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THE PROBATION OFFICER AS AFTER-CARE CASE WORKER IN ENGLAND¹

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INTRODUCTION

This paper is an attempt at considering an aspect of probation work in England that is perhaps less generally well known—namely, that of the After-Care of persons released conditionally or unconditionally from a sentence of imprisonment, or from one or other form of institutional training. Probation work as such is by now a well recognized form of penal treatment, but the probation officer's duties in the field of After-Care have perhaps as yet, not obtained the recognition due to them.² It is important that the value of After-Care Case-Work should be recognised by the administrative authorities responsible for the assessment of case-loads, i.e. in England, the Probation Committees that are responsible for administering the service on a local basis in the various Probation Areas, since one feels that there have been occasions when the inadequate recognition of the probation officer's functions and duties as an After-Care Agent has led to this aspect of his work sometimes being regarded as an 'after-thought'.

The history of After-Care in this country can only be examined in relation to other developments in the penal system and is too complex a study to enter into here. It is only necessary at this point to emphasise that the rehabilitation of the discharged prisoner is a matter of much concern to us all, both as members of the general public, and as fellow citizens of those we have found it necessary to punish for infringements of our moral code as expressed in terms of the law. This concern is

¹ In this paper consideration is given only to male offenders.

² See for instance, *The State and the Law Breaker* by ANTHONY HECKSTALL SMITH in the SUNDAY TIMES, Sept. 19, 1954, and correspondence in the same paper of Sept. 26, 1954, and also correspondence in the NEW STATESMAN AND NATION, Feb. 23rd, 1957 and March 3, 1957.

not based merely on humanitarian grounds, but also on sound common sense, since the community for its self-protection wishes to prevent a repetition of offences that are contrary to its well-being. Unless something of a constructive nature is done on discharge, the reformative and deterrent effects of punishment lose their value.³ There are perhaps special features relating to the work we do with offenders which are particularly exemplified in the field of After-Care. These arise from an apparent need to assuage and make reparation for our own and society's feelings of guilt which result from the necessity to punish. This is important since it is one of the crucial factors that influence the question of self-awareness so necessary to workers in this particular field.

Generally speaking, the Nineteenth Century witnessed a change in attitude towards our conception of punishment, and as a result of the more enlightened approach of the early reformers, the welfare of the discharged prisoner became the increasing concern of a number of well disposed individuals and organisations.³ In common with the growth of most of our present social services, the voluntary bodies paved the way for the State to take an increasing responsibility in matters pertaining to After-Care, but at the same time there was, and is, evidence of both statutory and voluntary organisations working alongside.⁴

In recent times, there has perhaps been a tendency for some to think that the modern conception of After-Care in this country sprang directly from

³ See also: SIR LIONEL FOX C.B. M.C. THE ENGLISH PRISON AND BORSTAL SYSTEM, p. 253 ff. Routledge and Kegan Paul, London, 1952.

⁴ Cf. for instance, *Case Work with the Anti-Social Client* by MARGARET TILLEY, BRITISH JOURNAL OF PSYCHIATRIC SOCIAL WORK, Spring, 1953. Association of Psychiatric Social Workers, 1, Park Crescent, London, W.1.

the brows of the planners of the Criminal Justice Act of 1948. An examination of the history of After-Care demonstrates that this is not so, but that the Act brought into being many new provisions (see below) relating to the institutional training of offenders, which necessitated a co-ordinated approach to post-release problems. The existing services were not sufficient to meet this need, and it was partly for this reason that the Probation Service was given the responsibility for acting as the main agent for After-Care in the field.⁵ The most important underlying principle behind the Act of 1948 is that it attempts to provide a constructive basis for the After-Care of the discharged prisoner.

PRESENT ARRANGEMENTS AND CLASSIFICATION OF REFERRALS

Under the provisions of the Act,⁶ the Probation Officer (by virtue of the Probation Rules as made from time to time by the Home Secretary) has a statutory obligation to act as an 'associate' (i.e. field worker) of the Central After-Care Association, which is the controlling body set up by the Secretary of State. It will be convenient at this point to divide the classes of cases that are referred to the Probation Officer into the following two main categories:

(A) STATUTORY

Under this heading are classified all those discharged prisoners who are released from one or other forms of custody under some form of legal supervision expressed in terms of a 'licence' ("Parole" in U.S.A.)

