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Probationary guardianship as a system of integrated personal, environmental, cultural and civilisational interactions with violators of the social order

Kuratela probacyjna jako systemem zintegrowanych oddziaływań osobowych, środowiskowych i kulturowo-cywilizacyjnych wobec osób naruszających ład społeczny

The distinction between subjective and objective good is linked to the category of human autonomy and dignity. When the individual is treated by the law, the system and the social policy as the subject of all actions, the autonomy and dignity of the person are preserved. The basic tool of the probation officer during the educational impact of the probation process is to interview the convicted person. This interview takes the form of a verbal exchange of thoughts and views, which should lead the probation officer and the convicted person to take mutually agreed practical action.

Key words: probationary guardianship, group therapy, resocialization in society

W trakcie rozmowy pomiędzy kuratorem sądowym a osobą dozorowaną pogłębia się więź interpersonalna stanowiąca czynnik pośredniczący w procesie wdrażania skazanego do przestrzegania ładu aksjologicznego społeczeństwa. Aby rozmowa stanowiła w pełni efektywny środek komunikacji kuratora z podopiecznym, nie może być krępująca dla żadnej ze stron i dlatego powinna przebiegać w naturalnej, niewymuszonej formie.

Słowa kluczowe: kuratela probacyjna, terapia grupowa, resocjalizacja w społeczeństwie

Introduction

In the course of a conversation between the probation officer and the supervised person, the interpersonal bond that is responsible for the convict's obeisance to the axiological order of society deepens. To be a fully effective means of communication between the officer and their ward, the conversation must not be embarrassing for either party and should therefore take place in a natural, unforced form.

Flexibility in the choice of means of communication with their ward allows the probation officer to make appropriate use of the interview results to identify the most important reasons hindering the convict's proper functioning in the society.

Whatever method of communication is used by the probation officer when interviewing the convicted person, they have to bear in mind the existence of the other person's undisclosed needs. Satisfying them in the course of guardianship determines the success or failure in achieving its objectives.

The basic needs of a person controlled in their return to freedom under the probation system include:

1. the need to be treated as an individual,
2. the need to be heard,
3. the need to be accepted,
4. the need to have a conversation in confidence,
5. the need for the probation officer to show understanding of the given person's problems (the need to be understood),
6. the need to be given help in solving problems.¹

The need to be treated as an individual stems from the uniqueness of the human being. Each person is physically and emotionally different from others.

Each of the convicts has experienced in their life particular relationships with other people with all the implications of their type of personality, their sensitivity and the way they react to certain life situations.

In social terms, each individual occupies a position at the centre of their proper social roles and relations.

Human individuals are traumatically unique in the sense that no one else has experienced exactly the same combination of life events. While

¹ E. Goffman, *Asylums*, [Pelican], 1968.

certain problems are common to certain groups and social environments, each person perceives them differently. Existentially, each human individual is unique.

At the turn of the 20th and 21st centuries, society is characterised by an advanced institutionalisation of the main areas of life. This applies not only to industry and commerce, but to education, health care and, of course, all forms of power interactions. Institutionalisation brings the development of bureaucracy and the hierarchisation of social roles. These phenomena can make the person released from prison feel isolated and lost in the surrounding social reality.

In this situation, the individualising function of the probation officer can be seen as making an offer of assistance to the probationer, tailored to individually identified needs, and creating opportunities for their implementation. The individualisation of the probation officer's tutorial actions thus means bringing about a change in the convicted person's life situation, appropriate to the specific needs of the individual and their personality. The assistance provided under these conditions may take the form of support and encouragement for the convicted person's own actions, the offer of practical help (if this appears necessary to solve certain difficulties), possibly providing suggestions on other ways of solving problems.

The individualised approach to the problems of the supervised person makes it possible to formulate a proper diagnosis concerning their personality. It avoids the risk of generalising the causes of delays in the development of the convict's pro-social attitudes. Treating the prisoner as an individual has a positive impact on their self-image, self-confidence, motivation for corrective action and, consequently, on the success of education for freedom.

During the interview, the person under probation feels the need to share their problems with the probation officer.

The way a convict presents their living situation to the probation officer can reveal a lot about their emotional state. Prisoners eager to talk, who even inundate the probation officer with information, almost forgetting their presence, may feel overwhelmed by their problems or by the assistance imposed on them by the probation service.

Often fearing the reaction of the probation officer, they do not share their difficulties, even though they are able to express the problems that hinder them from functioning properly in society. They fear that they will

say too much about themselves, which will make their current situation worse or will make them sound ridiculous.

The general formulation of the problem by the convict during the interview may indicate that they feel the disadvantages of their lack of social adjustment and cannot find the reasons for this situation. In some cases, prisoners deny the existence of any difficulties in correct social functioning or admit to only part of them. The only help they expect, if any, is the one that would be provided on their own terms. Such a situation may represent a lack of motivation on the part of the convicted person for corrective action or a desire to use the assistance provided by the probation officer for particular objectives. It is extremely important for the probation officer to be able to read the emotional state of the convict from the way they behave during the interview. This way of identifying the prisoner's needs is sometimes referred to in the literature as non-verbal communication between the prisoner and the probation officer.

In order for the probation assistant to draw valid conclusions from the interview, they must ensure that their client enjoy physical and emotional comfort during the interview.

Here are some of the elements that make up emotional comfort:

- the convicted person feels that the probation assistant is making their time available to them;
- the officer's attitude during the interview expresses interest, attention and acceptance;
- the convicted person feels the probation officer's focus on solving their problems;
- the probation officer has the ability to meet the specific needs of the prisoner.

Effective listening to the prisoner by the probation officer enables them to understand the problems in the social adaptation of the convicted person and therefore to make a valid diagnosis and take effective measures to make the supervised person comply with the axiological order of society.²

Acceptance means accepting the person leaving prison with all their feelings and experiences and plans for the future. The ability to perceive the dysfunctional elements of the supervised person's personality enables

² F. Hollis, *Casework: a Psycho-Social Therapy*, Random House, 1972.

the probation officer to take educational measures to encourage them towards pro-social behaviour. Separating the traits of positive social reference from the personality and the individual is particularly important for determining the possibility and capacity of the convicted person to function in the society in a correct manner.

The acceptance by the probationer of all their positive and negative experiences is necessary for establishing a relationship between them and the probation officer. The offered acceptance of the probationer turns into an emotional bond between them and the probation officer that can be used in the social rehabilitation process.

Dealing with a supervised person is the sum of all the activities and services of the probation officer aimed at helping the individual to adapt to the society. It focuses on uncovering current problems and modifying the underlying difficulties that have contributed to them.

Direct approaches are seen in the literature as the result of a systematic yet flexible way in which the person under supervision can work to overcome their difficulties. These include the convict's emotional attitudes towards problems arising in the course of educational interventions and the possibilities of overcoming them.³

Direct therapeutic work is seen as a sequence of conversations conducted with the aim of inducing or reinforcing a positive attitude in the person released from prison to maintain emotional balance, make constructive decisions or change their functioning in the society. The therapeutic interview is used by the probation officer when the convict's negativism has become a cause of conflict with the community at large.

Using the casework strategy, the probation officer should help the convicted person to adapt properly (i.e., in a way related to the problem at hand) to society, by readjusting the person emotionally to comply with existing rules and norms of behaviour in the society.

Advising the probationer about themselves in solving their problems in complying with the conditions of liberty is done by means of a rational discussion between the probation officer and their ward about particular difficulties. During the interview, the probation officer makes use of the sentenced person's feelings caused by their current life situation. The emotional elements extracted from the prisoner's personality in this way can imply the degree of re-experiencing of emotions experienced

³ P. Halmos, *The Faith of the Counsellors*, Constable, 1966.

by the probationer in prison and constitute a sanation of their anti-legal attitudes.⁴

Another method, which is equally effective, is maintenance psychotherapy, which involves expressing the probation officer's interest in the problems of the supervised person, focusing attention on them, accepting the convicted person, expressing confidence in their ability to improve and encouraging further efforts in this direction. The probation officer's taking extra time to talk to the probationer over and above the schedule is a sign of respect for the probationer's efforts.

These techniques can be of particular value at the beginning of a contact with the supervised person. They encourage the proper development of the bond between the two subjects of the social rehabilitation process, maintain the convict's motivation for corrective action and preventing the prisoner from becoming impatient when new difficulties arise or when they do not clearly cope with existing ones.

When the convicted person shows impatience with the lack of progress in the social readaptation or, despite the educational measures taken, continues to become involved in more and more problems, or when the probation assistant has noticed signs of psychosis in their ward, of being trapped by problems that are incomprehensible to the convicted person, then it is necessary to re-orientate the supervised person.

Supportive psychotherapy provides an expediting of support for the person in supervision to make them cope independently with the complex reality.⁵ Maintenance psychotherapy can be practised when it occurs that the convicted person asks the probation officer for confirmation of the rightness of their behaviour. Maintenance therapy also proved effective in long-term cases. Securing occasional contact between the individual and the probation officer may be sufficient to give the convicted person the confidence in their own actions that they need in order to act independently.

The mere fact that a 'lifeline' exists is often enough to make a person leaving prison feel confident and may result in this 'emergency route' never having to be used.

Ventilation psychotherapy, on the other hand, aims to create the physical and, more importantly, emotional conditions for the convicted

⁴ G. Hamilton, *The Theory and Practice of Social Casework*, Columbia University Press, 1951.

