WHERE DOES THE ‘CARE’ COME FROM?

THE DEVELOPMENT OF POLICY ON AFTER-CARE FOR EX-OFFENDERS

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INTRODUCTION

The after-care of men released from prison on licence has often been viewed as a neglected ‘Cinderella’ service. Our recent study(1) confirms and expands on this, by relating these findings to the legislative, administrative and professional contexts in which after-care is provided by social work services.

The Statutory Basis of After-Care

In the post-war period, after-care has been provided for four different groups of offenders – former Borstal trainees, inmates of detention centres, young offenders and parolees – for each of the four major types of penal institution. The period has seen substantial change. Legislation has introduced and subsequently removed statutory care for some, while in the case of parolees a novel class of licensed release was created.

Borstal trainees, following the 1949 Criminal Justice (Scotland) Act were made subject to 12 months compulsory supervision which might be provided by either a ‘person’ (in practice a probation officer), or by a ‘society’, such as the After-Care Council which the same Act also established. Borstal training was abolished by the later Criminal Justice (Scotland) Act of 1980.

Detention centre training, a fixed sentence of three months, was meanwhile introduced under Section 12 of the Criminal Justice (Scotland) Act 1963 and this provided for a compulsory period of after-care of 12 months. As the Act removed from the After-Care Council its supervisory functions (reducing it to an advisory role) the burden of responsibility fell to
probation officers. Following the 1980 Criminal Justice (Scotland) Act, sentences of between 28 days and 4 months for young offenders were no longer served in a young offenders institution, but in a detention centre with no requirement of compulsory supervision on release.

Certain young offenders under the age of 21 were made subject to statutory after-care on release under Section 20 of the Prisons (Scotland) Act 1952. The 1963 Criminal Justice Act simply identified their supervisor as a 'person'. Currently young offenders serving a sentence of 16-18 months are subject to a 6 month licence period, and those serving more than 18 months receive 12 months of supervision on release.

The fourth category, parole, was introduced by the 1967 Criminal Justice Act, with the decision for release on this form of licence made by the Parole Board (established by Section 59 of the Act), and with responsibility for supervision given to the Probation Service. This arrangement was, however, destined to be short-lived.

These five Acts define who should receive after-care: the sixth, the Social Work (Scotland) Act 1968 identified who would provide this.

Services for offenders, including after-care, had hitherto chiefly been provided by the Probation Service, which, like several other social work service agencies prior to the 1968 Act, had been an independent body, with its own staff and funding. The 1968 Act, however, transformed the face of social work with new generic agencies (that is, agencies covering the whole range of individual and social "need", as opposed to concentrating on particular client groups such as children, elderly, or mentally handicapped) formed by consolidation of specialised ones. The Probation Service and its personnel were subsumed within this structure. Section 27(6) stated that "any function required by any enactment to be performed by a probation officer shall, after the coming into operation of this Act, be performed by an officer of the local authority".

The new departments of social work which came into existence in 1969 are controlled by local authorities. Since the reorganisation of local government in 1975, social work has been a regional function (with the exception of the three unitary islands councils).

It is worth contrasting this with the arrangements that prevail for the after-care of ex-offenders elsewhere in the UK. In England and Wales an existing probation service analogous to that in Scotland was transformed in 1966 into the present Probation and After-Care Service. This is Home Office funded and quite separate from the otherwise generic social services departments.

It is therefore the organisational integration of after-care within all local authority provided social work services which is so distinctive of the Scottish scene - and which accounts for many of the mature strengths and weaknesses in after-care.

**Meanings of After-Care**

In considering the legislation providing for after-care, it is noticeable that while various categories of offender are defined, licence periods determined, and administrative arrangements relating to their reporting and formal supervision more or less established, little is otherwise specified - or suggested - as to the care content of the relationship they may have with their supervisor.

Perhaps this is no accident. The term 'after-care' is to an extent a misnomer. The primary and inescapable (for both licensee and supervisor) emphasis is not one of care. A commonsense understanding of the term might see it as referring to the provision of relief from the various material, practical and interpersonal problems men face on release. These and other forms of support can be, and are, widely offered, yet they are not an essential feature of the relationship and, indeed, for a variety of reasons may well be completely absent.