1—Men released from sentences of *Preventive Detention* are the habitual offenders who have become hardened in crime and from whom it has been felt necessary to protect society by means of a sentence of imprisonment from five to fourteen years. This category of offenders includes the type of prisoner known colloquially as the 'old lag', or, more scientifically, as the 'recidivist'.⁷ They are

⁵ For a concise history of the development of After-Care and Supervision under the Criminal Justice Act, 1948 see article by F. Dawtry in *JOURNAL OF CRIMINAL SCIENCE*, Vol. II, Macmillan, London, 1949.

⁶ See Criminal Justice Act, 1948, H.M.S.O., London, Secs. 20, 21, 57 and Schedules 2, 3, and 6.

⁷ See also, NORVAL MORRIS, *THE HABITUAL CRIMINAL*. London School of Economics and Longmans Green and Co., London, 1951.

Cf. Report of the Advisory Council on the Treatment of Offenders on *ALTERNATIVES TO SHORT TERMS OF IMPRISONMENT*, H.M.S.O. London, 1957.

very often the hardest to help and supervise on discharge, since they have become habituated to crime and are regarded by society as being potentially beyond recovery.

2—Those released from sentences of *Corrective Training* are young potentially persistent offenders, who are over 21 years old, who have not as yet become hardened recidivists, but who have not responded satisfactorily to other forms of training or treatment (e.g. Probation, Fine or Borstal). Corrective Training has rather rudely been described by some as University Borstal!

3—Youths released from *Borstal Training* are on committal between 16 and 21 years old. We find here a complete range, both in type of offender and in type of offence. Under the provisions of the Prison Act, 1952 they may not normally be released under nine months, nor be kept in custody for more than three years. The second period of the training is regarded as being spent on licence and the total sentence must not be more than four years (e.g. a youth having served two years in an institution would most likely be on licence for two years on discharge). The rehabilitation of these young people requires much careful handling if they are not to develop into recidivists.

4—*Young Prisoners* are under 21 at the time of sentence. They have been awarded a term of 'straight' imprisonment (a seemingly inappropriate word!) which is generally served in a prison set apart for this type of offender. Sentences of this sort have given very much cause for concern in recent years since the beneficial effects of a sentence of imprisonment on young people under 21 is considered by some to be highly questionable.^{7a}

5—Persons released on licence from sentences of *life imprisonment*, by order of the Secretary of State under the provisions of Section 27 of the Prison Act, 1952.

6—*Children or Young Persons* who have been detained in prison for certain grave offences under the provisions of Section 53 of the Children and Young Persons Act, 1933 and who may be sent on licence by order of the Secretary of State.

7—*Approved School Boys* are released on licence by order of the Managers of Approved Schools. Much has been written and said in this country in recent years concerning the desirability of uniformity in the choice of After-Care Agents. At present, the welfare of these young people may be entrusted to either the Approved School Welfare

^{7a} See Footnote number 7

Officer who may be attached to the School, the Children's Officer of the Local Children's Authority, the Probation Officer, or some other person designated by the School. It is felt by some (and here the present writer would agree) that where the boy has been well known to the Probation Officer before committal to School, and a good relationship established, then that officer should be responsible for maintaining touch with him whilst he is away (i.e. by letter, visits and contacts when he is home from the school in the holidays), and for his subsequent After-Care. More-over, in some areas, the Approved School Welfare Officer may be centred many miles away from his district, and through no fault of his own, is unable to maintain as close a contact with the boy as is really desirable.

(B) VOLUNTARY

It is here that the link between the Probation Service and the voluntary bodies becomes most apparent. The following persons may be referred to the Probation Officer for help that does not involve a legal sanction on the part of the offender.

1—*Persons released un-conditionally* from sentences of more than four years imprisonment from a Central Or Regional Training Prison, provided they wish to accept help on discharge. These referrals come through the Central After-Care Association.

2—*Young People* (between fourteen and 21 on committal) discharged from a Detention Centre. There is at present some controversy as to whether After-Care for these young people should be made compulsory. Not infrequently however, youngsters who receive this 'short sharp shock' (the regime is basically a very disciplined one, with an emphasis on physical training etc., and the average stay is about three months) are already subject to the terms of a Probation Order, so that After-Care in these cases is readily effected. Some times, a Detention Centre sentence is made to precede a Probation Order. The present writer has doubts about the propriety of this practice, since these two instruments of the penal system are meant to be used for entirely different purposes, and the indications for one may be contra-indicated for the other.