⁵ H. Perlman, *Social Casework: a Problem-solving Process*, Chicago University Press, 1957.

person to reveal the characteristics of their personality during the interview with the probation officer. This includes both positive and negative characteristics. However, in order to achieve the objectives of ventilation psychotherapy, it is essential for the probation officer to identify the negative personality traits of the convict that have never before been revealed to the outside world, which makes a ghetto syndrome appear in the prisoner's mind; such a person will never be able to free themselves from this ghetto without the help of the probation officer.

This is why it is so important for the prisoner to open up in conversation with the probation officer and thus get beyond the wall of the dark side of their personality. This situation can result in elevating their image in their own eyes and ceasing to perceive society as the enemy of their freedom, getting rid of the fear of the surrounding reality and developing the ability of the person leaving prison to communicate with other members of the global collective.

Organising the methods strategy in the activities to be undertaken should include a reflective discussion of the life situation and the place occupied by the convicted person. It should work on three levels as:

a) *Discussion of the situation of the convicted person*

Its aim is to help the person under supervision to achieve a realistic assessment of their life situation. It can facilitate the convict's ability to cover a wider range of determinants of its complexity and eliminate errors in its assessment. A realistic picture in the situation, taking into account objective elements, may be sufficient to mobilise the supervised person and make them try to solve the problems surrounding them.

b) *Discussion of the behaviour of the person on probation in terms of its effects on society*

It is used by the probation officer to identify problems or to get answers if discussion of the situation has not yielded satisfactory results. This represents the beginning of helping the supervised person to analyse the quality of their interaction with the other members of the collective.

c) *Discussion of the sentenced person's feelings and reactions to the surrounding social reality*

In educational action, it represents a shift to a subjective judgement of the situation. The subjective feelings of the probationer, as revealed in

the interview with the probation officer, can provide a basis for reviewing the main problems and the solutions adopted for them.⁶

When it becomes clear that a reflective discussion is insufficient to improve the prisoner's negative attitudes, and that the supervised person has the capacity to overcome anti-legal attitudes, the probation assistant can, together with their ward, proceed to an analysis of the prisoner's feelings and motivations, lying outside interactions and relationships with other members of the global community.

This procedure leads the educational process close to the intrapsychic conflicts determining the attitudes of the rehabilitated person and their conscious or subconscious manifestation to the outside world.

This method is used when the requirement for the convict to have at least some degree of self-awareness has become part of the relationship with the probation officer and it is necessary to achieve the goals of the correctional process.

The discussion of the aetiological factors of the given individual's disturbed functioning is the ultimate method of psychotherapy that can be used in rehabilitation proceedings if the analysis of dynamic factors proves insufficient. The aim of this interaction is to help the supervised person to understand their past and to find solutions that clarify the convicted person's difficulties in complying with the axiological order of society so as to enable joint problem-solving. However, the probation assistant must use this method with great sensitivity, as prisoners may try to use talking about their past to block consideration of current problems or to justify their current behaviour in collective networks.

The explanation of events and the resulting genetic findings should be left by the probation assistant to the probationer rather than be done by the officer. The probation officer's interpretations, even if correct, can be rejected, rationalised or accepted by the convict only at the intellectual level, where no real emotional change or development of positive personality traits takes place.

Logotherapy, as a method, is unfortunately often overlooked in the available works on social rehabilitation. Meanwhile, crime and purpose in life are inversely proportional, according to many studies in Western countries. This is based on the fact that the more persistently the given

⁶ Ibidem.

person breaks the law, the more they are imprisoned and the more their life situation obscures their purpose in life.

Losing the meaning of life increases the likelihood that the probationer will be notorious for going against the legal order after their release. Let us add that empirical studies have established the effectiveness of logotherapy for convicted offenders: it was revealed by a significantly lower recidivism rate for those receiving logotherapy. It is not an attempt to impose some sense of life from the outside, it is rather about making people find, from the bottom up, their particular individual meaning.

Indirect actions in the social rehabilitation process include the use of socially available aids that respond to the educational needs articulated by the convicted person during probation.

Probation officers are the trustees of all the means and methods developed by society to provide assistance to those who seek it from them. The position of the probation officer in the collective therefore determines their accountability to society. It stems from the obligation to know the methods and means of assistance and to use them appropriately.

Referral to appropriate support agencies is the first element in meeting the needs of the supervised person. Since people leaving prison are characterised by a significant degree of social maladjustment, psychosocial and somatic dysfunction, difficulties in undertaking and fulfilling basic social roles, compulsive alcohol addiction, derailment, permanent loss of health or even disability – it is often necessary to apply specialised interventions to them, which are beyond the reach of the probation officer.

Material assistance, on the other hand, should be provided where it is genuinely necessary and the facts of its provision should not cause the prisoner to reduce their motivation to acquire financial resources on their own, in a legitimate manner. The fact that unwarranted material aid is given is not only unfair to those convicts who are coping with financial problems on their own, but also causes disapproval in those who are working hard.

In this delicate situation, probation officers have certain responsibilities in formulating requests for material assistance for their wards:

1. to know in which form this assistance is available, by whom it is provided and under what conditions;
2. to take administrative action to receive material support;
3. to know of the areas where such assistance is provided and those areas where it does not reach due to erroneous administrative decisions;

4. to know the districts where the assistance provided is inadequate;
5. to ensure that the assistance provided is appropriate to the needs of the person under probation;
6. to help the supervised person become financially independent.

The provision of material aid always gives rise to ambivalent feelings about it on the part of both the giver and the receiver.⁷

Therefore, the quality of the relationship established between the probation officer and the probationer during the educational interaction determines the legitimacy of undertaking this form of assistance.

The probation assistant is invariably involved in the environment of the supervised person during the entire social rehabilitation process.

The environment of the supervised person often requires support from the probation officer because of the difficulties the convicted person brings to its functioning. On the other hand, in different circumstances, it is the person under guardianship who needs help to behave correctly in their professional environment, neighbourhood, family, peer group, etc.⁸

Skilful environmental management means obtaining emotional support from the community for the prisoner's correctional actions, as well as attempts to change the attitudes of those in the community towards the prisoner, whose attitudes are an integral part of their social readaptation process.⁹ In their diagnosis, the probation assistant assesses what environmental assistance is needed in a particular case and how vulnerable the environment of the person undergoing the social rehabilitation is. If the social environment of the supervised person is friendly to them and is willing to help them, then the task of the probation officer is to support the efforts of the environment and to help the convicted person to use them appropriately.

Group therapy, community work and residential care

Group therapy emerged at the end of the 19th century, when the emphasis of aid activity was on bringing about social reform.

⁷ Ibidem.

⁸ N. Tims, *Recording in Social Work*, Routledge&Kegan Paul, 1972; A. Bałandynowicz, *Probacja. Resocjalizacja z udziałem społeczeństwa*, Warszawa 2011.

⁹ N. Toren, *Social Work – the Case of a Semi-Profession*, Sage Publications, 1972.

In the era of the booming free-market economy, workers in large social enterprises fought for an eight-hour working day. It was also a time of social workers speaking out against child labour, which stemmed from their recognition of the human right to healthy, successful development and access to education.

The understanding of human needs beyond the economic necessities of life, ushered in the perception of the individual seen as a subject of law.

A professional probation officer, representing a charitable organisation, could do a lot to help a prisoner identify and resolve their problems or arrange real financial and service benefits. However, the convict needed, in addition to this, the consolidation of a positive social reference in their own group, which required the assistant to undertake a promotional influence on the individual in the group and on the social arrangements prevailing in the collective itself, the nature of which reflected its quality and essence.

World War II set the pace for studies on group processes, particularly in the United States of America. They were stimulated by the combined horror of and fascination with the means and methods used by the Nazis, and by an interest in increasing the efficiency of the army (the so-called T. groups were formed among the officers).

The lack of psychiatrists working for the US military to deal with the numerous cases of the many varieties of neuroses afflicting the military services led to the development of group therapy methods. These were enriched by the experience of the post-war period: the effects of the war experience exacerbated by the enormity of the destruction, the internment, concentration camps, mass shootings of soldiers and civilians, all of which had a profound effect on people's psyches. These experiences made a dramatic contribution to the knowledge we already had about the effects of group processes and their practical use.

Group therapy envisages tapping into the need common to all individuals to be accepted by those around them, growing out of self-respect and belonging to the human race. The aim of group interaction is:

1. on the basis of a case study: to estimate and support the integration of the internal and external social needs of the person under probation;

2. on the basis of macro-social analysis: to assist in changing the convicted person's living environment when it is not favourable (or even hostile) to the given person, thus preventing their social readaptation.¹⁰

The objectives of any group are defined by the needs and core value system of its members. An individual acquires a sense of value, or at least should acquire one, in their own family (and this is the reason why working with the family is of the greatest importance), but as people grow older, this sense needs to be supplemented and emphasised in relationships with peers. During their lifetime, human beings belong to three successive groups of different types, namely:

1. the primary group into which the individual is born, i.e., the family;
2. friendship groups assembling themselves in a free manner;
3. vital-interest groups.

