UNIVERSITY OF SOUTHAMPTON

PROBATION WITHOUT SOCIAL INQUIRY REPORTS: AN EXAMINATION OF STAND-DOWN PROCEDURES IN A MAGISTRATES' COURT.

by

J. E. HORNCASTLE

JULY 1988

CONTENTS

UNIVERSITY OF SOUTHAMPTON

ABSTRACT

FACULTY OF SOCIAL STUDIES

Master of Philosophy

PROBATION WITHOUT SOCIAL INQUIRY REPORTS: AN EXAMINATION OF STAND-DOWN PROCEDURES IN A MAGISTRATES' COURT

by John Edward Horncastle

The research studied an experimental scheme whereby magistrates were encouraged to place on probation offenders who fulfilled certain criteria without the customary adjournment for Social Inquiry Reports; it was hoped thus to reduce workload pressures on probation officers and eliminate the burden of adjournments for courts and defendants. Stand-down reports would be requested where appropriate to check the criteria, and the scheme ran from November 1983 to April 1984.

Information was collected from official records and interviews with magistrates and probation officers. The scheme was used sparingly, and frequency of use declined over the six-month period; seventeen probation orders were made without Social Inquiry Reports - on nine men and eight women, all except one being relatively minor offenders. Twenty-one stand-down reports were requested.

Publicity for the scheme was considred patchy and attitudes from probation officers varied, becoming more supportive with time; magistrates interviewed saw it more positively. Stand-down interviews were brief, and in eight cases criteria for suitability were not followed - chiefly through offenders concealing drink problems. Nevertheless, these defendants were not necessarily considered generally inappropriate for probation, and the probation experience of the whole group differed little from the normal pattern.

In six cases it was conjectured that probation would not have been recommended after a full Social Inquiry Report - for four defendants a lower tariff sentence would have been suggested. The scheme's claims to save time were dubious, and the use of a stand-down to check offenders' personal details must also be questioned. Merits were seen in saving offenders delay and stress.

LIST OF TABLES

INTRODUCTION

Social inquiry has held a seminal place among the tasks of the probation service, and the courts have become accustomed, or even habituated, to requesting adjournments for full, written reports, particularly before making a probation order. This concept was challenged in the scheme examined by the research, in that magistrates were encouraged to make probation orders in appropriate situations without any inquiries whatsoever.

As it evolved, however, the research became largely concerned with a neglected area of probation practice - the so-called stand-down report. There is a certain irony here in that the aim of the scheme was to eliminate social inquiry on occasions, and request information from the probation service 'exceptionally'. Although courts did reduce requests for full Social Inquiry Reports, they nevertheless made only one probation order with no inquiry whatsoever, and the other sixteen orders made under the scheme were preceded by stand-down inquiries.

This could not have been predicted, nor could the level of popularity of the scheme. As it happened, the scheme was used sparingly, and this affected the nature of the research method: the low numbers involved meant that there was little opportunity for sophisticated statistical analysis. Thus the study is largely descriptive and discursive.

It begins with a discussion of the Social Inquiry Report's role in advising sentencers, and continues with an account of the experimental scheme established in a Hampshire court. Chapter Three describes the research methodology utilised and the chief findings are indicated in the following Chapter; these are partly based on a series of interviews with magistrates before the scheme, and with all the probation officers who participated. Conclusions and comment appear as seems appropriate within the text, but are also addressed specifically in Chapter Five.

As will become evident to the reader, the research could not have taken place without support from the probation service, and in particular from a succession of Assistant Chief Probation Officers - from David Hill, whose

brainchild the scheme originally was, from Dick Whitfield and Jack Holland.

Thanks are also due to my University supervisor, Peter Ford, for his patience and interest.

John Horncastle

Emsworth

February 1988

CHAPTER ONE

BACKGROUND TO THE HAMPSHIRE SCHEME.

(a) INQUIRIES FOR COURTS

The traditions of the probation service reach back over a century, during which time novelty has become history many times over. The precursor of the latter-day probation officer was George Nelson, ex-Coldstream Guardsman of religious fervour and in 1876 the first appointed police court missionary, who worked in a semi-clerical manner attempting to help offenders by encouraging them to sign the pledge. He would find little in common with the newly-fledged young probation officer of today, trained in a non religious atmosphere, disciplined to reflect and counsel rather than exhort, and using the languages and techniques of psychology and computer technology.

Some elements, however, might be recognisable to both individuals in their work, apart from the relentless flow of alcohol-related offending, and included among these would be the presentation of information to courts concerning defendants. The practice of providing this information for the bench grew up quickly after the appointment of the first police court missionaries, when some magistrates 'soon began asking the missionaries to report on the homes and other circumstances of particular offenders' (King 1958). The information was not presented with any particular pretence of objectivity, but was in the form of a verbal plea made 'explicitly and without embarrassment on behalf of certain defendants' (Carlen and Powell, 1979) and based on 'hope or intuition or personal involvement' (Jarvis, 1980). This approach was probably appropriate for employees of a charitable voluntary agency who saw their purpose as keeping offenders out of prison, and for whom the use of special pleading was not out of place.

Gradually the place of the court inquiry became more central in the probation officer's workload, and eventually gained the epithet of a 'key piece of work' (Burbidge et al, 1977), 'the most important part of the probation officer's work' (Smith, 1967) or 'potentially the most

influential' task (Burbidge, ibid.). The voluntary contribution also became a statutory duty in that legislation later compelled the probation service to provide reports on the social circumstances of offenders in a gradually widening range of situations. The verbal plea also became converted to a written document.

The first legal requirement on the probation officer to make 'preliminary inquiries', as directed by the court, was contained in the Probation rules of 1926, and these investigations were intended for defendants where a probation order might be considered appropriate. The Criminal Justice Act 1948 enlarged the scope of inquiry, following recommendations of the 1936 Departmental Committee on Social Services in Courts of Summary Jurisdiction, and stated that the probation officer 'could inquire into the circumstances of any person with a view to assisting the court'. The provision of Social Inquiry Reports (as they are now known) is currently enabled by the Powers of Criminal Courts Act 1973, and guidance about their use is given from time to time either in legislation (for example in the Criminal Justice Act 1982) or in Home Office Circulars, of which one has recently appeared (H.O.C. 92/1986), postdating the research study.

Over the years several aspects of the Social Inquiry Report have been subject to comment and critical research, of which perhaps the most noticeable has been its role as a sentencing aid. The Report of the Interdepartmental Committee on the Business of the Criminal Courts (the Streatfield Report) concluded that a probation officer could properly express 'a frank opinion on the likely effect on the offender of probation or other forms of sentence'. Its recommendations, made in 1961, were significant in two senses: firstly it recognised that probation officers should be allowed to comment openly in their reports without using the convoluted and obsequious language of deference which had been developed over decades. Secondly, it encouraged opinions about disposals other than probation - the latter being the area where probation officers traditionally had some expertise. Discouragement, however, was the keynote of the Morison Report, published in the following year (Home Office, 1962)

when it stated that 'probation officers are not now equipped by their experiences and research cannot yet equip them to assume a general function of expressing opinions to the courts about the likely effects of sentences'. This caution gradually gave way to a recognition of the probation service's wide role in advising sentencers, through a series of Home Office Circulars in which the Secretary of State eventually expressed the opinion that 'if an experienced probation officer feels able to make a specific recommendation in favour of (or against) any particular form of decision being reached, he should state it clearly in his report' (Home Office Circular 194/74). Not all parties concerned necessarily concur with the official view, however, as the following quotation from the Justice of the Peace demonstrates:

> 'Probation officers have useful 'opinions' to offer upon the effects of various types of sentence upon the offender. They are neither qualified nor employed to 'recommend' the sentence which should be passed, because this is a function of the sentencer (and not the welfare service) in which he has perforce to balance the safety of the community and a number of other imponderables against the improvement of the individual offender'. (Justice of the Peace 22.5.82)

The role of the probation service in offering opinion or recommendation is therefore to a certain extent in a state of suspended unease, and its discomfort is increased by the results of research into various aspects of Social Inquiry Reports themselves. The accuracy and comprehensiveness of content has been examined in studies by Perry (1974) and Thorpe (1979). The former found that the 'provision of the most basic material was haphazard and unreliable'; frequently information was included within the report which was susceptible to confirmation, but no attempt had been made to check data with relatives, employers or police. Reports were often based solely on an interview between defendant and probation officer with no external corroboration. Walker and Beaumont (1981) suggest that reasons for the lack of attempts by probation officers to confirm details may not be wholly related to gullibility or naivety; on the

contrary they may be wise in not checking employment data with employers, and some details - for example the educational career of older defendants - may be unobtainable or less than relevant. They also suggest that there may be another - possibly specious - reason presented by probation officers for their actions:

> 'In practice, probation officers place relatively little importance on the reliability of reports and are more concerned with overall effect. They concentrate on presenting material which will be convincing and will not be contradicted in court - to be caught in error would not only be embarrassing and reduce credibility in general but would also undermine the effect of that particular report'.

Perry also pointed to the lack of uniformity in reports he examined, as 'apart from the name of client, address and date of birth there were no facts which were universally presented in the sample'. This finding is explained by Thorpe in her study as being due to many factors, including whether a report is prepared for magistrates or judges; how well the probation officer knows the sentencers; the time available to complete the report; whether the probation officer was stressing the welfare of the defendant or the needs of the community; the extent of guidance by senior officers; and other contributory reasons.

The selectivity of the probation officer has attracted criticism from magistrates as evinced by an editorial in their journal (Justice of the Peace, 22.4.83). This commented that the probation view of defendants was skewed and partial, as shown by Thorpe's research, in that for the Social Inquiry Report positive features tended to attract mention to the exclusion of negative factors, and even unfavourable points were considered sympathetically by the probation officer. For example, the defendant's attitude to the offence was mentioned favourably on 263 occasions, as opposed to only 42 instances where it received negative comment (and 162 of no mention).

The direction of this research has also been criticised for not taking into account the perspective of the probation officers preparing

reports, and it has been asked how evaluative judgments can be made without reference to the ethos and objectives of the reporter (Pearce and Wareham, 1977).

Perhaps the most fascinating area of investigation, and at the same time the most difficult to assess, is that concerning the effect of Social Inquiry Reports in influencing sentencing decisions. It has been commented that little of the writing about Social Inquiry Reports has tackled the issue of purpose (Hine and McWilliams, 1981), but it must be implicit in all discussion about the subject that if probation officers' opinions or recommendations fail to affect sentences, then they fail at their most important task. The plethora of articles and books linking Social Inquiry Reports with sentencing policies and procedures is evidence of this primary aim (for example Ford, 1972; Thorpe and Pease, 1975; Mott, 1977; Gabor and Jayewardene, 1978; Hine et al, 1978; Mathieson, 1978; Napier, 1978; Roberts J and C, 1982, and many others). The importance of the recommendation to courts may also be gauged rather more obliquely from the occasions where magistrates and judges publicly and passionately disagree with the conclusions of the Social Inquiry Report. The following extract from a Court of Appeal judgment highlights some issues. In upholding a sentence of four years' imprisonment, the Court:

> 'was surprised to note that the probation officer had recommended a Community Service Order. The recommendation had caused counsel at the trial difficulty because he felt he ought to try to support it. Such unrealistic recommendations created difficulties for trial courts ..... because they led to many applications by persons who got it into their heads that they must have a chance of success'.

Considerable work has been expended in attempting to discover the extent of the effect of Social Inquiry Reports on court decisions. Many studies have noted the high degree of co-incidence between probation officers' recommendations and court sentences - Carter and Wilkins (1967) discovered a 96% concordance; Ford (1972) 'roughly 80%'; Thorpe and Pease (1976) 78%; Leaves (1980) 79% and Hardiker (1979) 78%. Commentators

have, however, highlighted the weakness of examining rates of agreement since concordance would be due partly to intelligent anticipation of magistrates' intentions on the part of probation officers, or it may be that in some cases there are very few reasonable sentencing options.

A small number of studies has attempted to circumvent this difficulty, typically by asking courts to make a hypothetical decision on hearing the facts of the offence and later making a fresh decision after consulting a Social Inquiry Report. In a survey by Hood and Taylor (1968) 44 out of 92 initial sentencing decisions were changed after consideration of a Social Inquiry Report, while in a study in a juvenile court Mott (1977) found amendment in 38 out of 111 disposals; their influence was also indicated in a somewhat artificial sentencing exercise conducted by Hine, McWilliams and Pease in 1978 The research is not quite straightforward, however, since not all reports may contain recommendations and they may be indeterminate, equivocal or tentative. For example, Perry (1974) discovered that 55% of his sample where there was no recommendation eventually received custodial sentences.

Other studies concerned with Social Inquiry Reports have considered more practical aspects, such as the form and content of the written document, and the length of time taken for its preparation and presentation. With regard to the information normally contained in Social Inquiry Reports, the Streatfield Committee (1961) produced a list of relevant areas, and the latest suggestion from the Secretary of State (as the content of Social Inquiry Reports is not defined by legislation) is contained in Home Office Circular 92/1986 as follows:

> 'An SIR should contain information about the offender's personality and character, and, in order to seek explanation for his behaviour, should set him in his social and domestic circumstances. Information might include whether or not the offender is living with parents/spouse/partner; other people in the household; the nature of the community in which he lives; whether or not he is in work, and if so, what kind; how the offender spends his time if unemployed; his use of leisure;

his level of educational attainment and any immediate plans for the future. The court will usually value an assessment of the offender's attitude to the offence, his motives, and, if others were involved, the extent to which he led or went along with his co-defendants.'

The usefulness to magistrates of various types of information was studied by Thorpe (1979) through a paper exercise; she discovered that in 38% of the cases studied decisions were arrived at by magistrates using less than half of the available information areas; however, some areas, e.g. the offence, previous convictions and attitude to the offence were considered on almost every occasion before a decision was reached.

Finally, the length of time to prepare and present a written Social Inquiry Report has been studied, the first substantial account being that of Davies and Knopf (1973) who discovered that each report required on average four hours and thirty-nine minutes, of which about a third was spent interviewing the offender. This figure was very similar to the one obtained in 1971 by Horncastle in Leicestershire of four hours and fifteen minutes. Several other studies confirmed these results in general, the exception being the National Activity Recording Study, which commenced in 1977 and produced a figure of 2¼ hours. The National Association of Probation Officers challenged the basis on which this figure was obtained, and eventually for the purposes of workload measurement a compromise figure was adopted.

Despite doubts expressed about the usefulness of the Social Inquiry Report, its contradictory ideologies and lack of 'objectivity', it still retains a strong appeal, and Raynor (1985) points out that demand remaind buoyant, even during years when the number of probation orders was falling. In fact its versatility is such that in practice it has spawned a variety of models, and it is these variations which the next chapter examines.

(b) VARIETIES IN THE FORMAT OF SOCIAL INQUIRY

'In this section 'social inquiry report' means a report about a person and his circumstances made by a probation officer or by a social worker of a local authority social services department'.

The above quotation from the Criminal Justice Act 1982 Section 2 (10) allows for considerable scope in determining the format, content and length of social inquiry. The latest Home Office Circular (No.92/1986) makes a specific point of mentioning that 'specific content of a probation officer's report to a court is not prescribed by legislation'.

In view of the great potential flexibility in interpretation, it is possibly surprising that with perhaps a handful of exceptions every one of the quarter of a million social inquiries prepared annually for courts over the past two or three years will have been in the time-hallowed, written format, sanctioned through its use by a generation of sentencers and probation officers.

In the United States of America however, more attention has been paid to preparing different types of pre-sentence reports, in particular with the development of a shorter format, known as a Selective Presentence Investigation Report (Division of Probation, Washington D.C., 1975. This type of report is considered suitable for a defined series of offences of lesser importance, whereas a longer document is required for other stated offences, concerning, for example, organised crime, the use of firearms or for recidivists. The reasons for the introduction of the shorter report were in part the increase in demand for pre-sentence reports from American probation services, and partly the attempt to quicken the process of criminal justice. This format was favoured in preference to 'check-lists', which were tried and found unsatisfying, but also in an awareness of the potential hazards of selectivity: there is a very clear ethical and judicial problem for the probation officer in aiming solely to include useful information and eliminate the irrelevant. This may involve some attempt to anticipate a court's intentions and may result in a partial

picture being presented to a court whose function is to take a wider view of the facts.

There have been occasional suggestions on this side of the Atlantic that a varied format of report could be appropriate. Among them Mathieson (1977) proposed a variety of types of report to suit differing circumstances:

A : A very detailed and specific report where psychiatric treatment, residence in a probation hostel or other unusual sentence was anticipated.

B : A 'normal' report.

C : A basic, relatively brief report where offences were serious, and mitigating factors were likely to have no effect.

D : A basic report where a mid-level punitive sentence was expected, and the offender appeared to have no personal problems (perhaps prepared by an ancillary)

E : No report.

While this approach has a certain attraction, it requires considerable prophetic ability on the part of the probation service in deciding into which category a defendant falls. Experience also shows that often offenders who superficially have few personal problems eventually reveal a multiplicity.

A less systematic approach had been suggested two years earlier by Acres (1975) when he proposed that 'courts should be prepared to accept the very briefest reports where these are relevant' in order to save time. It should be enough, he said, 'in appropriate circumstances to say that there are no special social, financial, medical or psychological factors which the officer feels are relevant to the case'.

At another level, a discussion paper prepared for Chief Probation Officers (Burbidge et al, 1977) proposed the possible introduction of a 'Short Report' in the following terms:

> 'This may be little more than police antecedents and an indication that there has been a probation service intervention. The report could confine itself to very brief comments about the need for

intervention or lack of it, either because of the resolution of difficulties which appeared to lead to court appearance or the inevitability of a custodial sentence or fine or discharge'.

The paper adds that during the course of preparation of the report the probation officer may have been able to put the offender in touch with resources appropriately, or come to some conclusion about the offender's lack of motivation to receive help at that stage.

This theme is also pursued by Thorpe (1979), whose research analysis showed that there was no relationship between the length of report and the likelihood of its recommendation being 'followed'. Also it seemed clear that the provision of social information alone - without the addition of a recommendation - was less likely to affect decisions towards the disposal intended by a probation officer than where a recommendation was included. She concludes by affirming that there is nothing to be gained by preparing an over-long report, particularly one without a recommendation. A topic which Thorpe indentifies as confusing the situation and tending to encourage the provision of extraneous matter in the Social Inquiry Report is the practice of using the document as a multi-purpose tool: sentencing help to courts; aide-memoire and basis for record-keeping for a supervising probation officer; guide to appropriate allocation within the custody system; or source of information on personal matters for welfare departments in penal institutions. She suggests that often a court may need little more than the police antecedents to assist its deliberations about disposal.

A further variety of report - and one which is of cardinal importance for this study - is the so-called 'stand-down' report and so far as can be ascertained, this research is the first detailed examination of this type of report.

It has a secure place, however, in the mythology of the probation service, and is often mentioned as one might refer to a bad habit prevalent in youth, but lost with increasing maturity. The phrase itself describes the action of a defendant in being ordered to stand down from the dock for a time - often being taken into a cell - in order that he can

be interviewed by a probation officer. The latter will then return and give a verbal report in open court to assist the sentencers in their deliberations. The topics to be discussed between probation officer and defendant are nowhere officially indicated, but would traditionally be similar to those for written Social Inquiry Reports.

Gradually, however, desuetude overtook the stand-down report, as it was considered to have several disadvantages in comparison with the written Social Inquiry Report, not least of them being the inability to check facts in a brief interview, and the regrettable lack of confidentiality in addressing an open court. Official references to the practice are extremely rare, and when discovered have been - until recently - brief or dismissive. Jarvis (1980) for example spends thirty-two pages discussing the practice of providing Social Inquiry Reports for courts, and only five lines on stand-downs. His comments are as follows:

> 'Some (reports) are prepared during a short remand or while the case is put back in the list, and are given verbally. Most probation officers find this an unsatisfactory practice and it was described in the Morison Report as a poor substitute for a full social inquiry report (Report of the Departmental Committee on the Probation Service (1962) Cmnd 1950 para 32)'.

However, closer inspection of the same Report shows that it considers stand-down reports favourably when used as envisaged in the Hampshire scheme, commenting that 'there may occasionally be cases in which the court, after consulting their probation officer, are satisfied that no other course than probation is appropriate and that no useful purpose can be served by delaying the making of a probation order'.

Over the past two or three decades, nevertheless, the probation service has impressed on magistrates the superiority of the written vis-a-vis the verbal report, and also the wisdom of requesting a Social Inquiry Report before making a probation order. The latter point was mentioned in both the Streatfield and Morison Reports (q.v.) and confirmed by the Secretary of State (Home Office Circular 59/1971).

However, necessity being the mother of re-invention, pressure of work has produced a movement towards the revival of the practice of stand-down reports in the interests of economy and convenience. This trend appears to be taking place despite the lack of substantive research into the stand-down report itself, either from the perspective of the consumer, the probation service or the court.

The new approach is embodied in draft Home Office Circular No 92/1986, and is sufficiently novel and germane to this study to reproduce in full, although there is no definition contained in the circular, and the reader is presumed to be aware of the meaning of the term 'stand-down'. The requisite section reads as follows:

> 'In cases in which SIRs have not been prepared pre-trial, and the defendant is found guilty, a court may wish to consider the possibility of a stand-down report, especially if it is considering custody. Notwithstanding the circumstances in which there is a statutory requirement to prepare an SIR, there will be some cases in which there is insufficient reason to adjourn or remand for an SIR, but where there are a number of uncertainties which would suggest a brief enquiry by a probation officer to see whether an SIR is necessary. More frequently there will be cases where courses of action have been suggested by the defence and where the court wishes to be satisfied about the feasibility and probable outcome of taking such courses. There will also be cases where the court has specific matters which it wishes to be explored. In all cases the probation officer will need time, not only to interview the offender, but to make some checks on the information he is given. It is important that he should be able to carry on out the work competently and not have to come to hurried conclusions; but every effort should be made in the time available to prepare a report sufficient to enable the court to come to a conclusion without ordering a remand, especially where that remand might have to be in custody.'

Thus a stand-down is suggested as a catch-all for various purposes, from simple welfare-orientated tasks such as checking information, to

assessing the need for a full Social Inquiry Report, and carrying out an interview before a custodial sentence. This last purpose might appear to be somewhat contentious, as where a defendant's liberty is at issue, it could be said that the attention of a full Social Inquiry Report was justified. Additionally, stand-downs may have been used cynically from time to time in the recent past to comply with the requireents of the Criminal Justice Act 1982 for social inquiries before certain custodial sentences, where courts had no intention of being affected by the results of the stand-down report, but were already privately determined on custody. The provision of a report in these circumstances is clearly an exercise in futility.

The National Association of Probation Officers is opposed to these developments, arguing that the emphasis on stand-down reports is purely to meet judges' demands for instant sentencing, and that judges should be discouraged from sentencing in hot blood (Beaumont, 1986). The general encouragement of the use of stand-downs in the Circular also seems contrary to the intention in the Statement of Objectives and Priorities of the Hampshire and Isle of Wight probation service (1985), where one of the stated aims is to 'limit 'stand-down' or 'put-back' reports to courts unless there is some prior agreement between courts and probation staff as to the particular effectiveness of this approach'.

Interestingly, a joint working party of magistrates and probation officers set up in 1981 in the petty sessional division studied, mentioned the stand-down report (or 'put-back') in the following terms:

> 'Greater use should be made of the 'put-back' enquiry when a a probation officer in court is asked to interview an offender, assess the need for a full social inquiry report and report verbally to the court. 'Put-back' enquiries should not be used as a substitute for social enquiry reports'.

Thus, although the suggestion appeared to have little effect on court practice at the time, there was nevertheless agreement in principle by the two groups about the potential usefulness of stand-down reports.

The most recent comment on the practice appears in the latest (fourth) edition of the Probation Officers' Manual (Weston, 1987), where in a chapter much abbreviated in comparison with the previous edition the compiler comments that

> 'this procedure is suitable only for the checking of specific details of information or for the formation of initial impressions which the probation officer may convey to the court'.

(c) WORKLOAD PRESSURES AND THE PROBATION SERVICE

From time to time the probation service has been concerned about the large number of hours spent by its members in the course of their weekly employment, and also, despite this, the inevitable neglect of some cases because of general pressures of work. As long ago as 1971 the Solent Branch of the National Association of Probation Officers carried out a Work Load and Job Evaluation Study (NAPO, Solent Branch 1971), which was principally an examination of how probation officers spent their time. It was calculated that the average working week of the respondents totalled forty-two hours and fifty-five minutes, with the extremes being thirty-eight and forty-eight hours. This compares with a similar study carried out contemporaneously in Leicestershire (Horncastle, 1971) where the calculated average working week was forty-three hours forty-two minutes. Horncastle was particularly concerned to examine the effect of Social Inquiry Reports on work patterns, and concluded that a glut of Inquiries did not necessarily lengthen the working week, but did tend to reduce the time spent in home visiting.

Subsequently the emphasis turned to attempting to discover more sophisticated methods of measuring work equitably, and in 1972 the National Association of Probation Officers produced a comprehensive booklet which suggested weightings for all probation officers' activities (NAPO 1972). The suggestions were taken up by the Home Office and Chief Probation Officers, and in 1977 a National Activity Recording Study was instituted, as a result of which NAPO's original weightings underwent some modifications. The amended version was offered for universal use in 1980, and it was considered that there could be four distinct aims for such a weighting system:

a. To monitor workloads

c. To ensure that available resources are shared as fairly as possible.

d. To demonstrate where time is going in order to raise questions about - and to assist with - determination of policy.

The NARS figures are still available to probation areas which wish to use them, as a means of equalising work between probation officers who have different functions and responsibilities.

However, the Assistant Chief Probation Officer who instigated the scheme being studied here was not so much concerned about equity between his staff group as the general increase in work pressures, which he considered could be reduced by the introduction of a stand-down service to the courts.

It is not known whether the Assistant Chief Probation Officer was acquainted with the workload statistics prepared annually each year, but they make significant reading. They show, probation service by probation service, the average number of supervision and after-care cases held by each officer on 31st December, and also the average total of reports prepared per officer during the whole of the year. The relevant figures are reproduced in Tables 1 to 4.

The figures for 1983 do not cover a full year, since probation officers refused to complete their returns because of industrial action. Nevertheless, it can be seen that in each of the four work areas examined there was a steady increase in the average load for each probation officer. In the area of Supervision cases (table 1), the Hampshire average was consistently above the national average; the figures for Social Inquiry Reports and Total Reports demonstrate that Hampshire started in 1979 below the national average, but in both cases had surpassed it by 30th June 1983. Only in the group of After-care cases (table 2) was Hampshire consistently below the national average.

Figures produced in 1985, after the experimental scheme ended, are equally significant (the 1984 figures were also affected by industrial disputes). They show that by that year the Hampshire average supervision work load had risen until only two probation areas (out of fifty-six in England and Wales) had higher figures. In 1979 the county was in 17th position, so within six years had risen fourteen places. Similarly, there had been a rise from 41st to 24th in the table of average number of reports prepared by main grade officers.

Thus the Assistant Chief Probation Officer was absolutely justified in detecting an inexorable increase in the amount of work expected of each probation officer over the few years preceding the scheme, an increase which also continued immediately afterwards.

COMPARISON OF SUPERVISION WORKLOADS 1979 - 1983

TABLE 1(a)

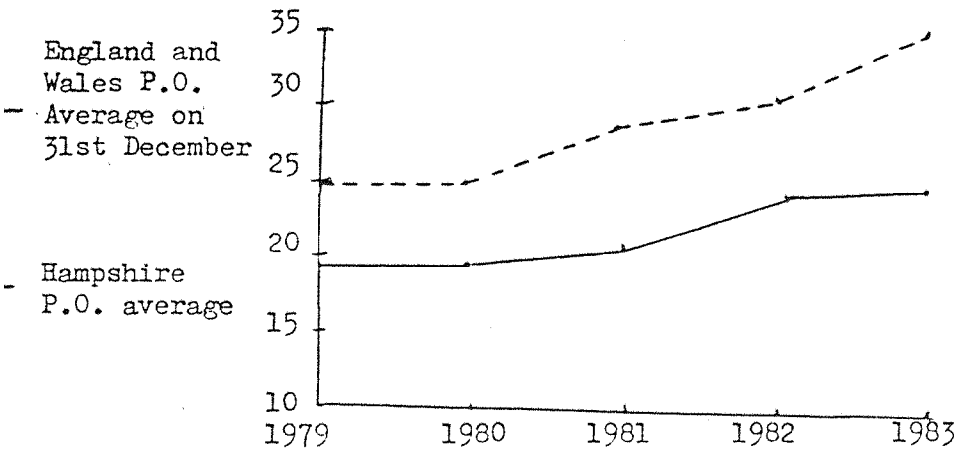
SUPERVISION CASES (EXCLUDING AFTER-CARE)

Hampshire probation officer average at 31st December		England and Wales probation officer average at 31st December	
1979	24.9	1979	19.2
1980	24.9	1980	19.2
1981	27.3	1981	21.3
1982	29.8	1982	23.6
30th June 1983	33.8	30th June 1983	23.9

(Source: Great Britain, Probation Statistics 1979, 1980, 1981, 1982, 1983)

TABLE 1(b)

SUPERVISION CASES (EXCLUDING AFTER-CARE)



(Source: Great Britain Probation Statistics 1979, 1980, 1981, 1982, 1983)

TABLE 2 (a)

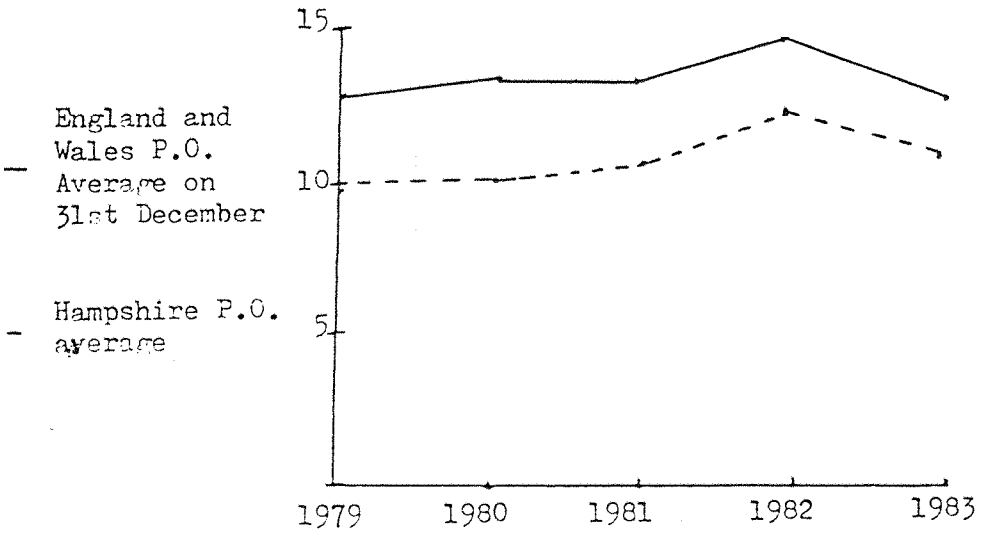
AFTER-CARE SUPERVISION

Hampshire probation officer average at 31st December		England and Wales probation officer average at 31st December	
1979	9.9	1979	12.9
1980	10.6	1980	13.6
1981	11.0	1981	13.6
1982	12.2	1982	14.5
30th June 1983	11.2	30th June 1983	12.4

(Source: Great Britain, Probation Statistics 1979. 1980, 1981, 1982, 1983)

TABLE 2(b)

AFTER-CARE SUPERVISION CASES



(Source: Great Britain Probation Statistics, 1979, 1980, 1981,1982, 1983)

COMPARISON OF REPORT WORKLOADS 1979 - 1983

TABLE 3(a)

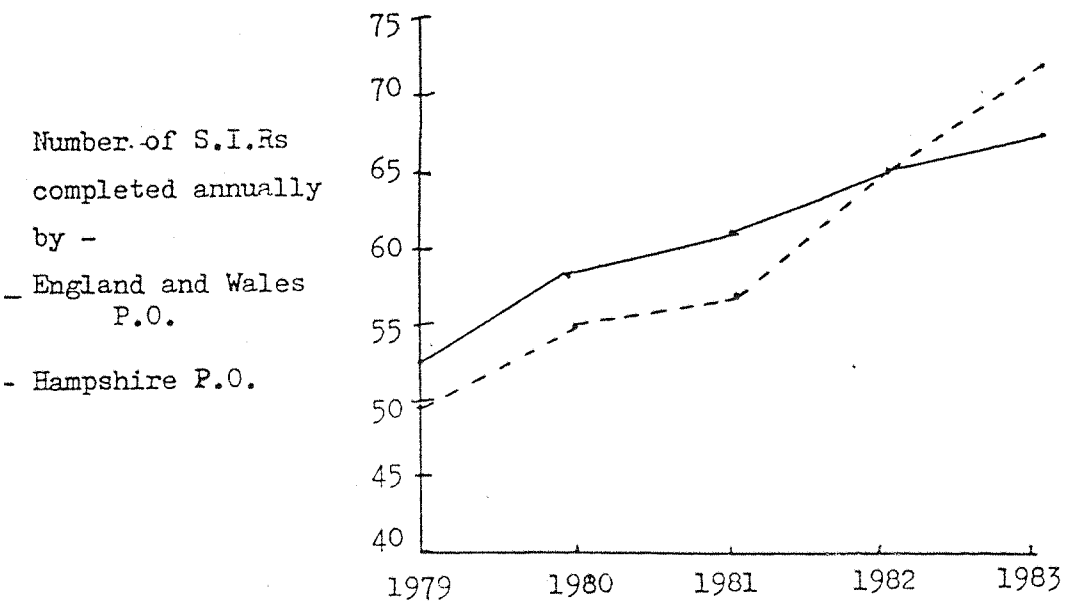
SOCIAL INQUIRY REPORTS

	Hampshire probation officer average		England and Wales probation officer average
1979	49.7	1979	52.5
1980	54.0	1980	57.5
1981	56.1	1981	60.1
1982	64.1	1982	64.1
(first half) 1983	35.4	(first half) 1983	33.0

(Source: Great Britain, Probation Statistics 1979, 1980, 1981, 1982, 1983).