Nor should 'after-care' connote a relationship, 'helping' or not, which discharged offenders on licence may choose to reject. For such men, it is wholly compulsory to make and maintain contact as required by this helping agent: failure to do so is a prima facie breach of licence and may lead to recall.

Perhaps most saliently of all, however, and despite the manifest problems that many men face on release from prison, it is clear that after-care is provided on the basis of administrative criteria, such as age and sentence length, particularly for younger offenders, and on 'risk' for parolees. It is not, in other words, in any sense based on an assessment of individual need, an irony which is, of course, further driven home by the fact that licensees are entrusted to the supervision of social workers trained above all else to respond to need.

The implicit distinction made above between the 'form' and 'content' of supervision can be made explicit. It is the former which the legislation
regards as rightfully prior. The intention of the legislators, both before and after the organisational and personnel changes brought about by the 1968 Act, has remained that of establishing and maintaining a framework within which essentially supervisory functions are allocated to an identified agent who may attempt to meet the needs of his charge, but who principally serves the needs of the criminal justice system, with the ultimate purpose of providing protection to society.

The Care vs. Control Debate

These two fundamental features in penal after-care of support and surveillance (or ‘care’ and ‘control’), and the supposed incompatibility and tension between them, have given rise to an ardent, long-standing and continuing debate, not restricted to Scotland, concerning the practical and professional difficulties which this dichotomy allegedly creates. From our own interviews and discussions with the social workers in our sample it is, however, clear that for practitioners in Scotland at least, this is not a professional problem. Social workers do recognise an inherent opposition in these two functions. Nevertheless, for most, this does not create any important difficulties in their practice. (It may also be a surprise that, for their part, only a minority of the men on licence whom we surveyed reported this as an obstacle or difficulty.)

It is of interest that far from explaining away or even turning a blind eye to these apparent contradictions within the after-care relationship, social workers commonly accepted these. Most regarded it as an inevitable feature of such work and dealt with it by raising their ‘control’ powers at the first meeting. Some supervisors managed to come to terms easily with this function by pointing out that it was not distinctive of work with offenders, but present also in work with other clients such as the mentally ill, to whom, there may be at least partly analogous statutory responsibilities. Indeed social work’s statutory powers with respect to children may in certain cases be even greater.

This would suggest that the generic context in which work with offenders is done provides Scottish social workers with at least an advantage of perspective denied their English and Welsh counterparts. At the same time, however, our work suggests that the debate over care and control is in fact one of well-founded concern; but that this relates less to an incompatibility than to an imbalance between these functions.

Our review of legislation indicated that it does not identify what the ‘care’ goals of after-care are and how these should be realised. There is no statutory source to delineate and bring forward the former Probation Service (and voluntary after-care) function of ‘befriending’.

An alternative, and perhaps more likely source of guidance would be the Scottish Office, whose administrative responsibility is divided between two of its major departments.

However, SWSG has produced only limited guidance. Jointly with SHHD in 1976 it produced a Note of After-Care Guidance. Of the twenty-seven circulars on offender-related matters issued by SWSG since 1967 and still current in October 1984, only one relates in any sense to the area of after-care, and that was issued in 1969 to deal specifically with the transfer of responsibilities brought about by Section 27 of the Social Work (Scotland) Act. Nor did the social workers we interviewed report any non-documentary or informal advice either offered or sought. Meanwhile the local social work departments, like Parliament, and central government, have been more attentive to the ‘control’ form than the ‘care’ content of after-care - a fact that is made more striking by the relatively low priority attached to this particular social work service.

After-care, like most offender-related work, carries no great prestige, essentially because it has little political appeal, as we were constantly reminded. In this brief article, we are unable to discuss the moral and other reasons which underlie this, but the consequence realised in the social work departments, particularly at practice level, is one of low administrative and professional priority, and a responsibility that is vulnerable to the pressure of other competing work. This is indicated by instances when the departments fail to meet even their statutory obligations, which are effectively the minima of after-care. For example, it is not uncommon for young offenders not to have been allocated a social worker before release, and it is by no means unknown for there to be delay in allocation even after release.