In the development-oriented groups, i.e., in most therapeutic groups, the probation assistant must be aware of the specific needs of each person and should sometimes provide group experiences that resemble those of the primary group, for example the family. Due to the enormous dynamics of individual and group processes, the superintendent has to be particularly sensitive to the forces at work in the group, but at the same time to ethical requirements and to their own impulses that could lead him to abuse the authority that derives from their central position in the group. If an individual is part of a group, their behaviour is determined not only by their internal forces, but also by the people around them. Probation assistants thus need to understand group dynamics, or the concept of group processes, in addition to understanding the dynamics and the individual. The network of psychological interaction occurring in each group is precisely a group process. The group therapy process means that a conscious, helpful force – the probation assistant – enters into these interacting connections.

Let me remind you that a group is a number of people interacting with each other and forming a certain whole, different from others. It is important to remember this definition of a group, as it makes a clear distinction between a group and people assembled by chance. A few people standing together at a bus stop waiting for a bus does not form a group; they are simply together at the same time. The probation assistant works mainly

¹⁰ Report of the Committee on Local Authority and Allied Personnel Social Services, C.M.N.D., 3703, H.N.S.O. 1968.

with groups where the interaction occurs and where individualisation is possible. The degree of interaction can vary greatly between groups. Similarly, individual group members may represent varying degrees of interaction.

Group processes can sometimes have elements in the form of sub-groups. No group does everything in full force, and individual members make various connections with others. Each group forms a number of subgroups. However, in order to diagnose a group, it is necessary to determine whether these sub-groups threaten the unity of the group, whether they have emerged from warring factions or from dogmatic adherence to certain views, or whether they have become friendly formations, indicating stronger ties between individuals.

Another important factor in the group process is the in-group bond. It is the awareness of the ties that form the group. If we define a bond solely as a 'sense of belonging', we can measure the effectiveness of the group according to this in-group bond. But group bonding can also be destructive. Its strength can come from fear or the deep interdependence of group members. An example of group bonds induced by fear is the criminal gang, in which strong group ties have been formed by the iron hand of the chieftain. A group bond, based on interdependence, is present also in the hooligan group, which sticks together from childhood and prevents the formation of new individual friendships by showing harsh disapproval of any person who tries to do so. In this view, group bonding can be a powerful element of the group process in both constructive and destructive sense.

The correct understanding of the phenomena of the group hostility and the group contagion is an essential problem. A very controlled person may sometimes show unusual signs of hostility simply because their behaviour becomes part of a hostile group atmosphere. We may encounter hostility towards people who would not be judged negatively if they could be confronted individually. Such hostility can often be observed towards minority groups.¹¹ Group contagion is a phenomenon that can be observed but whose dynamics are not yet fully understood. We do not know why, in some cases, it works like a spell; why, for example, the whole camp boils over when two or three convicts betray symptoms of

¹¹ W.G. Runcimann, *Relative Deprivation and Social Justice*, Routledge and Kegan Paul 1966.

distress. In another, different situation, the same convicts may not have any influence on the behaviour of the other members of the group.

There is probably no prisoner who ignores the power of group contagion during the early stages of incarceration. Even a quiet, calm, controlled inmate can be drawn into a vortex of tormenting anxiety, triggered by the fears of a group living through the shared experience of a situation of loss of freedom. And anyone who has had to stand up to persecution and cruel interrogations knows how much it means to know that others are going through the same thing. These are aspects of the phenomenon of belonging to the group and of the group contagion.

Another concept closely related to the above is group support. We recognise that theft is rarely the work of just one person. Mostly there is a gang of some sort whose members provide support and build courage in one another. The phenomenon of group support is used effectively in groups formed for therapeutic purposes. One of the main foundations of group management of people with mental or emotional disorders is precisely the support from others who have the same problems.

Group conflicts and the ways in which they are resolved need to be carefully observed. We know that there are different ways to resolve conflicts: departure of a part of the group ('we have had enough', 'we have no illusions', 'we are running away', 'we will form our own group'), majority rule (the largest number of votes decides the action, regardless of arguments to the contrary), minority consent (the majority rules, but the minority does not feel beaten because it agrees to the action), compromise (two conflicting subgroups agree on a 'golden mean') and integration (opposing opinions are discussed, balanced and worked through until the group reaches a decision that satisfies everyone). Integration is the most mature way of resolving conflicts. By observing how a group resolves its conflicts, we can determine its level of maturity. Helping the group move towards maturity of action is one of the duties of the probation assistant.

Every group therapy is run in a different way, depending on the therapist. The most effective probation officer can apply the basic principles in a creative and disciplined way. The principles are as follows:

1. The probation officer's function is to help and enable action. This means that the aim of the probation assistant is to help group members and the group as a whole to become more independent and to acquire the capacity for self-assistance.

2. By determining their method of assistance, the probation assistant applies scientific methods – namely fact gathering (observation), analysis and diagnosis – to the individual, the group and the social environment.
3. The group therapy method requires the probation officer to enter into deliberate connections with group members and with the group as such. This conduct takes into account a conscious focus on the core purpose of the agency represented by the employee and on the needs of the group, as expressed by its members directly or through their behaviour. That is the difference between such links and random interactions with an unspecified focus.
4. One of the main ways of making such links is through the conscious use of oneself. This includes self-knowledge and self-discipline in links, while maintaining some kind of spontaneity.
5. It assumes the acceptance of people without, however, accepting all forms of their behaviour. Such attitude includes a fundamental respect and affection for people and a positive attitude towards both their strength and weakness. Such behaviour is by no means sentimental; it is reinforced by an understanding of the individual's needs and social demands.
6. Engaging with the social rehabilitation work in a way that does not demolish the group's existing achievements. What is needed here is the ability to not interfere and to allow the group to develop freely, over a period of time, without imposing external severity.
7. Constructive use of restrictions. Restrictions need to be used wisely, tailored to individual and group needs and the function of the assistance agency. The forms of these restrictions should vary. The probationary assistant should mainly use themselves, programme materials, intra-group interactions and the stimulation of group members' awareness.
8. Individualisation. This is one of the specific features of the group therapy method, which ensures that the individual is not lost in the whole, that they feel their own individuality and as such can be beneficial to the group.
9. Using the interaction process. We refer here to the ability to maintain balance in a group, allowing conflict when it is necessary and not allowing it when it proves harmful. Assistance to a stranded group member is provided not only through individual attention paid by the

probation officer but also through bonding with other members. Help is also given to the leading member of the group by enhancing their natural skills to become a democratic leader, increasing the group's capacity.

10. Appreciation and conscious use of both non-verbal and verbal programme (discussions).¹²

The environmental impact aims to provide emotional support and a favourable attitude from the immediate social environment, which can help to solve difficult life situations and positively influence the prisoner's change of attitude.

The development of environmental impact appears to be influenced by five directions of assistance work.

1. *Social planning*.
2. *Social development*. This direction was the foundation for the 19th century reform movements for crime reduction and prisoner relief.
3. *Environmental development*. This direction was probably born at the peak of the expansion of the British Empire, when colonial administrators were taking over new territories.
4. *Environmental work organisation*, derived from the idea of social case work, coordinating local voluntary efforts geared towards the prevention of negative environmental phenomena. It has now been taken over by the Community Chest movement in the United States of America, which emphasises the creation of promotional and developmental motivation.
5. *Environmental action*. Direction seeking ways to help people who are particularly disadvantaged in society.

The development of community care came with the development of sociological theories and their use by political movements. The impetus for this development in the 1930s was the enormity of hitherto unsolved social problems. This state of affairs was accelerated by the Great Depression in the US., the identification of poverty zones and associated pathologies in major cities, as well as the proliferation of bureaucratic structures in aid organisations (both commercial and governmental) operating on a wide social scale.

Environmental impact was therefore an effective way of addressing the accumulated problems in the life of the global community. It takes

¹² R.E. Smalley, *Theory for Social Work Practice*, Columbia University Press, 1974.

the form of measures to correct the functioning of the convict's basic environmental circles and measures to integrate them into new social structures.

The workplace is an important environmental circle. The value of work in the field of social rehabilitation and the impact of work teams is discussed extensively in the literature and it would be pointless to report on the current assumptions. In adult probation, this is all the more relevant as the statutory model recommends the appointment of probation assistants in the workplace, and empirical research shows that this form is more widely accepted by the convicts. Organising the working environment primarily involves the choice of location and type of work. Research shows that when it comes to the social readaptation of offender, the most favourable workplaces are large industrial plants with vocational training systems, extensive social facilities and the possibility to integrate the offenders into the current of group life. Contrary to this, there are provisions in the legal order prohibiting the employment of convicted persons in a number of attractive jobs, despite the fact that higher-ranking provisions in the system of legal sources declare the principle that the fact of conviction cannot be the exclusive ground for refusal of employment. No wonder that these phenomena created by official factors at the level of the social macro-structure correspond with the reactions of members of work teams towards the convicts they employ. It appears that the fact of conviction is a highly stigmatising factor, making it difficult for convicted persons to establish positive and deeper interactions with the work environment. To discriminate against convicts by means of artificial formal barriers and rigorous social exclusion implies either the powerlessness of the probation assistant or forces them to act beyond their competence and assume the role of a person fighting against the resistance and inertia of the administration apparatus.

Equally important, although generally overlooked in the work of probation officers, is the impact on the collegiate environment in which the convicted person spends their free time. The rational filling of leisure time by convicts should take place on two parallel levels: the elimination of contacts with the former criminogenic environment and the organisation of a new social structure in which these persons will be willing to fulfil new social roles that provide them with greater global reward than the former ones. It is clear that when organising the convicted person's leisure time, the probation officer should pay attention to their preferences.