3—*Short sentence men* (but not generally those sentenced to less than 12 months who are dealt with as a rule by the local Discharged Prisoners' Aid Societies) are referred to the Probation Officer

by the National Association of Discharged Prisoners' Aid Societies, which is a centrally controlled voluntary body (represented on the Central After-Care Association) but administered on a regional basis, and whose Welfare Officers are attached to some Regional Prisons.

USING PROBATION OFFICERS

It is perhaps appropriate to say a little more as to why the Probation Service was designated to undertake case work for the discharged prisoner. Apart from the fact that the Probation Officer's training equips him specifically to deal with offenders, there is the additional advantage that a great many persons committed to a term of imprisonment or institutional training are already well known to them and a good relationship has often been established. It is to the mutual advantage of both the offender and the After-Care Officer that this contact should be maintained in order that it may be implemented on release. On purely geographical grounds, it seems to be a sensible arrangement that the man on the spot should be responsible for providing help, support, and supervision, rather than that these duties be delegated to another worker who may be miles away.⁸ There may, of course, be contra-indications for this practice, when perhaps a negative relationship has been established between worker and offender, but this contingency can more often than not be dealt with by handing the case over to a fellow officer. This of course, is not always an easy or comfortable decision to make, since none of us really like having to face our own inadequacies and resistances.

SOME SPECIFIC PROBLEMS PERTAINING TO AFTER-CARE CASE WORK

In Probation work, a vital relationship must be established between the probation officer and the probationer. In the case of the discharged prisoner (for purposes of brevity the word "prisoner" is being used to denote all classes of offenders discharged from either imprisonment or institutional train-

⁸ Report of the Maxwell Committee on DISCHARGED PRISONERS' AID SOCIETIES, H.M.S.O. London, 1953, *After Care Treatment* by C. H. Rolph in the OBSERVER, Jan. 8, 1956 and Jan. 15, 1956, and also, *Social Service in French Prisons* by JEANNE HERTEVANT. THE HOWARD JOURNAL, Vol. 8 No. 3, 1952. Also three articles on *Professional Social Work and the Rehabilitation of Prisoners* by H. J. KLARE, MARGARET TILLEY AND H. M. MORTON, HOWARD JOURNAL, Vol. 9, No. 1, 1954.

ing), such a relationship, and possibly a loyalty, has been established elsewhere during training. The new loyalty in the former offender's life should affect his attitude to his former associates, his environment, and his family. He needs to be helped to establish relationships that will be permanent when the relationship with the After-Care worker is finished. There is a great danger in creating a situation of too much dependency. This is particularly so with the "homeless" discharged prisoner, who is bereft of family, friends, and roots. Another aspect of this particular problem is that pertaining to the "good prisoner". He is often the man who is easily accessible to the "in-group" influences within the prison community, and whose pattern of behaviour may be that of an acquiescent conformity to routine. Cast out from the security of the institution, it is all too frequently very difficult for him to face up to the responsibilities and demands made upon him by society. This is particularly true of the person who has become institutionalised, and is also true of those persons who are inadequately endowed both physically and intellectually.

Unlike the probationer, the person released on licence does not consent to the period of supervision, since it is a legal sequel to his period of imprisonment or training. There may be some prisoners who would prefer to remain in prison to complete their sentences, thus avoiding what they regard as an infringement and curtailment of their newly acquired liberty; since failure to comply with the conditions of the licence may involve their recall to serve the uncompleted portion of their original sentence. This problem of consent must be reckoned with, and the hostility towards the case worker that it involves needs to be recognised. Sometimes the hostility and aggression that arises from this situation can be turned to good advantage, and can be used to provide the motive power for an attack upon the problems that the prisoner will have to face. Some discharged prisoners have no desire, and indeed, no need, to be helped. This involves much difficulty when there is a legal obligation in force that requires the offender to accept supervision. This also produces difficulties concerning 'reporting' for instance, and the After-Care worker is often hard put to reconcile what he considers to be the needs of his client with those of the law. But, reconcile them he must, for he is as much obliged to state his agency function as is the case-worker in any other field. Those who work with discharged prisoners need to have

also reconciled their feelings towards authority, since, an over-identification with or against authority will be communicated in a disastrous fashion to the client, and result in a relationship that is as un-productive as it is un-ethical.

