

## 7. ENGLAND AND WALES

Area in sq. miles . . . . .	58,340
Population . . . . .	37,885,012
Capital . . . . .	London
Population of Capital . . . . .	8,000,000

England and Wales have a probation law dated 1907, etc., for minors and adults, also parole. Criminal responsibility under seven years nil, seven to sixteen years partial.

Probation officers are full-time, trained (not all), and paid jointly by municipality and State. There are part-time also voluntary officers, and special officers for children. They have a professional association.

The Juvenile Court Law called the Children Act 1908, for offending minors, children in immoral surroundings. A special bench of two or more magistrates adjudicates. Some provision for children's clinics. Special detention homes exist, and Home Office schools for training delinquents, etc. Children's cases all come within the purview of the Children's Branch of the Government Home Office.

There is a wealth of welfare societies which co-operate unofficially with the children's courts on a voluntary basis. (See Appendix.)

The following replies to the questionnaire were supplied by the Home Office, Whitehall, in August 1926.

1 and 2. The law relating to probation in England and Wales is contained in the Probation of Offenders Act 1907, as amended by the Criminal Justice Administration Act 1914, and the Criminal Justice Act 1925. The last-mentioned Act has made important changes in the organisation of probation work.

3. The law applies to all offenders of any age. Offences committed by young persons under sixteen years of age are tried generally before juvenile courts, which have the services of probation officers. In the largest cities there are special probation officers for children. For instance, in London there are twelve specially qualified women appointed by the Home Office and attached directly to the juvenile courts.

4. Under the Acts quoted above the charge may be dismissed or the offender discharged on a recognisance, or the

offender discharged on a recognisance with supervision. The term "probation" is commonly attached to the third course and the supervision is generally exercised while the offender remains in his home or usual place of residence.

There is, however, power to include a condition as to residence in the recognisance, and this power is often exercised by the courts so as to require the offender to live in a hostel or home for a period.

5. (a) There is no prescribed training, but most probation officers have had previous experience of social work among the poorest classes, and in the large towns they receive their training when appointed by working with, or under, the supervision of experienced officers.

(b) and (c) Probation committees are responsible for paying the salaries and incidental expenses of probation officers. Payment by fees is now forbidden. The expenses of probation committees are defrayed by local authorities (i.e. county and borough councils). There is now a Government grant at present given on the basis of half the approved expenditure. A superannuation scheme for which legislative sanction has been given has been initiated for full-time probation officers.

(d) Some of the probation officers are directly employed by the courts and the whole salary in these cases is paid out of public funds. In many cases, however, the courts avail themselves of the services of the agents of voluntary societies, and in this case a proportion of the expenditure is borne by the voluntary societies. Under the new rules a third of the expenditure will be so paid.

(e) and (f) A limited number of probation officers has received no remuneration in the past. The new Act contemplates the employment of salaried officers in each probation area, but it does not prevent the employment of other persons in a voluntary capacity to assist the probation officers. It has frequently been pointed out in Home Office circulars that such assistance is essential to good probation work.

6. The medical examination of offenders lies within the discretion of the courts, who not infrequently ask for a special medical examination.

7. Juvenile offenders under sixteen are medically exa-

mined (when required) at the remand homes provided by the police authorities (in London by the London County Council). In London the L.C.C. have their own specialists who examine young persons, and in special cases offenders over sixteen are remanded to prison and examined by the medical officers. In some prisons, notably Birmingham and Wandsworth (London), there are medical officers with special qualifications. This is made a special feature at Wandsworth Prison.

8. The examination takes place after the offender has been brought to trial and during the period of remand which may be ordered by the court.

9. There are no prescribed tests, but the recognised tests are used by the medical officer.

10. See the answer to 7. There are no special observation homes.

11. Several of the Universities have special courses in social studies, of which some of the probation officers are availing themselves.

12. The court refers cases for mental or/and physical examination, and would carefully consider the suggestions of probation officers who think such reference desirable.

13. There is a National Association of Probation Officers with an office at the Town Hall, Croydon, of which Mr. G. H. Warren is the Hon. Secretary and Mr. S. G. Edridge Chairman.

14. In 1925 there were 877 probation officers, viz. 542 men and 335 women. Of these about a quarter were full-time officers and the rest part-time workers. 650 were paid by salaries or by fees and the remainder were voluntary workers.

