The title of my late-1980s paper, ***Sentenced to Dental Work? – a Fable,*** was a direct reference to a 1978 paper entitled *Sentenced to Social Work?,* which had been written by five senior managers from Hampshire, West Sussex, South West London, and Kent Probation Services. The first of these alphabetically had been Malcolm Bryant (who in 1989 was to become my immediate boss in Berkshire), so the authorship of the paper "STSW?" was always known as "Bryant et al". There had also been a followup paper in 1984 by John Coker, the senior of the two Hampshire managers, reviewing how ideas from their original paper had worked out in practice. My paper might seem an obscure oddity now (perhaps it was then!), both in style and content, densely referencing both long-term and then-current issues. So I have prefaced it now with this rather lengthy introduction, to try to make it intelligible to any 21st century reader who might want to know what the '1980s me' was trying to say.

To be honest, it may well have been a case of the title occurring to me in a brief moment of fancy, and then writing a paper to fit it (I can't actually remember). But I can say what I recall was my thinking at the time, and also what I think about it now.

Bryant, Coker et al had advocated in 1978 that the then Probation Order should be formally separated into two contracts: first, a primary contract directly with the sentencing Court that would specify the statutory requirements of the Order, including – rather radically – how often the probationer should report to the Probation Office; and then a secondary contract. The idea of the secondary contract was that it should be entirely voluntary for the individual to sign up to receive help from the Probation Officer, and indeed from other specialist helpers where appropriate. The theory was that this would be a voluntary social work contact between individual and worker, and there would be no question of being sanctioned for breach of this social work contract (the "secondary contract") – breach would be solely for any failure to comply with the primary contract, which would be with the Court (for failure to report or to notify change of address for example). Coker's 1984 paper reviewed how others had responded to the original paper, and also how things had worked out in practice where it had been implemented in a number of local courts. (A fairly neutral effect in practice.)

The principle was an important one – could a Court sentence you to be 'social worked'? I had myself engaged with this question from the start of my time as a Probation Officer in Swindon in 1975 when I inherited a case of a young man who had at the very start of his Order looked at his then Officer after reading his Probation Order carefully, and said, "It says here that I have to come here and see you whenever you say, but it says nothing here about having to talk to you." I had therefore learned from the start that it was very useful to be able to say to any new case (or prospective new case), "Seeing me is compulsory; what we talk about is voluntary." However, while on the one hand I warmed to the STSW? principle of separating the compulsory and the voluntary parts of Probation, on the other hand I didn't like the way they'd formalised it in practice – the 'voluntary' element was too passive for my liking. There was talk about making the office reception area as attractive and inviting as possible, encouraging the probationer to ask to see an officer for help, but I felt they'd missed a trick by not asserting that seeing the officer in person was compulsory, so that the officer could take the initiative in 'selling' (not compelling) an agreement for social work intervention. Despite its best intentions, overformalising the separation of the compulsory and the voluntary placed an additional obstacle to engagement between the person under supervision and the worker.

As someone who believed strongly in the concept of what was then called 'throughcare' – maintaining contact with a sentenced prisoner throughout and after their time inside, whether there was a statutory order or not – I came to develop strong ideas about what "voluntary" contact could and should look like, and how the worker should 'promote engagement' (i.e. "selling not compelling"). I found that many colleagues across the country adopted at that time what I perceived as a well-intentioned but passive and therefore ineffective approach to offering voluntary contact. I did a Court

report on a man who had been released from Dartmoor prison only a few months previously. He said to me, “When I came out, Mr ____ (a mostly excellent officer in my view) told me that I could come in and see him any time I wanted – and I knew that meant he didn’t want to see me.” The ex-prisoner was almost certainly incorrect in his conclusion, but that was how it looked to him.

And this approach was quite widespread, though by no means universal (some agreed with me). Such officers were saying to prisoners in various ways “You are welcome to approach me/us”, but often refraining from taking that initiative to visit, or ‘be there’. The concept of ‘Nudge’ had not been formally articulated in those days, but in essence I believed – and in principle still believe – that the officer should make contact, should demonstrate interest (and thereby propose actions or discussions or whatever), and the other individual can refuse if they wish, but the default position is that contact is made, and an attempt is made to ‘make a sale’. Later I described in an uncompleted paper the idea that ‘reaching out’ (by the officer) was in my view the foundation of effective throughcare.

