



From Custody to Community: Throughcare for Young Offenders

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YOUNG OFFENDERS**

Preface

'Throughcare' is still a relatively unfamiliar term to many of those inside and outside the criminal justice and penal services, in comparison with the more familiar concept of the 'after-care' of discharged prisoners. However, in the 1980s throughcare received its first official endorsement in the wake of the new legislation for young adult offenders which came into effect in May 1983 (Part I of the Criminal Justice Act 1982). Youth custody centres replaced borstals and new throughcare responsibilities were placed upon the prison and probation services to work together to help and support young offenders in custody and after release. Three years later, in a joint Circular Instruction/Home Office Circular, the Prison Department re-affirmed and extended its commitment to 'the concept and practice of shared work and *the development of a prisoner throughcare function in all prison establishments*' (emphasis added), stating that:

'Throughcare' implies a positive response by the Prison and Probation Service to the welfare and social work needs of prisoners during and after imprisonment.

(CI 25/1986; HOC 64/86, para. 2)

When, in October 1988, detention and youth custody centres were, in their turn, amalgamated into a unified sentencing and custodial system of young offender institutions, throughcare was given even greater emphasis and pride of place - at least partly, we like to think, as a result of the research to be reported in this book, conducted in the final years of the short-lived youth custody era.

It derives from two linked projects carried out at the Centre for Criminology and Criminal Justice, University of Hull. One project (Bottomley/Liebling), funded by the Home Office Research and Planning Unit, focused upon throughcare provision for young adult offenders in detention centres and youth custody centres (as they then were) in England and Wales. It comprised a national survey of provision in young offender establishments (1986-7), with more detailed case studies of a detention centre and two youth custody centres for young men, as well as a smaller scale study of youth custody provision for women. The other major study was carried out by one of us (D.McA.) for a Ph.D. degree at Hull University (see McAllister, 1990). This focused on youth custody throughcare from the perspective of the probation service, including the role and responsibilities of the field probation officer towards young clients in custody and on supervision after release. It included an analysis of the emerging concept of throughcare, locating it in its historical perspective; a national questionnaire survey of policy and practice in area probation services throughout England and Wales; together with a detailed study of practice in probation teams in North Humberside, including interviews with young offenders serving sentences in the local youth custody centre. The findings of these complementary research projects have been brought together here for the first time, and located within the conceptual and historical analysis of the emergence of throughcare within penal practice during the early and middle decades of this century.

In view of the rapid changes that have occurred in penal provision for young offenders during the last two or three years, this study could, at one level, be seen as presenting an interesting but essentially historical snapshot of a passing phase. After all, 'Fresh Start' was only just being implemented at the time of our field work in prison department establishments, so that in these pages the reader will come across (with nostalgia?) references to chief officers, assistant governors and so on! But, at another level, the 'experimental' establishment of an integrated framework for young offender throughcare and shared working between the prison and probation services in the 1980s, which is fully documented here, provided the basis on which many of the major changes of the Criminal Justice Act 1991 were founded, and of which many elements have been incorporated into new probation service standards for the supervision of offenders before and after release from custody. The 'new' principle of a prison sentence being served partly in custody and partly in the community (which was at the heart of the borstal system founded over 80 years ago) has been once again endorsed by the new legislation, so that virtually all prisoners will now be supervised on release by the probation service. The historic report of the Woolf Inquiry into the prison disturbances in April, 1990, at Strangeways Prison, Manchester, highlighted the importance of effective throughcare contacts between the prison and probation services. The subsequent Government White Paper, *Custody, Care and Justice: The Way Ahead for the Prison Service in England and Wales* (Home Office, 1991), announced a number of measures to improve relations with the probation service, including new guidelines on throughcare and the role of probation officers in prison, management contracts between governors of establishments and the relevant chief

probation officer, and the encouragement of greater probation staff involvement in the preparation of sentence plans for prisoners. It can be seen, therefore, that the significance of the prison aftercare *v.* prisoner throughcare debate is far from being merely an historical curiosity, but is likely to play a central role in penal and community supervision developments throughout the 1990s and beyond.

As usual, with research projects of this kind, we owe a great debt of thanks to all those members of the prison and probation services, particularly the prisoners, clients (or should it be 'customers'?), who so freely and frankly shared with us their views and experiences of throughcare. Without their cooperation little of this would have been possible; without their friendliness (and even enthusiasm) our work would have been much less rewarding than it was. More personal acknowledgements have been expressed elsewhere, not only to the staff and prisoners in the young offender establishments selected for our observational case studies, and the management and staff of the Humberside Probation Service, but to our various colleagues, friends and secretaries who helped tremendously along the way.