Residential care was originally a form of educational influence on an individual subject to a custodial sentence and placement in a closed correctional facility attached to a psychiatric hospital.

At present, this form of probation is applied to sentenced probationers suffering from a particular degree of personality disorder in a situation where effective individual interaction of the probation assistant with the probationer under the conditions of the social macrostructure is doomed to failure. Placing the convicted person in an environment that corresponds to their developmental capabilities and capacity to act independently while at the same time ensuring that they are provided with immediate, specialised assistance, consolidates to a much greater extent than in a macro-structural setting the success of the probation assistant's individual interventions aimed at eradicating the person's anti-legal attitudes.¹³

Practice of the social rehabilitation work in probation based on a system approach

Systems theory is an attempt to unify the conceptualisation of the work carried out in probation institutions. It assumes that the individual is itself a 'system' interacting with others in direct relationships, which themselves also form systems – the relationship of the supervised person with their spouse, family, neighbours, with others at work, school, leisure, etc. These direct systems are part of larger relationships – a school, a business, a city with its encompassing structures such as trade unions, local authorities, etc., which are reflections of larger, more complex systems such as stratification and power sharing.

In this sense, systems theory is a diagnostic tool – a means of identifying the system or systems that cause functional difficulties in the life of the global collective. But it is also a directive of where to intervene and suggests the most appropriate form of that intervention.

¹³ P. Townsed, *The Last refuge*, Routledge and Kegan Paul, 1962.

A. Pincus and A. Minahan bring this theory to the practice of the relief work itself, identifying in the social rehabilitation process four types of systems:¹⁴

1. The system of changing the probation officer when, in a certain degree of complication of the convicted person's problems, the probation assistant considers that they have exhausted their possibilities and capacities for solving the supervised person's life problems in this particular case.
2. Probationer system: an individual, family, group, organisation or community that requires the assistance of a probation officer and expects to benefit from their work.
3. Target system – a person, family, group, organisation or community (as well as parts or a combination thereof) at which the system of changing probation officers directs its efforts (directly or indirectly) to acquire benefits in favour of the probationer system.
4. Action system – consisting of all those people and processes that are subject to the work of the system of changing probation officers, and affects the target system.

Pincus and Minahan also describe the intervention process based on the 'common ground' thesis as a time-spread phase. They suggest five degrees of this process:

1. recognition of the problem and the link between the system of changing probationer officers and the probationer system;
2. identification of the systems associated with the problem and establishment of a status for the probationer system;
3. action system formations;
4. action system operations;
5. evaluation, termination or transformation of the action system.

These phases are not disconnected from each other; they can overlap at various points and combinations during the educational process. They too approach the analysis of probation assistance on a similar 'common ground' basis, suggesting that the probation officer's proficiency in dealing with the problems of the probationer may be contained in the following actions:

1. Data collection.

¹⁴ A. Pincus, A. Minahan, *Social Work Practice Model and Method*, Peacock Publication, 1973.

2. Data analysis. There are two elements at play here: making sense of the data, which is not just a matter of theoretical knowledge, but also the ability to link this theory to an existing situation, and taking decisions based on the data collected.
3. Interventions, referred to as indirect impact measures, focusing mainly on working with the action systems and illuminating aspects of care planning, as well as direct impact measures, which focus on the probation officer's direct relationships within the systems and emphasise their ability to collaborate during the upbringing of the convict.

Expression of the unitary approach, Howard Goldstein's theory also bases its approach to probation problems on the systems theory.¹⁵ It suggests, however, that what is referred to as the inmate's social adaptation in the situation found after leaving prison is a fundamental condition for the changes that are necessary in solving problems in their social readaptation. Change will depend on the convict's ability to assimilate new social facts, attitudes and ways of behaving positively, and thus, in effect, on their ability to the social adaptation.

Goldstein identifies six stages in the resolution of problems experiencing by an individual in adhering to the axiological order of the global collective:

1. the need to feel or observe difficulties;
2. formulating, locating and defining the need or difficulty in the context of the prisoner's personal circumstances;
3. collecting the necessary information related to the need (difficulty);
4. identifying the consequences of possible solutions;
5. checking, accepting and implementing solutions;
6. the course and control of the solutions adopted.

He suggests that the social adaptation processes that accompany these stages are:

- arousing and focusing attention and interest;
- organising and assessing the problem and planning further action;
- seeking and acquiring new information and perceptions;
- experimenting with alternative means, behaviours and consequences;
- preparing for action, confirming solutions and achievements, acting, evaluating; incorporating achievements and (if necessary) reformulating the problem.

¹⁵ H. Goldstein, *Social Work Practice: a Unitary Approach*, University of South Carolina Press, 1973.

The contribution of probation at each of the different stages can take the form of:

1. helping to identify the problem, counselling, raising motivation, assessing, informing, defining the causes of difficulties;
2. assistance in the assessment of difficulties, the formulation of plans for corrective action, participation in the assessment of the possibility of the convicted person taking independent action, promotion of motivation, helping to clarify the social role to be undertaken;
3. stimulating in the convict's mind the practical, psychological, social and consensual factors facilitating their social readaptation;
4. increasing problem-solving efforts by sustaining, checking the environment, assessing, guiding and motivating to overcome difficulties;
5. helping to check what are the results of the supervised person's efforts undertaken in everyday reality, by evaluating and supporting them and confirming the adaptation achieved through them;
6. helping to support the prisoner's adaptation to society by valuing the opportunities involved, assisting with the analysis and implications of the outcomes of this process and planning for its completion.

Based on this model, Goldstein suggests that there are three phases to the practice of promotional work: the induction phase (combining the first and second stages of problem solving, dealing with social adjustment and post-penal assistance processes), the core phase (combining stages 3, 4 and 5) and the final phase (stage 6). He analyses these three phases in a 'common area', suggesting that everything there is a closed relationship between the probation officer goals and actions in the probation setting. Each phase has its own characteristics and includes what Goldstein describes as a strategy, defined as study and evaluation, intention and intervention, and assessment. However, it recognises and uncovers some of the differences in practice in these strategies when the probation assistant is dealing with individuals, families, groups, organisations and communities.

Ultimately, Goldstein builds us a three-element model of relief work practice: with dimensions in the form of goals, phases and strategies. Each dimension is divided into three elements: goals – for individuals, families, groups, organisations and communities; phases – for induction, core and termination; strategies – for study and evaluation, intention and intervention, as well as for evaluation.

However, not all of those who use the systems approach as an appropriate methodology end up with an element of estimation in their probation work. During the process, they reject some of the difficulties associated with the unitary approach, especially those arising from basic knowledge, skills and orientation.

J. Whittaker assesses the distinction between microsystems, where each member of the system is in direct relationships with all other individuals (for example: in families and small groups), and macrosystems, where at best only a few individuals within the system know about each other and interact together.¹⁶ The practice of probation within microsystems (i.e., with individuals, families and small groups) will entail the interpersonal assistance of a probation assistant among the members of the system within its functioning. In macro-systems (neighbourhoods, organisations, communities and societies), the probation assistant will be forced into some direct relationships, but these will concern only some (representative or most important) of the stakeholders. Although, for various, often practical reasons, most members of the system may never be directly drawn into working with a probation assistant; they should focus their attention on helping everyone else. Whittaker believes there are clear differences between relief work based on micro- and macro-systems in terms of the knowledge used, objectives and strategies. He sees the 'microsystem' probation officer as intervening in formal and informal structures and communities to assist members of these microsystems, rather than aiming to try to change the macrosystems as such.

Whittaker sees the probation assistant in the 'micro-social' post-penal assistance process as employing measures of direct referral, crisis intervention and defence on behalf of those on probation and supervised by them: contrasting these with the macro-systems measures of community organisation, social activity, persuasion, coordination and community analysis.

Considering the micro-focus and the role of the probation assistant as advocate, defender, teacher, counsellor and intermediary, Whittaker suggests that there are four core areas of knowledge related to probation work in the micro perspective: psychoanalytic theory, social adjustment theory, systems theory and the humanistic-existential approach. These contrast with the basic knowledge related to macro-system interventions,

¹⁶ J. K. Whittaker, *Social Treatment: an Approach To Interpersonal Helping*, Aldine, 1974.

based on sociology, economics, political science and the employer-employee relations.

Whittaker examines systems theory from the perspective of its most important assumptions: the perception of the human being, its key principles, its implication for improving society and its limitations. It seems that each theoretical system influences the probation officer's perception of the convicted person and thus dictates a 'set' of values in the overall relationship intended to provide assistance. Rather than the dubious unity of a particular theory, Whittaker sees the structure of unifying forms of probation work as a process of solving the problems of inmates leaving prison. He suggests that it has a beginning consisting of collecting information, assessing them, the setting of goals, the drawing up of a support plan and the setting of policies; then a middle stage to sustain the recovery, and a final stage containing the evaluation of the recovery, its conclusion and directions for further guardianship.

Whittaker explores indirect intervention – in formal and informal structures and communities – with a particular focus on the strengths of their social base and location. He suggests that the probation assistant has different types of assets in the form of reward, coercion, right of appeal and knowledge of things, which can be used in the interventions on behalf of probationers' family, group, organisational or community systems. The probation officer usually uses these assets in the course of their role as advocate, spokesperson and intermediary.