So I was not keen on the format offered by the STSW? authors. They were saying that the Probation reception area would be a friendly one, with posters and information, and when the people under supervision came into report the receptionist would point out that they could opt to go through a door and engage with a probation officer. I felt that that was not offering enough, and I certainly wasn’t happy to hear about some offices across the country that started later to introduce more perfunctory versions of the ‘signing-in centre’ in subsequent years. I wanted the officer to come out and physically invite and accompany the person to come in and talk. Alongside the ‘sales’ analogy I sometimes also used the analogy of a friend you have who has a dental problem but won’t go and see the dentist – how far are you prepared to go to get him to get treated? Do you just remind him once, or several times, that there’s a good dentist down the street? Do you go further and offer to make an appointment for him? – or even make the appointment for him and then tell him? Do you accompany him to the dentist? I felt that all these options were possible, while still counting as “voluntary”, though I wouldn’t agree with actually going to strap my friend down in the dentist’s chair!

This train of thought ran parallel with my musings about the extent to which crime was implicitly considered by many to be a ‘sickness’ – not a view I held (or hold now), but it’s often been stimulating to consider when the analogy does, or does not, apply. As a teenager I had enjoyed reflecting on the questions posed by reading *Erewhon* by Samuel Butler, in which the visitor to this strange land is treated with condemnation when he says he’s not feeling too well, but he notes that great sympathy is offered to someone who says that they feel like stealing something today. Two strands of thought were therefore revolving around questions of how far one should ‘push’ a reluctant person into ‘receiving treatment’ in a way that might ultimately benefit that person, and wider society too.

For at the same time as the issue over voluntarism was around (at least for me), there were also movements to ‘toughen up’ Probation in the eyes of sentencers, which started in the 1970s and have continued in various forms ever since. The premise has perhaps had two elements: first, the idea that Probation would be a more credible option as retribution for the offence if it were to seem more demanding, and second, that the offender would be under a greater obligation to co-operate with the interventions the supervising officer was planning for/with him/her. By the mid-1980s the Courts had been given options to prescribe additional “specified activities” (sometimes described as “Schedule 11”) when imposing the Order. In 1991 Probation became a sentence in its own right – as Community Service already was – and the need for the offender to consent was removed in 1997. Incidentally, as the trend towards making non-custodial sentences seem ‘tougher’ has continued the effect has been in broad terms for prison sentences to increase and for the new non-custodial sentences to replace the traditional ones including fines, rather than replace custody.

In the 1980s this trend to 'toughen' Probation was in its early days, but I was concerned that the Courts might soon be dealing with breaches for 'non-co-operation with treatment' rather than simply for failing to attend. Like the STSW? authors, I wanted the officers to use their personal skills, not compulsion by the Court, to promote engagement by the person under supervision – unlike them, I wanted more imaginative use of those skills to be the means to 'reach out' to promote that engagement, or 'make a sale'. In principle, I'd still take that view.

Writing a 'Fable' seemed a good idea at the time, but although it densely incorporated a number of my concerns of the time, this article now seems quite clunky and impenetrable some 30 years later. I wrote it in 1987, had it knocked back by *Probation Journal* and one or two others, and was surprised and pleased when *Justice of the Peace* told me in February 1988 that they'd accepted it. But after a few months of non-appearance, I thought they'd forgotten all about it. Then, the very week in which it suddenly appeared at the end of February 1989, I found myself visiting Reading to see Malcolm Bryant as a prospective candidate for a vacancy for Assistant Chief Probation Officer in Berkshire – a complete coincidence. My clear memory is that at the end of our discussion of the post – it wasn't an 'informal interview' - he suddenly produced the magazine and asked me, "In this article, are you saying that Probation Officers should just go back to being straightforward social workers?" It was two years since I'd written it and I could barely remember what I'd said, but I think I managed to capture the moment by saying, "I'm saying that Probation Officers should use their social work skills in a new way." My successful interview for the Berkshire post was on 4 April 1989.

