

Who Swings the Pendulum

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ONCE UPON A TIME, one was young, idealistic, uncynical, not to mention naïve. In that remote period the most irritating kind of Prison Service man to have to come up against was older, less idealistic, cynical and completely lacking the quality of starry-eyed wonder. His usual response to any suggestion implying development was an indication that he had seen it all before and was confident that he was contemplating another swing of "the pendulum". At times one wanted to wrap the pendulum round his stubborn neck but was restrained by either the feeling that there was a regulation forbidding assaults on colleagues with pendulums, or the simple fact that he was a physically bigger man. Recent events, however, have convinced me that I have somehow managed to join this club and can now see wisdom where before I saw only obtuseness. Following this conviction I have felt it necessary to have a look at this swinging process, because whoever

controls it, it does not seem to be me.

The recent White Paper on Adult Offenders made the claim, apropos the abolition of corrective training, that all prisoners now receive training. This claim produced some very negative responses and, in so far as the White Paper was a document for discussion, this may have been intended. On the other hand, it is just as easy to provoke the opposite responses. Many citizens would assert there is too much "training", that is, too little of punishment and deterrence, in present penal treatment. To review the present state of affairs in penal matters is to examine confusion and conflict and this has to be accepted if understanding is to be developed. Such a situation is not necessarily a bad one. Conflict, and its attendant confusion, are often prerequisites for progress, and the ideal of democratic unity on important issues is rarely achieved

and probably unrealistic. The worst that can happen, when one is dependent to a substantial degree on public interest and support, is to be ignored. If the present intermittent furore, about prisoners, prison staffs and prisons, indicates that they have ceased to be ignored, it contains the ingredients of a healthy situation. The price to be paid by the Prison Department and the Prison Service may be that of being much more subject to criticism and more frequently called to account.

Being called to account, however, gives one the right to ask what one is supposed to account for. An accounting entails that there was a task to be done and that it has been clearly specified somewhere. Given such a specification the review questions almost frame themselves and the criteria by which assessments can be made may be reasonably simple.

THE CUSTODIAL TASK

The basic task of prisons and similar institutions is usually agreed to be a custodial one and an expectation often exists that it can be easily defined or, at least, more easily defined than that of training or treating prisoners. When a sentence is passed no reservations are entered about the degree of incarceration to which the prisoner must or may be submitted and at this point "custody" might appear to be an absolute state which did not vary. The word "prison" conjures up for most people an image

of high walls, fortress architecture, strong cells and solitary confinement. This image survives a remarkable amount of contrary experience and even when it yields somewhat to facts it is probably replaced by another image, of barbed wire, electrified fences, and even armed guards. Perhaps some archetypal fantasy is always ready for projection when concepts of freedom are involved and threatened.

In legal fact, a "prison" is any place which the Secretary of State feels it necessary to designate as such for the purpose of holding persons in legal custody. The constellation of concepts involved in discussing prisons have currently to cover a wide spectrum of security conditions, ranging from the isolation of one prisoner in one strong cell in a genuinely maximum security prison, by way of the "open" prison (which is an interesting logical contradiction in itself if the usual meanings of the words are adhered to), to an ordinary house in an ordinary neighbourhood which might be used as a prison hostel.

It is not, therefore, easy to assess the success or failure of custodial arrangements in simple terms and some reference must be made to the process of change which has gone on in the past and is still going on. Without a brief glance at the historical background

current confusion and conflict is likely to be impenetrable.

There were times when the whole prison task was comparatively straightforward. In 1863 the then Lord Chief Justice headed a committee of the House of Lords which categorically stated that prisons existed to punish and deter criminals and not to reform them. Mid-19th century methods seem very dubious to us in retrospect but it could be said that they were an improvement on much that had gone before. The inhumanities which we now discern were not those of medieval torture and neglect but those of isolation, hard and useless work. The penal task then was a straightforwardly custodial one and it was this that the Prison Service was set up to perform and which is still reflected in its structure and, of course, many of the buildings in which it works.

THE ADDITION OF ANOTHER TASK

Doubts about the ethics of such an approach coincided with doubts about its effectiveness and the Gladstone committee of 1895 brought these together. In reporting, it said both that it was wrong to treat prisoners as sub-human and irredeemable and that this approach was ineffective in reducing recidivism. The identification and treatment of the probable recidivist was then, and it still is, the central problem of penal practice. The committee first made the point, still claimed to be valid,

that a very high proportion of those sentenced to prison for the first time do not return again. The residue were completely undeterred by harsh conditions and long sentences. It tends to be overlooked, forgotten or ignored that an extreme form of deterrent treatment was carefully examined at that time and unequivocally condemned as ineffective.