The theory of R. Middleman and G. Goldberg brings together micro- and macro-systems relief work, but at the cost of avoiding any involvement of post-penal care in what could generally be described as therapy. These authors argue that the dysfunctions found in individuals are much more a matter of the pathology of social structures than of the individuals themselves.¹⁷ They see the purpose of promotional work interventions in changing these environmental, pathological structures. With this assumption, post-penal care can start with individuals, focusing on the provision of assistance, or with structures, emphasising social planning. These two possibilities are graphically represented by Middleman and Goldberg as the areas of two opposite quadrants of a rectangle. The other two quadrants are used for connections between the proceedings in question:

¹⁷ R.R. Middleman, G. Goldberg, *Social Service Delivery: a Structural Approach*, Columbia University Press, 1974.

in one, working with convicted persons with the participation of others with similar problems; in the other, working with persons who have never been convicted but who are complicit in the individual's achievement of the goals of correctional proceedings.

The authors focus on micro-level intervention and list four basic principles of this tool:

1. the probation assistant is accountable to the probationers;
2. the probation assistant acts in accordance with the requirements of the tasks faced by the prisoner (this usually means working with prisoners after they leave the prison and with people who have never been convicted);
3. the probation assistant maximises the potential supportive elements in the convict's environment (usually by modifying existing structures or creating new ones, as the structural changes will remain and continue to support the prisoner after the probation assistant has completed the social rehabilitation impact);
4. the probation assistant does not exploit its advantage (i.e., uses force only to the extent that the situation demands, as the abuse of force triggers counter-force and negative reactions).

These principles bring four roles for the probation officer in the probation setting, namely: defender, mediator, intermediary and counsellor (i.e., someone with whom the convicted person exchanges views).

Although Siporin highly values the system approach, he sees probation work as part of a range of social welfare activities, with a particular focus on the positive social functioning of individuals.¹⁸ He combines both ideological and knowledge issues in his theory. Knowledge, according to him, includes applied science (material based on 'facts' derived from other disciplines or theories of post-penitentiary work) and the art of practical handling (the ability to estimate differentially, exercise judgement, use interpersonal bonds, care based on experience and constructive use of the probation assistant's ego). He notes that ideology gives rise to principles of ethical practice, while knowledge gives rise to principles of technical practice. Both are inextricably linked to the primary task of providing assistance. This task can be undertaken in many ways and from different points of reference: analytical, behavioural, professional, etc., but there is a common ground for the methods, processes and roles used

¹⁸ M. Siporin, *Introduction to Social work Practice*, Collier/Macmillan, 1975.

in the stages mentioned. According to this theory, all probation officers are 'generalists', i.e., they have general knowledge, they are all concerned with 'private problems' and 'public issues' and the multifactorial causality of social dysfunction.

Post-penal work practice requires communication and decision-making, as well as the ability to analyse data and collaborate with others. All probation work takes place in situations whose meaning is determined both by its participants and by other people. The common stage of relief work includes:

1. *Involvement* – deciding whether there is a problem that can be solved within institutional care;
2. *Intake* – i.e., identifying tasks and roles and then introducing them, exploring possible solutions, identifying sources of motivation, as well as their categories and conditions;
3. *Contract* – detailing the objectives, measures, roles and tasks through which difficulties can be resolved, providing a basis for both intervention and evaluation;
4. *Assessment* – studying the problem, the convicted person and the given situation in an integrated way. The assessment results from the relationship between the probationer and the probation officer or probation assistant;
5. *Planning* – is the process by which alternatives to action are considered; it anticipates the consequences of the actions taken. Plans are goal-directed – essential for sustaining motivation and focusing attention. The objectives are usually very diverse, multi-level, and can involve a range of strategies, from cooperation to confrontation. Achieving them may require an intervention system that develops and modifies according to the educational needs of the convict;
6. *Intervention* – means the implementation of the plan. It includes the use of formal authority by the probation officer, their ability to augment the individual's sources of motivation, intervene in a crisis situation, identify sources of help (or create them), appeal against adverse decisions and keep the intervention system in action;
7. *Evaluation* – is an ongoing process. Evaluation is not only an internal matter, as the results of probation are also evaluated by other members of society in terms of effectiveness.

I felt it was important to analyse the above unitary approaches to thinking related to probation work, as they have a huge impact on

its practice, the work of relief agencies and the teaching of this form of work. However, no matter how important it may be to apply the unitary approach in probation, the use of unitary theories in its entirety by any probation officer is impossible due to the limitations of their interests and talents, as well as the multiplicity of practical considerations. Protagonists of the unitary approach also suggest that it is something more than just a germ from which the later specialisation of post-penal work in the rigours of probation grows. Its formal and material shape is still a matter of debate, including issues such as method, site, probationer, group, and support agencies and their practical impact. By its very nature, probation has a strictly defined field of action. However, this does not mean that specialisation in individual positions is the only element worthy of assistance. The expansion of the range of methods used in the rigours of supervision, with conditional suspension of sentence execution and conditional release, also deserves support. In relief work, the obligation to deal with issues closely related to its social environment will always be a factor forcing the professionalisation of probation work, just as the work in prisons, juvenile prisons, detention centres and adaptation homes is highly specialised.

I think that when the probation officer chooses the means of educational influence, it is important that the different aspects of each method are clearly defined. And so:

1. Casework (with individuals) contributes to:
 - creating a tangible bond between the probation officer and the probationer, based on acceptance and trust. It can be seen from the above that casework is of particular value in situations where the probationer struggles with personal problems relating to self-esteem and guilt;
 - providing a quasi-parental relationship between the convicted person and the probation officer, containing elements of educational protection and guidance. This will bring out the issue of people's perception of their dependence on the probation officer. Too strong a dependence carries the danger of weakening the motivation for the individual to solve their own life problems independently. Good guardianship could include more than just material and emotional support or acquiescence to dependency as stages in the process of growing up, leading to greater independence. It would also be an expression of support for the individual and provide an opportunity

for their all-round development. Protection could include not only giving support in a crisis situation, but also safeguarding (for example, through the use of power) against the consequences of impulsive actions, regardless whether the action is a matter of few or stretched internal controls or whether it is externally motivated.

Steering can be a particular function of relief work, involving developmental or experiential crises – whether originating from tensions caused by internal conflict, interpersonal relationships or external factors. Of course, this proposed paternalistic relationship will sometimes move from phases of caring, gentleness, and forbearance into more assertive forms, especially when the convict has already experienced the care of parents who rejected them or were dogmatically authoritarian.

Working with individuals in a probation setting can be carried out both in the field and in support facilities. For intense or long-term personality disorders, residential work would be the best choice. One-to-one interventions can ensure that the convicted person feels sufficient impetus (including the occasional but systematic assistance of the probation officer) motivating them to maintain an appropriate place in the community.

2. *Family therapy.* It is a method worthy of application in such family situations, where the problems come not only from the individual under probation, but also from the pathological interaction between the other actors in the group. This may even be the case where the symptomatology of a dysfunctional interaction is sustained by only one family member.
3. *Group therapy.* It seems to have four bases:
 - it uses the potential richness of activity-based experience, provides opportunities for creativity and the development of individuals and competences in situations where convicts are refused this or suffer as a result of this refusal;
 - creates a more general situation during the impact, similar to the conditions found in life at large, providing the possibility to formulate not only a clearer diagnosis, but also a quicker feedback and analysis of events and their source. Group interaction within probation can thus be of great value when dysfunctional barriers are exploited to a greater extent;

- it ensures that the supervised person is integrated with peers. It may be particularly relevant when there are problems with the convicted person's recognition of the authority of the probation officer, where the authority of the peer group is more acceptable than that of the individual. Peer integration offers special opportunities and is therefore also helpful where isolation is a negative factor and the support of others in a similar situation promises a successful social rehabilitation process. The peer situation also provides an opportunity to give something of oneself to others while maintaining self-esteem and the need to be helpful;
 - it offers a variety of relationships that function during the course of correctional influence, particularly with regard to the role of proximity and distance. It also provides the opportunity to choose the probation officer. Group impact would have much to offer when role differentiation is renewed in a global collective or when many roles have to be repeated to be transferred outwards. A sense of closeness or distance can give the supervised person who is a member of the group some choice related to what they need as support for the development of the bond they feel is most important to them. Choosing the probation assistant gives the convict a better chance of finding a person with whom they will develop some sort of sympathy.
4. *Community work in post-penal care.* One of the advantages of community work in circumstances that require collective activity with a general perceived dysfunction (whether this generality is influenced by the dysfunction of the group or the pathology of another group influencing it) is that it creates greater hope for success. Acting through collectively gathered means of assistance, such as response modality, feelings, activity, influence or material resources, creates a better chance of finalising the intended goal than that of a probation assistant acting alone.
5. *Residential work in a probation setting.* It provides the opportunity to create the planned environment in human and material terms, so to meet the person's educational needs and provide them with opportunities for improvement. As a method, it can be successfully used to address pathologies occurring in a supervised person or small groups affected by dysfunction(s), or in particularly risky larger groups. Residential situations can as well be of family, group or community

nature, and they can require working methods appropriate to them and can support work with individuals affected by impairments.