TABLE 3(b)

SOCIAL INQUIRY REPORTS



(1983 Total projected from first six-month figures)

(Source: Great Britain Probation Statistics, 1979, 1980, 1981, 1982, 1983)

TABLE 4 (a)

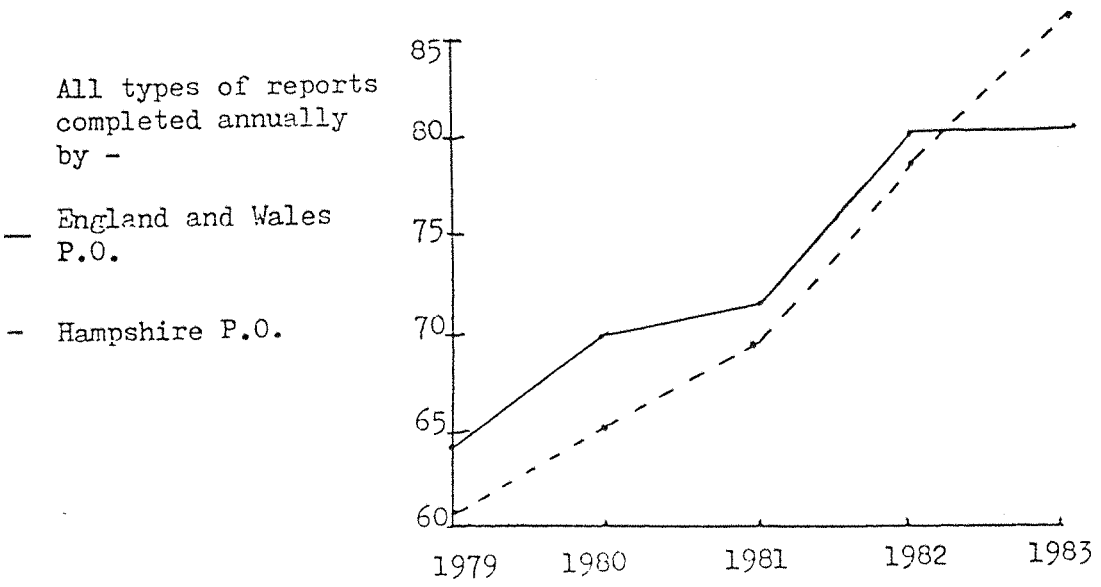
ALL TYPES OF REPORTS

	Hampshire probation officer average		England and Wales probation officer average
1979	61.9	1979	64.3
1980	65.9	1980	69.1
1981	68.5	1981	71.7
1982	77.8	1982	80.3
(first half) 1983	42.9	(first half) 1983	40.2

(Source: Great Britain, Probation Statistics 1979, 1980, 1981, 1982, 1983)

TABLE 4(b)

ALL TYPES OF REPORTS



(1983 total projected from first six-month figures)

(Source: Great Britain Probation Statistics, 1979, 1980, 1981, 1982, 1983)

CHAPTER TWO

GENESIS AND DEVELOPMENT OF THE HAMPSHIRE SCHEME

(a) PROCEDURES IN COURT

As indicated in the last chapter, the years between 1979 and 1982 witnessed in Hampshire a substantial increase in the workload in the provision of Social Inquiry Reports for courts - in fact, something in the order of twenty-eight per cent (Home Office, Probation Statistics 1982). It was also estimated that the price of producing such a report increased from £70 to £110 within the same period (Home Office, ibid.).

The Assistant Chief Probation Officer responsible for the Petty Sessional Division studied decided therefore in 1983 to attempt to reduce the number of Social Inquiry Reports prepared, for reasons of economy in time but also anticipating that some defendants would prefer to have their case heard immediately instead of being adjourned for further information.

He may in addition have been influenced by some of the more negative research findings in connection with Social Inquiry Reports. For example it is commonly assumed that the influence of the probation service in the administration of justice is benign, and that any intervention is normally favourable to the defendant. However, an artificial sentencing exercise suggested that the effect of a Social Inquiry Report was as frequently to divert an offender into custody as away from it (Hine et al, 1978). The authors of the exercise acknowledge its artificiality, and it should also be stated that a high degree of self-selection took place among the participating magistrates. Nevertheless the results have caused sufficient disquiet as to create a practice in some probation areas wherein a recommendation for custody has always to be discussed with a senior probation officer before being inserted in a Social Inquiry Report; and some writers maintain that the aim should always be to ensure a non-custodial sentence, Walker and Beaumont (1981), for example, stating that reports should never be written 'recommending immediate or suspended custodial sentences'.

There have also been attempts to chart the more general effect of Social Inquiry Reports on sentencing: Hood (1966) compared the reconviction rates of one sample of offenders taken before the implementation of the Streatfield Report with one taken afterwards. He concluded that obtaining more reports prior to sentencing 'had not led to a substantial fall in the number of offenders reconvicted'. Davies (1974) claimed that there was no evidence to suggest that the provision of more reports had improved sentencing effectiveness as judged by three criteria: reducing the level of crime; a reduction of the number of men received into prison; and reducing sentence disparity (some may, of course, argue that sentence disparity is an indicator of individualised sentencing practice and therefore laudable).

Whatever the reasons for the introduction of the scheme, it was certainly considered a feasible and appropriate project by the Assistant Chief Probation Officer in the spring and summer of 1983. He attended meetings of at least two magistrates' Probation Liaison Committees, where he outlined his ideas for the scheme.

A working party consisting of a small group of probation officers, including the Magistrates' Court Liaison Officer, was also established to discuss the new initiative. Although the researcher was not officially involved at this stage, a small amount of informal contact suggested that there was by no means uniform approval for the new initiative within the probation service. These feelings manifested themselves for a small number of probation officers in a reluctance to become involved in the new approach, but despite this the scheme was implemented, and commenced on November the first 1983.

Basically the aim was to encourage magistrates to place certain defendants on probation without an adjournment for a Social Inquiry Report. It was presumed that some offenders would be such obvious candidates for supervision or befriending (or whatever other functions the probation service might be considered to serve) that a decision about this could be taken on the day of hearing rather than after a remand. These individuals would be minor offenders presenting an acceptable degree of

risk to the community, would have some personal or social problem, and would need to be considered receptive to advice and assistance.

It was considered, however, that certain defendants might present risks if placed on probation without any investigation into their situations; it was not suggested that probation was an inappropriate disposal for them, but that the benefit of an adjournment for a full Social Inquiry Report should be obtained before such a decision was made.

Discussion within the working party of probation officers produced a list of criteria to be used for determining which defendants were not appropriate for an immediate decision in favour of a probation order. The criteria were as follows:

I Persons resident outside the Petty Sessional Division. (This criterion obviously reflected the experimental nature of the scheme, and the fact that in other parts of the county, and country, probation orders were almost invariably made after a full Social Inquiry Report.

Other probation officers who were not party to the scheme may have been unhappy about supervising cases where little investigation about suitability had taken place).

II Persons on whom police antecedents were not available. (Police antecedents normally consist of a brief statement of personal circumstances in addition to a list of previous convictions, if any. The content of the antecedents may therefore give some indication to the court as to whether probation would be appropriate, and their absence would be detrimental to making this assessment).

III Serious offenders of all categories. (This criterion clearly echoes the requirement that the scheme should be for 'acceptable risk' offenders).

IV Persons awaiting trial at other courts (It could clearly be a fruitless exercise to make a probation order where a defendant lost his or her liberty within the very near future).

V Persons with a severe psychiatric, medical or alcoholic problem (Defendants suffering from these conditions are not necessarily

considered unsuitable for probation generally, but it was considered that a full Social Inquiry Report should be prepared. As will be seen later, this category was to prove the most problematic).

VI Persons released from custody within the last month. (The implication of the swift re-offending could be either the existence of severe personal and social problems or a strong commitment to a delinquent way of life. For either circumstance an immediate decision about probation was not considered proper).

VII Persons currently on statutory supervision or who had completed supervision within the previous month. (The probation service would be in a good position to supply a comprehensive report on such defendants when their cases were adjourned). It is ironic that current probationers were excluded under the scheme since they were the chief recipients of day of hearing reports in the sample earlier studied by Perry (1974).

VIII Homeless persons who had abused previous attempts to accommodate them. (Probation supervision can only reasonably occur where an offender has a relatively settled lifestyle).

Magistrates were to be invited to place offenders on probation without any information as to social circumstances (except that contained in police antecedents) but exceptionally they could require additional information on the day of hearing before coming to a decision. In these cases probation officers would interview defendants on the court premises and give a short verbal report (usually referred to as a 'stand-down' or alternatively 'day-of-hearing inquiry') to the court before it rose for the day. However, it was not intended that this report would be a traditional stand-down report - i.e. a scaled-down version of the full Social Inquiry Report. In fact, in the guidelines prepared for the scheme, it was specifically stated that probation officers would not be able to make verbal reports about defendants' private circumstances for two reasons: firstly because it would not be possible to verify the facts within the time available and secondly because confidential information would be publicly disclosed, not just concerning the defendant but possibly also

about other family members and friends who had not even committed offences.

However, specific areas were mentioned which could appropriately be the subject of comment to the magistrates:

I Advice as to whether the defendant came within the scope of the scheme (i.e. checking on the criteria for exclusion detailed above).

II Advice concerning motivation of the defendant to comply with a normal probation order.

III Advice about the usefulness of obtaining a full Social Inquiry Report if warranted by some particular circumstances.

It was also suggested that any probation orders made as part of the scheme should not contain special conditions, with regard - for example - to place of residence or taking part in particular activities. Any such conditions would need full discussion with the defendant and time to arrange.

Although the scheme had been discussed with some magistrates who were members of Probation Liaison Committees, the majority of the bench would have been excluded from these meetings, and thus ignorant of the innovation. To provide information for the total magistracy a circular was prepared covering much of the relevant material detailed above and distributed to all magistrates via the clerk of the court (Appendix 1). Copies were also made available to all probation officers in the Petty Sessional Division, together with a further circular describing the duties of the probation service with regard to the new scheme (Appendix 2).

According to these instructions, the responsibility for undertaking the stand-down report would lie with the first Court Duty Officer (normally two probation officers were on duty each court day, commonly referred to as number one and number two court duty officer respectively). The fact that the first Court Duty Officer was designated to undertake the stand-down report would automatically exclude students or volunteers - a move deliberately designed to confine operation of the innovation to qualified probation officers. (A student would normally be undertaking a placement in the probation office as part of a training for a social work

qualification; volunteers are used in most areas to assist probation officers in some of the less responsible parts of their duties). It was also recognised that the operation of the scheme would create more work for the probation service in the court, and in order to assist with the general recording of court decisions and other non-specialised tasks an additional court volunteer was to be made available.

In addition to the specific requirements concerning the making of probation orders under the scheme and the stand-down report, instructions were given concerning action to be taken before the inchoate probationer left the court precincts. In the first place the first Court Duty Officer was to interview him or her to arrange an initial appointment for meeting at the probation office, and secondly the probation order would be served on the probationer, and an explanation given of its requirements, and the implications of a breach thereof. The probation officer is under an obligation to attempt to ensure that a probationer understands the meaning of the probation order (Probation Rules 1965, r. 33), but normally the probation order is served some days after the court hearing, when it is available.

(b) PROCEDURES SUBSEQUENT TO THE COURT HEARING

Although the main innovations introduced as part of this project occurred within the court, there were some amendments made to traditional methods of working in respect of those placed on probation under the scheme.

The first necessary alteration was in the sphere of assessment. Habitually a probation order is made subsequent to the preparation of a Social Inquiry Report, and in these instances a considerable amount of detailed information has been gathered, much of which may not find its way eventually into the report written for the court. This total material clearly is an excellent basis for deciding what objectives a period of probation might address, and some indentified aims would normally be included in the conclusion of the Social Inquiry Report. Knowledge gained but not incorporated in this document would be recorded in the appropriate section of the probation file.

However, the information required by a bench during a stand-down report is normally very brief and - as has been described - was not intended in the scheme to be anything but a cursory check of defendants' suitability for it. Thus there was a need to prepare a full assessment of the probationer's situation subsequent to the court hearing, and this responsibility was given to the person who had been the first Duty Probation Officer, and therefore had previously had contact during the stand-down interview. The assessment was to be formulated within four weeks, and the obligations were laid on the supervising officer in the following terms (Appendix 2).

I A social history of the probationer will be prepared. Particular attention to be paid to any interests or pursuits which the probationer has and any problems which are occurring.

II A note of the current social network within which the probationer operates should be made, again with any supports which this provides, or difficulties this creates.

III The significance of criminality to the probationer, and if

possible the identification of circumstances which might lead to re-offending.

The means of assessing the probationer were not stated in the two relevant circulars, but it would have normally been through the medium of the individual interview. However, there was also in existence a Day Centre organised and staffed by the probation service and situated about twenty minutes' walk away from the probation office. The Day Centre offered facilities for group activities and participation in minor sports, but also, more particularly, a specific assessment service using a combination of interview and checklists in an attempt to identify areas of a probationer's life which could usefully be focussed on. It was open to any probation officer to refer a client to the Day Centre at the beginning of the probation order or alternatively during the remand for a Social Inquiry Report to obtain additional assistance with Assessment. Although the Day Centre had no particular mention in connection with the scheme under discussion, the two probation officers responsible for it were keen to have referrals made to them for the specialist assessment service.

At the conclusion of the four-week assessment period, a decision was to be made after discussion with a senior probation officer and the probationer about the future supervision of the client. There were three options.

The first choice available was for a probationer to be placed on a reporting register. The ethos informing this type of contact is relatively new for the probation service, and derives from an attempt to separate the social work aspects of supervision from the legal requirements for contact and surveillance. The approach is novel in that traditionally the probation service has been centrally concerned to deal with, or even, using medical terminology, 'treat' the social and emotional problems of probationers. Doubts about the effectiveness, and even propriety, of this attitude and way of working resulted in an influential paper suggesting an alternative pattern for the ethos underlying contact between probation service and client - that of voluntary help (Bottoms and McWilliams,1979).

This echoed the ideas of Bryant et al (1978) in a paper to the Chief Probation Officers' conference. It was suggested that, although control could occur in a compulsory relationship, the attempt to help should only take place in a context of voluntariness, where the client had a real choice of opting in or out of any commitment.

Although criticised by Walker and Beaumont (1981) for not tackling the true reasons for the failure of the 'treatment' approach, which they see as lying in the structural inequalities of society, there have been numerous attempts to create practical examples of the model proposed by Bottoms and McWilliams. Central to these experiments has been a dichotomy created between the control and the care functions exercised by the probation service, with the former being defined by the court and enforced by the probation service, and the latter being approached by means of a voluntary contract between probation officer and client depending on whether the probationer saw himself as having any problems with which he or she welcomed help. Thus to some extent the model respects the dictum of Rogers (1942) that 'authority and a relationship are incompatible' and acknowledges the criticisms of those who regard enforced 'treatment' as suspect or even degrading. Typically, a reporting centre is organised to which probationers report as required, and are offered the opportunity on a separate basis to see a probation officer to discuss difficulties where appropriate. Descriptions of projects based on this model, and consumer research in Hampshire and elsewhere have on the whole been favourable (see Alderson and MacDonald, 1984; Coker, 1984; Blake and Godson, 1982; and Senior, 1984). In the current scheme, the reporting register was intended specifically for those without pressing social problems, or with little motivation to attempt to resolve them.

The second option was for the probationer to be discussed in a field team meeting, and then to be allocated to a probation officer in the normal manner, the choice of supervisor being determined by various factors including current workload pressures and domicile of the client. This type of supervision was intended for probationers with general social or emotional problems, and some motivation towards attempting to resolve

them. Often, although not inevitably, this course of action would involve a change in supervisor from the probation officer responsible for the intitial assessment.

The third possibility was for allocation to a 'specialism' where some particular need was identified in which a probation officer had a particular interest, or where a group of offenders may be meeting together with the support of a member of the probation service. At the time of the scheme there was in existence, for example, a group for women offenders and an Alcohol Education Group for probationers with drink problems, and it was anticipated that other groups would be organised, in addition to the individual interests pursued separately by probation officers. A monthly broadsheet was to be published with details of opportunities available as they occurred from time to time. It was also possible for the probation service to act in the role of broker and put clients in touch with facilities available generally within the community and not restricted to any particular group. These could include educational interests or leisure pursuits.

Where a probationer failed to co-operate with the requirements of his supervision, breach proceedings were to be taken in the usual way. It also seems to have been anticipated that the occasional inappropriate probation order would be made, resulting from the brevity of stand-down inquiries, and particular mention of this eventuality was made in the guidelines to the scheme. It was stated that if circumstances came to light which prevented the probationer from complying with the conditions of the probation order, and these circumstances were not taken into account when the probation order was made, then the court should be approached within a view to converting the probation order to a conditional discharge.

There is no doubt that this scheme was unusual, and in view of this, plans were made to measure its progress. For the probation service this monitoring role was to be undertaken by the Magistrates Court Liaison Officer, and a decision about the continuation of the scheme was to be taken by the group of senior probation officers in the light of the results of the monitoring process. In the first instance the scheme was

planned to last for six months, when it would be reviewed. In fact, a decision was made to extend the scheme at the end of the initial, experimental period, but without any major changes. Although its later progress was not monitored by the researcher, it is known that useage by magistrates of the scheme subsequent to the experimental months was minimal.

In parallel with the internal monitoring process of the probation service, it was agreed that the scheme should be independently researched by the writer, and the way in which the research was planned and formulated is the subject of the next section.

CHAPTER THREE

RESEARCH TOPIC AND METHODOLOGY

THE FORMULATION OF AIMS AND METHODOLOGY

The gestation period for this particular piece of research was lengthy, and was also preceded by abortive attempts to produce a topic in other fields which was susceptible to study and research at the appropriate depth.

One major problem besetting the researcher was that, as a full-time lecturer in an academic institution, he had no immediate day-to-day access to social work activities or material which, it was hoped, would provide the area for the study. Thus, before any research could be planned in even its initial stages, permission for access to data and personnel had to be sought, in addition to general approval for the pursuit of the chosen topic.

Until recently, problems of gaining access and permission to research have been largely ignored in basic methodology texts: for example the area is omitted in Bell and Newby (1977), Bynner and Stribley (1979) and Bulmer (1984). Writing from the perspective of a researcher in the education system, Burgess (1984) comments that several studies examine the way in which initial methods of entry to researched schools affected the way in which the research was viewed and accepted by teachers. But, in these accounts there are no discussions of the actual strategies involved in negotiating access with teachers, or with pupils' (ibid.). Possibly more attention has been given to this aspect by writers in the field of penology and criminology, and Cohen and Taylor (1972) provide an apposite example of a situation where the relationship between the researchers and the enabling authority (the Home Office) becomes as compelling as the responses of the subject inmates of Durham goal.

With respect to the current study, the researcher's first area of interest was in the Divorce Court Welfare Service, partly through his own experiences as Divorce Court Welfare Officer some years previously.

However, correspondence from the Lord Chancellor's Department made it clear that permission would not be forthcoming.

There followed a frustrating and depressing period when the researcher attempted to formulate other areas which were both appealing to him and appeared to have some vestige of viability. Eventually the author was invited by an Assistant Chief Probation Officer to research a project he intended to implement. The opportunity was considered too good to ignore, particularly in view of previous problems in finding permission for appropriate research, and thus the scheme described in chapter 2 became the subject of study.

Having found an area of research, the impending task was to establish reasonable objectives for the study, and satisfactory methods by which these could be achieved. It was important that these should be discussed fully, not only with academic supervisors, but with representatives of the probation service - for two reasons: firstly, an integral requirement of the Personal Research Programme under whose auspices the research was to be undertaken, was the provision of a senior member of the researched agency for consultation and advice. Secondly in view of the researcher's position as 'outsider' it was a sine qua non that he should develop effective communication and trust between himself and the host agency. It was anticipated that this would benefit the implementation of the research, and prevent unnecessary gaffes, as occasionally recorded in literature (see, for example Whyte (1955)p.289), or even the abortion of the research itself (see, for example, Cohen and Taylor 1977). The burden of needing to establish good liaison was, perhaps, offset by the advantages for the researcher of an outsider's independence, and the reduction of role conflict experienced by those researching their employing agency. It is also highly likely that respondents to an interview will be more open where the researcher is independent of their agency, and where 'replies will be treated confidentially and there could be no unpleasant repercussions in relation to any criticism that is made' (Wallace and Rees 1984).

One major problem which was immediately apparent was that the scheme to be researched had already been timetabled to commence on October 1st 1983. Approval for the researcher's participation was not given until 28th July 1983, leaving a matter of nine weeks for the required consultation and preparation to take place. An additional difficulty, rarely alluded to in literature, was that the research was to take place in the researcher's spare time, which was not always conveniently placed vis-a-vis the scheme to be studied. For example, September and October (when the scheme commenced) were extremely busy months in his full-time occupation.

It is clearly impossible to provide an accurate general guide to the time required to complete the various component parts of a research project, in view of their infinite variety, but Hoinville et al (1978) suggest that 'unstructured design work' may take a minimum of six to eight weeks, and 'questionnaire construction' (including pilot work and the design and printing of the final questionnaire) may take at least a further six to eight weeks - these comments being addressedto the needs of full-time, experienced research workers!

The initial priority was to establish feasible aims for the research project, and to identify and contact the individuals described by Burgess (1984) as 'Gatekeepers'. These are defined as those 'in an organisation that have the power to grant or withold access to people or situations for the purposes of research', and he notes that they are not always the 'person in charge'.

Burgess also commends the idea of a 'research bargain', where the plausibility and uses of the research are clarified, and the limits of anonymity and confidentiality are laid down.

In consultation with academic supervisors, it became apparent that there were several identifiable 'gatekeepers' in this instance, and meetings were arranged with them. They were:

An Assistant Chief Probation Officer (who offered the original invitation).

The Magistrates' Courts Liaison Probation Officer

The Clerk to the Justices and

The Chairman of the Magistrates Bench

However, before these meetings it was considered advisable to specify some general aims of the research, in order to provide some structure for discussion and possible amendment. Information was considered necessary on:

1. The number of occasions magistrates made probation orders without Social Inquiry Reports (or with only a stand-down report)

2. The type of occasion when this occurred (i.e. what offences, what social situations suggested it)
3. The format and content of stand-down reports
4. The attitude of court staff to the new approach
5. The attitude of magistrates to the new approach
6. The attitude of probation officers towards the scheme, both before and after its implementation
7. Whether the scheme fulfilled its intended aims

At first sight items 1 and 2 would be satisfied by the collection of statistical and related data; additionally item 2 might be susceptible to direct observation in the court setting, as might item 3; items 4 to 6 would involve either face-to-face interviewing or postal questionnaire; item 7 would include material from a variety of sources, including contributions from interviewees, collected data and evaluations of the researcher.

The four 'gatekeepers' were accordingly visited, and fortunately were supportive to the general intention. The Clerk to the Justices was extremely happy for research to be carried on in his courts; in the recent past his juvenile courts had been comprehensively researched, and the results of this study were available nationally. He seemed keen to accommodate further research, provided it did not become a burden on his staff, and was happy for the consultation of any court records or files which were necessary as long as confidentiality was respected. It emerged

in discussion with him that the collection of statistical data would be more problematic than was hoped: he kept no record of the number of Social Inquiry Reports prepared for his courts, or the number of stand-down inquiries completed.

The Chairman of the Magistrates was also very supportive: he was a retired Polytechnic lecturer, previously acquainted with the researcher, whose opinions were valuable. It emerged in discussion with him that there were almost two hundred magistrates on the Bench concerned, and this clearly demanded decisions concerning the most appropriate method of obtaining information from this group. One possibility was a postal survey, since the prospect of an individual interview for each magistrate was clearly out of the question. However, the postal survey was discounted for several reasons. Firstly, response rates are typically low - often not more than 50% according to Brook (1978), and it is difficult to know whether the response is representative. On occasions response can be higher where incentives are used, and reminders mayimprove data levels; Brook also suggests that respondents (as opposed to non-respondents) tend to be (among other things) politically or socially active

in higher socio-economic groups
used to communicating by post
favourably disposed towards the survey's aims

Although these features may have been conducive to a reasonable response to a postal questionnaire by this particular group, it was discounted on the grounds of cost and the limited time available before the research project commenced. It was also clear from the inception of the research that the focus would be on the probation service and its handling of the scheme, rather than on magistrates. It was decided therefore to concentrate on interviewing only a small number of magistrates, those who were considered to be the most influential and on the whole very experienced. These were the five daily Chairmen of Magistrates (each weekday had a panel of about forty magistrates, with an appointed Chairman of the panel). The interviews were to take place just before or

at the beginning of the scheme, and would be arranged by the Clerk to the Justices.

The Assistant Chief Probation Officer was also contacted, and the research plan discussed with him on two occasions before the commencement of the scheme. Immediately a major restriction was met: it had been the original intention to interview probation officers both prior to and subsequent to the six months of the scheme in order to ascertain any changes in attitude over the intervening period. However, the Assistant Chief Probation Officer did not agree to the prior set of interviews: he was aware that there was an element of antipathy to the scheme from the probation officers who were to implement it, and he did not wish this to be inflamed by any action on the part of the researcher. Although this restraint was not a serious setback to the research model, it was a reminder - if ever one were required - that the study was taking place in a dynamic context over which the researcher had little control. This clearly exemplifies the comment of Burgess (1984) that tidy research is 'nothing short of misleading', and that social research is a process 'whereby interaction between researcher and researched will directly influence the course which a research programme takes'.

It was, however, possible to identify other aspects of research which seemed appropriate to the researcher and acceptable to the probation service. It appeared useful, for example, to examine the nature of the stand-down report - its content, length and other qualities. The Assistant Chief Probation Officer was happy for a form to be devised which would be completed subsequent to each stand-down report by the reporting probation officer, and subsequently collected by the researcher, despite the extra work burden falling on the probation service.

Other methods of obtaining information concerning stand-down reports were examined: it was hoped at this stage that the researcher would be able to sit in court one morning each week to observe magistrates making probation orders without full Social Inquiry Reports and witness stand-down reports being prepared and presented. The researcher also asked whether a volunteer working for the probation service might be able to

make a verbatim transcript of stand-down reports, but this was not thought feasible, bearing in mind the resource limits of the probation service.

It was clearly important to obtain a statistical basis for the research, and to ascertain the number of Social Inquiry Reports and the stand-down reports prepared over the experimental period. However, it emerged that the office where the experiment was based could not easily provide these figures: statistics were kept on an individual basis for each probation officer, rather than culmulatively for the office as a whole. Therefore, other methods of discovering these statistics had to be devised.

There was also discussion of the possibility of comparing the breakdown rate of probation orders made conventionally, with the rate of orders made without a full Social Inquiry Report; the method considered was matched grouping. However, this was not thought feasible for several reasons: firstly, the group studied was expected to be small (perhaps only 50, although in fact the number turned out to be less than half what was expected), and small samples are notoriously unreliable - 'the larger the sample, the smaller the amount of sampling error to be expected' (Hoinville et al, 1978). Secondly, the problems of matching were considered technically difficult, and would probably have been limited perforce to the criteria of age, sex and number of previous convictions. Thirdly, and most importantly, however, the experimental group was to be treated differently from the norm: as they had not been subject to such exhaustive enquiries as the usual probationer, it was expected that more mistakes might occur in assessment for suitability for probation. They were therefore to be closely monitored, and if, for any reason, the probation order was not considered appropriate they were to be brought back immediately to court with a view to discharging the probation order. This additional requirement for the experimental group clearly placed it ab initio on a different footing from the normal group of probationers. Finally, if 'breakdown' were taken to mean, inter alia, re-offending rates, a further complication was evident. It is traditional to compute re-offending rates not solely during the length of the court disposal being assessed (e.g.

conditional discharge or probation order) but also for a specified period subsequently. This is often taken to be two years, although there are considerable variations: The influential IMPACT experiment (Folkard, 1976) relied on only a one-year follow-up - the first year on probation, while Walker et al (1981) examined re-offending over as long as six years. If there were to be, say, a two-year hiatus before some of the research commenced, this would not be welcome to the researcher, since it would extend the study unacceptably.

It became increasingly evident that the main part of the research would involve the use of face-to-face, detailed and unstructured interviews with probation officers, and permission was given by the Assistant Chief Probation Officer to approach them at the appropriate time, using the General Notes of Guidance for the scheme (Appendix 2) as a basis for discussion. These notes were in the process of preparation at this stage, but the researcher was given information about the general aims and scope of the scheme.

An attempt was also made to establish a timetable for the research. It was anticipated that the main period for fieldwork would be between three and nine months after the ending of the scheme in April 1984, and a commitment was given to provide the probation service with a brief interim report in early 1985. Ethical problems with regard to the research were also addressed: it was intended that the study should be completely overt, as opposed to covert, and all taking part should be made aware of the nature and purpose of the research; an information sheet was to be prepared by the researcher for all participants (Appendix 3). There was no need for any element of deception, as has been claimed necessary by moles studying male homosexuals (Humphreys,1970), the National Front organisation (Fielding, 1981), Suffolk farm workers (Newby, 1977) and other groups. The researcher also confirmed that all responses would be treated anonymously, a requirement which is commonly stressed in research literature (vide Oppenheim, 1966; Burgess, 1984). Hoinville (1978) goes so far as to say that 'preserving anonymity is the first aspect of respondent protection that should exercise survey researchers'. The Report of the

Committee on Privacy (1972) concluded that interviewers were sufficiently restricted by the right of respondents to withdraw at any time, but Dingwall (1980) notes that lower members in a hierarchy have difficulties in refusing co-operation where senior members have given approval for research - unless, presumably anonymity is guaranteed. In the event, all respondents contacted for interview appeared to participate extremly willingly.

Finally, the Magistrates' Courts Liaison Probation Officer was contacted and the research intentions discussed with her. She was clearly a pivotal person, in that hers was the responsibility for the day-to-day functioning of the probation service within the magistrates' courts. She would also, hopefully, be willing to organise the distribution and collection of a pro forma to be used on the occasion of any stand-down report, and advise on the content and design of this form. She offered her co-operation with the research, provided it was not excessively demanding of her time.

After ensuring the agreement to assist of these key figures, an approximate timetable for the operation of the research was established, and drawn up as follows:-

October1983/ November 1983	In-depth interview of daily Chairmen of the Bench. to discover initial reactions to the scheme
November 1983/ April 1984	Scheme operating. Proforma completed when a defendant was placed on probation without a full Social Inquiry Report
May 1984	Production of interim statistics for probation service.
July 1984/ December 1984	In-depth interview of all probation officer participants. Aim to discover their reactions to scheme, and responses of the client group.

January 1985 Interim report to probation service

Subsequently Full write-up of research report.

At this stage it was considered that the aims and methods of the study were sufficiently well formulated to be able to communicate to all probation officers in the petty sessional division, and a description of the intended research was therefore drawn up by the researcher and sent to the Assistant Chief Probation Officer. He undertook to promulgate its contents (Appendix 3).

(b)RESEARCH TECHNIQUES

'Survey literature abounds with portentous conclusions based on faulty inferences from insufficient evidence wrongly assembled and misguidedly collected.' So Oppenheim (1966) warns the researcher of the necessity to ensure well-planned and appropriate research tools. He suggests that the design of a survey is a prolonged and arduous exercise during the course of which there are frequently changes in the questionnaires and amendments to the research aims. This was certainly the case in the current study, as will become evident.

There are various classifications of research methods, and the table produced by Zelditch (1962) is useful, in which he suggests that different methods are appropriate for different purposes. For example:

A. Enumerations and samples (in which he includes both surveys and repeated, countable observations) are best for discovering frequencies.

B. Participant observation is the best form of research for obtaining information about incidents.

C. Informant-interviewing is considered most appropriate for finding out about institutionalised norms.

Each of these three approaches was considered for the current research, and will be discussed in turn.

A ENUMERATIONS AND SAMPLES

There were several areas of the research where it was essential to procure a sound statistical base, but the method of providing this was not always easy. It was vital, for instance, to discover the number of defendants placed on probation without a full Social Inquiry Report over the six months of the experimental period, but previous to the beginning of the scheme there was no ready way of finding this statistic. Consequently, it was agreed that a form (Appendix 4) would be completed by a probation officer each time this occurred, and these would be collected at intervals by the researcher.

Having decided that a form or questionnaire was necessary for one purpose, and been assured that the probation service was willing to administer this, it seemed appropriate to ask whether the same form could be reasonably used to collect other essential information. The potential and complexity of any form, however, was determined by the circumstances of its use: it would be completed by probation officers either during or subsequent to a period of hours on duty in court, when they may be required - inter alia - to keep a note of magistrates' decisions, present Social Inquiry Reports for absent colleagues, interview defendants in the cells who had been given sentences of custody, and in some cases where a form was filled in prepare and present a stand-down report. Thus the form would be completed at a time when they would be very busy. No allowance was made in probation officers' workload calculations for this extra duty, and while the researcher was acquainted with many of those who would be participating and hoped this would be advantageous, there are clearly limits to the extent of voluntary efforts which can be expected in the name of acquaintanceship.

Thus brevity seemed to be essential for the questionnaire, and the researcher also bore in mind the comments of Courtenay (1978) that it needed 'some of the same properties as a good law: to be clear, unambiguous and uniformly workable. Its design must minimize potential errors from respondents, interviewers and coders'.

However, at the time that the form was being designed, it was becoming apparent that participant observation of stand-down reports was impracticable for the researcher, and that the form would therefore be the sole instrument for gaining knowledge of the content of the stand-down report. Thus there was conflict between the researcher's wish for a comprehensive and extensive form, and the circumstantial demands for brevity; it was finally decided that the latter outweighed the former, and preference was given to the expectation of receiving a high response to a short form, rather than a lower response to a longer. (As it happened, there was a ninety-five per cent rate of form completion).

Some prioritisation of contents was therefore required, and it was thought appropriate to limit the information sought to:

1. Date
2. Client name
3. Personnel (Probation officer, solicitor, clerk, court chairman)
4. Length of stand-down interview
5. Indication of content of stand-down report.
6. Court decision
7. Space for any further comment.