The changes which the committee advocated were a blend of the obvious and the revolutionary. In the light of hindsight and more modern knowledge they can be described as being more difficult and complex than supposed at the time. To abolish degrading and useless work was probably not too difficult by itself, to replace it by employment genuinely similar to that outside prison has been shown to be something else again.

More important, and more difficult again to achieve, was the introduction of the reformatory task, expressed in terms of the necessity of bringing good influence to bear upon prisoners. Since then, Prison Service development has been linked to a search for the means of changing prisoners' attitudes and the dilemma, which seems to follow from the juxtaposition of apparently conflicting aims of custody and treatment, has persistently dominated the process.

One may indicate some of the significant steps in this process

without claiming to have produced an exhaustive list.

1. The abolition of useless work such as the crank and treadmill.
2. The separation of some young offenders from adult prisoners by the introduction of borstal training (Criminal Justice Act 1908).
3. The introduction of compulsory after-care for preventive detainees.
4. The abandonment of the title "warder" about 1922.
5. The introduction of the pre-runner of the present grade of assistant governor, about 1923.
6. The introduction of "open" custodial establishments to borstal in 1930 and prisons in 1938.
7. The increase in vocational training provisions from 1945.
8. The increase in formal educational programmes since 1945.
9. The Wynn-Parry report in 1957 on pay and conditions in the Prison Service, which drew attention, amongst other things, to the changing role of the prison officer.
10. The great increase, about 1957, in the amount of time prisoners spend in association with each other.
11. The development of hostels and working-out schemes

to facilitate the transition from prison life to more normal society.

12. The report on after-care by the Advisory Committee on the Treatment of Offenders, in 1963.

There are more contemporary steps such as the Mountbatten Report which have to be treated as part of the present situation.

The trend indicated by these events runs in the direction of providing treatment estimated to be appropriate and necessary to the need of an individual. It is essential to emphasise that this comment merely refers to the direction of the trend, as it seems to me. We have by no means reached the position where treatment, whether custodial or reformative, has been individualised. The trend runs from the position where individual need was totally rejected, by way of concepts of "training" which envisage the individual deriving benefit from the provision of training programmes for the mass. For a discussion of the distinction which can be made between "training" and "treatment" there is a useful article in the Keele University Monograph No. 9, by Gordon Rose, entitled "The Administrative Consequences of Penal Objectives".

An examination of the trend in after-care over the same period reveals a similar direction. Both trends meet, as it were, in the

A.C.T.O. report, and this ought to mean that a more realistic concern with a total process of treatment will now be possible.

TRAINING OF STAFF BEFORE

A.C.T.O.

The continual change which took place over many years before the A.C.T.O. report might now be judged to have been based on an assumption that prison conditions are inevitably bad for individual prisoners and that society had a duty, both to the prisoner and its own interests, to mitigate the conditions as far as possible. Mitigation took the form of providing open conditions where possible, some positive training programmes (as distinct from treatment facilities) and, finally, the virtual abolition of most solitary confinement by the extension of the association part of the Norwich system in the late '50s. Offsetting the advantages which might follow from such general improvement, there were two important deficiencies.

1. A lack of adequate modern prison construction. Capital investment in prison building has few obvious attractions and when compared with other demands, in conditions where overall resources are scarce, is likely to get little or no priority.

2. The absence of any accepted techniques of rehabilitation. The only basis for expecting changes in prisoners' attitudes was the hope that a demonstration of the community's lack of vindictiveness, by

not making conditions as bad as they might have been, would produce a receptive state of mind which well-intentioned staff might use to exert influence for the better. The most typical approach to the prisoner was the offer to forget the past and judge him only on present and future behaviour.

In such circumstances pressures on prison staffs from outside to simultaneously improve standards of treatment and to maintain high standards of security, often seemed tragically bizarre. Training of staff, therefore, tended to be addressed to that part of the work which seemed to be clearest, namely, security, discipline and simple man-management. Understandably, the days of the straightforward custodial role would seem to have attractions in these circumstances.

THE SOCIAL CONTEXT OF MODERN PENAL TREATMENT

Before attempting an assessment of the A.C.T.O. report, it is important to add a social dimension to the context so far sketched in unless one wants to join in the pretence, frequently indulged, that society and its prisons have little or no connection.