The departments’ managerial staff, like their central government counterparts, take a broadly laissez-faire line, establishing guidelines for after-care ‘minima’ relating almost exclusively to ‘control’ and intervening usually only to refine or enforce these. We encountered examples of internal directives of various types issued by social work department managers: in keeping with the relatively low priority attached to this work, these were not numerous and related primarily to ‘control’ issues, for example, that all new after-care cases must be allocated to a supervisor, or that allocation must be undertaken in a particular manner, or within a certain period.
Meanwhile, pressure of work undermines the 'care' contribution which departments can make. If other forms of casework (which includes work with other clients such as children and the elderly, as well as certain offender-related work such as writing the social enquiry reports required by the courts) have greater priority, the rest has to be dealt with in the time which remains, resulting in relatively low input to cases already receiving low priority.

The Men's Problems

Nevertheless, this may not be the most serious impediment to social workers' providing 'care' to discharged offenders (and not only those released on licence), but before considering this it may be prudent first to consider what care problems offenders actually have.14

From the outset it must be stressed that there is no single 'typical' problem, or set of problems to which ex-prisoners fall heir. Our study considered a number of likely problem areas - employment, accommodation, personal finances, interpersonal relationships and finally problems associated with compulsive behaviour, such as those relating to alcohol and drug abuse. Men from our sample15 were found to have problems in all of these areas, which proved (apart from the special case of re-offending) to be a comprehensive listing of those which actually emerged over the period in question.

The nature and severity of the problem in each area varied considerably, making high-level generalisation impossible. However, the mix of problems presented by most ex-offenders suggests that they face overwhelmingly practical difficulties. These are often extremely immediate problems. Large numbers of men are discharged to face actual or potential homelessness, shortage of personal finances (some having only the discharge grant, equivalent to one week of supplementary benefit), and the certainty for most that they will be unable to find any form of work in the first months after release.16

These problems, perhaps interconnected with poor or disintegrating personal relationships, or problem drinking, are not of course distinctive of offenders. However, for this group the standard problems of social disadvantage have a special twist - offenders have embarrassing gaps in their employment history to explain away, accommodation may have been lost because of imprisonment, personal relationships may be difficult to resume, and so on.

As the men perceived their own situations, their problems were essentially practical ones, relating to the satisfaction of basic needs such as accommodation, adequate personal finance and other immediate matters of material well-being. We were provided with a corroboration of this perception by the supervisors of those men released on after-care: although we did record some discrepant perceptions, notably relating to the area of the men's interpersonal relationships, our data provide firm evidence that the most pressing problems are seen by both men and supervisors as essentially practical.

We consider this basic fact to be an important and ultimately determinant feature of the after-care relationship, as it raises vital questions as to how well equipped social workers are to deal with such problems. Our study suggests that they can, and do, help effectively, and in ways which are valued by their charges: but that despite this their impact may be relatively modest, an evaluation which, interestingly, was supported by men and supervisors alike.

This arises from the effective limitations which attach to the 'caring' role of supervisors. As social workers, they are often in no better a position than the man in his search for work: nor has the social work department or individual supervisor any special leverage in the job market, Job Centres, special training courses and the like. Likewise social work cannot lay claim to the mainstream housing (that is, rented, usually public, housing) which is almost exclusively preferred. While more privileged access may be obtained to hostel and other special accommodation (such as 'landladies' schemes), this is in many areas unavailable or in very short supply.

Personal finance is obviously an area where provision is again not essentially made by social work. As only a minority of offenders find work on release, most must rely on state benefits at least in the short term. As before, the initiative is largely the man's, and again the role for social work is usually an essentially supportive one (although this may be of great practical value in individual cases as, for example, when the man experiences difficulty in successfully registering a claim for benefit, or when, less frequently, the social worker secures a 'Section 12' emergency cash payment for the man from departmental resources).