The fullest area of coverage centred around the content of the stand-down report in an attempt to make comparisons between these and full Social Inquiry Reports, and to gauge the effectiveness of the General Notes of Guidance (Appendix 2) where it was implied that no details of defendants' private circumstances should be given to the court. It was considered that a check-list was an appropriate method of obtaining information in this area, and one was therefore devised (for comparison of the benefits of a Check-List and an Open Response, vide Belson and Duncan, 1979). All information required was tabulated on to one side of an A4 sheet, and although it was not piloted in situ, it was discussed before use with the Liaison Probation Officer (Appendix 4).

An additional subsidiary aim which was identified for the research, and for which data could be gleaned from the forms, was to attempt to establish whether there was any difference in sentencing practice on different days of the week, which may have reflected differing levels of commitment to the scheme from magistrates and/or Clerks of the Court. In the event, the number of defendants involved in the scheme was very small and thus the figures not particularly susceptible to detailed statistical analysis.

Although the form provided one set of figures, a further essential statistic was the global number of defendants placed on probation in any manner throughout the same experimental period. Again, these data were not available, since the office concerned kept its statistical record by means of separate a tally of each individual probation officer's workload,

rather than a total computation of various types of work. The researcher therefore spent hours combing the list of defendants for every court that sat in the petty sessional division during the period - often five courts each day - to ascertain the result of each case. It was also initially hoped that records could be examined for the period November 1982 to April 1983 to discover the number of defendants made subject to probation orders without full Social Inquiry Reports; this could then be compared with the relevant number during the experimental period (exactly twelve months later) to gauge what changes in practice the scheme had effected. However, this figure also was not readily accessible, and the researcher was therefore obliged to fall back on the relatively unsatisfactory device of asking probation officers whether they had ever previously supervised probationers who had not been subject of a full Social Inquiry Report.

Further use was made of pre-existing data sources, or 'unobtrusive measures' as Bulmer (1977) describes them. This concerned one of the assumptions leading to the experimental scheme, namely that probation officers were suffering from a surfeit of Social Inquiry Reports, and obviously figures concerning local and national trends were invaluable. However, a further difficulty emerged in that the probation service nationally was taking industrial action in connection with a pay dispute, and this action co-incided frustratingly with the period of the experimental scheme. Thus the national probation statistics, to which reference was made, are incomplete for 1983 and unreliable for 1984 (vide Tables 1-4). Fortunately they were readily available for the periods before and after the scheme.

B PARTICIPANT OBSERVATION

The tradition of studying social phenomena at first-hand is a typically twentieth-century development, and has been influenced by the work of the social anthropologists, particularly Malinowski. He attempted to 'grasp the native's point of view, his relation to life', and soon sociologists were similarly studying, not foreign rural tribes, but indigenous urban groups.

Although the current study was of a very much lesser order, the researcher nevertheless hoped to witness part of the scheme in action, believing in the primacy of personal observation. In the initial stages he hoped to be able to sit in court in the public gallery for at least one morning each week and make notes and record impressions of the process of reporting to the court after a stand-down. However, on further consideration, it appeared that the time spent unproductively in waiting to witness a stand-down report would be quite disproportionate to the event itself. For example, if there were, as predicted, two stand-downs per week, this would imply that for each court day there was a one in two-and-a-half chance of witnessing a stand-down report. This would mean that the researcher would need to be present in court, on average, two and half sessions (probably over seven hours) to observe an event which might be of fifteen minutes' duration. This was considered to be an unacceptable use of time, particularly in view of the demands of the researcher's full-time occupation, and so the intention was reluctantly abandoned. The possibility of using the services of a probation volunteer for the purpose, who would be in court in any case, was briefly discussed with the probation service, but not pursued when it became clear that volunteers were already fully occupied by their duties

Information about the content of stand-down reports was of necessity therefore gathered by means of the questionnaire discussed earlier.

C INFORMANT-INTERVIEWING

'The interview has become the favoured digging tool of a large army of sociologists' (Benney and Hughes, 1956), and this dictum might well be applied to the current research in that the major portion of it consisted of unstructured interviews with two groups: magistrates and probation officers.

It has often been remarked that quantitative methods, typified by use of statistical data and samples, are hard, objective and rigorous, while qualitative methods, exemplified by case studies, interviews and field research, are soft, subjective and speculative; however, some researchers have sought to show how these approaches may complement each other (for example Zelditch, quoted in Burgess, 1984).

In this study it was considered that interviews would constitute the major element in the research, being concerned, as it was, to investigate attitudinal responses to the experimental scheme. Text book emphasis has often been in favour of structured interviews, in which the interviewer has a prepared list of questions which are answered, rather than considered, where answers are collated in a set pattern, and the respondent may have a subordinate role in a formal interviewer-interviewee relationship. The circumstances of the current research appeared to favour an alternative approach, however, that of the 'unstructured interview', which uses an identified set of themes or topics, which may be covered flexibly within the interview time span, and which allows the respondent to develop particular lines of thought as appropriate. The relationship of interviewer and interviewee may also be different in an unstructured interview: there may be a greater degree of equality, and an opportunity to show understanding and interest in the interviewee's situation. Indeed, Zweig (1948) claimed to have made many friends during his interviewing, while the Webbs (1932) suggest that the interview should seem 'an agreeable form of social intercourse'.

As there was little time between the researcher being given the green light and the commencement of the scheme, work had to start immediately on preparation for the first set of interviews - those with magistrates.

The researcher intended to use an aide-memoire or agenda for each interview, to ensure that all relevant topics were discussed, and it was necessary to identify these areas for focus.

It was decided to concentrate on the following main areas:

How magistrates had learnt of the scheme, and its publicity

Magistrates' understanding of the thinking behind the scheme.

Magistrates' attitudes towards Social Inquiry Reports.

Intentions of the bench vis-a-vis the scheme.

With this in mind, a series of questions was formulated which could serve as prompts to the discussion between interviewer and magistrate. On the whole the questions were 'open' rather than 'closed', since they were more compatible with the aims of the inverview, in that they tend to produce spontaneous, wide-ranging and flexible responses (Appendix 5). Inevitably this type of discussion is difficult to code or classify, but it does provide a rich range of descriptive material (Oppenheim, 1966).

However, time was of the essence with this particular part of the research, in that it was hoped to interview a set of magistrates before the scheme started, and the commencing date was only eight weeks after the researcher was officially informed that he could monitor the scheme. Preparations for these five interviews were therefore not ideal. One specific weakness at this stage was that no arrangements were made to pilot the series of 'open' questions. The importance of piloting is frequently stressed. Courtenay (1978) for example suggests that it is useful in 'refining the wording, ordering, layout, filtering and so on'. Clearly, effective piloting should improve the efficiency of the main survey. However, time constraints discouraged this preparatory step, although the form used was discussed with the researcher's supervisor.

There were also difficulties over the venue and timing of these interviews. The Clerk of the Court was reluctant for magistrates to be interviewed at home, and suggested that interviews take place in the court precincts before morning court sittings. This was acceptable to the researcher, but it became evident that the forty-five minutes allowed

(9.15 a.m. to 10. a.m.) was not sufficient time in one case for as full a discussion as would have been possible.

A further blow to the integrity of this part of the research came one morning when the researcher arrived at court to interview the Chairman of the Bench for that day, to be informed by the Clerk of the Court's secretary that another magistrate had been substituted as interviewee because the Chairman was not very sympathetic to the use of Social Inquiry Reports. The researcher had little alternative but to proceed with the interview in the knowledge that the results of this part of the study would be less representative than anticipated.

Thus there are clear flaws in the contact made with magistrates, some of which were not repeated in the comparable unstructured questionnaire used with probation officers.

Much more preparatory time was available before any probation officer was required to be interviewed, and this permitted a more careful choice of subject areas and a search for greater clarity in question wording. Perhaps the importance of wording is less in an unstructured questionnaire, where the researcher has considerable flexibility in rephrasing, than in a structured survey where many interviewers are administering an identical instrument. Nevertheless, it was necessary to attempt to eliminate leading questions, to avoid repetition, to ensure that there was a logical progression throughout the interview and to confirm that the phraseology used was comprehensible to the interviewed group. As the study aimed to produce descriptive and discursive responses over a wide area, it was decided not to use measures such as attitude scales or semantic differential (Osgood et al, 1957)

A series of foci was formulated around two main themes: the stand-down inquiry and the probation experience of those defendants made subject to a probation order without a full Social Inquiry Report. The more specific topics concerned:

Pressures of obtaining information in a stand-down report

Confidentiality implications for stand-down reports.

Clients' inhibitions in a stand-down interview.

Effect on client contact of having no formal Social Inquiry Report.

Appropriateness of court decisions where no Social Inquiry Report was presented.

Application of the criteria for the scheme.

Attitudes towards the scheme and its introduction.

A questionnaire was produced which covered these subjects, and the problem of piloting was then addressed.

Oppenheim (1966) discusses pilot procedures at some length, and highlights one of the dilemmas in the current research, which was on whom the pilot procedure should be tried. After deprecating the habitual use of the student as pilot subject, he suggests that respondents in the preliminary test should be as similar as possible to those in the main research. In the current case, some of the language and concepts to be used were so specialised that, in order to make an appropriately informed critical response to the pilot survey, the respondent or respondents ought to be in the probation service, and preferably taking part in the experimental scheme. Substantial use of this group, however, would decimate the number of interviewees available for the main study.

In the event, it was decided to pilot the unstructured questionnaire with the Magistrates' Court Liaison Probation Officer, even though this would mean depleting the number of respondents in the main survey by one. The reasons for this choice were:

Firstly, she had an unparallelled knowledge of the working of the scheme, and would be able to offer the best constructive criticism of the design and effectiveness of the aide-menoire questionnaire. In view of the small number of potential respondents it was considered essential to get the questionnaire right first time for the main survey.

Secondly, the researcher had already had a considerable amount of contact with her during the course of the setting up and operating of the research, and knew something of her views about the scheme. In this sense she was unique vis-a-vis the other respondents, and for this reason also it was thought not inappropriate to exclude her from

the final study.

The unstructured questionnaire was then piloted, and as a result alterations were made to the wording in some instances, and further questions were added, some of them concerning vital aspects which the researcher had initially overlooked, such as:

'What did you understand to be the aims of the scheme?' and

'To what extent have these been fulfilled?'

The questionnaire was then drawn up ready for final use, with increased space between questions for the researcher to record comments of the respondents. (Appendix 6).

At this stage a seminal decision was taken - to attempt to tape record the interviews with probation officers. It was discovered furing the pilot interview that a considerable amount of complex and important material was produced during an interview lasting over an hour, and the researcher found great difficulty in recording this manually (particularly without shorthand). It seemed that a full write-up disrupted the pattern of the interview, and obversely maintaining an appropriate verbal flow restricted the recording level to an unacceptable degree.

The benefits of using tape recordings are discussed by Morton-Williams (1978) among others. She stresses the fact that the use of a tape machine allows the interviewer to concentrate on listening to respondents, and probing where necessary. It also increases the accuracy of responses, reducing reliance on the interviewer's memory, and allows for significant passages to be reproduced verbatim. These advantages have their price, however, in that the transcription of tapes takes an inordinate length of time, and this process is inevitable before the content is susceptible to any analysis whatsoever. Burgess (1984) suggests a series of strategies to minimise time wasting (such as transcribing only directly relevant material), but concedes nevertheless that using tape is notoriously time-consuming. This was certainly the case in the current study, where each hour of material took at least six hours to transcribe, and had to be followed up later by identification and collation of themes.

At the appropriate time, i.e. between three and nine months after the ending of the scheme, a letter (Appendix 7) was sent to each probation officer participant in turn who had been identified from the stand-down questionnaire (Appendix 4) and court records. This indicated the researcher's interest and hopes of interviewing the probation officer concerned, using a tape recorder. A list of the prepared questions (Appendix 6) was included to enable the respondent to begin some thinking in advance. Brook (1978) refers to experimental evidence suggesting that pre-survey contact with members of a sample adivisng them to expect a questionnaire can substantially raise response rates. Although these comments refer to postal surveys, the same factor may have been contributory to the high response rate obtained in the current study.

Interviews then took place - in all cases except one in the interviewees' office in order to reduce inconvenience to them; after each interview the tape was tested to ensure that there had been no mechanical or human error in collecting the material, and to confirm that the interview did not need to be repeated. Tapes were then stored until a convenient time for transcription, during which process a verbatim account of the interview was taken in long hand, including all comments from the researcher as well as the respondent.

The researcher then faced the problem of organising these data in such a way that they could be analysed and written up. It was decided to adopt as a basis for this operation the questions formulated in the aide-memoires used in the unstructured interviews (Appendices 5 and 6), which suggested a series of convenient headings. Accordingly, a number of large sheets of paper were prepared, each headed with one of the questions on which it was intended to summarise all responses under the heading. The transcripts were then thoroughly perused, and a very brief precis of relevant comments from each transcript was made on the appropriate summary sheet, together with a note of the source of each comment to enable a detailed reference back at a later stage.

The contents of each sheet were later analysed, and written up in conjunction with the original transcripts to form the separate sections of Chapter Four.

A further important task was to ascertain what previous research had been undertaken elsewhere on areas connected with the current study.

Before the research commenced, the author had some familiarity with books and articles concerning Social Inquiry Reports, but it was clearly essential for a literature search to be undertaken specifically in the quest of material about stand-down inquiries, where the researcher was not aware of any previous study.

Two computer searches were therefore instigated; the first was of the SOCIAL SCISEARCH Database, using the Dialog Information Retrieval Service, and the second was of a DHSS Database, using a Datastar system.

Many references to probation and to Social Inquiry Reports were found, but the researcher's suspicions were confirmed concerning the absence of any mention of stand-down or verbal reports with regard to the penal system, although there was a maverick entry entitled 'Cardiac activity and verbal report of homosexuals and heterosexuals' from the University of Manitoba. Thus the available literature was of a general background nature, rather than specifically being concerned with the subject of the research, whose findings are described in the following Chapter.

CHAPTER FOUR

RESEARCH FINDINGS

(a) THE VIEWS OF THE MAGISTRACY

In the initiation and development of any scheme involving changes in sentencing practice, such as this, the co-operation of the bench is clearly of immense importance. The particular needs of the scheme in terms of its acceptance by magistrates can be understood in the general context of the relationship between the Probation Service and the bench, which has - unsurprisingly - undergone perceptible changes, particularly over the last twenty years.

Magistrates have had two particular areas of influence over the probation service outside the court setting: firstly in the power to appoint members of the service through Probation Committees, and secondly a duty to excercise oversight of each probation officer's work through Probation Case Committees. The latter function can be traced back to the early days of the service, when officers worked largely in isolation. However, with the development of a hierarchy to undertake supervisory and managerial functions, the surveillance role of the Case Committee became increasingly redundant. The Morison Committee of 1962 concluded that detailed supervision of individual officers' work had become impracticable and unnecessary, but that general oversight by the Case Committee would be useful. The duty to review work of probation officers was retained for Case Committees in the Powers of the Criminal Courts Act 1973 (sch 3, para 4(2)), but in the Probation Rules 1984 wider duties were imposed which were concerned specifically with fostering links between the probation service and the bench, and being supplied with information about facilities used by the service. (Probation Rules 1984 para 19). Additionally, as a reflection of the developing role of the Committee, its title was changed to Probation Liaison Committee. This forum was clearly the appropriate place for discussion of the scheme, but it is important to note that less than a quarter of the justices in the Petty Sessional Division study were members of Liaison Committees at any one time.

As previously indicated in Chapter 3(c), interviews were arranged separately with four chairmen of the bench and one other magistrate - each normally sitting on a different day of the week. Interviews took place during a three-week period which straddled the beginning of the scheme on Novewmber 1st 1983.

One intention, in speaking to magistrates, was to discover in what ways they had heard about the scheme, and whether they had been able to participate in any discussion about its implementation. The assumption was that interviewees would be better informed than the average Justice in view of their position as daily chairmen(and one individually selected magistrate) and the fact that at least four were members of Probation Liaison Committees. They had also been forewarned about the purpose of the interview with them by the Clerk to the Justices - though the exact wording of his invitation to them is unknown - and were presumably to some extent prepared for the content of the discussion.

The variety of ways in which respondents learnt about the scheme was nevertheless remarkable: one respondent had been involved in discussion the previous day in a Probation Liaison Committee meeting. According to her, the item had been raised at the end of the meeting - not by the Probation Service - and after consideration of the merits and disadvantages of the proposed changes, about half the magistrates present expressed support for the scheme, and half had reservations. She also claimed that it had been brought up at a regional meeting of magistrates (the Wessex branch) in Southampton, and additionally thought that she might have received a circular through the post on the topic.

Another magistrate mentioned the Probation Liaison Committee as the source of information - on this occasion a meeting which occurred two months previously, and clearly this was not the same Committee referred to by the first magistrate. The topic had emerged as a surprise to him, and he described the scheme as a 'fait accompli'. He was positive that there had been no written information circulated concerning the scheme, and could not say how magistrates who were not members of his Probation Liaison Committee might find out. He put forward various hypotheses as to how the other hundred and fifty or so magistrates might be informed: he thought that the bench magazine could have carried an article about the scheme. He also considered that the court clerks

would have a big role to play, and that in their advice to retiring benches could mention the possibility of a stand-down report, so that it would become, in his words, part of the 'new orthodoxy'; there were plenty of opportunities for information to be passed on. Thus the mechanism of acquiring new working practices seemed to be portrayed typically as a process of percolation, with several sources contributing gradually and over a period of time to a change in attitude and method of disposal. In fact he did not consider that the scheme would become fully absorbed into the repertoire of most magistrates before some three to five years had elapsed.

The third chairman seemed quite happy with the information he had been given. It was the custom of the Clerk to the Justices to address the group of sitting magistrates some mornings before courts began, and explain new procedures or refer to forthcoming legislation. The stand-down scheme had been mentioned at one of these short meetings, and the 'briefest' of discussions followed, focussed apparently on the exclusion criteria. This was adjudged to be adequate, and the respondent was also convinced that there would be later discussion in other forums, such as the Probation Liaison Committee meetings, quarterly magistrates' meetings or Executive Committee meetings (the last consisting of two representatives from each bench day). He had not seen anything formally documented about the new proposals, but added that he received so much information in connection with his position as magistrate that it was hard to absorb it fully. He did his best to read it all, but might well find 'egg on his face' for claiming he had had no written information.

His caution was justified, since the fourth magistrate produced a copy of a circular (Appendix 1), which she claimed had been sent to all magistrates by the Clerk to the Justices in explanation of the scheme. She was not quite sure whether there had been discussion in a Probation Liaison Committee meeting, but had heard 'murmurs' about the proposed changes from various sources, including the Executive Committee meeting.

Perhaps the most remarkable contribution came from the fifth magistrate. She seemed generally somewhat confused, and claimed - utterly erroneously - that her information about the scheme had come from a brief address by the researcher to a group of magistrates before

a daily sitting. It may well be that he had been mistaken for a member of the court staff, but his role and lack of connection with the court or probation service had been clearly explained at the beginning of the interview. She went on to say that she did not think that there had been any written information about the scheme. but may be wrong because she had been inundated recently with description and comment on the 1982 Criminal Justice Act.

It seems very clear from my interviews with magistrates that information was gleaned from various sources, some correctly and some incorrectly recalled. However, there seemed little concern on their part about the lack of uniformity in presenting the arguments and proposals for the scheme, or lack of opportunity for discussion: one respondent not feeling that any observations were necessary about the way the scheme was promulgated, and another affirming that there had been sufficient chance for making views known.

The dissenting voice came from a magistrate with long experience of senior position locally, who claimed that a hundred and seventy magistrates with intelligence 'had to be won'. In his opinion, the senior probation officers, Clerk to the Justices and Chairman of the Probation Committee should have come together to discuss the scheme. He had attended a meeting of a Probation Liaison Committee and decided to be provocative by asking for justification of the scheme, which he felt had been accepted too easily. Slightly tongue-in-cheek he took to task the senior probation officer for advocating practice to which the service had been opposed nationally and locally for many years, and which was deprecated by Jarvis (1980) and the Morison Committee (1962): placing offenders on probation without a full Social Inquiry Report. (See also H.O.C. 59/1971 para 19).

However, it seemed that one reason for the relative lack of dissatisfaction among this small group of magistrates was that on the whole the new approach coincided with the way they thought that justice should be administered, and that it reverted to previous, approved practice. Most of them, without prompting, commented that stand-downs were part of the Probation Service's function at one time, and that the system was useful, particularly where there was a probation officer continually in court and he was well known to magistrates. One

respondent claimed that a return to a position where occasional stand-downs could be requested was particularly favoured by more experienced members of the bench, who had presumably had more opportunity to gauge the benefits of the practice.

In discussing the aims of the scheme, there was considerable unanimity about the benefit of speed in dealing with defendants: 'justice delayed is justice denied' was quoted with approval, and while the advantages were related mainly to the position of the offender, the saving in time for the court and court officials was also mentioned. One respondent confessed that if he were cynical, he might be tempted to think that the probation service was proposing the scheme to get more business, although perhaps it genuinely believed in the merits of the proposal.

While this small group seemed generally well-disposed towards the probation service, only one specifically related the new proposals to pressure of work the probation service may be feeling, and the fact that it could reduce time spent on written Social inquiry reports.

Most, however, accepted one of the fundamental presumptions of the scheme - that there were some defendants for whom probation was immediately obvious as an appropriate form of sentence, with one magistrate dissenting to strike a more cautious note. When pressed to elaborate on the typical 'obvious' probation case, the most popular theme to emerge was that of the woman shoplifter, and it was possible to construct a composite picture of a defendant whose husband had left, was socially inadequate herself, suffered ill-health (as did her children), and had few resources. In this situation, probation was viewed as a lifeline to enable a temporary crisis to be overcome; for her a four-week adjournment 'would be an eternity'. Additionally - and not surprisingly - magistrates sought visible signals from the demeanour of defendants to assist them in their on-the-spot decision. The 'poor, pathetic' woman seemed an appropriate subject, as did the one 'weeping like mad in court'.

Other possibilities were mentioned: the young lad who had done something silly and needed a guiding hand - a 'surrogate dad' in the respondent's words; alternatively the inadequate who had been on probation before, for whom there were no great aspirations, but for whom

anything more punitive would be inappropriate. And although there was some emphasis on subjects being first offenders, this was not considered a sine qua non, with seriousness rather than frequency of offending being the criterion.

During interviews with magistrates the opportunity was taken to discuss attitudes towards Social Inquiry Reports, and their perceived influence on sentences. This group of magistrates seemed to take Social Inquiry Reports seriously. with one claiming that they affected the court's decision in every case where they were prepared. Strikingly, there were several unsolicited comments about the importance of knowing the probation officer well, and understanding his or her idiosyncracies. One officer, for example, was thought to be very defensive of her clients, but there was a clear willingness on the whole to consider carefully probation officers' opinions - 'after all, they are the experts', claimed one magistrate. Another saw the relationship slightly differently - 'by and large their conclusions are our conclusions; we come together in our minds'. However comfortable congruence was not felt by another respondent, who saw himself in a proselytizing role on behalf of the probation service among the 'younger, hard-liners' on the bench.

This image may be understood in the context of a related area of discussion with the magistrates: the question of whether a probation officer's report tended to make the bench more hostile or more sympathetic to a defendant. Most respondents agreed that, if anything, probation service involvement produced more leniency in court decisions; one, however, felt that the intervention produced a fairly balanced result, which is interestingly in accord with the findings of Hine, McWilliams and Pease (1978) and Mills (1980), which indicated that probation recommendations were as likely to divert offenders into custody as away from it.

The opportunity was also taken to discuss with this group the advantages and disadvantages of Social Inquiries. Unanimously they found them useful, one even going so far as to comment that establishing guilt or innocence was relatively easy; the chief difficulty was sentencing. In this connection information about the defendant's social and economic position, and in particular about his or her

attitude towards the offence was considered valuable, although the use by one magistrate of the word 'titbits' in describing the content of Social Inquiry Reports may have suggested a slightly voyeurist approach. Recommendations were seen as beneficial by one magistrate, as was some impression as to whether a defendant needed 'punishment' or 'help'. Perhaps the most imaginative suggestion was that the remand for reports could assist a defendant to sort out some problems at that stage.

Several disadvantages were seen in current Social Inquiry Report provision: some of the content of reports was considered of marginal use; more contact was suggested with neighbours, schools et cetera to build up a picture of a defendant; some reports were 'woolly' or wordy, and there was a tendency to 'gild the lily where there was no lily'. In a clear reference to the project under discussion, one respondent singled out the four-week adjournment as the main disadvantage - then adding somewhat hesitantly that there may be some offenders for whom an adjournment in custody would be salutary, though he realised that the bench was not supposed to use remands in this way. His Machiavellian approach was obviously related to the dilemma of whether to dispense help or punishment to above.

In addition to discussion about written social inquiry, it was essential to discover magistrates' attitudes towards stand-down reports in particular. In the Assistant Chief Probation Officer's circular it was stated that 'in exceptional circumstances the Court may require additional information on the day before coming to a decision.' (Appendix 1 para 6). In the event, however, the stand-down report referred to in the quotation was obtained in all but one of the seventeen cases where Probation Orders were made without a full Social Inquiry Report. Thus the provision of a stand-down report was seen by magistrates as normal, rather than 'exceptional' as envisaged in the Circular. Some clue to the pattern which developed can be gained from magistrates' responses at this stage: all approved of the idea of verbal reports, one going so far as to say that he did not understand why probation officers were so unwilling to provide stand-downs. They were considered useful at a time when an offender's 'defences may be down'; where he or she may be of no fixed abode; if a defendant was inarticulate or inadequate'; or because it did not allow time for an

offender to concoct some exculpatory account of the crime. It was allowed that some defendants might be very confused during a stand-down interview, and it is also very important to note that all magistrates stated that the brief verbal report would never take the place of a full, written inquiry, which was irreplaceable for complex situations or where issues of a confidential nature were essential knowledge for the bench. Two respondents specifically stated that, if a probation officer requested an adjournment for a full report in the light of information gleaned during a stand-down, there would be no problem.

However, on examination it would appear that some of the magistrates' zeal was based upon erroneous assumptions about the scheme. Stand-down reports seem to have been considered as abbreviated versions of a full social Inquiry Report, rather on the lines of the 'traditional' stand-down referred to in Chapter One. For example, one magistrate was interested in their use in situations where a defendant might have no fixed address; whereas homeless persons (strictly - those who had abused previous attempts to accommodate them) were specifically indicated in the Circular as a group for which a full Social Inquiry would be appropriate. The mention of the inadequate or inarticulate offender in this connection also suggests the intention of using the probation officer as a medium to obtain general information verbally in contrast to obtaining a full Social Inquiry Report. One magistrate referred to the use of a stand-down in the case of football hooligans where it was felt that an immediate custodial sentence was required, but where its imposition was constrained by the need for a social inquiry imposed by the Criminal Justice Act 1982 (Section 2 (2)). (The Act requires a social inquiry to be carried out where a court is considering a custodial sentence for an offender under the age of twenty-one; and where a report is not requested, a court is required to state in open court its reasons for not doing so). In this context it seemed as though the letter if not the spirit of the legislation would be met by verbal reports. This practice did arise briefly in the courts in question, but objections were made by the probation service, and I understand that it ceased very quickly.

Nevertheless, all expressed support for the scheme with various degrees of enthusiasm, one magistrate very properly remarking that the

change was experimental, and that one should not abuse justice by using the scheme for its own sake. The same respondent considered that the probation service would attract more Orders in total after the scheme's implementation, while another prophesied that eventually a fifth of all Orders might be made without full Social Inquiry Reports; however, it might be three to five years before the new approach became part of the repertoire of magistrates' thinking.

There may also have been comfort in the idea that even if an Order had inadvisably been made, through lack of full Social Inquiry Report, the position was not irretrievable, and the probation officer could return to court for discharge after a short time had elapsed.

(b) THE SCHEME IN OPERATION - FACTS AND FIGURES

The scheme came into operation on Tuesday 1st November 1983. In his Additional Notes for Probation Staff (Appendix 2) the Assistant Chief Probation Officer wrote:

> 'It is difficult to accurately estimate the extent to which this scheme will be used. It is anticipated that 2 to 3 probation orders will be made each week without SIRs, and that for some of these a stand-down verbal report will be requested.'

It is not known on what basis the prediction was made about numbers of probation orders without Social Inquiry Reports. When the research was begun, it was discovered that the monthly total of probation orders made in the Portsmouth courts was not recorded by the probation service. In the event the orders made during the experimental period were laboriously traced (Table 5 Column (3)). It will be seen from this that the total number of Orders made - with or without Full Social Inquiry Report - varied from twelve to twenty-four per month. Thus, if the Assistant chief Probation Officer's prophecies had proved correct, in leaner months almost all probation orders made would have been accounted for by those without Social Inquiry Reports. However, it seems highly unlikely that he ever expected more than a minority of probation orders to be made under the procedures of the scheme, partly because he indicated that there were many offenders who may be suitable for probation for whom a day-of-hearing Order was not appropriate because of the existence of one or more of the exclusion criteria mentioned in Appendix 1. The magistrates I interviewed certainly asserted that a verbal report could never supplant a full, written report in many cases, and this belief is echoed in the probation service. Thus, one is tempted to deduce that the expected numbers were grounded more in speculation than calculation.

In the event, only seventeen probation orders were made without full Social Inquiry Report during the six-month period, whereas the presumption of two or three weekly would have produced between fifty-two

and seventy-eight. There also seems to have been a gradual decline in the use of the scheme, with no probation orders being made on the original day of hearing during its final five weeks. Only in its first month - November - did the proportion of Orders made under the scheme reach any appreciable level, when six out of eighteen Orders were made in this way. In other months the proportion was very low, never reaching higher than one-sixth of all Orders made. Overall the proportion was seventeen out of one hundred and five, or almost one-sixth (Table 5).

One fact that needed to be established was whether the introduction of a 'scheme' made any variation to existing practice. It was clear that seventeen probation orders were made without Social Inquiry Reports during the experimental six-month period. Since it has always been legitimate, though frequently considered inadvisable, to act in this way, there may well have been seventeen Orders similarly made in the corresponding six months of the previous year. Unfortunately there was no way of checking this except by combing the appropriate court lists day by day, discovering where probation orders had been made, and then counting four weeks back to discover whether a social Inquiry Report had been requested. An alternative to the second stage would have been to consult the probation office card index system. It was thought however, that this expenditure of time was not justifable, and as an alternative strategy it was decided to ask each of the fifteen probation officers interviewed whether their caseload had ever contained an offender made subject to an Order without a full Social Inquiry report. The response of the vast majority was negative. However, one probation officer remembered having one in a period of nine years. Another respondent had an experience about a year previously where this had also happened: a defendant behaved in a very hysterical fashion during the court hearing, and presumably largely for this reason, an Order was made on the spot. As it turned out, this was not a particularly appropriate decision, partly because the offender was already being counselled by another probation officer for matrimonial problems. These were the only two examples described from within the Petty Sessional Division, although there were very rare occasions where the practice occurred in other courts. The evidence was, therefore, that a distinct, though

TABLE 5

NUMBER OF PROBATION ORDERS MADE AND REPORTS REQUESTED (BOTH TYPES) UNDER THE SCHEME

	(1) FULL SIRs	(2) STAND-DOWN REPORTS	(3) TOTAL PROBATION ORDERS (inc. column 4)	(4) PROBATION ORDERS (no SIR)
NOVEMBER 1983	57	7 (11%)	18	6 (33%)
DECEMBER 1983	27	2 (7%)	16	2 (12½%)
JANUARY 1984	49	4 (7½%)	12	2 (17%)
FEBRUARY 1984	40	4 (9%)	12	2 (17%)
MARCH 1984	51	4 (7%)	23	3 (13%)
APRIL 1984	47	0 (-)	14	0 (-)
	271	21	107	17

limited, change in sentencing procedure did take place at the start of the scheme.

In its original conception it was not intended that a stand-down report would precede each probation order made on the original day of hearing: in fact, its provision was expected to be 'in exceptional cases' (Appendix 1, para 6). However, verbal reports were presented before sixteen out of seventeen day-of-hearing probation orders. The exception occurred when four women from another town were arrested for shoplifting. The three older defendants were made subject to suspended sentences, and the magistrates stated that they would have imposed a similar sentence on the youngest defendant (aged nineteen) if it had been within their power. In the end they made a probation order, without any inquiry as to its suitability, although the probation officer on court duty indicated that a proper assessment would be preferable. Thus a much higher proportion of stand-down reports was presented than anticipated.

Five stand-down reports were also completed which did not result in an immediate probation order: two defendants received conditional discharges; one, a sixteen-year-old appeared with his older brother and was eventually remitted to the juvenile court for a supervision order. The remaining two defendants appeared on a joint charge. They were put back for a stand-down report, but the duty solicitor appears to have sensed that a custodial sentence was highly likely for one of them.

On return to court he requested an adjournment for full Social Inquiry Reports, which was granted; four weeks later both offenders were made subject to probation order, the lesser for twelve months and her more vulnerable co-defendant for 2 years. A further area of interest was the gender distribution of offenders involved in the scheme. During interviews with magistrates described earlier it became clear that the stereotypical offender considered appropriate for the scheme was the woman shoplifter. From the list of defendants in Table 6 it can be seen that nine males received probation without full Social Inquiry Reports, and eight females. In contrast, the number of males on probation in England and Wales on 31st December 1983 was 26780, compared with 11180 females, a ratio of 2.3: 1.