Supportive social rehabilitation in the community for the convicts in probation settings

The aim of educational work under supervised freedom is to create opportunities for the convict to function correctly in the society. The intended outcome of this work is to change the convict's attitudes in line with social expectations, to eliminate attitudes contrary to these expectations, to compensate for delays in the development of the convict's pro-social personality (mainly in the development of internal control mechanisms). The probation officer's behaviour during the educational impact is divided into four phases:

- the opening phase of the social rehabilitation process, during which the convict realises the reality of the goals and the effectiveness of the measures taken together with the probation officer or probation assistant;
- the phase of exploring the possibility of using the educational needs of the convict in the social rehabilitation process;
- the phase of working on solving the problems that make it difficult for the convict to function properly in the society;
- the termination phase of the educational impact.

The opening phase of the social rehabilitation process should bring an increase in the degree of motivation of the convicted person to take an active part in solving important life issues and problems that project into the sphere of their attitudes. In order to achieve this goal, the convict, upon leaving prison, should have the awareness that society expects them to abandon negative norms of behaviour and replace them with socially acceptable patterns as well as to recognise the social hierarchy of values.

The person on probation, as a result of the stress caused by staying in a penitentiary facility, is in a state of oppression. This condition is often exacerbated by negative experiences in prison due to the influence of the prison subculture on the prisoners' personalities and attitudes. Under the conditions of supervised freedom, the prisoner returns (often after many years) to the social reality from which they were isolated during

their imprisonment. They encounter difficulties finding a job and are often forced to look for a new place to live. In order to break out of the state of social isolation caused by the retaliation in the form of a custodial sentence for committing a crime, they should find themselves in their peer group (of course the one that would represent positive social reference), at work, in their immediate environment and in their family.

Under the influence of these social conditions combined with the restrictions and obligations imposed on the convicted person under guardianship, they may not believe that the presumed goal of improving certain personality traits will be achievable. This is why it is so important to raise their motivation for corrective action during the opening phase of the social rehabilitation process of the prisoners. The probation officer can achieve this by indicating the existing possibilities for solving the convict's problems, as well as by demonstrating the feasibility of the goals in the different stages of educational interventions and the effectiveness of the measures taken together to achieve them.

The high degree of motivation of prisoners to change their attitudes in a pro-social direction is ensured by the co-participation of supervised persons in the educational activities undertaken.

The theory of probation work defines the opening phase of the social rehabilitation process as the search for the information resources necessary for a thorough identification of the problems hindering the social adaptation of the inmate leaving prison, as well as concerning the prisoner's commitment to the set correctional goals, the needs of the supervised person regarding assistance measures to facilitate correct social functioning, and the attitude towards the assistance already provided.¹⁹ The method used by the probation officer to obtain this information is direct talk to the convicted person, referred to as the interview. The data obtained within such interview can be supplemented by the probation officer with information collected on the behaviour of their ward in the peer group, professional group, neighbourhood and family environment.

The probation officer thus gains knowledge of the main causes hindering the implementations necessary for their ward to function correctly in the society. Such knowledge facilitates the setting of educational goals and the adoption of measures for their realisation that are appropriate to the rehabilitation needs of the person on probation.

¹⁹ F.P. Biestek, *The Casework Relationship*, George Allen & Unwin, 1967.

The identification of the educational needs of the convicted person, which could be used in the social rehabilitation intervention, takes place when a relationship between the convicted person and the probation officer is established in the course of joint search for solutions to problems hindering the social readaptation of the supervised person, in which the probation officer becomes a competent person for the convicted person and is able to help them. This is when the supervised person will be able to share their problems, concerns or hopes with the probation officer. For the probation officer, this will mean being able to take measures to strengthen the probationer's will to solve their own life problems independently, to stimulate responsibility for their own behaviour and to implement the independent shaping of their own life situation and personality development.

The effectiveness of reforming the attitudes of probationers depends on the attitude of the probation officer, their individual personality traits, and their knowledge of the strategy and procedure of the social rehabilitation education.

Particularly important in this phase of the educational intervention is the probation officer's consideration of the positive qualities and developmental capacities of the supervised individual. Identifying the educational needs of the convicted person and making them aware of the possibility of (even partial) satisfaction of these needs during probation is an important motivating factor.

Every success achieved by the probationer, taking the form of some kind of successful undertaking, results in increased motivation and increased energy to further interaction.

The identification of the educational needs of the convict is a prerequisite for specification of the objectives of the social rehabilitation intervention. A clear definition of the aims of education sets out a strategy and procedure for action tailored to the needs of the individually designated person.

The work on solving the problems hindering the convict's correct functioning in society aims at specifying the reasons for the delays in the development of their pro-social personality and selecting those problems whose solution seems to be a priority to both the probation officer and the convict.

In the course of jointly overcoming difficulties in the social adaptation of the person leaving prison, their reactions to already specified problems may take the following forms:

- *Regression*. The behaviour of the individual under guardianship is aimed at using the assistance given to them to secure their needs, while trying to avoid fulfilling the demands and obligations placed on them.
- *Maniac defence*. The convict's behaviour during social rehabilitation takes the form of over-activity designed to mask their negativism or even hostility towards the social hierarchy of values.
- *Avoiding any attempts to change the life situation*. It is a kind of form of defensive reaction by the prisoner resulting in a return to the anti-social attitudes.
- *Denying the existence of problems*. The convict does not accept at all that there are any difficulties related to their induction into the freedom environment.
- *Problem transfer*. The supervised person transfers a specific problem into a sphere that does not concern it. For example, when wondering why they cannot find employment (the convict's efforts to achieve this have been limited to merely talking to employers), they make the employers responsible, attributing to them an unwillingness to hire convicts. By doing so, the convict ignores the idea that they themselves may not have made enough effort and diligence to get the job.
- *Repression*. During the course of the correctional intervention, it becomes apparent that the convict's behaviour is still influenced by their anti-social and negative attitudes.
- *Rationalisation*. The convict is able to identify the reasons for their difficulties in social adaptation; however, this intellectual discernment of causes and consequences does not lead to any change at the emotional level.
- *Fixation*. The person on probation stubbornly recognises only a particular way of solving their problems, despite other remedies presented by the probation officer.
- *Compensation*. The probationer who is the subject of education, motivated to try to change their life situation and the attitudes associated with it, sees the achievement of the goal of their actions as a reward for the efforts made.²⁰

²⁰ Confidentiality in Social Work: Discussion Paper nr 4, British Association of Social Workers, 1976.

Achieving full social readaptation of the convicted person, requires the participation of both actors of the correctional procedure, that is, the probation officer and the supervised person. It is also a prerequisite for the identification of measures and methods to solve the convict's problems.

In the course of educating a prisoner under probation, a bond is formed between him and the assistant, based on the observance of the basic principles of casework: accepting and respecting the person under probation, recognising their right to self-determination and realising the necessity of active and competent participation in solving the convict's difficulties. Therefore, the probation officer should take into account the position of the convicted person regarding the problems they consider most important to solve and the choice of means to do so, and avoid acting from the position of a person imposing a course of action.

The joint gradation of the importance of problems and the joint (involving both the probation officer and the probationer) determination of the order in which they are to be solved results in the involvement of the convicted person in the social rehabilitation process. It also excludes the danger of the assistance provided by the probation officer turning into a form of paternalistic care consisting in replacing the convicted person in solving their problems and fulfilling the obligations imposed on them by the court.

The duration of the social rehabilitation procedure under probation is predetermined by the decision of the trial or penitentiary court to apply this measure. However, in practice, supervision is often interrupted by the convict or by the probation assistant.

On the part of the convicted person, contact with the probation assistant is broken when their motivation for a socially positive completion of the trial weakens. This occurs when the convicted person's life situation does not improve or when failures to achieve the goals of supervision discourage them from complying with the imposed rigours and striving for improvement.

As the assistant plays the role of an educator in the period of probation, the success of the social readaptation of the convict depends to a large extent on their attitude, abilities and knowledge.

If, in practice, the probation officer's control activities are dominated by the provision of assistance measures, the probationer will generally seek to evade control and will, in effect, interrupt contact with the

probation officer. When the supervised person is not able to meet the demands of the probation officer and the rigour imposed by the court, new intermediate goals should be set and the procedure of educational interventions should be changed.

When the probation officer's interventions do not have a positive effect or when he feels that he has exhausted all possibility of educational influence in a particular case, the risk of their departure arises. If the supervised person is aware of the implications this will have on their life situation, the situation can then be a source of mobilisation for the positive implementation of their educational programme.

Since, according to the model assumption, supervision is a rehabilitation institution aimed at education, it can be assumed that it should last until the convicted person's social behaviour has improved sufficiently.

The act of terminating probation, if the intended objectives are achieved, should be carried out through lowering the frequency of contacts between the probation officer and the person under guardianship. However, this must not give the impression that, once the defined aims of the educational procedure have been achieved, the probation assistant no longer cares about the further fate of their ward.

Acts of termination of guardianship cannot therefore take the form of a final severance of the bond that was created during the correctional influence. Also, it should not be perceived by the supervised person as a challenge posed by the society waiting for them to fail.

The act of completing the prisoner's introduction to freedom should take the form of summarising the course of their social readaptation process as a consolidation of the whole experience of the probation period.