Finally, perhaps, it might be appropriate in a study of the problems and potential of 'shared working' between the various penal services to acknowledge the mutual support and satisfaction that we ourselves have derived from this shared enterprise over the last few years, even though it might lead to academic recidivism rather than rehabilitation.

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1 From throughcare to aftercare

Any analysis of the provision of throughcare for young adult offenders must begin by clarifying what we mean by the term '*throughcare*'. The origins of the concept of throughcare are to be found in the professional debates about the most appropriate and effective method of carrying out '*aftercare*'. As the systems of aftercare for adult and young adult prisoners in England and Wales have not developed in the same way, they will be discussed separately at the beginning of this chapter, before attempting to draw together common issues and elements in the later parts of the chapter, towards a definition of throughcare.

The nature of aftercare and the involvement of the probation service in it has been well documented over recent years, (see for example: Home Office, 1963; King, 1958, 1969; Martin, 1965; Jarvis, 1972; Davies, 1974; Bochel, 1976) but a brief review of the key developments and issues is necessary here if we are to understand fully the conceptual and practical aspects of a throughcare approach.

The idea that offenders released from penal establishments in England and Wales should receive some form of assistance, or aftercare, has not developed or progressed in any systematic or coherent manner. There has been a long history of financial restrictions and various conflicts of interests and responsibilities illustrated most vividly by the fluctuating relationship between the voluntary aftercare organisations and the probation service, together with the ongoing debate on the role of the probation officer in prison.

The first section will examine the provision of aftercare by the voluntary sector from the nineteenth century to the publication of the *Report of the*

Committee on Discharged Prisoners Aid Societies, in 1953 (Maxwell Report). It will address the various administrative changes which have taken place and the gradual recognition that a coherent approach to aftercare was necessary.

Aftercare of adult offenders from the nineteenth century to 1953

Despite the fact that imprisonment has a long history, the notion that those released from prison should receive some form of assistance is a relatively new one. Historically, offenders have been variously tortured, humiliated, locked away, rehabilitated and controlled. Early penal philosophy was based on punishment and degradation but as attitudes changed from the beginning of the nineteenth century it became less acceptable to the public conscience that people were being subjected to inhumane and intolerable conditions within institutions. The origins of this more caring and humane attitude, and a consequent belief that prisoners should be offered help on release, lay primarily in the Protestant ethic that people were rational beings, able to exercise free will and make their own decisions. They should therefore be dealt with on an individual basis, and prisoners should be allowed time for 'reflection and expiation' (Priestley, 1972, p. 222).

The rehabilitation model was stated coherently for the first time in this country in 1895 with the publication of the *Report of the Departmental Committee on Prisons*, in 1895 (Gladstone Report), and this will be examined in more detail below, when looking at the penal and aftercare system for young adult prisoners. However, before the Gladstone Committee reported a system of aid on discharge had developed. This aid was provided by various religious voluntary organisations. Two parallel systems emerged, operating independently of each other and having no central co-ordination until much later. It may be useful to look briefly at the origins and early development of these two systems: the Police Court Mission (PCM), formed by the Church of England Temperance Society (CETS), and the various Discharged Prisoners' Aid Societies (DPAS).

The probation service has its origins in the Church of England Temperance Society Police Court Missions and had for many years the same Protestant Christian Ethic as its basis (King, 1969, p. 13). The CETS which was formed in 1873 to 'reclaim' individuals touched by the demon drink took its title and aims seriously, although aid was often given grudgingly and selectively. Dependency on handouts was not considered appropriate, and in any case there was concern at the harm which the indiscriminate handing out of aid could do to the self-sufficiency of the poor. The role of the Police Court Mission has been explored in detail by McWilliams in a series of essays examining the history of ideas underpinning the English Probation Service (McWilliams 1983; 1985; 1986; 1987). McWilliams (1983) points out that the early ideals of the missionaries were based on notions of mercy and it was this which made sense of the relationship between the offender, the missionary and the sentencer. Initially, in the guise of aftercare, the missionary's role was to meet men at the gates of prison on the day of release, buy them breakfast and invite them to sign 'the pledge' to abstain from drinking. As

reported by Jarvis, the first missionary, George Nelson, made 117 visits to prison in his first eight months of work, and also held 13 prison meetings (Jarvis, 1972, p. 3). Nevertheless, despite this area of work, their primary task was to:

visit regularly police courts for the purpose of dealing with individual drunkards, both charged and convicted, with a view to restoration and reclamation.