TABLE 6

TABLE OF DEFENDANTS' AGES, GENDER AND CHARGES FACED

	AGE	GENDER	CHARGE
DEFENDANT A	17	M	Stole drill,value £5, by deception
DEFENDANT B	19	F	Stole two dresses
DEFENDANT C	17	F	By deception remit debt of £182
DEFENDANT D		F	(Data unavailable)
DEFENDANT E	54	M	Stole £100 (2)
DEFENDANT F	32	M	Stole bedding value £70
DEFENDANT G	15	M	Stole items from shops value +£100) (jtly)
DEFENDANT H	17	M	Stole items from shops value +£100 (jtly)
DEFENDANT I	24	F	DHSS offences
DEFENDANT J	38	F	Gas meter theft amounting to £62
DEFENDANT K	19	F	Stole items from shops value £169(jtly)
DEFENDANT L	26	F	Stole items from shops value £169(jtly)
DEFENDANT M	19	F	Stole 50 bottles of cider value £35
DEFENDANT N	60	F	Theft from meter
DEFENDANT O	17	M	Theft from electricity meter of £31
DEFENDANT P	29	F	Theft from electricity meter of £100
DEFENDANT Q	24	M	Take and drive away motor vehicle (etc)
DEFENDANT R	43	M	Theft of £3
DEFENDANT S	47	M	Theft, failure to surrender to bail
DEFENDANT T	30	M	Theft; obtain by deception
DEFENDANT U	19	M	Enter hospital with intent to steal
DEFENDANT V	18	F	Burglary (jtly)

The National figures are more consonant with the normally accepted ratio of men to woman defendants, though to what extent the ratio reflects the true differences in gender crimimality is impossible to determine (vide, for example, the ideas of Otto Pollack (1950), noteworthy for their capacity to entertain rather than convince). If the five additional defendants on whom stand-down reports were prepared are added to the list (four women, one male juvenile), the gender distribution becomes even more skewed - a total of ten males and twelve females. The implications inherent in this disparity will be discussed in the concluding chapter, though it must constantly be borne in mind that all numbers involved in the study were very small.

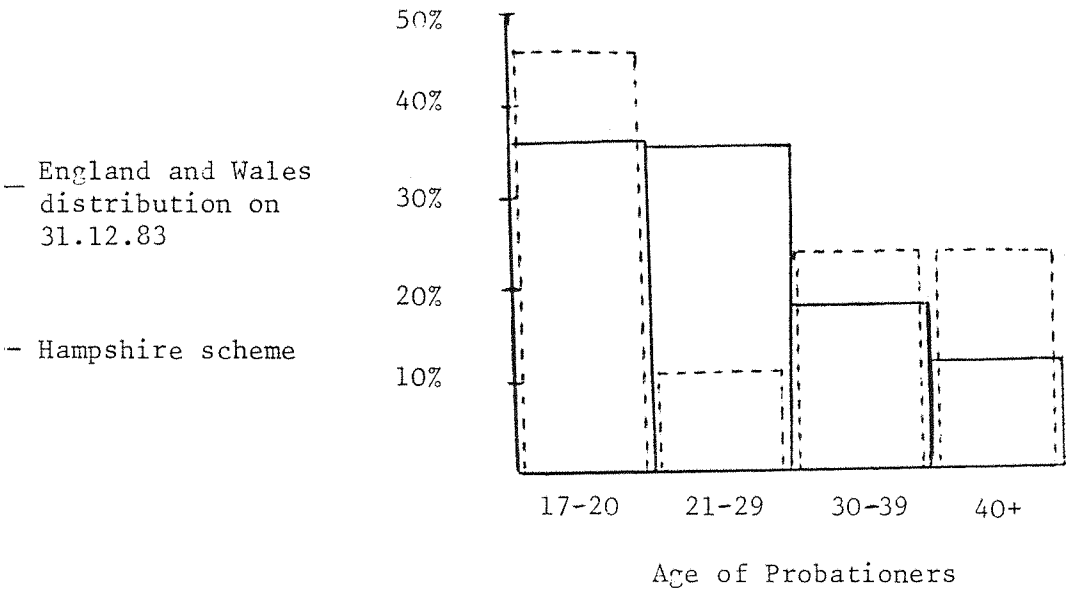
The age distribution of those placed on probation was also calculated, and compared with national figures; the results appear in Table 7. Very great caution must again be observed, in view of the miniscule numbers involved in the experimental scheme, particularly as in some categories (e.g. women over 40 years of age) there was only one representative. There are some clear differences between national and experimental groupings, and men in their twenties were comparatively under-requested in the scheme, with teenage women over-requested. The mean age for male probationers under the scheme was 28½ years, and for females 26. It is not possible to compare these figures with national statistics.

One further distinction between the experimental group and national figures is in the area of previous convictions, and previous custodial sentences. According to Home Office research, no less than 71% of those commencing probation in the first half of 1983 were known to have a criminal record, and 25% had served a previous custodial sentence. The criteria under which the scheme operated tended to favour the less deliquent defendent, but despite this it is known that four of those placed on probation without a Social Inquiry Report had previous convictions, and one had served prison sentences.

These previous convictions are shown in Table 8, and it is salutory to note, by reference to Table 15, that two of those four committed further offences whilst on probation, and a third would have offended within the time of her probation order, had it not been earlier discharged for good progress.

TABLE 7(a)

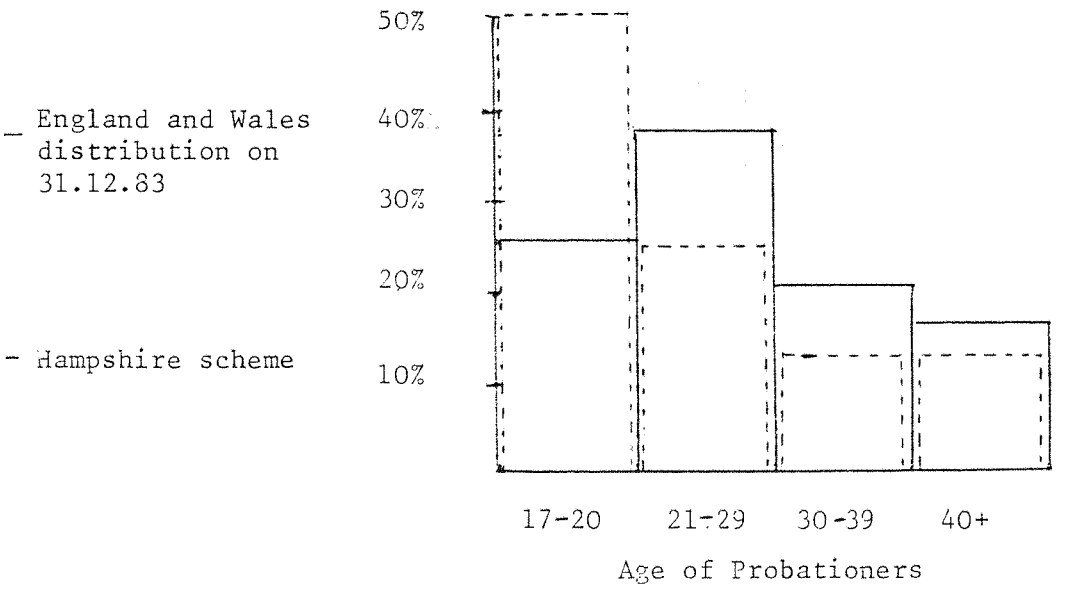
AGE DISTRIBUTION OF PROBATIONERS (MALES)



(Source: Great Britain, Probation Statistics 1983)

TABLE 7(b)

AGE DISTRIBUTION OF PROBATIONERS (FEMALES)



(Source: Great Britain, Probation Statistics 1983)

TABLE 8

PREVIOUS CONVICTIONS OF THOSE PLACED ON PROBATION

DEFENDANT A	17.8.81	Taking without consent: Attendance Centre 24 hrs
DEFENDANT R	7.78	Theft: Probation Order 2 years
	1.82	Theft: Fine £100
	7.83	Shoplifting: Community Service 80 hours
DEFENDANT S	3.81	Deception: 21 months imprisonment (many previous offences)
DEFENDANT U	7.81	Theft: Attendance Centre 24 hours

A further difference in the experimental scheme is that none of the orders made contained any special requirements (again, as dictated by its terms). Nationally 12% of orders held additional requirements - about a half relating to residential provision (most commonly a requirement to reside in a probation or other hostel), and about a third to the receiving of out-patient psychiatric treatment.

As might have been expected, the offences for which defendants appeared in court were not particularly serious, with the most minor involving the theft of three pounds, and the most serious - in financial terms at least - totalling two hundred pounds. Shoplifting figured in several of the charges, but equally prominent was pilfering the public purse, as in the fraud against the Department of Health and Social Security and theft from the meters of the public utilities. No attempt was made by the researcher to compare this collection of charges with the normal daily diet of the magistrates' courts concerned. However, it appears reasonably safe to comment that - apart from more serious crimes - motor vehicle offences are under-represented, bearing in mind that currently about one charge in three concerns theft of or from a vehicle, or its unpermitted use.

The court disposals of the twenty-two defendants are tabulated in Table 9. As can be seen, only two probation orders were of more than twelve months' duration, and five were of the minimum of six months. Further information appears in Table 10, which shows the distribution of probation order length, and compares the scheme with the national average. It is clear that a considerable difference in useage emerged: magistrates in the scheme made almost double the number of twelve-month orders than the national average, but only about one-fifth the normal number of two year orders. There was also significant disparity in the use of six-month orders. This facility was introduced on 15th May 1978, and had grown to be five per cent of orders made nationally by 1983. However, under the scheme these orders accounted for about thirty per cent of all those made, reflecting, presumably, the relative lack of criminality of this defendant group.

The length of the Orders did not seem wholly related to the seriousness of offences, one two-year order being imposed for the theft of two dresses, and six-month's supervision being given to another

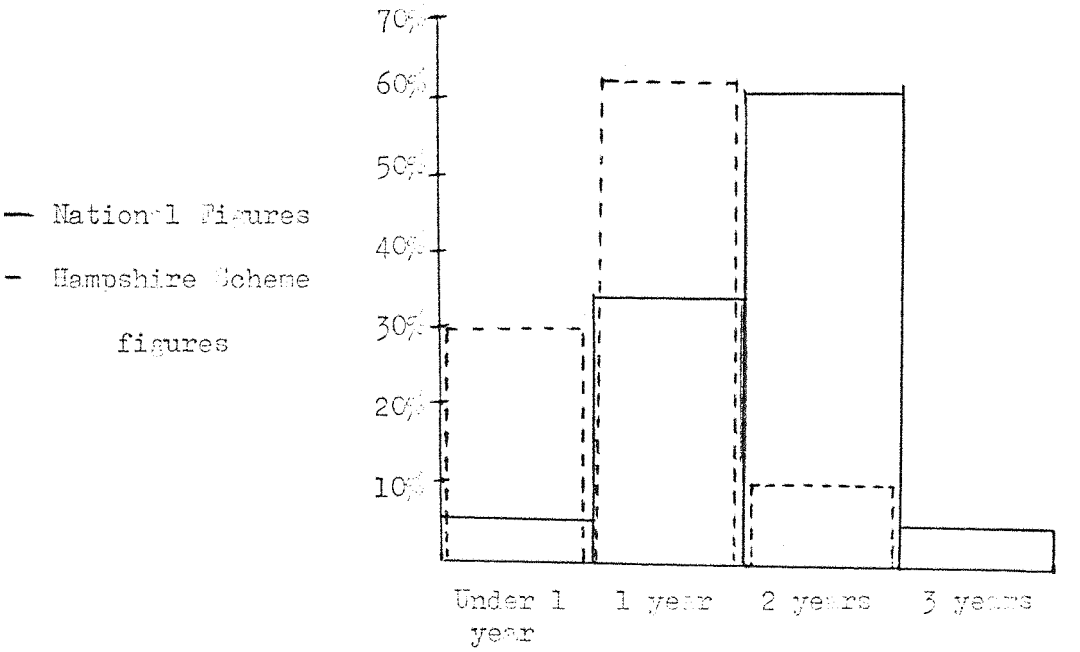
TABLE 2

SENTENCES PASSED ON DEFENDANTS UNDER THE SCHEME

DEFENDANT A	Probation Order 12 months
DEFENDANT B	Probation Order 24 months
DEFENDANT C	Probation Order 12 months
DEFENDANT D	Conditional Discharge 6 months
DEFENDANT E	Probation Order 6 months
DEFENDANT F	Probation Order 12 months
DEFENDANT G	Supervision Order 12 months
DEFENDANT H	Probation Order 12 months
DEFENDANT I	Probation Order 12 months
DEFENDANT J	Probation Order 6 months
DEFENDANT K	Probation Order 12 months (after adjournment for full S.I.R.)
DEFENDANT L	Probation Order 24 months (after adjournment for full S.I.R.)
DEFENDANT M	Probation Order 6 months
DEFENDANT N	Conditional Discharge 24 months
DEFENDANT O	Probation Order 6 months
DEFENDANT P	Probation Order 6 months
DEFENDANT Q	Probation Order 12 months
DEFENDANT R	Probation Order 12 months
DEFENDANT S	Probation Order 24 months
DEFENDANT T	Probation Order 12 months
DEFENDANT U	Probation Order 12 months
DEFENDANT V	Probation Order 12 months

TABLE 10

COMPARISON OF PROBATION ORDER LENGTHS



(Source: Great Britain Probation Statistics 1983)

defendant for the theft of £200. These short orders were almost equally distributed between men and women defendants, and to a wide age range (from 17 to 54).

It was hoped initially that if the database was sufficiently large, it might be possible to discern trends in usage of the scheme with regard to different clerks of the court, different benches or even solicitors. In the event numbers were too low to accommodate such an analysis, and information was not always filled in on the appropriate form. However, it is worth noting that, of the twelve bench chairmen mentioned in the forms, not one name was repeated, and stand-down reports were requested on all working days of the week though with little on Wednesdays and Thursdays (see Table 11). It is unclear from where the impetus arises to request a stand-down, but one form mentioned specifically that the court clerk suggested this (he also happened to be clerk on a further three occasions when requests were made) The attendance by various clerks is shown in Table 12. Once a solicitor suggested this course of action because his client wished to conclude the hearing as rapidly as possible. A potentially more significant and concerning feature, however, was that at least five and probably as many as nine of the twenty defendants were unrepresented by a solicitor. It would certainly be contrary to the probation service's intention if the scheme were ever used as a cheap and rapid substitute to legal representation.

TABLE 11

STAND-DOWN REPORTS REQUESTED BY DAYS OF THE WEEK

MONDAY	7
TUESDAY	6
WEDNESDAY	2
THURSDAY	1
FRIDAY	5
	21

TABLE 12

IDENTITY OF COURT CLERKS WHEN STAND-DOWNS WERE REQUESTED

CLERK A	4 occasions
CLERK B	2 occasions
CLERK C	1 occasion
CLERK D	2 occasions
CLERK E	4 occasions
CLERK F	2 occasions
CLERK G	3 occasions
	18

No information was available in 3 cases

(c) THE STAND-DOWN REPORT QUESTIONNAIRE

As previously mentioned, the researcher had hoped at one stage to be present in court to witness stand-down reports being made to courts. However, in view of the obvious impossibility of predicting in advance when such a report would be requested, a brief questionnaire was devised which probation officers were asked to complete after each stand-down report. In the event there were twenty-one such reports prepared in the six-month experimental period, and twenty questionnaires were returned. These were usually filled in immediately after the report was made, and lodged with the Courts Officer; one was not completed in this way, and the probation officer, when later approached, felt that she could not recall sufficient detail to provide an accurate response.

From the twenty-one reports, sixteen probation orders resulted.

The main aim of the questionnaire was to provide information concerning the content of the verbal report. Additional, supplementary material was requested on the length of the stand-down interview; identity of court clerk and chairman of the bench; and the decision of the magistrates. (See Appendix 4 for an example of the form used.)

Of the twenty completed questionnaires, nineteen indicated the length of time of the interview between probation officer and defendant; the results are displayed in Table 13. From them it can be seen that the mean length of time for all interviews was 13.4 minutes, and the mode was 10 minutes. There was some difference between the mean length in cases where a probation order resulted, compared with those where an order did not result - the mean being 11 minutes and 18 minutes respectively. It might be tempting to infer from interview length that the latter group was more problematic; however, the group was so small (only five in number) and there were so many variables - for example, probation officer style and understanding of the scheme - that any speculation would probably be injudicious. What is clear, however, is that the extent of face-to-face contact with the defendant when put back (mean 13.4 minutes) is far less than has been noted in the studies of full Social Inquiry Reports referred to in Chapter one.

TABLE 13

LENGTH OF INTERVIEW FOR STAND-DOWN INQUIRY

	DATE	MINUTES
DEFENDANT A	9.11.83	10
DEFENDANT B	10.11.83	No report requested
DEFENDANT C	14.11.83	15
* DEFENDANT D	21.11.83	20
DEFENDANT E	21.11.83	10
DEFENDANT F	28.11.83	Time not indicated
* DEFENDANT G	29.11.83	10
DEFENDANT H	29.11.83	10
DEFENDANT I	16.12.83	15
DEFENDANT J	16.12.83	20
* DEFENDANT K	3.01.84	10
* DEFENDANT L	3.01.84	30
DEFENDANT M	13. 1.84	5
* DEFENDANT N	31.01.84	20
DEFENDANT O	13. 2.84	15
DEFENDANT P	15.02.84	10
DEFENDANT Q	20.02.84	15
DEFENDANT R	21.02.84	15
DEFENDANT S	9.03.84	10
DEFENDANT T	12.03.84	Feedback questionnaire uncomplete
DEFENDANT U	23.03.84	10
DEFENDANT V	26.03.84	5

*Indicates occasions where a stand-down report was requested by magistrates, but the defendant was not subsequently placed on probation the same day.

Thus, it seems clear that the format of the stand-down report was being regarded very differently from the Social Inquiry Report.

An attempt was also made to ascertain the content of the verbal report to the bench; as two stand-down interviews took place which did not result in reporting back to the bench, these conclusions are based on eighteen verbal reports.

The guidelines for the scheme stated categorically that probation officers would not be able to report verbally about defendants' personal circumstances for two reasons: firstly because verification of information would be impossible, and secondly because of the conventional demands of confidentiality for personal details (Appendix 1 para 7).

It was clear from analysis of the questionnaires that the guidelines were more or less complied with (See Table 14). For example, of the eighteen completed forms, no less than seventeen indicated that there had been verbal comment either 'generally' or 'in detail' about the defendant's suitability for the scheme (an appropriate area for advice, as mentioned in Chapter Two). There seemed some confusion in the mind of the probation officer completing the eighteenth form: although he indicated that there had been no comment in court about the defendant's appropriateness for the scheme, his notes on the form explain that he suggested a conditional discharge to the magistrates, a proposition which they followed. Consequently there must at least have been implied reference to the scheme.

The second area thought appropriate for advice and the next most frequent area mentioned in court was that of the defendant' motivation concerning probation: information was apparently presented to magistrates about this in almost half the verbal reports. The questionnaire did not ask respondents to discriminate between cases where motivation appeared to be strong or weak, but, interestingly, two of the eight defendants whose motivation was commented upon received conditional discharges,rather than the probation order which magistrates had presumably considered a likelihood at an earlier stage.

The third aspect about which reporting probation officers were expressly permitted to make recommendations was whether there should be an adjournment for a full Social Inquiry Report. Four of the eighteen

TABLE 14

AREAS DISCUSSED IN VERBAL REPORT TO MAGISTRATES

		NOT AT ALL	GENERALLY	IN DETAIL	
1.	Suitability of offender for the scheme	1	15	2	(18)*
2.	Motivation of the offender	10	7	1	(18)
3.	Consideration of full S.I.R.	14	3	1	(18)
4.	Employment position	13	3	2	(18)
5.	Accommodation of offender	14	3	1	(18)
6.	Marital/domestic relationships	13	4	1	(18)
7.	Dependency problems (e.g. drink, drugs)	14	3	1	(18)
8.	Circumstances of upbringing	16	1	1	(18)
9.	Attitude to offence	12	6	0	(18)
10.	Financial situation	13	4	1	(18)

* These figures are based on eighteen completed verbal reports to magistrates. Although a further two interviews took place to prepare for a verbal report, the reports were not given, as the bench decided to adjourn for full Social Inquiry Reports.

questionnaires showed that the respondent mentioned this area. Disturbingly, on the one occasion that the probation officer advised an adjournment, this was paradoxically refused by the bench, and a probation order was made on the spot. In the event, this was a highly unsuitable order, in that it was subsequently discovered that the defendant was charged in one of two names he habitually used, and that he had previously been subject to at least eight probation orders in the past, every one of which he had breached.

The police did not supply his list of previous convictions to either the court or probation service, so there was little superficial reason for suspicion - except perhaps that he was charged with failing to surrender to bail. However his story and manner engendered disbelief in a sceptical and alert young probation officer, to the extent that he considered that an adjournment was advisable in order to prepare a report from a more solid base. Nevertheless, his reservations were solely suspicions, and when confronted by these the bench asked 'Are you saying that you don't want him on probation?'. The probation officer replied that on the surface he appeared not to be excluded from the scheme, and the magistrates then made a two-year probation order. The new probationer immediately launched himself into a round of robbery and theft for which he was eventully detained and imprisoned. The relationship between probation officer and this prisoner additionally 'completely disentegrated'. The latter refused to speak to the probation officer when he made a prison visit, and denunciatory letters were sent from gaol intimating that the probation officer had no right to comment to courts about him, but that this should be left to 'professionals'.

The questionnaire also asked whether probation officers commented publicly on other areas of significance - areas which are frequently described in Social Inquiry Reports, and which it is known are considered by tradition to be important by both magistrates and the probation service (cf.Thorpe (1978) p.48). The findings showed that these significant areas were mentioned infrequently, and if referred to, were commented upon 'generally' rather than in detail. Indeed, the vast majority of the questionnaires had no entries under the 'in detail'

column; and one questionnaire accounted for no less than four of the 'in detail' entries, under the headings accommodation, domestic relationships, circumstances of upbringing and financial situation. This particular case appears to have provoked quite a wide-ranging report, in that the only area which was mentioned 'not at all' was the consideration of a full Social Inquiry Report. The circumstances of this defendant may have been considered to merit attention to more personal detail, in that he stole money from the electricity meter in his home, and he was ordered by the court to pay compensation of £31.50 to his mother (his father having died).

There was also an interesting, if slight, gender difference in the length of time spent in the stand-down interview. According to the statistics provided; interviews with women defendants averaged 15 minutes in length, while with men only 11. This obviously raises issues which are worthy of further exploration at some stage.

Generally, however, the impression gained from examination of the questionnaires was that stand-down reports were typified by economy, brevity and severe limitation as to areas mentioned. Indeed, questionnaires for some defendants indicated that the only subject referred to by the probation officer was the offender's suitability for probation. Also noteworthy is the fact that the least reported area was that of circumstances of upbringing - once a sine que non of all orthodox social inquiry, and its omission may exemplify the movement away from the psycho-analytic model as the basis for probation officer-client contact.

(d) INTERVIEWING FOR THE STAND-DOWN REPORT

The chief part of the study was a serious of interviews with probation officers to discuss the working of and reactions to the scheme. Some had only had experience of completing a stand-down report; others only had been involved in supervising offenders placed on probation under the scheme; whereas the majority had contact in both spheres.

Initial discussions centred round stand-down reports, where appropriate, and in particular whether the time available had been sufficient for the purpose. On the whole this did not appear to have been a problem for probation officers who had set clear limits to the aims of the interview. One officer, for example, claimed that the time she had was easily adequate to assess whether an offender had a 'problem', but was not long enough to assess the likely response to supervision (her interview time was the shortest recorded - five minutes - and on the questionnaire this number seemed to have been amended from an initial entry of two!)

On occasions magistrates determined in advance that the case would be put back for a certain length of time - in one quoted example half an hour - to allow opportunity for interviewing the defendant. The probation officer in this instance found it particularly helpful to know that she had a specified time allowed; even so, she discovered subsequently that the offender had not been wholly truthful about his drinking problems or previous probation involvement. Charitably the probation officer attributed the omission to a 'sort of loss of memory'.

On the whole, no specific time was allowed for the stand-down interview, but Probation Officers did not feel under pressure. The bench normally moved on to deal with other cases during this period, but even if they had not done so, not all probation officers would have shown a need for urgency: 'even if they'd been waiting for me, they would just have to wait' stated one firmly.

An observation made by several respondents was that it had been much easier to complete the stand-down report where the probation officer concerned had been in the defendant's court while details of the case were being set out to the bench. As the scheme's requirements indicated that the report should be prepared by the number one duty officer, he or she often had to be summoned from another court to undertake the task, with no knowledge of the facts, sense of the defendant's emotional state, or intimation as to the particular reason why the bench chose to take the course of action. One respondent commented that any probation officer who happened to be in court should be allowed to undertake the stand-down; not only because of the obvious advantages in terms of knowledge of the proceedings, but also because there was often inconvenience to the number one duty officer, who without warning had to interrupt other work.

Not all stand-downs involved only two parties - the probation officer and defendant: one officer who conducted a longer than average interview - twenty minutes - had another member of the family involved in the interview, who was able to confirm details about the subject. The probation officer was then able to use information to suggest to the court that probation was not appropriate, although the defendant complied with the criteria for the scheme. It is doubtful whether he would have been able to argue this course of action so convincingly from the basis of a briefer interview.

Magistrates, however, showed some inconsistency as to whether they took other cases during the stand-down adjournment: on at least two occasions they retired to await the result of the interview before proceeding. One probation officer hypothesised that as the defendant in his case appeared a 'natural' for the scheme, the bench reckoned that only a brief adjournment would be necessary. Their prediction was accurate, as this was the second five-minute interview, its length probably abbreviated by a detailed mitigation from the defending solicitor (see Table 9).

The most frustration experience happened in a problem case referred to earlier. The subject was extremely well-spoken and clearly intelligent, but unshaven, dishevelled and smelling; his strange tone of voice he attributed to having burned his vocal chords a few days

previously by accidentally drinking some bleach. Although the tem minutes of interview were adequate to obtain responses to the criteria for the scheme (albeit some of the answers were deceptive or misleading), the probation officer did not consider the time sufficient to attempt to check his well-founded suspicions; on returning to court the bench declined the suggestion of an adjournment for a full Social Inquiry Report. A further area discussed in connection with this case was the problem, during a short interview and preparatory time, of discovering information, and then finding a felicitous phrase with which to express it. The probation officer commented that he felt reluctant to say 'I think he's a boozer, your worships' on the basis purely of speculation. With more time, or in a written Social Inquiry Report, an appropriate form of words could have been assembled to indicate exactly the relevant feelings and opinions of the probation officer. As it was, when pressed by the bench about his suspicions, this probation officer was unable to substantiate them, and eventually fell back on the comment that the defendant did not appear to be excluded from the scheme - superficially at least.

Nevertheless, it should not be considered - on the basis of the case mentioned above - that the time allowed for the stand-down interview was a particular source of complaint. Almost invariably time was plentiful, and the general consensus can be summed up in the words of one respondent: 'you can have as much time as you like - unless you're the last case in the morning'.

(e) THE ETHOS OF THE STAND-DOWN REPORT

It will be advantageous to devote a section to considering the various approaches to the stand-down report that were adopted by probation officers, since, as the research progressed, it became evident that there were clear differemces in underlying thinking, which occasionally reflected their owners' basic philosophy of probation.

The differences centred round the main purpose of the stand-down report and interview. In his circular explaining the scheme, the Assistant Chief Probation Officer explained that the probation officer would be able to advise verbally in three areas: whether the defendant was within one of the exclusion categories; whether there was motivation to comply with a probation order; and whether there were any special circumstances which favoured a full Social Inquiry Report.

In practice, these instructions were variously interpreted. On the one side there was a small number of probation officers who saw their task during the stand-down interview solely in terms of checking the exclusion criteria. These two or three officers presumed that the bench had decided on its course of action, and viewed their own part as a relatively mechanical operation, fulfilling a brief task of weeding out the most unsuitable defendants. However, one not-at-all mechanical probation officer linked her approach to the stand-down report with her basic philosophy of probation, a universalist view that almost everyone was appropriate for this method of sentencing 'except if the person is completely loony to use a generic term, or isn't prepared to co-operate'. In developing her probation-for-all ethos, she visualised probation as simply a disposal, similar to many others, which the court held in its reportoire. It incidently offered an entry to various facilities, which probationers were at liberty to make use of or not. But as long as offenders were able and willing to comply with the basic conditions set out in the probation order, then probation was suitable for everyone. Her description of the exchange between the bench and herself when returning after the stand-down interview is illuminating.

'I went back in and said 'I've interviewed him and I can't see anything that would make him unsuitable, and if you want to make a probation order, don't make it for more than a year.' That was it.

They turned round and said 'Is probation necessary in this case?. I said 'Well, I can't really tell whether it is necessary or not - that's not the point of it. You've indicated that you want to make a probation order, and there's nothing that would make him unsuitable.' And that was it.'

While allowing for some discrepancy between the language used in court and the words employed to describe the exchange, the position of the probation officer is clear. And while other probation officers could assert that there was a place for recommending to magistrates the advisability of probation - but not in this scheme - she could claim that the question of suitability was all but redundant for her in her all-embracing approach.

In contrast by far the majority of the sample preferred to look at the stand-down report with a wider perspective. One respondent, for example,described her ten minutes with the defendant as a 'mini-four-weeks', in which she considered a whole range of potential sentences in addition to checking the exclusion criteria. She was very happy to make a recommendation that was broader than the concentration on the offender's motivation for probation. But even though this larger group were prepared to consider, and if necessary suggest,alternative disposals, they seem to have commenced their inquiry with a general presumption in favour of probation rather than needing to be convinced of its aptness. The probation officer who conducted a twenty-minute interview and then recommended a conditional discharge was exceptional in this respect.

Perhaps the widest approach came from a long-serving officer who was well aware that the requirements of the scheme limited his contribution principally to advice on suitability. However, he admitted his 'fault' in tending to provide a certain amount of background information - which he conceded was unnecessary. It may be that the research also affected his practice, in that he was conscious of needing to complete a form (Appenbdix 4) which referred to areas other than the exclusion criteria, and this may have suggested to him that he adopt a slightly wider approach.

One of the most thoughtful observations came from a probation officer who attempted to minimise the differences between the two

observable approaches: either solely examining criteria or on the other hand broader recommendations. He failed to see a clear distinction between them, claiming that the criteria check was implicitly a recommendation about probation - either positively or negatively, depending on its result. However, despite his remarks, it seems to the researcher that there is an essential difference in concept between the assumption that the bench has made a decision subject to a quick check by the probation service, and the notion that as a result of the stand-down interview advice about any disposal can be freely given.

Wherever individual probation officers stood along this philosophical contimuum, it seems clear that the scheme invited magistrates to play a more major role than hitherto in decisions about suitability for probation, particularly if its implementation had followed its intention more closely, and more probation orders had been made without a stand-down report. What appeared surprising was that there seemed very little reservation or opposition to this trend among probation officers: although respondents were not specifically asked about this area, there was no hostility expressed towards conceding magistrates more freedom in this respect. The lack of comment may partly be due to the fact that only in one case did the bench act without a stand-down report; as one officer remarked, making probation orders without inquiry goes much against the grain with magistrates.

(f) CONFIDENTIALITY ISSUES

'Confidentiality is not very difficult to define', claims Timms (1983), without attempting the apparently simple task. Other writers(e.g. Biestek (1961) and Butrym (1976)) have been less reticent in providing definitions and appear to agree that confidentiality means the deliberate non-disclosure by the social worker of informattion which the client wishes to keep 'secret'. Both Biestek and Butrym have useful discussions in which they elaborate upon their views of secrecy.

Support for the importance of confidentiality in social work comes firstly from the general value placed on privacy within contemporary society, and the assumption that each individual has a right to be protected against unwanted physical attacks on his property, and unwarranted verbal attacks on his property. This right is, of course,confirmed by a very large body of both criminal and civil legislation. The weight attached to confidentiality can also be partially gauged by noting that certain groups of individuals who by their behaviour have been singled out for disapproval by our society - for example offenders - immediately lose some elements of their right to confidentiality, through publicity and censorship of correspondence, and that the loss of these rights can be seen as part of the process of punishment. It is very clear, however, that values are culturally determined and will thus vary from society to society; in this respect confidentiality is no exception. It is also self-evident that Biestek, when stressing an individual's right to 'acquire private property' is writing from within a fiercely capitalist culture, and there may be some groups, either past or present, whose basic communism denies the acquisition of any private possessions.

The second reason for the importance of the idea of confidentiality in social work springs from the viewpoint of the concept as an operational technique. Clearly, any relationship, either private or professional, would be immediately imperilled if sensitive information was randomly disclosed, and the need to foster relationships in social work means that confidentiality must be thoughfully observed.

While the introduction of information technology has meant greater possibilities and dangers in sharing information within and between agencies, there has been a contemporaneous movement towards sharing the content of agency records with clients (see, for example, Department of Health Social Security circular LAC(83)14 and the 1984 Data Ptotection Act).

Whatever the general difficulties of confidentiality within social work may be, it is clear that there are some specific issues related to the process of social inquiry by the probation service. The first concerns the position of the probation service as a statutory agency bound by regulations which from time to time demand the disclosure of information, for example in relation to sex offenders and potential contact with children (Home Office Probation Bulletin No. 14 para 11). Secondly, the nature of the Social Inquiry Report itself means that the Service is acquiring information for uses over which it may have no control. Thorpe (1978) discovered that the confidentiality of reports was a matter causing concern to probation officers, particularly where a large number of copies of a report was made and there was wide distribution. Evidence of the wide variety of subsequent use of the Social Inquiry Report was gathered by Shaw (1981) who noted the influence of court reports in Attendance Centres, Detention Centres, Borstals (existing then) and prisons; in decisions concerning recall to institutions and parole recommendations; even in instances where defending solicitors produced copies of reports prepared for hearings months previous, in order to bolster their client's case once again. Indeed, Shaw concludes that it is inappropriate to consider Social Inquiry Reports as 'confidential' documents any longer.

The verbal report, in comparison, has disadvantages and benefits. On the one hand any residue of confidentiality is dissipated when comments are expressed to an audience which includes a public gallery and press representatives. On the other hand, the dangers associated with an uncontrolled dispersal of social Inquiry Reports are avoided (though it could also be claimed that the spread of relevant information to institutions was to the benefit of offenders).

The disadvantages of publicity were obviously appreciated by the Asistant chief Probation Officer when he formulated the guidelines to

the scheme: in his General Notes of Guidance (Appendix 2) he stated that it would not be possible to give verbal reports on the day of the hearing about defendants' private circumstances, because of difficulties in verification, but additionally because 'it might make public sensitive information not only about the defendant, but also his relatives and friends who are not even before the court'.