At the same time, while the remaining problem areas - inter-personal relationships, and alcohol and drug-related difficulties - do appear to be more amenable to social work intervention, the study suggests that here too, if for quite different reasons, there is likely to be a limited role in
practice. This is because, firstly, in these areas men are more likely to hold a
different perspective as to the nature, extent or even existence of any such
problems. Secondly, there is of course the possibility that quite apart from
any problem they may or may not have, they may be hesitant, uncertain or
even hostile to the idea of asking for or accepting assistance from an agent
they may regard as part of the (criminal justice) system. Only parolees have
‘chosen’ to be released on licence (an inevitable consequence of agreeing to
be considered for release); and for all offenders on licence, without a
willingness on their part to receive assistance, the after-care relationship
will remain a purely supervisory one.

To put these latter problems into perspective, our study did not reveal
any large pockets of unmet need regarding personal relationships; drug
taking and gambling were problematic for only a few; and while high levels
of alcohol consumption were common (and appeared to be a frequent
factor in offending, particularly for young offenders) only a small minority
felt this constituted a personal difficulty. (6)

Difficulties in Providing Care

A picture of after-care is emerging therefore in which control functions
dominate over those of ‘care’ at every level – at legislative, administrative
(both central and local governmental) and, more imperfectly, at practice
level. Furthermore this may be exacerbated not only by the low importance
attaching to after-care (and other offender-related work) for political
reasons, but also by the attitudes on either side of the after-care
relationship. Ex-offenders may be uncertain, suspicious or hostile to the
idea of being ‘on licence’ (and may, as in a few cases, have personal
reservations or criticism of their own particular social worker), while at
least some social workers (and not only those involved in after-care) in area
teams have reservations about this work with offenders, for example,
because they regard it as often unlikely to be amenable to successful
intervention, or simply because it is less satisfying professionally.

Lastly, offender needs are met from the departments’ own limited
resources or from other resources over which social work has little
command or privilege of access and where support offered is largely
facilitative and advisory. Of course, this situation is not unique to work with
ex-offenders. Other examples can easily be found where social work
received requests to assist clients which it cannot satisfy for similar resource
reasons. Those clients, however, although disappointed, are not on licence
and locked, perhaps involuntarily, for a fixed time period into a statutory
after-care relationship. (7)

Putting the ‘Care’ into After-Care

As a final comment here, the difficulty for social work of actually
providing care may be illustrated by the case of voluntary after-care where
the ex-offender, although not required to do so, may choose to refer
himself for assistance. Any such relationship would be a purely ‘caring’
one. However, whether for attitudinal, resource or other reasons, it is
widely assumed that in fact very few such approaches are made – as was
confirmed by our inability to find more than a small handful of such cases. (8)

Against this backdrop, what has social work been able to make of the
‘befriending’ role which was inherited from the Probation Service? How is
it responding to the imperative to meet the needs of men on after-care?

The brief answer to this is – “by improvisation”: necessity being the
mother of invention, it is of considerable interest to see the variety of
responses which have been made by both managers and practitioners.

(a) Managerial Level. Following a period in the mid-1970s when it was
evident that there was scope for developing and improving services for
offenders and after-care in particular, several authorities began to reflect
such concerns by looking self-critically at their performances. Some found
that not even statutory responsibilities were being fully met and that after­
care was for some men almost irrelevant to their needs.

Special interest management or advisory groups were established (9)
and reports (10) written and gradually innovations began to appear. Many of
these had special importance for developing after-care. A new post at
principal officer level was created by one region to ensure development and
co-ordination of this neglected service. Another region appointed a series
of basic grade social workers based in area teams intended in this generic
context to specialise exclusively in work with offenders. Non-social work
resources were employed when Urban Aid funding was sought and
obtained to take on a number of non-qualified staff (some of whom were
specifically chosen because they were themselves ex-offenders) to develop
services in particular localities. This imaginative approach allowed social
workers with statutory after-care responsibilities to concentrate on these
while the new ‘co-ordinators’ could specialise in following up the men’s
needs and at the same time begin to build up a local network of contacts and
co-ordination of resources. These untrained auxiliaries, at least in some
cases, began to make some impact but it is of course a drawback of such
schemes that external funding for them is usually only temporary.
Other developments include the creation or adaptation of local day centres such as at Edinburgh, Kilmarnock and Motherwell, although these may not always be specifically oriented to offenders; while in some areas offender work, including after-care, is provided by functionally specialist teams. Dundee and Aberdeen have recently adopted this model of provision while a specialist offender team in Clydebank has survived the introduction of generic social work in 1969.

