

Dictionary of Probation and Offender Management

Edited by

Rob Canton and
David Hancock

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Published by

Willan Publishing
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Cullompton, Devon
EX15 3AT, UK
Tel: +44(0)1884 840337
Fax: +44(0)1884 840251
e-mail: info@willanpublishing.co.uk
website: www.willanpublishing.co.uk

Published simultaneously in the USA and Canada by

Willan Publishing
c/o ISBS, 920 NE 58th Ave, Suite 300,
Portland, Oregon 97213-3786, USA
Tel: +001(0)503 287 3093
Fax: +001(0)503 280 8832
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First published 2007

Paperback
ISBN 978-1-84392-289-6

Hardback
ISBN 978-1-84392-290-2

British Library Cataloguing-in-Publication Data

A catalogue record for this book is available from the British Library

Project managed by Deer Park Productions, Tavistock, Devon
Typeset by Pantek Arts Ltd, Maidstone, Kent
Printed and bound by T.J. International Ltd, Padstow, Cornwall

*To the memory of Bryan Taylor who, as probation officer,
trainer and manager, minded about probation*

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 Youth Justice Board (for England and Wales)
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About this book

This Dictionary has been compiled mainly for people already working – or perhaps contemplating a career – in the community justice sector, especially those with an interest in working constructively with offenders in the community to protect the public and to support rehabilitation. This includes current or future probation service staff, itself an increasingly diverse group, Probation Board members and staff in partner agencies. Those who might benefit from the information in this Dictionary are not confined to them: the not-for-profit sector and, nowadays, some organizations in the commercial sector need a sophisticated understanding of the terms discussed in this volume. It is also intended for further education and higher education students on community justice programmes and on criminology, applied criminology and criminal justice studies courses.

This Dictionary attempts to offer accessible and reliable definitions of key terms – concepts, ideas, institutions, legal and organizational arrangements – as well as challenges, methods and practices involved in working with offenders in the community.

It is a *Dictionary of Probation* because the Probation Service remains the principal agency with responsibility for this work. The volume accordingly includes accounts of the system of governance of the Probation Service and its constituent areas. With the creation of the National Service in 2001 – and as it is now subsumed into the National Offender Management Service – there have been many changes in organization, authority and responsibility – and no doubt there are many more to come.

The book is also a *Dictionary of Offender Management* because, with the emergence of the National Offender Management Service, integrating the Prison and Probation Services, new practice arrangements and working concepts are being introduced. Neither contemporary probation nor offender management can be understood without reference to the other, and this is the rationale for the volume.

As well as major organizational and structural change, in the past decade there have been many changes and innovations in how practitioners understand and undertake their work. The prominence of ‘what works’ introduced a set of new concepts and terms for describing offending behaviour and responding to it. Offender management – itself a new term and concept – has already begun to introduce new ideas and new ways of referring to established ones.

The sentences of the court, too, have changed in name and in substance. While the contemporary terminology is mostly used in this book (e.g. unpaid work, community order), sometimes the older – and indeed, more familiar – expressions may be found (community service/community punishment order, probation order). Sometimes these differences have been allowed to stand: while there is a risk of inconsistency, it is instructive for readers to be conversant with the whole lexicon and to ponder the significance of the terminological changes. Such changes, after all, often represent different and contested understandings of practice. The contributors

are distinguished and knowledgeable practitioners, managers and scholars. All were asked to think first about what a member of probation staff or student might most need to know about his or her topic. The contributions are intended to be reliable but also to stimulate further research, and each entry includes some 'Key texts and sources' to which reference can next be made.

Within this remit, we have encouraged contributors to express their own views in their own way. This approach can lead to inconsistency, but we see this diversity as a strength – and indeed as a reflection of probation's own rich diversity. In some areas, we have deliberately invited people with different points of view to write on similar topics to enable readers to form their own opinions and to recognize the complexity of some of these themes. Part of the discipline of working in an organization is to advance its policies, but practitioners will do this better – and, furthermore, contribute to the enhancement of these policies – if they have a critical and reflective understanding of their work.

Our contributors have been encouraged to express their opinions. Their opinions are, of course, theirs alone and no one here should be taken to be setting out the formal views of an organization. We have been concerned to find that some people who were invited to contribute were diffident, feeling constrained by their role in their organization. If it is indeed the case that some experienced, thoughtful and responsible managers feel worried about setting out a reliable and thought-provoking account of their work for fear that it may not be quite 'on message', then that would be very worrying. Politicians let us all down if they pretend that the many complex challenges with which criminal justice policy must engage are straightforward. Plainly they are not. All policy has drawbacks as well as strengths and, in a domain where policy has so often brought failure and disappointment, it is wasteful and perverse to suppress considered debate or discourage responsible and informed commentators from open discussion about future developments.