One of the aims of the research was to investigate the practical implications for the concept of confidentiality within the framework of the stand-down report. From information gathered and referred to in Table 10 it emerged that there was little detailed public mention of the more private areas conventionally described in Social Inquiry Reports, such as domestic relationships and circumstances of upbringing. Thus, the Circular's strictures appear to have been followed.

Additionally, during interviews with probation officers their experiences in this area were discussed. Generally, little difficulty was found in practice in the sphere of confidentiality. This was particularly the case where probation officers had interpreted the purpose of the stand-down report on the narrow basis of checking the criteria for suitability for the scheme. This was stated very clearly by one respondent:

> 'It goes back to my view of what the scheme's about. I got confidential information from the lad, but as far as I was concerned it didn't cause me any problems whatsoever, because I wasn't there to
>
> give them any information about the lad; I was there to tell them whether he was suitable. So I wouldn't have given any information about the lad in open court'.

Her sentiments were echoed by several other probation officers, and it was clear that, although from time to time sensitive information had emerged in the course of the interview, this had rarely formed part of the report back to magistrates. One of this group of officers, for example, claimed that he had normally prefaced his report back to the magistrates with the comment that the solicitor or client had indicated that there was an area of personal difficulty about which he was not prepared to elaborate, but that the defendant was suitable for probation.

At times, however, some more sensitive information was relayed to the court verbally: one probation officcer drew attention to the fact that the defendant had had problems with her daughter, had recently become a single parent, and that for these reasons supervision could be helpful. Another respondent described his contact with a defendant who freely related the marital problems he was experiencing, and the fact that he had gone out and stolen from a shop 'to stop the rowing'. This was conveyed to the court, and the probation officer's - perhaps somewhat surprising - remark was that this man did not have any particularly difficult or embarrassing information, but that he could imagine other cases where defendants would not want their personal situations to be publicised! However, perhaps it is salutary to realise that solicitors and barristers are habitually forced to make public reference to any personal factors which they feel are important in their clients' mitigation, and do not have the luxury of the alternative afforded to the probation service and medical profession in being able to submit written reports.

The cause of confidentiality was probably also assisted in another respect: in normal circumstances probation officers have to make out a convincing case for the court to impose a probation order, and this may involve the description of a variety of areas of a defendant's personal life where help may be afforded.

In clear contradistinction, there was an obvious assumption in favour of probation when the bench requested a stand-down report under the scheme, and thus the necessity to parade personal problems was obviated.

One case - that of Defendant L - was, however, more complicated. She and her co-defendant were both initially put back for stand-down reports, but before these could be presented to the court the duty solicitor intervened to request full Social Inquiry Reports in both cases. The reason for the intervention is not clear, but it seems very probable that the solicitor either guessed or was informed that in view of Defendant L's previous convictions the court was considering a custodial sentence for her; he consequently quite rightly believed that a written report was a more appropriate medium for transmitting information to the bench. In the end however Defendant L received

a 2-year probation order. The comments of the probation officer concerned with the case are interesting, in that she was convinced that she could have swayed the court towards making a probation order through a verbal report on the day; however, the defendant was utterly opposed to 'airing her dirty washing in public' and thus the opporrtunity did not in any case present itself.

In the context of the stand-down report, the probation officer is only one participant of several, and the way in which magistrates, for example,interpret their responsibilities with regard to confidentiality must have considerable significance.

Consequently probation officers were asked in the research survey to comment on their experiences with the bench, and to what extent magistrates were sensitive to issues of confidentiality. From the responses of the officers concerned it was clear that, on the whole, magistrates were content to accept the stand-down inquiry without further questioning the reporting officer. If there was some query from the bench, it was usually of a very general nature, and the most common response from the chairman of the magistrates appeared to be remarks of minor gratitude. It may also be,however, that the reticence of magistrates is connected with the novelty of the scheme, and their uncertainty over how it should operate. As one probation officer expressed it:

> 'I've not been sure that they (i.e. magistrates) have known what to ask, and I haven't been really sure either. When I've come back I usually start off by saying I've interviewed the person fully, and you're thinking of probation, and I agree for these broad reasons. Would you like to ask me any questions? They usually don't actually.'

Whatever the reason, there appeared to be no example of magistrates attempting to extract publicly information which could be construed as highly sensitive or discrediting, although two respondents hypothesised that magistrates were really quite keen to discover more material of a personal nature.

By and large there seemed few problems in the area of confidentiality, and even where sensitive information was acquired by probation officers during the stand-down interview, there was no reason to pass this on.

(g) PRESSURES ON INFORMATION GATHERING IN THE STAND-DOWN PROCESS

'Social Inquiry....relates to the gathering of information,evaluating assimilating, interpreting and presenting it in a form acceptable and immediately usable to the tribunal for which the work was undertaken' (Moore 1984).

It is patent that all stages of social inquiry referred to by Moore above depend upon the efficacy of the process at the first stage, i.e. the collection of accurate informatiom in sufficiency. Research into the reliability of the content of social inquiries has been sparse, but the little evidence available suggests that probation officers have not been particularly concerned to verify statements received from defendants (Perry 1974). That this state of affairs was considered reprehensible by Perry is some indication that a proportion of defendants see their best interests in a selective account of their situation or even a denial of truth; and that the probation service should make some attempt to validate facts where possible. Although Perry's research considered the probation officer's part in the process, there has been no attempt to measure the extent to which defendants either fabricate stories or minimise events for their own welfare at this stage of the proceedings. It is obvious that it will occur - and indeed there were some examples among this relatively small sample studied - though the probation service is not in the position of having interrogation manuals produced for it, as is the case with the police (cf.Inbau and Reid,1967).

Sufficiency of information is also as important as accuracy, and, although the amount of detail required in this type of stand-down report was quite limited, it was considered useful to attempt to examine to what extent, if at all, the particular nature of these proceedings inhibited defendants. Inhibition, if occurring at all, could arise from various factors, either singly or in combination.

First among these was probably the surroundings in which the interviews occurred. Defendants were invariably seen either in a room in the court precincts or in the probation office, and never in their own home or accommodation. In the conventional Social Inquiry Report home visits would frequently be made, and it is normally considered that clients are able to be more relaxed and articulate in this setting. However, the effects of 'home territory' are not necessarily in one direction, since it is also suggested - at least with regard to police questionaing - that the pressure of unfamiliar surroundings produces greater susceptibility and inclination to co-operate (vide discussion in Irving and Hilgendorf, 1980).

Secondly, the nature of the scheme required that interviews were brief, and indeed the longest recorded stand-down contact was thirty minutes, with the shortest five. Thus, not only was the opportunity to gain information restricted, but it could also be said that the chance to form a relationship in which trust in the interviewer could develop was also severely curtailed.

The third important factor was that the report was to be verbally presented, rather than written. While probation officers might have been quite sure individually about the extent to which they were prepared to relate personal or sensitive material to the court -and from previous discussion there was clearly considerable variation in practice between individuals - defendants on the other hand may have been much less confident about the destination of any information they released.

In order to attempt to assess the effect of the stand-down setting on the freedom with which defendants volunteered information, probation officers were asked whether they considered that offenders had been inhibited by the situation. It was not possible to interview defendants themselves, but all the probation officers seen had had considerable experience of preparing Social Inquiry Reports in a conventional manner, with which comparison could be made.

Perhaps not surprisingly, comments differed widely. One respondent considered that defendants were very inhibited in a stand-down interview:

they were overawed by the court surroundings; the probation officer in that setting was identified with the more punitive aspects of his role, and thus viewed suspiciously and apprehensively; and these elements were compounded by the fact that the interviewees, especially first offenders, were frequently extremely anxious generally, perhaps requiring more time to be put at ease and to be informed about the implications of their position. However, paradoxically, these defendants were allotted less time - though admittedly for a limited objective - than previous or frequent offenders, for whom full Social Inquiry Reports would be requested.

Two or three other probation officers also agreed that the circumstances of the stand-down report were inhibiting, and that much of the interview time was spent in explaining to quite confused individuals what the magistrates' intentions were. One commented that the extent of the client's perplexity did not emerge until later, when facts came to light which were not mentioned in the initial stand-down.

However, the chief impression from the data is that reactions varied considerably from defendant to defendant: one probation officer described interviewing three clients who had little conception of what was happening, and would have agreed to anything, because of the stressful situation they were in; a fourth, in contrast, had been on probation before, seemed fairly comfortable being interviewed, and spoke with freedom about her personal situation. Thus, the similar degree of co-operation which was experienced may have been caused by quite opposite factors - on the one hand nervousness through the novelty of the situation, and on the other hand lack of anxiety through familiarity with the court. One officer also commented that he never failed to be surprised that rarely did defendants object to the most extraordinarily intimate details of their lives being made public, except for sex offenders as a group.

It also seemed significant that several of the probation officers who felt that defendants were not inhibited claimed that they took great care to explain to clients in the stand-down interview that they would not

refer publicly to private details of the defendant's life; there may have been a connection between the clarification of these limits to revelation and the lack of inhibition clients displayed.

The difference between the experienced and inexperienced offender is neatly illustrated by the following cameo related by a probation officer:

> 'This chap had a brother who escorted him to court, and while X had never been to court before, his brother had about 356 previous convictions, seemed very clued up on the situation, and proceeded to show X the ropes. In fact he seemed to want to get in on the act, and in order to get an interview I had to find a room and try and keep the brother away. All the time he was gesticulating through the glass door.'

Although discussion in this area centred chiefly on the way in which defendants' responses may be affected by the stand-down inquiry, two probation officers commented specifically on the difficulties experienced by themselves in preparing the report. These referred to the difficulty of finding a room in the court precincts where interviewing could occur undisturbed. Where the stand-down interview took place in a room with several distractions and a ringing telephone, or in a corridor with many people milling around, then clearly an amenable milieu was not provided, nor was it in keeping with the status of the interview in its potential to affect a defendant's liberty.

On the whole clients were judged by production officers to have provided a good amount of information. The distress of offenders - particularly those appearing for the first time - was, however, very evident on occasion, and this did affect their ability to comprehend and reason. In turn, problems were created for the interviewing officer, as can be seen from the following account:

> 'X in no way wanted to be put on probation when I started interviewing her. She was very upset; she didn't want to give me any information, and I had to persuade her into it. It was a first offence, and I had to point out the other things she could get. She didn't understand what probation

> meant, and I tried to explain what it would entail. I was very much aware that the bench wanted it - I'd been told by the clerk. I didn't feel very comfortable about persuading somebody to accept probation when at first they said 'no', but I felt her ignorance of what probation was, was grounds to persuade her. If she hadn't agreed, I would have gone back into court and asked for a full Social Inquiry Report....'

Thus the type of pressure under which probation officers occasionally performed is evident, as is the tension exerted on the operation of conventionally - accepted social work philosophies of acting at the client's pace, and encouraging client responsibility for decision-making. This extent of complication appeared to be exceptional, however, and client responsiveness was usually judged to be adequate, particularly bearing in mind the limited amount of information normally requested in pursuance of the scheme. This theme will also be followed in the next section, where the level of post-hearing communication between offenders and probation officers is examined.

THE PROBATION EXPERIENCE

(h) THE QUALITY OF POST-CRISIS COMMUNICATION

It is a truism to observe that life is a series of crises, of either minor or major dimensions, and the concept of 'crisis' has been utilised considerably by social work writers in their attempts to create some formalised theoretical structure for the process of social work (e.g. Parad, 1965; Murgatroyd and Woolf,1982)

In understanding the meaning of 'crisis' it is useful to consider the corollary concept of 'homeostasis' (literally, constant state). This term refers to the observation of biological scientists that the internal bodily processes are constantly engaged in maintaining homeostasis in areas such as respiration, circulation and temperature. For example, if someone suffers severe fluid loss, homeostatic mechanisms encourage drinking to restore levels to their optimum.

Similar observations have been made by physiologists in respect of the nervous systems of humans, and by psychologists and psychiatrists in terms of emotional states. The implication of studies by authors such as Caplan (1964) and Rapoport (1965) is that a crisis occurs when homeostasis is disturbed; clearly the stressors which initiate this disturbance can be extremely varied and will extend from serious losses such as bereavements and forced employment redundancies to more minor events. It is, however, important to note that the perception of the degree of strain is an essentially personal matter, with some individuals calmly coping with calamities which lay others low, because of a combination of, among other things, constitional factors, previous experience of similar events, and external support.

Psychiatric and social work literature has been concerned to emphasise that the period of crisis need not be viewed negatively, in that the strain may stimulate desires to cope and novel methods of action or ways of thinking. Murgatroyd and Woolfe (1982) suggest that 'such thoughts often arrive at moments of exhaustion or at moments of insight and occasionally at moments of panic'. Concomitant with the positive approach towards crisis is the concept that this time can provide the opportunity for greater openness, self-appraisal and self-revelation. It may even produce traumatic and radical shifts of belief, and reference may be made to Sargant (1957) to examine any common features which may exist between social work crisis theory, Pavlovian canine experiments, deliberately provoked nervous crises as part of 'brainwashing' techniques, and Damascene conversions.

Following the broad outlines of crisis theory, then, offenders should have been impelled, through their anxiety, to be informative at the stage of the court appearance, but when that was completed they should have been less forthcoming.

The evidence was almost unanimously opposed to what might be expected, for reasons which at times clearly made sense to the defendants. For example, one subsequent probationer failed to reveal at the time of her hearing that she had another charge pending at a different court. However, after being placed on probation, she spoke very freely about this forthcoming case, and about the whole of her life history. Another probation officer's account shows how information can be selectively and deliberately used by defendants in the quest for minimal punishment:

> 'He had very much the prison in front of him. He'd come from a court where the magistrates had said to him 'we are considering a custodial sentence, but we would like to have a stand-down to see if you are eligible for probation. So he was clutching at a straw. I said to him 'Of course, drinking was part of the offence. Is this the sort of behaviour you take part in often?' 'Oh, no,I've just broken up with my girl friend'. Very plausible, you see. And it was

> true, he had. But he'd been breaking up and reconciling with her because she wanted him to go to the X Alcoholic Unit to help him with his drinking. The whole relationship was ebbing and flowing with his drinking'.

Once more, in this case the client was very forthcoming after the decision had been made to place him on probation. He admitted that he needed help with his problem drinking, and linked this to his difficulties with girl friends, hypothesising that he drank both in order to impress others and himself by his 'masculine' behaviour. His probation officer was in no doubt whatsoever that the information which had been withheld at the stand-down stage had been that which was detrimental to the client's prospects of liberty, and that the reticence had beeen considered and deliberate.

For this defendant there were clear self-interested reasons why the balance of information emerged after the probation order was made and in the majority of cases the process of obtaining personal histories and the planning of appropriate goals continued comfortably and undramatically after the period of supervision commenced, with little sign of reluctance because the court proceedings were complete; the process of gaining knowledge and joint planning of initiatives often took between four and six weeks. One client was so considerate as to produce for her supervising probation officer two unsolicited lists: one containing details of all her financial commitments and income, and the other being a description of the attitudes and feelings towards various areas of her life!

With one defendant the supervising officer maintained that a conventional Social Inquiry Report would have been preferable. The client had been very distressed in court, and her emotional state had impeded the provision of information. The probation officer had 'sold' the idea of probation to her during the stand-down interview, and afterwards was concerned to demonstrate the benefits of her sale. She therefore concentrated on developing a relationship, rather than gather information,

and in the end never felt that her level of knowledge of the client was adequate. However, the probation officer was totally convinced that, although a formal Social Inquiry report would have produced a swift, accurate and comprehensive history, the detriment to the client of the delay and reappearance in court would have been greater than the disadvantage of the subsequent information deficit. It is also important to note, bearing in mind the basic theme of crisis theory in this section, that the additional information obtainable in a Social Inquiry Report would have been gained through the external pressure of a court's demands, rather than from internal, involuntary and even cathartic forces which the theory appears to require.

The most theoretical discussion in the study occurred with a probation officer relatively newly-trained, who referred to the vulnerability and malleability of clients in crisis and specifically at the time of a court appearance. He felt that the probation officer at this stage could be a dependable individual in whom the defendant could confide., While this may apply to some defendants, it certainly did not in his case, however, where the client, with his record of recidivism undiscovered by the police at that point, confounded the court with various misrepresentations, including the use of an alias.

However, before reaching any easy conclusions, it is worth noting that the situation is far from straightforward. As one probation officer put it:

> 'It depends on a lot of factors:- it depends on the person, it depends on how clearly you explain what the implications are (at the stand-down inquiry) and what is likely to happen afterwards, and it also depends on how keen an officer is to find out information at a later stage. Given that people do breathe a sigh of relief after court, information could dry up. I certainly didn't find it in my case.'

The remainder of the respondents confirmed this view in almost total unanimity, and the extent to which heterodoxy was preferred to the orthodox viewpoint was noteworthy. Indeed, the impression was gained not

of a group of defendants who were impelled by their anxiety to share personal information at the stand-down stage, but who were more often inhibited by their distress or careful or even calculating in not wishing to incrimate themselves further.

That is not to say that all clients were wholly co-operative during suprvision; that is certainly not the case, and the area will be considered in more detail in the next section.

A final area of importance concerns the probation record itself. Reference to this was not specifically made by the researcher during interviews, but the area was discussed by one respondent. He was supervising a teenage boy for whom he did not prepare the original strand-down report; in fact, there had been two other probation officer supervisors since the court hearing, in addition to the one who undertook the stand-down inquiry. He commented that there seemed to be frequent reference in the file to the need to obtain further information, and that there were disadvantages in not having a full Social Inquiry Report. Some important areas were not adequately covered in the file, and others were 'bitty'. Although no further investigation was carried out for this study, it is easy to comprehend how information gathered over a period of time in a less structured manner than for a written Social Inquiry Report could be incomplete.

(i) AWARENESS OF THE IMPLICATIONS OF PROBATION

As has previously been indicated, the great majority of those defendants who were subject to a stand-down inquiry were subsequently placed on probation. It was hypothesised that there may be differences in the way this group viewed supervision and behaved whilst on probation in comparison with probationers who had been subject to a full Social Inquiry Report. The succeeding sections describe the results of attempts to ascertain whether substantial differences did exist, and also give an account of the evidence concerning the appropriateness of the probation order in the light of subsequent events.

It will be obvious that one of the significant differences between the stand-down and full Social Inquiry Report was the length of interview time. In view of this, it could be conjectured that offenders made subject to probation orders under the scheme might well be less informed about the responsibilities and implications of being on probation. This lack of preparation may then be reflected in either hostility or failure to comply with the conditions of the probation order.

However, as a complication, the scheme varied from normal practice in that a specific requirement was incorporated whereby the offender was to be given a copy of the probation order before leaving the court precincts, and a probation officer was to explain at that stage the obligations of the probation order and the consequences of failure to observe them. This differed from convention in that normally the probation order was not available on the day of hearing, but copies arrived at the probation office a day or two after court, and the probation order would be 'served' on the offender at the next available opportunity. While serving the probation order may have developed a certain element of mystique within the probation service,it is worth noting that the Probation Rules of 1949, and later the Rules of 1965 (r. 33) gave the probation officer the responsibility of ensuring that an offender under supervision understood the effects of the probation order; additionally Joan King pointed out many years ago that the explanation of probation given at this time

was of vital importance and provided the framework for the subsequent relationship (King, 1958). It is also appropriate to point out that the failure to serve the probation order does not thereby invalidate it, and that the chief responsibility for explaining in ordinary language the effect of the probation order lies with the chairman of the bench which imposes it.

For the purpose of this study it was considered important to attempt to ascertain how well clients understood the process of probation, and therefore all probation officers supervising clients from the scheme were asked to comment on their level of awareness of the conditons and obligations of the probation order.

As it happened, not all those placed on probation under this scheme were first offenders by any means - one, for example had eight previous convictions, and another had six or seven spread over a period of more than twenty years. For these defendants their comprehension of court disposals was extensive. Others had gained knowledge vicariously, like the woman first offender whose husband and various friends were - according to the probation officer - 'well and truly into probation'. This defendant had also reported at times with her husband to his probation officer, and had thus experienced part of the discipline at first hand.

However, one respondent propounded the interesting theory that probationers emanating from the scheme were better prepared for probation than others. She considered that during the process of a Social Inquiry Report there was a tendency to concentrate on the identification of areas of difficulty and their resolution, to the detriment of the definition of the expectations of probation order; the stand-down enquiry reversed the order of importance attached to these two tasks and thus probationers who had not had the benefit of a full Social Inquiry Report should be better informed.

Individual idiosyncracies were obviously influential in determining the extent to which officers discussed the meaning of probation while preparing conventional Social Inquiry Reports. One respondent, for

example, stated that in the course of a full, written report he would normally interview at least twice. At the conclusion of the first inteview he would discuss the possibility of probation (if it seemed appropriate) and then ask the defendant to think about this before his next appointment. There would then be subsequent discussion aiming to clarify any misunderstandings. Not surprisingly this probation officer considered that defendants placed on probation after only a stand-down inquiry tended to be under-informed and disadvantaged, being aware in a narrow sense of the requirements of a probation order, but not appreciating its implications. This theme was continued by a small number of other probation officers. One stated categorically that her client did not comprehend the court proceedings at the time because of her distress, and was only concerned about getting out of court at the first available opportunity. Another commented that in her experience defendants did not 'hear' what was said to them in court, because of the highly anxious state they were in, and frequently claimed not to remember much of the proceedings. In this type of case, the implications of the probation order were often picked up haphazardly later, as the supervision progressed.

It will be recalled from the General Notes of Guidance (Appendix 2) that after a probation order was made under the scheme there would be an assessment period of about a month; at the end of this process a decision would be taken about the appropriate mode of supervision, and the identity of the supervisor. As it turned out, in approximately half of the cases (nine) there was a different probation officer appointed to carry out supervision under the probation order from the one who conducted the stand-down inquiry; in the remaining eight the same probation officer performed both duties.

It could be conjectured, in view of this change in responsible probation officer, that any apparent lack of awaremess of the implications of the probation order on the part of clients was due not to some absolute deficiency, but rather a difference in interpretation. In practice, probation officers understand the implictions of the probation

order variously, and the person explaining the significance of the order at the stand-down stage may promulgate emphases unshared by his colleague who would later supervise. Where this is the situation, a different understanding by the client of the responsibilities of being supervised could be interpreted as ignorance, and this explanation for a 'lack of awareness' might be relevant in cases where there had been contact with two probation officers at the different stages, as suggested above. However, the evidence suggested otherwise, and the small number of officers who commented on the lack of awareness of probation in their clients were all referring to cases where they themselves had been in continuous contact since the stand-down report stage.

On the whole, officers were - perhaps remarkably - satisfied with the general level of knowledge about probation which defendants had acquired from the stand-down interview and proceedings.

(k) CLIENTS' COMMITMENT TO SUPERVISION

It was clear from data collected and presented in Table 9 that the length of stand-down interviews was far shorter than that of the conventional Social Inquiry Report. Consequent upon this, it was hypothesised that the commitment of clients placed on probation after a stand-down report might be weaker than that of other clients for one or both of two reasons: firstly because clients who were inappropriate for supervision were placed on probation through lack of time for a thorough assessment; and secondly because clients were ignorant, or hostile through being expected to observe requirements which were not fully explained to them in the first place.

Therefore each probation officer who took part in the research inteviews was asked to comment on the commitment their probationer(s) had displayed, and to compare this, if possible, with the level of commitment shown by the average conventionally-acquired probationer.

The extent of commitment varied markedly, and is perhaps shown at one extreme by the following probation office's account of a current case:

> 'The assessment was done by Mr. A., then Miss B. took over - a student; then Mrs C., but she left part-way through, so it's a bit messy, and it didn't get off to a very good start. But he's been very committed (whether that's anything to do with the lack of S.I.R. I couldn't say), and there was a lot of parental pressure during the transfer from the other officer to me for him to keep contact. I don't think I've come across a case where parents have been so concerned and involved and want you to know that they are involved'.

The number of supervisors engaged in a relatively brief period - the probation order itself was only of twelve months' duration - was unfortunate, but nevertheless good contact was maintained.

Co-operation from clients was the typical picture, and various reasons for this were mentioned incidentally by repondents: one probationer wanted

to be supervised by the same probation officer as her husband. Although in the end this was not possible, she still maintained regular reporting patterns, to the extent that the probation officer described her as a really exceptional girl.

Others also kept in touch as required: one client, whom the probation officer predicted would be problematic, reported 'on the day, on the dot' better than most of her probationers. A further pair of offenders complied fairly well with the requirements of the probation order, and when they were suffering from the effect of alcohol telephoned to make alternative reporting arrangements; the supervising officer considered that their level of contact was acceptable under the circumstances, and probably a little better than with a conventional probation order, though the reasons for thinking this were not elaborated.

The latter situation highlights a pertinent point which was picked up by one respondent when she questioned the meaning of the term 'commitment'. She felt that it was a very difficult concept to measure, and that the use of attendance as the sole criterion was misleading and inadequate. This confusion over definition is illlustrated by the case of the two drinkers mentioned above, who were described as being 'geared up to things and money', and whose attendance was partly if not largely motivated by their acquisitive inclinations.

Idealistically, the role of the probationer may be considered in the terms used by the Morison Committee, which described him as an offender who is 'conditionally entrusted with his freedom so that he may learn the social duties it involves' (Home Office,1962). This definition implies a certain level of commitment, on the part of the probationer, to self-examination and self-development, whereas in the example of the two drinkers the commitment appears to be more to a restricted form of self-interest rather than to the ideals expressed by the Departmental Committee Report.

It should also be pointed out that recent theoretical formulations within the probation service have tended to depreciate the treating or therapeutic role, and this has been replaced by a variety of approaches, one

of which has consisted basically of a requirement solely to report at stated times. Thus a commitment to the discipline of regular reporting as the only aim of a probation order, although out of tune with the concept of the Morison Committee, may well be consonant with some more recent approaches referred to earlier in the chapter.

Not all probationers, however, showed even a modicum of commitment to the spirit or legal requirements of the probation order, and sometimes the problem became immediately apparent. The following account illustrates the point:

> 'In the six weeks after the court case she didn't keep an appointment. My aim with her was to get her along to the women's group, which I told the magistrates about. In fact she came down for it once, but an hour and a half late, and out of her mind with drink.'

Abuse of alcohol played a part in the failure of other offenders to fulfil the requests made of them by probation oficers; one, for example, apparently being quite committed to attempting some personal change when sober, and in fact having considerable contact with his supervisor at this stage, did not show the capacity to sustain this state for any substantial period. This inability did not seem to be linked in any way, however, to the presence or absence of the full Social Inquiry Report, but was related to other personal and situational pressures.

The presence of circumstantial stress did not, however, necessarily prevent contact with the supervisor: within the first three weeks of the probation order one client was on the point of absconding and also faced the threat of eviction by his landlord and breach proceedings from his probation officer. Nevertheless he reported regularly as arranged.

Although the chief focus in this section has been on the effect of the lack of Social Inquiry Report on client commitment, it is also pertinent to note briefly comments relevant to probation officers' feelings about handling such cases. One, for example, considered that, even where he had completed the original stand-down report, it still felt like starting a case in the middle, or even tackling it back to front. This obviously

referred to the fact that information was still being sought in detail after the making of the probation order, and while this would not be considered abnormal by a first-time probationer, it was clearly odd to the supervisor.

Another respondent was supervising a young man who had been transferred to her three or four weeks after the probation order was made. She thought that the original probation officer had come to conclusions which were not shared with the probationer concerning the need and usefulness of probation; she then had to face the client with the fact that he was under supervision, and try to engineer some appropriate focus for contact. This situation, however, she commented, could arise whatever type of inquiry into circumstances is requested by the court. Other factors also effect commitment: in one case, for example, a probationer appeared to be maintaining impeccable contact partly through the effect of severe sentences on two co-defendants.

The final point to be made in this section is somewhat paradoxical; the assumption made earlier was that a full understanding of the implications of the probation order at the stand-down stage would aid later commitment to supervision. In fact, there is evidence to suggest that the equation is not so straightforward: one woman, for example, was extremely distressed in court, and barely able to concentrate on comprehending probation. Her response subsequently was very good. Another offender followed his awareness of supervision at court with disdain for its requirements. Thus it can be surmised that personal criminal sophistication or the possession of delinquent acquaintances can produce both knowledge of probation and antipathy towards supervision. As a corollary a tiro in crime may suffer acute distress and lack of knowledge, and yet co-operate fully in a subsequent probation order.

THE SCHEME IN PRACTICE

(1) ADHERENCE TO CRITERIA FOR SUITABILITY

A probation order may be made in respect of any offence for which the sentence is not fixed by law (Powers of the Criminal Courts Act 1973, s.2(1)). In practice, however, probation is part of a tariff of sentences of gradually increasing severity which is formulated by magistrates and judges, and confirmed from time to time by Courts of Appeal. In view of its nature as a non-custodial disposal, it could be described as being a middle-range sentence, although it has from time to time been considered appropriate for relatively serious offences, such as manslaughter, where there have been mitigating circumstances. The probation service has also been moving in the last few years towards providing recognised alternatives to custody, through the medium of intensive contact schemes and probation orders containing special conditions.

Where supervision is in prospect for a more serious offender, a Social Inquiry Report would normally be requested as an aid to sentencing. It was not,however, expected that a stand-down inquiry would be prepared on all offenders made subject to probation orders under the experimental scheme, and thus the problem arose of helping the bench decide offenders' suitability. Therefore to provide sentencing guidance for the court a series of suggestions was made about the characteristics of appropriate defendants.

Suitability was to be judged in two ways - by inclusive or exclusive criteria: characteristics which favoured inclusion in the scheme were receptiveness to advice and the existence of personal or social problems. On the other hand, an offender would normally be excluded where there was one or several unfavourable factors as formulated in the General Notes of Guidance to the scheme (Appendix 1).

There is no indication in the Notes how information concerning these criteria was to be gained, but presumably it was intended to emerge through defendants' statements to the police, solicitors' interventions, and extempore comments in court from either defendant or magistrates. Police statements of antecendents and criminal convictions would also be important sources of factual data, and this was implicity recognised in that one of the exclusive criteria was the lack of police antecedents.

In order to assess whether the scheme had managed to attract the 'right' defendants it is important to examine in which cases the criteria were or were not followed, and this section attempts to do that.

The criteria for inclusion were very broad, and for that reason perhaps more difficult to quantify and assess.

There were two main inclusive criteria: receptiveness to advice; and the existence of problems. With regard to the first, it is clear that all defendants gave their consent to the making of the probation order and its conditions as required (by the Powers of the Criminal Courts Act, 1973, s.2(6)). However, it is also clear that there are various degrees of consent, and 'any detached scrutiny casts doubt on the genuineness of the consent' (Walker and Beaumont, 1981). Thus it is difficult to gauge to what extent they were truly 'receptive' either at the court or subsequently, and perhaps the best indications emerge from the previous discussion on commitment earlier in the chapter.

The second criterion for inclusion was the existence of personal or social problems, though no examples were provided of the level of seriousness of difficulty which was considered appropriate; certainly there are indications in the criteria for exclusion that some problems are considered too acute for qualification for the scheme (for example severe psychiatric or medical difficulties). There is no indication of the minimal degree of problem justifying probation involvement, but it is possibly over-optimistic to expect guidance at this level, in view of the fact that the gravity of a problem hinges so greatly on the perception of the individual suffering from it.

The criteria for exclusion, on the other hand, were relatively specific, and for that reason it was easier to discover whether any defendants had been placed on probation under the scheme despite the presence of technically disqualifying features.

The first exclusive criterion concerned place of normal residence, and it was suggested that any defendant living outside the Petty Sessional Division would be inappropriate for the scheme. The reason for this policy was presumably the assumption that other probation areas would not be operating such a scheme and would possibly be unsympathetic to it. There is a certain irony if such was the reasoning, in that a small number of probation officers claimed to have had experience of probation orders made without Social Inquiry Reports which emanated from courts outside their own Petty Sessional Division, whereas only one had recent knowledge of an order from within the Division. In the event, two probation orders wre made on defendants living outside the Petty Sessional Division, one of them without a stand-down report. As it happened, the latter probationer lived in an area where it was not unknown for the bench to make such probation orders.

Secondly, the scheme was not intended to be utilised where police antecedents were not available. The guidelines did not differentiate between the two elements which either separately or in combination are variously referred to as antecedents: firstly a list of criminal convictions and secondly an extremely brief statement of a defendant's history and current personal circumstances. As will be seen, both items would be significant in helping to determine disqualification in accordance with other criteria in the list. The data with regard to police antecedants was not easy to substantiate in every case. The reason for this was that probation officers undertaking stand-down reports were not necessarily in court when the case was originally heard, but were brought from another court in the building. Thus they would not always have heard the information contained in the antecedents or have been aware of its existence.

In the vast majority of cases both antecendents and a list of previous convictions were available to the court and the probation officer preparing the stand-down report; this was clear from copies held in probation case files. Even where existing, however, they did not necessarily have the unreserved confidence of probation officers, one respondent claiming that they were often unreliable, and that on the occasion when she prepared a stand-down report, she felt happy to trust the defendant's claim that she had not previously appeared before a court.

The new format of police record-keeping - the abbreviated file - was the source of complaint by one very experienced probation officer. He considered it hazardous that the file contained convictions only dating to the past few years, and not the comprehensive statement of offences as formerly; this, however, was a general comment, and had not applied to his own experiences during the scheme.

On another occasion the statement of police antecents displayed a Criminal Record Office (C.R.O.) number, but there was no list of convictions attached. The probation officer concerned knew that the defendant must have appeared before the court previously, otherwise there would be no C.R.O. number, and on being questioned he admitted a few minor offences, mainly connected with public order, such as malicious damage and breach of the peace. Although separately relatively insignificant, there was a common thread of heavy drinking running through his pattern of offending, which would have been unrecognised had the probation officer not noticed the C.R.O. number on the form.