(Jarvis, 1972, p. 4)

Their involvement in both areas of aftercare and court work was however, essentially moralistic. As Sewell Stokes pointed out:

What used to irritate me about the ones [missionaries] I came across was the aura of evangelism that hung about them like the faint odour of mothballs, and seemed a hindrance rather than an asset to the work in hand. They never quite managed to give a delinquent advice without making it sound like a sermon.

(Sewell Stokes, 1965, pp. 163-4)

However, two factors seemed to be responsible for limiting the expansion of the aftercare and court work of the missionaries. The first was that funds were raised on a charitable basis and in and of itself this limited any further development of their role. In addition to this was the fact that there was undoubtedly some duplication of work by the parallel system of aftercare provided by the various Discharged Prisoners' Aid Societies. Secondly, as McWilliams points out, the missionary ideal of saving the souls of offenders through 'divine grace' was swept aside because of 'the rising trade of the scientific diagnosis of offenders' (McWilliams, 1985, p. 257), and because of a basic ontological flaw in the ideal:

The missionaries began to embrace a determinist understanding of the nature of man and, no matter how subtle they were in that embrace, this meant that they had no real defence left against the overarching determinism of the social diagnosticians, and thus their vision based on religion could be supplanted by the diagnostic vision based upon a form of science.

(McWilliams, 1985, p. 257)

While the Police Court Mission was struggling against these various ideological and financial problems, the various Discharged Prisoners' Aid Societies (DPAS) were also in the business, perhaps to a larger extent, of providing aid to men released from prison. The Aid Societies, like the Missions, were moved by a philanthropic spirit and religious conviction. As pointed out by the Advisory Council on the Treatment of Offenders (Home Office, 1963), the Aid Societies wanted to 'relieve distress among their fellows and to seek their moral reformation' (Appendix B, para. 1). The work of the Aid Societies was given statutory recognition in the Discharged Prisoners' Aid Act, 1862, which empowered visiting justices to approve societies and

donate to these societies an amount of money for the benefit of each discharged prisoner. The Aid Societies grew up spontaneously and independently of each other with no central planning until 1937 when the National Association of Discharged Prisoners' Aid Societies (NADPAS) was formed and provided some measure of urgently needed centralisation. Two reports of importance to this centralisation of the Aid Societies, which also touched upon the role of the probation officer in the aftercare process, were the Report of the Salmon Committee in 1935, *Employment on Discharge* (Home Office, 1935) and the *Report of the Departmental Committee on the Social Services in Courts of Summary Jurisdiction* (Home Office, 1936). As pointed out by Keith Soothill:

There was a conflict between the 1935 committee and the 1936 committee in that the former was in favour of extending the help given to the aid societies by probation officers while the latter wanted to limit the dependence on the probation service.

(Soothill, 1974, p. 42)

It is important to mention here that NADPAS agreed to accept responsibility for appointing welfare officers to prisons, a fact mentioned by Soothill as being:

very relevant to the history of the development of after-care, for it was this move which probably extended the reign of the discharged prisoners' aid societies for a further ten years after 1953.

(Soothill, 1974, p. 43)

The first prison welfare officer (PWO) appointed by NADPAS was Frank Dawtry, who took up his post in 1937 at Wakefield Prison. As pointed out by Jepson and Elliot (1986), however, the extension of further appointments was slow and by 1953 there were only seven prisons with a full-time resident welfare officer (p. 124). This was one of the major issues addressed by the Maxwell Committee in 1953.

The primary aim of the Aid Societies was to provide short term accommodation for released prisoners while they looked for work. In the years following the Discharged Prisoners' Aid Act in 1862 there was an increasing dependence on public funds. This increasing dependency on public funds in the 1930s was becoming ever obvious, and by 1950 many of the societies found it was all that they could do to supply money for immediate practical needs. In response to increasing concern about the functions (including the appointment of welfare officers to prisons, and aftercare), and finance of the various Aid Societies, the Maxwell Committee was set up and reported in 1953. As pointed out by Martin Davies, the Maxwell Report:

effectively transferred most of the societies' responsibilities for giving material aid to men on discharge to public agencies, and led to a switch of emphasis away from money and clothing towards constructive after-care and casework.