If the supervised person is unable to become independent of the probation officer and the support they provide, thus preventing the completion of the social rehabilitation process, the probation assistant is obliged to review the diagnosis and the objectives of the action to see whether they have overlooked important issues when examining the personality of the ward.

The fear of the probation officer leaving may also trigger the convict's unfounded fears of loneliness and isolation, as the need for affiliation and security may also be met by the convict's immediate environment, their neighbours, friends or family.

Social readaptation of offenders after serving a prison sentence is possible following a successful social rehabilitation process in the penitentiary

phase and involvement the local environment in the social reintegration process. Meanwhile, the idea of social rehabilitation is undermined due to destructive criticism, i.e., considering prison as the exclusive means of punishment without considering alternatives. In addition, solitary confinement in prisons shows high recidivism rates among the previously convicted offenders, even with the therapeutic mode of execution of this measure. Which is very expensive from the economic perspective.

Conclusions

The whole world has been rapidly searching for decades for substitutes for imprisonment that would be effective from the point of view of social security. Recently, it has become widespread in criminal policy to look for the so-called third track in the system of legal consequences of the commission of a crime, i.e., the type of assistance provided to the offender that is capable of creating a situation in which the public and the victim can be 'reasonably' satisfied. This search is manifested by the system of modern criminal policy designed by the author, which includes a set of intermediate penalties and probationary sanctions. This is a novelty in the current normative state and compared to the changes proposed in the draft criminal legislation. The main aim of this reform is to bring practitioners to awareness, to indicate that there is a need to break the style of thinking that offences of equal gravity and people with similar criminal careers should be treated equally. The myth of the principle of deserved punishment understood in this way must finally be broken.

1. Criminological research clearly emphasises the relationship between crime and other social problems, at the level of both the micro- and the macro-social structure. This close relationship empowers researchers to search for a common and homogeneous scientific paradigm for the construction of a holistic model for the prevention of social pathology phenomena. It seems that, at the level of integrating thoughts, philosophies and ideas of behaviour, social therapy is an opportunity that enables the construction of these endeavours.
2. Reform activity can only be the domain of changing the image of social reality through qualitative rather than quantitative transformation. The former consists of modifications involving re-evaluations of objectives, functions, tasks and methods and means of proceeding

in structural and dynamic terms. The latter, in turn, are based on selected elements of change from the dialogue of factors affecting the society, with no positive consequences in terms of the control of social phenomena.

3. Rejecting stagnation as a state of social standstill and characterised by the abandonment of comprehensive change and only making adjustments that do not in any way affect the essence, i.e., the structure, it would be necessary to reform social processes and phenomena at the level of a modernisation approach that takes into account the global nature of transformation as a condition for coordinating action in the formulation of new law supported by real authority. On this level, we shall see arising a homoeostasis of all subjects organising the preventive, socialisation and re-socialisation activities in the field of reducing the phenomena of social pathology, marginalisation and social exclusion recognising a common and functional law based on an identical axiology objectifying its content as circumstances for building a systemic approach in the field of second-degree social prevention.
4. Reformist thought inspired by conservative, liberal or radical attitudes as to the intellectual conception of these changes and the quality of the law formulated, will in turn determine the limits of the depth and motives for building organisational structures responsible for the implementation and realisation of the model of social prevention at the level of pre-delinquency, criminal (symptomatic) and post-delinquency prevention. It seems that the adoption of practical solutions from the field of humanistic social pedagogy, recognising the model of clinical-educational actions and probationary actions, would lead to the integration of the organised system at the third level, responsible for the successful reintegration of individuals into the society after their activation. It is possible to bring the individual to the level of an integrated human being in the process of changes carried out in assistance and promotion institutions, by expanding the elements of personal identity and social identity, i.e., the sphere of individual rights and freedoms, as well as the social responsibility and understanding for these individuals.
5. In Polish criminal justice policy, the tendency to impose a criminal sanction in the form of absolute imprisonment for the crime committed still prevails. It is mainly based on the conviction that every convict, without exception, is susceptible to the given educational influences

and the assumption that an isolation sentence creates optimal conditions for carrying out certain activities of the social rehabilitation process, which, by effectively reforming the personality of the offender, prevent the occurrence of secondary crime.

One of the main reasons for imposing this type of punishment is that it fulfils a preventive function by preventing further criminal acts. Promoting the importance of this function, however, seems to be a populist effort, as the courts, after a certain period of time, make use of the institution of conditional early release not only for inmates posing the least risk of committing a crime in the future, but also for individuals who should be subject to much stricter supervision.

The current primitive model of combating crime, which makes extensive use of the imposition of harsh, non-differentiated punitive measures, seems to have overlooked currents that have existed since the beginning of the 19th century denying the corrective value of the punishment by isolation. The idea, established at the turn of the 19th and 20th centuries, that the prison environment has a demoralising influence on the convict, is nowadays confirmed by the results of empirical studies conducted both in Poland and in Western countries. They openly demonstrate the insignificant value of the repressive model of crime on the effects of the social rehabilitation process. Krajewski's research has proven that Poland has the highest incarceration rate in Europe²¹. According to many authors, the phenomenon of prison adjustment is a self-destructive system and is not conducive to the conducting of social rehabilitation in penitentiary units, and does not prepare prisoners for life at liberty.

Research has also shown that the effectiveness of an isolation sentence is not influenced by the length of time spent in prison; this applies particularly to the long-term nature of the sentence and the fact that a custodial sentence does not constitute an effective correctional facility, especially when it is imposed on repeat offenders.

It therefore seems necessary to search for improved ways and methods of influencing the perpetrators of crime by creating an appropriate system of penal measures necessary to reduce and combat the phenomenon of crime.

²¹ E. Krajewski, *Teorie kryminologiczne a prawo karne*, Warszawa 1994, pp. 75–92.

6. The proper reaction to the indicated search should take form of the development of the idea of probation as a professional activity of various actors for the benefit of psychosocially dysfunctional persons in the rigours appropriate to lift the criminal legal sanctions.

The introduction of probation as a new sentencing philosophy does not mean forcing the abandonment of harsh penal measures, but it does limit their use to the extent necessary to protect the society.

It only makes sense to sentence a person to prison if any lighter punishment would be grossly disproportionate to the gravity of the crime committed (for example, an aggravated felony), if previous sanctions would have failed to meet their objectives and if isolation could prevent further offences.

Probation should be a correctional system, above all to enable the convicted person to return successfully to life in society and to offer them the chance of social rehabilitation under conditions of controlled freedom.

It seems obvious that the probation philosophy represents an attempt to revolutionise sentencing policy, as it proposes qualitative and general changes within the criminal policy.

It cannot be regarded as a mere systemic adjustment which, when introduced into the policy, does not affect the functions and tasks previously established in any way.

In order to improve and change the punishment policy, which is an integral part of the criminal policy alongside the closely related legislative and penitentiary policy, the system of indirect punishment should be introduced and applied. The proposed concept of probationary measures is based on the idea of the participation of the general public in the realisation of the objectives of criminal policy, and it is therefore necessary to make people reliably and comprehensively aware through appropriate methods that they have the chance to be effectively protected from the phenomenon of crime by means other than classic repressive measures.

7. It is vitally important to shatter the myth of repression operating in the public consciousness and the mindset based on it, that in order to be effective, the punishment has to be harsh, as the intensification of repressive elements makes it even more effective.

As I have shown, intermediate penalties should not be considered as an alternative to imprisonment, for they are independent sanctions

that fill the gap between solitary confinement and probationary measures.

Moreover, the wording 'alternative penalties' may lead to the false notion that we are dealing with substitutes to imprisonment, which in turn may lead to the belief that the only effective sanction is imprisonment. Nor can indirect penalties be called intermediate sanctions, because in the public perception, punishment is equated with the fact of deprivation of liberty, so intermediate penalties could be misconstrued as a milder form of treating the offender.

Indirect penalties must not be less restrictive, they must constitute an equal part of the existing system of criminal repressive measures. Indirect penalties as well as probationary measures must be treated autonomously, as they are not a substitute but have their own repressive character in accordance with formal justice and compensatory justice.

There is no doubt, therefore, that punishment should be inevitable and should contain an element of annoyance or coercion. However, it must be borne in mind that its purpose is primarily to rehabilitate and improve the given person's social, emotional and spiritual functioning. Accordingly, the probationary sentence should be characterised by appropriateness, consisting in the proportionality of the sentence imposed to the offence committed and to the effects it had.

8. The sentences to be imposed should be conditioned according to the aetiology of the criminal behaviour. Courts should understand equivalence as the equivalent of the functions performed by punishments, often of different types, against generically similar offenders (D. J. West, 1983).

Just punishments are not to be divided into lenient or severe punishments, but into punishments appropriate or inappropriate to the nature of the criminal act.

Pain or suffering can only be indicators of deserved punishment in the sense that the punishment inflicted does not depreciate the seriousness of the offence through, for example, leniency towards the offender's current life situation, nor should it sanction suffering that is excessive in relation to the act committed or the degree of demoralisation.

The assumptions of criminal policy should make it clear that it makes no sense to value sanctions in terms of restricting autonomy,

inflicting pain; the equivalence of punishments should be expressed in their functions.

A just punishment should therefore have a function in terms of fulfilling the requirements of formal justice (this means: appropriate punishment; different types of punishment for different types of crime) and compensatory justice, related to compensating the losses caused by the crime at the level of the victims of the offender, the society, and the offender themselves.