The most serious lacuna in police information occurred with the defendant who used an alias (which he had used previously). The court was not able to be informed of some serious matters - for example, that he was currently subject to a suspended sentence imposed by another court some months previously, and that he had committed serious offences in the past. Additionally he had a severe alcohol problem and was an ex-heroin addict. However, it might be said that if a defendant is determined to disguise his identity, it may not be easy for police to identify him quickly.

As can be seen, the type of information presented to the bench by police is of vital importance, even if it is solely to report that a defendant has no previous convictions. The suggestion that police antecedents should be available before a probation order was made under the scheme seems entirely reasonable; unfortunately, it appears from respondents' comments that in one case no police information was available at all, and in another two cases (one serious) no list of criminal convictions given.

Thirdly, a defendant was to be excluded from participation in the scheme if he was a 'serious offender of any category'. A definition of seriousness is not provided, but one defendant certainly came within this group, with many offences of burglary and deception to his (changeable) name. Others had committed relatively minor offences previously, but the majority of defendants in the scheme were appearing at court for the first time. A further individual was thought to have been involved in serious drug offences abroad, but this was never proved.

Of the seventeen defendants placed on probation under the scheme, no less than four could expect forthcoming contact with another court: one had been summoned to appear for fraud against the Department of Health and Social Security, but since the charge was being laid by that Department, the police may not have been aware of the fact, and she did not inform the probation officer during the stand-down interview. Another had committed an offence for which she was anticipating a summons at any time, while a third had breached a suspended sentence. The final defendant,according to his story later, was wanted in both Greece and Switzerland to face charges concerning the smuggling of drugs, but presumably was not expecting extradition. Thus some, at least, of these should have been excluded.

The criterion which seemed to be most disregarded under the scheme was the fifth - concerning defendants with a severe medical, psychiatric or alcohol problem. The link between consumption of alcohol and offending has been sufficiently strong to justify specific Home Office attention (Home Office,1971) and numerous articles in editions of the Probation Journal (Todd,1981; Goodman and Scott, 1982; Goodman, 1983; Stewart,1984; Smith,

1986). It is consequently an area to which probation officers are likely to be sensitized, and there was no lack of evidence in the group of defendants to support theories relating drinking to crime. Five of the seventeen placed on probation drank sufficiently for it to be considered significant by their supervising probation officer, although in no case was the full extent of the problem realised at the time of the stand-down inquiry, and with some defendants there was no indication whatsoever of alcohol abuse at that stage. One other woman was attending psychiatric hospital daily at the time of the court appearance, and because of this, the supervising officer considered that probation was somewhat superfluous. However, the client ceased attendance at the hospital and the probation contact became more central. From discussion with the respondent, however, the client's emotional problem did not seem severe, and may not have justified exclusion under the suggested guidelines. Perhaps more seriously, two others had apparently been addicted to drugs - to cocaine and heroin respectively - and this presumably comes under the aegis of medical problems. Significantly this pair were the most actively criminal of the group.

Other criteria concerned recent contact with the criminal justice system, either in custody or with the probation service. These criteria were met in every case, except for the questionable exception of one defendant who had recently been in custody in Greece, from where he had been expelled.

The final criterion concerned homeless offenders, a category traditionally of concern to the probation service (see, for example McGrath, 1983 and Jones and Rudenko, 1986). No participant in the scheme was strictly homeless at the time of the court appearance, although three lost accommodation or were evicted shortly after being placed on probation. However, there is no evidence that they abused attempts to help, which was the chief reason for exclusion under this criterion.

In conclusion, it is clear from the above that several defendants - in fact eight in all - fell into categories which should have prohibited them from the scheme. However, much of this information was discovered

subsequent to the stand-down report, and importantly, the possession of disqualifying features did not necessarily make them unsuitable for probation.

(m) POTENTIAL EFFECT OF FULL SOCIAL INQUIRY REPORT ON COURT DECISIONS

In the scheme, several factors combined to reduce the amount of information normally available to magistrates before they made a probation order, among them the brevity of the stand-down inteview, the lack of opportunity to check defendants' personal statements and the occasional hiatus in police antecedents (although this last factor could apply to all cases). It was therefore of vital interest to the research to discover whether the 'approval' given by the probation officer to the bench after a stand-down interview would have been different had there been the opportunity for the normal adjournment for preparation of a full Social Inquiry Report.

Opinions relating to who is suitable for probation vary enormously among academics, the judiciary and the probation service. Nigel Walker, for example, has suggested that no first offender should be placed on probation (Walker, 1983), an opinion with which some probation officers would disagree. In courts the mechanism of Appeal illustrates differences in sentencing practice: in the case of R.v. Massheder a Crown Court sent a young man to custody for eighteen months in respect of an arson charge with a comment that the offence 'was beyond anything in the nature of probation'; on appeal the defendant was placed under supervision for two years (Criminal Law Review, March 1984). Probation officers too see their function from a variety of perspectives: whereas at the current time the probation service is moving towards providing facilities which are accepted as an altenative to custody for more serious offenders, two respondents adopted a universalist approach in which they regarded anyone as suitable for probation (although one admitted to having written - on one occasion only) - that an offender was not suitable for supervision).

In order to obviate as far as possible the potential for a variety of personal perspectives, probation officers who had prepared a stand-down report were asked whether the recommendation they made to the court should

have been other than for probation if they had been able to present a full Social Inquiry Report at the time.

The data show that on the whole the decision made by the court would have been recommended by the probation officer, given time for fuller inquiry. Even so, the sort of experience planned for the probationer could vary considerably. One probation officer described how she would have framed a recommendation for a full Social Inquiry Report:

> 'I would have recommended probation as an option. I think I'd have probably put it in terms that if the court wanted someone to keep an eye on him then the reporting register would be OK. But I wouldn't have been recommending it in terms of there being problems that needed working on. The trouble is, had I recommended reporting type supervision, they may well not have accepted it; because I still find there is an assumption embodied in the court that people on probation are going to be counselled and treated in some way'.

Clearly the above supervision would be superficial, dealing with an individual at the 'light' end of offending. Other situations had more scope for focus on specific problems, as another probation officer explained:

> 'X was asking for help and he was a terrible, pale wreck, though he had a grannie to live with and a home base. He'd just separated from his wife and was terribly upset - a domestic incident - and he'd been thrown out of Greece. Also he'd been out on the binge. But I think there was something to be done with him'.

There was, however, a substantial minority of cases where probation officers claimed that with the benefit of a full Social Inquiry Report their recommendation should have led to a different sentence; in fact for six of the seventeen placed on probation under the scheme. The majority of these - four - were not thought to have problems substantial enough to warrant being placed under supervision, and fines or conditional discharges would have been recommended.

In another case, the defendant was attending psychiatric hospital as an outpatient on a daily basis at the time of the stand-down report, and it

was considered that any involvement by the probation service would be redundant; however, it would be misleading to suggest that the opportunity for fuller inquiry would have produced a different recommendation, since the probation officer who prepared the stand-down said at that stage that she thought there was little the probation service could do, in view of the defendant's support from the hospital. But despite her remarks a probation order had been made.

In the most disturbing situation - where the defendant used an alias - the probation officer would certainly not have recommended supervision had he been aware of full details of the offender's previous convictions and personal circumstances. There was also a further case where there would have been a recommendation for probation, but with the essential inclusion of a condition that the defendant attended the Alcohol Education Group, in view of the seriousness of his pattern of drinking.

Thus it could be argued that in a not insignificant number of cases, a more serious penalty was imposed than would have been given if a full Social Inquiry Report had been prepared; probably only in one was an appreciably lesser sentence passed than would have been thought appropriate with fuller information. However, it must be continually borne in mind that figures in this study are extremely small, and any implications drawn must be tentative.

A further complicating factor in any assessment such as this is - as referred to earlier - the different views of probation officers. Of the seven probationers where a full Social Inquiry Report would have led to a changed or modified recommendation, four were subsequently supervised by the same probation officer who prepared the stand-down report; the other three had a change of supervisor after three to four weeks, as foreseen in the guidelines to the scheme. These three supervisors were asked whether they agreed with the recommendation that the reporting officer would have made in a full Social Inquiry Report. Two did agree, but the third considered that she would probably have suggested probation, as against the inclination of the original probation officer to prefer a conditional discharge.

(n) APPROPRIATENESS OF THE PROBATION ORDER

The purpose of this chapter is to ask how useful and appropriate the probation order eventually appeared to be to certain categories of probationers who are of particular interest. The first group to be examined is those who technically should haven been excluded from the scheme through possessing prohibiting characteristics (for a discussion of these see earlier in the Chapter).

It will be recalled that in all eight probationers fell, with varying degrees of seriousness, into categories which theoretically could have signalled exclusion from the scheme. It is pertinent to ask whether these clients, although improperly part of the scheme, were in the end seen as appropriate for involvement by the probation service.

The brief answer is in the positive. The largest number affected by any excluding criterion was in the group with severe psychiatric, medical or alcoholic problems, and probation officers clearly saw this as an area in which their professional skills could be utilised. The following account gives a good example of a probation officer attempting to get to grips with a client's drinking behaviour:

> 'He obviously was denying not only to me, but also to his girl friend that he'd got a drink problem. It had been brought to his attention before he got to court, but he was still in the denying stage. Post-court after seeing me he agreed that he had got a problem and he ought to have a look at his drinking pattern. He was very much anti-psychiatric hospital - that was the big hassle with his girl friend. But when I'd gone through the programme with him, he came round to saying 'Yes; when things do go wrong I tend to go out and have a few drinks and find myself nicking things - usually cars'.

This was typical of the way in which probation officers saw themselves as attempting to tackle some of the attitudes of clients who were dependent on alcohol, and they seemed to think that they could make efforts to help appropriately in all cases but one.

One female defendant should probably have been prohibited from being placed on probation under the scheme because of psychiatric problems which would have merited a full Social Inquiry Report. However, she was placed under supervision after a stand-down inquiry, and once again this decision appears to have worked to the client's advantage, as the probation officer explained:

> 'In the assessment period we had decided - she and I - that probation was not appropriate, as she was getting support from other sources. But then she missed a couple of sessions at the day hospital and hadn't told them, and went up one day and was asked 'What are you doing here? You have been discharged.' Which doesn't seem very helpful. After that she said she thought it would be good if probation could be kept going as a form of after-care. But we are working towards an early discharge of the order'.

It will be recalled that two other probation orders were made on defendants who had addresses outside the Petty Sessional Division; it was possible to interview the probation officer supervising one of these, who was not at all surprised or perturbed by having a probationer arrive with no accompanying Social Inquiry Report. In fact, she reckoned to have on her caseload another three or four placed on probation in a similar fashion by her local magistrates. In this case the decision of the bench was considered quite appropriate, particularly as the client shortly afterwards received a summons for a further offence.

The other category which merits some examination is the small group of four clients where probation officers claimed that they would have recommended a lighter sentence - probably a conditional discharge or a fine if they had had the opportunity to prepare a Social Inquiry Report. Of these, two completed their orders with little sign of particular difficulties. Complications arose with the others, however, in that one appeared at another court relatively quickly, and a further probation order was made (for two years, as opposed to the six months of the original); and in the fourth case the young man left home and had accommodation problems. He was able to call at the probation office to gain information

about bed and breakfast addresses, and the probation officer undertook some telephoning on his behalf to attempt to find shelter for him. Thus the court's decision appeared to have some element of pertinence. The probation officer was somewhat ambivalent, however:

> 'My immediate thought was that the order was appropriate, because of the things that happened during the life of the order. But then, my thought is, would he have not coped anyway?'

However, her uncertainty may be little more than is usual in an occupation where it is notoriously difficult to judge success or failure.

Thus, it would appear that for most occasions where defendants should technically have been excluded from this particular method of being placed on probation, the decision of the court nevertheless appeared to be appropriate.

It was also considered useful to collect reconviction data in respect of those in the group who were placed on probation. The value of reoffending statistics as an index of the success of probation orders has been frequently questioned (for example by Walker (1983a) and Sechrest (1979)); nevertheless, more satisfactory indices seem difficult to provide.

The results are shown in Table 15, and show that of the seventeen orders made on the day of hearing under the scheme fifteen were either discharged early for good progress or were considered to have normal completion. However, this to a certain extent is an incomplete picture, since in one case (Defendant A) there was a further court appearance for offences committed during the existence of the probation order. Offenders S and T had unsatisfactory terminations to their supervision, the former being frequently reconvicted, and the latter failing to comply with the requirements of probation. Both, coincidentally, were partly charged with offences of fraud: both were placed on probation within a period of three days in March 1984, and both were reconvicted six months later.

Data concerning termination are provided annually in Probation Statistics, and comparisons between national and local statistics can therefore be made. These are graphically displayed in Table 16, but once again caution must be expressed about figures from the scheme, since the 6 % indicated as having early terminations to the orders (whether for good progress or lack of contact) represent only one probationer in each case. Nevertheless there does appear a striking similarity in result to national figures. It must also be borne in mind that the figures indicate solely where a probation order has 'run its full course', and may not indicate all offences which have come to court during the period.

TABLE 15

RE-OFFENDING DATA

DEFENDANT A	NORMAL COMPLETION	6.1.84 Theft: Community Service Order 100 hours 1.2.85 Burglary: Detention Centre 15.10.85 Actual Bodily Harm: 6 months
DEFENDANT B	NORMAL COMPLETION	
DEFENDANT C	NORMAL COMPLETION	
DEFENDANT D	(not applicable - Conditionally Discharged)	
DEFENDANT E	NORMAL COMPLETION	
DEFENDANT F	NORMAL COMPLETION	
DEFENDANT G	(not applicable - Supervision Order made in Juvenile court)	
DEFENDANT H	NORMAL COMPLETION	8.85 Theft: Probation Order 1 year 5.86 Take without consent: Community Service Order 11.86 Theft: Community Service Order
DEFENDANT I	NORMAL COMPLETION	
DEFENDANT J	NORMAL COMPLETION	12.12.84 Attempted Theft: Probation Order 3 years
DEFENDANT K	(Living out of area - contact lost)	
DEFENDANT L	(Not applicable - probation order made after an adjournment)	
DEFENDANT M	NORMAL COMPLETION	
DEFENDANT N	(Not applicable -conditionally discharged)	
DEFENDANT O	NORMAL COMPLETION	
DEFENDANT P	NORMAL COMPLETION	5.3.84 Fraud (committed before probation order made) 11.10.84 Excess Alcohol when driving

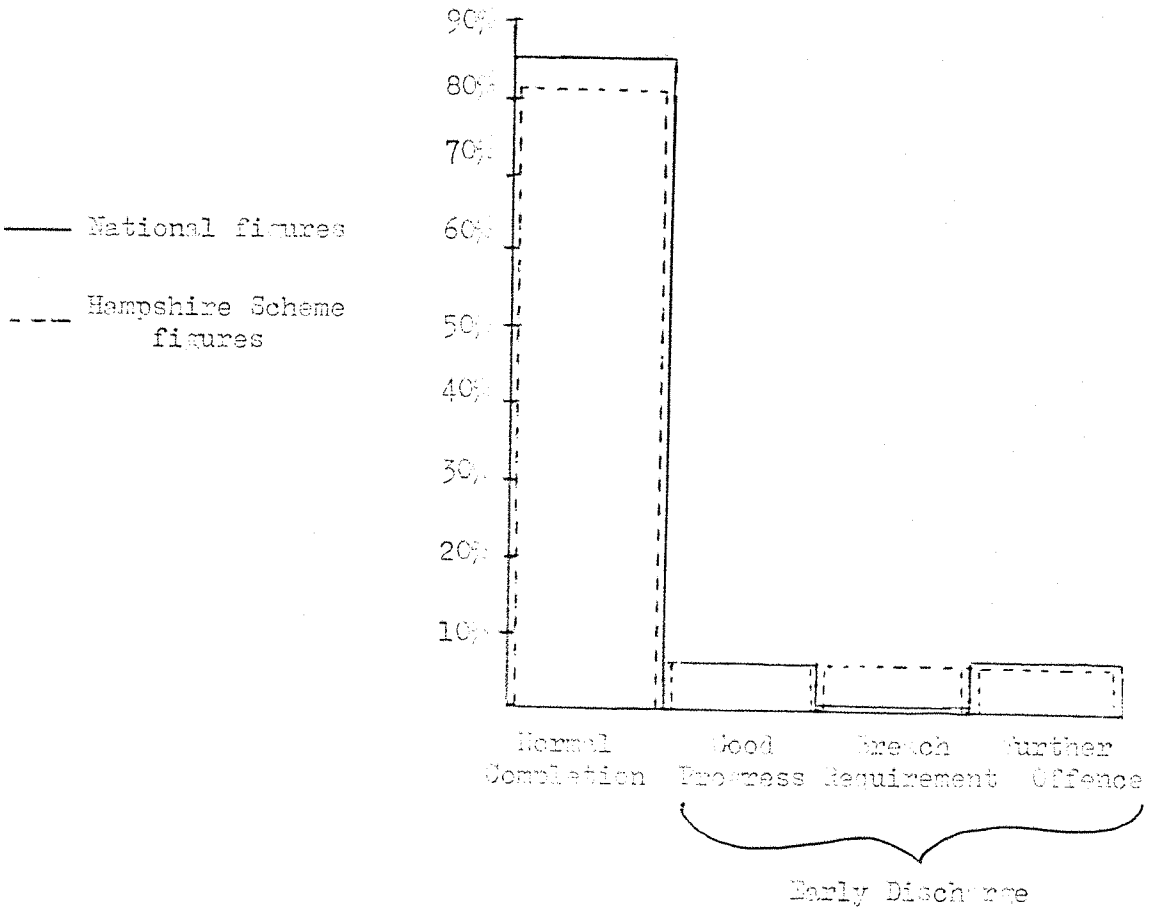
DEFENDANT Q	NORMAL COMPLETION	6.85 Criminal Damage: Probation Order 1 year
		9.87 Wounding: Probation Order 2 years
DEFENDANT R	TERMINATED EARLY - GOOD PROGRESS	
		2.85 Shoplifting: Probation 18 mos
		6.87 Shoplifting: 21 days in prison, suspended
DEFENDANT S	TERMINATED EARLY - RECONVICTED	
		12.9.84: Fraud
		7.2.85 Burglary: 9 mos suspended 2 years
		3.5.85 Forgery: Probation 3 years
		5.12.85 Theft etc: 18 mos in prison
		1.6.87 Theft, fail answer bail
DEFENDANT T	TERMINATED EARLY -	10.9.84 Failure to comply with probation conditions
DEFENDANT U	NORMAL COMPLETION	
DEFENDANT V	NORMAL COMPLETION	

Underlining indicates offences committed during the existence of the original Probation Order.

TABLE 16

TERMINATION OF PROBATION ORDERS, WITH REASONS

(ORDERS ONE YEAR OR LESS)



(Source: Great Britain Probation Statistics 1965)

(p) PROBATION OFFICERS' UNDERSTANDING OF THE SCHEME'S AIMS

The aims of the scheme were implicit rather than made explicit in the General Notes of Guidance (Appendix 1); some indication of the intentions may be inferred from paragraph 2, which states, with reference to remands for full Social Inquiry Reports:

> 'This creates an extra hearing and hence pressure for the courts; it places defendants under additional stress whilst waiting the extra time for the court's decision, and it is short-notice work, which has to be fitted into existing demands on the probation service.'

It would appear, therefore, by implication, that the focus of the scheme was in three areas: reducing the time spent by courts in trying cases; minimising the effects of stress on defendants; and producing economies in probation service working patterns.

All probation service participants in the scheme were asked how they understood its aims, and all mentioned inter alia the expectation that there would be a reduction of work for the probation service. This topic will be dealt with more fully in succeeding chapters, but it is important to note that many respondents interpreted the scheme as having other aims which were not necessarily readily visible in the guidelines.

Some of these ideas about altenative aims were concerned with the probation officer's function and status within the court setting. One respondent, for example, considered that an intended power-shift would ensue, with members of the bench dictating more than previously who was suitable for probation. Although this sentiment was not on the whole expressed by other probation officers, there was an echo of it in one inteview, where the analysis was offered that the genesis of the scheme lay within the court rather than the probation service, and that the latter was 'kowtowing' to the former, though the probation officer admitted that his interpretation might have differed from that of others. A consonant opinion expressed was that one aim was to provide a more fluid probation presence in court, to give the magistrates a greater feeling that the probation officers are available and 'on tap'. However, another probation

officer, in an independent response to this point, commented that the introduction of the scheme was hardly a justification for the brightening of the tarnished image of the probation officer in court.

Two others saw as part of a hidden agenda the deliberate attempt to increase the numnber of probation orders made by the court. These opinions were expressed by one respondent:

> 'I'm quite clear about how I see it - I don't know if the P.S.D. is so clear about how it sees it. Ultimately all schemes like this are hopefully a way of getting more people on probation and keeping more people from other disposals, particularly prison. Not that this scheme does - we are only getting low-level offenders. But it may prevent things like fines, which end up in imprisonment. But I do think it is about getting more people on probation, a whole variety of offenders, some of whom would not normally be considered.'

These comments complemented her universalist philosophy and are interestingly in tune with the remarks of one of the magistrates interviewed earlier in the study who claimed that the motive behind the scheme was to obtain a larger clientele for the probation service. It is certainly correct that concern was being expressed in the late 1970's about a considerable national fall in the number of probation orders made; however, the decline in 1983 compared with 1982 was quite slight - (Home Office,1983).

Another respondent, in a thoughtful contribution, related the scheme to changes which he considered had been taking place within the probation service, contriving to propel it from being a professional to a bureaucratic and managerial service. He felt that the professional aspects of the discipline of probation had been systematically subverted and undermined in the last ten years in favour of a management approach. In doing so he echoed a recurring theme of some recent articles, which have suggested that an almost total division of decision-making between management and main grade probation officers was emerging (see Bridges, 1984 and Hankinson and Stephens,1986). The current scheme was exemplary of this, in that it had been designed and implemented by administrators and introduced against the

broad opposition of practitioners. The use of the excluding criteria was a typical method of bureaucratic functioning, and the whole emphasis was moving away from social work notions such as helping or changing, towards processes of managing the passage of offenders through the court system. He added that probation officers still largely believed that they functioned in a professional rather than a bureaucratic setting, and the service they gave to clients would be largely influenced by that. There would also be implications for the professional standing of the probation service in court, as interpreted through the function of the provision of full Social Inquiries. He felt that if full written reports were treated as inconsequential or unnecessary - as may be a dangerous tendency with the scheme - then the image of the probation officer would suffer accordingly.

Other comments concerned the experience felt by defendants in courts; one probation officer considered that the aim was to provide clients with a more cohesive experience - with the court, probation service and offender all coming together under the aegis of a potent and meaningful agreement, rather than return for the anti-climax of a remand hearing. Another, parallel image used by a probation officer was that the intention was of 'streamlining' the probationer's experience.

The final area of discussion concerned the long-term effect on probation caseloads: several respondents referred to the aim of alleviating pressure on probation workloads, and the hope that time would be freed for extending the range of work with persons under supervision.

Thus, despite, or because of, the lack of overt aims in the original guidelines to the scheme, it seems as though probation officers developed their own ideas about the intentions, some of which may have been formulated in discussions which took place before the introduction of the scheme in November 1983.

There was also discussion about the extent to which the aims of the scheme had been fulfilled. Opinion was overwhelmingly that the objectives had been met only minimally, if at all; one probation officer considered that magistrates were now more aware that it was possible to make probation orders without a full Social Inquiry, but others were very

surprised that the opportunity had not been used more frequently by the bench. One or two commented that the initial burst of enthusiasm had quickly dissipated among magistrates, and another ruefully pointed out that over the past few months he had prepared more Social Inquiry Reports than ever before. There had also been little benefit from the scheme in terms of saving of time to enable probation officers to concentrate on and develop other areas of working. In fact, another respondent hypothesised that the new approach could be counter-productive and produce a loss rather than a gain in time, in that the lack of preliminary inquiries could result in inappropriate probation orders being made, and time needing to be spent in pursuing unco-operative clients or in taking breach proceedings.

One probation officer had had experience of a similar scheme at another court, and explained that she was not at all surprised at the low extent of use by magistrates:

> 'I knew that the level of take-up on the scheme was going to be very small, because it was exactly the same at the other court where I worked. I think it made the magistrates very uncomfortable - they don't want to make that decidion because they've got used to having the say-so of the probation officer and I actually believe they like getting information about people. They also like to feel they've done the right thing, and if they've got information about a person they can feel they have done it on the basis of a lot of knowledge, and therefore it's a well thought-out judgment, and that makes them feel better.'

Whether these factors were contributory to the sluggish progress of the scheme is uncertain; what is, however, very certain is that the scheme was adopted far less frequently than its originator intended.

(q) PERCEIVED ADVANTAGES AND DISADVANTAGES

Not all participants were attracted by the scheme: one could see no virtue in it whatsoever, baldly stating that if magistrates want more information than police antecedents, then a full Social Inquiry report should be requested.

Most respondents, however, saw both benefits and handicaps, and these will now be considered. On the credit side, the most frequently discussed area was that of time-saving, for both the defendant and the probation officer. With regard to the latter, there was considerable doubt expressed as to whether in the final analysis much, if any, time was saved for the probation service, although this was recognised as one of the prime objectives of the scheme. The reason for this possibility is that a probation officer would normally spend (on average) something over four hours visiting a defendant, preparing a social history and attending court where a conventional Inquiry Report was requested; if a probation order was made without full inquiries, this time would not be wholly saved, since the fact that a stand-down report was made would not preclude the necessity of making an early visit to a home to meet significant relatives or friends, and of preparing a detailed personal history during the first two or three weeks of the probation order. Instructions for obtaining a social history under the scheme are clearly set out in the Additional Notes for Guidance (Appendix 2) in the following terms:

> '1 A social history of the probationer will be prepared. Particular attention to be paid to any interests or pursuits which the probationer has, and to any problems which are occurring.
>
> 2 A note of the current social network within which the probationer operates should be made, again with any supports which this provides, or difficulties this creates.
>
> 3 The significance of criminality to the probationer, and, if possible, the identification of circumstances which might lead to

reoffending.'

Thus it is clear that the probation officer was expected to formulate as extensive a social history as might be expected for a Social Inquiry Report. Attitudes towards saving time were mixed in any case, with one probation officer generously commenting that saving time did not matter as much as doing the job properly. Another suggested that many more economies could be made if the Hampshire Probation Service took a policy decision not to prepare reports in cases where defendants were pleading not guilty. This course of action has been opposed by the Lord Chancellor's office, but canvassed by the National Association of Probation Officers, and whereas 'in the mid seventies NAPO's stance was portrayed as little short of reckless insubordination, steadily it has gained support' (Beaumont, 1986).

Although the evidence of time saved is indeterminate where a probation order was subsequent to stand-down report, incontrovertibly time was saved for the probation service on the occasions where a different sentence followed.

Many of the respondents stressed the time saved and anxiety alleviated for defendants under the scheme: this was seen to be a genuine and important benefit, and the process was described thus in one instance:

> 'It was a superb way of dealing with her, really. She'd never been in trouble before, not too sure about what was going on. She was a single parent, actually, doing quite well otherwise, but could do with some budgetting advice and a general reminder that you can't do things like that to solve your problems. So I just went off, went through the exclusion clauses with her, and explained what probation was. I brought her into the office two or three times, got the relevant bits for the file, did a quick social history and then she went on the reporting register.'

This was considered to be a very satisfactory outcome by the probation officer, and a colleague stressed the value of the scheme in dealing quickly with offenders with a level of problems so low as not to justify a full Social Inquiry Report. In contrast to this approach,

however, other probation officers raised serious doubts about the type of defendant that the scheme had attracted, one commenting that he had supervised two probationers who should not really have been placed on probation, because of their lack of problems and previous convictions. Should either of them have failed to observe the conditions of the probation order, they could have been breached, and would then have been in a serious position, despite their relative innocence. Another point made was that the scheme might well predispose the courts to placing women on probation, rather than men (a tendency in this direction was observable); and a very unlikely candidate would be an awkward young man in his early twenties with two or three previous convictions, since he would not appear to be 'deserving'. Thus the probation service's input would be fashioned by the magistrates' stereotypes of the appropriate probation client. This might well have the effect of propelling defendants up the tariff of sentences more quickly than was justified, and discounting some offenders - like the male twenty-year-old - where supervision could be helpful.

The problem of confirming data, and the general accuracy of information was another focus of objection. One probation officer who had supervised no less than three individuals under the scheme with drinking difficulties bewailed the fact that the true extent of the dependence was not evident at the court hearing. This would not necessarily have prevented a recommendation for probation, but at least there would have been a clearer basis from which to work. The fear was also expressed by one or two respondents that some vital fact would be overlooked on the speed of the stand-down situation which could lead to embarrassing or unfortunate consequences, or the court and probation service could be hoodwinked.

An interesting remark made by one probation officer was that during the normal four-week adjournment for a Social Inquiry Report, the quality of contact with the defendant is often a predictive pointer to the extent or lack of co-operation from the client should a probation order be made. This opportunity is obviously lacking in the immediacy of the stand-down report. The stress of the situation and the wish to see a quick

conclusion to court appearances could also mean that the defendant is pressured into agreeing to decisions where he or she otherwise would not.

Other objections concerned court practice: one respondent did not relish stand-down, partly because he had received no training for them and was anxious - as many others would be - in the witness box. He could envisage the possibility that his anxiety would cause him to blurt out something to a packed court which was the last thing the defendant wanted revealing. He had not actually undertaken a stand-down report, and perhaps his ideas about their intended format were not wholly accurate, in that the opportunity for disclosing sensitive information should be very limited.

The role of solicitors in court was a concern for one probation officer: she thought that if the scheme was extended, solicitors could attempt to use the stand-down report in place of, or in conjunction with, their plea of mitigation. The way out of this difficulty was seen to lie in developing closer links with the legal profession, so that a better understanding of mutual expectations could emerge.

A note of suspicion was sounded elsewhere when another respondent expressed anxiety that if probation officers' work was cut, eventually there would be redundancies. The fear would appear to be unrealistic at the moment, bearing in mind the gradual expansion of the probation service over the last decade, the increase in the number of recorded crimes over the same period - at least for adults - and the current emphasis on the provision of non-custodial sentences.

There was speculaion by another probation officer about the results of the scheme becoming popular with the bench, if it ever did. He felt that it would be very unfortunate if the provision of full Social Inquiry Reports were allowed to atrophy, and the stand-down inquiry superceded them to become the norm. He felt that poor decisions could result from inadequate information, and that the current structure and criteria should be rigidly maintained, with probation officers prepared to request a full written report where the circumstances appeared to require one.

The criteria for selection were also referred to in another interview, where the respondent considered that it was unfortunate that the scheme was founded principally on exclusion through negative attributes, rather than inclusion through positive. He believed strongly in the power of research evidence, and thought that more attempts should have been made to discover who was considered suitable for probation; he quoted, for example, a study unknown to the researcher which purported to show that women shoplifters have a high rate of re-offending within five years of their first court appearance, but that the rate is lower for those placed under supervision: presumably this would indicate some general suitability for probation. He also claimed that there was no research evidence to support the view that offenders who fell within the exclusion criteria were inappropriate for probation, but that the criteria had been cobbled together on a perfunctory and ad hoc basis by the working party (of which he had happened to be a member). There is some support for his views in fact, since, as has been seen, the possession of disqualifying attributes in accordance with the criteria rarely led to a client's being considered inappropriate for suprvision by the probation officer.

All in all, disadvantages tended to outweigh advantages numerically, but, as will be seen later, this was no indication of the general attitude towards the scheme, which was on the whole favourable.

(r) METHOD OF INTRODUCTION OF THE SCHEME

The chief focus of this research has been to examine the operation and results of the experimental scheme; it did also seem appropriate to consider briefly the way in which it was introduced and implemented, and probation officers' attitudes to its inception. It will be recalled that it was not possible to interview probation officers before the commencement of the scheme, since the Assistant Chief Probation Officer responsible for its implementation suspected that there was a current of dissatisfaction towards the project, and he did not wish this to be channelled into further antipathy.

His suspicion appeared to be well founded, in that among respondents there was a nearly universal expression of dissatisfaction about the method of preparation and explanation of the scheme. A lone voice spoke approvingly of the amount of information he had received, and of the fact that he felt warned and prepared for the project's start. He normally carried the guidelines with him on court duty days and was happy to participate in the scheme.

The guidelines had been formulated partly as a result of the sugestions and comments of the small working party set up to examine the possible advantages of operating such a scheme. However, communication between the working party and individual probation officers or teams did not seem to have satisfied personal needs, as the following comment suggests:

> 'The scheme was introduced in the traditional way which is completely destined to put people's backs up; and that's a bit unfortunate. I really don't think that there was enough discussion, and I don't think the aims are clear enough. There was a small working party, but there was very little feedback from it. One of the good things is that people learnt this time around, and they are introducing new ideas in a much more open, democratic sort of way. This was done so badly but things have slightly improved.'

Others were more cautious, with a member of the working party claiming that he had decided to suspend judgment until after the experimental six-month period. This group was by no means approving though, and one other member claimed that the whole of the working party, with the exception of the Assistant Chief Probation Officer, was opposed to the scheme, and making the best of a bad job (although he admitted that levels of opposition to the scheme varied considerably).

One respondent who was not on the working party thought that discussion at a team meeting would have been beneficial. When she undertook her first stand-down inquiry, she felt that she was referring to her guidelines in a very mechanical manner and very much 'learning the job'. She thought she would have been much better prepared with a discussion and a rehearsal of procedures. Another participant recalled that he had been involved in a group meeting where discussion took place, and considered that the scheme had been 'foisted' on the probation service; in his view support for the project was far outweighed by opposition, and the fact that the new method of working was eventually introduced provoked some resentment. A similar comment made by another respondent was that her office felt 'railroaded', and also somewhat criticised. In suggesting that probation orders could be made without full Social Inquiries, there was the obvious implication that the latter type of activity, in which the probation service spent a considerable amount of time, was over-valued. This was viewed as a slight threat, and may have helped to generate some of the hostility towards the change.

The scheme also seemed to catch some participants by surprise:

> 'I don't think the introduction was very good. We did have some paperwork, I know, then suddenly it was dropped on us, and we were all scratching our heads looking at what we'd got. I think it would have been better to have had a full meeting for everybody who does court duty to talk about it before or even be told what was going to be happening'.