Changes towards more humanitarian treatment of prisoners are frequently attributed to misguided people, or collections of people, with soft hearts, soft heads, and no guts. Interpreted more politely this might mean no more than that certain individuals have been

influential in facilitating penal reform, and this is not to be denied. General trends in society are, however, much more important and particular changes rarely move in an opposite direction and, when they do, are unlikely to be permanent. Ideas and ideals about individuals and their importance have crystallised to a remarkably non-controversial extent in the Welfare State. Because this is the case, the continued existence of a purely deterrent penal system would be as out of place as a social security system based on 19th century concepts of relief or a gunboat foreign policy. Ideals apart, it would prove to be impossible to staff such an anachronistic penal system unless a recruiting system were devised which deliberately excluded ordinary citizens who accept the current values.

THE PENDULUM LOCATED

Change does not occur tidily, of course, or simultaneously in all areas of society, nor does the whole community necessarily agree with all of its current manifestations. On the contrary, public reaction to deviance of any kind, not only delinquency, is notoriously ambivalent and tends to swing from one extreme to another. It may be, however, and research could possibly establish it, that the peaks and troughs of the swings, that is, the ambivalent vacillations, are themselves moving along an identifiable path of social change. The

best that the community wishes, and is willing to provide, is better than it was even 20 or 30 years ago. The worst that the community would inflict, or tolerate being inflicted in its name, is not so harsh as it would have been formerly. The whole cycle of ambivalence has moved to a higher level and will probably continue to move in that direction.

Pushing the analogy as far as it will go in imagination suggests that at some time the pendulum will disappear into the clock. But the most modern clocks do not need pendulums and this may be further progress towards consistency.

A.C.T.O. AND ITS IMPLICATIONS

The A.C.T.O. report suggested major changes in after-care on the following lines:

- "1. The amalgamation of compulsory and voluntary after-care into a common service."

This has been implemented and the Probation Service is now the Probation and Aftercare Service with statutory responsibilities for the after-care of those prisoners who are compulsory clients and those who voluntarily opt for after-care.

- "2. The employment of professional social workers on after-care, both in penal institutions and the community."

The implementation of this recommendation has been undertaken in a different way to that

envisaged in the report. A.C.T.O. defined a body of workers within penal institutions as performing a social worker function and their suggestions following from this definition would have provided these workers with a common training and a common basis within the Prison Service. In the event, prison welfare officers are now probation officers on secondment with their professional links and career expectations outside the Prison Service; borstal house-masters do not yet have a training which is the equivalent of full social worker training; and social workers in detention centres are recruited as such and do not receive initial training from the Prison Service. The perception revealed in A.C.T.O. of an identifiable body of penal social workers has not, therefore, been developed. Nor, it seems to me, could it have been developed, because the report in this area fails in two important respects:

(a) It completely ignores the role of the prison assistant governor, either as having a social casework function similar to his borstal counterpart, or as having some other penal function also linked to rehabilitation. On the other hand, A.C.T.O. specifically commented on the need for borstal house-masters to receive training which would equip them for their governing role. It may well have been that the terms of reference

were felt to exclude such considerations in detail and that we still stand in need of some examination of what prisons are supposed to do besides rehabilitating in the final phase, i.e. just before and during the return to society.

(b) This last point indicates the second failure of the report as a full explanation of the prison task. Perhaps unavoidably, the report so enhances the welfare/rehabilitation aspects of the work that there is a very clear impression that this is all there is. Is rehabilitation meant to be another word for reform? If so, it may be inappropriate to suggest that the techniques of social work can bring it about. If it is not reform by another name then it may have been much too closely linked to notions of welfare and there is evidence that this is how the task is seen. In practice, welfare concern tends to be relatively concentrated at the beginning and ending of a sentence. In the middle of the sentence, the prisoner usually goes through a period of prison orientation and it is here that the damage of the total institution is inflicted. What treatment should be given at this point and by whom should it be given? How realistic is it, or will it ever be, to suggest or imply that the prison welfare officer can undertake such a gargantuan task, however well assisted by prison

officers? What would be an appropriate professional arrangement to deal with the whole task?

"3. The decentralisation of the arrangements for after-care accompanied by a strengthening of the lines of communication between the social worker in the institution and his colleagues in the community."