(Davies, 1974, p.5)

The Maxwell Committee was asked to examine the functions, staffing and finances of the Aid Societies and address the issues involved in extending their provision of aftercare. The Committee made it perfectly clear that NADPAS had not kept abreast of developments in the application of casework to work with offenders and their families and considered that:

The central object of after-care is to provide such guidance and moral support as will help the ex-prisoner cope with his personal and peculiar difficulties and to withstand the spirit of apathy and defeatism in which many are liable to drift back into crime. Efforts to encourage and assist a prisoner form suitable plans for his future life should usually start in the early days of his sentence. For the purpose of counselling and guiding him in this matter information is needed as to his character, history and circumstances, and consideration must be given to any such personal and domestic problems as may make it difficult for him to make a fresh start on release and to circumstances such as bad companionship, living conditions, or unsuitability of employment which may be obstacles to his leading an honest life.

(Home Office, 1953, para. 76)

In addition to this recognition of the need for early involvement with the prisoner, in particular those who are more isolated from family and friends and therefore in need of emotional as well as material aid, the Maxwell Committee felt:

...that the immediate material needs of prisoners can now be met in most cases by the social agencies of the State; and that the lifting of this burden from the Aid Societies should enable them to sift and select from those with whom they deal the special cases where guidance and support for some period after discharge will be required if a relapse into crime is to be avoided.

(Home Office, 1953, para. 88)

The Committee recommended therefore:

that in future the Aid Societies should shift the emphasis of their interest from 'aid on discharge' to personal 'after-care'...and should select those prisoners who by virtue of personality or environment were lonely or discouraged and for whom help was needed most to ensure they stay away from a life of crime.

(Home Office, 1953, para. 89)

Having concluded that the Societies should concentrate efforts on the personal and individual assistance of selected prisoners, the Committee then examined the most appropriate and effective methods of carrying this out. Whilst applauding the efforts made by the current prison welfare officers, it felt that if a method of selective and individualised aftercare was desirable, then special training and qualification in social work would be a major advantage (para. 98). The Committee was in favour of trained social workers

becoming prison welfare officers, and indeed expected 'that suitable candidates for these posts might often be found from within the ranks of the Probation Service' (para. 110).

It is important to note here that the Maxwell Committee felt that:

The appointment of a Prison Welfare Officers (by NADPAS) will release the Welfare Officer of the local Aid Society of the work which he now does inside the prison, and set him free to do outside the prison the fieldwork which will be essential if the Prison Welfare Officer is to give Aid Societies such assistance as we contemplate.

(Home Office, 1953, para. 116)

Maxwell emphasised that the prison welfare officer would deal with the problems caused by the prison sentence while the officer in the community would deal with family, accommodation or other problems outside, often identified by the officer inside. There was seen to be a 'need for constant and close co-operation between him (the DPAS officer in the community) and the Prison Welfare Officer' (para. 116).

In other words, the prison welfare officer appointed by NADPAS was to prepare adequate case histories of the prisoner and submit plans to the Aid Societies regarding the discharge of selected vulnerable prisoners. The Aid Society would then act upon these plans, in close consultation with the prison welfare officer, and conduct, where necessary, home visits both during custody and following release. The welfare officer outside was to act as a field worker and aftercare agent. This seems to imply that there was to be a division of responsibilities between those PWOs appointed by NADPAS and those field officers appointed by the local aid society. This was noted by Jepson (1983, p. 1) who pointed out that this inevitably created feelings of uncertainty and misgiving amongst those involved in the local Aid Societies.

As mentioned at the beginning of this section, these feelings reflected the conflict of responsibility which has dogged this area of work since its inception, and which will be analysed in more detail below, when discussing the respective roles of the community based probation officer and his or her seconded counterpart. However, a final note on the Maxwell Report: not only was there to be early involvement with the prisoner, and the completion of case histories, but the prison welfare officer was also:

to help prisoners during the period of their imprisonment by making enquiries on their behalf about family matters or other matters which are causing them anxiety; to do what they can to mitigate the numerous difficulties which beset a man or woman whose social ties have all been suddenly snapped by a sentence of imprisonment; and by such means to establish with the prisoner a relationship of confidence.