There is another most important difference between the probationer and the person towards whom one has a responsibility for After-Care. This lies in the manner in which he has been dealt with. The probationer has not normally been up-rooted from his family or neighbourhood. The After-Care case is returning to the Community after a period of separation from it. He may be extremely anxious regarding his future and his commitments and responsibilities towards his friends and family. This anxiety may be overtly expressed, or it may be repressed, so that he adopts an almost negative attitude towards those in his immediate environment. This attitude needs very careful handling and working through, since an acceptance of it at face value, may militate against a resolution of the client's basic problems and needs.

Mention has already been made of the offender who is without ties of any sort, and who presents a very real problem. In this connection, reference should be made to the "homeless" (i.e. those who are of no fixed abode on committal, and who have no permanent home with relatives or friends). These people need a lot of help and support, both in terms of material and relationship needs, since their instability of family and environment, has, in many cases, contributed to their criminal activities. Much work is needed on the part of the After-Care worker in order to make satisfactory arrangements for the reception of these people on discharge, or to contact 'missing' relatives or friends.⁹ There are some workers who have a special facility for dealing with these cases, and who, over the years, have established good contacts with helpful employers or landladies, and who are able to offer an experience to these people, which although based on professional case work principles, is both warm, accepting, and secure.

No discussion of the difficulties involved in successful After-Care would be complete without reference to the purely physical and material needs of our clients, as these are inseparable from the nexus of feelings and emotions that constitute the total problem. It is not altogether a wise thing to attempt the higher flights of therapeutic case

⁹ For a more detailed account of this aspect see, *Some Observations on Prison After Care*, by H. A. PRINS. CASE CONFERENCE, Vol. 3, No. 10, April, 1957.

work with someone who is homeless, hungry, and hard up. All the resources of the community, both material and financial must be marshaled and focussed on the needs of the moment; attention to immediate needs must precede a long term approach. The After-Care case worker, in England, as in any other country, must be adept at this process of using the community's resources. He does not work in isolation, and if he thinks he can do successful work as a "lone wolf" he is doomed to meet with failure and disappointment. The most difficult aspect of successful After-Care casework is, perhaps, the gradual building up of and maintaining the many and varied contacts with a great number of organisations, professional, secular, and ecclesiastic, who have co-ordinated their activities to a common purpose. In England, perhaps this is the more easy, since the dividing line between professional and voluntary field-work is not so clear cut, and it also is a reflection of the way our services have been established. One should include here the members of the general public, whose cooperation, if properly sought, can be most useful in not only producing a more enlightened and humane attitude towards the discharged prisoner, but can be used, in some instances as a direct material and emotional adjunct to the After Care worker's case-work skill. Also, if the worker feels that he has the cooperation and support of an enlightened public (as indeed in some closely knit communities he has), his work will be made the more easy.

THE FUTURE

It should not be assumed that we are providing a complete and consistently effective After-Care Service here in England. The Report of the Maxwell Committee (already referred to) indicates the need for a more coordinated approach between the voluntary and statutory bodies and for a fusion of casework services. With some of the experiments

that are at present taking place within the prisons themselves (e.g. group activities etc.) it is to be hoped that there will be an increasing demand for outside help and support. Moreover, the proposed setting up of an institution for the psychopathic offender (the proposed East Hubert Institution) will call for an ever increasing knowledge and understanding of this most difficult class of offender whose problems are common to all countries whatever the differences may be in nomenclature, administration or geography. The ultimate requirement may be for a high degree of specialisation within the Probation Service (in some larger towns specialisation of function already exists to some extent). The present writer is by no means convinced that the best arrangements exist at the present time for After-Care workers to have adequate pre-release contact with offenders, but this is to a large extent a problem of finance and distance, and also perhaps of having too many other duties to perform.

The effectiveness of any penal system, will most often be judged in terms of the ultimate satisfactory and lasting readjustment to society of those we have found necessary to temporarily remove from it. Society should not lightly regard its duty towards those it has punished, for as Sir Winston Churchill has said . . . "the mood and temper of the public with regard to the treatment of crime and criminals is one of the unfailing tests of the civilisation of any country. . . ."

NOTE

Since this paper was written The Advisory Council on the Treatment of Offenders has recommended that the provisions for compulsory after care be extended and that a research project be initiated 'to measure the contribution of after care to the prevention of crime'¹⁰

¹⁰ Report of the Advisory Council: Summary of Recommendations, pp. 29-30. October, 1958.