At the same time, many of our contributors work in the organizations they describe and, while their views remain theirs alone, their accounts sometimes reflect their belief in their work and their commitment to their organization. Our intention as editors has been to balance contributions as necessary with others expressing another point of view. Readers should therefore find information in the volume that will equip them to make their own judgements and to question the views of contributors.

It was a risk in preparing this book that the speed of new developments in probation and offender management would outpace our work. The division of the Home Office and the creation of a Ministry of Justice in May 2007 occurred too late in the publication process for all the references to the Home Office to be amended and replaced with an account of the new departmental arrangements. For that matter, some of these arrangements are themselves in transition. Readers will need to be aware, then, that Probation and NOMS are the responsibility of the new Ministry of Justice (which has an entry here) and to bear this in mind especially when there is a reference to the role of the Home Office.

The volume covers probation and offender management in England and Wales. There are entries about other UK jurisdictions and also contributions about practice in other parts of the world – partly to enable readers to understand that other countries and cultures approach things quite differently (though sometimes not so

very differently) and partly for their intrinsic interest. International comparison enhances understanding of our own jurisdiction. Nevertheless there is no attempt here to claim that probation and offender management in other countries are adequately considered.

The 'Key texts and sources' point to the next destination for a reader interested to know more. The entries also often include 'Related entries' in the Dictionary itself. We have tried to choose (literally and figuratively) *accessible* sources and to avoid (say) too many papers in hard-to-obtain periodicals. We have in particular tried to make a great deal of use of the Internet. Sometimes a full web address has been provided, but it is recognized that it is tiresome to type long addresses into a browser, and readers will no doubt want to make use of a good search engine.

Generally, it may be helpful to state here that Acts of the UK Parliament can be accessed from <http://www.opsi.gov.uk/acts.htm>. The National Probation Service website (<http://www.probation.homeoffice.gov.uk/>) gives access to an enormous amount of policy and practice documents, including many probation circulars, as does the site of the National Offender Management Service (<http://www.noms.homeoffice.gov.uk/>). <http://www.probation2000.com/> is generally a useful resource and, in particular, can help to track down elusive circulars and documents. The Prison Service website is at <http://www.hmprisonservice.gov.uk> and is also valuable.

Other useful resources include <http://www.direct.gov.uk/CrimeJusticeAndTheLaw/fs/en>, www.crimeinfo.org.uk and <http://www.homeoffice.gov.uk/rds/pubsintro1.html> – where many of the publications of the Home Office Research Development and Statistics Directorate (RDS) are to be found. We understand that the Ministry of Justice website will in time accommodate the online resources of Probation and NOMS, but that the Home Office site will continue to run in parallel for the time being.

As probation reaches its centenary, rather than a telegram from the Queen, the service nervously awaits what may be less welcome and certainly less congratulatory correspondence from Her Majesty's government. The entries in this Dictionary will help staff and students of probation to make sense of the contemporary debates, to participate in them and perhaps even to contribute to shaping probation's future.

*Rob Canton
David Hancock*

Acknowledgements

The editors would like offer their thanks to all the contributors who were unfailingly good natured and professional in their response to requests to cover large subjects in unreasonably short compass. Very busy people made time to meet deadlines (well, mostly!). Books have been written (in not a few cases, by our contributors themselves) on some topics that are covered here in no more than a few hundred words. A number of referees commented on the original proposal and their advice was extremely helpful. Referees and contributors, as well as several friends and colleagues, made suggestions about which entries to include, and their ideas, even when not accepted, were always appreciated. Some contributors kindly introduced us to others.

Brian Willan has steered the project wisely and patiently from the beginning. Rob Canton would especially like to thank Brian Stout, Charlotte Knight, Tina Eadie, Sarah Hilder, Judy Hudson and Jean Hine for the very many ways in which they supported this project. Mike Nellis and Fergus McNeill also contributed sound advice and gave their time generously. He would also like to thank Liz, Matt, Phil and Rich for their patience and good humour. David Hancock is indebted to Gill Francis, Kirsty Lewis, Karen MacLeod, Tony Raban, Martin Ryder, David Skidmore, Liz Stafford and Jo Thompson for their willingness to give their time and advice generously.

One of our contributors, Brian Williams, Professor in Community Justice at De Montfort University, died while book was in production. His contribution to the study of victims' concerns, reparation and restorative justice was very considerable and he is a sad loss to the academic and probation communities as well as to his many friends, his colleagues and his family.

We dedicate this volume to the memory of our late friend and colleague, Bryan Taylor, who worked, as we both did, for the Nottinghamshire Probation Service for many years and then for the Midlands Consortium. As a practitioner, manager and trainer, Bryan made a huge contribution to probation in so many ways. We hope that he would have enjoyed a volume that tries to enhance the understanding and practice of work to which he was so committed.