The adult central after-care organisation no longer exists and this would necessitate lines of communication between welfare officers and after-care agents. The effectiveness of these lines of communication probably cannot yet be accurately assessed. The borstal central after-care organisation still exists and has been engaged in developing and supervising pilot schemes which are meant to ensure adequate communication between institutions and the field. The use of the scheme devised is to be widely extended this year. Arrangements for detention centre after-care were never centralised and there is nothing to dismantle.

"4. There should be a greatly increased understanding of the part to be played by members of the community in the rehabilitation of offenders."

This recommendation is fundamental to any hopes of developing a penal system complementary to the progress in other social

provision. Any set of recommendations should *begin* with this one or one similar and it is interesting that the report of the Mountbatten inquiry merely uses other words to make the same point.

Taken together, the major recommendations plus the tenor of the whole report, indicate the committee's perception of after-care as a social service quite clearly. It stops just short of saying something revolutionary about penal institutions, in terms of what they ought to be or may be becoming. Since the process of public education has not been completed, and it was further advocated in the Labour Party pamphlet—"Crime, a challenge to us all"—in 1964, it is not possible to say with any degree of certainty how far the implications of A.C.T.O. are acceptable as social policy. If social casework is an appropriate technique for use by assistant governors and detention centre social workers, and if prison officers are heavily involved in the social work being done by the welfare officer, it not only follows that after-care is a social service being provided for prisoners at or about the point of release, but also that penal establishments are appropriate places in which to use social work methods. A.C.T.O. does not talk of penal duties being undertaken as separate from rehabilitation work but of the two being reconciled, and any brief

reflection will lead to the conclusion that the work is genuinely indivisible. Social work methods must not be confused with the therapeutic methods of psychiatry, such as psychotherapy, group therapy, and community therapy. To use these would entail the view that criminality was equivalent to mental sickness, and that rehabilitation is the equivalent of cure—i.e. reform—to use casework, groupwork and, perhaps, an institutional variation of community organisation, entails either the expectation that the major problems of prisoners are social ones, or that these are the only problems which we can do much about. Social problem-solving processes can only be used where there are social problems to solve, the opposite is logical and professional nonsense.

TRAINING DEVELOPMENTS SINCE A.C.T.O.

The training of prison officers received adverse comment in the report and the suggestion was made that more stress should be placed on human behaviour, groupwork and the prisoners' rehabilitation. A new training syllabus was introduced early in 1964, which included some simple beginnings in some of these social subjects and which attempted to correct the previous heavy bias towards discipline and security and to achieve some sort of balance between the technical and social aspects of the job. This new form

went some way towards meeting the criticisms of the report by introducing new and more relevant subjects in the curriculum, teaching methods more appropriate for the instruction of adult students and, probably the most important innovation, the idea of using the whole of the officer's first year as primarily a training period. The pattern being aimed at is initial training for eight weeks, in-service training when posted and recall to the training organisation at the end of the first year for development training.

The training of assistant governors has undergone steady change over a number of years but following A.C.T.O. there has been a tendency for it to crystallise along the lines suggested. Change since then has to some extent been motivated by the need to discover a proper balance between what is appropriate for general social casework thinking and what must be the essential variations for an institutional setting. The present course is of eight months' duration, two separate months of which are taken for practical attachments. These are not casework placements and casework training is given concurrently with academic teaching, supervision being undertaken by Prison Service staff suitably qualified, augmented by probation staff from the local areas.

Management training on the course is linked with developments

in management training generally. Considerable use has been made of outside training resources, such as the Glacier Institute of Management, the Administrative Staff College, Henley on Thames, and the Leicester University/Tavistock Institute conferences, for preparation of teaching staff. The training given to Assistant Governors, therefore, owes something to all these sources and, for example, a conference on inter-personal and inter-group relations on the Leicester/Tavistock model is now included.

Induction training for prison welfare officers was initiated last year when, following consultation between the Probation Department and the Prison Department, two experimental courses were run under joint sponsorship and tutored by both a probation officer and a member of the Prison Service. Each course was for three weeks and the aim was to help students to undertake the new duties by undertaking a realistic appraisal of prisons, prisoners and prison staffs, and the likely interaction between all these and the welfare officer. These courses are to be repeated this year in something like the same form but, obviously, with possibilities of variation if the needs of the students are judged to be different.

Not all training development in the Prison Service in recent years can be attributed to the effect of the A.C.T.O. report. The amount of management training provided

would have increased in any case, again because of links with outside trends. Just as prisons are linked with society through the welfare of the individual, so also they are linked, as institutions and large organisations, with those areas of research, study and practical application which constitute the field of management. Penal problems are not, however, eliminated by an approach from a management angle; on the contrary, because the same basic problem arises when this approach is taken, the fundamental importance of the initial questions is emphasised. A.C.T.O.'s emphasis produces the question:

"What service are we trying to provide?"