The other quirky place that this piece represents for me is that this is the only piece of writing I have ever written for which I have received a fee. A cheque for about £13 arrived several weeks after publication – which I hadn't expected – with a brief explanation that the rate was x pence per column inch. I then understood why the 'JP' had so many lengthy three or four page articles on the legal status of having priority on a mini-roundabout (for example)…

Sentenced to Dental Work? – a Fable

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[Published in the then *Justice of the Peace* magazine, 25 February 1989]

Readers may be interested to know of the debate that has recently taken place in Erewhon[1] among that country's dentists – their full name is Dentation Officers. Erewhon's dentists have a strange position in their society: they help people, but they are also officers of their courts. Many sufferers of bad teeth are taken to court and suitable cases are (if they consent) placed on a Dentation Order. This means that they are required to attend at the surgery when ordered to do so by the dentist during the prescribed period. The sufferer is in breach of the order if he or she fails to keep an appointment, or if their teeth start to get worse again.

Surprisingly, perhaps, this system is quite successful. After all, many people don't like going to the dentist, and put it off as long as possible, although they are usually glad once they have been. The Dentation Order offers a structure whereby appointments get offered, and, on the whole, people tend to keep these appointments. Once in the surgery, most people are prepared to co-operate with the help that they need. Under the order, the appointments are compulsory, but the treatment is voluntary; nevertheless, the Dentation Order has in the main proved adequate in getting people to do something which they have mixed feelings about.

[1] The land described in Samuel Butler's novel, where crime is a sickness and sickness is a crime

However, in recent years, there was increasing concern in Erewhon that the state of people's teeth in that country was not getting any better. It was felt that the dentation service should have more impact on the overall problem. Tooth decay is morally reprehensible in Erewhon, and the government of the day felt that the country's dentists should make more use of their powers of compulsion. Many dentists, even those who claimed that they were not supporters of the government, agreed that dentation orders ought to have "more teeth" (sic).

What confused this debate even more was that dentists all over the country were developing new and genuinely imaginative ways of helping with people's teeth. However, as soon as a new form of treatment was invented, some dentist somewhere was sure to say, "This treatment is so good, we ought to make it compulsory". Therefore, with fanfares of trumpets, the new treatment packages became written requirements under the new "specified activities" and "schedule 11" dentation orders.

This did appear to produce a marginal increase in the number of orders that dentists were receiving, but it brought other problems with it as well. Dentists were increasingly having to tailor their work to the needs of different court orders, and to the timings of the different packages, and less to the needs of individuals. In particular, there were problems with the increased powers of compulsion. The old dentation order had just said that you must turn up at the surgery when instructed to do so; the new orders were more specific about how many times you would have to turn up and what treatment you must "agree" to, whether you needed help or not.

Many dentists began to find it absurd to try to cajole people into accepting help by threatening to take them back to court. Instead, they decided to return to using their own well-developed powers of persuasion. They now give a lot of time and effort to gently but persistently encouraging people to recognise their need for help. They have once again remembered that even otherwise sensible adults have ambivalent feeling about going to the dentist; hence their job is to work at this patiently, rather than to ascribe sinister motives to the sufferers and to resort to threats. They are finding that most people will still respond (eventually) to being treated like an adult by someone who behaves as if (s)he cares. This is now raising their credibility in the eyes of the courts and of the sufferers themselves.

The dentists of Erewhon have been in a rather muddled debate, but the key choice has been this one: if you want more people to have treatment for their bad teeth, is the answer to increase the powers of the courts and of the dentists themselves in order to compel or cajole people into co-operating with treatment? Or is the answer for the dental profession to improve their existing skills? They led themselves into this debate because of their mistaken belief that credibility is gained by the increased use of authority. This can be true in the short term, but they have now learned that the way to gain credibility in the long term is to improve the overall value and quality of their service by using their traditional strengths.

[My thanks to Diana Rose, who accessed the JP archive to retrieve this for me]