Introduction and overview

A dictionary is (at least) a compendium of definitions. Is it possible to define 'probation' itself? Throughout its history, the Probation Service has undergone changes in organization and governance, changes in its tasks and responsibilities, in its methods of practice, in its stated objectives. But are there some characteristics that are fundamental and persistent and that *define* probation? This introductory essay explores this question and also attempts an overview to show how many of the key terms and concepts that are defined and discussed in the specific entries in this volume relate to one another.

Some account of probation's history is an instructive beginning.¹ Institutional arrangements and practices sometimes only make sense in historical perspective. An historical appreciation, moreover, is a reminder of *change* – that what now seems established and self-evident was not always so and will not necessarily be so in future. Again, as Nellis (2007) points out, we must understand – or construct – an understanding of probation's traditions, whether our intention is to reaffirm or to repudiate them. So inquiry into probation's history is an illuminating and instructive endeavour, not only for its own sake but also in the attempt to understand the dynamics of change; to appreciate (or to criticize) probation's contemporary position and significance; and to anticipate (and even, perhaps, to influence) its future.

PROBATION'S HISTORY: A CONVENTIONAL ACCOUNT

The year 2007 – one hundred years after the Probation of Offenders Act 1907 – is being widely celebrated as probation's centenary. Probation, however, like many other social institutions, has no determinable date of birth and, well before 1907, in different courts in the UK and elsewhere, offenders, instead of being fined or imprisoned, were being released on their promise of good behaviour or under the supervision of a responsible person (Bochel 1976; Raynor and Vanstone 2002). The 1907 Act, however, consolidated, reshaped and formalized these practices and, even though implementation was uneven and gradual, the Act, which famously enjoined probation officers to 'advise, assist and befriend' those under their supervision, merits the commemoration of its centenary.

Again, like almost all social institutions, probation has no simple origin but was shaped by complex social, moral, economic and political influences working sometimes together, but sometimes against each other (Garland 1985, 1990). A conventional and useful way of recounting its origins and subsequent developments is to distinguish a number of *phases*. A recent book offers this framework:

- saving offenders' souls by divine grace
- casework, diagnosis, rehabilitation and positivism

- collapse of the rehabilitative ideal
- alternatives to custody
- punishment in the community; penal pessimism
- punishment; renaissance of rehabilitation; evidence-based practice (Whitehead and Statham 2006).

A conventional account, then, is that, in its beginnings, probation was a moral enterprise, originating in the work of the Church of England Temperance Society's missionaries to the Police Court, with their strong Christian convictions and opposition to alcohol. While the need to defend the social order against the perceived threats of crime, indolence and intemperance was quite as influential in the origins of probation as the motivation to help or redeem offenders (Vanstone 2004), probation articulated its mission as helping the deserving to find redemption.

Whitehead and Statham (2006) quote extensively from a Police Court Mission report book, recounting the experiences of two probation officers in Sunderland (1918–1923), and draw attention to their explicit profession of their Christian faith. At the same time, they are sensitive to the economic hardships in their community, and their account testifies to very practical endeavours: providing clothing, for example, and finding employment for probationers. Theirs is a hard-headed Christianity that recognizes that, to walk the path to salvation, you need a pair of stout boots.

The instrument of change was principally the character of the probation officers – ‘specially chosen men and women of strong character who could exercise good influence’ (Home Office 1910) – through their *relationship* with the probationer. If probationers failed to take advantage of the opportunities afforded during this period of testing, this time ‘on probation’, they could be taken back to court for punishment.

In the next phase, religious accounts progressively gave way to an avowedly scientific understanding of human behaviour: ‘The probation system in England was transformed from a service devoted to the saving of souls through divine grace to an agency concerned with the scientific assessment and treatment of offenders’ (McWilliams 1986: 241). Human conduct has its causes, and the probation officer's task was to identify and address them. Psychological understandings of the main-springs of human behaviour now informed the officer's work, and skilled method, more than the influence of personal character, came to be seen as the principal means of effecting change. The predominant technique was social casework, often with Freudian undertones, involving investigation, diagnosis and treatment.

In the conventional account, this ‘treatment model’ was the dominant paradigm for most of the middle years of the twentieth century and its abandonment precipitated probation's next ‘phase’. The model came under attack:

- from the political left for its denial of the role of social injustice in the causes of crime through seeking explanation in terms of personal shortcoming;
- from the political right for its erosion of individual responsibility by claiming to find reasons for misbehaviour that were too readily seen as excuses;
- and, fatally it is said, from research that seemed to show that probation interventions did not ‘work’.