(Home Office, 1953, para. 99)

Here then, along with the role of the community based agent, was a recognition of the potentially damaging effects of that sudden transition from community to prison, which added a further dimension to the overall task of providing a more caring and humane service to the prisoner. The Maxwell

Committee recognised the significance of those people close to the prisoner and also the need to build up the offender's confidence in the aftercare officer. These were seen to be major extensions of the aftercare process. The recommendation made by the Maxwell Committee in 1953 that trained social workers should be involved in the prison welfare task was in line with some popular opinion at the time that full-time trained social workers should be employed in prisons to keep in touch both with prisoners' families and to link the home and discharged prisoners with the relevant community agencies (Report of the Howard League Conference, 1951). Nevertheless, developments over the next decade were slow, eventually leading to the Report of the Advisory Council on the Treatment of Offenders, *The Organisation of After-Care*, in 1963 (hereafter referred to as the ACTO Report), and culminating in the probation service taking on statutory responsibility for prison welfare work in 1966.

The growing involvement of the Probation Service in aftercare: 1953-1966

The period between the Maxwell and ACTO reports saw an ever increasing awareness of the role and scope for the probation service in the aftercare of adult offenders in England and Wales. As a result of this new awareness, the Advisory Council on the Treatment of Offenders was asked to consider the categories of prisoners for whom statutory supervision would be appropriate (Home Office, 1958). However, although the Council's recommendations were mainly positive and were incorporated into the Criminal Justice Act, 1961 (which provided for the possibility of compulsory aftercare for a wide range of medium and long term prisoners), this part of the Act never came into operation, because of the shortage of probation officers (Davies, 1974, p. 57). The basic recognition however was for the increased involvement of probation officers in aftercare, and the main effect of the deliberations of ACTO in 1958 was to identify the probation service as the major candidate to be taken into account in any reorganisation of aftercare. This undoubtedly influenced the ACTO Report of 1963.

During this period of increasing concern and debate about the future role and function of the probation service in providing professional casework to offenders, and when NADPAS was progressing rather slowly in the process of appointing welfare officers to prisons, the Departmental Committee on the Probation Service, under its chairman R.P. Morison reported in 1962 (Morison Report). This Committee was set up to enquire into and make recommendations on 'all aspects of the probation service in England and Wales and in Scotland ...' (Home Office, 1962, p. 1)

In its consideration of the role of the probation service in aftercare, the Morison Committee was in favour of its taking over the responsibility for those offenders released both from borstals and prisons:

We think, rather, that, within the home and family environment, there is a broad band of social casework which probation officers can appropriately undertake because it is concerned with offenders and

others who have come into the ambit of the courts.

(Home Office, 1962, p. 44)

In line with the Maxwell Committee, the Morison Committee realised the necessity of continuity between custody and supervision:

The employment of probation officers as after-care agents may also, in many cases, provide a useful homogeneity in the approach to, and responsibility for, an offender at the different stages in his career; and while, as a result, probationers may appear to be exposed to some risk of 'contamination', our information suggests that the risk, which is not confined to contacts of probationers with after-care cases, can be met by judicious arrangements of the probation officer's interviews.

(Home Office, 1962, para. 104)

This notion of 'contamination' had been mentioned in the *Report of the Departmental Committee on the Social Services in Courts of Summary Jurisdiction* (Home Office, 1936) in connection with borstal boys. Fears of contamination were then explained away by suggesting a well planned timetable and emphasised that the main fear was in probation officers not having sufficient time available for aftercare given their various other commitments. As pointed out by Soothill (1974), the proposals in the Morison Report were radically different from those in the 1936 Report in that the former was strongly in favour of extending the role of the probation service. It was also interesting that the 1936 Committee described the supervisory functions of the probation officer without using the term 'social casework', a concern referred to in the Morison Report (Soothill, 1974, pp. 46-7). The Morison Committee echoed Maxwell in noting that proper planning was now an important factor in the continuity of aftercare and emphasised the importance of the term 'casework':

Casework, as we understand it, is the creation and utilisation, for the benefit of an individual who needs help with personal problems, of a relationship between himself and a trained social worker...It is a basic assumption of all casework that each person is a unique individual whose difficulties are the product of complex and interacting factorsThere may, in the first place, be scope for altering external influences by helping the individual to change his home or economic circumstances, his habits or companions. Here, although the need may sometimes be for direct material assistance, the caseworker's aim will be to encourage people to help themselves rather than be helped; to cooperate rather than obey. The caseworker will plan constantly for the time when his support, advice and assistance are no longer available.

(Home Office, 1962, pp. 24-5)

If we accept the above quotation from the Morison Report as a theoretical model for aftercare in the period preceding and following the ACTO Report (1963), we can see when looking at ACTO's deliberations how they had been influenced by the previous reports. The scene had been set for increased