community provision for offenders, and the pattern these will take

is to be explored. Close cooperation with voluntary bodies pioneering in this field is of course essential.

A significant new treatment option introduced by the 1972 Act is the community service order which a court may make in defined circumstances requiring an offender to carry out in his spare time up to 240 hours work of benefit to the community. The Act provides for schemes of community service to be administered by the Probation and After-Care Service and the arrangements are, as a first step, being tested in 6 probation areas. The Service's responsibilities include arranging a supply of suitable tasks, matching offenders to tasks and reporting to the court in the event of an offender's failure to comply with the requirements of a community service order. Yet another new responsibility for the Service arises from a power given to the courts, on suspending a prison sentence, to make at the same time an order placing the offender under the supervision of a probation officer for the operational period of the suspended sentence. For a start the power will be limited to cases where the term of the suspended sentence exceeds 6 months.

While these new ideas are studied and tested, the Service will strive to improve and extend its contribution to the sentencing process in the criminal courts, and to develop its already firmly-based activities in the domestic and divorce courts and in the penal institutions. With the government determined to expand the Service and to ensure that it receives its fair share of available resources, the way ahead is both exciting and challenging.

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