(b) Practitioner Level. Meanwhile at team or individual level initiatives are also being developed. Some of these have been very modest; for example in certain teams identified workers, or a given social worker, may have caseloads which are ‘weighted’ so that they deal mainly, or even exclusively, with offenders, or after-care in particular. In other teams there may be no particular arrangement made for such a division of labour and instead a ‘minimal’ approach appears to be adopted where statutory responsibilities are met and any input to the case beyond this would depend on there being a clear social work role.

In other instances, social workers have been more active in their response. Some have encouraged individual, usually younger, offenders to report together, even if there has been no previous contact between members of such groups and their needs vary, as an alternative to more conventional individual casework. This has not always been successful, not for any professional reason but simply because it has been difficult to encourage ‘members’ to attend even when as an incentive, attendance at such meetings is offered as a more relaxed, and occasionally less frequent, alternative to routine reporting which is often fortnightly. Attempts to bring together younger and older offenders in such groups have also been relatively unsuccessful when tried; as the latter, with some justification, feel their needs (and attitudes) are quite different.

A variant on the groupwork approach and one which has more modest professional goals has been the encouragement which some social workers have given younger offenders to join together to form clubs. These tend to have a sport or leisure orientation which of course is much helped by the availability of local resources, such as football pitches and snooker tables. The labelling of such groups appears to be important: calling any group an ‘offenders’ group is stigmatic and likely to prevent formation, but ‘unemployed’ clubs, whose activities would be identical, have been successfully established.

These approaches and innovations described above, originating from management or practice, of course differ widely and may be purely local responses with no wider attempt to co-ordinate them. They may even serve different purposes within the broad area of after-care.

Yet despite this, at the same time they do share important features and characteristics. They do stem from an evident assumption that new and better ways of putting the ‘care’ into after-care must be found and also that fresh resources for this are not, for the most part, available within social work budgets.

Following from this, it is perhaps no surprise that a feature of these innovations is that they have at least immediately led to changes in the form or manner of provision in order to improve the content of this. However, even more salient is the fact that although the generic context remains, provision of after-care involves a growing specialisation both by individual workers and by teams.

Meanwhile within some regional authorities, such as Lothian and Strathclyde, social workers’ interest in offender services and concern for their present low level of development, has been reflected in the spontaneous creation of informal professional interest groups. Such groups remain few in number, but as a model for action have proved capable of offering tangible benefits; for example one team developed its own system for reviewing progress and practice in the handling of offender cases.

The developments discussed in this paper are rumblings in the system that have not yet become clear signals, and in the absence as yet of co-ordination and guidance this may continue. The recent joint review of services for offenders by SWSG and the Convention of Scottish Local Authorities (COSLA) representing the social work departments is due to report in late 1985 and this would be an opportunity to define priorities in after-care and to provide direction for initiatives.

One of the few certainties is that although the most discernible trend is towards further specialisation, there is no support (a fact that emerged very clearly from our discussions with social workers) among teams for a return to the ultimate extension of this, a separate after-care service. The future development of after-care, this suggests, is likely to continue at the expense of erosion of the generic principle.

Conclusion

It is thus clear that some reconsideration of after-care has begun, and
administrative and professional changes are evident in various social work departments. We would suggest that this has resulted not from political interest or pressure on or within the departments, but from social work departments' own attempts to provide a worthy service and meet their statutory responsibilities.