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*Note.*—Modesty is perhaps commendable in describing conditions in regard to probation in my own country and in Birmingham, where I have lived for thirty-seven years. It is generally admitted that the first English juvenile court was founded in Birmingham in 1905, three years before the passing of the Children Act 1908. The first full-time paid probation officer was appointed by the Birmingham court. It was found necessary to appoint a police-sergeant, so that his salary and pension might be on a sound basis. It would be unjust to omit a reference to police-court missionaries, who, as servants of a Church organisation, had been doing the work of probation officers in various parts of the country even prior to the Probation of First Offenders Act 1887.

## SUPPLEMENTARY INFORMATION

The following notes are taken from the third Report on the work of the Children's Branch, July 1925, Home Office (price 9d., H.M. Stationery Office, Adastral House, Kingsway, London, W.C.2).

(1) 641,713 persons were tried in all courts in 1924, and of these 13,838—2·16 per cent.—were placed on probation. 29,624 of the persons tried were under sixteen years of age, and of these 5,812—19·62 per cent.—were placed on probation. These figures mark a substantial increase on those for 1923, which were higher than in any previous year.

(2) An enquiry was made as to the result of probation extending over a period. In one city 57·79 per cent. of those placed on probation in 1920 committed subsequent offences before the end of 1924. In certain other cities the percentages registered were 16·5, 55·28, 14·8 and 35·1 respectively. It would however be rash to attach too great importance to results based on such limited material.

(3) The expenditure of local authorities on probation work in 1924-5 is given as £47,000, but this takes no cognisance of expenditure for the purpose by voluntary societies aggregating between £50,000 and £60,000. In the same year the Government subsidised local expenses in connection with probation for the first time, the grant amounting to about £21,000. (This is believed to be the first Government subsidy ever made in this sense.) The total expenditure on Probation for 1924-5 would seem to be in the neighbourhood of £100,000.

*The Criminal Justice Act, 1925*

This Act is of far-reaching importance. It provides that—

(a) Every Petty Sessional Division, of which there are 1,031, must have one or more probation officers. (Massachusetts, U.S.A., seems to be the only other State with a similar regulation.)

(b) The justices in such divisions must appoint a committee to pay salaries, and supervise the work of probation officers, etc.

(c) The Government will make a grant in aid of the probation service.

(d) Appeal may be made to Quarter Sessions against a probation order.

(e) The amount of damages or compensation for loss which a court of summary jurisdiction may order to be paid is raised from £10 to £25.

(f) For a breach of a recognisance an offender may be fined a sum not exceeding £10 without prejudice to the continuance in force of the recognisance.

(g) Where the recognisance of an offender is forfeited, the court may require the payment of part only of the amounts payable under the recognisance or may remit payment of the whole.

(h) A court of summary jurisdiction before which an offender is brought for a breach of his recognisance shall transmit to the court before which he is bound to appear a certificate stating the nature of the breach, and such certificate shall be admissible as evidence.

The Statutory Rules and Orders given below are so important that I make no apology for reproducing them in full.

Copies may be obtained, price 4d., from H.M. Stationery Dept.,  
 Adastral House, Kingsway, London, W.C.2., England.

STATUTORY RULES AND ORDERS,

1926, No. 577  
 L. 17

PROBATION OF OFFENDERS

THE PROBATION RULES 1926, DATED 4TH JUNE 1926, MADE BY THE  
 SECRETARY OF STATE UNDER THE PROBATION OF OFFENDERS  
 ACT 1907 (7 EDW. 7, C. 17) AND PART I OF THE CRIMINAL  
 JUSTICE ACT 1925 (15 & 16 GEO. 5, C. 86).

For the purposes of these Rules unless the context otherwise  
 requires the expression:

*Petty Sessional Division* includes any jurisdiction to which the  
 provisions of Part I of the Criminal Justice Act 1925 may be applied  
 by virtue of an Order made by the Secretary of State under Section  
 2 (6) of that Act.

*Single area* means a probation area consisting of one petty sessional  
 division.

*Combined area* means a probation area consisting of two or more  
 petty sessional divisions combined by virtue of an Order made by  
 the Secretary of State under Part I of the Criminal Justice Act 1925.

*Probation area* means any probation area whether single or  
 combined.

*Court* includes a court of summary jurisdiction, a court of Assize  
 or a court of quarter sessions.

*Probationer* means any person in respect of whom supervision  
 is required by a probation order.

*Full-time probation officer* means a probation officer, whether the  
 agent of a voluntary society or otherwise, who devotes his whole  
 time to the probation and kindred social work of one or more courts.

*Part-time probation officer* means any other probation officer.

*Existing* means existing at the date of these Rules.

*Appointing authority* means the authority whose duty it is to  
 appoint probation officers for the probation area.