Thus the respodents who were interviewed overwhelmingly disapproved of the way in which the scheme had been introduced, and this may have

initially affected their attitude towards it. One probation officer forcibly expressed the view that enthusiasm was a vital attribute to possess with any innovation, and that the fervour of a group of her colleagues could generate support and interest in other groups, for example among members of the bench. This, however, had not occurred, and thus the idea had atrophied.

This section provokes consideration as to how changes in organisations are proposed and implemented. The Assistant Chief Probation Officer clearly attempted consultation through the setting-up of the working party to discuss the merits of the scheme, and also through raising the subject as an item on the agenda at meetings of at least some of the probation teams. To this extent, then, there was opportunity to make views known and to contribute to the details of the modus operandi of the scheme. This process was described by one probation officer as 'being handed a bit of democracy', but possibly the metaphor was inaccurate in that power was not vested in the 'people', but in the office of Assistant Chief Probation Officer as part of a hierarchical structure. So, by virtue of his position he was able to introduce the scheme despite widespread antipathy during the consultation phases, and it was this fact which seemed to annoy some respondents, in that, as they saw it, attempts at democratic decision-making were hollow, and they had been shown to have lost the power to order their own destiny.

However, this view, as one would expect, takes little account of the perspective of managers in bureaucracies, who because of their duties with regard to resources and their wider perspective, must at times take decisions which are unpopular. Good practice demands that maximum discussion takes place at such times, but perhaps where a decision had been made (and the Assistant Chief Probation Officer did seem to have made up his mind) it should be clear that any deliberations are explanatory rather than consultative, or at least what parts of the scheme are still open to modification by discussion. It is obviously impossible for all decisions to be delayed until total popular consensus emerges; if this occurred, the rate of innovation would decline considerably. It is also significent to

note that several probation officers eventually warmed to the scheme, despite initial hesitations about it and dissatisfaction with the method of introduction. If the scheme had not become operative despite these feelings, the level of support for it would not have emerged.

Whilst there was opposition to the scheme and its method of introduction, the situation occurred in the context of more generalised difficulties. The views of one probation officer set the scene:

> 'It had a lot to do with the politics of what was going on at the time. People were very dissatisfied and are still to a certain extent dissatisfied with the basic organisational structure of the Petty Sessional Division. I'm sure you're aware that the whole P.S.D. structure is being looked into. But people were getting frustrated because nothing seemed to work properly. Everything seemed to be in the air. There wasn't very much consultation and there wasn't any structure. To have something introduced from above when people were concerned about lack of consultation was almost destined to produce a negative reaction.'

It is therefore possible that some of the reactions to the experimental scheme may have been coloured by current feelings about the level of consultation and information provision on a wider scale.

(g) OTHER REMARKS

At the conclusion of each interview with a probation officer it was considered appropriate to ask whether the respondent had any further comments which he or she wished to add concerning the scheme. Hardly surprisingly, the unstructured nature of the invitation resulted in a farrago of responses, often quite disconnected. The content of this section will therefore be wide-ranging, but hopefully with as much continuity as the disparate subject matter allows.

One topic which was mentioned by several probation officers was the method of maintaining contact with clients in the initial stages.

One considered that clients under the scheme were particularly disadvantaged in that frequently they were supervised for the first four weeks or so by the probation officer who saw them at court and were then transferred to a colleague (although the transfer did not happen in every case). He was of the opinion that defendants were often anxious during court hearings, made a particular relationship with the probation officer involved at that stage, and this formed the basis for a positive period of supervision: he thought it disadvantageous if this relationship was broken.

There are two chief difficulties with this approach: firstly the problem of equalising workloads for probation officers. The requests for stand-down reports from magistrates and the subsequent take-up of clients on probation fell randomly and unequally on probation officers under the scheme, although because of the low numbers of defendants involved the extent of the inequality was slight: at least one probation officer had experience of neither stand-down report or subsequent supervision whereas others either supervised or reported on up to three defendants. Thus work adopted in this way is not susceptible to normal allocation procedures, and could produce workload inequality. Secondly, supervision allocated randomly means that no special provision is made for matching the special

interests or abilities of the probation officer with the needs of the client.

One respondent was very clear about her pattern of work with a defendant in the initial stages, saying that she insisted that the client see her for the first four weeks, but in that time she also referred them to a Day Centre organised locally by the probation service which undertook a specialist assessment role. After this she discussed with the client what direction supervision should take and whether there should be a change of probation officer; all this she saw as complying with the letter of the guidelines. Ideally, though, she believed that there should be a small team of probation officers specialising in assessment, although the effect of the establishment of such a team could mean that a probationer could have contact with three different probation officers in the first few weeks - at the stages of stand-down report, assessment and finally supervision. One of the respondents who worked at the Day Centre pleaded for more consistency in the assessment procedures; she claimed that some clients were sent to the Centre for assessment, and others were not, depending on the particular preferences of the supervising probation officer rather than client need. She saw the solution to the current problems in the establishment of a court team - a group of probation officers whose main responsibility it would be to service the court - and a more systematic assessment procedure. The process of assessment would not be prolonged, but would concentrate on explaining the legal conditions of the order, and on matching the needs of the defendant to whatever the probation service could offer at any particular time. The Day Centre would take part both in the task of assessment and in providing some facilities and activities for probationers. This would be an improvement on the current system whereby the rationale for allocating probationers to supervising officers was in part numerical and in part geographical. Several respondents disapproved of the court duty officer who prepared the stand-down inquiry retaining the probation order, as under the scheme, and preferred the defendant to move quickly into an assessment process. An alternative

suggestion was for the defendant to be allocated straight from court to whatever probation officer seemed most appropriate at the time.

Another area of discussion which emerged spontaneously was that of the relationship between the probation service and the other groups of officials in the courts - solicitors, court clerks and magistrates. One respondent, for example, said generously that she would prefer a stand-down to be requested where a solicitor had not been able to make an appointment for his client, rather than the defendant be inconvenienced by the adjournment for a full Social Inquiry Report. She suspected that from time to time solicitors requested such remands overtly to enable a Social Inquiry Report to be prepared, whereas in reality the true purpose was to enable them to complete an ill-prepared brief. A stand-down would prevent this scenario. Less charity was shown by other probation officers who also suspected that solicitors used adjournments to mask deficiencies or inefficiences. One explained the problems as she saw them:

> 'The danger is that some solicitors might latch on to it and use us to do their mitigation; we have to be careful, just as when they ask for reports when it's really inappropriate. I think it's only right if they come to you and say 'Now look, I've seen this bloke or this woman and she's got lots of social problems and probation is really what she wants. Would you have a word with her to see whether we should put it back for a full one or whether you'd be prepared to suggest to the court a stand-down?'.

There is an echo of this concern in the recently formulated Circular on Social Inquiry Reports (Home Office,1986) where the Commentary reads as follows:

> 'A particular point which was raised.....was the need to ensure that, by the use of stand-down reports in cases of unrepresented defendants, the Probation Service does not usurp the functions of or is not used in place of the duty solicitor'.

It was nevertheless considered crucial by several respondents to foster good relationships with solicitors, and at least one sugested that a factor

in the low level of take-up of the scheme was that its existence had not been adequately advertised to members of the legal profession.

Another probation officer commented that there was a duty on all the professional groups within courts - clerks, solicitors, police and probation officers - to ensure that the lay members - i.e. magistrates - were able to operate effectively.

The corollary to this was that if the magistrates were not operating appropriately, then the fault lay among the various professional groups working within the forensic setting.

One indication of the way in which understanding could develop between probation officers and magistrates was given by the only respondent interviewed who did not work at the court where the experimental scheme took place. She was based in a small urban court which was serviced by five or six probation officers, and where clearly a good liaison had been built up:

> 'Sometimes in our court the magistrates will give a nod and a wink to the probation officer early in a case where they think it's appropriate. They'll then ask him to go outside and discuss probation with the bloke and see what he thinks. This saves a long interview and social work assessment, and they'll do it pretty well across the board, not just women shoplifters'.

The value of liaison and understanding with court clerks was also stressed, though on the whole reasons for this were unstated, presumably on the assumption that they were so obvious as to be self-explanatory.

The way in which better working relationships could be built up in court from the probation service's point of view, was by consensus through the medium of a court team. This would presumably consist of a small group of probation officers specialising in court work and undertaking frequent court duties. One respondent considered that he and his colleagues did not spend enough time in court and that this was unfortunate. He realised that his views might be unpopular and he could be 'crucified' for them, but he was convinced that the probation profile should be higher, and at least court duty rotas should be organised so that

the same probation officers worked with the same group of magistrates as far as was possible.

The idea of having a court team, however, seemed much more popular than the concept of all probation officers spending more time in court. If implemented, the team would have initial contact with all referred to the probation service via the bench, either through stand-down reports or full Social Inquiry Reports. This would obviously involve a considerable degree of transfer of cases, since it would be statistically impossible for the court team to maintain on their caseloads all those with whom they had some dealings. The concept of transfer did not seem alien to the majority of respondents, if the final result was that probationers were allocated appropriately, whether it be to a group activity instead of an individual counselling relationship, to a male supervising officer as opposed to a female, or even to the Reporting Register. The establishment of a court team was also reckoned by a supporter of the scheme to have a better chance of encouraging its progress, since the team would be able to establish clear guidelines and policies for its modus operandi.

With regard to the scheme generally, two probation officers expressed sadness that there had not been more interest shown by the bench. A number also spontaneously expressed their own views about the scheme: of the eleven whose opinion was clear nine were in favour, with two against. One of the latter claimed that he had not seen much good in the innovation originally, and hadn't had reason to change his mind. His views were duplicated by a colleague who found no virtue in the scheme whatsoever. The remaining nine, however, expresssed varying degrees of support for the concept, occasionally with some reservations and qualificatons.

One respondent admitted that she was totally opposed to the traditional stand-down report, but was happy with the scheme's format; another proclaimed himself violently hostile after his first experience of a stand-down report, having the misfortune to interview the defendant who was using an alias. This turned out nastily, but his attitude had been utterly converted to one of support by the positive exprience of preparing a stand-down report on a client who seemed to be eminently suitable for the

process. Yet another probation officer was unimpressed by the scheme in the first few months, but later discovered some advantage, as she explained:

> 'I recently saw a defendant whose case was adjourned. I recommended probation in a report in the Spring, but they gave him Community Service. He then committed a minor offence and came to court again recently. They were thinking of probation, so they adjourned the case. I think if I had been in court I'd have stood up and said 'Well, do it.'Because I think the magistrates are still thinking there's a certain sort of person suitable for this, rather than young lads (as this offender was).'

Thus it appears that those in favour of the scheme initially remained so, and a small proportion remained quite opposed throughout. Where there was any change of opinion it tended to be in the direction of support for the scheme rather than antipathy. The approbation, however, was not unconditional, in that various respondents indicated that they would be happier if certain requirements were met, for example the establishment of a court team, or the unfailing provision of accurate police antecedents.

A further comment made was that those who approved did so from the basis of the current operation of the scheme, i.e. a situation of minimal impact on workloads or traditional working patterns. There could be a modification of opinion if the experiment were to become very popular and result in a dramatic surge in stand-down work and resulting probation orders. This viewpoint can only be stated tentatively, though, particularly bearing in mind the (admittedly small) number of probation officers who were sorry that the scheme had not proved more popular, and the apparently mollifying effect on doubters of the operation of the experiment.

Four respondents also spontaneously expressed surprise that the scheme was being allowed to continue after its experimental six-month period, in view of the lack of usage of the facility by courts, particularly towards the end of the time.

In the time intervening since the study was completed the Hampshire probation service has positively discouraged the making of probation orders without full Social Inquiry Reports, despite the recommendations of Home Office Circular 92/186. It has also attempted to limit the use of stand-down reports to making a recommendation to the courts as to whether a Social Inquiry Report would assist the bench.

CHAPTER FIVE
CONCLUSIONS

It will be apparent from reading the preceding pages that many aspects of the research need no further elaboration, and to attempt to do so would be repetitious. However, it is pertinent here to identify several broad themes and consider their implications where appropriate.

Firstly, it is only too evident that the gestation period for this particular study was very long, and illustrates problems occasionally met by researchers in gaining access to material. There has been a burgeoning of research in the social sciences in the past decade, often - as in this case - by part-time researchers working for a higher degree. Agencies have therefore become sensitive to the loads which could be placed on their staff by over-zealous research activity, and both the Divorce Court Administration and - initially -the probation service were wary of approaches. However, there were also individuals who were keen to support research programmes, and many probation officers, in particular, appeared to enjoy expressing their views about the scheme. The time burden placed on probation officers by the research was individually very small - no interview lasted for more than an hour and a half and most were about an hour's length; however, more time was spent in discussion with both the Magistrates' Court Liaison Officer and Assistant Chief Probation Officers. Thus the imposition placed on the service was relatively light, although the delicacy of the situation is understandable, particularly bearing in mind that the scheme which was researched emanated partly from concern about workload pressure. The Statement of Objectives and Priorities produced in 1985 by the probation service concerned has a section describing future plans for research within the County, but does not indicate the extent to which they may impose on individual probation officers. It would be useful to determine what was an acceptable proportion of a probation

officer's time to be spent on research-related activities (a subject for further research, perhaps?).

The scheme itself quite clearly fulfilled, at least partially, its aim, in that there was a change in sentencing behaviour by magistrates sitting in the researched courts: indeed, in the first month of the experiment a third of all probation orders were made without a full Social Inquiry Report. However, this proportion gradually reduced until the sixth and final month all probation orders were made conventionally - i.e. with a full Social Inquiry Report.

The trend apparently runs counter to the enthusiasm expressed by magistrates in the initial stages, and contradicts the prophecy of one member of the bench that the approach would gradually become more attractive until a fifth of all probation orders were made in this way The decline also tends to remove support from the assertion that there is a small group of defendants whose need for probation supervision is so obvious that it can be met immediately, without extensive enquiries.

The reasons for this decline are not evident, and magistrates were not interviewed subsequent to the scheme to discover their impressions of it in the same way as were probation officers.

However, apart from the compelling force of habit, it may be that in the case of defendants with severe social problems where magistrates are considering probation, the bench is genuinely concerned to be informed about the problems.

Additionally, although some probation officers were converted by the merits of the scheme during its operation, others still retained ambivalence or outright hostility which may have been detected by magistrates during court proceedings or Magistrates' Liaison Committees. Neither can its cause have been assisted by the less than wholehearted support given to 'stand-down' or 'put back' reports by the Chief Probation Officer in his Statement of Objectives and Priorities.

Whatever the causes, the scheme's popularity gradually declined but it was permitted to continue subsequent to the experimental period. The usage of the scheme since April 1984 has not been evaluated.

Although the scheme was responsible for a perceptible shift in court sentencing procedure its effect was not as great as had been anticipated by its originator in the probation service. These expectations, however, may have been based on incomplete knowledge of the sentencing pattern: when the Assistant Chief Probation Officer claimed that two or three probation orders per week might be made without a full social Inquiry Report (i.e. eight to twelve per month) he cannot have known that during some months (for example January 1984) only twelve probation orders were made in total.

The probation office at that time did not have monthly aggregates of the number of probation orders made or Social Inquiry Reports presented by its officers, since statistical information was kept on individual officers' workloads rather than collectively. In addition to creating difficulties for the researcher, the lack of readily available statistics clearly made it impossible to provide monthly comparative figures on some important work areas. However, the Chief Probation Officer, in his Statement on Objectives and Priorities, commits himself to the compilation of an adequate information base, including....'the monitoring of social inquiry reports', and with the appointment within the County of a new Research and Information Officer the situation may well now be different.

The group of defendants who were made subject to probation orders under the scheme is of interest, for various reasons. Firstly, the gender balance is striking (although it must always be remembered that the numbers dealt with were very small): there were nine men and eight women.

Since the normal ratio of men to women probationers is more in the region of 2.3 to one, the sample balance is cleary disproportionate, but may well be a reflection of some of the magistrates' views that an 'obvious' candidate for the scheme was a female shoplifter.

Of particular concern, however, is that in four of the seventeen cases supervising probation officers considered that a lighter sentence would have been recommended if a full social Inquiry Report had been prepared. This is worrying, in view of the dangers of pushing offenders

up the tariff too quickly, with the possibility of a premature committal to custody. It would be the ultimate irony if the effect of the stand-down scheme was to provoke more serious sentences than otherwise would have been the case, since the well-established purpose of the Social Inquiry Report is to maintain offenders down-tariff, and in particular to divert from custody at the higher end of the scale. One might conclude that the effect of the stand-down system in propelling defendants up the tariff would be particularly unfair to females, in view of their disproportionate number in the scheme; but, paradoxically, in this study, all the defendants were male where supervising probation officers considered that a lighter sentence would have been imposed had there been a full Social Inquiry Report prepared.

As with most research, the majority of information discovered in the responses to unstructured interviews was unremarkable: probationers tended to react similarly to the supervision process whether or not a Social Inquiry Report had been prepared; there seemed to be few problems with regard to confidentiality in the public operation of the scheme; and probation officers appeared to have a relatively uniform understanding of the reasons for its introduction.Howewver, some unanticipated responses emerged when discussing with probation officers their clients who had been placed on probation under the scheme. The researcher had assumed that the minimal amount of information about the responsibilities of probation which was given to defendants at the stand-down stage, and the difficulty in clients comprehending this because of the pressures of the court setting, would produce less commitment to probation. In fact the reverse appeared to be the case, with, on the whole, a better than average level of attendance, and suggestions that those who were more distraught at court, and thus less capable of understanding at the time, were most compliant. The reasons for this are presumably that those affected by the scheme were almost always minor offenders without the hostility to courts and penal services frequently found in more serious offenders, and that those most upset at court took seriously their appearance and also their subsequent duties with regard to their probation order.

A further area where the results were unexpected concerned the readiness of clients on probation to disclose personal information. It had been assumed that the 'crisis' of a court appearance normally produces a heightened need for personal disclosure, on which the conventional Social Inquiry Report is able to capitalise. Under the scheme, the first major information-gathering opportunity occurred after sentencing, when, with less pressure, it was thought that less information would be contributed by probationers. This, however, did not seem to be the case, and probation officers were often pleased with the amount of co-operation they received from members of this group. Nevertheless, the note of caution needs to be repeated that this small group consisted principally of minor offenders whose general level of co-operation may be good.

With regard to the operation of the scheme, there is abundant evidence that the stand-down reports, as presented to the court, were quite different from the traditional format: they were much more constrained, and on the whole limited to the areas suggested in the Notes of Guidance,e.g. advising whether the defendant fell within the scope of the scheme. To this extent the scheme did produce a significant difference from the traditional understanding of a stand-down report.

One of the most fascinating parts of the research concerned the choice of candidates for the scheme, and the appropriateness of these for probation, as assessed by their supervising probation officers. The criteria to guide inclusion or exclusion from the scheme were listed for each probation officer participant, and the categories should have been familiar to the probation service, including among other factors, reference to court appearances, police antecedents, and alcohol and drug abuse.

Nevertheless, in eight out of the seventeen cases, defendants were placed on probation under the scheme despite the existence of features which should have excluded them. The majority of these factors did not become apparent until after the court appearance, and presumably their non-discovery was caused partly by the lack of time available for the probation officer to make enquiries or obtain confirmation of information, and also the reluctance of clients to admit facts which may prejudice

their case. Although this study is very small, it may nevertheless suggest caution in the use of stand-down reports; the latest Home Office Circular on Social Inquiry Reports, which espouses greater use of stand-down reports, appears to recognise some of the problems inherent in the approach, when it states tht 'the probation officer will need time, not only to inteview the offender, but to make some checks on the information he is given'. The opportunity for confirming facts may, however, be somewhat limited in a busy court where magistrates are anxious to conclude all cases in a short period of time.

A further area of interest was whether probation officers considered that probation was an appropriate disposal where it was made under the scheme. Interestingly, there was no direct correlation between those defendants theoretically excluded by the prohibiting criteria and those considered unsuitable for probation - for example most of those later discovered to have drink problems were thought by their supervising probation officers to be on probation appropriately.

As mentioned earlier, in four cases probation was a more severe court disposal than would have been recommended by the supervising probation officer after a full Social Inquiry Report. (On the other hand, in one case had the full facts been known imprisonment would probably have resulted rather than probation.) Despite the fact that probation was not considered necessary in a small number of occasions, no probation officer took the recommended course of action and discharged or converted the Order. This may be the result of several factors working either independently or in concert: institutional lethargy, the wish to maintain high statistical workloads or the fact that normally probation orders imposed were relatively short - rarely over twelve months, and thus the amount of time involved was only a matter of months.

Reference also needs to be made to one of the chief aims of the scheme - the attempt to save probation officers' time. In some ways it is clear that the scheme did offer economies: probation officers often spent only ten or fifteen minutes interviewing defendants for a stand-down report during time when they were in any case on court duty, compared

with the far longer time required for compiling and presenting the conventional Social Inquiry Report. However, on the debit side, it was also claimed that extra time was demanded during the initial supervision stages of a probationer without a Social Inquiry Report, in order to discover details about the client's background and needs for the purposes of assessment. Additionally, the placing of clients on probation under the scheme who would not have been had a full Social Inquiry Report been prepared, resulted in considerable amounts of extra time being spent in maintaining contact, compiling case records et cetera. Thus, although the scheme may have merits, the saving of time would not appear to feature among them.

At this stage it is possible to consider firstly whether there is a place for magistrates to make probation orders without Inquiries, and secondly to assess the usefulness of the stand-down report.

Firstly, it seems as though probation officers involved in the experiment were happy - with one exception - with the more serious offenders dealt with under the scheme, and those who exhibited a more complex array of social or personal difficulties. Although for none of these was probation seen as a real alternative to custody, nevertheless the severity of their difficulties made them appropriate clients. (In the one case probation probably was a custodial alternative, (Defendant L), but as the order was eventually made after an adjournment for a full Social Inquiry Report, she was excluded from the scheme proper.) It was concerning the less serious offenders that probation officers' doubts were expressed, where moving inappropriately up-tariff was feared, and it may be that magistrates could eventually have been encouraged to take risks with more serious rather than lesser offenders.

At this stage, however, a basic dilemma in the philosophy of the scheme becomes apparent: on the one hand, the probation service may wish for involvement with the more serious offender, while magistrates may prefer to exercise caution, and consider only minor offenders, bearing in mind their sensitivity to public opinion.

Thus, taken to its ultimate. this argument would portray probation officers being reluctant participants for fear of accelerating deliquent careers, and magistrates exercising restraints through requesting full Social Inquiry Reports on more serious offenders. There is, however, little evidence that probation officers had begun to think in the way depicted, although magistrates were probably exercising caution, particularly as the conception was relatively novel.

Secondly, it would appear that stand-down reports had only limited value. It is clear that they failed to pick up some important data, chiefly through clients' wish for concealment, and thus questions must be raised about the usefulness of the process in clarifying or obtaining information. It may be, paradoxically, that the most profitable stand-downs were those where probation was argued against, and a lesser disposal was given. This may also suggest that one of the fundamental flaws in the scheme was the expectation that a probation order would be made when a stand-down was requested. This may have had the effect of closing the reporting probation officer's mind to other possibilities, and reduced sentencing flexibility; there would be an argument , in any revived scheme, for not linking a stand-down with any specific disposal.

It is essential, however, that the bench and the probation service are in agreement about the purpose of the stand-down report. At one time stand-down reports were being used to comply with the requirements of the 1982 Criminal Justice Act to provide information before a custodial sentence on a young offender, and it could happen that a court makes a request for stand-down preparatory to custody, while a probation officer somewhat naively believes that its purpose is to assess a defendant for probation. Obviously each of these alternatives would require a different presentation to court, and the probation officer would need to be aware of them. The probation service would also be angry if it felt that it was being abused as a cheap and immediate substitute for legal representation.

Finally, comment needs to be made about the method of introduction of the scheme. From interview data it seems that magistrates' knowledge was

fragmented and confused, and probation officers' attitudes at times unfriendly, although they had a general broad awareness of the purposes of the experiment. Despite full discussion with the Clerk to the Justices, no formal contact appears to have been made with solicitors. It could be argued that better preparation should have taken place, but paradoxically, as probation officers warmed to the scheme and magistrates became more experienced in its operation, its use declined; success may have been improved by more deliberate attempts to sustain interest in the scheme, for example regular progress reports at liaison committees or even the establishment of a small working party of magistrates and probation officers to oversee the experiment. Formal contact with solicitors' groups may also have reaped dividends, and this is an area which has been utilised in other experimental initiatives, for example with regard to encouraging greater use of bail where prisoners are remanded (Vera Institute of Justic, 1987). However, it is impossible to assert whether in the end better preparation and consultation would have produced a significantly more utilised scheme.

It will be interesting to observe the popularity of the recent Home Office recommendations that more stand-down reports should be presented: if these exhortations have little effect, then one may conclude that the opposition to brief stand-down reports, which has been systemically argued for many years, is still strong in the probation service, and perhaps on the bench. If however, they become the vogue, then maybe the researched scheme was solely conceived a few years before its time.

BIBLIOGRAPHY

Alderson, Dorothy, and MacDonald, Jim. 'On Report: the Southampton Office Report Centre', Probation Journal Vol 31 no 1 (March 1984).

Beaumont, Bill. '1986: the year of the Report', Social Work Today January 6th 1986.

Bell, Colin and Newby, Howard. Doing Sociological Research George Allen and Unwin,1977.

Belson, William, and Duncan, Judith A.'A comparison of the Check-list and the Open Response Questioning System' in Bynner, John, and Stribley. Keith M. Social Research: Principles and Procedures Longman 1979.

Benney, M., and Hughes, E.C. 'Of Sociology and the Interview', American Journal of Sociology 62 (July 1956). University of Chicago.

Biestek, Felix P. The Casework Relationship Unwin 1961.

Blake, Barbara, and Godson,David. 'Re-thinking "Sentenced to Social Work"', Probation Journal vol 29 no 4 (December 1982).

Bottoms, Alan E., and McWilliams, William. 'A non-treatment Paradigm for the Probation Service', British Journal of Social Work vol 9 no 2 (1979).

Bridges, Andrew.'Organisations: even more interesting than Shovels', Probation Journal vol 31 no 4 (December 1984).

Brook, Lindsay. 'Postal Survey Procedures' in Hoinville, Gerald, and Jowell, Roger (eds.) Survey Research Practice.Heinemann, 1978.

Bryant, Malcolm,et al. Sentenced to Social Work. (Chief Probation Officers' Conference Paper). CPOC, 1978

Bulmer, Martin (ed.) Sociological Research Methods. MacMillan, 1977.

Burbidge, John,; Cannings, Jim,; and Read, Gordon. The Place of the Social Inquiry Report in the Work of the Probation and After-care Service. (Chief Probation Officers' Conference Paper). CPOC, 1977.

Burgess, Robert G., In the Field: an Introduction to Field Research. George Allen and Unwin,1984.

Butrym, Zofia T., The Nature of Social Work. MacMillan,1976.

Bynner, John, and Stribley,Keith M. (eds.) Social Research: Principles and Procedures. Longman, 1979.

Caplan,Geoffrey. Principles of Preventive Psychiatry.. Tavistock 1964.

Carlen, Pat, and Powell, Mike. 'Professionals in the Magistrates' Courts; the Courtroom Lore of Probation Officers and Social Workers' in Parker, Howard (ed.) Social Work and the Courts. Edward Arnold.1979.

Carter, Ray M., and Wilkins, Leslie T. 'Some factors in Sentencing Policy', The Journal of Criminal Law, Criminology and Political Science vol 58 no 4

Cohen, Stan, and Taylor, Laurie.Psychological Survival. Penguin.1972.

Cohen, Stan, and Taylor, Laurie. 'Talking about Prison Blues'in Bell, Colin, and Newby, Howard (eds.) Doing Sociological Research George Allen and Unwin, 1977.

Coker, John. 'Sentenced to Social Work? The Revival of Choice.', Probation Journal vol 31 no 4 (December 1984).

Courtenay, Gillian. 'Questionnaire Construction', in Hoinville, Gerald, and Jowell, Roger (eds.) Survey Research Practice. Heinemann, 1978.

Criminal Justice Act, 1982.

Davies, Martin, and Knopf, Andrea. Social Enquiry Reports and the Probation Service. Home Office Research Study no 18. HMSO, 1973.

Davies, Martin. 'Social Inquiry for the Courts', British Journal of Criminology vol 14 no 1 (1974).

Department of Health and Social Security. Circular LAC (83) 14.

Dingwall, Robert. The Social Organisation of Health Visitor Training. Croom Helm, 1977.

Division of Probation, Washington D.C. 'The selective pre-sentence Investigation Report', Federal Probation vol 38 no 4 (1975).

Fielding, Nigel. The National Front. Routledge and Kegan Paul, 1981.

Folkard, M. Stephen; Smith D.D; and Smith D.E. Impact Volume 2. (Home Office Research Study no 36). HMSO,1976.

Ford, Peter. Advising Sentencers. (Oxford University Penal Research Unit Occasional Paper no 5). Blackwell, 1972.

Gabor,T., and Jayewardene C.H.S., 'The pre-sentence Report as a persuasive Communication', Canadian Journal of Criminology vol 20 no 1, 1978.

Gibbons, Jane S., Bow, Irene; Butler, Janet; and Powell, Jackie. 'Clients Reactions to Task-Centred Casework: a follow-up Study', British Journal of Social Work vol 9 (1979).

Goodman, Paul, and Scott, John. 'Trouble through drink: a probation response to drink-related offenders', Probation Journal vol 29 no 4 (December 1982).

Goodman, Paul. 'Probation and the chronic drinker', Probation Journal vol 30 no 3 (September 1983).

Hankinson, Ian; and Stephens,David. 'Ever decreasing circles: practitioners and Probation Bureaucracy', Probation Journal vol 33 no 1 (March 1986).

Hardiker, Pauline. 'The role of the Probation Officer in Sentencing', in Parker,Howard E. (ed.) Social Work and the Courts. Edward Arnold, 1979.

Hampshire Probation Service. Statement of Objectives and Priorities.1985.

Hine, Jean; McWilliams, William; and Pease, Ken. 'Recommendations, Social Information and Sentencing', Howard Journal vol 17 no 2 (1978).

Hoineville, Gerald; Jowell, Roger (eds.). Survey Research Practice. Heinemann, 1978.

Home Office. Circular no 59/1971

Home Office. Circular no 194/1974

Home Office. Circular no /1985. Social Inquiry Reports (draft). HMSO 1985.

Home Office. Circular no 92/1986. Social Inquiry Reports. HMSO 1986.

Home Office Probation Rules 1926.

Home Office. Probation Rules 1949.

Home Office. Probation Rules 1965.

Home Office. Probation Rules 1984.

Home Office. Probation Statistics 1979.HMSO 1981

Home Office. Probation Statistics 1980.HMSO 1982

Home Office. Probation Statistics 1981.HMSO 1983

Home Office. Probation Statistics 1982.HMSO 1984

Home Office. Probation Statistics 1983.HMSO 1985

Home Office. Probation Statistics 1984.HMSO 1986

Home Office. Probation Statistics 1985.HMSO 1987

Home Office. Habitual drunken Offenders: report of a Working Party.HMSO 1971.

Home Office. Report of the Inter-departmental Committee on the Business of the Criminal Courts (Streatfield Report) Cmnd 1289. HMSO, 1961.

Home Office. Report of the Departmental Committee on the Probation Service (Morison Report). Cmnd 1650. HMSO,1962.

Home Office. Statement of National Objectives and Priorities. HMSO, 1984.

Hood, Roger. 'A Study of the effectiveness of pre-sentence Investigations in reducing Recidivism', British Journal of Criminology vol 6 no 3, 1966.

Hood, Roger, and Taylor, Ian. 'Second report of the study of the effectiveness of pre-sentence Investigations in reducing Recidivism' British Journal of Criminology. vol 8 no 4.

Horncastle, John E. Survey of Workload and Court Reports in the Leicestershire Probation Service. Unpublished paper,1971.

Humphreys, Laud. Tearoom Trade. Duckworth, 1970.

Inbau, Fred, and Reid, John E. Criminal Interrogation and Confessions (2nd Edition). Williams and Wilkins, 1967.

Irving, Barrie, and Hilgendorf, Linden. 'Police Interrogation', in Royal Commission on Criminal Procedure. Research Studies 1 and 2. HMSO, 1980.

Jarvis, Fred. Probation Officers' Manual (third Edition). Butterworth's, 1980.

Jones, Emlyn, and Rudenko, Martin. 'Released and Homeless', Probation Journal vol 33 no 1 (March 1986).

Justice of the Peace. Editorial comment 2nd April 1983.

Justice of the Peace. Editorial comment 22nd May 1982.

King, Joan. F.S. The Probation Service. Butterworth's, 1958.

Leeves, Ray E. Aspects and Outcomes of Recommendations in Social Inquiry Reports submitted by a team of Probation Officers to one Magistrates' Court in 1979. M.Sc. thesis, Cranfield Institute of Technology 1980.

McGrath, Stephen. 'The CHAR Blueprint: its Relevance for the Probation Service, Probation Journal vol 30 no 3 (September 1983).

McWilliams,William. 'Pre-sentence Study of Offenders', Case Conference vol 15, 1968.

Mathieson, David. 'Social Enquiry Reports - Time to plot a new Course', Justice of the Peace 16th April 1977.

Mathieson, David. 'The Probation Service and Sentencing' Probation Journal Vol 25 No 1 (March1978).

Mayer, John E., and Timms, Noel. The Client Speaks. Routledge, 1970.

Moore, George. The Practice of Social Inquiry. Aberdeen University Press, 1984.

Morton-Williams, Jean. 'Unstructured Design work', in Hoinville, Gerald, and Jowell, Roger (eds.) Survey Research Practice. Heinemann, 1978.

Mott, Joy. 'Decision-making and Social Inquiry Reports in one Juvenile Court', British Journal of Social Work vol 7 no 4 (1977).

Murgatroyd, Stephen, and Woolfe, Ray. Coping with Crisis. Harper and Row, 1982.

Napier, Helen. 'Probation Officers and Sentencing', Probation Journal vol 25 no 4 (December 1978).