Perhaps it is not surprising therefore that fundamental questions have not been asked. Need after-care for offenders other than parolees be compulsory? Should these offenders, and those not currently released on licence but having genuine needs, be offered a simple "care" service? Do prison and community-based social work services provide sufficient continuity of care? Are after-care services properly integrated within the criminal justice system of police, courts and prisons – or is after-care simply a supervisory after-thought?

The joint SWSG/COSLA review is expected to report in Autumn 1985. The group's report is likely to provide some guidance to, and coordination of, the various local initiatives acknowledged recently by SWSG's Chief Social Work Advisor to be "fragmented". Whether it will also have dealt with more fundamental questions about the nature and purpose of after-care remains to be seen.

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References
1. The study, jointly funded by the Scottish Office's Social Work Group and the Scottish Home and Health Department, ran from 1979 to 1983. One of the most comprehensive investigations of its kind, it examined both the problems of discharged offenders and the after-care arrangements made for them, chiefly by social work.

A set of three extensive interviews, over a 3-4 months period beginning immediately before release, was conducted for each of 150 men returning to a number of local-authority regions. In addition interview data were collected from a number of social work teams in these regions, and also from individual supervisors of men in the sample.

Further details are contained in the study's final report for SWSG/SHHD entitled The Return of the Prodigal. See also A Robertson, "Social work with discharged prisoners: problems, strategies and policy-implications", in B Williams (ed) After-Care for the Offender, Scottish Association for Care and Resettlement of Offenders, Edinburgh, 1984.

The survey of prison leavers was confined to men. This was because it was felt likely that there would be differences in certain aspects of the experience of men and women leaving prison. A proper investigation of the experiences of female prison-leavers would therefore require a survey of an equivalent sample of females and constraints of time and personnel prevented this being done.

2. Such as the decision to grant early release at all.


4. For a discussion of the literature relevant to these problems, see S Black, T Stephenson and A Robertson, "Discharged prisoners' problems and some professional concerns" in Research Highlights No.5: Social Work with Adult Offenders, Department of Social Work, University of Aberdeen, 1983, pp.100-116.

5. And some never will. Some 3-4 months after release, fully two-thirds of
our sample saw finding work as “fairly” or “very” difficult. For some, this reflected previous experiences on discharge. Meanwhile many of the younger offenders not only had very poor prospects but had never held a job, however briefly.

6. However, our study did not include persistent petty offenders who have particular problems of alcohol abuse and social isolation. This group was studied in a related but separate study by Adrian Carr. Carr provides a discussion of the literature on alcoholic offenders in “Issues in the study and treatment of alcoholic offenders” in Research Highlights No.5 (op.cit.) pp.149-69. See also Carr’s final project report, Being Down and Getting Out, for SWSG/SHHD.

7. Moreover for some, notably younger, offenders, the compulsory element may undermine the relationship itself, although it proved difficult on occasion to distinguish this from related effects such as long-standing suspicion of social work (or a particular social worker) based perhaps on previous contact, for example while on probation.

8. However, it is presenting problems rather than client background (e.g. “offender”) which are recorded for statistical purposes by social work officers. Even where an ex-offender, known as such, approaches social work for assistance it would be unusual for this to be recorded. Voluntary cases are of course more “visible” in specialist agencies such as the English Probation and After-Care Service.

9. Such as Strathclyde Regional Council’s Social Work Committee Officer-Member Group on Services to the Offender and Lothian’s co-ordinating of services to offender Group. Nationally, the Association of Directors of Social Work has a Standing Committee on Services to Offenders, which pre-dates these other groups.


11. This review has been the most comprehensive examination at national level of both after-care and services in general to offenders since the implementation of the Social Work (Scotland) Act. Its draft report identifies many of the differences between the Scottish and English systems in organisational, professional and financial resource terms. Expenditure patterns are noticeably different, with per capita expenditure on offender services in Scotland estimated to be approximately one-third of comparable English expenditure. This would appear to be prima facie evidence of the low priority given to this service by the social work authorities.

12. David Colvin’s opening address to the Scottish Association for Care and Resettlement of Offenders (SACRO) conference in Edinburgh on 3.2.84. The papers presented at the conference have been published by SACRO in B Williams (ed) op.cit., 1984.