*Outside case* means one in respect of which a probation officer  
 is appointed to act under the Order or to undertake supervision  
 of the probationer by any court other than a court of summary  
 jurisdiction sitting within an area for which he is appointed or  
 other than a court of Assize or Quarter Sessions to which the proba-  
 tioner was committed for trial by examining justices within that  
 area.

For the purpose of the interpretation of these Rules the Inter-  
 pretation Act 1889\* shall apply as it applies for the purpose of the  
 interpretation of an Act of Parliament.

\* 52-3 V. c. 63.

*Probation Committee (Single Areas)*

1. The justices acting in and for every petty sessional division whether forming a single area or forming part of a combined area shall as soon after the 1st July 1926 as may be practicable appoint a committee of their number to act as the Probation Committee for the division.

2. The Probation Committee shall consist of three or six or nine justices. In fixing the size of the committee the justices shall have regard to the size of the division and to the amount of probation work.

3. One-third of the original members of the Probation Committee selected by agreement or ballot shall retire on the 30th June 1927; and one-third of the members selected in like manner from amongst those who shall not have been selected for retirement in 1927 shall retire on the 30th June 1928; thereafter every member shall retire on the 30th June falling in his third year of service.

Provided that (a) retiring members shall be eligible for re-election and (b) a member appointed to fill a vacancy arising otherwise than under this Rule shall retire at the date at which the member he replaces would be due to retire.

4. Any member of the Probation Committee who is absent from meetings of the committee for more than six months consecutively (unless in case of illness) shall cease to be such member and his office as such shall thereupon become vacant.

5. Appointment of members to fill vacancies arising under Rule 3 shall be made by the justices from their number on or before the 30th June in each year and members so appointed shall take office as from the following 1st July.

Any appointment to fill a vacancy caused by death disqualification or retirement other than retirement under Rule 3 shall be made by the justices from their number so soon after the occurrence of such vacancy as may be practicable.

6. The appointments of the Probation Committee shall be made by the justices acting by a majority of the votes of those present and voting at a meeting of which at least seven days' notice shall have been given. Appointments to fill vacancies on the Probation Committee shall be made in like manner.

7. The justices' clerk or a justices' clerk's assistant shall act as secretary to the Probation Committee.

8. The committee shall appoint one of its members to act as chairman.

9. If the chairman be absent from any meeting at the time appointed for the holding of such meeting the members present shall elect one of their number to act as chairman at that meeting.

10. The Probation Committee shall meet at such times and places and shall make such arrangements as to the transaction and management of its business as, subject to the provisions of these Rules, it may deem proper.

11. No business shall be transacted at any such meeting unless two or more members are present.

12. Every question at a meeting shall be determined by a majority of the votes of the members present and voting on that question.

13. In case of an equal division of votes the chairman shall have a second or casting vote.

14. The proceedings of the Probation Committee shall not be invalidated by any vacancy or vacancies amongst its members or any defect in the mode of appointment of the committee or of any of its members.

15. Where the justices have by resolution delegated to the Probation Committee the power of appointing probation officers, the Committee shall be vested with all the powers and duties of an appointing authority under the principal Act and these Rules.

16. The Probation Committee shall receive and consider the written or oral reports of the probation officer and shall make or direct the making of any communication which may be found necessary to the court.

17. The Probation Committee shall discuss from time to time with the probation officer the progress of each of the cases under his supervision and afford him such help and advice as it can in carrying out his duties.

18. The Probation Committee shall satisfy itself as to the manner in which the probation officer performs his duties and shall consider and investigate any complaint against the officer in the execution of such duties or otherwise.

19. The Probation Committee shall exercise a general supervision over the making and keeping of the probation records.

20. Where the petty sessional division comprises two or more sub-divisions or where the justices habitually sit at two or more places within the division the Probation Committee may appoint sub-committees to supervise the work of probation officers and the probation records in such sub-divisions or places respectively.

#### *Appointment and Qualifications of Probation Officers*

21. The appointment of probation officers shall be made, renewed and terminated in the metropolitan police court district under the hand of the Secretary of State, and in any other probation area by the appointing authority acting by a majority of the votes of its members present and voting at any meeting of which at least seven days' notice shall have been given.

22. Notice of every appointment outside the metropolitan police court district shall be sent forthwith by the appointing authority to the Secretary of State and to the clerk of the peace and to the chief constable of any county or borough within whose area the probation area for which the officer is appointed or any part of it is situate.

The notice sent to the Secretary of State shall include a statement of the officer's date of birth, qualifications, experience, present and past employment, and of the salary agreed upon.