Probationary penalties should be structured in such a way that they achieve elements of both types of justice. Moreover, there are no significant obstacles in terms of shaping the modalities and duties of supervision in the case of intensive probation as well in shaping the type and time in the case of the award of compulsory community service. This includes programmes to combat all kinds of addictions and to help the mentally handicapped or people with physical disabilities. Intensive probation also enables the possibility of residential supervision and subjecting the offender to electronic monitoring or the application of a self-imposed fine.

9. Probation, as a new philosophy of punishment, has to be built as a system of punishment. Intermediate punishments, which include, among others, intensive probation, should not operate in isolation, but remain combined; in situations where the chosen combination would prove ineffective, it could be supported by a short-term stay in an inpatient facility. All the elements of punishment must be strictly enforced in order to serve satisfactorily the victim of the crime, society, and the offender. In addition, they need to be imposed and applied on a mass scale, with the aim of marginalising the institution of conditional early release and the conditional suspension of the execution of a prison sentence; they could also make it possible to eliminate overcrowding in prisons. It seems reasonable to charge the convicted person with the full or partial costs of sentences imposed under the intensive probation system. From the point of view of the effectiveness of the social rehabilitation process, it is ineffective to introduce intermediate sanctions without directives from the courts on the need to collect a full set of information about the offender's social and living situation, and it is worth showing controlled optimism in assessing the impact of these sanctions.

Any type of sentence imposed should serve the right of the individual; the inconvenience contained in the content of the sentence is aimed at rehabilitation, and deviating from it will only serve to consolidate the defective behavioural mechanisms of the offender.

10. Above all, it should be borne in mind that the new philosophy of punishment is treated as a theory of education to freedom and a theory of adaptation to freedom. This means preparing the convicted person and teaching them to perform correctly certain roles in the social environment, commonly accepted forms of behaviour as an alternative to previously committed criminal acts and anti-social behaviour. It assumes the creation of positive changes in the offender's personality and the levelling out of psychological dysfunctions; it also helps to implement the whole programme by exercising control over its implementation. It is worth mentioning here the existing spiritual trend concerning human education founded was Rudolf Steiner in the early 1920s. The premature death of this thinker and philosopher interrupted the research he had begun in the above area; Steiner developed a programme of education based on spiritual human development. Based on the concept of anthroposophy, he assumed the existence of a spiritual element in every individual which must be developed. This development can be achieved by every human being because absolutely every individual has the innate capacity to develop inner wisdom. It is not a matter of faith but of knowledge, and can be used with responsible educators to transform social reality in the desired direction.
11. The commission of a crime is judged by society to be highly reprehensible behaviour which becomes a source of various conflicts. In this respect, punishment is therefore a means of eliminating a conflict situation among the community at large, both in the present and in the future. However, this will only become possible once cooperation between the perpetrator, the victim and society is established. The agreement will be possible through the use of mediation and by compensating the public by taking action to offset the losses resulting from the commission of a criminal act for the benefit of the local community. This includes all kinds of social work in hospices and hospitals as well as intervention works.

In order to implement and apply in practice, on a large scale, measures falling under the theory of fair punishment, society must

be involved in the actual use of medium-severity punishment and promotional measures. This is linked to providing the population with adequate education in this area.

The rule of law is determined by the availability of education; in Poland at present, the general public is not sufficiently informed or educated on how to combat crime by means other than repressive penal measures, nor does it have knowledge of the actual psychosocial situation of convicted persons. It is difficult to work towards relinquishing the institution of imprisonment if there are no real chances of providing people with the opportunity to learn the right social reactions or attitudes. Nowadays, people's attitudes towards the new philosophy of punishment tend to be of a façade, populist in nature. This is closely related to the fact that it is the government and the dominant political trend that are primarily responsible for the implementation of punishment. The prison system is not responsible for the way in which sentences are carried out. If the public – representatives of banks, police, municipal employees – were given the chance to assist in the enforcement of indirect punishment in the form of, for example, supervised liberty, there would be a real chance to properly shape people's attitudes towards punishment, criminals, and modern crime prevention methods. The curriculum of academic education does not currently reflect a recognition of the need to include as a compulsory subject the theory of just punishment or the new philosophy of punishment.

12. Criminal, penitentiary and procedural law has a pro-penitentiary character and there is a multiplicity of subjects shaping the law, while the prison sector is unable to exercise responsibility for the shape of existing prisons. The proposed reforms could remedy the current situation, but this requires breaking down a number of barriers. Without the help of influential politicians, no initiator of change has the ability to implement reforms. What is needed here is the political will of the parties with a parliamentary majority. Currently, however, many politicians refer to outdated and ineffective criminal theories and thus negatively generate public awareness and promote a populist point of view on criminal matters.

Promoting the belief that there is an insufficient level of trust in public authorities and a low level of legal security stands in stark contrast to the implementation of indirect penalties.

13. In addition, the introduction of a new system of criminal restrictions raises a number of organisational issues. The potential introduction of indirect punishment into the basic penal system, together with the partial elimination of prison sentences, could have a strong effect on prison staff; they would lose their position as a penal institution to the fine-collecting bodies, probation officers or police officers. It seems that the biggest opponents of the introduction of new sanctions are the units operating within the existing organisational structure responsible for the process of combining punishment with imprisonment.
14. Another barrier faced by the initiators of the reform is of a financial nature: as is well known, the state budget does not have the possibility to participate in the costs of reforms directed at the implementation of indirect penalties within the core penal institutions.

Existing obstacles do not categorically exclude modification of the punishment system. At the beginning, it would be enough to address the reform of social attitudes, convincing professional groups associated with activities in the system of the need to establish the tools of a modern, effective, humanitarian crime elimination policy. At a much later stage, it would be appropriate to introduce programmes for the utilisation of prison infrastructure, programmes of special training for the Prison Service on new tasks, and a programme for the effective collection of fines.

15. Another very important element in terms of systemic change would be changes within the court body. The court should be an independent body in choosing the measure and should be able to change it during the execution of the sentence.
16. In order to actually introduce the model of clinical guardianship for adults and educational guardianship for juveniles assuming the implementation of a strategy of care, upbringing and therapeutic activities, it would be necessary to introduce a provision in the probation act recognising that guardianship under conditions of probation can be exercised by a probation officer only in relation to a maximum of 20 convicted adults or juveniles. The introduction of an upper limit of 20 probationers per probation officer provides the opportunity to trigger the casework procedure and to have a parallel impact on the ward's family and environment. It is only under individualised

probationary proceedings that a change in the motivation, behaviour and personality of probationers can be exercised.

17. The institution of a probation contract should be introduced in the form of a civil legal contract to be signed voluntarily in each case by a convicted person or a juvenile referred to serve a probation sentence.

The probation contract is a civilised agreement between the parties assuming the rights and obligations of the convicted person (or juvenile), providing for responsibility for what was committed in a form that compensates for the consequences and for any negative repercussions for the victim, the victim's family members and the society. Liability should be based on a family obligation compensating for the loss caused by the crime (in line with the so-called principle of restorative justice).

18. Probation intervention is a professional activity that can be carried out by professionals fulfilling specific probationary professional roles. At the level of the country's probation system, the probation service should include four specialisations, which should be assigned professional status. These include: probation officers, probation-diagnosis officers, probation-caseworkers and probation-environment managers.

Interdisciplinary knowledge and various scientific theories relating to the problems of social rehabilitation and conducting the social readaptation, require, at the current stage of organising the probation system, a strong diversification of the civilian staff apparatus directed at micro- and macro-structural activities responsible for the pertinent, sustainable, effective, efficient, innovative, functional and protective cost of organising the process of control and social change of the punished persons in the conditions of the probation system.

19. The basic paradigm of probation reform should be the autonomy of the probation service. The most important antecedent of the autonomy of the profession is the total independence of this group of workers from other professions organising parallel causal actions towards convicted or juvenile offenders. The independence of probation should be manifested in the performance of tasks, the implementation of methods and measures of probationary influence towards the wards as the persons with the exclusive right to carry them out. This

should also be complemented by isolating characteristic interactions with the people for whom the probation process is carried out.

The autonomy of the probation service therefore consists in defining the uniqueness of causal actions and applying rehabilitation strategies supported by, among others, knowledge, skills and competences that are a guarantee of coherence and success of the steps taken.

20. At the level of a vision for defining a probation system that is part of a probationary punitive justice model, it would be appropriate to postulate the independence of the probation service as a professional apparatus of specialists of the four categories mentioned above into an independent Probation Department, located outside the justice ministry with the rank of an independent ministry. This central position of the probation service would allow coordination with the state system, local government, public benefit organisations, churches and religious associations, social organisations and associations on the subject of realising the principle of participation and competence for the reduction of crime and social pathology.
21. The probation officers, who are a group of professionals, should be a party to the court-executive proceedings, in contrast to the role of the present executive apparatus. The probation officer, as a specialist, should provide a diagnosis regarding the choice of the appropriate punitive measure and, as an enforcement authority, should be able to make use of voluntary services. Although the above reform proposals are not promoted by government institutions, there is an opportunity to make a first change by creating a new probation system as a basic condition for the probation system in Poland.

Probation is an investment in humanity; it provides an opportunity to build rather than ruin the human personality, and this perspective should be the basis for the functioning of the new sentencing system.

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