In management terms the same question amounts to:

"What is the primary task of the organisation?"

THE SITUATION PRODUCED BY A.C.T.O.

The setting up of the sub-committee was a logical consequence of the concern, increasingly expressed in the '50s, about the bad effects of imprisonment. Significantly, the concern was expressed in terms of after-care, where the community may be said to be confronted with the results of imprisonment, rather than in an investigation of penal institutions, where many of the remedies would have been obvious and costly. Although the terms of reference

precluded any deep investigation by the committee or any major suggestions about altering institutions, their view that there is no realistic division to be made between an institutional process and an after-care process seems clear enough.

The original statement of the dual penal task by the Gladstone committee was re-emphasised by the report, given a modern idiom, and some of the roles necessary to fulfil it were outlined. The view that the work of security and rehabilitation have to be integrated, and that primarily this must happen in the work of the prison officer, left the situation much more clear but not determined in detail. Following this there has been an experimental period, particularly in staff training, and what has been introduced has been deliberately designed to be capable of further change and development.

THE MOUNTBATTEN REPORT

A.C.T.O. emphasised treatment aspects of penal work but without ignoring the existence of the custodial task. The Mountbatten inquiry, and the report which followed it, must be regarded as an expression of public concern about the security of prisons, a further swing of the pendulum of community ambivalence. If the theory advanced earlier, about the generally progressive movement of this cyclical effect, is tenable, then

the Mountbatten Report would be expected to deal with treatment in a similar way to that in which A.C.T.O. dealt with security. In fact it did better than this, in my opinion. Not only does the report leave unhindered the possibilities of treatment development, but by linking them with security in a positive way it encourages them. Furthermore, it speaks to the community in general, in a very direct way not commonly found in public documents, of its responsibility for the state of prisons and the treatment of prisoners. If this is not enough, the report gives a clear indication, perhaps not directly intentionally, of the way in which security and treatment (or rehabilitation) might be practically joined together.

In several paragraphs the report presents the security problem as it really is. Not one of providing maximum security for all who are sentenced to imprisonment, but one of a graduated provision related to a classification and allocation system which has as a major element in it a means of estimating probability of security risk. Many, if not most, prisoners accept their sentences and are prepared to serve them out (para. 318). To put these into expensive custody would be a waste of community resources and unnecessarily inhumane and degrading. It seems at least arguable that more could be done for those

prisoners by way of treatment than for others at the further end of the scale and more open conditions and greater flexibility would enhance this possibility. If at the other end of the continuum there are both the prisoners with very long sentences and also those who are determined offenders, it seems very likely that they will be long-term treatment propositions for whom available social work treatment methods may be entirely inadequate or only useful in a supportive way. At this end of the scale it seems obvious that very special arrangements must be made and in the first place the aim would have to be to discover what could usefully be done. But, at least, there is the possibility of beginning a further development.

The role of the officer is again given some prominence and the duties of security and rehabilitation approvingly juxtaposed. The role of the assistant governor in prisons was not examined but the recommendations of paragraph 255 for scrutiny in terms of complementing may well produce an eventual role definition. The terms of reference of the inquiry precluded any interest in borstals and detention centres and there is a great deal, therefore, in the two reports which cannot be compared.

THE RESULTANT SITUATION

The situation which is created by the Mountbatten Report probably has more reality about it, in

terms of community wishes, than the one which preceded it. Constructive treatment of the prisoner and the provision of security are both being demanded and it is essential always to keep them linked together, as A.C.T.O. pointed out. Failure to do this almost inevitably involved a wasteful conflict between protagonists of treatment and security as separate and opposed aims. This is a battle which neither side can win in the light of available methods and resources. It is also a battle between short-sighted opponents, namely, those who cannot see that security has a part to play in treatment and that treatment has a part to play in security. Almost certainly the wider community wants both these things to be provided and the important questions are in the area of how strongly does the community want both and what resources it is prepared to provide. Training, in both the senses from which we started originally, is entirely dependent upon the answers which the community provide. This is to say, of course, that training in this field of work cannot be undertaken as a fashionable practice, it must have purpose.

What is now needed is a continuance of the debate with the object of achieving more clarification and increasingly realistic allocation of resources.