National Association of Probation Officers. Workloads in the Probation and After-care service. NAPO, 1972

National Association of Probation Officers (Solent Branch). Workload and Job Evaluation Study. Unpublished paper, 1971.

Newby, Howard. 'In the Field: Reflections on the Study of Suffolk Farm Workers' in Bell,Colin, and Newby, Howard. Doing Sociological Research. George Allen and Unwin, 1977.

Oppenheim,A.N. Questionnaire Design and Attitude Measurement. Heinemann, 1966.

Osgood,C.E.; Suci, G.J.; and Tannenbaum, P.H.The Measurement of Meaning. University of Illinois Press, 1957.

Parad, Howard J (ed.). Crisis Intervention. Family Service Association of America, 1965.

Pearce, Ian, and Wareham, Anne. 'The questionable relevance of Research into Social Enquiry Reports', Howard Journal vol 16 no 2.

Perry, Fred G. Information for the Court: a new Look at Social Inquiry Reports. Oxford, 1974.

Pollack, Otto. The Criminality of Women. University of Pennsylvania Press, 1950.

Powers of the Criminal Courts Act,1973.

Rapoport, Lydia. 'The State of Crisis: some theoretical Considerations'. The Social Service Review, Vol XXXVI No. 2. University of Chicago, 1962.

Raynor, Peter. Social Work, Justice and Control. Blackwell 1985.

Rees, Stuart. Social Work Face to Face. Edward Arnold, 1978.

Rees, Stuart, and Wallace, Alison. Verdicts on Social Work. Edward Arnold, 1982.

Roberts, Jenny and Colin. 'Social Inquiry Reports and Sentencing', Howard Journal vol 21 no 2 (1982).

Rogers, Carl. Counseling and Psychotherapy, Houghton Mifflin, 1942.

Sargant, William. Battle for the Mind Heinemann, 1957.

Sechrest, Lee. The Rehabilitation of Criminal Offenders: Problems and Prospects. Washington: National Academy of Sciences, 1979.

Senior, Paul. 'The Probation Order: Vehicle of Social Work or Social Control', Probation Journal vol 31 no 2 (June 1984).

Shaw,Roger. 'Who uses social Inquiry Reports?' Cropwood Occasional Paper. Institute of Criminology, Cambridge.

Smith, John.'Antabuse of Probation: an Example in Practice', Probation Journal vol 33 no 1 (March 1986).

Stewart, Annette. 'Clacton problem Drinkers' Group', Probation Journal vol 31 no 2 (June 1984).

Thorpe, Jennifer. Social Inquiry Reports: a Survey.Home Office Research Study no 48. HMSO,1978.

Thorpe, Jennifer, and Pease, Ken.'Recommendations by Probation Officers to Courts and Sentences passed', Home Office Research Bulletin, 1975, no 1.

Thorpe. Jennifer, and Pease, Ken. 'The Relationship between Recommendations made to the Court and Sentences passed', British Journal of Criminology vol 16 no 4 (1976)

Timms, Noel. Social work Values: an Enquiry. Routledge and Kegan Paul, 1983.

Todd, J.D.R. 'Alcoholism: the Probation Service's Role', Probation Journal vol 28 no 3 (September 1981).

VERA Institute of Justice. Probation Service work on Bail with the Crown Prosecution Service.An interim report. 1987.

Walker, Hilary, and Beaumont, Bill.Probation Work. Blackwell, 1981.

Walker, Nigel; Farrington, David P.; and Tucker, G. 'Reconviction Rates of Adult Males after different Sentences', British Journal of Criminology vol 21 no 4 (1981).

Walker, Nigel. 'Probation and Just Deserts'.Probation Journal Vol 30 No 1, March 1983a.

Walker, Nigel. 'The Effectiveness of Probation, Probation Journal vol. 30 No. 3, September 1983b.

Wallace, Alison, and Rees, Stuart. 'The Priority of Client Evaluation',

Research Highlights No 8. Aberdeen University Press, 1984.

Webb, Sidney, and Webb, Beatrice.Methods of social Study. Longman, Green, 1932.

Weston, William.Jarvis's Probation Officers' Manual (Fourth Edition). Butterworth's,1987.

Whyte, William F.Street Corner Society.. University of Chicago Press, 1955.

Zelditch, Morris. 'Some methodological Problems of Field Studies in America' Journal of Sociology vol 67 (1962).

Zweig, Ferdynand. Labour, life and Poverty. Gollancz,1948.

APPENDICES

APPENDIX 1

PROBATION ORDERS WITHOUT SOCIAL INQUIRY REPORTS

General Notes of Guidance

1. It is lawful to make a probation order without considering a Social Inquiry Report. This course of action is rarely followed in Portsmouth Magistrates Courts, since potential probationers are almost without exception being remanded for up to four weeks for a report before the order is made at the adjourned hearing.

2. This creates an extra hearing and hence pressure for the courts; it places defendants under additional stress whilst waiting the extra time for the Court's decision, and it is short-notice work, which has to be fitted into existing demands on the Probation Service.

3. It is suggested that some defendants are so clearly potential candidates for probation when their case is heard, that a remand for a Social Inquiry Report does not greatly assist the Court in coming to that decision, but creates the three pressures set out in paragraph two.

4. After consultation between the Liaison Committee, the Clerk's Department, and the Probation Service, it has been agreed that for a trial period of six months, commencing 1st November 1983, where it appears to a Court in all the circumstances of the case that probation is appropriate, then that order should be made without a report being prepared.

5. it will not be appropriate for some defendants to be placed directly on probation, and the guidelines for this are as follows:-

a) General scope of the project:

Suitable for all offenders who present an acceptable degree of risk when supervised in the community. The project will normally be for offenders who give some indication of personal or social problems, and who appear receptive to advice and assistance.

b) Persons not suitable for the project.

Please note these persons may be suitable for probation, but the Court will generally be assisted in making that decision by provision of a Social Inquiry Report.

I Persons resident outside the Portsmouth PSD

II Persons on whom police antecedents are not available.

III Serious offenders of all categories.

IV Persons awaiting trial at other Courts.

V Persons with a severe psychiatric, medical, or alcoholic problem.

VI Persons released from custody within the previous month.

VII Persons currently on statutory supervision or who have completed supervision within the previous month.

VIII Homeless persons who have abused previous attempts to accommodate them.

6. In exceptional cases, the Court may require additional information on the day before coming to a decision. A Probation Officer will be available on the Court premises to interview the defendant, and to give a short verbal report to the Court.

The Probation Officer will be able to advise verbally in three areas.

I Advise if the defendant is within the scope of the scheme.

II Advise if the defendant appears motivated to comply with the requirements of a 'normal' probation order. (Probation Orders made under this scheme should not contain special

conditions).

III Advise if there are special circumstances of the case which indicate the usefulness of a full Social Inquiry Report.

7. It will not be possible for Probation Officers to give verbal reports on the day about defendants' private circumstances, because it would be impossible to verify these in the time available. It might also make public sensitive information, not only about the defendant, but also his relatives and friends who are not even before the Court.

8. When the probation order has been made, the Court will order the probationer not to leave the Court until seen by a Probation Officer. A Probation Officer will interview the offender as soon as practicable on that day. The Probation Officer will give the offender a copy of the probation order, will explain the requirements of probation supervision, and will give the probationer a series of reporting dates, together with the consequences of failure by the probationer to keep to the conditions.

9. Each probation order should attempt to provide three elements:

I Supervision/regulation. A system within which probationers report to the office as instructed; their visit is recorded, and failures are taken up in an agreed and understood manner.

II Access to individual counsellor. There is no substitute for one officer being regularly available to the probationer. This reduces impersonal bureaucracy, and gives personal status to the probationer.

III Response to special needs. The Probation Service and the local community can offer an enormous range of facilities to the individual. The Probation Service can act as the 'broker' between particular needs of individual clients, and particular resources available within the locality.

10. When first placed on probation under this scheme, the offender will be involved in an assessment process. This will establish the balance of the three elements set out in paragraph nine to be included in that offender's supervision. The assessment will require several interviews but will be completed within the first month of the order.

On completion of the assessment process, the case will be allocated to an appropriate supervisor and the plan of supervision will be immediately put into effect.

11. If, during the currency of the order, it appears that the probationer is failing to keep the conditions, then the supervising officer will bring the matter back to Court. If there is wilful failure by the probationer to keep the conditions then breach proceedings will be taken in the usual way. However, if it becomes clear that there are circumstances in the case which make probation inappropriate, then the supervising officer will apply for a conditional discharge to be substituted for the probation order.

12. The progress of the project will be monitored over its life of six months, and an evaluation will be prepared after the period has ended.

DWH/CS/15.9.83.

APPENDIX 2

PROBATION ORDERS WITHOUT SOCIAL INQUIRY REPORTS

ADDITIONAL NOTES OF GUIDANCE FOR PROBATION STAFF

1. The project aims to be simple, to actively involve as many PSD staff as possible, and to use existing procedures as far as possible. Some areas of PSD activity will require modification, but again it is intended to keep these simple, and if possible to be beneficial to operations in the PSD beyond this particular project.

2. The project will be managed by the Senior Probation Officer group, and reviewed by them on termination. The SPO with responsibilities for the Magistrates Courts will be responsible for day to day decision-making.

3. All magistrates within the PSD will be issued with these general guidelines. Court duty Probation Staff must be familiar with the guidelines, and should endeavour to assist magistrates and courts to remain within them for this project. Staff should limit intervention in court proceedings to advice, and must not confront magistrates. The proper way to deal with difficulties is through the Magistrates Courts SPO as soon as possible after any problem has occurred.

4. It is difficult to accurately estimate the extent to which this scheme will be used. It is anticipated that 2 to 3 probation orders will be made each week without SIRs, and that for some of these a stand-down verbal report will be requested.

5. The significant operational Probation Officer on a day to day basis,

will be the first Court Duty Probation Officer. To increase the operational flexibility for that person, an additional court volunteer should be made available each day to record routine Court decisions, and to act as a general facilitator.

6. Requests for a stand-down report will be taken up and completed as a matter of priority. The interview and report must be undertaken by a qualified Probation Officer, i.e. not volunteers or students etc. Staff must confine their verbal report to the areas set out in paragraph 6 of the General Notes of Guidance.

7. Where Courts are advised that a full SIR is required, and such a request is made by the Court, that SIR will be allocated in the normal way.

8. When the Court proceeds to make a Probation Order without an SIR, the following procedure will take place on the day:

   I The probationer will be requested not to leave the Court premises until seen by a Probation Officer.

   II The probationer will be interviewed by the first Court Duty Officer, who will then become responsible for assessing that probationer within the following month.

   III The probation order will be served on the day, and the conditions of the order, expectations of the Service, breach procedures, and the next appointment date will be given.

9. Within the next four weeks, the following basic information will be gathered, and be available to both the probationer and the assessing officer. The assessing officer is responsible for raising the probation file:

   I A social history of the probationer will be prepared. Particular attention to be paid to any interests or pursuits

which the probationer has, and to any problems which are occurring.

II A note of the current social network within which the probationer operates should be made, again with any supports which this provides, or difficulties this creates.

III The significance of criminality to the probationer, and if possible, identification of circumstances which might lead to reoffending.

10. At the end of four weeks, the assessing officer, together with the probationer will make a choice between three allocation options.

I To be placed on a reporting register immediately. This option to be available particularly to those probationers who do not have pressing social work problems, or who are not motivated to help resolve them.

II To go to a field team for normal allocation: This option to be available to probationers with general social work problems.

III To go to a specialist officer: This option to be available to probationers with specific needs. A monthly broadsheet of specialisms or groups currently available will be published within the PSD.

11. Where a probationer fails to comply with the requirements of the order at any time, breach proceedings should be taken in the normal way. If it becomes apparent that there are circumstances relating to the probationer, which effectively prevent that person from complying with the order, and these circumstances were not taken into account when the order was made, then an application should be made for conversion of the probation order into a conditional discharge.

12. The Magistrates Court Liaison Officer will monitor this project.

The following information should be recorded.

I Basic information about the order, i.e. relevant dates, names, length of order etc.

II Whether a stand-down report was requested, and what advice was given to the court.

III The allocation decision at the end of the first month.

IV Reason for termination (including transfer out of PSD), and date.

13. The project will cease on 30th April 1984, but the cases arising during the six months should all be monitored to completion. An evaluation of the project should take place at the earliest opportunity after the project ends, and will be the responsibility of the Magistrates Court SPO. An early, but considered decision should be made by the PSD senior management group about continuation of the practice. The Magistrates Clerk is also commissioning research into this project, and this will be undertaken by Mr. John Horncastle. Mr. Horncastle has permission from Mr. Russell to obtain information from the Probation Service which does not identify individual probationrs, and he will make the results of his research available to the Service.

DWH/CS/1.9.83

APPENDIX 3

PROBATION ORDERS WITHOUT SOCIAL INQUIRY REPORTS

As you will be aware, this project is being researched by John Horncastle - in addition to internal monitoring - and it is clearly important for colleagues to know the areas he is examining. Although there may be some modifications in the light of experience, Mr. Horncastle's current intentions are as follows:

AIM 1

To examine to what extent the scheme is adopted by magistrates
Method - by reference to court records ascertain the number of probationers made subject to orders wihout SIRs between 1.11.83 30.4.84. A comparison will be made with the same period twelve months previous to determine any differences in practice.

AIM 2

To examine as far as possible whether probationers made subject to Orders under the scheme appropriately fulfil criteria for suitability (as defined in General Notes of Guidance).
Method - by reference to probation records gauge whether these probationers fall into the intended categories, and also whether any have characteristics which should have identified them as being not suitable (i.e.criteria I - VIII, General Notes of Guidance).

AIM 3

To examine the use of short verbal reports.
Method - by court attendance and, possibly, the use of a form, to compare the content of verbal reports with the criteria in the General Notes of Guidance; additionally to comment on the circumstances of their use.

AIM 4

To ascertain the attitudes of magistrates towards the scheme at

its conclusion.

Method - (probably) by the use of an individual unstructured interview with a sample of magistrates.

AIM 5

To ascertain the attitudes of probation officers towards the scheme at its conclusion.

Method - (probably) by the use of an individual structured interview with a sample of probation officers.

It would be interesting to compare the 'success' of probation orders issuing from the scheme with those made traditionally. However, because of problems in defining success, the difficulties in establishing control groups and the different assessment and treatment procedures for the non-SIR group, any effective comparison would appear to be impracticable.

Mr.Horncastle would welcome comments,and would be happy to discuss study at any time. He can be reached on Portsmouth 827681 ex. 156.

HAMPSHIRE PROBATION SERVICE

PROBATION ORDERS WITHOUT SOCIAL INQUIRY REPORTS

NAME OF CLIENT: _____ DATE: _____

COURT CHAIRMAN: _____ CLERK: _____

SOLICITOR: _____

APPROXIMATE LENGTH OF STAND-DOWN INTERVIEW: _____

IN THE VERBAL REPORT TO MAGISTRATES WAS THERE MENTION OF:
(Please tick as appropriate)

	NOT AT ALL	GENERALLY	IN DETAIL
1. Suitability of offender for the scheme	....	....	....
2. Motivation of the offender	....	....	....
3. Consideration of full SIR	....	....	....
4. Employment position	....	....	....
5. Accommodation of offender	....	....	....
6. Marital/domestic relationships	....	....	....
7. Dependency problems (e.g. drink, drugs)	....	....	....
8. Circumstances of upbringing	....	....	....
9. Attitude to offence	....	....	....
10. Financial situation	....	....	....

COURT DECISION:

ANY FURTHER COMMENTS:

PROBATION OFFICER REPORTING: _____

FORM COMPLETED BY: _____
(if different)

APPENDIX 5

AREAS FOR DISCUSSION WITH MAGISTRATES CONCERNING PROBATION ORDERS WITHOUT S.I.R.s

HOW DID YOU HEAR ABOUT THE SCHEME?

WAS THERE A CHANCE FOR DISCUSSION/MAKING YOUR VIEWS KNOWN?

HAVE YOU ANY COMMENTS ON THE WAY IT WAS INTRODUCED?

WHY DO YOU THINK THE SCHEME WAS SET UP?

IS IT TRUE THAT THERE ARE SOME DEFENDANTS FOR WHOM PROBATION SEEMS IMMEDIATELY AND OBVIOUSLY SUITABLE?

IF SO, WHAT FEATURES MIGHT THEY SHOW?

IN WHAT PROPORTION OF CASES DOES THE CONTENT OF A S.I.R. SIGNIFICANTLY AFFECT THE DECISION OF THE BENCH?

WHERE THEY HAVE AN EFFECT, IN WHICH DIRECTION IS IT?

CAN YOU SAY WHETHER YOU FIND S.I.R.s USEFUL OR NOT?

WHAT ARE THEIR CHIEF ADVANTAGES?

WHAT ARE THEIR CHIEF DISADVANTAGES?

AS PART OF THE SCHEME IT IS EXPECTED THAT BRIEF STAND-DOWN REPORTS WILL BE REQUESTED ON SOME DEFENDANTS. WHAT ARE YOUR VIEWS ON STAND-DOWN REPORTS?

WOULD YOU EVER REQUEST ONE?

UNDER WHAT CIRCUMSTANCES?

DO YOU INTEND TO USE THE SCHEME?

HOW WOULD YOU FEEL ABOUT PLACING PEOPLE ON PROBATION WITHOUT A FULL S.I.R?

APPENDIX 6

AREAS FOR DISCUSSION CONCERNING STAND-DOWN REPORTS

In your experience is the time available to interview a client sufficiently long in a stand-down report?

Do you think you can obtain sufficient information to judge suitability for the scheme in this time?

Have there been times where, because of the nature of the report, magistrates have not been in possession of information which you regarded as very important?

Have you yourself discovered information which you could not pass to the court in view of its being a verbal report?

Have you been asked questions by the magistrates or clerk which you could not answer because of confidentiality?

Do you think that defendants are inhibited by the nature of the report?

What advantages, if any, do you see for stand-down reports?

What disadvantages, if any, do you see for stand-down reports?

How do you understand the aims of the scheme?

To what extent would you say they have been fulfilled?

Have you any other comments about the scheme in general, including the way in which it was introduced and implemented?
Is there any other comment you wish to make?

AREAS FOR DISCUSSION CONCERNING PROBATION ORDERS MADE WITHOUT S.I.R.

In view of the lack of S.I.R.,how aware ws the client of the implications of probation when the order was made?

With the pressure of the court appearance over, was it harder or easier than normal to obtain information from the client for assessment?

Did the lack of S.I.R. affect the client's commitment to probation in any way?

What effect,if any, has the lack of S.I.R. had upon your contact?

If a written S.I.R. had been prepared by you, do you think you would have suggested supervision.

With the benefit of hindsight, do you think that the decision of the court was the appropriate one?

Did the probationer fall into any of the following categories, which were originally considered to make defendants inappropriate to the scheme?

I Persons resident outside the Portsmouth PSD

II Persons on whom police antecedents are not available

III Serious offenders of all categories

IV Persons awaiting trial at other courts

V Persons witha severe psychiatric, medical or alcoholic problem

VI Persons released from custody within the previous month

VII Persons currently on statutory supervision or who have completed supervision within the previous month

VIII Homeless persons who have abused previous attempts to accommodate them

How do you understand the aims of the scheme?

To what extent would you sayu they have been fulfilled?

Have you any other comments about the scheme in general, including the way in which it was introduced and implemented?

Is there any other comment you wish to make?

(Have you ever had anyone else under supervision where the Order was made without a full S.I.R. before the scheme started in November 1983?)

APPENDIX 7

Burnaby Road.
Portsmouth.
Tel. 827681

Dear

As you may know, I have been monitoring the recent scheme for the making of probation orders without a full Social Inquiry Report, and up to now I have been mainly collecting statistical data.

Over the next two or three weeks I expect to be able to interview those probation officers who have had involvement in the scheme either through completing a stand-down report, or through supervising as a result of a probation order made without a written S.I.R., and I hope you will be able to discuss your involvement in the scheme with me.

My aim in the interviews will be to discover personal opinions and conclusions about various aspects of the scheme, and I enclose a copy of a series of questions which I hope will give some direction to the discussion and will cover the major points. I should, of course, be pleased to discuss any relevant area not specifically mentioned, and would welcome comment about any apparent omission.

In a trial run with the questionnaire it was clear that it was difficult for me to make full notes and at the same time maintain my part in the conversation, and I wonder if you would mind my taping the interview as a back-up precaution. The specific contents of both tape and discussion will, of course, be confidential, although I have agreed to give a general impression of all interviews to probation senior staff as soon as possible after their completion.

So far as I am aware, you have had contact with the scheme through a stand-down report and supervision case, and I enclose the relevant discussion outline. I will be in touch with you within the next few days, and I hope that we shall be able to arrange a time to meet.

Yours sincerely,

APPENDIX 8

Probation Orders Made Without S.I.R.s
An Interim Report

General Comments

This scheme was an attempt to encourage magistrates in the local magistrates' courts to place offenders on probation without an adjournment for a full, written Social Inquiry Report. Details of the scheme and the criteria for exclusion from it are contained in memoranda of 31 August 1983 compiled by David Hill, then Assistant Chief Probation Officer, for the information of the probation service.

Initially the scheme was to run for a six-month trial from 1st November 1983 to 30 April 1984, and this period is the subject of the current report. The scheme has now been extended beyond this original time limit.

The interim report supplements informal discussions about findings with members of the local Probation Office, but is by no means a full account. The attempt to telescope findings will not do justice to some individual or minority views.

Plan of Research

The research has several main aims:

1. To measure the frequency with which magistrates used the scheme.
2. To discover attitudes of magistrates to the scheme beforehand.
3. To determine what types of offender were made subject to Orders in the scheme.
4. To examine the attitudes of officers participating in the scheme.

5. To comment generally on the scheme.

This interim report will provide:

A statistical survey of the six months in question (pages 2 and 3)

An account of interviews with magistrates (page 4)

An account of interviews with probation officers (pages 5 - 10)

Some tentative conclusions (pages 11 and 12)

MAGISTRATES' COURT

	(1) SIRs requested	(2) Stand-down reports	(3) Total Probation Orders (including column (4)	(4) P.Os without SIR
NOVEMBER 1983	57	7	18	6
DECEMBER 1983	27	2	16	2
JANUARY 1984	49	4	12	2
FEBRUARY 1984	40	4	24	4
MARCH 1984	51	4	23	3
APRIL 1984 (to 25th)	47	0	12	0
	271	21	105	17

COMMENTS

Figures have not been double-checked, but provide a good rough guide.

Proportion of stand-down reports to full SIRs is low: 21.271

Proportion of P.O's without SIR to those with SIR is higher - 17:88 or approx. 1.5

CLIENTS PLACED UNDER SUPERVISION WITHOUT SIR

9.11.83	M	P.O. 12 mos	Stole drill,£5 by deception.
10.11.83	F	P.O. 24 mos	Stole two dresses
14.11.83	F	P.O. 12 mos	By deception remit debt £182
21.11.83	M	P.O. 6 mos	Stole £100 (x2)
28.11.83	M	P.O. 12 mos	Stole bedding £70
29.11.83	M	P.O. 12 mos	Stole items from shops value + £100
16.12.83	F	P.O. 12 mos	DHSS offences
16.12.83	F	P.O. 6 mos	Gas meter offence £62
13.1.84	F	P.O. 6 mos	Stole cider value £35
13.2.84	M	P.O. 6 mos	Stole £31 fro, SEB
15.2.84	F	P.O. 6 mos	Stole £100 from SEB
20.2.84	M	P.O. 12 mos	TADA etc
21.2.84	F	P.O. 12 mos	Stole £3
9.3.84	M	P.O. 24 mos	Theft, failure to surrender to bail
22.3.84	M	P.O. 12 mos	Theft, obtain by deception
23.3.84	M	P.O. 12 mos	Enter hospital w/i to steal
26.3.84	F	P.O. 12 mos	Joint burglary

COMMENTS

Orders were made in 17 cases over the 6-month experimental period (up to 25th April)

This is an average of less than one per week.

No orders were made in the final five weeks.

Women were made subject to orders almost as frequently as men (8:9). This is interesting,bearing in mind the normal ratio of women to men convicted offenders (probably 1:4 or 5). N.B. sample is very small. Relevant offences vary - all relatively minor, with meter offences and shoplifting conspicuous.

Interviews with Magistrates

At the very beginning of the scheme an attempt was made to obtain the views of the five chairman of the daily benches. In the event, four of these were interviewed with one substitute.

Attitudes towards Stand-Down Reports

These were universally regarded positively. Most respondents harked back to times when stand-downs were completed frequently by the probation service, and these were valued by magistrates, particularly where they knew the probation officer concerned. Magistrates thought the process would be helpful for clients.

All said they intended to use the scheme- one suggesting that eventually a fifth of all Orders might be made in this way, but that it might take 3-5 years before the idea was fully utilised.

Appropriate Clients

The majority believed that there were some defendants who were 'natural' subjects for probation, and for these the scheme was appropriate. When asked what type of offender, the most frequent description was that of a female shoplifter.

Introduction to the Scheme

Origins of information about the scheme were said to be:

1st magistrate: liaison probation committee 3 months previously (no circular)

2nd magistrate: circular from Kerry Barker (possibly liason probation committee)

3rd magistrate: pre-court discussion in magistrates' retiring room (no circular)

4th magistrate: talk by me (ie JH) - (totally false!) (no circular)

5th magistrate: meeting at Southampton of Wessex magistrates, and item at liaison committee

It was said that magistrates raised the item at the meeting.

(In fact, a circular DWH/CS/15.9.83 was distributed to all magistrates before the scheme commenced and previous to my interviews).

Interviews with Probation Officers

Interviews with probation officers centred on two main areas: the stand-down inquiry and supervision of the client after the making of the Order. Altogether a group of thirteen probation officers had experience of a stand-down during the period, and twelve (often also included in the former group) supervised an offender without a full pre-sentence SIR. In total 15 probation officers had contact with the scheme.

Stand-Down Inquiries

Discussion centred around several topics, which will be summarised in turn.

Time Factors

Length of stand-down inquiries varied from 5 to 30 minutes. On the whole respondents thought the time was adequate, magistrates usually taking other cases during the time the case was put back. However, this was not always so, and on a very small number of occasions magistrates adjourned pending the inquiry, thus creating some pressure on the probation officer concerned.

This area is linked with Officers' conception of the purpose of the stand-down inquiry, where there was a clear division of opinion. A small number of respondents considered that the purpose of the adjournment was solely to check the criteria suggested for inclusion in the scheme, with the magistrates aleady having made up their minds about their intentions to make a probation order. However, the majority used the time additionally to gain some impression about the suitability of probation for the defendant, and comment on this to the bench if appropriate. Despite this clear difference in practice and outlook, it was clear that all probation officers treated the stand-down inquiries as quite different from the traditional, where a considerable amount of general information is given verbally in open court as a substitute for a written SIR.

Confidentiality

This did not appear to be seen as a problem by officers. On no occasion had magistrates directly attempted to obtain information verbally from probation officers which would have been enbarrassing to clients, and it was thought that magistrates were aware of the sensitivity of the situation. Probation officers claimed that if they had come across sensitive informaion that the court shoulld know they would have requested an adjournment for a full SIR. However, on the one occasion that an officer in such a situation suggested an adjournment, the bench was reluctant and made an immediate order - most unsuitably as it emerged. (In fact, the probation officer's concern related to general doubts about the defendant's story, rather than hard fact which he wished to communicate).

Effect of the situation on the defendant

There was a division of opinion as to whether the adjournment in the court precincts had an inhibitory effect on defendants in comparison with inquiries made in a more leisurely way, often in defendants' own homes. This seemed - quite naturally - to vary with the individual: some - particularly those with previous court experience - were happy to co-operate and get it over. Others - often first time offenders - were apprehensive and overawed.

Advantages of the Scheme

Probation officers were asked to describe the advantages as they saw them. About the same emphasis was placed on saving of time for officers as on the convenience of clients in having the case dealt with immediately. Being able to help quickly at a time of crisis was also stressed. Among other (occasional) points were: obtaining more probation orders; feeling more useful in court; reducing legal aid payments. One officer saw no advantage at all.

Disadvantages of the Scheme

The chief disadvantage was seen to be the lack of information available, which might lead to inappropriate decisions being made (as seems to have occurred). One respondent thought it represented a weakening of the

professional advisory role of the probation officer in court. It was also considered by another officer to be an example of a managerial/bureaucratic innovation not aimed at client welfare primarily, and as such part of a perceptible trend.

Aims and Implementation

Probation officers seemed clear about the aims of the scheme in terms of the economy of their time and convenience for clients. However, several officers argued quite strongly that any economies achieved were negligible or non-existent. It was claimed that even where a full SIR was not prepared, an assessment had to be completed at the beginning of the probation order, which was in essence as time-consuming.

In so far as probation orders had been made without SIRs the scheme could be said to have succeeded. However, the low level of take-up meant that its impact on officers' time was slight.

Comment on the method of introduction and preparation of the scheme was almost universally critical: it was felt that there should have been more discussion with main grade probation officers, and that despite a gesture of democratic consultation the scheme had been implemented against general wishes.

Despite this, there was a large majority in favour of the scheme, often with some individual suggestions as to improvements - eg concentrating on criteria for inclusion rather than exclusion from the scheme; having a specialist court team; retaining the same officer to supervise as completed the original stand-down report.

Although feeling is positive towards the approach, even among officers for whom it has caused some embarrassment, it has to be pointed out that it has had little significant impact on each probation officer's work so far. It is possible that attitudes could change should the scheme expand rapidly.

The Supervision Experience

An attempt was made to assess whether the absence of a full SIR affected the supervision period, and whether the orders made in this way seemed appropriate.

Awareness of Meaning of Probation

Most defendants were considered to have an awareness of the implications of probation after the stand-down report, some because of previous personal experience, or that of relatives or friends. However, it was mentioned in about a quarter of the cases that because of distress or limitations of time clients did not fully appreciate the meaning of probation when they returned to court.

However, this did not seem to affect commitment to the order. In fact it was clear from the data that clients who were thought not to have been able to 'take in' fully the probation concept were more consistent in their later contact. Presumably the distressed clients were more concerned both at court and susequently; those with more knowledge of probation - either from their own or others' experience - tended to do worse.

Gathering Information for Assessment

One of the cherished concepts of the Service is that the remand for SIR provides a unique opportunity for obtaining a considerable amount of relevant information. It is thought that during this period of 'crisis' clients are more open than normal, and further that after the court appearance the commitment and openness of some clients declines.

There was little support for this view from the sample studied, and officers frequently commented how co-operative clients were in providing information subsequent to the court hearing. Where clients were reluctant this was considered to be due to personality factors, and not connected with the fact that the court hearing was concluded.

Satisfaction of Criteria

When the scheme was initiated there were certain specified criteria which were to indicate exclusion from it. In the event, a sizeable proportion

of the orders made seem to have ignored one - and sometimes more than one - criterion:

In three cases police antecedents were thought not to be available
Two offenders were awaiting trial (one outside Great Britain)
One had recently been in custody (in Greece)
Six were considered to have serious problems (mainly alcoholic)
Two were described as serious offenders

Thus eight of the seventeen orders were made contrary to the recommended criteria, although very few, if any, of the prohibiting factors were apparently known to the court at the time; this is not to say that supervision did not happen to be appropriate in these cases. With regard to the instances where antecedents were not available, some previous convictions came to light after court, and so antecedents were incomplete rather than being 'not available'. If respondents are correct, this seems a high proportion of error and may be untypical.

Appropriateness of the Court's Decision

Officers were asked whether they thought the decision of the court to make a Probation Order was appropriate. In six of the seventeen cases officers considered that the order did not seem appropriate in retrospect - more often because of the lack of problems of the offender, rather than the seriousness of the probationer's criminality.

This may seem a large number, but it must be remembered that because of the nature of the scheme several officers were supervising offenders where they themselves did not present the stand-down report. In view of the variance in criteria for suitability for probation generally, this proportion may not be unrepresentative of situations where there has been a change of supervisor, and may be to a certain extent a reflection of different philosophies towards probation.

Appropriateness of the court's decision did not necessarily depend on maintaining the criteria for exclusion: for example, two-thirds of those later found to have a drink problem were considered appropriate subjects for probation.

Effect of Scheme on Court Practice

There was no record of the frequency with which local magistrates made probation orders without full SIRs before the scheme began. As a crude way of mesasuring whether the scheme had modified court practice, officers supervising probationers under the scheme were asked whether they had ever previously held an order made by local magistrates without a full SIR. Only one probation officer had ever had such an order.
The scheme therefore appears to have represented a distinct, though numerically limited, change in practice for the bench.

Tentative Conclusions

1. The scheme was successful in that it produced a change of policy in magistrates.
2. Probation officers altered their practice in that the new type of stand-down report was seen quite differently from the traditional.
3. The use of the scheme was modest, with seventeen orders made in six months. The ACPO had expected about two weekly (ie about 50 in the period), although the basis for this assessment is not known.
4. The purpose of the stand-down report should be clarified.
5. The largest number to evade the exclusion criteria were in the problem drinking category. Although these offenders were not necessarily unsuitable for the scheme, this area needs to be borne in mind during stand-down inquiries.
6. Six of the seventeen orders were considered inapproriate. Even taking into account variations in ideas as to suitability for probation, this fact may call into question the assumption that there are 'natural' candidates for the scheme.
7. None of the inappropriate orders appeared to be discharged early, although there was use of the reporting register.
8. The assumption that the scheme would save officers' time is doubtful, bearing in mind the necessity to make an assessment at some stage, and more particularly the fact that some orders were made which would not have been following the recommendation of a full SIR.
9. Although absolute numbers were low (17),these were nevertheless one-sixth of all Probation Orders made during the period, and thus not unimportant.
10. The method of introduction of the scheme was consistently criticised by officers.
11. Magistrates were informed in variety of ways. A planned campaign together with an attractive leaflet might have produced more impact and consistency.
12 Solicitors could have been notified formally of the scheme, in view

of their part in suggesting courses of action to the court.

13. There is considerable support for the philosophy of the scheme from probation officers and magistrates.

JEH/DMP
7.2.85