23. Subject to the provisions of these Rules every probation officer shall be appointed in the first instance for a period of one year only, and if at the end of such period his services shall have proved satisfactory, the appointment may be renewed by the appointing authority and where so renewed shall thereafter continue without further renewal.

24. The appointment of a full-time probation officer shall not be effective for more than twelve months as from the date on which it operates unless it is within that period confirmed by the Secretary of State on the application of the appointing authority.

Provided that this confirmation shall not be necessary in the case of any existing officer whose appointment has been confirmed by the Secretary of State or Justices in pursuance of the Rules of the 31st May 1923.

25. Before declining to confirm an appointment the Secretary of State shall take into consideration such representations as the appointing authority or the probation officer concerned may desire to make to him.

26. Every probation officer shall be furnished with a certificate of appointment signed in the case of officers for the Metropolitan police court district by or on behalf of the Secretary of State, and in every other case by two members of the appointing authority.

27.—(a) A probation officer may resign his appointment on giving not less than one calendar month's notice in writing to the appointing authority.

(b) The appointing authority may dismiss without notice a probation officer on the ground of misconduct, and may for good and sufficient reason other than misconduct determine his appointment on not less than one calendar month's notice in writing.

28. An appointing authority may, if necessary, appoint a suitable person to act as substitute for a probation officer absent on leave or sick-leave or to act as a temporary officer where the services of an additional officer are temporarily required; provided that no such substitute or temporary officer shall be employed for a continuous period of more than three months without the approval of the Secretary of State.

29. A justice of the peace who actively exercises his duties as such in any probation area shall not be qualified to act as a probation officer in that area.

30. No police officer, school attendance officer, relieving officer, justices' clerk or other official of the Court shall act as a probation officer.

31. No person of less than twenty-five or more than thirty-five years of age shall be appointed a full-time probation officer; provided that any full-time probation officer whose services during his tenure of office have proved satisfactory shall be eligible for any fresh appointment whether in substitution for or in addition to his existing appointment notwithstanding that he may be over thirty-five years of age.

32. No person shall continue to act as a probation officer after attaining the age of sixty-five; provided that any existing full-time probation officer who at the date of these Rules shall have attained the age of sixty may at the discretion of the appointing authority continue to act until the date at which he attains the age of seventy or until the 31st December 1928, whichever may be the later.

33. In the selection of a person for appointment as a probation officer the appointing authority shall satisfy itself that the candidate has a strong character and a personality which is likely to influence

- (e) Any other expense which is deemed necessary to the proper performance of the duties of a probation officer or a person not being a probation officer named in a probation order which may be allowed by the Secretary of State on application duly made to him.

73. The expenses properly incurred by a probation officer in the performance of his probation duties shall, notwithstanding that such officer be an agent of a voluntary society, be borne by the Probation Committee; but where a full-time officer is the agent of a voluntary society an arrangement may be made whereby the expenses up to an agreed annual amount incurred by the officer in the performance of the probation and kindred social work of the court (excluding charitable expenditure incurred in assisting and befriending probationers and others) may be pooled and borne as to two-thirds by the Probation Committee and as to the balance by the voluntary society.

74. Where payment in respect of the probation expenses of a probation officer who is an agent of a voluntary society is made to such society such payment may be claimed by and made to such society either monthly or at such intervals or times as may be arranged. Provided that in the case of a full-time officer in respect of whose expenses a pooling arrangement has been made under Rule 73 the whole amount of the pooled expenses for the period covered by the claim, and in the case of any other officer the amount involved in the claim, shall have previously been expended by the society and the society produces a certificate by its treasurer or other responsible officer to the effect that such expenditure has been duly incurred and (if and when required) the books, vouchers or other evidence relating to such expenditure.

#### *Expenses of Probation Committee*

75. The Probation Committee shall be entitled to incur the cost of stationery, postal charges and similar petty expenditure.

#### *Financial Arrangements*

76. The Probation Committee and the local authority shall take all necessary steps to fix by agreement and in accordance with these Rules, the scales of salaries and remuneration to be paid to probation officers, the fees to be paid to persons not being Probation officers named in probation orders, and the expenses to be allowed to such officers and persons. In any case where there is failure to arrive at an agreement in respect of any of these matters the Probation Committee shall forthwith notify such failure to the Secretary of State.

77. Where the services of a probation officer are shared with any other probation area or areas the Probation Committee shall consult with the Probation Committee of such other area or areas and any local authority concerned in order to determine by agreement the proportions in which any expenditure shall be deemed to be attributable to the respective areas.

78. The Probation Committee shall pay from time to time to probation officers or persons not being probation officers named in